

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 130**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, PROVIDING
FOR THE VACATION OF A PORTION OF SIMPSON RIGHT OF WAY AND
PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

WHEREAS, the City Council through Resolution 04-70 initiated the vacation of the above street and held a public hearing for the purpose of considering whether the vacation is in the public interest;

WHEREAS, vacation of the above referenced street will accomplish one or more of the following:

- (1) The change of use or vacation will serve the public interest;
- (2) The Street is no longer required for public use or access; or
- (3) An alternative public way or private access would be more useful to the public and adjoining land owners;

WHEREAS, fifty percent of the property owners abutting the property to be vacated did not file a written objection to the proposed vacation with the City Clerk;

WHEREAS, through ordinance the City shall provide that the vacated property be transferred to the abutting property owners, one-half to each, unless circumstances require a different division of property, that the zoning district designation of the properties adjoining each side of the street shall attach to the vacated property; and that all direct and indirect costs of title transfer to the vacated street be paid by the proponent or recipient of the transferred property;

WHEREAS, the City Council pursuant to RCW Chapter 35.79 desires to vacate the above street as set forth herein.

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

Section 1. **Findings of Fact.** The City Council makes the following findings of fact: (1) the City Department of Community Development has reviewed the right-of-way to be vacated and determined that the property adjacent to the vacated property is otherwise served by public or private access; (2) a public hearing on the proposed vacation has been held in accordance with State Law with the record of such hearing and proceedings lodged with the City Clerk; (3) a written protest has not been filed with the City Clerk by at least fifty percent of the abutting property owners; and (4) vacation of the street or alley serves the public interest.

Section 2. Property to be Vacated. Based upon the above findings and in accordance with this ordinance, the City Council does hereby vacate the street or alley described on the attached Exhibit "A" which is incorporated herein by reference.

Section 3. Zoning. The Zoning designation for the vacated property shall be the designation attached to the adjoining properties as set forth within the respective property or lot lines. The Director of Community Development is authorized to make this notation on the official zoning map of the City.

Section 4. Conditions of Vacation. The following conditions shall be fully satisfied prior to the transfer of title by the City.

1. Fees and Costs associated with the transfer of title to the vacated property shall be paid by the recipient (or grantee) of such property. The fees and costs include all direct and indirect costs of title transfer to the vacated street.

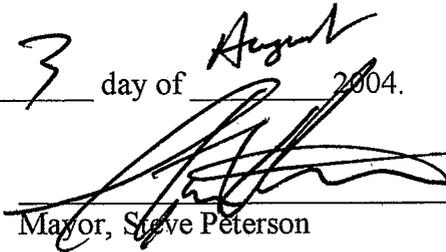
2. Unless otherwise agreed by the Director of Community Development, a reservation in the form of an easement providing for public utility services shall be retained in the vacated area.

Section 5. Closing. Following satisfaction of the above conditions, the City Clerk shall record a certified copy of this Ordinance in the office of the County Auditor and the Mayor is authorized to execute all necessary documents, including a Quit Claim Deed, in order to complete the transfer of the property identified herein.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City of Liberty Lake as provided by law.

PASSED by the City Council this 3 day of August 2004.



Mayor, Steve Peterson

ATTEST:



City Clerk, Arlene Fischer

Approved As To Form:



City Attorney, Stanley M. Schwartz

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