

City of Cheney  
609 Second Street  
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON  
ORDINANCE W-69**

**AN ORDINANCE VACATING A PORTION OF SPOKANE STREET BETWEEN  
LOT 6 OF BLOCK 133 AND LOT 10 OF BLOCK 132 OF THE ADDITION TO THE  
TOWN OF CHENEY.**

**WHEREAS**, a public hearing initiated by Cheney City Council Resolution E-322 was held on July 14, 2015 in accordance with RCW 35.79.020 pursuant to a petition signed by the owner, known as Les Schwab Tire Centers of Washington of more than two-thirds of the property adjoining the 60 foot segment of Spokane Street proposed for vacation located adjacent to Lot 6, Block 133 and Lot 10, Block 132 of the Addition to the Town of Cheney; 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 marketable nor would the property 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 Spokane Street 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 Spokane Street within the City of Cheney except as otherwise herein provided:

**A PORTION OF SPOKANE STREET RIGHT-OF-WAY BETWEEN LOT 6 OF  
BLOCK 133 AND LOT 10 OF BLOCK 132 OF THE ADDITION TO THE TOWN OF  
CHENEY**

Section 2. The vacation of the right-of-way herein provided for shall not be effective until the City of Cheney is paid for one-half of the appraised value of the area vacated, which shall be Three Thousand Dollars and No Cents (\$3,000), 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 3. There is hereby reserved an easement by the City of Cheney over the above-described right-of-way ("City Easement") for installation, construction, maintenance, repair, replacement and use of electric and telecommunication poles and lines, and water and sewer lines, including the right to grant and continue to franchise to public service companies for such purpose. In addition, the City of Cheney, its employees, agents, contractors and franchisees may enter the City Easement to perform the above acts, provided twenty-four (24) hours prior to such entry the City or franchisee shall give notice to the adjoining landowner of its intent to enter the Easement Area. All work in the Easement Area shall be performed with minimal disturbance to the adjoining landowner to include returning all disturbed areas to the condition in which they were found, reasonable wear and tear excepted.

It is further agreed by and between the City and Les Schwab Tire Centers of Washington that no footings, foundation or any building or structure may be placed in the Easement Area without the prior written consent of the City. Notwithstanding the above, the Easement Area may be used for storm drainage, landscaping, covered with asphalt, concrete or other hard surface in compliance with City standards.

Section 4. 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 for the in Section 2.

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

Introduced this 25<sup>th</sup> day of August, 2015.

Passed by the City Council this 25 day of August, 2015


Approved by the Mayor this 25 day of August, 2015

  
\_\_\_\_\_  
Tom Trulove, Mayor

ATTEST:

  
\_\_\_\_\_  
Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
for Stanley Schwartz, City Attorney