

City of Spokane
Department of Engineering Services
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6700

ORDINANCE NO. C35127

An ordinance authorizing the removal of a skywalk stairway previously constructed pursuant to an easement authorized by Ordinance No. C18290.

WHEREAS, pursuant to Ordinance No. C18290, in connection with plans by Parkade, Inc. ("Parkade") to construct a parking garage, the City Council authorized the execution of easements over and across the public right-of-way in the downtown area of Spokane at or near the area between Stevens Street and Howard Street and Main Avenue; and

WHEREAS, the City subsequently executed an easement, dated November 18, 1965, granting Parkade the right to build, construct and maintain elevated walkways, skywalks, ramps, stairways and extended eaves per approved plans, all to become dedicated to the public use (the "Easement"); and

WHEREAS, pursuant to SMC 12.02.0518, Drusilla A. Hieber, as manager member, and owner of the JGFH, LLC, and as President of Parkade Inc. has submitted an application on behalf of Parkade seeking to relinquish some of the privileges the Easement grants to Parkade, namely seeking the right to remove the exterior stairway located at the northeast corner of Main Avenue and Howard Street (the "Subject Stairway"); and

WHEREAS, Parkade has provided notice to owners of record, as shown by the most recent Spokane County Assessor's record, of property located within a four-hundred-foot radius of any portion of the boundary of property connected to the Subject Stairway; and

WHEREAS, the City Council has found that, following the removal of the Subject Stairway, the skywalks authorized by Ordinance No. C18290 and the Easement will continue to have adequate pedestrian access to and from the street level, consistent with the access standards set forth in SMC 12.02.0474 and that adjacent properties will continue to enjoy access to the skywalk, consistent with SMC 12.02.0484; and

WHEREAS, pursuant to SMC 12.02.0518, a skywalk permittee may request relinquishment of skywalk permits and obligations with the approval of the City Council, subject to conditions the Council imposes; and

WHEREAS, the City Council has found that the public use, benefit and welfare will best be served by Parkade' s removal of the Subject Stairway, subject to the conditions set forth below; -- NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. Subject to the conditions listed in Section 2 below, Parkade is hereby authorized to remove the Subject Stairway, having agreed to relinquish its privilege to maintain that stairway as set forth in Ordinance No. C18290 and the Easement.

Section 2. Removal of the Subject Stairway is conditioned on the following:

- A. The cost associated with the removal of the Subject Stairway shall be the sole responsibility of Parkade.
- B. Pursuant to SMC Section 12.02.0474 Street Access, Subsection B, street level pedestrian access will be provided by an internal stair case that is accessible from the public sidewalk on Howard Street.
- C. The existing skywalk façade shall be replicated in the area where the staircase access is removed to provide continuity in design and esthetics.

Section 3. Removal of the Subject Stairway shall be completed in full compliance with all local, state, and federal laws and regulations and requirements. This Ordinance is not and shall not be construed as a waiver of any conditions that might otherwise apply to removal of the Subject Stairway, or to any permits or processes associated with such permits that are required in order to lawfully remove the Subject Stairway.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____

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