

RESOLUTION NO. 2892

RESOLUTION ESTABLISHING FEBRUARY 22, 2022 AS THE DATE TO CONDUCT A PUBLIC HEARING TO CONSIDER THE PETITION AND VACATION OF AN UNOPENED RIGHT-OF-WAY SHOWN ON THE DUNCAN ADDITION PLAT AS "WENAS AVENUE," AND A 20FT. WIDE RIGHT-OF-WAY LABELED "ALLEY" THAT EXTENDS SOUTH FROM TEST DRIVE LANE.


WHEREAS, the City of Selah has received a petition from Frontier Country Investments, LLC, the adjacent property owner, requesting the vacation an unopened right-of-way shown on the Duncan Addition Plat as "Wenas Avenue", and a 20 ft. wide right-of-way labeled "Alley" that extends south from Test Drive Lane requested by the Frontier Country Investments, LLC. (more fully described in the applicant's application dated December 15, 2021); and,

WHEREAS, R.C.W. 35.79.010 requires the City by resolution fix a place, date and time when the petition will be heard and determined by the City, which time shall not be more than sixty (60) days nor less than twenty (20) days after the date of the passage of such resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, AS FOLLOWS:

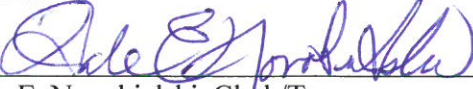
That February 22nd 2022 at 5:30 p.m., or as soon thereafter as practical, in the Council Hearing Room, 115 W. Naches Avenue, Selah, WA. shall be set as the date, time and location of a public hearing to hear and decide said petition and that notice of said public hearing shall be provided as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, THIS 25TH DAY OF JANUARY, 2022.



Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney



Supplemental Application For:
RIGHT-OF-WAY VACATION

INSTRUCTIONS - PLEASE READ FIRST Please type or print your answers clearly.
 Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Department cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable.
 This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV - CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I - GENERAL INFORMATION


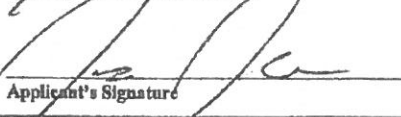
1. Applicant's Information:	Name:	Frontier Country Investments, LLC					
	Mailing Address:	PO Box 309					
	City:	Naches	St:	WA	Zip:	98937	Phone: ()
	E-Mail:						
2. Applicant's Interest in Property:	Check One:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> Other		
3. Property Owner's Information (If other than Applicant):	Name:						
	Mailing Address:						
	City:		St:		Zip:		Phone: ()
	E-Mail:						
4. Subject Property's Assessor's Parcel Number(s):	181301-32001, 181301-32407, 181301-32401, 181301-32404						
5. Legal Description of Property. (if lengthy, please attach it on a separate document)	Attached						
6. Property Address:	703 S. 1st Street						
7. Property's Existing Zoning: (Circle all that apply)	LDSF R-1 R-2 R-3 B-1 X B-2 M-1 M-2						
8. Type Of Application: (Check All That Apply)	<input type="checkbox"/> Right-of-Way Vacation <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____						

PART II - SUPPLEMENTAL APPLICATION, PART III - REQUIRED ATTACHMENTS, & PART IV - NARRATIVE

SEE ATTACHED SHEETS

PART V - CERTIFICATION

I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

	10/28/21
Property Owner's Signature	Date
	10/25/21
Applicant's Signature	Date

FILE/APPLICATION(S)#

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO.:
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Supplemental Application For:
RIGHT-OF-WAY VACATION

PART II - LOCATION

1. VICINITY - LOCATION OF RIGHT-OF-WAY TO BE VACATED:

Vacate remainder of unopened right-of-way shown on the Duncan Addition Plat as "Wenas Avenue" and a 20 foot wide right-of-way labeled "Alley" that extends south from Test Drive Lane.

2. LEGAL DESCRIPTION OF THE RIGHT-OF-WAY TO BE VACATED: (Attach if lengthy)

Attached

PART III - APPLICATION INFORMATION

1. A WRITTEN NARRATIVE: (Please submit a written response to the following questions)

A. What is the public benefit, reason for, and limitations of the proposed right-of-way vacation?

See attached

B. Does the vacation deny sole access to a public street for any property?

See attached

C. Is the proposal consistent with existing plans of the City? (Petitions should be consistent with the Six-year Transportation Improvement Plan, the Comprehensive Plan and other official City Plans and policies)

See attached

D. Is the vacation appropriate with existing zoning and land use? (Vacation of Right-of-Ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and long-range plans)

See attached

E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?

See attached

F. Please check box if appraisal is part of the application materials.

I have enclosed an appraisal of the property to be vacated

PART IV - REQUIRED ATTACHMENTS

1. SITE PLAN REQUIRED (Please use the City of Selah Site Plan Checklist, attached)

2. PETITION TO VACATE STREET OR ALLEY REQUIRED (attached)

3. TITLE REPORT

4. SURVEY OF THE AREA TO BE VACATED

5. APPRAISAL OF THE PROPERTY

6. ENGINEERING PLAN (may be required to indicate how the curb, gutter and other physical features will be treated after the vacation is enacted.) Please check if included:

7. TRAFFIC ANALYSIS (A traffic analysis prepared by a Certified Engineer, which describes the impact to the City transportation network of the closure of the right-of-way, may be required depending on the right-of-way being vacated. As a result of that analysis, a Traffic Study may also be required) Please check if included:

NARRATIVE

PARCEL NUMBER: 181301-32001, 32407

PROJECT: Right-of-Way Vacation, Wenas Avenue and "Alley" from the Plat of "Duncan Addition"

APPLICANT & OWNER: Frontier Country Investments, LLC

The purpose of this application is to vacate unopened portions of right-of-way dedicated by the 1947 Duncan Addition Plat, including right-of-way for Wenas Avenue, that is not usable to the City, in part because the connecting portion of the right-of-way to the north was vacated in 2016. A second existing 20-foot-wide right-of-way for an alley, currently extending south from the end of Test Drive Lane is also to be vacated because internal access to the properties being served will be replaced with an improved easement for business access. The applicant is the only property owner with frontage or who would derive any benefit from the existing right-of-way. Plans are to develop the property for commercial use in a manner proposed separately by Type 1 review.

As part of this action, and in lieu of payment for the vacated right-of-way, a proposed dedication of right-of-way to the City for the purposes of constructing and maintaining a "Welcome to Selah" sign and as part of maintaining a buffer for the stream in which the City wastewater treatment outfall is discharged. The amount of area being dedicated equals, more or less, the area that would be vacated by this application as depicted on the site plan.

Full Legal Description:

All that part of Wenas Avenue and Alley as shown on DUNCAN ADDITION, according to the official plat thereof recorded in Volume "M" of Plats, Page 46, records of Yakima County, Washington, lying South of the following described line:

Beginning at the Southeast corner of Lot 4, Block 3, of said plat;

Thence East along the Easterly extension of the South line of said Lot 4 to the East right-of-way line of the right-of-way of said Wenas Avenue and terminus of said line.

Questions from Application Form:

A. Public Benefit, Reason for and Limitations of Proposed Right-of-Way Vacation: There is no public benefit of the Wenas Avenue right-of-way since it has been cut off from any street extension to the north by a previous right-of-way vacation and any access to the east is blocked by a railroad track. This and the alley right-of-way is not necessary for access to either of the parcels that front on it.

The vacation of both rights-of-way will result in existing parcel 181301-32407 being more usable for development and along with adjacent 181307-32001 it will have sufficient depth and area to better

accommodate proposed development plans. There are no limitations to the benefit that this vacation would provide.

The proposed dedications described in the introduction are also to the public benefit.

B. Does the vacation deny sole access to a public street for any property: No. The access easement being extended in the alignment of Test Drive Lane will provide legal and physical access to all of the affected properties from existing improved City street rights-of-way. Two of the parcels also have frontage on S. 1st Street / SR 823.

C. Consistency of the proposal with existing City Plans: No future improvements are shown to be needed in this location by the Transportation Element of the Comprehensive Plan or the Central Urban Sub-Area Plan and it is unlikely that any improvements are on the six-year Transportation Improvement Plan. Vacation in 2016 of the adjacent right-of-way to the north that would serve as the extension of this right-of-way indicates no City policy to improve or preserve this area for street purposes.

D. Appropriateness with Existing Zoning and Land Use: The purpose of the general business (B-2) zoning district is to provide for the day-to-day convenience shopping and service needs of persons residing in nearby residential areas. It is intended that all business establishments be retail, wholesale or service establishments where goods produced on the premises are sold at retail. The B-2 zoning district is located where urban governmental services are either available or can be extended by the proponent to facilitate the project at no public cost. Minimum urban development standards are required (SMC 10.20.010). There is nothing to suggest that the proposed right-of-way vacation would be contrary to the intent of the B-2 zone. Access to existing streets, rights-of-way and utilities are available to the site to provide for development meeting minimum urban standards. The vacation of a right-of-way that currently cuts diagonally across the property should facilitate, not hinder the development of this property for the type of commercial use contemplated by the intent statement.

E. Any public or franchised utilities in the right-of-way to be vacated. No public or franchise utilities have been identified in the right-of-way area and the recent vacation of the adjacent right-of-way to the north suggests that none exist.

PETITION NO. 2021-001
 CITY OF SELAH WASHINGTON
 PETITION TO VACATE STREET OR ALLEY


To the City Council of the City of Selah, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Selah, be vacated pursuant to RCW 35.79 (*provide legal description below, or attach to petition if lengthy*).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

<u>Frontier Country Investments, LLC</u> Owner	<u>PO Box 309 Naches, WA 98937</u> Address
 Signature	<u>1/12/2021</u> Date
	<u>100</u> Ownership %
<hr/> Owner	<hr/> Address
<hr/> Signature	<hr/> Date
	<hr/> Ownership %
<hr/> Owner	<hr/> Address
<hr/> Signature	<hr/> Date
	<hr/> Ownership %

(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

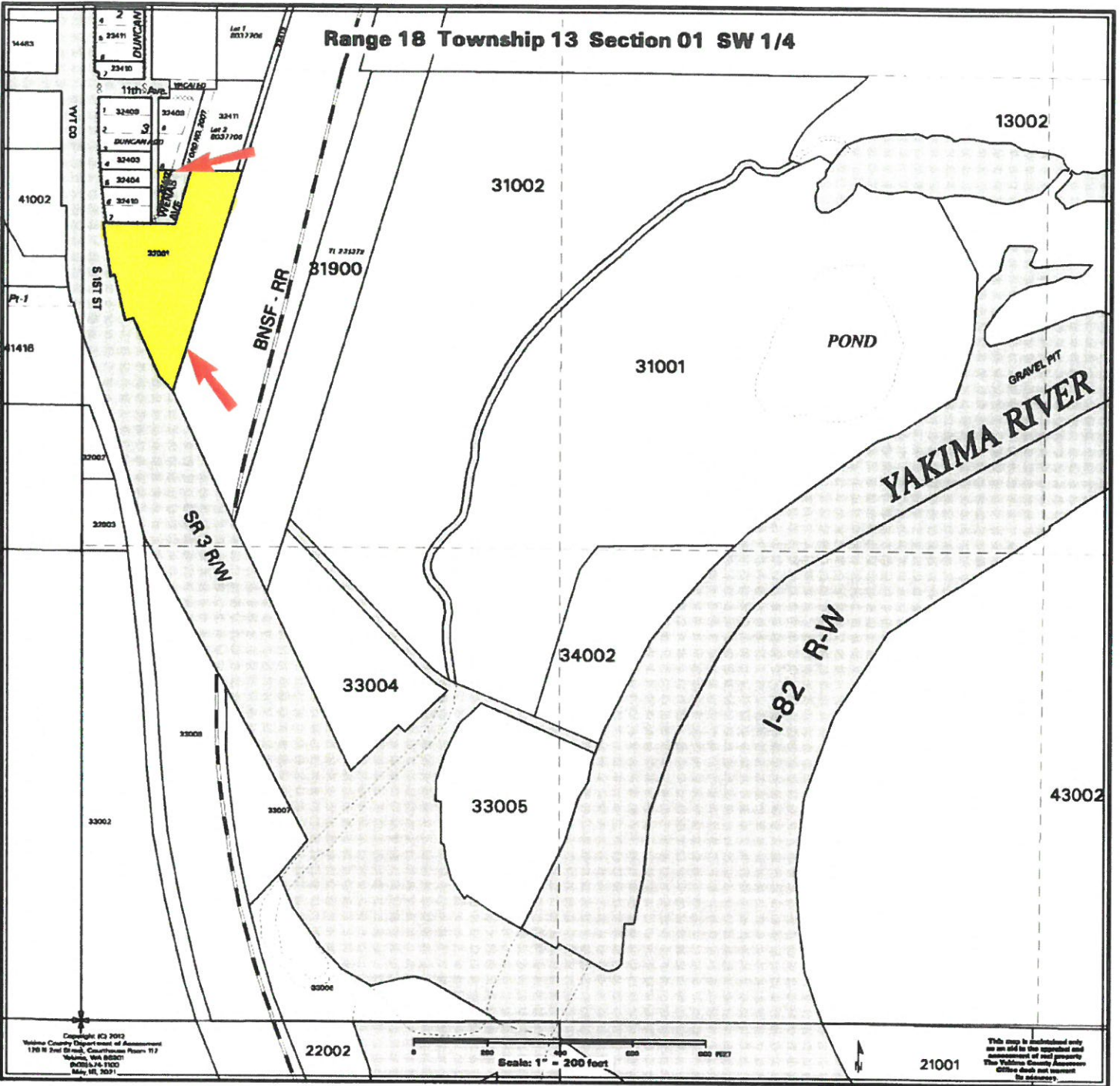
Legal Description

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Beginning at the Southeast corner of Lot 4, Block 3, of said plat;

Thence East along the Easterly extension of the South line of said Lot 4 to the East right-of-way line of the right-of-way of said Wenas Avenue and terminus of said line.

Range 18 Township 13 Section 01 SW 1/4



Copyright: © 2012
Yakima County Department of Assessment
130 W 2nd Street, Courthouse Room 117
Yakima, WA 98901
(509) 449-3100
May 01, 2012

This map is intended only
as an aid to the appraisal and
assessment of real property.
The Yakima County Assessor
Office does not warrant
its accuracy.

Right-of-Way Vacation Frontier Country Investments, LLC

