

## **RESOLUTION NO. 2023-15**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, authorizing the Mayor and/or City Manager to execute the Agreement for the Purchase and Sale of Real Estate and other related documents for the sale of the property commonly known as the “Ellensburg Racquet and Recreation Center” (“Property”) by the City of Ellensburg (“City”) to Al Dahra ACX, Inc. (“ACX”).

**WHEREAS**, the City owns the Property located at 6061 Vantage Highway, Ellensburg, Washington, identified as Kittitas County Tax Parcel No. 514934, and legally described as:

CD. 10606-1; SEC. 33, TWP. 18, RGE. 19; PTN. SE1/4 SE1/4; RACQUET & REC. CENTER;

and

**WHEREAS**, the building located on the property that served as the Ellensburg Raquet and Recreation Center (“ERRC”) suffered a total loss from a fire on December 2, 2023; and

**WHEREAS**, the City Council of Ellensburg ("City Council") approved Resolution 2023-03 on January 17, 2023, which declared the Property as surplus to the City's needs, and the sale of the Property by any means authorized in the Ellensburg City Code and state law; and

**WHEREAS**, the City has determined not to rebuild the ERRC on the Property, and has not yet commenced with the cleanup of the property, which is estimated to exceed \$100,000.

**WHEREAS**, the City commissioned an appraisal of the subject property, and the proposed purchase price for the Property offered by ACX in the amount of \$100,000 is an amount equal to the fair market value of the lot based on the appraised value; and

**WHEREAS**, ACX has agreed to purchase the Property “as is,” thereby saving the City significant costs which it would otherwise incur for cleanup of the Property; and

**WHEREAS**, the Ellensburg City Council held a duly noticed hearing on January 17, 2023 in accordance with the provisions of Chapter 2.06 of the Ellensburg City Code (“ECC”) for the purpose of declaring the Property as surplus to the City’s needs; and

**WHEREAS**, the City Council hereby finds the disposition of the Property through a negotiated Purchase and Sale Agreement, attached hereto as Exhibit 1 and consistent with Chapter 2.06 ECC, will best serve the common public benefit;

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 the negotiated Purchase and Sale Agreement (Exhibit 1) with ACX pursuant to Chapter 2.06 ECC.

Section 3. The Mayor and/or City Manager are hereby authorized to execute the Purchase and Sale Agreement for purchase of the surplus property described above to ACX. The Mayor and/or City Manager are also authorized to execute all other documents necessary to complete the sale of the Property 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 20<sup>th</sup> day of June, 2023.

  
MAYOR

ATTEST:

  
CITY CLERK