

**CITY OF WEST RICHLAND
ORDINANCE NO. 06-22**

AN ORDINANCE OF THE CITY OF WEST RICHLAND VACATING A PORTION OF THE DESERT VIEW DRIVE (FORMERLY BERNICE ROAD) ROAD RIGHT-OF-WAY ESTABLISHED BY THE PLAT OF HEMMINGER'S ACRES RECORDED IN VOLUME 3 OF PLATS AT PAGE 88, UNDER AUDITOR'S FILE NUMBER 220017, RECORDS OF BENTON COUNTY, WASHINGTON.

WHEREAS, pursuant to Resolution No. 15-22 passed by the City Council on March 15th, 2022, setting forth the City's intention to vacate a portion of the Desert View Drive (formerly Bernice Road) Road Right-of-Way established by the Plat of Hemminger's Acres recorded in Volume 3 of Plats at Page 88, under Auditor's file number 220017, records of Benton County, Washington, a public hearing was held before the City Council of the City of West Richland on April 19, 2022; and

WHEREAS, written notice of the City's intention to vacate a portion of said road right-of-way together with a statement of the time and place affixed for a hearing before the West Richland City Council to determine whether said road right-of-way shall be vacated has been posted in three public places in the City, posted on the proposed road right-of-way to be vacated, notified utility companies with franchise agreements with the City and the owners of the property abutting the said road right-of-way were notified according to law; and

WHEREAS, all other steps and proceedings required by law to vacate said road right-of-way 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 following portion of the Desert View Drive (formerly Bernice Road) Road Right-of-Way, established by the Plat of Hemminger's Acres recorded in Volume 3 of Plats at Page 88, under Auditor's file number 220017, records of Benton County, Washington, is hereby vacated and the road right-of-way so vacated is hereby surrendered and all right or title of the City of West Richland and the public in and to that portion of said road right-of-way so vacated shall and does hereby vest in the owners of the abutting property owners, all in the manner provided by law, described in Exhibit "A" as shown in Exhibit "B", containing 7,513 square feet, more or less.

Section 2. As a condition of said Road Right-of-Way vacation, the City shall retain a utility easement over the entire boundary of the road right-of-way to be vacated as described in Exhibit "C" as shown in Exhibit "D", containing 7,513 square feet, more or less.

Section 3. As a condition of said Road Right-of-Way vacation, the owner(s) of Lot 11, Block 13, Plat of Hemminger's Acres shall dedicate Road Right-of-Way to the City of West Richland via the recording of a statutory warranty deed as described in Exhibit "E" as shown in Exhibit "F".

Section 4. This ordinance shall become effective five (5) days after its passage and publication as required by law and the statutory warranty deed in Section 3 has been recorded, whichever is later.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON, this 19th day of April, 2022.**



Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney

EXHIBIT " A "

RIGHT OF WAY VACATION

THAT PORTION OF DESERT VIEW DRIVE (FORMERLY BERNICE ROAD) AS ESTABLISHED BY THE PLAT OF HEMMINGER'S ACRES RECORDED IN VOLUME 3 OF PLATS AT PAGE 88, UNDER AUDITOR'S FEE NUMBER 220017, RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE NORTHERLY HALF OF DESERT VIEW DRIVE LYING SOUTHERLY OF THE SOUTHERLY MARGIN OF DEER STREET (FORMERLY JOSHUA STREET) AND EASTERLY OF A LINE PARALLEL WITH AND 50.00 FEET EASTERLY OF THE WEST LINE OF LOT 11, BLOCK 3 OF SAID PLAT, EXTENDED SOUTHERLY TO THE SOUTHERLY MARGIN OF SAID DESERT VIEW DRIVE.

TOGETHER WITH THE SOUTHERLY HALF OF DESERT VIEW DRIVE LYING EASTERLY OF A LINE PARALLEL WITH AND 50.00 FEET EASTERLY OF THE WEST LINE OF LOT 11, BLOCK 3 OF SAID PLAT, EXTENDED SOUTHERLY TO SOUTHERLY MARGIN OF SAID DESERT VIEW DRIVE, AND WESTERLY OF A LINE BEGINNING AT THE NORTHEAST CORNER OF LOT 30, BLOCK 2, OF SAID PLAT AND EXTENDED PERPENDICULAR TO THE CENTERLINE OF SAID DESERT VIEW DRIVE.

CONTAINING 7,513 SQUARE FEET MORE OR LESS.

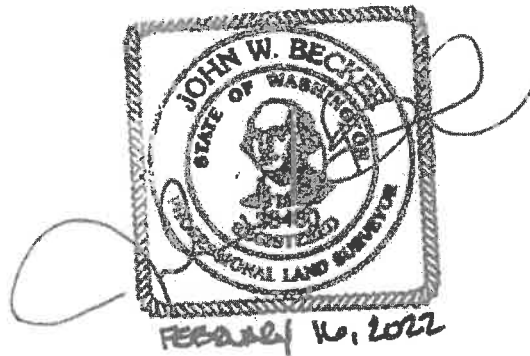
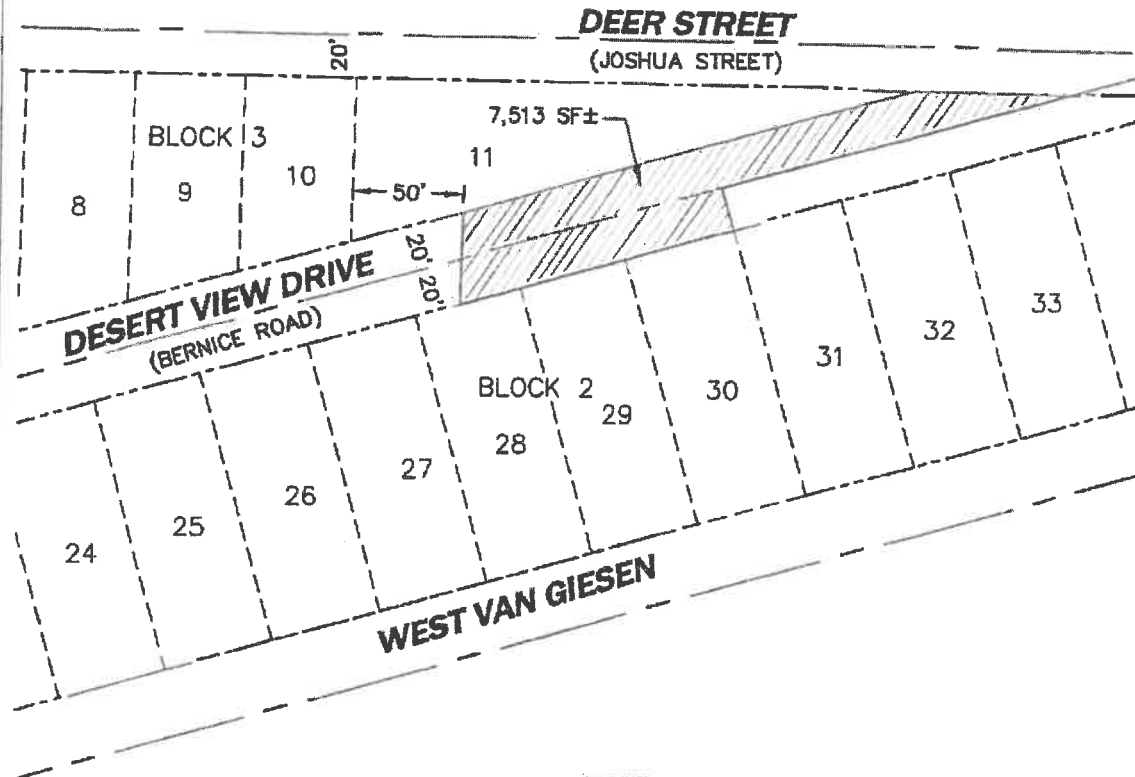


EXHIBIT " B "



JOB NO. 2160220.87
 January 3, 2022
 RIGHT OF WAY VACATION
 LEGAL BY: TD EXHIBIT BY: TD
 w:\adskprof\2016\2160220-87 west richland aka\row
 vacation.dwg



5804 Road 90,
 Suite H,
 Pasco, WA 99301
 509.380.5883 TEL.
 509.380.5885 FAX

THIS EXHIBIT HAS BEEN PREPARED TO ASSIST IN THE INTERPRETATION OF THE ACCOMPANYING LEGAL DESCRIPTION. IF THERE IS A CONFLICT BETWEEN THE WRITTEN LEGAL DESCRIPTION AND THIS SKETCH, THE LEGAL DESCRIPTION SHALL PREVAIL.

EXHIBIT " C "

UTILITY EASEMENT

THAT PORTION OF DESERT VIEW DRIVE (FORMERLY BERNICE ROAD) AS ESTABLISHED BY THE PLAT OF HEMMINGER'S ACRES RECORDED IN VOLUME 3 OF PLATS AT PAGE 88, UNDER AUDITOR'S FEE NUMBER 220017, RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE NORTHERLY HALF OF DESERT VIEW DRIVE LYING SOUTHERLY OF THE SOUTHERLY MARGIN OF DEER STREET (FORMERLY JOSHUA STREET) AND EASTERLY OF A LINE PARALLEL WITH AND 50.00 FEET EASTERLY OF THE WEST LINE OF LOT 11, BLOCK 3 OF SAID PLAT, EXTENDED SOUTHERLY TO THE SOUTHERLY MARGIN OF SAID DESERT VIEW DRIVE.

TOGETHER WITH THE SOUTHERLY HALF OF DESERT VIEW DRIVE LYING EASTERLY OF A LINE PARALLEL WITH AND 50.00 FEET EASTERLY OF THE WEST LINE OF LOT 11, BLOCK 3 OF SAID PLAT, EXTENDED SOUTHERLY TO SOUTHERLY MARGIN OF SAID DESERT VIEW DRIVE, AND WESTERLY OF A LINE BEGINNING AT THE NORTHEAST CORNER OF LOT 30, BLOCK 2, OF SAID PLAT AND EXTENDED PERPENDICULAR TO THE CENTERLINE OF SAID DESERT VIEW DRIVE.

CONTAINING 7,513 SQUARE FEET MORE OR LESS.

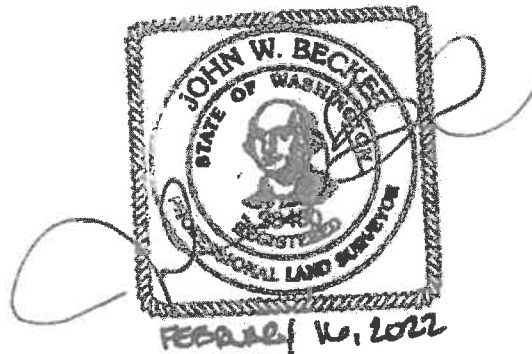
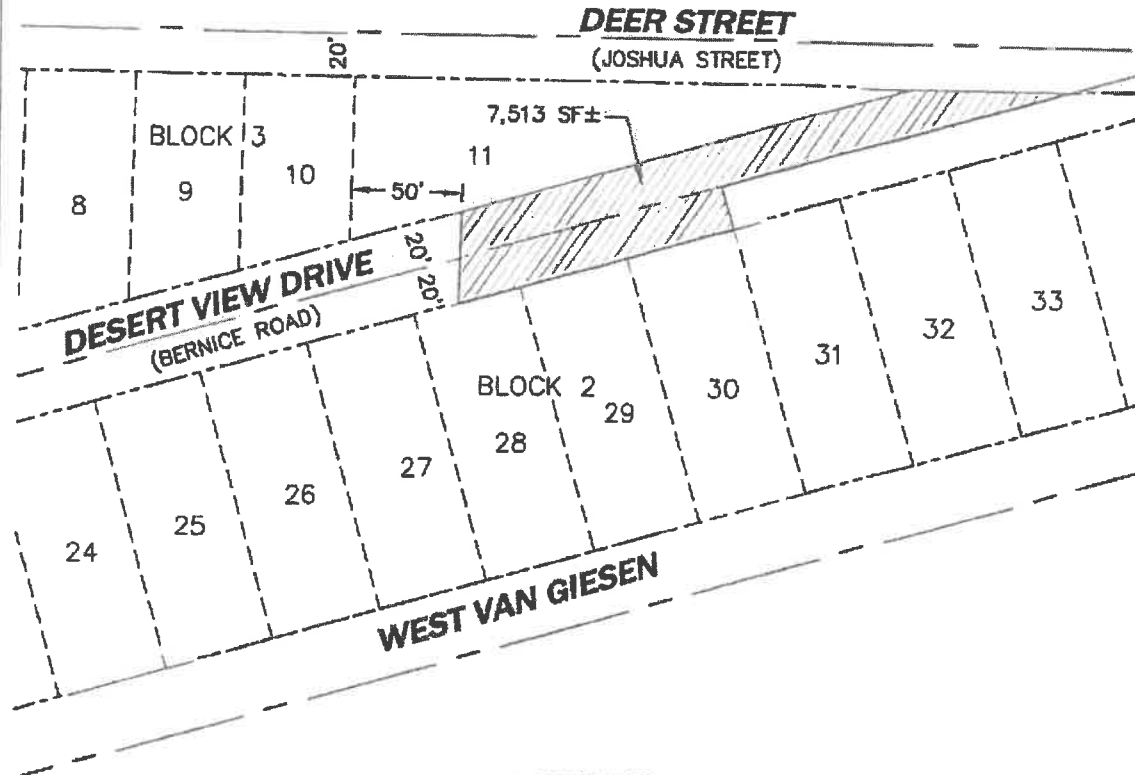


EXHIBIT " D "



JOB NO. 2160220.87
January 3, 2022
RIGHT OF WAY VACATION
LEGAL BY: TD EXHIBIT BY: TD
w:\adskproj\2018\2160220-87 west richland site\row
vacation.dwg



5804 Road 90,
Suite H,
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EXHIBIT "E."

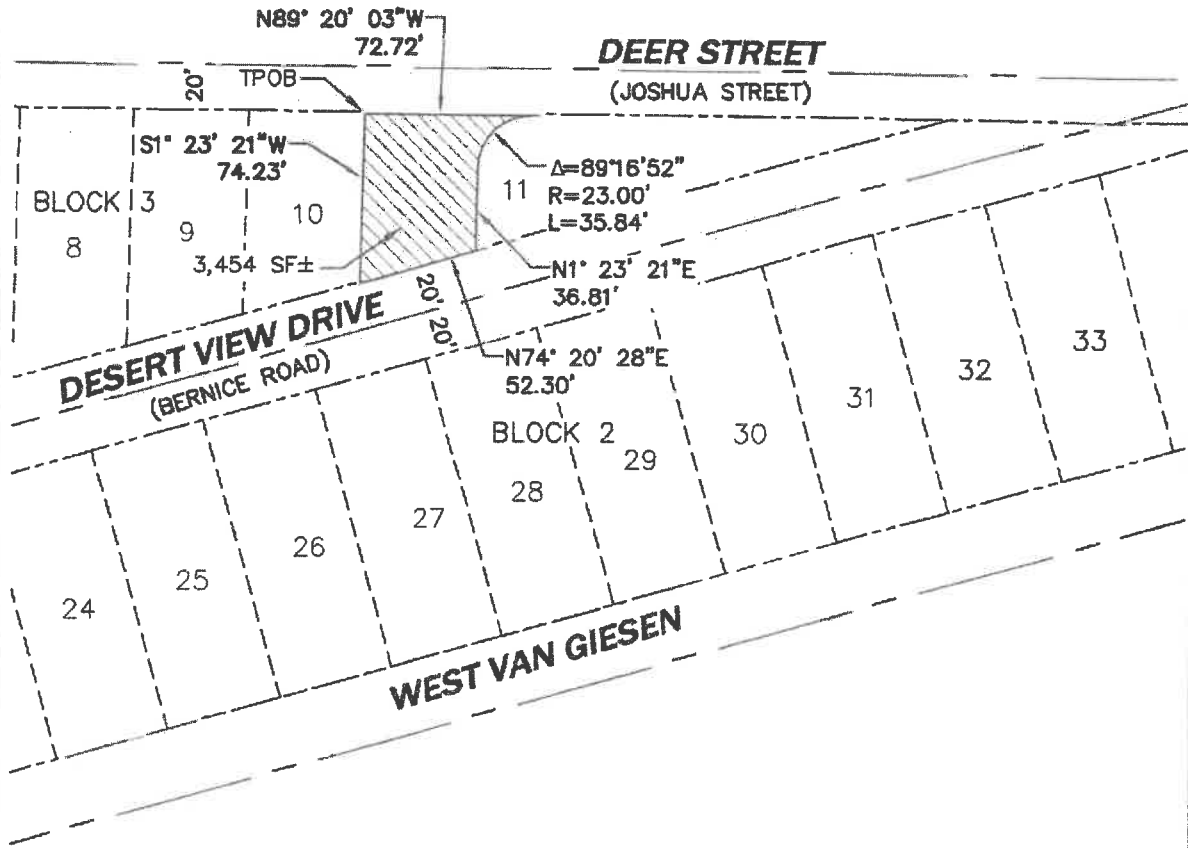
RIGHT OF WAY DEDICATION

THAT PORTION OF LOT 11, BLOCK 13, PLAT OF HEMMINGER'S ACRES RECORDED IN VOLUME 3 OF PLATS AT PAGE 88, UNDER AUDITOR'S FEE NUMBER 220017, RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH $01^{\circ}23'21''$ WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 74.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT AND THE NORTHERLY MARGIN OF DESERT VIEW DRIVE (FORMERLY BERNICE ROAD); THENCE NORTH $74^{\circ}20'28''$ EAST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 52.30 FEET TO INTERSECT A LINE WHICH IS PARALLEL WITH AND 50.00 FEET EASTERLY OF THE WEST LINE OF SAID LOT; THENCE NORTH $01^{\circ}23'21''$ EAST ALONG SAID PARALLEL LINE A DISTANCE OF 36.81 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 23.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $89^{\circ}16'52''$ A DISTANCE OF 35.84 FEET, MORE OR LESS, TO THE SOUTHERLY MARGIN OF DEER STREET (FORMERLY JOSHUA STREET); THENCE NORTH $89^{\circ}20'03''$ WEST ALONG SAID SOUTHERLY MARGIN A DISTANCE OF 72.72 FEET TO THE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

CONTAINING 3,454 SQUARE FEET, MORE OR LESS.

EXHIBIT " E "



1"=80'

JOB NO. 2160220.87
 March 1, 2022
 RIGHT OF WAY DEDICATION
 LEGAL BY: TD EXHIBIT BY: TD
 w:\edakprof\2018\2160220-87 west richland elks\row
 dedication.dwg



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