

When Recorded Return To:
City of West Richland
3100 Belmont Blvd.
West Richland, WA 99353

**CITY OF WEST RICHLAND
RESOLUTION NO. 32-21**

A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, VACATING A PORTION OF THE 30 FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED ON WILLAMETTE HEIGHTS SECTION 6, LOT 78, PARCEL NUMBER 1-0698-202-0078-000.

WHEREAS, an application (under File Number VACA 002-2021) was submitted for a partial utility easement vacation for a 30' wide public utility easement on Parcel Numbers 1-0698-202-0078-000; and

WHEREAS, City staff contacted Franchise Utilities to provide notification of the application, and there was no objection to the proposed easement vacation; and

WHEREAS, the retention of the easement no longer serves any useful public purpose; and

WHEREAS, it appears that the vacation of the easement would not unduly jeopardize the health, safety, welfare or public good; and

WHEREAS, the RCW 35.94.040 states that a legislative authority may cause for lands, property, or equipment originally acquired for public utility purposes that is found to be surplus to the city's needs and is not required for providing continued public utility service may be conveyed; and

WHEREAS, the RCW 35.94.040 and WRMC 12.60.020 further state that the legislative authority must take such action via resolution following a public hearing; and

WHEREAS, City staff posted public notice pursuant to WRMC 12.60.025 on July 22, 2021 and mailed said notice to affected property owners on July 22, 2021; and

WHEREAS, pursuant to Resolution 28-21 passed by the City Council on July 20, 2021 setting forth the City's intention to consider approving a public utility easement vacation request for a portion of the 30' wide utility easement, a public hearing was held before the City Council of the City of West Richland on August 17, 2021, and

WHEREAS, following the public hearing on August 17, 2021, the City Council voted to approve the utility vacation application; and


WHEREAS, all other steps and proceedings required by law to vacate a public access easement have been duly taken and performed;

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF WEST RICHLAND, WASHINGTON, does hereby resolve as follows:

Section 1. To vacate the west 20 feet of the east 30 except the south 10 feet thereof, the north 20 feet of the south 30 feet except the east and west 10 feet thereof and the east 20 feet for the west 30 feet except the south 10 feet thereof of Lot 78, Willamette Heights, according to the plat thereof recorded in volume 5 of plats, page 52, records of Benton County, Washington.

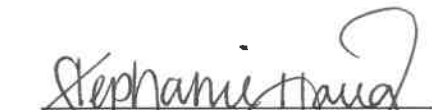
BE IT FURTHER RESOLVED that a copy of this passed and signed ordinance, provided to the applicant by the City, must be recorded at the Benton County Auditor's Office by the applicant and a copy of the recording returned to the City within 30 days of the Council's actions, or the easement vacation becomes null and void.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, this 17th day of August, 2021.



Mayor/CEO Brent Gerry

ATTEST:



Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney

EXHIBIT A

EXHIBIT FOR THE VACATION OF A PORTION OF A 20 FOOT SEWER EASEMENT
RECORDED UNDER AFN 727477 & 751632 LOCATED IN THE SE 1/4 OF THE SW 1/4 OF
SECTION 5, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY
OF WEST RICHLAND, BENTON COUNTY, WASHINGTON

EASEMENT VACATION DESCRIPTION:

THAT PORTION OF A 20 FOOT SEWER EASEMENT ESTABLISHED UNDER AUDITOR'S FILE NUMBER 727477 DATED MAY 13, 1977 AND GRANTED TO THE CITY OF WEST RICHLAND PER AUDITOR'S FILE NUMBER 751632 DATED MARCH 3, 1978 RECORDS OF THE BENTON COUNTY AUDITOR LYING WITHIN AND ACROSS LOT 30 AND LOT 31 OF THE FINAL PLAT OF KINGVIEW ADDITION NO. 7 PHASES 2-7, AS RECORDED IN BOOK 15 OF PLAT AT PAGE 694, DATED NOVEMBER 25, 2020, FILED UNDER AUDITOR FILE NUMBER 2020-047779 RECORDS OF THE BENTON COUNTY AUDITOR, STATE OF WASHINGTON.

HAVING AN AREA OF 5,220 SQUARE FEET, 0.12 ACRES

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	20.59'	125.01'	9°26'17"	S45°02'48"E	20.57'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N89°21'38"W	30.00'
L2	S00°40'12"W	5.18'



04/22/2021



**PBS Engineering
and
Environmental Inc.**
pbsusa.com

DRAWN BY: DWW

SCALE: N.T.S.

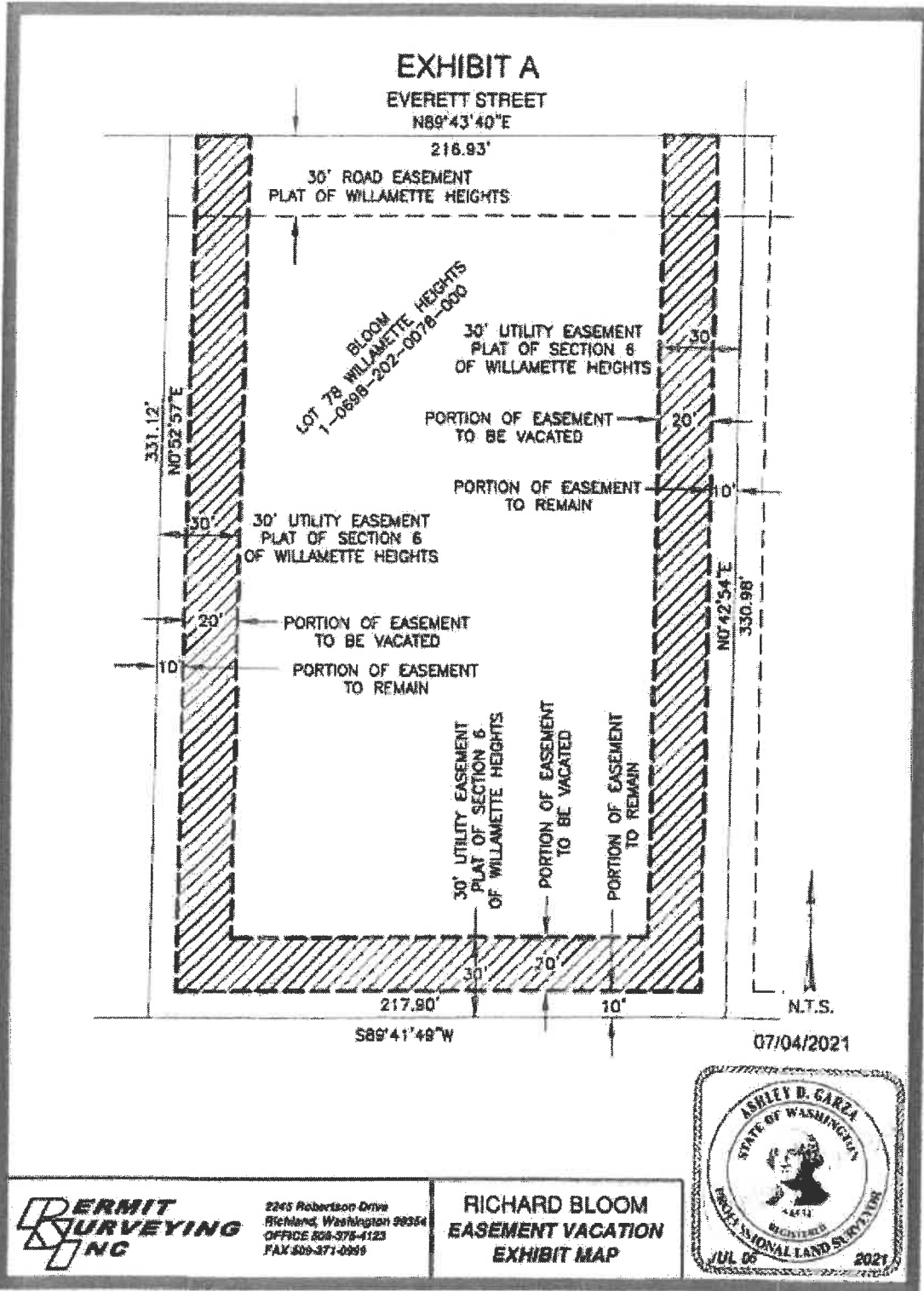
DATE: 04/22/2021

CHECKED BY: ADM

PROJECT NO.: 4244

SHEET 2 OF 2

ATTACHMENT 2:



ATTACHMENT 4:

THE WEST 20.00 FEET OF THE EAST 30.00 FEET EXCEPT THE SOUTH 10.00 FEET THEREOF, THE NORTH 20.00 FEET OF THE SOUTH 30.00 FEET EXCEPT THE EAST AND WEST 10.00 FEET THEREOF AND THE EAST 20.00 FEET OF THE WEST 30.00 FEET EXCEPT THE SOUTH 10.00 FEET THEREOF OF LOT 78, WILLAMETTE HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 52, RECORDS OF BENTON COUNTY, WASHINGTON.

