



00017782202400000980090099

WHEN RECORDED RETURN TO:

City of Stevenson

7121 E Loop Rd

PO Box 371

Stevenson WA 98648

Please print or type information **Washington State Recorder's Cover Sheet** (RCW 65.04)**DOCUMENT TITLE(S)** (or transaction contained therein) (all areas applicable to your document must be filled in)

Ordinance 2021-1170

REFERENCE NUMBER(S) of Documents assigned or released:

Covenant 2021-001777

☐ Additional numbers on page ____ of document.**GRANTOR(S):**

1. City of Stevenson

2. _____

3. _____

4. _____

☐ Additional names on page ____ of document.**GRANTEE(S):**

1. The Public

2. _____

3. _____

4. _____

☐ Additional names on page ____ of document.**LEGAL DESCRIPTION** (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):☒ Complete legal on page 3 of document.**Assessor's Property Tax Parcel #**

03073643050000

☐ Additional parcel numbers on page ____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

"I am signing below and paying an additional \$50.00 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Signature of Requesting Party

Note to Submitter: Do NOT sign above nor pay additional \$50 fee if the document meets margin/formatting requirements.

CITY OF STEVENSON, WASHINGTON

ORDINANCE NO. 2021-1170

AN ORDINANCE DECLARING VACATION OF AN UNNAMED STREET IN THE MEAGHERS ADDITION TO STEVENSON.

RECITALS

WHEREAS, the City Council of the City of Stevenson received a petition—signed by 100% of adjacent property owners—to vacate an unnamed street as hereinafter described; and

WHEREAS, upon receipt of the aforementioned petition, the City Council adopted Resolution 2020-368 affixing the date of a public hearing for the Council to consider objections to the vacation; and

WHEREAS, notices of the public hearing were duly posted; and

WHEREAS, at the December 10th, 2020 public hearing the City Council heard the following objections:

- City staff objected to the proposed vacation's resulting in the isolation of Lot 19 of the Meaghers Addition to Stevenson from access to a public street.
- A petitioner, and the owner of Lot 14 of Meaghers Addition to Stevenson, indicated their willingness not to claim any interest in the roadway proposed for vacation.
- A petitioner, and the owner of Lots 18 and 19 of Meaghers Addition to Stevenson objected to the distribution of property as a matter of law, alleging the entire vacated road would accrue to Lot 18 insofar as the road was originally fully part of that lot and no other.

WHEREAS, the City Council understands these objections and has addressed them as follows:

- A covenant related to Lot 19's access has been circulated for agreement by the property owners of Lots 18 and 19 of the Meaghers Addition to Stevenson, and the City Council intends to tie the effective date of this vacation to the owners recording of the covenant provided as Exhibit 'C' hereto.
- Relying upon the owner of Lot 14's release of interest, RCW 35.79.050 stating that no vested right may be affected by a road vacation, and case law established in *London v. Seattle*, WN.2d 657, 666-07 (1980) and its progeny, the City Council intends the area of the street vacated hereby to vest with the owner of Lot 18 of the Meaghers Addition to Stevenson.

WHEREAS, according to the resolution of the objections as described herein, the City Council sees it as the best interests of the petitioners and the City of Stevenson that the street described in Exhibit "A" of this ordinance be vacated and abandoned.

NOW, THEREFORE, the City Council of the City of Stevenson do ordain as follows:

Section 1- Declaration of Vacation

THAT, the street fully described in Exhibit 'A' and graphically depicted in Exhibit 'B' be and the same is hereby declared vacated for all purposes and intents.

Section 2- Accrual of Property—Fee Waived

THAT, the street described in Exhibit 'A' shall accrue to Lot 18 of the Meaghers Addition to Stevenson as the sole adjacent property vested with fee interest; and that the City does not require a fee for releasing its interest in the vacated street.

Section 3- Reservation of Easement--Waived

THAT, the City waives its right to reserve a utility easement over the vacated street and none is reserved.

Section 4- Effective Date of Vacation

THAT, the vacation declared herein shall not become effective until the property owner of Lot 18 executes and records the covenant attached hereto as Exhibit 'C'. Furthermore, if by December 31st, 2021, the owner of Lot 18 has not recorded said covenant, this ordinance shall be null and void.

Section 5-Severability

THAT, if any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED in regular session this 21st day of January, 2021.




Mayor of the City of Stevenson

APPROVED AS TO FORM:



Attorney for the City of Stevenson

ATTEST:



Clerk of the City of Stevenson

Exhibit 'A'
TERRA SURVEYING
P.O. Box 617
Hood River, OR 97031
PHONE (541) 386-4531
E-Mail: terra@gorge.net

LEGAL DESCRIPTION
FOR
A
DRIVE VACATION
FOR
AUGUSTE ZETTLER

The following described tract is located in the southwest quarter of Section 36, Township 3 North, Range 7 East of the Willamette Meridian, County of Skamania and State of Washington. More particularly described as follows:

Commencing at a 1/2" iron rod monumenting the northwest corner of Lot 19 of Meaghers Addition to Stevenson, Washington, a re-plat of Meaghers Subdivision (1961) as recorded in Skamania County plat records on Book A, Page 120; thence South $00^{\circ}18'05''$ West along the west line of said Lot 19 a distance of 89.61 feet to a 5/8" iron rod, L.S. 15673 monumenting the southwest corner thereof; thence North $87^{\circ}55'04''$ East a distance of 9.35 feet to a 5/8" iron rod, L.S. 15673; thence South $89^{\circ}39'21''$ East a distance of 114.45 feet to the southwest corner of a 20 foot driveway access per said plat and point of beginning of the following described tract to be vacated.

Thence North $00^{\circ}19'00''$ East a distance of 20.00 feet to a point; thence South $89^{\circ}39'21''$ East a distance of 48.67 feet to a point on the west line of Impala Drive; thence South $30^{\circ}31'12''$ West along said west line a distance of 23.14 feet to a point; thence North $89^{\circ}39'21''$ West a distance of 36.17 feet to the point of beginning.

October 14, 2020
Contains 839.71 Sq. Ft.
EMC

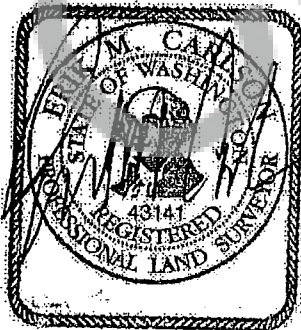
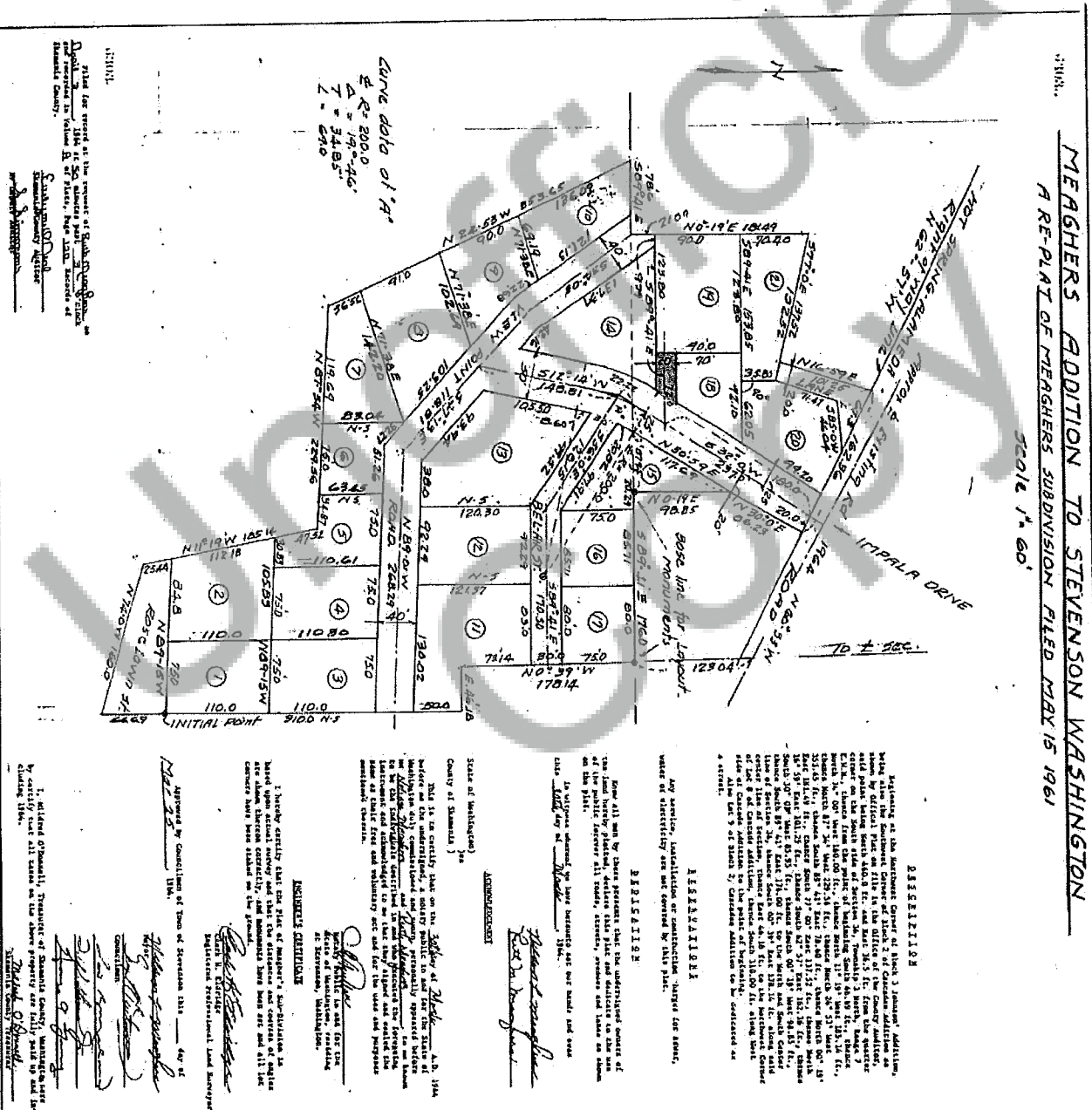


Exhibit B



WHEN RECORDED RETURN TO:City of Stevenson7121 East Loop RoadPO Box 371Stevenson WA 98648Skamania County, WA
Total: \$106.50
AGLS
Pgs=4**2021-001777**
05/20/2021 01:20 PM

Request of: CITY OF STEVENSON

00008773202100017770040046

Please print or type information **Washington State Recorder's Cover Sheet** (RCW 65.04)**DOCUMENT TITLE(S)** (or transaction contained therein) (all areas applicable to your document must be filled in)~~2021-001734~~ Covenant Re-Record**REFERENCE NUMBER(S)** of Documents assigned or released:2021-001734☐ Additional numbers on page ____ of document.**GRANTOR(S):**1. Auguste Zettler

2. _____

3. Cora Zettler

4. _____

☐ Additional names on page ____ of document.**GRANTEE(S):**1. City of Stevenson

2. _____

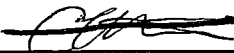
3. _____

4. _____

☐ Additional names on page ____ of document.**LEGAL DESCRIPTION** (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):☒ Complete legal on page 2 of document.**Assessor's Property Tax Parcel #** 03-07-36-4-3-0500-00☐ Additional parcel numbers on page ____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

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Signature of Requesting Party

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Skamania County, WA
Total: \$105.50
AGLS
Pgs=3

2021-001734

05/17/2021 03:14 PM

Request of: CORA ZETTLER

After recording return to:

City of Stevenson
7121 East Loop Road
PO Box 371
Stevenson, WA 98648

Skamania County
Real Estate Excise Tax
N/A

MAY 17 2021

PAID

N/A

Skamania County Treasurer

COVENANT

A COVENANT to the City of Stevenson from AUGUSTE F. ZETTLER and CORA E. ZETTLER, husband and wife agreeing that certain land which he/she/they own and which is hereinafter described shall be subject to the conditions herein set forth.

That AUGUSTE F. ZETTLER and CORA E. ZETTLER, husband and wife, property owner, hereby covenants to the City of Stevenson as follows, on behalf of himself/herself/themselves and all of his/her/their heirs and assigns unto whose ownership any such land might pass, it being specifically covenanted that this is a perpetual covenant running with the land herein described:

1. That AUGUSTE F. ZETTLER and CORA E. ZETTLER, husband and wife is the owner of the following described real property in the City of Stevenson, Skamania County, Washington, to-wit:
Full Legal Description: Lot 18 and Lot 19 of MEAGHERS ADDITION TO STEVENSON, according to the replat thereof on file and of record at page 120 of Book A of Plats, Records of Skamania County, Washington
Tax Parcel #: 03-07-36-4-3-0500-00
Address: 185 Impala Drive
2. The City Council, in consideration of the Ordinance 2021-1170, vacating an unnamed, undeveloped public access within the Meaghers Addition to the Stevenson, seeks to retain Lot 19's ability to access a public street.
3. In accordance with the City of Stevenson's request, the property owner herein agrees that:
 - a. Said Lots 18 and 19 shall not be sold, transferred, or otherwise conveyed, as separate lots until Lot 19 becomes the beneficiary of an access and utility easement connecting Lot 19 to a public street. The easement shall be permanent and inseparable from the lot served.

4. This covenant shall be filed and recorded with the Skamania County Auditor so that it will appear as a covenant within the chain of title for the real property described herein.
5. This Covenant may be enforced by the City in all or any of the following ways, at its option:
 - a. By denying permit requests for construction, development, or use of said Lots 18 and 19.
 - b. By bringing charges in Skamania County District Court for failure to observe the terms of this Covenant, filing such charges as a public nuisance. Penalties to include, but not limited to, a cumulative penalty per violation per day, plus any court and attorney fees and disbursements associated with collection, at trial and on appeal.
 - c. By bringing a civil suit in Skamania County Superior Court for damages or for an injunction or other appropriate relief to enforce the terms of this covenant. In that event, the City shall be entitled to its attorney fees and disbursements at trial and on appeal.
6. This covenant shall be perpetual for as long as said Lots 18 and 19 remain in common ownership and Lot 19 does not benefit from the easement described in Section 3. In the event such an easement is granted and Lot 18 and Lot 19 are held under separate ownership, this covenant shall be null and void. A merger of Lots 18 and 19 into a single lot will also void this covenant.




Approved as to form:
Ken Woodrich, City Attorney

Notarized Signature of
Property Owner:


Auguste Zettler

4/20/21
Date


Cora Zettler

4/28/21
Date

STATE OF WASHINGTON)
COUNTY OF Clark) ss:

I hereby certify that I know or have satisfactory evidence that Auguste Zettler signed this instrument and acknowledged that he/she/they is/are authorized to execute such, and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this 26th day of April, 2021.


Notary's Signature

My appointment expires: 11-1-23

STATE OF WASHINGTON)
COUNTY OF Clark) ss:

I hereby certify that I know or have satisfactory evidence that Cora Zettler signed this instrument and acknowledged that he/she/they is/are authorized to execute such, and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this 28th day of April, 2021.


Notary's Signature

My appointment expires: 11-1-23