

**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.

DRAFT

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

ATTEST:

Pam Haley, Mayor

Marci Patterson, City Clerk

Approved as to form:

Office of the City Attorney

Date of Publication: _____

Effective Date: _____










Ordinance 23-014

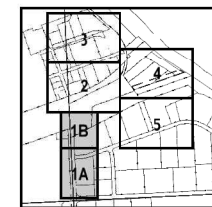
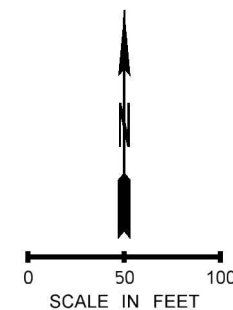
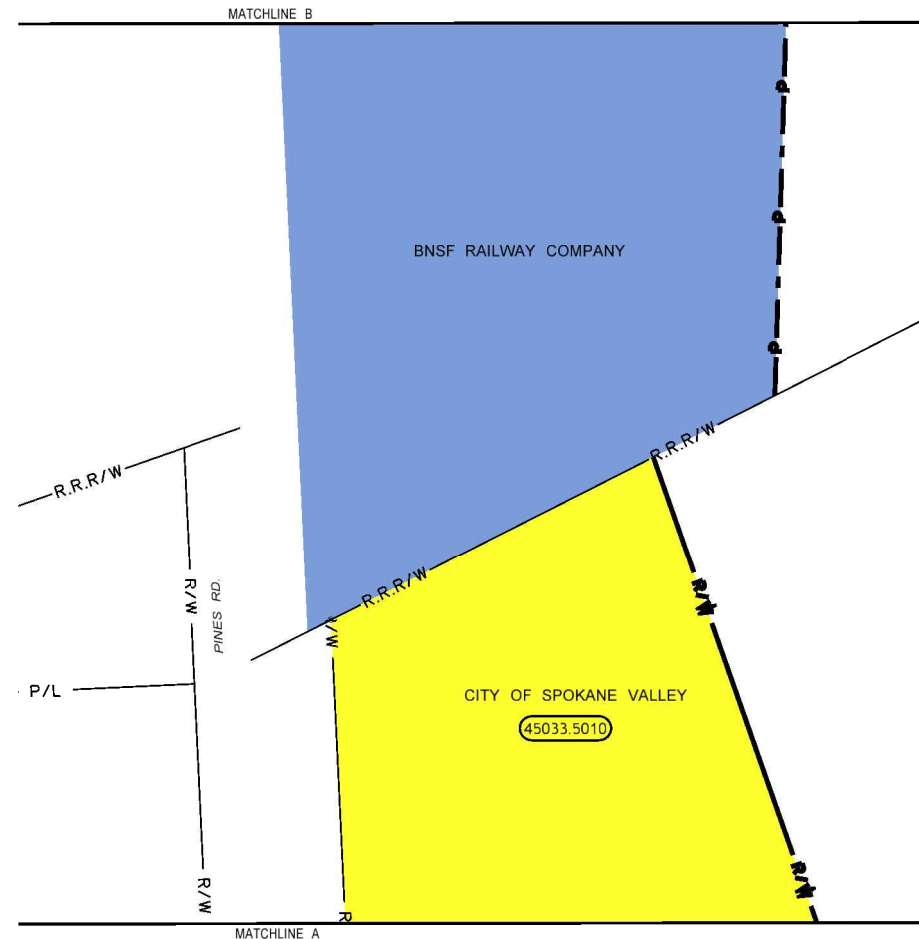
Exhibit A

STIMES
 \$\$\$DAYS\$\$\$
 \$\$\$USERNAMES\$\$\$
 \$\$\$DESIGNFILENAME\$\$\$



Know what's below
 Call before you dig.

LEGEND			
	ROW ACQUIRED AND RECORDED		EXISTING ROW
	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		TEMPORARY EASEMENT
			PROPERTY LINE



 SCALE: 1"=100'	DRAWN BY S. WONG	DATE 07/05/2023	SR 290/SR 27 PINES RD BNSF GRADE SEPARATION RIGHT OF WAY EXHIBIT	SHEET 1 OF 4 SHEETS
	CHECKED BY S. MARSHALL	DATE 07/05/2023		

STIMES
 \$\$\$SDATSSSS
 \$\$\$USERNAMES
 \$\$\$DESIGNFILENAMESSSSSS



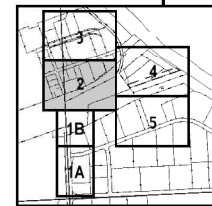
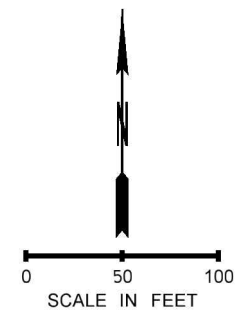
Know what's below
 Call before you dig.

LEGEND			
	ROW ACQUIRED AND RECORDED		R/W EXISTING ROW
	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		TEMPORARY EASEMENT
			P/L PROPERTY LINE



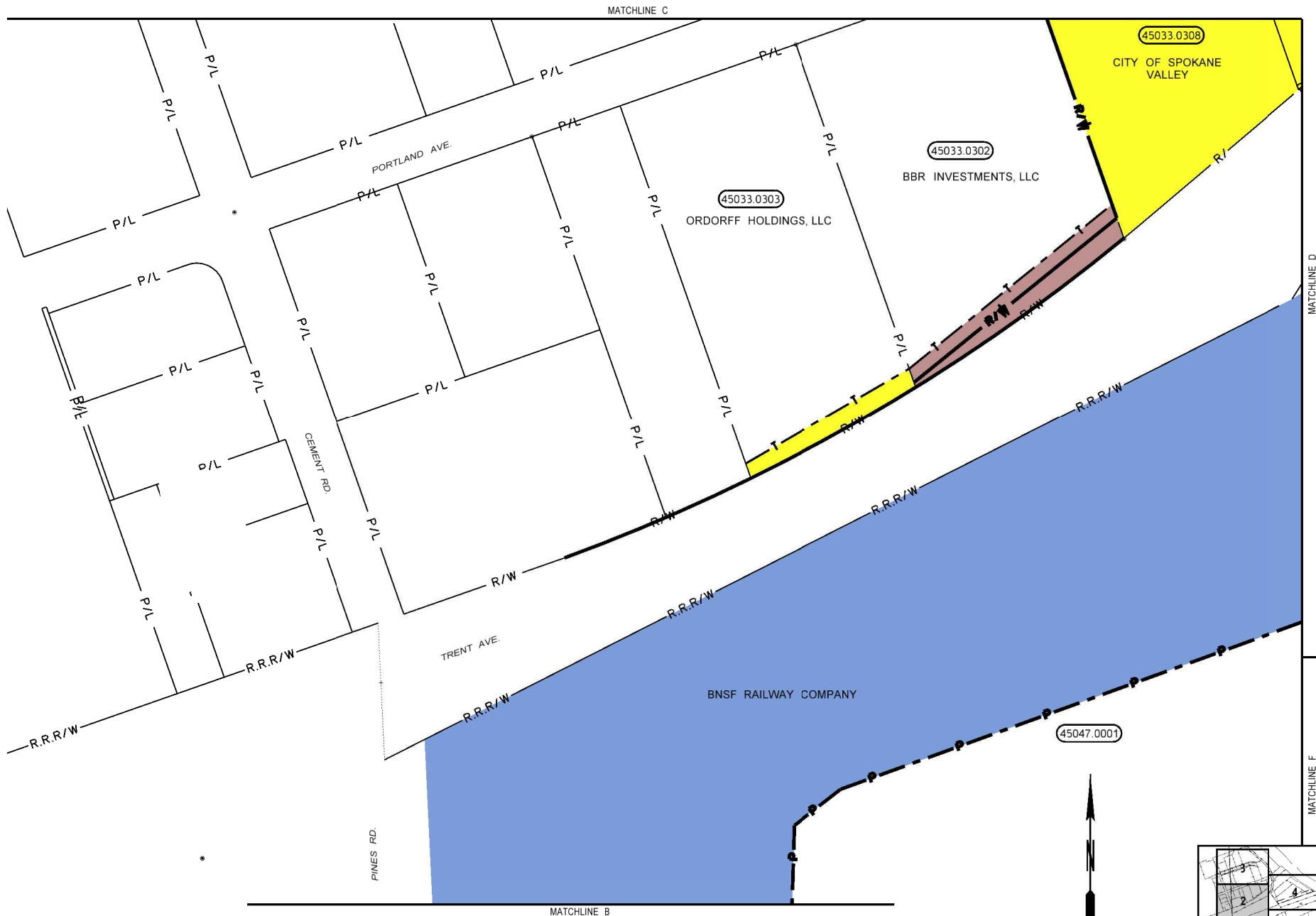
DRAWN BY S. WONG DATE 07/05/2023
 CHECKED BY S. MARSHALL DATE 07/05/2023

SCALE: 1"=100'



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

SHEET 2 OF 4 SHEETS



STIMES
 \$\$\$SDATSSSS
 \$\$\$USERNAMES
 \$\$\$DESIGNFILENAME\$\$\$\$\$



Know what's below
 Call before you dig.

	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

LEGEND

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

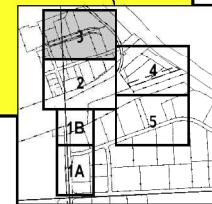
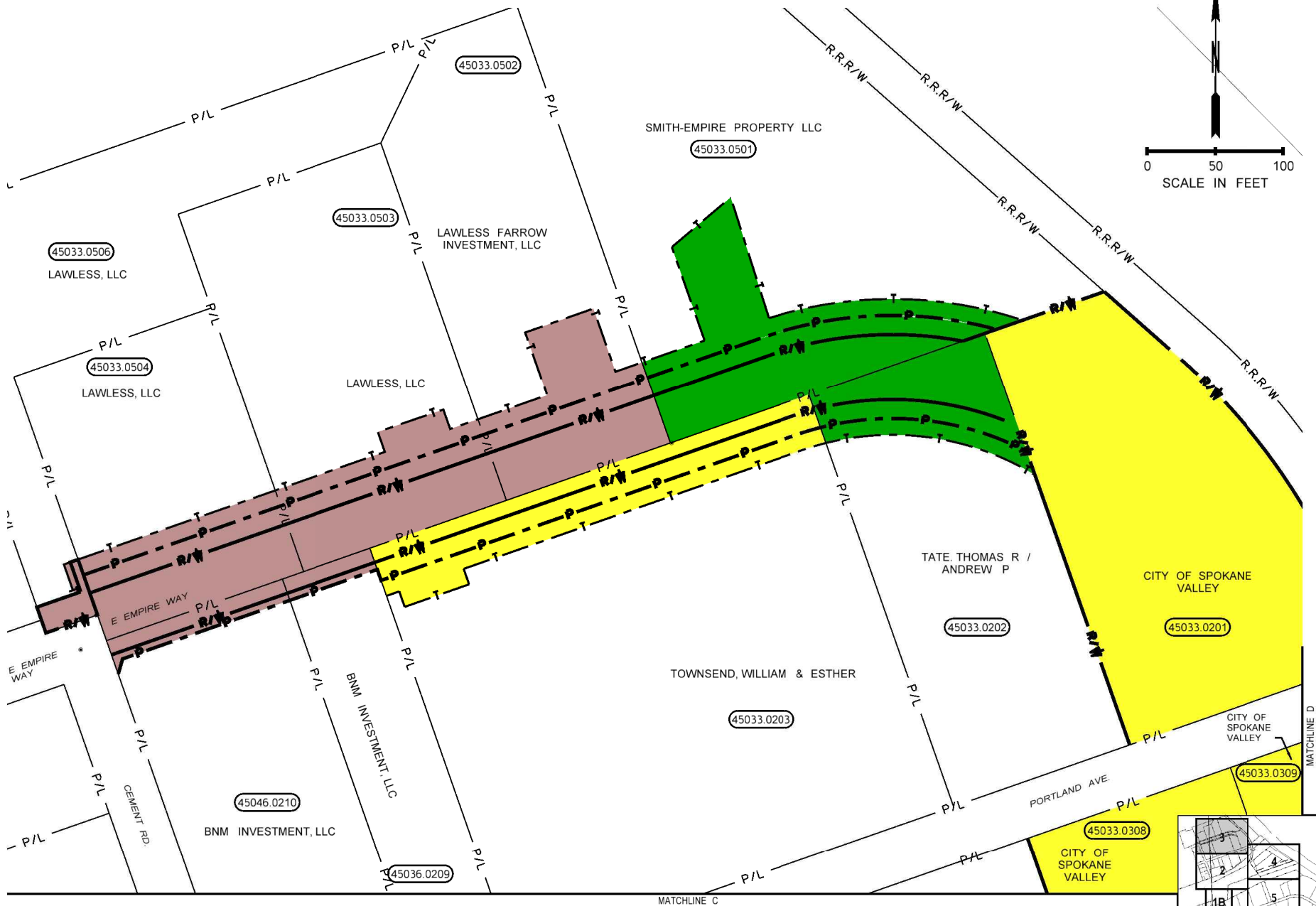
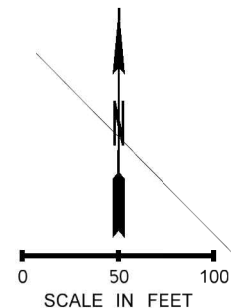


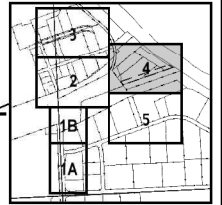
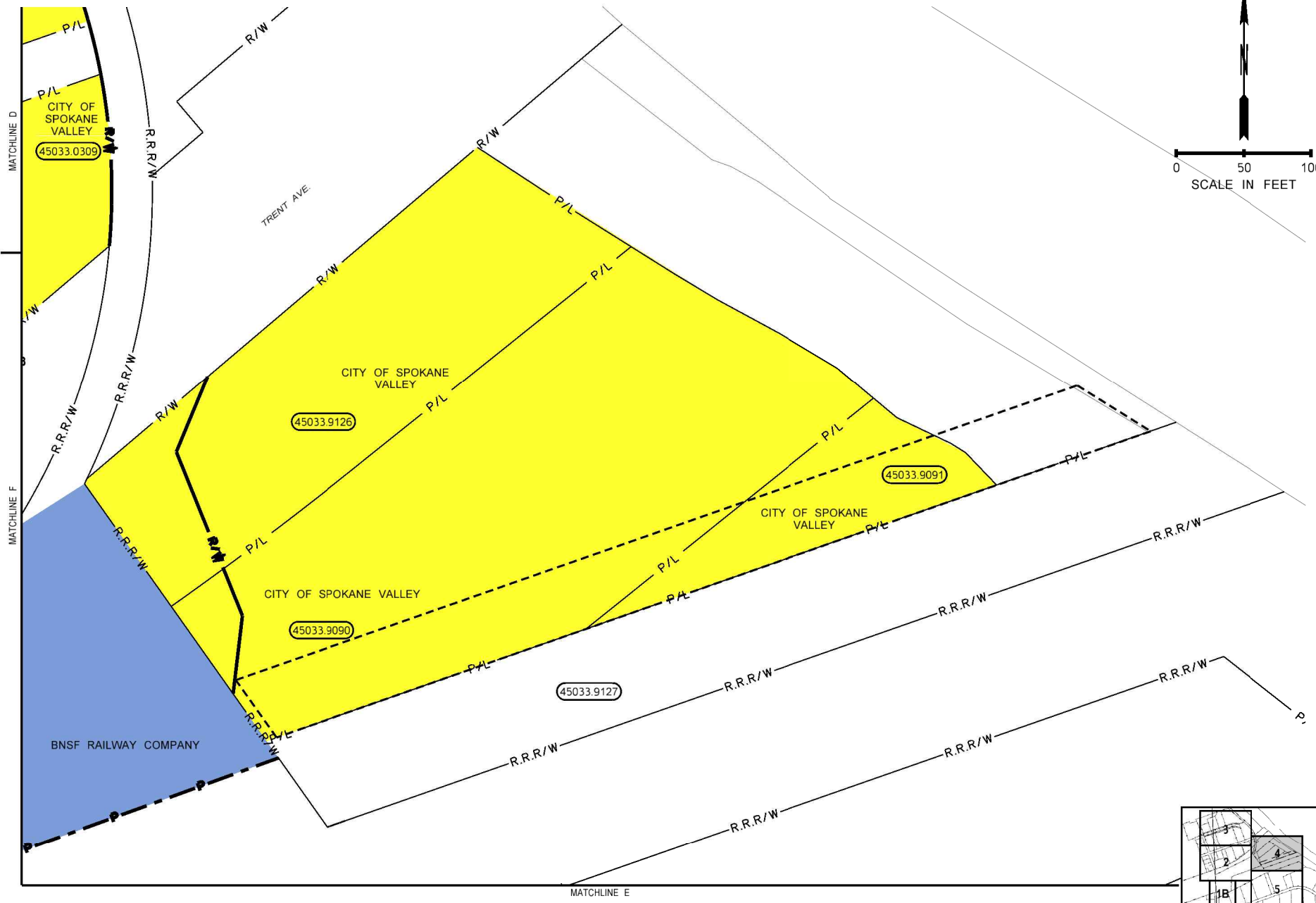
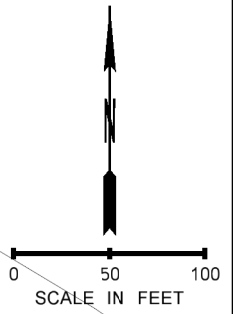
SCALE: 1"=100'

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

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

SHEET
 3 OF
 4
 SHEETS





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
	P/L	PROPOSED ROW
	P	PERMANENT EASEMENT
	T	TEMPORARY EASEMENT
	P/L	PROPERTY LINE



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

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

SHEET 4 OF 4 SHEETS

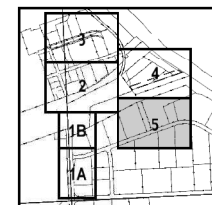
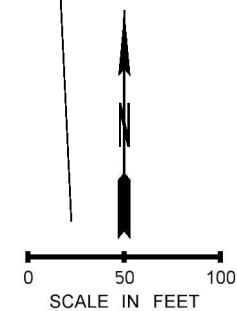
SCALE: 1"=100'

STIMES
 \$\$\$SDAT\$SS\$
 \$\$\$US\$R\$N\$A\$M\$E\$\$\$
 \$\$\$DESIGN\$F\$I\$L\$E\$N\$A\$M\$E\$\$\$



Know what's below
 Call before you dig.

LEGEND			
	ROW ACQUIRED AND RECORDED		R/W EXISTING ROW
	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		TEMPORARY EASEMENT
			PROPERTY LINE



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

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

SHEET
 OF
 4
 SHEETS