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RESOLUTION NO. 136-85

A 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 a public right-of-way in the Plat of Detroit No. 2, as recorded in Volume 1, Page 23 of Plats and filed on the 30th day of April, 1890, records of Mason County, Washington.

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

Seventh Street abutting upon blocks 45 and 46 between the south boundary of Atwater Avenue on the north and the north boundary of Congress Avenue on the south.

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 30th day of April, 1895, on which date Mason County lost any and all claim to said petitioned right-of-way.

DATED this 5th day of November, 1985.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

*Anneth S. McGee*  
Chairperson McGee

*John B. Eager*  
Commissioner Eager

*Michael Gibson*  
Commissioner Gibson

ATTEST:

*Rebecca S. Sobbe*  
Clerk of the Board

APPROVED AS TO FORM:

*John D. Buchanan*  
Prosecuting Attorney