

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 28-21

AN ORDINANCE of the City of Richland vacating a portion of unopened Davenport Street right-of-way.

WHEREAS, the property owner of 302 Wellsian Way (the "Project Site") is proposing to construct a commercial development on the Project Site (the "Project"); and

WHEREAS, the Project Site is bordered on the north and south by unimproved city street rights-of-way for Davenport Street and Comstock Street, respectively; and

WHEREAS, the City's long-range transportation planning does not require public street improvements in the Davenport Street right-of-way, but the City will benefit by completion of public street improvements in the Comstock Street right-of-way between Goethals Drive and Wellsian Way; and

WHEREAS, pedestrians regularly use the unopened Davenport Street right-of-way; and

WHEREAS, City utilities are located in the north half of the unopened Davenport Street right-of-way; and

WHEREAS, the Project will be improved by the addition of the unopened Davenport Street right-of-way to the Project Site; and

WHEREAS, pursuant to an agreement approved by Richland City Council in April 2021, the property owner has formally requested vacation of the unopened Davenport

Street right-of-way, and has provided the required financial security to ensure completion of the public street improvements to the Comstock Street right-of-way; and

WHEREAS, through this Ordinance No. 28-21, the City will reserve an easement to secure its utilities and a potential future pedestrian path in the north half of the unopened Davenport Street right-of-way; and

WHEREAS, state Law requires that a public hearing be held to allow public consideration of this proposal; and

WHEREAS, on August 17, 2021, Richland City Council adopted Resolution No. 100-21, setting September 21, 2021 at 6:00 p.m. as the date and time for said hearing; and

WHEREAS, on September 19, 2021, notice was duly published that a virtual public hearing would be held on September 21, 2021 to take public testimony on the proposed vacation action; and

WHEREAS, on September 21, 2021, a virtual public hearing consistent with Governor Inslee's Proclamation 20-28 was held by Richland City Council to receive public testimony; and

WHEREAS, the City Council of the City of Richland has considered all matters presented at the public hearing on the proposed vacation, hearing no objection to his vacation, and does hereby find that the vacation of said property with reservation of an easement interest is appropriate and in the best interests of the public.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. The City vacates that portion of unopened Davenport Street right-of-way described and depicted in **Exhibit A**, attached hereto and incorporated herein by this reference, subject to the provisions of Chapter 35.79 RCW and the condition set forth in Section 2 of this Ordinance.

Section 2. Pursuant to RCW 35.79.030, the City hereby retains an easement in respect to the vacated land for the construction, repair, and maintenance of public utilities and services, including but not limited to a public pathway. The easement is legally described and depicted in **Exhibit B**, attached hereto and incorporated herein by this reference.

Section 3. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached exhibits, duly certified by the City Clerk as a true copy.

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 5. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 6. 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 scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of October, 2021.



Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Date Published: October 10, 2021

Exhibit A to Ordinance No. 28-21

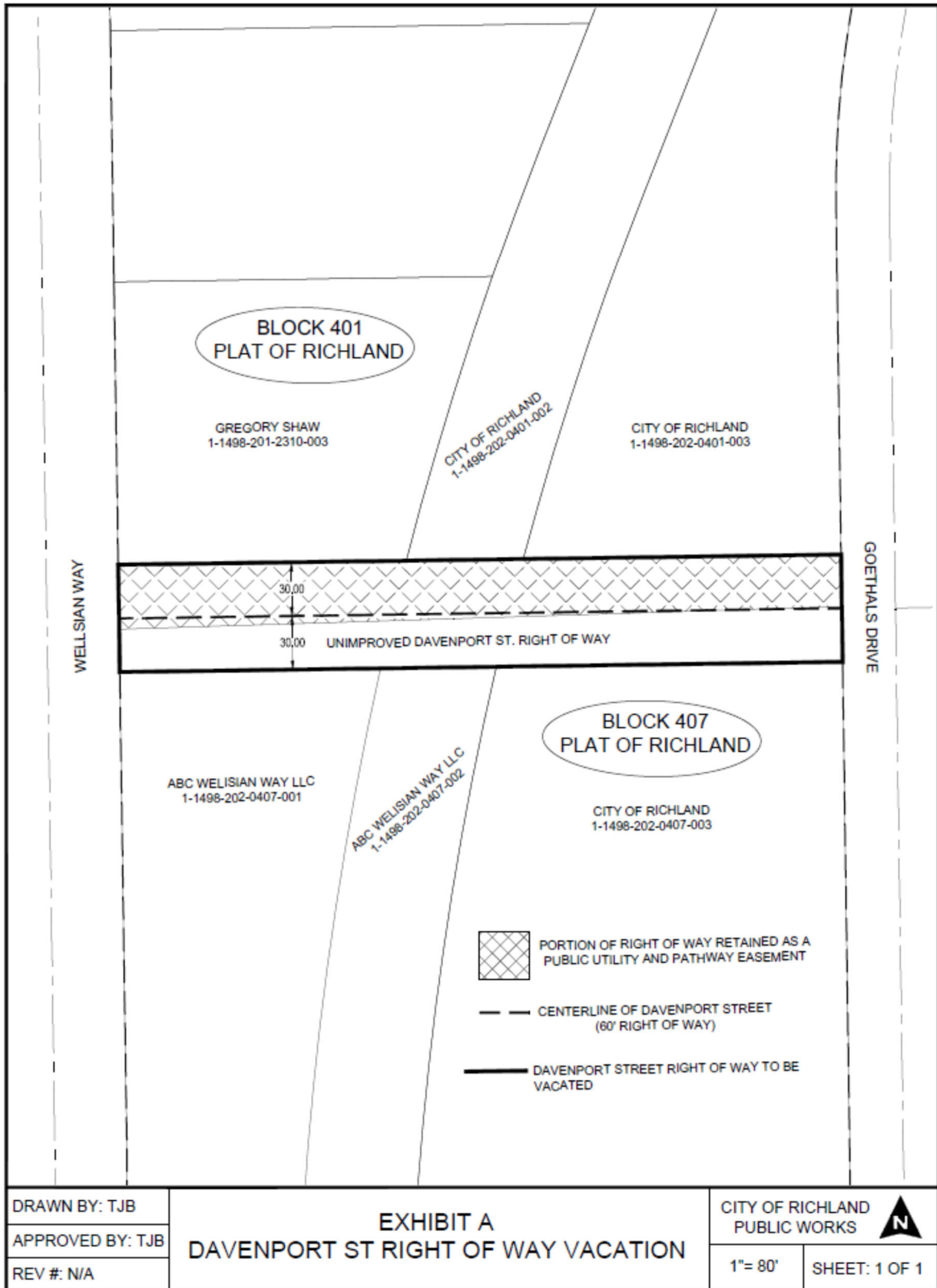


Exhibit B to Ordinance No. 28-21

Legal Description and Depiction of Easement for Utilities and Public Pathway Access

An easement lying in the Northwest Quarter of Section 14, Township 9 North, Range 28 East, W.M., City of Richland, Benton County, Washington, being a portion of Davenport Street as shown on Sheet 30, Plat of Richland, records of said county and state being more particularly described as follows;

Beginning at the Southwest corner of Block 401 of said Plat of Richland, said point being the Northeast corner of the intersection of Wellsian Way and Davenport Street; Thence along the North line of said Davenport Street and South line of Said Block 401 North $89^{\circ}11'48''$ East, a distance of 404.31 feet to the Southeast corner of said Block 401 and Northwest corner of the intersection of Davenport Street and Goethals Drive; Thence South $00^{\circ}49'32''$ East, parallel and 30 feet distance from the centerline of said Goethals Drive, a distance of 29.00 feet; Thence South $88^{\circ}12'17''$ West a distance of 404.35 feet to a point 40.00 feet distant from the centerline of said Wellsian Way; Thence North $00^{\circ}51'13''$ West, parallel and 40 feet distance from the centerline of said Wellsian Way, a distance of 36.00 feet to the True Point of Beginning.

Exhibit B – Page 2

