

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 101**

**AN ORDINANCE PROVIDING FOR THE CONDEMNATION OF CERTAIN LANDS
NECESSARY TO BE ACQUIRED FOR PUBLIC PURPOSES IN ORDER TO DEVELOP
AND CONSTRUCT A PORTION OF HARVARD ROAD LOCATED IN THE CITY OF
LIBERTY LAKE, WASHINGTON**

WHEREAS, the City of Liberty Lake is authorized to acquire property under the eminent domain statutes of the State of Washington, RCW Chapter 8.12;

WHEREAS, it is necessary to use, possess and acquire a strip of property adjacent to the proposed Harvard Road Street Improvement as set forth in the Contract Provisions under WSDOT Contract No. TA-1528;

WHEREAS, the City Council finds and declares that the acquisition of the property described on Exhibit "A" is a public use and necessary for City purposes; and

WHEREAS, the City Council is desirous of proceeding with the Harvard Road public improvement and exercising its authority under RCW Chapter 8.12.

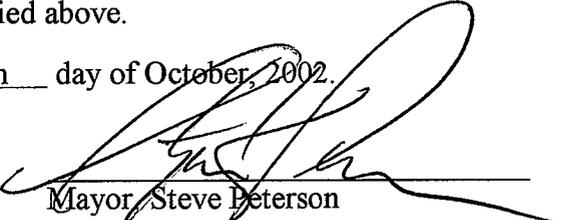
NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. The public use and necessity requires the City of Liberty Lake, a non-charter code city of the State of Washington, acting by and through RCW Chapter 8.12 to acquire and take the land and property described on Exhibit "A" for public purposes in order to develop and construct Harvard Road as identified in the contract provisions, WSDOT Contract No. TA-1528 and all related drawings and plans.

Section 2. The City Attorney is authorized and directed to commence an action in the Superior Court of Spokane County, State of Washington in the name of the City of Liberty Lake and/or to take such other action as reasonably necessary to acquire the land necessary for the purposes set forth herein, the land being situate in the City of Liberty Lake, Spokane County, Washington.

Section 3. That compensation for the land and property described on Exhibit "A" ordered to be taken shall be payable from the City of Liberty Lake Harvard Road Fund No. 320-000-320-595-200000 which funds are allocated for the acquisition of property related to the Harvard Road street improvements as identified above.

PASSED by the City Council this 15th day of October, 2002.


Mayor Steve Peterson

ATTEST:


City Clerk-Treasurer, Arlene Fisher

APPROVED AS TO FORM:


City Attorney, Stanley M. Schwartz
Date of Publication: 10/24/02
Effective Date: 10/29/02

WARRANTY DEED**EXHIBIT A**

The West 5.00 feet of the East 55.00 feet of the South 470.50 feet of the North Half of the Southeast Quarter of Section 9, T.25N., R.45E., W.M.;

TOGETHER WITH the West 5.00 feet of the East 55.00 feet of that portion of the South Half of said Southeast Quarter lying north of the abandoned Spokane, Cocur d'Alene and Palouse Railroad right of way

EXCEPT Harvard Road and Mission Avenue as conveyed to Spokane County by Deed recorded July 16, 1998 under Recording No. 4244491

Situate in the City of Liberty Lake, County of Spokane, State of Washington

ALSO, the grantors herein convey and grant to the City of Liberty Lake all rights of ingress and egress (including all existing, future or potential easements of access, light, view and air) to, from and between Harvard Road and the grantor's remaining land.

EXCEPT that the grantors herein reserves for themselves their heirs successors or assigns, a 30 foot approach to Harvard Road at or near a point opposite Highway Engineer's Station .23+70LT

Reviewed

HEA DEH

Date

7-1-02

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October 11, 2002

Steve J. Jolley
Attorney at Law
12340 East Valley Way Avenue
Spokane, WA 99216Howard Herman
Attorney at Law
117 N. McDonald
Spokane, WA 99216**Re: Waiver of Claims and Stipulation to Possession of Property**

Dear Mr. Jolley and Mr. Herman:

This letter follows our meeting and agreement concerning the property owned by Howard H. Herman and Darlene E. Herman, husband and wife, which presently is leased by Robert C. Lewis and Laura L. Lewis, husband and wife. The property is legally described on the Lease Agreement existing between Herman and Lewis executed by the parties in 1996. To resolve any disputes under the Lease Agreement between the Hermans, the Lewises and the City and to clarify the City's intent with respect to acquiring property owned by the Hermans, the City Council will consider approving the attached Ordinance No. 101.

It is my understanding that the Hermans have tendered a Warranty Deed to the City that conveys the property described in Ordinance No. 101. Further, payment has been made as full and final settlement for the acquisition reflected in the Warranty Deed. Accordingly, prior to the City considering the enclosed Ordinance, I ask that the Hermans sign and return this letter prior to Tuesday, October 15, 2002.

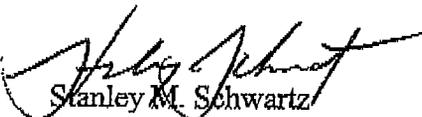
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Thank you for your courtesies.

Sincerely yours,

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.

By: 
Stanley M. Schwartz

We, Howard H. Herman and Darlene E. Herman, have conveyed by Warranty Deed dated July 1, 2002 the property described in City Ordinance 101 and have received just compensation plus the payment of costs and expenses in full and final settlement of all claims that relate to the acquisition of the described property. We waive any and all claims for just compensation, costs and expenses under City Ordinance 101.

Date: 10-15-02


Howard H. Herman

Date: 10-15-02


Darlene E. Herman

SMS/lae

Enclosure

cc: Lewis Griffin, City Administrator

Doug Smith, City Director

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