I guess my only concern that remains is because of the boundary line adjustment with lots 47 and lot 2, SHORT PLAT #2031 associated with lot 48 that is parcel #106982012031003. The 10 foot easement shown on the East side of Lot 47 represents the easement my power line is on and runs though the center of parcel #106982012031003 does not get forgotten.

Richard,  

I mistakenly opened an old exhibit file. Please see my revisions to the email previously sent below. Changes have been highlighted. The attachment has also been revised.

Sincerely,

Roscoe

Richard,

The information included in your email below was review by City staff. There are no errors on the referenced lot exhibits in section 6 for the proposed ordinance. The proposed ordinance and associated exhibits only addresses the federal land patents offers of dedication. The ordinance does not address and or effect any other easements of record including any privately dedicated easements and or easement dedications from the Plat of section 6. Attached are documents from staff's research to your email below.

In regards to your comments associated with the various franchise utilities and the location of their infrastructure, the various franchise utilities were previously provided copies of each lot’s exhibit back in May 2019 and asked them to verify the location of their infrastructure. Comments were received by City staff and adjustments to the exhibits were made. Franchise utilities were provided notice of the November 19, 2019 Public Hearing and requested to review the exhibits one more time to ensure their previous comments were incorporated and to ensure there were no remaining issues. On November 13, 2019, the City received comments from Benton REA associated with Lots 6 and 46 of Section 8. Those exhibits have since been revised, updated on the City’s website and the property owners of these lots mailed
separate notices of the proposed changes, retaining 33’ utility easements rather than 10’ utility easements over existing power lines.

**Comment/Question #1 -**
Lot 47 –
The lot in question was subdivided and this subdivision is not reflected on the drawing. The power to my house is routed from Collins via the 10 foot easement shown on the East side of the lot.

City’s response –
Lot 47, Section 6 was not subdivided. The property owner of Lot 47, Section 6 and the property owner of Lot #2, Short Plat #2031 (western portion of Lot 48, Section 6) completed a Boundary Line Adjustment in 2015 (Record of Survey #4650 – AF#2015-024449). The exhibit for Lot 47, Section 6 is correct in that the City is proposing to retain the 33’ access and utility easement on the north and only 10’ utility easements on the east, west and south portions of Lot 47, Section 6. The City is retaining a 10’ utility easement on the east side of Lot 47, Section 6, the location where you state the power to your house, located on Lot 43, Section 6, is routed.

**Comment/Question #2 -**
Lot 48 –
The lot in question was subdivided and built on before my time, so I do not know the historical details but question what is shown on the map for reasons discussed in Lot 75 below. A utility 10 foot easement is shown on the East and South side of the lot but not on the West side. Hopefully the East side easement was claimed by Charter, since that is how my cable gets to my house. The South side easement, likely is part of the confusion of where the CID line is located.

City’s response-
Lot 48, Section 6 was short platted into two lots in 1994 (Short Plat #2031). The exhibit for Lot 48, Section is correct in that the City is proposing to retain the 33’ access and utility easement on the north side and only retain 10’ utility easements on the east, west and southern boundaries. The City is retaining a 10’ utility easement on the east side of Lot 48, Section 6, the location where you state the cable tv to your house, located on Lot 43, Section 6, is routed.

**Comment/Question #3**
Lot 74 –
The lot was a post 1960 Patent and only had ROW on the East and South side as shown but the owner of the lot had filed and gotten approval of reduction to 10 feet the Plat based utility easement on the West and North side of the lot. The CID line discussed below terminates at the North/West corner of the property within the 10 foot easement.

City’s response-
The exhibit for Lot 74, Section 6 is correct in that the City is retaining the 33’ access and utility easements on the east and south side of the property. The proposed ordinance and associated exhibits only addresses the federal land patents offers of dedication. The ordinance does not address and or effect any other easements of record including any privately dedicated easements and or easement dedications from the Plat of section 6.

**Comment/Question #4**
Lot 75 (mine) –
The lot was a post 1960 Patent and only had ROW only on the South side as shown. Contrary to documentation the CID line runs along both the West and North side of my lot within 10 feet of the property line. Additionally the REA line runs along the North end of the property in the 10 foot easement I granted them.

City’s response-
The exhibit for Lot 75, Section 6 is correct in that the City is retaining the 33’ access and utility easements on only south side of the property. The proposed ordinance and associated exhibits only addresses the federal land patents offers of
dedication. The ordinance does not address and or effect any other easements of record including any privately dedicated easements and or easement dedications from the Plat of section 6.

Comment/Question #5
Lot 76 –
The lot was a pre-1960 lot and had 33 foot ROW on all sides. The proposal is to retain a 20 foot easement on the East side rather than 10 foot. Currently there is an REA line running within 10 feet of the property line on the East side. The CID line discussed above in the lot 75 discussion is erroneously shown on CID documentation as being on lot 76 when in fact it resides totally on lot 75.

City’s response-
The exhibit for Lot 76, Section 6 is correct in that the City is retaining the 33’ access and utility easements on south side and 10’ utility easements on the east, west, and north boundaries of the property. City is retaining a 20’ utility easement on the east boundary per Benton REA’s request. The proposed ordinance and associated exhibits only addresses the federal land patents offers of dedication. The ordinance does not address and or effect any other easements of record including any privately dedicated easements and or easement dedications from the Plat of section 6.

Comment/Question #6
Lot 80 -
The lot was a pre-1960 lot and had 33 foot ROW on all sides which the City had previously taken action (~2004?) when the lot was subdivided to reject the ROW on the East, West and South side and reduce the corresponding utility easement to 10 foot. As part of the subdivision of the lot the Utility easement on the North side of the lot was increased to 40 feet and the utility pole was located outside the 33 foot easement. To the chagrin of the current property owners their front yard was ripped up to run the REA utilities to the west side of the adjacent subdivided lot underground in that additional easement that is not shown on the drawing. This high voltage underground line represents a safety concern if the easement is not noted.

City’s response-
Lot 80, Section 6 was short platted into two lots in 2006 (Short Plat #2934). With the short plat, the property owner dedicated 30’ of road way with a 10’ utility easement along the northern boundary. The short plat also noted Ordinance 08-06, City Council vacation of the 33’ access easements on the east, west and south boundaries of Lot 80, Section 6. The short plat also noted Ordinance 09-06, City Council vacation of 23’ of the 33’ utility easements on the East, West and South boundaries of Lot 80, Section 6 retaining a 10’ utility easement on the East, West and South boundaries. The exhibit for Lot 80, Section 6 is correct in that the city is retaining a 10’ utility easement on the east, west and south boundaries and a 3’ utility easement on the north boundary. The exhibit for Lot 80, Section 6 is consistent with previous City Council actions. The proposed ordinance and associated exhibits only addresses the federal land patents offers of dedication. The ordinance does not address and or effect any other easements of record including any privately dedicated easements and or easement dedications from the Plat of section 6.

If you would like to discuss further, please give me a call at 967-7015.

Sincerely,

Roscoe Slade

From: Richard Bloom
Sent: Sunday, November 17, 2019 7:31 PM
To: Roscoe Slade
Cc: Brent Gerry
Subject: Acceptance and declining offers of dedication of Rights-of-Way
I have reviewed the information in the packet for item 7a and found errors relative to utility easements not only in my lot but adjacent lots as well. I spoke with Brent this morning and expressed my concern and briefly described my proposed path forward as outlined below.

I do not fault the City staff in anyway but rather from my personal experience I know that the Benton REA and the CID records relative to utility placement and the associated easements leave a lot to be desired. In reviewing the packet I find errors in the utility easement for my lot (Sec 6 Lot 75) but also in the adjacent lots (Lot 76, 74, 47, 48 and 80). While I am semi-retired, I do not have the time to review and investigate utility easements for the rest of section 6 and 8, nor do I believe it is the best interest of the City to verify the information provided by the associated utilities, which is obviously flawed. I have attached separately the issues with Lots 47, 74, 75, 76 and 80 as an example of the types of issues I have found.

My suggested path forward is relatively simple:

1. Only deal with the accepted Right-of-Ways, retaining the 33 foot utility easement associated with any accepted Right-of-Way.

2. For consistency reduce all Right-of-Way size to 30 foot.

3. Subject to BREA review, for Section 6 reject all unnecessary 33 foot utility easement in favor of the 30 foot easement specified on the plat of section 6.

4. For Section 8, retain all the 33 foot utility easement.

5. Establish a City policy that any 30/33 foot utility easements would be reduced to 10 foot.
   a. Subject to concurrence from the applicable utilities (Charter, Frontier, REA, CID and City).
   b. The property owner must certify that they have completed a due diligence review and walkdown of their property.
   c. Adjacent property owners would be notified of the reduction would be approved by Council on the upcoming consent agenda.

Basis for above items:

1. Liability – We do not need to add any liability to the City should our effort fail to identify an existing installation away from the Right-of-Way. The REA poles in some instances are located outside of a 30 foot easement.

2. Fairness – The City packet has examples where the Right-of-Way on some lots has previously been reduced to 30 feet and the adjacent lot would retain a 33 foot Right-of-Way. This could affect setback issues.

3. Simplicity - Section 6 has a plat stating the 30 foot utility easement along all lots that must be dealt with. With the exception of the Right-of-Way easements as discussed above. (It should be noted, that REA may have demanded or tried to demand easements outside of the 30/33 foot in some cases.)

4. Reality – there is no Plat for Section 8.

5. Liability – we need to reduce the City legal exposure and transfer it to the property owner.
Give me a call and we can discuss.

Richard (539-7630)

Issues with Lots 47, 48, 74, 75, 76 and 80:

Lot 47 –
The lot in question was subdivided and this subdivision is not reflected on the drawing. The power to my house is routed from Collins via the 10 foot easement shown on the East side of the lot.

Lot 48 –
The lot in question was subdivided and built on before my time, so I do not know the historical details but question what is shown on the map for reasons discussed in Lot 75 below. A utility 10 foot easement is shown on the East and South side of the lot but not on the West side. Hopefully the East side easement was claimed by Charter, since that is how my cable gets to my house. The South side easement, likely is part of the confusion of where the CID line is located.

Lot 74 –
The lot was a post 1960 Patent and only had ROW on the East and South side as shown but the owner of the lot had filed and gotten approval of reduction to 10 feet the Plat based utility easement on the West and North side of the lot. The CID line discussed below terminates at the North/West corner of the property within the 10 foot easement.

Lot 75 (mine) –
The lot was a post 1960 Patent and only had ROW only on the South side as shown. Contrary to documentation the CID line runs along both the West and North side of my lot within 10 feet of the property line. Additionally the REA line runs along the North end of the property in the 10 foot easement I granted them.

Lot 76 –
The lot was a pre-1960 lot and had 33 foot ROW on all sides. The proposal is to retain a 20 foot easement on the East side rather than 10 foot. Currently there is an REA line running within 10 feet of the property line on the East side. The CID line discussed above in the lot 75 discussion is erroneously shown on CID documentation as being on lot 76 when in fact it resides totally on lot 75.

Lot 80 -
The lot was a pre-1960 lot and had 33 foot ROW on all sides which the City had previously taken action (~2004?) when the lot was subdivided to reject the ROW on the East, West and South side and reduce the corresponding utility easement to 10 foot. As part of the subdivision of the lot the Utility easement on the North side of the lot was increased to 40 feet and the utility pole was located outside the 33 foot easement. To the chagrin of the current property owners their front yard was ripped up to run the REA utilities to the west side of the adjacent subdivided lot underground in that additional easement that is not shown on the drawing. This high voltage underground line represents a safety concern if the easement is not noted.
ACCEPTANCE OF OFFER OF DEDICATION AS FOLLOWS:
- 33-FOOT ACCESS AND UTILITY EASEMENT ALONG THE SOUTH BOUNDARY

LOT 75 OF SECTION 6 OF WILLAMETTE HEIGHTS

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ACCETPANCE OF OFFER OF DEDICATION AS FOLLOWS:
- WEST 10-FEET OF THE 33' UTILITY EASEMENT ALONG THE WESTERN BOUNDARY
- SOUTH 10-FEET OF THE 33' UTILITY EASEMENT ALONG THE SOUTHERN BOUNDARY
- EAST 10-FEET OF THE 33' UTILITY EASEMENT ALONG THE EASTERN BOUNDARY

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ACCEPTANCE OF OFFER OF DEDICATION
10' UTILITY ESM'T

ACCEPTANCE OF OFFER OF DEDICATION
20' UTILITY ESM'T

ACCEPTANCE OF OFFER OF DEDICATION
33' ACCESS & UTILITY ESM'T

EVERETT ST

ACCEPTANCE OF OFFER OF DEDICATION AS FOLLOWS:
• 33-FOOT ACCESS AND UTILITY EASEMENT ALONG THE SOUTH BOUNDARY
• WEST 10- FEET OF THE 33' UTILITY EASEMENT ALONG THE WESTERN BOUNDARY
• NORTH 10-FEET OF THE 33' UTILITY EASEMENT ALONG THE NORTHERN BOUNDARY
• EAST 20- FEET OF THE 33' UTILITY EASEMENT ALONG THE EASTERN BOUNDARY

LOT 76 OF SECTION 6 OF WILLAMETTE HEIGHTS

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SHEET NO. 76 OF 237

DATE: July 31, 2019
ACCEPTANCE OF OFFER OF DEDICATION
33' ACCESS & UTILITY EASEMENT

ACCEPTANCE OF OFFER OF DEDICATION AS FOLLOWS:
- 33-FOOT ACCESS AND UTILITY EASEMENT ALONG THE SOUTH BOUNDARY

LOT 75 OF SECTION 6 OF WILLAMETTE HEIGHTS

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ACCEPTANCE OF OFFER OF DEDICATION
33' ACCESS & UTILITY EASEMENT ALONG THE SOUTH AND EAST BOUNDARY

LOT 74 OF SECTION 6 OF WILLAMETTE HEIGHTS

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ACCETNACE OF OFFER OF DEDICATION AS FOLLOWS:
- 33-FOOT ACCESS AND UTILITY EASEMENT ALONG THE NORTH BOUNDARY
- SOUTH 10-FEET OF THE 33' UTILITY EASEMENT ALONG THE SOUTHERN BOUNDARY
- EAST 10- FEET OF THE 33' UTILITY EASEMENT ALONG THE EASTERN BOUNDARY

LOT 48 OF SECTION 6 OF WILLAMETTE HEIGHTS

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SHORT PLAT NO. 2031
PORTION NW1/4 NW1/4 SECTION 6, T-9 N., R. 28 E., W.M.
WEST RICHLAND, BENTON COUNTY, WASHINGTON

DESCRIPTION
LOT 42, PLAT OF SECTION 6, WILLAMETTE HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN
VOLUME 3 OF PLATS, PAGE 28, RECORDS OF BENTON COUNTY, WASHINGTON.

OWNER'S CERTIFICATE
PEERY A. MEYER and CORI L. MEYER, HUSBAND AND WIFE, HEREBY CERTIFY THAT WE ARE THE
OWNERS OF THE LAND AFORESAID AND DESCRIBED HEREIN AND THAT WE HAVE CAUSED SAID LAND TO BE
SURVEYED AND SHORT PLATTED INTO LOTS AS SHOWN AND THE CASEMENTS OF THE SHORT PLAT ARE
GRANTED FOR THE USES SHOWN THEREIN.

CORI L. MEYER

ACKNOWLEDGEMENT
STATE OF WASHINGTON
COUNTY OF BENTON
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT PEERY A. MEYER and CORI L.
MEYER, HUSBAND AND WIFE, SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE THEIR FREE AND
VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

DATE
3-10-94
MY APPOINTMENT EXPIRES
4-96

IRRIGATION APPROVAL
THIS PROPERTY IS NOT LOCATED WITHIN AN IRRIGATION DISTRICT.

SURVEYOR'S CERTIFICATE
A. CLYDE M. CHRISTENSEN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON
HEREBY CERTIFY THAT THE SHORT PLAT AS SHOWN HERON IS BASED ON AN ACTUAL FIELD
SURVEY OF THE LAND DESCRIBED AND THAT ALL DISTANCES ARE
CORRECTLY SHOWN AND THAT SAID SHORT PLAT IS STATED ON THE GROUND AS INDICATED.

WASHINGTON REG. NO. 15532
WORLEY SURVEYING SERVICE, INC., P.S.
P. O. BOX 6136
WORLEY, IDAHO 83876

DATE
3-10-94

APPROVALS
WE HEREBY APPROVE THIS SHORT PLAT FOR THE CITY OF WEST RICHLAND, STATE OF
WASHINGTON

DATE
MARCH 31, 1994

ATTEST:

CITY CLERK

AUDITOR'S CERTIFICATE
FILED FOR RECORD AT THE REQUEST OF PEERY MEYER AT 10:40 A.M. THIS 31ST DAY OF
MARCH, 1994, RECORDED IN VOLUME 3 OF SHORT PLATS, PAGE 28, RECORDS OF BENTON COUNTY, WASHINGTON.

DATE
MARCH 31, 1994

BENTON COUNTY AUDITOR

FEE NUMBER
94-1102

NOTES:
1. BASIS OF BEARING: EAST LINE OF LOT 42 AS SHOWN ON THE PLAT OF SECTION 6, WILLAMETTE
HEIGHTS
2. 8 INCHES IRON PINS WITH PLASTIC CAPS MARKED "WORLEY 13339" AT PROPERTY CORNERS
UNLESS NOTED OTHERWISE.

TREASURER'S CERTIFICATE
I HEREBY CERTIFY THAT THE TAXES ON THE LAND DESCRIBED HERON HAVE BEEN PAID TO AND

DATE
4/19/94

BENTON COUNTY TREASURER

94-04
ACCEPTANCE OF OFFER OF DEDICATION
33' ACCESS & UTILITY ESM'T

ACCEPTANCE OF OFFER OF DEDICATION
10' UTILITY ESM'T

ACCEPTANCE OF OFFER OF DEDICATION
10' UTILITY ESM'T

ACCEPTANCE OF OFFER OF DEDICATION AS FOLLOWS:
- 33-FOOT ACCESS AND UTILITY EASEMENT ALONG THE NORTH BOUNDARY
- WEST 10- FEET OF THE 33' UTILITY EASEMENT ALONG THE WESTERN BOUNDARY
- SOUTH 10- FEET OF THE 33' UTILITY EASEMENT ALONG THE SOUTHERN BOUNDARY
- EAST 10- FEET OF THE 33' UTILITY EASEMENT ALONG THE EASTERN BOUNDARY

LOT 47 OF SECTION 6 OF WILLOMETTE HEIGHTS

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