

**ORDINANCE NO. 271
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON,
AUTHORIZING THE MAYOR TO ACQUIRE, DISPOSE, OR LEASE CERTAIN
REAL PROPERTY INTERESTS BY NEGOTIATED VOLUNTARY DONATION,
NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF
CONDEMNATION, BY CONDEMNATION, BY SETTLING CONDEMNATION
LITIGATION OR ENTERING ADMINISTRATIVE SETTLEMENTS, AND TO PAY
ELIGIBLE RELOCATION AND REESTABLISHMENT BENEFITS TO AFFECTED
PARTIES AS NECESSARY FOR THE PURPOSE OF INSTALLING AND
MAINTAINING CERTAIN INTERSECTION AND ROAD IMPROVEMENTS ON
THE HENRY ROAD OVERPASS AND ROADWAY EXTENSION PROJECT IN
LIBERTY LAKE, WASHINGTON**

WHEREAS, the City of Liberty Lake, Washington, (“City”) has design and construction of the Henry Road Overpass and Roadway Extension Project (“Project”) as part of the Connecting Washington, I-90/ Barker to Harvard – Improve Interchanges and Local Road Projects; and

WHEREAS, the City has determined that it must acquire certain property and/or property rights in order to construct the improvements; and

WHEREAS, in order to acquire the property rights determined to be necessary for the Project, the City must acquire by voluntary donation, voluntary negotiated purchase, or by condemnation certain property rights in the property described in Exhibit A for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, on May 27, 2020, Washington State Department of Transportation approved the City’s Right of Way Procedures, consistent with City Financial Management Policies; and

WHEREAS, the City has commissioned appraisals to determine the fair market value of the property rights and has been negotiating with the owners of the property rights to a negotiated purchase, but, if necessary, may need to acquire some or all of the property rights by condemnation; and

WHEREAS, the funds necessary to acquire the fair market value of the property rights shall be paid from City and state funds; and

WHEREAS, prior to the City Council’s action on this Ordinance, the City provided requisite notice to property owners in the manner provided for in RCW 8.12.005 and RCW 8.25.290; and

WHEREAS, this final action complies with Governor Jay Inslee’s Proclamation 20-28, issued on March 24, 2020, and as updated or amended in response to the COVID-19 health crisis; and

WHEREAS, the final action to be taken as described herein, is necessary for the City to continue with its essential public facility transportation projects, and it is part of the routine business of the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIBERTY LAKE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Mayor of the City of Liberty Lake (“Mayor”) is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit A and for the payment of eligible relocation and re-establishment costs, said property to be used for the construction of the Project; provided that in the event that the total of the acquisition, relocation and re-establishment costs of the property exceeds \$5,000, then the City Administrator shall obtain approval from the City Council before acquisition of the property by purchase or condemnation.

SECTION 2. The Mayor is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit A, with approval of City Council for settlements in excess of \$5,000. Such settlements shall be made only upon the recommendation of legal counsel, for amounts deemed to be a reasonable estimation of fair market value and shall not exceed established budgets.

SECTION 3. The City Council deems the Project to be a public use for a public purpose. The City Council deems it necessary and in the best interests of the citizens residing within the City boundaries to acquire the property rights identified in Exhibit A as being necessary for the Project. The Project and resulting improvements will be part of the right-of-way owned by the City and open for use by the general public; therefore, the use of property, property interests, encumbrances, and/or easements condemned herein for the Project constitute a public use. The City Council finds that the public health, safety, necessity, convenience, and welfare demand and require acquisition of the property described in Exhibit A and the City Council directs that all or any portion of the property identified in Exhibit A be immediately acquired by voluntary agreement, or in lieu of agreement, that said property be condemned, appropriated, taken, and damaged for the construction, operation, and maintenance of the Project and that eligible parties be paid relocation and reestablishment costs associated with displacement from the property.

SECTION 4. In addition to the authority granted the Mayor in Section 1 above, condemnation proceedings are hereby authorized by the City Council and the authority is hereby delegated to the Mayor to take action as related to such condemnation proceedings to acquire all or any portion of the property or property rights described in the attached Exhibit A for the purpose of constructing, owning, and operating the Project. The Mayor is also authorized to make minor amendments to the legal descriptions of property described in the attached Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the Project.

SECTION 5. Pursuant to RCW 8.12.005 and RCW 8.25.290, notice of the consideration of this Ordinance was properly issued by mail on November 3, 2020 to all potentially affected property owners and is scheduled for publication in the proper legal newspaper on November 20, 2020 and November 27, 2020.

SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from the City's Capital Improvement Program funds.

SECTION 7. This Ordinance shall be in full force and effect five (5) days after its passage, approval, and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing the Ordinance in its entirety.

SECTION 8. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 9. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of any scrivener, clerical errors, references, ordinance number, section/subsection numbers and any references thereto.

SECTION 10. Any act consistent with the authority and granted herein taken prior to the effective date of this Ordinance is hereby ratified and affirmed.

SECTION 11. This final action is necessary for the City to continue with its essential public facility transportation projects, and it is part of the routine business of the City Council.

PASSED by the City Council this 1st day of December, 2020.



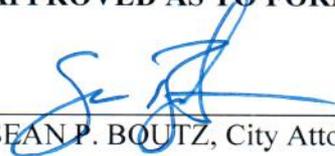
MAYOR SHANE BRICKNER

ATTEST:



ANN SWENSON, City Clerk

APPROVED AS TO FORM:



SEAN P. BOUTZ, City Attorney

Exhibit A

The City of Liberty Lake intends to acquire property rights from the following parcels, all being located in the City of Liberty Lake, Washington, for public use to facilitate the construction of the Henry Road Overpass , and the extension of Henry Road from Country Vista Drive to Mission Avenue, and appurtenant improvements associated therewith.

Owner	Spokane County Tax Parcel Number	Property Right(s) Required	Approximate Square Footage Required
Centennial Properties, Inc.	55093.9077	Temporary Construction Easement	3,415 sf
Centennial Properties, Inc.	55093.9077	Temporary Construction Easement	3,000 sf
Centennial Properties, Inc.	55093.9077	Right-of-Way	19,977 sf
Centennial Properties, Inc.	55094.9080	Right-of-Way	1,398 sf
Centennial Properties, Inc.	55162.9071	Right-of-Way	9,060 sf
Centennial Properties, Inc.	55162.9146	5 ft Permanent Drainage Easement	1,255 sf
Liberty Lake Land Company, LLC	55165.9003	Right-of-Way	30,515 sf
Spokane County	55162.9144	Permanent Drainage Easement	4,951 sf

The legal descriptions are as follow:

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

CENTENNIAL PROPERTIES, INC.

TAX PARCEL NO. 55093.9077

to the

WASHINGTON DEPARTMENT OF TRANSPORTATION

PROJECT NO. 20-20-018, HENRY ROAD OVERPASS

October 27, 2020

A parcel of land located in a portion of the SE1/4 of the SW1/4 of Section 9, Township 25 North, Range 45 East, W.M., City of Liberty Lake, Spokane County, Washington, and being more particularly described as follows:

COMMENCING at the S1/4 of said Section 9 (from which the southwest corner of said Section bears South 87° 19' 55" West, a distance of 2,630.64 feet); thence South 87° 19' 55" West along the south line of said SE1/4 of the SW1/4 of Section 9, a distance of 512.66 feet;

thence leaving said south line North 02° 39' 35" West, a distance of 30.20 feet;

thence North 87° 20' 25" East, a distance of 118.00 feet;

thence North 02° 32' 06" West, a distance of 53.14 feet;

thence North 87° 15' 40" East, a distance of 38.28 feet to the POINT OF BEGINNING;

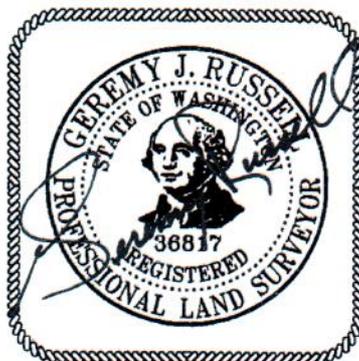
thence continuing North 87° 15' 40" East, a distance of 147.42 feet;

thence South 62° 38' 21" West, a distance of 111.20 feet;

thence North 47° 44' 20" West, a distance of 65.52 feet to the POINT OF BEGINNING.

Containing 3,415 Square Feet (0.078 acres), more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.



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LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

**CENTENNIAL PROPERTIES, INC.
TAX PARCEL NO. 55093.9077**

**to the
WASHINGTON DEPARTMENT OF TRANSPORTATION**

**PROJECT NO. 20-20-018, HENRY ROAD OVERPASS
October 27, 2020**

A parcel of land located in a portion of the SE1/4 of the SW1/4 of Section 9, Township 25 North, Range 45 East, W.M., City of Liberty Lake, Spokane County, Washington, and being more particularly described as follows:

COMMENCING at the S1/4 of said Section 9 (from which the southwest corner of said Section bears South 87° 19'55" West, a distance of 2,630.64 feet); thence North 03° 50'30" West along the west line of said SW/4 of the SE1/4 of Section 9, a distance of 48.83 feet;

thence leaving said west line North 75° 49'38" West, a distance of 18.57 feet;

thence North 16° 34'06" West, a distance of 72.03 feet;

thence North 68° 46'01" West, a distance of 40.00 feet to the POINT OF BEGINNING;

thence continuing North 68° 46'01" West, a distance of 60.00 feet;

thence 58.83 feet along the arc of non-tangent curve to the right, having a radius of 199.81 feet through a central angle of 16° 52'15", said curve having a long chord that bears North 29° 40'07" East, a distance of 58.62 feet;

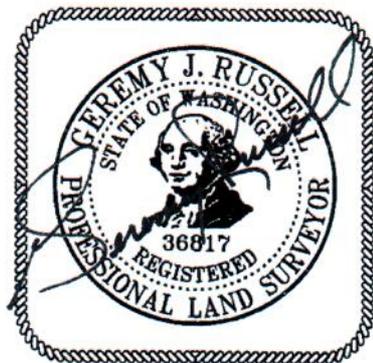
South 51° 53'46" East, a distance of 60.00 feet;

thence 41.17 feet along the arc of non-tangent curve to the left, having a radius of 139.81 feet through a central angle of 16° 52'15", said curve having a long chord that bears South 29° 40'07" East, a distance of 41.02 feet to the POINT OF BEGINNING.

Containing 3,000 Square Feet (0.069 acres), more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.

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LEGAL DESCRIPTION

RIGHT-OF-WAY

**CENTENNIAL PROPERTIES, INC.
TAX PARCEL NO. 55093.9077
to the
WASHINGTON DEPARTMENT OF TRANSPORTATION
PROJECT NO. 20-20-018, HENRY ROAD OVERPASS
October 27, 2020**

A parcel of land located in a portion of the SE1/4 of the SW1/4 of Section 9, Township 25 North, Range 45 East, W.M., City of Liberty Lake, Spokane County, Washington, and being more particularly described as follows:

BEGINNING at the S1/4 of said Section 9 (from which the southwest corner of said Section bears South 87° 19' 55" West, a distance of 2,30.64 feet); thence South 87° 19' 55" West along the south line of said SE1/4 of the SW1/4 of Section 9, a distance of 512.66 feet;

thence leaving said south line North 02° 39' 35" West, a distance of 30.20 feet;

thence North 87° 20' 25" East, a distance of 118.00 feet;

thence North 02° 32' 06" West, a distance of 53.14 feet;

thence North 87° 15' 40" East, a distance of 38.28 feet;

thence South 47° 44' 20" East, a distance of 65.52 feet;

thence North 62° 38' 21" East, a distance of 149.91 feet;

thence North 32° 44' 58" East, a distance of 79.65 feet;

thence South 68° 46' 01" East, a distance of 100.00 feet;

thence South 16° 34' 06" East, a distance of 72.03 feet;

thence South 75° 49' 38" East, a distance of 18.57 feet, more or less, to the east line of said SE1/4 of the SW1/4 of Section 9;

thence South 03° 50' 30" East along said east line, a distance of 48.83 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within the existing Mission Avenue right-of-way, including, but not limited to that certain parcel of land as described in Right-of-Way Dedication Deed, recorded as Instrument Number 6834914, records of Spokane County, Washington.

Containing 19,977 Square Feet (0.459 acres), more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.

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LEGAL DESCRIPTION

RIGHT-OF-WAY

CENTENNIAL PROPERTIES, INC.

TAX PARCEL NO. 55094.9080

to the

WASHINGTON DEPARTMENT OF TRANSPORTATION

PROJECT NO. 20-20-018, HENRY ROAD OVERPASS

October 27, 2020

A parcel of land located in a portion of the SW1/4 of the SE1/4 of Section 9, Township 25 North, Range 45 East, W.M., City of Liberty Lake, Spokane County, Washington, and being more particularly described as follows:

BEGINNING at the S1/4 of said Section 9 (from which the southwest corner of said Section bears South 87° 19' 55" West, a distance of 2,630.64 feet); thence North 03° 50' 30" West along the west line of said SW/4 of the SE1/4 of Section 9, a distance of 48.83 feet;

thence leaving said west line South 75° 49' 38" East, a distance of 27.00 feet;

thence North 87° 39' 51" East, a distance of 212.89 feet;

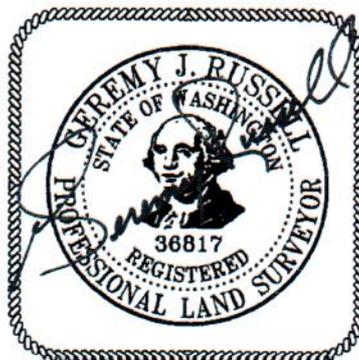
thence South 02° 20' 09" East, a distance of 41.14 feet, more or less, to the south line of said SW1/4 of the SE1/4 of Section 9;

thence South 87° 39' 51" West along said south line, a distance of 237.49 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within the existing Mission Avenue right-of-way.

Containing 1,398 Square Feet (0.032 acres), more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.



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LEGAL DESCRIPTION

30' PERMANENT DRAINAGE EASEMENT

**CENTENNIAL PROPERTIES, INC.
TAX PARCEL NO. 55162.9071
to the
WASHINGTON DEPARTMENT OF TRANSPORTATION
PROJECT NO. 20-20-018, HENRY ROAD OVERPASS
October 27, 2020**

A parcel of land located in a portion of the NE1/4 of the NW1/4 of Section 16, Township 25 North, Range 45 East, W.M., City of Liberty Lake, Spokane County, Washington, and being more particularly described as follows:

COMMENCING at the C1/4 of said Section 16 (from which the W1/4 of said Section bears South 87° 36' 00" West, a distance of 2,625.98 feet); thence North 03° 14' 18" West along the east line of the NW1/4, a distance of 1366.08 feet; thence leaving said east line South 86° 45' 42" West, a distance of 100.00 feet to the POINT OF BEGINNING;

thence continuing South 86° 45' 42" West, a distance of 30.00 feet;

thence North 03° 14' 18" West, a distance of 302.00 feet;

thence North 86° 45' 42" East, a distance of 30.00 feet;

thence South 03° 14' 18" East, a distance of 302.00 feet to the POINT OF BEGINNING.

Containing 9,060 Square Feet (0.208 acres), more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.



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LEGAL DESCRIPTION

5' PERMANENT DRAINAGE EASEMENT

CENTENNIAL PROPERTIES, INC.

TAX PARCEL NO. 55162.9146

to the

WASHINGTON DEPARTMENT OF TRANSPORTATION

PROJECT NO. 20-20-018, HENRY ROAD OVERPASS

October 27, 2020

A parcel of land located in a portion of the SE1/4 of the NW1/4 of Section 16, Township 25 North, Range 45 East, W.M., City of Liberty Lake, Spokane County, Washington, and being more particularly described as follows:

COMMENCING at the C1/4 of said Section 16 (from which the W1/4 of said Section bears South 87° 36' 00" West, a distance of 2,625.98 feet); thence North 03° 14' 18" West along the east line of said SE1/4 of the NW1/4, a distance of 515.07 feet; thence leaving said east line South 86° 45' 42" West, a distance of 100.00 feet to the POINT OF BEGINNING;

thence continuing South 86° 45' 42" West, a distance of 5.00 feet;

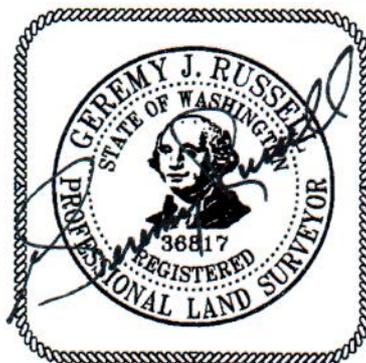
thence North 03° 14' 18" West, a distance of 251.00 feet;

thence North 86° 45' 42" East, a distance of 5.00 feet;

thence South 03° 14' 18" East, a distance of 251.00 feet to the POINT OF BEGINNING.

Containing 1,255 Square Feet (0.029 acres), more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.



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LEGAL DESCRIPTION

RIGHT-OF-WAY

LIBERTY LAKE LAND CO., LLC
TAX PARCEL NO. 55165.9003

to the
WASHINGTON DEPARTMENT OF TRANSPORTATION

PROJECT NO. 20-20-018, HENRY ROAD OVERPASS
October 27, 2020

A parcel of land located in a portion of the NE1/4 of the SW1/4 of Section 16, Township 25 North, Range 45 East, W.M., City of Liberty Lake, Spokane County, Washington, and being more particularly described as follows:

COMMENCING at the C1/4 of said Section 16 (from which the W1/4 of said Section bears South 87° 36'00" West, a distance of 2,625.98 feet); thence South 87° 36'00" West along the north line of said NE1/4 of the SW1/4, a distance of 122.99 feet; thence leaving said north line South 02° 24'00" East, a distance of 37.98 feet, more or less, to the northerly right-of-way line of Country Vista Drive, said point also being the POINT OF BEGINNING;

thence South 06° 04'27" East, a distance of 14.76 feet;

thence South 45° 49'37" East, a distance of 17.41 feet;

thence South 03° 50'01" West, a distance of 14.25 feet;

thence 78.43 feet along the arc of a curve to the right, having a radius of 1,157.00 feet, through a central angle of 03° 53'02", said curve having a long chord that bears South 05° 46'33" West a chord distance of 78.42 feet;

thence 113.73 feet along the arc of a compound curve to the right, having a radius of 400.00 feet, through a central angle of 16° 17'26", said curve having a long chord that bears South 15° 51'46" West a chord distance of 113.35 feet;

thence 164.05 feet along the arc of a compound curve to the right, having a radius of 485.00 feet, through a central angle of 19° 21'36", said curve having a long chord that bears South 33° 41'17" West a chord distance of 163.27 feet;

thence South 43° 22'05" West, a distance of 12.99 feet;

thence South 46° 29'03" East, a distance of 3.45 feet, more or less, to the existing westerly right-of-way line of Henry Road;

thence along said westerly right-of-way line the following four (4) courses:

1. North 43° 30'57" East, a distance of 366.95 feet, more or less, to the east line of said NE1/4 of the SW1/4;
2. South 03° 13'41" East along said the east line, a distance of 3.66 feet;

3. 98.56 feet along the arc of a non-tangent curve to the left, having a radius of 223.00 feet, through a central angle of $25^{\circ}19'24''$, said curve having a long chord that bears North $26^{\circ}51'18''$ East a chord distance of 97.76 feet;
4. 76.22 feet along the arc of a compound curve to the left, having a radius of 37.50 feet, through a central angle of $116^{\circ}27'42''$, said curve having a long chord that bears North $44^{\circ}02'16''$ West a chord distance of 63.76 feet, more or less, to the southerly right-of-way line of Country Vista Drive;

thence along said southerly right-of-way line, 131.54 feet along the arc of a reverse curve to the right, having a radius of 1,038.25 feet, through a central angle of $07^{\circ}15'32''$, said curve having a long chord that bears South $81^{\circ}21'39''$ West a chord distance of 131.45 feet to the POINT OF BEGINNING.

Containing 30,515 Square Feet (0.701 acres), more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.



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