SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NUMBER: Action A-3

DATE: August 23, 2007

SUBJECT:
Adoption of Resolution Number 07-17 accepting an Open Space Dedication from Sultan 144.,LLC. and Charles and Delores Green

CONTACT PERSON: Rick Cisar, Director of Community Development

ISSUE:
The issue before the City Council is the Acceptance of 3.49 acres of Open Space Dedication from Sultan 144, LLC. and Charles and Delores Green for Open Space and Critical Areas Mitigation purposes (Attachment 1).

STAFF RECOMMENDATION:

SUMMARY:
This item was continued to the August 23, 2007 City Council Meeting in order to provide a legal description of the subject property. The legal description has been included as Attachment 3 and Exhibit A of Resolution Number 07-17.

Sultan 144, LLC. is currently processing development plans for the Greens Estates Planned Unit Development located on Sultan Basin Road and south of 132nd Street S.E. Sultan 144, LLC. and Charles and Delores Green are donating 3.49 acres of critical areas to the City (Attachment 1). The donation will assist the City in maintaining its adopted Park Level-of-Service. The subject property is shown on Attachment 2 and identifed as PARCEL C on the Preliminary Plat Map. Access to the property will be from a trail system within the development and also from proposed Road D. The donation will increase our open space surplus to 8.67 acres. The 8.67 acres would provide for a popultation increase of 203 based on the .0426 acres per resident LOS.

BACKGROUND:
Sultan 144, LLC is currently developing the Skoglund Estates Planned Unit Development located east and adjacent to the Greens Estates Development. The trail systems in both developments will be connected to provide public access to both development areas and south to the Sky Harbor Subdivision on 138th Street S.E. The dedication of the subject property was initally discussed when Sultan 144 LLC acquired the Greens, Van Wyngarden anD Tortorice properites and staff investigated a trail and open space plan to interconnect the four developmnets with the Sky Harbor and Hammer Property.

DISCUSSION:
The donation will assist the City in meeting our Open Space Concurrency requirements of 42.6 acres per I,000 population and more importantly, may provide a mitigation site for future commerical and industrial developments along the Wagley Creek Corridor that may require off site criticial area mitgation in order to develop.

COMPREHENSIVE PLAN:

The Goals Section 2.9 Park and Recreational Facilities on page 41 of the Comprehensive Plan encourages the preservation of significant environmental features for Park and Open Space including wetlands, open spaces, and woodlands. The Trail and Corridor Access System Goal recommends the development of a high quality multipurpose parks trail and corridors that access environmental features, public facilities and developed urban neighborhoods.

SULTAN MUNICIPAL CODE (SMC) CODE REQUIREMENTS:

SMC Chapter 3.68 Donations require a majority vote of the City Council to accept any money or donated property. City Staff is therefore following the procedures required by Chapter 3.68 for the proposed donation.

FISCAL IMPACT:

City Staff time in preparing and processing the request.

REQUESTED ACTION:

Adoption of Resolution Number 07-17 accepting the 3.49 acre Open Space Donation from Sultan 144, LLC. And Charles and Delores Green for Open Space and Critical Area Mitigation purposes.

REQUESTED MOTION:

Motion to Adopt Resolution Number 07-17 accepting the 3.49 acre Open Space Donation from Sultan 144, LLC. and Charles and Delores Green for Open Space and Critical Area Mitigation purposes.

COUNCIL ACTION:

DATE:

Attachment 1 – Letter of Donation dated August 2, 2007
Attachment 2 – BLA Map - Sultan 144, LLC.
Attachment 3 – Resolution 07-17
Attachment 4 – Aerial Photo of subject property

Sultan 144, LLC
15 Lake Bellevue Drive, Suite 102
Bellevue, WA 98005
(425) 869-2020
(425) 869-8433 Fax

August 2, 2007

City of Sultan
Attn: Mayor & City Council
PO Box 1199
Sultan WA 98294

Re: Greens Boundary Line Adjustment BLA07-002
Property Dedication

Dear Mr. Mayor and City Council Members,

We are writing in regards to the Greens Boundary Line Adjustment located in the southeast quadrant of the Sultan Basin Road/132nd Street SE intersection. Sultan 144, LLC and Charles and Delores Green would like to present the City of Sultan with the opportunity to accept the dedication of the 3.40 acres of critical areas shown as Parcel C listed on the attached proposed BLA exhibit, drafted by Land Development Consultants, Inc.

The intent on donating this acreage is to assist the City of Sultan in maintaining open space Level of Service for Parks. The City will be able to utilize this site for a few different uses.

- Add to the City's open space
- Future Wetland Mitigation Site
- Protect the headwaters of a tributary to Wagley Creek

Sultan 144, LLC will be installing a trail with viewing areas within the buffer of this wetland in conjunction with the construction of the Greens Estates plat.

We appreciate your time in reviewing this dedication and look forward to working with you to aid the City in enhancing its park system and maintaining critical areas throughout the City. Let us know if you have any questions.

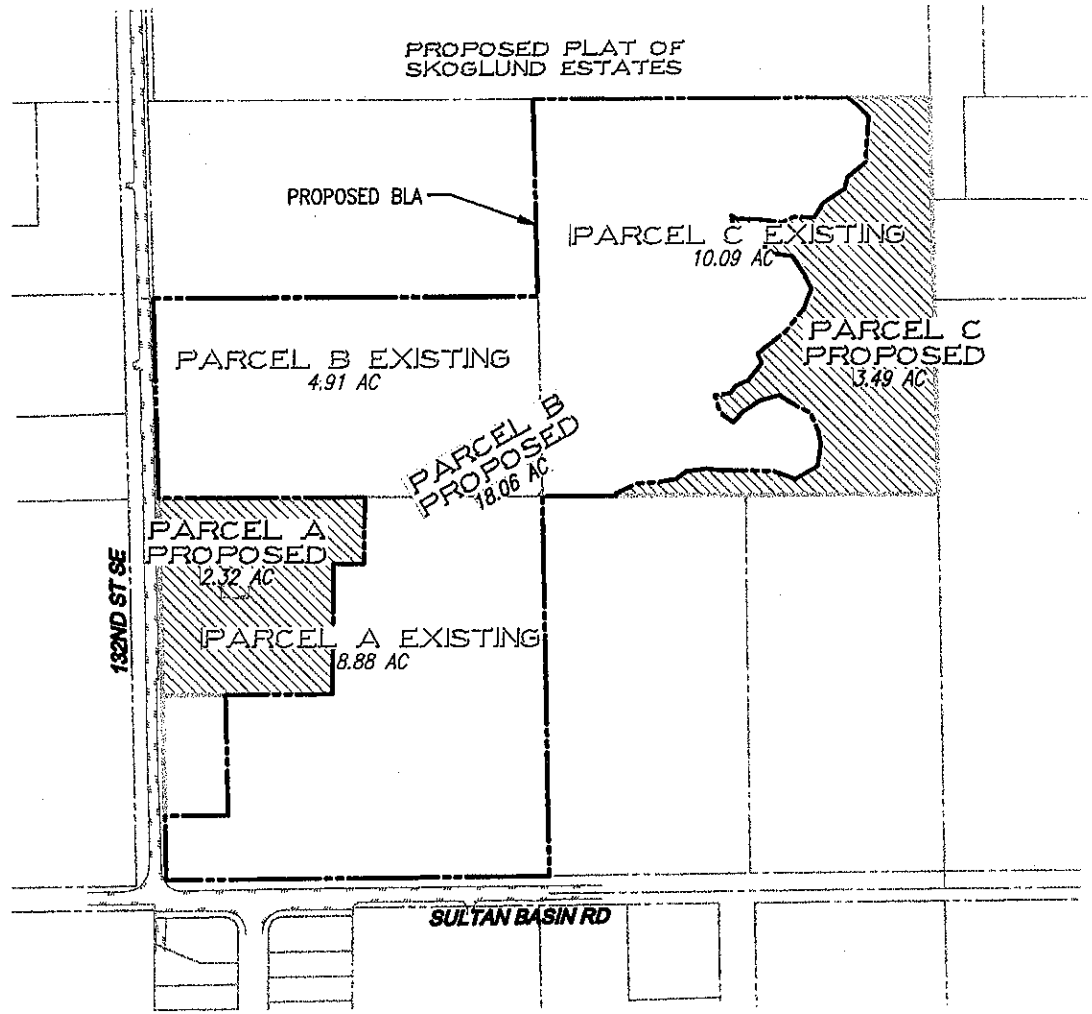
Sincerely,

Jeffrey E. Hamilton
CFO of Sultan 144, LLC

Attachment 1

SCALE: 1" = 300'

300 0 300 600



LEGEND

PROPOSED BOUNDARY AREA

NOTE

1. PROPOSED PARCEL A TO BE REFOUNDED BY PROPERTY OWNER.
2. PROPOSED PARCEL B TO BE DEVELOPED.
3. PROPOSED PARCEL C TO BE DEDICATED TO THE CITY OF SULTAN.

Drawing: P:\2006\06-124 Greens Estates\Exhibits\SUL-06124E-EX04.dwg Plotted: Aug 02, 2007 - 9:52am

LDC

Land Development Consultants, Inc.

Planning • Civil Engineering • Project Management

14201 NE 200th St, #100
Woodinville, Washington 98072

Voice: 425-806-1869 www.LDCcorp.com Fax: 425-482-2893

SULTAN 144, LLC

GREENS BLA

PROPOSED BLA EXHIBIT

Attachment 2.9

CITY OF SULTAN
SULTAN WASHINGTON

RESOLUTION 07-17

A RESOLUTION OF THE CITY OF SULTAN ACCEPTING DONATIONS OF PROPERTY FROM SULTAN 144, LLC IN ACCORDANCE WITH SULTAN MUNICIPAL CODE CHAPTER 3.68 DONATIONS

WHEREAS, the City Council of the City of Sultan has determined that it is in the best interests of the City of Sultan to accept a donation of property from Sultan 144, LLC for Open Space and Critical Area Mitigation purposes to benefit the City; and

WHEREAS, SMC 3.68 allows the receipt of donations of property and money and provides for specific Council acceptance of all items with a value over $500.00; and

WHEREAS, RCW 35.21.100 authorizes the acceptance and use of donations and IRS Section 170(c)(1) recognizes governmental units for the purpose of charitable contributions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sultan that the donation of land by Sultan 144, LLC for Open Space and Critical Area Mitigation described on attached Exhibit A is accepted for the purpose designated:

PASSED AND ADOPTED this 9th day of August 2007.

_____
Ben Tolson, Mayor

ATTEST:

_____
Laura J. Koenig, City Clerk

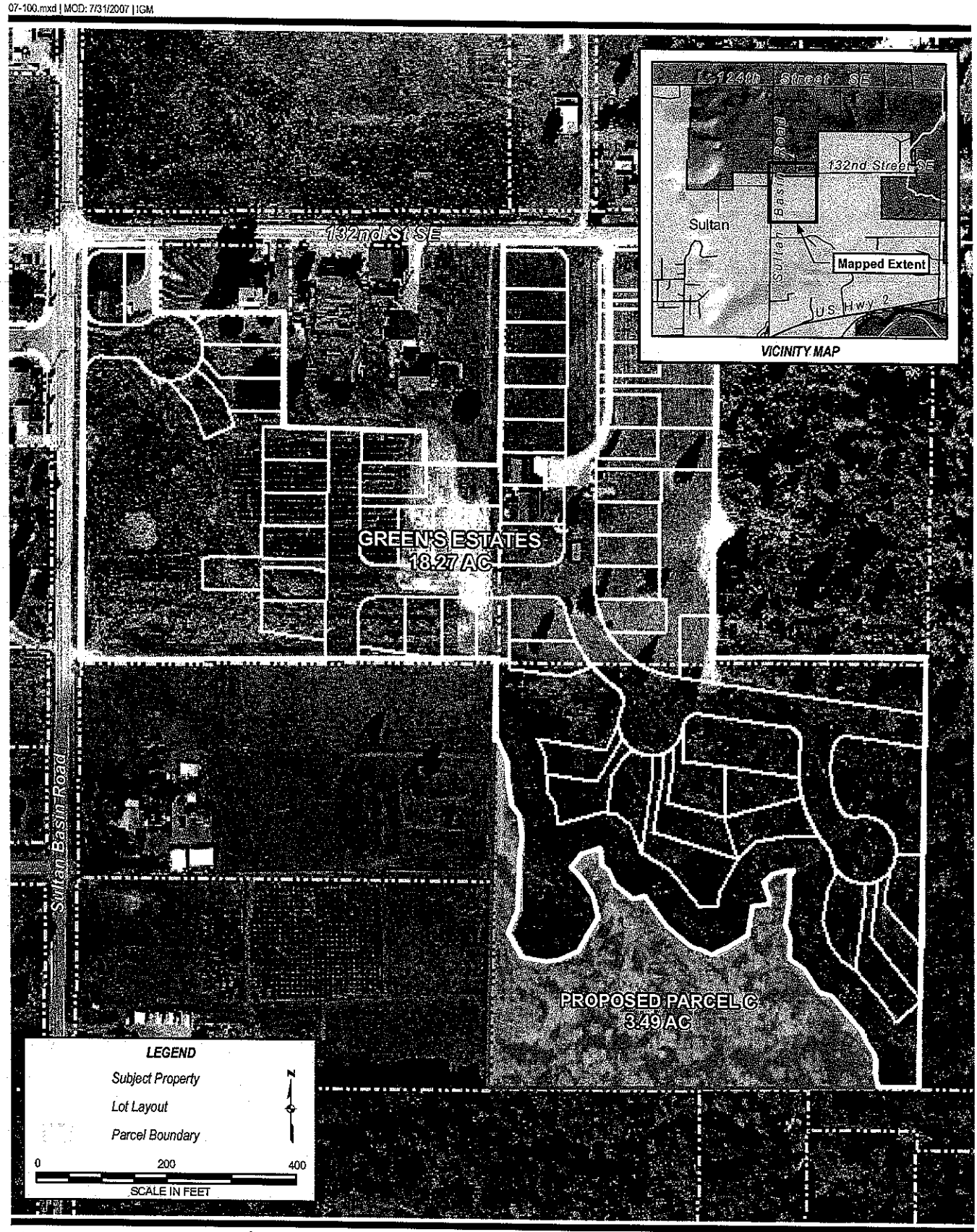
Attachment 3

EXHIBIT A
RESOLUTION 07-17
LEGAL DESCRIPTION OPEN SPACE DEDICATION
BY CHARLES AND DELORES GREEN AND SULTAN 144, LLC
TO CITY OF SULTAN

Wetland Tract - Snohomish Co. Tax Parcel No. 280833-002-004-00 Parcel B, City of Sultan Boundary Line Adjustment File number 07-002 under Recording No. 200706010831, as amended by Affidavit of Minor Correction of Boundary Line Adjustment under Recording No.200707020635, located in the Northwest Quarter of the Northwest Quarter of Section 33, Township 28 North, Range 8 East, Willamette Meridian;

Situate in the City of Sultan, County of Snohomish and State of Washington.

07-100.mxd | MOD: 7/31/2007 | IGM



SOURCE INFORMATION	
SOURCE AGENCY	DESCRIPTION
SNOHOMISH CO.	PARCEL BOUNDARY
SNOHOMISH CO.	1 FT. COLOR AERIAL PHOTOGRAPHY (2002)

SULTAN 144, LLC.

GREENS BLA
PROPOSED BLA EXHIBIT

LDC
GIS SERVICES
Planning - Civil Engineering - Project Management
14201 NE 200th St. #100
Woodinville, Washington 98072
Voice: 425-806-1869 www.LDCcorp.com Fax: 425-482-2893

PROJECTION: WASHINGTON STATE PLANE, NORTH ZONE, NAD 83, FEET
JURISDICTION: SNOHOMISH

FIGURE:
2.0

A-3