

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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**ITEM NO:** C-7

**DATE:** April 9, 2009

**SUBJECT:** Resolution No. 09-03  
Repealing Resolution No. 09-02.  
Adopting Resolution No. 09-03 Revised Legal Descriptions  
for City Limits, City Watershed and Urban Growth Area

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

**ISSUE:**

The issue before the City Council is to repeal Resolution 09-02 and authorize the Mayor to sign Resolution No. 09-03 adopting revised legal descriptions for the Sultan City Limits, City Watershed and Urban Growth Area (UGA).

**STAFF RECOMMENDATION:**

Authorize the Mayor to sign Resolution No.09-03 adopting revised legal descriptions for the Sultan City limits, City Watershed and Urban Growth Area (UGA).

**SUMMARY:**

This is a housekeeping item to correct a staff error in the legal description for the city limits approved by Council on March 12, 2009. The attachment included the legal description for the city's watershed. The watershed legal description was attached to the legal description for the city limits. This potentially implied the watershed was being incorporated into the city limits. This is not the City's intent. Resolution No. 09-03 corrects this error.

Resolution 09-02 was adopted on March 12, 2009 to correct a scrivener's error in the legal descriptions approved on August 28, 2008 by Resolution 08-23. When the legal descriptions moved from Township 28 North, south into Township 27 North, it was still described as T28N. The correction has been made to the attached legal descriptions for the Sultan City limits and Urban Growth Area. The error was discovered by Snohomish County during the recording process.

City staff recommends formally adopting the corrected legal descriptions by resolution to ensure an official record.

Following adoption of Resolution 09-03, City staff will request the Snohomish County Auditors Office record the legal descriptions and incorporate the descriptions in the County's electronic database and GIS program.

**BACKGROUND:**

During evaluation of the City's 2004 Comprehensive Plan, City staff discovered the City has not updated its legal descriptions for the Sultan City Limits and UGA. Accurate legal descriptions are necessary to support the day-to-day operations of City Hall. These legal descriptions are also used by various government and business community members. The City requested BHC to prepare legal descriptions as a part of the scope of work to revise the 2004 Comprehensive Plan.

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.

**ALTERNATIVES:**

1. Repeal Resolution No. 09-02. Authorize the Mayor to sign Resolution No.09-03 adopting legal descriptions for the Sultan City limits and Urban Growth Area (UGA). This alternative will provide the Sultan community and others seeking legal descriptions of the City Limits, Watershed and UGA with the most up-to-date information available.
2. Do not repeal Resolution No. 09-02. Do not authorize the Mayor to sign Resolution No.09-03 adopting legal descriptions for the Sultan City limits, Watershed and Urban Growth Area (UGA). This alternative implies the City Council has questions or concerns regarding the legal description, or the City Council would like to delay action until a later date.

**FISCAL IMPACT:**

The cost of recording the legal descriptions is \$42 per document.

**RECOMMENDED ACTION:**

Authorize the Mayor to sign Resolution No.09-03 adopting legal descriptions for the Sultan City limits, Watershed Boundary and Urban Growth Area (UGA).

**ATTACHMENT**

A – Resolution 09-03

**City of Sultan  
RESOLUTION NO. 09-03**

A RESOLUTION of the City of Sultan, Washington,  
Repealing Resolution 09-02 and Adopting Legal Descriptions for the  
Sultan City Limits, Boundary of City Watershed and Urban Growth  
Area

**WHEREAS**, during evaluation of the City's 2004 Comprehensive Plan, City staff discovered the City has not updated its legal descriptions for the Sultan City Limits and Urban Growth Area; 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 to prepare legal descriptions as a part of the scope of work to revise the 2004 Comprehensive Plan;

**WHEREAS**, on August 28, 2008 the City adopted legal descriptions for the Sultan City Limits and Urban Growth Area by Resolution No. 08-23; and

**WHEREAS**, A scrivener's error was found in the legal descriptions adopted by Resolution 08-23 that mistakenly described Township 27 North as Township 28 North;

**WHEREAS**, due to a staff error, the legal description for the City's Watershed was inadvertently included under the description of the Sultan City Limits in Resolution 09-02;

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

Section 1 Repealer. Resolution 09-02 is hereby repealed in its entirety.

Section 2 Establishing Legal Descriptions. To establish legal descriptions for the Sultan City Limits and Urban Growth 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 3 Filing. 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 \_\_\_\_\_, 2009.

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.: 09-03



**Exhibit 1**

# **LEGAL DESCRIPTIONS**

**City of Sultan – City Limits**  
**City of Sultan – Watershed Boundary**  
**City of Sultan – Urban Growth Area**

**August 2008**

**March 2009<sup>1</sup>**

**April 2009<sup>2</sup>**

**Prepared By**

**BHC Consultants LLC**

720 Third Avenue  
Seattle, WA 98104

John C Wilson PE  
Project Manager

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<sup>1</sup> When the legal descriptions moved from Township 28 North, south into Township 27 North, it was still described as T28N. The correction has been made to the attached legal descriptions for the Sultan City limits and Urban Growth Area.

<sup>2</sup> Legal description for Sultan City Limits adopted in March 2009 inadvertently included a legal description of the City Watershed.

## **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 – CITY LIMITS Boundary of City Proper**

Those portions of Sections 4, 5, & 6, Township 27 North, Range 8 East, Willamette Meridian, together with those portions of Sections 28, 29, 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 and Easterly along the centerline of said channel to the SW corner of Tract 999, Riverwood, according to the plat thereof recorded in Volume 48 of Plats, pages 192 to 194 under Auditor's File Number 8807195002 records of Snohomish County, Washington; thence continuing Northerly along said centerline of the Sultan River to North line of said Tract 999; thence East along said North line to the East line of Trout Farm Road; thence North along said East line to the North line of the south half of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec 32, TWP 28N, RGE 8 E.W.M; thence East to the East line of the West 140 feet of the NW  $\frac{1}{4}$  of said Section 32; thence North to the South line of the North half of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 32; thence East along said South line to a point on a line lying 264 feet East of and parallel with the West line of said NW  $\frac{1}{4}$  of Section 32; thence North along said parallel line to the South line of the West half of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 32; thence East along said South line to the southeast corner of said West half; thence North along the East line of said West half to the North line of Section 32; thence East along said North line to the Southwest corner of the East half of the West half of the East

half of the SW ¼ of the SW ¼ of Section 29, TWP 28N, RGE 8 E.W.M; thence North along the West line of said East half of the West half of the East half of the SW ¼ of the SW ¼ of said Section 29 to the North line of the SW ¼ of the SW ¼ of Section 29; thence East along said North line to the Southwest corner of the NE ¼ of the SW ¼ of said Section 29; thence North along the West line of said NE ¼ to the Southeast corner of the SW ¼ of the NW ¼ of Section 29; thence West along the South line of said SW ¼ to the Southwest corner thereof; thence North along the West line of said SW ¼ to the Northwest corner thereof; thence East along the North line of said SW ¼ to the Northeast corner thereof; thence South along the East line of said SW ¼ to the Northwest corner of the NE ¼ of the SW ¼ of Section 29; thence East along the North line of said NE ¼ to the Northeast corner thereof; Thence South along the East line of said NE ¼ to the Southeast corner thereof; Thence South along the East line of the SE ¼ of the SW ¼ to the Northwest corner of the NE ¼ of said Section 32; thence South along the West line of said NE ¼ to the Northwest corner of the South half of the NW ¼ of the NE ¼ of Section 32; thence East along the North line of said South half to the Northeast corner thereof; thence North along the West line of the North half of the NE ¼ of the NE ¼ of Section 32; thence East along the North line of said North half to the Northwest corner of Section 33, TWP 28N, RGE 8 E.W.M; thence East along the North line of said Section 33 to the Southwest corner of the SE ¼ of the SW ¼ of Section 28, TWP 28N, RGE 8 E.W.M; thence North along the West line of said SE ¼ of the SW ¼ to the Northwest corner thereof; thence East along the North line of the West half of said SE ¼ 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 ¼ of said Section 28; thence East along said North line to the intersection with a line which runs North from a point which lies 165 feet North and 264 feet West from a point on the South line at said Section 28 lying 825 West of the SE corner thereof; thence West along said South line to the Northeast corner of the West half of the NW ¼ of the NE ¼ of Section 33, TWP 28N, RGE 8 E.W.M; thence South to the southeast corner of said West half and the North line of the South half of the NE ¼ to the East line of said NE ¼; thence South along said East line to the SE corner of said NE ¼; thence East along the North line of the NW ¼ of the SW ¼ 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 Number 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 South to the South margin 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 27N, 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 27N, RGE 8 EWM; thence West along the South line of that portion of Government Lot 9, Section 5, TWP 27N, RGE 8 EWM, 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

**CITY OF SULTAN**  
**Boundary of City Watershed**

The Northwest quarter of Section 16, Township 28 North, Range 8 EWM; the West half of the Northeast quarter of said section; the Northwest quarter of the Southeast quarter of said section; the North half of the Southwest quarter of said Section, all in Snohomish County, Washington.

EXCEPT, commencing at the Northwest corner of Section 16, Township 28 North, Range 8 East, W.M., Snohomish County, Washington; thence South 2°40'22" West, along the west line of said Section 16, a distance of 775.75 feet to the centerline of the Snohomish County PUD easement, hereto referred as Station 355+14.59; thence North 43°21'09" East a distance of 1,129.38 feet, more or less, to the north line of Government Lot 1 of said Section 16, being known as Station 343+85.31; thence South 86°24'54" West a distance of 740.58 feet to the point of beginning, containing 6.55 acres, more or less.

And also a tract of land located in Government Lot 4 of Section 9, Township 28 North, Range 8 EWM, more particularly described as follows:

Commencing at the Southwest corner of Section 9, Township 28 North, Range 8 East, W.M., Snohomish County, Washington; thence North 86°24'54" East along the south line of said Section 9 a distance of 740.58 feet, to the True Point of beginning, hereto referred to as Station 343+85.31; thence North 43°21'09" East a distance of 930.22 feet, more or less, to the east line of Government Lot 4, of said Section 9, being known as Station 334+55.09; thence south along the east line of said Government Lot 4 to the south line of said Section 9; thence west along the south line of said Section 9 to the True Point of Beginning; containing 4.42 acres, more or less.

The new boundary with the deletion of 6.55 acres and an addition of 4.42 acres, constitute altogether 362.87 acres, more or less, all in Snohomish County.

Snohomish County Recording Number  
9601080205

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**CITY OF SULTAN**  
**Boundary of Urban Growth Area**

**URBAN GROWTH 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 ¼ 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 ¼ 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 ¼ of said Section 33 to the SE corner of said NE ¼; thence East along the North line of the NW ¼ of the SW ¼ 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 South to the South margin 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 27N, 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 27N, RGE 8 E.W.M; thence West along the South line of that portion of Government Lot 9, Section 5, TWP 27N, RGE 8 EWM, 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 27N, 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  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 31, TWP 28N, RGE 8 EWM, the Point of Beginning.