

RESOLUTION NO. 102-90A Resolution Recording the Vacation of a Public Right-of-Way
In a Plat Recorded Prior to 1904

WHEREAS, the Board of Mason County Commissioners has received a petition to vacate portions of McReavy's Third Addition to Union City; and

WHEREAS, the petition to vacate describes the following roads, streets and alleys,

All of Southside Avenue as shown on the Plat of McReavy's Third Addition to Union City as recorded in Volume 1 of Plats, Page 22, which lies easterly of the west line of the alley between Blocks 22 and 23, extended southerly.

All of McReavy Street which adjoins Blocks 20, 21 and 22 as shown on the Plat of McReavy's Third Addition to Union City as recorded in Volume 1 of Plats, Page 22.

All of Kittinge Avenue as shown on the Plat of McReavy's Third Addition to Union City as recorded in Volume 1 of Plats, Page 22, which lies easterly of the west line of the alley between Blocks 17 and 20 extended southerly.

All of the alleys as shown on the Plat of McReavy's Third Addition to Union City as recorded in Volume 1 of Plats, Page 22, which lies between Blocks 22 and 23; Blocks 21 and 24; and Blocks 20 and 17.

WHEREAS, the laws of the State of Washington of 1889 - 1890, Chapter XIX, Section 32, Page 603 mandated that "Any county road . . . which remains unopened for public use for the space of five years after . . . the authority (is) granted for opening the same, shall be and the same is hereby vacated . . ."

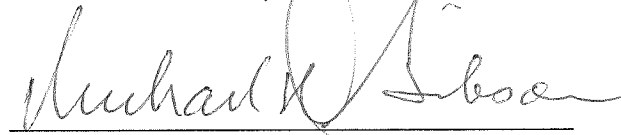
WHEREAS, the Supreme Court of Washington has mandated in Turner v. Davisson, 47 Wn. 2d 375 (1955), that the above law shall govern the vacation of roads unopened for five (5) years prior to March 12, 1909 in any plat recorded before March 12, 1904.

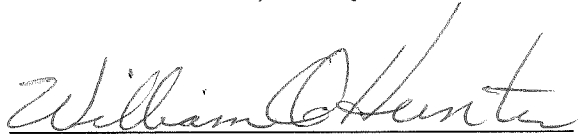
WHEREAS, there is evidence that the petitioned right-of-way was not improved or opened for public use during the first five years after the filing date, and that said right-of-way was never open to the public.

NOW, THEREFORE BE IT RESOLVED, that the Board of Mason County Commissioners recognizes that said petitioned right-of-way was vacated by operation of law as of the 3rd day of May, 1890 on which date Mason County lost any and all claim to said petitioned right-of-way.

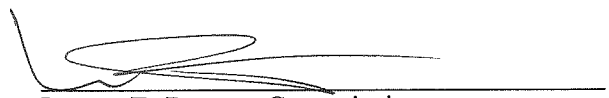
DATED this 18th day of December, 1990.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Michael D. Gibson, Chairperson


William O. Hunter, Commissioner


Rebecca S. Rogers, Clerk of the Board


Laura E. Porter, Commissioner

C: \WP51\RESOLUT\ROADS\255
Assessor
Auditor
Engineer
Petitioner - Knudsen Timber Company
Vacation File No. 255

REQUEST OF: *Commissioner*
90 DEC 27 PM 2:50
RECORDED 700
REEL 471 FRAME 105
ATTEST: MASON COUNTY
ALLAN T. BROTHME