

RESOLUTION NO. 152-85

A Resolution Recording the Vacation of a Public Right-of-way in a Plat Recorded Prior to 1904

WHEREAS, the Board of Mason County Commissioner has received a petition to vacate a public right-of-way in the Plat of the Town of Allyn, as recorded in Volume 1, Page 17 of Plats and filed on the 6th day of September 1889, records of Mason County, Washington.

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

A portion of Ashton Street located between Lot 9 of Block 82 and Lot 1 of Block 79, in the Town of Allyn.

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 6th day of September, 1894, on which date Mason County lost any and all claim to said petitioned right-of-way.

DATED this 3rd day of December, 1985.

RECORDED *nk* FILED  
REEL *35* FRAME *650*  
AUDITOR MASON COUNTY  
ALLAN T. BROTCHE

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

*Arnette S. McGee*  
Chairperson McGee

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*John B. Eager*  
Commissioner Eager

*Richard A. Gibson*  
Commissioner Gibson

Return REQUEST OF  
*Mason Co. Commissioners*

ATTEST:

*Rebecca A. Voebel*  
Clerk of the Board

APPROVED AS TO FORM:

*Joe H. Buchwalter*  
Deputy Prosecutor