

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

---

ITEM NO: Consent C 2

DATE: August 28, 2008

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the August 14, 2008 Public Hearing on the Sultan Basin Road Vacation Request as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

MOTION:

Move to accept the consent agenda as presented.

## **CITY OF SULTAN COUNCIL MEETING – August 14, 2008**

### **PUBLIC HEARINGS:**

The Public Hearing on the request to vacate a portion of the Sultan Basin Road was called to order by Mayor Eslick .

Councilmembers present: Champeaux, Wiediger, Slawson, Flower, Blair and Doornek. There were no objections to the Council participation.

### **Staff:**

Bob Martin, Community Development Director, presented the staff report.

Terra-Ex Land Group is requesting vacation of approximately 860 lineal feet of un-used right-of-way of Sultan Basin Road north of its previous intersection with Highway 2. Sultan Basin Road has been reconstructed such that its intersection with Hwy 2 is approximately 600 feet east of its previous intersection. The right-of-way proposed for vacation is no longer used as a public traveled way. The petitioner is pursuing a commercial development that will include the land proposed for vacation.

Petitions for vacation must be accompanied by:

1. Appropriate fees (received).
2. An appraisal of the property by a qualified appraisal firm (received).
3. Legal description of the property proposed for vacation (received).
4. Signatures of at least 2/3 of the property owners abutting the proposed vacation (received).
5. Indication that no property will lose legal access to a public right-of-way through the proposed vacation (received).
6. A discussion of the public interest served by the proposed vacation (received).

The right-of-way proposed for vacation occupies 43,743 sq. ft. (just over one acre).

If the vacation is ultimately approved, the right of access for a public street will no longer exist. Since there are utilities in the street corridor, the city will need to retain easements for the operation and maintenance of these utilities. This will limit use of the vacated corridor to parking lots, landscaping, and other uses that do not include construction of buildings.

The application shows that all affected properties will retain access to public roads.

The application indicates that the public interest served by the petition is pursuit of a commercial development that will benefit the community's economic development interests.

A Certified General Appraiser, Paul C. Bird of Macaulay & Associates Limited, has completed the appraisal submitted by the petitioner. He has determined the value of the acquired right-of-way (subject to ongoing utility easements which prevent building of structures on the vacated property) to be \$130,000. RCW 35.79.030 provides that the owners abutting the right-of-way *"shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value."*

### **Public Input**

**Steve Harris:** As the abutting property owner, he concurs with the request for the street vacation as it will enhance economic development in the city. He requested the Council consider the easements on the street when they determine the payment amount. He would like to move forward with the proposed development.

**CITY OF SULTAN COUNCIL MEETING** – August 14, 2008

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the public meeting was closed. All ayes.

On a motion by Councilmember Blair, seconded by Councilmember Flower, staff was directed to draft an ordinance to complete the vacation of portions of Sultan Basin Road. All ayes.

---

Carolyn Eslick, Mayor

---

Laura J. Koenig, City Clerk