

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

**CITY OF WEST RICHLAND
RESOLUTION NO. 39-21**

**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 70,
PARCEL NUMBER 1-0698-202-0070-000.**

WHEREAS, an application (under File Number VACA-003-2021) was submitted for a partial utility easement vacation for a 30' wide public utility easement on Parcel Numbers 1-0698-202-0070-000; 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 August 18, 2021 and mailed said notice to affected property owners on August 18, 2021; and

WHEREAS, pursuant to Resolution 30-21 passed by the City Council on August 17, 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 September 7, 2021, and

WHEREAS, following the public hearing on September 7, 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 south 20 feet of the north 30 feet except the east 30 feet thereof and except the west 10 feet of Lot 70 Willamette Heights, according to the plat thereof recorded in volume 5 of plats, page 52, records of Benton County, Washington.

Together with:

The east 20 feet of the west 30 feet except the south 30 feet thereof and except the north 10 feet thereof of Lot 70 Willamette Heights, according to the plat thereof recorded in volume 5 of plats, page 52, records of Benton County, Washington.

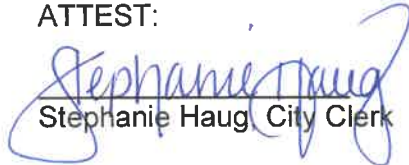
BE IT FURTHER RESOLVED that a copy of this passed and signed ordinance, provided to the applicant by the City, must be recorded at the Benton County Auditor's Office by the applicant and a copy of the recording returned to the City within 30 days of the Council's actions, or the easement vacation becomes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

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, this 7th day of September, 2021.



Brent Gerry, Mayor

ATTEST:



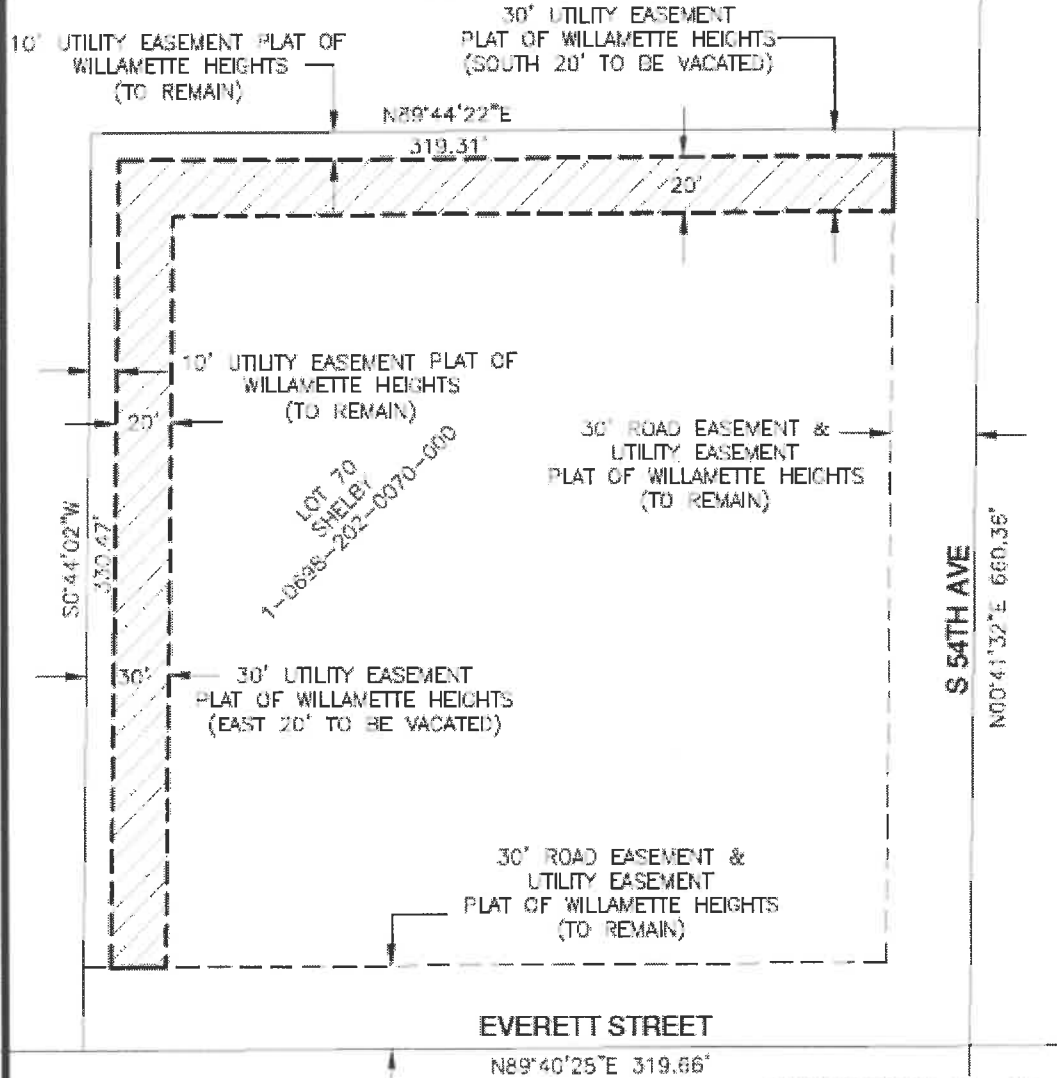
Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney

EXHIBIT A UTILITY EASEMENT



2245 Robertson Drive
Richland, Washington 99354
OFFICE 509-375-4123
FAX 509-374-0899

JEROD SHELBY
EASEMENT VACATION EXHIBIT MAP

N.T.S.
08/31/2021



THE SOUTH 20.00 FEET OF THE NORTH 30.00 FEET EXCEPT THE EAST 30.00 FEET THEREOF AND EXCEPT THE WEST 10.00 FEET THEREOF OF LOT 70, WILLAMETTE HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 52, RECORDS OF BENTON COUNTY, WASHINGTON.

TOGETHER WITH:

THE EAST 20.00 FEET OF THE WEST 30.00 FEET EXCEPT THE SOUTH 30.00 FEET THEREOF AND EXCEPT THE NORTH 10.00 FEET THEREOF OF LOT 70, WILLAMETTE HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 52, RECORDS OF BENTON COUNTY, WASHINGTON.

