

City of Cheney
609 Second Street
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON
ORDINANCE Y-39**

**AN ORDINANCE VACATING ALLEYWAY IN BLOCK 31 OF THE
RESERVOIR ADDITION**

WHEREAS, a public hearing initiated by Cheney City Council Resolution F-121 was held on February 14, 2023 in accordance with RCW 35.79.020 pursuant to a petition signed by the owner, known as Emmanuel Lutheran Church and Charley Hough who owns more than two-thirds of the property adjoining the alleyway in Block 31 of the Reservoir Addition; and

WHEREAS, notice of the hearing was posted in accordance with the notification requirements under RCW 35.79.020; and

WHEREAS, in accordance with Chapter 12.50 of the Cheney Municipal Code a determination was made that the property would not be needed in order to meet the city's minimum street right-of-way requirements for local access streets under Chapter 22.24; and.

WHEREAS, the Cheney City Council finds it is in the public interest to vacate the above portion of street right-of-way on the conditions set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1: Upon completion of the conditions hereinafter provided, the following described portion of public right-of-way in the City of Cheney is hereby vacated and shall no longer be part of street right-of-way within the City of Cheney except as otherwise herein provided:

ALLEYWAY IN BLOCK 31 OF THE RESERVOIR ADDITION

Section 2. The vacation of the right-of-way herein provided for shall not be effective until the owners of the adjoining property, known as Emmanuel Lutheran Church and Charley Hough relocates all existing utilities currently in the alleyway. Relocation of utilities will need to be approved by the respective utility, and confirmation to the utility companies that construction completion to the utility relocation has been approved.

Section 3. The vacation of the right-of-way herein provided for shall not be effective until the owner of the adjoining property, known as Emmanuel Lutheran Church and Charley Hough, pays the City of Cheney for full appraised value of the area vacated, which shall be Three Thousand Three Hundred Thirty Dollars and no cents (\$ 3,330.00), plus payment of the other costs incurred by the City of Cheney

in conjunction with the vacation and as required under Section 12.50.040 of the Cheney Municipal Code.

Section 4. In the event the adjoining property owner does not completed the conditions in Section 2 and Section 3 within five (5) years of the date this ordinance is passed by the City Council, then this ordinance shall not become effective but shall automatically expire and be terminated on February __, 2028. The City Council reserves the right to extend the termination date of this ordinance.

Section 5. A certified copy of this ordinance shall be recorded by the Cheney City Clerk with the Spokane County Auditor after its publication and upon fulfillment of the conditions set forth in Section 2 and Section 3.

Section 5. This ordinance shall be in full force and effect thirty (30) days after passage approval and publication.

Introduced this 14th day of February, 2023.

Passed by the City Council this date: _____, 2023.

Approved by the Mayor this date: _____.

Chris Grover, Mayor

ATTEST:

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

City Attorney