



PACIFIC CITY COUNCIL AGENDA
Council Chambers - City Hall. 100 3rd Ave. SE

December 21, 2015
Monday

Workshop
6:30 p.m.

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL OF COUNCIL MEMBERS**
- 3. ADDITIONS TO/APPROVAL OF AGENDA**
- 4. DISCUSSION ITEMS**

- (02) **A. AB 15-176: DISCUSSION: Resolution No. 2015-306:** Setting a public hearing regarding the creation of a Transportation Benefit District in the City of Pacific. (20 min.)
(Richard Gould)
- (14) **B. AB 15-174: Ordinance No. 2015-1922:** Amending the Pacific Municipal Code 2.24.010 by updating the referenced RCW's allowing a code city to establish a municipal court. (5 min.)
(Kelly Rydberg)
- (17) **C. AB 15-177: Resolution No. 2015-307:** Resolution regarding the vacation of Skinner Road, a waterfront street in the City of Pacific. (10 min.)
(Lance Newkirk)
- (68) **D. AB 15-170: Ordinance No. 2015-1921:** Vacating a portion of Skinner Road and establishing the conditions of such vacation. (10 min.)
(Lance Newkirk)
- (154) **E. AB 15-172: Resolution No. 2015-308:** Authorizing the execution of an agreement with RH2 Engineering, Inc. for water system hydraulic modeling. (10 min.)
(Lance Newkirk)
- (170) **F. AB 15-175: Ordinance No. 2015-1923:** Amending the 2015 Budget, First Reading. (10 min.)
(Richard Gould)

- 5. ADJOURN**



Agenda Bill No. 15-176

TO: Mayor Guier and City Council Members
FROM: City Administrator
MEETING DATE: December 28, 2015
SUBJECT: Public Hearing for the formation of a Transportation Benefit District

ATTACHMENTS: Resolution 2015-306, Transportation Benefit Districts in Washington, Draft Ordinance establishing Pacific Transportation Benefit District

Previous Council Review Date: January 21, 2014

Summary: The City has been trying to develop alternatives to fund the construction of needed transportation improvements and road maintenance throughout the City. The formation of Transportation Benefit District (TBD) provides for local revenue to fund local transportation needs. The formation of a TBD requires a Public Hearing.

Recommendation/Action: Move forward to the meeting on December 28, 2015. Staff recommends Council approve Resolution No. 2015-306.

Motion for Consideration: Move to approve Resolution No. 2015-306, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON JANUARY 19, 2016 AT 6:30 PM IN THE CITY OF PACIFIC COUNCIL CHAMBERS TO HEAR FROM THE PUBLIC ON THE CREATION OF A TRANSPORTATION BENEFIT DISTRICT, COMPRISING THE CORPORATE LIMITS OF THE CITY, TO FUND AND COMPLETE PROJECTS LISTED IN THE CITY'S SIX YEAR TRANSPORTATION IMPROVEMENT PLAN.

Budget Impact: The cost to have the public hearing is the cost of public notification, approximately \$350.

Alternatives: The Public Hearing is required to form a Transportation Benefit District. Until a Hearing is held, a TBD cannot be formed.

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2015-306

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, setting the time and place for a public hearing on January 19, 2016, at approximately 6:30 PM in the City of Pacific Council Chambers to hear from the public on the creation of a Transportation Benefit District, comprising the corporate limits of the City, to fund and complete projects listed in the City's Six Year Transportation Improvement Plan.

WHEREAS, the City of Pacific proposes creating a Transportation Benefit District as authorized by RCW 35.21.225 and governed by the provisions of Chapter 36.73 RCW; and

WHEREAS, the City of Pacific has been trying to develop alternatives to fund the construction of needed transportation improvements and road maintenance throughout the City as identified in the Transportation Improvement Plan (TIP); and

WHEREAS, a public hearing must be held prior to the creation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. That said Transportation Benefit District shall be presented for hearing and determination on Monday, January 19, 2016, at approximately 6:30 p.m. in the Council Chambers of the City of Pacific, at Pacific City Hall, Pacific, Washington, or as soon thereafter as the same may be heard, and that

Section 2. Notice of such hearing be given as approved by law.

ADOPTED BY THE CITY COUNCIL this 28th day of December, 2015.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. _____

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO THE ESTABLISHMENT OF THE PACIFIC TRANSPORTATION BENEFIT DISTRICT, IDENTIFYING THE GOVERNING BOARD, DESCRIBING THE FUNCTIONS OF THE DISTRICT, DESCRIBING THE MANNER IN WHICH TRANSPORTATION IMPROVEMENTS SHALL BE FUNDED AND DISSOLUTION OF THE DISTRICT, ALL AS ALLOWED BY CHAPTER 36.73 RCW, ADDING A NEW CHAPTER 3.45 TO THE PACIFIC MUNICIPAL CODE.

WHEREAS, the City Council desires to respond to the need for transportation improvements on city streets by establishing a transportation benefit district, as authorized by chapter 36.73 RCW; and

WHEREAS, the SEPA Responsible Official has determined that this Ordinance is categorically exempt under SEPA, WAC 197-11-800(19) as a program relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment; and

WHEREAS, notice of a public hearing on this Ordinance establishing a transportation benefit district was provided according to RCW 36.73.050(1), including, but not limited to, publication of such notice in a newspaper in general circulation in the City, not less than ten days before the hearing; and

WHEREAS, the public hearing was held on the establishment of a transportation benefit district by the Pacific City Council on January 11, 2016; and

WHEREAS, the City Council considered the adoption of this ordinance during its regular meeting of December 28, 2015 and determined that the establishment of a transportation benefit district is in the public interest; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. A new chapter 3.45 shall be added to the Pacific Municipal Code, which shall read as follows:

**CHAPTER 3.45
TRANSPORTATION BENEFIT DISTRICT**

Sections:

- 3.45.010 Purpose.**
 - 3.45.020 Establishing the Transportation Benefit District**
 - 3.45.030 Governing Board**
 - 3.45.040 Functions of the District**
 - 3.45.050 Transportation Improvements Funded**
 - 3.45.060 Dissolution of District**
 - 3.45.060 Liberal Construction.**
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3.45.010 Purpose. The purpose of this chapter is to establish a transportation benefit district (TBD) pursuant to RCW 35.21.225 and chapter 36.73 RCW, consistent with the public interest, to provide adequate levels of funding for transportation improvements that preserve, maintain and, as appropriate, construct or reconstruct the transportation infrastructure of the City of Pacific.

3.45.020 Establishing the Transportation Benefit District. There is created a transportation benefit district to be known as the Pacific Transportation Benefit District or “District” with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist following future annexations.

3.45.030 Governing Board.

A. The governing board of the Pacific Transportation Benefit District shall be the Pacific City Council, acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in chapter 36.73 RCW.

B. The treasurer of the Transportation Benefit District shall be the City Treasurer.

C. The Board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1). The policy must at least address material changes to cost, scope and schedule, the level of change that will require governing body involvement and how the governing body will address those changes. At a minimum, if the District funding participation in a transportation improvement exceeds its original cost by more than twenty percent (20%) as identified in the District’s original plan, a public hearing shall be held to solicit public comment regarding how the cost change should be resolved.

D. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

3.45.040 Functions of the District.

A. The District, by a majority vote of its governing board, may authorize a motor vehicle license fee of up to twenty dollars as provided in RCW 82.80.140 for the purposes set forth in this chapter and as may be subsequently authorized according to law.

B. The District may impose additional taxes, fees or charges authorized by RCW 36.73.040 or ad valorem property taxes authorized by RCW 36.73.060, only if approved by District voters pursuant to RCW 36.73.065.

C. The District shall have all powers and functions provided by chapter 36.73 RCW to fulfill the functions of the District, including the power to issue general obligation bonds and revenue bonds as provided in RCW 36.73.070, or form a local improvement district as provided in RCW 36.73.080.

3.45.050 Transportation improvements funded. The funds generated by the Transportation Benefit District may be used for transportation improvements that preserve, maintain, operate, construct and reconstruct the existing transportation infrastructure of the City, consistent with chapter 36.73 RCW, as it now exists or is hereafter amended. In addition to the foregoing, the funds generated may be used for any purpose allowed by law, including to operate the District and to make transportation improvements that are consistent with state, regional and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels, pursuant to chapter 36.73 RCW. The District shall select to the extent practicable projects for funding that reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, provide for economic development, improve accessibility for persons with special transportation needs, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure construction and replacement in the future.

All funds raised through the District shall be expended only for such construction, reconstruction, preservation, maintenance and operation in accordance with the provisions of chapter 36.73 RCW as it now exists or is hereafter amended. The funds expended by the District shall preserve, maintain, operate and improve the City's investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost effectiveness of the City's infrastructure investments, provide for economic development and continue the optimal performance of the transportation system.

Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(2) (b) following notice, public hearing and enactment of an authorizing ordinance.

3.45.060 Dissolution of District. The District shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied.

3.45.070 Liberal Construction. This chapter is to be liberally construed to accomplish the purpose of establishing a transportation benefit district with the broadest possible authority under chapter 36.73 RCW, as it now exists or is hereafter amended.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific Transportation District this 11th day of January, 2016.

Mayor

AUTHENTICATED:

City Clerk.

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:



List of Known Transportation Benefit Districts in Washington State

You may sort the districts by name, county, year of establishment, or funding mechanism using the drop-down sort buttons in row 7.

Jurisdiction	County	Year Established	Funding Mechanism	Notes
Aberdeen	Grays Harbor	2013	Sales Tax, 0.13%	
Airway Heights	Spokane	2013	Sales Tax, 0.2%	
Anacortes	Skagit	2014	Vehicle License Fee, \$20	
Arlington	Snohomish	2013	Sales Tax, 0.2%	
Auburn	King/Pierce	2011	Unfunded	\$59 million bond measure failed in 2012 election
Bainbridge Island	Kitsap	2012	Vehicle License Fee, \$20	
Battle Ground	Clark	2014	Vehicle License Fee, \$20	
Bellingham	Whatcom	2010	Sales Tax, 0.2%	
Bothell	King/Snohomish	2015	Unfunded	
Bremerton	Kitsap	2009	Vehicle License Fee, \$20	\$30 vehicle fee failed in Nov. 2009 election
Buckley	Pierce	2012	Vehicle License Fee, \$20	
Burien	King	2009	Vehicle License Fee, \$10	\$30 vehicle fee failed in Nov. 2009 election
Carbonado	Pierce	2012	Vehicle License Fee, \$20	
Castle Rock	Cowlitz	2012	Sales Tax, 0.2%	
Clarkston	Asotin	2014	Vehicle License Fee, \$20	
Covington	King	2013	Unfunded	0.2% sales tax failed in Nov. 2013 and April 2015 elections
Dayton	Columbia	2014	Sales Tax, 0.2%	
Des Moines	King	2008	Vehicle License Fee, \$20	
DuPont	Pierce	2013	Vehicle License Fee, \$20	
East Wenatchee	Douglas	2012	Vehicle License Fee, \$20	
Eatonville	Pierce	2012	Vehicle License Fee, \$20	
Edgewood	Pierce	2013	Vehicle License Fee, \$20	
Edmonds	Snohomish	2008	Vehicle License Fee, \$20	\$40 vehicle license fee increase failed in Nov. 2010 election
Electric City	Grant	2012	Vehicle License Fee, \$20	
Enumclaw	King	2013	Vehicle License Fee, \$20	
Everett	Snohomish	2014	Vehicle License Fee, \$20	
Ferndale	Whatcom	2011	Sales Tax, 0.2%	
Friday Harbor	San Juan	2014	Sales Tax, 0.2%	
Grandview	Yakima	2011	Vehicle License Fee, \$20	
Kalama	Cowlitz	2012	Vehicle License Fee, \$20	
Kelso	Cowlitz	2012	Vehicle License Fee, \$20	
Kenmore	King	2012	Vehicle License Fee, \$20	
King County	King	2014	Unfunded	\$60 vehicle license fee failed in April 2014 election
Kirkland	King	2014	Unfunded	
Kittitas	Kittitas	2012	Vehicle License Fee, \$20	
Lake Forest Park	King	2008	Vehicle License Fee, \$20	
Lakewood	Pierce	2012	Vehicle License Fee, \$20	
Leavenworth	Chelan	2010	Sales Tax, 0.2%	

Liberty Lake	Spokane	2002	Unknown	Formed under old legislation
Lynden	Whatcom	2012	Sales Tax, 0.2%	
Lynnwood	Snohomish	2010	Vehicle License Fee, \$20	
Mabton	Yakima	2011	Vehicle License Fee, \$20	
Maple Valley	King	2012	Vehicle License Fee, \$20	
Marysville	Snohomish	2013	Sales Tax, 0.2%	
Mercer Island	King	2014	Vehicle License Fee, \$20	
Monroe	Snohomish	2012	Sales Tax, 0.2%	
Mountlake Terrace	Snohomish	2011	Vehicle License Fee, \$20	
North Bend	King	2011	Sales Tax, 0.2%	
Olympia	Thurston	2008	Vehicle License Fee, \$20	
Orting	Pierce	2011	Vehicle License Fee, \$20	
Othello	Adams	2012	Unfunded	
Point Roberts	Whatcom	1992	Border Area Fuel Tax	Formed under old legislation
Prosser	Benton	2009	Vehicle License Fee, \$20	
Ridgefield	Clark	2008	Unfunded	0.2% sales tax repealed in 2012, replaced by a 0.2% sales and use tax incre:
Roy	Pierce	2014	Vehicle License Fee, \$20	
Royal City	Grant	2012	Vehicle License Fee, \$20	
Seattle	King	2010	Vehicle License Fee, \$80	Voted \$60 fee failed in 2011, passed in Nov. 2014 election
Sedro-Woolley	Skagit	2014	Vehicle License Fee, \$20	
Sequim	Clallam	2008	Sales Tax, 0.2%	Sales and use tax narrowly failed in 2008, passed in 2009 election
Shoreline	King	2009	Vehicle License Fee, \$20	
Snohomish	Snohomish	2010	Sales Tax, 0.2%	
Snohomish County (unincorporated)	Snohomish	2011	Unfunded	
Snoqualmie	King	2010	Vehicle License Fee, \$20	
Soap Lake	Grant	2013	Vehicle License Fee, \$20	
Spokane	Spokane	2011	Vehicle License Fee, \$20	
Stanwood	Snohomish	2012	Sales Tax, 0.2%	
Tacoma	Pierce	2012	Vehicle License Fee, \$20	
Toppenish	Yakima	2012	Vehicle License Fee, \$20	
Tumwater	Thurston	2014	Sales Tax, 0.2%	
University Place	Pierce	2009	Vehicle License Fee, \$20	
Waitsburg	Walla Walla	2012	Sales Tax, 0.1%	
Walla Walla	Walla Walla	2011	Sales Tax, 0.2%	
Wapato	Yakima	2012	Vehicle License Fee, \$20	
Wenatchee	Chelan	2011	Vehicle License Fee, \$20	
Wilkeson	Pierce	2014	Vehicle License Fee, \$20	
Zillah	Yakima	2011	Vehicle License Fee, \$20	

ase within the Clark County Public Transportation Benefit Area



Agenda Bill No. 15-174

TO: Mayor Guier and City Council Members
FROM: Municipal Court
MEETING DATE: December 28, 2015
SUBJECT: PMC 2.24.010 Authorization for a Municipal Court

ATTACHMENTS: Draft Amended Ordinance 2015-1922

Previous Council Review Date: 12/21/15 workshop

Summary: The City's status as well as State codes have changed since the original adoption of PMC 2.24.010. The amendment reflects the current RCW's which apply to a Code City as well as the authority for a code city to establish a municipal court.

Recommendation/Action: Adopt the Amended Ordinance establishing a municipal court.

Motion for Consideration: "I move to adopt Ordinance No. 2015- 1922 amending PMC 2.24.010 updating the referenced RCW's allowing a code city to establish a municipal court."

Budget Impact: None

Alternatives: Retain the current PMC with erroneous references to RCW's.

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2015-1922

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO THE MUNICIPAL COURT, UPDATING THE CODE PROVISION DESCRIBING THE STATUTORY AUTHORIZATION FOR THE MUNICIPAL COURT, AMENDING PACIFIC MUNICIPAL CODE SECTION 2.24.010.

WHEREAS, at the time the Pacific Municipal Court was created under Section 2.24.010 of the Pacific Municipal Code, the City of Pacific was not a code city;

WHEREAS, the City of Pacific is now a code city, governed by chapter 35A RCW; and

WHEREAS, cities organized under chapter 35A RCW have all of the authority delegated by the Washington State Legislature to any city or town in chapter 35 RCW (RCW 35A.21.169), so regardless of the form of the city’s organization under the Laws of Washington, the City of Pacific has always had the authority to create a municipal court; and

WHEREAS, Section 2.24.010 of the Pacific Municipal Code should be amended to identify the state laws which provide the authority for a city of four hundred thousand or less, or chapter 3.50 RCW; and

WHEREAS, other Pacific Municipal Code provisions (such as PMC 2.24.040) correctly establish that the Pacific Municipal Court is authorized by chapter 3.50 RCW; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. Section 2.24.010 of the Pacific Municipal Code is hereby amended to read as follows:

2.24.010 Created – Judge – Appointment. ~~amendment.~~

A. Authority. Pursuant to chapter ~~35.24~~ 3.50 RCW, there is created and established an inferior court to be known and designated as a municipal court, entitled “The Municipal Court of the City of Pacific,” which court shall have exclusive original criminal jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures

declared or given by such city ordinances or by any state statutes. The municipal court shall have jurisdiction and shall exercise all power granted to it under the Revised Code of Washington, together with such other powers and jurisdictions as are generally conferred in this state by either common law or by express statute upon the municipal court.

B. Judge. The municipal court judge shall be appointed by the mayor, and confirmed by a majority vote of the city council. The person appointed as municipal judge shall be a citizen of the United States and the State. The position of such municipal judge shall be on a part-time basis.

C. Judge's appointment. Such appointment shall be for a term of four years. Appointment shall be made in a like manner by the fifteenth day of December preceding the end of every such four-year term.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 3. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title, and shall be effective 5 days after publication.

PASSED by the City Council of Pacific this 28th day of December, 2015.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney



Agenda Bill No. 15-177

TO: Mayor Guier and City Council Members

FROM: Public Works

MEETING DATE: December 28, 2015

SUBJECT: Waterfront Right of Way Vacation of a portion of the Skinner Road south of the White River and adjacent to the existing Burlington Northern Santa Fe Railroad (BNSF) tracks

ATTACHMENTS:

- Resolution 2015-307 relating to the Vacation of Waterfront Right Of Way
- Exhibit "A", A waterfront right of way vacation staff report
- Exhibit "B", BNSF Vacation Shoreline Study

Previous Council Review Date: N/A

Summary: BNSF has petitioned the City to vacate 9,427.95 square feet of the Skinner Road right-of-way. This parcel is located south of the White River and west of the railroad tracks. The City no longer has direct access to this parcel due to the loss of the Skinner Road bridge. However, this is a waterfront right of way. Therefore the City is required to evaluate the use of the property for water access and other potential waterfront uses.

Recommended Action: Staff recommends Council approve Resolution No. 2015-307.

Motion for Consideration: "I move to approve Resolution No. 2015-307, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO THE VACATION OF A WATERFRONT STREET, AND THE PETITION OF BURLINGTON NORTHERN SANTA FE RAILROAD FOR THE VACATION OF SKINNER ROAD (E. HUSSEY ROAD NO. 457), AS REQUIRED BY PMC SECTION 13.16.070."

Budget Impact: The cost associated with this measure is staff time to prepare the report.

Alternatives: None recommended.

**RESOLUTION NO. 2015-307
CITY OF PACIFIC, WASHINGTON**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PACIFIC, WASHINGTON, RELATING TO THE VACATION OF A
WATERFRONT STREET, AND THE PETITION OF
BURLINGTON NORTHERN SANTA FE RAILROAD FOR THE
VACATION OF SKINNER ROAD (E. HUSSEY ROAD NO. 457),
AS REQUIRED BY PMC SECTION 13.16.070.**

WHEREAS, State law (chapter 35.79 RCW) imposes certain restrictions on the vacation of waterfront streets; and

WHEREAS, the City has incorporated state law into PMC Section 13.16.070; and

WHEREAS, a petition for the vacation of Skinner Road (E. Hussey Road No. 457), which is a waterfront street, was received by the City on July 31, 2015; and

WHEREAS, PMC Section 13.16.070 requires that the City adopt a resolution as a condition to such vacation; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC,
WASHINGTON**

Section 1. Pursuant to PMC Section 13.16.070, the City Council finds as follows:

A. The vacation of Skinner Road (E. Hussey Road No. 457) is not sought to enable the City to acquire the property for any of the purposes described in Section 13.16.070(A)(1).

B. Skinner Road (E. Hussey Road No. 457) is not presently being used as a street or alley. It is vacant land that has limited accessibility.

C. As stated in the staff memo dated December 16, Skinner Road (E. Hussey Road No. 457) is not suitable for any of the following purposes: port beach or water access, boat moorage, launching sites, park, public view, recreation or education.

D. The vacation is not sought to enable the City to implement a plan that provides comparable or improved public access to the same shoreline area.

E. The City has compiled an inventory of all rights-of-way within the City that abut the same body of water that is abutted by the street or alley sought to be vacated. This inventory is attached hereto as Exhibit A.

F. The City has conducted a study to determine if the street or alley to be vacated is suitable for use by the City for any of the following purposes: port, boat

moorage, launching sites, beach or water access, park, public view, recreation or education. This study is attached hereto as Exhibit B.

Section 2. Effective Date. This Resolution shall take effect and be in force immediately upon its passage.

PASSED by a majority vote of the Council on December 28, 2015.

CITY OF PACIFIC

Mayor Leanne Guier

ATTEST/AUTHENTICATED:

City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney



CITY OF PACIFIC
100 3RD AVENUE SOUTHEAST
PACIFIC, WASHINGTON 98047
CITY HALL (253) 929-1100
FAX (253) 939-6026

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TO: Mayor and City Council
FROM: Public Works
Community Development
DATE: 12/16/2015
SUBJECT: Vacation of a portion of Skinner Road SE lying adjacent to the Burlington Northern Santa Fe (BNSF) railroad right-of-way and south of the White (Stuck) River

This memo provides the City staff's recommendation on the above-referenced street vacation petition. To assist the Council's review of this memo, we have inserted the applicable code section (**bolded type**) and our response (*in italics*).

13.16.010 Petition for Vacation.

13.16.010.A Petitions. The owners of an interest in real estate abutting upon any street, alley, public place or portion thereof created by easement may petition the City Council for a vacation of such area. The petition shall include a description of the property to be vacated, as prepared by a licensed surveyor. In addition, the petitioners shall provide evidence that the public has an easement upon such street or alley (and that the property is not owned in fee by the City). The petition shall be filed with the City Clerk.

BNSF, through their agent Cinnabar Southwest, has petitioned the City to vacate a 30.01-foot wide extension of 83rd Avenue South (Skinner Road / E Hussey Rd No. 457) lying south of the White (Stuck) River a length of approximately 314 feet. Cinnabar has provided the City with numerous historical documents from the King County archives that indicate that in 1897 multiple property owners petitioned the County Commissioners to develop Road 457 (Skinner Road). BNSF is the owner of the properties abutting the proposed vacation area on three sides.

Attached are the following

- *Exhibit A the petition request for vacation*

- *Exhibit B the legal description of the area to be vacated*
- *Exhibit C the historical documents showing dedications and ownership*
- *Exhibit D Public Notification*
- *Exhibit E Public Comments*

13.16.010.C. Notice of Proposed Vacation. If the petition is signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, or after the City Council's own motion and Resolution for a vacation, the City Council shall adopt a Resolution fixing a time when the petition will be heard and determined. The time set for hearing shall not be more than 60 days nor less than 20 days after the date of the passage of the Resolution.

BNSF is the owner of properties on three side of the area to be vacated. The fourth side is the White River Shoreline. The shore line is only 30 feet long. Therefore, the petition is signed by two-thirds of the property owners.

Resolution No. 300, setting the hearing was approved on November 23, 2015 for a hearing to be held on December 21, 2015. Twenty-eight days have elapsed from the date of the passage of the Resolution until the hearing. The public notification was published on Friday November 27, 2015. The time between site posting and hearing is 26 days. The time between publication and hearing is 24 days.

13.16.020 Petition fees.

13.16.020.A. Prehearing fee. Every petition for the vacation of any street, alley or public place, or any portion thereof, shall be accompanied by a nonrefundable fee, as established by the City Council in its fee resolution. This fee is for the purpose of defraying the administrative costs associated with the processing of the vacation petitions.

The City received a \$500 non-refundable application fee from the petitioner on September 29, 2015.

13.16.020.B. Appraisal fee. If the City Council passes a Resolution as described in Section 13.16.010(C) setting the date for a public hearing, the petitioner shall deposit sufficient funds to cover the City's estimated cost of a full appraisal of the subject street, alley, public place or portion thereof to be vacated. In the event that the appraisal cost is less than the amount deposited, the vacation compensation paid by the petitioner to the City shall be reduced by the difference between the deposit and the actual cost, or, in the alternative, such difference shall be refunded. In the event the actual cost of the appraisal is more than the amount deposited, the vacation compensation payable to the City by the petitioner shall be increased by the difference between the deposit and the actual appraisal cost.

The City received a deposit of \$2,000 from the petitioner on September 29, 2015.

13.16.030 Appraisals.

13.16.030.A. If the City Council passes the Resolution described in Section 13.16.010(C), the public works director is authorized to obtain appraisals from qualified, independent appraisers for the fair market value of such streets, alleys or public places. The director is also authorized to obtain appraisals from qualified, independent real estate appraisers for the fair market value of alternate right-of-way land proposed to be granted or dedicated to the City in lieu of a cash payment, as described in Section 13.16.060. For appraisals of alternate right-of-way land, an additional appraisal deposit fee shall be paid for the appraisal of such property.

City staff solicited proposals from qualified appraisal firms on the Municipal Research Service Center roster to provide appraisal services. A scope and budget was negotiated with the selected appraiser. After passage of the Resolution establishing the public hearing, the appraiser was given notice to proceed with the appraisal.

13.16.030.B. After the appraisal has been performed, the public works director shall notify the petitioner of the amount of compensation required, based on the criteria in Section 13.16.060, deducting therefrom any remaining appraisal fee deposit. The payment shall be delivered by the property owner(s) to the Finance Director for deposit.

The appraisal was completed on December 15, 2015. The cost of the appraisal was \$4,000. The appraiser provided an appraisal of the property, showing of valuation of \$1,400.00, on December 15, 2015, BNSF was notified that they must deposit with the City \$1,400.00 prior to the adoption of the ordinance vacating the Skinner Road right-of-way.

13.16.040 Notice of Hearing.

13.16.040.A. Notice to be Provided. Upon the passage of the Resolution described in Section 13.16.010, the City Clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the City (Algona-Pacific Library, City Hall Notice Board and City website), and a like notice in a conspicuous place on the street, alley or public place sought to be vacated and City website.

A resolution scheduling the Public Hearing for December 21, 2015 at 6:30 pm was on the Council Workshop on November 16, and approved by Council on November 23, 2015. The Notice for the Hearing was be posted on the website, the Algona Pacific Library, City Hall, and at the site of the right-of-way vacation, as well as across the river from the area of the right-of-way vacation. The Hearing notification included the additional information required per PMC 13.16.040.B and 13.16.070.A.2. Please see Exhibit D.

13.16.040.B. Elements of Notice when Petition Initiated by Abutters. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed by the City Council for the hearing on the petition. The notice will state that the Council shall hold a public hearing on the proposed vacation in the manner required by this Chapter. In addition, the notice posted on the alley or street proposed to be vacated shall indicate that such area is public access, that it is proposed to be vacated, and that anyone objecting to the proposed vacation

should attend the public hearing or submit written testimony to the City Council indicating his or her objection prior to such hearing.

A resolution scheduling the Public Hearing for December 21, 2015 at 6:30 pm was on the Council Workshop on November 16, and approved by Council on November 23, 2015. The Notice for the Hearing was posted on the website, the Algona Pacific Library, City Hall, and at the site of the right-of-way vacation, as well as across the river from the area of the right-of-way vacation. The Hearing notification included the additional information required per PMC 13.16.040.B and 13.16.070.A.2. Please see Exhibit D.

13.16.040.C. Elements of Notice when Petition initiated by City Council. When the proceeding is initiated by Resolution of the City Council without a petition having been signed by the abutting property owners of more than two-thirds of the abutting property owners, the City Clerk shall provide by mail, the notice described in Section 13.16.004(B) above, at least fifteen days before the date fixed for the hearing, to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street, alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown.

This petition was not initiated by Council.

13.16.050 Hearing.

13.16.050.A. Objections- Council Prohibited from Proceeding. If fifty (50) percent of the owners of property abutting the street, alley, public place or portion thereof subject to the vacation petition or Council Resolution for vacation file written objections to the proposed vacation with the City Clerk, prior to the time of the public hearing, the City shall be prohibited from proceeding with the vacation.

The properties on three sides of the right-of-way to be vacated, are owned by the petitioner. The fourth side is the short water front section owned by the City.

13.16.050.B.1 The history of private and public use of the area sought to be vacated, including the type of use (pedestrian, vehicular, etc.) and length of time such use has occurred;

Based upon the limited written records, the land appears to have been homesteaded in the late 1890's. In 1906, C.D. Hillman recorded a plat entitled Pacific City Addition No. 2. The plat document indicates that there is a bridge crossing the White (Stuck) River at the location of E. Hussey Road. After the road crosses the river, it turns easterly crossing the Northern Pacific Railway (Now BNSF) becoming Road No. 507 (C.W. Matson). There are 1914 photos with the bridge still in place. The King County aerial for 1931 shows the area undeveloped with moderate to thick vegetation and the bridge no longer present. The 1998 County aerial photo shows the area undeveloped with thick vegetation. The 2015 Google Earth images show no change from the County aerial images. Based on a limited review of City records, the City has not used this property for streets, utilities, or any other purposes since the 1930's.

13.16.050.B.2 A description of the manner in which the area sought to be vacated was acquired (whether by dedication, public expense, etc.);

In 1897, several property owners in the area, now known as Pacific, petitioned the King County Commissioners to have a public hearing on the matter to create a road that “would be a public benefit”. The County Surveyor established a list of benefited property owners for the petitioned road westerly and adjacent to the Northern Pacific Railway (Now BNSF). Mr. Andrews and Mr. Hussey, the property owners County surveyors records, quit claimed a portion of their property to the County for the establishment of Road No. 457 E. Hussey (Skinner) Road.

13.16.050.B.3 A description of all utilities or other public services that currently utilize the area sought to be vacated, whether by easement or otherwise;

This portion of City right of way has not been used for street purposes since before 1931 and the City has no plans to develop this land into a public road now or in the future. There are no water or sanitary sewer utilities on the right of way. The right of way is landlocked and there is no direct access to this portion of the right-of-way except by water or trespassing over private land. There are no stakeholders or businesses in the area requiring utility services.

13.16.050.B.4 The staffs’ recommendation on the functionality of the area sought to be vacated for public purposes;

The property in the current condition is not accessible without watercraft or by trespassing on private property. The City evaluated the potential of constructing a pedestrian bridge to the area. The May 2015 cost estimate for a pre-engineered steel pedestrian bridge was \$1,060,000. This cost does not include the cost of surveying, engineering, permitting, or abutment construction.

The property has limited functionality in the current condition, as it is not safely accessible. The only access is over water; trespassing across a double set of train rails; or trespassing on private property. The river currents in the area are swift. This is a shoreline property so there are additional requirement of assessment per RCW 35.79.035 and PMC 13.16.070. Please see additional information regarding water front usability in Section 13.16.070 below.

13.16.050.B.5 References to any planning document, such as the City's Comprehensive Plan, the Transportation Element of the Comprehensive plan, the 6-Year Road Plan or the Capital Facilities Element of the Comprehensive Plan that mention the area sought to be vacated for any purpose;

The City of Pacific adopted the Parks, Open Space, Recreation, and Trails Element of the Comprehensive Plan (Ordinance 1794) on January 10, 2011. Section 4.6.1 indicates that the future plan is to develop a portion of the King County owned property on the east side of the river with a system of trails. However, the property between the City right-of-way and the King County land is now owned by BNSF. Additionally, there is no access to the property from the west side of the river without construction a bridge which is estimated to cost in excess of \$1.0M.

The transportation, utility, and capital improvement elements of the Comprehensive plan do not propose any future improvements in the area.

13.16.050.B.6 The staffs' recommendation whether the area sought to be vacated will be needed in the future as part of the City's transportation system (pedestrian, bicycle or vehicular)

The City of Pacific adopted the Parks, Open Space, Recreation, and Trails Element of the Comprehensive Plan (Ordinance 1794) on January 10, 2011. Section 4.6.1 indicates that the future plan is to develop a portion of the King County owned property on the east side of the river with a system of trails. However, the property between the City right-of-way and the King County land is now owned by BNSF. Additionally, there is no access to the property from the west side of the river without construction a bridge, which is estimated to cost in excess of \$1.0M.

The transportation, utility, and capital improvement elements of the Comprehensive plan do not propose any future improvements in the area.

13.16.050.C. Hearing. The City Council shall hold a public hearing on the proposed vacation and consider the written recommendations of staff, abutters, the public and all testimony provided at the hearing. The City Council shall whether the public interest is served by such vacation and either grant the vacation or deny it. Written findings and conclusions shall be adopted by the Council to support its decision.

This staff report and attachments address each element of PMC 13.16. Public comments are attached in Exhibit E.

13.16.050.D. Ordinance. If the City Council decides to grant a vacation petition, the Ordinance granting such vacation may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate the City for such vacation as provided in Section 13.16.060. The Ordinance may be conditioned on the retention of easements by the City or other public service/utility providers, as described in Section 13.16.060(E)

The petitioners were informed on December 16, 2015 to deposit \$1,400.00 with the City, the appraised value of the right-of-way to be vacated.

13.16.060 Compensation

13.16.060.A. If the street, alley, public place or portion thereof has not been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property to be vacated was not acquired at public expense, the owners of property abutting the street shall compensate the City in an amount that does not exceed one-half of the appraised value of the street.

The right-of-way was not acquired at public expense. It was dedicated to the County in 1897. The right-of-way vacation petitioner owns the property on three sides of the right-of-way. The

petitioners were sent an invoice on December 16, 2015 for the cost of the appraisal and other city costs and the required deposit of \$1,400.00 to be left with the City, the appraised value of the right-of-way to be vacated. The monies will be placed in an account for the purposes listed in this Code.

13.16.060.B. If the street, alley, public place or portion thereof has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property to be vacated was acquired at public expense, the City may require the owners of the property abutting the street to compensate the City in an amount that does not exceed the full appraised value of the area vacated.

The property to be vacated was not acquired at public expense. It has been part of the dedicated right-of-way for more than 100 years.

13.16.060.C. The full fair market value, as shown on the appraisal, shall be paid upon vacation of any streets, alleys or public places abutting upon bodies of water.

The right-of-way vacation petitioner owns the property on three sides of the right-of-way. The petitioners were informed on December 16, 2015 to deposit \$1,400.00 with the City, the appraised value of the right-of-way to be vacated. The monies will be placed in an account for the purposes listed in this Code.

13.16.060.D. In-Lieu Transfers of Property. Conveyances of other property acceptable to the City may be made in lieu of the payment required by this Section, whether required to mitigate adverse impacts of the vacation or otherwise. When such a transfer is proposed for street purposes, the value of the property (as determined in subsections A, B or C above shall be credited to the required payment. When the value of the in-lieu parcel is less than the payment required by subsection A, B or C of this Section, the petition shall pay the difference to the City. When the value of the in-lieu parcel exceeds the payment required by subsections A, B or C of this Section, the City shall pay the difference to the petitioner. In addition, the petitioner shall be responsible for all costs associated with this transfer, in the same manner as a property purchase, including but not limited to, title insurance, attorney review of the title, hazardous materials/waste testing, etc.

The proponent has not requested an in-lieu of payment transfer of property for this vacation.

13.16.060.F. The ordinance may provide that the City shall retain an easement or the right to exercise and grant easements with respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

There are no utility lines located within this street right-of-way that would have to be relocated prior to any building construction if the street vacation is approved. The City has no utilities in the vicinity nor are there any plans or need to extend utilities in this area.

13.16.060.G. Use of Proceeds. One-half of the revenue received by the City as compensation for the area vacated must be dedicated to the acquisition, improvement, development and

related maintenance of public open space or transportation capital improvements in the City.

The 9,428 square feet of land requested to be vacated is classified as waterfront. Therefore, the funds are to be used as shown in PMC 13.16.070.C.

13.16.070 Vacation of waterfront streets.

13.16.070.A. The City shall not vacate any street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

13.16.070.A. 1. The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

The street vacation is for a private development and not for the uses listed. The right-of-way will be filled by BNSF to construct an embankment for the construction of a third set of rails and for King County to construct a setback levee to reduce flood impacts to the City of Pacific residences and businesses.

13.16.070.A.2. The City Council adopts a Resolution which declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation or education;

The right-of-way for Skinner Road area south of the White River is not being used as a street and is not paved. There are no utility lines located within this street right-of-way that would have to be relocated prior to any building construction if the street vacation is approved. The site is not suitable or planned for port, beach or water access, boat moorage, launching sites, or park. The site contains a narrow section of water, and is not conducive to these types of uses. The public view in this location is not of unusual or exceptional quality, and there is no recreational or educational value to this location along the river. Please see Section 13.16.070.2.

13.16.070.A.3. The vacation is sought to enable the City to implement a plan, adopted by resolution or ordinance, that provides a comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

The City of Pacific adopted the Parks, Open Space, Recreation, and Trails Element of the Comprehensive Plan (Ordinance 1794) on January 10, 2011. Section 4.6.1 indicates that the future plan is to develop a portion of the King County owned property on the east side of the river with a system of trails. However, the property between the City right-of-way and the King County land is now owned by BNSF. Additionally, there is no access to the property from the west side of the river without construction a bridge which is estimated to cost in excess of \$1.0M.

The vacation of the right-of-way will permit BNSF to construct a required embankment for future expansion, and permit King County to construct a proposed setback levee on the east bank of the White River alleviating some flooding potential for the stakeholders in the City of Pacific.

13.16.070.B. Before adopting a resolution vacating a street or alley under subsection PMC 13.16.070(A)(2), the City shall:

13.16.070.B.1. Compile an inventory of all rights-of-way within the City that abut the same body of water that is abutted by the street or alley sought to be vacated;

There are currently 2 locations within the City where public rights-of-ways, both partially improved and unimproved, have direct access to the White River and are listed and discussed below. (See Exhibit D for a map of these locations.)

Skinner Road (South of White River)—This is abandoned right-of-way where a bridge used to cross the river. It is a moderate bank location that would be difficult to traverse. This location is only accessible by water or through private property.

Skinner Road (North of White River)—The road intersects 3rd Avenue SE just north of this location. There is a small gravel turn-out adjacent to the White River. The shoreline to the east is obstructed by a BNSF railroad bridge pier. The shoreline to the west is obstructed by a temporary flood control setback levee.

13.16.070.B.2. Conduct a study to determine if the street or alley to be vacated is suitable for use by the City for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation or education;

The street to be vacated is not suitable for use by the city for any of the following purposes:

Port—A port is not a practical use along this section of the White River. There is no opportunity for commerce or a port or need for one. The White River is not maintained for commerce.

Boat Moorage—The White River is too narrow in this location for boat moorage and there is little demand for this type of use. There is no parking available nor is there public access except by water in this location nor is there room for other types of services. The river is swift moving in this area and is not amenable for boat moorage.

Launching Sites—The site is not conducive to a boat launch because there is no public access to this site except by water, and lack of turn around room for trailers, and parking. The Skinner Road right-of-way on the north side of the river would be better suited for a launching site.

Beach—At the present time, there is no beach or gravel bar access in this location due to the rapid flow of the river through the narrow channel created by the abutments for the railroad bridge to the east.

Water Access—This site is only accessible from the water. This location of the river can be very fast moving due to the river narrowing at this point to cross under the railroad bridge to the east.

Park—The City’s Parks and Open Space plan does show a park in this location with the adjacent property. However, King County has sold the immediate adjacent property to BNSF reducing any public park space to the right-of-way. There currently is no public access to this site, except by water. The Park Plan is scheduled to be revised eliminating this area as a park.

Public View—There are no significant or exceptional views from this location. The street is located adjacent to a high railroad embankment to the east, wetlands to the west, and private property to the south.

Recreation—This location along the river does not provide any significant recreational value. Other sites along the White River in adjacent jurisdictions provide far more recreational potential and value in terms of access, boat launching, parking, and trails. The site is also located adjacent to railroad tracks that are less conducive and compatible with recreational uses because of noise. However, if the right-of-way is vacated, King County will be able to construct a river setback levee producing passive recreation areas for stakeholders of the region.

Education—There are no exceptional educational opportunities in this location as the area does not contain unique natural or man-made features. Educational opportunity would be better focused at parks, pedestrian bridges, and other locations.

13.16.070.B.3. Hold a public hearing on the proposed vacation in the manner required by this Chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official prior to the hearing, indicating his or her objection; and

A Public Hearing for the vacation of the right-of-way is scheduled for December 21, 2015. Notice for the public hearing was provided to all property owners abutting this street right-of-way, posted at City Hall, and posted conspicuously near the site with special indication that it does not provide public access to the river The notice included the contact information for the Public Works Manager for anyone wanting to raise an objection to the vacation.

13.16.070.B.4. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under B(2) of this subsection, and that the vacation is in the public interest.

The Skinner Road area south of the White River is not being used as a street and is not paved. There are no utility lines located within this street right-of-way that would have to be relocated prior to any building construction if the street vacation is approved. The site is not suitable or planned for port, beach or water access, boat moorage, launching sites, or park. The site contains a narrow section of water, and is not conducive to these types of uses. The public view in this location is not of unusual or exceptional quality, and there is no recreational or educational value to this location along the river.

Additionally, the vacation of the right-of-way will permit BNSF to construct a required embankment for future expansion, and permit King County to construct a setback levee on the east bank of the White River alleviating some flooding potential for the stakeholders in the City of Pacific.

13.16.070.C. No vacation shall be effective until the fair market value has been paid for the street or alley or portion thereof to be vacated. Monies received from the vacation may be used by the City only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

Upon completion of the appraisal, the right-of-way vacation petitioner will deposit with the City the value of the land as determined by the appraiser. This will occur prior to the adoption of the Ordinance vacating this portion of the right-of-way. The monies will be placed in an account for the purposes listed in this Code.

Conclusion and Recommendation

The right-of-way petitioned to be vacated is not currently used for streets, pedestrian access, or utilities. The property could only be used for these purposes through the construction of a bridge, which is cost prohibitive, and would not provide access to any property other than the relatively small proposed vacation area, because it is surrounded by the White River and privately-owned property.

It is recommended to vacate the property to BNSF for the appraised value and the monies used per PMC 13.16.070C.

EXHIBIT A



7/31/2015

City of Pacific
100 3rd Ave SE
Pacific, WA 98047-1349

To: Community Development Department

Please see the enclosed Petition For the Vacation of a Public Right-of-Way from BNSF Railway. The packet of information is accompanied by two separate checks for \$500.00 application fee and \$2,000.00 deposit.

Please contact me if you have any questions with regards to the contents of information and I can be reached at 480-447-2505 or by email at josh@cinnibarsw.com.

Regards,

A handwritten signature in dark ink that reads "Josh Freegard". The signature is fluid and cursive, with the first name being particularly prominent.

Josh Freegard
Cinnabar Southwest
14500 N. Northsight Blvd. Ste 313
Scottsdale, AZ 85260
Phone: (480) 447-2505
Email: josh@cinnibarsw.com



100 3rd Avenue SE Pacific,
WA 98047 Telephone:
(253) 929-1110 Fax:
(253)887-9910

PETITION FOR THE VACATION OF A PUBLIC RIGHT-OF-WAY

TO: Community Development Department, City of Pacific, 100 - 3rd Avenue SE, Pacific, WA 98047

We, the undersigned, being the owners according to the records of the King County Auditor of the property described in Exhibit A (legal description and map), attached hereto and by this reference incorporated herein, petition the City Council of the City of Pacific, Washington to vacate the portion of the public right-of-way known as East Hussey Rd. No. 457 (83rd Ave., S) south of White River described in Exhibit B, attached hereto and by this reference incorporated herein, in accordance with Chapter 13.16 Pacific Municipal Code, which we have read.

This petition is accompanied by:

- (1) \$500 application fee, \$2,000 deposit to be applied to engineering fee and any additional costs incurred;
- (2) A survey;
- (3) An explanation of why the public right-of-way sought to be vacated is no longer of public benefit;
- (4) A legal description of the public right-of-way proposed to be vacated;
- (5) A vicinity map showing the general area of the public right-of-way proposed to be vacated; and
- (6) A map prepared by a professional land surveyor, registered in the State of Washington, indicating the specific parcels abutting the public right-of-way proposed to be vacated.
- (7) Fee Obligation Form signed by owner/applicant.

An appraisal of the subject property by a licensed appraiser will be obtained by the City and is also required to be paid by the applicant(s). In accordance with city regulations and State Statutes the property owner is required to pay the full appraised value of the land prior to street vacation. The payment of the assessed valuation shall be accomplished prior to formal Council Ordinance adoption.

This petition may consist of more than one page. Each person signing this petition consents to the filing of other pages to be considered as part of a single petition. Each signature shall be executed in ink.

PETITIONERS' SIGNATURES

Petitioners' Representative: Charles Keltner

Address / Phone Number: 14500 N. Northsight Blvd. Ste. 313 Scottsdale, AZ 85260 | P: (480) 447-2505

No.	Date	Printed/Typed Name	Signature	Address or Legal Description	Parcel No.
1	7/7/15	Charles Keltner		See Attached	335440-0661
2	7/7/15	Charles Keltner		See Attached	362104-9020
3	7/7/15	Charles Keltner		See Attached	362104-9107
4					

Attached Legal Descriptions Where Necessary. Each person who signs this petition with any other than his true name, or knowingly signs more than one of these petition, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. RCW 35A.01.040.

PROCEDURES

1. *Petition/Application*

- a. Petition/Application forms are provided by the City of Pacific Public Works office.
- b. A vacation may be initiated by a Petition signed by the owners of more than two thirds of the lineal frontage of the property abutting the street or alley to be vacated, or in the case of an easement, more than two-thirds of the property underlying the portion of the easement to be vacated. If any Petitioner is purchasing abutting or underlying property under a real estate contract, the seller of that property must also sign the vacation Petition.
- c. The Petition must contain a statement of why the proposed vacation is in the public interest or for a public purpose.
- d. The Petition must contain a statement explaining how no property will be denied direct access as a result of the vacation.
- e. The Petition must contain a legal description of the street, alley, or easement to be vacated; together with a statement certifying the validity of the legal description, signed by a licensed surveyor or registered engineer. In the event that the Pacific City Public Works Department determines that they can adequately consider the Petition without a full legal description, they may defer this requirement until after the Council has rendered its decision on the Petition; however, in no event shall a vacation be final until the requirements of this subsection have been met.
- f. Each Petitioner must provide proof of ownership. An affidavit, title report, copy of a deed of conveyance, or tax statement must be submitted for each signature as evidence of ownership. Any proof of ownership must contain a legal description of the property owned by the Petitioner.

2. *Valuation:*

Unless an abutting property owner objects, compensation as required under RCW 35.79.030 shall be established based on the Pierce/King County Assessor's assessed value of all abutting property. This compensation shall be determined as follows:

- a. The Pierce/King County Assessor's assessed value for each lot adjacent to the proposed vacation shall be divided by the number of square feet in that lot in order to obtain a "value per square foot" for each adjacent lot;
- b. The "value per square foot" for each adjacent lot shall be added together and divided by the total number of adjacent lots in order to obtain an average price per square foot for all adjacent property; and
- c. The compensation required of each abutting property owner shall consist of the average price per square foot obtained under subsection 2, above, multiplied by the number of square feet each abutting property owner will be receiving through the property vacation. The valuation

required under this section shall be prepared under the direction of the City Public Works Department. Any costs of the valuation, including time spent by the City staff in preparing or assisting with preparing the valuation, shall be borne by the Petitioner(s). The valuation shall be documented, complete, and added to the Petition before a vacation will be considered final. In the event a Petitioner or abutting property owner objects to the calculation of compensation under this section, the compensation required under RCW 35.79.030 shall be established as required under section 3, below.

3. Appraisals:

Determination of appraised value shall be made by appraisal of the portion of the street, alley, or easement to be vacated with value determination based on highest and best use. The appraisal shall be prepared at the discretion of the Public Works Manager or designee. Any easement or other public rights retained by the City or dedicated to the City shall be considered in the appraisal. The appraisal cost shall be borne by the applicant. The appraisal must be complete and added to the Petition before a vacation will be considered final.

4. Fees:

All fees and costs required by Pacific Municipal Code, resolution of the Pacific City Council, or these written procedures must be paid before the Pacific City Council will set a date to hear the Petition.

5. Maps:

Each Petition must be accompanied by a scale map showing the street, alley, easement, or part thereof, to be vacated, and showing all properties with subdivisions, blocks, lots, and specifying open and unopened rights-of-way in the vicinity of the proposed vacation.



CITY OF PACIFIC
COMMUNITY DEVELOPMENT DEPARTMENT/ PUBLIC WORKS

100 3RD AVENUE SE
PACIFIC, WA 98047
Telephone (253) 929-1110 Fax (253) 887-9910

Project Name _____ Project Number _____

FEE OBLIGATION

I, the undersigned, affirm and acknowledge that I am the responsible person or authorized agent for the applicant and I or the party I represent, hereby agree to pay to the City of Pacific the costs incurred in the processing of the applications for the above referenced project.

I understand that the City of Pacific charges on a time and materials basis for external and internal professional and administrative support staff time and for materials, noticing, and other miscellaneous project related requirements. Periodic billings are issued specifying services that have been provided and requiring payment. Payment is due within 30 days of the billing notice. Payments not received within 30 days of the billing notice shall accrue interest and penalties as prescribed by the latest adopted fee schedules. I, or the party I represent, agree to pay all such invoices within 30 days of the billing notice. I, or the party I represent, agree to pay all attorney's fees and costs incurred by the City in collecting said fees.

I understand that invoices that are unpaid for more than 45 days shall be sufficient reason to have the City of Pacific terminate all work processing of the applications for the above referenced project.

I understand that the deposit that I am required to pay will be held in a non- interest bearing account and shall only be applied in the event of my failure to pay invoices I, or the party I represent, will be entitled to a full refund of my deposit upon written request, final project approvals and payment of all final City of Pacific invoices.

Charles Keltner / Senior Manager Real-Estate
Printed Name and Title

Joshua Freegard
Designated Contact Person Print Name

2301 Lou Menk Drive, GOB-3W
FORT WORTH, TX 76131

14500 N. Northsight Blvd. # 313
Scottsdale, AZ 85260
Address

Address of Owner

480-447-2505
Phone

480-447-2505
Phone

BNSF Railway Company's Petition for the Vacation of a Public Right-of-Way

Supporting Materials

The following provides the information required by the City of Pacific's Procedures for requesting vacation of a City right of way.

Description of property to be vacated

Petitioner BNSF Railway Company requests vacation of that portion of the City of Pacific right of way that lies to the south of the White (Stuck) River, and to the west of the BNSF right of way. That portion of the City right of way is 30' in width and approximately 315' in length. A survey and formal legal description for the portion of right of way to be vacated are provided as attachments.

Ownership interests of petitioner

Petitioner owns all private lands abutting the right of way to be vacated. Specifically, Petitioner owns all lands on three sides of the right of way: King County parcel 335440-0661, which abuts the entire west side of the right of way; King County parcel 362104-9107, which abuts the entire south side of the right of way; and King County parcel 362104-9020, which abuts the entire east side of the right of way. The only abutting property not owned by Petitioner is the north side, which is abutted by the White River.

The right of way sought to be vacated is no longer of public benefit

The portion of the right of way to be vacated is isolated from other rights of way, roads and City lands. It is surrounded on three sides by private property that is not open to the public. It is not paved or otherwise developed, and is not used as a right of way. It is adjacent to BNSF's active mainline railroad tracks carrying traffic through King and Pierce Counties. Due to its limited size, isolated location and surrounding land uses, it is not suitable for beach use or other public access.

The proposed vacation is in the public interest

As discussed above, the right of way to be vacated is small, isolated and not used for public purposes. Petitioner requests the vacation in order to implement protective measures along Petitioner's railroad embankment, e.g., placement of fill, that are associated with and necessitated by King County's construction of the Countyline Levee Setback Project. The Countyline Project will provide substantial flood protection benefit to the City of Pacific. Upon acquisition of the City right of way, and as part of the Countyline Project, Petitioner has agreed

to provide an easement to King County for its resurfacing and maintenance of the existing levee where it crosses the right of way property and connects to Petitioner's embankment. Vacation of the right of way is therefore in the public interest in that it is necessary to implementation of the Countyline Project.

No property will be denied direct access as a result of the vacation.

The right of way to be vacated is geographically isolated from any public roads. Further, Petitioner owns all private lands abutting the right of way. Accordingly, the right of way is not used to access any private property, and its vacation will not deny access to any property.

Proof of ownership

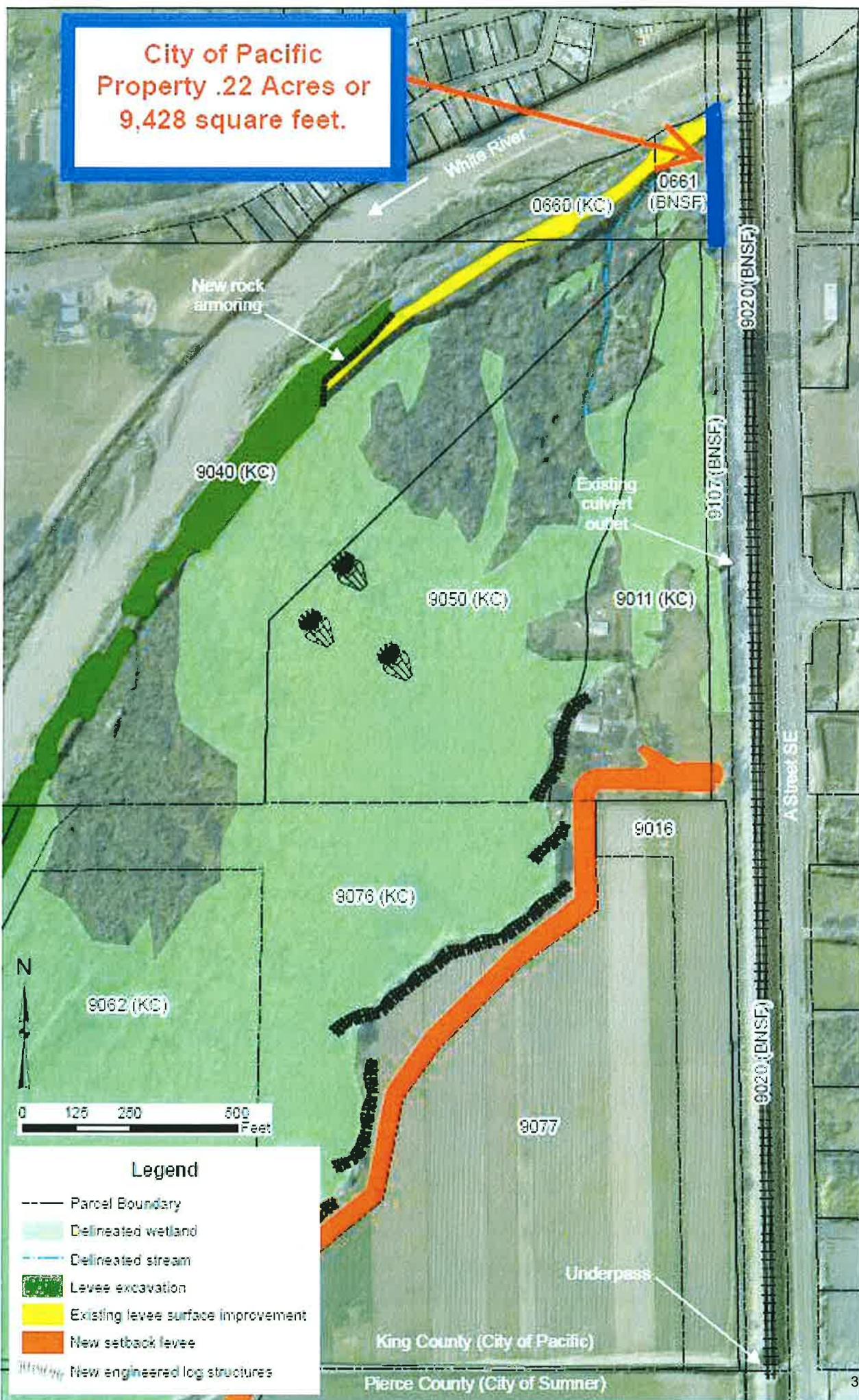
Attached are King County Assessor reports for Petitioner's parcels that document Petitioner's ownership of all private lands abutting the right of way.

Attachments

As required by the City's Procedures, the petition includes and is supported by the following attachments:

- \$500 application fee and \$2,000 deposit to be applied to engineering fee and additional costs
- Survey
- Legal description of the right of way to be vacated
- Vicinity map showing the general area of the right of way to be vacated and all parcels abutting the right of way
- King County assessor reports for abutting properties
- Fee obligation form

City of Pacific
Property .22 Acres or
9,428 square feet.



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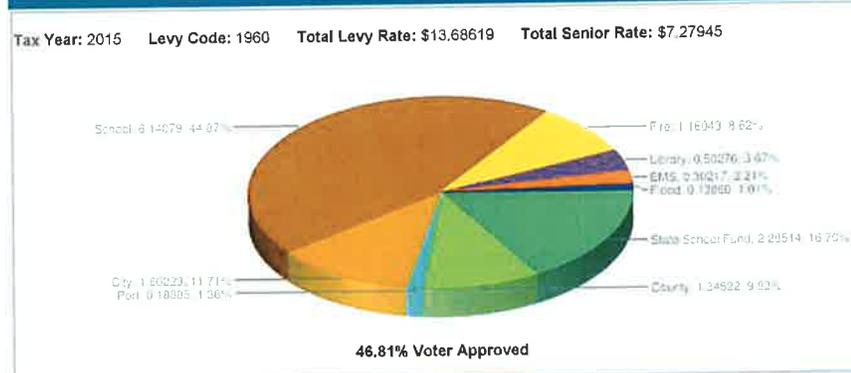
PARCEL

Parcel Number	362104-9107
Name	BNSF RAILWAY CO
Site Address	
Legal	E 50 FT OF POR OF NE 1/4 OF SE 1/4 OF SEC 36-21-4 LY WLY OF BNSF RR R/W TGW E 16.5 FT OF POR OF SE 1/4 OF SE 1/4 OF SD SEC LY WLY OF SD RR R/W

BUILDING 1

Year Built	
Total Square Footage	
Number Of Bedrooms	
Number Of Baths	
Grade	
Condition	
Lot Size	84610
Views	No
Waterfront	

TOTAL LEVY RATE DISTRIBUTION



Click here to see levy distribution comparison by year.

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	1,000	0	1,000	0	0	0

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Reference Links:

- King County Taxing Districts Codes and Levies (.PDF)
- King County Tax Links
- Property Tax Advisor
- Washington State Department of Revenue (External link)
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- Board of Appeals/Equalization
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- iMap
- Recorder's Office
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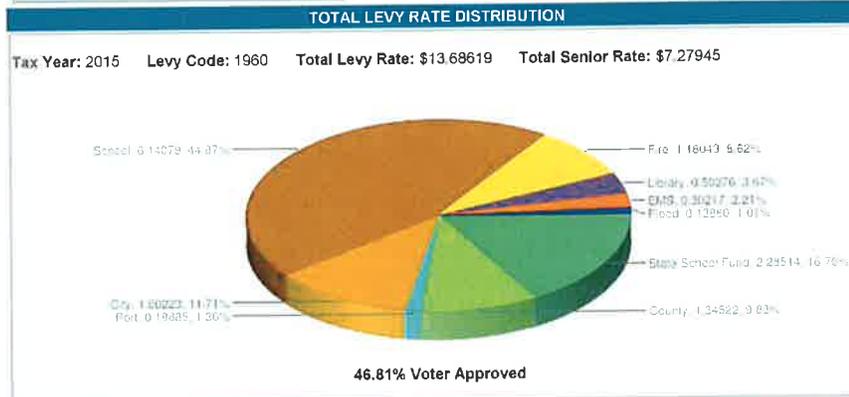
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PARCEL	
Parcel Number	362104-9020
Name	BNSF RAILWAY COMPANY
Site Address	5925 A ST SE 98002
Legal	R/W THRU NE 1/4 OF NE 1/4 R/W THRU SE 1/4 OF NE 1/4 R/W THRU NE 1/4 OF SE 1/4 R/W THRU SE 1/4 OF SE 1/4

BUILDING 1	
Year Built	
Building Net Square Footage	
Construction Class	
Building Quality	
Lot Size	527335
Present Use	Right of Way/Utility, Road
Views	No
Waterfront	



Click here to see levy distribution comparison by year.

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	791,000	0	791,000	0	0	0
2013	2014	791,000	0	791,000	0	0	0
2012	2013	791,000	0	791,000	0	0	0
2011	2012	791,000	0	791,000	0	0	0
2010	2011	791,000	0	791,000	0	0	0
2009	2010	791,000	0	791,000	0	0	0
2008	2009	791,000	0	791,000	0	0	0
2007	2008	791,000	0	791,000	0	0	0
2006	2007	791,000	0	791,000	0	0	0
2005	2006	791,000	0	791,000	0	0	0
2004	2005	791,000	0	791,000	0	0	0
2003	2004	791,000	0	791,000	0	0	0
2002	2003	791,000	0	791,000	0	0	0
2001	2002	791,000	0	791,000	0	0	0
2000	2001	791,000	0	791,000	0	0	0
1999	2000	791,000	0	791,000	0	0	0

Reference Links:

[King County Taxing Districts Codes and Levies \(.PDF\)](#)

[King County Tax Links](#)

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[Washington State Department of Revenue \(External link\)](#)

[Washington State Board of Tax Appeals \(External link\)](#)

[Board of Appeals/Equalization](#)

[Districts Report](#)

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[Scanned images of surveys and other map documents](#)

1997	1998	0	0	0	791,000	0	791,000
1996	1997	0	0	0	791,000	0	791,000
1994	1995	0	0	0	791,000	0	791,000
1992	1993	0	0	0	791,000	0	791,000
1990	1991	0	0	0	527,300	0	527,300
1988	1989	0	0	0	558,400	0	558,400
1986	1987	0	0	0	558,400	0	558,400
1984	1985	0	0	0	484,800	0	484,800
1982	1983	0	0	0	27,000	0	27,000

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--	--	--

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PARCEL

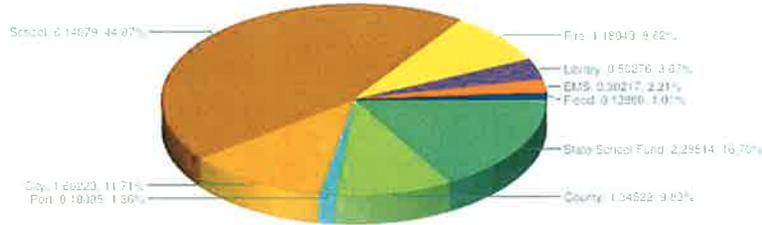
Parcel Number	335440-0661
Name	BNSF RAILROAD COMPANY
Site Address	
Legal	HILLMANS C D PACIFIC CITY DIV #2 POR OF TR A LY ELY OF LN LY 200 FT WLY OF C/L OF BNSF RR R/W

BUILDING 1

Year Built	
Total Square Footage	
Number Of Bedrooms	
Number Of Baths	
Grade	
Condition	
Lot Size	32345
Views	Yes
Waterfront	

TOTAL LEVY RATE DISTRIBUTION

Tax Year: 2015 Levy Code: 1960 Total Levy Rate: \$13.68619 Total Senior Rate: \$7.27945



46.81% Voter Approved

[Click here to see levy distribution comparison by year.](#)

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	42,000	0	42,000	0	0	0
2013	2014	76,000	0	76,000	0	0	0
2012	2013	76,000	0	76,000	0	0	0
2011	2012	77,000	0	77,000	0	0	0
2010	2011	19,300	0	19,300	0	0	0

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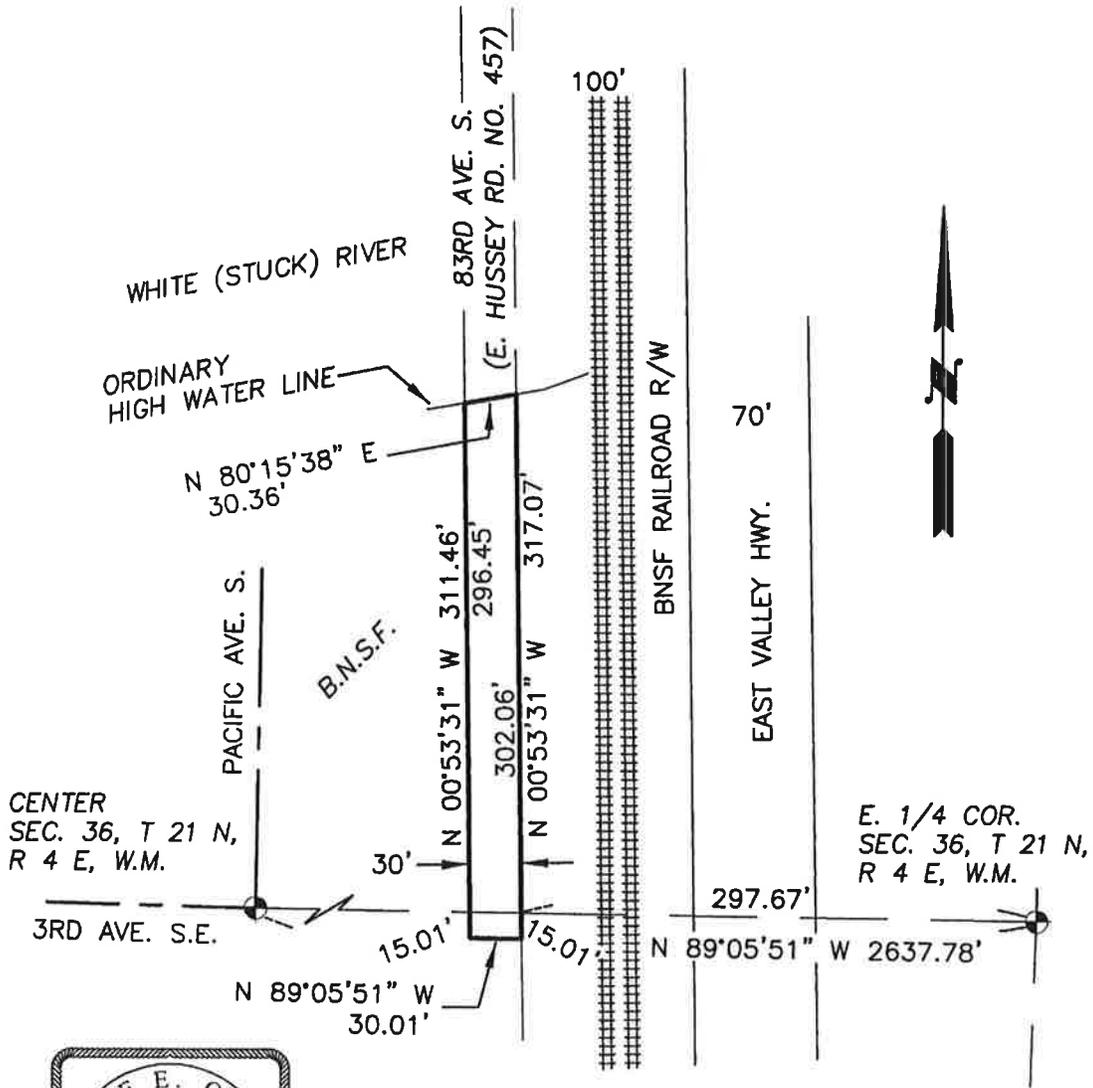


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EXHIBIT DRAWING



AREA
9,428 SQ. FT.
0.22 ACRES

LEGEND

-  MONUMENT
-  RAIL ROAD TRACKS



SADLER BARNARD & ASSOC., INC.
717 W. STEWART, PUYALLUP, WA 98371
253-848-5170

Legal Description:

That portion of East Hussey Road No. 457 (83rd Ave. S.), being a 30.00 foot wide road established in 1899, lying south of the ordinary high water mark along the southerly side of the Stuck River and north of the south line of the southeast quarter of the northeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;

Together with the west 30.00 feet of that portion of said East Hussey Road No. 457 lying within the northeast quarter of the southeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;



Assessor-Treasurer electronic Property Information Profile

Taxes / Values for 0420013046

08/05/2015 03:09 PM



Property Details		Taxpayer Details	
Parcel Number:	0420013046	Taxpayer Name:	CITY OF PACIFIC
Site Address:	XXX STEWART RD SE	Mailing Address:	100 3RD AVE SE PACIFIC WA 98047
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	5400-FOOD RETAIL TRADE		

Assessed Values								
Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	0	145,400	109,100	36,300	0	0	0 07/06/2015
2014	2015	0	138,500	109,100	29,400	0	0	0 06/27/2014
2013	2014	0	138,500	109,100	29,400	0	0	0 06/24/2013
2012	2013	0	138,500	109,100	29,400	0	0	0 06/22/2012
2011	2012	0	150,300	120,900	29,400	0	0	0 06/27/2011
2010	2011	0	161,300	126,800	34,500	0	0	0 06/21/2010
2009	2010	0	181,600	140,000	41,600	0	0	0 07/17/2009
2008	2009	0	194,100	147,400	46,700	0	0	0 06/13/2008
2007	2008	0	163,700	117,000	46,700	0	0	0 06/22/2007
2006	2007	0	125,900	89,900	36,000	0	0	0 09/29/2006

Current Charges		
Balance Due: 0.00	Minimum Due: 0.00	as of 08/05/2015

Exemptions	
Tax Year	Exemption
2016	Municipal Corp and Misc Taxing Districts
2015	Municipal Corp and Misc Taxing Districts
2014	Municipal Corp and Misc Taxing Districts
2013	Municipal Corp and Misc Taxing Districts
2012	Municipal Corp and Misc Taxing Districts
2011	Municipal Corp and Misc Taxing Districts
2010	Municipal Corp and Misc Taxing Districts
2009	Municipal Corp and Misc Taxing Districts
2008	Municipal Corp and Misc Taxing Districts
2007	Municipal Corp and Misc Taxing Districts

Paid Charges		
Tax Year	Charge Type	Amount Paid
For questions regarding any electronic payments you may have made, please contact Point & Pay at 1-877-765-4112		
2015	Weed Control Principal	1.70
Total 2015		1.70
2014	Weed Control Principal	1.64
Total 2014		1.64
2013	Weed Control Principal	1.64
Total 2013		1.64
2012	Drainage District Principal	23.89
	Weed Control Principal	1.64
Total 2012		25.53
2011	Weed Control Principal	1.64
Total 2011		1.64
2010	Drainage District Principal	24.23
Total 2010		24.23

Tax Code Areas		
Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Receipts		
Date	Number	Amount Applied
03/16/2015	8089316	1.70
02/28/2014	7485816	1.64
03/29/2013	6939044	1.64

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013046

08/05/2015 03:19 PM



Property Details Parcel Number: 0420013046 Site Address: XXX STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 5400-FOOD RETAIL TRADE		Taxpayer Details Taxpayer Name: CITY OF PACIFIC Mailing Address: 100 3RD AVE SE PACIFIC WA 98047	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 4,085 Acres: 0.09 Front Ft: 95	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

Warning: Appraisal data provided is for informational purposes only and is incomplete for determination of value.

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

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Taxes / Values for 0420013045

08/05/2015 03:11 PM



Property Details		Taxpayer Details	
Parcel Number:	0420013045	Taxpayer Name:	CITY OF PACIFIC
Site Address:	202 STEWART RD SE	Mailing Address:	100 3RD AVE SE PACIFIC WA 98047
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	1197-COMM LND WITH SFR		

Assessed Values								
Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	0	174,000	174,000	0	0	0	0 07/06/2015
2014	2015	0	174,000	174,000	0	0	0	0 06/27/2014
2013	2014	0	174,000	174,000	0	0	0	0 06/24/2013
2012	2013	0	174,000	174,000	0	0	0	0 06/22/2012
2011	2012	0	192,800	192,800	0	0	0	0 06/27/2011
2010	2011	0	202,200	202,200	0	0	0	0 06/21/2010
2009	2010	0	223,300	223,300	0	0	0	0 07/17/2009
2008	2009	0	235,100	235,100	0	0	0	0 09/19/2008
2007	2008	0	188,600	139,200	49,400	0	0	0 06/22/2007
2006	2007	34,155	152,000	107,100	44,900	0	0	0 06/12/2006

Current Charges	Exemptions
Balance Due: 0.00	Tax Year
Minimum Due: 0.00	Exemption
as of 08/05/2015	2016 Municipal Corp and Misc Taxing Districts

Paid Charges
For questions regarding any electronic payments you may have made, please contact **Point & Pay** at 1-877-765-4112

Tax Year	Charge Type	Amount Paid
2015	Weed Control Principal	1.70
Total 2015		1.70
2014	Weed Control Principal	1.64
Total 2014		1.64
2013	Weed Control Principal	1.64
Total 2013		1.64
2012	Drainage District Principal	30.08
	Weed Control Principal	1.64
Total 2012		31.72
2011	Weed Control Principal	1.64
Total 2011		1.64
2010	Drainage District Principal	29.34
Total 2010		29.34
2007	Property Tax Principal	334.96
	Property Tax Interest	3.35
	Weed Control Principal	1.39
	Weed Control Interest	0.01
Total 2007		339.71

Tax Year	Exemption
2016	Municipal Corp and Misc Taxing Districts
2015	Municipal Corp and Misc Taxing Districts
2014	Municipal Corp and Misc Taxing Districts
2013	Municipal Corp and Misc Taxing Districts
2012	Municipal Corp and Misc Taxing Districts
2011	Municipal Corp and Misc Taxing Districts
2010	Municipal Corp and Misc Taxing Districts
2009	Municipal Corp and Misc Taxing Districts
2008	Municipal Corp and Misc Taxing Districts
2007	Municipal Corp and Misc Taxing Districts

Tax Code Areas		
Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Receipts		
Date	Number	Amount Applied
03/16/2015	8089315	1.70
02/28/2014	7485816	1.64
03/29/2013	6939046	1.64

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013045

08/05/2015 03:19 PM



Property Details Parcel Number: 0420013045 Site Address: 202 STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 1197-COMM LND WITH SFR		Taxpayer Details Taxpayer Name: CITY OF PACIFIC Mailing Address: 100 3RD AVE SE PACIFIC WA 98047	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 8,181 Acres: 0.19 Front Ft: 193	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

Warning: Appraisal data provided is for informational purposes only and is incomplete for determination of value.

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Taxes / Values for 0420013052

08/05/2015 03:15 PM



Property Details Parcel Number: 0420013052 Site Address: 1151 VALENTINE AV SE Account Type: Real Property Category: Land and Improvements Use Code: 6600-CONTRACTOR SERVICES	Taxpayer Details Taxpayer Name: PACIFIC MARKET PLACE LLC Mailing Address: 12213 SE 260TH PL KENT WA 98030
---	---

Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	273,500	273,500	266,000	7,500		0	0 07/06/2015
2014	2015	273,500	273,500	266,000	7,500		0	0 06/27/2014
2013	2014	279,100	279,100	271,600	7,500		0	0 06/24/2013
2012	2013	279,300	279,300	271,600	7,700		0	0 06/22/2012
2011	2012	308,700	308,700	301,000	7,700		0	0 06/27/2011
2010	2011	324,200	324,200	315,700	8,500		0	0 06/21/2010
2009	2010	357,900	357,900	348,700	9,200		0	0 07/17/2009
2008	2009	376,000	376,000	367,100	8,900		0	0 06/13/2008
2007	2008	282,800	282,800	262,000	20,800		0	0 06/22/2007
2006	2007	222,300	222,300	201,500	20,800		0	0 06/12/2006

Current Charges [Recalculate](#)
 Property tax interest and/or penalty charges are calculated on the 1st of each month. Your payment must be paid or postmarked prior to the 1st to avoid accrual of those additional charges. If the last day of the month falls on a holiday or weekend, you will have the following business day to pay or postmark without additional interest and/or penalty. If necessary, you can [recalculate](#) charges for a future date.

Pay with credit card, Visa debit card or E-check		Payment Mailing Address	
Balance Due: 1,850.33	Minimum Due: 1,850.33	as of 08/05/2015	
Tax Year	Charge Type	Amount Charged	Due Date
2015	Property Tax Principal	3,698.95	10/31/15
	Weed Control Principal	1.70	10/31/15
Total 2015		3,700.65	

Paid Charges
 For questions regarding any electronic payments you may have made, please contact **Point & Pay** at 1-877-765-4112

Tax Year	Charge Type	Amount Paid	
2015	Property Tax Principal	1,849.47	
	Weed Control Principal	0.85	
Total 2015		1,850.32	
2014	Property Tax Principal	3,822.52	
	Weed Control Principal	1.64	
Total 2014		3,824.16	
2013	Property Tax Principal	3,987.26	
	Weed Control Principal	1.64	
Total 2013		3,988.90	
2012	Property Tax Principal	4,037.11	
	Drainage District Principal	46.96	
	Weed Control Principal	1.64	
Total 2012		4,085.71	
2011	Property Tax Principal	3,891.42	
	Weed Control Principal	1.64	
Total 2011		3,893.06	
2010	Property Tax Principal	3,865.47	
	Drainage District Principal	45.82	
	Weed Control Principal	1.39	
Total 2010		3,912.68	
2009	Property Tax Principal	3,750.72	
	Weed Control Principal	1.39	
Total 2009		3,752.11	
2008	Property Tax Principal	2,694.96	

Exemptions
 No exemptions

Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Date	Number	Amount Applied
03/09/2015	8082319	1,850.32
01/14/2015	8063425	1,912.08
04/21/2014	7568890	1,912.08
04/18/2013	6976188	3,988.90
08/13/2012	6602653	2,042.86
05/03/2012	6568512	2,042.85
11/04/2011	6247859	1,946.53
05/04/2011	5966625	0.00
05/04/2011	5975224	1,946.53
10/26/2010	5510243	1,956.34
05/04/2010	5391197	1,956.34
11/05/2009	5084265	1,876.06
05/04/2009	4797546	1,876.05
10/30/2008	4439777	1,348.18
04/10/2008	3976791	1,348.17
11/01/2007	3865052	1,090.75
04/16/2007	3410715	1,090.75
10/23/2006	3227792	791.86
05/04/2006	3044931	791.86
11/07/2005	2752624	813.47
04/30/2005	2449359	813.47
11/02/2004	2171857	790.03

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013052

08/05/2015 03:17 PM



Property Details Parcel Number: 0420013052 Site Address: 1151 VALENTINE AV SE Account Type: Real Property Category: Land and Improvements Use Code: 6600-CONTRACTOR SERVICES		Taxpayer Details Taxpayer Name: PACIFIC MARKET PLACE LLC Mailing Address: 12213 SE 260TH PL KENT WA 98030	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 27,250 Acres: 0.63 Front Ft: 222	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Available Sewer: Sewer/Septic Installed Water: Water Available	

Warning: Appraisal data provided is for informational purposes only and is incomplete for determination of value.

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

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Taxes / Values for 4495400451

08/05/2015 03:16 PM



Property Details		Taxpayer Details	
Parcel Number:	4495400451	Taxpayer Name:	BEATTY CLIFFORD M & SHARON R
Site Address:	242 STEWART RD SE	Mailing Address:	216 27TH AVE NW GIG HARBOR WA 98335-7809
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	3400-FAB METAL PRODUCTS		

Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	2,522,200	2,522,200	1,317,800	1,204,400		0	0 07/06/2015
2014	2015	2,357,200	2,357,200	1,317,800	1,039,400		0	0 06/27/2014
2013	2014	2,357,200	2,357,200	1,317,800	1,039,400		0	0 06/24/2013
2012	2013	2,280,200	2,280,200	1,317,800	962,400		0	0 06/22/2012
2011	2012	2,308,600	2,308,600	1,460,200	848,400		0	0 06/27/2011
2010	2011	2,509,200	2,509,200	1,531,500	977,700		0	0 06/21/2010
2009	2010	2,541,200	2,541,200	1,691,700	849,500		0	0 07/17/2009
2008	2009	2,559,000	2,559,000	1,780,800	778,200		0	0 06/13/2008
2007	2008	2,541,400	2,541,400	1,372,000	1,169,400		0	0 06/22/2007
2006	2007	1,990,900	1,990,900	1,055,400	935,500		0	0 06/12/2006

Current Charges [Recalculate](#)
 Property tax interest and/or penalty charges are calculated on the 1st of each month. Your payment must be paid or postmarked prior to the 1st to avoid accrual of those additional charges. If the last day of the month falls on a holiday or weekend, you will have the following business day to pay or postmark without additional interest and/or penalty. If necessary, you can [recalculate](#) charges for a future date.

Pay with credit card, Visa debit card or E-check				Payment Mailing Address		Exemptions	
Balance Due: 19,442.46				Minimum Due: 19,442.46		as of 08/05/2015	
Tax Year	Charge Type	Amount Charged	Minimum Due	Balance Due	Due Date	Tax Code Areas	
2015	Property Tax Principal	31,879.86	15,939.93	15,939.93	10/31/15	Tax Year	TCA
	Weed Control Principal	2.24	1.12	1.12	10/31/15	2016	086
	Fire Benefit Charge Principal	7,002.81	3,501.41	3,501.41	10/31/15	2015	086
	Total 2015	38,884.91	19,442.46	19,442.46		2014	086
						2013	086
						2012	086
						2011	086
						2010	086
						2009	086
						2008	086
						2007	086

Paid Charges
 For questions regarding any electronic payments you may have made, please contact **Point & Pay at 1-877-765-4112**

Tax Year	Charge Type	Amount Paid	Date	Number	Amount Applied
2015	Property Tax Principal	15,939.93			
	Weed Control Principal	1.12			
	Fire Benefit Charge Principal	3,501.40	04/30/2015	8332951	19,442.45
	Total 2015	19,442.45	10/22/2014	7870631	19,429.15
2014	Property Tax Principal	32,283.90	04/22/2014	7576091	19,429.14
	Weed Control Principal	2.00	10/30/2013	7410558	19,624.00
	Fire Benefit Charge Principal	6,572.39	04/24/2013	7018970	19,623.99
	Total 2014	38,858.29	10/23/2012	6681655	18,591.78
2013	Property Tax Principal	32,551.99	04/24/2012	6434995	18,591.77
	Weed Control Principal	2.00	11/01/2011	6235065	18,166.18
	Fire Benefit Charge Principal	6,694.00	04/25/2011	5805594	18,166.18
	Total 2013	39,247.99	10/25/2010	5502577	16,909.50
2012	Property Tax Principal	30,191.38	04/26/2010	5251408	16,909.50
	Drainage District Principal	338.25	10/19/2009	4870803	15,647.56
	Weed Control Principal	2.00	04/21/2009	4592854	15,647.55
	Fire Benefit Charge Principal	6,651.92	10/29/2008	4435611	14,862.80
	Total 2012	37,183.55	04/24/2008	4066528	14,862.79
2011	Property Tax Principal	30,118.33	10/23/2007	3717848	9,763.26
	Weed Control Principal	2.00	04/26/2007	3556258	9,763.25
	Fire Benefit Charge Principal	6,212.03	11/02/2006	3293086	8,951.50
	Total 2011	36,332.36	05/03/2006	3042267	8,951.50
2010	Property Tax Principal	27,446.03	10/25/2005	2669594	8,959.07
	Drainage District Principal	313.13	03/29/2005	2246633	8,959.06
			10/13/2004	1991134	8,555.11

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 4495400451

08/05/2015 03:16 PM



Property Details Parcel Number: 4495400451 Site Address: 242 STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 3400-FAB METAL PRODUCTS		Taxpayer Details Taxpayer Name: BEATTY CLIFFORD M & SHARON R Mailing Address: 216 27TH AVE NW GIG HARBOR WA 98335-7809	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 156,332 Acres: 3.59 Front Ft: 253	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

Warning: Appraisal data provided is for informational purposes only and is incomplete for determination of value.

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

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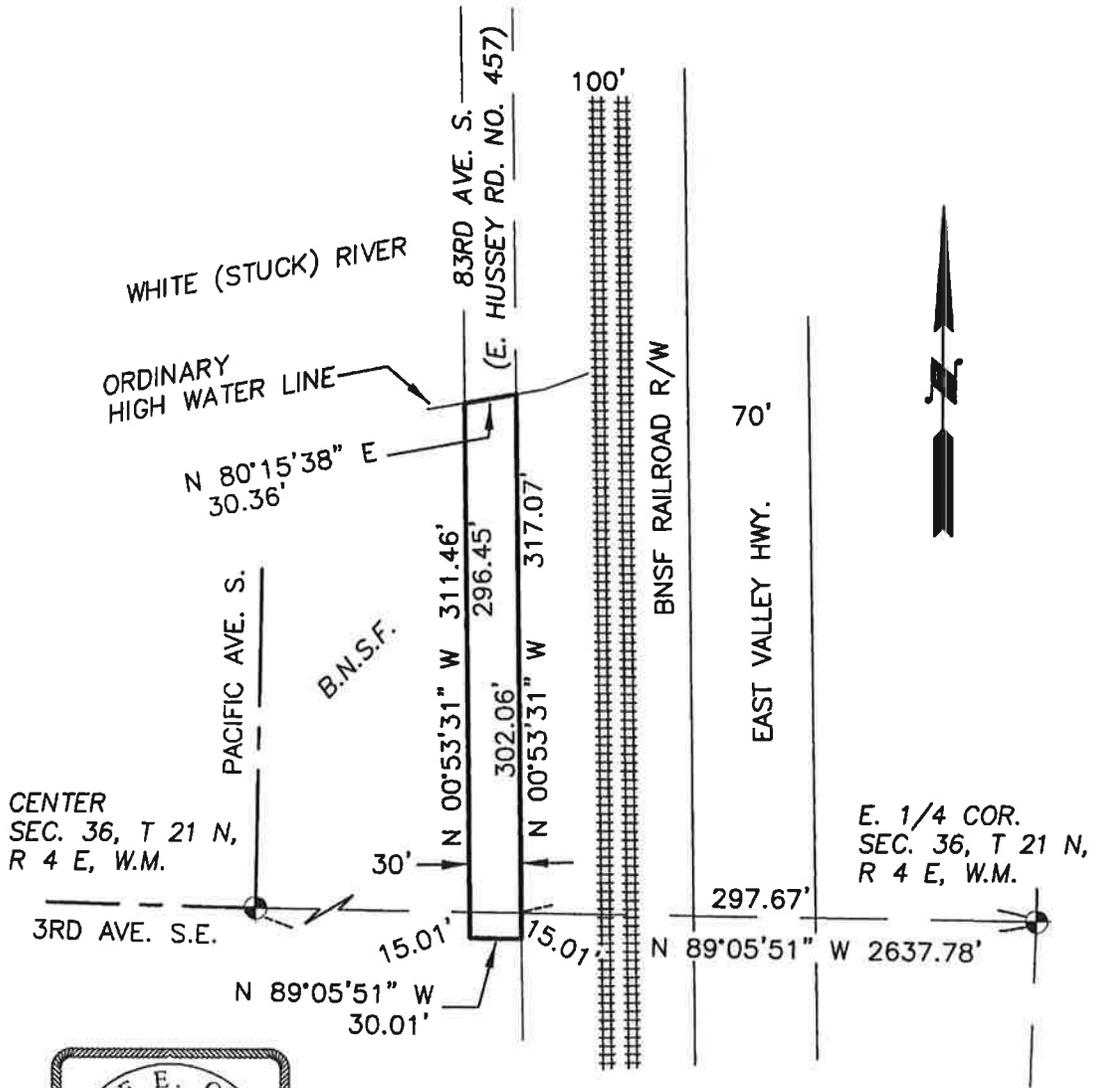
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EXHIBIT B

EXHIBIT DRAWING



AREA
9,428 SQ. FT.
0.22 ACRES

LEGEND

-  MONUMENT
-  RAIL ROAD TRACKS



SADLER BARNARD & ASSOC., INC.
717 W. STEWART, PUYALLUP, WA 98371
253-848-5170

Legal Description:

That portion of East Hussey Road No. 457 (83rd Ave. S.), being a 30.00 foot wide road established in 1899, lying south of the ordinary high water mark along the southerly side of the Stuck River and north of the south line of the southeast quarter of the northeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;

Together with the west 30.00 feet of that portion of said East Hussey Road No. 457 lying within the northeast quarter of the southeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;



Viewers' Report.

IN THE MATTER OF THE PETITION OF

B. H. Carten et al
for the View, Location and Establishment of
a County Road in King County, Washington.

Viewers' Report.

We the undersigned, residents of the County of King and State of Washington,
duly appointed Viewers by the Board of County Commissioners of said County on the
2nd day of May A. D. 1899
to view, survey and lay out a certain road designated in the petition of B. H. Carten
and others, and to estimate the damages to owners of land
over which the proposed road runs, in obedience to the order and directions of the
Board and to the law, did on the 7th 8th & 9th days of June A. D. 1899

189.....

view, lay out, survey and mark the course of the road proposed in said petition, and
report as follows, viz:

FIRST

Said Road as surveyed and marked commences at a point on the Section
line between Sections 29 & 32 T₁P. 21 N. R. 5 E. W. M.
195 feet east of the corner to Sections ^{30, 29} 31, 32. Thence westerly
and southwesterly on the south side of Truck River about
5000 feet to an intersection with the roadway as laid off in
The Darkey Homestead Plat. Thence along said platted
road southerly and westerly to a point fifteen (15) feet
north of the 7th Sec. Cor. on the West boundary line of Section
31. Said T₁P. and R₅. Thence South fifteen (15) feet to the said
7th Sec. Cor. Thence West along the East & West Center line of
Section 36 T₁P. 21 N. R. 4 E. W. M. to a point sixty five (65) feet
west of the center line of the N. P. Ry track, measured at
right angles to said railway center line. Thence northwesterly
parallel to and sixty five (65) feet from the said railway center
line to a point north of Truck River and junction with the
terminal point of County Road # 4057. The total length
being one mile and 3116²/₃ feet

and ends at

the total length being

SECOND

Said road passes over, across and through the following described tracts of land of which we give the names and addresses of owners, lessees or incumbrancers and the area taken by the road from each tract, viz:

DESCRIPTION OF LAND				Name of Owner, Lessee or Incumbrancer	ADDRESS	AREA Taken for Road	
Part of Section	Sec.	Tp.	Rg.	State if Unknown		Acres	Tenths
S.W. 1/4 of N.W. 1/4	31	21	5E	Subdivided into The Parker Homestead tracts			
S.E. 1/4 of N.W. 1/4	31	21	5E				
N.E. 1/4 of N.W. 1/4	31	21	5E		SEE Below		
N.W. 1/4 of N.E. 1/4	31	21	5E	CHAS E ATKINS		0	50
S.W. 1/4 of S.E. 1/4	30	21	5E	MARGARET LANTRY		0	91
S.E. 1/4 of S.E. 1/4	30	21	5E	FIDELITY TRUST Co		1	04
S.W. 1/4 of S.W. 1/4	29	21	5E	FIDELITY TRUST Co		0	23
LOT 3	36	21	4E	J.S. PARKER		0	70
LOT 2	36	21	4E	W.M. ANDREWS		0	35
THE PARKER HOMESTEAD TRACTS	LOT	8		JNO. G. PARKER		0	31
" " " "	"	9		CHAS. E. PARKER		0	46
" " " "	"	10		" " "		0	21
" " " "	"	11		" " "		0	17
" " " "	"	12		" " "		0	24
" " " "	"	13		" " "		0	23
" " " "	"	14		" " "		0	46
" " " "	"	15		" " "		0	23
" " " "	"	16		" " "		0	18
" " " "	"	17		Unknown		0	13
" " " "	"	18		Unknown		0	21
" " " "	"	19				5	67
" " " "	"	20					

THIRD

We estimated the damage to the owners of land over which the proposed road will run, a description of which, the area, the names of owners and estimate of damages are as follows:

DO NOT LIST UNLESS DAMAGES ARE CLAIMED

DESCRIPTION OF LAND				AREA		NAME OF OWNER	Estimated Damage	
Part of Section	Sec.	Tp.	Rg.	Acres	10ths	State if Unknown	Dols.	Cents
<i>No Damages</i>								

FOURTH

The following are the names of the persons interested in lands through which said road passes who consent to the establishment of the Road and waive all claims for damages:

NAMES	NAMES	NAMES
<i>J. S. Parker</i>		
<i>L. Shaughnessy</i>		
<i>Wm. Andrews</i>		
<i>J. S. Ranney</i>		

QUIT - CLAIM DEED .

The grantors, William Andrews and Amanda J. Andrews, husband and wife, both residents of Stuck, King County, Washington, for the consideration of One Dollar lawful money of the United States of America, in hand paid, convey and quit-claim to King County, one of the Counties of the State of Washington, for road purposes, all interest in the following described real estate:-----

-----A portion of the north-east quarter of Section Thirty-Six, Township Twenty-One north of Range Four east W.M., particularly bounded as follows, to-wit: Beginning at the south-east corner of the north-east quarter of said Section 36, running thence westerly along the quarter section line to a point thirty feet west of the west line of the right of way of the Northern Pacific Railway Company, thence in a northerly direction and on a line parallel with the west line of said right of way to the north bank of Stuck River, thence in an easterly direction and along the north bank of Stuck River to the west line of said right of way, thence in a southerly direction and along the west line of said right of way to a point fifteen feet north of the south line of the south-east quarter of the north-east quarter of said Section 36, thence in an easterly direction on a line parallel with the south line of the north-east quarter of said Section 36 and fifteen feet distant therefrom to the east line of said Section 36, thence southerly to the point of beginning.

Situated in the County of King, State of Washington.

Dated this 27th day of April, A.D. 1899.

Signed, sealed and delivered) W. Andrews (Seal)

in presence of) Amanda J. Andrews (Seal)

) J. S. Raney

State of Washington,
SS.

County of King.

I, I. B. Knickerbocker, a Notary Public in and for the State of Washington, duly commissioned and sworn, do hereby certify that on this 27th day of April, A.D. 1899, personally appeared before me William Andrews and Amanda J. Andrews, his wife, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 27th day of April, A.D. 1899.

I. B. Knickerbocker
Notary Public in and for the State of Washington, residing at Auburn in said State.

QUIT - CLAIM DEED .

The grantors, J.S.Raney and Mary L.Raney, both residents of Stuck, King County, Washington, for the consideration of One Dollar lawful money of the United States of America, in hand paid, convey and quit-claim to King County, one of the Counties in the State of Washington, for road purposes, all interest in the following described real estate:-----

-----Beginning at the north-east corner of the south-east quarter of Section Thirty-Six in Township Twenty-One north of Range Four east of the Willamette Meridian, running thence westerly along the quarter section line to a point thirty feet west of the west line of the right of way of the Northern Pacific Railway Company, thence south fifteen feet, thence easterly on a line parallel with the north line of the south-east quarter of said Section Thirty-Six and fifteen feet distant therefrom to the east line of said Section Thirty-Six, thence northerly to the point of beginning; containing more or less of land.

Situated in the County of King, State of Washington.

Dated this 25th day of April, A.D. 1899.

Signed, sealed and delivered) J.S.Raney (Seal)
in presence of)
Mary L. Raney (Seal)
Caranda J. Andrews)
I.B. Knickerbocker)

State of Washington,
SS.
County of King.

I, I.B. Knickerbocker, a Notary Public in and for the State of Washington, duly commissioned and sworn, do hereby certify that on this 27th day of April, A.D. 1899, personally appeared before me J.S.Raney and Mary L.Raney, his wife, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 27th day of April, A.D. 1899.

I.B. Knickerbocker,
Notary Public in and for the State of Washington, residing at Auburn in said State.

C. D. HILLMAN'S Pacific City Addition TO THE CITY OF SEATTLE

DIVISION NO. 2

Goffert and Whitworth.



Approved by the Board of County Commissioners of King County this 14 day of June A.D. 1906.

F. J. Smith
Chairman.

Attest: J. P. Agnew
Secretary of the Board of County Commissioners.

Road to be vacared

DESCRIPTION

This Plat of "C. D. Hillman's Pacific City Addition to the City of Seattle, Division No. 2" covers the Southeast Quarter of Northwest Quarter (S.E. 1/4 of N.W. 1/4) and the Northeast Quarter (N.E. 1/4) of Section Thirty-six (36) of Township Twenty-one (21) North of Range Four (4) East of the Willamette Meridian, reserving and excluding therefrom all rights of way for railroad purposes or public highways heretofore acquired, appropriated, or conveyed also excepting therefrom the portion of the N.E. 1/4 of the N.E. 1/4 of said Section 36, lying east of the Northern Pacific Railroad, as heretofore conveyed by T.N. Berlin and Frances Berlin his wife, to Harry B. Kinkade. The easterly tenfeet of the land included in this plat, lying south of said Kinkade Tract, is subject to an easement granted thereon for a pole line, wires, etc., heretofore granted by said Berlin and wife to the Snoqualmie Falls Power Company.

The existing County Road along the north bank of Stuck River is hereby widened from 30 feet to 40 feet and the northerly margin thereof indicated and established by courses and distances upon this plat. The southerly margin is not indicated but is hereby established as 40 feet distant from and parallel with the said north margin. Tract "D" includes so much of the broken and overflowed area within this plat as may now or hereafter be reclaimed and protected between the southerly margin of said County Road and the north bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. West from Stuck River, the existing County Road along the south boundary of this plat, is widened by adding 5 feet to the north side thereof taking 20 feet from this tract instead of 15 feet as heretofore. All other County Roads remain as now established. Other streets and lanes are established as shown and located by this plat. The dimensions and location of all the numbered Tracts are clearly indicated upon the face of the plat. Tract "A" includes all land within this plat lying west of the County Road and south of the southerly bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. Tract "B" includes all land within this plat lying east of the Northern Pacific Railroad Right of Way, north of the County Road, and south of the southerly bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. Tract "C" includes all land within this plat lying east of the Northern Pacific Railroad Right of Way, and north of the northerly bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. Tract "D" is heretofore described.

DEDICATION

Know all men by these presents that we H. T. Bredes and Ella M. Bredes his wife owners in fee simple of the lands included in this Plat of C. D. Hillman's Pacific City Addition to the City of Seattle Division No. 2 do hereby declare this plat and dedicate to the use of the Public forever all the roads, streets and lanes shown hereon.

In witness whereof we have hereunto set our hand and seals this 13th day Feb. A.D. 1906.

Witnesses:
A. T. Thompson
F. H. Whitworth
H. T. Bredes
Ella M. Bredes

ACKNOWLEDGMENT

State of Washington)
County of King) s.s.
This is to certify that on this 13th day of Feb. A.D. 1906, before me, the undersigned, personally appeared H. T. Bredes and Ella M. Bredes his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



F. H. Whitworth
Notary Public in and for the State of Washington residing at Seattle.

Examined and approved this 14 day of June A.D. 1906.

A. L. Valentine
County Surveyor

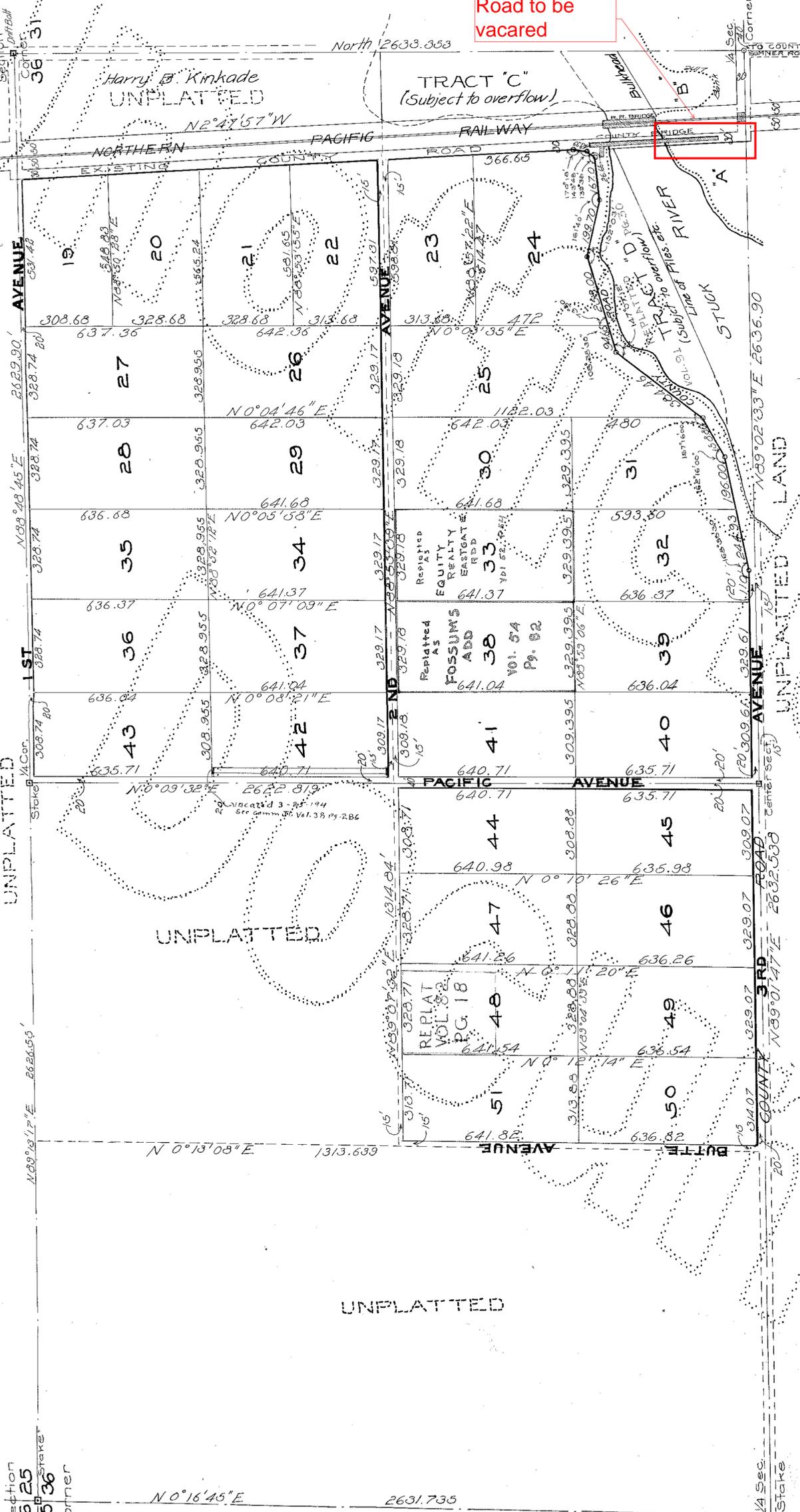
405531

Filed for Record at Request of C. D. Hillman July 11, 1906 at 55 min. past 11 A.M. and Recorded in Vol. 13 of Plats page 49. Records of King County Wash.

J. P. Agnew
County Auditor

H. L. Thompson
Recorder

Scale 1 in = 300 Ft.



Section 26 25 35 36
Stake Corner

N 0° 16' 46" E 2631.735

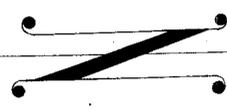


EXHIBIT D



Public Notice

NOTICE OF PUBLIC HEARING FOR RIGHT OF WAY VACATION

NOTICE IS HEREBY GIVEN that on Monday, December 21, 2015, at 6:30 p.m., at City Hall, 100 3rd Avenue SE, Pacific, Washington, in the City Council Chambers, be the time and place set for the public hearing to take public comment or consider written objections in the manner required by chapter 13.16 of the Pacific Municipal Code to the proposed vacation and determination of the petition to vacate a portion of Skinner Road (E. Hussey Road No. 457) westerly of the Burlington Northern Santa Fe (BNSF) Railroad tracks, southerly of the White River a length of approximately 314 feet, which is public access, located in the City of Pacific, Washington.

Any persons desiring to appear at the above time and place may submit testimony on this petition. Written comments may be submitted prior to such hearing to: Pacific City Council, Attn: Lance Newkirk, 100 3rd Avenue SE, Pacific, WA 98047.

For More Information Contact:

Name: Lance Newkirk

Phone: 253.929.1113

Email: lnewkirk@ci.pacific.wa.us



CITY OF PACIFIC
100 3RD AVENUE SOUTHEAST
PACIFIC, WASHINGTON 98047
CITY HALL (253) 929-1100
FAX (253) 939-6026

Memorandum

DATE: October 30, 2015
TO: Mayor Guier and City Council
FROM: Jim Morgan
RE: Shoreline Access Analysis for Vacation of apportion of Skinner Road
FILE: m-151030 - BNSF Vacation Shoreline Study
cc: Jack Dodge and Lance Newkirk

Per RCW 35.79.035 there are limitations on vacations of streets abutting bodies of water and certain criteria and procedure must be followed prior to allowing a street vacation. Below each criterion is presented and analyzed.

RCW 35.79.035

(1) A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

(a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

The street vacation is for a private development and not for the uses listed. The right-of-way will be filled by BNSF to construct an embankment for the construction of a third set of rails and for King County to construct a setback levee to reduce flood impacts to the City of Pacific residences and businesses.

(b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or

The Skinner Road area south of the White River is not being used as a street and is not paved. There are no utility lines located within this street right-of-way that would have to be relocated prior to any building construction if the street vacation is approved. The site is not suitable or planned for port, beach or water access, boat moorage, launching sites, or park. The site contains a narrow section of water, and is not conducive to these types of uses. The public view in this location is not of unusual or exceptional quality, and there is no recreational or educational value to this location along the river. See detailed analysis in section 2(a).

(c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

The City of Pacific adopted the Parks, Open Space, Recreation, and Trails Element of the Comprehensive Plan (Ordinance 1794) on January 10, 2011. Section 4.6.1 indicates that the future plan is to develop a portion of the King County owned property on the east side of the river with a system of trails. However, the property between the City right-of-way and the King County land is now owned by BNSF. Additionally, there is no access to the property from the west side of the river without construction a bridge which is estimated to cost in excess of \$1.0M.

(2) Before adopting a resolution vacating a street or alley under subsection (1)(b) of this section, the city or town shall:

(a) Compile an inventory of all rights-of-way within the city or town that abut the same body of water that is abutted by the street or alley sought to be vacated;

There are currently 2 locations within the City where public rights-of-ways, both partially improved and unimproved, have direct access to the White River and are listed and discussed below. (See Exhibit XX for a map of these locations.)

Skinner Road (South of White River)—This is abandoned right-of-way where a bridge used to cross the river. It is a moderate bank location that would be difficult to traverse. This location is only accessible by water or through private property.

Skinner Road (North of White River)—The road intersects 3rd Avenue SE just north of this location. There is a small gravel turn-out adjacent to the White River. The shoreline to the east is obstructed by a BNSF railroad bridge pier. The shoreline to the west is obstructed by a temporary flood control setback levee.

(b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city or town for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

The street to be vacated is not suitable for use by the city for any of the following purposes:

Port—A port is not a practical use along this section of the White River. There is no opportunity for commerce or a port or need for one. The White River is not maintained for commerce.

Boat Moorage—The White River is too narrow in this location for boat moorage and there is little demand for this type of use. There is no parking available nor is there public access except by water in this location nor is there room for other types of services. The river is swift moving in this area and is not amenable for boat moorage.

Launching Sites—The site is not conducive to a boat launch because there is no public access to this site except by water, and lack of turn around room for trailers, and parking. The Skinner Road right-of-way on the north side of the river would be better suited for a launching site.

Beach—At the present time, there is no beach or gravel bar access in this location due to the rapid flow of the river through the narrow channel created by the abutments for the railroad bridge to the east.

Water Access—This site is only accessible from the water. This location of the river can be very fast moving due to the river narrowing at this point to cross under the railroad bridge to the east.

Park—The City's Parks and Open Space plan does show a park in this location with the adjacent property. However, King County has sold the immediate adjacent property to BNSF reducing any public park space to the right-of-way. There currently is no public access to this site, except by water. The Park Plan is scheduled to be revised eliminating this area as a park.

Public View—There are no significant or exceptional views from this location. The street is located adjacent to a high railroad embankment to the east, wetlands to the west, and private property to the south.

Recreation—This location along the river does not provide any significant recreational value. Other sites along the White River in adjacent jurisdictions provide far more recreational potential and value in terms of access, boat launching, parking, and trails. The site is also located adjacent to railroad tracks that are less conducive and compatible with recreational uses because of noise. However, if the right-of-way is vacated, King County will be able to construct a river setback levee producing passive recreation areas for stakeholders of the region.

Education—There are no exceptional educational opportunities in this location as the area does not contain unique natural or man-made features. Educational opportunity would be better focused at parks, pedestrian bridges, and other locations.

(c) Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and

Upon approval of a resolution establishing a Public Hearing for the vacation of the right-of-way, notice for the public hearing will be provided to all property owners abutting this street right-of-way, posted at City Hall, and posted conspicuously near the site with special indication that it does not provide public access to the river. The notice will include the contact information for the Public Works Manager for anyone wanting to raise an objection to the vacation.



Agenda Bill No. 15-170

TO: Mayor Guier and City Council Members

FROM: Public Works

MEETING DATE: December 28, 2015

SUBJECT: Vacation of a portion of the Skinner Road Right-of-Way south of the White River and adjacent to the existing Burlington Northern Santa Fe Railroad (BNSF) tracks

ATTACHMENTS:

- Ordinance 2015-1921 for Skinner Road Right of Way Vacation
- Burlington Northern Santa Fe Railroad (BNSF) petition for right-of-way vacation
- Exhibit "A", a drawing depicting the right-of-way proposed for vacation
- Exhibit "B", a legal description depicting the right-of-way proposed for vacation
- A staff report

Previous Council Review Date: N/A

Summary: BNSF has petitioned the City to vacate 9,427.95 square feet of the Skinner Road right-of-way. This parcel is located south of the White River and west of the railroad tracks. The City no longer has direct access to this parcel due to the loss of the Skinner Road bridge.

Recommended Action: Staff recommends Council approve Resolution No. 2015-1921.

Motion for Consideration: "I move to approve Ordinance No. 2015-1921, AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, VACATING A PORTION OF SKINNER ROAD (E. HUSSEY ROAD NO. 457) LYING BETWEEN THE SOUTHEASTERLY SHORE OF THE WHITE RIVER AND TERMINATING APPROXIMATELY 314 FEET SOUTH, LOCATED IN PACIFIC, WASHINGTON, AND ESTABLISHING THE CONDITIONS OF SUCH VACATION."

Budget Impact: There is no cost associated with this measure as the Petitioner will bear all appraisal and recording costs. The City will receive compensation for property not required for public purposes.

Alternatives: None recommended.

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2015 - 1921

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, VACATING A PORTION OF SKINNER ROAD (E. HUSSEY ROAD NO. 457) LYING BETWEEN THE SOUTHEASTERLY SHORE OF THE WHITE RIVER AND TERMINATING APPROXIMATELY 314 FEET SOUTH, LOCATED IN PACIFIC, WASHINGTON, AND ESTABLISHING THE CONDITIONS OF SUCH VACATION.

WHEREAS, a petition for vacation of Skinner Road (E. Hussey Road No. 457) was submitted to the City by Burlington Northern Santa Fe Railroad, who owns more than two-thirds of the property abutting this street sought to be vacated; and

WHEREAS, on November 23, 2015, the City Council considered the petition and adopted Resolution No. 2015-300, fixing December 28, 2015 as the date for a public hearing on the street vacation petition, which is not more than 60 days or less than 20 days after passage of the Resolution (PMC Section 13.17.010(C)); and

WHEREAS, the Public Works Director obtained an appraisal of the proposed area to be vacated (PMC Section 13.17.010); and

WHEREAS, the City Clerk provided public notice of the pending street vacation petition and public hearing (PMC Section 13.16.040); and

WHEREAS, the City Council held a public hearing on December 28, 2015, on the proposed street vacation; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. Objections. Under PMC Section 13.16.050, the City Council is prohibited from proceeding with the vacation if, prior to the public hearing, fifty percent (50%) of the owners of property abutting the proposed street, alley or portion thereof, objects. No objections were filed (or, the Council may instead state that the objections comprised less than 50% of the abutting property owners).

Section 2. Public Notice. The City Council finds that the City Clerk provided at least 20 days' notice of the pendency of the street vacation petition and the public hearing thereon, as required by PMC Section 13.16.040, and that notice was also posted on the street or alley sought to be vacated.

Section 3. Waterfront Streets. (In order for the City to vacate waterfront streets, the City must make the finding(s) required by PMC Section 13.16.070(A)(1), (2) or (3). If 13.16.070(A)(2) is applicable, the Council must adopt a separate resolution as part of the vacation process.) On December 28, 2015, the City Council complied with PMC Section 13.16.070(B) by conducting a study as required by 13.16.070(B)(2) and compiling an inventory of all rights of way within the City that abut the same body of water that is abutted by the street or alley sought to be vacated.

Section 4. Appraisal. The petitioner for the vacation has paid the full amount of the appraisal for the proposed vacation area. The appraisal has determined the value of the proposed area to be vacated as \$_____.

Section 5. Staff Report. The staff has prepared a report and recommendation on the proposed vacation, which is dated December 16, 2015. A copy of this report was available to the public prior to the public hearing.

Section 6. Public Hearing. The public hearing was held on the petition for street vacation on December 28, 2015.

Section 7. Testimony at Public Hearing. The following is a list of the members of the public testifying at the public hearing, and a summary of the public testimony presented:

[INSERT}

Section 8. City Council Findings. After hearing the testimony of the public and considering the staff report and all other relevant facts, the City Council finds as follows:

A. *History of private and public use of the area sought to be vacated, including the type of use (pedestrian, vehicular, etc.), and the length of time such use has occurred;*

B. *Description of the manner in which the area sought to be vacated was acquired, whether by dedication, public expense, etc., and when such dedication occurred:*

C. *Description of all utilities or other public services that currently utilize the area sought to be vacated, whether by easement or otherwise:*

D. *The staff's recommendation on the functionality of the area sought to be vacated for public purposes;*

E. *References to any planning document, such as the City's comprehensive plan, the transportation element of the comprehensive plan, the six year road plan or the capital facilities plan of the comprehensive plan that mention the area sought to be vacated for any purpose;*

F. *The staff's recommendation whether the area sought to be vacated will be needed in the future as part of the City's transportation system (pedestrian, bicycle or vehicular);*

G. *Whether, if the City vacates the street, alley or portion thereof, that the City will retain an easement or the right to exercise and grant easements with respect to the vacated land for the construction, repair and maintenance of public utilities and services;*

H. *Whether the petitioner has offered a transfer of property in lieu of payment for the compensation required by PMC Section 13.16.060.*

I. *Whether, if the vacation is for a waterfront street or portion thereof, that the conditions of PMC Section 13.16.070 have been satisfied..*

Section 9. CONCLUSIONS. After making the above findings regarding the proposed street vacation, the City Council concludes: (1) that the proposed vacation serves the public interest; (2) (for waterfront streets: that the street or alley sought to be vacated is not suitable for use by the City for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation or education); (3) (for all other streets: that the street or alley sought to be vacated is not suitable for use by the City for public travel purposes). Therefore, the City Council concludes that the easement for public travel on Skinner Road (E. Hussey Road No. 457), as more particularly described in the legal description attached hereto as Exhibit A, and as shown on the map attached hereto as Exhibit B, shall be vacated upon the following conditions:

A. *Easement retained.* The City shall retain an easement over, under and through the property vacated for the following purposes: public pedestrian travel, existing or future public utilities, including but not limited to: water, sewer, storm, electricity, gas, telephone and cable services.

B. *Compensation.* The petitioner shall compensate the City for this street vacation according to the requirements of PMC Section 13.16.060. Based on the appraisal and other relevant facts, this compensation amount is \$ _____. This compensation shall be paid to the City before the Mayor signs this Ordinance and before the City Clerk records this Ordinance with the County. If such compensation is not paid on or before January 15, 2016, this Ordinance shall be null and void.

C. *Use of Proceeds for Vacation of Waterfront Streets:* If the vacation is for a waterfront street, one-half of the revenue received by the City as compensation for the area vacated must be dedicated to the acquisition, improvement, development and related maintenance of public open space or transportation capital improvements in the City.

Section 10. Recording. Once the compensation required by Section 9 is paid to the City, a certified copy of this Ordinance vacating the street or alley or portion thereof shall be recorded by the City Clerk with the King County (or Pierce County) Department of Records and Elections or Auditor, all as required by RCW 35.79.030.

Section 11. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 12. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 13. Effective Date. This Ordinance shall not be effective or recorded unless compensation is paid to the City as required by Section 9 above. After payment of such compensation, this Ordinance shall take effect and be in full force and effect five days after publication, as provided by law. If such compensation is not paid on or before January 15, 2016, this Ordinance shall be null and void.

PASSED by the City Council of the City of Pacific this 28th day of December, 2015.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

**APPROVED AS TO FORM:
Office of the City Attorney**

Carol Morris, City Attorney

**PUBLISHED:
EFFECTIVE DATE:**

EXHIBIT A



7/31/2015

City of Pacific
100 3rd Ave SE
Pacific, WA 98047-1349

To: Community Development Department

Please see the enclosed Petition For the Vacation of a Public Right-of-Way from BNSF Railway. The packet of information is accompanied by two separate checks for \$500.00 application fee and \$2,000.00 deposit.

Please contact me if you have any questions with regards to the contents of information and I can be reached at 480-447-2505 or by email at josh@cinnibarsw.com.

Regards,

A handwritten signature in dark ink that reads "Josh Freegard". The signature is fluid and cursive, with the first name being particularly prominent.

Josh Freegard
Cinnabar Southwest
14500 N. Northsight Blvd. Ste 313
Scottsdale, AZ 85260
Phone: (480) 447-2505
Email: josh@cinnibarsw.com



100 3rd Avenue SE Pacific,
WA 98047 Telephone:
(253) 929-1110 Fax:
(253)887-9910

PETITION FOR THE VACATION OF A PUBLIC RIGHT-OF-WAY

TO: Community Development Department, City of Pacific, 100 - 3rd Avenue SE, Pacific, WA 98047

We, the undersigned, being the owners according to the records of the King County Auditor of the property described in Exhibit A (legal description and map), attached hereto and by this reference incorporated herein, petition the City Council of the City of Pacific, Washington to vacate the portion of the public right-of-way known as East Hussey Rd. No. 457 (83rd Ave., S) south of White River described in Exhibit B, attached hereto and by this reference incorporated herein, in accordance with Chapter 13.16 Pacific Municipal Code, which we have read.

This petition is accompanied by:

- (1) \$500 application fee, \$2,000 deposit to be applied to engineering fee and any additional costs incurred;
- (2) A survey;
- (3) An explanation of why the public right-of-way sought to be vacated is no longer of public benefit;
- (4) A legal description of the public right-of-way proposed to be vacated;
- (5) A vicinity map showing the general area of the public right-of-way proposed to be vacated; and
- (6) A map prepared by a professional land surveyor, registered in the State of Washington, indicating the specific parcels abutting the public right-of-way proposed to be vacated.
- (7) Fee Obligation Form signed by owner/applicant.

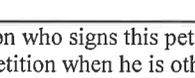
An appraisal of the subject property by a licensed appraiser will be obtained by the City and is also required to be paid by the applicant(s). In accordance with city regulations and State Statutes the property owner is required to pay the full appraised value of the land prior to street vacation. The payment of the assessed valuation shall be accomplished prior to formal Council Ordinance adoption.

This petition may consist of more than one page. Each person signing this petition consents to the filing of other pages to be considered as part of a single petition. Each signature shall be executed in ink.

PETITIONERS' SIGNATURES

Petitioners' Representative: Charles Keltner

Address / Phone Number: 14500 N. Northsight Blvd. Ste. 313 Scottsdale, AZ 85260 | P: (480) 447-2505

No.	Date	Printed/Typed Name	Signature	Address or Legal Description	Parcel No.
1	7/7/15	Charles Keltner		See Attached	335440-0661
2	7/7/15	Charles Keltner		See Attached	362104-9020
3	7/7/15	Charles Keltner		See Attached	362104-9107
4					

Attached Legal Descriptions Where Necessary. Each person who signs this petition with any other than his true name, or knowingly signs more than one of these petition, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. RCW 35A.01.040.

PROCEDURES

1. *Petition/Application*

- a. Petition/Application forms are provided by the City of Pacific Public Works office.
- b. A vacation may be initiated by a Petition signed by the owners of more than two thirds of the lineal frontage of the property abutting the street or alley to be vacated, or in the case of an easement, more than two-thirds of the property underlying the portion of the easement to be vacated. If any Petitioner is purchasing abutting or underlying property under a real estate contract, the seller of that property must also sign the vacation Petition.
- c. The Petition must contain a statement of why the proposed vacation is in the public interest or for a public purpose.
- d. The Petition must contain a statement explaining how no property will be denied direct access as a result of the vacation.
- e. The Petition must contain a legal description of the street, alley, or easement to be vacated; together with a statement certifying the validity of the legal description, signed by a licensed surveyor or registered engineer. In the event that the Pacific City Public Works Department determines that they can adequately consider the Petition without a full legal description, they may defer this requirement until after the Council has rendered its decision on the Petition; however, in no event shall a vacation be final until the requirements of this subsection have been met.
- f. Each Petitioner must provide proof of ownership. An affidavit, title report, copy of a deed of conveyance, or tax statement must be submitted for each signature as evidence of ownership. Any proof of ownership must contain a legal description of the property owned by the Petitioner.

2. *Valuation:*

Unless an abutting property owner objects, compensation as required under RCW 35.79.030 shall be established based on the Pierce/King County Assessor's assessed value of all abutting property. This compensation shall be determined as follows:

- a. The Pierce/King County Assessor's assessed value for each lot adjacent to the proposed vacation shall be divided by the number of square feet in that lot in order to obtain a "value per square foot" for each adjacent lot;
- b. The "value per square foot" for each adjacent lot shall be added together and divided by the total number of adjacent lots in order to obtain an average price per square foot for all adjacent property; and
- c. The compensation required of each abutting property owner shall consist of the average price per square foot obtained under subsection 2, above, multiplied by the number of square feet each abutting property owner will be receiving through the property vacation. The valuation

required under this section shall be prepared under the direction of the City Public Works Department. Any costs of the valuation, including time spent by the City staff in preparing or assisting with preparing the valuation, shall be borne by the Petitioner(s). The valuation shall be documented, complete, and added to the Petition before a vacation will be considered final. In the event a Petitioner or abutting property owner objects to the calculation of compensation under this section, the compensation required under RCW 35.79.030 shall be established as required under section 3, below.

3. Appraisals:

Determination of appraised value shall be made by appraisal of the portion of the street, alley, or easement to be vacated with value determination based on highest and best use. The appraisal shall be prepared at the discretion of the Public Works Manager or designee. Any easement or other public rights retained by the City or dedicated to the City shall be considered in the appraisal. The appraisal cost shall be borne by the applicant. The appraisal must be complete and added to the Petition before a vacation will be considered final.

4. Fees:

All fees and costs required by Pacific Municipal Code, resolution of the Pacific City Council, or these written procedures must be paid before the Pacific City Council will set a date to hear the Petition.

5. Maps:

Each Petition must be accompanied by a scale map showing the street, alley, easement, or part thereof, to be vacated, and showing all properties with subdivisions, blocks, lots, and specifying open and unopened rights-of-way in the vicinity of the proposed vacation.



CITY OF PACIFIC
COMMUNITY DEVELOPMENT DEPARTMENT/ PUBLIC WORKS

100 3RD AVENUE SE
PACIFIC, WA 98047
Telephone (253) 929-1110 Fax (253) 887-9910

Project Name _____ Project Number _____

FEE OBLIGATION

I, the undersigned, affirm and acknowledge that I am the responsible person or authorized agent for the applicant and I or the party I represent, hereby agree to pay to the City of Pacific the costs incurred in the processing of the applications for the above referenced project.

I understand that the City of Pacific charges on a time and materials basis for external and internal professional and administrative support staff time and for materials, noticing, and other miscellaneous project related requirements. Periodic billings are issued specifying services that have been provided and requiring payment. Payment is due within 30 days of the billing notice. Payments not received within 30 days of the billing notice shall accrue interest and penalties as prescribed by the latest adopted fee schedules. I, or the party I represent, agree to pay all such invoices within 30 days of the billing notice. I, or the party I represent, agree to pay all attorney's fees and costs incurred by the City in collecting said fees.

I understand that invoices that are unpaid for more than 45 days shall be sufficient reason to have the City of Pacific terminate all work processing of the applications for the above referenced project.

I understand that the deposit that I am required to pay will be held in a non- interest bearing account and shall only be applied in the event of my failure to pay invoices I, or the party I represent, will be entitled to a full refund of my deposit upon written request, final project approvals and payment of all final City of Pacific invoices.

Charles Keltner / Senior Manager Real-Estate
Printed Name and Title

Joshua Freegard
Designated Contact Person Print Name

2301 Lou Menk Drive, GOB-3W
Fort Worth, TX 76131
Address of Owner

14500 N. Northsight Blvd. # 313
Scottsdale, AZ 85260
Address

Address of Owner

480-447-2505
Phone

480-447-2505
Phone

BNSF Railway Company's Petition for the Vacation of a Public Right-of-Way

Supporting Materials

The following provides the information required by the City of Pacific's Procedures for requesting vacation of a City right of way.

Description of property to be vacated

Petitioner BNSF Railway Company requests vacation of that portion of the City of Pacific right of way that lies to the south of the White (Stuck) River, and to the west of the BNSF right of way. That portion of the City right of way is 30' in width and approximately 315' in length. A survey and formal legal description for the portion of right of way to be vacated are provided as attachments.

Ownership interests of petitioner

Petitioner owns all private lands abutting the right of way to be vacated. Specifically, Petitioner owns all lands on three sides of the right of way: King County parcel 335440-0661, which abuts the entire west side of the right of way; King County parcel 362104-9107, which abuts the entire south side of the right of way; and King County parcel 362104-9020, which abuts the entire east side of the right of way. The only abutting property not owned by Petitioner is the north side, which is abutted by the White River.

The right of way sought to be vacated is no longer of public benefit

The portion of the right of way to be vacated is isolated from other rights of way, roads and City lands. It is surrounded on three sides by private property that is not open to the public. It is not paved or otherwise developed, and is not used as a right of way. It is adjacent to BNSF's active mainline railroad tracks carrying traffic through King and Pierce Counties. Due to its limited size, isolated location and surrounding land uses, it is not suitable for beach use or other public access.

The proposed vacation is in the public interest

As discussed above, the right of way to be vacated is small, isolated and not used for public purposes. Petitioner requests the vacation in order to implement protective measures along Petitioner's railroad embankment, e.g., placement of fill, that are associated with and necessitated by King County's construction of the Countyline Levee Setback Project. The Countyline Project will provide substantial flood protection benefit to the City of Pacific. Upon acquisition of the City right of way, and as part of the Countyline Project, Petitioner has agreed

to provide an easement to King County for its resurfacing and maintenance of the existing levee where it crosses the right of way property and connects to Petitioner's embankment. Vacation of the right of way is therefore in the public interest in that it is necessary to implementation of the Countyline Project.

No property will be denied direct access as a result of the vacation.

The right of way to be vacated is geographically isolated from any public roads. Further, Petitioner owns all private lands abutting the right of way. Accordingly, the right of way is not used to access any private property, and its vacation will not deny access to any property.

Proof of ownership

Attached are King County Assessor reports for Petitioner's parcels that document Petitioner's ownership of all private lands abutting the right of way.

Attachments

As required by the City's Procedures, the petition includes and is supported by the following attachments:

- \$500 application fee and \$2,000 deposit to be applied to engineering fee and additional costs
- Survey
- Legal description of the right of way to be vacated
- Vicinity map showing the general area of the right of way to be vacated and all parcels abutting the right of way
- King County assessor reports for abutting properties
- Fee obligation form

City of Pacific
Property .22 Acres or
9,428 square feet.



King County Department of Assessments

Fair, Equitable, and Understandable Property Valuations

You're in: Assessor >> Look up Property Info >> eReal Property

Department of Assessments

500 Fourth Avenue, Suite ADM-AS-0708, Seattle, WA 98104

Office Hours: Mon - Fri 8:30 a.m. to 4:30 p.m.

TEL: 206-296-7300 FAX: 206-296-5107 TTY: 206-296-7888

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- Glossary of Terms
- Area Report
- Property Detail

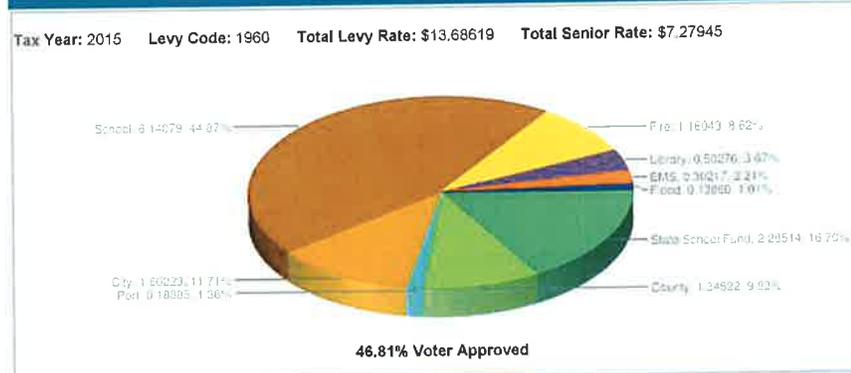
PARCEL

Parcel Number	362104-9107
Name	BNSF RAILWAY CO
Site Address	
Legal	E 50 FT OF POR OF NE 1/4 OF SE 1/4 OF SEC 36-21-4 LY WLY OF BNSF RR R/W TGW E 16.5 FT OF POR OF SE 1/4 OF SE 1/4 OF SD SEC LY WLY OF SD RR R/W

BUILDING 1

Year Built	
Total Square Footage	
Number Of Bedrooms	
Number Of Baths	
Grade	
Condition	
Lot Size	84610
Views	No
Waterfront	

TOTAL LEVY RATE DISTRIBUTION



Click here to see levy distribution comparison by year.

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	1,000	0	1,000	0	0	0

Updated: April 22, 2015

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Reference Links:

- King County Taxing Districts Codes and Levies (.PDF)
- King County Tax Links
- Property Tax Advisor
- Washington State Department of Revenue (External link)
- Washington State Board of Tax Appeals (External link)
- Board of Appeals/Equalization
- Districts Report
- iMap
- Recorder's Office
- Scanned images of surveys and other map documents

Information for...	Do more online	Contact us
Residents	Trip Planner	206-296-0100
Businesses	Property tax information & payment	Email us
Job seekers	Jail inmate look up	Staff directory
Volunteers	Parcel viewer or iMap	Customer service
King County employees	Public records	Report a problem
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King County Department of Assessments

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Department of Assessments

500 Fourth Avenue, Suite ADM-AS-0708, Seattle, WA 98104

Office Hours: Mon - Fri 8:30 a.m. to 4:30 p.m.

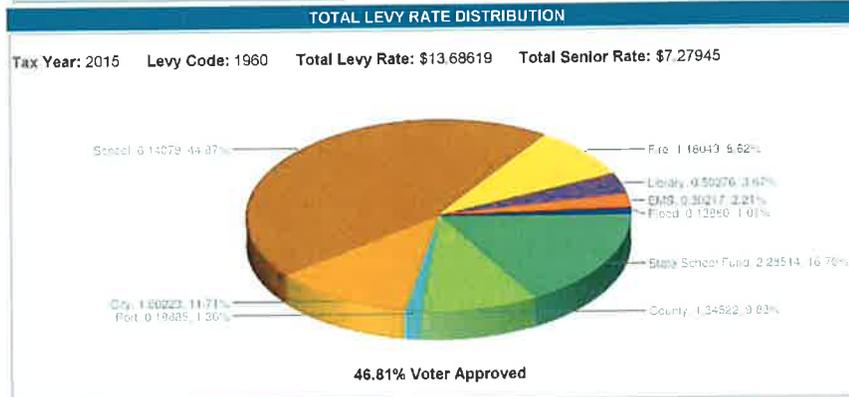
TEL: 206-296-7300 FAX: 206-296-5107 TTY: 206-296-7888

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- Glossary of Terms
- Area Report
- Property Detail

PARCEL	
Parcel Number	362104-9020
Name	BNSF RAILWAY COMPANY
Site Address	5925 A ST SE 98002
Legal	R/W THRU NE 1/4 OF NE 1/4 R/W THRU SE 1/4 OF NE 1/4 R/W THRU NE 1/4 OF SE 1/4 R/W THRU SE 1/4 OF SE 1/4

BUILDING 1	
Year Built	
Building Net Square Footage	
Construction Class	
Building Quality	
Lot Size	527335
Present Use	Right of Way/Utility, Road
Views	No
Waterfront	



Click here to see levy distribution comparison by year.

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	791,000	0	791,000	0	0	0
2013	2014	791,000	0	791,000	0	0	0
2012	2013	791,000	0	791,000	0	0	0
2011	2012	791,000	0	791,000	0	0	0
2010	2011	791,000	0	791,000	0	0	0
2009	2010	791,000	0	791,000	0	0	0
2008	2009	791,000	0	791,000	0	0	0
2007	2008	791,000	0	791,000	0	0	0
2006	2007	791,000	0	791,000	0	0	0
2005	2006	791,000	0	791,000	0	0	0
2004	2005	791,000	0	791,000	0	0	0
2003	2004	791,000	0	791,000	0	0	0
2002	2003	791,000	0	791,000	0	0	0
2001	2002	791,000	0	791,000	0	0	0
2000	2001	791,000	0	791,000	0	0	0
1999	2000	791,000	0	791,000	0	0	0

Reference Links:

[King County Taxing Districts Codes and Levies \(.PDF\)](#)

[King County Tax Links](#)

[Property Tax Advisor](#)

[Washington State Department of Revenue \(External link\)](#)

[Washington State Board of Tax Appeals \(External link\)](#)

[Board of Appeals/Equalization](#)

[Districts Report](#)

[iMap](#)

[Recorder's Office](#)

[Scanned images of surveys and other map documents](#)

1997	1998	0	0	0	791,000	0	791,000
1996	1997	0	0	0	791,000	0	791,000
1994	1995	0	0	0	791,000	0	791,000
1992	1993	0	0	0	791,000	0	791,000
1990	1991	0	0	0	527,300	0	527,300
1988	1989	0	0	0	558,400	0	558,400
1986	1987	0	0	0	558,400	0	558,400
1984	1985	0	0	0	484,800	0	484,800
1982	1983	0	0	0	27,000	0	27,000

Updated: April 22, 2015

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--	--	--

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King County Department of Assessments

Fair, Equitable, and Understandable Property Valuations

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Department of Assessments

500 Fourth Avenue, Suite ADM-AS-0708, Seattle, WA 98104

Office Hours: Mon - Fri 8:30 a.m. to 4:30 p.m.

TEL: 206-296-7300 FAX: 206-296-5107 TTY: 206-296-7888

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- Area Report
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PARCEL

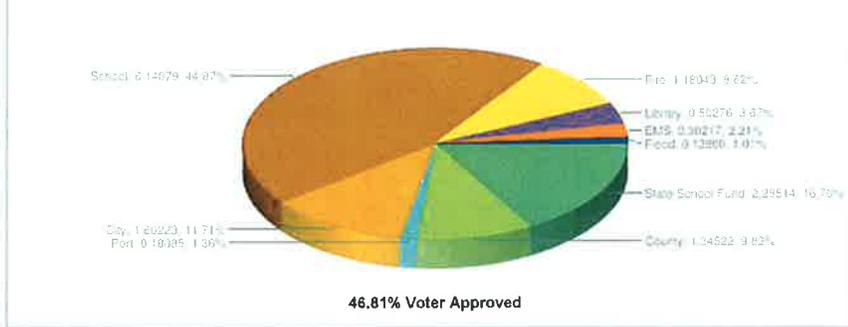
Parcel Number	335440-0661
Name	BNSF RAILROAD COMPANY
Site Address	
Legal	HILLMANS C D PACIFIC CITY DIV #2 POR OF TR A LY ELY OF LN LY 200 FT WLY OF C/L OF BNSF RR R/W

BUILDING 1

Year Built	
Total Square Footage	
Number Of Bedrooms	
Number Of Baths	
Grade	
Condition	
Lot Size	32345
Views	Yes
Waterfront	

TOTAL LEVY RATE DISTRIBUTION

Tax Year: 2015 Levy Code: 1960 Total Levy Rate: \$13.68619 Total Senior Rate: \$7.27945



Click here to see levy distribution comparison by year.

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	42,000	0	42,000	0	0	0
2013	2014	76,000	0	76,000	0	0	0
2012	2013	76,000	0	76,000	0	0	0
2011	2012	77,000	0	77,000	0	0	0
2010	2011	19,300	0	19,300	0	0	0

Updated: April 22, 2015

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Reference Links:

- King County Taxing Districts Codes and Levies (.PDF)
- King County Tax Links
- Property Tax Advisor
- Washington State Department of Revenue (External link)
- Washington State Board of Tax Appeals (External link)
- Board of Appeals/Equalization
- Districts Report
- iMap
- Recorder's Office
- Scanned images of surveys and other map documents
- Scanned images of plats

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Businesses	Property tax information & payment	Email us
Job seekers	Jail inmate look up	Staff directory
Volunteers	Parcel viewer or iMap	Customer service
King County employees	Public records	Report a problem

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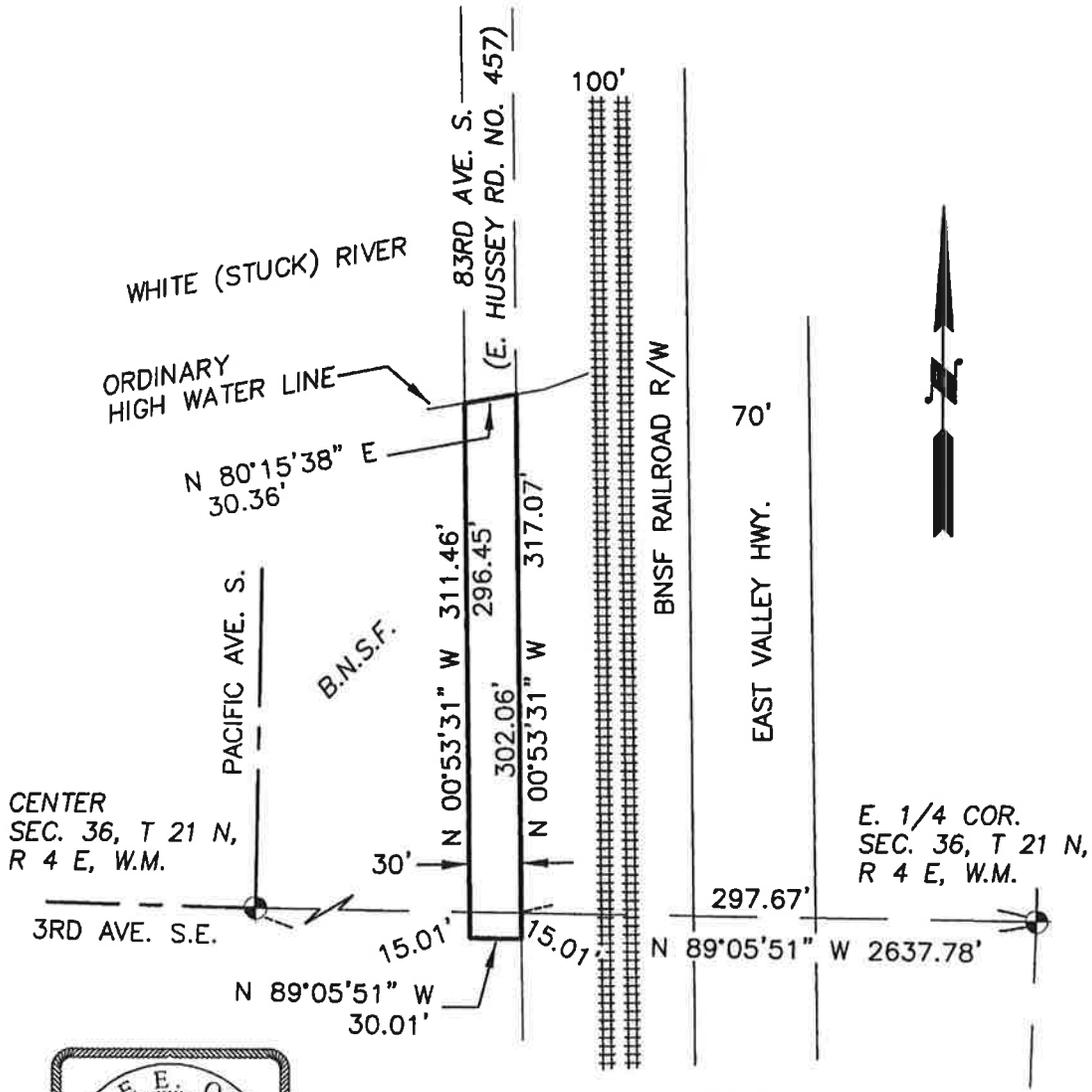


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EXHIBIT DRAWING



AREA
9,428 SQ. FT.
0.22 ACRES

LEGEND

- MONUMENT
- RAIL ROAD TRACKS



SADLER BARNARD & ASSOC., INC.
717 W. STEWART, PUYALLUP, WA 98371
253-848-5170

Legal Description:

That portion of East Hussey Road No. 457 (83rd Ave. S.), being a 30.00 foot wide road established in 1899, lying south of the ordinary high water mark along the southerly side of the Stuck River and north of the south line of the southeast quarter of the northeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;

Together with the west 30.00 feet of that portion of said East Hussey Road No. 457 lying within the northeast quarter of the southeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;



Assessor-Treasurer electronic Property Information Profile

Taxes / Values for 0420013046

08/05/2015 03:09 PM



Property Details		Taxpayer Details	
Parcel Number:	0420013046	Taxpayer Name:	CITY OF PACIFIC
Site Address:	XXX STEWART RD SE	Mailing Address:	100 3RD AVE SE PACIFIC WA 98047
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	5400-FOOD RETAIL TRADE		

Assessed Values								
Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	0	145,400	109,100	36,300	0	0	07/06/2015
2014	2015	0	138,500	109,100	29,400	0	0	06/27/2014
2013	2014	0	138,500	109,100	29,400	0	0	06/24/2013
2012	2013	0	138,500	109,100	29,400	0	0	06/22/2012
2011	2012	0	150,300	120,900	29,400	0	0	06/27/2011
2010	2011	0	161,300	126,800	34,500	0	0	06/21/2010
2009	2010	0	181,600	140,000	41,600	0	0	07/17/2009
2008	2009	0	194,100	147,400	46,700	0	0	06/13/2008
2007	2008	0	163,700	117,000	46,700	0	0	06/22/2007
2006	2007	0	125,900	89,900	36,000	0	0	09/29/2006

Current Charges		
Balance Due: 0.00	Minimum Due: 0.00	as of 08/05/2015

Exemptions	
Tax Year	Exemption
2016	Municipal Corp and Misc Taxing Districts
2015	Municipal Corp and Misc Taxing Districts
2014	Municipal Corp and Misc Taxing Districts
2013	Municipal Corp and Misc Taxing Districts
2012	Municipal Corp and Misc Taxing Districts
2011	Municipal Corp and Misc Taxing Districts
2010	Municipal Corp and Misc Taxing Districts
2009	Municipal Corp and Misc Taxing Districts
2008	Municipal Corp and Misc Taxing Districts
2007	Municipal Corp and Misc Taxing Districts

Paid Charges		
For questions regarding any electronic payments you may have made, please contact Point & Pay at 1-877-765-4112		
Tax Year	Charge Type	Amount Paid
2015	Weed Control Principal	1.70
Total 2015		1.70
2014	Weed Control Principal	1.64
Total 2014		1.64
2013	Weed Control Principal	1.64
Total 2013		1.64
2012	Drainage District Principal	23.89
	Weed Control Principal	1.64
Total 2012		25.53
2011	Weed Control Principal	1.64
Total 2011		1.64
2010	Drainage District Principal	24.23
Total 2010		24.23

Tax Code Areas		
Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Receipts		
Date	Number	Amount Applied
03/16/2015	8089316	1.70
02/28/2014	7485816	1.64
03/29/2013	6939044	1.64

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013046

08/05/2015 03:19 PM



Property Details Parcel Number: 0420013046 Site Address: XXX STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 5400-FOOD RETAIL TRADE		Taxpayer Details Taxpayer Name: CITY OF PACIFIC Mailing Address: 100 3RD AVE SE PACIFIC WA 98047	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 4,085 Acres: 0.09 Front Ft: 95	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

Warning: Appraisal data provided is for informational purposes only and is incomplete for determination of value.

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
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Taxes / Values for 0420013045

08/05/2015 03:11 PM



Property Details		Taxpayer Details	
Parcel Number:	0420013045	Taxpayer Name:	CITY OF PACIFIC
Site Address:	202 STEWART RD SE	Mailing Address:	100 3RD AVE SE PACIFIC WA 98047
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	1197-COMM LND WITH SFR		

Assessed Values								
Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	0	174,000	174,000	0	0	0	0 07/06/2015
2014	2015	0	174,000	174,000	0	0	0	0 06/27/2014
2013	2014	0	174,000	174,000	0	0	0	0 06/24/2013
2012	2013	0	174,000	174,000	0	0	0	0 06/22/2012
2011	2012	0	192,800	192,800	0	0	0	0 06/27/2011
2010	2011	0	202,200	202,200	0	0	0	0 06/21/2010
2009	2010	0	223,300	223,300	0	0	0	0 07/17/2009
2008	2009	0	235,100	235,100	0	0	0	0 09/19/2008
2007	2008	0	188,600	139,200	49,400	0	0	0 06/22/2007
2006	2007	34,155	152,000	107,100	44,900	0	0	0 06/12/2006

Current Charges			Exemptions	
Balance Due: 0.00	Minimum Due: 0.00	as of 08/05/2015	Tax Year	Exemption

Paid Charges
For questions regarding any electronic payments you may have made, please contact **Point & Pay** at **1-877-765-4112**

Tax Year	Charge Type	Amount Paid
2015	Weed Control Principal	1.70
Total 2015		1.70
2014	Weed Control Principal	1.64
Total 2014		1.64
2013	Weed Control Principal	1.64
Total 2013		1.64
2012	Drainage District Principal	30.08
	Weed Control Principal	1.64
Total 2012		31.72
2011	Weed Control Principal	1.64
Total 2011		1.64
2010	Drainage District Principal	29.34
Total 2010		29.34
2007	Property Tax Principal	334.96
	Property Tax Interest	3.35
	Weed Control Principal	1.39
	Weed Control Interest	0.01
Total 2007		339.71

Tax Year	Exemption
2016	Municipal Corp and Misc Taxing Districts
2015	Municipal Corp and Misc Taxing Districts
2014	Municipal Corp and Misc Taxing Districts
2013	Municipal Corp and Misc Taxing Districts
2012	Municipal Corp and Misc Taxing Districts
2011	Municipal Corp and Misc Taxing Districts
2010	Municipal Corp and Misc Taxing Districts
2009	Municipal Corp and Misc Taxing Districts
2008	Municipal Corp and Misc Taxing Districts
2007	Municipal Corp and Misc Taxing Districts

Tax Code Areas		
Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Receipts		
Date	Number	Amount Applied
03/16/2015	8089315	1.70
02/28/2014	7485816	1.64
03/29/2013	6939046	1.64

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013045

08/05/2015 03:19 PM



Property Details Parcel Number: 0420013045 Site Address: 202 STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 1197-COMM LND WITH SFR		Taxpayer Details Taxpayer Name: CITY OF PACIFIC Mailing Address: 100 3RD AVE SE PACIFIC WA 98047	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 8,181 Acres: 0.19 Front Ft: 193	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

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Taxes / Values for 0420013052

08/05/2015 03:15 PM



Property Details		Taxpayer Details	
Parcel Number:	0420013052	Taxpayer Name:	PACIFIC MARKET PLACE LLC
Site Address:	1151 VALENTINE AV SE	Mailing Address:	12213 SE 260TH PL KENT WA 98030
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	6600-CONTRACTOR SERVICES		

Assessed Values								
Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	273,500	273,500	266,000	7,500		0	0 07/06/2015
2014	2015	273,500	273,500	266,000	7,500		0	0 06/27/2014
2013	2014	279,100	279,100	271,600	7,500		0	0 06/24/2013
2012	2013	279,300	279,300	271,600	7,700		0	0 06/22/2012
2011	2012	308,700	308,700	301,000	7,700		0	0 06/27/2011
2010	2011	324,200	324,200	315,700	8,500		0	0 06/21/2010
2009	2010	357,900	357,900	348,700	9,200		0	0 07/17/2009
2008	2009	376,000	376,000	367,100	8,900		0	0 06/13/2008
2007	2008	282,800	282,800	262,000	20,800		0	0 06/22/2007
2006	2007	222,300	222,300	201,500	20,800		0	0 06/12/2006

Current Charges [Recalculate](#)
 Property tax interest and/or penalty charges are calculated on the 1st of each month. Your payment must be paid or postmarked prior to the 1st to avoid accrual of those additional charges. If the last day of the month falls on a holiday or weekend, you will have the following business day to pay or postmark without additional interest and/or penalty. If necessary, you can [recalculate](#) charges for a future date.

Pay with credit card, Visa debit card or E-check				Payment Mailing Address	
Balance Due: 1,850.33		Minimum Due: 1,850.33		as of 08/05/2015	
Tax Year	Charge Type	Amount Charged	Minimum Due	Balance Due	Due Date
2015	Property Tax Principal	3,698.95	1,849.48	1,849.48	10/31/15
	Weed Control Principal	1.70	0.85	0.85	10/31/15
Total 2015		3,700.65	1,850.33	1,850.33	

Paid Charges
 For questions regarding any electronic payments you may have made, please contact **Point & Pay** at 1-877-765-4112

Tax Year	Charge Type	Amount Paid	
2015	Property Tax Principal	1,849.47	
	Weed Control Principal	0.85	
Total 2015		1,850.32	
2014	Property Tax Principal	3,822.52	
	Weed Control Principal	1.64	
Total 2014		3,824.16	
2013	Property Tax Principal	3,987.26	
	Weed Control Principal	1.64	
Total 2013		3,988.90	
2012	Property Tax Principal	4,037.11	
	Drainage District Principal	46.96	
	Weed Control Principal	1.64	
Total 2012		4,085.71	
2011	Property Tax Principal	3,891.42	
	Weed Control Principal	1.64	
Total 2011		3,893.06	
2010	Property Tax Principal	3,865.47	
	Drainage District Principal	45.82	
	Weed Control Principal	1.39	
Total 2010		3,912.68	
2009	Property Tax Principal	3,750.72	
	Weed Control Principal	1.39	
Total 2009		3,752.11	
2008	Property Tax Principal	2,694.96	

Exemptions
 No exemptions

Tax Code Areas		
Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Receipts			
Date	Number	Amount Applied	
03/09/2015	8082319	1,850.32	
01/14/2015	8063425	1,912.08	
04/21/2014	7568890	1,912.08	
04/18/2013	6976188	3,988.90	
08/13/2012	6602653	2,042.86	
05/03/2012	6568512	2,042.85	
11/04/2011	6247859	1,946.53	
05/04/2011	5966625	0.00	
05/04/2011	5975224	1,946.53	
10/26/2010	5510243	1,956.34	
05/04/2010	5391197	1,956.34	
11/05/2009	5084265	1,876.06	
05/04/2009	4797546	1,876.05	
10/30/2008	4439777	1,348.18	
04/10/2008	3976791	1,348.17	
11/01/2007	3865052	1,090.75	
04/16/2007	3410715	1,090.75	
10/23/2006	3227792	791.86	
05/04/2006	3044931	791.86	
11/07/2005	2752624	813.47	
04/30/2005	2449359	813.47	
11/02/2004	2171857	790.03	

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013052

08/05/2015 03:17 PM



Property Details Parcel Number: 0420013052 Site Address: 1151 VALENTINE AV SE Account Type: Real Property Category: Land and Improvements Use Code: 6600-CONTRACTOR SERVICES		Taxpayer Details Taxpayer Name: PACIFIC MARKET PLACE LLC Mailing Address: 12213 SE 260TH PL KENT WA 98030	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 27,250 Acres: 0.63 Front Ft: 222	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Available Sewer: Sewer/Septic Installed Water: Water Available	

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Taxes / Values for 4495400451

08/05/2015 03:16 PM



Property Details		Taxpayer Details	
Parcel Number:	4495400451	Taxpayer Name:	BEATTY CLIFFORD M & SHARON R
Site Address:	242 STEWART RD SE	Mailing Address:	216 27TH AVE NW GIG HARBOR WA 98335-7809
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	3400-FAB METAL PRODUCTS		

Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	2,522,200	2,522,200	1,317,800	1,204,400		0	0 07/06/2015
2014	2015	2,357,200	2,357,200	1,317,800	1,039,400		0	0 06/27/2014
2013	2014	2,357,200	2,357,200	1,317,800	1,039,400		0	0 06/24/2013
2012	2013	2,280,200	2,280,200	1,317,800	962,400		0	0 06/22/2012
2011	2012	2,308,600	2,308,600	1,460,200	848,400		0	0 06/27/2011
2010	2011	2,509,200	2,509,200	1,531,500	977,700		0	0 06/21/2010
2009	2010	2,541,200	2,541,200	1,691,700	849,500		0	0 07/17/2009
2008	2009	2,559,000	2,559,000	1,780,800	778,200		0	0 06/13/2008
2007	2008	2,541,400	2,541,400	1,372,000	1,169,400		0	0 06/22/2007
2006	2007	1,990,900	1,990,900	1,055,400	935,500		0	0 06/12/2006

Current Charges [Recalculate](#)
 Property tax interest and/or penalty charges are calculated on the 1st of each month. Your payment must be paid or postmarked prior to the 1st to avoid accrual of those additional charges. If the last day of the month falls on a holiday or weekend, you will have the following business day to pay or postmark without additional interest and/or penalty. If necessary, you can [recalculate](#) charges for a future date.

Pay with credit card, Visa debit card or E-check				Payment Mailing Address		Exemptions		
Balance Due: 19,442.46				Minimum Due: 19,442.46		No exemptions		
				as of 08/05/2015		Tax Code Areas		
Tax Year	Charge Type	Amount Charged	Minimum Due	Balance Due	Due Date	Tax Year	TCA	Rate
2015	Property Tax Principal	31,879.86	15,939.93	15,939.93	10/31/15	2016	086	0.000000
	Weed Control Principal	2.24	1.12	1.12	10/31/15	2015	086	13.524460
	Fire Benefit Charge Principal	7,002.81	3,501.41	3,501.41	10/31/15	2014	086	13.695869
Total 2015		38,884.91	19,442.46	19,442.46		2013	086	14.275933
						2012	086	13.077788
						2011	086	12.003162
						2010	086	10.800423
						2009	086	9.975316
						2008	086	9.529544
						2007	086	9.807034

Paid Charges
 For questions regarding any electronic payments you may have made, please contact **Point & Pay at 1-877-765-4112**

Tax Year	Charge Type	Amount Paid	Date	Number	Amount Applied
2015	Property Tax Principal	15,939.93	04/30/2015	8332951	19,442.45
	Weed Control Principal	1.12	10/22/2014	7870631	19,429.15
	Fire Benefit Charge Principal	3,501.40	04/22/2014	7576091	19,429.14
Total 2015		19,442.45	10/30/2013	7410558	19,624.00
2014	Property Tax Principal	32,283.90	04/24/2013	7018970	19,623.99
	Weed Control Principal	2.00	10/23/2012	6681655	18,591.78
	Fire Benefit Charge Principal	6,572.39	04/24/2012	6434995	18,591.77
Total 2014		38,858.29	11/01/2011	6235065	18,166.18
2013	Property Tax Principal	32,551.99	04/25/2011	5805594	18,166.18
	Weed Control Principal	2.00	10/25/2010	5502577	16,909.50
	Fire Benefit Charge Principal	6,694.00	04/26/2010	5251408	16,909.50
Total 2013		39,247.99	10/19/2009	4870803	15,647.56
2012	Property Tax Principal	30,191.38	04/21/2009	4592854	15,647.55
	Drainage District Principal	338.25	10/29/2008	4435611	14,862.80
	Weed Control Principal	2.00	04/24/2008	4066528	14,862.79
	Fire Benefit Charge Principal	6,651.92	10/23/2007	3717848	9,763.26
Total 2012		37,183.55	04/26/2007	3556258	9,763.25
2011	Property Tax Principal	30,118.33	11/02/2006	3293086	8,951.50
	Weed Control Principal	2.00	05/03/2006	3042267	8,951.50
	Fire Benefit Charge Principal	6,212.03	10/25/2005	2669594	8,959.07
Total 2011		36,332.36	03/29/2005	2246633	8,959.06
2010	Property Tax Principal	27,446.03	10/13/2004	1991134	8,555.11
	Drainage District Principal	313.13			

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 4495400451

08/05/2015 03:16 PM



Property Details Parcel Number: 4495400451 Site Address: 242 STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 3400-FAB METAL PRODUCTS		Taxpayer Details Taxpayer Name: BEATTY CLIFFORD M & SHARON R Mailing Address: 216 27TH AVE NW GIG HARBOR WA 98335-7809	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 156,332 Acres: 3.59 Front Ft: 253	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

Warning: Appraisal data provided is for informational purposes only and is incomplete for determination of value.

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
 Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

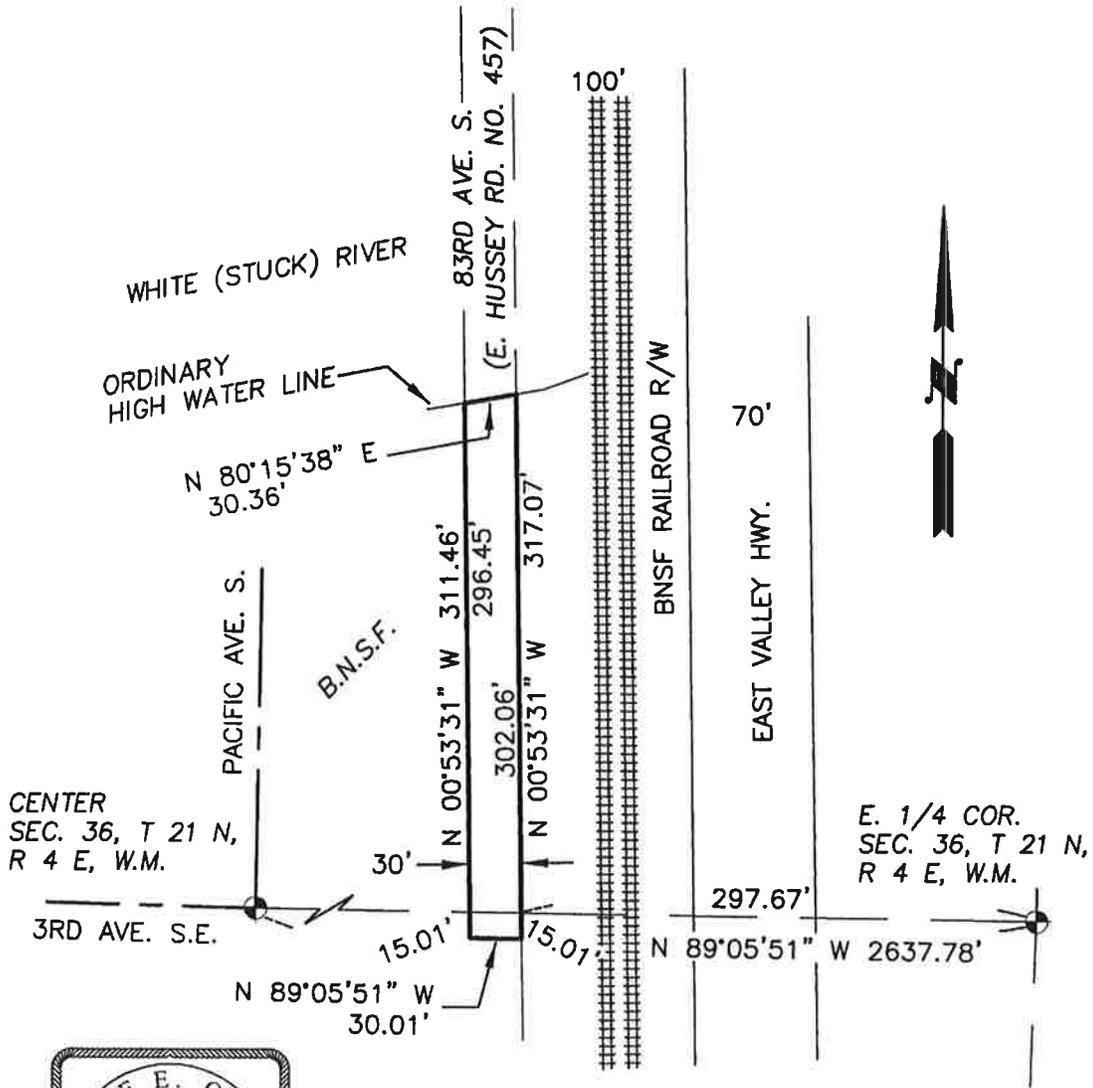
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WEBSITE INFORMATION

Privacy Policy
 Copyright Notices

EXHIBIT B

EXHIBIT DRAWING



AREA
9,428 SQ. FT.
0.22 ACRES

LEGEND

-  MONUMENT
-  RAIL ROAD TRACKS



SADLER BARNARD & ASSOC., INC.
717 W. STEWART, PUYALLUP, WA 98371
253-848-5170

Legal Description:

That portion of East Hussey Road No. 457 (83rd Ave. S.), being a 30.00 foot wide road established in 1899, lying south of the ordinary high water mark along the southerly side of the Stuck River and north of the south line of the southeast quarter of the northeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;

Together with the west 30.00 feet of that portion of said East Hussey Road No. 457 lying within the northeast quarter of the southeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;



EXHIBIT C

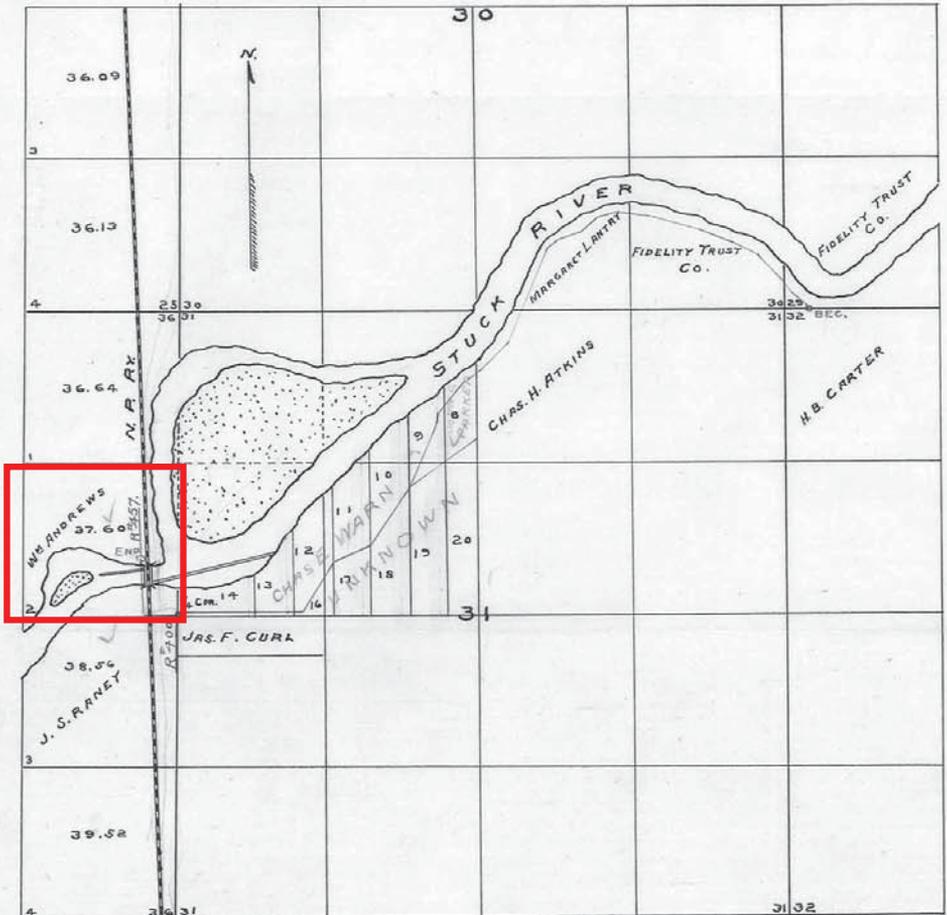
B. H. CARTER ROAD

1N

TP. 21 N. Rgs. 4th & 5 E. W. M.

JUNE 1899

P. D. HAMLIN
COUNTY SURVEYOR



Viewers' Report.

IN THE MATTER OF THE PETITION OF

B. H. Carten et al
for the View, Location and Establishment of
a County Road in King County, Washington.

Viewers' Report.

We the undersigned, residents of the County of King and State of Washington,
duly appointed Viewers by the Board of County Commissioners of said County on the
2nd day of May A. D. 1899
to view, survey and lay out a certain road designated in the petition of B. H. Carten
and others, and to estimate the damages to owners of land
over which the proposed road runs, in obedience to the order and directions of the
Board and to the law, did on the 7th 8th & 9th days of June A. D. 1899

189.....

view, lay out, survey and mark the course of the road proposed in said petition, and
report as follows, viz:

FIRST

Said Road as surveyed and marked commences at a point on the Section
line between Sections 29 & 32 T₁P. 21 N. R. 5 E. W. M.
195 feet east of the corner to Sections ^{30, 29} 31, 32. Thence westerly
and southwesterly on the south side of Truck River about
5000 feet to an intersection with the roadway as laid off in
The Darkey Homestead Plat. Thence along said platted
road southerly and westerly to a point fifteen (15) feet
north of the 7th Sec. Cor. on the West boundary line of Section
31. Said T₁P. and R₅. Thence South fifteen (15) feet to the said
7th Sec. Cor. Thence West along the East & West Center line of
Section 36 T₁P. 21 N. R. 4 E. W. M. to a point sixty five (65) feet
west of the center line of the N. P. R. track, measured at
right angles to said railway center line. Thence northerly
parallel to and sixty five (65) feet from the said railway center
line to a point north of Truck River and junction with the
terminal point of County Road # 457. The total length
being one mile and 3116²/₃ feet

and ends at

the total length being

SECOND

Said road passes over, across and through the following described tracts of land of which we give the names and addresses of owners, lessees or incumbancers and the area taken by the road from each tract, viz:

DESCRIPTION OF LAND				Name of Owner, Lessee or Incumbancer	ADDRESS	AREA Taken for Road	
Part of Section	Sec.	Tp.	Rg.	State if Unknown		Acres	Tenths
S.W. 1/4 of N.W. 1/4	31	21	5E	Subdivided into The Parker Homestead tracts			
S.E. 1/4 of N.W. 1/4	31	21	5E				
N.E. 1/4 of N.W. 1/4	31	21	5E		SEE Below		
N.W. 1/4 of N.E. 1/4	31	21	5E	CHAS E ATKINS		0	50
S.W. 1/4 of S.E. 1/4	30	21	5E	MARGARET LANTRY		0	91
S.E. 1/4 of S.E. 1/4	30	21	5E	FIDELITY TRUST Co		1	04
S.W. 1/4 of S.W. 1/4	29	21	5E	FIDELITY TRUST Co		0	23
LOT 3	36	21	4E	J.S. PARKER		0	70
LOT 2	36	21	4E	W.M. ANDREWS		0	35
THE PARKER HOMESTEAD TRACTS	LOT	8		JNO. G. PARKER		0	31
" " " "	"	9		CHAS. E. WARNER		0	46
" " " "	"	10		" " "		0	21
" " " "	"	11		" " "		0	17
" " " "	"	12		" " "		0	24
" " " "	"	13		" " "		0	23
" " " "	"	14		" " "		0	46
" " " "	"	15		" " "		0	33
" " " "	"	16		" " "		0	18
" " " "	"	17		Unknown		0	13
" " " "	"	18		Unknown		0	21
" " " "	"	19				5	67
" " " "	"	20					

QUIT - CLAIM DEED .

The grantors, William Andrews and Amanda J. Andrews, husband and wife, both residents of Stuck, King County, Washington, for the consideration of One Dollar lawful money of the United States of America, in hand paid, convey and quit-claim to King County, one of the Counties of the State of Washington, for road purposes, all interest in the following described real estate:-----

-----A portion of the north-east quarter of Section Thirty-Six, Township Twenty-One north of Range Four east W.M., particularly bounded as follows, to-wit: Beginning at the south-east corner of the north-east quarter of said Section 36, running thence westerly along the quarter section line to a point thirty feet west of the west line of the right of way of the Northern Pacific Railway Company, thence in a northerly direction and on a line parallel with the west line of said right of way to the north bank of Stuck River, thence in an easterly direction and along the north bank of Stuck River to the west line of said right of way, thence in a southerly direction and along the west line of said right of way to a point fifteen feet north of the south line of the south-east quarter of the north-east quarter of said Section 36, thence in an easterly direction on a line parallel with the south line of the north-east quarter of said Section 36 and fifteen feet distant therefrom to the east line of said Section 36, thence southerly to the point of beginning.

Situated in the County of King, State of Washington.

Dated this 27th day of April, A.D. 1899.

Signed, sealed and delivered) W. Andrews (Seal)

in presence of) Amanda J. Andrews (Seal)

) J. S. Raney

State of Washington,
SS.

County of King.

I, I. B. Knickerbocker, a Notary Public in and for the State of Washington, duly commissioned and sworn, do hereby certify that on this 27th day of April, A.D. 1899, personally appeared before me William Andrews and Amanda J. Andrews, his wife, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 27th day of April, A.D. 1899.

I. B. Knickerbocker
Notary Public in and for the State of Washington, residing at Auburn in said State.

C. D. HILLMAN'S Pacific City Addition TO THE CITY OF SEATTLE

DIVISION NO. 2

Goffert and Whitworth.



Approved by the Board of County Commissioners of King County this 14 day of June A.D. 1906.

F. J. Smith
Chairman.

Attest: J. P. Agnew
Secretary of the Board of County Commissioners.

Road to be vacared

DESCRIPTION

This Plat of "C. D. Hillman's Pacific City Addition to the City of Seattle, Division No. 2" covers the Southeast Quarter of Northwest Quarter (S.E. 1/4 of N.W. 1/4) and the Northeast Quarter (N.E. 1/4) of Section Thirty-six (36) of Township Twenty-one (21) North of Range Four (4) East of the Willamette Meridian, reserving and excluding therefrom all rights of way for railroad purposes or public highways heretofore acquired, appropriated, or conveyed also excepting therefrom the portion of the N.E. 1/4 of the N.E. 1/4 of said Section 36, lying east of the Northern Pacific Railroad, as heretofore conveyed by T.N. Berlin and Frances Berlin his wife, to Harry B. Kinkade. The easterly tenfeet of the land included in this plat, lying south of said Kinkade Tract, is subject to an easement granted thereon for a pole line, wires, etc., heretofore granted by said Berlin and wife to the Snoqualmie Falls Power Company.

The existing County Road along the north bank of Stuck River is hereby widened from 30 feet to 40 feet and the northerly margin thereof indicated and established by courses and distances upon this plat. The southerly margin is not indicated but is hereby established as 40 feet distant from and parallel with the said north margin. Tract "D" includes so much of the broken and overflowed area within this plat as may now or hereafter be reclaimed and protected between the southerly margin of said County Road and the north bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. West from Stuck River, the existing County Road along the south boundary of this plat, is widened by adding 5 feet to the north side thereof taking 20 feet from this tract instead of 15 feet as heretofore. All other County Roads remain as now established. Other streets and lanes are established as shown and located by this plat. The dimensions and location of all the numbered Tracts are clearly indicated upon the face of the plat. Tract "A" includes all land within this plat lying west of the County Road and south of the southerly bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. Tract "B" includes all land within this plat lying east of the Northern Pacific Railroad Right of Way, north of the County Road, and south of the southerly bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. Tract "C" includes all land within this plat lying east of the Northern Pacific Railroad Right of Way, and north of the northerly bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. Tract "D" is heretofore described.

DEDICATION

Know all men by these presents that we H. T. Bredes and Ella M. Bredes his wife owners in fee simple of the lands included in this Plat of C. D. Hillman's Pacific City Addition to the City of Seattle Division No. 2 do hereby declare this plat and dedicate to the use of the Public forever all the roads, streets and lanes shown hereon.

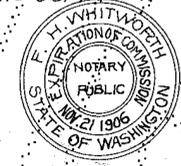
In witness whereof we have hereunto set our hand and seals this 13th day Feb. A.D. 1906.

Witnesses:
A. T. Thompson
F. H. Whitworth
H. T. Bredes
Ella M. Bredes

ACKNOWLEDGMENT

State of Washington)
County of King) s.s.
This is to certify that on this 13th day of Feb. A.D. 1906, before me, the undersigned, personally appeared H. T. Bredes and Ella M. Bredes his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



F. H. Whitworth
Notary Public in and for the State of Washington residing at Seattle.

Examined and approved this 14 day of June A.D. 1906.

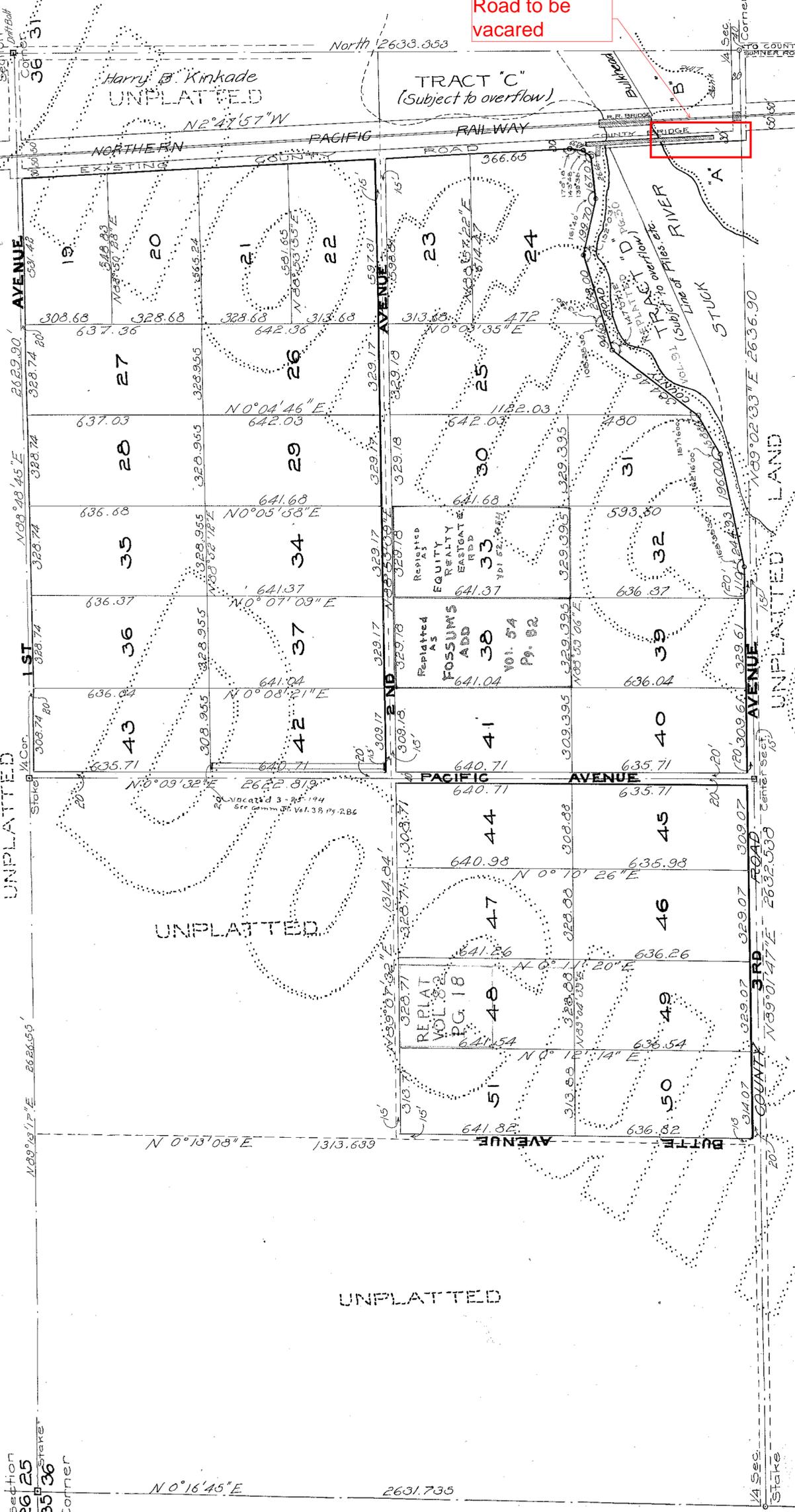
A. L. Valentine
County Surveyor

405531

Filed for Record at Request of C. D. Hillman July 11, 1906 at 55 min. past 11 A.M. and Recorded in Vol. 13 of Plats page 49. Records of King County Wash.

J. P. Agnew
County Auditor

H. L. Thompson
Recorder



Scale 1 in = 300 Ft.

Section 26 25 35 36 Corner



EXHIBIT D



Public Notice

NOTICE OF PUBLIC HEARING FOR RIGHT OF WAY VACATION

NOTICE IS HEREBY GIVEN that on Monday, December 21, 2015, at 6:30 p.m., at City Hall, 100 3rd Avenue SE, Pacific, Washington, in the City Council Chambers, be the time and place set for the public hearing to take public comment or consider written objections in the manner required by chapter 13.16 of the Pacific Municipal Code to the proposed vacation and determination of the petition to vacate a portion of Skinner Road (E. Hussey Road No. 457) westerly of the Burlington Northern Santa Fe (BNSF) Railroad tracks, southerly of the White River a length of approximately 314 feet, which is public access, located in the City of Pacific, Washington.

Any persons desiring to appear at the above time and place may submit testimony on this petition. Written comments may be submitted prior to such hearing to: Pacific City Council, Attn: Lance Newkirk, 100 3rd Avenue SE, Pacific, WA 98047.

For More Information Contact:

Name: Lance Newkirk

Phone: 253.929.1113

Email: lnewkirk@ci.pacific.wa.us



Public Notice

NOTICE OF PUBLIC HEARING FOR RIGHT OF WAY VACATION

NOTICE IS HEREBY GIVEN that on Monday, December 21, 2015, at 6:30 p.m., at City Hall, 100 3rd Avenue SE, Pacific, Washington, in the City Council Chambers, be the time and place set for the public hearing to take public comment or consider written objections in the manner required by chapter 13.16 of the Pacific Municipal Code to the proposed vacation and determination of the petition to vacate a portion of Skinner Road (E. Hussey Road No. 457) westerly of the Burlington Northern Santa Fe (BNSF) Railroad tracks, southerly of the White River a length of approximately 314 feet, which is public access, located in the City of Pacific, Washington.

Any persons desiring to appear at the above time and place may submit testimony on this petition. Written comments may be submitted prior to such hearing to: Pacific City Council, Attn: Lance Newkirk, 100 3rd Avenue SE, Pacific, WA 98047.

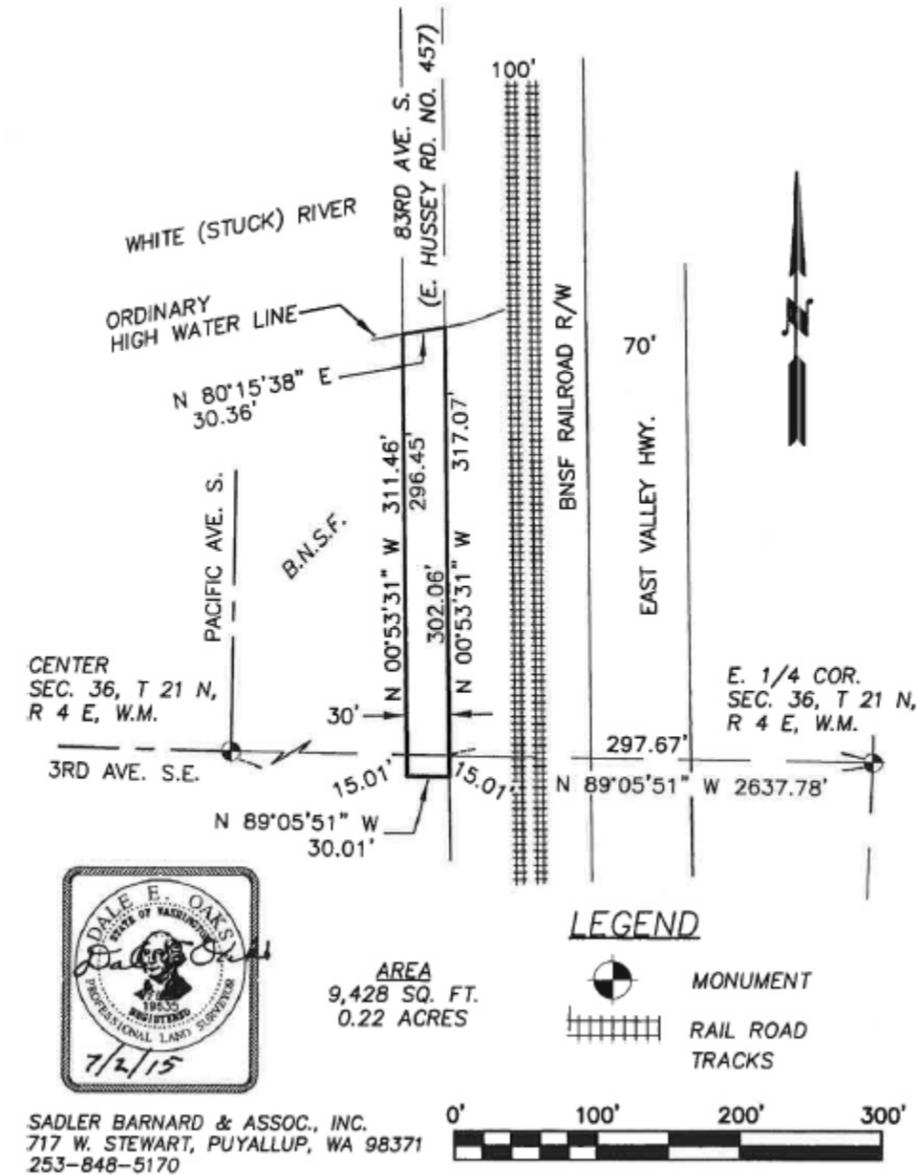
For More Information Contact:

Name: Lance Newkirk

Phone: 253.929.1113

Email: lnewkirk@ci.pacific.wa.us

EXHIBIT DRAWING



Legal Description:

That portion of East Hussey Road No. 457 (83rd Ave. S.), being a 30.00 foot wide road established in 1899, lying south of the ordinary high water mark along the southerly side of the Stuck River and north of the south line of the southeast quarter of the northeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;

Together with the west 30.00 feet of that portion of said East Hussey Road No. 457 lying within the northeast quarter of the southeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;



CITY OF PACIFIC
100 3RD AVENUE SOUTHEAST
PACIFIC, WASHINGTON 98047
CITY HALL (253) 929-1100
FAX (253) 939-6026

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TO: Mayor and City Council
FROM: Public Works
Community Development
DATE: 12/16/2015
SUBJECT: Vacation of a portion of Skinner Road SE lying adjacent to the Burlington Northern Santa Fe (BNSF) railroad right-of-way and south of the White (Stuck) River

This memo provides the City staff's recommendation on the above-referenced street vacation petition. To assist the Council's review of this memo, we have inserted the applicable code section (**bolded type**) and our response (*in italics*).

13.16.010 Petition for Vacation.

13.16.010.A Petitions. The owners of an interest in real estate abutting upon any street, alley, public place or portion thereof created by easement may petition the City Council for a vacation of such area. The petition shall include a description of the property to be vacated, as prepared by a licensed surveyor. In addition, the petitioners shall provide evidence that the public has an easement upon such street or alley (and that the property is not owned in fee by the City). The petition shall be filed with the City Clerk.

BNSF, through their agent Cinnabar Southwest, has petitioned the City to vacate a 30.01-foot wide extension of 83rd Avenue South (Skinner Road / E Hussey Rd No. 457) lying south of the White (Stuck) River a length of approximately 314 feet. Cinnabar has provided the City with numerous historical documents from the King County archives that indicate that in 1897 multiple property owners petitioned the County Commissioners to develop Road 457 (Skinner Road). BNSF is the owner of the properties abutting the proposed vacation area on three sides.

Attached are the following

- *Exhibit A the petition request for vacation*

- *Exhibit B the legal description of the area to be vacated*
- *Exhibit C the historical documents showing dedications and ownership*
- *Exhibit D Public Notification*
- *Exhibit E Public Comments*

13.16.010.C. Notice of Proposed Vacation. If the petition is signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, or after the City Council's own motion and Resolution for a vacation, the City Council shall adopt a Resolution fixing a time when the petition will be heard and determined. The time set for hearing shall not be more than 60 days nor less than 20 days after the date of the passage of the Resolution.

BNSF is the owner of properties on three side of the area to be vacated. The fourth side is the White River Shoreline. The shore line is only 30 feet long. Therefore, the petition is signed by two-thirds of the property owners.

Resolution No. 300, setting the hearing was approved on November 23, 2015 for a hearing to be held on December 21, 2015. Twenty-eight days have elapsed from the date of the passage of the Resolution until the hearing. The public notification was published on Friday November 27, 2015. The time between site posting and hearing is 26 days. The time between publication and hearing is 24 days.

13.16.020 Petition fees.

13.16.020.A. Prehearing fee. Every petition for the vacation of any street, alley or public place, or any portion thereof, shall be accompanied by a nonrefundable fee, as established by the City Council in its fee resolution. This fee is for the purpose of defraying the administrative costs associated with the processing of the vacation petitions.

The City received a \$500 non-refundable application fee from the petitioner on September 29, 2015.

13.16.020.B. Appraisal fee. If the City Council passes a Resolution as described in Section 13.16.010(C) setting the date for a public hearing, the petitioner shall deposit sufficient funds to cover the City's estimated cost of a full appraisal of the subject street, alley, public place or portion thereof to be vacated. In the event that the appraisal cost is less than the amount deposited, the vacation compensation paid by the petitioner to the City shall be reduced by the difference between the deposit and the actual cost, or, in the alternative, such difference shall be refunded. In the event the actual cost of the appraisal is more than the amount deposited, the vacation compensation payable to the City by the petitioner shall be increased by the difference between the deposit and the actual appraisal cost.

The City received a deposit of \$2,000 from the petitioner on September 29, 2015.

13.16.030 Appraisals.

13.16.030.A. If the City Council passes the Resolution described in Section 13.16.010(C), the public works director is authorized to obtain appraisals from qualified, independent appraisers for the fair market value of such streets, alleys or public places. The director is also authorized to obtain appraisals from qualified, independent real estate appraisers for the fair market value of alternate right-of-way land proposed to be granted or dedicated to the City in lieu of a cash payment, as described in Section 13.16.060. For appraisals of alternate right-of-way land, an additional appraisal deposit fee shall be paid for the appraisal of such property.

City staff solicited proposals from qualified appraisal firms on the Municipal Research Service Center roster to provide appraisal services. A scope and budget was negotiated with the selected appraiser. After passage of the Resolution establishing the public hearing, the appraiser was given notice to proceed with the appraisal.

13.16.030.B. After the appraisal has been performed, the public works director shall notify the petitioner of the amount of compensation required, based on the criteria in Section 13.16.060, deducting therefrom any remaining appraisal fee deposit. The payment shall be delivered by the property owner(s) to the Finance Director for deposit.

The appraisal was completed on December 15, 2015. The cost of the appraisal was \$4,000. The appraiser provided an appraisal of the property, showing of valuation of \$1,400.00, on December 15, 2015, BNSF was notified that they must deposit with the City \$1,400.00 prior to the adoption of the ordinance vacating the Skinner Road right-of-way.

13.16.040 Notice of Hearing.

13.16.040.A. Notice to be Provided. Upon the passage of the Resolution described in Section 13.16.010, the City Clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the City (Algona-Pacific Library, City Hall Notice Board and City website), and a like notice in a conspicuous place on the street, alley or public place sought to be vacated and City website.

A resolution scheduling the Public Hearing for December 21, 2015 at 6:30 pm was on the Council Workshop on November 16, and approved by Council on November 23, 2015. The Notice for the Hearing was be posted on the website, the Algona Pacific Library, City Hall, and at the site of the right-of-way vacation, as well as across the river from the area of the right-of-way vacation. The Hearing notification included the additional information required per PMC 13.16.040.B and 13.16.070.A.2. Please see Exhibit D.

13.16.040.B. Elements of Notice when Petition Initiated by Abutters. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed by the City Council for the hearing on the petition. The notice will state that the Council shall hold a public hearing on the proposed vacation in the manner required by this Chapter. In addition, the notice posted on the alley or street proposed to be vacated shall indicate that such area is public access, that it is proposed to be vacated, and that anyone objecting to the proposed vacation

should attend the public hearing or submit written testimony to the City Council indicating his or her objection prior to such hearing.

A resolution scheduling the Public Hearing for December 21, 2015 at 6:30 pm was on the Council Workshop on November 16, and approved by Council on November 23, 2015. The Notice for the Hearing was be posted on the website, the Algona Pacific Library, City Hall, and at the site of the right-of-way vacation, as well as across the river from the area of the right-of-way vacation. The Hearing notification included the additional information required per PMC 13.16.040.B and 13.16.070.A.2. Please see Exhibit D.

13.16.040.C. Elements of Notice when Petition initiated by City Council. When the proceeding is initiated by Resolution of the City Council without a petition having been signed by the abutting property owners of more than two-thirds of the abutting property owners, the City Clerk shall provide by mail, the notice described in Section 13.16.004(B) above, at least fifteen days before the date fixed for the hearing, to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street, alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown.

This petition was not initiated by Council.

13.16.050 Hearing.

13.16.050.A. Objections- Council Prohibited from Proceeding. If fifty (50) percent of the owners of property abutting the street, alley, public place or portion thereof subject to the vacation petition or Council Resolution for vacation file written objections to the proposed vacation with the City Clerk, prior to the time of the public hearing, the City shall be prohibited from proceeding with the vacation.

The properties on three sides of the right-of-way to be vacated, are owned by the petitioner. The fourth side is the short water front section owned by the City.

13.16.050.B.1 The history of private and public use of the area sought to be vacated, including the type of use (pedestrian, vehicular, etc.) and length of time such use has occurred;

Based upon the limited written records, the land appears to have been homesteaded in the late 1890's. In 1906, C.D. Hillman recorded a plat entitled Pacific City Addition No. 2. The plat document indicates that there is a bridge crossing the White (Stuck) River at the location of E. Hussey Road. After the road crosses the river, it turns easterly crossing the Northern Pacific Railway (Now BNSF) becoming Road No. 507 (C.W. Matson). There are 1914 photos with the bridge still in place. The King County aerial for 1931 shows the area undeveloped with moderate to thick vegetation and the bridge no longer present. The 1998 County aerial photo shows the area undeveloped with thick vegetation. The 2015 Google Earth images show no change from the County aerial images. Based on a limited review of City records, the City has not used this property for streets, utilities, or any other purposes since the 1930's.

13.16.050.B.2 A description of the manner in which the area sought to be vacated was acquired (whether by dedication, public expense, etc.);

In 1897, several property owners in the area, now known as Pacific, petitioned the King County Commissioners to have a public hearing on the matter to create a road that “would be a public benefit”. The County Surveyor established a list of benefited property owners for the petitioned road westerly and adjacent to the Northern Pacific Railway (Now BNSF). Mr. Andrews and Mr. Hussey, the property owners County surveyors records, quit claimed a portion of their property to the County for the establishment of Road No. 457 E. Hussey (Skinner) Road.

13.16.050.B.3 A description of all utilities or other public services that currently utilize the area sought to be vacated, whether by easement or otherwise;

This portion of City right of way has not been used for street purposes since before 1931 and the City has no plans to develop this land into a public road now or in the future. There are no water or sanitary sewer utilities on the right of way. The right of way is landlocked and there is no direct access to this portion of the right-of-way except by water or trespassing over private land. There are no stakeholders or businesses in the area requiring utility services.

13.16.050.B.4 The staffs’ recommendation on the functionality of the area sought to be vacated for public purposes;

The property in the current condition is not accessible without watercraft or by trespassing on private property. The City evaluated the potential of constructing a pedestrian bridge to the area. The May 2015 cost estimate for a pre-engineered steel pedestrian bridge was \$1,060,000. This cost does not include the cost of surveying, engineering, permitting, or abutment construction.

The property has limited functionality in the current condition, as it is not safely accessible. The only access is over water; trespassing across a double set of train rails; or trespassing on private property. The river currents in the area are swift. This is a shoreline property so there are additional requirement of assessment per RCW 35.79.035 and PMC 13.16.070. Please see additional information regarding water front usability in Section 13.16.070 below.

13.16.050.B.5 References to any planning document, such as the City's Comprehensive Plan, the Transportation Element of the Comprehensive plan, the 6-Year Road Plan or the Capital Facilities Element of the Comprehensive Plan that mention the area sought to be vacated for any purpose;

The City of Pacific adopted the Parks, Open Space, Recreation, and Trails Element of the Comprehensive Plan (Ordinance 1794) on January 10, 2011. Section 4.6.1 indicates that the future plan is to develop a portion of the King County owned property on the east side of the river with a system of trails. However, the property between the City right-of-way and the King County land is now owned by BNSF. Additionally, there is no access to the property from the west side of the river without construction a bridge which is estimated to cost in excess of \$1.0M.

The transportation, utility, and capital improvement elements of the Comprehensive plan do not propose any future improvements in the area.

13.16.050.B.6 The staffs' recommendation whether the area sought to be vacated will be needed in the future as part of the City's transportation system (pedestrian, bicycle or vehicular)

The City of Pacific adopted the Parks, Open Space, Recreation, and Trails Element of the Comprehensive Plan (Ordinance 1794) on January 10, 2011. Section 4.6.1 indicates that the future plan is to develop a portion of the King County owned property on the east side of the river with a system of trails. However, the property between the City right-of-way and the King County land is now owned by BNSF. Additionally, there is no access to the property from the west side of the river without construction a bridge, which is estimated to cost in excess of \$1.0M.

The transportation, utility, and capital improvement elements of the Comprehensive plan do not propose any future improvements in the area.

13.16.050.C. Hearing. The City Council shall hold a public hearing on the proposed vacation and consider the written recommendations of staff, abutters, the public and all testimony provided at the hearing. The City Council shall whether the public interest is served by such vacation and either grant the vacation or deny it. Written findings and conclusions shall be adopted by the Council to support its decision.

This staff report and attachments address each element of PMC 13.16. Public comments are attached in Exhibit E.

13.16.050.D. Ordinance. If the City Council decides to grant a vacation petition, the Ordinance granting such vacation may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate the City for such vacation as provided in Section 13.16.060. The Ordinance may be conditioned on the retention of easements by the City or other public service/utility providers, as described in Section 13.16.060(E)

The petitioners were informed on December 16, 2015 to deposit \$1,400.00 with the City, the appraised value of the right-of-way to be vacated.

13.16.060 Compensation

13.16.060.A. If the street, alley, public place or portion thereof has not been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property to be vacated was not acquired at public expense, the owners of property abutting the street shall compensate the City in an amount that does not exceed one-half of the appraised value of the street.

The right-of-way was not acquired at public expense. It was dedicated to the County in 1897. The right-of-way vacation petitioner owns the property on three sides of the right-of-way. The

petitioners were sent an invoice on December 16, 2015 for the cost of the appraisal and other city costs and the required deposit of \$1,400.00 to be left with the City, the appraised value of the right-of-way to be vacated. The monies will be placed in an account for the purposes listed in this Code.

13.16.060.B. If the street, alley, public place or portion thereof has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property to be vacated was acquired at public expense, the City may require the owners of the property abutting the street to compensate the City in an amount that does not exceed the full appraised value of the area vacated.

The property to be vacated was not acquired at public expense. It has been part of the dedicated right-of-way for more than 100 years.

13.16.060.C. The full fair market value, as shown on the appraisal, shall be paid upon vacation of any streets, alleys or public places abutting upon bodies of water.

The right-of-way vacation petitioner owns the property on three sides of the right-of-way. The petitioners were informed on December 16, 2015 to deposit \$1,400.00 with the City, the appraised value of the right-of-way to be vacated. The monies will be placed in an account for the purposes listed in this Code.

13.16.060.D. In-Lieu Transfers of Property. Conveyances of other property acceptable to the City may be made in lieu of the payment required by this Section, whether required to mitigate adverse impacts of the vacation or otherwise. When such a transfer is proposed for street purposes, the value of the property (as determined in subsections A, B or C above shall be credited to the required payment. When the value of the in-lieu parcel is less than the payment required by subsection A, B or C of this Section, the petition shall pay the difference to the City. When the value of the in-lieu parcel exceeds the payment required by subsections A, B or C of this Section, the City shall pay the difference to the petitioner. In addition, the petitioner shall be responsible for all costs associated with this transfer, in the same manner as a property purchase, including but not limited to, title insurance, attorney review of the title, hazardous materials/waste testing, etc.

The proponent has not requested an in-lieu of payment transfer of property for this vacation.

13.16.060.F. The ordinance may provide that the City shall retain an easement or the right to exercise and grant easements with respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

There are no utility lines located within this street right-of-way that would have to be relocated prior to any building construction if the street vacation is approved. The City has no utilities in the vicinity nor are there any plans or need to extend utilities in this area.

13.16.060.G. Use of Proceeds. One-half of the revenue received by the City as compensation for the area vacated must be dedicated to the acquisition, improvement, development and

related maintenance of public open space or transportation capital improvements in the City.

The 9,428 square feet of land requested to be vacated is classified as waterfront. Therefore, the funds are to be used as shown in PMC 13.16.070.C.

13.16.070 Vacation of waterfront streets.

13.16.070.A. The City shall not vacate any street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

13.16.070.A. 1. The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

The street vacation is for a private development and not for the uses listed. The right-of-way will be filled by BNSF to construct an embankment for the construction of a third set of rails and for King County to construct a setback levee to reduce flood impacts to the City of Pacific residences and businesses.

13.16.070.A.2. The City Council adopts a Resolution which declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation or education;

The right-of-way for Skinner Road area south of the White River is not being used as a street and is not paved. There are no utility lines located within this street right-of-way that would have to be relocated prior to any building construction if the street vacation is approved. The site is not suitable or planned for port, beach or water access, boat moorage, launching sites, or park. The site contains a narrow section of water, and is not conducive to these types of uses. The public view in this location is not of unusual or exceptional quality, and there is no recreational or educational value to this location along the river. Please see Section 13.16.070.2.

13.16.070.A.3. The vacation is sought to enable the City to implement a plan, adopted by resolution or ordinance, that provides a comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

The City of Pacific adopted the Parks, Open Space, Recreation, and Trails Element of the Comprehensive Plan (Ordinance 1794) on January 10, 2011. Section 4.6.1 indicates that the future plan is to develop a portion of the King County owned property on the east side of the river with a system of trails. However, the property between the City right-of-way and the King County land is now owned by BNSF. Additionally, there is no access to the property from the west side of the river without construction a bridge which is estimated to cost in excess of \$1.0M.

The vacation of the right-of-way will permit BNSF to construct a required embankment for future expansion, and permit King County to construct a proposed setback levee on the east bank of the White River alleviating some flooding potential for the stakeholders in the City of Pacific.

13.16.070.B. Before adopting a resolution vacating a street or alley under subsection PMC 13.16.070(A)(2), the City shall:

13.16.070.B.1. Compile an inventory of all rights-of-way within the City that abut the same body of water that is abutted by the street or alley sought to be vacated;

There are currently 2 locations within the City where public rights-of-ways, both partially improved and unimproved, have direct access to the White River and are listed and discussed below. (See Exhibit D for a map of these locations.)

Skinner Road (South of White River)—This is abandoned right-of-way where a bridge used to cross the river. It is a moderate bank location that would be difficult to traverse. This location is only accessible by water or through private property.

Skinner Road (North of White River)—The road intersects 3rd Avenue SE just north of this location. There is a small gravel turn-out adjacent to the White River. The shoreline to the east is obstructed by a BNSF railroad bridge pier. The shoreline to the west is obstructed by a temporary flood control setback levee.

13.16.070.B.2. Conduct a study to determine if the street or alley to be vacated is suitable for use by the City for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation or education;

The street to be vacated is not suitable for use by the city for any of the following purposes:

Port—A port is not a practical use along this section of the White River. There is no opportunity for commerce or a port or need for one. The White River is not maintained for commerce.

Boat Moorage—The White River is too narrow in this location for boat moorage and there is little demand for this type of use. There is no parking available nor is there public access except by water in this location nor is there room for other types of services. The river is swift moving in this area and is not amenable for boat moorage.

Launching Sites—The site is not conducive to a boat launch because there is no public access to this site except by water, and lack of turn around room for trailers, and parking. The Skinner Road right-of-way on the north side of the river would be better suited for a launching site.

Beach—At the present time, there is no beach or gravel bar access in this location due to the rapid flow of the river through the narrow channel created by the abutments for the railroad bridge to the east.

Water Access—This site is only accessible from the water. This location of the river can be very fast moving due to the river narrowing at this point to cross under the railroad bridge to the east.

Park—The City’s Parks and Open Space plan does show a park in this location with the adjacent property. However, King County has sold the immediate adjacent property to BNSF reducing any public park space to the right-of-way. There currently is no public access to this site, except by water. The Park Plan is scheduled to be revised eliminating this area as a park.

Public View—There are no significant or exceptional views from this location. The street is located adjacent to a high railroad embankment to the east, wetlands to the west, and private property to the south.

Recreation—This location along the river does not provide any significant recreational value. Other sites along the White River in adjacent jurisdictions provide far more recreational potential and value in terms of access, boat launching, parking, and trails. The site is also located adjacent to railroad tracks that are less conducive and compatible with recreational uses because of noise. However, if the right-of-way is vacated, King County will be able to construct a river setback levee producing passive recreation areas for stakeholders of the region.

Education—There are no exceptional educational opportunities in this location as the area does not contain unique natural or man-made features. Educational opportunity would be better focused at parks, pedestrian bridges, and other locations.

13.16.070.B.3. Hold a public hearing on the proposed vacation in the manner required by this Chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official prior to the hearing, indicating his or her objection; and

A Public Hearing for the vacation of the right-of-way is scheduled for December 21, 2015. Notice for the public hearing was provided to all property owners abutting this street right-of-way, posted at City Hall, and posted conspicuously near the site with special indication that it does not provide public access to the river The notice included the contact information for the Public Works Manager for anyone wanting to raise an objection to the vacation.

13.16.070.B.4. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under B(2) of this subsection, and that the vacation is in the public interest.

The Skinner Road area south of the White River is not being used as a street and is not paved. There are no utility lines located within this street right-of-way that would have to be relocated prior to any building construction if the street vacation is approved. The site is not suitable or planned for port, beach or water access, boat moorage, launching sites, or park. The site contains a narrow section of water, and is not conducive to these types of uses. The public view in this location is not of unusual or exceptional quality, and there is no recreational or educational value to this location along the river.

Additionally, the vacation of the right-of-way will permit BNSF to construct a required embankment for future expansion, and permit King County to construct a setback levee on the east bank of the White River alleviating some flooding potential for the stakeholders in the City of Pacific.

13.16.070.C. No vacation shall be effective until the fair market value has been paid for the street or alley or portion thereof to be vacated. Monies received from the vacation may be used by the City only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

Upon completion of the appraisal, the right-of-way vacation petitioner will deposit with the City the value of the land as determined by the appraiser. This will occur prior to the adoption of the Ordinance vacating this portion of the right-of-way. The monies will be placed in an account for the purposes listed in this Code.

Conclusion and Recommendation

The right-of-way petitioned to be vacated is not currently used for streets, pedestrian access, or utilities. The property could only be used for these purposes through the construction of a bridge, which is cost prohibitive, and would not provide access to any property other than the relatively small proposed vacation area, because it is surrounded by the White River and privately-owned property.

It is recommended to vacate the property to BNSF for the appraised value and the monies used per PMC 13.16.070C.

EXHIBIT A



7/31/2015

City of Pacific
100 3rd Ave SE
Pacific, WA 98047-1349

To: Community Development Department

Please see the enclosed Petition For the Vacation of a Public Right-of-Way from BNSF Railway. The packet of information is accompanied by two separate checks for \$500.00 application fee and \$2,000.00 deposit.

Please contact me if you have any questions with regards to the contents of information and I can be reached at 480-447-2505 or by email at josh@cinnibarsw.com.

Regards,

A handwritten signature in dark ink that reads "Josh Freegard". The signature is fluid and cursive, with the first name being particularly prominent.

Josh Freegard
Cinnabar Southwest
14500 N. Northsight Blvd. Ste 313
Scottsdale, AZ 85260
Phone: (480) 447-2505
Email: josh@cinnibarsw.com



100 3rd Avenue SE Pacific,
 WA 98047 Telephone:
 (253) 929-1110 Fax:
 (253)887-9910

PETITION FOR THE VACATION OF A PUBLIC RIGHT-OF-WAY

TO: Community Development Department, City of Pacific, 100 - 3rd Avenue SE, Pacific, WA 98047

We, the undersigned, being the owners according to the records of the King County Auditor of the property described in Exhibit A (legal description and map), attached hereto and by this reference incorporated herein, petition the City Council of the City of Pacific, Washington to vacate the portion of the public right-of-way known as East Hussey Rd. No. 457 (83rd Ave., S) south of White River described in Exhibit B, attached hereto and by this reference incorporated herein, in accordance with Chapter 13.16 Pacific Municipal Code, which we have read.

This petition is accompanied by:

- (1) \$500 application fee, \$2,000 deposit to be applied to engineering fee and any additional costs incurred;
- (2) A survey;
- (3) An explanation of why the public right-of-way sought to be vacated is no longer of public benefit;
- (4) A legal description of the public right-of-way proposed to be vacated;
- (5) A vicinity map showing the general area of the public right-of-way proposed to be vacated; and
- (6) A map prepared by a professional land surveyor, registered in the State of Washington, indicating the specific parcels abutting the public right-of-way proposed to be vacated.
- (7) Fee Obligation Form signed by owner/applicant.

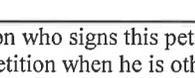
An appraisal of the subject property by a licensed appraiser will be obtained by the City and is also required to be paid by the applicant(s). In accordance with city regulations and State Statutes the property owner is required to pay the full appraised value of the land prior to street vacation. The payment of the assessed valuation shall be accomplished prior to formal Council Ordinance adoption.

This petition may consist of more than one page. Each person signing this petition consents to the filing of other pages to be considered as part of a single petition. Each signature shall be executed in ink.

PETITIONERS' SIGNATURES

Petitioners' Representative: Charles Keltner

Address / Phone Number: 14500 N. Northsight Blvd. Ste. 313 Scottsdale, AZ 85260 | P: (480) 447-2505

No.	Date	Printed/Typed Name	Signature	Address or Legal Description	Parcel No.
1	7/7/15	Charles Keltner		See Attached	335440-0661
2	7/7/15	Charles Keltner		See Attached	362104-9020
3	7/7/15	Charles Keltner		See Attached	362104-9107
4					

Attached Legal Descriptions Where Necessary. Each person who signs this petition with any other than his true name, or knowingly signs more than one of these petition, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. RCW 35A.01.040.

PROCEDURES

1. *Petition/Application*

- a. Petition/Application forms are provided by the City of Pacific Public Works office.
- b. A vacation may be initiated by a Petition signed by the owners of more than two thirds of the lineal frontage of the property abutting the street or alley to be vacated, or in the case of an easement, more than two-thirds of the property underlying the portion of the easement to be vacated. If any Petitioner is purchasing abutting or underlying property under a real estate contract, the seller of that property must also sign the vacation Petition.
- c. The Petition must contain a statement of why the proposed vacation is in the public interest or for a public purpose.
- d. The Petition must contain a statement explaining how no property will be denied direct access as a result of the vacation.
- e. The Petition must contain a legal description of the street, alley, or easement to be vacated; together with a statement certifying the validity of the legal description, signed by a licensed surveyor or registered engineer. In the event that the Pacific City Public Works Department determines that they can adequately consider the Petition without a full legal description, they may defer this requirement until after the Council has rendered its decision on the Petition; however, in no event shall a vacation be final until the requirements of this subsection have been met.
- f. Each Petitioner must provide proof of ownership. An affidavit, title report, copy of a deed of conveyance, or tax statement must be submitted for each signature as evidence of ownership. Any proof of ownership must contain a legal description of the property owned by the Petitioner.

2. *Valuation:*

Unless an abutting property owner objects, compensation as required under RCW 35.79.030 shall be established based on the Pierce/King County Assessor's assessed value of all abutting property. This compensation shall be determined as follows:

- a. The Pierce/King County Assessor's assessed value for each lot adjacent to the proposed vacation shall be divided by the number of square feet in that lot in order to obtain a "value per square foot" for each adjacent lot;
- b. The "value per square foot" for each adjacent lot shall be added together and divided by the total number of adjacent lots in order to obtain an average price per square foot for all adjacent property; and
- c. The compensation required of each abutting property owner shall consist of the average price per square foot obtained under subsection 2, above, multiplied by the number of square feet each abutting property owner will be receiving through the property vacation. The valuation

required under this section shall be prepared under the direction of the City Public Works Department. Any costs of the valuation, including time spent by the City staff in preparing or assisting with preparing the valuation, shall be borne by the Petitioner(s). The valuation shall be documented, complete, and added to the Petition before a vacation will be considered final. In the event a Petitioner or abutting property owner objects to the calculation of compensation under this section, the compensation required under RCW 35.79.030 shall be established as required under section 3, below.

3. Appraisals:

Determination of appraised value shall be made by appraisal of the portion of the street, alley, or easement to be vacated with value determination based on highest and best use. The appraisal shall be prepared at the discretion of the Public Works Manager or designee. Any easement or other public rights retained by the City or dedicated to the City shall be considered in the appraisal. The appraisal cost shall be borne by the applicant. The appraisal must be complete and added to the Petition before a vacation will be considered final.

4. Fees:

All fees and costs required by Pacific Municipal Code, resolution of the Pacific City Council, or these written procedures must be paid before the Pacific City Council will set a date to hear the Petition.

5. Maps:

Each Petition must be accompanied by a scale map showing the street, alley, easement, or part thereof, to be vacated, and showing all properties with subdivisions, blocks, lots, and specifying open and unopened rights-of-way in the vicinity of the proposed vacation.



CITY OF PACIFIC
COMMUNITY DEVELOPMENT DEPARTMENT/ PUBLIC WORKS

100 3RD AVENUE SE
PACIFIC, WA 98047
Telephone (253) 929-1110 Fax (253) 887-9910

Project Name _____ Project Number _____

FEE OBLIGATION

I, the undersigned, affirm and acknowledge that I am the responsible person or authorized agent for the applicant and I or the party I represent, hereby agree to pay to the City of Pacific the costs incurred in the processing of the applications for the above referenced project.

I understand that the City of Pacific charges on a time and materials basis for external and internal professional and administrative support staff time and for materials, noticing, and other miscellaneous project related requirements. Periodic billings are issued specifying services that have been provided and requiring payment. Payment is due within 30 days of the billing notice. Payments not received within 30 days of the billing notice shall accrue interest and penalties as prescribed by the latest adopted fee schedules. I, or the party I represent, agree to pay all such invoices within 30 days of the billing notice. I, or the party I represent, agree to pay all attorney's fees and costs incurred by the City in collecting said fees.

I understand that invoices that are unpaid for more than 45 days shall be sufficient reason to have the City of Pacific terminate all work processing of the applications for the above referenced project.

I understand that the deposit that I am required to pay will be held in a non- interest bearing account and shall only be applied in the event of my failure to pay invoices I, or the party I represent, will be entitled to a full refund of my deposit upon written request, final project approvals and payment of all final City of Pacific invoices.

Charles Keltner / Senior Manager Real-Estate
Printed Name and Title

Joshua Freegard
Designated Contact Person Print Name

2301 Lou Menk Drive, GOB-3W
FORT WORTH, TX 76131

14500 N. Northsight Blvd. # 313
Scottsdale, AZ 85260
Address

Address of Owner

480-447-2505
Phone

480-447-2505
Phone

BNSF Railway Company's Petition for the Vacation of a Public Right-of-Way

Supporting Materials

The following provides the information required by the City of Pacific's Procedures for requesting vacation of a City right of way.

Description of property to be vacated

Petitioner BNSF Railway Company requests vacation of that portion of the City of Pacific right of way that lies to the south of the White (Stuck) River, and to the west of the BNSF right of way. That portion of the City right of way is 30' in width and approximately 315' in length. A survey and formal legal description for the portion of right of way to be vacated are provided as attachments.

Ownership interests of petitioner

Petitioner owns all private lands abutting the right of way to be vacated. Specifically, Petitioner owns all lands on three sides of the right of way: King County parcel 335440-0661, which abuts the entire west side of the right of way; King County parcel 362104-9107, which abuts the entire south side of the right of way; and King County parcel 362104-9020, which abuts the entire east side of the right of way. The only abutting property not owned by Petitioner is the north side, which is abutted by the White River.

The right of way sought to be vacated is no longer of public benefit

The portion of the right of way to be vacated is isolated from other rights of way, roads and City lands. It is surrounded on three sides by private property that is not open to the public. It is not paved or otherwise developed, and is not used as a right of way. It is adjacent to BNSF's active mainline railroad tracks carrying traffic through King and Pierce Counties. Due to its limited size, isolated location and surrounding land uses, it is not suitable for beach use or other public access.

The proposed vacation is in the public interest

As discussed above, the right of way to be vacated is small, isolated and not used for public purposes. Petitioner requests the vacation in order to implement protective measures along Petitioner's railroad embankment, e.g., placement of fill, that are associated with and necessitated by King County's construction of the Countyline Levee Setback Project. The Countyline Project will provide substantial flood protection benefit to the City of Pacific. Upon acquisition of the City right of way, and as part of the Countyline Project, Petitioner has agreed

to provide an easement to King County for its resurfacing and maintenance of the existing levee where it crosses the right of way property and connects to Petitioner's embankment. Vacation of the right of way is therefore in the public interest in that it is necessary to implementation of the Countyline Project.

No property will be denied direct access as a result of the vacation.

The right of way to be vacated is geographically isolated from any public roads. Further, Petitioner owns all private lands abutting the right of way. Accordingly, the right of way is not used to access any private property, and its vacation will not deny access to any property.

Proof of ownership

Attached are King County Assessor reports for Petitioner's parcels that document Petitioner's ownership of all private lands abutting the right of way.

Attachments

As required by the City's Procedures, the petition includes and is supported by the following attachments:

- \$500 application fee and \$2,000 deposit to be applied to engineering fee and additional costs
- Survey
- Legal description of the right of way to be vacated
- Vicinity map showing the general area of the right of way to be vacated and all parcels abutting the right of way
- King County assessor reports for abutting properties
- Fee obligation form

City of Pacific
Property .22 Acres or
9,428 square feet.



King County Department of Assessments

Fair, Equitable, and Understandable Property Valuations

You're in: Assessor >> Look up Property Info >> eReal Property

Department of Assessments

500 Fourth Avenue, Suite ADM-AS-0708, Seattle, WA 98104

Office Hours: Mon - Fri 8:30 a.m. to 4:30 p.m.

TEL: 206-296-7300 FAX: 206-296-5107 TTY: 206-296-7888

Send us mail

- New Search
- Property Tax Bill
- Map This Property
- Glossary of Terms
- Area Report
- Property Detail

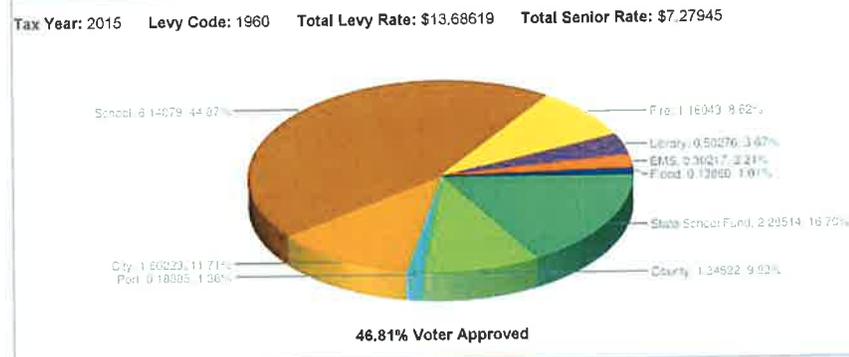
PARCEL

Parcel Number	362104-9107
Name	BNSF RAILWAY CO
Site Address	
Legal	E 50 FT OF POR OF NE 1/4 OF SE 1/4 OF SEC 36-21-4 LY WLY OF BNSF RR R/W TGWE 16.5 FT OF POR OF SE 1/4 OF SE 1/4 OF SD SEC LY WLY OF SD RR R/W

BUILDING 1

Year Built	
Total Square Footage	
Number Of Bedrooms	
Number Of Baths	
Grade	
Condition	
Lot Size	84610
Views	No
Waterfront	

TOTAL LEVY RATE DISTRIBUTION



Click here to see levy distribution comparison by year.

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	1,000	0	1,000	0	0	0

Updated: April 22, 2015

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Reference Links:

King County Taxing Districts Codes and Levies (.PDF)

King County Tax Links

Property Tax Advisor

Washington State Department of Revenue (External link)

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Board of Appeals/Equalization

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Department of Assessments

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Office Hours: Mon - Fri 8:30 a.m. to 4:30 p.m.

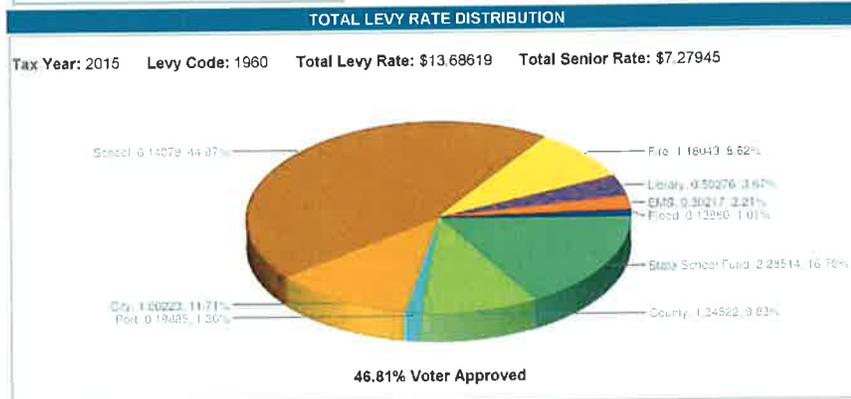
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PARCEL	
Parcel Number	362104-9020
Name	BNSF RAILWAY COMPANY
Site Address	5925 A ST SE 98002
Legal	R/W THRU NE 1/4 OF NE 1/4 R/W THRU SE 1/4 OF NE 1/4 R/W THRU NE 1/4 OF SE 1/4 R/W THRU SE 1/4 OF SE 1/4

BUILDING 1	
Year Built	
Building Net Square Footage	
Construction Class	
Building Quality	
Lot Size	527335
Present Use	Right of Way/Utility, Road
Views	No
Waterfront	



Click here to see levy distribution comparison by year.

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	791,000	0	791,000	0	0	0
2013	2014	791,000	0	791,000	0	0	0
2012	2013	791,000	0	791,000	0	0	0
2011	2012	791,000	0	791,000	0	0	0
2010	2011	791,000	0	791,000	0	0	0
2009	2010	791,000	0	791,000	0	0	0
2008	2009	791,000	0	791,000	0	0	0
2007	2008	791,000	0	791,000	0	0	0
2006	2007	791,000	0	791,000	0	0	0
2005	2006	791,000	0	791,000	0	0	0
2004	2005	791,000	0	791,000	0	0	0
2003	2004	791,000	0	791,000	0	0	0
2002	2003	791,000	0	791,000	0	0	0
2001	2002	791,000	0	791,000	0	0	0
2000	2001	791,000	0	791,000	0	0	0
1999	2000	791,000	0	791,000	0	0	0

Reference Links:

[King County Taxing Districts Codes and Levies \(.PDF\)](#)

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1997	1998	0	0	0	791,000	0	791,000
1996	1997	0	0	0	791,000	0	791,000
1994	1995	0	0	0	791,000	0	791,000
1992	1993	0	0	0	791,000	0	791,000
1990	1991	0	0	0	527,300	0	527,300
1988	1989	0	0	0	558,400	0	558,400
1986	1987	0	0	0	558,400	0	558,400
1984	1985	0	0	0	484,800	0	484,800
1982	1983	0	0	0	27,000	0	27,000

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--	--	--

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PARCEL

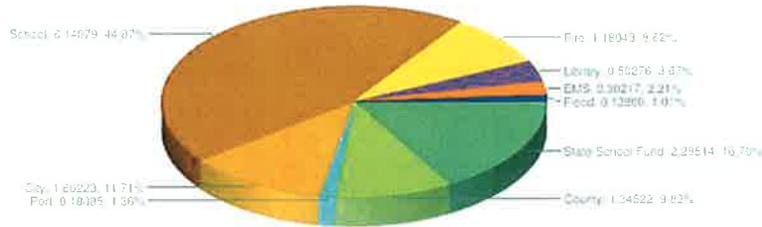
Parcel Number	335440-0661
Name	BNSF RAILROAD COMPANY
Site Address	
Legal	HILLMANS C D PACIFIC CITY DIV #2 POR OF TR A LY ELY OF LN LY 200 FT WLY OF C/L OF BNSF RR R/W

BUILDING 1

Year Built	
Total Square Footage	
Number Of Bedrooms	
Number Of Baths	
Grade	
Condition	
Lot Size	32345
Views	Yes
Waterfront	

TOTAL LEVY RATE DISTRIBUTION

Tax Year: 2015 Levy Code: 1960 Total Levy Rate: \$13.68619 Total Senior Rate: \$7.27945



46.81% Voter Approved

[Click here to see levy distribution comparison by year.](#)

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	42,000	0	42,000	0	0	0
2013	2014	76,000	0	76,000	0	0	0
2012	2013	76,000	0	76,000	0	0	0
2011	2012	77,000	0	77,000	0	0	0
2010	2011	19,300	0	19,300	0	0	0

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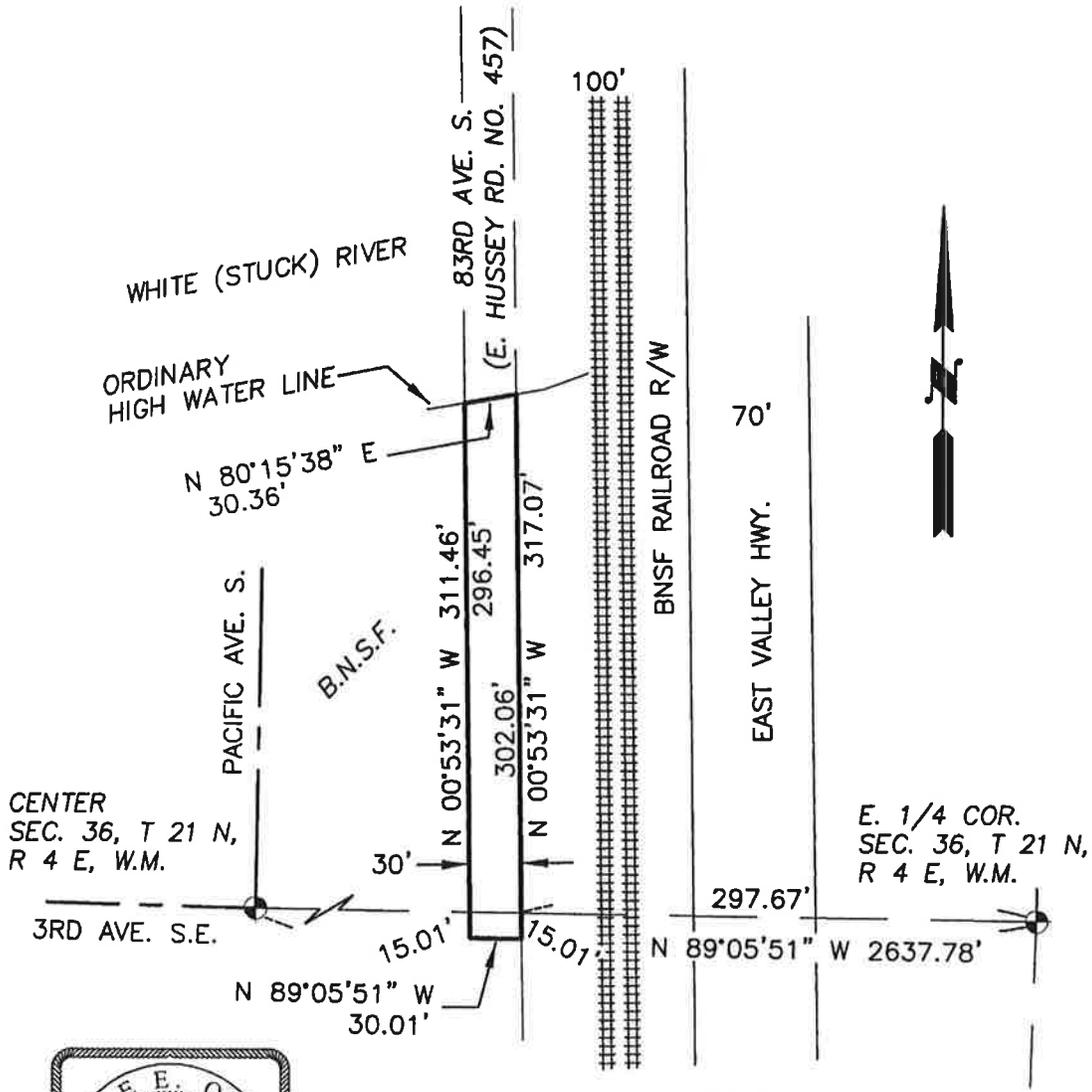


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EXHIBIT DRAWING



AREA
9,428 SQ. FT.
0.22 ACRES

LEGEND

-  MONUMENT
-  RAIL ROAD TRACKS



SADLER BARNARD & ASSOC., INC.
717 W. STEWART, PUYALLUP, WA 98371
253-848-5170

Legal Description:

That portion of East Hussey Road No. 457 (83rd Ave. S.), being a 30.00 foot wide road established in 1899, lying south of the ordinary high water mark along the southerly side of the Stuck River and north of the south line of the southeast quarter of the northeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;

Together with the west 30.00 feet of that portion of said East Hussey Road No. 457 lying within the northeast quarter of the southeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;



Assessor-Treasurer electronic Property Information Profile

Taxes / Values for 0420013046

08/05/2015 03:09 PM



Property Details Parcel Number: 0420013046 Site Address: XXX STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 5400-FOOD RETAIL TRADE	Taxpayer Details Taxpayer Name: CITY OF PACIFIC Mailing Address: 100 3RD AVE SE PACIFIC WA 98047
--	--

Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	0	145,400	109,100	36,300	0	0	07/06/2015
2014	2015	0	138,500	109,100	29,400	0	0	06/27/2014
2013	2014	0	138,500	109,100	29,400	0	0	06/24/2013
2012	2013	0	138,500	109,100	29,400	0	0	06/22/2012
2011	2012	0	150,300	120,900	29,400	0	0	06/27/2011
2010	2011	0	161,300	126,800	34,500	0	0	06/21/2010
2009	2010	0	181,600	140,000	41,600	0	0	07/17/2009
2008	2009	0	194,100	147,400	46,700	0	0	06/13/2008
2007	2008	0	163,700	117,000	46,700	0	0	06/22/2007
2006	2007	0	125,900	89,900	36,000	0	0	09/29/2006

Current Charges
Balance Due: 0.00 Minimum Due: 0.00 as of 08/05/2015

Tax Year	Exemption
2016	Municipal Corp and Misc Taxing Districts
2015	Municipal Corp and Misc Taxing Districts
2014	Municipal Corp and Misc Taxing Districts
2013	Municipal Corp and Misc Taxing Districts
2012	Municipal Corp and Misc Taxing Districts
2011	Municipal Corp and Misc Taxing Districts
2010	Municipal Corp and Misc Taxing Districts
2009	Municipal Corp and Misc Taxing Districts
2008	Municipal Corp and Misc Taxing Districts
2007	Municipal Corp and Misc Taxing Districts

Tax Year	Charge Type	Amount Paid
2015	Weed Control Principal	1.70
Total 2015		1.70
2014	Weed Control Principal	1.64
Total 2014		1.64
2013	Weed Control Principal	1.64
Total 2013		1.64
2012	Drainage District Principal	23.89
2012	Weed Control Principal	1.64
Total 2012		25.53
2011	Weed Control Principal	1.64
Total 2011		1.64
2010	Drainage District Principal	24.23
Total 2010		24.23

Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Date	Number	Amount Applied
03/16/2015	8089316	1.70
02/28/2014	7485816	1.64
03/29/2013	6939044	1.64

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013046

08/05/2015 03:19 PM



Property Details Parcel Number: 0420013046 Site Address: XXX STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 5400-FOOD RETAIL TRADE		Taxpayer Details Taxpayer Name: CITY OF PACIFIC Mailing Address: 100 3RD AVE SE PACIFIC WA 98047	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 4,085 Acres: 0.09 Front Ft: 95	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

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I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

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Mike Lonergan
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 Tacoma, Washington 98409
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Taxes / Values for 0420013045

08/05/2015 03:11 PM



Property Details		Taxpayer Details	
Parcel Number:	0420013045	Taxpayer Name:	CITY OF PACIFIC
Site Address:	202 STEWART RD SE	Mailing Address:	100 3RD AVE SE PACIFIC WA 98047
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	1197-COMM LND WITH SFR		

Assessed Values								
Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	0	174,000	174,000	0	0	0	0 07/06/2015
2014	2015	0	174,000	174,000	0	0	0	0 06/27/2014
2013	2014	0	174,000	174,000	0	0	0	0 06/24/2013
2012	2013	0	174,000	174,000	0	0	0	0 06/22/2012
2011	2012	0	192,800	192,800	0	0	0	0 06/27/2011
2010	2011	0	202,200	202,200	0	0	0	0 06/21/2010
2009	2010	0	223,300	223,300	0	0	0	0 07/17/2009
2008	2009	0	235,100	235,100	0	0	0	0 09/19/2008
2007	2008	0	188,600	139,200	49,400	0	0	0 06/22/2007
2006	2007	34,155	152,000	107,100	44,900	0	0	0 06/12/2006

Current Charges	Exemptions
Balance Due: 0.00	Tax Year
Minimum Due: 0.00	Exemption
as of 08/05/2015	2016 Municipal Corp and Misc Taxing Districts

Paid Charges
For questions regarding any electronic payments you may have made, please contact **Point & Pay** at **1-877-765-4112**

Tax Year	Charge Type	Amount Paid
2015	Weed Control Principal	1.70
Total 2015		1.70
2014	Weed Control Principal	1.64
Total 2014		1.64
2013	Weed Control Principal	1.64
Total 2013		1.64
2012	Drainage District Principal	30.08
	Weed Control Principal	1.64
Total 2012		31.72
2011	Weed Control Principal	1.64
Total 2011		1.64
2010	Drainage District Principal	29.34
Total 2010		29.34
2007	Property Tax Principal	334.96
	Property Tax Interest	3.35
	Weed Control Principal	1.39
	Weed Control Interest	0.01
Total 2007		339.71

2015	Municipal Corp and Misc Taxing Districts
2014	Municipal Corp and Misc Taxing Districts
2013	Municipal Corp and Misc Taxing Districts
2012	Municipal Corp and Misc Taxing Districts
2011	Municipal Corp and Misc Taxing Districts
2010	Municipal Corp and Misc Taxing Districts
2009	Municipal Corp and Misc Taxing Districts
2008	Municipal Corp and Misc Taxing Districts
2007	Municipal Corp and Misc Taxing Districts

Tax Code Areas		
Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Receipts		
Date	Number	Amount Applied
03/16/2015	8089315	1.70
02/28/2014	7485816	1.64
03/29/2013	6939046	1.64

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013045

08/05/2015 03:19 PM



Property Details Parcel Number: 0420013045 Site Address: 202 STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 1197-COMM LND WITH SFR		Taxpayer Details Taxpayer Name: CITY OF PACIFIC Mailing Address: 100 3RD AVE SE PACIFIC WA 98047	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 8,181 Acres: 0.19 Front Ft: 193	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

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Taxes / Values for 0420013052

08/05/2015 03:15 PM



Property Details Parcel Number: 0420013052 Site Address: 1151 VALENTINE AV SE Account Type: Real Property Category: Land and Improvements Use Code: 6600-CONTRACTOR SERVICES	Taxpayer Details Taxpayer Name: PACIFIC MARKET PLACE LLC Mailing Address: 12213 SE 260TH PL KENT WA 98030
---	---

Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	273,500	273,500	266,000	7,500		0	0 07/06/2015
2014	2015	273,500	273,500	266,000	7,500		0	0 06/27/2014
2013	2014	279,100	279,100	271,600	7,500		0	0 06/24/2013
2012	2013	279,300	279,300	271,600	7,700		0	0 06/22/2012
2011	2012	308,700	308,700	301,000	7,700		0	0 06/27/2011
2010	2011	324,200	324,200	315,700	8,500		0	0 06/21/2010
2009	2010	357,900	357,900	348,700	9,200		0	0 07/17/2009
2008	2009	376,000	376,000	367,100	8,900		0	0 06/13/2008
2007	2008	282,800	282,800	262,000	20,800		0	0 06/22/2007
2006	2007	222,300	222,300	201,500	20,800		0	0 06/12/2006

Current Charges [Recalculate](#)
 Property tax interest and/or penalty charges are calculated on the 1st of each month. Your payment must be paid or postmarked prior to the 1st to avoid accrual of those additional charges. If the last day of the month falls on a holiday or weekend, you will have the following business day to pay or postmark without additional interest and/or penalty. If necessary, you can [recalculate](#) charges for a future date.

Pay with credit card, Visa debit card or E-check		Payment Mailing Address	
Balance Due: 1,850.33	Minimum Due: 1,850.33	as of 08/05/2015	
Tax Year	Charge Type	Amount Charged	Due Date
2015	Property Tax Principal	3,698.95	10/31/15
	Weed Control Principal	1.70	10/31/15
Total 2015		3,700.65	

Paid Charges
 For questions regarding any electronic payments you may have made, please contact **Point & Pay at 1-877-765-4112**

Tax Year	Charge Type	Amount Paid	
2015	Property Tax Principal	1,849.47	
	Weed Control Principal	0.85	
Total 2015		1,850.32	
2014	Property Tax Principal	3,822.52	
	Weed Control Principal	1.64	
Total 2014		3,824.16	
2013	Property Tax Principal	3,987.26	
	Weed Control Principal	1.64	
Total 2013		3,988.90	
2012	Property Tax Principal	4,037.11	
	Drainage District Principal	46.96	
	Weed Control Principal	1.64	
Total 2012		4,085.71	
2011	Property Tax Principal	3,891.42	
	Weed Control Principal	1.64	
Total 2011		3,893.06	
2010	Property Tax Principal	3,865.47	
	Drainage District Principal	45.82	
	Weed Control Principal	1.39	
Total 2010		3,912.68	
2009	Property Tax Principal	3,750.72	
	Weed Control Principal	1.39	
Total 2009		3,752.11	
2008	Property Tax Principal	2,694.96	

Exemptions
 No exemptions

Tax Year	TCA	Rate
2016	086	0.000000
2015	086	13.524460
2014	086	13.695869
2013	086	14.275933
2012	086	13.077788
2011	086	12.003162
2010	086	10.800423
2009	086	9.975316
2008	086	9.529544
2007	086	9.807034

Date	Number	Amount Applied
03/09/2015	8082319	1,850.32
01/14/2015	8063425	1,912.08
04/21/2014	7568890	1,912.08
04/18/2013	6976188	3,988.90
08/13/2012	6602653	2,042.86
05/03/2012	6568512	2,042.85
11/04/2011	6247859	1,946.53
05/04/2011	5966625	0.00
05/04/2011	5975224	1,946.53
10/26/2010	5510243	1,956.34
05/04/2010	5391197	1,956.34
11/05/2009	5084265	1,876.06
05/04/2009	4797546	1,876.05
10/30/2008	4439777	1,348.18
04/10/2008	3976791	1,348.17
11/01/2007	3865052	1,090.75
04/16/2007	3410715	1,090.75
10/23/2006	3227792	791.86
05/04/2006	3044931	791.86
11/07/2005	2752624	813.47
04/30/2005	2449359	813.47
11/02/2004	2171857	790.03

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 0420013052

08/05/2015 03:17 PM



Property Details Parcel Number: 0420013052 Site Address: 1151 VALENTINE AV SE Account Type: Real Property Category: Land and Improvements Use Code: 6600-CONTRACTOR SERVICES		Taxpayer Details Taxpayer Name: PACIFIC MARKET PLACE LLC Mailing Address: 12213 SE 260TH PL KENT WA 98030	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 27,250 Acres: 0.63 Front Ft: 222	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Available Sewer: Sewer/Septic Installed Water: Water Available	

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Taxes / Values for 4495400451

08/05/2015 03:16 PM



Property Details		Taxpayer Details	
Parcel Number:	4495400451	Taxpayer Name:	BEATTY CLIFFORD M & SHARON R
Site Address:	242 STEWART RD SE	Mailing Address:	216 27TH AVE NW GIG HARBOR WA 98335-7809
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	3400-FAB METAL PRODUCTS		

Value Year	Tax Year	Taxable Value	Assessed Total	Assessed Land	Assessed Improvements	Current Use Land	Personal Property	Notice of Value Mailing Date
2015	2016	2,522,200	2,522,200	1,317,800	1,204,400		0	0 07/06/2015
2014	2015	2,357,200	2,357,200	1,317,800	1,039,400		0	0 06/27/2014
2013	2014	2,357,200	2,357,200	1,317,800	1,039,400		0	0 06/24/2013
2012	2013	2,280,200	2,280,200	1,317,800	962,400		0	0 06/22/2012
2011	2012	2,308,600	2,308,600	1,460,200	848,400		0	0 06/27/2011
2010	2011	2,509,200	2,509,200	1,531,500	977,700		0	0 06/21/2010
2009	2010	2,541,200	2,541,200	1,691,700	849,500		0	0 07/17/2009
2008	2009	2,559,000	2,559,000	1,780,800	778,200		0	0 06/13/2008
2007	2008	2,541,400	2,541,400	1,372,000	1,169,400		0	0 06/22/2007
2006	2007	1,990,900	1,990,900	1,055,400	935,500		0	0 06/12/2006

Current Charges [Recalculate](#)
 Property tax interest and/or penalty charges are calculated on the 1st of each month. Your payment must be paid or postmarked prior to the 1st to avoid accrual of those additional charges. If the last day of the month falls on a holiday or weekend, you will have the following business day to pay or postmark without additional interest and/or penalty. If necessary, you can [recalculate](#) charges for a future date.

Pay with credit card, Visa debit card or E-check				Payment Mailing Address		Exemptions		
Balance Due: 19,442.46				Minimum Due: 19,442.46		No exemptions		
				as of 08/05/2015		Tax Code Areas		
Tax Year	Charge Type	Amount Charged	Minimum Due	Balance Due	Due Date	Tax Year	TCA	Rate
2015	Property Tax Principal	31,879.86	15,939.93	15,939.93	10/31/15	2016	086	0.000000
	Weed Control Principal	2.24	1.12	1.12	10/31/15	2015	086	13.524460
	Fire Benefit Charge Principal	7,002.81	3,501.41	3,501.41	10/31/15	2014	086	13.695869
Total 2015		38,884.91	19,442.46	19,442.46		2013	086	14.275933
						2012	086	13.077788
						2011	086	12.003162
						2010	086	10.800423
						2009	086	9.975316
						2008	086	9.529544
						2007	086	9.807034

Paid Charges
 For questions regarding any electronic payments you may have made, please contact **Point & Pay at 1-877-765-4112**

Tax Year	Charge Type	Amount Paid	Date	Number	Amount Applied
2015	Property Tax Principal	15,939.93			
	Weed Control Principal	1.12			
	Fire Benefit Charge Principal	3,501.40	04/30/2015	8332951	19,442.45
Total 2015		19,442.45	10/22/2014	7870631	19,429.15
2014	Property Tax Principal	32,283.90	04/22/2014	7576091	19,429.14
	Weed Control Principal	2.00	10/30/2013	7410558	19,624.00
	Fire Benefit Charge Principal	6,572.39	04/24/2013	7018970	19,623.99
Total 2014		38,858.29	10/23/2012	6681655	18,591.78
2013	Property Tax Principal	32,551.99	04/24/2012	6434995	18,591.77
	Weed Control Principal	2.00	11/01/2011	6235065	18,166.18
	Fire Benefit Charge Principal	6,694.00	04/25/2011	5805594	18,166.18
Total 2013		39,247.99	10/25/2010	5502577	16,909.50
2012	Property Tax Principal	30,191.38	04/26/2010	5251408	16,909.50
	Drainage District Principal	338.25	10/19/2009	4870803	15,647.56
	Weed Control Principal	2.00	04/21/2009	4592854	15,647.55
	Fire Benefit Charge Principal	6,651.92	10/29/2008	4435611	14,862.80
Total 2012		37,183.55	04/24/2008	4066528	14,862.79
2011	Property Tax Principal	30,118.33	10/23/2007	3717848	9,763.26
	Weed Control Principal	2.00	04/26/2007	3556258	9,763.25
	Fire Benefit Charge Principal	6,212.03	11/02/2006	3293086	8,951.50
Total 2011		36,332.36	05/03/2006	3042267	8,951.50
2010	Property Tax Principal	27,446.03	10/25/2005	2669594	8,959.07
	Drainage District Principal	313.13	03/29/2005	2246633	8,959.06
			10/13/2004	1991134	8,555.11

Assessor-Treasurer electronic Property Information Profile

Land Characteristics for 4495400451

08/05/2015 03:16 PM



Property Details Parcel Number: 4495400451 Site Address: 242 STEWART RD SE Account Type: Real Property Category: Land and Improvements Use Code: 3400-FAB METAL PRODUCTS		Taxpayer Details Taxpayer Name: BEATTY CLIFFORD M & SHARON R Mailing Address: 216 27TH AVE NW GIG HARBOR WA 98335-7809	
Location: LEA: 2054 RTSQQ: 04-20-01-32		Size SF: 156,332 Acres: 3.59 Front Ft: 253	
Amenities WF Type: n/a View Quality: n/a Street Type: Paved		Utilities Electric: Power Installed Sewer: Sewer/Septic Installed Water: Water Installed	

Warning: Appraisal data provided is for informational purposes only and is incomplete for determination of value.

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
 Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

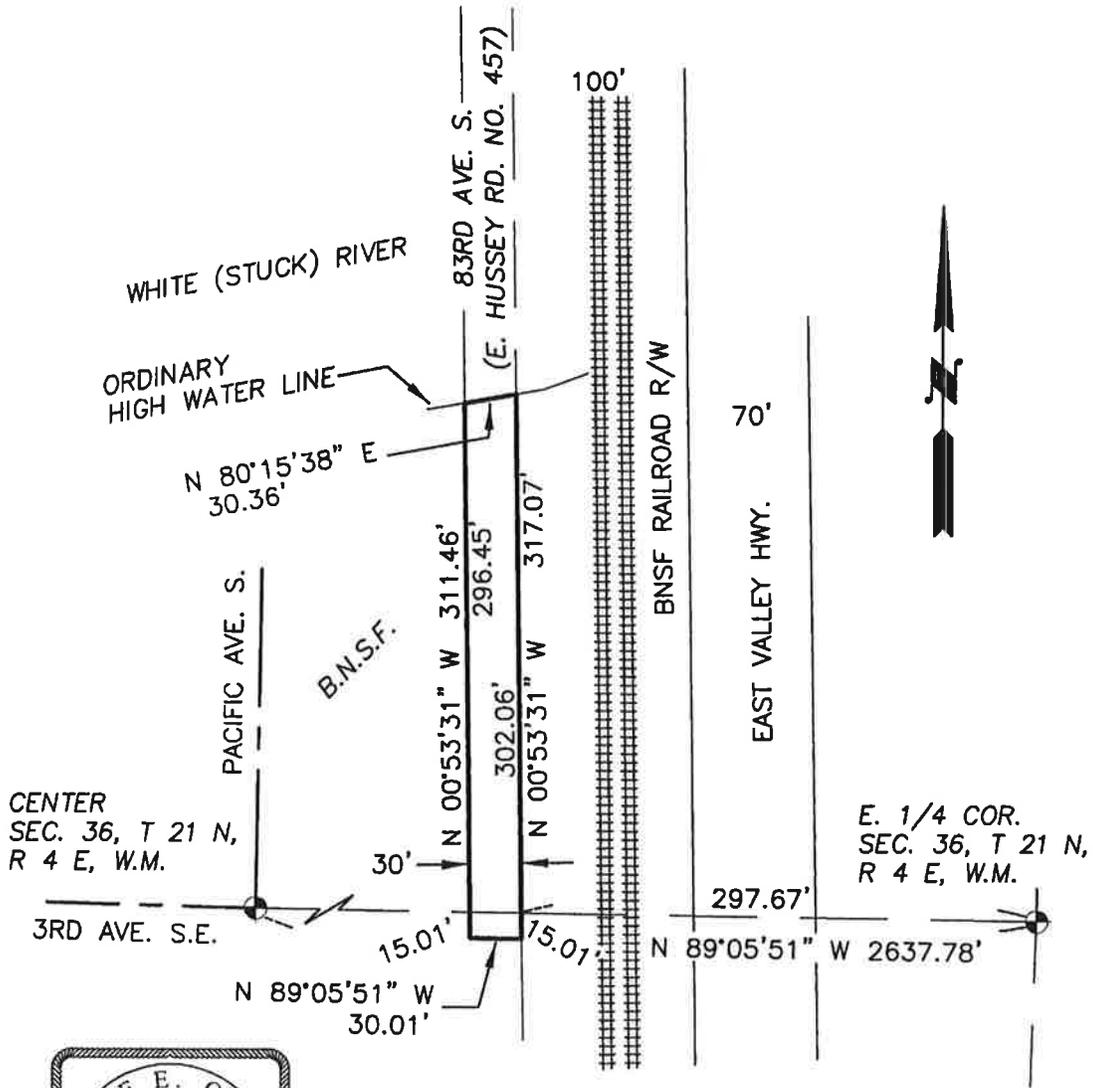
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WEBSITE INFORMATION

Privacy Policy
 Copyright Notices

EXHIBIT B

EXHIBIT DRAWING



AREA
9,428 SQ. FT.
0.22 ACRES

LEGEND

-  MONUMENT
-  RAIL ROAD TRACKS



SADLER BARNARD & ASSOC., INC.
717 W. STEWART, PUYALLUP, WA 98371
253-848-5170

Legal Description:

That portion of East Hussey Road No. 457 (83rd Ave. S.), being a 30.00 foot wide road established in 1899, lying south of the ordinary high water mark along the southerly side of the Stuck River and north of the south line of the southeast quarter of the northeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;

Together with the west 30.00 feet of that portion of said East Hussey Road No. 457 lying within the northeast quarter of the southeast quarter of Section 36, Township 21, Range 4 East of the Willamette Meridian;



EXHIBIT C

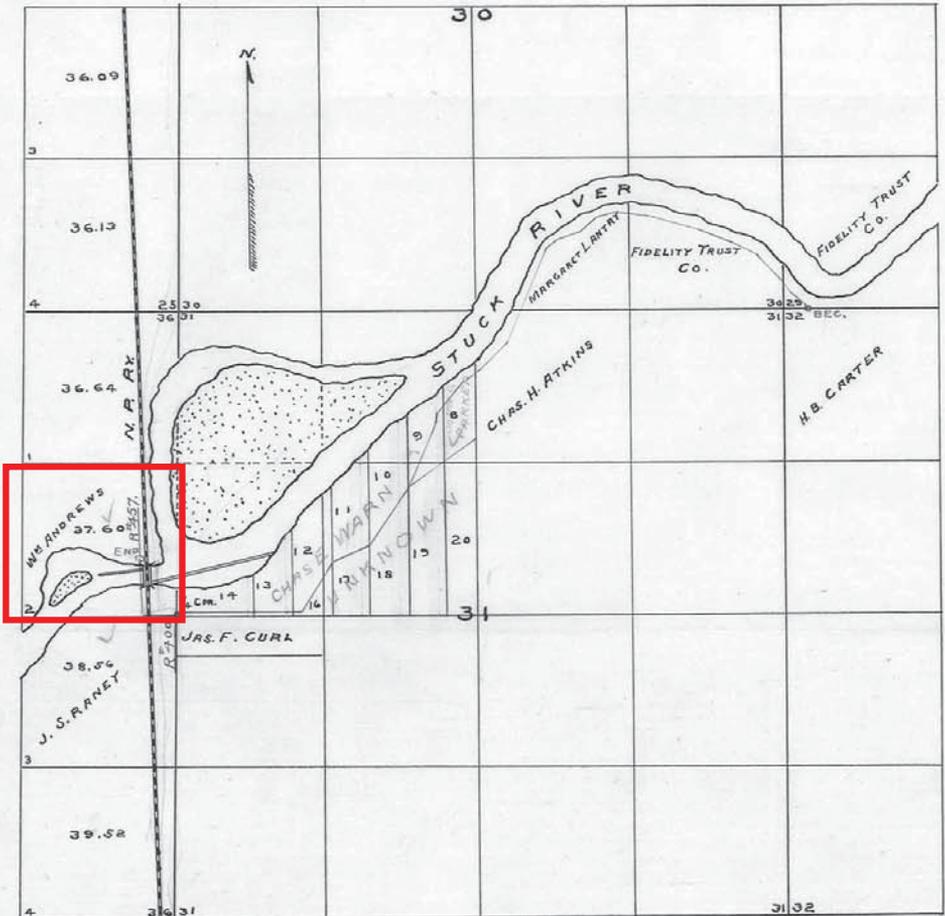
B. H. CARTER ROAD

1N

TP. 21 N. Rgs. 4th & 5 E. W. M.

JUNE 1899

P. D. HAMLIN
COUNTY SURVEYOR



Viewers' Report.

IN THE MATTER OF THE PETITION OF

B. H. Carten et al
for the View, Location and Establishment of
a County Road in King County, Washington.

Viewers' Report.

We the undersigned, residents of the County of King and State of Washington,
duly appointed Viewers by the Board of County Commissioners of said County on the
2nd day of May A. D. 1899
to view, survey and lay out a certain road designated in the petition of B. H. Carten
and others, and to estimate the damages to owners of land
over which the proposed road runs, in obedience to the order and directions of the
Board and to the law, did on the 7th 8th & 9th days of June A. D. 1899

189.....

view, lay out, survey and mark the course of the road proposed in said petition, and
report as follows, viz:

FIRST

Said Road as surveyed and marked commences at a point on the Section
line between Sections 29 & 32 T₁P. 21 N. R. 5 E. W. M.
195 feet east of the corner to Sections ^{30, 29} 31, 32. Thence westerly
and southwesterly on the south side of Truck River about
5000 feet to an intersection with the roadway as laid off in
The Darkey Homestead Plat. Thence along said platted
road southerly and westerly to a point fifteen (15) feet
north of the 7th Sec. Cor. on the West boundary line of Section
31. Said T₁P. and R₅. Thence South fifteen (15) feet to the said
7th Sec. Cor. Thence West along the East & West Center line of
Section 36 T₁P. 21 N. R. 4 E. W. M. to a point sixty five (65) feet
west of the center line of the N. P. Ry track, measured at
right angles to said railway center line. Thence northerly
parallel to and sixty five (65) feet from the said railway center
line to a point north of Truck River and junction with the
terminal point of County Road # 4057. The total length
being one mile and 3116²/₃ feet

and ends at

the total length being

SECOND

Said road passes over, across and through the following described tracts of land of which we give the names and addresses of owners, lessees or incumbancers and the area taken by the road from each tract, viz:

DESCRIPTION OF LAND				Name of Owner, Lessee or Incumbancer	ADDRESS	AREA Taken for Road	
Part of Section	Sec.	Tp.	Rg.	State if Unknown		Acres	Tenths
S.W. 1/4 of N.W. 1/4	31	21	5E	Subdivided into The Parker Homestead tracts			
S.E. 1/4 of N.W. 1/4	31	21	5E				
N.E. 1/4 of N.W. 1/4	31	21	5E		SEE Below		
N.W. 1/4 of N.E. 1/4	31	21	5E	CHAS E ATKINS		0	50
S.W. 1/4 of S.E. 1/4	30	21	5E	MARGARET LANTRY		0	91
S.E. 1/4 of S.E. 1/4	30	21	5E	FIDELITY TRUST Co		1	04
S.W. 1/4 of S.W. 1/4	29	21	5E	FIDELITY TRUST Co		0	23
LOT 3	36	21	4E	J.S. PARKER		0	70
LOT 2	36	21	4E	W.M. ANDREWS		0	35
THE PARKER HOMESTEAD TRACTS	LOT	8		JNO. G. PARKER		0	31
" " " "	"	9		CHAS. E. PARKER		0	46
" " " "	"	10		" " "		0	21
" " " "	"	11		" " "		0	12
" " " "	"	12		" " "		0	24
" " " "	"	13		" " "		0	23
" " " "	"	14		" " "		0	46
" " " "	"	15		" " "		0	23
" " " "	"	16		" " "		0	18
" " " "	"	17		Unknown		0	13
" " " "	"	18		Unknown		0	21
" " " "	"	19				5	67
" " " "	"	20					

THIRD

We estimated the damage to the owners of land over which the proposed road will run, a description of which, the area, the names of owners and estimate of damages are as follows:

DO NOT LIST UNLESS DAMAGES ARE CLAIMED

DESCRIPTION OF LAND				AREA		NAME OF OWNER	Estimated Damage	
Part of Section	Sec.	Tp.	Rg.	Acres	10ths	State if Unknown	Dols.	Cents
<i>No Damages</i>								

FOURTH

The following are the names of the persons interested in lands through which said road passes who consent to the establishment of the Road and waive all claims for damages:

NAMES	NAMES	NAMES
<i>J. G. Parker</i>		
<i>L. Shaughnessy</i>		
<i>Wm. Andrews</i>		
<i>J. S. Ranney</i>		

QUIT - CLAIM DEED .

The grantors, William Andrews and Amanda J. Andrews, husband and wife, both residents of Stuck, King County, Washington, for the consideration of One Dollar lawful money of the United States of America, in hand paid, convey and quit-claim to King County, one of the Counties of the State of Washington, for road purposes, all interest in the following described real estate:-----

-----A portion of the north-east quarter of Section Thirty-Six, Township Twenty-One north of Range Four east W.M., particularly bounded as follows, to-wit: Beginning at the south-east corner of the north-east quarter of said Section 36, running thence westerly along the quarter section line to a point thirty feet west of the west line of the right of way of the Northern Pacific Railway Company, thence in a northerly direction and on a line parallel with the west line of said right of way to the north bank of Stuck River, thence in an easterly direction and along the north bank of Stuck River to the west line of said right of way, thence in a southerly direction and along the west line of said right of way to a point fifteen feet north of the south line of the south-east quarter of the north-east quarter of said Section 36, thence in an easterly direction on a line parallel with the south line of the north-east quarter of said Section 36 and fifteen feet distant therefrom to the east line of said Section 36, thence southerly to the point of beginning.

Situated in the County of King, State of Washington.

Dated this 27th day of April, A.D. 1899.

Signed, sealed and delivered) W. Andrews (Seal)

in presence of) Amanda J. Andrews (Seal)

) J. S. Raney

State of Washington,
SS.

County of King.

I, I. B. Knickerbocker, a Notary Public in and for the State of Washington, duly commissioned and sworn, do hereby certify that on this 27th day of April, A.D. 1899, personally appeared before me William Andrews and Amanda J. Andrews, his wife, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 27th day of April, A.D. 1899.

I. B. Knickerbocker
Notary Public in and for the State of Washington, residing at Auburn in said State.

QUIT - CLAIM DEED .

The grantors, J.S.Raney and Mary L.Raney, both residents of Stuck, King County, Washington, for the consideration of One Dollar lawful money of the United States of America, in hand paid, convey and quit-claim to King County, one of the Counties in the State of Washington, for road purposes, all interest in the following described real estate:-----

-----Beginning at the north-east corner of the south-east quarter of Section Thirty-Six in Township Twenty-One north of Range Four east of the Willamette Meridian, running thence westerly along the quarter section line to a point thirty feet west of the west line of the right of way of the Northern Pacific Railway Company, thence south fifteen feet, thence easterly on a line parallel with the north line of the south-east quarter of said Section Thirty-Six and fifteen feet distant therefrom to the east line of said Section Thirty-Six, thence northerly to the point of beginning; containing more or less of land.

Situated in the County of King, State of Washington.

Dated this 25th day of April, A.D. 1899.

Signed, sealed and delivered) J.S.Raney (Seal)
in presence of)
Mary L. Raney (Seal)
Caranda J. Andrews)
I.B. Knickerbocker)

State of Washington,
SS.
County of King.

I, I.B. Knickerbocker, a Notary Public in and for the State of Washington, duly commissioned and sworn, do hereby certify that on this 27th day of April, A.D. 1899, personally appeared before me J.S.Raney and Mary L.Raney, his wife, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 27th day of April, A.D. 1899.

I.B. Knickerbocker,
Notary Public in and for the State of Washington, residing at Auburn in said State.

C. D. HILLMAN'S
Pacific City Addition
 TO THE CITY OF SEATTLE
 DIVISION NO. 2

Goffmill and Whitworth.



Approved by the Board of County Commissioners of King County this 14 day of June A.D. 1906.

F. J. Smith
 Chairman.

Attest: J. P. Agnew
 Secretary of the Board of County Commissioners.

Road to be vacared

DESCRIPTION

This Plat of "C. D. Hillman's Pacific City Addition to the City of Seattle, Division No. 2" covers the Southeast Quarter of Northwest Quarter (S.E. 1/4 of N.W. 1/4) and the Northeast Quarter (N.E. 1/4) of Section Thirty-six (36) of Township Twenty-one (21) North of Range Four (4) East of the Willamette Meridian, reserving and excluding therefrom all rights of way for railroad purposes or public highways heretofore acquired, appropriated, or conveyed also excepting therefrom the portion of the N.E. 1/4 of the N.E. 1/4 of said Section 36, lying east of the Northern Pacific Railroad, as heretofore conveyed by T.N. Berlin and Frances Berlin his wife, to Harry B. Kinkade. The easterly tenfeet of the land included in this plat, lying south of said Kinkade Tract, is subject to an easement granted thereon for a pole line, wires, etc., heretofore granted by said Berlin and wife to the Snoqualmie Falls Power Company.

The existing County Road along the north bank of Stuck River is hereby widened from 30 feet to 40 feet and the northerly margin thereof indicated and established by courses and distances upon this plat. The southerly margin is not indicated but is hereby established as 40 feet distant from and parallel with the said north margin. Tract "D" includes so much of the broken and overflowed area within this plat as may now or hereafter be reclaimed and protected between the southerly margin of said County Road and the north bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. West from Stuck River, the existing County Road along the south boundary of this plat, is widened by adding 5 feet to the north side thereof taking 20 feet from this tract instead of 15 feet as heretofore. All other County Roads remain as now established. Other streets and lanes are established as shown and located by this plat. The dimensions and location of all the numbered Tracts are clearly indicated upon the face of the plat. Tract "A" includes all land within this plat lying west of the County Road and south of the southerly bank of Stuck River, as the same may now or hereafter be fixed, defined and maintained. Tract "B" includes all land within this plat lying east of the Northern Pacific Railroad Right of Way, north of the County Road, and south of the southerly bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. Tract "C" includes all land within this plat lying east of the Northern Pacific Railroad Right of Way, and north of the northerly bank of Stuck River as the same may now or hereafter be fixed, defined and maintained. Tract "D" is heretofore described.

DEDICATION

Know all men by these presents that we H.T. Bredes and Ella M. Bredes his wife owners in fee simple of the lands included in this Plat of C. D. Hillman's Pacific City Addition to the City of Seattle Division No. 2 do hereby declare this plat and dedicate to the use of the Public forever all the roads, streets and lanes shown hereon.

In witness whereof we have hereunto set our hand and seals this 13th day Feb. A.D. 1906.

Witnesses:
 A. T. Thompson
 F. H. Whitworth
 H. T. Bredes
 Ella M. Bredes

ACKNOWLEDGMENT

State of Washington)
 County of King) s.s.
 This is to certify that on this 13th day of Feb. A.D. 1906, before me, the undersigned, personally appeared H. T. Bredes and Ella M. Bredes his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



F. H. Whitworth
 Notary Public in and for the State of Washington residing at Seattle.

Examined and approved this 14 day of June A.D. 1906.

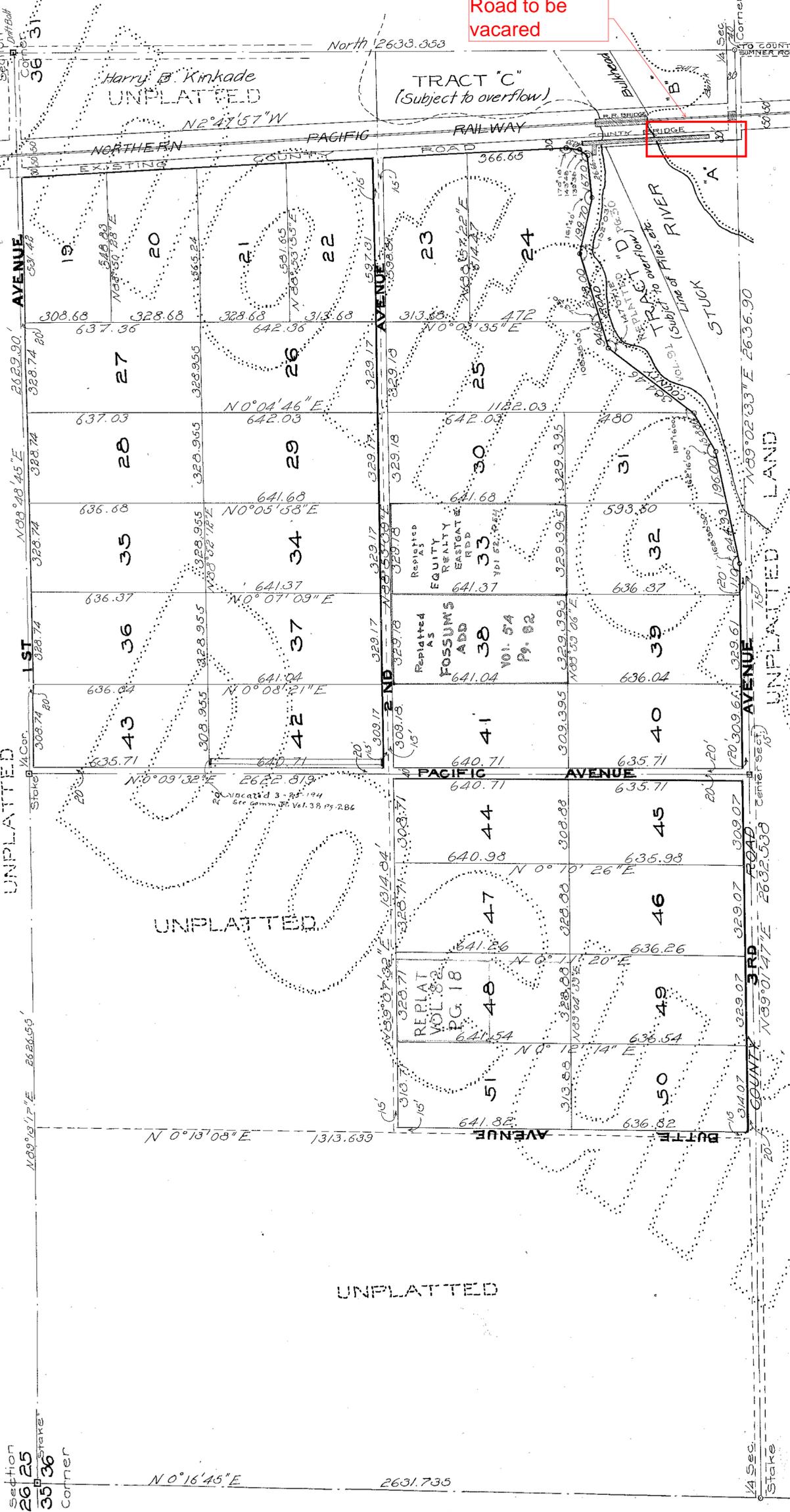
A. L. Valentine
 County Surveyor

405531

Filed for Record at Request of C. D. Hillman July 11, 1906 at 55 min. past 11 A.M. and Recorded in Vol. 13 of Plats page 49. Records of King County Wash.

J. P. Agnew
 County Auditor

By
 H. L. Thompson
 Recorder



Scale 1 in = 300 Ft.

Section 26 25 35 36
 Stake Corner



EXHIBIT D



Public Notice

NOTICE OF PUBLIC HEARING FOR RIGHT OF WAY VACATION

NOTICE IS HEREBY GIVEN that on Monday, December 21, 2015, at 6:30 p.m., at City Hall, 100 3rd Avenue SE, Pacific, Washington, in the City Council Chambers, be the time and place set for the public hearing to take public comment or consider written objections in the manner required by chapter 13.16 of the Pacific Municipal Code to the proposed vacation and determination of the petition to vacate a portion of Skinner Road (E. Hussey Road No. 457) westerly of the Burlington Northern Santa Fe (BNSF) Railroad tracks, southerly of the White River a length of approximately 314 feet, which is public access, located in the City of Pacific, Washington.

Any persons desiring to appear at the above time and place may submit testimony on this petition. Written comments may be submitted prior to such hearing to: Pacific City Council, Attn: Lance Newkirk, 100 3rd Avenue SE, Pacific, WA 98047.

For More Information Contact:

Name: Lance Newkirk

Phone: 253.929.1113

Email: lnewkirk@ci.pacific.wa.us



Agenda Bill No. 15-172

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: December 28, 2015
SUBJECT: Engineering Agreement for Water System Modeling

ATTACHMENTS:

- Resolution No. 2015-308
- Professional Services Agreement with Scope of Work and Budget

Previous Council Review Date: N/A

Summary: The Department of health requires the City to update the Water System Plan every six years. City staff are currently updated the document. However, a critical component of that update is a water system hydraulic model requiring specialized computer programs. City staff have solicited statements of qualifications from qualified engineering firms from the MRSC roster. Interviews of the two submitting firms were conducted on November 19, 2015. The selected firm is RH2 Engineering, Inc. Staff has negotiated a scope and budget.

Recommended Action: Staff recommends Council approve Resolution No. 2015-308.

Motion for Consideration: "I move to" approve Resolution No. 2015-308, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING EXECUTION OF PROFESSIONAL SERVICES AGREEMENT WITH RH2 ENGINEERING, INC. FOR WATER SYSTEM HYDRAULIC MODELING

Budget Impact: If accepted by City Council, the cost of the services will not to exceed \$--,---.00. These funds have been allocated in the 2015 Water Utility Budget.

Alternatives: None recommended

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2015-308

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH RH2 ENGINEERING, INC. FOR WATER SYSTEM HYDRAULIC MODELING.

WHEREAS Washington Administrative Code (WAC) 246-296-100(10) requires water purveyors to update their water system plan (WSP) every six years and submit the WSP to the Department of Health (DOH);

WHEREAS City staff are updating the WSP;

WHEREAS a critical component of the WSP is an hydraulic model of the water system to determine future capital improvements required to determine potable and fire flow capabilities of the system; and

WHEREAS City staff do not have the time availability or the computer programs required to develop the model;

WHEREAS City staff have solicited statements of qualifications from firms listed on the Municipal Research Services Center (MRSC roster);

WHEREAS based on criteria established by city staff and conducting interviews of two firms, RH2 Engineering, Inc. has been determined to be the most highly qualified firm among the firms considered;

WHEREAS City staff have negotiated a scope of work and budget with RH2 Engineering, Inc. to complete the required tasks;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1, The Pacific City Council hereby authorizes the execution of a contract between the City of Pacific and RH2 Engineering, Inc. for water system hydraulic modeling for fees of \$--,---.00.

Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

CITY OF PACIFIC PROFESSIONAL SERVICES AGREEMENT

THIS Agreement is made effective as of the 28th day of December, 2015, by and between the City of Pacific, a municipal corporation, organized under the laws of the State of Washington, whose address is:

CITY OF PACIFIC, WASHINGTON (hereinafter the “**CITY**”)
100 – 3rd Avenue S.E.
Pacific, Washington 98047
Contact: Mayor Leanne Guier Phone: 253-929-1100 Fax: 253-939-6026

and RH2 Engineering, Inc., a Washington State for Profit Corporation (describe the type of organization, whether corporation, sole proprietorship, etc.), organized under the laws of the State of Washington, doing business at:

RH2 Engineering, Inc. (hereinafter the “**CONSULTANT**”)
Address: 950 Pacific Avenue, Suite 1220
City, State, Zip: Tacoma, WA 98402

Contact: Mr. David Matz, P.E. Phone: 253.327.1521 Fax: 425.951.5401

for professional services in connection with the following Project:

Water system hydraulic modeling

TERMS AND CONDITIONS

1. Services by Consultant.

A. Consultant shall perform the services described in the Scope of Work attached to this Agreement as Exhibit "A." The services performed by the Consultant shall not exceed the Scope of Work without prior written authorization from the City.

B. The City may from time to time require changes or modifications in the Scope of Work. Such changes, including any decrease or increase in the amount of compensation, shall be agreed to by the parties and incorporated in written amendments to the Agreement.

2. Schedule of Work.

A. Consultant shall perform the services described in the scope of work in accordance with the Schedule attached to this contract as Exhibit “A.” If delays beyond Consultant's reasonable control occur, the parties will negotiate in good faith to determine whether an extension is appropriate.

B. Consultant is authorized to proceed with services upon receipt of a written Notice to Proceed.

Revised 2/26/15

3. **Terms.** This Agreement shall commence on December 29, 2015, (“Commencement Date”) and shall terminate on December 31, 2016 unless extended or terminated in writing as provided herein.

4. **Compensation.**

LUMP SUM. Compensation for these services shall be a Lump Sum of \$_____.

TIME AND MATERIALS NOT TO EXCEED. Compensation for these services shall not exceed \$20,194.00 without written authorization and will be based on billing rates and reimbursable expenses attached hereto as Exhibit A.

TIME AND MATERIALS. Compensation for these services shall be on a time and material basis according to the list of billing rates and reimbursable expenses attached hereto as Exhibit “_____”.

OTHER. _____

5. **Payment.**

A. Consultant shall maintain time and expense records and provide them to the City monthly after services have been performed, along with monthly invoices in a format acceptable to the City for work performed to the date of the invoice.

B. All invoices shall be paid by City warrant within sixty (60) days of receipt of a proper invoice. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

C. Consultant shall keep cost records and accounts pertaining to this Agreement available for inspection by City representatives for three (3) years after final payment unless a longer period is required by a third-party agreement. Copies shall be made available on request.

D. On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors, including, but not limited to, the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant’s business, pursuant to Revised Code of Washington (RCW) 51.08.195, as required by law, to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties, which is subject to Title 51 RCW, Industrial Insurance.

E. If the services rendered do not meet the requirements of the Agreement, Consultant will correct or modify the work to comply with the Agreement. City may withhold payment for such work until the work meets the requirements of the Agreement.

6. **Discrimination and Compliance with Laws**

A. Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin,

marital status, sex, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state and municipal laws, rules and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

C. Consultant shall obtain a City of Pacific business license prior to receipt of written Notice to Proceed.

D. Violation of this Paragraph 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension of the Agreement by City, in whole or in part, and may result in ineligibility for further work for City.

7. Relationship of Parties. The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives or sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

8. Suspension and Termination of Agreement

A. Termination without cause. This Agreement may be terminated by the City at any time for public convenience, for the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors.

B. Termination with cause. The Agreement may be terminated upon the default of the Consultant.

C. Rights Upon Termination.

1. *With or Without Cause.* Upon termination for any reason, all finished or unfinished documents, reports, or other material or work of Consultant pursuant to this Agreement shall be submitted to City, and Consultant shall be entitled to just and equitable compensation for any satisfactory work completed prior to the date of termination, not to exceed the total compensation set forth herein. Consultant shall not be entitled to any reallocation of cost, profit or overhead. Consultant shall not in any event be entitled to anticipated profit on work not performed because of such termination. Consultant shall use its best efforts to minimize the

compensation payable under this Agreement in the event of such termination. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise.

2. *Default.* If the Agreement is terminated for default, the Consultant shall not be entitled to receive any further payments under the Agreement until all work called for has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Consultant. The Consultant shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the City by reason of such default.

D. Suspension. The City may suspend this Agreement, at its sole discretion. Any reimbursement for expenses incurred due to the suspension shall be limited to the Consultant's reasonable expenses, and shall be subject to verification. The Consultant shall resume performance of services under this Agreement without delay when the suspension period ends.

E. Notice of Termination or Suspension. If delivered to the Consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date as stated in the City's notice of termination, whichever is later. Notice of suspension shall be given to the Consultant in writing upon one week's advance notice to Consultant. Such notice shall indicate the anticipated period of suspension. Notice may also be delivered to the Consultant at the address set forth in Section 15 herein.

9. Standard of Care. Consultant represents and warrants that it has the requisite training, skill and experience necessary to provide the services under this agreement and is appropriately accredited and licensed by all applicable agencies and governmental entities. Services provided by Consultant under this agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing in similar circumstances.

10. Ownership of Work Product.

A. All data materials, reports, memoranda, and other documents developed under this Agreement whether finished or not shall become the property of City, shall be forwarded to City at its request and may be used by City as it sees fit. Upon termination of this agreement pursuant to paragraph 8 above, all finished or unfinished documents, reports, or other material or work of Consultant pursuant to this Agreement shall be submitted to City.

B. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in Consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

11. Work Performed at the Consultant's Risk. The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents and sub-consultants in the performance of the work hereunder, and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

12. Indemnification. The Consultant shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to avoid any of these covenants of indemnification.

Should a court of competent jurisdiction determine that this Agreement is Subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and Volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER. THE CONSULTANT'S WAIVER OF IMMUNITY UNDER THE PROVISIONS OF THIS SECTION DOES NOT INCLUDE, OR EXTEND TO, ANY CLAIMS BY THE CONSULTANT'S EMPLOYEES DIRECTLY AGAINST THE CONSULTANT.

13. Insurance. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. Minimum Scope of Insurance

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 or a substitute form providing equivalent liability coverage and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named by endorsement as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington and Employer's Liability Insurance.
4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.
4. Employer's Liability insurance each accident \$1,000,000; Employer's Liability Disease each employee \$1,000,000; and Employer's Liability Disease – Policy Limit \$1,000,000.

C. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.
2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
3. The City will not waive its right to subrogation against the Consultant. The Consultant's insurance shall be endorsed acknowledging that the City will not waive their right to subrogation. The Consultant's insurance shall be endorsed to waive the right of subrogation against the City, or any self-insurance, or insurance pool coverage maintained by the City.
4. If any coverage is written on a "claims made" basis, then a minimum of a three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period provided to the City.

D. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

14. Assigning or Subcontracting. Consultant shall not assign, transfer, subcontract or encumber any rights, duties, or interests accruing from this Agreement without the express prior written consent of the City, which consent may be withheld in the sole discretion of the City.

15. Notice. Any notices required to be given by the City to Consultant or by Consultant to the City shall be in writing and delivered to the parties at the following addresses:

Leanne Guier
Mayor
100 – 3rd Avenue S.E.
Pacific, WA 98047

Phone: 253-929-1100
Fax: 253-939-6026

RH2
Attn: Geoffrey Dillard
950 Pacific Avenue, Suite 1220
Tacoma, WA 98402

Phone: 253.327.1521
Fax: 425.951.5401

16. Resolution of Disputes and Governing Law.

A. Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the Mayor, who shall determine the term or provision's true intent or meaning. The Mayor shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

B. If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the Mayor or Administrator's determination in a reasonable time, or if the Consultant does not agree with the Mayor or Administrator's decision on a disputed matter, jurisdiction of any resulting litigation shall be filed in King County Superior Court, King County, Washington.

C. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In any suit or action instituted to enforce any right granted in this Agreement, the substantially prevailing party shall be entitled to recover its costs, disbursements, and reasonable attorney's fees from the other party.

17. General Provisions.

A. Non-waiver of Breach. The failure of either party to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein contained in one or more instances, shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be in full force and effect.

B. Modification. No waiver, alteration, modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

C. Severability. The provisions of this Agreement are declared to be severable. If any provision of this Agreement is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

D. Entire Agreement. The written provisions of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, the Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and the Exhibits attached hereto, which may or may not have been dated prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year set forth above.

CITY OF PACIFIC, WASHINGTON

RH2 Engineering, Inc.

By: _____
Leanne Guier
Mayor

By: _____
Name: _____

Date: _____

Title: _____

Date: _____

Attest:

By: _____
Amy Stevenson-Ness
City Clerk

APPROVED AS TO FORM:

By: _____
Carol A. Morris
City Attorney

Exhibit A
SCOPE OF WORK
City of Pacific
Hydraulic Model Update and Calibration
December 2015

Background

The City of Pacific's (City) water supply is drawn from three groundwater sources. Treatment of the City's water supply is located at the City's well site in Algona. This water is then pumped to the City through a pipeline. The City's water distribution system includes approximately 30 miles of water main in a single pressure zone. The City also owns, operates, and maintains a 750,000-gallon water distribution storage facility and a 3,500 gallon per minute (gpm) booster pump station.

In 2008, the City updated its Water System Plan (WSP). Much of the City's water main is 50 to 100 years old, and many of the older mains are undersized and reaching the end of their design life. The WSP and associated hydraulic model identified numerous areas of the City's distribution network in need of improvement to meet future water system demands and fire flows. The City has prioritized these replacement needs, and has carried out systematic replacement as part of its annual water main replacement program. Since the 2008 WSP, the City has completed a number of water infrastructure projects in conjunction with road reconstruction and other projects, including the Stewart Road and Valentine Avenue water main replacements.

City staff is currently updating the WSP. RH2 Engineering, Inc., (RH2) is to provide hydraulic analyses for the City to update its WSP distribution system needs for the 20-year horizon. An update and analysis of the water distribution system's hydraulic model will also be performed as part of this project, along with a review of predicted system growth and water demands via water system delivery and usage data. Due to the nature of the work, RH2 will utilize and rely upon the data, information, and materials provided by the City.

RH2 will assist the City by performing the following tasks:

- Assist the City in conducting field calibration testing of the water system.
- Update and calibrate the City's existing hydraulic model.
- Redistribute demands in the hydraulic model based on meter records, Geographic Information Systems (GIS) information, and telemetry data.
- Evaluate proposed improvements and how they can be implemented to address system-wide issues and operation for:
 - Current conditions at maximum day demand (MDD);
 - 10- and 20-year horizon at projected MDD;
 - Current fire flow;
 - Projected 10- and 20-year horizon fire flow; and
 - Projected 10- and 20-year horizon at peak hour demand (PHD).

The results of these efforts will be discussed in a technical memorandum. This Scope of Work includes the following tasks.

Task 1 – Hydraulic Model Update and Calibration

Objective: Update and calibrate the City’s existing hydraulic model to reflect existing and projected future conditions. Prepare current and future demand scenarios.

Approach:

- 1.1 Meet with the City once (1) to discuss the project objectives and goals. Request data pertinent to the execution of the work. Review system operational issues and discuss conditions, system demands, and scenarios to be evaluated.
- 1.2 Conduct one (1) conference call with the City to establish field calibration strategy and methodology. Establish flow testing parameters and areas to be studied.
- 1.3 Update the existing hydraulic model with system verification data, demand allocations, and proposed future improvements.
- 1.4 Conduct field calibration. *Anticipate one (1) field day to perform hydrant testing with two (2) RH2 staff members at eight (8) hours each. It is assumed that RH2 will provide flow equipment and pressure data loggers. City staff will operate the valves.*
- 1.5 Create calibration scenarios and calibrate model.
- 1.6 Meet with the City once (1) to discuss the results of calibration.

Provided by the City:

- Field calibration assistance.
- Telemetry information and meter reading records.

RH2 Deliverables:

- Calibration methodology and equipment.
- Calibrated hydraulic model based on calibration goals.

Task 2 – Hydraulic Modeling

Objective: Establish modeling parameters and perform hydraulic simulations to identify and prioritize system improvements and operational strategies with the City.

Approach:

- 2.1 Conduct one (1) conference call with the City to confirm the City’s project goals and strategies.
- 2.2 Create simulation scenarios and run the model under current and future scenarios to identify operational improvements.
- 2.3 Analyze and evaluate system improvements for current, 10-year, and 20-year Capital Improvement Program.
- 2.4 Coordinate with the City on an as-needed basis for WSP development and input. *(Anticipate 8 hours.)*
- 2.5 Prepare a fire flow map for current conditions, 10-year and 20-year horizon documenting the results of the hydraulic modeling.
- 2.6 Prepare a technical memorandum and meet with the City to review the results.

RH2 Deliverables:

- Technical memorandum.
- Fire flow map for current, 10-year, and 20 year-horizon.

Project Schedule Currently, the City desires the model calibration, technical memorandum and fire flow map to be completed around the middle of February 2016.

PRELIMINARY

EXHIBIT B

City of Pacific

Hydraulic Model Update and Calibration

Estimate of Time and Expense

Description		Total Hours	Total Labor	Total Expense	Total Cost
Classification					
Task 1	Hydraulic Model Update and Calibration				
1.1	Meet with City once (1) to discuss the project objectives and goals	8	\$ 1,436	\$ 92	\$ 1,528
1.2	Conduct one (1) conference call with the City to establish field calibration	4	\$ 718	\$ 18	\$ 736
1.3	Update the existing hydraulic model	12	\$ 2,040	\$ 106	\$ 2,146
1.4	Conduct field calibration	16	\$ 2,872	\$ 656	\$ 3,528
1.5	Meet with City once (1) to discuss the results of calibration	4	\$ 756	\$ 48	\$ 804
Subtotal		44	\$ 7,822	\$ 919	\$ 8,741
Task 2	Hydraulic Modeling				
2.1	Conduct one (1) conference call with City to confirm project goals	5	\$ 969	\$ 24	\$ 993
2.2	Create simulation scenarios and run the model under the scenarios	8	\$ 1,360	\$ 89	\$ 1,449
2.3	Analyze and evaluate system improvements	13	\$ 2,329	\$ 113	\$ 2,442
2.4	Coordinate with City on as-needed basis for WSP development and input	8	\$ 1,436	\$ 63	\$ 1,499
2.5	Prepare a fire flow map	16	\$ 2,720	\$ 171	\$ 2,891
2.6	Prepare a technical memorandum and meet with City to review results	12	\$ 2,046	\$ 132	\$ 2,178
Subtotal		62	\$ 10,860	\$ 592	\$ 11,452
PROJECT TOTAL		106	\$ 18,682	\$ 1,512	\$ 20,194

PRELIMINARY

**EXHIBIT C
RH2 ENGINEERING, INC.
SCHEDULE OF RATES AND CHARGES**

2016 HOURLY RATES

CLASSIFICATION		RATE	CLASSIFICATION		RATE
Professional	IX	\$213.00	Technician	IV	\$137.00
Professional	VIII	\$213.00	Technician	III	\$129.00
Professional	VII	\$204.00	Technician	II	\$101.00
			Technician	I	\$96.00
Professional	VI	\$189.00			
Professional	V	\$180.00	Administrative	V	\$128.00
Professional	IV	\$170.00	Administrative	IV	\$108.00
			Administrative	III	\$92.00
Professional	III	\$159.00	Administrative	II	\$77.00
Professional	II	\$150.00	Administrative	I	\$65.00
Professional	I	\$137.00			

IN-HOUSE SERVICES

In-house copies (each)	8.5" X 11"	\$0.09	CAD Plots	Large	\$25.00
In-house copies (each)	8.5" X 14"	\$0.14	CAD Plots	Full Size	\$10.00
In-house copies (each)	11" X 17"	\$0.20	CAD Plots	Half Size	\$2.50
In-house copies (color) (each)	8.5" X 11"	\$0.90	CAD System	Per Hour	\$27.50
In-house copies (color) (each)	8.5" X 14"	\$1.20	GIS System	Per Hour	\$27.50
In-house copies (color) (each)	11 X 17"	\$2.00	Technology Charge		2.5% of Direct Labor
			Mileage		Current IRS Rate

OUTSIDE SERVICES

Outside direct costs for permit fees, reports, maps, data, reprographics, couriers, postage, and non-mileage related travel expenses that are necessary for the execution of the project and are not specifically identified elsewhere in the contract will be invoiced at cost.

All Subconsultant services are billed at cost plus 15%.

CHANGES IN RATES

Rates listed here are adjusted annually. The current schedule of rates and charges is used for billing purposes. Payment for work accomplished shall be based on the hourly rates and expenses in effect at the time of billing as stated in this Exhibit.



Agenda Bill No. 15-175

TO: Mayor Guier and City Council Members
FROM: Richard A. Gould, City Administrator
MEETING DATE: 12/21/2015
SUBJECT: Ordinance No 2015-1923 Amending the 2015 Budget

ATTACHMENTS: Ordinance No. 2015-1923
2015 Budget Amendment Narrative
FTE Salary Schedule changes

Previous Council Review Date: None

Summary: This Ordinance is presented to amend the 2015 Budget for the following items:

Adjust projected Beginning Balances to Actual.

Adjust Revenue to allow for increased collections.

Adjust Expenditures to allow for increased expenses.

Adjust the Salary Schedule for the changes due to labor negotiations and change in the staffing level in the various City Departments.

Adjust for Grants not applied for as projects were put on hold thereby reducing expenditures and revenues.

Adjust for the creation of, closing of and rolling into the General Fund, Funds.

Adjusting the Ending Fund Balances for changes.

These adjustments are made to record authorized activities throughout the year.

Recommendation/Action: Accept this as the first reading for the adoption of Ordinance No. 2015-1923 adopting the Amended-Budget for the year 2015 and amending the estimated revenues and appropriations. This Ordinance also amends the staffing levels.

Motion for Consideration: I move to approve the adoption of Ordinance No. 2015-1923 amending the Budget for the year 2015 and setting forth the amended revenues and appropriations.

Budget Impact: none

Alternatives: N/A

+
**CITY OF PACIFIC
WASHINGTON
ORDINANCE NO. 15-1923**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON,
AMENDING THE BUDGET FOR THE YEAR 2015; AMENDING
ORDINANCE NO. 1885, ADOPTED DECEMBER 8, 2014.**

WHEREAS, the City Council adopted Ordinance No. 1885, adopting the budget for the year 2015 on December 8, 2014; and

WHEREAS, pursuant to RCW 35A.33.120, the City Council may authorize the expenditure of funds in excess of estimated financing received during the current fiscal year by ordinance amending the original budget; and

WHEREAS, there is a need for additional expenditures to be budgeted within the Current Expense, LID 3 Redemption Fund (206), Municipal Capital Improvements Fund (300), Stewart Avenue Road Project Fund (310), Sewer Fund (402), Garbage Fund (403), and Developer Deposits Fund (630) for expenditures in which the extent of which could not be contemplated at the time of adopting the 2015 fiscal year budget; and

WHEREAS, revenues, as shown in the attached schedule are available from the sources indicated for the making of said expenditures; and

WHEREAS, the City Council now desires to amend the budget for the year 2015 to correct the beginning balances; to create the Pacific Court Cash Fund (635), transfer the LID 3 Redemption (206) Fund balance and reverse the transfer of \$400K from the Municipal Capital Improvement Fund (300) back to the General Fund (001), and recognize unanticipated grant revenues and expenditures; to recognize increases and decreases in other financing sources; to amend the Salary Schedule; and to make corresponding changes in expenditure appropriations;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The budget for the City of Pacific, Washington, for the year 2015 is hereby adopted at the fund level in Ordinance No. 14-1885 is amended to modify appropriations for financing sources and expenditures with increases and decreases to funds as follows:

Revenues	Appropriations		
\$ 5,754,950	\$ 5,754,950	001	General Fund
\$ 153,241	\$ 153,241	098	General Fund Equipment Reserve
\$ 135,514	\$ 135,514	099	General Fund Cumulative Reserve
\$ 547,922	\$ 547,922	101	Street Fund
\$ 110,036	\$ 110,036	107	Tourism Fund
\$ 13,900	\$ 13,900	206	LID 3 Redemption Fund
\$ 834,170	\$ 834,170	300	Municipal Capital Improvements Fund
\$ 401,067	\$ 401,067	301	Street Improvement
\$ 141,221	\$ 141,221	305	Parks Capital Improvement Fund
\$ 728,562	\$ 728,562	308	Valentine Road Project Fund
\$ 209,767	\$ 209,767	309	West Valley
\$ 2,391,021	\$ 2,391,021	310	Stewart/Thornton Ave Rd Project
\$ 76,165	\$ 76,165	333	Fire Capital Improvement
\$ 1,711,796	\$ 1,711,796	401	Water Fund
\$ 2,012,179	\$ 2,012,179	402	Sewer Fund
\$ 295,539	\$ 295,539	403	Garbage Fund
\$ 940,150	\$ 940,150	406	Water Capital Improvement Fund
\$ 615,399	\$ 615,399	408	Sewer Cumulative Fund
\$ 1,429,897	\$ 1,429,897	409	Stormwater Fund
\$ 156,920	\$ 156,920	410	Stormwater Facility Fund
\$ 164,953	\$ 164,953	411	Pierce County Water Area Fund
\$ 394,700	\$ 394,700	499	Utilities Equipment Reserve Fund
\$ 5,160	\$ 5,160	601	Customer Deposits Fund
\$ 81,571	\$ 81,571	630	Developer Deposits Fund
\$ 182,582	\$ 182,582	640	Algona Court Fund
\$ 19,488,383	\$ 19,488,383		

	Adopted Budget-2015	Increase (Decrease) Revenues	Increase (Decrease) Appropriations	Amended Budget
General Fund	\$ 5,671,817	\$ 200,000	\$ 200,000	\$ 5,871,817
General Fund Equipment Reserve	\$ 156,196	\$ 125,000	\$ 125,000	\$ 281,196
General Fund Cumulative Reserve	\$ 135,400	\$ 250,000	\$ 250,000	\$ 385,400
Street Fund	\$ 466,760	\$ 150,000	\$ 150,000	\$ 616,760
Tourism Fund	\$ 96,700	\$ 20,000	\$ 20,000	\$ 116,700
LID 3 Redemption Fund	\$ -	\$ 20,000	\$ 20,000	\$ 20,000
Municipal Capital Improvements Fund	\$ 786,700	\$ 60,000	\$ 60,000	\$ 846,700
Street Improvement	\$ 244,584	\$ 175,000	\$ 175,000	\$ 419,584
Parks Capital Improvement Fund	\$ 119,650	\$ 40,000	\$ 40,000	\$ 159,650
Valentine Road Project Fund	\$ 6,521,500	\$ (5,000,000)	\$ (5,000,000)	\$ 1,521,500
West Valley	\$ 230,000	\$ (30,000)	\$ (30,000)	\$ 200,000
Stewart/Thornton Ave Rd Project	\$ 2,257,000	\$ 200,000	\$ 200,000	\$ 2,457,000
Fire Capital Improvement	\$ 82,264	\$ (2,500)	\$ (2,500)	\$ 79,764
Water Fund	\$ 1,724,712	\$ (50,000)	\$ (50,000)	\$ 1,674,712
Sewer Fund	\$ 2,380,964	\$ (400,000)	\$ (400,000)	\$ 1,980,964
Garbage Fund	\$ 291,281	\$ 10,000	\$ 10,000	\$ 301,281
Water Capital Improvement Fund	\$ 3,973,849	\$ (3,000,000)	\$ (3,000,000)	\$ 973,849
Sewer Cumulative Fund	\$ 618,250	\$ (2,000)	\$ (2,000)	\$ 616,250
Stormwater Fund	\$ 2,074,020	\$ (600,000)	\$ (600,000)	\$ 1,474,020
Stormwater Facility Fund	\$ 157,183	\$ (10,000)	\$ (10,000)	\$ 147,183
Pierce County Water Area Fund	\$ 188,300	\$ (15,000)	\$ (15,000)	\$ 173,300
Utilities Equipment Reserve Fund	\$ 255,200	\$ 150,000	\$ 150,000	\$ 405,200
Customer Deposits Fund	\$ 5,160	\$ 1,000	\$ 1,000	\$ 6,160
Developer Deposits Fund	\$ 73,900	\$ 5,000	\$ 5,000	\$ 78,900
Algona Court Fund	\$ 196,500	\$ (10,000)	\$ (10,000)	\$ 186,500
	\$ 28,707,890	\$ (7,713,500)	\$ (7,713,500)	\$ 20,994,390

Section 2. The 2015 Salary Schedule is amended as per Attachment “A” showing authorized, budgeted staffing levels.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days from and after its passage, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28th DAY OF DECEMBER, 2015.

APPROVED

Leanne Guier, Mayor

ATTEST:

Amy Stevenson-Ness, City Clerk

APPROVED AS TO FORM:

Carol Morris, City Attorney

2015 Budget-Amendment Narrative

With the help of the City staff, I have prepared the Budget 2015 Amendment Ordinance. There are five funds that are over budget due to actual (and projected) expenses exceeding budgeted expenses. These are explained below:

- The LID 3 Redemption Fund continues to receive funds (past due) and expended administrative costs that were not budgeted due to this fund being closed out in 2014. These funds will be transferred to the General Fund which will net out to an increase in fund balance of over \$13K.
- The Stewart/Thornton Avenue Road Project Fund (310) was over budget by \$337K. This was due to under budgeting for the unknown expenses related completion of the project. There is anticipated a cost overrun by \$55K once the final grant reimbursement funds are received.
- The Garbage Fund (403) was over spent due to being under budgeted in the environmental expenses (\$12K).
- The Developer Deposits Fund (630) was over budget by \$9,460 due to higher activity (refunds) than anticipated.

There was also unanticipated activity due to the closing of some funds, creation of another fund into the General Fund (001). The fund that was closed and rolled into the General Fund:

- LID 3 Redemption and Reserve Funds for \$13K.
- The Fund that was created was the Pacific Court/Cash Fund (635).

There were also additional interfund transfers added in 2015:

- The General Fund is receiving a transferal reversal of \$400K from the Capital Improvement Fund (300).
- The Utility Funds (Water 401, Sewer-402 & Stormwater 409) will see an increase of \$57K for citywide shared costs (legal etc.).

The FTE schedule was amended due to ranges being increased due to the CBA ratifications of both unions along with the City Engineer going full time.

This budget amendment also includes increases in revenue and the change in cash position for 2015 is projected to be over \$500K.

Richard A. Gould
City Administrator

Fund Balance change:

	Beginning Fund Balance	Revenue	Expense	End Fund Balance
General Fund	\$ 1,633,986.48	\$ 4,083,329.46	\$ 3,698,393.15	\$ 2,018,922.79
General Fund Equipment Reserve	\$ 47,532.44	\$ 105,708.17	\$ 151,396.63	\$ 1,843.98
General Fund Cumulative Reserve	\$ 134,958.15	\$ 547.69	\$ -	\$ 135,505.84
Street Fund	\$ 80,929.77	\$ 465,925.42	\$ 276,509.08	\$ 270,346.11
Tourism Fund	\$ 93,860.51	\$ 16,168.99	\$ 1,470.60	\$ 108,558.90
LID 3 Redemption Fund	\$ -	\$ 13,899.71	\$ 1,536.85	\$ 12,362.86
Municipal Capital Improvements Fund	\$ 830,733.61	\$ 3,384.41	\$ -	\$ 834,118.02
Stewart/8th St Corridor Fund	\$ 254,458.59	\$ 146,584.71	\$ 22,187.18	\$ 378,856.12
Parks Capital Improvement Fund	\$ 111,469.75	\$ 27,838.01	\$ 4,316.22	\$ 134,991.54
Valentine Road Project Fund	\$ 191,875.51	\$ 536,655.28	\$ 227,490.78	\$ 501,040.01
West Valley	\$ -	\$ 185,780.87	\$ 153,774.97	\$ 32,005.90
Stewart/Thornton Ave Rd Project	\$ 590,859.34	\$ 1,800,161.95	\$ 2,413,658.39	\$ (22,637.10)
Fire Capital Improvement	\$ 69,740.23	\$ 4,728.09	\$ -	\$ 74,468.32
Water Fund	\$ 684,813.12	\$ 987,339.73	\$ 1,043,560.55	\$ 628,592.30
Sewer Fund	\$ 112,857.50	\$ 1,807,484.38	\$ 1,796,484.14	\$ 123,857.74
Garbage Fund	\$ 274,555.70	\$ 24,431.18	\$ 19,740.11	\$ 279,246.77
Water Capital Improvement Fund	\$ 732,769.00	\$ 207,293.10	\$ 353,028.86	\$ 587,033.24
Sewer Cumulative Fund	\$ 522,334.77	\$ 93,025.83	\$ -	\$ 615,360.60
Stormwater Fund	\$ 608,485.70	\$ 792,882.18	\$ 546,354.71	\$ 855,013.17
Stormwater Facility Fund	\$ 89,372.06	\$ 50,339.11	\$ 30.20	\$ 139,680.97
Pierce County Water Area Fund	\$ 164,317.20	\$ 626.76	\$ 18,333.31	\$ 146,610.65
Utilities Equipment Reserve Fund	\$ 164,458.32	\$ 230,222.77	\$ 86,220.54	\$ 308,460.55
Customer Deposits Fund	\$ 5,159.91	\$ -	\$ -	\$ 5,159.91
Developer Deposits Fund	\$ 54,370.78	\$ 26,850.00	\$ 13,025.00	\$ 68,195.78
Algona Court Fund	\$ 4,151.47	\$ 178,430.93	\$ 163,978.06	\$ 18,604.34
	\$ 7,458,049.91	\$ 11,789,638.73	\$ 10,991,489.33	\$ 8,256,199.31



2015 Amended SALARY and Authorized FTE SCHEDULE

POSITION	2015 FULL TIME EQUIVALENTS NUMBER AUTHORIZED & BUDGETED	MONTHLY SALARY RANGE	
		Minimum	Maximum
Elected Mayor	1	750.00	750.00
Elected Council Member	7	200.00	200.00
<i>Total Elected Officials</i>	8		
City Administrator	1	7,500.00	9,500.00
Public Works Manager	1	6,000.00	8,000.00
Community Development Manager	1	6,500.00	8,500.00
Public Safety Director	1	9,000.00	11,000.00
City Clerk	1	4,500.00	6,500.00
Court Administrator	1	4,500.00	6,500.00
City Engineer	1	6,000.00	8,000.00
Lead Finance Technician	1	4,500.00	6,500.00
Finance Technician II	1	3,500.00	5,500.00
Finance Technician I	1	3,500.00	5,500.00
Office Assistant	1	2,500.00	4,500.00
Court Clerk	1	3,500.00	5,500.00
Water/Stormwater Manager	1	4,500.00	6,500.00
Building Inspector	1	4,000.00	6,000.00
Public Works Lead	1	4,000.00	6,000.00
Maintenance Worker II	3	4,000.00	6,000.00
Maintenance Worker I	1	3,000.00	5,000.00
Associate Planner	1	4,500.00	6,500.00
Permit Technician	1	3,000.00	5,000.00
Youth Services Coordinator	1	2,750.00	4,750.00
Community Services Assistant	1	2,750.00	4,750.00
Bus Driver/Activities Coordinator	1	2,500.00	4,500.00
Police Lieutenant	1	7,500.00	9,500.00
Police Sergeant	1	6,000.00	8,000.00
Police Detective	1	5,500.00	7,500.00
Police Officer	7	5,500.00	7,500.00
Police Services Specialist II	1	3,500.00	5,500.00
Evidence Technician	1	3,500.00	5,500.00

HOURLY RATES

Correction Sergeant (1)		25.00
Correction Officer (3)	17.00	22.00
Youth Services Assistant (seasonal)	9.50	11.83
Seasonal Public Works Crew (2)		15.67

