

First Reading: February 19, 2019

Second Reading: March 5, 2019

ORDINANCE NO. 995

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON, VACATING A RIGHT-OF-WAY DEDICATED ON
RECORD SURVEY/BINDING SITE PLAN NO. 4231**

WHEREAS, the City of Benton City possesses unnamed City street right-of-way located between Tract 1 and Tract 2 and dedicated on Record Survey/Binding Site Plan No. 4231; and

WHEREAS, the City has received a petition signed by the owners of more than two-thirds of the property abutting the right-of-way; and

WHEREAS, pursuant to Chapter 35.79 of the Revised Code of Washington, the City Council of the City may vacate rights-of-way in response to petitions to vacate; and

WHEREAS, pursuant to Sections 12.10.030(A)(5) and 12.10.120(B) of the Benton City Municipal Code, the City may waive the requirement that the petitioner include a signed agreement to pay the cost of an appraisal of the area to be vacated; and

WHEREAS, City Council has previously determined that the right-of-way is not essential to public traffic circulation and that it is available for vacation; and

WHEREAS, the City did, via Resolution No. 2019-03, properly set a public hearing for the vacation of the right-of-way, scheduled for 7:00 p.m. on February 5, 2019 at the Council Chambers at Benton City's City Hall; and

WHEREAS, the City did, on that date and in that place, conduct a public hearing on the request to vacate the right-of-way; and

WHEREAS, all steps and procedures required by law to vacate said right-of-way have been duly taken and performed; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. That the unnamed City street right-of-way described as follows:

Right-of-way description located in the Northwest ¼ of the Southwest ¼ of Section 20, Township 9 North, Range 27 East, W.M., Right-of-way information found on Binding Site Plan as recorded on 25 October 2011, volume 01 Page 4231 Benton County Washington. More specifically described as follows.

Beginning at the Northwest corner of the Southwest ¼ of Section 20, Township 9 North, Range 27 East. W. M.; Thence South 01° 52' 43" West 66.98 ft.; Thence Easterly along the South right-of-way line of Jacobs Road a chord bearing of North 87d 54' 36" East, chord length 35.13 ft. to the True Point of Beginning; Thence South 02d 57' 02" East 12.61 ft.; Thence Southeasterly along a curve with a chord bearing of South 15d 53' 13" East ,

chord length 96.26 ft.; Thence Southeasterly along a curve with a chord bearing of South 46d 01' 15" East, chord length 127.14 ft. ; Thence South 63d 13' 07" East 97.24 ft.; Thence Along a curve with a chord bearing of South 60 09' 04" East, chord length 17.62 ft.; Thence North 30d 11' 21" East 30 ft.; Thence along a Northwesterly curve with a chord bearing of North 60d 09' 55" West, chord length 18.72 ft.; Thence North 63d 13' 07" West 97.92 ft.; Thence Northwesterly along a curve with a chord bearing of North 33d 05' 05" West , chord length 185.75 ft.; Thence Northd 02 57' 02" West 13.19 ft.; Thence Southwesterly along the South Right-of-way line of Jacobs Road 30 ft. to the True Point of Beginning.

shall be and the same is hereby vacated, subject to the easement retained in Section 2 hereof.

Section 2. That the City shall retain an easement and the right to exercise or grant easements with respect to the right-of-way vacated in Section 1 above for the construction, repair and maintenance of public utilities and services.

Section 3. That a certified copy of this ordinance be recorded by the City Clerk of the City of Benton City in and with the office of the Auditor of Benton County, Washington.

Section 4. This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

PASSED this 5 day of March, 2019, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this 5 day of March, 2019.

Linda Lehman
Mayor

Attest:

Approved as to Form:

Stephanie Haug, MMC
City Clerk/Treasurer

Kerr Ferguson Law, PLLC
City Attorney