

WHEN RECORDED RETURN TO:

City Clerk's Office
505 Swift Boulevard
Richland, WA 99352

ORDINANCE NO. 37-03

AN ORDINANCE of the City of Richland relating to a public recreation easement along portions of the east bank of the Yakima River below the Van Giesen Street Bridge and extending to W.E. Johnson Park.

WHEREAS, the Federal government obtained ownership of property on the east bank of the Yakima River during the build-up for the Hanford Project, and

WHEREAS, prior to divesting from ownership of the property the Federal government created a public recreation easement, on private property, along the east bank of the river which reads in relevant part as follows:

An easement heretofore reserved unto the Grantor and its assigns to provide the general public with access for general recreational purposes along the left bank of the Yakima River; said easement being upon a 30.00 foot strip of land which is situated parallel and adjacent to the ordinary high water mark and the shorelines of the left bank of said river; . . . provided, however, this easement shall never vest in the general public as such; and provided further, this easement can be limited, or extinguished only by the action of the Grantee or its assigns, acting per se or by its (his) duly authorized agent.

and;

WHEREAS, the City of Richland was granted this easement at the time the Plat of Richland was filed, and

WHEREAS, said easement was designed to provide the general public with access on private property along portions of the left bank of the Yakima River, and

WHEREAS, the easement expressly states that the easement could be limited only by the action of the Grantee or its assignee, and

WHEREAS, certain disputes have arisen over the appropriate use of the easement and between property owners and users constituting the general public, and

WHEREAS, the Parks and Recreation Commission has held two workshops and four public meetings for the purpose of gathering information from the property owners and users of the river to best determine the level of improvement and public use and access to this easement, and

WHEREAS, the Parks and Recreation Commission has recommended the following ordinance to the City Council for its consideration and approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RICHLAND AS FOLLOWS:

Section 1.01. The 30.00 foot public recreation easement held by the City of Richland and designated to "provide the general public with access for general recreational purposes along portions of the left bank of the Yakima River" shall be limited by this ordinance to provide for general recreational purposes but which expressly prohibits:

1. Trail construction within the 30-foot easement as designated;
2. Motor vehicles of any type to be permitted in the easement except, temporarily, equipment owned by the underlying private property owner for maintenance of the property;
3. Overnight camping for any purpose, except by the underlying private property owner;
4. Use of fire or construction or maintenance of a fire, except by the underlying private property owner;
5. Littering or failure to remove trash and garbage after use; and
6. Consumption of alcoholic beverages.

Section 1.02. The City of Richland shall provide sufficient signs at multiple locations along the river that describe the stretch of river, the easement location and

limitations as set forth in this ordinance and encourage the users respect for private property and the environment.

Section 1.03. The hours of public use of the easement shall be limited to one half hour before sunrise to one half hour after sunset.

Section 1.04. The City shall cause to be filed with Benton County a document on each parcel of privately-owned property on the left bank of the river which is impacted by this ordinance for the purpose of providing notice to current and future property owners of the limitations being placed on this public easement.

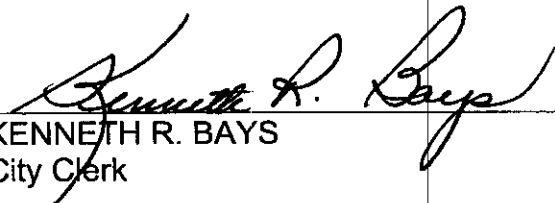
Section 1.05. This ordinance and recorded document setting forth the criteria in this ordinance shall be subject to review in no less than five year intervals, unless City Council removes said requirement by future action of Council.

Section 1.06. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland at a regular meeting on the 4th day of September, 2003.


ROBERT J. THOMPSON
Mayor

ATTEST:


KENNETH R. BAYS
City Clerk

APPROVED AS TO FORM:


THOMAS O. LAMPSON
City Attorney

Date Published: Sept. 10, 2003