

**CITY OF LIBERTY LAKE  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 184**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON PROVIDING  
FOR THE VACATION OF COLONIAL ROAD; A PUBLIC RIGHT-OF-WAY AND  
PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

WHEREAS, Colonial Road in River Crossing 3rd Addition was dedicated to the City of Liberty Lake with the Final Plat of River Crossing 3rd Addition; and

WHEREAS, the Greenstone Corporation made a request to the City of Liberty Lake to vacate Colonial Road on April 30, 2010; and

WHEREAS, Colonial Road was intended to be a future street connection in River Crossing 3rd Addition; however the vacation of the street provides for a more efficient use of land while still meeting the block length standards adopted in the River District Specific Area Plan Overlay (SAP-08-0001); and

WHEREAS, all public notice requirements have been met or exceeded; and

WHEREAS, City Development Code and River District SAP Section 10-4D-11(F) states RCW Chapter 35.79 shall be utilized to process street vacations; and

WHEREAS, the City Council through Resolution 10-139 initiated the vacation of Colonial Road in River Crossing 3rd Addition and held a public hearing for the purpose of considering whether the vacation is in the public interest; and

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 landowners; and

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; and

WHEREAS, through ordinance, the City shall provide that the vacated property be transferred to the abutting property owner(s), 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; and

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 does ordain as follows:

**Section 1. Findings of Fact.**

The City Council makes the following findings of fact:

1. City of Liberty Lake Planning & Building Services staff have 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 Community Development Director is authorized to make this notation on the official zoning map of the City.

**Section 4. Conditions of Vacation.**

1. A Boundary Line Adjustment (BLA) packet must be submitted by the applicant, approved by the City, and recorded to modify the adjoining property lines to include the vacated street.
2. Fees and costs associated with the transfer of title to the vacated property shall be paid by the recipient (or grantee). The fees and costs include all direct and indirect costs of acquisition and title transfer to the vacated street.

**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 and the attachments hereto 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 as provided by law.

PASSED by the City Council this 20<sup>th</sup> day of July, 2010

Wendy Van Orman  
Mayor, Wendy Van Orman

**ATTEST:**

Ann Swenson  
City Clerk, Ann Swenson

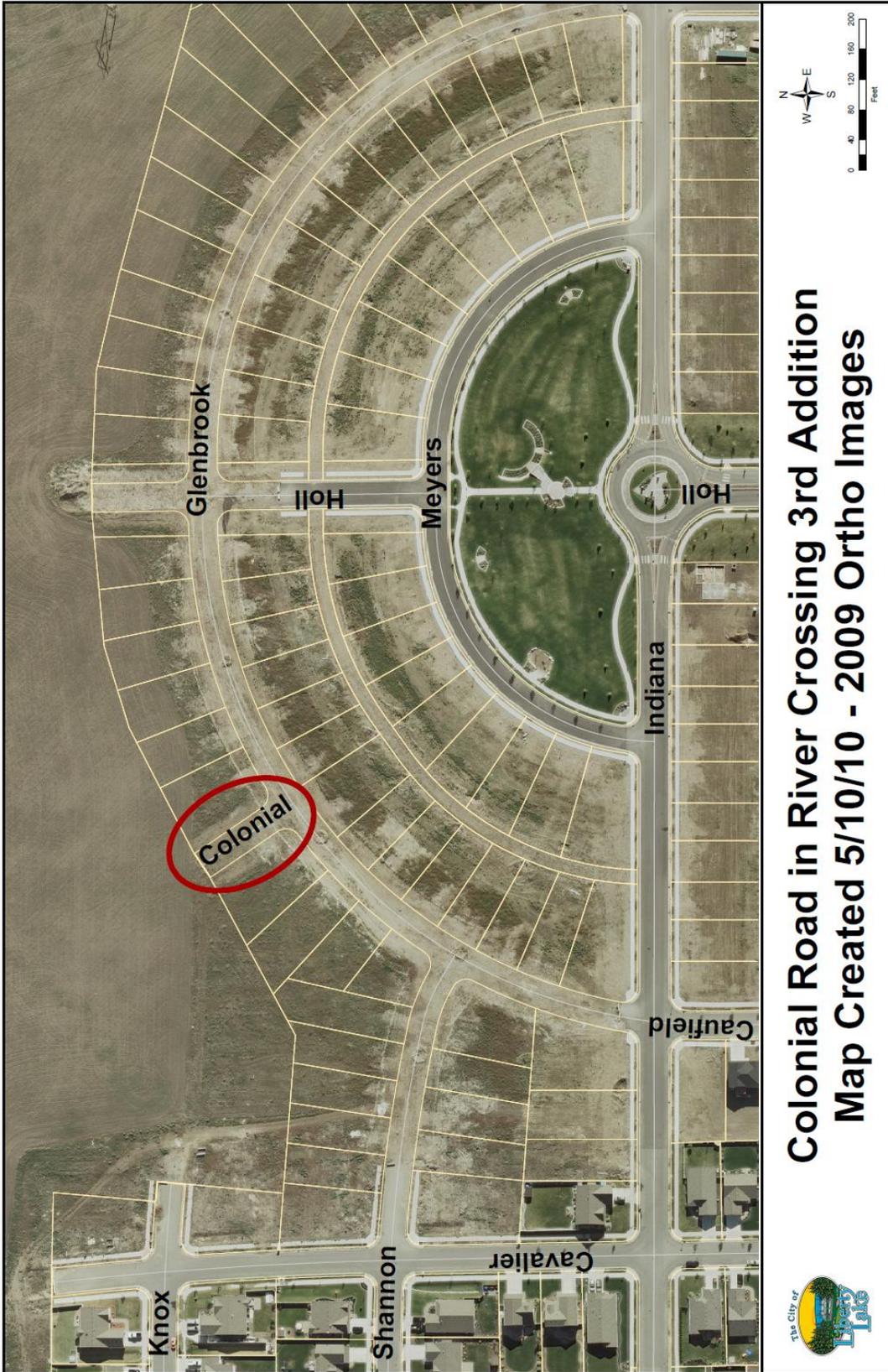
**Approved As To Form:**

Sean Boutz  
City Attorney, Sean Boutz

Date of Publication: 7/29/10

Effective Date: 8/3/10

Attachment "A"



**Colonial Road in River Crossing 3rd Addition  
Map Created 5/10/10 - 2009 Ortho Images**

## CERTIFICATION

I, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 184 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting placed thereof on July 20, 2010 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: 5-0.

AYES, and in favor thereof: Mayor Pro Tem Crump; Council Members: Romney, Kaminkas, Owens, and Langford

NAYS: None.

ABSENT: Council Members Schuler and Beckett.

ASTAINED: None.

CITY OF LIBERTY LAKE

  
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CITY CLERK