

RESOLUTION NO. R-2021-_____

A RESOLUTION declaring certain easement rights held by the City of Yakima to be surplus to City needs and abandoning all interest to the property owners over which the easement is located.

WHEREAS, on or about April 21, 1922, John T., Mary E. and Sonora A. Hess granted to the City of Yakima an Easement right over and along lands for purposes of constructing and maintaining a pipeline for irrigation and domestic water as follows:

Beginning at a point 734 feet south and 290 feet east of the northwest corner of the Northeast quarter of the Southeast quarter of Section 9, Township 13 North, Range 18, E.W.M., thence southeasterly along the arc of a circle curving to the left with a radius of 359.27 feet, a distance of 189.5 feet; thence south 88 degrees and 3 minutes east along a straight line, tangent with the curve just described, a distance of 9.7 feet; thence southeasterly, along the arc of a circle curving to the right with a radius of 573.69 feet, a distance of 284 feet to a point 48.5 feet southerly measured at right angles from the center line of the track of the Naches branch of the Northern Pacific Railway; thence Southeasterly along a straight line, tangent with the curve last described and parallel with said track, a distance of 205.2 feet, more or less, to the east line of the land now owned by the party of the first part

and the associated right of entry to the adjacent premises not to exceed twelve feet in width upon each side of the center line above described for the purpose of constructing and maintaining said pipe line; and

WHEREAS, the property over which the easement described above is located is owned by Yakima Valley Commercial, L.L.C.; and

WHEREAS, the City, Yakima County, and the Yakima County Flood Control Zone District have been working on a flood control strategy for Cowiche Creek which involves a number of real estate transactions and construction of river structures that will lessen the flood risks in the area; and

WHEREAS, as part of that strategy, the City, County and Flood Control Zone District entered into a Purchase and Sale Agreement with Yakima Valley Commercial to purchase a portion of its property; and

WHEREAS, as part of the transaction, Yakima Valley Commercial is granting the City two easements, and the City agreed to surplus and revert the easement right listed above to Yakima Valley Commercial; and

WHEREAS, the City investigated whether there existed a pipeline or other water facilities in the easement area, and found that there are no pipelines in the easement; and

WHEREAS, it was determined by the city water/irrigation division that the property is not needed for irrigation or domestic water purposes of any kind and that no city services are currently located within the easement; and

WHEREAS, the City did not expend any funds in maintaining the easement area, and the easement right is being surplussed and reverted to the underlying property owner as part of the overall real estate transaction for which there is consideration; and

WHEREAS, a public hearing was held on March 2, 2021, regarding the surplus of the easement right and interests associated therewith after proper notice was provided; and

WHEREAS, the City desires to surplus the easement have the easement right extinguish, reverting all rights to the property held by the City to the current owner, Yakima Valley Commercial; and

WHEREAS, the City Council has evaluated the proposal to surplus the property and revert it back to the property owner of the property through which the easement is located, finding that it is in the best interest of the City and the residents of the City to do so; now, therefore,

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

Section 1. Declaration of Surplus and Authorization of Abandonment. The following easement right is hereby declared surplus to the uses and needs of the City of Yakima:

Easement right over and along lands for purposes of constructing and maintaining a pipeline for irrigation and domestic water as follows:

Beginning at a point 734 feet south and 290 feet east of the northwest corner of the Northeast quarter of the Southeast quarter of Section 9, Township 13 North, Range 18, E.W.M., thence southeasterly along the arc of a circle curving to the left with a radius of 359.27 feet, a distance of 189.5 feet; thence south 88 degrees and 3 minutes east along a straight line, tangent with the curve just described, a distance of 9.7 feet; thence southeasterly, along the arc of a circle curving to the right with a radius of 573.69 feet, a distance of 284 feet to a point 48.5 feet southerly measured at right angles from the center line of the track of the Naches branch of the Northern Pacific Railway; thence Southeasterly along a straight line, tangent with the curve last described and parallel with said track, a distance of 205.2 feet, more or less, to the east line of the land now owned by the party of the first part

and the associated right of entry to the adjacent premises not to exceed twelve feet in width upon each side of the center line above described for the purpose of constructing and maintaining said pipe line.

Section 2. The City Manager is hereby authorized to dispose of the easement right and sign any necessary documents to have the easement right revert to the underlying property owner, as may be required during the closing of the Purchase and Sale of the Yakima Valley Commercial transaction.

Section 3. Effective Date. This resolution shall take effect immediately, as provided by law.

ADOPTED BY THE CITY COUNCIL this 2nd day of March, 2021.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk