



**COLUMBUS CASCADE COMPANY LLC
RWV#002-22**

**Yakima City Council
Open Record Hearing
November 1, 2022**

EXHIBIT LIST

Applicant: HLA Engineering & Surveying Inc.
File Numbers: RWV#002-22
Site Address: 609 S FRONT ST
Staff Contact: Albert Miller, Assistant Planner

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CITY OF YAKIMA
PLANNING DIV.

**City of Yakima, Washington
Hearing Examiner's Recommendation**

September 22, 2022

**In the Matter of an Application and)
Petition for the Vacation of Street)
Right-of-Way Submitted by:)**

Columbus Cascade Company LLC)

RWV#002-22

**For Vacation of a Portion of Unused)
Street Right-of-Way 10 Feet in Width)
That is Located Beneath an Existing)
Building at 609 South Front Street)**

A. Introductory Findings. The Hearing Examiner conducted an open record public hearing on September 8, 2022, pursuant to requisite notice of the date, time and place. The findings relative to the public hearing for this application/petition for street right-of-way vacation may be summarized as follows:

(1) The detailed staff report which was prepared and presented by Assistant Planner Albert Miller recommended approval of this requested right-of-way vacation subject to conditions.

(2) The Petitioner's representative for this matter, Eric Herzog of HLA Engineering & Land Surveying, Inc., testified in favor of approval of this right-of-way vacation and indicated that the right-of-way is the east 10 feet of an 80-foot-wide street right-of-way dedicated in an 1885 plat which is not used for the street and is located beneath a building that is thought to have been built during or before the 1960s.

(3) No other testimony and no written comments were submitted regarding this

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Located at 609 South Front Street
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right-of-way vacation request.

(4) This recommendation to the Yakima City Council has been issued within ten business days of the open record public hearing.

B. Recommendation. Based upon the following Findings and Conclusions, the Hearing Examiner recommends that the Yakima City Council approve the requested vacation of unused street right-of-way located at 609 South Front Street.

C. Basis for the Findings, Conclusions and Recommendation. The following Findings, Conclusions and Recommendation are based upon the Hearing Examiner's view of the site with no one else present on September 7, 2022; his consideration of the staff report, exhibits, testimony and other evidence presented at an open record public hearing on September 8, 2022; and his review of the criteria for vacation of street right-of-way in Chapter 14.21 of the Yakima Municipal Code (YMC).

FINDINGS

I. The Applicant, Petitioner and Property Owner. The applicant, petitioner and property owner is Columbus Cascade Company LLC located at 300 Marconi Boulevard, Suite 103, Columbus, Ohio 43215.

II. The Representative of the Applicant, Petitioner and Property Owner. The representative of Columbus Cascade Company LLC for this matter is Eric Herzog of

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HLA Engineering & Land Surveying, Inc. located at 2803 River Road, Yakima, Washington 98902.

III. Location. The location of the unused 10-foot-wide street right-of-way that is the subject of this application/petition for vacation is along the east side of South Front Street in the 600 block beneath the building at 609 South Front Street. The County Assessor's Tax Parcel Numbers are 191319-34413 and 34414.

IV. Application. The main aspects of this application/petition for vacation of street right-of-way are as follows:

(1) The Right-of-Way Vacation application/petition was received by the City Planning Division on July 13, 2022. It requests vacation of approximately 3,998 square feet of unused and unimproved street right-of-way located in the 600 block of South Front Street beneath the building at 609 South Front Street (*Document Index C-1 of the record*).

(2) This application/petition is being processed under YMC Chapter 14.21 relative to right-of-way vacations. Those provisions require a Hearing Examiner recommendation to the City Council to be based on findings and conclusions pursuant to YMC Chapter 1.43, YMC Chapter 14.21 and RCW Chapter 35.79.

V. Notices. Notices of the September 8, 2022, public hearing were provided as follows:

Mailing of notice to property owners within 300 feet:	August 17, 2022
Publishing of notice in the Yakima Herald-Republic:	August 17, 2022
Posting of notice in three public places:	August 18, 2022
Posting of notice on the only access point – the right-of-way frontage at 609 South Front Street:	August 18, 2022

VI. Environmental Review. Street right-of-way vacations are categorically exempt from SEPA environmental review.

VII. Right-of-Way Vacation Findings. The Findings relative to the recommendation to the Yakima City Council regarding this application/petition for vacation of a 10-foot-wide strip of unused street right-of-way in the 600 block of South Front Street are as follows:

(1) City Council Resolution: The Yakima City Council by Resolution No. R-2022-103 referred this street right-of-way vacation Petition No. 22-07 to the Hearing Examiner to hold a public hearing on September 8, 2022, at 9:00 a.m. and to make a recommendation to the City Council regarding the petition. The petition was signed by a representative of Columbus Cascade Company LLC which owns 100% of the contiguous private property. This recommendation has been issued and delivered to the City Planning Division within 10 business days of the hearing.

(2) Hearing Examiner Authority: The Hearing Examiner has jurisdiction to conduct public hearings on petitions and resolutions to vacate streets and public right-of-way pursuant to YMC §1.43.080(H) and YMC Chapter 14.21 which provide that the Hearing Examiner shall make a recommendation regarding such petitions to the Yakima City Council.

(3) Urban Area Zoning Ordinance: Street rights-of-way are not technically within any zoning classification. However, upon vacation they acquire the same zoning that is applicable to the contiguous property. In this case, the contiguous property is zoned General Commercial (GC).

(4) Yakima Comprehensive Plan 2040: Street rights-of-way likewise do not have an underlying Comprehensive Plan designation. But upon vacation the vacated area is likewise designated the same as the contiguous property. In this situation, the vacated right-of-way area would have a Comprehensive Plan Future Land Use Map designation of Commercial Mixed Use.

(5) Revised Code of Washington (RCW) Chapter 35.79: This chapter of state law prescribes the state's requirements for the process of vacating street right-of-way. All requirements of this chapter that can be accomplished prior to the public hearing have been fulfilled. State law provides that the property within the limits to be vacated shall belong to the owners of the lots abutting each side of the vacated area, one-half to the owners on each side of the vacated area (RCW 35.79.040). This petition presents an exception because one side of the right-of-way area proposed for vacation is right-of-way for South Front Street. The entire area to be vacated in this situation would belong to Columbus Cascade Company LLC because it owns the only property contiguous to the public right-of-way which is not itself public right-of-way.

(6) Public Use of The Right-of-Way: The subject portion of the right-of-way to be vacated is completely unimproved. South Front Street is fully improved in this location and no curb, gutter or asphalt are located on this portion of right-of-way which is beneath an existing building believed to have been constructed in or before the 1960s.

(7) Criteria #1 for Vacation of Right-of-Way (YMC §14.21.050(A)(1)): What is the public benefit, reason for, and limitations of the proposed right-of-way vacation? The right-of-way proposed for vacation is limited to approximately 3,998 square feet. Since it is currently located beneath an existing building on the east side of South Front Street, the City would be relieved of the responsibility to maintain right-of-way that is not needed and cannot as a practical matter be maintained in any event. The property owner would benefit by being relieved of any possible consequences of encroaching upon a public street right-of-way. The requested right-of-way vacation would be limited to a 10-foot-wide strip within the 600 block of South Front Street which consists of about 3,998 square feet. Since the subject area is unimproved and the City has no plans to ever improve or use this area, this portion of right-of-way can best be used as part of the adjacent private property.

(8) Criteria #2 for Vacation of Right-of-Way (YMC §14.21.050(A)(2)): Does the vacation deny any property sole access to a public street? This right-of-way vacation would not deny any property access to a public street.

(9) Criteria #3 for Vacation of Right-of-Way (YMC §14.21.050(A)(3)): Is the proposal consistent with existing plans of the City such as the Six-Year Transportation Improvement Plan, the Urban Area Comprehensive Plan or other official City plans and policies? The City's current Six-Year Transportation Improvement Plan (TIP) does not

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include any planned improvements to the right-of-way that is proposed for vacation. Nor would approval of the right-of-way vacation be inconsistent with the Comprehensive Plan or any other official City plans and policies.

(10) Criteria #4 for Vacation of Right-of-Way (YMC §14.21.050(A)(4)): Is the vacation request appropriate with existing and anticipated development in the area, based on zoning, current use and long range plans? There is no anticipated development that would be adversely affected by approval of this requested right-of-way vacation. To the contrary, the vacated right-of-way area would continue to be used in conjunction with the current commercial use of abutting property in the General Commercial (GC) zone. Use of the vacated area as part of the existing commercial use where it is located would be appropriate based on the current General Commercial (GC) zoning of the property and the lack of any long range plans for public use of the area proposed for vacation.

(11) Criteria #5 for Vacation of Right-of-Way (YMC §14.21.050(A)(5)): Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated? There are no public utilities within the right-of-way proposed to be vacated. No evidence of private utilities in that area was presented.

(12) Criteria #6 for Vacation of Right-of-Way (YMC §14.21.070(A)(4)): Whether compensation should be required in return for vacation of the right-of-way? YMC §14.21.070(A)(4) provides: "No compensation may be required if the city has not purchased, maintained, or made any improvements to the public right-of-way, there is no planned or anticipated public purpose existing for maintaining the public right-of-way as determined by the planning commission or development services team (DST), and the public right-of-way has been a dedicated right-of-way in the city for at least five years." The City has not purchased, maintained or improved the area proposed for right-of-way vacation. No City divisions in the Development Services Team indicated that improvements are planned for the right-of-way area proposed for vacation or that any anticipated public purposes exist for maintaining that portion of the right-of-way. The area of right-of-way proposed for vacation has been a dedicated right-of-way in the City for longer than five years since it was dedicated to the City by the Plat of the Town of North Yakima recorded on February 4, 1885. Therefore, compensation to the City for the right-of-way area proposed for vacation of this unused 10-foot-wide strip of street right-of-way consisting of about 3,998 square feet is not required by the criteria in YMC §14.21.070(A)(4).

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CONCLUSIONS

The Conclusions relative to the recommendation to the Yakima City Council regarding the requested right-of-way vacation are as follows:

(1) Petition signatures for this requested vacation of right-of-way were obtained from the necessary two-thirds of the property owners fronting this area proposed for right-of-way vacation because the applicant/petitioner/property owner Columbus Cascade Company LLC owns 100% of the property abutting this public right-of-way that is not also public right-of-way on all other sides.

(2) The area of the right-of-way proposed for vacation is a 10-foot-wide contiguous portion of South Front Street.

(3) If this requested vacation of right-of-way is approved, the vacated right-of-way will be zoned the same as the contiguous private property which is General Commercial (GC).

(4) Approval of the requested right-of-way vacation would not cause any properties to be denied sole access to the public street system.

(5) The petition for vacation of this public right-of way does not conflict with any planned street improvement projects or other plans or projects of the City of Yakima.

(6) Approval of the requested right-of-way vacation would benefit the City by relieving it of future maintenance responsibilities for an area which is not needed for any public purpose and is a segment of street right-of-way that cannot in any event as a practical matter be maintained since it is beneath an existing building.

(7) All necessary requirements for the vacation of street right-of-way prescribed by RCW Chapter 35.79 and YMC Chapter 14.21 are satisfied.

(8) YMC §14.21.070(A)(4) provides that compensation to the City is not required for the vacation of this street right-of-way area.

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RECOMMENDATION

The Hearing Examiner recommends to the Yakima City Council that this petition for vacation of a 10-foot-wide strip of unused street right-of-way in the 600 block of South Front Street which consists of approximately 3,998 square feet of right-of-way adjacent to property owned by Columbus Cascade Company LLC be **APPROVED** subject to the following conditions:

(1) The area within the vacated right-of-way shall be included within the Commercial Mixed Use Comprehensive Plan designation and within the General Commercial (GC) zoning district.

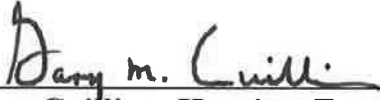
(2) The vacated area shall belong to the abutting property owner Columbus Cascade Company LLC.

(3) The legal description in the record for the area within the vacated right-of way which was provided by HLA Engineering & Land Surveying, Inc. is as follows:

That portion of the right-of-way for North Front Street as dedicated on the Plat of North Yakima, now Yakima, as recorded in Volume "A" of Plats, page 10, and rerecorded in Volume "E" of Plats, page 1, records of Yakima County, Washington, described as follows:

The East 10.00 feet of said right-of-way lying adjacent to Lots 9 through 16, Block 17, of said Plat, as measured perpendicular to the west line of said lots.

DATED this 22nd day of September, 2022.



Gary Cuillier, Hearing Examiner

Columbus Cascade Company LLC
Vacation of Street Right-of-Way
Located at 609 South Front Street
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DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

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CITY OF YAKIMA

FINDINGS of FACT, CONCLUSIONS, & RECOMMENDATION

for

PETITION FOR RIGHT-OF-WAY VACATION

Application File: RWV#002-22

PETITIONER: HLA Engineering & Land Surveying/Columbus Cascade Company LLC
REQUEST: Vacate 10 ft of public right of way directly under an existing building at 609 S. Front St.
PROJECT LOCATION: 609 S Front St.
PARCEL NUMBER(S): 191319-34413, 191319-34414
DATE OF REQUEST: July 13, 2022
DATE OF HEARING: September 8, 2022
STAFF CONTACT: Albert Miller, Assistant Planner

I. DESCRIPTION OF REQUEST:

The applicant is requesting to vacate a portion of public right-of-way that is under an existing building on the 600 block of S. Front St.

II. SUMMARY OF RECOMMENDATION: From the view of the site, the matters contained in the application, and a review of the Yakima Comprehensive Plan 2040, the Yakima Urban Area Zoning Ordinance, and RCW 35.79, Planning Staff makes the following:

III. FINDINGS:

A. Background: On July 13, 2022, the City of Yakima Department of Community Development received a petition from HLA Engineering & Surveying, on behalf of Columbus Cascade LLC, for the vacation of a portion of right-of-way. The proponent has requested this vacation for the purpose of owning and maintaining the property beneath the existing building.

B. Hearing Examiner Authority: The Hearing Examiner has jurisdiction to conduct public hearings on petitions and resolutions to vacate streets and public right-of-way pursuant to RCW Ch. 35.79. Decisions of the examiner on such matters shall constitute a recommendation to the City Council (YMC § 1.43.080(H)).

C. Urban Area Zoning Ordinance: Technically, street rights-of-way are not designated with an underlying zoning district. However, upon vacation they become zoned the

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same as the properties to which they are immediately contiguous. In this case, the contiguous zoning of the adjacent parcels is General Commercial (GC).

D. Yakima Comprehensive Plan 2040: Street rights-of-way do not contain an underlying Comprehensive Plan designation. Upon vacation they will obtain the same Comprehensive Plan designation as the properties to which they are immediately contiguous. The subject portions of right-of-way, once vacated, will have a Future Land Use Designation of Commercial Mixed Use.

E. Revised Code of Washington (RCW) 35.79: This chapter of state law stipulates the state's requirements for the process of vacating street right-of-way. All requirements of this chapter that can be accomplished prior to the public hearing have been fulfilled. State law provides that the property within the limits to be vacated shall belong to the owners of the lots abutting each side of the vacated area, one-half to the owners on each side of the vacated area (RCW § 35.79.040).

IV. ZONING AND LAND USE

The property being vacated is considered public right-of-way and surrounding properties have the following characteristics:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	General Commercial (GC)	Co-op general retail
South	Light Industrial (M-1)	Salvage Yard
East	General Commercial (GC)	Automotive Dealership
West	Light Industrial (M-1)	Railway

V. DEVELOPMENT SERVICES TEAM (DST) REVIEW

A Development Services Team meeting is scheduled to discuss this proposal on September 6, 2022. Submitted comments will be added to the hearing examiner packet as an addendum prior to the public hearing.

VI. PUBLIC USE OF THE RIGHT-OF-WAY

The subject portion of the right-of-way to be vacated is not completed or improved by the City of Yakima. The right-of-way area is not used by the public and is encumbered by a building overhang and enclosed portions of the adjacent building.

VII. CRITERIA FOR VACATION OF RIGHT-OF-WAY

YMC Ch. 14.21 provides specific guidelines for right-of-way vacations. These guidelines include five criteria that must be met in the granting of vacation petitions. They are as follows:

A. The petition must explain the public benefit of the project, the reasoning of the proposed vacation, and the limits of the vacation.

Petitioner Response: These is a portion of the existing building within the right of way. We are proposing to vacate the right of way lying under the building.

Staff Response: As it will never be improved into a public street, vacating this portion of right-of-way will benefit the properties adjacent to the length of the vacation taking place. The benefit to the public is that this action will remove a section of right-of-way that serves no public purpose.

B. The vacation of right-of-way does not deny sole access to any property.

Petitioner Response: No. This is a partial right of way vacation request.

Staff Response: This action would vacate a partial right-of-way that sits under an existing building, access the property would be unchanged.

C. Petitions should be consistent with the Six-Year Transportation Improvement Plan, Urban Area Comprehensive Plan and other official city plans and policies.

Petitioner Response: There are no plans for improvements to South Front Street.

Staff Response: The current Transportation Improvement Plan (TIP) indicates no planned improvements are to be done to the right-of-way that is to be vacated.

D. Vacation requests should be appropriate with existing and anticipated development in the area, based on zoning, current use and long range plans.

Petitioner Response: There are no plans for change of use at this time.

Staff Response: There is no anticipated development that would be adversely affected by this vacation.

E. Vacation requests must consider any public or franchise utilities in the right-of-way that are to be vacated, and if they will be relocated.

Petitioner Response: There are no public utilities in the right of way to be vacated.

Staff Response: There are no public utilities that will be vacated as a result of this action.

VIII. COMPENSATION

- A. YMC § 14.21.070(A)(4)** states, "No compensation may be required if the city has not purchased, maintained, or made any improvements to the public right-of-way, there is no planned or anticipated public purpose existing for maintaining the public right-of-way as determined by the planning commission or development services team (DST), and the public right-of-way has been a dedicated right-of-way in the city for at least five years." During the DST meeting, no City divisions indicated planned improvements for the subject portion of right-of-way. No compensation will be required to be paid to the City due to the fact the City has not been involved in the maintenance and does not plan to update the subject portion of right-of-way from doing so.

IX. PUBLIC NOTICE

The Yakima City Council set the date of this public hearing for street vacation on August

16, 2022, by Resolution No. R-2022-103, in accordance with RCW 35.79.010. Other notices of this hearing were provided for in the following manner:

Posting of property	August 18, 2022
Adjoining property owners notified	August 17, 2022
Legal ad published	August 17, 2022
Posting in three public places	August 18, 2022

*YMC 14.21.060(3) requires a sign posted at each end of the public right-of-way to be vacated, however, there is only one access point in this instance, so only one sign was posted along the "frontage" of the right-of-way.

X. CONCLUSION

1. Petition signatures for this vacation were obtained from the necessary two-thirds of the property owners fronting this vacation.
2. The subject right-of-way was dedicated to the City of Yakima by the Plat of the Town of North Yakima, recorded February 4, 1885.
3. If this request is approved, the vacated right-of-way will be zoned GC.
4. No properties will be denied sole access to the public street system by vacating this right-of-way.
5. The petition for vacation of this public right-of way does not conflict with any planned street improvement projects or other plans or projects of the City of Yakima.
6. The intended use of the property, once vacated, will benefit Columbus Cascade Company, LLC in future development of the site.
7. A traffic study for this proposal was not required.
8. All necessary requirements for street vacations in RCW 35.79 and YMC 14.21 are met.
9. Compensation to the City is not required for this right-of-way vacation, in accordance with YMC § 14.21.070(A)(4).
10. No letters were received in opposition to this proposal.

XI. RECOMMENDATION

The Planning Division recommends that the petition for the vacation of platted right-of-way adjacent to land owned by the Columbus Cascade Company LLC be **approved**.

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File Number(s): RWV#002-22

ZONING MAP



Yakima Urban Area Zoning
SR Suburban Residential
R-1 Single Family
R-2 Two Family
R-3 Multi-Family
B-1 Professional Business
B-2 Local Business
HB Historical Business
SCC Small Convenience Center
LCC Large Convenience Center
CBD Central Business District
GC General Commercial
M-1 Light Industrial
M-2 Heavy Industrial
RD Regional Development
AS Airport Support



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Project Name: COLUMBUS CASCADE COMPANY LLC

Site Address: 609 S FRONT ST

File Number(s): RWV#002-22



FUTURE LAND USE MAP



Yakima Future Land Use Designations

Low Density Residential

Mixed Residential

Central Business Core Commercial

Commercial Mixed Use

Regional Commercial

Community Mixed Use

Industrial



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Project Name: COLUMBUS CASCADE COMPANY LLC

Site Address: 609 S FRONT ST

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Date Created: 8/29/2022



Project Name: COLUMBUS CASCADE COMPANY LLC

Site Address: 609 S FRONT ST

File Number(s): RWV#002-22

Proposal: Proposal to vacate 10 ft of public right of way directly under an existing building at 609 South Front Street.



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Date Created: 8/17/2022



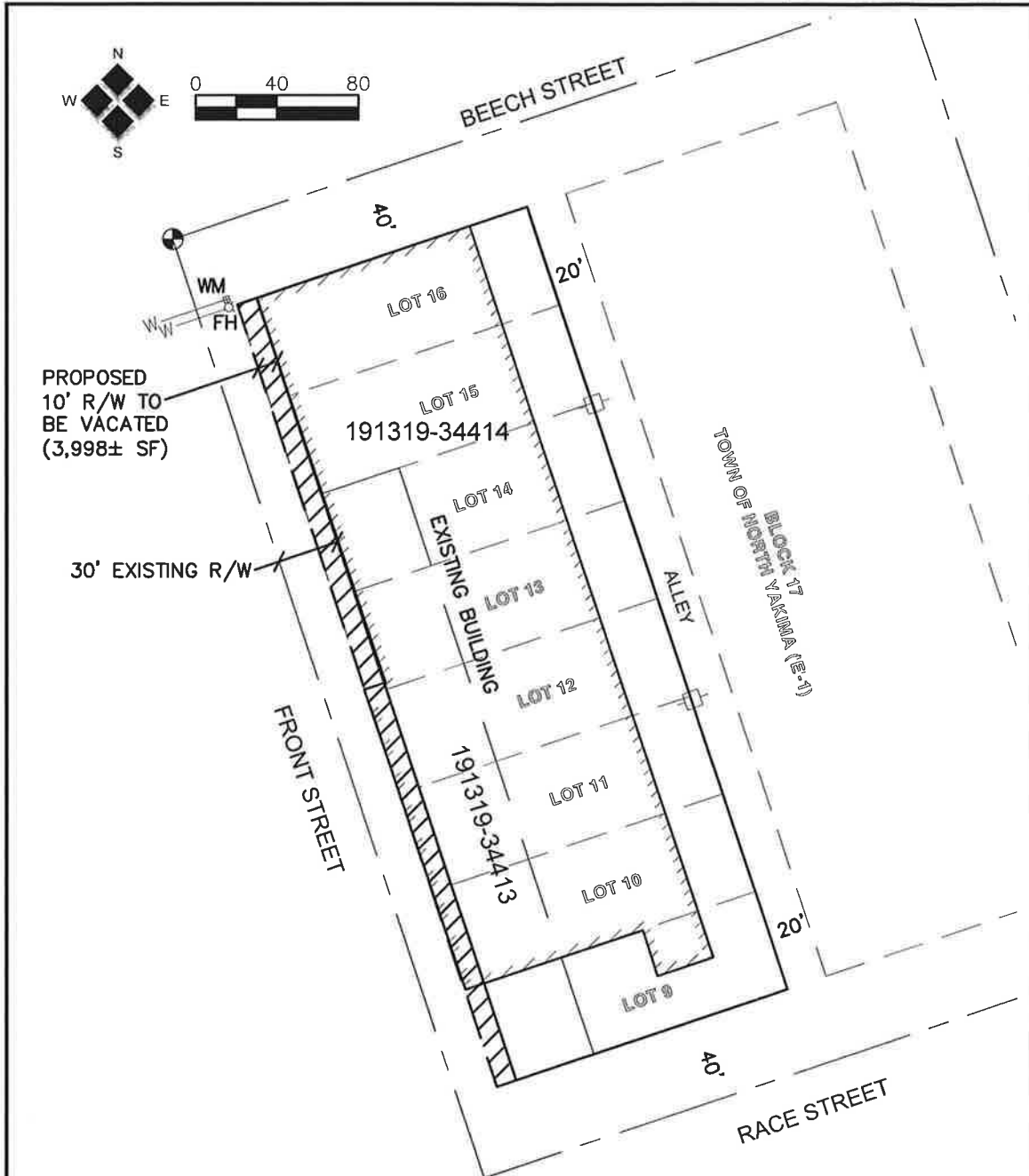
EXHIBIT LIST

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P: PROJECTS/2022/22090/22090.DWG



2803 River Road
Yakima, WA 98902
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Fax 509.965.3800
www.hlacivil.com

RIGHT-OF-WAY VACATION EXHIBIT MAP

COLUMBUS CASCADE COMPANY, LLC
CITY OF YAKIMA, YAKIMA COUNTY, WASHINGTON

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SITE PLAN CHECKLIST & INSTRUCTIONS

A Detailed Site Plan Is Required: On August 8, 1996, the City Council passed a resolution (No. R-96-91) adopting a requirement that all site plans submitted in conjunction with any building permit application, land use application, and environmental application shall contain certain information and be approved by the appropriate Division Manager. All information that is applicable to your proposal shall be checked off and clearly displayed on the site plan. It is in the applicant's best interest to provide a carefully drawn and scaled site plan with all required information. The decision on whether or not to grant approval of your development proposal is largely based on the information you provide. **An application cannot be processed until an adequate site plan is submitted.**

Please complete this checklist and include it with your site plan. The site plan must contain all pertinent information. Items not applicable to the proposed project shall be noted.

- 1) **Use Ink:** Use blue or black permanent ink. It may be helpful to draft the site plan in pencil then trace over in ink. Ink is necessary for adequate duplication.
- 2) **Use A Straight Edge:** All lines must be straight and done with the aid of a ruler or other straight edge. Use a compass when delineating circular drawings such as cul-de-sacs. Computer drafted site plans are acceptable.
- 3) **Draw To Scale:** Site plans shall be drawn to scale. The site plan template has a suggested map scale of one inch equaling twenty feet (1"=20'). Distances on the map must be as representative of reality as possible. For example, if the distance from a structure to a property line is 20 feet, the distance on the site plan will be 1 inch.
- 4) **Use Site Plan Checklist:** Use the site plan checklist and provide all applicable information on the site plan.
- 5) **Fill In Information On The Site Plan Template.** The template is available online on the Planning Division webpage (<https://www.yakimawa.gov/services/planning/>) in the "application forms and fees" section, and also at the permits counter on the 2nd floor of City Hall. If you choose not to use the city's site plan template, please provide the information listed on the site plan template (background info, lot coverage, parking, etc.) on your site plan.

Note: You may benefit from the aid of a professional in the preparation of a site plan.

Check all boxes as: (✓ or X) Included or (-) Not Applicable

<input type="checkbox"/>	The site plan shall be legibly drawn in ink on paper of sufficient size to contain the required information, but not less than 8.5" X 11" for Class (1) projects and 11" X 17" for Class (2) and Class (3) projects.
<input type="checkbox"/>	All site plans shall be drawn to a standard engineering scale and indicated on the site plan. The scale selected shall best fit the paper. Planning staff recommends 1"=20'.
<input type="checkbox"/>	Site address, parcel number(s) and zoning designation of subject property.
<input type="checkbox"/>	Property boundaries and dimensions.
<input type="checkbox"/>	Names and dimensions of all existing streets bounding the site.
<input type="checkbox"/>	Dimensions, location, & use of proposed & existing structures (include loading docks) with structure setbacks.
<input type="checkbox"/>	Structure setbacks
<input type="checkbox"/>	Lot coverage with calculations.
<input type="checkbox"/>	Location and size of any easements.
<input type="checkbox"/>	Location and type of existing and proposed landscaping including landscaping within the public right-of-way.
<input type="checkbox"/>	Location and size of existing and proposed side sewer and water service lines.
<input type="checkbox"/>	Adjacent land uses and zoning designations.
<input type="checkbox"/>	Location and size of all parking spaces.
<input type="checkbox"/>	Location and dimensions of proposed or existing driveway approaches.
<input type="checkbox"/>	Vision clearance triangles at street intersections and where driveways and curb cuts intersect with streets (see 15.05.040)
<input type="checkbox"/>	Location and size of proposed or existing signs.
<input type="checkbox"/>	Location and size of required site drainage facilities including on-site retention.
<input type="checkbox"/>	Location, type, and description of required sitescreeening.
<input type="checkbox"/>	Location and size of existing or proposed public sidewalks that are within 200-feet of the subject property.
<input type="checkbox"/>	Proposed improvements located within the public right-of-way.
<input type="checkbox"/>	Name, address, phone number, and signature of the owner or person responsible for the property.

Note: Planning Division or reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the YMC and other laws and regulations.

COLUMBUS CASCADE COMPANY LLC
RWV#002-22

EXHIBIT LIST

CHAPTER D

DST Review

[illegible]



City of Yakima Development Services Team
Request For Comments
August 29, 2022

To:	City of Yakima Development Services Team
From:	Albert Miller, Assistant Planner
Subject:	Request for Comments
Applicant:	HLA Engineering & Land Surveying Inc -- Eric Herzog
File Number:	RWV#002-22
Location:	609 S Front St.
Parcel Number(s):	191319-34413, 191319-34414
DST MEETING DATE:	9/6/2022

Proposal

Meet to discuss a proposal to vacate 10 ft. of public right of way directly under an existing building at 609 S. Front St.

Please review the attached application and site plan and prepare any written comments you might have regarding this proposal. This project will come up for discussion at the weekly DST meeting to be held September 6, 2022 at 2:00 p.m. As always, should you have comments, but find you are unable to attend, please submit your comments prior to the meeting. My email address is albert.miller@yakimawa.gov and the Planning Department's fax number is (509) 575-6105. Should you have any questions, or require additional information, please call me at (509) 576-6772.

Comments:

Contact Person

Department/Agency

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COLUMBUS CASCADE COMPANY LLC
RWV#002-22

EXHIBIT LIST

CHAPTER E

Application

[illegible]

JUL 13 2022

☐ REC'VD ☐ FAXED
☐ PAID ☐ FYI

LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT
129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901
PHONE: (509) 575-6183 EMAIL: ask.planning@yakimawa.gov

INSTRUCTIONS – PLEASE READ FIRST Please type or print your answers clearly.

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable.

This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV - CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:	Eric Herzog, PLS, HLA Engineering and Land Surveying, Inc.						
	Mailing Address:	2803 River Road						
	City:	Yakima	St:	WA	Zip:	98902	Phone:	(509) 966-7000
	E-Mail:							
2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> Other			
3. Property Owner's Information (If other than Applicant):	Name:	Johnathan Petuchowski, Columbus Cascade Company, LLC						
	Mailing Address:	300 Marconi Blvd, Suite 103						
	City:	Colimbus	St:	OH	Zip:	43215	Phone:	(614) 531-9602
	E-Mail:							
4. Subject Property's Assessor's Parcel Number(s): 191319-34413 and -34414								
5. Legal Description of Property. (if lengthy, please attach it on a separate document) See attached.								
6. Property Address: 609 South Front Street								
7. Property's Existing Zoning: <input type="checkbox"/> SR <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> B-1 <input type="checkbox"/> B-2 <input type="checkbox"/> HB <input type="checkbox"/> SCC <input type="checkbox"/> LCC <input type="checkbox"/> CBD <input type="checkbox"/> GC <input type="checkbox"/> AS <input type="checkbox"/> RD <input checked="" type="checkbox"/> M-1 <input type="checkbox"/> M-2								
8. Type Of Application: (Check All That Apply) <input checked="" type="checkbox"/> Right-of-Way Vacation <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____								

PART II – SUPPLEMENTAL APPLICATION, PART III – REQUIRED ATTACHMENTS, & PART IV – NARRATIVE

SEE ATTACHED SHEETS

PART V – CERTIFICATION

I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

Property Owner's Signature

7/7/22
Date

Applicant's Signature

7/7/22
Date

FILE/APPLICATION(S)#

RWV# 002-22

DATE FEE PAID: 7/13/2022	RECEIVED BY: A. Firth	AMOUNT PAID: 1385.00	RECEIPT NO: 02-22-002115
-----------------------------	--------------------------	-------------------------	-----------------------------

JUL 13 2022

Supplemental Application For:
RIGHT-OF-WAY VACATIONREC'D
PAID
FAXED
FYI**PART II - LOCATION**

1. VICINITY - LOCATION OF RIGHT-OF-WAY TO BE VACATED:

10-feet of South Front Street right of way adjacent to tax parcels 191319-34413 and -34414.

2. LEGAL DESCRIPTION OF THE RIGHT-OF-WAY TO BE VACATED: (Attach if lengthy)

See Attached.

PART III - APPLICATION INFORMATION

1. A WRITTEN NARRATIVE: (Please submit a written response to the following questions)

A. What is the public benefit, reason for, and limitations of the proposed right-of-way vacation?

These is a portion of the existing building within the right of way. We are proposing to vacate the right of way lying under the building.

B. Does the vacation deny sole access to a public street for any property?

No. This is a partial right of way vacation request.

C. Is the proposal consistent with existing plans of the City? (Petitions should be consistent with the Six-year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other official City Plans and policies)

There are no plans for improvements to South Front Street.

D. Is the vacation appropriate with existing zoning and land use? (Vacation of Right-of-Ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and long-range plans)

There are no plans for change of use at this time.

E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?

There are no public or franchised utilities in the right of way to be vacated.

F. Please choose one:

- ☒ I have enclosed an appraisal of the property to be vacated ☐ I am electing to have the City of Yakima Planning Division determine the value of the property to be vacated per YMC 14.21.070.

PART IV - REQUIRED ATTACHMENTS

1. SITE PLAN REQUIRED (Please use the City of Yakima Site Plan Checklist, attached)

2. PETITION TO VACATE STREET OR ALLEY REQUIRED (attached)

3. TITLE REPORT

4. SURVEY OF THE AREA TO BE VACATED

5. APPRAISAL OF THE PROPERTY (an appraisal is required unless the applicant elects to have the City determine the value of the property to be vacated in accordance with YMC 14.21.070)

6. ENGINEERING PLAN (may be required to indicate how the curb, gutter and other physical features will be treated after the vacation is enacted.)

7. TRAFFIC ANALYSIS (A traffic analysis prepared by a Certified Engineer, which describes the impact to the City transportation network of the closure of the right-of-way, may be required depending on the right-of-way being vacated. As a result of that analysis, a Traffic Study may also be required)

JUL 13 2022

☐ REC'D ☐ FAXED
☐ PAID ☐ FYI

JULY 7, 2022

HLA PROJECT: 22090S

LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED

THAT PORTION OF THE RIGHT OF WAY FOR NORTH FRONT STREET AS DEDICATED ON THE PLAT OF NORTH YAKIMA, NOW YAKIMA, AS RECORDED IN VOLUME "A" OF PLAT, PAGE 10, AND RERECORDED IN VOLUME "E" OF PLATS, PAGE 1, RECORDS OF YAKIMA COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE EAST 10.00 FEET OF SAID RIGHT OF WAY LYING ADJACENT TO LOTS 9 THROUGH 16, BLOCK 17, OF SAID PLAT, AS MEASURED PERPENDIULAR TO THE WEST LINE OF SAID LOTS.

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CITY OF YAKIMA CODE ADMIN.DIVISION	
JUL 13 2022	
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<input type="checkbox"/> PAID	<input type="checkbox"/> FYI

PETITION NO. 22-07
CITY OF YAKIMA, WASHINGTON
YAKIMA CITY CLERK PETITION TO VACATE STREET OR ALLEY

To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 (**provide legal description below, or attach to petition if lengthy**).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

Columbus Cascade Company, LLC	300 Marconi Blvd., Colu, bus, OH 43215
Owner	Address
	7/1/2022
Signature	Date
	100%
	Ownership %

Owner	Address
Signature	Date
	Ownership %

Owner	Address
Signature	Date
	Ownership %

(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

CHICAGO TITLE INSURANCE COMPANY

NOTICE

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JUL 13 2022

CITY OF YAKIMA
PLANNING DIV.

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, CHICAGO TITLE INSURANCE COMPANY, a Florida Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance [issued by Fidelity Title Company]. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; [and] Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form].

- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements; [and]
 - (f) Schedule B, Part II—Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form]
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CITY OF YAKIMA
PLANNING DIV.
4. **COMPANY'S RIGHT TO AMEND**
The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.
5. **LIMITATIONS OF LIABILITY**
- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I – Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II – Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
 - (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

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- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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PLANNING DIV

AMERICAN
LAND TITLE
ASSOCIATION

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Fidelity Title Company

117 N. 4TH STREET • PO Box 1682, YAKIMA, WASHINGTON 98907
PHONE: (509) 248-6210 • (800) 666-8308 • FAX: (509) 248-2048

Agent for
CHICAGO TITLE INSURANCE COMPANY
ALTA COMMITMENT

SCHEDULE A

Title Order No.: 194888 (2nd Report) - MC

To: Stokes Lawrence Velikanje Moore & Shore
120 N. Naches Avenue
Yakima, WA 98901
Attn: Dustin Yeager
dustin@stokeslaw.com

1. Effective Date: April 19, 2019 at 8:00 AM

2. Policy to be issued:

- (a) 2006 ALTA Standard Owner's Policy
Proposed Insured: COLUMBUS CASCADE COMPANY, LP
Proposed Policy Amount: \$31,723.00

PREMIUM INFORMATION:

A. GENERAL RATE	\$327.00	Tax: \$26.81	Total: \$353.81
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3. The estate or interest in the Land described or referred to in this Commitment is
A Fee

4. The Title is, at the Commitment Date, vested in:

BNSF RAIL COMPANY, a Delaware corporation, successor in interest to Northern Pacific Railway Company

5. The Land is described as follows:

See Exhibit A attached hereto and made a part of hereof.

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CITY OF YAKIMA
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Commitment No.: 194888 (2nd Report)

Exhibit A

Lots 9 through 16, Block 17, TOWN OF NORTH YAKIMA, now Yakima, as recorded in Volume "A" of Plats, Page 10, and re-recorded in Volume "E" of Plats, Page 1, records of Yakima County, Washington;

EXCEPT the Westerly 124 feet thereof.

Situated in Yakima County, State of Washington.

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Commitment No.: 194888 (2nd Report)

**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.
6. Because of the high liability of the Policy requested, this Commitment for Title Insurance is issued subject to amendment or modification by the underwriter, Chicago Title Insurance Company. No final Policy of Title Insurance will be issued until written authorization is received by Fidelity Title Company. Receipt of approval and any amendments or modifications of this Commitment will be reported by Supplemental Report.
7. Identity and authority of the officers of the named corporation to execute forthcoming instruments must be submitted.

Corporation: BNSF Railway Company

8. The forthcoming transaction may require compliance with Short Plat Statute RCW 58.17 and with any local Short Plat ordinance.

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Commitment No.: 194888 (2nd Report)

INFORMATION FOR THE CLOSER AND/OR INSURED:

The following matters will not be listed as Special Exceptions in Schedule "B" of the Policy to be issued pursuant to this Commitment. Notwithstanding the absence of a Special Exception in Schedule "B" of the Policy to be issued, there will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted from coverage under the General Exceptions section of Schedule "B", excluded from coverage under the Exclusions from Coverage or are not matters for which coverage is afforded under the insuring clauses of the Policy.

This Commitment shall not oblige the Company to issue any Endorsement. All Endorsements to be issued must be agreed to by the Company and appropriate for the estate insured.

Any sketch or map enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason of reliance thereof.

Property which is located in the following taxing districts is subject to excise tax at the rate of 1.78% upon sale or transfer: 300, 305, 308, 309, 325, 326, 330, 331, 333, 334, 335, 349, 350, 420, 428, 440, 443, 460, 464, 520, 528, 540, 544, 560, 565, 581, 585 and 586. All other property is subject to excise tax at the rate of 1.53% upon sale or transfer.

Pursuant to RCW 82.45.180, in addition to real estate excise tax collected by the Yakima County Treasurer, a filing fee of \$5.00 will be collected on all taxable transactions. A filing fee of \$10.00 will be collected on all non-taxable transactions, and on all transactions wherein the calculated tax payment is less than \$5.00.

Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

To help you avoid delays at closing, we would like to make you aware of our final recording run times:

Regular Recordings:	2:00 p.m.
E-Recordings (Excise included):	2:00 p.m.
E-Recordings (Non-excise only):	3:30 p.m. (Auditor's Office closes)

When E-Recording documents requires excise clearance, checks must be made payable to **Fidelity Title Company**. In accordance with Washington State Insurance Commissioner rules, all recording fees, excise tax, and excise affidavit filing fees must be included with recording packages. Failure to include these 3rd party fees will result in a delay of your recording.

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CITY OF YAKIMA
PLANNING DEPT

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Commitment No.: 194888 (2nd Report)

NOTES:

1. Parcel number(s) assigned by the Yakima County Assessor's Office based upon their own composed narrative description, and used by the Yakima County Treasurer's Office in the collection of real property taxes and assessments: **191319-34498**

NOTE: The designated Levy Code is 331

2. *The 2nd Report is being issued to amend the legal description in Schedule A.*

3. The abbreviated legal description will read as follows:

PTN LOTS 9-16 BLK 17 YAKIMA A-10/E-1

4. Title Contact: Marshall Clark, marshall@fstitleco.com

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**CITY OF
PLANNING**

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Commitment No.: 194888 (2nd Report)

SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS:

- A. Rights or claims disclosed only by possession, or claimed possession, of the premises.
- B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- C. Easements, prescriptive rights, rights-of-way, streets, roads, alleys or highways not disclosed by the Public Records.
- D. Any lien, or right to a lien for contributions to employees benefit funds, or for state workers' compensation, or for services, labor or material heretofore or hereafter furnished, all as imposed by law and not shown by the Public Records.
- E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.
- F. Any service, installation, connection, maintenance, or construction charges for sewer, water, electricity, natural gas or other utilities or garbage collection and disposal.
- G. Reservations or exceptions in United States Patents or in Acts authorizing the issuance thereof.
- H. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
- I. Water rights, claims or title to water.

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CITY OF YAKIMA
PLANNING DIV.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance [issued by Fidelity Title Company]. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; [and] Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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AMERICAN
LAND TITLE
ASSOCIATION**DOC.**
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#

E-1

Commitment No.: 194888 (2nd Report)

- J. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I – Requirements are met.

SPECIAL EXCEPTIONS:

1. Real Estate Excise Tax as may be due on this transfer.
2. Real property taxes for the assessment year 2019 in the original amount of \$294.33, which shall be delinquent after April 30th. Includes other property.
3. Assessment levied by Soil Conservation District Number 2 for the year 2019, in the original amount of \$5.01, which shall be delinquent after April 30th. Includes other property.
4. Assessment levied by City of Yakima Stormwater Fee for the year 2019, in the original amount of \$73.51, which shall be delinquent after April 30th. Includes other property.
5. Assessment levied by Horticulture Pest & Disease Control District for the year 2019, in the original amount of \$1.00, which shall be delinquent after April 30th. Includes other property.
6. Local district assessments and/or charges due the City of Yakima.
7. Mortgage, and the terms and conditions thereof, wherein Burlington Northern Inc., a Delaware corporation is Mortgagor, and Citibank, N.A., a national banking association is Mortgagee, dated November 10, 1896 and recorded in Volume P of Mortgages, Pages 518 to 577, records of Yakima County, Washington.
8. Mortgage, and the terms and conditions thereof, wherein Burlington Northern Inc., a Delaware corporation is Mortgagor, and Jacob M. Ford II, individually and Morgan Guaranty Trust of New York, a New York corporation is Mortgagee, dated March 2, 1970 and recorded in Volume 762 of Official Records, Page 222, records of Yakima County, Washington.

CHICAGO TITLE INSURANCE COMPANY

Fidelity Title Company

By:

MARSHALL CLARK

Marshall Clark, Authorized Signatory

jr/04-19-19/jr/04-22-19

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#

E-1**RECEIVED**
JUL 13 2022
CITY OF YAKIMA
PLANNING DIV

Fidelity Title Company
As agent for
Chicago Title Insurance Company and
Fidelity National Title Insurance Company
(Members of the Fidelity National Financial, Inc. group of companies)

Privacy Statement

Effective Date: 5/1/2008

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

Personal Information Collected:

We may collect Personal Information about you from the following sources:

- ◆ Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- ◆ Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- ◆ Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- ◆ Information we receive from consumer or other reporting agencies and publicly recorded documents.

Disclosure of Personal Information:

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- ◆ To insure agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- ◆ To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- ◆ To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- ◆ To companies that perform marketing services on our behalf or to other financial institutions which we have joint marketing agreements and/or
- ◆ To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

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JUL 13 2022

**CITY OF YAKIMA
PLANNING DIV.**

Disclosure to Affiliated Companies – We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Disclosure to Nonaffiliated Third Parties – We do not disclosed Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

Confidentiality and Security of Personal Information

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

Access to Personal Information/

Requests for Correction, Amendment, or Deletion of Personal Information:

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer
Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, FL 32204

Changes to this Privacy Statement

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.

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RECEIVED

JUL 13 2022

CITY OF YAKIMA
PLANNING DIV.

EXHIBIT LIST

[illegible]

CITY OF YAKIMA, PLANNING DIVISION

LETTER OF TRANSMITTAL

I, Eva Rivera, as an employee of the City of Yakima, Planning Division, have transmitted to: Sonya Claar Tee, City Clerk, by hand delivery, the following documents:

1. Mailing labels for Columbus Cascade Company LLC.
2. E-mail distribution lists for In-House, Local Media, and Interested Parties and Parties of Record.
3. Site Plan and Vicinity Map

Signed this 5th day of October, 2022



Eva Rivera
Planning Technician

Received By: Sammy Reginbal

Date: 10-5-22

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Rivera, Eva

From: Rivera, Eva
Sent: Wednesday, October 05, 2022 9:39 AM
To: Claar Tee, Sonya
Subject: Mailing for City Council Hearing - Columbus Cascade Company LLC - RWV#002-22
Attachments: In-House Distribution E-mail List_ updated 07.21.2022; Local Media List _08.03.2022

Hello Sonya - on October 4, 2022 City Council set **November 1st** as the public hearing date for the Columbus Cascade Company LLC.

Please provide the City Council public hearing notice to the attached e-mail distribution lists:

- In-House Distribution
- Local Media List

Please also e-mail the notice to the following parties of record/interested parties/project representative:

- Eric Herzog ehertzog@hlacivil.com

Thank you!



Eva Rivera
Planning Technician
Phone: 509-575-6261
Email: eva.rivera@yakimawa.gov

This email is a public record of the City of Yakima and is subject to public disclosure unless exempt under the Washington Public Records Act. This email is subject to the State Retention Schedule.

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In-House Distribution E-mail List		Revised 07/21/2022
Name	Division	E-mail Address
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Lisa Maxey	Code Administration	Lisa.Maxey@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
John Zabell	Code Administration	John.Zabell@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.Debusschere@yakimawa.gov
Tony Doan	Code Administration	Tony.Doan@yakimawa.gov
Joan Davenport	Community Development	Joan.Davenport@yakimawa.gov
Rosalinda Ibarra	Community Development	Rosalinda.Ibarra@yakimawa.gov
Bill Preston	Engineering	Bill.preston@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov
Archie Matthews	ONDS	Archie.Matthews@yakimawa.gov
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Irene Linos	Planning	Irene.Linos@Yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Leovardo Cruz	Refuse	Leovardo.Cruz@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
James Dean	Utilities	James.Dean@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Dave Brown	Water/Irrigation	David.Brown@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	Address	Included In Mailing?
Pacific Power Attn: Estimating Department (Subdivision notices ONLY)	500 N Keys Rd, Yakima, WA 98901	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Additional Parties of Record or Interested Parties Notified		
Name	Address	E-mail

Type of Notice: City Council hearing
File Number(s): RWV#002-22
Date of Mailing: Hearing 11/01/2022

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19133021025
BURLINGTON NORTHERN RAILROAD
PO BOX 961089
FORT WORTH, TX 76161

19133021901
BURLINGTON NORTHERN-SANTA FE
RAILWAY CO
PO BOX 961089
FORT WORTH, TX 76161

19131934404
CIRCLE Z LLC
8902 WHITMAN AVE
YAKIMA, WA 98903

19131934413
JOHNATHAN PETUCHOWSKI
COLUMBUS CASCADE COMPANY LLC
300 MARCONI BLVD STE 103
COLUMBUS, OH 43215

19131934414
COLUMBUS CASCADE COMPANY LLC
300 MARCONI BLVD STE 103
COLUMBUS, OH 43215

19131934456
FIRST POLAR LLC
405 S 3RD ST
YAKIMA, WA 98901

19131934457
FIRST POLAR LLC
405 S 3RD ST
YAKIMA, WA 98901

19131934455
JTD HOLDINGS LLC
PO BOX 2864
YAKIMA, WA 98907

19131934405
LJS PROPERTIES 2 LLC
PO BOX 11530
YAKIMA, WA 98909

19131934497
PFS LLC
501 S FRONT ST
YAKIMA, WA 98901

19131934442
SPEIDEL PROPERTY RENTALS LLC
615 S 1ST ST
YAKIMA, WA 98901

19131934408
YAKIMA COOPERATIVE ASSN
501 S FRONT ST
YAKIMA, WA 98901

19131934443
CRAIG J GARRISON
924 NACHES HEIGHTS RD
YAKIMA, WA 98908

19131934444
CRAIG J GARRISON
609 S FIRST ST
YAKIMA, WA 98901

19131934416
FELICIANO & ROSALINDA ESCAMILLA
704 S 1ST ST
YAKIMA, WA 98901

19131934417
FELICIANO & ROSALINDA ESCAMILLA
704 S 1ST ST
YAKIMA, WA 98901

19131934418
FRANK E HERNANDEZ
712 S 1ST ST
YAKIMA, WA 98901

19131934410
GARY L TREAT
1512 QUEEN AVE
YAKIMA, WA 98902

19131934411
GARY L TREAT
1512 QUEEN AVE
YAKIMA, WA 98902

19131934441
JAMES SPEIDEL
615 S 1ST ST
YAKIMA, WA 98901

19131934468
JOYCE K FULKS ZIMMER
7204 POSTMA RD
YAKIMA, WA 98901

19131934409
LARRY KELLER
PO BOX 41
YAKIMA, WA 98907

19131934427
LESTER & LORRAINE POULIN
513 S 1ST ST
YAKIMA, WA 98901

19131934428
LESTER & LORRAINE POULIN
513 S 1ST ST
YAKIMA, WA 98901

19131934403
MARIO & MARILU FUENTES
1117 S 6TH AVE
YAKIMA, WA 98902

19131934412
MYRL BROWN
614 S 1ST ST
YAKIMA, WA 98901

19131934415
SERGIO & AMALIA VIVANCO
702 S 1ST ST
YAKIMA, WA 98901

19131934419
TIMOTHY J OSBORN
4271 N WENAS RD
SELAH, WA 98942

28 RWV#002-22
Total Parcels - Columbus Cascade
Company LLC
Ntc City Council Hearing
Date of Hearing 11/01/22

ERIC HERZOG
HLA ENGINEERING & LAND SURVEYING
2803 RIVER RD
YAKIMA, WA 98902

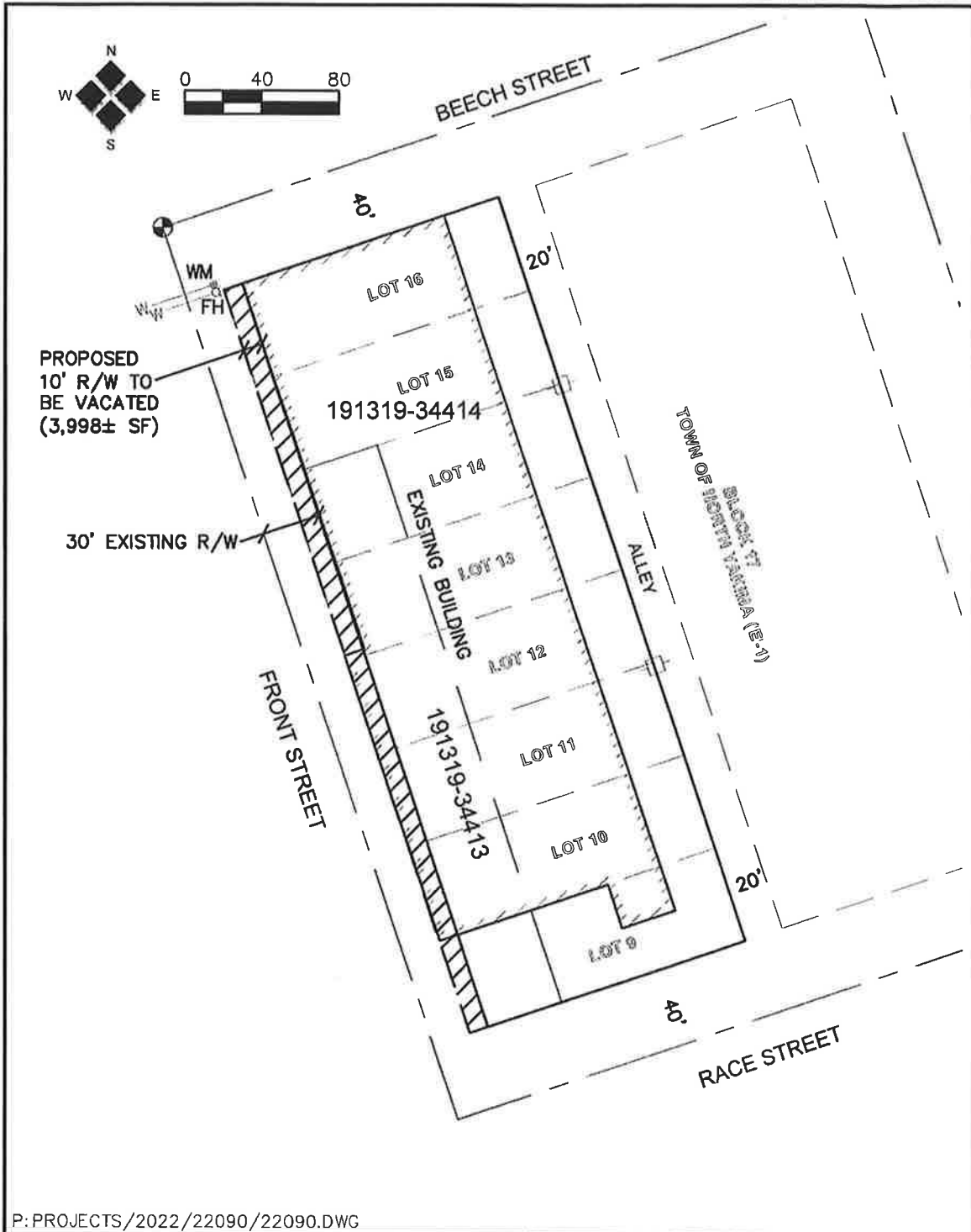
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JUL 13 2022

☐ REC'VD
☐ PAID

FAXED ☐
FYI ☐



P: PROJECTS/2022/22090/22090.DWG



2803 River Road
Yakima, WA 98902
509.966.7000
Fax 509.965.3800
www.hlacivil.com

RIGHT-OF-WAY VACATION EXHIBIT MAP

COLUMBUS CASCADE COMPANY, LLC
CITY OF YAKIMA, YAKIMA COUNTY, WASHINGTON

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Project Name: COLUMBUS CASCADE COMPANY LLC

Site Address: 609 S FRONT ST

File Number(s): RWV#002-22

Proposal: Proposal to vacate 10 ft of public right of way directly under an existing building at 609 South Front Street.



VICINITY MAP



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Map Disclaimer: Information shown on this map is for planning and illustration purposes only. The City of Yakima assumes no liability for any errors, omissions, or inaccuracies in the information provided or for any action taken, or action not taken by the user in reliance upon any maps or information provided herein.

Date Created: 8/17/2022



AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

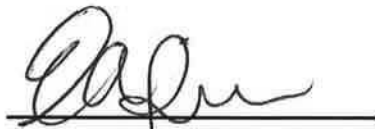
RE: RWV#002-22

COLUMBUS CASCADE COMPANY LLC

609 S FRONT ST

I, Eva Rivera, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Hearing Examiner's Recommendation**; a true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant, parties of record, and all property owners of record within a radius of 300 feet of subject property; that said property owners are individually listed on the mailing list retained by the Planning Division; and that said notices were mailed by me on this 23rd day of September, 2022.

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.



Eva Rivera

Planning Technician

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19133021025
BURLINGTON NORTHERN RAILROAD
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FORT WORTH, TX 76161

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19131934419
TIMOTHY J OSBORN
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28
Total Parcels - Columbus Cascade
Company LLC

ERIC HERZOG
HLA ENGINEERING & LAND SURVEYING
2803 RIVER RD
YAKIMA, WA 98902

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KHO of Hc Per
09/23/2022
RWV#002-28

In-House Distribution E-mail List		Revised 07/21/2022
Name	Division	E-mail Address
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Lisa Maxey	Code Administration	Lisa.Maxey@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
John Zabell	Code Administration	John.Zabell@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.Debusschere@yakimawa.gov
Tony Doan	Code Administration	Tony.Doan@yakimawa.gov
Joan Davenport	Community Development	Joan.Davenport@yakimawa.gov
Rosalinda Ibarra	Community Development	Rosalinda.Ibarra@yakimawa.gov
Bill Preston	Engineering	Bill.preston@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov
Archie Matthews	ONDS	Archie.Matthews@yakimawa.gov
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Irene Linos	Planning	Irene.Linos@Yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Leovardo Cruz	Refuse	Leovardo.Cruz@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
James Dean	Utilities	James.Dean@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Dave Brown	Water/Irrigation	David.Brown@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	Address	Included In Mailing?
Pacific Power Attn: Estimating Department (Subdivision notices ONLY)	500 N Keys Rd, Yakima, WA 98901	<input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Parties of Record or Interested Parties Notified		
Name	Address	E-mail

Type of Notice: Not of HE Rec.
File Number(s): Ruv#002-22
Date of Mailing: 07/23/2022

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F-Sa

Rivera, Eva

From: Rivera, Eva
Sent: Friday, September 23, 2022 10:47 AM
To: Brown, David; Calhoun, Joseph; Contreras, Pedro; Corona, Silvia; Davenport, Joan; Dean, James; DeBusschere, Suzanne; Denman, Glenn; Doan, Tony; Ibarra, Rosalinda; Kallevig, Dana; Layman, Randy; Linos, Irene; Markham, Aaron; Matthews, Archie; Maxey, Lisa; Meloy, Randy; Murray, Matthew; Preston, Bill; Riddle, Dan; Rivera, Eva; Rodriguez, Jeremy; Schafer, Scott; Shane, Mike; Story, Gregory; Watkins, Sara; Zabell, John
Cc: Miller, Albert; 'eherzog@hlacivil.com'
Subject: NTC OF HE RECOMMENDATION - COLUMBUS CASCADE COMPANY - RWV#002-22
Attachments: HE Recommendation_RWV#002-22.pdf

Good morning-

Attached is the HE Recommendation for the above-entitled project. If you have any questions about this proposal please contact assigned planner Albert Miller at albert.miller@yakimawa.gov.

Thank you!



Eva Rivera
Planning Technician
Phone: 509-575-6261
Email: eva.rivera@yakimawa.gov

This email is a public record of the City of Yakima and is subject to public disclosure unless exempt under the Washington Public Records Act. This email is subject to the State Retention Schedule.



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

NOTIFICATION OF HEARING EXAMINER'S RECOMMENDATION TO THE YAKIMA CITY COUNCIL

DATE: September 23, 2022
TO: Applicant, Adjoining Property Owners and Parties of Record
SUBJECT: Notice of the Hearing Examiner's Recommendation
FILE #(S): RWV#002-22
APPLICANT: Columbus Cascade Company LLC
PROJECT LOCATION: 609 S Front St

On September 22, 2022, the City of Yakima Hearing Examiner rendered their recommendation on **RWV#002-22**, a proposal to vacate 10 ft of public right of way directly under an existing building at 609 South Front Street.. The application was reviewed at an open record public hearing held on September 8, 2022.

Enclosed is a copy of the Hearing Examiner's Recommendation. The Hearing Examiner's Recommendation will be considered by the Yakima City Council in a public hearing to be scheduled. The City Clerk will notify you of the date, time and place of the public hearing.

For further information or assistance, you may contact Assistant Planner, Albert Miller at (509) 576-6772 or email to: albert.miller@yakimawa.gov

A handwritten signature in black ink, appearing to read "E. Rivera".

Eva Rivera
Planning Technician

Date of Mailing: **September 23, 2022**
Enclosures: Hearing Examiner's Recommendation

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SIGN-IN SHEET

City of Yakima HEARING EXAMINER
City Hall Council Chambers
Thursday, September 8, 2022
Beginning at 9:00 a.m.



Public Hearings

CASE	FILE #	PROJECT NAME	SITE ADDRESS
A.	RWV#002-22	Columbus Cascade Company LLC	609 Front Street

PLEASE WRITE LEGIBLY

Agenda Item of Interest	NAME	MAILING ADDRESS or E-MAIL	ZIP CODE
A	Eric Herzog	HCA Engineering & Land Surveying 2803 River Rd. Yakima	98902

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DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

**CITY OF YAKIMA
HEARING EXAMINER
AGENDA**

Thursday, September 8, 2022

Yakima City Hall Council Chambers – 129 N 2nd Street, Yakima, WA

Beginning at 9:00 a.m.

I. CALL TO ORDER

II. INTRODUCTION

III. PUBLIC HEARINGS

A. COLUMBUS CASCADE COMPANY LLC

07/13/2022 RWV#002-22

PLANNER: Albert Miller

ADDRESS: 609 S FRONT ST

REQUEST: Proposal to vacate 10 ft. of public right of way directly under an existing building at 609 South Front Street.

IV. ADJOURNMENT

The staff recommendation report on the listed project(s) is available online at: www.buildingyakima.com

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**Hearing Examiner Packet AGENDA,
STAFF REPORT, SITE PLAN AND
MAPS...Updated 08/17/2022**

**INCLUDE APPLICANT & PROPERTY
OWNER(S)**

Sara Watkins
City Legal Department
Sara.watkins@yakimawa.gov

Archie Matthews
ONDS
Archie.matthews@yakimawa.gov

Dana Kallevig
Wastewater Division
Dana.kallevig@yakimawa.gov

Joan Davenport
Community Development
Joan.davenport@yakimawa.gov

Bill Preston
City Engineer
Bill.preston@yakimawa.gov

Rosalinda Ibarra
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Planning Manager
Joseph.calhoun@yakimawa.gov

Yakima County Planning Manager
Thomas Carroll
Thomas.Carroll@yakimawa.gov

Yakima County Public Services
Lisa Freund
Lisa.Freund@co.yakima.wa.us

Yakima County Commissioners
Commissioners.web@co.yakima.wa.us

Eva Rivera
Planning Technician
Eva.rivera@yakimawa.gov

HLA Engineering & Land Surveying
Eric Herzog
2803 River Road
Yakima, WA 98902
ehertzog@hlacivil.com

Columbus Cascade Company
300 Marconi Blvd., STE 103
Columbus, OH 43215

Binder Copy / For the Record / File

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Hearing Examiner AGENDA ONLY
Distribution List – 06/17/2021

Add Interested – Parties of Record

All YPAC

randy.beehler@yakimawa.gov
mike.brown@yakimawa.gov
sean.davido@yakimawa.gov
bonnie.lozano@yakimawa.gov
john.fannin@yakimawa.gov

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Matthew.murray@yakimawa.gov

Fire Chief – Aaron Markham
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sonya.claartee@yakimwa.gov

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bob.harrison@yakimawa.gov
cally.price@yakimawa.gov

Radio KDNA
P.O. Box 800
Granger, WA 98932

KAPP TV
Attn: Newsroom
PO Box 1749
Yakima, WA 98907-1749

Reed C. Pell
31 Chicago Avenue #4
Yakima, WA 98902

Phil Lamb
311 North 3rd Street
Yakima, WA 98901

Yakima Assoc. of Realtors
Gov. Affairs Committee
2707 River Road
Yakima, WA 98902-1165

KCYU-FOX 68
David Okowski
1205 West Lincoln Ave.
Yakima, WA 98902

Pacific Power
Mike Paulson
500 N. Keys Rd.
Yakima, WA 98901

Office of Rural FWH
Marty Miller
1400 Summitview #203
Yakima, WA 98902

Yakima School Dist. #7
Superintendent
104 North 4th Street
Yakima, WA 98902

Business Times
Bruce Smith
P.O. Box 2052
Yakima, WA 98907

Yakima Valley C.O.G.
311 N. 4th Street #204
Yakima, WA 98901

KIT-KATS Radio
4010 Summitview, Suite 200
Yakima, WA 98908

KIMA TV
2801 Terrace Heights Drive
Yakima, WA 98901

KNDO TV
216 West Yakima Avenue
Yakima, WA 98902

Yakima Herald-Republic
P.O. Box 9668
Yakima, WA 98909

Patrick D. Spurgin
PO Box 1768
Yakima, WA 98907

Gary Cuillier
314 N. 2nd Street
Yakima, WA 98901

Maud Scott
309 Union Street
Yakima, WA 98901

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CITY OF YAKIMA
LAND USE ACTION INSTALLATION
CERTIFICATE

File Number:	RWV #002-22
Applicant/Project Name:	HLA Engineering & Land Surveying - Eric Horvath
Site Address:	609 S Front St.
Date of Posting:	8/18/22
Land Use Sign ID#(s):	

Location of Installation (Check One):

☐ Land Use Action Sign is installed per standards described in YMC §15.11.080(C).

☒ Land Use Action Sign is installed in an alternate location on the site.

Note: this alternate location (if not pre-approved by the Planning Manager) may not be acceptable by the Planning Division and is subject to relocation (at the owner's expense) to a more visible site on the property.

The alternative location is: Front of building along gravel rails. No suitable location on both ends of ROW - City Hall/Planning, City Hall Chambers, Library

The required notice of application will be sent to the applicant and property owners within a 300-foot radius after the Planning Division has received this Land Use Action Installation Certification. Failure to post a Land Use Action sign and return this form signed in a timely manner may cause a delay in the application review process.

I hereby testify that the installed sign fully complies with the Land Use Action sign installation standards (see pg. 2), that the sign will be maintained until a decision has been rendered, and that the sign will be returned within 30 days from the date the final decision is issued.

[Signature]
Applicant's Signature

8-18-22
Date

City Planning Division

Allison Miller
Applicant's Name (Please Print)

509 576-6772
Applicant's Phone Number

Please fill out and sign the above certification after posting and deliver to the City of Yakima Planning Division via email to ask.planning@yakimawa.gov or in person/by mail to: City of Yakima, Planning Division, 129 North 2nd Street, Yakima, WA 98901.

AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

RE: RWV#002-22

COLUMBUS CASCADE COMPANY LLC

609 S FRONT ST

I, Eva Rivera, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Petition and Public Hearing**; a true and correct copy of which is enclosed herewith; that said notice was addressed to all petitioners at the addresses on the petition, and all owners of property abutting the public right-of-way proposed to be vacated as shown on the records of the Yakima County assessor; that said property owners are individually listed on the mailing list retained by the Planning Division, and that said notices were mailed by me on the 17th day of August, 2022.

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.



Eva Rivera
Planning Technician

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19133021025
BURLINGTON NORTHERN RAILROAD
PO BOX 961089
FORT WORTH, TX 76161

19133021901
BURLINGTON NORTHERN-SANTA FE
RAILWAY CO
PO BOX 961089
FORT WORTH, TX 76161

19131934404
CIRCLE Z LLC
8902 WHITMAN AVE
YAKIMA, WA 98903

19131934413
JOHNATHAN PETUCHOWSKI
COLUMBUS CASCADE COMPANY LLC
300 MARCONI BLVD STE 103
COLUMBUS, OH 43215

19131934414
COLUMBUS CASCADE COMPANY LLC
300 MARCONI BLVD STE 103
COLUMBUS, OH 43215

19131934456
FIRST POLAR LLC
405 S 3RD ST
YAKIMA, WA 98901

19131934457
FIRST POLAR LLC
405 S 3RD ST
YAKIMA, WA 98901

19131934455
JTD HOLDINGS LLC
PO BOX 2864
YAKIMA, WA 98907

19131934405
LJS PROPERTIES 2 LLC
PO BOX 11530
YAKIMA, WA 98909

19131934497
PFS LLC
501 S FRONT ST
YAKIMA, WA 98901

19131934442
SPEIDEL PROPERTY RENTALS LLC
615 S 1ST ST
YAKIMA, WA 98901

19131934408
YAKIMA COOPERATIVE ASSN
501 S FRONT ST
YAKIMA, WA 98901

19131934443
CRAIG J GARRISON
924 NACHES HEIGHTS RD
YAKIMA, WA 98908

19131934444
CRAIG J GARRISON
609 S FIRST ST
YAKIMA, WA 98901

19131934416
FELICIANO & ROSALINDA ESCAMILLA
704 S 1ST ST
YAKIMA, WA 98901

19131934417
FELICIANO & ROSALINDA ESCAMILLA
704 S 1ST ST
YAKIMA, WA 98901

19131934418
FRANK E HERNANDEZ
712 S 1ST ST
YAKIMA, WA 98901

19131934410
GARY L TREAT
1512 QUEEN AVE
YAKIMA, WA 98902

19131934411
GARY L TREAT
1512 QUEEN AVE
YAKIMA, WA 98902

19131934441
JAMES SPEIDEL
615 S 1ST ST
YAKIMA, WA 98901

19131934468
JOYCE K FULKS ZIMMER
7204 POSTMA RD
YAKIMA, WA 98901

19131934409
LARRY KELLER
PO BOX 41
YAKIMA, WA 98907

19131934427
LESTER & LORRAINE POULIN
513 S 1ST ST
YAKIMA, WA 98901

19131934428
LESTER & LORRAINE POULIN
513 S 1ST ST
YAKIMA, WA 98901

19131934403
MARIO & MARILU FUENTES
1117 S 6TH AVE
YAKIMA, WA 98902

19131934412
MYRL BROWN
614 S 1ST ST
YAKIMA, WA 98901

19131934415
SERGIO & AMALIA VIVANCO
702 S 1ST ST
YAKIMA, WA 98901

19131934419
TIMOTHY J OSBORN
4271 N WENAS RD
SELAH, WA 98942

28
Total Parcels - Columbus Cascade
Company LLC

ERIC HERZOG
HLA ENGINEERING & LAND SURVEYING
2803 RIVER RD
YAKIMA, WA 98902

*Ntc. of Petition & Pub. Hearing
RWV#002.22
Sent 08/17/2022*

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In-House Distribution E-mail List		Revised 07/21/2022
Name	Division	E-mail Address
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Lisa Maxey	Code Administration	Lisa.Maxey@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
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Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
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Rosalinda Ibarra	Community Development	Rosalinda.Ibarra@yakimawa.gov
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Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov
Archie Matthews	ONDS	Archie.Matthews@yakimawa.gov
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Irene Linos	Planning	Irene.Linos@Yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Leovardo Cruz	Refuse	Leovardo.Cruz@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
James Dean	Utilities	James.Dean@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Dave Brown	Water/Irrigation	David.Brown@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	Address	Included In Mailing?
Pacific Power Attn: Estimating Department (Subdivision notices ONLY)	500 N Keys Rd, Yakima, WA 98901	<input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Parties of Record or Interested Parties Notified		
Name	Address	E-mail

Type of Notice: Ntc. of Petition + pub. Hearing
File Number(s): RWV#002.22
Date of Mailing: 08/17/2022

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Rivera, Eva

From: Rivera, Eva
Sent: Wednesday, August 17, 2022 10:07 AM
To: Brown, David; Calhoun, Joseph; Contreras, Pedro; Corona, Silvia; Davenport, Joan; Dean, James; DeBusschere, Suzanne; Denman, Glenn; Doan, Tony; Ibarra, Rosalinda; Kallevig, Dana; Layman, Randy; Linos, Irene; Markham, Aaron; Matthews, Archie; Maxey, Lisa; Meloy, Randy; Murray, Matthew; Preston, Bill; Riddle, Dan; Rivera, Eva; Rodriguez, Jeremy; Schafer, Scott; Shane, Mike; Story, Gregory; Watkins, Sara; Zabell, John; Davido, Sean; El Mundo; El Sol de Yakima; Fannin, John; KAPP TV News; KDNA Radio - Francisco Rios; KEPR TV News; KIMA TV News; KIT News; KIT/KATS/DMVW/KFFM - Lance Tormey; KNDO TV News; KNDU TV News; KUNW-TV Univision; KVEW TV News; La Casa Hogar; La Voz; Lozano, Bonnie; NWCN News; NWPR - Anna King; RCDR - Maria DJ Rodriguez; Tu Decides - Albert Torres; West Valley School District - Joe Connolly; Yakima Herald - Business; Yakima Herald Republic Newspaper; Yakima School District - Stacey Locke; Yakima School District - Trevor Greene; Yakima Valley Business Times; YPAC - Randy Beehler; Gary Cuillier; Pat Spurgin (pds@spurginlawoffice.com)
Cc: Miller, Albert; 'eherzog@hlacivil.com'
Subject: FW: NOTICE OF PETITION & PUBLIC HEARING - COLUMBUS CASCADE COMPANY LLC - RWV#002-22
Attachments: Notice of Petition and Public Hearing_RWV#002-22.pdf

Please disregard the DNS, this is only a **Notice of Petition and Public Hearing**.

From: Rivera, Eva
Sent: Wednesday, August 17, 2022 10:00 AM
To: Brown, David <David.Brown@yakimawa.gov>; Calhoun, Joseph <Joseph.Calhoun@YAKIMAWA.GOV>; Contreras, Pedro <Pedro.Contreras@YAKIMAWA.GOV>; Corona, Silvia <Silvia.Corona@yakimawa.gov>; Davenport, Joan <Joan.Davenport@yakimawa.gov>; Dean, James <James.Dean@yakimawa.gov>; DeBusschere, Suzanne <suzanne.debuschere@yakimawa.gov>; Denman, Glenn <Glenn.Denman@yakimawa.gov>; Doan, Tony <Tony.Doan@YAKIMAWA.GOV>; Ibarra, Rosalinda <Rosalinda.Ibarra@yakimawa.gov>; Kallevig, Dana <Dana.Kallevig@yakimawa.gov>; Layman, Randy <Randy.Layman@yakimawa.gov>; Linos, Irene <Irene.Linos@yakimawa.gov>; Markham, Aaron <aaron.markham@yakimawa.gov>; Matthews, Archie <Archie.Matthews@yakimawa.gov>; Maxey, Lisa <Lisa.Maxey@YAKIMAWA.GOV>; Meloy, Randy <Randy.Meloy@yakimawa.gov>; Murray, Matthew <matt.murray@yakimawa.gov>; Preston, Bill <Bill.Preston@yakimawa.gov>; Riddle, Dan <Dan.Riddle@yakimawa.gov>; Rivera, Eva <Eva.Rivera@yakimawa.gov>; Rodriguez, Jeremy <Jeremy.Rodriguez@yakimawa.gov>; Schafer, Scott <Scott.Schafer@yakimawa.gov>; Shane, Mike <Mike.Shane@yakimawa.gov>; Story, Gregory <Gregory.Story@yakimawa.gov>; Watkins, Sara <Sara.Watkins@YAKIMAWA.GOV>; Zabell, John <John.Zabell@yakimawa.gov>; Davido, Sean <Sean.Davido@yakimawa.gov>; El Mundo <info@elmundous.com>; El Sol de Yakima <gibanez@yakimaherald.com>; Fannin, John <John.Fannin@YAKIMAWA.GOV>; KAPP TV News <kappnews@kapptv.com>; KDNA Radio - Francisco Rios <frios@kdna.org>; KEPR TV News <newsroom@keprtv.com>; KIMA TV News <tips@kimatv.com>; KIT News <kitnews@townsquaremedia.com>; KIT/KATS/DMVW/KFFM - Lance Tormey <lancetormey@townsquaremedia.com>; KNDO TV News <news@kndo.com>; KNDU TV News <news@kndu.com>; KUNW-TV Univision <noticias@kunwtv.com>; KVEW TV News <kvewnews@kvewtv.com>; La Casa Hogar <info@lacasahogar.org>; La Voz <lavoznewspaper@gmail.com>; Lozano, Bonnie <Bonnie.Lozano@yakimawa.gov>; NWCN News <nwnnews@nwcnews.com>; NWPR - Anna King <aking@wsu.edu>; RCDR - Maria DJ Rodriguez <mdjrodriguez@rcdr.biz>; Tu Decides - Albert Torres <albert@tudecidesmedia.com>; West Valley School District - Joe Connolly <connollyw@wvds208.org>; Yakima Herald - Business <business@yakimaherald.com>; Yakima Herald Republic Newspaper <news@yakimaherald.com>; Yakima School District - Stacey Locke <locke.stacey@ysd7.org>; Yakima School District - Trevor Greene

<greene.trevor@ysd7.org>; Yakima Valley Business Times <news@yvpub.com>; Beehler, Randy
<Randy.Beehler@yakimawa.gov>; Gary Cuillier <gary@cuillierlaw.com>; Pat Spurgin (pds@spurginlawoffice.com)
<pds@spurginlawoffice.com>

Cc: Miller, Albert <Albert.Miller@yakimawa.gov>; 'eherzog@hlacivil.com' <eherzog@hlacivil.com>

Subject: NOTICE OF PETITION & PUBLIC HEARING - COLUMBUS CASCADE COMPANY LLC - RWV#002-22

Good morning,

Attached is a Notice of Public Hearing and DNS regarding the above-entitled project. If you have any questions about this proposal please contact assigned planner Albert Miller at albert.miller@yakimawa.gov.

Thank you!



Eva Rivera
Planning Technician
Phone: 509-575-6261
eva.rivera@yakimawa.gov

This email is a public record of the City of Yakima and is subject to public disclosure unless exempt under the Washington Public Records Act. This email is subject to the State Retention Schedule.

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AFFIDAVIT OF PUBLICATION

Eva Rivera
City Of Yakima Planning
129 N 2nd Street
Yakima WA 98901

RECEIVED

AUG 19 2022

FINANCE DEPT.

STATE OF WASHINGTON, COUNTIES OF YAKIMA

The undersigned, on oath states that he/she is an authorized representative of Yakima Herald-Republic, Inc., publisher of Yakima Herald-Republic and El Sol de Yakima, of general circulation published daily in Yakima County, State of Washington. Yakima Herald-Republic and El Sol de Yakima have been approved as legal newspapers by orders of the Superior Court of Yakima County.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

08/17/2022

Agent

JACKIE CHAPMAN

Signature

Jackie Chapman

Subscribed and sworn to before me on

August 17, 2022

Lisa M. Dripps

(Notary Signature) Notary Public in and for the State of Washington residing at Yakima

Publication Cost: \$222.00
Order No: 36945
Customer No: 23222
PO #:



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Publication Cost: \$222.00
Order No: 36945
Customer No: 23222
PO #:

Notice of Petition and Public Hearing

Date: August 17, 2022 **TO:** Applicant and Adjoining Property Owners **FROM:** Joan Davenport, AICP, Community Development Director **APPLICANT:** HLA Engineering & Land Surveying Inc. – Eric Herzog **FILE NUMBER:** RWV#002-22 **LOCATION:** 609 S Front St. **TAX PARCEL NUMBER(S):** 191319-34413, 191319-34414 **DATE OF APPLICATION:** July 13, 2022 **DATE OF COMPLETENESS:** July 13, 2022
PROJECT DESCRIPTION Proposal to vacate 10 ft. of public right of way directly under an existing building at 609 S. Front St. **DETERMINATION OF CONSISTENCY** Pursuant to YMC § 16.06.020(A), the project considerations are determined to be consistent with applicable development regulations, as follows: The type of land use: Manufacturing playground equipment (plastic products and assembly) Level of Development: N/A Infrastructure and public facilities: The subject property is able to be served by public streets, water, sewer, garbage collection, etc. Characteristics of development: The Right-of-Way petition is being processed under YMC 14.21. Pursuant to YMC § 16.06.020(B), the development regulations and comprehensive plan considerations are found to be consistent, as follows: The type of land use: Manufacturing playground equipment (plastic products and assembly) Density of Development: N/A Availability and adequacy of infrastructure and public utilities: The subject property is able to be served by public streets, water, sewer, garbage collection, etc. **REQUEST FOR WRITTEN COMMENT AND NOTICE OF PUBLIC HEARING** Your views on this proposal are welcome. All written comments received by 5:00 p.m. on **September 5, 2022**, will be considered prior to issuing the recommendation to the Hearing Examiner. This request requires that the Hearing Examiner hold an open record public hearing, which is scheduled for **September 8, 2022 at 9:00 a.m.**, in the City of Yakima Council Chambers, City Hall, 129 N. 2nd St., Yakima, WA. Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony. Please reference file numbers (RWV#002-22) and applicant's name (HLA Engineering and Land Surveying – Eric Herzog) in any correspondence you submit. The City Council shall decide whether or not to vacate the right-of-way. The hearing examiner will conduct the required public hearing and make a recommendation to the City Council. Any party wishing to be informed of the time, date, and place of the City Council meeting for the proposed vacation should submit a written request to the City of Yakima Planning Division. You can mail your comments to: **Joan Davenport, AICP, Community Development Director City of Yakima, Department of Community Development 129 N. 2nd St., Yakima, WA 98901** **NOTICE OF RECOMMENDATION** Following the public hearing, the Hearing Examiner will issue his recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice. The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have questions regarding this proposal, please contact Albert Miller, Assistant Planner, at (509) 576-6772, or email to: albert.miller@yakimawa.gov.

(36945) August 17, 2022

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Public Notices**Public Notices****Notice of Petition and Public Hearing**

Date: August 17, 2022 **TO:** Applicant and Adjoining Property Owners **FROM:** Joan Davenport, AICP, Community Development Director **APPLICANT:** HLA Engineering & Land Surveying Inc. – Eric Herzog **FILE NUMBER:** RWV#002-22 **LOCATION:** 609 S Front St. **TAX PARCEL NUMBER(S):** 191319-34413, 191319-34414 **DATE OF APPLICATION:** July 13, 2022 **DATE OF COMPLETENESS:** July 13, 2022

PROJECT DESCRIPTION Proposal to vacate 10 ft. of public right of way directly under an existing building at 609 S. Front St. **DETERMINATION OF CONSISTENCY** Pursuant to YMC § 16.06.020(A), the project considerations are determined to be consistent with applicable development regulations, as follows: The type of land use: Manufacturing playground equipment (plastic products and assembly) Level of Development: N/A Infrastructure and public facilities: The subject property is able to be served by public streets, water, sewer, garbage collection, etc. Characteristics of development: The Right-of-Way petition is being processed under YMC 14.21. Pursuant to YMC § 16.06.020(B), the development regulations and comprehensive plan considerations are found to be consistent, as follows: The type of land use: Manufacturing playground equipment (plastic products and assembly) Density of Development: N/A Availability and adequacy of infrastructure and public utilities: The subject property is able to be served by public streets, water, sewer, garbage collection, etc. **REQUEST FOR WRITTEN COMMENT AND NOTICE OF PUBLIC HEARING**

Your views on this proposal are welcome. All written comments received by 5:00 p.m. on **September 5, 2022**, will be considered prior to issuing the recommendation to the Hearing Examiner. This request requires that the Hearing Examiner hold an open record public hearing, which is scheduled for **September 8, 2022 at 9:00 a.m.**, in the City of Yakima Council Chambers, City Hall, 129 N. 2nd St., Yakima, WA. Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony. Please reference file numbers (RWV#002-22) and applicant's name (HLA Engineering and Land Surveying – Eric Herzog) in any correspondence you submit. The City Council shall decide whether or not to vacate the right-of-way. The hearing examiner will conduct the required public hearing and make a recommendation to the City Council. Any party wishing to be informed of the time, date, and place of the City Council meeting for the proposed vacation should submit a written request to the City of Yakima Planning Division. You can mail your comments to: **Joan Davenport, AICP, Community Development Director City of Yakima, Department of Community Development 129 N. 2nd St., Yakima, WA 98901**

NOTICE OF RECOMMENDATION Following the public hearing, the Hearing Examiner will issue his recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice. The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have questions regarding this proposal, please contact Albert Miller, Assistant Planner, at (509) 576-6772, or email to: albert.miller@yakimawa.gov.

(36945) August 17, 2022

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DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

NOTICE OF PETITION and PUBLIC HEARING

DATE: August 17, 2022
TO: Applicant and Adjoining Property Owners
FROM: Joan Davenport, AICP, Community Development Director
APPLICANT: HLA Engineering & Land Surveying Inc. – Eric Herzog
FILE NUMBER: RWV#002-22
LOCATION: 609 S Front St.
TAX PARCEL NUMBER(S): 191319-34413, 191319-34414
DATE OF APPLICATION: July 13, 2022
DATE OF COMPLETENESS: July 13, 2022

PROJECT DESCRIPTION Proposal to vacate 10 ft. of public right of way directly under an existing building at 609 S. Front St.

DETERMINATION OF CONSISTENCY Pursuant to YMC § 16.06.020(A), the project considerations are determined to be consistent with applicable development regulations, as follows:

1. The type of land use: Manufacturing playground equipment (plastic products and assembly)
2. Level of Development: N/A
3. Infrastructure and public facilities: The subject property is able to be served by public streets, water, sewer, garbage collection, etc.
4. Characteristics of development: The Right-of-Way petition is being processed under YMC 14.21.

Pursuant to YMC § 16.06.020(B), the development regulations and comprehensive plan considerations are found to be consistent, as follows:

1. The type of land use: Manufacturing playground equipment (plastic products and assembly)
2. Density of Development: N/A
3. Availability and adequacy of infrastructure and public utilities: The subject property is able to be served by public streets, water, sewer, garbage collection, etc.

REQUEST FOR WRITTEN COMMENT AND NOTICE OF PUBLIC HEARING Your views on this proposal are welcome. All written comments received by 5:00 p.m. on **September 5, 2022**, will be considered prior to issuing the recommendation to the Hearing Examiner. This request requires that the Hearing Examiner hold an open record public hearing, which is scheduled for **September 8, 2022 at 9:00 a.m.**, in the City of Yakima Council Chambers, City Hall, 129 N. 2nd St., Yakima, WA. Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony. Please reference file numbers (RWV#002-22) and applicant's name (HLA Engineering and Land Surveying – Eric Herzog) in any correspondence you submit. The City Council shall decide whether or not to vacate the right-of-way. The hearing examiner will conduct the required public hearing and make a recommendation to the City Council. Any party wishing to be informed of the time, date, and place of the City Council meeting for the proposed vacation should submit a written request to the City of Yakima Planning Division. You can mail your comments to:

Joan Davenport, AICP, Community Development Director
City of Yakima, Department of Community Development
129 N. 2nd St.; Yakima, WA 98901

NOTICE OF RECOMMENDATION Following the public hearing, the Hearing Examiner will issue his recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice.

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The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have questions regarding this proposal, please contact Albert Miller, Assistant Planner, at (509) 576-6772, or email to: albert.miller@yakimawa.gov.

Enclosed: Land Use Application, Petition, Vicinity Map, Record of Survey, and a Written Narrative

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DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

AVISO DE PETICION Y AUDIENCIA PÚBLICA

FECHA OTORGADA: 17 de agosto, 2022
PARA: Solicitante y Propietarios Adyacentes
DE: Joan Davenport, AICP, Directora de Desarrollo Comunitario
SOLICITANTE: HLA Engineering & Land Surveying Inc. –Eric Herzog
No. DE ARCHIVO: RWV#002-22
UBICACIÓN: 609 S. Front St.
No. DE PARCELA(S): 191319-34413, 191319-34414
FECHA DE APLICACIÓN: 13 de julio, 2022
FECHA DE APLICACIÓN COMPLETA: 13 de julio, 2022

DESCRIPCIÓN DEL PROYECTO: Propuesta para desocupar 10 pies de la vía publica ubicado abajo de un edificio con direccion de 609 S. Front St.

DETERMINACIÓN DE LA CONSISTENCIA: Conforme al Código Municipal YMC §16.06.020(A), las consideraciones del proyecto se determinan consistentes con las siguientes normas aplicables:

1. El tipo de uso terrenal: Fabricación de equipos para parques infantiles (productos de plastic y montaje)
2. Nivel de desarrollo: N/A
3. Infraestructura e instalaciones públicas: La propiedad puede ser servida por calles públicas, agua, drenaje, recolección de basura, etc.
4. Características del desarrollo: La propuesta para desocupar una porción de la via publica esta siendo procesada bajo YMC 14.21.

Conforme al Código Municipal YMC §16.06.020(B), los reglamentos de desarrollo y las consideraciones del plan comprehensivo son coherentes, de la siguiente manera:

1. El tipo del uso terrenal: Fabricación de equipos para parques infantiles (productos de plastic y montaje)
2. Densidad del desarrollo: N/A
3. Disponibilidad y adecuación de infraestructura y servicios públicos: La propiedad puede ser servida por instalaciones públicas.

AVISO DE AUDIENCIA PÚBLICA: Sus opiniones sobre esta propuesta son bienvenidas. Todos los comentarios recibidos por escrito antes de las 5:00 p.m. el **5 de septiembre, 2022** serán considerados antes de emitir la recomendación al Examinador de Audiencias. Esta propuesta requiere una audiencia pública con registro abierto con el Examinador de Audiencias. Por lo tanto, una audiencia pública se llevara a cabo el **8 de septiembre, 2022 comenzando a las 9:00 a.m.** en el Ayuntamiento de la Ciudad de Yakima ubicado en el 129 N 2nd Street, Yakima, WA. Se le invita a cualquier persona que desee expresar sus opiniones sobre este caso a asistir a la audiencia pública o a presentar comentarios por escrito. Por favor de hacer referencia al número de archivo (RWV#002-22) o al nombre del solicitante (HLA Engineering and Surveying –Eric Herzog) en cualquier correspondencia que envié. El Concejo Municipal decidirá si desocupar o no la vía pública. El Examinador de Audiencias llevara a cabo la audiencia pública requerida y hará una recomendación al Concejo Municipal. Cualquier persona que desee ser informada de la hora, fecha y el lugar de la junta pública del Concejo Municipal para la petición propuesta deberá solicitarlo por escrito a la División de Planificación de la Ciudad de Yakima. Por favor de enviar sus comentarios sobre esta propuesta a:

Joan Davenport, AICP, Community Development Director
City of Yakima, Department of Community Development
129 N. 2nd St.; Yakima, WA 98901

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AVISO DE LA DECISIÓN/RECOMENDACIÓN FINAL: Después de la audiencia pública, el Examinador de Audiencias emitirá su recomendación dentro de diez (10) días hábiles. Cuando la recomendación sea emitida, una copia será enviada a las personas que mandaron comentarios o que recibieron este aviso. El archivo que contiene la aplicación completa está disponible para inspección pública en la Oficina de Planificación de la Ciudad de Yakima en el 129 al Norte la Calle 2da, Yakima, WA. Si tiene cualquier pregunta sobre esta propuesta, puede contactar a la Oficina de Planificación al (509) 575-6183 o por correo electrónico al: ask.planning@yakimawa.gov

Adjuntos: Aplicación de Uso Terrenal, Petición, Mapa, Record of Survey, y Narrativa

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**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 6.F.
For Meeting of: August 16, 2022

ITEM TITLE: Resolution setting September 8, 2022, as the date for an open record public hearing before the City of Yakima Hearing Examiner to vacate a portion of public right-of-way in the 600-block of South Front Street

SUBMITTED BY: Joan Davenport, AICP, Community Development Director
Albert Miller, Assistant Planner (509) 576-6772

SUMMARY EXPLANATION:

On January 13, 2022, HLA, on behalf of Columbus Cascade Company LLC, submitted a petition (Petition 22-07, RWV#002-22) to vacate a portion of right of way in the 600-block of South Front Street. City Council is being asked to set the date for this public hearing before the Hearing Examiner for September 8, 2022.

ITEM BUDGETED: NA

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Resolution	8/3/2022	Resolution
<input type="checkbox"/> Exhibit A - Petition	8/3/2022	Exhibit
<input type="checkbox"/> Vicinity Map	8/1/2022	Backup Material

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RESOLUTION NO. R-2022-103

A RESOLUTION fixing time for a public hearing before the Hearing Examiner on September 8, 2022, on a petition (Petition No. 22-07) to vacate a portion of platted right-of-way on the 600 block of South Front Street.

WHEREAS, pursuant to RCW 35.79.010, a petition (Petition No. 22-07, RWV#002-22) has been filed with the City Clerk, requesting the vacation of a street or alleyway (or portion thereof) within the City of Yakima, a true copy of which petition is attached and incorporated into this resolution (Exhibit "A"); and

WHEREAS, such a petition has been signed by the owners of more than two-thirds (2/3) of the property abutting upon the street or alley (or portion thereof) which is requested to be vacated, now, therefore,

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

The above-referenced petition for vacation is hereby referred to the Hearing Examiner for public hearing pursuant to section 1.43.080 of the City of Yakima Municipal Code. The Hearing Examiner is directed to make written recommendation to the City Council regarding said petition. The Hearing Examiner's Public Hearing shall be held on September 8, 2022 at 9:00 a.m., which date and time are not more than sixty (60) days nor less than twenty (20) days after the passage of this resolution.

It is further resolved that the City Clerk, or administrative official, give notice of the Hearing Examiner Public Hearing in the form and manner prescribed by RCW 35.79.020 and Section 14.21.040(C) of the City of Yakima Municipal Code.

ADOPTED BY THE CITY COUNCIL this 16th day of August, 2022.

ATTEST:


Janice Deccio, Mayor


Sonya Claar Tee, City Clerk



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RECEIVED

Exhibit A

22 AUG -1 P2:41

YAKIMA CITY CLERK

PETITION NO. 22-07
CITY OF YAKIMA, WASHINGTON
PETITION TO VACATE STREET OR ALLEY

CITY OF YAKIMA CODE ADMIN.DIVISION	
JUL 13 2022	
<input type="checkbox"/> REC'D	<input type="checkbox"/> FAXED
<input type="checkbox"/> PAID	<input type="checkbox"/> FYI

To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 (**provide legal description below, or attach to petition if lengthy**).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

Columbus Cascade Company, LLC	300 Marconi Blvd., Colu,bus, OH 43215
Owner	Address
	<u>7/1/2022</u>
Signature	Date
	Ownership % 100%

Owner	Address
Signature	Date
	Ownership %

Owner	Address
Signature	Date
	Ownership %

(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

Exhibit A

CITY OF YAKIMA CODE ADMIN.DIVISION	
JUL 13 2022	
<input type="checkbox"/> REC'VD	FAXED <input type="checkbox"/>
<input type="checkbox"/> PAID	FYI <input type="checkbox"/>

JULY 7, 2022

HLA PROJECT: 22090S

LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED

THAT PORTION OF THE RIGHT OF WAY FOR NORTH FRONT STREET AS DEDICATED ON THE PLAT OF NORTH YAKIMA, NOW YAKIMA, AS RECORDED IN VOLUME "A" OF PLAT, PAGE 10, AND RERECORDED IN VOLUME "E" OF PLATS, PAGE 1, RECORDS OF YAKIMA COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE EAST 10.00 FEET OF SAID RIGHT OF WAY LYING ADJACENT TO LOTS 9 THROUGH 16, BLOCK 17, OF SAID PLAT, AS MEASURED PERPENDIULAR TO THE WEST LINE OF SAID LOTS.

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