

**ORDINANCE NO. 267
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, PROVIDING
FOR THE VACATION OF A RIGHT-OF-WAY VACATION FOR A PORTION OF
HARVEST PARKWAY; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, on May 12, 2020, an application for vacation was filed requesting the vacation of a portion of the southern leg of Harvest Parkway right-of-way, as depicted in Exhibit A of this Ordinance, and totaling approximately 26,455 square feet; and,

WHEREAS, the applicant for vacation is Western States Equipment Company, the owner of 100% of the property adjacent to this section of right-of-way; and,

WHEREAS, Harvest Parkway terminates in a cul-de-sac adjacent to property owned by Western States Equipment Company; and

WHEREAS, on June 2, 2020, the City Council set a public hearing date for July 7, 2020 by Resolution No. 20-274; and,

WHEREAS, the public hearing scheduled for July 7, 2020 was duly noticed in accordance with the provision of Liberty Lake Municipal Code §10-4B and RCW §35.79; and,

WHEREAS, on July 7, 2020, City Council held a public hearing; and,

WHEREAS, pursuant to RCW §35.79, upon vacation of the right-of-way, the City of Liberty Lake shall transfer the vacated property to the abutting property owners, and the zoning designation of the properties shall attach to the vacated property, and all direct and indirect costs of title transfer to the vacated street shall be paid for by the recipient of the transferred property;

WHEREAS, the City Council desires to vacate the above street pursuant to RCW §35.79, provided that certain conditions detailed in an agreement with the City and the applicant are fully satisfied prior to the transfer of the title by the City;

WHEREAS, said conditions shall include the reimbursement of the Tax Increment Financing (TIF) and Local Improvement Financing Tool (LIFT) revenues funding the street improvements on the vacated property to Spokane County, and the dedication of easements for public utilities and emergency access;

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

Section 1. Findings of Fact. The City Council makes the following findings of fact:

1. The area proposed to be vacated is improved with pavement and utilities serving the adjacent property owned by Western States Equipment Company. The area

proposed to be vacated has existing public water and sewer services that will be located in a utility easement to be dedicated at the time of closing.

2. The subject ROW was improved as part of the Telido Station Binding Site Plan and dedicated to the City of Liberty Lake in 2014. The developer was reimbursed by Spokane County for the cost of the roadway improvements through Tax Increment Financing (TIF), pursuant to Spokane Resolution No. 2005-1169, and the Local Improvement Financing Tool (LIFT), pursuant to Spokane County Resolution No. 07-0223, based on the improvements being dedicated to the public.
3. The land served by the portion of Harvest Parkway that has been petitioned to be vacated is wholly owned by Western States Equipment Company, the petitioner.
4. No objections or public comment have been received.
5. The petitioner, Western States Equipment Company, has agreed to reimburse Spokane County \$98,854.42 through written agreement, the proportionate share of the value of the roadway improvements located on the land proposed to be vacated.

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 which is incorporated herein by reference, and legally described in Exhibit A of this Ordinance.

Section 3. Closing. Following satisfaction of the conditions detailed in the Right-of Way Vacation Agreement between the City of Liberty Lake and Western States Equipment Company, the City Clerk shall record a certified copy of this Ordinance in the office of the County Auditor, and the City Administrator is authorized to execute and finalize all necessary documents in order to complete the transfer of the property identified herein.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should 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 5. 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 4th day of August, 2020.


MAYOR SHANE BRICKNER

ATTEST:



ANN SWENSON, City Clerk

APPROVED AS TO FORM:



SEAN P. BOUTZ, City Attorney

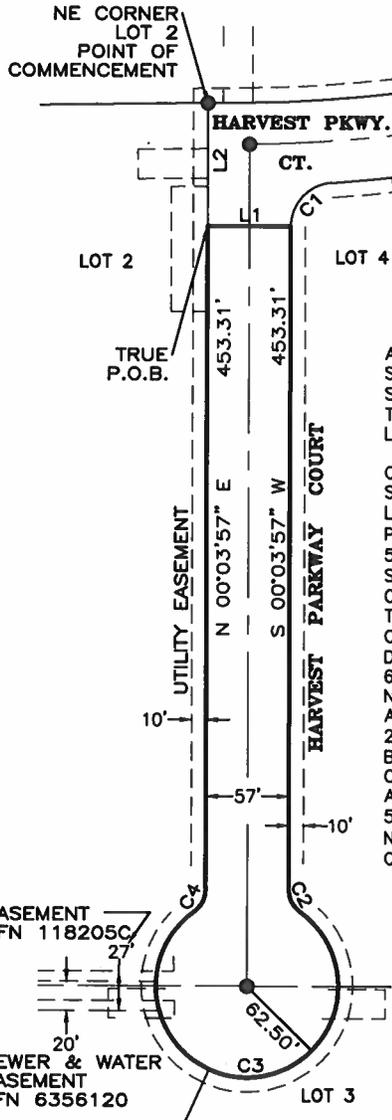


EXHIBIT "A"
RIGHT OF WAY VACATION
A PORTION OF
HARVEST PARKWAY COURT
SPL2017-0001



LEGAL DESCRIPTION FOR RIGHT OF WAY VACATION

A PORTION OF HARVEST PARKWAY COURT AS PER FINAL SHORT PLAT OF TELIDO STATION SHORT PLAT SPL2017-001, LOCATED IN THE NW 1/4 OF SECTION 17, TOWNSHIP 25 NORTH, RANGE 45 EAST, W.M., LIBERTY LAKE, SPOKANE COUNTY, WA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2 OF SAID SHORT PLAT; THENCE ALONG THE EAST LINE OF SAID LOT 2, SOUTH 00°03'57" WEST, 84.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°56'03" EAST, 57.00 FEET; THENCE SOUTH 00°03'57" WEST, 453.31 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53°59'36" AN ARC DISTANCE OF 18.85 FEET TO THE BEGINNING OF A 62.50 FOOT RADIUS REVERSE CURVE CONCAVE TO THE NORTH; THENCE SOUTHERLY WESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 287°59'12" AN ARC DISTANCE OF 314.14 FEET TO THE BEGINNING OF A 20.00 FOOT RADIUS REVERSE CURVE CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53°59'36" AN ARC DISTANCE OF 18.85 FEET; THENCE NORTH 00°03'57" EAST, 453.31 FEET TO THE TRUE POINT OF BEGINNING.



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	30.00'	45.05'	86°02'03"
C2	20.00'	18.85'	53°59'36"
C3	62.50'	314.14'	287°59'12"
C4	20.00'	18.85'	53°59'36"

LINE	BEARING	DISTANCE
L1	S 89°56'03" E	57.00'
L2	S 00°03'57" W	84.16'

RFK LAND SURVEYING INC. 1420 WEST GARLAND AVENUE SPOKANE, WA 99205 TEL: (509) 324-7861 FAX: (509) 327-7249 E-MAIL: rudy@rfklandsurveying.com	DRAWN RFK	APPROVED RFK	PROJECT 20-104
	DATE 05/13/20	DATE 05/13/20	FIELD BOOK N/A
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