

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

**CITY OF WEST RICHLAND  
RESOLUTION NO. 62-22**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, VACATING A PORTION OF A 30-FOOT-WIDE PUBLIC UTILITY EASEMENT LOCATED ON WILLAMETTE HEIGHTS SECTION 6, LOT 165, PARCEL NUMBER 1-0698-402-0165-000.**

**WHEREAS**, an application (under File Number VACA 008-2022) was submitted for a partial utility easement vacation for a 30' wide public utility easement on Parcel Number 1-0698-402-0165-000; 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 November 4, 2022 and mailed said notice to affected property owners on November 4, 2022; and

**WHEREAS**, pursuant to Resolution 57-22 passed by the City Council on November 1, 2022, 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 December 6, 2022; and

**WHEREAS**, following the public hearing on December 6, 2022, the City Council voted to approve the irrigation easement 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:

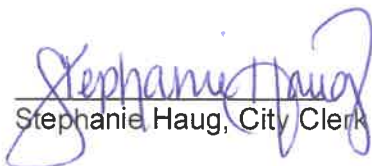
**Section 1.** The easement sought to be vacated is a portion of said Easement commencing at the Southeast corner of said Lot 165; thence along the East line thereof North 00°41'23" East for 37.01 feet; thence parallel with and 37.00 feet distance North of the South line of said Lot 165 South 89°37'57" West for 10.00 feet to the True Point of Beginning of said description; thence continuing South 89°37'57" West for 20.00 feet; thence parallel with and 30.00 feet distance from the East line of said Lot 165 North 00°14'23" East for 263.11 feet to a point 30.00 feet South of the North line of said Lot 165; thence parallel with and 30.00 feet distance from the North line of said Lot 165 South 89°38'16" West for 253.02 feet to a point 37.00 feet East of the West line of said lot 165; thence parallel with and 37.00 feet distance from the West line of Lot 165 North 00°39'44" East for 14.00 feet to a point 16.00 feet South of the North line of said Lot 165; thence parallel with the North line of said Lot 165 North 89°38'16" East for 273.02 feet to a point 10.00 feet West of the East line of said Lot 165; thence parallel with and 10.00 feet distance from the East line of said Lot 165 South 00°41'23" West for 277.11 feet to the True Point of Beginning.

**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 6<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
Brent Gerry, Mayor

ATTEST:

  
Stephanie Haug, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bronson Brown, City Attorney