



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

May 16, 2016
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**
 - (2) A. AB 16-056: Resolution No. 2016-345:** Agreeing to the conditional certification of the City of Pacific Comprehensive Plan and work plan addressing the conditions identified in the certification report. (10 min)
(Jack Dodge)
 - (14) B. AB 16-044: Resolution No. 2016-336:** Authorizing the Mayor to sign a Release of Easement granted to the city, located at 405/411 W. Valley Hwy. (5 min.)
(Jim Morgan)
 - (25) C. AB 16-045: Resolution No. 2016-337:** Authorizing the mayor to accept a street frontage easement for public and private utilities and appurtenances granted to the city from Jerald Eck, 405/411 W. Valley Hwy. (5 min.)
(Jim Morgan)
 - (35) D. AB 16-046: Resolution No. 2016-338:** Authorizing the mayor to accept two utilities easements for public utilities and appurtenances granted to the city from Jerald Eck, 405/411 West Valley Highway. (10 min.)
(Jim Morgan)
 - (55) E. AB 16-057: AWC Conference Discussion** (10 min.)
(Mayor Guier)
- 5. ADJOURN**



Agenda Bill No. 16-056

TO: Mayor Guier and City Council Members
FROM: Jack Dodge, Community Development Manager
MEETING DATE: May 16, 2016
SUBJECT: Resolution adopting the Puget Sound Regional Council's (PSRC) Conditional Certification for the Comprehensive Plan

ATTACHMENTS:

1. Resolution 2016-345 Adopting the PSRC's Conditional Certification
2. Exhibit A – PSRC Plan Review Report & Certification Recommendation
3. Draft Work Program

Previous Review Date/s: None

Summary: As required in the PSRC Review Report & Certification Recommendation, the proposed Resolution adopts the PSRC's conditions for Conditional Certification of the Pacific Comprehensive Plan.

Background

The Puget Sound Regional Council (PSRC) Executive Board conditionally certified the City's Comprehensive Plan at their April 28, 2016 meeting. The conditional certification allows the City to be eligible to apply for Regional Transportation Improvement Program funds. The conditional certification requires that the City complete the following by December 31, 2017.

1. Council adoption of a plan of work that addresses the conditions identified in the certification report by May 31, 2016.
2. Submission of a draft amended comprehensive plan and supporting documents that address the conditions to PSRC for review and comment in advance of adoption.
3. Once the conditions are adequately addressed, submission of the adopted amended comprehensive plan and supporting documents by December 31, 2017 for review and certification by PSRC.

Recommended Action:

Move the Resolution to the May 23, 2016, Council meeting for approval.

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2016 – 345

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON,
STATING THE CITY'S INTENT TO UPDATE THE
TRANSPORTATION-RELATED PROVISIONS IN THE CITY'S
2015 COMPREHENSIVE PLAN UPDATE IN ORDER TO MEET
THE COMPLIANCE REQUIREMENTS OF THE PUGET SOUND
REGIONAL COUNCIL AND RESOLVING THE EMPLOYMENT
FORCASTS WITH PIERCE COUNTY.**

WHEREAS, the City of Pacific completed its 2015 Comprehensive Plan Update (Update), pursuant to the Washington State Growth Management Act; and

WHEREAS, the Update was reviewed by state agencies and the Puget Sound Regional Council (PSRC); and

WHEREAS, on April 28, 2016, the PSRC issued a "Plan Review Report and Certification Recommendation", attached hereto as Exhibit A; and

WHEREAS, PSRC conditionally certified the City's comprehensive plan with a requirement to bring the plan into full compliance with the regional employment growth strategy through revisions to the Comprehensive Plan or through collaboration with Pierce County and other cities to adjust the growth target; and

WHEREAS, PSRC conditionally certified the City's comprehensive plan with a requirement to amend the Transportation Element to include a complete pedestrian and bicycle plan and a multiyear transportation finance plan for the 20-year planning period; and

WHEREAS, the conditional certification allows the City to participate in the PSRC funding process and program projects into the Regional Transportation Improvement Program while the City works to address the issues raised in the conditional certification; and

WHEREAS, in exchange, the City commits to resolving the issues raised in the PSRC conditional certification, and establish a work plan, scope of work and schedule for completion of the work.

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

Section 1. The City Council directs the staff to work with Pierce County to revise the adopted growth targets for the City of Pacific to be consistent with the growth projections in the City's comprehensive plan. If the growth targets are modified by Pierce County, City staff will provide documentation to PSRC that the targets have been modified to be consistent with the City's comprehensive plan.

Section 2. If Pierce County and City staff is unable to revise the adopted growth targets, staff will amend the City's comprehensive plan to address the inconsistencies between land use assumptions utilized in the Plan and employment growth targets adopted by Pierce County. The City staff will submit any draft amendments to the comprehensive plan to PSRC for review and comment in advance of adoption.

Section 3. The City is committed to resolving the inconsistency between the adopted growth targets and the City's comprehensive plan by December 31, 2017.

Section 4. The City will amend the Transportation Element of the Comprehensive Plan to include a complete pedestrian and bicycle plan and multiyear transportation finance plan for the 20-year planning period. This will be completed by December 31, 2017

Section 5. This Resolution is effective immediately upon execution.

PASSED BY THE CITY COUNCIL this _____ day of May, 2016.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION

CITY OF PACIFIC COMPREHENSIVE PLAN

March 31, 2016



BACKGROUND

The Washington State Growth Management Act calls for coordination between local, regional, and state planning efforts. To advance this coordination, state law requires PSRC to certify that regional transit plans, countywide planning policies, and local comprehensive plans within the central Puget Sound region conform to: (1) established regional guidelines and principles, (2) the adopted long-range regional transportation plan, and (3) transportation planning requirements in the Growth Management Act. Within the central Puget Sound region, the multicounty planning policies in VISION 2040 have been established as the regional guidelines and principles under Revised Code of Washington (RCW) 47.80.026. Certification of local comprehensive plans is also a requirement for jurisdictions and agencies that intend to apply for PSRC funding or proceed with any project submitted into the Regional Transportation Improvement Program, regardless of funding source.

Within the central Puget Sound region, local governments and PSRC have worked together to develop an overall process ([Adopted Policy and Plan Review Process](#), Revised September 2003) for reviewing and certifying local, countywide, regional, and transit agency policies and plans.¹ This process also provides an opportunity to coordinate and share information related to local and regional planning. A set of materials, compiled in a [Plan Review Manual](#), provides details on the review and certification process, background, and framework. The manual also provides guidance and checklists for aligning plans and policies with [VISION 2040](#), [Transportation 2040](#), and [Growth Management Act](#) requirements.

DISCUSSION

This report summarizes the findings and recommendations regarding the periodic update to the comprehensive plan for the City of Pacific, adopted by the city on March 28, 2016. PSRC last certified the City of Pacific's comprehensive plan in 2004. PSRC staff reviewed the updated 2015 comprehensive plan and coordinated with city staff in the development of this report.

CERTIFICATION RECOMMENDATION

Based on the review of the City of Pacific comprehensive plan, the following action is recommended to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board:

The Puget Sound Regional Council conditionally certifies that the transportation-related provisions in the City of Pacific 2015 comprehensive plan update conform to the Growth Management Act and are consistent with the multicounty planning policies and the regional transportation plan.

Conditional status is in place until the City of Pacific addresses the following issues. The plan will be amended to demonstrate alignment between the employment target for the city

¹ The certification requirement in the Growth Management Act is described in RCW 47.80. The specific requirements for transportation elements in local comprehensive plans are spelled out in RCW 36.70A.070. PSRC's Interlocal Agreement, Section VII, also provides direction for the review of local comprehensive plans and countywide policies (Resolution A-91-01, amended March 1998). The Council's Executive Board last updated its process for Policy and Plan Review in September 2003. The process is also described in VISION 2040, Part IV: Implementation.

adopted by Pierce County and sufficient capacity for commercial and industrial development. Resolution of this inconsistency should be accomplished, as appropriate, through revisions to the comprehensive plan and through collaboration with Pierce County and other cities to adjust the growth target. The transportation element of the plan will also be amended to include a complete pedestrian and bicycle plan and multiyear transportation finance plan for the 20-year planning period. These conditions are described in more detail in the body of this report.

The city acknowledges this and commits to addressing the conditions according to the following schedule:

- 1. Council adoption of a plan of work that addresses the conditions identified in the certification report by May 31, 2016.**
- 2. Submission of a draft amended comprehensive plan and supporting documents that address the conditions to PSRC for review and comment in advance of adoption.**
- 3. Once the conditions are adequately addressed, submission of the adopted amended comprehensive plan and supporting documents by December 31, 2017 for review and certification by PSRC.**

The remainder of this report contains a summary of the PSRC review of the City of Pacific comprehensive plan update. Under each heading, the scope of the certification review, as guided by the [Plan Review Manual](#) and Local Comprehensive Plan Checklist, is listed in high-level bullets. Discussion in each topic area highlights exemplary provisions of the plan, as well as issues identified through the certification review where future work on the part of the city is needed to more fully address VISION 2040, Transportation 2040, and Growth Management Act planning requirements. PSRC recognizes that the timing and mechanism for addressing each of the comments will vary based on the jurisdiction, its resources and plan update process, and the nature of the comment.

Part I: Conformity with Growth Management Act Transportation Planning Requirements

SCOPE OF REVIEW

The Growth Management Act (RCW 36.70A.070(6)) includes several requirements related to transportation elements in local comprehensive plans. These requirements are summarized as follows:

Land use assumptions and forecasts of travel demand that are internally consistent and consistent with growth targets.

Service and facility needs, including inventories of existing facilities, and level-of-service standards and concurrency provisions that address multiple modes of travel, planned land uses and densities, and state highways.

Financing and investments, including a multiyear financing plan and reassessment strategy to address potential funding shortfalls.

Intergovernmental coordination with neighboring cities, counties, and regional and state agencies.

Demand management, including programs to implement the Commute Trip Reduction Act.

Pedestrian and bicycle planning, including project funding and capital investments, education, and safety.

Land uses adjacent to airports, identifying relevant facilities, existing and planned uses, and policies that discourage incompatible uses.

Air quality is largely an interjurisdictional issue in which each jurisdiction's travel behaviors, measured through vehicle emissions, affect the regional airshed. The Washington Administrative Code (WAC) requires local transportation elements and plans to include "policies and provisions that promote the reduction of criteria pollutants" for mobile sources (WAC 173-420-080). When PSRC reviews plans, it also certifies that the comprehensive plans include air quality policies and provisions, including a commitment to meeting the requirements of applicable federal and state air quality legislation.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The City of Pacific's comprehensive plan effectively addresses many of the transportation planning requirements of the Growth Management Act and includes adequate air quality policies and provisions. Highlights include:

- ☑ Future land use and travel demand assumptions are projected out to a plan horizon year of 2035, several years beyond the target horizon years in King and Pierce counties, in order to address a full 20-year planning period.
- ☑ Goal T5 seeks to minimize the environmental impacts of new transportation infrastructure with policies that promote enhanced environmental review, best practices in stormwater management, and locating facilities away from environmentally sensitive areas.
- ☑ Multipronged strategy to identify and secure additional funding resources for transportation projects, including Policy T 14.4 positioning the city to capture future grants opportunities, Policy T 14.5 encouraging interjurisdictional cooperation to fund projects, and Policy T 15.4 calling for consideration of impact fees as a new funding source within the city.

DISCUSSION: CONDITIONS FOR CERTIFICATION

The City of Pacific must address the following provision of the Growth Management Act and VISION 2040 in order to maintain certified status:

- ☐ The Growth Management Act (see RCW 36.70A.070(6)) requires that the transportation element include a multiyear financing plan that addresses:
 - Cost estimates for roadway, pedestrian, and bicycle improvements identified in the plan as needed over the 20-year planning period.
 - An estimate of revenue available for transportation over the 20-year planning period.
 - A reassessment strategy to document steps the city could take to close the gap, if any, between costs and revenues, such as additional demand management strategies, pursuing new revenues, reducing level-of-service standards, and land use changes.

The transportation element includes several important components of a multiyear financing plan and provides strong policy guidance for future decisions in policies T-14.1 to T-14.8, but lacks sufficient detail on planned projects and cost and revenue estimates for the 20-year planning period. The element should be further revised to fully address these issues. Further guidance on how to address the financial analysis in the plan can be found in the Department of Commerce's Transportation Element Guidebook, pages 202 - 212.

- ☐ The plan includes notable policies that address pedestrian and bicycle facilities. For example, Policy T 13.3 calls for pedestrian improvements focused in the Neighborhood Center, Policy T 13.4 furthers planning for a Linear Park Trails network, and Policy T 13.5 provides guidance on priority improvements. However, additional work is needed to complete the pedestrian and bicycle component of the transportation element (RCW 36.70A.070(6)(a)(vii), WAC 365-196-430(2)(j)). Policy T 6.6 identifies a bicycle and pedestrian plan as a future work item for the city. Specifically, the plan should provide a more complete inventory of existing and future bicycle and pedestrian facilities and should also address the costs and potential funding sources for additional facilities in the multiyear financing plan.

For more information about developing a pedestrian and bicycle component see the Commerce [Transportation Element Guidebook](#) (pages 115-139), the PSRC [Active Transportation Plan](#), and other helpful resources on PSRC's [plan review resources webpage](#).

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with state requirements for transportation planning (see comments addressing consistency with regional guidelines and principles on transportation and Transportation 2040 on page 8).

Part II: Consistency with Regional Plans and Policies

OVERVIEW

This section discusses consistency with the multicounty planning policies (established regional guidelines and principles under RCW 47.80.026) adopted in VISION 2040, and Transportation 2040, the region's long-range transportation plan. In addition to the multicounty planning policies, VISION 2040 contains a regional growth strategy with a preferred distribution of the region's residential and employment growth, as well as a number of implementation actions for local governments to carry out. Each policy area addressed in VISION 2040 is discussed in turn below.

VISION 2040 Context Statement

VISION 2040 calls for local plans to include a context statement that describes how the comprehensive plan addresses regional policies and provisions adopted in VISION 2040. The plan contains a very comprehensive VISION 2040 context statement.

Environment

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following environmental policy topics:

Stewardship, including addressing the natural environment throughout the plan, decisions based on best-available science, and regional environmental initiatives.

Earth and habitat, including open space protection, restoration and protection of native vegetation, and coordination with adjacent jurisdictions.

Water quality, including actions that maintain hydrologic functions and reduce water pollution in ecosystems, watersheds, shorelines, and estuaries.

Air quality and climate change, addressing federal and state laws, reduction of pollutants, Puget Sound Clean Air Agency policies, and reduction of greenhouse gas emissions and adaptation to climate change.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Pacific comprehensive plan addresses the environmental policy topics in VISION 2040. Highlights include:

- ☑ The plan promotes environmentally sensitive development practices. For example, LU-16.5 promotes low-impact development techniques to protect groundwater. NE-2.3 calls for the city to provide incentives for development that is designed, sited, and constructed with minimal environmental impact. Policy H 4.3 encourages energy efficient housing.
- ☑ The plan includes policies that address efforts to mitigate greenhouse gas emissions and climate change. Policy LU-16.7 supports broad local and regional efforts to help King County achieve its emissions goals. Multiple policies in the transportation element promote alternatives to travel by single-occupant automobile. Goal LU-17 furthers energy efficiency with policies that promote alternative sources of

energy in public and private development and development of a city energy conservation plan and consideration of an energy audit.

- ☑ The plan encourages interjurisdictional coordination on protecting the environment. For example, Policy NE-4.1 calls for working with neighboring jurisdictions to develop common definitions and standards for wetlands.
- ☑ Goal NE-10 providing direction on implementation of the Lower White River BMA Stewardship Plan including next steps coordinated with subregional partners within the watershed.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on the environment.

Development Patterns – Including the Regional Growth Strategy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following development patterns policy topics:

Urban areas, including targets for housing and employment growth, compact communities that support transit and walking, and provisions for redevelopment of underused land.

Centers, including planning for one or more central places as locations for compact, mixed-use development, with policies that prioritize funding to centers to advance development.

Unincorporated urban areas, including policies that advance annexation and orderly transition of governance.

Resource lands, including identification of steps to limit development.

Regional design, addressing local provisions that apply the Transportation 2040 Physical Design Guidelines, energy efficient building, historic preservation, and enhanced sense of community.

Health and active living, addressing healthy environment, physical activity and well-being, and safety.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses many of the development patterns policies in VISION 2040. Highlights include:

- ☑ The land use element calls for the city to establish minimum densities for development in key residential land use designations (HDR, HDRL, and MC).
- ☑ Pacific is planning to focus development, including compact mixed-uses and civic uses, along with public improvements, in its city center. See Policy LU-4.2.12 on the Neighborhood Center plan designation.
- ☑ Policy LU-6.2 encourages innovative residential design, compact development, and low-impact development.
- ☑ LU-5.4 promotes development patterns, including compact mixed-use development with pedestrian-friendly design that encourages physical activity and public health.
- ☑ Policies LU-7.2 and LU-7.5 direct multifamily housing development to transit served locations (Special Planning Areas).
- ☑ The plan identifies the proposed Sumner-Pacific Manufacturing and Industrial Center and includes many policies that support existing and expanded industrial activities in this subarea. For example, Policy LU-12.6 calls for protecting the MIC from encroachment by non-industrial uses, and Policy LU-12.7 prioritizes infrastructure funding to the center. The city is also pursuing innovative concepts, such as creation of a Special Manufacturing Artisan district.

DISCUSSION: CONDITIONS FOR CERTIFICATION

The City of Pacific must address the following provision of the Growth Management Act and VISION 2040 in order to maintain certified status:

- The Growth Management Act requires local comprehensive plans to provide sufficient capacity to accommodate growth that is anticipated during the 20-year planning period. The growth targets adopted by Pierce County show that Pacific is expected to plan for an additional 4,434 jobs by 2030. If extended to a plan horizon year of 2035, the targets increase to 5,156 additional jobs. The 2014 Pierce County Buildable Lands report found that the Pierce County portion of the city currently has capacity to accommodate only 1,631 additional jobs, leaving an employment capacity shortfall of 3,525.

The plan documents several steps that the city is undertaking to address the gap in employment capacity in Pierce County. These include a re-estimation of employment capacity based on assumptions and data from the Buildable Lands work in the King County portion of the city, as well as a proposed shifting of employment target from the Pacific to the Sumner portion of the MIC. In preliminary discussions, the City of Sumner and Pierce County have indicated willingness to reallocate the remaining employment target to the Sumner portion of the MIC. This would allow the proposed MIC to maintain sufficient capacity for regional designation.

Options to resolve the capacity shortfall include the following:

- The city could work with Pierce County and, potentially, the City of Sumner, to adjust the growth targets, consistent with the Regional Growth Strategy, to reflect future growth in Pacific that can be accommodated by the land use plan over the planning period. Once the shift in target has been resolved, the plan should be amended to reflect the new planning numbers, demonstrating sufficient capacity in the city to accommodate its targets.
- Alternatively, the city could amend the plan, including land use, transportation, and other relevant elements, to reflect and affirmatively plan for the targeted growth, including through provision of sufficient land uses and densities.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on development patterns.

Housing

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following housing policy topics:

Increased housing production opportunities, including diverse types and styles for all income levels and demographic groups.

Affordable housing needs, including an assessment of existing and future housing needs based on regional and local factors, including household income, demographics, special needs populations, and adequacy of existing housing stocks.

Regional housing objectives in VISION 2040, including promotion of housing diversity and affordability, jobs-housing balance, housing in centers, and flexible standards and innovative techniques.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the housing provisions contained in VISION 2040. Highlights include:

- ☑ Policy LU-5.3 promotes an increased variety of housing types, densities, and affordability levels in the city through new development. The plan encourages innovative housing types, such as cottage housing (see Policy H-1.2).
- ☑ Policy H-8.6 encourages rehabilitation of existing affordable housing stock for long-term affordability. Policy H-10.4 supports actively working with affordable housing developers to obtain funding for new affordable housing in the city.

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comment at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- ☐ MPP-H-9 calls for interjurisdictional cooperation to advance affordable housing. The WAC (365-196-410(2)(c)(ii)) recommends that jurisdictions define and address housing need in a regional context. The plan should reference King County CPP-H-1 to address countywide need for affordable housing to households with moderate, low and very low incomes, as well as Pierce County CPP-AH-3.3, to plan for the goal for a minimum of 25% of new housing to be affordable.

Economy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following economic development policy topics:

Include an **economic development element** that addresses: business, people, and places.

Retention and recruitment efforts that support family wage jobs, industry clusters that export goods and services, and small businesses that are locally owned.

Equitable benefits and impacts, including provisions and programs that promote economic vitality in distressed areas or areas with disadvantaged populations.

Adequate housing growth in centers through collaboration with the private sector and provision of infrastructure.

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comment at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- ☐ Consistent with VISION Ec-Action-6, the city should develop an economic development element that addresses the city's local circumstances, as well as multicounty planning policies on family-wage jobs, industry clusters, distressed areas, and disadvantaged populations (MPP-Ec-1, 3, 11, 12). PSRC's [Planning for Whole Communities Toolkit](#) offers resources on enhancing economic opportunity.

Transportation

SCOPE OF REVIEW

VISION 2040 and Transportation 2040 call for local comprehensive plans to address the following transportation policy topics:

Maintenance, management, and safety, including clean transportation with reductions in pollution and greenhouse gas emissions, environmental factors, health and safety, stable and predictable funding sources, system and demand management strategies, and security and emergency response.

Support for the regional growth strategy, including system improvements that align with planned growth, prioritized investments that support compact development in centers, joint- and mixed-use development, complete streets and improvements to promote biking and walking, and context-sensitive design.

Improved transportation options and mobility, including alternatives to driving alone, facilities and services for special needs transportation, avoidance of new or expanded facilities in rural areas, and financing methods.

Linking land use and transportation, including integrating Transportation 2040 physical design guidelines in planning for centers and transit station areas, and land development tools that promote transportation alternatives.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Pacific comprehensive plan addresses the major transportation emphases in VISION 2040 and Transportation 2040, including maintenance, management, and safety. It supports the regional growth strategy and provides greater options and mobility. Highlights include:

- ☑ Goal T-2 calls for adequate facilities to meet the needs of pedestrian travel in the city with policies that further extend sidewalks and other infrastructure throughout the city, especially in high-priority areas, such as around parks, schools, and transit stops.
- ☑ Goal T-3 promotes freight mobility in the city with policies that address regional coordination, the Sumner-Pacific MIC, and mitigation of potential impacts on existing neighborhoods. The city is urged to continue to develop more specific policies and actions on meeting freight mobility needs in a forthcoming subarea plan for the MIC.
- ☑ Goal T-7 calls for expanded transit service and transit use in the city. Policy T-7.3 encourages better coordination among the multiple transit agencies serving the area. Other policies promote more attractive transit options, such as expanded commuter or frequent all-day service, targeted to higher densities areas, and provided with pedestrian improvements at transit stops.

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- ☐ The Growth Management Act requires level-of-service standards for all locally owned arterials and transit routes, and the multicounty planning policies (MPPs) call for other modes, such as biking and walking, to be addressed as well (MPP-DP-54-56). While there are many challenges involved in implementing multimodal level-of-service standards and concurrency, adoption of levels of service and a concurrency approach that includes multiple modes would strengthen and reinforce the many plan policies that support walking, biking and transit. One strategy is tailoring a concurrency program to encourage development in centers where it can be supported by transit, nonmotorized infrastructure, and mixed land uses. The plan could also support transit, pedestrian, and bicycle projects as mitigation for development impacts. The Washington State Department of Commerce's [Transportation Element Guidebook](#) has information on how to set level-of-service standards and identify system needs (pages 143-150 and 183-189). PSRC also has [resources on multimodal concurrency](#).

Public Services

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following public services policy topics:

Promote more efficient use of existing services, such as waste management, energy, and water supply, through conservation – including demand management programs and strategies.

Promote renewable energy and alternative energy sources.

Plan for long-term water needs, including conservation, reclamation and reuse.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Pacific comprehensive plan update contains policies that address many of the public services provisions of VISION 2040. Highlights include:

- ☑ Goal U-2 encourages energy conservation and conversion to alternative energy sources. Implementing policies call for efficiency steps in management of city facilities and incentives for efficiency in private development. Policy C-2.1 furthers the concept of energy efficiency in the management of a full range of the city's facilities.
- ☑ Policy C-2.2 requires that all new development be served with sanitary sewer or fitted with dry sewer lines in anticipation of future sewer service extension.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on public services.

Conclusion

PSRC staff thanks the city for working through the plan review and certification process. PSRC is available to provide assistance for future plan updates. Additional planning resources can also be found at <http://www.psrc.org/growth/planreview/resources/>. If the city has questions or needs additional information, please contact Michael Hubner at 206-971-3289 or mhubner@psrc.org.



Agenda Bill No. 16-044

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: May 23, 2016
SUBJECT: Easement Release

ATTACHMENTS:

- Resolution No. 2016-336
- Release of Easement Document
- Easement AFN 8011060589

Previous Council Review Date: N/A

Summary: In 1980, the City of Pacific approved a street vacation of a portion of Fourth Avenue S.W, and reserved an easement for public utilities over, across and under the vacated area. The current owner of the larger piece of property which encompasses the vacated area and reserved easement is Jerald D. Eck – 411 Real Estate LLC (successor in interest to Stephen C. Madsen and Earl and Verla Clark). The vacated right-of-way was 40.0 feet wide.

The City has stormwater pipelines and appurtenances on the property (outside of the vacated area) without benefit of a written easement. The property owner has agreed to provide the City with a written easements for the existing stormwater pipelines, 20.0 wide easement for the southerly stormwater line and 15.0 feet wide easement for the northerly stormwater pipeline in exchange for the City's release of the reserved easement.

Recommended Action: Staff recommends Council approve Resolution No. 2016-336, and authorize the Mayor to sign the Release of Easement.

Motion for Consideration: I move to approve Resolution No. 2016-336, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC AUTHORIZING THE MAYOR TO SIGN A RELEASE OF EASEMENT FOR UTILITIES RESERVED UNDER ORDINANCE NO. 193, IN EXCHANGE FOR A WRITTEN EASEMENT RELATING TO AN EXISTING STORMWATER PIPELINES AND APPURTENANCES, LOCATED AT 405 / 411 WEST VALLEY HIGHWAY, PACIFIC, WASHINGTON.

Budget Impact: The costs associated with this action are the recording fees, which shall be billed to the property owner.

Alternatives: None recommended

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2016-336

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC AUTHORIZING THE MAYOR TO SIGN A RELEASE OF EASEMENT RELATING TO AN EASEMENT THAT WAS RESERVED AS PART OF A STREET VACATION UNDER ORDINANCE NO. 193, IN EXCHANGE FOR THE PROPERTY OWNER'S GRANTING OF TWO WRITTEN EASEMENTS ON THE PROPERTY FOR EXISTING UTILITIES.

WHEREAS, the City of Pacific Public Works Department has found that the reserved utility easement from the 4th Avenue SW right-of-way vacation easement (between West Valley Highway and SR 167) recorded under King County Recording No. AFN 8011060589, and Ordinance No. 193, will no longer be needed as it has not been used for utilities and there are no plan to construct future utilities in that location; and

WHEREAS, the City owns an existing stormwater pipelines and appurtenances along the southerly property line and north of the vacated right of way, that were placed on the same property without benefit of a written easements; and

WHEREAS, the property owner, Jerald D. Eck 411 Real Estate, LLC, has agreed to grant the City two written easements for the existing stormwater pipelines and appurtenances in exchange for the City's release of the easement reserved under the street vacation;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON

Section 1. That the Mayor is hereby authorized to execute the Release of Easement of the reserved easement as shown in Exhibit "A", a copy of which is attached hereto and made a part hereof.

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

APPROVED BY THE PACIFIC CITY COUNCIL on this 23rd day of May, 2016.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

When recorded return to:

**City of Pacific
City Clerk
100 – 3rd Avenue S.E.
Pacific, WA 98047**

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): RELEASE OF UTILITY EASEMENT
Reference Number(s) of Documents assigned or released: AFN 8011060589
Grantor(s) (property owner) Jerald D. Eck 411 Real Estate, LLC, a Washington Limited Liability Company
Grantee(s) (easement owner) THE CITY OF PACIFIC, a Washington municipal corporation
King County Parcel Legal Description (property where easement will exist): SW ¼ of Section 35, Township 21 North, Range 4 East, W.M. See attached Jerry Eck Property, Page 5
Assessor's Property Tax Parcel/Account Number: King County # 3353404200

**RELEASE OF
UTILITIES EASEMENT**

The City of Pacific, Washington (hereinafter the "City") is the owner of a reserved Utilities Easement from the vacated right-of-way located on property now owned by Jerald D. Eck 411 Real Estate, LLC (successor in interest to Stephen C. Madsen and Earle Clark and Verla Clark), dated November 6, 1980, recorded under King County Auditor's No. 8011060589 (hereinafter the "1980 Utilities Easement"), which property is commonly known as 405 / 411 West Valley Highway (hereinafter the "Property") and legally described therein as follows:

See Attached Exhibit A

The City's reserved utilities easement is within the vacated right-of-way, which is legally described as follows (hereinafter the "Reserved Easement"):

That portion of Fourth Avenue Southwest lying between West Valley Highway and that State owned channel change right-of-way and lying between Lot 36, Block 15, C.D. Hillman's Pacific Addition, Division 1 and Lots 17 and 18, Block 16, C.D. Hillman's Pacific City Addition, Division No. 1.

The City of does not own or operate any existing utilities under, on, or over the above-referenced Property or within the Reserved Utilities easement. However, the City does have two stormwater conveyance pipelines and appurtenances elsewhere under the Property. A utilities easement is required to accommodate the existing stormwater conveyance pipes on the Property.

The parties have agreed that the Reserved Utilities Easement shall be released, and in exchange, Jerald D. Eck 411 Real Estate LLC will grant the City of Pacific two new utilities easements on the Property to replace it and accommodate the existing stormwater conveyance pipes and appurtenances. The City of Pacific does hereby abandon and release all rights retained under the Reserved Utilities Easement. A diagram depicting the location of the abandoned and released easement is attached hereto as Exhibit B, and by this reference made a part hereof.

EXHIBIT A

Property owned by Jerald D. Eck 411 Real Estate LLC

PARCEL A:

THAT PORTION OF LOTS 29, 30, 31, AND 32, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO.1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON, LYING SOUTHWESTERLY OF A STRIGHT LINE DRAWN FROM A POINT OPPOSITE HIGHWAY ENGINEER'S STATION P.C. 377+36.87 ON THE CENTERLINE OF SR 167, PIERCE COUNTY LINE TO AUBURN: 17TH STREET S.W., AND 235 FEET SOUTHWESTERLY THEREFROM, TO A POINT OPPOSITE HIGHWAY ENGINEER'S STATION 380+00 ON SAID HIGHWAY PLAN AND 235 FEET SOUTHWESTERLY THEREFROM.

EXCEPT THAT PORTION LYING WITH DETROIT BOULEVARD SOUTH (WEST VALLEY HIGHWAY).

PARCELB:

LOTS 33, 34, 35 AND 36, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN DETROIT BOULEVARD SOUTH (WEST VALLEY HIGHWAY).

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY BE DEED UNDER RECORDING NO. 7101040147.

TOGETHER WITH THE NORTH HALF OF 4TH AVENUE SOUTHWEST VACATED BY ORDINANCE NO. 193 UNDER RECORDING NO. 80110600589 ADJACENT THERETO.

PARCELC:

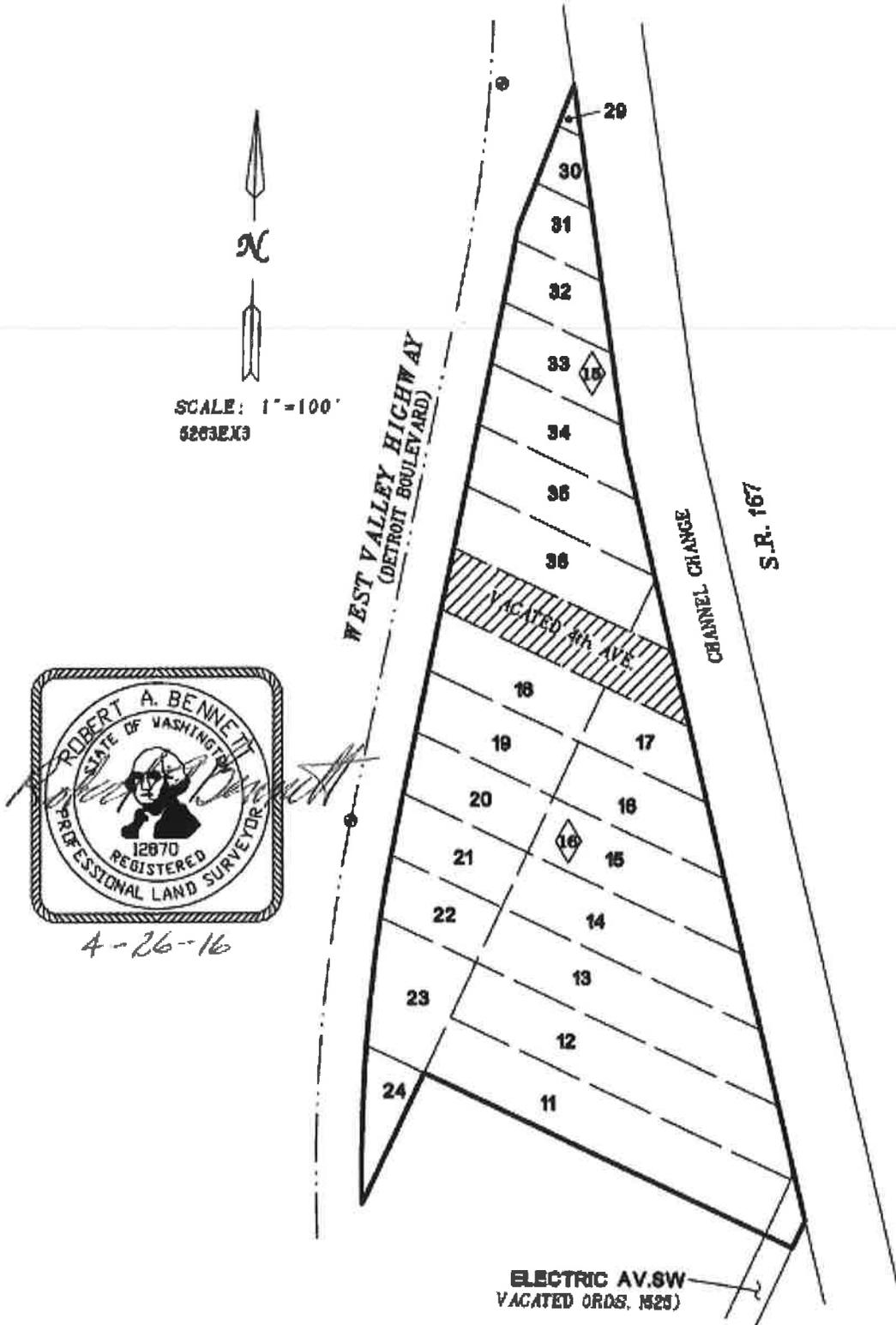
LOTS 11 THROUGH 24, INCLUSIVE, BLOCK 16, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY BY DEED UNDER RECORDING NO. 6626445,

TOGETHER WITH THE SOUTH HALF OF 4TH AVENUE SOUTHWEST VACATED BY ORDINANCE NO. 193 UNDER RECORDING NO. 80110600589 ADJACENT THERETO.

ALSO TOGETHER WITH THAT PORTION OF VACATED ELECTRIC AVENUE SOUTHWEST (BY CITY OF PACIFIC ORDINANCE NO. 1525 DATED APRIL 8, 2002) ABUTTING SAID LOTS 11 AND 12 OF BLOCK 16, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64.

EXHIBIT B



8011060589

ORDINANCE NO. 193

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, VACATING A PORTION OF FOURTH AVENUE SOUTHWEST.

WHEREAS, a petition for vacation of a portion of Fourth Avenue Southwest has been properly filed and approved under R.C.W. 35.79.010 and pursuant to Ordinance No. 658 of the City of Pacific, it is, therefore,

ORDAINED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON AS FOLLOWS:

Section 1. Vacation of a portion of Fourth Avenue Southwest. That portion of Fourth Avenue Southwest described below be and is hereby vacated in its entirety and transferred to Stephen C. Madsen and VERLA Clark and Earl Clark

That portion of Fourth Avenue Southwest lying between West Valley Highway and that State owned channel change right-of-way and lying between Lot 36, Block 15, C.D. Hillman's Pacific City Addition, Division No. 1 and Lots 17 and 18, Block 16, C.D. Hillman's Pacific City Addition, Division No. 1.

Section 2. Reservation of Easement. The City of Pacific hereby reserves an easement for public utilities over and across and under said property.

Section 3. Condition Precedent. This ordinance and vacation shall have no effect until Stephen C. Madsen and Earl Clark and VERLA Clark have paid to the City of Pacific as compensation the sum of \$30.00 EACH.

Section 4. Effective Date. This ordinance shall take effect and be enforced five (5) days from and after its passage, approval and publication as provided by law.

INTRODUCED: 9-20-80
PASSED: 9-20-80
APPROVED: 9-20-80

ATTEST:
Margaret Dudley
City Clerk

Howard G. Erickson
Mayor

ATTEST:
[Signature]
City Attorney



Agenda Bill No. 16-045

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: May 23, 2016
SUBJECT: Street Frontage Easement Acceptance

ATTACHMENTS:

- Resolution No. 2016-337
- Easement Documents

Previous Council Review Date: N/A

Summary: Section 4 of the City's Development Guidelines require, as a condition of development, the dedication of a 10.0 feet wide Utilities Easement across the frontage of property for use by public utilities. Mr. Jerald D. Eck 411 Real Estate LLC, the owner of 405 / 411 West Valley Highway (King County Parcel Nos. 3353404200) has submitted plans for development of the property and has had prepared the required easement documents, which have been reviewed by the City consultant for accuracy.

Recommended Action: Staff recommends Council approve Resolution No. 2016-337

Motion for Consideration: "I move to" approve Resolution No. 2016-337, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC AUTHORIZING THE MAYOR TO ACCEPT A UTILITIES EASEMENT FOR PUBLIC UTILITIES AND APPURTENANCES GRANTED TO THE CITY FROM JERALD ECK 411 REAL ESTATE LLC, ON PROPERTY LOCATED AT 405 / 411 WEST VALLEY HIGHWAY, PACIFIC, WASHINGTON

Budget Impact: The costs associated with this action are the recording fees, which shall be billed to the property owner.

Alternatives: None recommended

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2016-337

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC
AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT A PROPERTY
FRONTAGE EASEMENT FOR UTILITIES AND APPURTENANCES GRANTED
TO THE CITY FROM JERALD D. ECK 411 REAL ESTATE, LLC, ON
PROPERTY LOCATED AT 405 / 411 WEST VALLEY HIGHWAY, PACIFIC,
WASHINGTON**

WHEREAS, pursuant to city Development Guidelines for Public Works Standards, Jerald D. Eck 411 Real Estate, LLC has, as evidenced by the attached document, granted a 10-foot easement across the property frontage to the City of Pacific on land described in Attachment A (405 / 411 West Valley Highway. King County #3353404200) for the purposes of allowing the City to operate and maintain the utilities and appurtenances existing on the property; and

WHEREAS, it is the desire of the Pacific City Council that the utility easement dedication be formally accepted and recorded;

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

Section 1. That the Mayor is hereby authorized to sign and accept the attached utility easement document, executed by a duly authorized representative of Jerald D. Eck 411 Real Estate, LLC, dedicating a certain easement to the City of Pacific.

Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon and the document is recorded with the King County Assessor.

APPROVED BY THE PACIFIC CITY COUNCIL on the 25th day of April, 2016.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

When recorded return to:

**City of Pacific
City Clerk
100 – 3rd Avenue S.E.
Pacific, WA 98047**

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): Street Frontage Utilities Easement
Reference Number(s) of Documents assigned or released: N/A Additional reference #'s on page _____ of document.
Grantor(s) Jerald D. Eck 411 Real Estate, LLC, a Washington Limited Liability Company <input type="checkbox"/> Additional names on page _____ of document.
Grantee(s) THE CITY OF PACIFIC, a Washington municipal corporation <input type="checkbox"/> Additional names on page _____ of document.
King County Parcel Legal Description (property where easement will exist): SW 1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M. <input type="checkbox"/> Additional legal is on page <u>6</u> of document.
Assessor's Property Tax Parcel/Account Number: King County #3353404200 <input type="checkbox"/> Assessor Tax # not yet assigned

UTILITIES EASEMENT

This Utilities Easement ("Easement") is made as of the date set forth herein, by and between the City of Pacific, a Washington municipal corporation, ("Grantee") and Jerald D. Eck 411 Real Estate, LLC, ("Grantor"), referred to herein collectively as "the Parties" and individually as termed above or as "Party."

RECITALS

WHEREAS, Jerald D. Eck 411 Real Estate, LLC is the owner of the property legally described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Grantor has submitted project plans for site development of property on West Valley Highway, a classified arterial; and

WHEREAS, the Section 4 of the Development Guidelines requires the dedication of a frontage utility easement on arterial streets as a condition of site development; and

WHEREAS, the Grantor agrees to dedicate an easement to the City on the Property to allow the City to install, operate and maintain future utilities;

NOW, THEREFORE, in furtherance of the recitals set forth above, which are incorporated herein by reference, and in consideration of the mutual obligations and benefits created by this Easement for utilities, the sufficiency and receipt of which is hereby acknowledged, the Parties agree to the following:

1. Grant of Perpetual Utilities Easement. Grantor hereby grants and conveys a perpetual, non-exclusive easement for utilities over, across, under, and upon the Property to the City of Pacific, its successors, and assigns. The Easement is required for sewer mains, water mains, and appurtenances. The Easement Area is legally described in Exhibit B and shown on the map in Exhibit C, both of which are attached hereto and incorporated herein by this reference. The Grantor shall bear all installation costs and expenses associated with the initial construction of the utility facilities to be installed in the Easement Area.

2. Benefit of Easement. The easement rights granted and conveyed hereunder shall be for the benefit of and use by the Grantee for the public purposes of perpetually conveying, storing, managing, operating, maintaining, constructing, improving, repairing, and facilitating the discharge of surface and storm water and other utilities and utility systems as reasonably necessary for the Grantee's development and use, together with the right for Grantee to access, ingress and egress, across, over, under and upon the Easement Area for said purposes. For the purpose of this Easement, "utilities" shall include, but not be limited to, water, sewer, stormwater.

3. **Easement Area.** Grantee shall have the right to utilize all the Easement Area as necessary to accommodate all of the above public purposes, including any operation, repair, maintenance, and reinstallation of any utility facilities.

4. **Conditions.**

A. *Maintenance and Repair.* Grantee shall be solely responsible for the maintenance, operation, repair and reinstallation of the utilities in the Easement Area. In the event of damage to the Easement Area as the result of construction, maintenance or use, of the Easement Area by Grantee, Grantee's agents or contractors, Grantee shall promptly restore the Easement Area, including any landscaping, to a condition equivalent to that in which it existed prior to the damage, at Grantee's sole cost, provided that Grantee shall not be responsible for any damage caused by the Grantor or its agents.

B. *Egress and Ingress.* This Easement includes a right of egress and ingress in reasonable locations, for the Grantee to access the Easement. The Grantee shall exercise its rights under this Agreement so as to minimize interference with the Grantor's use of his/her Property. The Grantee shall have all necessary access to the Easement Area without prior notification to the Grantor.

C. *Conflicts and Additional Easements.* The Grantor agrees that he/she shall not interfere with the Grantee's use of the Easement for the purposes described herein. Grantor agrees that the Grantor shall not grant any additional easements within the Easement area to any other party, without the prior written consent of the Grantee.

D. *Indemnity.* In the event of liability for damages arising out of bodily injury to persons or damages to property cause by or resulting from the actions of the Grantee, its officers, officials, employees or agents, the Grantee's liability shall be only to the extent of the Grantee's negligence.

5. **Attorneys' Fees.** In the event it is necessary for either party to initiate any legal proceeding to enforce any provision of this Easement agreement, the substantially prevailing party shall be entitled to an award of reasonable attorney fees, including costs and expert witness expenses.

6. **Termination.** This Easement agreement shall remain in effect perpetually unless a written termination agreement is executed by the Parties.

7. **Successors and Assigns.** This Easement agreement shall be recorded against the Property, and shall be a covenant running with the land, binding the heirs, successors and assigns of the Parties.

EXHIBIT A

PARCEL A:

THAT PORTION OF LOTS 29, 30, 31, AND 32, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO.1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON, LYING SOUTHWESTERLY OF A STRIGHT LINE DRAWN FROM A POINT OPPOSITE HIGHWAY ENGINEER'S STATION P.C. 377+36.87 ON THE CENTERLINE OF SR 167, PIERCE COUNTY LINE TO AUBURN: 17TH STREET S.W., AND 235 FEET SOUTHWESTERLY THEREFROM, TO A POINT OPPOSITE HIGHWAY ENGINEER'S STATION 380+00 ON SAID HIGHWAY PLAN AND 235 FEET SOUTHWESTERLY THEREFROM.

EXCEPT THAT PORTION LYING WITH DETROIT BOULEVARD SOUTH (WEST VALLEY HIGHWAY).

PARCELB:

LOTS 33, 34, 35 AND 36, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN DETROIT BOULEVARD SOUTH (WEST VALLEY HIGHWAY).

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY BE DEED UNDER RECORDING NO. 7101040147.

TOGETHER WITH THE NORTH HALF OF 4TH AVENUE SOUTHWEST VACATED BY ORDINANCE NO. 193 UNDER RECORDING NO. 80110600589 ADJACENT THERETO.

PARCELC:

LOTS 11 THROUGH 24, INCLUSIVE, BLOCK 16, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY BY DEED UNDER RECORDING NO. 6626445,

TOGETHER WITH THE SOUTH HALF OF 4TH AVENUE SOUTHWEST VACATED BY ORDINANCE NO. 193 UNDER RECORDING NO. 80110600589 ADJACENT THERETO.

ALSO TOGETHER WITH THAT PORTION OF VACATED ELECTRIC AVENUE SOUTHWEST (BY CITY OF PACIFIC ORDINANCE NO. 1525 DATED APRIL 8, 2002) ABUTTING SAID LOTS 11 AND 12 OF BLOCK 16, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64.

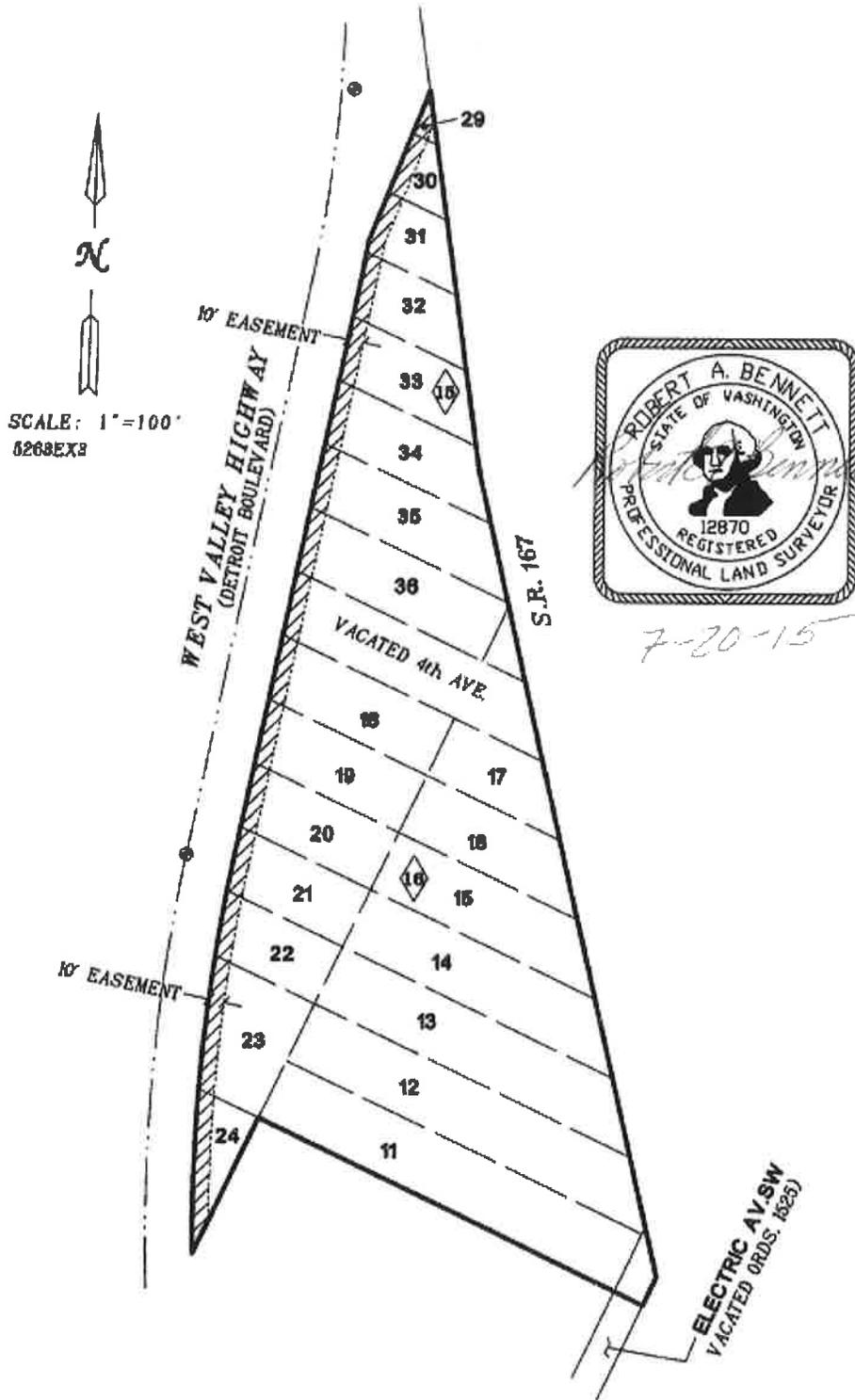
EXHIBIT B
LEGAL DESCRIPTION OF EASEMENT AREA

THE WESTERLY 10 FEET OF THE FOLLOWING DESCRIBED PARCEL SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON: THAT PORTION OF LOTS 29 THROUGH LOT 32, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE, DIVISION N0.1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS AT PAGE 64, RECORDS OF KING COUNTY, WASHINGTON, LYING SOUTHWESTERLY OF A STRAIGHT LINE DRAWN FROM A POINT OPPOSITE HIGHWAY ENGINEER'S STATION P.C. 377+36.87 ON THE CENTERLINE OF S.R. 167, PIERCE COUNTY LINE TO AUBURN 17th STREET S.W. AND 236 FEET SOUTHWESTERLY THEREFROM TO A POINT OPPOSITE HIGHWAY ENGINEER'S STATION 380+00 ON SAID HIGHWAY PLAN AND 235 FEET SOUTHWESTERLY THEREFROM

EXCEPT THAT PORTION THEREOF CONVEYED TO KING COUNTY FOR DETROIT BOULEVARD BY DEED RECORDED UNDER RECORDING NO. 929853

TOGETHER WITH LOTS 33 THROUGH LOT 36, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE, DIVISION N0.1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS AT PAGE 63, RECORDS OF KING COUNTY, WASHINGTON

EXHIBIT C
MAP OF EASEMENT AREA





Agenda Bill No. 16-046

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: May 23, 2016
SUBJECT: North and South Storm Drainage Easement Acceptance

ATTACHMENTS:

- Resolution No. 2016-338
- Easement Documents

Previous Council Review Date: N/A

Summary: The City of Pacific operates public utilities throughout the City including a stormwater collection and conveyance system. A component of this system is an 18-inch diameter storm pipe along the southerly portion and a 6-inch diameter pipe north of the vacated 4th Avenue SW right of way of 405 / 411 West Valley Highway (King County Parcel Nos. 3353404200) owned by Mr. Jerald Eck 411 Real Estate LLC. There are no records of easements for these pipelines, so we assume that the City has acquired a prescriptive easement for the placement of the pipeline and appurtenances.

1980, the City vacated a portion of Fourth Avenue Southwest, which lies within the property owned by Jerald Eck 411 Real Estate LLC. The vacation Ordinance No. 193 shows that the City reserved a utilities easement in the vacated area.

Recently, Mr. Eck has submitted plans for the development of this property. He has agreed to grant the City written easements in exchange for the City's release of the easement reserved under the vacation Ordinance No. 193. Mr. Eck has had prepared easement documents dedicating to the City a 20.0 feet wide utility easement for the stormwater pipeline along the southerly property line and a 10.0 feet wide easement north of the vacated 4th Avenue SW right-of-way. The documents have been reviewed by the City consultant for accuracy.

Recommended Action: Staff recommends Council approve Resolution No. 2016-338.

Motion for Consideration: “I move to” approve Resolution No. 2016-338, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC AUTHORIZING THE MAYOR TO ACCEPT TWO UTILITIES EASEMENTS FOR PUBLIC UTILITIES AND APPURTENANCES GRANTED TO THE CITY FROM JERALD ECK 411 REAL ESTATE LLC, ON PROPERTY LOCATED AT 405 / 411 WEST VALLEY HIGHWAY, PACIFIC, WASHINGTON

Budget Impact: The costs associated with this action are the recording fees, which shall be paid for by the City.

Alternatives: None recommended

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2016-338

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC
AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT TWO UTILITIES
EASEMENTS FOR STORM DRAINAGE AND APPURTENANCES GRANTED
TO THE CITY FROM JERALD D. ECK 411 REAL ESTATE, LLC, ON
PROPERTY LOCATED AT 405 / 411 WEST VALLEY HIGHWAY, PACIFIC,
WASHINGTON**

WHEREAS, pursuant to city utility requirements, Jerald D. Eck 411 Real Estate, LLC has, as evidenced by the attached documents, granted a 20.0-foot easement and a 10.0 foot easement to the City of Pacific on land described in Attachment A and B (405 / 411 West Valley Highway. King County #3353404200) for the purposes of allowing the City to operate and maintain the existing storm drain lines and appurtenances and dedicated to the City; and

WHEREAS, it is the desire of the Pacific City Council that the utility easement dedication be formally accepted and recorded;

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

Section 1. That the Mayor is hereby authorized to sign and accept the attached utility easement documents, executed by a duly authorized representative of Jerald D. Eck 411 Real Estate, LLC, dedicating a certain easement to the City of Pacific.

Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon and the document is recorded with the King County Assessor.

APPROVED BY THE PACIFIC CITY COUNCIL THIS 23rd day of May, 2016.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

When recorded return to:

**City of Pacific
City Clerk
100 – 3rd Avenue S.E.
Pacific, WA 98047**

WASHINGTON STATE RECORDER’S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): Ingress, Egress, and Storm Easement
Reference Number(s) of Documents assigned or released: N/A Additional reference #'s on page _____ of document.
Grantor(s) Jerald D. Eck 411 Real Estate, LLC, a Washington Limited Liability Company <input type="checkbox"/> Additional names on page _____ of document.
Grantee(s) THE CITY OF PACIFIC, a Washington municipal corporation <input type="checkbox"/> Additional names on page _____ of document.
King County Parcel Legal Description (property where easement will exist): SW 1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M. <input type="checkbox"/> Additional legal is on page <u>6</u> of document.
Assessor’s Property Tax Parcel/Account Number: King County #3353404200 <input type="checkbox"/> Assessor Tax # not yet assigned

UTILITIES EASEMENT

This Ingress, Egress and Storm System Utilities Easement ("Easement") is made as of the date set forth herein, by and between the City of Pacific, a Washington municipal corporation, ("Grantee") and Jerald D. Eck 411 Real Estate, LLC, ("Grantor"), referred to herein collectively as "the Parties" and individually as termed above or as "Party."

RECITALS

WHEREAS, Jerald D. Eck 411 Real Estate, LLC is the owner of the property legally described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property had an existing utilities easement in favor of the City of Pacific; and

WHEREAS, the City of Pacific released the existing easement in the Release of Utilities Easement, dated _____ and recorded against the Property under AFN 8011060589; and

WHEREAS, the Grantor plans to grant the City a new utilities easement in order to allow for the operation of existing storm water pipeline and related facilities; and

WHEREAS, the Grantor agrees to dedicate an easement to the City on the Property to allow the City to operate and maintain the existing public utilities;

1. Grant of Perpetual Utilities Easement. Grantor hereby grants and conveys a perpetual, non-exclusive easement for a storm water pipeline and appurtenances, over, across, under, and upon the Property to the City of Pacific, its successors, and assigns. The Easement Area is legally described in Exhibit B and shown on the map in Exhibit C, both of which are attached hereto and incorporated herein by this reference.

2. Benefit of Easement. The easement rights granted and conveyed hereunder shall be for the benefit of and use by the Grantee for conveying, storing, managing, operating, maintaining, constructing, improving, repairing, facilitating the existing stormwater pipeline and appurtenances, together with the right for Grantee to access, ingress and egress, across, over, under and upon the Easement Area for said purposes. For the purpose of this Easement, "utilities" shall be limited to stormwater infrastructure

3. Easement Area. Grantee shall have the right to utilize all the Easement Area as necessary to accommodate all of the above public purposes, including any operation, repair, maintenance, and reinstallation of any utility facilities.

4. **Conditions.**

A. *Maintenance and Repair.* Grantee shall be solely responsible for the maintenance, operation, repair and reinstallation of the utilities in the Easement Area. In the event of damage to the Easement Area as the result of construction, maintenance or use, of the Easement Area by Grantee, Grantee's agents or contractors, Grantee shall promptly restore the Easement Area, including any landscaping, to a condition equivalent to that in which it existed prior to the damage, at Grantee's sole cost, provided that Grantee shall not be responsible for any damage caused by the Grantor or its agents.

B. *Egress and Ingress.* This Easement includes a right of egress and ingress in reasonable locations, for the Grantee to access the Easement. The Grantee shall exercise its rights under this Agreement so as to minimize interference with the Grantor's use of his/her Property. The Grantee shall have all necessary access to the Easement Area without prior notification to the Grantor.

C. *Conflicts and Additional Easements.* The Grantor agrees that he/she shall not interfere with the Grantee's use of the Easement for the purposes described herein. Grantor agrees that the Grantor shall not grant any additional easements within the Easement area to any other party, without the prior written consent of the Grantee.

D. *Indemnity.* In the event of liability for damages arising out of bodily injury to persons or damages to property cause by or resulting from the actions of the Grantee, its officers, officials, employees or agents, the Grantee's liability shall be only to the extent of the Grantee's negligence.

5. **Attorneys' Fees.** In the event it is necessary for either party to initiate any legal proceeding to enforce any provision of this Easement agreement, the substantially prevailing party shall be entitled to an award of reasonable attorney fees, including costs and expert witness expenses.

6. **Termination.** This Easement agreement shall remain in effect perpetually unless a written termination agreement is executed by the Parties.

7. **Successors and Assigns.** This Easement agreement shall be recorded against the Property, and shall be a covenant running with the land, binding the heirs, successors and assigns of the Parties.

8. **Governing Law and Venue.** This Easement agreement shall be governed by and interpreted in accordance with Washington law. Any litigation arising out of or in connection with this Agreement shall be conducted in Pierce County, Washington.

9. **Amendment.** This Easement agreement shall not be modified or amended except by written instrument executed by the duly authorized representatives of the Parties.

EXHIBIT A

PARCEL A:

THAT PORTION OF LOTS 29, 30, 31, AND 32, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO.1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON, LYING SOUTHWESTERLY OF A STRIGHT LINE DRAWN FROM A POINT OPPOSITY HIGHWAY ENGINEER'S STATION P.C. 377+36.87 ON THE CENTERLINE OF SR 167, PIERCE COUNTY LINE TO AUBURN: 17TH STREET S.W., AND 235 FEET SOUTHWESTERLY THEREFROM, TO A POINT OPPOSITE HIGHWAY ENGINEER'S STATION 380+00 ON SAID HIGHWAY PLAN AND 235 FEET SOUTHWESTERLY THEREFROM.

EXCEPT THAT PORTION LYING WITH DETROIT BOULEVARD SOUTH (WEST VALLEY HIGHWAY).

PARCELB:

LOTS 33, 34, 35 AND 36, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN DETROIT BOULEVARD SOUTH (WEST VALLEY HIGHWAY).

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY BE DEED UNDER RECORDING NO. 7101040147.

TOGETHER WITH THE NORTH HALF OF 4TH AVENUE SOUTHWEST VACATED BY ORDINANCE NO. 193 UNDER RECORDING NO. 80110600589 ADJACENT THERETO.

PARCELC:

LOTS 11 THROUGH 24, INCLUSIVE, BLOCK 16, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY BY DEED UNDER RECORDING NO. 6626445,

TOGETHER WITH THE SOUTH HALF OF 4TH AVENUE SOUTHWEST VACATED BY ORDINANCE NO. 193 UNDER RECORDING NO. 80110600589 ADJACENT THERETO.

ALSO TOGETHER WITH THAT PORTION OF VACATED ELECTRIC AVENUE SOUTHWEST (BY CITY OF PACIFIC ORDINANCE NO. 1525 DATED APRIL 8, 2002) ABUTTING SAID LOTS 11 AND 12 OF BLOCK 16, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64.

EXHIBIT B
LEGAL DESCRIPTION OF EASEMENT AREA

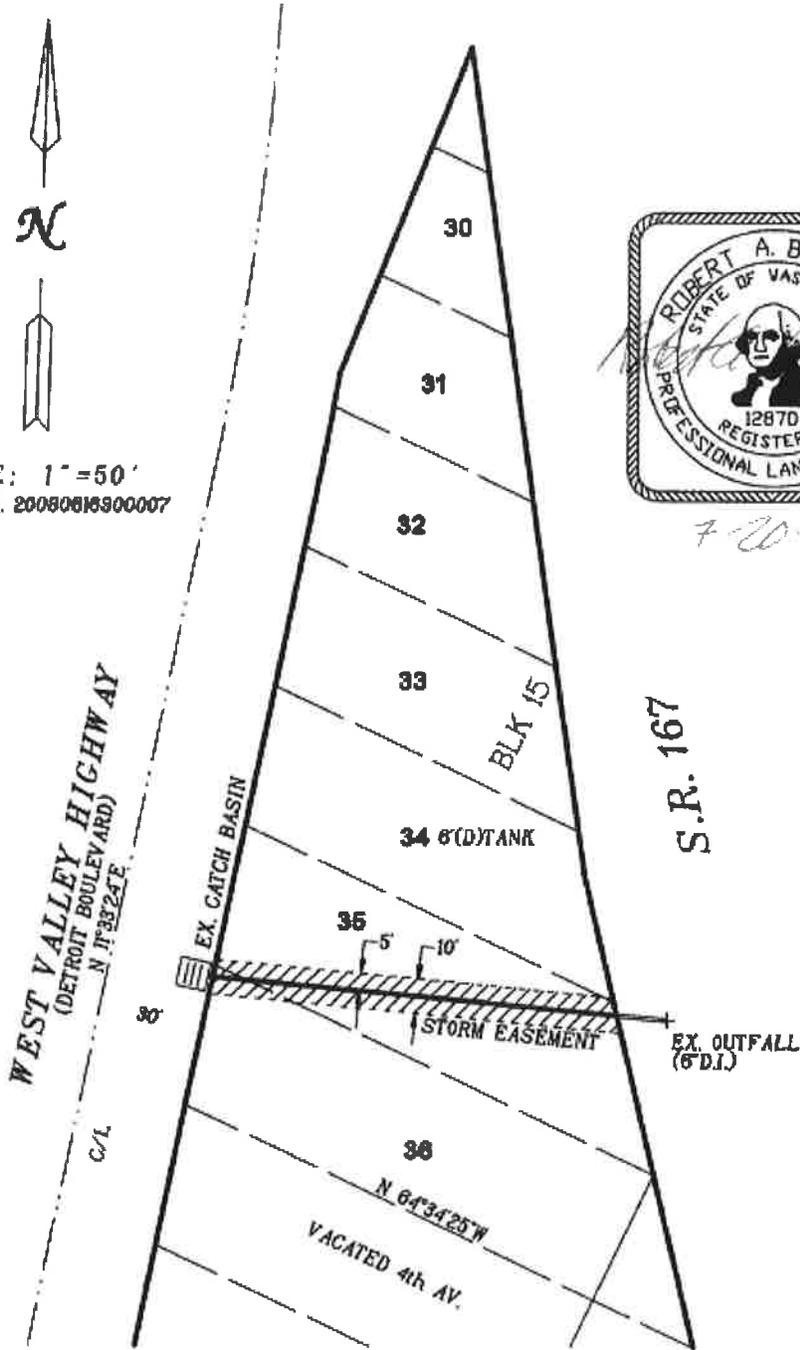
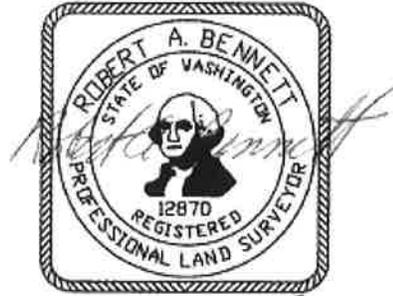
A 10 FOOT STORM EASEMENT 5 FOOT EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE INTERSECTION OF THE EASTERLY MARGIN OF WEST VALLEY HIGHWAY (DETROIT BOULEVARD) WITH THE COMMON LOT LINE BETWEEN LOTS 35 AND 36, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS AT PAGE 64, AS SHOWN ON RECORD OF SURVEY RECORDED UNDER RECORDING NUMBER 20080616900007, RECORDS OF KING COUNTY RECORDER. SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON; THENCE SOUTH $11^{\circ}33'24''$ WEST ALONG SAID EASTERLY MARGIN A DISTANCE ON 3.41 FEET TO THE TRUE POINT OF BEGINNING OF SAID CENTERLINE OF EASEMENT; THENCE SOUTH $84^{\circ}42'46''$ EAST A DISTANCE OF 116.82 FEET TO THE WESTERLY MARGIN OF STATE HIGHWAY SR 167 AND THE TERMIUNUS OF SAID CENTERLINE.

EXHIBIT C
MAP OF EASEMENT AREA



SCALE: 1" = 50'
REF. REC. NO. 20090616900007



When recorded return to:

**City of Pacific
City Clerk
100 – 3rd Avenue S.E.
Pacific, WA 98047**

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): Ingress, Egress, and Storm Easement
Reference Number(s) of Documents assigned or released: N/A Additional reference #'s on page _____ of document.
Grantor(s) Jerald D. Eck 411 Real Estate, LLC, a Washington Limited Liability Company <input type="checkbox"/> Additional names on page _____ of document.
Grantee(s) THE CITY OF PACIFIC, a Washington municipal corporation <input type="checkbox"/> Additional names on page _____ of document.
King County Parcel Legal Description (property where easement will exist): SW 1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M. <input type="checkbox"/> Additional legal is on page 6 of document.
Assessor's Property Tax Parcel/Account Number: King County #3353404200 <input type="checkbox"/> Assessor Tax # not yet assigned

UTILITIES EASEMENT

This Ingress, Egress and Storm System Utilities Easement ("Easement") is made as of the date set forth herein, by and between the City of Pacific, a Washington municipal corporation, ("Grantee") and Jerald D. Eck 411 Real Estate, LLC, ("Grantor"), referred to herein collectively as "the Parties" and individually as termed above or as "Party.".

RECITALS

WHEREAS, Jerald D. Eck 411 Real Estate, LLC is the owner of the property legally described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property had an existing utilities easement in favor of the City of Pacific; and

WHEREAS, the City of Pacific released the existing easement in the Release of Utilities Easement, dated _____ and recorded against the Property under AFN 8011060589; and

WHEREAS, the Grantor plans to grant the City a new utilities easement in order to allow for the operation of existing storm water pipeline and related facilities; and

WHEREAS, the Grantor agrees to dedicate an easement to the City on the Property to allow the City to operate and maintain the existing public utilities;

1. Grant of Perpetual Utilities Easement. Grantor hereby grants and conveys a perpetual, non-exclusive easement for utilities over, across, under, and upon the Property to the City of Pacific, its successors, and assigns. The Easement is required for an existing stormwater conveyance system, and future sewer mains, water mains, and appurtenances. The Easement Area is legally described in Exhibit B and shown on the map in Exhibit C, both of which are attached hereto and incorporated herein by this reference. The Grantor shall bear all installation costs and expenses associated with the initial construction of the utility facilities to be installed in the Easement Area.

2. Benefit of Easement. The easement rights granted and conveyed hereunder shall be for the benefit of and use by the Grantee for the public purposes of perpetually conveying, storing, managing, operating, maintaining, constructing, improving, repairing, and facilitating the discharge of surface and storm water and other utilities and utility systems as reasonably necessary, together with the right for Grantee to access, ingress and egress, across, over, under and upon the Easement Area for said purposes. For the purpose of this Easement, "utilities" shall include, but not be limited to, water, sewer, and stormwater.

3. **Easement Area.** Grantee shall have the right to utilize all the Easement Area as necessary to accommodate all of the above public purposes, including any operation, repair, maintenance, and reinstallation of any utility facilities.

4. **Conditions.**

A. *Maintenance and Repair.* Grantee shall be solely responsible for the maintenance, operation, repair and reinstallation of the utilities in the Easement Area. In the event of damage to the Easement Area as the result of construction, maintenance or use, of the Easement Area by Grantee, Grantee's agents or contractors, Grantee shall promptly restore the Easement Area, including any landscaping, to a condition equivalent to that in which it existed prior to the damage, at Grantee's sole cost, provided that Grantee shall not be responsible for any damage caused by the Grantor or its agents.

B. *Egress and Ingress.* This Easement includes a right of egress and ingress in reasonable locations, for the Grantee to access the Easement. The Grantee shall exercise its rights under this Agreement so as to minimize interference with the Grantor's use of his/her Property. The Grantee shall have all necessary access to the Easement Area without prior notification to the Grantor.

C. *Conflicts and Additional Easements.* The Grantor agrees that he/she shall not interfere with the Grantee's use of the Easement for the purposes described herein. Grantor agrees that the Grantor shall not grant any additional easements within the Easement area to any other party, without the prior written consent of the Grantee.

D. *Indemnity.* In the event of liability for damages arising out of bodily injury to persons or damages to property cause by or resulting from the actions of the Grantee, its officers, officials, employees or agents, the Grantee's liability shall be only to the extent of the Grantee's negligence.

5. **Attorneys' Fees.** In the event it is necessary for either party to initiate any legal proceeding to enforce any provision of this Easement agreement, the substantially prevailing party shall be entitled to an award of reasonable attorney fees, including costs and expert witness expenses.

6. **Termination.** This Easement agreement shall remain in effect perpetually unless a written termination agreement is executed by the Parties.

7. **Successors and Assigns.** This Easement agreement shall be recorded against the Property, and shall be a covenant running with the land, binding the heirs, successors and assigns of the Parties.

GRANTOR:

JERALD D. ECK 411 REAL ESTATE, LLC

By: [Signature] [Jerald D. Eck]
Its: Managing Member

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

The undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, affirms that Jerald D. Eck personally appeared before me, is known to be the authorized agent of Jerald D. Eck 411 Real Estate, LLC, a Washington Limited Liability Company, who executed the foregoing instrument, and acknowledged this instrument to be the free and voluntary act and deed of said Limited Liability Company for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal this 5 day of May, 2016.

[Signature]
Notary Public in and for the State of Washington,
residing at Covington, WA
My appointment expires 2/28/18

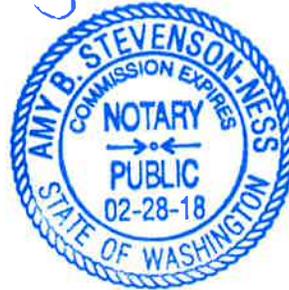


EXHIBIT A

PARCEL A:

THAT PORTION OF LOTS 29, 30, 31, AND 32, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO.1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON, LYING SOUTHWESTERLY OF A STRIGHT LINE DRAWN FROM A POINT OPPOSITE HIGHWAY ENGINEER'S STATION P.C. 377+36.87 ON THE CENTERLINE OF SR 167, PIERCE COUNTY LINE TO AUBURN: 17TH STREET S.W., AND 235 FEET SOUTHWESTERLY THEREFROM, TO A POINT OPPOSITE HIGHWAY ENGINEER'S STATION 380+00 ON SAID HIGHWAY PLAN AND 235 FEET SOUTHWESTERLY THEREFROM.

EXCEPT THAT PORTION LYING WITH DETROIT BOULEVARD SOUTH (WEST VALLEY HIGHWAY).

PARCELB:

LOTS 33, 34, 35 AND 36, BLOCK 15, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

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LOTS 11 THROUGH 24, INCLUSIVE, BLOCK 16, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

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ALSO TOGETHER WITH THAT PORTION OF VACATED ELECTRIC AVENUE SOUTHWEST (BY CITY OF PACIFIC ORDINANCE NO. 1525 DATED APRIL 8, 2002) ABUTTING SAID LOTS 11 AND 12 OF BLOCK 16, C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 64.

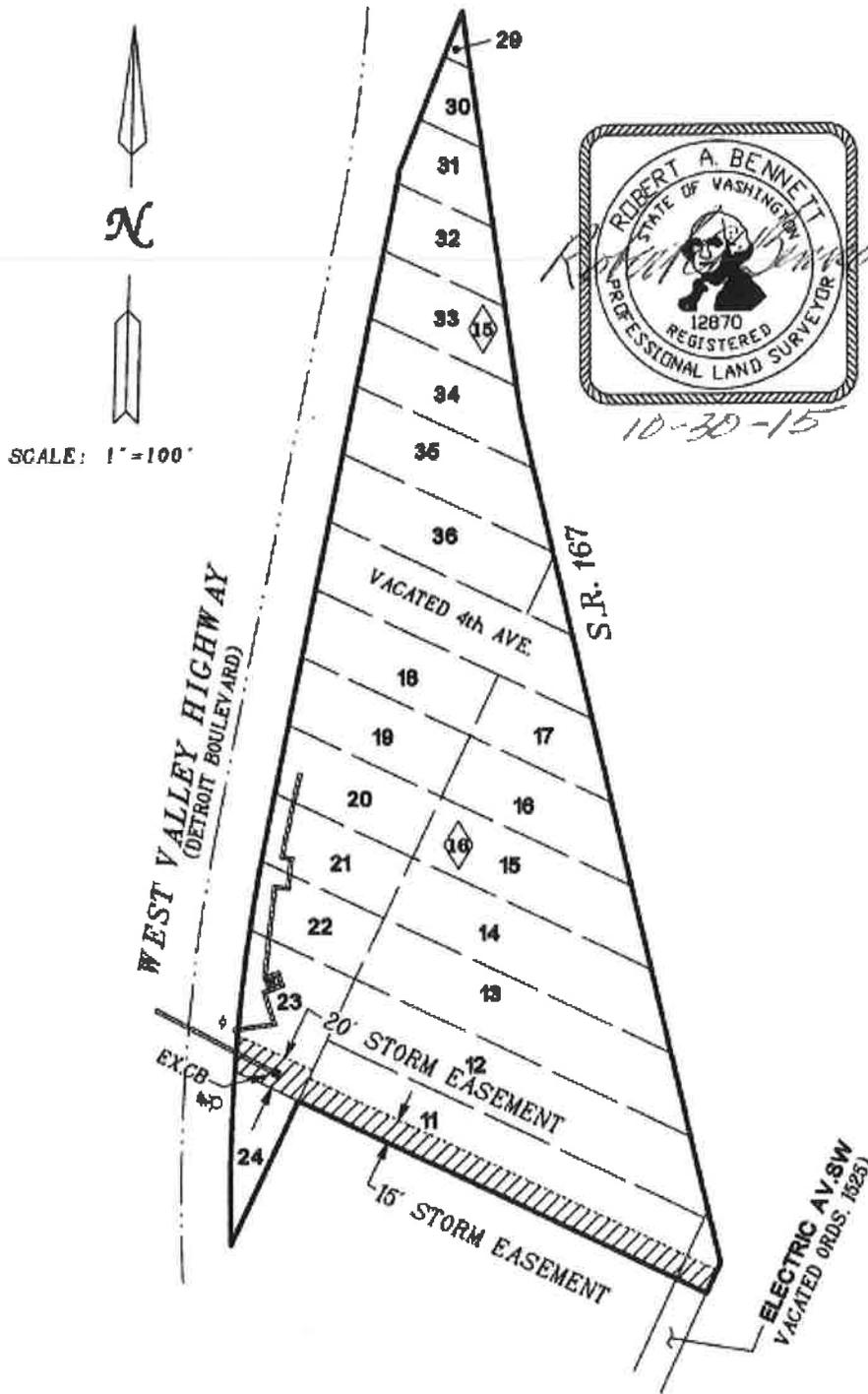
EXHIBIT B
LEGAL DESCRIPTION OF EASEMENT AREA

THE SOUTHERLY 15 FEET OF LOTS 11 AND THE SOUTHERLY 20 FEET OF LOT 23, BLOCK 16 OF C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO.1. ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS OF PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

TOGETHER WITH THAT PORTION OF VACATED ELECTRIC AVENUE SOUTHWEST AS PER THE CITY OF PACIFIC ORDINANCE NO. 1525 DATED APRIL 8, 2002 ABUTTING SAID LOTS 11 AND 12 OF SAID BLOCK 16 OF C.D. HILLMAN'S PACIFIC CITY ADDITION TO THE CITY OF SEATTLE DIVISION NO. 1. ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS OF PAGE 64, RECORDS OF KING COUNTY, WASHINGTON.

SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M.,

EXHIBIT C
MAP OF EASEMENT AREA





Agenda Bill No. 16-057

TO: Mayor Guier and City Council Members
FROM: Amy Stevenson-Ness, City Clerk
MEETING DATE: May 16, 2016
SUBJECT: Conference Expense Options

ATTACHMENTS:

- **Personnel Policy 100-013: Travel and Other Expenses**
- **Request for Training or Conference Attendance/Travel Advance Form**
- **Reimbursement Form**

Summary:

The AWC Annual Conference is fast approaching and will be held June 21-24, 2016, in Everett. Registration is still available for single or multiple days at the conference.

If you are traveling to the conference, this is a brief overview of the travel policy regarding expenses involved with travel and meals.

Per Personnel Policy No., 100-013, allowances for lodging, meals, and incidentals are established the Office of the General Service Administration (GSA) for the area of travel.

The lodging rates of \$113/night plus \$64 for meals and incidental expenses apply for the Everett/Lynnwood area based on the GSA information provided.

The table lists the rates for the Meals & Incidental Expenses rates for the area.

Total	Continental Breakfast/ Breakfast	Lunch	Dinner	IE
\$64	\$15	\$16	\$28	\$5

Those traveling on city business have two options regarding expenses while traveling:

- Obtain a travel advance based on estimated costs, or
- Reimbursement of travel fees paid out of pocket by employees

Both options require the submittal of receipts as proof of expenses and completion of a travel authorization form as well as a travel expense voucher available from the City Clerk or Finance Department.

Reimbursement is also available for use of a personal vehicle to travel to and from the conference at the rate of .54/mile. Carpooling is encouraged whenever possible.

Recommended Action:

Motion for Consideration:

Budget Impact:

Alternatives:



Administrative Policy and Procedure		
Index: 100-013	Title: Travel and Other Expenses	Effective Date: February 11, 2013 Res. 2013-017

TRAVEL POLICY

I. INTRODUCTION

A. Traveling On City Business

This policy applies to all employees, officials, board members, volunteers and other persons acting on behalf of the City of Pacific (herein after referred to as “requesting party”) who are traveling on official city business. The policy provides requesting parties with a guideline for payment and reimbursement of travel expenses pertaining to official travel outside the City.

B. Responsibility While Traveling On City Business

Requesting parties may have their travel expenses reimbursed by the City of Pacific. Under no circumstances will reimbursement exceed actual expenses involved or duplicate any portions of expenses paid from any non-city source.

Unless otherwise exempted in this section, all travel must be authorized according to this policy prior to incurring any obligation or expense to the City of Pacific. Exceptions may be made by the City Council, and only the City Council, on a case-by-case basis for emergencies or other extenuating circumstances. The City Council may, at its sole discretion, reduce or refuse travel reimbursement for travel expenses not pre-authorized according to this policy.

Travel expenses to conduct normal and ordinary business of the City of Pacific that are exclusively limited to mileage expenses for travel less than 60 miles round trip are not required to obtain prior authorization according to this policy. All other provisions of this policy shall remain in full effect in such circumstances. Department heads may choose to require prior authorization for requesting parties in their respective department in any circumstance.

In some situations there may be adequate justification for allowing an employee to be in travel status and thus incur additional travel expenses, (decided upon a case-by-case basis by the authorizing party) such as:

- When the health and safety of travelers is an issue;
- When it can be demonstrated that staying overnight is more economical to the City.

A requesting party traveling on official business is expected to exercise the same care in incurring expenses that he or she would exercise if traveling on personal business and using personal funds. Requesting parties will be held personally responsible for all unauthorized costs and additional expenses incurred for personal preference or convenience.

Willful violations of this policy by requesting parties will result in disciplinary action up to and including dismissal. Repeated willful violations of this policy may result in criminal prosecution.

II. DEFINITIONS

A. Travel

Travel in this context means the act or status of going from and returning to the normal work place location to conduct City of Pacific business. Commuting to and from a requesting party's place of residence is not reimbursable travel.

B. Work Place

The "work place" is the job location at which the requesting party spends the majority of his or her working hours while conducting official business of the City of Pacific.

C. Full Day

A "full day" in the context of this policy is defined as travel departure before 6:00 a.m. and travel return after 8:00 p.m.

D. Conference Hotel

A conference hotel is a hotel specifically designated for lodging by the entity hosting or coordinating the conference or training session.

E. Authorizing Party

An authorizing party is the department head of the requesting party. The Mayor shall be the authorizing agency for travel by department heads. The City Council shall be the authorizing agency for travel by the Mayor or City Councilmembers.

F. Incidental Expenses

Incidental expenses are fees and tips given to porters, baggage carriers, hotel and restaurant staff and others for personal services performed. This is not a miscellaneous expense.

G. Per Diem Allowances

Allowances for lodging, meals, and incidentals as established by the Office of the General Service Administration (GSA) for the area of travel. The most current per diem rates can be found at the following web address: <http://www.gsa.gov>. Per diem rates include the costs of tax and gratuity.

H. Travel Authorization Form

The official City form used to obtain authorization for travel. See Exhibit 1.

I. Travel Expense Voucher

The official city form used to obtain reimbursement for authorized travel expenses and/or to document expenditure of travel advance funds. See Exhibit 2.

III. PROCEDURES

A. Travel

1. Advances Will Be No Less Than \$25

Travel advance requests must be submitted to the Finance Office within normal Accounts Payable deadlines. Travel advances will be no less than \$25. Under no circumstances will the advance exceed estimated travel expenses, excluding prepayments. The authorizing party must approve all advances.

Settlement of travel advances shall be made on or before the 15th day following close of travel period by filing the Travel Expense Voucher with the fund custodian.

No advance may be made to any requesting party when he/she is delinquent in accounting for or repaying a prior advance.

2. Reimbursement Requests Must Be Submitted Within 30 Days

All reimbursement requests shall be approved by the authorizing party and submitted to the Finance Office for payment within 30 days of the travel return date. Under no circumstances will reimbursements be made after the close of the fiscal year. The Finance Director shall reject any reimbursement claims that are not in accordance with current policy or that are submitted more than 30 days after the trip.

3. Credit Card May Be Used For Travel

City credit cards may be used rather than reimbursement or advance. The credit card, along with receipts of items charged to the credit card, shall be submitted to the Finance Office no later than two working days from the travel return date. Under no circumstances may City credit cards be used for meals while traveling. City credit card use for travel purposes must also comply with the City Credit Card Policy.

4. Companions May Travel At Their Own Expense

Spouses, family members, or other persons may travel with requesting parties only at their own expense. Under no circumstances shall City funds be used to pay for travel expenses for spouses, family members or other persons. If circumstances prevent requesting parties from isolating travel expenses of spouses, family members or other persons from travel expenses of the requesting party, the requesting party must incur such expense using their own funds, and may request reimbursement for the requesting party's portion of such expense upon return from travel.

5. When travel time is required of employees covered by Fair Labor Standards Act

Travel time may be considered as time worked depending on the time and day of travel. Paid time for travel shall be clearly resolved in accordance with FLSA and RCW 49.46 guidelines **in advance** of authorizing travel. Check with City Clerk/Personnel Manager for more information.

B. Transportation

1. City Vehicles May Be Used For Travel

City vehicles may be used for any authorized travel. The appropriate authorizing party must pre-approve all use of city vehicles for travel on a Travel Authorization form. Prior to approving any request to use city vehicles for travel, the authorizing agency must ensure that the requesting party has a valid driver license issued to the requesting party. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. The vehicle will be used in conducting City business only.

No City official or employee shall carry any passenger other than a City official or employee in any City vehicle while on authorized travel, except as authorized for City business by the employee's supervisor. To the extent allowed by law, any liability for injury to any unauthorized passenger in a City vehicle is the responsibility of the employee permitting the unauthorized passenger.

2. Personal Vehicle May Be Used For Travel

A requesting party may use his or her personal vehicle for travel and be reimbursed at the approved mileage rate if a City vehicle is unavailable or use of a City vehicle is not practical. No person shall use any personal vehicle for official travel unless the personal vehicle is insured in compliance with the insurance requirements of all jurisdictions through which the vehicle will travel. When requesting mileage reimbursement for use of a personal vehicle for travel, the requesting party must provide a photocopy of a valid driver license issued to the requesting party and adequate and appropriate insurance coverage in effect for the duration of the travel period.

The reimbursable mileage is the actual mileage measured from the work place to the destination and return. In the event that a requesting party leaves from their place of residence, mileage should be measured based on the starting point that is in closest proximity to the destination.

If two or more requesting parties are traveling to the same location to attend the same event, requesting parties are encouraged to carpool. Unless otherwise deemed unreasonable, in writing, by the authorizing party, requesting parties who choose to use multiple personal vehicles for travel to and from the same location to attend the same event shall only be eligible for mileage reimbursement according to a pro-rated share of the most efficient carpooling circumstance available. For example, if two requesting parties choose to use their personal vehicle in said circumstance, each shall only be eligible for mileage reimbursement at $\frac{1}{2}$ the standard City of Pacific mileage reimbursement rate; three requesting parties each choosing to use their personal vehicle in said circumstances shall be eligible for mileage reimbursement at $\frac{1}{3}$ the standard City of Pacific mileage reimbursement rate. Reimbursable mileage is not to exceed the actual mileage traveled.

3. Parking Fees/Tolls Require Receipts

Receipts are required for reimbursement of parking fees, ferry fares, or tolls.

4. Modes of transportation other than City or personal vehicle

When approved travel requires the use of airfare, rental car, train, taxi or other modes of transportation, the requesting party shall demonstrate prudent and conservative principles. When using such transportation modes, city funds shall only be used to pay for expenses

required for basic travel. Expenses required for basic travel do not include upgrades or optional fees or expenses. Upgrades and optional fees or expenses shall be considered incidental expenses and shall not be paid using City funds. If circumstances prevent the requesting party from isolating basic travel expenses from incidental expenses, the requesting party must incur such expense using their own funds, and may request reimbursement for the basic travel expense portion upon return from travel.

IV. RATES

A. Meals

It is the policy of the City of Pacific that meal expenses shall be paid using the advance travel expense account. Meal expenses may be reimbursed for emergencies or extenuating circumstances, as determined by the authorizing party. Meals not approved by the authorizing party shall not be reimbursed.

Meals for which a requesting party is seeking reimbursement shall be listed on the City of Pacific Travel Expense Voucher and accompanied by receipts for each meal. City funds shall not be used for meals already paid by a non-City source or alcoholic beverages, under any circumstances.

Meal expenses shall not be paid by the City when meals are included in the cost of an official event where registration has been paid by the City.

In the context of this section, a full day is defined as travel departure before 6:00 a.m. and travel return after 8:00 p.m. Employees approved for a full day travel expense shall be eligible for the costs of Breakfast, Lunch and Dinner expenses. For travel periods of less than a full day, the following “per meal” qualifications shall be used:

Breakfast	Departure prior to 6:30 a.m.
Lunch	Departure prior to 10:00 a.m. and return after 2:00 p.m.
Dinner	Return after 7:30 p.m.

Meals shall be paid for at the allowable City of Pacific per diem rate applicable at the time of the travel.

B. Lodging

The authorizing party must approve all lodging in advance and the travel destination must be greater than 50 miles from the requesting party’s normal work place.

Lodging expenses will be paid by the City at the actual cost of the room, provided the requesting party seeks reasonably priced lodging. Exceptions **may be made** for designated conference hotels. Specific dates of lodging must be listed on the City of Pacific Travel Form and substantiated by an itemized receipt from a commercial lodging establishment. Room, tax, and parking charges only will be paid by the City. Incidental expenses such as tips for room service, valet parking, other hotel services, and additional personal expenses shall not be paid by the City.

Requesting parties sharing a room with a non-City individual (including family members) are responsible for reporting and requesting reimbursement of lodging expenses at single occupancy rates.

C. Telephone Calls

City funds shall not be used to pay for phone calls of a personal nature. The authorizing party may, on a case-by-case basis, approve the use of City funds to pay for phone calls necessary to city business.

Use of City supplied Mobile Communications Device (MCD) shall be under the guidance of the MCD Policy.

D. Mileage Reimbursement

Mileage shall be reimbursed at the appropriate City of Pacific rate in effect at the time of the travel. The City of Pacific reimburses at the standard rate per mile specified by the IRS for business miles driven.

V. REIMBURSEMENT PROCEDURES

A. Submitting City of Pacific Travel Expense Voucher

1. A requesting party will complete a Travel Expense Voucher form and attach itemized receipts.
2. The authorizing party will determine that the Travel Expense Voucher form has been properly approved, that it is mathematically correct, and that requested reimbursements agree to submitted receipts and are within the limits set by this policy. Advances shall be deducted from reimbursable costs. The department will also determine that an amount sufficient to pay the request is available.
3. After approval by the authorizing party, the Travel Expense Voucher form shall be forwarded to the Finance Office no later than thirty days after the travel return date.

B. Falsification of a Reimbursement Form

A requesting party submitting a falsified Travel Expense Voucher reimbursement form will be subject to disciplinary action up to and including dismissal and/or criminal prosecution. An authorizing party who knowingly approves a falsified Travel Expense Voucher reimbursement form will be subject to disciplinary action up to and including dismissal and/or criminal prosecution. Willful violations of the City's Travel Policy by employees may result in dismissal.

C. Violations of Policy

Willful violations of the City's Travel Policy by employees may result in discipline up to and including dismissal from employment.



CITY OF PACIFIC Request for Training/Conference Attendance

Name _____ Date _____

Course/Conference/Training _____
(Must Attach Course, Conference/Training Announcement)

Scholarship available _____ (Amount) _____ (Source)

Topics to be Covered _____

Sponsored by _____

Training/Travel Date(s) _____ Training Location _____

Describe All Applicable Costs *(estimates acceptable)*

Registration Fee _____ () Early () Late Number of Meals included in fee _____

Lodging Required: () Yes () No Room Rate _____
(Get estimate of total bill from hotel)

City Vehicle Use: () Yes () No Private Car Mileage _____
(Number of Miles X Current IRS approved rate)

Number days of Per Diem _____ Per Diem Cost _____

Air Fare _____ Ground Transportation/Car Rental _____

Parking _____ Other _____

TOTAL ESTIMATED REGISTRATION AND TRAVEL COSTS _____

Requested by _____ *(signature)* Date Requested _____

Department Director: () Approved () Denied Budget line item _____
(BARS line and amount)

Department Director Signature _____ Date _____

Mayor: () Approved () Denied

Mayor Signature _____ Date _____
(For Department Directors and all out of state travel)

Comments _____

Original Returned to Department Manager _____ (date)
Copy to Finance with attachments

CITY OF PACIFIC REQUEST FOR REIMBURSEMENT

NAME _____ DATE _____

DEPARTMENT _____ SUPERVISOR'S APPROVAL _____

REASON FOR EXPENDITURE _____

RECEIPTS MUST BE ATTACHED

MEALS	\$
ROOM	\$
MISCELLANEOUS	\$
MILEAGE = _____ x .56¢ PER MILE	\$
TOTAL REIMBURSEMENT	\$

BARS CODE TO CHARGE:

#	\$
#	\$
#	\$
#	\$
#	\$

Certification

I hereby certify under penalty of perjury that this is a true and correct claim for necessary expenses incurred by me and that no payment has been received by me on account thereof.

Signature

Date

FINANCE OFFICE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____

DATE PAID _____ CHECK # _____

MAYORS SIGNATURE REQUIRED _____