

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-07
Richland, WA 99352

ORDINANCE NO. 2023-33

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
ESTABLISHING AND DEDICATING THE RIGHT-OF-WAY FOR
A SEGMENT OF MALBEC AVENUE.**

WHEREAS, the City owns and manages a system of public street rights-of-way for the benefit of the City's residents and visitors; and

WHEREAS, the City may receive dedications of new public street rights-of-way through land development activity or by ordinance; and

WHEREAS, the City requires the construction of various roads to service the properties as a part of the master plan for Badger Mountain South; and

WHEREAS, a developer has constructed a segment of Malbec Avenue to existing city street standards between Corvina Street and Ava Way (the "Project"), which is not included within the boundaries of a preliminary plat; and

WHEREAS, the Project is complete and the property owner wishes to dedicate it to the City in order to satisfy the City's development requirements; and

WHEREAS, the property owner has executed a right-of-way dedication deed, reviewed and approved by the City, for Malbec Avenue; and

WHEREAS, the City's best interests are served by accepting the dedication of Malbec Avenue to support the orderly development of nearby properties.

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

Section 1. The City Manager is hereby authorized to sign, execute, and record with the Auditor of Benton County, Washington, a right-of-way dedication deed in substantially the form attached hereto as **Exhibit C**, dedicating the Malbec Avenue right-of-way.

Section 2. The Malbec Avenue right-of-way, described in the attached **Exhibit A** and depicted in the attached **Exhibit B**, is hereby dedicated as a public right-of-way.

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 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 the court of competent jurisdiction to be invalid, that decision shall not affect the validity of this 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 2nd day of January, 2024.




Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to Form:



Heather Kintzley, City Attorney

First Reading: December 19, 2023

Second Reading: January 2, 2024

Date Published: January 7, 2024

Exhibit A
Legal Description

A 60-foot Right of Way situate in a portion of the Northwest quarter of Section 32, Township 9 North, Range 28 East, Willamette Meridian, City of Richland, Benton County, Washington, described as follows:

Commencing at the Northeast Corner of that Parcel described in Statutory warranty deed, recorded in Auditors File Number 2017-031122 records of said County, also being in the Northwesterly line of the plat of Goose Ridge Estates Phase 1 recorded in Auditors File Number 2020-035566 records of said County, and the **True Point of Beginning**;

Thence southwesterly along the Southeasterly line of said Parcel and Northwesterly line of said Plat in Auditors File Number 2020-035566, South 22°46' 58" West 349.47 feet to a non-tangent curve to the northwest having a radius of 430.00 feet and from which the long cord bears South 43°36'07" West a distance of 305.66 feet to a point in the Northwesterly line of the plat of West Vineyard Phase 2 recorded in Auditors File Number 2021-029647;

Thence southwesterly along arc and the Southeasterly line of said Parcel and the Northwesterly line of said Plat recorded in Auditors File Number 2021-029647 through a central angle of 41° 38'18" a distance of 312.49 feet;

Thence along the Southeasterly line of said Parcel and Northwesterly line of said Plat recorded in Auditors File Number 2021-029647 South 64°25'16" West 11.42 feet;

Thence leaving the Northwesterly line of said plat recorded in Auditors File Number 2021-029647 and continuing along the Southeasterly line of said Parcel South 64°25'16" West 23.30 feet to the Northeast margin of Ava Way and a non-tangent curve concave to the southwest having a radius of 660.00 feet and from which the long cord bears North 24° 45' 49" West 60.01 feet;

Thence Northwesterly along arc and Northeast margin of Ava Way through a central angle 5°12'40" a distance of 60.03 feet;

Thence leaving said Northeast margin of Ava Way North 64°25'16" East 33.87 feet to a non-tangent curve to northwest having a radius of 370.00 feet and from which the long cord bears North 43°36'07" East a distance of 263.01 feet;

Thence northeasterly along arc through a central angle of 41°38'18" 268.89 feet;

Thence North 22°46'58" East 354.59 feet to the Northeast line of said Parcel and Southwest line of the Plat West Vineyard 1 Phase 1, recorded in Auditors File Number 2013-010783 records of said County;

Thence along Northeast line of said Parcel and Southwest line of said Plat recorded in Auditors File Number 2013-010783 records of said County South 21°35'03" East 7.16 feet;

Thence along Northeast line of said Parcel and Southwest line of said Plat recorded in Auditors File Number 2013-010783 records of said County, South 67°13'02" East 55.00 feet to the **True Point of Beginning**;

Exhibit B
Depiction

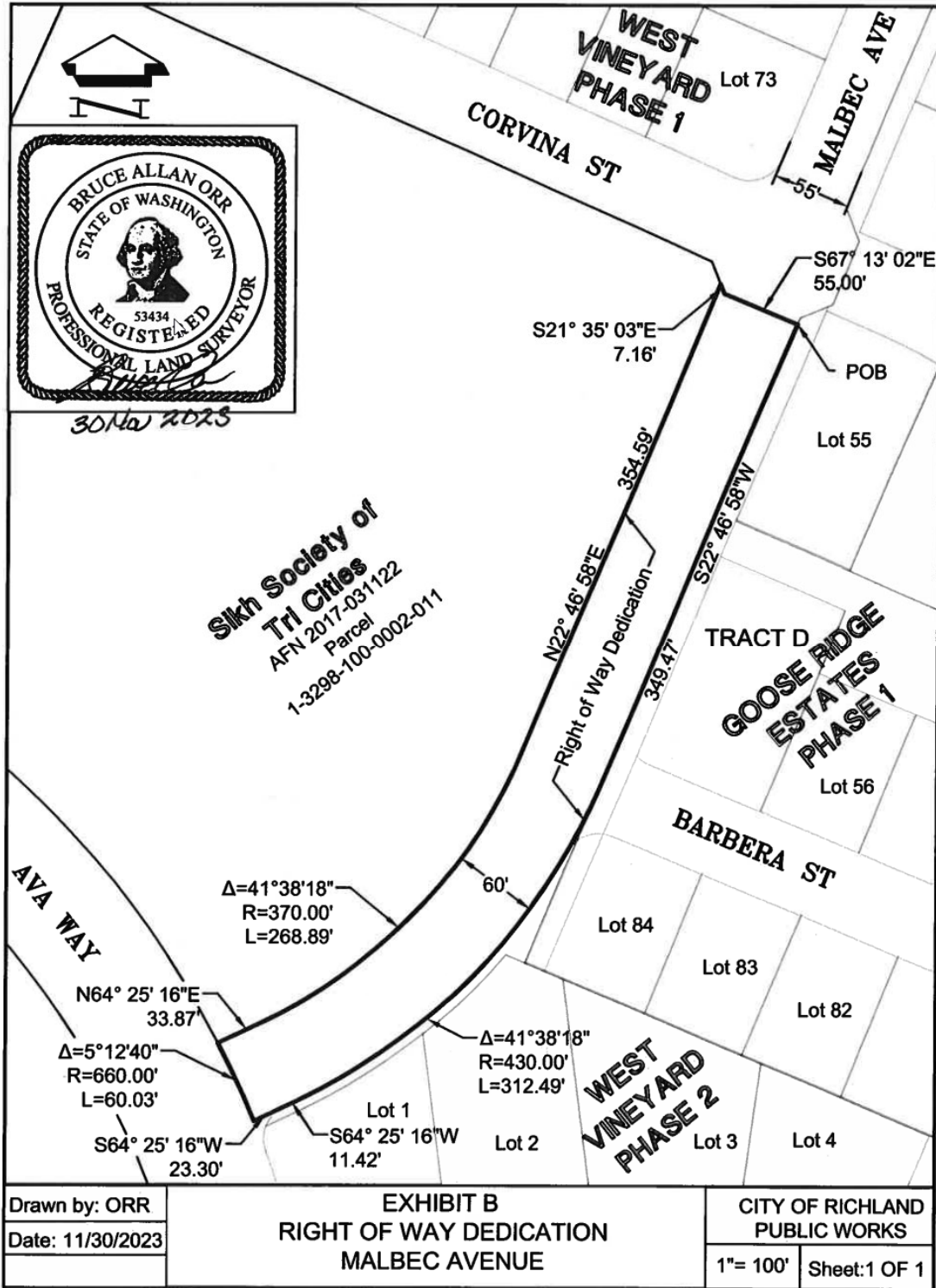


Exhibit C

WHEN RECORDED RETURN TO:

**City Clerk
City of Richland
625 Swift Blvd. MS-07
Richland, WA 99352**

Portion of Parcel No. 1-3298-100-0002-011

RIGHT-OF-WAY DEDICATION DEED

In and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **SIKH SOCIETY OF TRI CITIES**, a Washington non-profit corporation (“Grantor”), does hereby grant, convey and dedicate to the **CITY OF RICHLAND**, a Washington municipal corporation (“Grantee”), its successors and assigns, a public right-of-way in, upon, over, under, across and through the following property situated in the County of Benton, State of Washington, to be used for all lawful right-of-way purposes, surface and subsurface:

A 60-foot Right of Way situate in a portion of the Northwest quarter of Section 32, Township 9 North, Range 28 East, Willamette Meridian, City of Richland, Benton County, Washington, described as follows:

Commencing at the Northeast Corner of that Parcel described in Statutory warranty deed, recorded in Auditors File Number 2017-031122 records of said County, also being in the Northwesterly line of the plat of Goose Ridge Estates Phase 1 recorded in Auditors File Number 2020-035566 records of said County, and the **True Point of Beginning**;

Thence southwesterly along the Southeasterly line of said Parcel and Northwesterly line of said Plat in Auditors File Number 2020-035566, South 22°46’ 58’ West 349.47 feet to a non-tangent curve to the northwest having a radius of 430.00 feet and from which the long cord bears South 43°36’07” West a distance of 305.66 feet to a point in the Northwesterly line of the plat of West Vineyard Phase 2 recorded in Auditors File Number 2021-029647;

Thence southwesterly along arc and the Southeasterly line of said Parcel and the Northwesterly line of said Plat recorded in Auditors File Number 2021-029647 through a central angle of 41° 38’18” a distance of 312.49 feet;

Thence along the Southeasterly line of said Parcel and Northwesterly line of said Plat recorded in Auditors File Number 2021-029647 South 64°25'16" West 11.42 feet;

Thence leaving the Northwesterly line of said plat recorded in Auditors File Number 2021-029647 and continuing along the Southeasterly line of said Parcel South 64°25'16" West 23.30 feet to the Northeast margin of Ava Way and a non-tangent curve concave to the southwest having a radius of 660.00 feet and from which the long cord bears North 24° 45' 49" West 60.01 feet;

Thence Northwesterly along arc and Northeast margin of Ava Way through a central angle 5°12'40" a distance of 60.03 feet;

Thence leaving said Northeast margin of Ava Way North 64°25'16" East 33.87 feet to a non-tangent curve to northwest having a radius of 370.00 feet and from which the long cord bears North 43°36'07" East a distance of 263.01 feet;

Thence northeasterly along arc through a central angle of 41°38'18" 268.89 feet;

Thence North 22°46'58" East 354.59 feet to the Northeast line of said Parcel and Southwest line of the Plat West Vineyard 1 Phase 1, recorded in Auditors File Number 2013-010783 records of said County;

Thence along Northeast line of said Parcel and Southwest line of said Plat recorded in Auditors File Number 2013-010783 records of said County South 21°35'03" East 7.16 feet;

Thence along Northeast line of said Parcel and Southwest line of said Plat recorded in Auditors File Number 2013-010783 records of said County, South 67°13'02" East 55.00 feet to the **True Point of Beginning**;

See Exhibit "A" (the area dedicated)

Grantee shall have the right to regulate and use the area dedicated as and for right-of-way and for utility purposes. Such use shall include, but not be limited to the following: (1) the right of public ingress and egress through and along said area; (2) the right to locate, design, construct, install, inspect, protect, maintain, repair, modify, and otherwise change utilities, road rights-of-way, and any other appurtenances or related elements, including, but not limited to, pavement, signs, curbs, gutters, sidewalks, conduits, cables, wires, splicing boxes, power sources, and facilities, including but not limited to those for storm water, wastewater, water, electricity, gas, oil, telecommunications, communication transmission and reception, together with fencing and gates when the same are deemed by Grantee to be necessary to protect facilities, prevent intrusions, and otherwise protect the public from loss or harm; and (3) the right to engage in any other activity that is reasonably related to the construction, operation and maintenance of public utilities and rights-of-way that are located in the dedicated area. In addition, Grantee shall have the right to clear, remove and dispose of any material, obstructions, timber and vegetation within the dedication area.

Grantee's uses are unrestricted in location within the right-of-way and will not be limited in any way by the state of being, condition or location of the street. Grantee is also authorized to utilize such additional width as may be necessary temporarily for the placing of excavated materials thereon and

for initial construction and maintenance operations. Grantee will restore disturbed property to equal or better condition.

Subject to the terms hereof, Grantee shall have all other rights and benefits that are reasonably necessary or useful for Grantee's full and complete use of the area dedicated. Grantor shall not authorize or otherwise permit any person or entity to interfere with Grantee's use of the dedicated area.

Grantor covenants that Grantor is lawfully seized and possessed of the real property described herein, and that Grantor has a good and lawful right to convey it or any part thereof and that Grantor will forever warrant and defend the same against all persons who may lawfully claim the same.

The undersigned requests that the Assessor and Treasurer of Benton County set over to the remainder the lien of all unpaid taxes, if any, affecting the property conveyed by this Right-of-Way Dedication Deed, as provided by RCW 84.60.070.

It is understood and agreed that delivery of this Deed is hereby tendered and that its terms and obligations are not binding upon the City of Richland unless and until the Richland City Council has taken action by ordinance or resolution to accept this Right-of-Way Deed of Dedication and the below Certificate of Acceptance has been executed.

CERTIFICATE OF ACCEPTANCE OF RIGHT-OF-WAY DEDICATION DEED

The interest in real property conveyed by this Right-of-Way Dedication Deed has been accepted by Ordinance No. _____ of the City Council of the City of Richland on the ____ day of _____, 2023, and the authorized officer of such governing body has consented to recordation of said Deed of Dedication with the Benton County Auditor.

Accepted by the City of Richland:

Jon Amundson, ICMA-CM, City Manager

Attest:

Jennifer Rogers, City Clerk

Approved as to form:

Heather Kintzley, City Attorney

GRANTOR – SIKH SOCIETY OF TRI CITIES,
a Washington non-profit corporation

By: _____
Kamaljit Singh, Registered Agent

STATE OF _____)
: SS
COUNTY OF _____)

On this ____ day of _____, 2023, before me, the undersigned Notary Public in and for the State of _____, duly commissioned and sworn, personally appeared **Kamaljit Singh**, to me known to be authorized and who executed the within and foregoing instrument, and acknowledged that he signed the same as his/her free and voluntary act and deed, for the use and purposes therein mentioned, and on oath stated that he/she is authorized to execute the said instrument.

IN WITNESS WHEREOF, my hand and official seal hereon affixed the day and year above written.

Sign: _____
Printed Name: _____

Notary Public in and for the State of _____
Residing at _____
My appointment expires _____

seal

**Exhibit A to Right-of-Way Dedication Deed
Depiction of Area Dedicated**

