

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM #: Consent C 6
DATE: May 8, 2008
SUBJECT: Sultan Basin Road Street Vacation
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

The issue before the Council is a petition from Terra-Ex Land Group requesting the City to vacate a portion of the Sultan Basin Road (Attachment A).

SUMMARY STATEMENT:

The City has received a petition from Terra-Ex Land Group to vacate a portion of the Sultan Basin Road. In accordance with RCW 35.79.010 the "legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution".

To comply with the requirements of RCW 35.70.010, staff is recommending that a public hearing on the petition to vacate a portion of the Sultan Basin Road be set June 26, 2008 at 6:30 PM.

Staff is reviewing the materials submitted with the petition and will provide a detailed report for the public hearing.

ALTERNATIVES

- 1) Set a public hearing to consider the request to vacate a portion of the Sultan Basin Road.
- 2) Do not set a public hearing to consider the request to vacate a portion of the Sultan Basin Road and direct staff to provide alternatives to the petitioner.

RECOMMENDEATION:

Set a Public Hearing for June 26, 2008 at 6:30 PM on the petition from Terra-Ex Land Group to consider a petition to vacate a portion of Sultan Basin Road.

Attachments: A. Resolution 08-17
B. RWC 35.79
C. Petition from Terra-Ex Land Group

**CITY OF SULTAN
RESOLUTION 08-17**

A RESOLUTION BY THE CITY OF SULTAN CITY COUNCIL FIXING A TIME AND PLACE TO CONSIDER A PETITION TO VACATE A STREET RIGHT-OF-WAY LOCATED WITHIN THE CITY OF SULTAN CITY LIMITS

WHEREAS, the City of Sultan City Council has received a petition from Terra-Ex Land Group to vacate an existing street right-of-way located on the Sultan Basin Road as shown on Exhibit A; and

WHEREAS, RCW 35.79.101 requires that the City set a Public Hearing on the petition to vacate a street; and

WHEREAS, the City of Sultan City Council will follow the procedures and requirements of Chapter 35.79 RCW in reviewing this petition; and

WHEREAS, the City of Sultan City Council desires to fix a time when the right-of-way vacation petition from Terra-Ex Land Group can be heard by the City Council and Public;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, RESOLVES THAT:

Section 1. A Public Hearing will be held on June 26, 2008 at 6:30 p.m. in the City Hall Council Chamber, to consider the Terra-Ex Land Group Vacation Petition to vacate an existing street right-of-way crossing on Sultan Basin Road as shown on Exhibit A.

Section 2. The petitioner, Terra-Ex Land Group shall be responsible for all reasonable costs incurred by the City in processing the Street Vacation Petition.

PASSED BY THE City Council this 8th day of May, 2008.

Carolyn Eslick, Mayor

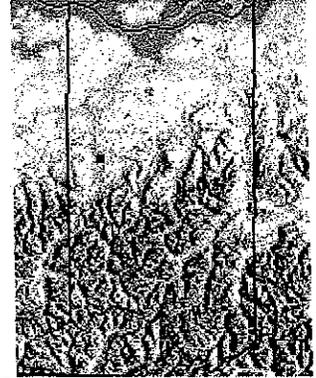
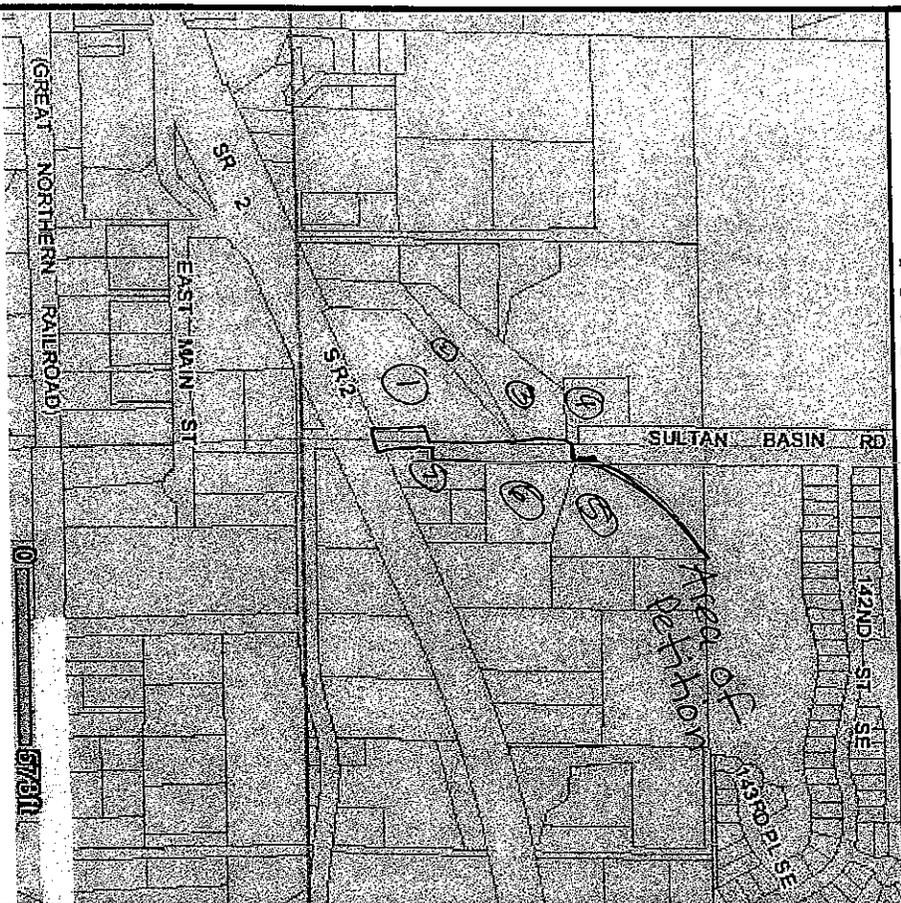
Attest:

LAURA KOENIG, CITY CLERK

Approved as to form:

Kathy Hardy, City Attorney

Snohomish County Online Property Information



- Legend**
- Street Names
 - Cities
 - Unincorporated County
 - Incorporated City
 - Tax Parcels
 - Rural Miles
 - Township/Range Grid
 - Section Grid
 - Major Waterbodies
 - Bays
 - Fish (fresh)
 - Lake or pond
 - Land surrounded by a body of water
 - Natural feature
 - Sand or gravel in open water
 - Stream
 - Airports

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Printed on: 4/23/2008

- Ownership Per Assessor
- ① Sam Wold Jr
(Terra Ex is Taxpayer)
 - ② Sam Wold Jr
(Terra Ex is Taxpayer)
 - ③ Sam Wold Jr
(Terra Ex is taxpayer)
 - ④ CH Rowe
 - ⑤ Franco + Myra Moran
 - ⑥ Sam Wold Jr
(Terra Ex is taxpayer)
 - ⑦ Sam Wold Jr
(Terra Ex is taxpayer)

EXHIBIT A

RCW 35.79.010**Petition by owners -- Fixing time for hearing.**

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.

RCW 35.79.020**Notice of hearing -- Objections prior to hearing.**

Upon the passage of the resolution the city or town clerk shall give twenty days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city or town and a like notice in a conspicuous place on the street or alley sought to be vacated. The said notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the city or town council or similar legislative authority without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown: PROVIDED, That if fifty percent of the abutting property owners file written objection to the proposed vacation with the clerk, prior to the time of hearing, the city shall be prohibited from proceeding with the resolution.

**Chapter 35.79 RCW
STREETS -- VACATION****RCW SECTIONS**

35.79.010 Petition by owners -- Fixing time for hearing.

35.79.020 Notice of hearing -- Objections prior to hearing.

35.79.030 Hearing -- Ordinance of vacation.

35.79.035 Limitations on vacations of streets abutting bodies of water -- Procedure.

35.79.040 Title to vacated street or alley.

35.79.050 Vested rights not affected.

The City of Sultan
319 Main Street Suit 200
P.O. Box 1199
Sultan Washington 98294-1199

RECEIVED
APR 22 2008

BY:

Dear City of Sultan,

I am requesting a road vacation of the Old Sultan Basin Road. This is my 4th request. According to Erin Martindale, there is a RCW that states I need to describe why I need the property and why it is in the best interest of The City of Sultan to provide this property to Terra-Ex Land Group and The Sultan Crossing. I have read the RCW 35.79.010 and find no verbiage for this request Erin Martindale is making. But I will be happy to provide this.

1. The road is in need of major improvements and is substandard, and is considered a health and safety issue. The City of Sultan therefor would be required to bring this Old Sultan Basin road up to City and county standards for the health and safety of the public. If the city of Sultan grants the road Vacation to Terra-Ex Land Group, we will be responsible for the repair and Maintenance. Of this road, as required for the health and public safety.
2. This road dead end onto nothing, in fact any cars that travel down this road would have to trespass onto my property to turn around and this would be unacceptable to Terra-Ex Land Group, because I do not want to take on the City of Sultans Liabilities for traffic, or public Health and Safety allowing The City of Sultan to have public traffic use my property as a turn around.
3. The utilities that are suppose to be located within the Old Sultan Basin Road easement, is outside of the utilities easement and is severely encroaching onto my property, with out the proper easement's. If the City of Sultan grants the road vacation, Terra-Ex Land Group will grant the proper easements as required.

In closing the Road Vacation has been discussed with the City of Sultan, as well as Thom Graafstra on behalf of the City. I was also told that the City received this road for free, there for could not pass the cost onto Terra-Ex Land Group.

The extra cost the City of Sultan will have to pay in fixing the substandard road for Health and Safety reason's as well as purchasing the required utilities easement's on the property owned by Terra-Ex Land Group, will put a extra burden on the City of Sultan already cash poor budget.

Enclosed is a copy of the Letter from Thom Graafstra and the RCW 35.79.010. It states that either the property owner or the legislative authority itself initiate it. Per prior meetings with the City of Sultan, again this was always a given, in order for the City of Sultan to help promote the vision of The Industrial Park Master plan, and in following the approved EIS, paid for by CTED.

Thank You.


 Steve Harris
 Terra-Ex Land Group
 425-343-3777
 18 April 2008

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APR 08 2008

CITY OF SULTAN
BUILDING DEPT.

EXHIBIT ____

RIGHT OF WAY VACATION LEGAL DESCRIPTION

THAT PORTION OF SECTIONS 32 AND 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE NORTH 00°51'13" EAST ALONG THE WEST LINE THEREOF 252.38 FEET TO THE NORTHERLY MARGIN OF STATE ROUTE 2 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 66°16'13" EAST ALONG SAID MARGIN 32.99 FEET TO A POINT 30 FEET EAST OF SAID SECTION LINE AS MEASURED AT RIGHT ANGLES THERETO; THENCE NORTH 00°51'13" EAST PARALLEL WITH SAID SECTION LINE 134.35 FEET; THENCE NORTH 89°59'20" EAST 30.00 FEET TO A POINT 60 FEET EAST OF SAID SECTION LINE AS MEASURED AT RIGHT ANGLES THERETO; THENCE NORTH 00°51'13" EAST PARALLEL WITH SAID SECTION LINE 376.22 FEET TO THE SOUTHWESTERLY MARGIN OF SULTAN BASIN ROAD REALIGNMENT, BEING ON A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH 56°10'57" EAST 535.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 129.15 FEET THROUGH A CENTRAL ANGLE OF 13°49'53" TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE ALONG SAID WEST LINE SOUTH 00°51'13" WEST 31.14 FEET TO A POINT 860.00 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 33 AS MEASURED ALONG THE WEST LINE THEREOF; THENCE SOUTH 89°11'51" WEST 20.01 FEET TO A POINT 20 FEET WEST OF SAID SUBDIVISION LINE AS MEASURED AT RIGHT ANGLES THERETO; THENCE SOUTH 00°51'13" WEST PARALLEL WITH SAID SUBDIVISION LINE 459.42 FEET; THENCE NORTH 89°08'47" WEST 10.00 FEET TO A POINT 30 FEET WEST OF SAID SUBDIVISION LINE AS MEASURED AT RIGHT ANGLES THERETO; THENCE SOUTH 00°51'13" WEST PARALLEL WITH SAID SUBDIVISION LINE 161.35 FEET TO THE NORTHERLY MARGIN OF STATE ROUTE 2; THENCE NORTH 66°16'13" EAST ALONG SAID MARGIN 32.99 FEET TO THE TRUE POINT OF BEGINNING.

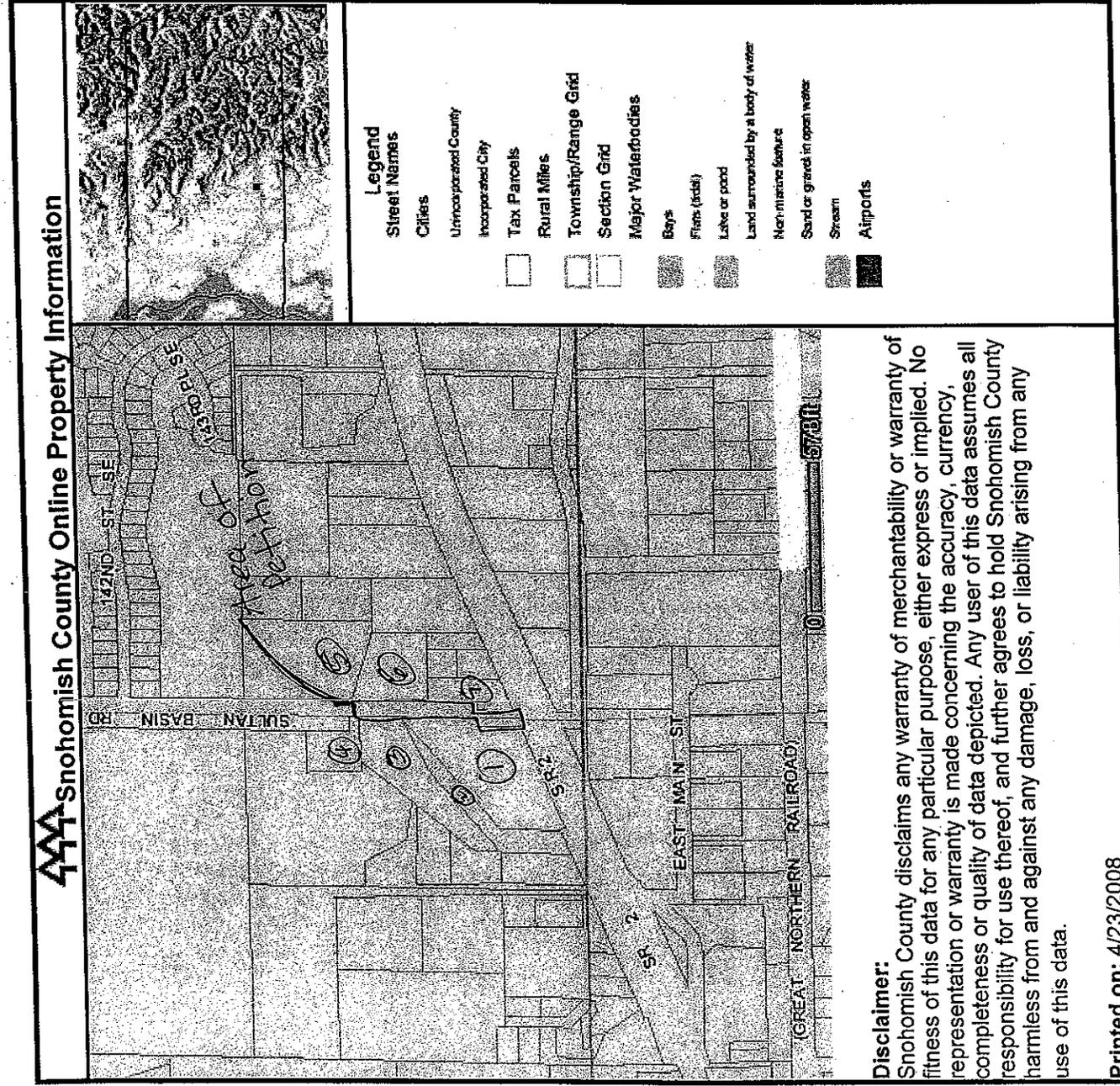


11-6-07

Ownership Per Assessor

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(Terra Ex is Taxpayer)
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- ③ Sam Wold Jr
(Terra Ex is taxpayer)
- ④ CH Rowe
- ⑤ France + Myra Moraid
- ⑥ Sam Wold Jr
(Terra Ex is taxpayer)
- ⑦ Sam Wold Jr
(Terra Ex is taxpayer)

C.3



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Printed on: 4/23/2008

EXHIBIT

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 66°16'13" E	32.99
L2	N 89°59'20" E	30.00
L3	N 00°51'13" E	31.14
L4	N 89°11'51" E	20.01
L5	N 89°08'47" W	10.00
L6	N 66°16'13" E	32.99

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	13°49'53"	535.00'	129.15'

