

CITY OF LYNNWOOD

ORDINANCE NO. 870

AN ORDINANCE VACATING CERTAIN PROPERTY IN THE CITY OF LYNNWOOD, SNOHOMISH COUNTY, WASHINGTON, HERETOFORE DEDICATED FOR STREET PURPOSES.

WHEREAS, the City Council deemed it to be in the best interest of the City of Lynnwood to consider vacating the property hereinafter described, and

WHEREAS, the City Council of the City of Lynnwood did by resolution duly adopted set the date of June 14, 1976 at 7:30 p.m. as the date, time and place for hearing on the proposed vacation of right-of-way on the property described, and

WHEREAS, due and legal notice of the time and place of hearing and the determination on said petition has been duly given by the City Clerk as required by law, and

WHEREAS, the City Council did hear all interested parties and considered all objections to said vacation, and

WHEREAS, it appears to the City Council that it is in the best interests of the City of Lynnwood to consider the vacating of a portion of 65th Ave. W. lying north of 212th Street S.W.,

NOW, THEREFORE, the City Council of the City of Lynnwood do ordain as follows:

Section 1. That certain property located in the City of Lynnwood, County of Snohomish, State of Washington, described as follows, to wit:

Beginning at the Southeast corner of vacated Block 7 of Seattle Heights Division No. 3 as recorded on Page 39 of Plats, Volume 8, Records of Snohomish County, said point being the true point of beginning; thence S 89°57'16" E a distance of 30 feet; thence N 2°30'31" W a distance of 302.30 feet; thence N 89°57'16" W a distance of 30 feet; thence S 2°30'31" E a distance of 302.30 feet back to the true point of beginning

be and the same is hereby vacated, and the title to the land in the property herein before described is hereby declared to vest in the owners of the abutting property as provided by law, subject to a utility easement for the City of Lynnwood and the public.

Section 2. That the City of Lynnwood does hereby retain an easement over, under and across said property for utilities and drainage, including the right to enter upon said easement area to improve, maintain or repair any utility. The easement shall be located in the vacated thirty (30) foot strip described above and shall consist of the east five (5) feet of the west fifteen (15) feet together with the west ten (10) feet of the east fifteen (15) feet thereof.

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Section 3. This ordinance shall be published after the adjoining property owners have paid the sum of \$ 2,627.40 to the City of Lynnwood together with the costs of appraisal.

Section 4. This ordinance shall be in effect and be in force five days (5 days) after its passage, approval and publication.

PASSED this Ninth day of August, 1976 and signed in authentication of its passage this 9th day of August, 1976.

  
MAYOR

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

76-STVA-1



21 9/13/76

J. GAYLORD RIACH  
LEO J. GESE  
VERN J. SEATHER  
JOHN F. WATTS

RIACH, GESE & SEATHER  
ATTORNEYS AT LAW  
AREA CODE (206) 778-3191

P. O. BOX 1067  
1905 196th S. W.  
LYNNWOOD, WA. 98036

September 9, 1976

Mr. Robert Henderson  
Planning Department  
City of Lynnwood  
19100 - 44th West  
Lynnwood, Wa 98036

Re: 65th Ave. West Vacation

Dear Bob:

Enclosed is a Title insurance report regarding 65th Avenue West. Please note that that street was apparently vacated by the County Commissioner as indicated in "Note 1". You will note that the title company has vested the property in Mr. Glazer. If this information had been known by the city it would not have been necessary to have any of the hearings. Actually the city has no jurisdiction over the roadway as it has already reverted to the property owners. I suggest that you should draw this matter to the attention of the County Assessor so that the street would be added to the assessment rolls.

I know of no way to avoid this possibility without obtaining a Title Insurance Report prior to every request for vacation. Obviously the Kroll from which the city obtains its information is incorrect on this street. There has been no other situation like this since the city was incorporated in 1959. Therefore, it would appear that the expense of having all of the streets researched would not be justified.

Of course, the report reveals that Mr. & Mrs. Glazer are the property owners and the city is not entitled to receive compensation for vacating the road. I am sending a copy of this letter to Mr. Glazer and a copy of the title report. He indicated that if the property were to be his he would pay the title insurance premium. I am hopeful that even though the city had no juris-

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Mr. Robert Henderson  
September 9, 1976  
Page 2

diction over the subject matter that he will forward, to me, the sum of \$41.51. I would then request the Title Company to issue a Title Policy showing him to be in title as to the 30 feet strip.

Yours very truly,

J. GAYLORD RIACH

JGR:rk  
Encl.  
CC: City Council  
Howard B. Glazer

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~~MAR 20 1978~~

# Transamerica Title Insurance Co

Rinch, Gese and Seather  
P. O. Box 1067  
Lynnwood, Washington. 98036  
Attn: Ronelle

Your Order No.

Our Order No. 166725

## PRELIMINARY COMMITMENT FOR TITLE INSURANCE Washington Land Title Association Form

	Amount	Premium	Sales Tax	Total
( ) Owner's standard coverage				
( X ) Purchaser's standard coverage	\$2,627.40	\$39.50	\$2.01	
( ) Mortgagee's standard coverage				
( ) Mortgagee's ALTA coverage				
( ) Tax Registration				
( )				
			Total	_____

Date: August 30, 1976 at 8:00 A.M.

TRANSAMERICA TITLE INSURANCE COMPANY agrees to issue on request and on recording of any appropriate documents, its policy or policies as applied for, with coverage as indicated, based on this preliminary commitment that title to the property described herein is vested on the date shown above in

HOWARD B. GLAZER and PHYLISS L. GLAZER, his wife.  
(See Note 1)

subject only to the exceptions shown herein and the terms, conditions and exceptions contained in the policy form. This report and commitment shall have no force or effect except as a basis for the coverage specified herein.

By Clark Salisbury  
Clark Salisbury Title Officer

Description:

Beginning at the Southeast corner of vacated Block 7, Seattle Heights, Division 3, as per plat recorded in Volume 8 of Plats, page 39, records of Snohomish County;  
thence South 89°57'16" East for 30 feet;  
thence North 2°30'31" West for 302.3 feet;  
thence North 89°57'16" West for 30 feet;  
thence South 2°30'31" East for 302.3 feet to the true point of beginning;

Situate in the County of Snohomish, State of Washington.

Continued

NOTE: 1. Investigation should be made to determine if there are any service, installation, maintenance, or construction charges for sewer, water or electricity

2. In the event this transaction fails to close, a cancellation fee will be charged for services rendered hereon. See attached rate schedule.

## EXCEPTIONS:

A. 1% Excise Tax if unpaid.

## 1. DEED OF TRUST AND THE TERMS AND CONDITIONS THEREOF:

Grantor: Howard B. Glazer and Phyllis L. Glazer  
who acquired title as Phyliss L. Glazer,  
husband and wife;  
Trustee: Safeco Title Insurance Company, a  
California Corporation;  
Beneficiary: Cascade Savings and Loan Association;  
Amount: \$100,000.00  
Dated: May 3, 1976  
Recorddd: May 10, 1976  
Recording No.: 7605100001  
Volume: 973 of Official Records, page 10;

2. Matters disclosed by a search of the names of parties  
not yet revealed.

## NOTE 1:

Title is vested in Howard B. Glazer and Phyliss L. Glazer,  
his wife by reason of street vacation found in Volume 10 of  
Commissioners Records, page 180. The above description  
has not been conveyed since said vacation so by law the  
above description passed with each conveyance, as a result  
this property has not been listed on the tax rolls.