

RESOLUTION NO. R-2018-_____

A RESOLUTION declaring certain property originally part of Drainage Improvement District #48 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, there exists approximately 1,080 linear feet of drain pipe, starting at South 64th Avenue and heading in a southwesterly direction, along property formerly in orchard and currently short platted as Lot 6 of Short Plat 7966494, which is part of what was once known as Drainage Improvement District #48; and

WHEREAS, the easement was originally granted by Congdon Orchards, Inc. in 1957, to specifically construct a covered drain for seepage, surface and waste water, and in 2015 Yakima County abandoned all rights, title, interest and responsibility in all Drainage Improvement Districts (DID's) within the City of Yakima, including DID #48; and

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

WHEREAS, DID #48 runs through Lot 6 of Short Plat 7966494, which is part of The Lodges in West Yakima, LLC's approved short plat, which prompted the developer to request that the section of DID #48 going through Lot 6 be abandoned; 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 because as part of the platting process, the developer has paid all costs to re-route the drain line into public right of way parallel to South 64th Avenue; and

WHEREAS, the City has not expended any funds in acquiring, maintaining or operating this section of DID #48, and the property, and property rights associated therewith have negligible to zero value; and

WHEREAS, a public hearing was held on February 20, 2018, regarding the surplus and abandonment of a portion of the DID #48 drain pipe 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 drain pipes 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 #48 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 #48 to be surplussed is located, as shown on Exhibit "1" attached hereto and fully incorporated herein, and further described as follows:

That portion of the 15.00-foot-wide Drainage Improvement District No. 48 easement described under Auditor's File Number 1686785, records of Yakima County, Washington, lying within Lot 6 of that Short Plat recorded under Auditor's File Number 7966494, records of Yakima County, Washington.

Prior to abandonment, the developer, The Lodges in West Yakima LLC, shall do the following:

1. Manholes 72 and 73 shall be removed in their entirety.
2. The DID pipe within Lot 6 of Short Plat 7966494 as depicted on Exhibit 1 shall be either removed or crushed and compacted.
3. The property owner shall sign an indemnity agreement indemnifying the City against any actions arising from claims regarding the drain pipe within the Lot 6 of Short Plat 7966494.

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 drain pipe, manholes or easement interests associated with the DID #48 section to be surplussed and abandoned to the property owners.

Section 2. Effective Date. This resolution shall take effect immediately, as provided by law.

ADOPTED BY THE CITY COUNCIL this 20th day of February, 2018.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk