

**CITY OF PROSSER, WASHINGTON  
RESOLUTION NO. 11-1353**

**A RESOLUTION DECLARING CERTAIN REAL PROPERTY SURPLUS  
TO THE NEEDS OF THE CITY OF PROSSER WATER UTILITY,  
APPROVING A LEASE OF SUCH SURPLUS REAL PROPERTY AND  
APPROVING THE SALE OF THE SURPLUS REAL PROPERTY TO THE  
GENERAL FUND FROM THE WATER FUND**

**WHEREAS**, the City of Prosser owns property legally described as follows:

Lot 2, Short Plat Number 3313, according to the survey thereof recorded on May 12, 2011, under Benton County Auditor's recording number 2011-013529, records of Benton County, State of Washington.

**AND WHEREAS**, the City of Prosser's water utility has no immediate need for the real property described above and does not envision that it will have a need for that property in the future, and

**WHEREAS**, the City Council held a public hearing on May 24, 2011, pursuant to RCW 35.94.040 to determine whether the property described above is surplus to the water utility's needs and whether the lease to Falcon Video Communications, L.P., a Delaware limited partnership, d/b/a Charter Communications on file with the City Clerk provides adequate consideration for the use of such property, and

**WHEREAS**, the City Council considered at its public hearing held on May 24, 2011, whether \$2.00 per square foot is adequate consideration for the sale of the surplus property from the Water Fund to the General Fund; and

**WHEREAS**, RCW 35.37.020 provides that surplus funds of a waterworks utility should be paid to the General Fund, and

**WHEREAS**, the surplus property should not continue to be managed by the water utility when the property is surplus to the needs of the water utility, and

**WHEREAS**, the City's General Fund paid the cost to short plat the utility property described above in the amount of \$7,082.62, and

**WHEREAS**, the above described real property is 1,262 square feet in size, and

**WHEREAS**, the City's General Fund will pay to the Water Fund the sum of \$2,524 on or before June 24, 2011, as and for the purchase price of the surplus water utility property,

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Prosser, Washington, as follows:

1. That the following legally described real property (Property) is hereby declared surplus to the city's water utility's needs:

Lot 2, Short Plat Number 3313, according to the survey thereof recorded on May 12, 2011, under Benton County Auditor's recording number 2011-013529, records of Benton County, State of Washington.

2. That the Property is hereby transferred to the City's General Fund effective the date of this resolution together with non-exclusive easements for access and utilities as provided for on the face of the short plat, for the sum of \$2,524, to be paid on or before June 24, 2011.
3. That \$2,524 provides adequate consideration for the sale of the Property to the General Fund.
4. That the lease of the property described in section one above to Falcon Video Communications, L.P., a Delaware limited partnership, d/b/a Charter Communications, on file with the City Clerk (Lease), provides adequate consideration for the use of the Property.
5. The Lease of the Property to Falcon Video Communications, L.P., a Delaware limited partnership, d/b/a Charter Communications is approved and the Mayor is authorized to execute it on behalf of the City.
6. That proceeds from the Lease which accrued before the date of this Resolution shall belong to the Water Fund, and proceeds accruing after the date of this Resolution shall belong to the General Fund.
7. The City Clerk and City Finance Director are authorized to take all action necessary to transfer the Property from the Water Fund to the General Fund and distribute the payments authorized herein.

**ADOPTED** by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this 24<sup>th</sup> day of May, 2011.

*Paul Ward*

MAYOR

ATTEST:

*Rachel Shaw*

RACHEL SHAW, CITY CLERK



APPROVED AS TO FORM:

*Howard Saxton*

HOWARD SAXTON, CITY ATTORNEY