

ORDINANCE NO. 2023-03

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
VACATING ESTABLISHED PORTIONS OF WINDMILL ROAD
RIGHT-OF-WAY AND ACCEPTING A DEDICATION DEED TO
ESTABLISH NEW PORTIONS OF WINDMILL ROAD RIGHT-OF-
WAY.**

WHEREAS, pursuant to the approved construction permit issued under Ch. 12.08 RMC, Randall E. Crosby (the “Property Owner”) constructed improvements to Windmill Road (the “Project”) to support a short plat of Lot 1 Block 3 of Badger Heights subdivision, otherwise known by address 691 Windmill Road (the “Development”); and

WHEREAS, the Project relocated a portion of the Windmill Road cul-de-sac; and

WHEREAS, the Property Owner has executed a right-of-way dedication deed, reviewed and approved by the City, for the portion of new cul-de-sac right-of-way not yet under the City’s control; and

WHEREAS, vacating the unnecessary portion of Windmill Road right-of-way will allow the Development to adequately meet the long-term needs of the city street system and unencumber lots needed for development, to include a Ben Franklin Transit (BFT) hub; and

WHEREAS, state law requires that a public hearing be held to allow public consideration of the vacation action; and

WHEREAS, on January 17, 2023, Richland City Council adopted Resolution No. 2023-08, setting February 21, 2023 at 6:00 p.m. as the date and time for said hearing; and

WHEREAS, on January 29, 2023, notice was duly published that a public hearing would be held on February 21, 2023 to take public testimony on the proposed vacation action; and

WHEREAS, on February 21, 2023, a public hearing was held by Richland City Council to receive public testimony.

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

Section 1. The portion of Windmill Road right-of-way described in **Exhibit A** and depicted by hatching in **Exhibit B**, both attached hereto and incorporated herein by this reference, are hereby declared to be vacated subject to the provisions of Chapter 35.79 RCW.

Section 2. The City Manager is hereby authorized to sign and execute the right-of-way dedication deed dedicating the new Windmill Road right-of-way; and

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.

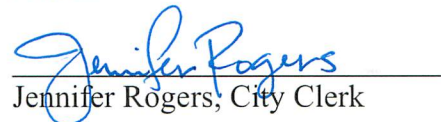
Section 5. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

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.

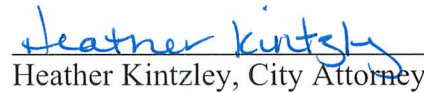
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 7th day of March, 2023.


Terry Christensen, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

First Reading: February 21, 2023
Second Reading: March 7, 2023
Date Published: March 12, 2023

EXHIBIT A to Ordinance No. 2023-03

PARTIAL RIGHT-OF-WAY LEGAL DESCRIPTION

That portion of the Northwest quarter of Section 22, Township 9 North, Range 28 East, W.M., Benton County, Washington, described as follows:

Commencing at the Northwest corner of Lot 13, Block 2, Badger Heights Subdivision, recorded in Volume 5 of Plats, Page 11, Records of said County, said point bears South 89°40'45" West 300.18 feet from the Northeasterly corner thereof; Thence South 00°15'22" East along the Westerly line thereof 297.86 feet projected to the Southerly Right-of-Way line of Windmill Road; Thence North 74°44'10" West along the said line 75.52 feet to the **True Point of Beginning**;

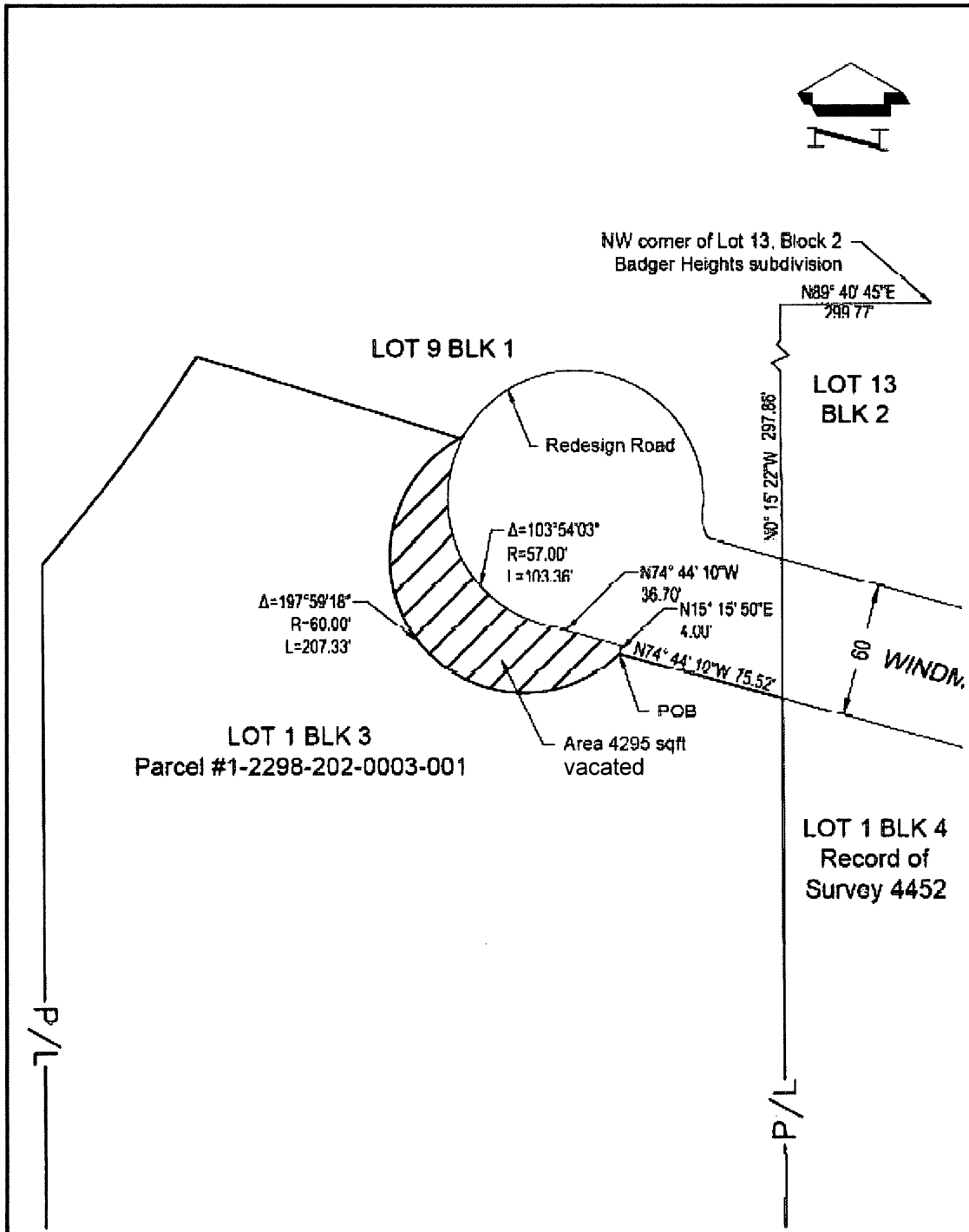
Thence North 15°15'50" East 4.00 feet;

Thence North 74°44'10" West 36.70 feet to the beginning of a curve to the right the radius point of which bears North 15°15'50" East 57.00 feet;

Thence Northwesterly and Northeasterly along said curve 103.36 feet through a delta angle of 103°54'03" to the beginning of a non-tangent curve to the left the radius point of which bear South 26°40'38" East 60.00 feet;

Thence Southwesterly and Southeasterly along said curve 207.33 feet through a delta angle of 197°59'18" to the said **True Point of Beginning**.

Containing 4,295 sq ft, more or less, as depicted in hatching on Exhibit B.



DRAWN BY ORR	EXHIBIT B Parcel # 122-982-020-003001	CITY OF RICHLAND PUBLIC WORKS	
DATE DEC 2022		1" = 60'	SHEET 1 OF 1
DOC. TRACKING # 22 016			