

RESOLUTION NO. 2017-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, authorizing the Mayor and City Manager to execute an Agreement for the Acquisition through Exchange of Properties and other related documents for the exchange of properties owned by the City of Ellensburg ("City") and Reecer Creek Excavating, L.C.C. ("RCE").

WHEREAS, the City Council of Ellensburg ("City Council") approved Resolution No. 2017-14 on June 5, 2017, which declared three lots owned by the City on Dolarway Road known as Dolarway Lots 1, 2 and 3 as surplus to the City's needs, and authorized a portion of Lot 1 to be disposed of by an exchange for two lots of equivalent total acreage owned by RCE and located directly across Dolarway Road; and

WHEREAS, as boundary line adjustment (BLA) resulted in Dolarway Lots 1 and 2 being reconfigured into Lots 1 and 1A, and Lot 1A is approximately 2.46 acres in size; and

WHEREAS, RCE owns two parcels directly across Dolarway Road from the City's Dolarway Lot 1A, said parcels being 1.15 acres in size and 1.31 acres in size, respectively, and together are approximately of equivalent size, character and market value as the City's Dolarway Lot 1A; and

WHEREAS, the purpose of the property exchange would be to facilitate the City's flood control project to contain Reecer and Currier flood flows (and potentially Whiskey Creek in the future); and

WHEREAS, by exchanging RCE's two parcels (approximately 2.46 acres) for the City's Dolarway Lot 1A, the land obtained will help facilitate the construction of a levee; and

WHEREAS, the City commissioned an appraisal of Lots 1, 2 and 3 in October 2016, and the proposed exchange of properties between the City and RCE would be for parcels of approximately equal market value; and

WHEREAS, the value to the City of the proposed property exchange is enhanced by the added value of including RCE's lots in the flood control efforts regarding Reecer and Currier Creeks; and

WHEREAS, the City Council has determined that passage of this Resolution and the exchange of properties with RCE as authorized herein is consistent with the City's Comprehensive Plan; and

WHEREAS, as a result of the foregoing, the City Council finds that the exchange of the City's Dolarway Lot 1A for RCE's two parcels as described above will further the

City's goal of building a levee to help control flooding associated with Reecer and Currier Creeks; and

WHEREAS, the City Council has determined following the consideration of the totality of the circumstances that the exchange of properties between the City and RCE on the terms and conditions agreed to between the parties is in the best interest of the public health, safety, and welfare of the citizens of the City of Ellensburg, Washington; and

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


Section 1. The "Whereas" provisions set forth above are hereby incorporated in this Resolution as findings in support of the actions authorized in this Resolution.

Section 2. The disposition of the City's property as authorized herein shall be by "Special Disposition Process" pursuant to ECC 2.06.020(C) accomplished through an exchange of properties with RCE.

Section 3. The Mayor is hereby authorized to execute an agreement for the exchange of properties with Reecer Creek Excavating, L.L.C. The Mayor and City Manager are authorized to execute all other documents necessary to complete the property exchange as set forth herein.

Section 4. If any section, sentence, clause, or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

ADOPTED by the City Council of the City of Ellensburg this 19th day of June, 2017.



MAYOR

ATTEST: 

CITY CLERK