

**CITY OF WEST RICHLAND
RESOLUTION NO. 59- 22**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON,
GRANTING A FRONTAGE IMPROVEMENT WAIVER FOR FRONTAGE
IMPROVEMENTS TO VAN GIESEN (SR 224) PER WRMC 12.04.060
FOR LOTS 33, 34 & 35, PLAT OF WESTERN RIDGE PHASE 2.**

**(Benton County Parcel #1-0197-303-0000-033, #1-0197-303-
0000-034 & #1-0197-303-0000-035)**

WHEREAS, pursuant to Resolution No. 53-22 passed by the City Council on October 4, 2022, setting forth the City's intention to consider granting a frontage improvement waiver for specific frontage improvements to Van Giesen (SR 224) associated with pending building permit(s) for Lots #33, #34 and #35, Western Ridge Phase 2, a public hearing was held before the City Council of the City of West Richland on November 1, 2022; and

WHEREAS, written notice of the City's intention to consider granting a frontage improvement waiver for specific frontage improvements to Van Giesen (SR 224) associated with pending building permit(s) for Lots #33, #34 and #35, Western Ridge Phase 2 together with a statement of the time and place affixed for a hearing before the West Richland City Council to determine whether said frontage improvement waiver shall be granted has been posted in three public places in the City, posted on the proposed property the frontage improvement waiver is sought for and the owners of the property with 600 feet of said property were notified according to law; and

WHEREAS, all other steps and proceedings required by law to grant a frontage improvement waiver 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 property owner(s) of Lots #33, #34 and #35, Western Ridge Phase 2 are hereby granted a frontage improvement waiver conditioned per Section 2 for the following required frontage improvements to Van Giesen (SR 224) associated with

pending building permit(s) for Lots #33, #34 and #35, Western Ridge Phase 2 as follows:

- 1) Curb, gutter, ADA handicap ramps and sidewalks shall not be required.
- 2) Storm drainage facilities shall not be required.
- 3) Widening of Van Giesen (SR 224) from its preexisting edge to the new curb line shall not be required.
- 4) Milling and asphalt pavement overlay of Van Giesen (SR 224) to its centerline shall not be required.
- 5) LED street lights shall not be required.
- 6) Roadway striping shall not be required.
- 7) Signage shall not be required.

Section 2. City Council's granting of the frontage improvement waiver for the items listed in Section 1 is conditioned on the property owner(s) of Lots #33, #34 and #35, Western Ridge Phase 2 completing the following; 1) Within 30 days of passage of this resolution, property owner(s) of Benton County Parcel #1-0197-303-0000-033 to deed to the City of West Richland via a Statutory Warranty Deed approximately 178 square feet of road right-of-way at the NE corner of Paradise Way and Van Giesen (SR 224) as shown in Exhibit "A" and 2) Within 30 days of passage of this resolution, property owner(s) of Benton County Parcel #1-0197-303-0000-033, #1-0197-303-0000-034 & #1-0197-303-0000-035 to grant a 10.00 foot wide temporary construction easement to the City of West Richland along Lots #33, #34 and #35, Western Ridge Phase 2 Van Giesen (SR 224) frontage as shown in Exhibit "B".

Section 3. City Council hereby finds that granting a frontage improvement waiver from the requirements of West Richland Municipal Code Chapter 12.04 with conditions noted in Section 2 will in no way be detrimental to the best interests of the city, will not be contrary to its intent or to the public interest, safety, health and welfare and where due to special conditions or exceptional characteristics of

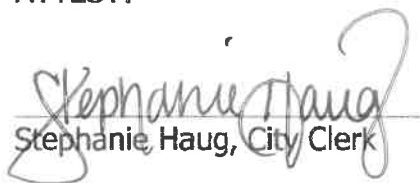
the subject property, a literal enforcement of this chapter would result in practical difficulties or unnecessary hardships for the property owner(s) of Lots #33, #34 and #35, Western Ridge Phase 2.

Section 4. This resolution shall be in effect immediately upon approval.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON,** this 1st day of November, 2022.


Brent Gerry, Mayor

ATTEST:


Stephanie Haug, City Clerk

APPROVED AS TO CONTENT AND FORM:


Bronson Brown, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION
VAN GIESEN APARTMENTS LLC – OWNERSHIP
A PORTION OF TAX PARCEL 1-0197-303-0000-033
VARYING-WIDTH ROAD RIGHT-OF-WAY DEDICATION
October 10, 2022

A portion of Lot 33, Western Ridge Phase 2 according to the Plat thereof, recorded in Volume 15 of Plats, page 697, Records of Benton County, Washington located in a portion of the Northwest quarter of the Southwest quarter of Section 1, Township 9 North, Range 27 East, Willamette Meridian, City of West Richland, Benton County, Washington, and more particularly described as follows:

Beginning at the Southwest corner of said Lot 33, said point being on the Northerly right-of-way line of Paradise Way at a point 35.00 feet Northerly of the centerline thereof, when measured at right angles, said point also being on the Easterly right-of-way line of West Van Giesen Street (AKA as State Route 224) at a point 69.16 feet Easterly of the centerline thereof, when measured at right angles, said point is the **POINT OF BEGINNING** of the parcel to be described;

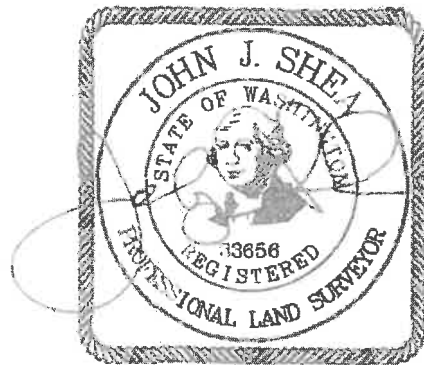
Thence leaving the Northerly right-of-way line of said Paradise Way along the Easterly right-of-way line of said West Van Giesen Street, North 03°15'16" West, 12.25 feet, said point being 66.70 feet Easterly of the centerline thereof, when measured at right angles;

Thence leaving the Easterly right-of-way line of said West Van Giesen Street, South 68°19'44" East, 31.95 feet to the Northerly right-of-way line of said Paradise Way, said point being 35.00 feet Northerly of the centerline thereof, when measured at right angles;

Thence along the Northerly right-of-way line of said Paradise Way, South 89°08'50" West, 29.00 feet to the **POINT OF BEGINNING** and the end of this legal description.

Containing: 177.47 square feet, more or less.

TOGETHER WITH AND SUBJECT TO covenants, easements, and restrictions apparent or of record.



10-10-2022

NOT TO SCALE



OCTOBER 10, 2022

POB=POINT OF BEGINNING

A.F.N.=AUDITOR'S FILE NUMBER

EXHIBIT A-1
VARYING WIDTH ROAD RIGHT-OF-WAY DEDICATION
LOCATED IN SECTION 1, TOWNSHIP 9 NORTH, RANGE 27 EAST, WILLAMETTE MERIDIAN
CITY OF WEST RICHLAND, BENTON COUNTY, WASHINGTON
A PORTION OF TAX LOT 1-0197-303-0000-033

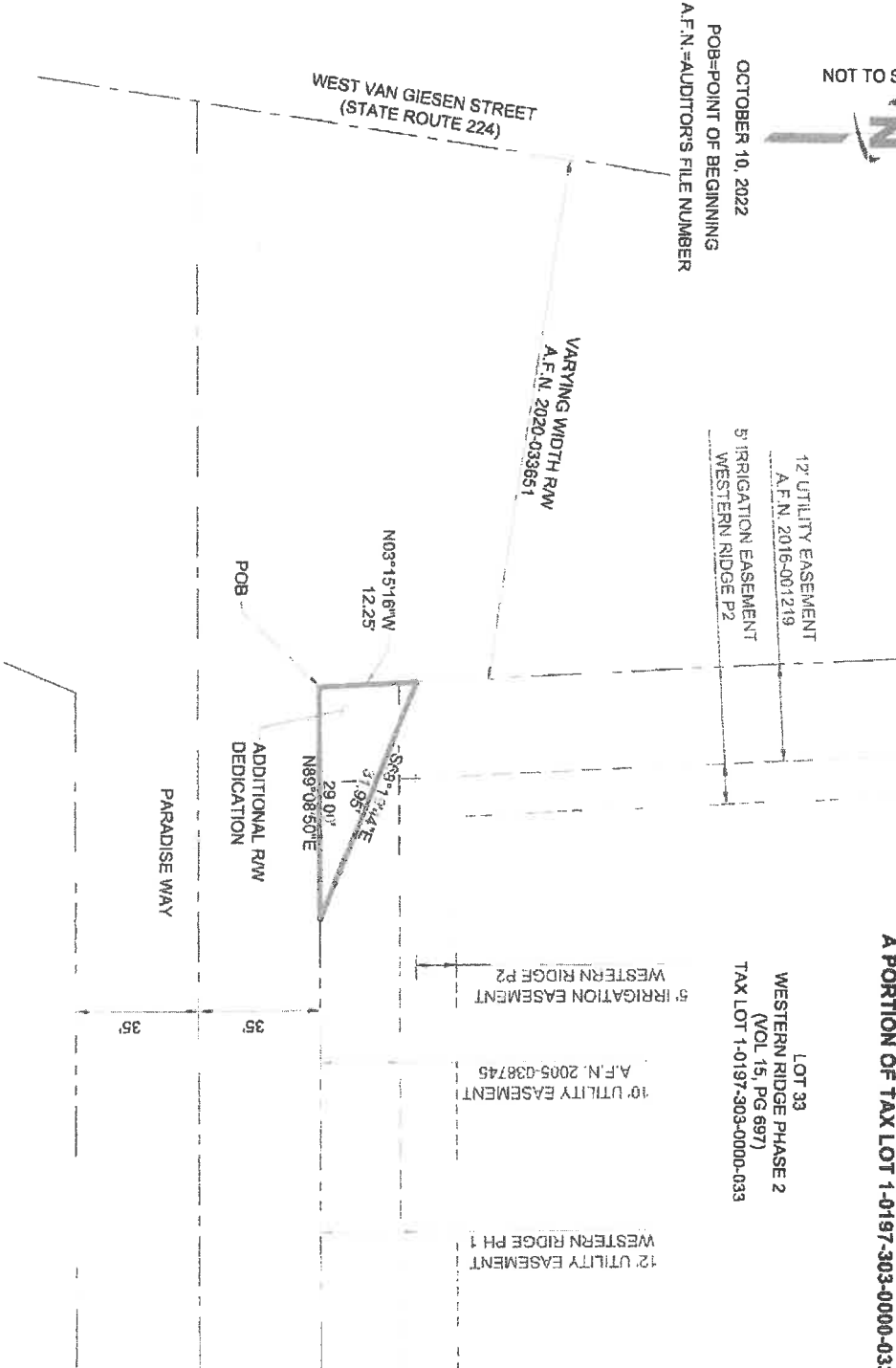


EXHIBIT "B"

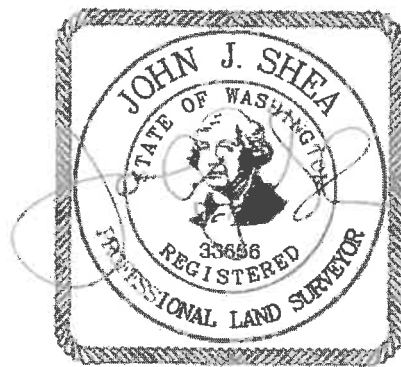
LEGAL DESCRIPTION
VAN GIESEN APARTMENTS LLC – OWNERSHIP
A PORTION OF TAX PARCELS 1-0197-303-0000-033, 1-0197-303-0000-034, 1-0197-303-0000-035
10.00-FOOT-WIDE TEMPORARY CONSTRUCTION EASEMENT
October 25, 2022

A 10.00-foot-wide temporary construction easement over a portion of Lots 33, 34 and 35, Western Ridge Phase 2 according to the Plat thereof, recorded in Volume 15 of Plats, page 697, Records of Benton County, Washington located in a portion of the Northwest quarter of the Southwest quarter of Section 1, Township 9 North, Range 27 East, Willamette Meridian, City of West Richland, Benton County, Washington, and more particularly described as follows:

The Westerly 10.00 feet of said Lots 33, 34 and 35.

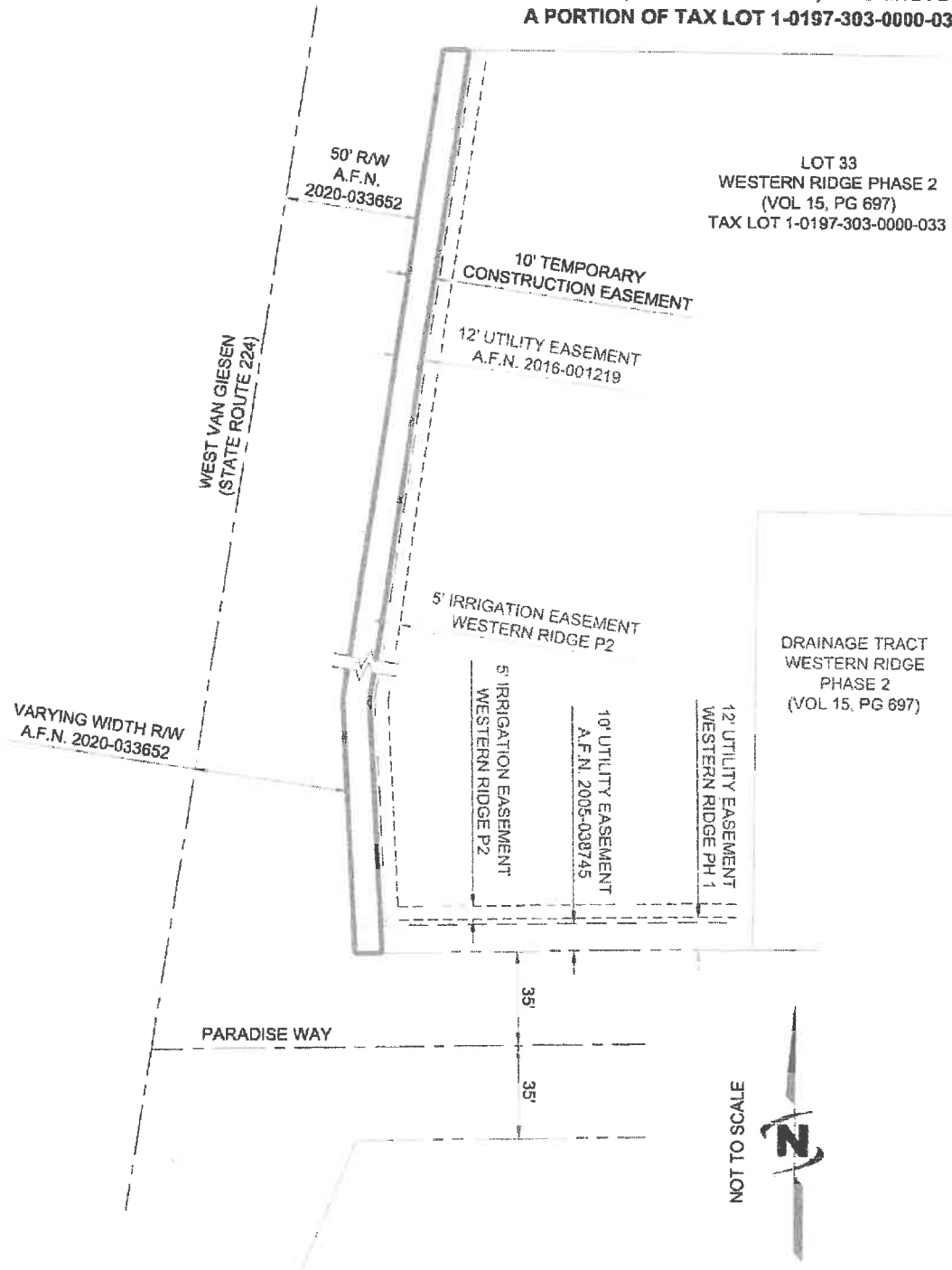
Containing: 9890.56 square feet, more or less.

TOGETHER WITH AND SUBJECT TO covenants, easements, and restrictions apparent or of record.



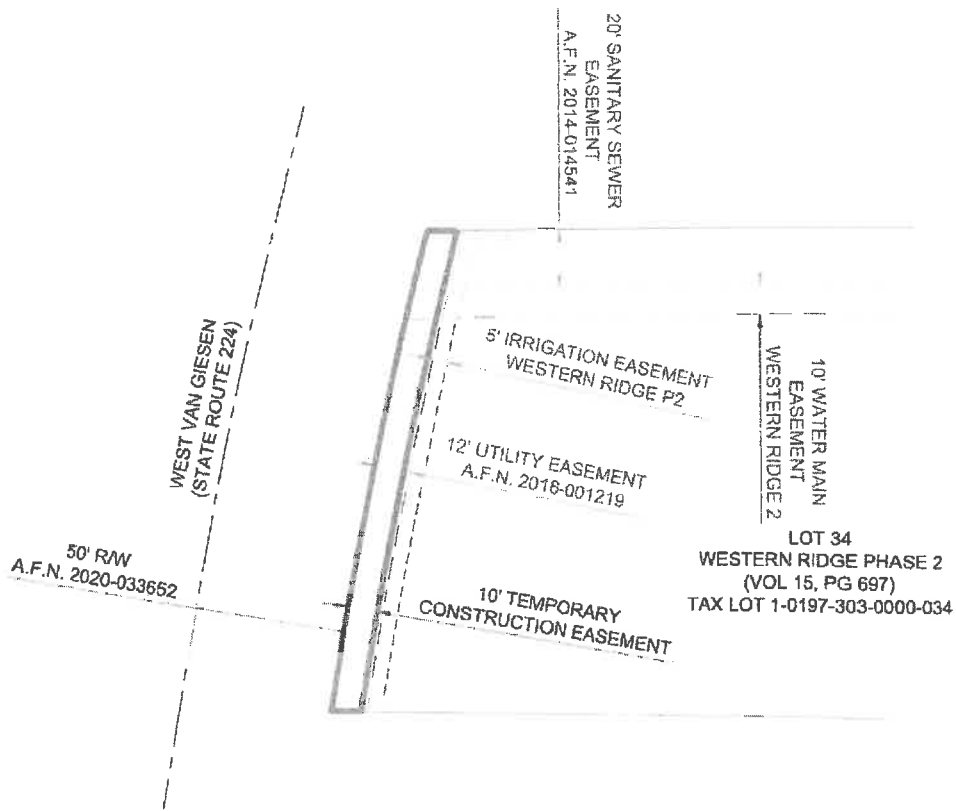
10-25-2022

EXHIBIT A-1
10-FT WIDE TEMPORARY CONSTRUCTION EASEMENT
LOCATED IN SECTION 1, TOWNSHIP 9 NORTH, RANGE 27 EAST, WILLAMETTE MERIDIAN
CITY OF WEST RICHLAND, BENTON COUNTY, WASHINGTON
A PORTION OF TAX LOT 1-0197-303-0000-033



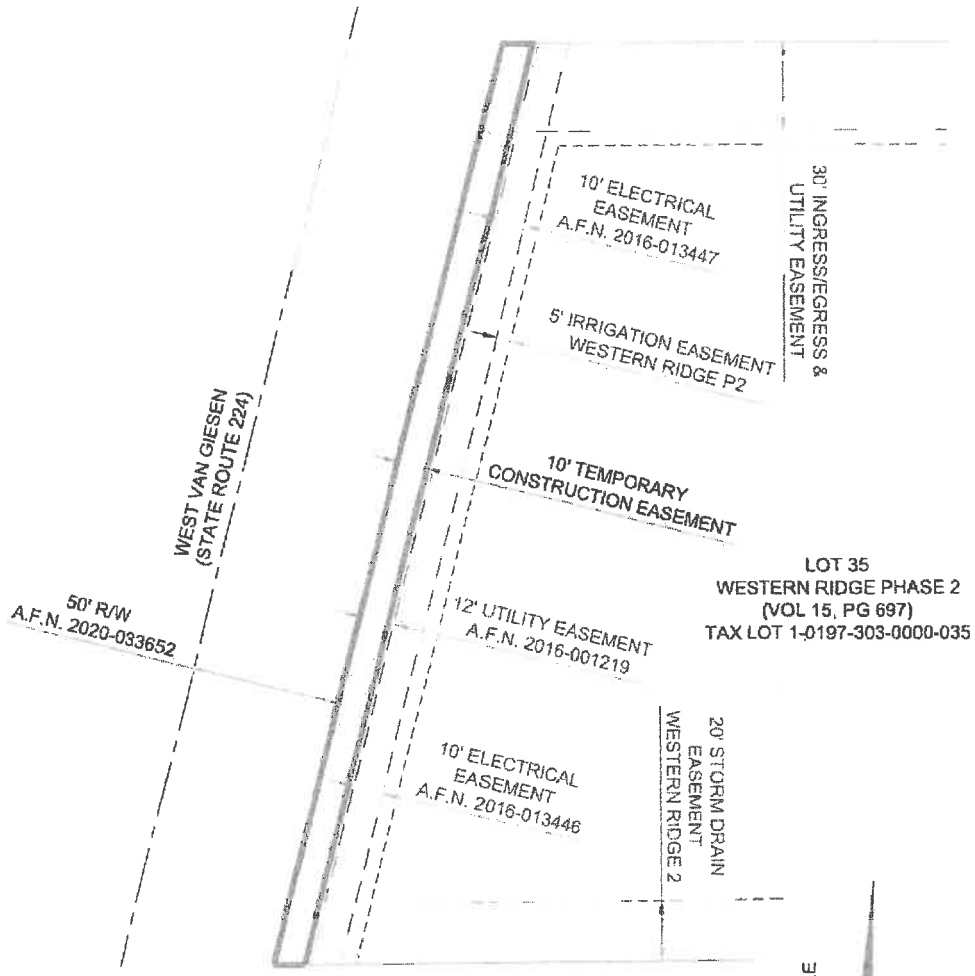
OCTOBER 25, 2022
A.F.N.=AUDITOR'S FILE NUMBER

EXHIBIT A-2
10-FT WIDE TEMPORARY CONSTRUCTION EASEMENT
LOCATED IN SECTION 1, TOWNSHIP 9 NORTH, RANGE 27 EAST, WILLAMETTE MERIDIAN
CITY OF WEST RICHLAND, BENTON COUNTY, WASHINGTON
A PORTION OF TAX LOT 1-0197-303-0000-034



OCTOBER 25, 2022
A.F.N.=AUDITOR'S FILE NUMBER

EXHIBIT A-3
10-FT WIDE TEMPORARY CONSTRUCTION EASEMENT
LOCATED IN SECTION 1, TOWNSHIP 9 NORTH, RANGE 27 EAST, WILLAMETTE MERIDIAN
CITY OF WEST RICHLAND, BENTON COUNTY, WASHINGTON
A PORTION OF TAX LOT 1-0197-303-0000-035



OCTOBER 25, 2022
A.F.N.=AUDITOR'S FILE NUMBER