

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 have 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: Alley between Blocks Sixty-eight (68) and Sixty-nine (69) of the Town of Allyn, Washington

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 no evidence that the petitioned right-of-way was improved or opened for public use during the first five years after the filing date, nor is it evident that this said right-of-way was ever 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 7th day of September, 1904, on which date Mason County lost any and all claim to said petitioned right-of-way.

DATED this 4th day of June, 1985.

RECORDED FILED
REEL 341 FRAME 988
AUCTIONEER MASON COUNTY
ALLAN T. BROTCHE

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

85 JUN 18 A 9:45

[Signature]
Chairperson

ATTEST:

[Signature]
Member

REQUEST OF
Rebecca S. Volbe Mason Co. Commissioner
Clerk of the Board (will pick up)

Eager - Absent 6-11-85
Member

APPROVED AS TO FORM:

[Signature]
Prosecuting Attorney

CC: Cmmrs. - Assessor - Engineer