

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, VACATING A PORTION OF AN ALLEY SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to chapter 35A.11 RCW, the City Council of the City of Millwood, Washington (the "Council") may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City of Millwood, Washington (the "City"), and

WHEREAS, pursuant to RCW 35.79.010, the City passed Resolution No. 12-04 initiating the procedures for vacating a portion of the alley located in the City described in Exhibit "A," attached hereto and incorporated herein (the "Property"), and

WHEREAS, on June 12, 2012, a public hearing was held pursuant to legal notice by the Council and the matter of vacation of the Property was considered, and

WHEREAS, the Council approves the vacation of the Property subject to the conditions set forth in this Ordinance, and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILLWOOD DO ORDAIN AS FOLLOWS:

**Section 1.** **Vacation.** The Property is hereby vacated and, subject to the terms and conditions set forth herein, title to the Property shall belong to the Millwood Presbyterian Church.

**Section 2.** **Payment to City.** As a condition of the passage of this Ordinance and pursuant to RCW 35.79.030, the Millwood Presbyterian Church shall pay to the City the sum of \$1,000.00.

**Section 3.** **Easement.** As a condition of the passage of this Ordinance and pursuant to RCW 35.79.030, the City reserves and retains an easement and/or the right to exercise and grant easements in respect to the Property for the construction, repair, and maintenance of existing and future public utilities and services.

**Section 4.** **Recording of Ordinance.** Upon fulfillment of all terms and conditions of this Ordinance, the Council directs the City Clerk, or his designee, to record a certified copy of the Ordinance in the office of the Spokane County Auditor.

**Section 5.** **Repeal.** All ordinances, resolutions, laws, and regulations, or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

**Section 6.** **Severability.** If any section, sentence, clause, or phrase of this ordinance should 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 ordinance.

**Section 7.** **Effective Date.** This ordinance shall be in full force and effect from and after its adoption and five (5) days after its publication or a publication of a summary of this ordinance in the official newspaper of the City.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 12<sup>th</sup> DAY OF JUNE, 2012.

*Daniel N. Mork*  
DANIEL N. MORK, MAYOR

Attest:

*Thomas G. Richardson*  
Thomas G. Richardson, City Clerk

STATE OF WASHINGTON    )  
  )ss:  
County of Spokane        )

Thomas G. Richardson, being first duly sworn on oath deposes and says:

I am the City Clerk of the City of Millwood, Washington, and the forgoing ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, VACATING A PORTION OF AN ALLEY SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO +is the true and correct copy of the City of Millwood's Ordinance numbered 435 and that the same was posted and published according to law.

*Thomas G. Richardson*  
Thomas G. Richardson

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5<sup>th</sup> DAY OF JULY, 2012.

*V.P. Peterson*

V.P. PETERSON

Notary Public in and for the  
State of Washington, residing at Spokane.  
My Commission expires 5-7-2014



ORDINANCE 435

EXHIBIT "A"

REQUEST TO CITY OF MILLWOOD FOR VACATION OF A PORTION OF AN ALLEY

DESCRIPTION OF VACATION OF ALLEY

All of that portion of the alley lying between Lots 4, 5, 6, 7 and South ½ of Lots 3 and 8 in Block 6 of Millwood as recorded in Volume "O" of Plats page 40 in Spokane County, Washington

Except right of way for Euclid Avenue in Lots 5 and 6.

