

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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**ITEM NO:** A-1

**DATE:** October 9, 2008

**SUBJECT:** Resolution No. 08-26  
Adopting a Legal Description for the City's Water Service Area

**CONTACT PERSON:** Deborah Knight, City Administrator

**ISSUE:**

The issue before the City Council is authorizing the Mayor to sign Resolution No. 08-26 (Attachment A) adopting a legal description for the City's Water Service Area.

**STAFF RECOMMENDATION:**

Authorize the Mayor to sign Resolution No.08-26 adopting a legal description for the City's Water Service Area.

**SUMMARY:**

City staff recommend amending the Water Service Area to be consistent with the Growth Management Act (RCW 36.70A) and consistent with the Urban Growth Area (UGA) per the policies adopted by the City Council in the 2008 Revised Comprehensive Plan:

- Former Goal CF - 5: Maintain and enhance the development and operation of an effective and efficient water system at fair market value that will meet the needs of Sultan's present and future population.
  - **7 Former** CF – 5.1 Continue to work with City of Everett in order achieve goals and objectives of providing reliable levels of service for Sultan residents and those within the water service area.
  - **9 Former** CF – 5.3 Maintain an updated comprehensive water system plan that is coordinated with the Land Use Element so that new development is located where sufficient water system capacity exists or can be efficiently and logically extended.

- **10 Former** CF – 5.4 Ensure that water service necessary to support development will be adequate to serve the residents at the time new development is available for occupancy and use.
- **13 Former** CF – 5.7 Ensure all new development within the service boundary is served by the municipal water system.
- **15 Former** CF – 5.9 Continue to provide water service to those properties that receive water from the City and which are located outside the City’s Urban Growth Area.

The City has historically served several properties outside the UGA on a case-by-case basis. These individual properties are identified in the legal description as they are “grandfather” in the City’s water service area. The Hansom property was recently added under the emergency provisions of the Growth Management Act.

Property parcels comprising the City of Sultan have been assembled by different annexations at various dates over a period of many years. Some of the annexation records are incomplete; and several reference points are not clearly described. Accordingly, the legal descriptions represent a good-faith effort to describe the boundaries from the records available. However, the resulting accuracy is not warranted and the boundaries have not been delineated by a Record of Survey.

This is a housekeeping item. City staff recommend formally adopting the legal description for the Water Service Area by resolution to ensure an official record. Following adoption of Resolution 08-26, City staff will request the Snohomish County Coordinated Water Service Providers to amend the Coordinated Water System Plan to be consistent with the City’s revised water service area.

**ALTERNATIVES:**

1. Authorize the Mayor to sign Resolution No.08-26 adopting a legal descriptions for the Sultan Water Service Area.

This alternative will ensure consistency between the Growth Management Act, the City’s Comprehensive Plan and 2005 Water Service Plan. It will reduce the size of the current water service area (attachment B) which extends beyond the UGA and limit the City to providing municipal water to parcels located within the City’s Urban Growth Area.

2. Do not Authorize the Mayor to sign Resolution No.08-26 adopting a legal description for the Sultan City limits, Urban Growth Area (UGA), and Water Service Area.

This alternative implies the City Council has questions or concerns regarding the water service area, or the City Council would like to delay action until a later date.

**FISCAL IMPACT:**

There will be additional staff and consultant time to work with the Coordinated Water Service Purveyors to amend the Coordinated Water System Plan. The majority of the cost will be in-house staff time. Consultants time will be limited to technical assistance as needed.

**RECOMMENDED ACTION:**

Authorize the Mayor to sign Resolution No.08-26 adopting a legal description for the City's Water Service Area.

**ATTACHMENT**

- A – Legal Description
- B – Map

**City of Sultan**  
**RESOLUTION NO. 08-26**

A RESOLUTION of the City of Sultan, Washington, Adopting  
Legal Descriptions for the Water Service Area

**WHEREAS**, the 2008 Revised Comprehensive Plan adopted by the City Council on September 25, 2008 includes a capital facilities goal to maintain and enhance the development and operation of an effective and efficient water system at fair market value that will meet the needs of Sultan's present and future population; and

**WHEREAS**, the 2008 Revised Comprehensive Plan includes a capital facilities goal to maintain and update the comprehensive water system plan so that it is coordinated with the Land Use Element so that new development is located where sufficient water system capacity exists or can be efficiently and logically extended; and

**WHEREAS**, the 2008 Revised Comprehensive Plan includes a capital facilities goal to ensure that water service necessary to serve the residents at the time new development is available for occupancy and use; and

**WHEREAS**, the City Council adopted Ordinance No. 994-08 amending the 2005 Water System Plan to be consistent with the 2008 revisions to the 2004 Comprehensive Plan; and

**WHEREAS**, accurate legal descriptions are necessary to support the day-to-day operations of City Hall; and

**WHEREAS**, legal descriptions are used by various government and business community members; and

**WHEREAS**, the City requested BHC, Inc. to prepare legal descriptions as a part of the scope of work to revise the 2004 Comprehensive Plan;

**NOW, THEREFORE**, the City Council of the City of Sultan, Washington hereby resolves and clarifies its desire as follows:

Section 1

To establish legal descriptions for Water Service Area as set forth in Exhibit 1.

Property parcels comprising the City of Sultan have been assembled by different annexations at various dates over a period of many years. Some of the annexation records are incomplete; and several reference points are not clearly described. Accordingly, the legal descriptions represent a good-faith effort to describe the boundaries from the records available. However, the resulting accuracy is not warranted and the boundaries have not been delineated by a Record of Survey.

Section 2

The City Clerk is hereby instructed to certify a copy of said resolution so entered upon said minutes. FURTHER that this document shall be filed with the Office of the Clerk and Recorder of Snohomish County.

This resolution shall become effective five days after publication.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF SULTAN

\_\_\_\_\_  
Carolyn Eslick, Mayor

ATTEST:

\_\_\_\_\_  
Laura Koenig, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Margaret King, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Published:

Effective Date:

Resolution No.: 08-26



## **Water System Plan**

# **LEGAL DESCRIPTION**

**City of Sultan – Water Service Area**

**August 2008**

**Prepared By**

**BHC Consultants LLC**  
720 Third Avenue  
Seattle, WA 98104

John C Wilson PE  
Project Manager

## DISCLAIMER

Property parcels comprising the City of Sultan have been assembled by different annexations at various dates over a period of many years. Some of the annexation records are incomplete; and several reference points are not clearly described. Accordingly, these following legal descriptions represent a good-faith effort to describe the boundaries from the records available. However, the resulting accuracy is not warranted and the boundaries have not been delineated by a Record of Survey.

### CITY OF SULTAN Boundary of Water Service Area

Those portions of Sections 4, 5, & 6, Township 27 North, Range 8 East, Willamette Meridian, Together with those portions of Sections 28, 29, 30, 31, 32, 33, & 34, Township 27 North, Range 8 East, Willamette Meridian lying within the following described boundary:

Beginning at the SW corner of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec 31, TWP 28N RGE 8 E.W.M; thence North along the West line of said subdivision to the NW corner thereof; thence East along the North line of said subdivision to the middle of the main channel of the Sultan River; thence Northerly along the centerline of said channel to the North line of Section 30, TWP 28N, RGE 8 E.W.M; thence East along said North line to the NW corner of the East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of said Section 30; thence South along the West line of said East  $\frac{1}{2}$  to the South line of the NE  $\frac{1}{4}$  of said Section 30; thence East along the South line of said NE  $\frac{1}{4}$  to the SW corner of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 29, TWP 28N, RGE 8 E.W.M; thence North along the West line of said SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  to the NW corner of said SW  $\frac{1}{4}$ ; thence East along the North line of said SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  to the NE corner of said SW  $\frac{1}{4}$ ; thence continuing East along the North line of the SE  $\frac{1}{4}$  of said NW  $\frac{1}{4}$  to the NW corner of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 29; thence continuing East along the North line of said subdivision to the NE corner thereof; thence South along the East line of said SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  to the North line of the SE  $\frac{1}{4}$  of said Section 29; thence West along said North line to the NW corner of said SE  $\frac{1}{4}$ ; thence South along the West line of said SE  $\frac{1}{4}$  to the SW corner of the N  $\frac{1}{2}$  of the S  $\frac{1}{2}$  of said SE  $\frac{1}{4}$ ; thence East along the South line of said N  $\frac{1}{2}$  to the West line of Section 28, TWP 28N, RGE 8 E.W.M.; thence North along said line to the NW corner of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 28; thence East to the NW corner of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of said SW  $\frac{1}{4}$ ; thence continuing East along the North line of the West half of said SE  $\frac{1}{4}$  to the Northeast corner thereof; thence to a point 33.50 feet South of said Northeast corner; thence East following an existing fence to a point 21.20 feet south of the North line and 22.00 East of the West line of the SE  $\frac{1}{4}$  of said Section 28; thence continuing East to the East line of said Section 28; thence South along said East line to the NE corner of Section 33, TWP 28N, R8 E.W.M; thence South along the East line of the NE  $\frac{1}{4}$  of said Section 33 to the SE corner of said NE  $\frac{1}{4}$ ; thence East along the North line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 34, TWP 28N, RGE 8 E.W.M to the NW corner of Government Lot 3; thence East along the North line of Government Lot 3 to the centerline of Illman Creek; thence South along Illman Creek to the North line of State Highway No. 2; thence Southwesterly along the North line to a point on said North line which lies perpendicular to a point on the South line of said State Highway No.2 which lies N 78°18'30"E, 1671.68 feet from the West line of said Section 34; thence S 16°42'09"E, 339.60 feet to a point on the North right-of-way line of the Old Stevens Pass Highway; thence Westerly along said North right-of-way line 1825 feet, more or

less, to the section line between said Sections 33 and 34; thence continuing on said North right-of-way line to the Southerly line of State Highway No. 2; thence Westerly along said Southerly line and the Southerly line of Sultan Startup Road to the West line of the SE ¼ of Section 33; thence South along said West line to the SW corner of said SE ¼; thence East along the south line of said SE ¼ to the West bank of Sprague Slough; thence Southerly along said West Bank to the North boundary line of the State Hatchery Land; thence West along said boundary to the East boundary of the county road; thence South 70 feet, more or less; thence West 72 feet to a point on the Southerly projection of the West line of said county road lying 210 feet North of the Great Northern Railway right-of-way; thence East along said right-of-way to the Southeasterly line of Government Lots 4 and 7, Section 4, TWP 28N, RGE 8 E.W.M.; thence along the Southerly line of Government Lots 6 and 7 in said Section 4 to the East line of Section 5, TWP 28N, RGE 8 E.W.M; thence West along the South line of that portion of Government Lot 9, Section 5, TWP 28N, RGE 8 E.W.M, lying North of the New Survey of the Skykomish River; thence South to the centerline of the Skykomish River; thence West along said centerline to the confluence of the Skykomish and Sultan Rivers; thence North along the centerline of the Sultan River to the Southeasterly right-of-way line of State Highway No. 2; thence Southwesterly along said Southeasterly margin to a point on said margin which lies 800 feet southwesterly from the intersection of State Highway No. 2 and the Southerly projection of the West margin of Old Owen Road; thence North parallel to the West line of Old Owen Road to the North margin of State Highway NO. 2; thence continuing North 400 feet; thence Northeasterly parallel to said State Highway No. 2, 800 feet to the West margin of Old Owen Road; thence continuing Northeasterly to the East margin of Old Owen Road; thence Northerly along said East margin to the West line of Government Lot Number 3, Section 6, TWP 28N, RGE 8 EWM; thence North along said West line to the NW corner of said Government Lot Number 3 and the SW corner of the SW ¼ of the SE ¼ of Section 31, TWP 28N, RGE 8 EWM, the Point of Beginning.

Together with Parcels:

28082900101400  
28082900101900  
28082900401600  
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