

City of Richland Resolution No. 100-20 temporarily designates virtual locations for all municipal meetings. This meeting will be conducted remotely via Zoom. Members of the public may attend this meeting remotely by selecting the Zoom link or by calling the phone numbers provided. If you wish to provide comments for the Public Comments portion of the meeting, please register [here](#) by 4:00 p.m. on the day of the meeting. Only those who register by the 4:00 p.m. deadline will be permitted to speak during the meeting. Public comments will be limited to three minutes per speaker.



Agenda

Parks and Recreation Commission Special Meeting

Thursday, February 24, 2022 - 6:00 p.m.

Join the Zoom meeting [here](#)

Public Meeting Access: (206) 337-9723 or (253) 215-8782

Meeting ID No. 814 1092 7563

Commission Members: Chair Buelt, Vice-Chair Brooks and Members Aldous, Arnquist, Gutierrez, Henry, Lunstad, Mason and Sullivan

Liaisons: Council Liaison: Kent
Council Liaison Alternate: Richardson
Staff Liaison: Parks and Public Facilities Director Schiessl

Special Meeting - 6:00 p.m.

Welcome

Pledge of Allegiance

Roll Call

Approval of Agenda: (Approved by Motion)

1. Approval of the February 24, 2022 Parks and Recreation Commission Special Meeting Agenda

Approval of Minutes: (Approved by Motion)

1. Approval of the January 13, 2022 Parks and Recreation Commission Meeting Minutes
2. Approval of the January 27, 2022 Parks and Recreation Commission Workshop Minutes

Council Liaison Report:

Recreation Report:

Parks & Public Facilities Report:

Public Comments:

Presentations:

Unfinished Business:

1. Property Encroachment at Claybell Park and Owner Request to Purchase
 - Joe Schiessl, Parks & Public Facilities Director

New Business:

1. 2022 Parks and Recreation Commission (PRC) Goals
 - Joe Schiessl, Parks & Public Facilities Director
2. Park Hours
 - Joe Schiessl, Parks & Public Facilities Director

Commission Comments:**Adjournment**

The next Parks and Recreation Commission Workshop is Thursday, March 24, 2022
The next Parks and Recreation Commission Meeting is Thursday, March 10, 2022

This meeting is broadcast live on CityView Channel 192 and online at ci.richland.wa.us

Richland City Hall is ADA accessible. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.



MINUTES

Richland Parks and Recreation Commission Meeting

Remote Meeting

Thursday, January 13, 2022 ~ 6:00 p.m.

CALL TO ORDER:

Chair Buelt called the meeting to order at 6:00 p.m.

ATTENDANCE:

Chair Buelt, Vice Chair Brooks and Commissioners Aldous, Arnquist, Gutierrez, Mason, Sullivan, Henry, and Lunstad were present.

Also, in attendance were Parks and Public Facilities Director Schiessl and Parks and Recreation Manager Jackson.

APPROVAL OF THE JANUARY 13, 2022 AGENDA:

Commissioner Sullivan moved to approve the January 13, 2022 Parks and Recreation Commission meeting agenda. Commissioner Aldous seconded the motion. Motion approved 8-0.

APPROVAL OF THE DECEMBER 9, 2021 MEETING MINUTES AND DECEMBER 9, 2021 SPECIAL WORKSHOP MINUTES:

Commissioner Gutierrez moved to approve the December 9, 2021 Parks and Recreation Commission Meeting Minutes with revisions. Vice Chair Brooks seconded the motion. Motion approved 8-0.

Commissioner Aldous moved to approve the December 9, 2021 Parks and Recreation Commission Special Workshop Minutes with revisions. Commissioner Sullivan seconded the motion. Motion approved 8-0.

RECREATION REPORT:

Parks and Recreation Manager Jackson presented the Recreation Report. Subjects included: Youth recreation basketball, E-Activity guide, hiring spring and summer seasonal recreation staff, Richland Senior Association (RSA) annual general meeting was held in December, and RCC will host WRPA Regional job fair in February.

PARKS AND FACILITIES REPORT:

Parks and Public Facilities Director Schiessl presented the Parks and Facilities Report. Subjects included: Master Plan for Badger Mountain South and Hanford Legacy Park Master Plan.

PUBLIC COMMENTS:

Paul Knutzen, Knutzen Engineering - 5401 Ridgeline Dr Suite 160, Kennewick
Knutzen advocated on Business Item No. 2 - Property Encroachment at Claybell Park and Owner Request to Purchase.

Knutzen is in support of the owner purchasing the property.

John Corbin, 341 Glen Eagles Ct, Richland
Corbin also advocated on Business Item No. – Property Encroachment at Claybell Park and Owner Request to Purchase.

Property owner of 341 Glen Eagles Ct, Corbin agreed with Knutzen provided additional information on property encroachment and purchase of property.

Debbie Berkowitz, 544 Franklin Street, Richland
Berkowitz advocated on Business Item No. 1 – 1090 Jadwin Avenue Property Sale. Berkowitz would like the city to reconsider the plant list and make it consistent with the critical area ordinance. Berkowitz suggested plants of native plant species that help birds, pollinators, and mammals that thrive in this area.

Public Comment closed: 6:38 p.m.

PRESENTATIONS:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1. 1090 Jadwin Avenue Property Sale
Schiessl, Parks and Public Facilities Director

Boost Builds is a local development company that purchased property from the City in 2019 situated under privately-owned buildings located at 1100 & 1200 Jadwin Avenue. The property was originally leased to another private owner before selling their interest in the buildings and site improvements to Boost Builds. The site was declared surplus and leased to private interests in 1974 and Boost Builds is in the process of redeveloping the site. Boost Builds now owns the buildings and the property at 1100 & 1200 Jadwin

Avenue; whereas, the original owner only owned the buildings and leased the property from the City.

The property includes an open ditch stormwater facility encumbered by a U.S. Army Corps of Engineers flowage and pondage easement. Much of Central Richland's stormwater flows into this facility and is ultimately pumped over the river levee and into the Columbia River. This facility is part of what the City considers the Marjorie Sutch Greenway and is a component of the City's Urban Greenbelt Trail (UGT). The Greenway traversing 1100 & 1200 Jadwin was improved by Boost Builds and a public access easement was retained for the UGT.

The City withheld a portion of property east of 1100 & 1200 Jadwin Avenue while planning for future transportation improvements in the vicinity. The transportation planning is now complete and a second property sale to Boost Builds is proposed at 1090 Jadwin Avenue, totaling 2.81 acres. The proposal is to sell the property at market price and credit Boost Builds an equivalent cash value (up to \$197,349) for improvements to the Marjorie Sutch Greenway consistent with those made to 1100 & 1200 Jadwin Avenue. The remaining cash from the property sale would benefit the Park Reserve Fund. This concept was discussed by the PRC at a workshop in 2021 and again on site at 1090 Jadwin Avenue during the annual field tour. Each discussion was positive, and the PRC was in favor of the concept. The PRC is tasked with making a recommendation on the real estate sale of the property because it's considered park land inventory in addition to the use of sale proceeds. The Economic Development Committee will review the details of deal including the project. City Council will make the final decision.

Commissioner Gutierrez moved to recommend that the Richland City Council approve a land sale to Boost Builds for 2.81 acres of City-owned property located at 1090 Jadwin Avenue for a price of \$364,000, benefiting the Park Reserve Fund, or revised value based on updated appraisals, if applicable, with an equivalent value of \$197,349 of the sale proceeds delivered in the form of physical landscape improvements with modifications made to those physical landscape improvements, that adhere to the critical areas ordinance to the Marjorie Sutch Greenway. Vice Chair Brooks seconded the motion. Motion approved 8-0.

2. Property Encroachment at Claybell Park and Owner Request to Purchase
Schiessl, Parks and Public Facilities Director

The City purchased property from Duane Smith in 2008 as part of the Amon Basin Natural Preserve located adjacent to Claybell Park. At the time of purchase, a small fence encroachment existed, and was known, on the Smith property originating from 341 Gleneagles Court. The owner of 341 Gleneagles Court desires to purchase the encroachment area of approximately 1,348 square feet from the City at market value through the City's process identified in RMC 3.06, Sale or Lease of City Real Property. Per the Richland Municipal Code, the Parks and Recreation Commission, Physical Planning Commission and Economic Development Committee must first make a recommendation to the Richland City Council for their final decision.

The process includes two steps. First, should we surplus the property? Items C 1-4 in 3.06.010 (attached) must be satisfied for an affirmation of the first question. Second, if the answer to the first question is yes, and the property is declared surplus by the City Council, how will it be sold, leased, or otherwise transferred? Items A-B in 3.06.040 must be evaluated to determine the desired process. The choices are a direct negotiation with one party or a public sale or auction available to any buyer. In this case, item 3.06.040 A (direct negotiation) would apply because the adjacent owner has requested to purchase the property, the encroachment does not meet the minimum lot size of the zoning district and could not constitute a legal property, and there is no access to the encroachment site.

The PRC discussed this issue in a workshop in August 2021 in a workshop meeting for informational purposes. At the time, Staff recommended that the applicant discuss the request with the Washington State Department of Transportation, Tapteal Greenway Association, and the Energy Facility Site Evaluation Committee, who each contributed funding to the Amon Basin land acquisition and entered into an agreement with the City regarding the future management of the land. It has been determined that this Smith property acquisition was not part of the agreement between the parties. The item is now ready for a recommendation from the PRC to the City Council regarding surplus of 1,348 square feet of Claybell Park representing an existing fence encroachment from 341 Gleneagles Court.

Commissioner Lunstad moved to recommend that the Richland City Council surplus 1,348 square feet of Claybell Park representing an existing fence encroachment from 341 Gleneagles Court, with understanding that the proceeds from sale be deposited in the Park Reserve Fund. Commissioner Henry seconded the motion.

Motion approved 6-3.

Those in favor: Commissioners Aldous, Arnquist, Lunstad, Henry, Mason and Sullivan

Those opposed: Chair Buelt, Vice Chair Brooks and Commissioner Gutierrez

ADJOURNMENT:

Meeting adjourned at 7:50 p.m.

Reviewed by: Joe Schiessl, Parks and Public Facilities Director

Approved by: _____
Chair Jim Buelt, Richland Parks and Recreation Commission



MINUTES

Richland Parks and Recreation Commission Workshop

Remote Workshop

Thursday, January 27, 2022 ~ 6:00 p.m.

CALL TO ORDER:

Chair Buelt called the meeting to order at 6:00 p.m.

ATTENDANCE:

Chair Buelt, Vice Chair Brooks and Commissioners Aldous, Arnquist, Mason, Lunstad, and Gutierrez were present.

Commissioners Sullivan and Henry were absent.

Also, in attendance were Parks and Public Facilities Director Schiessl, and Parks and Recreation Manager Jackson.

PRESENTATIONS:

None

DISCUSSION ITEMS:

1. Finalize 2022 Goals and Objectives

Parks and Recreation Commission reviewed and revised the 2022 Parks and Recreation Goals. The 2022 Parks and Recreation Commission Goals will be added as a business item on the February 10, 2022 Parks and Recreation Commission meeting agenda and presented to Council in March.

2. After Hours Use in Parks and Parking Lots

Parks and Recreation Commissioners asked staff questions, discussed, provided feedback, and provided comments.

- Park Hours will be added as a business item on the February 10, 2022 Parks and Recreation Commission meeting agenda.

3. Maintenance Practices at Leslie Groves

Mr. Schiessl provided an overview of maintenance practices at Leslie Groves. Commissioners offered feedback and provided comments.

ADJOURNMENT:

Meeting adjourned at 8:00 p.m.

Reviewed by: Joe Schiessl, Parks and Public Facilities Director

Approved by: _____
Chair Jim Buelt, Richland Parks and Recreation Commission



PARKS AND RECREATION COMMISSION WORKSHOP AGENDA ITEM COVERSHEET

Meeting Date: 2/24/2022

Agenda Category: Unfinished Business

Prepared By: Joe Schiessl, Parks & Public Facilities Director

Subject:

Property Encroachment at Claybell Park and Owner Request to Purchase

Department:

Parks & Public Facilities

Recommended Motion:

No action is required if the January 13, 2022 recommendation to declare the subject property surplus and sell to the adjacent owner is to stand.

Per Roberts Rules of Order and the City Attorney, if the PRC desires to change the January 13, 2022 recommendation, a member previously voting on the affirmative side of the split vote will need to bring a motion to rescind (or amend) the previous decision. A decision to rescind (or amend) must be approved by a two-thirds majority. Any member can make a new motion after that.

Summary:

The City acquired property adjacent to Claybell Park on April 8, 1980 known as Tract C of Willobwrook No. 1. The property at 341 Gleneagles Court, abutting Tract C, encroaches (1,348 square feet) upon the City's property and the owner is requesting to purchase the land. The encroachment is presumed to pre-exist the City's acquisition of Tract C on April 8, 1980 as the building permit for 341 Gleneagles Court was issued on September 1, 1976.

The PRC originally considered this item consistent with RMC 3.06 on January 13, 2022 and recommended on a split vote to sell the encroachment area as requested by 341 Gleneagles Court. The item was re-discussed by the PRC on January 27, 2022 based on new property ownership information (reflected in the first paragraph herein). The PRC desires to obtain additional public feedback on this item. Per the Richland Municipal Code the Parks and Recreation Commission, Physical Planning Commission and Economic Development Committee must first make a recommendation to the Richland City Council for their final decision.

The process includes two steps. First, should the property be surplussed? Items C 1-4 in 3.06.010 (attached) must be satisfied for an affirmation of the first question. Second, if the answer to the first question is yes, and the property is declared surplus by the City Council, how will it be sold, leased or otherwise transferred? Items A-B in 3.06.040 must be evaluated to determine the desired process. The choices are a direct negotiation with one party or a public sale or auction available to any buyer. In this case, item 3.06.040 A (direct negotiation) would apply because the adjacent owner has requested to purchase the property, the encroachment does not meet the minimum lot size of the zoning district and could not constitute a legal property, and there is no access to the encroachment site.

Fiscal Impact:

If the property is declared surplus it will be sold for market value and the proceeds would be deposited into the Park Reserve Fund.

Attachments:

1. 341 Gleneagles Ct - Encroaching Land Purchase Request
2. RMC 3.06 - Surplus Property
3. Letter from Tapteal Greenway Association

July 30, 2021

Joe Schiessl
City of Richland
Parks and Public Facilities
625 Swift Blvd
Richland, WA 99352

RE: 341 Gleneagles Court - Encroaching Land Purchase Request

Dear Mr. Schiessl:

My name is John Corbin and I own a residence 341 Gleneagles Court in Richland, where my family has lived since 1978. The Benton County Parcel Number is 13698302000200 and the legal description of the property is known as Lot 8, Block 2, Meadow Springs Second Nine Phase, according to the plat thereof recorded in volume 9 of plats, page 6, records of Benton County, Washington.

The backyard of my property presently encroaches upon City property, more specifically known as Benton County Parcel Number 136983050009001, part of Claybell Park and is graphically depicted below from the Benton County Assessor's webpage. You can see the encroachment area clearly from here and this portion of City property is undeveloped.

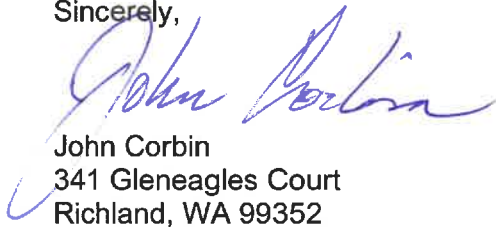


I engaged the design services of Knutzen Engineering to make a small addition to my house and backyard. I've since learned that I can't continue to move forward with my project, due to the required setbacks, which I mistakenly thought were fine due to measuring the distance from my wall which I thought was my property line as opposed to my actual legal property line. We then engaged John Becker, PLS (AHBL) to perform a Record of Survey that graphically depicts the extent of the present encroachment (attached).

To allow me to continue my project of improving my backyard, **I hereby request that the City consider selling me this encroached upon portion of property**, which would give me adequate legal setbacks to keep moving my home improvement project forward. I understand this is a process, that the land would need to be declared surplus and public hearing(s), but I am happy to wait to for the due process of this effort to come to fruition.

Thank you in advance for your assistance in resolving this issue. If you need an exact legal description prepared for the portion I am requesting to purchase I can have my surveyor provide that. My engineer tells me that it's approximately 1,348 sf in total.

Sincerely,



John Corbin
341 Gleneagles Court
Richland, WA 99352

Attachment: AHBL Survey

RECORD OF SURVEY
A PORTION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M.,
BENTON COUNTY, WASHINGTON.

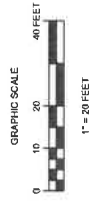
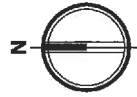
SECTION INDEX
S 36, T 09 N, R 28 E, W4 BENTON COUNTY, WA

LEGAL DESCRIPTION

PER DEED OF TRUST APR 2002-036801
MEADOW SPRINGS SECOND NINE PHASE ONE, BLOCK #2, LOT #1
OF MEADOW SPRINGS SECOND NINE PHASE ONE, BLOCK #2, LOT #1
TO THE PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGE 6,
RECORDS OF BENTON COUNTY, WASHINGTON

BASIS OF BEARING

HELD A BEARING OF SOUTH 00° 35' 46" WEST FOR THE CENTER LINE OF
GLENEAGLES COURT PER THE PLAT OF MEADOW SPRINGS SECOND NINE
PHASE ONE, BLOCK #2, LOT #1, RECORDED IN VOLUME 9 OF PLATS, PAGE 6,
RECORDS OF BENTON COUNTY, WASHINGTON



LEGEND

- FOUND MONUMENT AS NOTED
- WATER METER
- FOUND PROPERTY CORNER
- DECIDUOUS TREE AS NOTED
- FENCE

BROADMOOR STREET

GLENEAGLES COURT

MEADOW SPRINGS
SECOND NINE
PHASE ONE,
BLOCK #2

PARCEL 136983020002008
341 GLENEAGLES COURT
RICHLAND, WA 99352

CITY OF RICHLAND

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____
20____ AT _____ MINUTES PAST _____ M. RECORDS OF
THE _____ COUNTY AUDITOR, _____ WASHINGTON.
RECORDING NUMBER _____
COUNTY AUDITOR _____
FEE _____
BY _____

SURVEY FOR

C. JOHN CORBIN
341 GLENEAGLES COURT
RICHLAND, WA, 99352

EQUIPMENT USED

3" TOTAL STATION USING STANDARD FIELD
TRAVERSE METHODS FOR CONTROL AND STAKING.

SURVEYOR'S CERTIFICATE

I, JOHN W. BECKER, A PROFESSIONAL LAND SURVEYOR IN THE
STATE OF WASHINGTON, HEREBY CERTIFY THAT THIS MAP
CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY
SUPERVISION AND IN ACCORDANCE WITH THE REQUIREMENTS OF
R.C.W. AND 332-130 W.A.C. AT THE REQUEST OF C. JOHN CORBIN.

JOHN W. BECKER, P.L.S. 30480

DATE



AHBL

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509.380.5863 TEL 253.333.2572 FAX www.ahbl.com WEB

DWN. BY	DATE
SW	06/25/21
CHKD. BY	JOB NO.
JB	2210436

Chapter 3.06

SALE OR LEASE OF CITY REAL PROPERTY

Sections:

[3.06.010 Purpose – Policy – Objectives.](#)

[3.06.020 Authority.](#)

[3.06.030 Declaration of surplus.](#)

[3.06.040 Sale or lease procedures.](#)

[3.06.050 Conveyance procedures.](#)

[3.06.060 Exceptions.](#)

3.06.010 Purpose – Policy – Objectives.

A. Purpose. The purpose of this chapter is to establish policies and procedures regarding the surplusage and the sale or lease of certain real property owned or otherwise controlled by the city.

B. Policy. It shall be the policy of the city to consider sale or lease of real property owned or controlled by the city when such property is determined to be surplus to the needs of the city, and where it is demonstrated to the satisfaction of the city council that sale or lease will best serve the public interest. For purposes of this chapter, the public interest will best be served when a transaction accomplishes one or more of the objectives listed in subsection (C) of this section.

C. Objectives. The purpose and policies of this chapter are intended to accomplish the following basic objectives, which should be achieved in a balanced manner to ensure that none are over-emphasized to the detriment of the others:

1. Stimulate the development of the city's economic base to provide employment opportunities and tax revenues for the city and other local taxing entities;
2. Meet the financial obligations resulting from prior property transactions of the city;
3. Provide capital for economic development purposes, for parkland operations (planning, acquisition, design, construction and maintenance and operation), and such other purposes as the council determines are necessary and appropriate; and
4. Provide a source of general revenue to the city over and above the tax yields from such real property. [Ord. 24-84].

3.06.020 Authority.

Whenever it is determined by the city council that it is in the best interest of the city that real property owned by the city should be sold or leased, the council may authorize the sale or lease and conveyance of such real property, upon any terms and conditions which it deems appropriate. In taking such action, the council may reserve, sell or lease mineral or other resources on any such real property separate and apart from the land in the same manner and upon the same terms and conditions as provided for in this chapter. [Ord. 24-84].

3.06.030 Declaration of surplus.

Prior to the sale or lease of any city-owned real property, the city council shall determine that the property is excess to the present and future municipal needs of the city.

A. In making such a determination, the council shall utilize the following criteria:

1. Conformance with the city's comprehensive plan as provided in RMC Title [23](#);
2. Recommendations from the economic development board and the physical planning commission, and, as deemed appropriate and requested by the council, recommendations from other city boards and commissions such as the utility advisory board and the parks and recreation commission;
3. Input from the public at a duly advertised public hearing;
4. Recommendations within the 1973 report prepared for the council by the land sale/lease policy committee entitled, "Proposed Policy for the Sale or Lease of Excess City Owned Property," and adopted as a guideline by council by resolution (No. 64-84); and
5. Other forms of input determined appropriate or desirable by the council.

B. If the council determines the property to be no longer necessary for present and future municipal use, it may declare by resolution the property to be surplus. Upon making such declaration of surplus, the council may also make the following determinations:

1. Whether the parcel should be sold or leased;
2. Whether special consideration should be given to abutting land owners;
3. Whether special covenants or restrictions should be placed on the real property as a condition of sale or lease;
4. Whether the parcel should be sold or leased by sealed bid;
5. What formality of appraisal is necessary to set the minimum acceptable price to achieve reasonable value.

C. Upon declaration of surplus by the council, the city manager or designee shall undertake disposal of the parcel(s) in accordance with the council's directives. [Ord. 24-84].

3.06.040 Sale or lease procedures.

Sale or lease procedures may be initiated following one of two events: a determination by the city council that economic indicators favor sale or lease or upon specific request by a firm or individual to lease or purchase city property. In determining which process to utilize, the council shall give consideration to the findings and recommendation of the economic development board.

A. Sealed Bid Process. If the council requires the real property to be sold or leased upon competitive bids, the following procedures shall be utilized:

1. The city clerk shall give notice that the city will invite bids for purchase or lease of the property by one publication in the official newspaper of the city, posting in a conspicuous place in the City Hall and on the subject real property, and/or such other notification or advertising determined to be appropriate. The publication and posting shall be at least 10 calendar days before the final date for submitting bids;

2. Publication and posting for bids shall particularly describe the property or portion thereof proposed to be sold or leased, shall designate the place and the time of the bids to be opened, and shall set forth any terms and minimum price, if any, established by the council;

3. Bids shall be opened in public at the time and place stated; and

4. The council may reject any and all bids, or the bid for any one or more of the parcels included in the advertisement for bids, and reserves the right to waive any irregularities in the bid process.

B. Negotiation Process. The council may determine that property should be sold or leased through negotiations, either as a result of a specific request, or as a result of city-initiated advertising or other solicitation. In either event, sale or lease consideration shall proceed as follows:

1. All requests shall be directed to the city manager or his designee;

2. The city manager or his designee shall schedule the request for review and consideration by the economic development board, along with a report discussing the following:

a. Status of the surplus property;

b. Whether the property should be considered for public bid offerings;

c. Whether, and for what reason(s), sale or lease would be advantageous to the city; and

d. Any other special considerations which apply to and which will aid the board in considering the request;

3. The economic development board shall review the request and make findings, based on the policy and objectives and the criteria provided in this chapter, for the council's consideration;

4. The council shall act on the request, with due consideration to the findings and recommendation of the economic development board and, as appropriate, other boards, commissions, or individuals. [Ord. 24-84].

3.06.050 Conveyance procedures.

Upon receipt of an acceptable bid or negotiated offer for sale or lease of city real property, the city manager or his designee shall submit a report and recommendation to the city council for action. The council shall proceed as follows:

A. The council may solicit additional information it deems necessary and appropriate, including input from the public at a duly advertised public hearing, prior to taking action to accept or reject any sale or lease offer.

B. Upon determination of an acceptable bid or offer, the council shall authorize the city manager to cause the necessary instruments to be prepared and executed.

C. Copies of such instruments shall be filed with the Benton County assessor's office by the city clerk.

D. The title to any sold city real property shall not be transferred until the purchase price therefor has been fully paid and any applicable terms or conditions have been fully satisfied.

E. The net receipts from sold city real property, not designated for other purposes, shall be deposited into the capital improvement fund. [Ord. 24-84; Ord. 41-93].

3.06.060 Exceptions.

This chapter shall not apply to the following dispositions of real property:

A. When selling to another governmental agency, in which event the transfer is approved by the court as provided by law; and

B. When provisions of the RCW impose conditions for the disposition of municipal property, those laws shall be treated as limited exceptions to this chapter. Exceptions include, but are not limited to, the following as they may from time to time be amended:

1. RCW [35.21.660](#) through [35.21.680](#) and [35.31.725](#) through [35.31.755](#) relating to transfers to corporations charter by the city;

2. Chapter [35.94](#) RCW relating to surplus utility property; and

3. Chapters [39.33](#) and [39.34](#) RCW relating to intergovernmental transactions.

C. Sale of properties that have been acquired by the city by means of foreclosures of real estate sales contracts or for nonpayment of LID or other assessments and whether by deed in lieu of foreclosure or by judgment of foreclosure and attendant sheriff's deed. [Ord. 24-84].



10 February 2022

Joe Schiessl
Parks & Facilities Director
City of Richland
625 Swift Boulevard
Richland WA 99352

Re: Claybell Park Encroachment

Dear Joe:

The Tapteal Greenway board has considered the request by the homeowner at 341 Gleneagles Court to purchase land he believed was his, but is, in fact, an encroachment into Claybell Park. The homeowner requests the purchase in order to provide an adequate setback in order to undertake an improvement to his property.

The parcel being encroached upon was originally known as Tract C of Willowbrook No. 1 and was transferred to the City from The Quadrant Corporation on 8 April 1980. The adjacent home was built in 1976 and the current resident purchased the property in 1978. It has been claimed that the current fence line was established prior to the City taking ownership of the adjacent parcel in 1980.

Accepting the statement that the encroaching fence existed at the time the City took ownership of the adjacent parcel, City staff take the position that the encroachment was existing and knowable to the City and by not identifying and correcting the encroachment in 1980 the City in effect accepted the encroachment. The only party this encroachment was easily knowable to is the property owner. The obvious clue is that the two corners of the fence extend further south than the neighboring fences. The City side of the property is heavily vegetated and this fence line is not easily observed.

The homeowner has no legal claim to the property by adverse possession as adverse possession claims against municipalities are banned by RCW 7.28.090. Whether he, or the City, knew he was encroaching or not is irrelevant since legally the land in question is city land and has been since it was acquired in 1980. There is no statute of limitations to RCW 7.28.090. Just because Richland did not monitor the encroachment area does not allow the homeowner to assert any claim to it. When it is said that the land was acquired "as is", the "as is" does not legitimize the encroachment. "As is" simply means the City acquired a fence and a strip of lawn.

In reference to RCW 7.28.090 and as discussed by Oskar Rey of The Municipal Research and Services Center, which is a nonprofit organization that helps local governments across Washington State better serve their communities by providing legal and policy guidance:

"As the court observed, the government holds land for the benefit of the public. Immunizing certain public property from adverse possession claims prevents injury to the public in cases where the government cannot or does not monitor land for trespasses or encroachments."

No documentation has been submitted showing the City approved the location of the encroaching fence. It is hard to believe that a wooden fence constructed before 1980 would be replaced for the first time in 2021. Until recently a no fee permit was required by the City for fence construction. It is interesting to note that the attached site plan submitted in 2002 shows the correct property boundaries and indicates an existing fence on the west side of the property but neglects to show the encroaching fence along the south boundary.

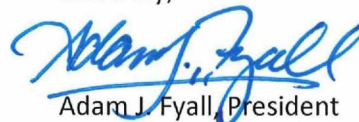
The Tapteal Greenway Board of Directors believes it is inappropriate to sell park land, especially in a case like this, as there is no clear benefit of the proposed sale to the public. This would create a detrimental precedent. Property lines are known or knowable and private encroachment, accidental or not, results in a loss of land held for the benefit of the public and wildlife. Encroachments and other forms of private misuse of public resources are not uncommon and we encourage the City to protect property lines and public property.

At this time we do not oppose a variance that would allow the homeowner to complete his project as long as the issuing of the variance and the improvement project meet City requirements and as long as the improvement does not adversely impact or fall on City land. We understand the improvement is a swimming pool and we would consider, as one example, draining of pool water into the adjacent wetland and ultimately to Amon Creek to be an unacceptable negative impact. To help prevent impacts to City land, we request that the fence be moved back to the true property line.

If however, the City elects to sell the property, we request that the sale proceeds be earmarked for trail or habitat improvements within the adjacent Amon Creek Natural Preserve.

Thank you for the opportunity to comment.

Sincerely,



Adam J. Fyall, President
Tapteal Greenway

att: site plan

S - 10'

BY TRR
DATE 2-Dec-02

Revised

11.25.02

gendreau
design

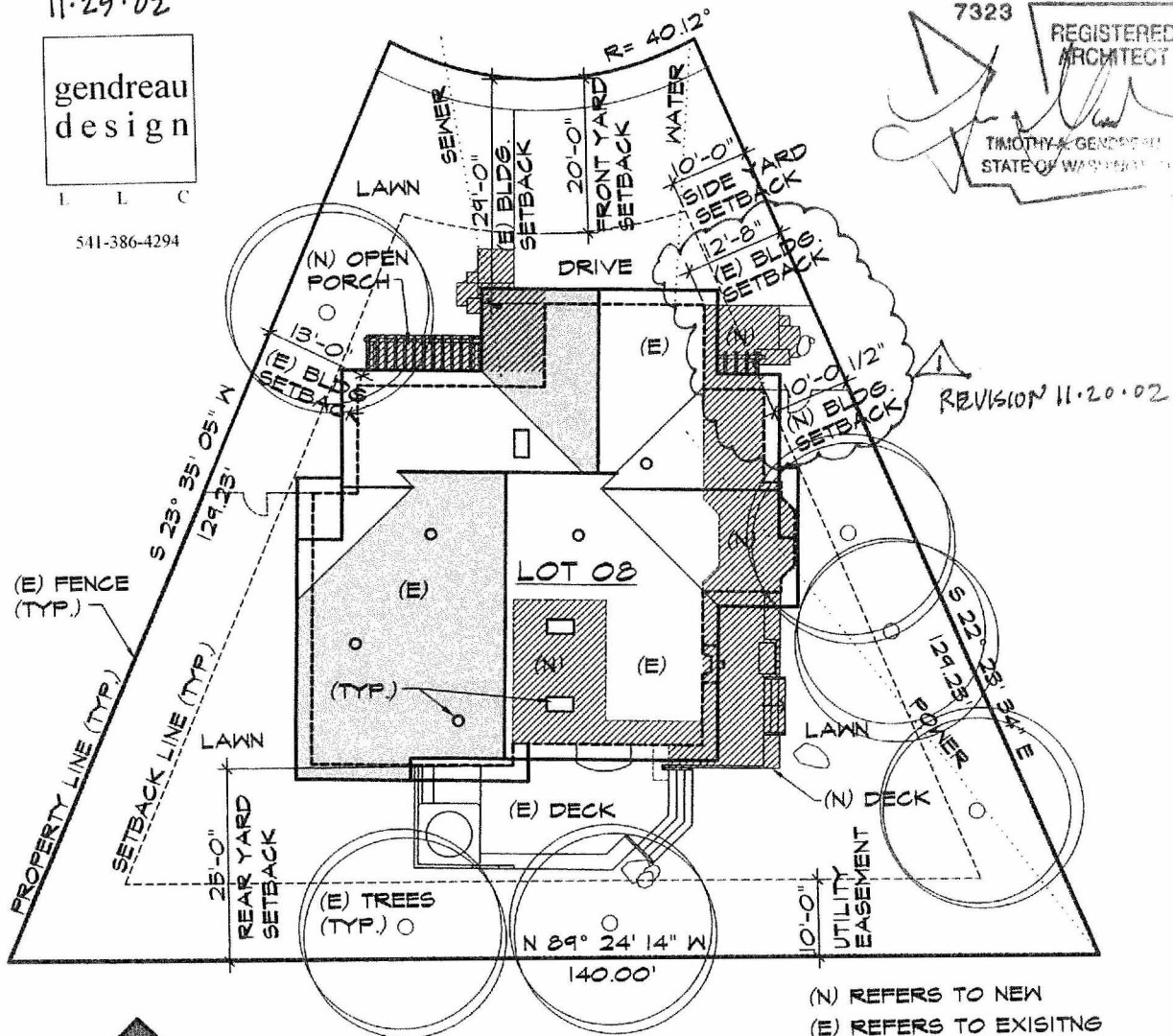
l. L. C.

541-386-4294

7323

REGISTERED
ARCHITECT

TIMOTHY A. GENDRON
STATE OF WASHINGTON



(N) REFERS TO NEW
(E) REFERS TO EXISTING



SITE PLAN

SCALE: 1" = 20'-0"

341 Gleneagles Ct
Lot 8 Blk 2
Meadow Springs
2nd Nine phase 1



PARKS AND RECREATION COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 2/24/2022

Agenda Category: New Business

Prepared By: Joe Schiessl, Parks & Public Facilities Director

Subject:

2022 Parks and Recreation Commission (PRC) Goals

Department:

Parks & Public Facilities

Recommended Motion:

Move to adopt the 2022 Parks and Recreation Commission Goals.

Summary:

The 2022 Parks and Recreation Commission Goals have been discussed and developed by the PRC at several meetings and are now ready for adoption and presentation to the City Council.

Fiscal Impact:

There is no fiscal impact to adopt annual PRC goals.

Attachments:

1. 2022 PRC Goals - Draft1

Parks and Recreation Commission (P&RC) Goals Calendar Year 2022

The Parks and Recreation Commission (P&RC) annually identifies goals that further the development and enhancement of the City of Richland Parks and Recreation facilities. The goals are measurable with specific performance objectives that can be monitored and tracked throughout the year.

The following are the goals and objectives established by the P&RC.

P&RC Goal 1 – Work with staff in their effort to provide programs and recreational activities for Richland. (Strategic Leadership Plan Focus 3 & 5)

Objective 1 – As a result of Visit Tri Cities recommendations to expand Hanford Legacy Park, review and modify the Master Plan to meet the growing needs for multipurpose fields and continue to advocate field development to City Council as contemplated in the Capital Improvement Plan.

Objective 2 – Work with staff to develop a Master Plan for West Village Park in preparation for start of construction in summer 2022.

Objective 3 – Enhance student involvement through PRC youth memberships and student roundtable discussions to develop volunteer opportunities, recreation ideas, and recreation programming.

Objective 4 – Develop recommendations for aquatic and water play amenities.

P&RC Goal 2 – Support staff in identifying and prioritizing unique natural habitat, ecologically sensitive areas, significant land forms, and appropriate native vegetation areas to protect as natural open spaces (Strategic Leadership Plan Focus 4)

Objective 1 – Partner with Friends of Badger Mountain to establish the long-term vision and Master Plan for the Little Badger Mountain trail system.

Objective 2 – Review the maintenance agreements of relevant park partners such as Friends of Badger and Tapteal Greenway Association.

Objective 3 – Review the land use designation of Leslie Groves Park south of Snyder Street.

P&RC Goal 3 – Promote user friendliness and safety in Richland Parks and Recreation facilities by reviewing safety data and use of facilities. (Strategic Leadership Plan 6)

Objective 1 – Develop and implement a survey or other methods to obtain public input regarding safety in Richland Parks, Trails, and Recreation Facilities.

Objective 2 –Coordinate with City staff in establishing respectful cycling (e.g. education, speed, signage, and restrictions) on Richland Shared Use Pathways.

Objective 3 – Review, revise, and update document regarding naming and memorializing significant landmarks, etc.

Objective 4 – Advocate potential mitigation strategies for toxic algae bloom by implementing a regional, scientific approach with relevant agencies.

Objective 5 – Review and support implementation of the City's American Disabilities Act Transition Plan.

Objective 6 – Develop recommendations for after-hours usage of parks and their associated facilities, including the exploration of technology solutions.

DRAFT



PARKS AND RECREATION COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 2/24/2022

Agenda Category: New Business

Prepared By: Joe Schiessl, Parks & Public Facilities Director

Subject:
Park Hours

Department:
Parks & Public Facilities

Recommended Motion:
Move to recommend that Council adopt Resolution No. 2022-07.

Summary:
RMC 9.22.075 provides for park hours across all City parks. Draft Ordinance 2022-07 was considered by Council on February 15 and passed first reading in title only. Second reading and passage of the ordinance is scheduled to occur on March 1. Ordinance 2022-07 will provide an opportunity to amend park hours to address exigent circumstances based on recent discussions by the Parks and Recreation Commission.

Fiscal Impact:
There is no fiscal impact to amend park hours except a small administrative expense for signage.

Attachments:
1. ORD 2022-07 Park Hours

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE SECTION 9.22.075 RELATED TO PARK HOURS.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code (RMC) to provide clarity and address emerging issues; and

WHEREAS, RMC 9.22.075 provides for park hours that apply to all designated or dedicated park facilities with limited exceptions; and

WHEREAS, certain parks may benefit from unique park hours to resolve exigent circumstances and improve neighborhood compatibility; and

WHEREAS, amendment to RMC 9.22.075 is necessary to afford a measure of flexibility that will allow the City to promptly respond to exigent or unique circumstances and improve neighborhood compatibility.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Richland Municipal Code Section 9.22.075, entitled Park hours, as enacted by Ordinance No. 58-94, and last amended by Ordinance No. 20-11, is hereby amended as follows:

9.22.075 Park hours

City property, which consists of dedicated or designated public parks, shall be available for use and activities during the hours of 5:00 a.m. and 11:00 p.m. unless a more restrictive time period is posted. It shall be unlawful for any person to be present in or use these public facilities ~~after~~ from 11:00 p.m. ~~or prior~~ to 5:00 a.m. or during any posted restricted time period. Any person violating any provision of this section shall be guilty of a misdemeanor, unless such use falls within permitted exceptions as provided herein:

- A. Activities for which a permit is issued by the parks and recreation department of the city.
- B. Fishing during the hours the park is closed so long as the person fishing has the appropriate state licensing.
- C. Putting boats into and taking boats out of the river.
- D. Camping in areas which have been set aside in RMC 9.22.070(D).
- E. Individuals utilizing paved walking trails for walking, jogging, and nonmotorized cycling activities.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____