

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. February 14, 2023

2/15/2023

Approved by the Mayor this date: _____.

DocuSigned by:

Chris Grover

0B2BE92C6A9E4DE...

Chris Grover, Mayor

ATTEST:

DocuSigned by:

Cindy Niemeier

A8FD5254CE0149A...

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Mike Kapoun

DE33BE1339A241B...

City Attorney

Certificate Of Completion

Envelope Id: E72755A2D9B1467F989F79C2EAB1366D	Status: Completed
Subject: Complete with DocuSign: Street Vacation Ordinance Y-39.docx	
Source Envelope:	
Document Pages: 2	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Cindy Niemeier
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	cniemeier@cityofcheney.org
	IP Address: 173.226.203.130

Record Tracking

Status: Original	Holder: Cindy Niemeier	Location: DocuSign
2/14/2023 6:48:29 PM	cniemeier@cityofcheney.org	

Signer Events

Chris Grover
 cgrover@cityofcheney.org
 Mayor
 City of Cheney
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

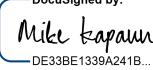
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Timestamp

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Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

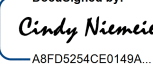
Mike Kapaun
 mkapaun@hawleytroxell.com
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
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Cindy Niemeier
 cniemeier@cityofcheney.org
 Finance Director
 City of Cheney
 Security Level: Email, Account Authentication (None)

DocuSigned by:

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 Using IP Address: 173.226.203.130

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 Signed: 2/16/2023 11:08:52 AM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
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Todd Ableman tableman@cityofcheney.org Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 2/16/2023 11:08:56 AM
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Brett Lucas blucas@cityofcheney.org Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 2/16/2023 11:08:58 AM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	2/16/2023 11:08:33 AM
Signing Complete	Security Checked	2/16/2023 11:08:52 AM
Completed	Security Checked	2/16/2023 11:08:58 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Cheney:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cniemeier@cityofcheney.org

To advise City of Cheney of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cniemeier@cityofcheney.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from City of Cheney

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cniemeier@cityofcheney.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Cheney

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to cniemeier@cityofcheney.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Cheney as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Cheney during the course of your relationship with City of Cheney.