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RESOLUTION #54-85

REEL 341 FR 989

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 McReavy's 1st Addition to Hoodspport, as recorded in Volume 2, Page 11 of Plats and filed on the 14 day of October, 1890, records of Mason County, Washington.

WHEREAS, the petition to vacate describes the following roads, streets and alleys: Alley way between Lots 2 through 6 and Lot 7, all in Block 7, all in above-mentioned Plat

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 15th day of October, 1895, on which date Mason County lost any and all claim to said petitioned right-of-way.

DATED this 4th day of June, 19 85.

RECORDED FILED  
REEL 341 FRAME 989  
AUDITOR MASON COUNTY  
ALLAN BROTCHE

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Annette S. McLee  
Chairperson

ATTEST:

Rebecca S. Joeb  
Clerk of the Board  
REQUEST OF  
Mason Co. Commissioners  
(will pickup)

Richard Kuhn  
Member

Eager - Absent 6-11-85  
Member

APPROVED AS TO FORM:

Joe H. Buchwald  
Prosecuting Attorney