

RESOLUTION NO. R-2019-_____

A RESOLUTION authorizing a Land Use Agreement with the Yakima Greenway Foundation to resolve and settle the lawsuits brought by the Yakima Greenway Foundation against the City of Yakima.

WHEREAS, on December 21, 2018, a LUPA petition was filed by the Yakima Greenway Foundation in Yakima County Superior Court No. 18-2-04570-39 entitled *Yakima Greenway Foundation vs. City of Yakima*; and

WHEREAS, on or about January 31, 2019, a petition for review before the Growth Management Hearings Board of Eastern Washington was filed by the Yakima Greenway Foundation under case number 19-1-0001; and

WHEREAS, the two petitions arise out of the City's application, and the Yakima City Council's approval, to amend the City's comprehensive plan and rezone 2.5 acres in the vicinity of South 24th Street and East Nob Hill Blvd. from low-density to commercial mixed use, and from suburban residential zone to general commercial zone respectively; and

WHEREAS, the parties engaged in negotiation to attempt to come to a mutually acceptable resolution to the disagreement, and as a result of those efforts, the parties have now reached a proposed resolution of the disputed issues; and

WHEREAS, the negotiated settlement, subject to the approval of the Yakima City Council, will resolve all claims in the matter pursuant to the terms of the agreement, resulting in a Land Use Agreement and License regarding the 2.5 acre at issue in the litigation and adjacent property; and

WHEREAS, the City Council of the City of Yakima deems it to be in the interest of the City to authorize the City Manager to execute the attached Land Use Agreement and enter into a License Agreement for adjacent property, to resolve and conclude the lawsuit; now, therefore,

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

The City Manager of the City of Yakima is authorized and directed to sign the attached Land Use Agreement entered into by the City of Yakima and Yakima Greenway Foundation to resolve and settle the lawsuits brought by the Yakima Greenway Foundation against the City of Yakima, by which settlement the Land Use Agreement shall attach to the land, a License Agreement shall be entered into, and the claims by the Yakima Greenway Foundation shall be dismissed with prejudice and without costs.

ADOPTED BY THE CITY COUNCIL this 5th day of November, 2019.

Kathy Coffey, Mayor

ATTEST:

Sonya Claar Tee, City Clerk