

**CITY OF SPOKANE VALLEY  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 23-014**

**AN ORDINANCE OF THE CITY OF SPOKANE VALLEY, SPOKANE COUNTY, WASHINGTON, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LAND AND REAL PROPERTY INTERESTS FOR THE PURPOSE OF CONSTRUCTION AND IMPLEMENTATION OF THE PINES ROAD/BNSF GRADE SEPARATION PROJECT; PROVIDING FOR CONDEMNATION AND TAKING OF LAND AND REAL PROPERTY INTERESTS NECESSARY THEREFOR; PROVIDING FOR THE COSTS OF SAID PROPERTY ACQUISITION; DIRECTING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND OTHER MATTERS RELATING THERETO.**

**WHEREAS**, by 2006 the Spokane Regional Transportation Council had identified a grade separation of Pines Road and BNSF railroad tracks as a means of supporting freight mobility and improving safety; and

**WHEREAS**, the current plan of the Spokane Regional Transportation Council, known as Horizon 2045, identifies a Pines Road/BNSF grade separation project as a regionally significant project; and

**WHEREAS**, the Spokane Valley Comprehensive Plan 2017-2037, adopted December 2016 by Ordinance 16-018, amended by Ordinance 18-014, and by Ordinance 19-004, states on page 5-84 that “Spokane Valley continues to strongly support the grade separation projects of the BNSF mainline at major roads like Park, Pines, and Barker.”; and

**WHEREAS**, through the adoption of the 2023 Annual Budget, the City Council’s goals include advancing “the Pines Road/BNSF Grade Separation project to construction....”; and

**WHEREAS**, the City conducted a process of assessing design criteria and basis of design that included benefit-cost analysis and value engineering, which resulted in a final version of the Pines Road/BNSF Separation project that includes: 1) grade separation of Pines Road and the BNSF railroad tracks; 2) replacement of the existing signalized intersection at Pines Road/Trent Avenue with a roundabout; and 3) sidewalk and ADA accessible improvements (hereafter the “project”); and

**WHEREAS**, the above-stated actions of the City Council were, and are, consistent with state law and with the City’s Comprehensive Plan; and

**WHEREAS**, the City Council has found that the public health, safety, necessity, and convenience demand that the project be undertaken at this time and that in order to carry out the project it is necessary at this time for the City to acquire land and real property interests described herein; and

**WHEREAS**, the City Council finds and declares it necessary and in the best interest of the public that land and real property interests described herein be condemned, appropriated, and taken for public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law; and

**WHEREAS**, notice of the planned final action set forth herein was duly provided in accordance with RCW 8.12.005 and RCW 8.25.290.

**NOW THEREFORE**, the City Council of the City of Spokane Valley, Washington, do ordain as follows:

**Section 1. Public Use and Necessity.** The certain land and real property interests within the City of Spokane Valley and unincorporated Spokane County, Washington, in the vicinity of the crossing of Pines Road of BNSF railroad tracks near Trent Avenue (SR 290) in the City of Spokane Valley, Washington, and further described in the attached Exhibits A (subsequently referred to collectively as the “property”), are necessary for construction of the Pines Road/BNSF Grade Separation project. The City of Spokane Valley finds that construction of the project is a public use, specifically including: 1) grade separation of Pines Road and the BNSF railroad tracks; 2) replacement of the existing signalized intersection at Pines Road/Trent Avenue with a roundabout; and 3) sidewalk and ADA accessible improvements. The City Council specifically finds that construction of the project is necessary and in the best interest of the citizens.

**Section 2. Funding.** The project, including the cost and expense of acquiring the property, will be paid from any of several funding sources, including a congressional directed spending (congressional earmark), a Consolidated Rail Infrastructure and Safety (CRISI) grant, Federal Highway Administration Surface Transportation Program (FHWA- STP) funds, Surface Transportation Block Grants, a Congestion Mitigation Air Quality (CMAQ) grant, a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant, state funds, the allocation of funds directly from the City, and from other monies applicable thereto or that the City may obtain. The City Manager or the City Manager’s designees are hereby authorized to continue negotiations with and make offers to the owners of the property for the purposes of making or paying just compensation and to approve the payment of just compensation as negotiated with said owners or as ordered by the Court.

**Section 3. Eminent Domain.** In the absence of negotiated purchases with the owners of the property, the City Manager and/or the City Manager’s designees are hereby authorized to commence condemnation proceedings for the property, pursuant to law, to determine and make or pay just compensation, and to take such other steps as may be necessary to complete acquisition of the property. In so doing, the City Manager and/or the City Manager’s designees are authorized to adjust the extent of the property and property interests taken or acquired to facilitate implementation of this ordinance, provided that such adjustment shall not be inconsistent with the project. Nothing in this ordinance limits the City in its identification and acquisition of property and property rights necessary for these purposes. The City reserves the right to acquire other or different property in support of the project, as the same exists or may in the future be revised. The City Manager and/or the City Manager’s designees are further authorized to approve and enter into any and all such agreements, stipulations, and orders necessary to carry out the provisions of this Ordinance.

**Section 4. 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 5. Corrections.** Upon the approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

**Section 6. Effective Date.** This Ordinance shall be in full force and effect five days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

Passed by the City Council of the City of Spokane Valley this \_\_\_\_ day of August, 2023.

**ATTEST:**

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Pam Haley, Mayor

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Marci Patterson, City Clerk

Approved as to form:

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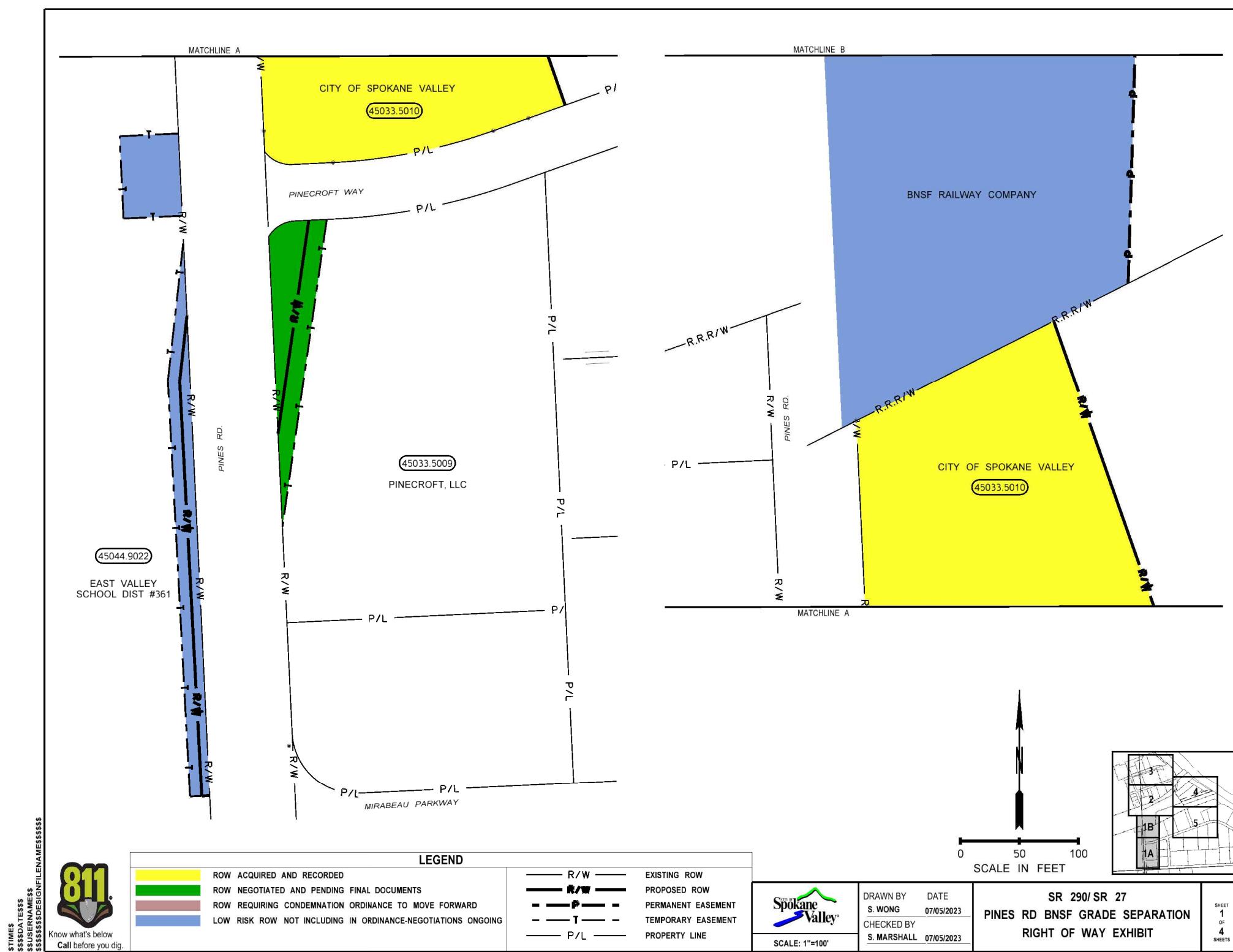
Office of the City Attorney

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

# Ordinance 23-014

## Exhibit A





Know what's below  
**Call before you dig.**

\*\*\*\*\*\$TIMES\$\*\*\*\*\*\$DATES\$\*\*\*\*\*\$USERNAMES\$\*\*\*\*\*\$DESIGNER\$NAME\*\*\*\*\*

LEGEND	
ROW ACQUIRED AND RECORDED	R/W
ROW NEGOTIATED AND PENDING FINAL DOCUMENTS	PROPOSED ROW
ROW REQUIRING CONDEMNATION ORDINANCE TO MOVE FORWARD	PERMANENT EASEMENT
LOW RISK ROW NOT INCLUDING IN ORDINANCE-NEGOTIATIONS ONGOING	T
	TEMPORARY EASEMENT
	P/L
	PROPERTY LINE

The logo for the City of Spokane Valley. It features the word "Spokane" in a black, serif font, with "Valley" in a larger, bold, black, sans-serif font below it. A stylized green mountain peak is positioned above the "o" in "Spokane", and a blue river or path is shown flowing from the base of the mountain towards the "V" in "Valley".

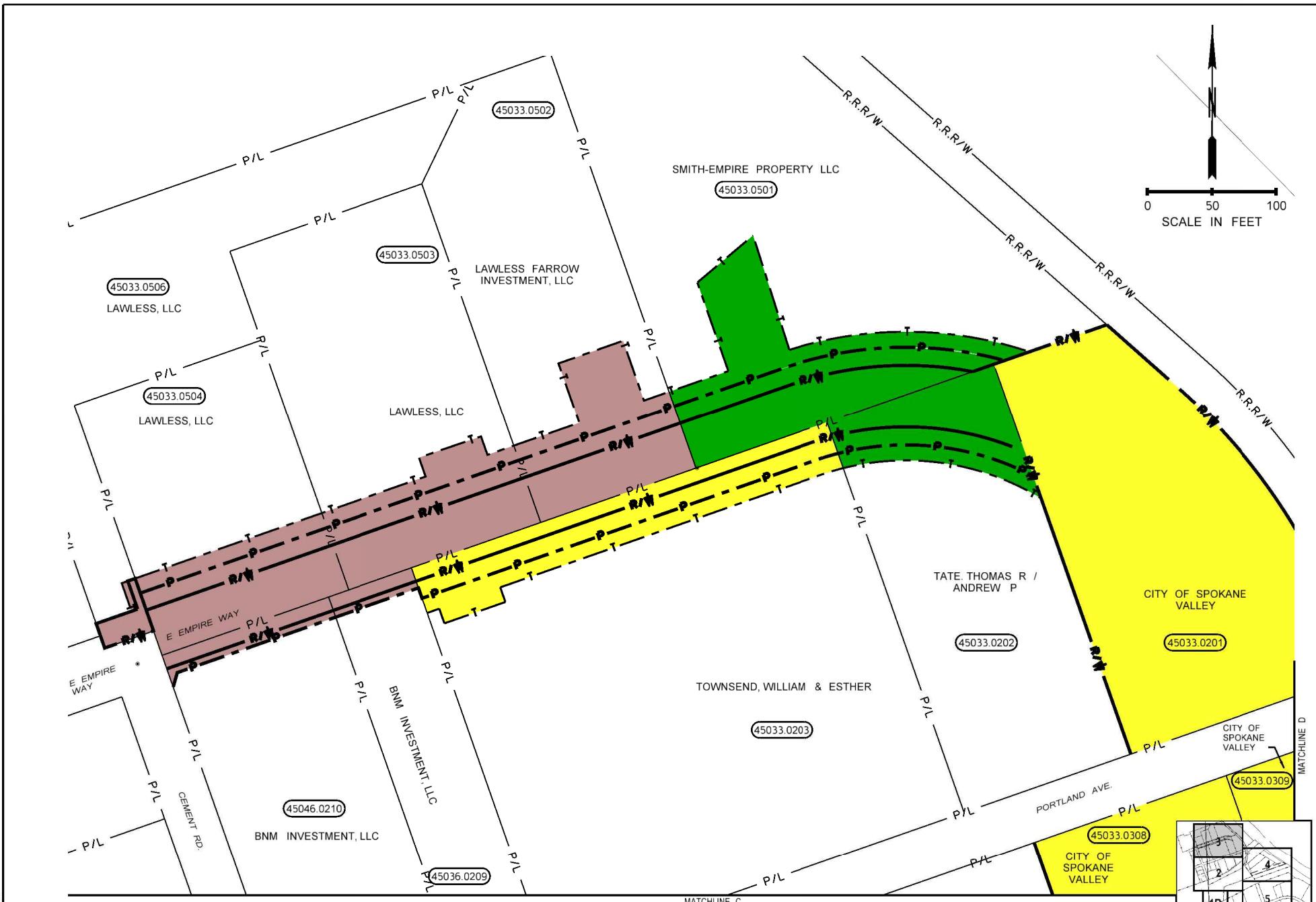
DRAWN BY  
S. WONG  
CHECKED BY  
S. MARSHAL

DATE  
07/05/2023

SR 290/ SR 27  
PINES RD BNSF GRADE SEPARATION  
RIGHT OF WAY EXHIBIT

SHEET  
2  
OF  
4  
SHEETS

MATCHLINE D



Know what's below  
**Call before you dig.**

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## LEGEND

ROW ACQUIRED AND RECORDED
ROW NEGOTIATED AND PENDING FINAL DOCUMENTS
ROW REQUIRING CONDEMNATION ORDINANCE TO MOVE FORWARD
LOW RISK ROW NOT INCLUDING IN ORDINANCE-NEGOTIATIONS ONGOING

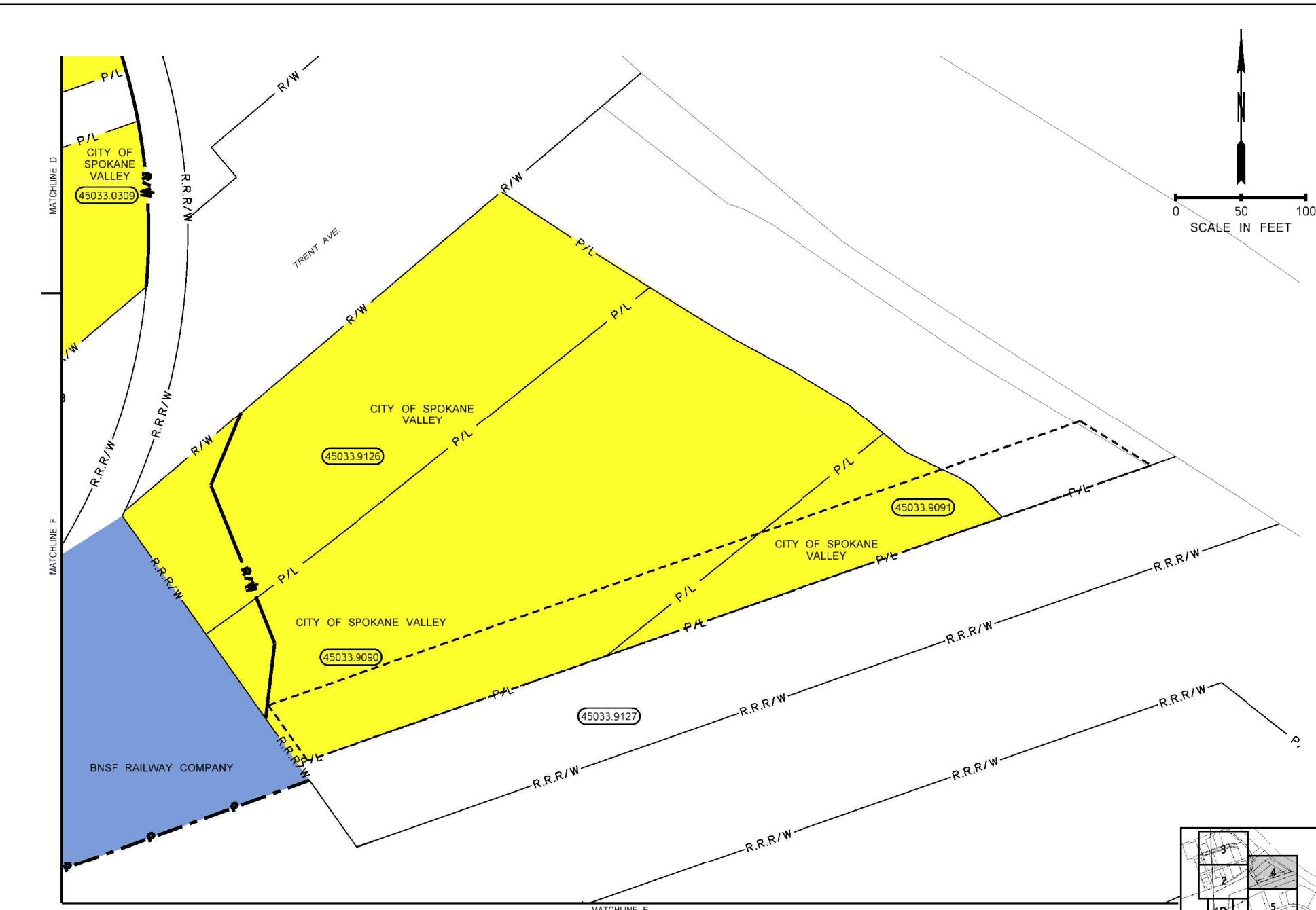
— R/W — EXISTING ROW  
 — R/W — PROPOSED ROW  
 - P - PERMANENT EASEMENT  
 - T - TEMPORARY EASEMENT  
 — P/L — PROPERTY LINE



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SR 290/ SR 27  
PINES RD BNSF GRADE SEPARATION  
RIGHT OF WAY EXHIBIT

SHEET  
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Know what's below  
Call before you dig.

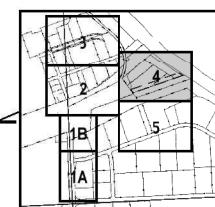
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LOW RISK ROW NOT INCLUDING IN ORDINANCE-NEGOTIATIONS ONGOING	T TEMPORARY EASEMENT
	P/L PROPERTY LINE



DRAWN BY DATE  
S. WONG 07/05/2023  
CHECKED BY  
S. MARSHALL 07/05/2023

SCALE: 1"=100'  
SR 290/SR 27  
PINES RD BNSF GRADE SEPARATION  
RIGHT OF WAY EXHIBIT

Sheet 4 of 4



MATCHLINE E

MATCHLINE F

A map showing a blue shaded area representing a right-of-way (R.R.R/W) and a dashed line representing a property line (P/L). The map includes labels for 'PINECROFT WAY' and 'AV'.

AVISTA CORPORATION

45033.5005

PINECROFT WA

11

Know what's below  
**Call before you dig.**

\*\*\*\*\*\$TIMES\$  
\*\*\*\*\*\$DATES\$  
\*\*\*\*\*\$USERNAME\$  
\*\*\*\*\*\$DESIGNER\$NAME\$

## LEGEND

ROW ACQUIRED AND RECORDED  
ROW NEGOTIATED AND PENDING FINAL DOCUMENTS  
ROW REQUIRING CONDEMNATION ORDINANCE TO MOVE FORWARD  
LOW RISK ROW NOT INCLUDING IN ORDINANCE-NEGOTIATIONS ONGOING

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CITY OF Spokane Valley

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SR 290/ SR 27  
PINES RD BNSF GRADE SEPARATION  
RIGHT OF WAY EXHIBIT

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