

**CITY OF WEST RICHLAND  
RESOLUTION NO. 58- 22**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON,  
GRANTING A FRONTAGE IMPROVEMENT WAIVER FOR FRONTAGE  
IMPROVEMENTS TO VAN GIESEN (SR 224) PER WRMC 12.04.060  
FOR PARCEL #11, ROS #3871.**

**(Benton County Parcel #1-0197-300-0007-000)**

**WHEREAS**, pursuant to Resolution No. 49-22 passed by the City Council on September 20, 2022, setting forth the City's intention to consider granting a frontage improvement waiver for specific frontage improvements to Van Giesen (SR 224) associated with Short Plat Application PLAT 009-2022 and pending building permit(s) for Parcel #11, ROS #3871, a public hearing was held before the City Council of the City of West Richland on November 1, 2022; and

**WHEREAS**, written notice of the City's intention to consider granting a frontage improvement waiver for specific frontage improvements to Van Giesen (SR 224) associated with Short Plat Application PLAT 009-2022 and pending building permit(s) for Parcel #11, ROS #3871 together with a statement of the time and place affixed for a hearing before the West Richland City Council to determine whether said frontage improvement waiver shall be granted has been posted in three public places in the City, posted on the proposed property the frontage improvement waiver is sought for and the owners of the property with 600 feet of said property were notified according to law; and

**WHEREAS**, all other steps and proceedings required by law to grant a frontage improvement waiver have been duly taken and performed;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON**, does ordain as follows:

**Section 1.** The property owner(s) of Parcel #11, ROS #3871 are hereby granted a frontage improvement waiver conditioned per Section 2 for the following required frontage improvements to Van Giesen (SR 224) associated with Short Plat

Application PLAT 009-2022 and pending building permit(s) for Parcel #11, ROS #3871 as follows:

- 1) Curb, gutter, ADA handicap ramps and sidewalks shall not be required.
- 2) Storm drainage facilities shall not be required.
- 3) Widening of Van Giesen (SR 224) from its preexisting edge to the new curb line shall not be required.
- 4) Milling and asphalt pavement overlay of Van Giesen (SR 224) to its centerline shall not be required.
- 5) LED street lights shall not be required.
- 6) Roadway striping shall not be required.
- 7) Signage shall not be required.


**Section 2.** City Council's granting of the frontage improvement waiver for the items listed in Section 1 is conditioned on the property owner(s) of Parcel #11, ROS #3871 completing the following; 1) Within 30 days of passage of this resolution, property owner(s) of Benton County Parcel #1-0197-300-0007-000 to deed to the City of West Richland via a Statutory Warranty Deed approximately 722 square feet of road right-of-way at the SE corner of Paradise Way and Van Giesen (SR 224) as shown in Exhibit "A" and 2) Within 30 days of passage of this resolution, property owner(s) of Benton County Parcel #1-0197-300-0007-000 to grant a 10.00 foot wide temporary construction easement to the City of West Richland along Parcel #11, ROS #3871 Van Giesen (SR 224) frontage as shown in Exhibit "B".

**Section 3.** City Council hereby finds that granting a frontage improvement waiver from the requirements of West Richland Municipal Code Chapter 12.04 with conditions noted in Section 2 will in no way be detrimental to the best interests of the city, will not be contrary to its intent or to the public interest, safety, health and welfare and where due to special conditions or exceptional characteristics of

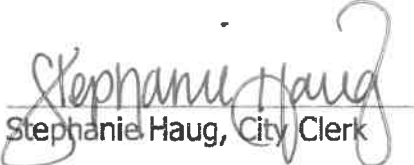
the subject property, a literal enforcement of this chapter would result in practical difficulties or unnecessary hardships for the property owner(s) of Parcel #11, ROS #3871.

**Section 4.** This resolution shall be in effect immediately upon approval.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,  
WASHINGTON,** this 1st day of November, 2022.

  
Brent Gerry, Mayor

ATTEST:

  
Stephanie Haug, City Clerk

APPROVED AS TO CONTENT AND FORM:

  
Bronson Brown, City Attorney

# EXHIBIT "A"

**LEGAL DESCRIPTION**  
**MITCHELL CREER LLC – OWNERSHIP**  
**A PORTION OF TAX PARCEL 1-0197-300-0007-000**  
**VARYING-WIDTH ROAD RIGHT-OF-WAY DEDICATION**  
October 10, 2022

A portion of Parcel B, Mitchell Creer LLC, as described under Auditors File No. 2020-044340, Records of Benton County, Washington located in a portion of the Northwest quarter of the Southwest quarter of Section 1, Township 9 North, Range 27 East, Willamette Meridian, City of West Richland, Benton County, Washington, and more particularly described as follows:

Beginning at an Iron Rebar marking the Southwest corner of said Section 1, from which an Iron pipe marking the Northwest corner of the Southwest quarter of said Section 1 bears North 00°18'00" East, 2680.10 feet;

Thence along the West line of the Southwest quarter of said Section 1, North 00°18'00" East, 1340.04 feet to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 1;

Thence leaving the West line of the Southwest quarter of said Section 1 along the North line of the Southwest quarter of the Southwest quarter of said Section 1, North 88°56'14" East, 270.23 feet to the Easterly right-of-way line of West Van Giesen Street (AKA as State Route 224) at a point 50.00 feet Easterly of the centerline thereof, when measured at right angles;

Thence along the Easterly right-of-way line of said West Van Giesen Street, North 08°20'56" East, 504.21 feet;

Thence continuing along the Easterly right-of-way line of said West Van Giesen Street, North 22°49'47" East, 98.92 feet to the **TRUE POINT OF BEGINNING** of the parcel to be described, said point being 74.73 feet Easterly of the centerline thereof, when measured at right angles;

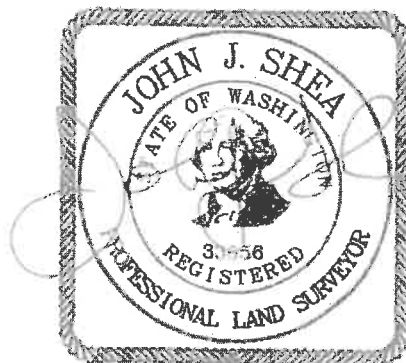
Thence continuing along the Easterly right-of-way line of said West Van Giesen Street, North 22°49'47" East, 22.50 feet to a point 80.35 feet Easterly of the centerline thereof, when measured at right angles, said point also being on the Southerly right-of-way line of Paradise Way at a point 35.00 feet Southerly of the centerline thereof, when measured at right angles;

Thence leaving the Easterly right-of-way line of said West Van Giesen Street along the Southerly right-of-way line of Paradise Way, North 89°08'50" East, 70.00 feet;

Thence leaving the Southerly right-of-way line of said Paradise Way and the boundary of said Creer LLC parcel, South 74°32'07" West, 81.68 feet to the **TRUE POINT OF BEGINNING** and the end of this legal description.

Containing: 721.18 square feet, more or less.

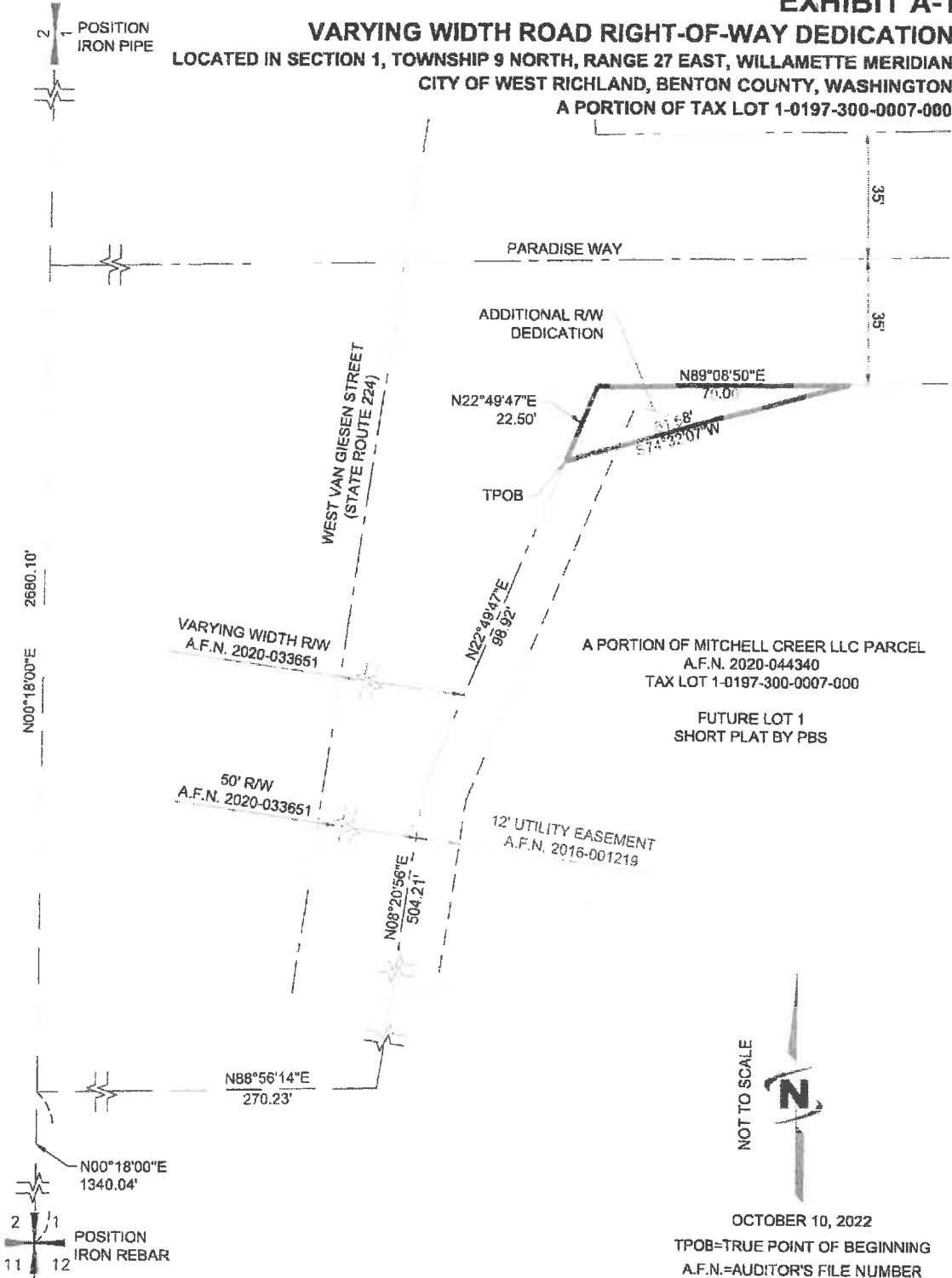
**TOGETHER WITH AND SUBJECT TO** covenants, easements, and restrictions apparent or of record.



10-10-2022

**EXHIBIT A-1**

**VARYING WIDTH ROAD RIGHT-OF-WAY DEDICATION**  
 LOCATED IN SECTION 1, TOWNSHIP 9 NORTH, RANGE 27 EAST, WILLAMETTE MERIDIAN  
 CITY OF WEST RICHLAND, BENTON COUNTY, WASHINGTON  
 A PORTION OF TAX LOT 1-0197-300-0007-000



# EXHIBIT "B"

**LEGAL DESCRIPTION**  
**MITCHELL CREER LLC – OWNERSHIP**  
**A PORTION OF TAX PARCEL 1-0197-300-0007-000**  
**10.00-FOOT-WIDE TEMPORARY CONSTRUCTION EASEMENT**  
October 10, 2022

A 10.00-foot-wide temporary construction easement over a portion of Parcel B, Mitchell Creer LLC, as described under Auditors File No. 2020-044340, Records of Benton County, Washington located in a portion of the Northwest quarter of the Southwest quarter of Section 1, Township 9 North, Range 27 East, Willamette Meridian, City of West Richland, Benton County, Washington, and more particularly described as follows:

Beginning at an Iron Rebar marking the Southwest corner of said Section 1, from which an Iron pipe marking the Northwest corner of the Southwest quarter of said Section 1 bears North 00°18'00" East, 2680.10 feet;

Thence along the West line of the Southwest quarter of said Section 1, North 00°18'00" East, 1340.04 feet to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 1;

Thence leaving the West line of the Southwest quarter of said Section 1 along the North line of the Southwest quarter of the Southwest quarter of said Section 1, North 88°56'14" East, 270.23 feet to the Easterly right-of-way line of West Van Giesen Street (AKA as State Route 224) at a point 50.00 feet Easterly of the centerline thereof, when measured at right angles;

Thence along the Easterly right-of-way line of said West Van Giesen Street, North 08°20'56" East, 316.57 feet to the **TRUE POINT OF BEGINNING** of the easement to be described;

Thence continuing along the Easterly right-of-way line of said West Van Giesen Street, North 08°20'56" East, 187.64 feet;

Thence continuing along the Easterly right-of-way line of said West Van Giesen Street, North 22°49'47" East, 121.42 feet, said point being 80.35 feet Easterly of the centerline thereof, when measured at right angles, said point also being on the Southerly right-of-way line of Paradise Way at a point 35.00 feet Southerly of the centerline thereof, when measured at right angles;

Thence leaving the Easterly right-of-way line of said West Van Giesen Street along the Southerly right-of-way line of Paradise Way, North 89°08'50" East, 10.92 feet;

Thence leaving the Southerly right-of-way line of said Paradise Way and the boundary of said Creer LLC parcel, South 22°49'47" West, parallel with and 10.00 feet Easterly of the Easterly right-of-way line of said West Van Giesen Street for a distance of 124.54 feet;

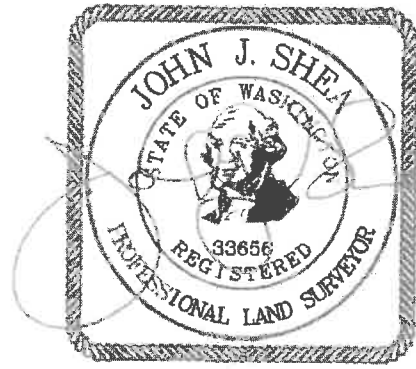
Thence South 08°20'56" West, parallel with and 10.00 feet Easterly of the Easterly right-of-way line of said West Van Giesen Street for a distance of 184.98 feet;

Thence North 89°34'46" West, 10.27 feet to the **TRUE POINT OF BEGINNING** and the end of this easement description.

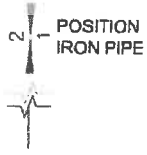


Containing: 3,092.89 square feet, more or less.

**TOGETHER WITH AND SUBJECT TO** covenants, easements, and restrictions apparent or of record.



10-10-2022



# EXHIBIT A-1

**10-FT WIDE TEMPORARY CONSTRUCTION EASEMENT**  
 LOCATED IN SECTION 1, TOWNSHIP 9 NORTH, RANGE 27 EAST, WILLAMETTE MERIDIAN  
 CITY OF WEST RICHLAND, BENTON COUNTY, WASHINGTON  
 A PORTION OF TAX LOT 1-0197-300-0007-000

