

RESOLUTION NO. 2022-28

A RESOLUTION reaffirming Resolution 1963-17 declaring the City-owned real property known as the "Whitfield Triangle" as surplus to City of Ellensburg needs, and directing the removal of a restrictive covenant from the deed upon sale of the property pursuant to RCW 35A.21.410.

WHEREAS, the Whitfield Triangle is approximately .30 acres in size, located on N. Alder Street, identified by the Kittitas County Assessor's Office as Parcel No. 065633, and legally described as:

Lot 15, Block "F" LEE'S SUBDIVISION OF SECOND RAILROAD
ADDITION TO THE CITY OF ELLENSBURG, in the County of Kittitas, State
of Washington; and

WHEREAS, the City Council adopted Resolution 1963-17 on July 15, 1963, which declared the Whitfield Triangle abandoned for City park purposes and therefore surplus to the City's needs, and set forth certain terms and conditions for sale; and

WHEREAS, the Whitfield Triangle is zoned Residential-Low (R-L); and

WHEREAS, at its December 20, 2021 meeting, the Ellensburg City Council determined it is in the public interest to sell the Whitfield Triangle and that conditions be included in any deed of conveyance, as set forth herein; and

WHEREAS, the Ellensburg City Council considered at its July 5, 2022 meeting whether the Whitfield Triangle should be used improved as part of the City's Park system or be declared surplus, and directed staff to prepare a resolution declaring the property surplus to the City's needs; and

WHEREAS, the Ellensburg City Council conducted a duly noticed public hearing on August 15, 2022, to reaffirm its surplus of the Whitfield Triangle in accordance with the provisions outlined in ECC 2.06.080; and

WHEREAS, pursuant to RCW 35A.21.410, City Council's August 15, 2022 public hearing also considered removing one of the restrictive covenant's included in Resolution 1963-17; and

WHEREAS, the Ellensburg City Council has determined that proceeds from the sale of the property shall be directed back to the Parks & Recreation Department budget;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of The City of Ellensburg, Washington, as follows:

Section 1. Section 1 of Resolution 1963-17, attached hereto as Exhibit 1, which declared the Whitfield Triangle abandoned for park purposes and surplus to the City's needs, is hereby reaffirmed.

Section 2. Section 2 of Resolution 1963-17 is reaffirmed as hereby amended pursuant to RCW 35A21.410 by removing the following language, marked as strikethrough, from the deed of sale at the time the property is sold:

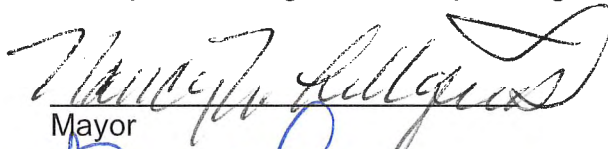
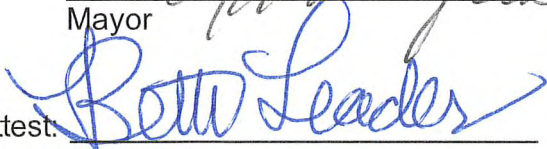
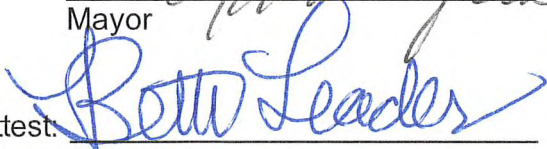
~~e. That the deed of conveyance shall include said restrictions as covenants running with the land and shall also provide that, in the event the purchaser, or his successor in interest, within one (1) year from date of conveyance by the City, has failed to construct or enter into a valid contract for the construction of a dwelling, upon demand of the City the title to said real estate shall revert to the City and the City shall thereupon be required to refund to the purchaser, or his successor, but 90% of the purchase price without interest.~~

Section 3. City staff is directed to take any action(s) necessary to remove the deed restriction referred to as stricken in Section 2 of this Resolution.

Section 4. Disposition of the property shall be by sealed bid with the City reserving the right to reject any and all bids, or any other method of sale allowed by City code, as determined to be in the City's best interests and administered by the City Manager.

Section 5. Except as stated in Section 3 above, all other conditions for the deed of conveyance for sale of the Whitfield Triangle contained in Resolution 1963-17 shall remain in full force and effect.

ADOPTED by the City Council of the City Ellensburg this 15th day of August, 2022.


Mayor

Attest: 
City Clerk

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WHEREAS the City of Ellensburg acquired the hereinafter described real estate from Kittitas County for park purposes as provided in the deed of conveyance recorded in Volume 52 of Deeds, page 542; and

WHEREAS Kittitas County has by appropriate resolution of the Commissioners consented to the sale of said property; and

WHEREAS said property is not suitable for public park purposes and its sale will provide much needed funds for other capital park expenditures; and

WHEREAS it is for the public interest that certain restrictions, covenants and reservations be contained in any deed of conveyance, and that said property be sold for residential purposes only;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington, DO RESOLVE as follows:

Section 1: That the following described real estate is hereby abandoned by the City of Ellensburg for public park purposes and is declared to be surplus property of the City to-wit:

Lot 15, Block "F" LEE'S SUBDIVISION OF SECOND RAILROAD ADDITION TO THE CITY OF ELLENSBURG, in the County of Kittitas, State of Washington.

Section 2: That said real estate be offered for sale under sealed bids subject to the following terms and conditions:

- a. The purchaser and his successors in interest shall agree that said property shall be used for residential purposes only;
- b. That no portion of the roof of a dwelling built on said premises shall exceed a height of fifteen feet above the highest grade of the abutting northerly alley.
- c. The existing sprinkler system shall be retained by the City and removed at City expense upon notice on intention to construct a dwelling.
- d. That the premises shall be maintained in their existing condition until construction is begun.
- e. That the deed of conveyance shall include said restrictions as covenants running with the land and shall also provide that in the event the purchaser, or his successor in interest, within one (1) year from date of conveyance by the City, has failed to construct or enter into a valid contract for the construction of a dwelling, upon demand of the City the title to said real estate shall revert to the City and the City shall thereupon be required to refund to the purchaser, or his successor, but 90% of the purchase price without interest.
- f. The City shall in its call for bids reserve the right to reject any and all bids.
- g. The City will furnish the purchaser with evidence of title with right to convey.

Adopted by the City Council this 15 day of July, 1963.



Mayor



City Clerk