

**ORDINANCE 2018-1050**

**AN ORDINANCE VACATING AN ALLEY BETWEEN E. 8<sup>TH</sup> STREET AND E. 9<sup>TH</sup> STREET**

**BE IT ORDAINED BY THE COUNCIL of the City of Waitsburg as follows:**

**SECTION 1.**

The City Council, pursuant to notices given as required by law to such parties entitled to notice, held a hearing on the proposed vacation of the alley between E.8 and E 9<sup>th</sup>Streets on May 16<sup>th</sup>, 2018.

After hearing all testimony and evidence presented at the hearing, the Council finds that the proposed action satisfies the criteria of Waitsburg Municipal Code (“WMC” or the “Code”) 17.01.060 in that: the proposal conforms with the intent and policy of Title 17 of the Code; the property in question is suitable for uses permitted under current zoning; no public facilities (*i.e.*, roads, sewer and water utilities, etc.) are adversely impacted by the alley vacation; and the proposed alley vacation is compatible with neighboring land uses and will not create the closing of any known or unknown access routes to neighboring property. The Council further finds that: such alley is not needed for public purposes; vacation of the alley and rights-of-way would promote the public benefit; and vacation of the alley is in the best interest of the City.

**SECTION 2.**

The following alley is hereby vacated:

That portion of the alley that lies adjacent to properties commonly identified as 718 Walnut and 216 E. 8<sup>th</sup> Street running 135 feet West from that address on Walnut, then 15 feet North, then 135 feet East, then 15 feet South back to the original starting point in the block which is bounded on the North by E. 8<sup>th</sup> Street and on the South by E. 9<sup>th</sup> Street. The precise location of the alley to be vacated is depicted on the map that is attached to this ordinance.

In vacating the alley, the City hereby specifically reserves unto itself: a perpetual non-exclusive utility easement over, across, under, and through the entire area of the alley to be vacated. Such easement is reserved until the City, its agents, employees, licensees, permittees, franchisees, and assigns, for the purpose of installing, replacing, inspecting, repairing, or maintaining one or more utilities within the easement. The property owners may not install or build any structures or fixtures within the easement area that may interfere with or impede the City in its use of the easement hereby reserved.

**SECTION 3.**

The City Council further finds that the area encompassed by the alley has no monetary value and for that reason the property owners are not required to pay to the City any monetary compensation, but will be required to pay all filing fees associated with the recording of the alley vacation with Walla Walla County. In the event that one property owner intends to claim the full width of the alley, that owner shall be required to do a boundary line adjustment at that owner’s cost with the adjoining property owner and comply with all requirements of boundary line adjustment proceedings in conjunction with this Ordinance.

**SECTION 4.**

This ordinance shall take effect immediately upon its passage and publication as required by law.

Done in open meeting this 16<sup>th</sup> day of May 2018.

APPROVED

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Mayor Marty Dunn

ATTEST:

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City Clerk Randy Hinchliffe

APPROVED AS TO FORM

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City Attorney Jared Hawkins