

**RESOLUTION NO. 2020-009**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON, PROPOSING VACATION OF PORTIONS OF SPRUCE AVENUE, WEST SECOND STREET, AND AN UNNAMED ALLEY RIGHT-OF-WAYS, EXPLAINING THE CIRCUMSTANCES RELATING TO THE PROPOSED RIGHT-OF-WAY VACATIONS, RETAINING AN EASEMENT FOR EXISTING AND FUTURE UTILITY PURPOSES, AND PROVIDING FOR NOTICES AND A PUBLIC HEARING CONCERNING THE RIGHT-OF-WAY VACATIONS.**

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**WHEREAS**, the homeowners adjacent to the Spruce Avenue right-of-way and located between West 1<sup>st</sup> Street and West 3<sup>rd</sup> Street have quitclaim deeded all present and future interest in the Spruce Avenue right-of-way to the City; and

**WHEREAS**, that portion of West 2<sup>nd</sup> Street located between the to be vacated Spruce Avenue and Larch Avenue and the unnamed alley located between the to be vacated Spruce Avenue and former Larch Avenue have never been opened as right-of-ways and are abutted on both sides by City-owned property used as part of the City sewer system; and

**WHEREAS**, City staff recommend passage of this Resolution as it is in the best interest of the City; and

**WHEREAS**, the right of way vacations will help facilitate the construction, maintenance, and fencing of the area including the vacated right-of-ways where a proposed aeration sewer lagoon will be located; and

**WHEREAS**, as part of the right-of-way vacations, the City shall reserve a utilities easement over the vacated right-of-ways for existing and future sewer utility and other utility purposes for so long as the City deems necessary; and

**WHEREAS**, Chapter 35.79 RCW authorizes the City to proceed with the vacation of right-of-way by City Council Resolution; and

**WHEREAS**, this Resolution provides for the notices that are necessary to vacate the right-of-ways and provides for a public hearing before the City Council; **NOW THEREFORE**

**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON HEREBY RESOLVE  
AS FOLLOWS:**

**Section 1.** On October 7, 2020 beginning at 7:00 PM at the Regular Meeting of the City Council, the City Council shall hold a public hearing to consider vacation of the Spruce Avenue, West 2<sup>nd</sup> Street, and unnamed alley right-of-ways depicted in Exhibit "A" to this Resolution and described as follows:

- a. Spruce Avenue from the south side of the unnamed alley located between West 1<sup>st</sup> Street and West 2<sup>nd</sup> Street to the south side of West 3<sup>rd</sup> Street;
- b. West 2<sup>nd</sup> Street from the west side of Spruce Avenue to the east side of Larch Avenue ; and
- c. The unnamed alley running parallel to and located between West 1<sup>st</sup> Street and West 2<sup>nd</sup> Street from the west side of Spruce Avenue to the east side of former Larch Avenue.

**Section 2.** The City Clerk-Treasurer is directed to post notice of the public hearing to be held pursuant to Section 1 of this Resolution in three (3) of the most public places in the City and in a conspicuous place on the right-of-ways proposed to be vacated. The form of the notice shall consist of posting a copy this Resolution in those locations together with copies of Exhibit "A" to this Resolution.

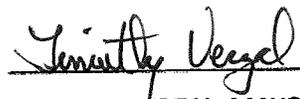
**Section 3.** The City Clerk-Treasurer is hereby directed to mail notices at least 15 days prior to the date of the public hearing set forth in Section 1 of this Resolution to all owners abutting any portion of the Spruce Avenue right-of-way proposed to be vacated as those owners appear in the records of the Spokane County Treasurer. The notice to be provided by mail shall consist of mailing of a copy of this Resolution together with Exhibit "A" to this Resolution.

**Section 4.** City staff have determined the relative fair market value of the right-of-ways proposed to be vacated as described in Section 1 of this Resolution to be \$83,250 by considering the square footage and assessed value of the adjoining and abutting private properties. The relative fair market value of the vacated right-of-ways shall be transferred by the City out of the City's Sewer Utility Fund to the City's Street Fund following consideration and approval of the relative fair market value amount by the City Council at the public hearing held pursuant to Section 1 of this Resolution.

**Section 5.** Following the public hearing to be held pursuant to Section 1 of this Resolution, the City Council may consider vacation of the right-of-ways proposed to be vacated and if the Council determines the right-of-ways should be vacated, the City Council may do so by the passage of an Ordinance at the October 7, 2020 City Council Meeting or at a future City Council Meeting.

**Section 6.** This Resolution shall be effective immediately upon passage by the City Council.

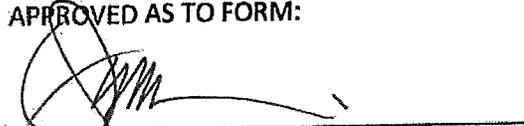
APPROVED by the City Council of  
the City of Deer Park, Washington at  
an Open Public Meeting the 16<sup>th</sup>  
day of September, 2020.

  
TIMOTHY VERZAL, MAYOR

ATTEST/AUTHENTICATED:

  
DEBY CRAGUN, CITY CLERK/TREASURER

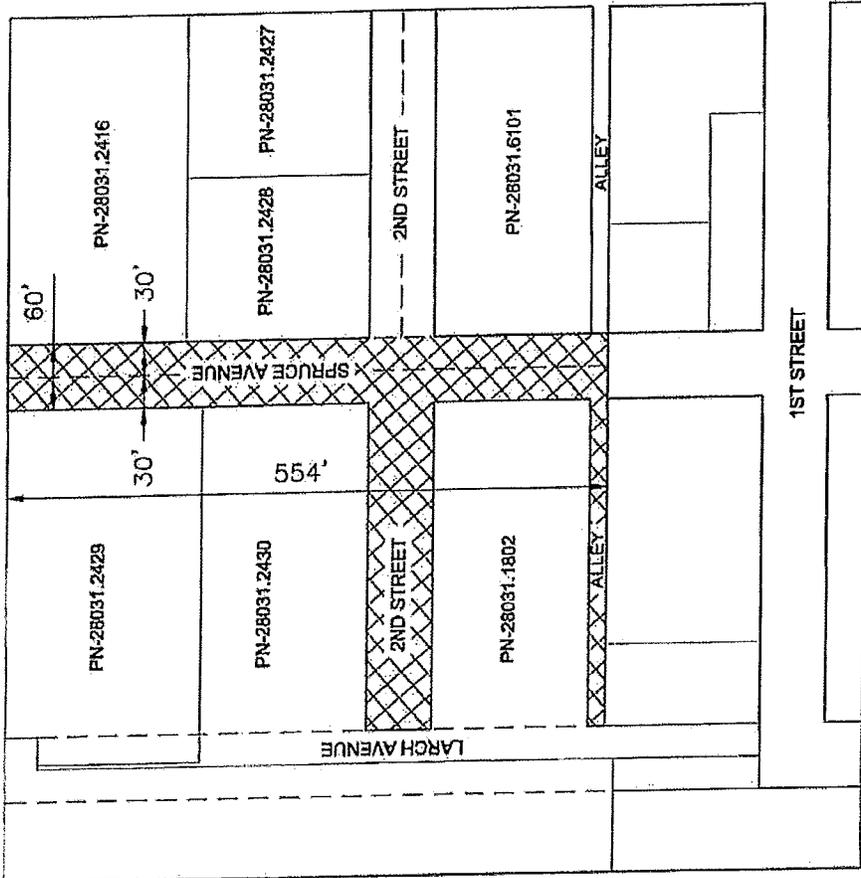
APPROVED AS TO FORM:

  
CHARLES D. ZIMMERMAN, CITY ATTORNEY

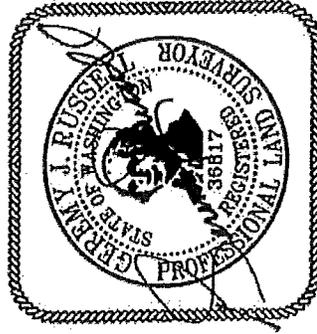
Plot Date: 9/2/2020 1:04 PM \\SPokane\Public\Projects\18-006 DEER PARK AERATION LAGOON\CAD\ISHEET\EXHIBITS\18-006\_SPRUCEVAC.DWG



AREA TO BE VACATED



SCALE IN FEET



Digitally signed by  
 Jeremy J  
 Russell: A01096000001  
 3AC28500600009C7  
 Date: 2020.08.08  
 16:01:16-0700



EXHIBIT "A"

RIGHT-OF-WAY VACATION

CITY OF DEER PARK, WASHINGTON  
 PORTIONS OF THE NORTHEAST 1/4 SECTION 3  
 TOWNSHIP 28 NORTH, RANGE 42 EAST, W.M.  
 CITY OF DEER PARK, SPOKANE COUNTY, WASHINGTON 1 OF 1