

**CITY OF WEST RICHLAND
RESOLUTION NO. 15-22**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON,
SETTING THE PUBLIC HEARING DATE TO CONSIDER VACATING A
PORTION OF DESERT VIEW DRIVE ROAD RIGHT-OF-WAY.**

WHEREAS, West Richland Municipal Code Chapter 12.40, Vacation of Streets, Alleys and Road Rights-of-Way, establishes the procedure and criteria for the city to use to decide upon vacation of road right-of-way consistent with RCW 35.79; and

WHEREAS, Policy #2e Vacate Unnecessary Rights-of-Way, Goal #2 Coordinate Transportation System Improvements and Service Level Standards with Other Jurisdictions and Providers, Transportation Element of the City of West Richland's Comprehensive Plan states, "Public right-of-way is acquired for street or utility purposes. Acquisition can occur at the time of subdivision or in conjunction with development. In some cases, changes in development plans or the public perception of where growth should occur results in unused and unnecessary right-of-way. Once it has become unnecessary for a public purpose, it should be transferred to private ownership as provided by law"; and

WHEREAS, a petition, street / access easement vacation application, was submitted to the City on January 25, 2022 requesting that a portion of Desert View Drive road rights-of-way be vacated by the City; and

WHEREAS, said petition was reviewed by city staff and determined to be complete on February 24, 2022; 1) meeting all required elements of WRMC 12.40.010(B), 2) signed by the owners of more than two-thirds of the property owners abutting the portion of Desert View Drive road rights-of-way requested to be vacated, and 3) receipt of payment of administrative fee per West Richland's Master Fee Schedule; and

WHEREAS, the City Council is required to adopt a resolution fixing a time for a public hearing when the vacation will be heard and determined and said time shall not be more than 60 days nor less than 20 days after the passage of the resolution; and

WHEREAS, following the public hearing, the city council shall consider the request in accordance with state and local law. To approve a vacation, the council must find that the street, alley, road right-of-way or access easement is not currently necessary for travel or other street purposes, nor likely to be in the future, no property will be denied all access as a result of the vacation, such vacation would not unduly jeopardize the health, safety, welfare, or public good, applicable legal requirements have been met, and any other fact or issue it deems relevant. The city council may grant the petition to vacate the street, alley, road right-of-way or access easement or any part thereof by ordinance, with or without conditions, or the city council may deny the petition; and

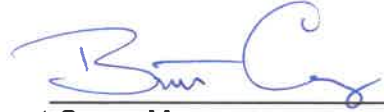
NOW, THEREFORE, the City Council of the City of West Richland, Washington does hereby resolve as follows:

Section 1. There shall be a public hearing concerning the vacation of a portion of Desert View Drive Road Rights-of-Way before the City Council of the City of West Richland, Washington, at its regularly scheduled meeting to be held on the 19th day of April, 2022, at 6:00pm.

Section 2. The proposed portion of Desert View Dive road rights-of-way to be vacated is shown in Exhibit B and described in Exhibit A herein attached.

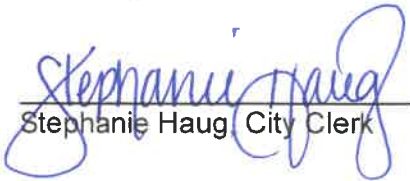
Section 3. This resolution shall be in effect immediately upon approval.

PASSED by the City Council of the City of West Richland, Washington, this 15th day of March, 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.

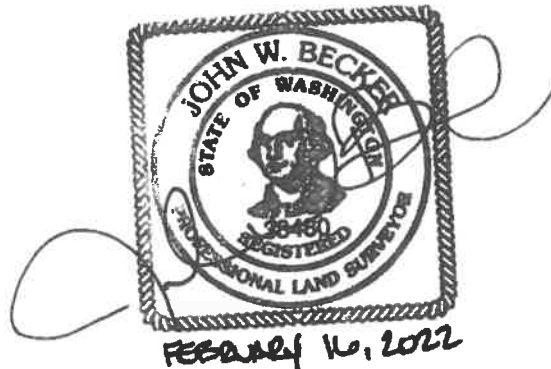
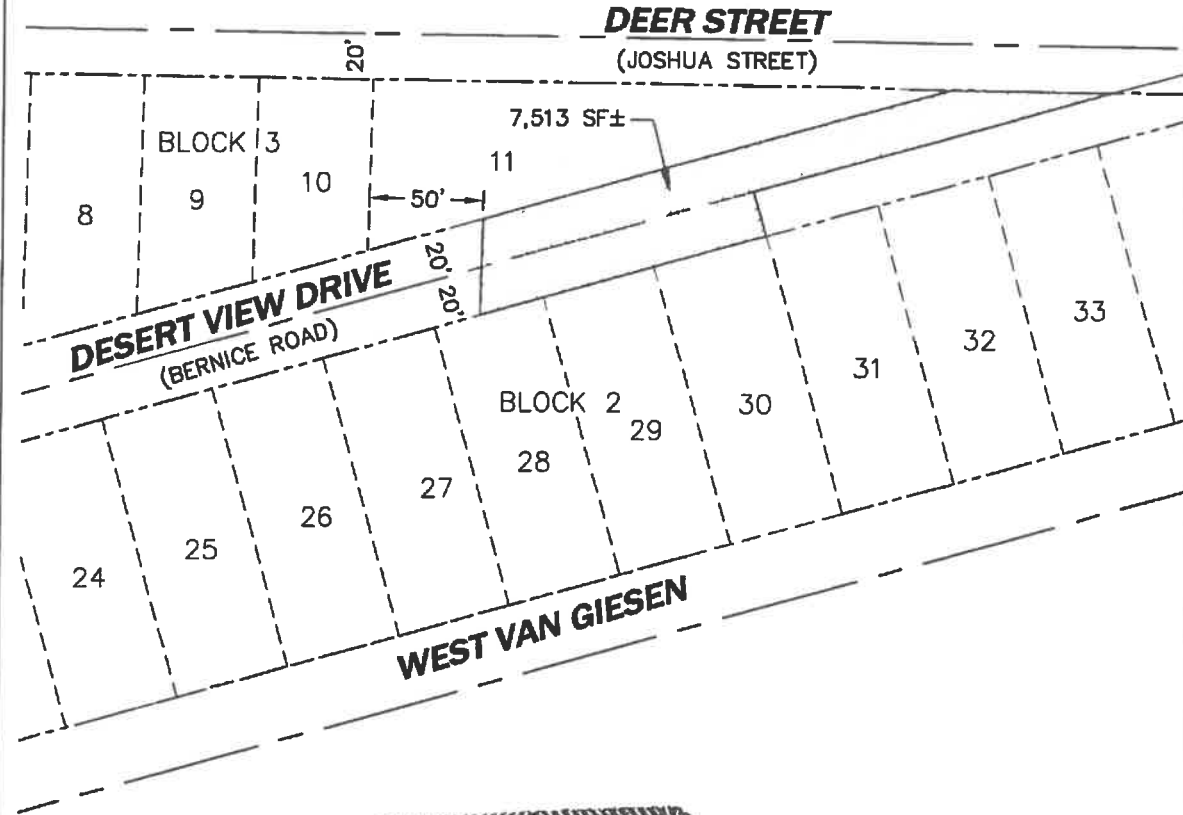


EXHIBIT " B "



1"=80'

JOB NO. 2160220.87
 January 3, 2022
 RIGHT OF WAY VACATION
 LEGAL BY: TD EXHIBIT BY: TD
 w:\sdskprof\2016\2160220-87 west richland elk\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.



VICINITY MAP

DESERT VIEW DRIVE - ROW VACATION

DESIGN: JNP
 DRAWN: JNP
 CHECK: RCS



SHEET: 1
 SCALE: N/A
 DATE: 01/06/2022
 CADFILE: wdrby Map2.dwg