

RESOLUTION NO. R-2022-_____

A RESOLUTION declaring certain property originally part of Drainage Improvement District #39 later abandoned by Yakima County to be surplus to City needs and abandoning all interest to the property owners over which the pipeline extends.

WHEREAS, approximately 245 linear feet of pipeline, starting at the pipe exiting manhole 11019 in the vicinity of 620 N 16th Ave. and heading in a southwesterly direction, including one Manhole 11020, comprise a part of what was once known as Drainage Improvement District #39; and

WHEREAS, in 2016 Yakima County abandoned all rights, title, interest and responsibility in all Drainage Improvement Districts ("DID"s) within the City of Yakima, including DID #39; and

WHEREAS, an agreement was reached with Yakima County in 2016 regarding Yakima City's interests and responsibilities associated with the abandoned DIDs within City limits; and

WHEREAS, DID #39 runs through parcels 181314-44508 and 181314-44404, which is approved for development, which prompted the developer to request that this part of DID #39 be abandoned; and

WHEREAS, the DID #39 system was designed to remove excess irrigation runoff from fruit orchards that accumulated due to the soil type and water table in the area; and

WHEREAS, City Staff inspected the DID line and found no water running through the system; and

WHEREAS, it was determined by the city engineering department that the property is not needed for drainage or storm water purposes of any kind and that no city services are connected to this portion of DID #39; and

WHEREAS, the City has not expended any funds in acquiring, maintaining or operating this section of DID #39, and the property, and property rights associated therewith have negligible to zero value; and

WHEREAS, a public hearing was held on November 1st, 2022 regarding the surplus and abandonment of a portion of the DID #39 pipeline and interests associated therewith after proper notice was provided; and

WHEREAS, the City Council has evaluated the proposal to surplus the property and abandon it to the property owners of the property through which the pipelines travel, finding that it is in the best interest of the City and the residents of the City to do so; now, therefore,

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

Section 1. Declaration of Surplus and Authorization of Abandonment. The portion of DID #39 requested to be abandoned does not connect to any City utility services, is not needed for the drainage of adjacent properties, and therefore is declared to be surplus to any needs of the City. The City shall abandon any right to operate, maintain or access property upon which the portion of DID #39 to be surplussed is located, as shown on EXHIBIT 1 attached

hereto and fully incorporated herein. Prior to abandonment, the developer, J&J Washington, Inc., shall do the following:

1. The DID pipe segments within the area depicted on EXHIBIT 1 shall be either removed or crushed and compacted, or filled with controlled density fill (CDF).
2. The 15" diameter pipe segment extending from Manhole 11019 into parcel 18131444404 as depicted in EXHIBIT 1 shall be plugged with concrete for a distance equal to twice the pipe diameter.
3. Fill Manhole 11020 as depicted on EXHIBIT 1 with sand or CDF, remove the top two feet of the manhole and backfill with topsoil.
4. The property owner shall sign an indemnity agreement indemnifying the City against any actions arising from claims regarding the pipeline within the following properties: 18131444404; 18131444508.

The City did not purchase the DID pipe, or any rights associated therewith. Yakima County abandoned the DID districts within the City of Yakima. There is negligible to no value in the pipes, manholes or easement interests associated with the DID #39 section to be surplussed and abandoned to the property owners.

Section 2. Effective Date. This resolution shall take effect immediately with regard to the surplus of the property. The abandonment of the property to the property owner shall be effective when the conditions outlined herein are complete and proof of completion is provided to the City.

ADOPTED BY THE CITY COUNCIL this 1st day of November, 2022.

ATTEST:

Janice Deccio, Mayor

Sonya Claar Tee, City Clerk