

RESOLUTION NO. R-2019-

A RESOLUTION acknowledging the prior City Council determination declaring the property located at 2312 West Nob Hill Boulevard, Yakima, to be surplus to the uses and needs of the City and subject to disposition; and approving an Agreement Of Purchase And Sale.

WHEREAS, in February 2014 the City of Yakima (City) purchased the subject property (2312 West Nob Hill Boulevard), along with three other properties, from the Tiger Oil Corporation for the public purpose of environmental remediation and site clean-up; and

WHEREAS, substantial site remediation was accomplished in cooperation with the Department of Ecology (DOE) to remove hazardous waste from the site; the site is still subject to periodic water sampling and likely will remain so for the foreseeable future, and therefore DOE has not yet determined it is appropriate to issue a "No Further Action" decision for the site, but has indicated that the site is presently amenable to development subject to the Environmental Covenant granted by the City to DOE on December 11, 2015; and

WHEREAS, by action of Resolution R-2015-089, the City Council previously determined that the subject property is surplus to the uses and needs of the City of Yakima and may be disposed of; and

WHEREAS, by instrument dated May 6, 2019, the City of Yakima received from Heyden Properties, LLC an "Agreement Of Purchase And Sale" ("Purchase and Sale Agreement"), a copy of which is attached hereto and incorporated herein by this reference, whereby the purchaser proposes to purchase the subject property for \$325,000, which amount is \$135,000 less than the appraised fair market value of said property when valued *as if clean and free of any environmental contamination*; and

WHEREAS, as a condition of the Purchase and Sale Agreement the Purchaser agrees to bear the cost of all necessary well monitoring and/or further remediation that may be required by DOE on the site; and

WHEREAS, the City Council acknowledges the previous declaration of surplus property and determination that the property may be disposed of; the Council further determines that acceptance of the Purchase and Sale Agreement are in the best interests of residents of the City of Yakima and will promote the general health, safety and welfare; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

Section 1. The Agreement Of Purchase And Sale attached hereto and incorporated herein by this reference is approved; the City Manager is hereby authorized to execute and administer such Agreement for and on behalf of the City of Yakima, and to execute all documents necessary or appropriate to accomplish said sale.

Section 2. The City Manager is authorized to dispose of the property by any means deemed necessary and appropriate in accordance with applicable codes and laws of the State of Washington and the Agreement Of Purchase and Sale approved in Section 1 above. The City Manager is further authorized to prepare and execute a deed of conveyance to accomplish such sale in accordance with the terms and conditions above, and to deliver such deed for recording by the purchaser upon payment in full to the City of Yakima of the consideration described above.

ADOPTED BY THE CITY COUNCIL this 21st day of May, 2019.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk