

RESOLUTION NO. 12-05

May 8, 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, INITIATING PROCEDURES TO AND SETTING A PUBLIC HEARING REGARDING THE PROPOSED VACATION OF AN ALLEY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and laws of the State of Washington; and

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

WHEREAS, the City Council, in accordance with RCW 35.79.010, desires to set a public hearing regarding the proposed vacation of a portion of an alley in the City; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

Section 1. Vacation of Alley. Pursuant to RCW 35.79.010, the Council hereby initiates procedures to vacate that portion of an alley located in the City, legally described as set forth in Exhibit "A," attached hereto and incorporated herein by this reference.

Section 2. Public Hearing. On June 12, 2012 at the hour of 7:00 p.m., at the Millwood City Hall, 9103 E. Frederick, Millwood, Washington, the Council shall hold a public hearing regarding the alley vacation set forth in Section 1 of this Resolution. At such public hearing, the Council shall receive and hear public comments and objections related to such alley vacation. At or after the closing of such public hearing, the Council intends to deliberate on the issue of such alley vacation and matters related thereto, including but not limited to the value to be received by the City for such vacated portion of alley, if any, pursuant to RCW 35.79.030.

Section 3. Notice of Public Hearing. The Council directs the City Clerk to give notice of the public hearing as follows: (a) At least twenty (20) days prior to the public hearing, the City Clerk shall post a notice of public hearing, in a form substantially similar to Exhibit "B," attached hereto and incorporated herein by this reference, in three (3) of the most public places in the City and a like notice in a conspicuous place on the alley to be vacated; (b) at least twenty (20) days prior to the public hearing, such notice of public hearing shall be published at least once (1) in a newspaper of general circulation within the City; and (c) at least fifteen (15) days prior to the public hearing, the City Clerk shall transmit such notice of public hearing by mail to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting the alley to be vacated, as shown on the rolls of the county treasurer, and directed to the address thereon shown.

Section 4. Severability: If any section, sentence, clause, or phrase of this resolution 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 resolution.

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

Section 6. Effect: This resolution shall be in full force and effect upon adoption by the Council.

ADOPTED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS ___ DAY OF MAY, 2012.

Daniel N. Mork
DANIEL N. MORK, MAYOR

Attest:

Thomas G. Richardson
THOMAS G. RICHARDSON, CLERK

STATE OF WASHINGTON)
)ss:
County of Spokane)

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

I am the Clerk of the City of Millwood, Washington, and the foregoing resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, INITIATING PROCEDURES TO AND SETTING A PUBLIC HEARING REGARDING THE PROPOSED VACATION OF AN ALLEY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO" is the true and correct copy of the City of Millwood's Resolution numbered 12-05 and that the same was posted and published according to law.

Thomas G. Richardson
Thomas G. Richardson

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29 DAY OF May, 2012.



V P Peterson
V P PETERSON
Notary Public in and for the
State of Washington, residing at _____
My Commission expires 5-7-2014.

EXHIBIT "A"

LEGAL DESCRIPTION OF PORTION OF ALLEY TO BE VACATED

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.

EXHIBIT "B"

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING
REGARDING PROPOSED ALLEY VACATION

The City Council ("Council") of the City of Millwood ("City") will hold a public hearing on June 12 at 7:00 p.m. at the Millwood City Hall, 9103 E. Frederick, Millwood, Washington, regarding the proposed vacation of a portion of alley located in the City, legally described as:

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.

The Council will consider all written and oral communications received prior to the closing of the hearing in making a final determination regarding the proposed alley vacation. If you are unable to attend the hearing, but wish to provide written comments to the Council for consideration, comments may be sent to the following address prior to the closing of the hearing:

City of Millwood
9103 E. Frederick
Millwood, WA 99212