

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

Date: June 11, 2009

Agenda Item #: Consent C 6

SUBJECT: Donation of Property - Walker

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director 

ISSUE:

The issue before the Council is the acceptance of a donation of land from John and Anita Walker which is part of Walbrun Road. A map of the property is attached (Attachment A).

The Council Sub Committee met on June 4, 2009 to review the request and recommend the City accept the property.

SUMMARY STATEMENT:

John and Anita Walker own a strip of land on Walbrun Hill which has been used for road right of way for years. This is not a buildable lot and there are utility easements and ingress/egress rights through it. The Walkers have requested the City accept the donation of the right of way to the city (Attachment A).

There have been discussion about closing access to Walbrun Road as part of the Highway 2 safety improvements and providing an alternate access from the Sultan Basin Road area. If this should occur, the City would need to acquire the right of way for street improvements.

In accordance with SMC 3.68.010, the Council must accept a donation with a value of \$500 or more. The Snohomish County Assessor lists the market values as \$800. The City will need to prepare the necessary documents for transfer of title.

FISCAL IMPACTS: Cost to prepare deed transfer and record the documents.

RECOMMENDATION:

The Council Sub Committee and Staff recommend the City accept the donation of the street right of way and direct staff to prepare the necessary documents to transfer title.

Attachments: A. Letter from the Walkers
B. Map of property
C. RCW's on donations

May 18, 2009

City of Sultan
4th & Main Street
Sultan, Washington
98294

Subject: Walbrun Road
Tax Parcel # 28083200403000

Dear Mayor Eslick,

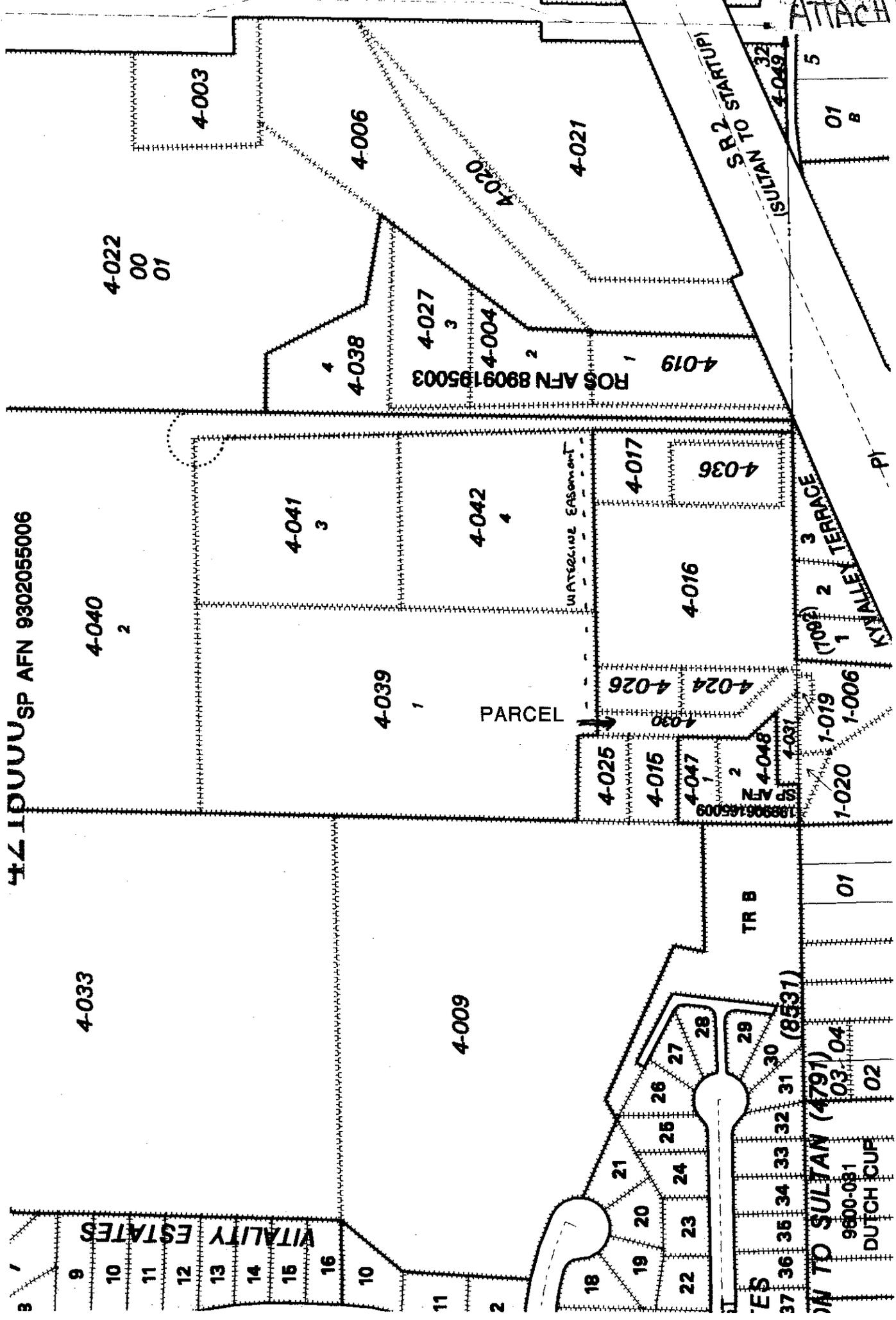
When we bought our home on Walbrun Road, the road in front of was deeded to us as part of the sale. When we sold the house we held onto the road so it could be given to the city. We forget that we still own this piece of Sultan, till each year we get the Tax statement sent to us, the taxes aren't very much \$7.09 this year, and Sultan only got \$1.17 of this amount. We have moved out of the state and would like to get this deeded over to the city, free of charge.

Thank you for your consideration.



John & Anita Walker
75-6081 Alii Drive
M-103
Kailua Kona, Hawaii 96740
Phone: 206-650-0620 or 808-336-0776

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ATTACHMENT

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NE-5-27-8

RCW 35.21.100

Donations -- Authority to accept and use.

Every city and town by ordinance may accept any money or property donated, devised, or bequeathed to it and carry out the terms of the donation, devise, or bequest, if within the powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the city or town may expend or use it for any municipal purpose.

Intergovernmental cooperation and action.

The legislative body of a code city may exercise any of its powers or perform any of its functions including purchasing, and participate in the financing thereof, jointly or in cooperation, as provided for in chapter 39.34 RCW. The legislative body of a code city shall have power to accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law.

RCW 35A.79.010

Powers to acquire, use and manage.

A code city shall have all powers provided by general law to cities of any class relating to the receipt of donations of money and property, the acquisition, leasing and disposition of municipal property, both real and personal, including, but not limited to, the following: (1) Intergovernmental leasing, transfer or disposition of property as provided by chapter 39.33 RCW; (2) disposition of unclaimed property as provided by chapters 63.32 and 63.21 RCW; (3) disposition of local improvement district foreclosures as provided by chapter 35.53 RCW; (4) materials removed from public lands as provided by *RCW 79.90.150; (5) purchase of federal surplus property as provided by chapter 39.32 RCW; and (6) land for recreation as provided by **chapter 43.99 RCW. A code city in connection with the acquisition of property shall be subject to provisions relating to tax liens as provided by RCW 84.60.050 and 84.60.070. The general law relating to the damage or destruction of public property of a code city or interferences with the duties of a police or other officer shall relate to code city's properties and officers to the same extent as such laws apply to any class of city, its property or officers.