

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 162**

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

WHEREAS, the City Council through Resolution 07-107 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 landowners;

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 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;

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 acquisition and transfer of title to the vacated property shall be paid by the recipient (or grantee) of such property at a purchase price of \$4.50 per sq. ft. for a sum of \$79,344. The fees and costs include all direct and indirect costs of acquisition and title transfer to the vacated street.

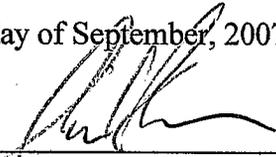
2. Unless otherwise agreed by the Director of Community Development, a reservation in the form of an easement providing for public utility services shall be retained in the vacated area.

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.

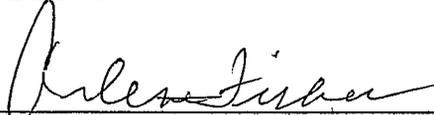
Section 7. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City of Liberty Lake as provided by law.

PASSED by the City Council this 18th day of September, 2007.



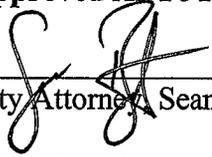
Mayor, Steve Peterson

ATTEST:



City Clerk, Arlene Fischer

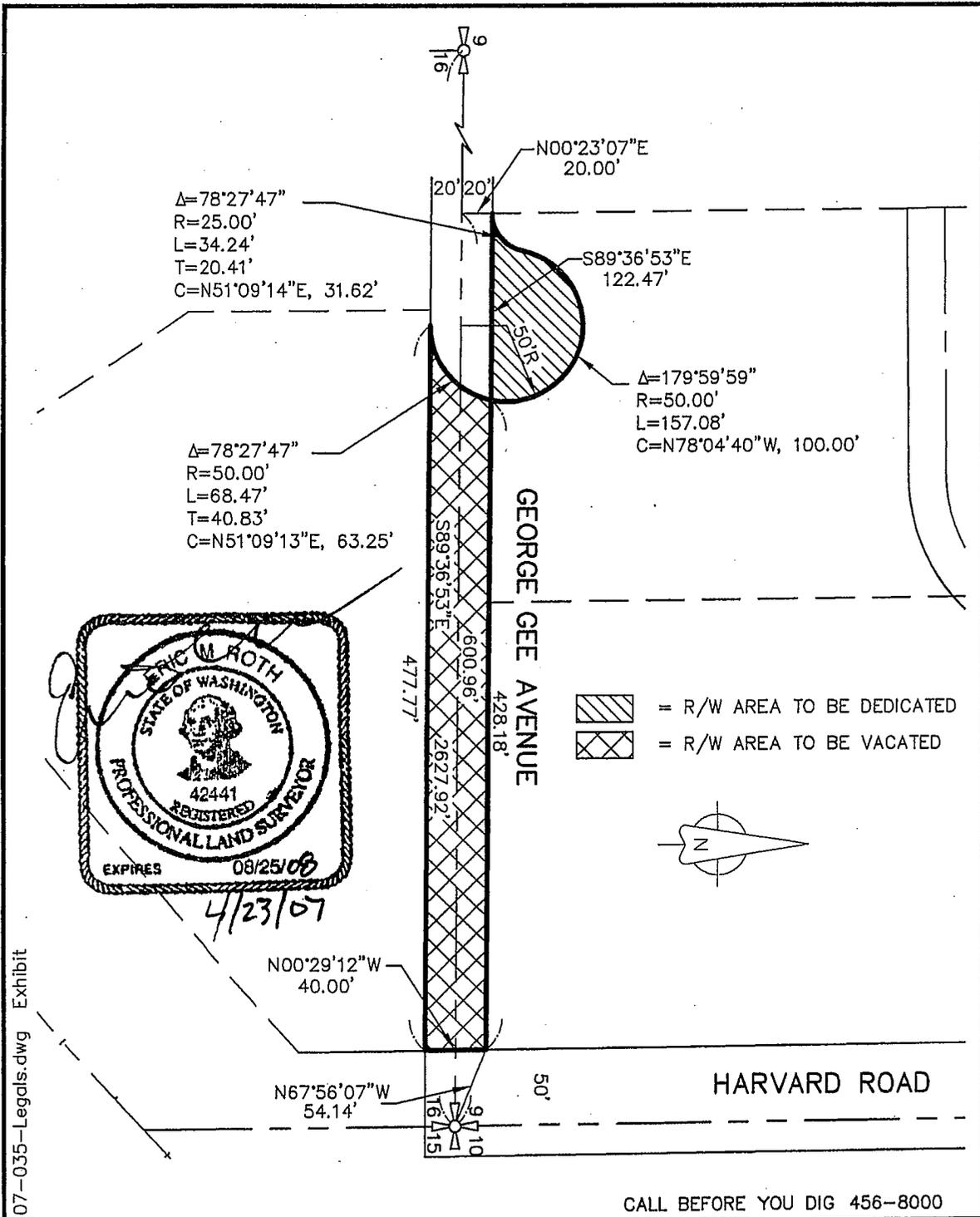
Approved As To Form:



City Attorney, Sean Boutz

Date of Publication: 10/10/07

ATTACHMENT A



STORHAUG ENGINEERING
 CIVIL ENGINEERING AND PROJECT MANAGEMENT
 510 EAST THIRD AVE. SPOKANE, WA 99202
 PHONE 509-242-1000 FAX 509-242-1001

R/W VACATION/DEDICATION
 EXHIBIT
 SPOKANE, WA.

DRAWN	EMR	DATE 4/20/07	PROJECT
CHECKED	EMR	SCALE 1" = 100'	07-035

Legal Description (George Gee Avenue Right of Way to be Dedicated)

That portion of the Southeast Quarter of Section 9, Township 25 North, Range 45 East, W.M., in the County of Spokane, State of Washington, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 9; thence along the south line of said Southeast Quarter, North 89°36'53" West, a distance of 600.96; thence North 00°23'07" East, a distance of 20.00 feet to the intersection with the northerly right of way line of George Gee Avenue and the westerly line of Tract "G" of Binding Site Plan 46-95, recorded under Book 1 of Binding Site Plans, at Pages 85A and 86A, in Spokane County, State of Washington, said point being the **TRUE POINT OF BEGINNING**; thence along said northerly right of way line of George Gee Avenue, South 89°36'53" East, a distance of 122.47 feet; thence along a non-tangent curve concave to the Southwest, having a radius of 50.00 feet, a central angle of 179°59'59", an arc length of 157.08 feet, a chord bearing of North 78°04'40" West, and a chord length of 100.00 feet; thence along a curve concave to the Northwest, having a radius of 25.00 feet, a central angle of 78°27'47", an arc length of 34.24 feet, a chord bearing of South 51°09'14" West, and a chord length of 31.62 feet to the **TRUE POINT OF BEGINNING**;

Said described land having an area of 5,029.96 Sq. Ft. or 0.12 Acres more or less.

