

*Note: Times are approximate and subject to change.*

**Town Hall Meeting Room  
3715 Bridgeport Way West**

- 6:30 pm 1. **CALL REGULAR MEETING TO ORDER**
2. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES – May 18, 2015**
4. **APPROVAL OF AGENDA**
- 6:35 pm 5. **PUBLIC COMMENTS** – (At this time, citizens have three minutes to address the Council on any matter not scheduled for Public Hearing of Council Consideration. State law prohibits the use of this forum to promote or oppose any candidate for public office, or ballot measure. Public comments are limited to three minutes. Please provide your name and address for the record.)
- 6:40 pm 6. **COUNCIL COMMENTS/REPORTS**
- 6:45 pm 7. **CITY MANAGER’S REPORT**
- 6:50 pm 8A- **CONSENT AGENDA**  
8C. **Motion: Approve or Amend the Consent Agenda as Proposed**

The Consent Agenda consists of items considered routine or have been previously studied and discussed by Council and for which staff recommendation has been prepared. A Councilmember may request that an item be removed for the Consent Agenda so that the Council may consider the item separately. Items on the Consent Agenda are voted upon as one block and approved with one vote.

- A. Adopt a resolution appointing voting delegates to Association of Washington Cities’ Annual Business Meeting.
- B. Approve cancellation of City Council’s Regular Meeting of June 15, 2015.
- C. Adopt a resolution authorizing the Administrative Settlement amount of \$47,123.00 for an easement from BP West Coast Products over a portion of parcel #0220101084 for the Bridgeport Way Phase 5 project and authorize the City Manager to execute all necessary documents.

**COUNCIL CONSIDERATION** – (The following item(s) will require Council action.)

- 6:55 pm 9. **PUBLIC HEARING: RIGHT-OF-WAY VACATION**  
• Staff Report • Public Comment
- 7:15 pm 10. **PUBLIC HEARING: SEWER FEE**  
• Staff Report • Public Comment • Council Consideration

**RECESS AND CONVENE AS UNIVERSITY PLACE TOWN CENTER AUTHORITY BOARD**

- 7:30 pm 1. **CALL TO ORDER**
2. **UNIVERSITY PLACE TOWN CENTER AUTHORITY UPDATE**
3. **ADJOURN TOWN CENTER AUTHORITY BOARD**
- RECONVENE TO REGULAR COUNCIL MEETING**

- 7:45 pm      11.      **MAYOR'S REPORT**
- 8:00 pm      12.      **ADJOURNMENT**

\*PRELIMINARY CITY COUNCIL AGENDA

June 15, 2015  
Regular Council Meeting

July 6, 2015  
Regular Council Meeting

July 20, 2015  
Regular Council Meeting

August 3, 2015  
Regular Council Meeting

**Preliminary City Council Agenda subject to change without notice\***  
Complete Agendas will be available 24 hours prior to scheduled meeting.  
To obtain Council Agendas, please visit [www.cityofup.com](http://www.cityofup.com).

**American Disability Act (ADA) Accommodations Provided Upon Advance Request**  
**Call the City Clerk at 253-566-5656**

# APPROVAL OF MINUTES

**CITY OF UNIVERSITY PLACE  
DRAFT MINUTES  
Regular Meeting of the City Council  
Monday, May 18, 2015  
City Hall, Windmill Village**

**1. CALL REGULAR MEETING TO ORDER**

Mayor McCluskey called the Regular Meeting to order at 6:30 p.m.

**2. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present
Councilmember Keel	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Figueroa	Present
Mayor McCluskey	Present

Staff Present: City Manager Sugg, City Attorney Victor, Planning and Development Services Director Swindale, Assistant City Engineer Avcular, Police Chief Blair and City Clerk Genetia.

Councilmember Grassi led the Pledge of Allegiance.

Mayor McCluskey called for a moment of silence in remembrance of the men and women who have died in military service, Nepal earthquake victims and military rescue workers.

**3. APPROVAL OF MINUTES**

**MOTION:** By Councilmember Belleci, seconded by Mayor Pro Tem Figueroa, to approve the minutes of January 31, 2105 and May 4, 2015 as submitted.

**The motion carried.**

**4. APPROVAL OF AGENDA**

**MOTION:** By Councilmember Belleci, seconded by Councilmember Grassi, to approve the agenda.

**The motion carried.**

**5. PRESENTATIONS**

16<sup>th</sup> Combat Aviation Brigade – Mayor McCluskey presented a proclamation to Col. Paul Mele, Commander of the 16th Combat Aviation Brigade (CAB), in recognition its support and partnership with the City. Colonel Mele presented Mayor McCluskey with an American flag flown in the “Operation Enduring Freedom” combat in Afghanistan by the City’s partner unit, along with other tokens of appreciation for the City’s unwavering support of the 16<sup>th</sup> CAB.

At 6:55 p.m., the City Council took a ten minute break. The regular meeting reconvened at 7:12 p.m.

Building Safety Month Proclamation – Mayor McCluskey presented Planning and Development Services Director Swindale with a proclamation recognizing May 2015 as Building Safety Month and acknowledged

the City's code administrators, officials and inspectors for the vital services they perform and their exemplary dedication to the community.

Pierce County Sheriff's SWAT Team - Police Chief Blair introduced Sergeant Berry of the Pierce County Sheriff Department's SWAT Team. Sergeant Berry presented information on services provided by the unit, its mission and capabilities. The SWAT Team will be part of the U.S. Open event contingency response.

**6. PUBLIC COMMENTS** – The following individual provided comment: *Bunny Nance, 5818 75<sup>th</sup> Avenue Court West.*

At 7:38 p.m., a motion was made and was carried to extend the meeting to 8:30 p.m.

## **7. COUNCIL COMMENTS/REPORTS**

Councilmember Keel shared concerns about potential impacts to revenues of local cities and encouraged citizens to reach out to legislators for support.

Councilmember Worthington shared information on the Historical Society's Garden Tour, Andy Frain's hiring of City residents for the U.S. Open, and his attendance at the Joint Base Lewis-McChord Armed Forces Day event.

## **8. CITY MANAGER'S REPORT**

City Manager Sugg reported on the grand opening of Whole Foods Market.

## **9. CONSENT AGENDA**

**MOTION:** By Councilmember Grassi, seconded by Councilmember Keel, to approve the Consent Agenda as follows:

- A. Receive and File: Payroll for the period ending 05/15/15, signed and dated 05/14/15, in the total amount of One Hundred Eighty-Eight Thousand Nine Hundred Ninety-Four and 60/100 Dollars (\$188,994.60); Claims dated 05/15/15, signed 05/14/15, check nos. 51976325 through 51976394, in the total amount of Two Million One Hundred Forty-Six Thousand Four Hundred Twenty-Four and 02/100 Dollars (\$2,146,424.02).
- B. Adopt a resolution authorizing the purchase of real property in the amount of \$11,900 from the City of Tacoma over a portion of parcel #0220101047 for the Bridgeport Way Phase 5 project and authorize the City Manager to execute all necessary documents. **(RESOLUTION NO. 781)**

**The motion carried.**

## **COUNCIL CONSIDERATION**

### **10. 44<sup>TH</sup> STREET SAFE ROUTES TO SCHOOL BID AWARD**

Staff Report – Assistant City Engineer Avcular recommended awarding the bid for the 44<sup>th</sup> Street Safe Routes to School project to Stan Palmer Construction, Inc. who submitted the lowest responsive, responsible bid of the six received by the City in the amount of \$699,679.00.

This project includes the construction/installation of sidewalks, bike lanes, curb, gutter, storm drainage improvements, landscaping, irrigation, and on the north side of 44<sup>th</sup> Street West from Bridgeport Way West to 67<sup>th</sup> Avenue West. This project is funded through a grant from the Federal Highway Administration which covers 86.5% of the construction cost. The local match is programmed in the City's current budget.

Public Comment – None.

Council Consideration – **MOTION:** By Councilmember Belleci, seconded by Councilmember Keel, to authorize the City Manager to award the 44<sup>th</sup> Street Safe Routes to School project to Stan Palmer Construction, Inc. in the amount of \$699,679.00 and execute all necessary contract documents.

**The motion carried.**

**11. MAYOR'S REPORT** – Mayor McCluskey reported on her legislative attendance to request transit facility funds for the City, and her and Councilmember Keel's attendance at the National Day of Prayer observance at Market Square. She announced the upcoming Tacoma Narrows Rotary meeting, and the U.S. Open public meeting being held to address residents' questions and concerns. She intends to provide a presentation to address the state of the City's recreation program.

**12. ADJOURNMENT**

The meeting adjourned at 8:03 p.m. No other action was taken.

Submitted by,

Emy Genetia  
City Clerk

# APPROVAL OF CONSENT AGENDA

**Business of the City Council  
City of University Place, WA**

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**Proposed Council Action:**

Adopt a resolution appointing voting delegates to the Association of Washington Cities' Annual Business Meeting.

**Agenda No:** 8A

**Dept. Origin:** City Clerk

**For Agenda of:** June 1, 2015

**Exhibits:** Resolution

**Concurred by Mayor:** \_\_\_\_\_

**Approved by City Manager:** \_\_\_\_\_

**Approved as to form by City Atty.:** \_\_\_\_\_

**Approved by Finance Director:** \_\_\_\_\_

**Approved by Department Head:** \_\_\_\_\_

Expenditure Required: \$0.00	Amount Budgeted: \$0.00	Appropriation Required: \$0.00
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**SUMMARY / POLICY ISSUES**

The Association of Washington Cities ("AWC") conducts an annual business meeting during the annual AWC conference to be held in June of this year. The AWC bylaws require that each member, prior to the annual membership meeting, designate up to three delegates who are duly elected or appointed officials of employees of such member as voting representatives of the member in the affairs of the AWC. Mayor Denise McCluskey, Councilmember Kent Keel and Councilmember Steve Worthington have offered to serve as the City's voting representatives to the AWC annual business meeting. It is the City's best interest to appoint them as voting delegates to AWC for the 2015 business meeting.

**RECOMMENDATION / MOTION**

**MOVE TO:** Adopt a resolution appointing voting delegates to the Association of Washington Cities' Annual Business Meeting.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, APPOINTING VOTING DELEGATES TO THE ASSOCIATION OF WASHINGTON CITIES ANNUAL BUSINESS MEETING**

WHEREAS, the City is a member of the Association of Washington Cities (“AWC”); and

WHEREAS, AWC conducts an annual business meeting during the annual AWC conference to be held in June of this year; and

WHEREAS, under the AWC bylaws each member, prior to the annual membership meeting, will designate up to three delegates who shall be duly elected or appointed officials or employees of such member as voting representatives of the member in the affairs of the AWC, and will file with the AWC executive director certificates of designation prior to the annual member meeting; and

WHEREAS, Mayor Denise McCluskey, Councilmember Kent Keel, and Councilmember Steve Worthington have offered to serve as the City’s voting representatives to the AWC annual business meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON:**

1. Designation of Voting Representatives. The City Council hereby designates Mayor Denise McCluskey, Councilmember Kent Keel, and Councilmember Steve Worthington as the City’s voting representatives to the 2015 AWC annual business meeting.
2. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

**ADOPTED BY THE CITY COUNCIL ON JUNE 1, 2015.**

\_\_\_\_\_  
Denise McCluskey, Mayor

**ATTEST:**

\_\_\_\_\_  
Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steve Victor, City Attorney

**Business of the City Council  
City of University Place, WA**

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**Proposed Council Action:**

Adopt a resolution authorizing the Administrative Settlement amount of \$47,123.00 for an easement from BP West Coast Products over a portion of parcel #0220101084 for the Bridgeport Way Phase 5 project and authorize the City Manager to execute all necessary documents.

**Agenda No:** 8C  
**Dept. Origin:** Engineering  
**For Agenda of:** June 1, 2015  
**Exhibits:** Resolution, Admin Settlement memo and Supporting Documents  
**Concurred by Mayor:** \_\_\_\_\_  
**Approved by City Manager:** \_\_\_\_\_  
**Approved as to Form by City Atty.:** \_\_\_\_\_  
**Approved by Finance Director:** \_\_\_\_\_  
**Approved by Dept. Head:** \_\_\_\_\_

Expenditure Required: \$47,123.00	Amount Budgeted: \$47,123.00	Appropriation Required: \$0.00
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**SUMMARY / POLICY ISSUES**

The improvements for the Bridgeport Phase 5 Roadway Improvement Project is part of the City's approved Transportation Improvement Plan (TIP), and in order to construct the street and walkway improvements, it is necessary to purchase an easement for the right-of-way from the property owner. City staff recommends completing this purchase transaction so that the Bridgeport Phase 5 Roadway Improvement Project may proceed.

This project is funded through a grant from the Federal Highway Administration. This grant covers 86.5% of the cost of this acquisition. The 13.5% local match is programmed in the City's current budget.

**RECOMMENDATION / MOTION**

**MOVE TO:** Adopt a resolution authorizing the Administrative Settlement amount of \$47,123.00 for an easement from BP West Coast Products over a portion of parcel #0220101084 for the Bridgeport Way Phase 5 project and authorize the City Manager to execute all necessary documents.

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, APPROVING  
THE PURCHASE OF AN EASEMENT FOR RIGHT-OF-WAY PURPOSES**

WHEREAS, the improvements for the Bridgeport Phase 5 Roadway Improvement Project is part of the City's approved Transportation Improvement Plan (TIP); and

WHEREAS, in order to construct the street and walkway improvements, it is necessary to purchase the right-of-way from the property owner.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:**

Section 1. Incorporation of Recitals. The recitals are hereby incorporated herein as if set forth in full.

Section 2. Approval of Form of Documents. The City Council hereby approves execution of the documents necessary to complete the purchase in substantially the form of the documents accompanying this Resolution.

Section 3. Completion of Transaction. The City Manager is authorized to take and execute any additional measures or documents that may be necessary to complete this transaction, which are consistent with the approved form of document attached, and the terms of this Resolution.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

**ADOPTED BY THE CITY COUNCIL ON \_\_\_\_, 2015.**

\_\_\_\_\_  
Denise McCluskey, Mayor

**ATTEST:**

\_\_\_\_\_  
Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steve Victor, City Attorney

**UNIVERSAL FIELD SERVICES, INC.**  
111 Main Street, Suite 105  
Edmonds, WA 98020  
Tel: (425) 673-5559  
Fax: (425) 673-5579



Date: Thursday, May 08, 2015  
To: Don Nutter, Engineering Project Coordinator  
From: Dillon R. Ohrt, Right of Way Consultant  
Subject: Administrative Settlement Recommendation  
Bridgeport Phase 5 Roadway Improvement Project  
Project Parcel No. 25; Parcel Tax ID No. 022010-1084  
Owner: BP WEST COAST PRODUCTS, LLC

Amount of Approved AOS or DV:	\$8,650.00
Amount of Proposed Administrative Settlement:	\$38,473.00
Amount of Proposed Total Settlement:	\$47,123.00

## BACKGROUND

Dillon R. Ohrt presented the offer on August 29, 2014 in the amount of \$8,650.00 consisting of:

Lands Conveyed for ROW Easement: 264 SF (m/l)	\$5,940.00
Temporary Construction Easement: 274 SF (m/l)	1,650.00
Improvements: Paving/Curbing	438.00
Improvements: Landscaping	590.00
<b>Total (Rounded)</b>	<b>\$8,650.00</b>

## SUMMARY OF NEGOTIATIONS/COUNTER PROPOSAL

Improvements that will be impacted in the permanent right of way easement acquisition include landscaping and driveway paving/curbing. The owners accepted the compensation for these improvements (paving and landscaping) as offered and also accepted the land value as offered.

There is a lighted business sign in the acquisition area. The City originally planned to relocate the sign and its associated foundation and wiring as part of the project construction which is why the cost to relocate it was not included in the offer.

There is also a private lot light pole that is now in conflict of the planned relocation of a Tacoma Power and Utility pole and service line. The private light pole will have to be relocated because of the project. At the time of the offer, the Tacoma Power and Utility pole had been identified as one that would need to be relocated, but its new location had not been established.

BP insisted on having their contractors complete this exercise. This allows them to use a trusted contractor with experience on this specific site and a good history with BP contracts.

## RECOMMENDATION/JUSTIFICATION

BP has provided supplemental information in the form of a bid for work from AMR Environmental Services and I find their amounts acceptable and reasonable. It should be considered in the approval of

this recommendation that BP will install a second sign on the property, relocate a water/air box, and remove a planter strip, bollards and telephone booths when this occurs. BP has made clear that they believe that all of those actions are associated with this project but are choosing not to ask for compensation for any of those items and have not included those costs in their settlement proposal. They also believe that this cost will increase, but they are not asking for any additional compensation to cover that anticipated difference.

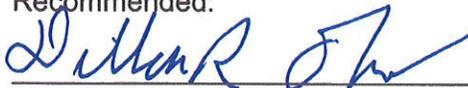
It should be further noted the City is likely to recover a portion or all of these settlement costs by a corresponding decrease in construction costs considering the City's requirement to pay prevailing wage. There is also an advantage of having the owner's contractor working on a sensitive site as opposed to taking a chance of liability associated with performing excavations, etc. near fueling facilities.

It is anticipated that the impacts to the construction schedule, additional negotiation costs, appraisal costs and possible condemnation costs would far exceed the requested increase in settlement costs. Furthermore, the WSDOT Right of Way Manual directs local agencies to obtain reasonable negotiated settlements whenever possible. I find these costs to be a reasonable settlement and an acceptable use of public funds.

Allocation	Appraisal	Proposed Settlement	Difference
264 SF in Permanent Right of Way Easement	\$5,940	\$5,940	\$0
660 SF in Temporary Construction Easement	\$1,650	\$1,650	\$0
Improvements: paving/curbing	\$438	\$438	\$0
Improvements: Landscaping	\$590	\$590	\$0
Compensation for removal, replacement & relocating existing corner I.D. sign, improvements & lot light	\$0	\$38,473	\$38,473
<b>TOTAL</b>	<b>\$8,650 (r)</b>	<b>\$47,125 (r)</b>	<b>\$38,473</b>

I recommend that the Administrative Settlement of \$38,473 be approved for a total settlement of \$47,125 (r) as being reasonable and in the public interest.

Recommended:

 5/8/15  
 Dillon R. Ohrt, Right-of-Way Consultant Date

Concur:

 5-8-15  
 Steve Reinhart, SR/WA Date  
 Universal Field Services Project Manager

**Administrative Settlement Approved:**

\_\_\_\_\_  
 Steve Sugg, City Manager Date  
 City of University Place

**AMR Environmental Services**  
An Alaska Marine Refrigeration, Inc Company  
9991 SE Cottonwood Dr.  
Port Orchard, WA 98366

Site: 4335

May 6th, 2015

The follow is a quote is for City implemented site work. The quote includes installation of new MONUMENT ID ("MID") signs, demo of old.

1. Demo the following
  - a. Light poles, asphalt
  - b. Electrical as needed
  - c. Old MID after new one is installed
  
2. Installation of the following:
  - a. Cement Curbs
  - b. Cement Monument Sign bases
  - c. Landscaping
  - d. Light Pole
  - e. Brick Façade
  - f. Electrical

Price includes all materials and labor applicable per scope provided. Includes travel, fuel and per diem if applicable. Includes sectional work. Warranty includes installation.

**FRONT CORNER MID AND LOT LIGHT:**

<u>Item</u>	<u>Cost</u>	<u>Tax</u>
Drawing and Engineering	\$3,800.00	\$361.00
City Fee's	\$1,500.00	\$142.50
Electrical and Trenching	\$4,200.00	\$399.00
Materials for Base each	\$4,996.00	\$474.62
Equipment Fee's	\$2,850.00	\$270.75
Disposal Fee's	\$343.00	\$32.59
Labor	\$10,597.00	\$1,006.72
<u>Sign</u>	<u>\$7,500.00</u>	<u>\$0.00 (Included)</u>
Subtotal	\$35,786.00	\$2,687.00 (rounded)

Cost for MID area only: \$38,473.00 Includes Applicable Taxes

Exclusions: Product, fire sprinklers and alarms missing equipment, equipment other than specified parts to supply, graphics/signage.

Thank You for your interest in work with AMR, if there are any questions please call me on my cell phone. 206-730-1369. Please call and schedule at your earliest convenience if you accept this proposal.

////original signed////

Alan Roberts

AMR Environmental, Inc

Date of acceptance: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

After Recording Mail to:

CITY OF UNIVERSITY PLACE  
Attn: City Engineer  
3715 Bridgeport Way W.  
University Place, WA 98466

**Grantor: BP West Coast Products, LLC**  
**Grantee: City of University Place**  
**Abbreviated Legal: Ptn of SW ¼ of NE ¼ of S 10, T 20 N, R 2 E**  
**Assessor's Tax Parcel Number: #022010-1084**  
**Project: Bridgeport Phase 5 Roadway Improvements**  
**Project Parcel #25**

## Right of Way Easement

The Grantor(s) **BP West Coast Products, LLC**, a Delaware limited liability company, for and in consideration of mutual and special benefits resulting from the construction of the project, grants and conveys unto the **City of University Place, a municipal corporation of the State of Washington**, and its assigns, a non-exclusive perpetual right-of-way easement for all utility and transportation purposes, including the installation, maintenance, repair, and or removal of all transportation and utility facilities, over, under, upon and across the following property, to the same extent and purpose as of the rights herein granted had been acquired under Eminent Domain statute of the State of Washington:

Per **Exhibit A** and as depicted in **Exhibit B** attached hereto and made a part hereof by this reference.

It is understood and agreed that delivery of this easement document is hereby tendered and that the terms and obligations hereof shall not become binding upon the City of University Place, unless and until accepted and approved hereon in writing for the City of University Place by its City Manager.

Grantee shall agree to grant a variance to Grantor to allow an additional free-standing Identification-LED price sign in the Southeast corner of the parcel fronting along 27<sup>th</sup> Street West, in addition to the Identification-LED price sign to be relocated at the Southwest corner of the parcel, as depicted in the Site Plan attached hereto as **Exhibit C**. Grantee shall allow the maximum square footage to be thirty-two (32) square feet for each Identification-LED price sign face. There shall be a total of four Identification-LED sign faces for the two signs.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BP West Coast Products, LLC

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Accepted by the City of University Place**

**Approved as to form:**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: City Attorney  
Date: \_\_\_\_\_

STATE OF

}  
}  
}

SS.

County of

I certify that I know or have satisfactory evidence that \_\_\_\_\_ and \_\_\_\_\_ (is/are) the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument, on oath stated that (he is/she is /they are) authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ and \_\_\_\_\_ of BP West Coast Products, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Name (typed or printed): \_\_\_\_\_  
NOTARY PUBLIC in and for the State of

\_\_\_\_\_  
Residing at \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

**After Recording Mail To:**

CITY OF UNIVERSITY PLACE  
3715 Bridgeport Way W.  
University Place, WA 98466

**TEMPORARY CONSTRUCTION EASEMENT**

**Grantor: BP West Coast Products, LLC**  
**Grantee: City of University Place**  
**Abbreviated Legal: Ptn of SW ¼ of NE ¼ of S 10, T 20 N, R 2 E**  
**Assessor's Tax Parcel Number: #022010-1084**  
**Project: Bridgeport Phase 5 Roadway Improvements**  
**Project Parcel #25**

THIS INSTRUMENT is made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between **BP West Coast Products, LLC, a Delaware limited liability company**, hereinafter called the "Grantor", and the City of University Place, a municipal corporation of the State of Washington, hereinafter called the "Grantee".

**WITNESSETH:**

**1) Grant of Easement.** The Grantor, for and in consideration of the public good and other valuable consideration, does by these presents, convey and warrant unto the Grantee a temporary construction easement (the "Easement") for access over, through, across and upon the following described real estate (the "Easement Area") situated in the County of Pierce, State of Washington, for the placement of personnel and equipment for construction of public street improvements with necessary appurtenances, including placement of public and private utilities, within the adjoining public right of way:

**Per Exhibit A and as depicted in Exhibit B attached hereto and by this reference made a part hereof.**

**2) Purpose of Easement.** The Grantee, its contractors, agents, and permittees, shall have the right at such times as may be necessary, to enter upon the Easement Area, including entry into private improvements located in the Easement Area for the purpose of constructing, maintaining, repairing, altering or reconstructing said street improvements, or making any connections therewith, including utility connections. Grantee shall have the right to re-grade slopes and/or make cuts and fills to match street grade. ~~In the event Grantee's utility connection work requires access~~

~~to property in addition to the Easement Area, Grantee shall have the right to enter into such additional property and such entry shall be governed by the terms of this easement. Grantee's rights to use the Easement Area shall be exclusive at such times and for such duration as Grantee's construction requires, in Grantee's discretion, subject to the terms and conditions herein.~~

The rights herein granted shall include all incidental rights, including but not limited to, right of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property, and shall undertake any construction activities so as to maintain access to the existing business on the Property at all times and shall perform such construction in a manner to minimize impact on the business and operations of the Property at all times. Grantee does hereby agree to indemnify and hold harmless the Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

3) Driveways. Grantee shall perform construction of two (2) driveways at the Property as depicted in the Site Plan attached as Exhibit C hereto and as set forth below:

**Two Driveways located on Bridgeport Way:**

Grantee shall construct the driveways located on Bridgeport Way in such a way that at least one of the two driveways located on Bridgeport Way shall be usable by vehicles entering or exiting the Property at all times. Grantee further agrees that neither of the two driveways or portions thereof located on Bridgeport Way shall be closed for more than seven consecutive days. The North Driveway located on Bridgeport is necessary for access for fuel trucks to allow the business to remain open during the construction period.

**North Driveway located on Bridgeport Way:**

Grantee shall construct the North Driveway located on Bridgeport Way in such a way that at least half of the driveway shall be usable by vehicles entering or exiting the Property at all times. Grantee further agrees to provide a minimum width of twenty feet of access to the half of driveway that is open including providing temporary areas adjacent to the open half, i.e. gravel or steel plate extension to expand the open half to a minimum of twenty feet. The minimum width of the finished driveway shall be thirty feet.

3)4) Improvements. All street improvements shall be constructed entirely within the public right of way. Grantee and those entitled to exercise the rights granted herein will accomplish the activities permitted by this Easement in a manner in which improvements lawfully existing in the Easement Area will not be disturbed. However,

~~In~~ in the event private improvements in the Easement Area are disturbed or damaged by Grantee's use of the Easement, on or before the end of the Term, they shall be restored or replaced in as good a condition as they were immediately before Grantee entered the Easement Area. During the Term, Grantee may on an interim basis, restore the Easement Area to a reasonably safe and convenient condition.

4)5) Grantor's Right to Use Easement Area. Except for those times when Grantee is making exclusive use of the Easement Area, the Grantor shall retain the right to use and enjoy the Easement Area, including the right to use existing private improvements located in the Easement Area so long as such use does not interfere with Grantee's construction of the public improvements described in this Easement.

5)6) Term of Easement. The term of this Easement is twelve (12) months (the "Term"). The Term shall commence upon ~~Grantee's authorization to its construction contractor to proceed with~~ initiation of Grantee's construction ("construction start commencement date") which shall be no sooner than September 14, 2015, and shall remain in force until ~~no later than December 31, 2016, or until completion of construction and restoration of the property, whichever occurs first~~ In no event shall the Easement Term exceed 120 days from the construction commencement date. Grantee shall provide fourteen (14) days written notice to the Grantor prior to commencement of construction. This Easement may be extended by mutual written consent of the Grantor and Grantee.

**Commented [DR01]:** Does not want construction to interfere with this summer's sales.

**Commented [DR02]:** UFS discussed this with BP's attorney and pointed out that it is possible that some construction could begin on this parcel and final reclamation could be as much as a year later for things such as striping and final finish. BP is open so some discussion on this matter, but will not approve an open window of one year.

7) Payment for Easement. Grantee shall pay Grantor One Thousand Six Hundred Fifty and 00/100ths Dollars (\$1,650.00).

6)8) Signage. During the Easement Term, Grantee shall provide and visibly display signage at the Property at the corner of Bridgeport Way and 27<sup>th</sup> Street W, indicating that the existing business at the Property is "open for business during construction."

7)9) Binding Effect. The Easement granted hereby is solely for the benefit of Grantee, and is personal to Grantee, its successors in interest and assigns. Grantee shall have the right to permit third parties to enter upon the Easement Area to accomplish the purposes described herein, provided that all such parties abide by the terms of this Easement. The Easement granted hereby, and the duties, restrictions, limitations and obligations herein created, shall run with the land, shall burden the Easement Area and shall be binding upon and the Grantor and its respective successors, assigns, mortgagees and sublessees and each and every person who shall at any time have a fee, leasehold, mortgage or other interest in any part of the Easement Area.

8)10) Notification. Should the undersigned owner (Grantor), sell the property described herein, Grantor shall promptly disclose and notify the Grantee of this agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

BP West Coast Products, LLC

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Accepted by the City of University Place    Approved as to form:**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: City Attorney  
Date: \_\_\_\_\_

STATE OF

}  
} SS.  
}

County of

I certify that I know or have satisfactory evidence that \_\_\_\_\_ and \_\_\_\_\_ (is/are) the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument, on oath stated that (he is/she is /they are) authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ and \_\_\_\_\_ of BP West Coast Products, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Name (typed or printed): \_\_\_\_\_  
NOTARY PUBLIC in and for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

**DRIVEWAY RECONSTRUCTION PERMIT**

Tax Parcel No.: 022010-1084

Bridgeport Phase 5 Roadway Improvements, Project Parcel #~~022010-1084~~25

THIS PERMIT, by and between **BP West Coast Products, LLC, a Delaware limited liability company**, hereinafter called "Grantor," and **City of University Place, a municipal corporation of the State of Washington**, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Grantor(s) represents and warrants that he/she/they is/are the owner(s) of the land shown as Project Parcel #25 on the right-of-way plans for the Bridgeport Phase 5 Roadway Improvements approved July 30, 2013.

WHEREAS, the City will perform certain improvement work for said project that will disturb a portion of the Grantor's existing driveway, pursuant to the terms of a certain Temporary Construction Easement between BP West Coast Products LLC and City of University Place dated \_\_\_\_\_, 2015.-

NOW THEREFORE, in consideration of mutual benefit the Grantor hereby grants to the City, its agents, officers, officials, and employees a temporary right to enter upon said parcel of land and work on said land for the purposes of reconstructing a portion of Grantor's existing driveway so as to conform to said certain improvements.

Any portion of said Grantor's driveway lying within the City road right-of-way shall be paved. Reconstruction of Grantor's driveway outside the City road right-of-way shall be equal in kind to the existing driveway on private property.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BP West Coast Products, LLC

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

# **COUNCIL CONSIDERATION**

APR 10 2015



CITY OF UNIVERSITY PLACE

## PETITION TO THE CITY COUNCIL FOR STREET RIGHT-OF-WAY VACATION

3715 Bridgeport Way West ♦ University Place, WA 98466  
Phone (253) 566-5656 ♦ FAX (253) 460-2541

### SECTION I INSTRUCTIONS:

To complete this Petition, please carefully read all sections; complete the information requested in Section III; append attachments required in Section V; read, sign and date the Certification in Section VII. Please type or print legibly with black or blue ink pen. The City Clerk can assist in determining the appropriate fee to submit with the Petition. This Petition form must be completed with information for all property owners seeking the street right-of-way vacation from the City.

Then, file the completed Petition, together with the requisite fee and all required attachments with the City of University Place City Clerk.

*Disclosure Requirements:* This application will be made available for public inspection in accordance with RCW 42.17, unless information given herein falls within an exception therein enumerated.

### SECTION II - PURPOSE, DEFINITIONS, GENERAL INFORMATION AND PROCEDURES:

Purpose: The purpose of this Petition is to request vacation of the City of University Place's interest in publicly-owned property within the City limits and to implement the procedures, notice requirements and fees to do so, established by UPMC Chapter 13.15. Authority for UPMC Chapter 13.15 is granted by RCW Chapter 35.79 and RCW 35A.47.020.

Definitions: A street or alley "vacation" means that the public is letting go of, or "vacating" the public interest in a property. After a street or an alley is vacated, the public no longer has a right to use the property for access.

Who may Petition for Vacation: The owners of an interest in any real property abutting upon any street or alley of the City who desire to vacate the street or alley, or any part thereof, may petition the City Council.

Procedure:

1. Submit Petition, together with required attachments and appropriate fee.
2. *Eligible Petition.* Upon receipt of the Petition, the City Clerk will make a determination as to whether the Petition has been signed by the owners of more than two-thirds of the property owners abutting the part of the street or alley to be vacated. The City Clerk will then forward the Petition and required documents to the Director for further review and action. If the Petition has been signed by two-thirds of such owners, the Petition will then be forwarded to the City Council which will, by Resolution, fix a time when the Petition will be heard and determined by the City Council (or committees of the City Council). The hearing will be not more than 60 days nor less than 20 days after the date of adoption of the Resolution.
3. *Department Report.* The Director will prepare a report concerning the proposed vacation of road, which report will address criteria listed in UPMC 13.15.080 to be considered by the City Council in determining whether to vacate the street or alley, and such other information deemed appropriate by the department. In preparation of the report, the Director will solicit comments from police, fire and other City departments and other governmental agencies which may be affected by the right-of-way vacation, as well as from utilities operating within the City. The report will be submitted to the City Council (or the City Council committee hearing the matter), as well as to the Petitioner(s) not less than five days before the hearing.
4. *Notice.* Upon passage of the Resolution fixing the time for hearing the Petition or proposal for vacation, the City Clerk will give notice to the time, place and purpose of the hearing, as set forth in RCW 35.79.020. Pursuant to UPMC 13.15.090, the City Clerk will further: (A) Publish written notice once in the City's official newspaper; (B) Post a placard in a conspicuous place at each end of the street or alley sought to be vacated; and (C) Mail written notice to all Petitioner(s) at the address(es) on the Petition and all owners of property abutting the street or alley proposed to be vacated, as shown on the records of the Pierce County Assessor. In addition, notice will be given to the owners of property which lie within 300 feet beyond the street or alley to be vacated, measuring in both directions from the area to be vacated. The Director will send the same written notice to the Petitioner(s) at the address(es) on the Petition.
5. *Protest.* If 50 percent or more of the owners of the abutting property file written objections with the City Clerk to a City Council Resolution setting a hearing to vacate a street or alley prior to the time of the hearing, the City shall not proceed with the Resolution.
6. *Compensation for Vacated Public Property pursuant to UPMC 13.15.110.*
  - A. When a vacation of public property has been initiated by Petition, the owners of the property abutting the area to be vacated will pay the City, prior to the effective date of the Ordinance vacating the area, a sum equal to one-half of the appraised value of the area vacated, plus the full cost of physical closure and road repairs as set by the City Council in the vacation Resolution, as requested by the Director. However, if the area vacated was acquired at public expense, the owners of property abutting the area vacated will pay the City a sum equal to the full appraised value of the area to be vacated.

B. A conveyance of other property which is acceptable to the City may be made in lieu of the required payment. When the conveyance is made in fee for purposes other than street purposes, the full appraised value of the land conveyed will be credited to the required payment. If the value of the in-lieu parcel is less than the required payment, the Petitioner(s) will pay the difference to the City. When the value of the in-lieu parcel exceeds the required payment, the City will pay the difference to the Petitioner(s).

7. *Appraisals.* The Director may determine the appraised value of the area to be vacated based upon an appraisal from a state-certified real estate appraiser who has an MAT or SRA designation from the Appraisal Institute. To obtain such appraisal, the Director will present to the Petitioner(s) or their representative a list of three such certified and designated appraisers from which the Petitioner(s) or their representative will select one appraiser. The Petitioner(s) will pay for the appraisal. If the Director is not satisfied with the appraisal, he or she may order a second appraisal from a state-certified real estate appraiser who has an MAT or SRA designation from the Appraisal Institute. In that event, the City will pay for the second appraisal. The Director will use the appraisal having the highest value for the area to be vacated. The Director will use the same procedure to determine the fair market value or full appraisal value of any real property proposed to be granted or dedicated to the City in lieu of cash payment under UPMC 13.15.110.

8. *Payment of Compensation of Conveyance.* After determining the appraised value of the street or alley to be vacated, pursuant to UPMC 13.5.130, the Director will notify the Petitioner(s) or their representative of the compensation amount. The Petitioner(s) will deliver payment to the Director who will transmit it to the City's Finance Department for deposit in the street fund and will make a written report of the payment to the City Council. If the Petitioner(s) have been authorized to deliver an instrument granting or dedicating a parcel or parcels of land to the City in lieu of cash payment, pursuant to UPMC 13.15.110, the Director, at the Petitioners' expense, may obtain either a policy of title insurance insuring title of the property in the City or a certificate of title as to the title thereof and deliver such policy or certificate to the City Council.

9. *Hearing.* The City Council (or City Council committee) will consider the Petition for Vacation at a public hearing and will make a determination as to the City's vacation of the street or alley.

**SECTION III – PETITIONER INFORMATION:**

**A. Name, Address and Telephone Number of Each Petitioner:**

NAME: Stefan Gehring  
Address: 3209 Tye Dr W  
U.P., WA 98466  
Telephone: (253) 606-5176

NAME: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

NAME: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

NAME: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**B. Designated Petitioner to be the City's Contact Person:**

Stefan Gehring

**SECTION III – PETITIONER INFORMATION:**

**A. Name, Address and Telephone Number of Each Petitioner:**

NAME: John R. Corwin  
Address: 3148 VISTA PL W.

Telephone: 253-565-2410

NAME: David Rubin  
Address: 3142 Vista Pl. W.

Telephone: 253-564-4654

NAME: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

NAME: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**B. Designated Petitioner to be the City's Contact Person:**

\_\_\_\_\_

**SECTION IV - PUBLIC PROERTY TO BE VACATED:**

Please see Section V below pertaining to required Petition Attachments. Receipt of the true legal description of the property to be vacated within the City of University Place, County of Pierce, State of Washington, including all affected parcel numbers, is a condition of the Petition process.

**SECTION V - REQUIRED ATTACHMENTS TO PETITION:**

Please submit the following with this Petition for Street Right-of-Way Vacation:

A. A survey containing an exact legal description of the portion of road to be vacated, prepared and sealed by a professional land surveyor, registered in the State of Washington. The survey shall indicate the date and method the right-of-way was originally acquired;

B. A vicinity map showing the general area of the proposed vacation;

C. A plat map prepared and sealed by a professional land surveyor, registered in the State of Washington, indicating the specific parcels abutting the proposed street or alley to be vacated; and

D. An exact legal description of the portion of road to be vacated prepared and sealed by a professional land surveyor, registered in the State of Washington;

E. Materials requested under A, B, C and D of this section pertaining to any other property proposed as a conveyance in lieu of cash payment for the vacated public property;

F. The name and address of all property owners for properties which lie within three hundred feet of the street or alley to be vacated.

G. Appropriate fee (see Section VI, below).

**SECTION VI - REQUIRED FEES:**

Pursuant to UPMC 13.15.050, every Petition for the vacation of any street or alley, or any part thereof, shall be accompanied by a fee in an amount established by Resolution of the City to defray the administrative costs incurred in processing the Petition and publishing, posting and mailing notices, plus any consulting costs incurred by the City during the review process. Please contact the City Clerk to ascertain the current fee to accompany a Petition to City Council for Street Right-of-Way Vacation.

**SECTION VII – CERTIFICATION:**

I hereby certify that:

1. I have read all sections of this Petition; have read and completed all of Section III; and have appended all Attachments to this Petition as required by Section V.

2. The above information is true and correct and was given candidly without misrepresentation.

DATED this 13<sup>th</sup> day of January, 2015, at University Place, Washington.

  
\_\_\_\_\_  
Signature of Petitioner  
Printed Name of Petitioner: Stefan Gehrung  
Date: 1/13/15

\_\_\_\_\_  
Signature of Petitioner  
Printed Name of Petitioner: \_\_\_\_\_  
Date: \_\_\_\_\_

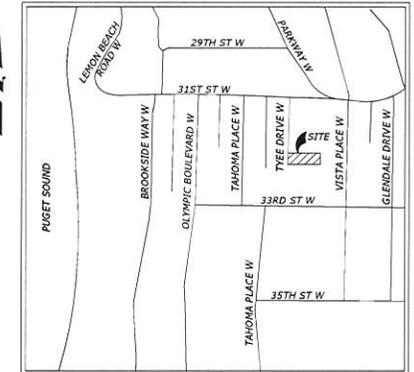
\_\_\_\_\_  
Signature of Petitioner  
Printed Name of Petitioner: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner  
Printed Name of Petitioner: \_\_\_\_\_  
Date: \_\_\_\_\_

# RECORD OF SURVEY FOR ALLEY VACATION

IN THE SW 1/4 OF THE SE 1/4 OF SECTION 9, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M.  
CITY OF UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON

VICINITY MAP  
N.T.S.



**LEGEND**

- FOUND MONUMENT;  
SEE SHEET 2 FOR DETAILS
- CALCULATED POSITION

**LEGAL DESCRIPTION OF PROPOSED ALLEY VACATION**

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL C, CITY OF UNIVERSITY PLACE BOUNDARY LINE ADJUSTMENT 12-0001, RECORDED UNDER PIERCE COUNTY RECORDING NUMBER 201302125004;  
THENCE ALONG THE EAST LINE OF SAID PARCEL C, NORTH 0°01'23" EAST, 81.34 FEET TO ITS NORTHEAST CORNER;  
THENCE SOUTH 89°57'36" EAST, 20.00 FEET TO THE WEST LINE OF BLOCK 26 OF THE PLAT OF UNIVERSITY PLACE FIRST DIVISION;  
THENCE ALONG SAID WEST LINE, SOUTH 0°01'23" WEST, 81.34 FEET TO THE SOUTHEAST CORNER OF LOT 23 OF SAID BLOCK OF SAID PLAT;  
THENCE NORTH 89°57'36" WEST, 20.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL C AND THE POINT OF BEGINNING.

SITUATE IN THE CITY OF UNIVERSITY PLACE, COUNTY OF PIERCE, STATE OF WASHINGTON.

**DATE AND METHOD OF ALLEY CREATION**

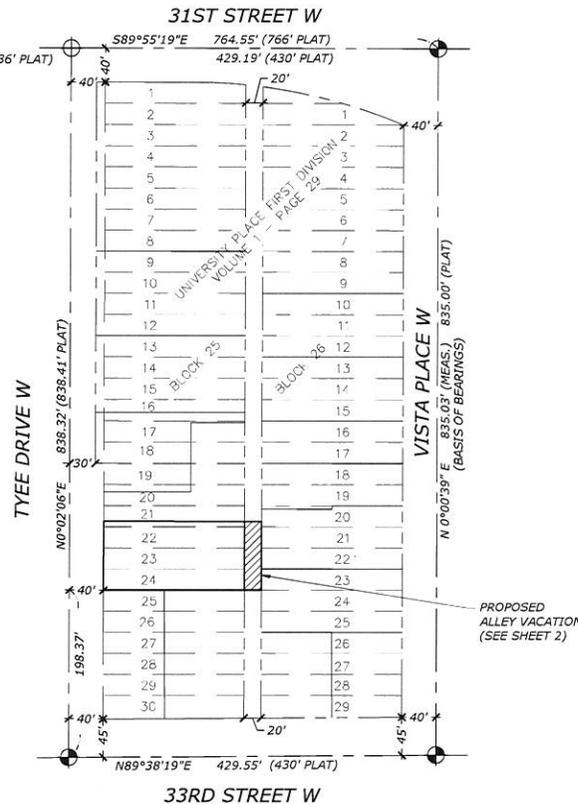
THE PLAT OF UNIVERSITY PLACE FIRST DIVISION AS RECORDED IN BOOK 1 PAGE 29 OF PLATS ON SEPTEMBER 23, 1895 CREATED THE 20 FOOT WIDE ALLEY BETWEEN BLOCKS 25 AND 26 OF SAID PLAT.

**BASIS OF BEARINGS**

PLAT OF UNIVERSITY PLACE FIRST DIVISION. THE MONUMENT LINE OF VISTA PLACE NW BETWEEN 33RD ST W AND 31ST ST W IS: N 0°00'39" E

**EQUIPMENT USED**

TOPCON PS103A TOTAL STATION. STANDARD FIELD TRAVERSE METHODS FOR CONTROL AND STAKING.



**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT, CHAPTER 58.09 RCW AND 332-130 WAC, AT THE REQUEST OF

STEFAN GEHRING

IN JANUARY, 2015



THOMAS R. GOLD, PLS 22016

**PETITIONER INFORMATION**

NAME: STEFAN GEHRING

ADDRESS: 3209 TYEE DRIVE WEST

CITY: UNIVERSITY PLACE, WA 98466

EXISTING ZONING: R1

SOURCE OF WATER: TACOMA WATER

SEWER SYSTEM: PIERCE COUNTY

ACCESS TYPE: PUBLIC ROAD

WIDTH: 60'



**BEYLER**  
CONSULTING

Plan. Design. Manage

**CONTACT**  
phone: 253-301-4157      **OFFICE**  
fax: 253-336-3950      7602 Bridgeport Way W, 3D  
beylerconsulting.com      Lakewood, WA 98499

DRWN. BY: TAG	CHK. BY: tgold	JOB NO: 15-013	DATE: 3/2/2015	SCALE: 1"=100'
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SHEET 1 OF 2

**AUDITOR'S CERTIFICATE**

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ M

RECORDS OF THE PIERCE COUNTY AUDITOR, TACOMA, WA

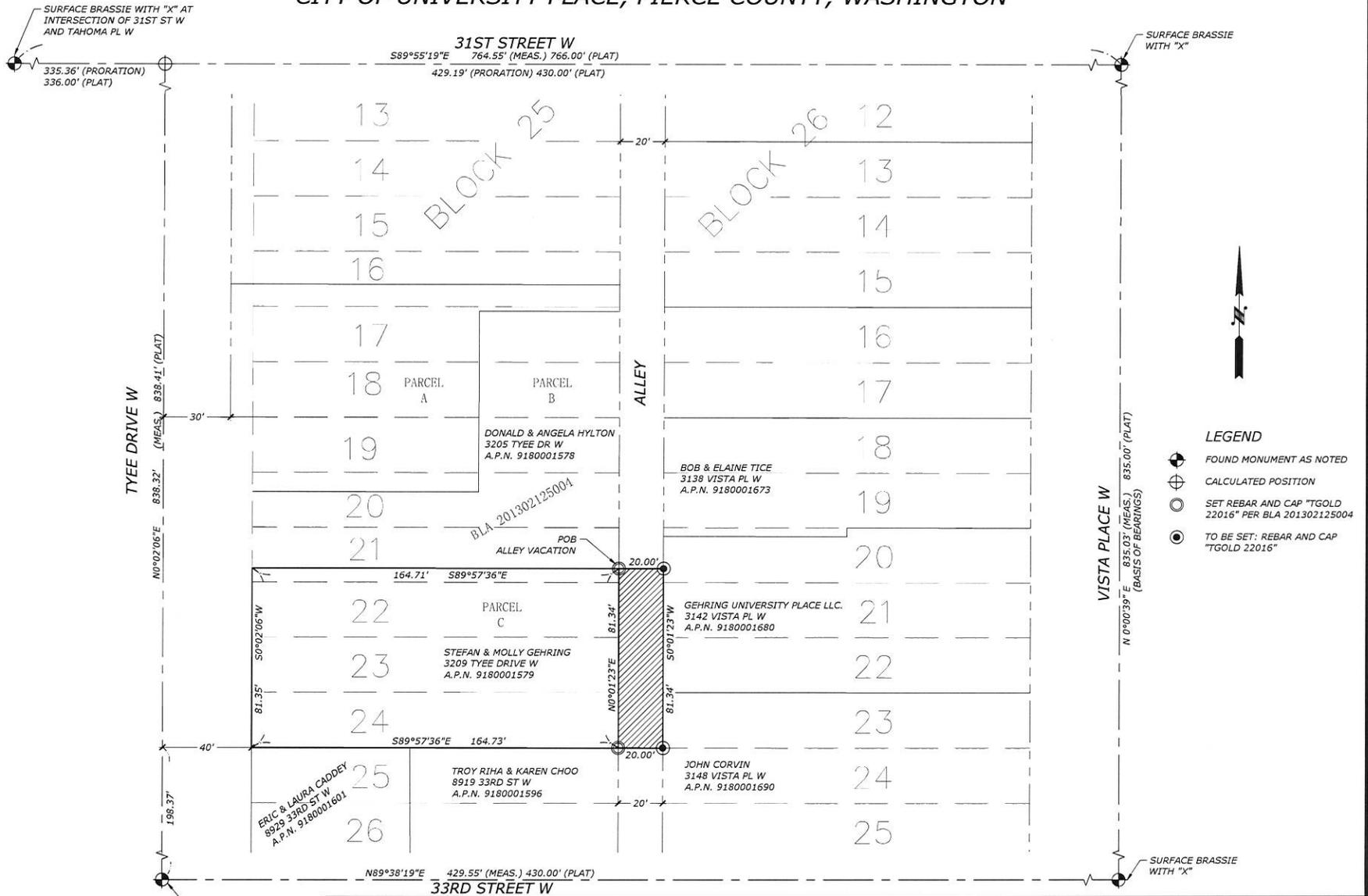
RECORDING NO.: \_\_\_\_\_

PIERCE COUNTY AUDITOR: \_\_\_\_\_

FEE: \_\_\_\_\_ BY: \_\_\_\_\_

# RECORD OF SURVEY FOR ALLEY VACATION

IN THE SW 1/4 OF THE SE 1/4 OF SECTION 9, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M.  
CITY OF UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON

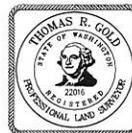


- LEGEND**
- FOUND MONUMENT AS NOTED
  - CALCULATED POSITION
  - SET REBAR AND CAP "TGOLD 22016" PER BLA 201302125004
  - TO BE SET: REBAR AND CAP "TGOLD 22016"



**LAND SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN JANUARY 2015, IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT CHAPTER 58.09 RCW AND 332-130 WAC, AT THE REQUEST OF STEFAN GEHRING



**CONTACT**  
phone: 253-301-4157  
fax: 253-336-3950  
beylerconsulting.com

**OFFICE**  
7602 Bridgeport Way W; 3D  
Lakewood, WA 98499

**RECORD OF SURVEY FOR ALLEY VACATION**  
CITY OF UNIVERSITY PLACE  
PIERCE COUNTY, WASHINGTON 98466

DRWN. BY: <b>TAG</b>	DATE: <b>3/2/2015</b>	JOB #: <b>15-013</b>
CHKD. BY: <b>tgold</b>	SCALE: <b>1"=30'</b>	SHEET: <b>2 OF 2</b>

## EXHIBIT A

### DESCRIPTION OF PROPOSED ALLEY VACATION

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL C, CITY OF UNIVERSITY PLACE BOUNDARY LINE ADJUSTMENT 12-0001, RECORDED UNDER PIERCE COUNTY RECORDING NUMBER 201302125004;  
THENCE ALONG THE EAST LINE OF SAID PARCEL C, N 0°01'23 E, 81.34 FEET TO ITS NORTHEAST CORNER;  
THENCE S 89°57'36" E, 20.00 FEET TO THE WEST LINE OF BLOCK 26 OF THE PLAT OF UNIVERSITY PLACE FIRST DIVISION;  
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THENCE N 89°57'36" W, 20.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL C AND THE POINT OF BEGINNING.

SITUATE IN THE CITY OF UNIVERSITY PLACE, COUNTY OF PIERCE, STATE OF WASHINGTON.

2/5/2015



Thomas R. Gold

Tax Parcel	Owner's Name & Address	Property Address
9180001501	TRAN HIEN VAN 1725 S 49TH ST TACOMA, WA 98408	XXX TYEE DR W
9180001502	CRAMER RICHARD 3136 TYEE DR W UNIVERSITY PLACE WA 98466	3136 TYEE DRIVE W
9180001521	HUNTER DAVID C & SLOAN B 3202 TYEE DR W UNIVERSITY PLACE WA 98466	3202 TYEE DR W
9180001523	HEO SOOK 9103 33RD ST W UNIVERSITY PLACE WA 98466	9103 33RD ST W
9180001524	HEMMING C RAY & KAREN E 9059 33RD ST W UNIVERSITY PLACE WA 98466	9059 33RD ST W
9180001601	CADDEY ERIC L & LAURA R 8929 33RD ST W UNIVERSITY PLACE WA 98466	8929 33RD ST W
9180001596	RIHA TROY & CHOO KAREN 8919 33RD ST W UNIVERSITY PLACE WA 98466	8919 33RD ST W
9180001577	MCGRAW RYAN 3135 TYEE DR W UNIVERSITY PLACE WA 98466	3135 TYEE DR W
9180001587	HYLTON, DONALD & ANGELA 3205 TYEE DR W UNIVERSITY PLACE WA 98466	3205 TYEE DR W

9180001560	PETERSON SHARON 3119 TYEE DR W UNIVERSITY PLACE WA 98466	3131 TYEE DR W
9180001550	PETERSEN GERALD & STELLA 3119 TYEE DR W UNIVERSITY PLACE WA 98466	3119 TYEE DR W
9180001640	CASSMAN STEVEN & LEONARD 3124 VISTA PL W UNIVERSITY PLACE WA 98466	3124 VISTA PL
9180001650	GUTSCH MARILYN 9209 DEERS TONGUE CIR W UNIVERSITY PLACE WA 98467	3130 VISTA PL W
9180001672	ULSETH GARY L & DELEVA A 3136 VISTA PL W UNIVERSITY PLACE WA 98466	3136 VISTA PL W
9180001673	TICE BOB S & ELAINE M 3138 VISTA PL W UNIVERSITY PLACE WA 98466	3138 VISTA PL W
9180001680	GEHRING UNIVERSITY PLACE LLC 4648 MEMORY LN W UNIVERSITY PLACE WA 98466	3142 VISTA PL W
9180001710	WEAR DARRYL L & STEPHANIE R 8909 33RD ST W UNIVERSITY PLACE WA 98466	8909 33RD ST W
9180001700	JONES SCOTT A & ELIZABETH R 8901 33RD ST W UNIVERSITY PLACE WA 98466	8901 33RD ST W
9180001780	LARSON PAUL A & KRISTI J 2120 91ST AVE W UNIT E5 UNIVERSITY PLACE WA 98466	8819-8821 33RD ST W
9180001772	JACOBSON ROBERT A 3632 66TH AVE W UNIVERSITY PLACE WA 98466	3145 VISTA PL W

9180001771	JACOBSON ROBERT & REBECCA A 3632 66TH AVE W UNIVERSITY PLACE WA 98466	3143 VISTA PL W
9180001760	MUKAI GEORGE K & MARCH M 84-707 KIANA PL APT 109B WAIANAE HI 96792-1727	3137 VISTA PL W
9180001750	TAYLOR K D 17607 91ST AVE E APT 178 PUYALLUP WA 98375	3131 VISTA PL W
9180001690	CORVIN JOHM K. 3148 VISTA PL W UNIVERSITY PLACE WA 98466	3148 VISTA PL W



## Memo

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**DATE:** May 28, 2015  
**TO:** City Council  
**FROM:** Eric A. Faison, Finance & Administrative Services Director  
**SUBJECT:** Public Hearing – Fee on Pierce County Sewer Utility

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### Background

On multiple occasions over the last several years, Council has had a number of discussions focused on the City's financial condition. These discussions have included strategies on how to increase the City's reserve funds and how to maintain, restore or enhance service levels in Police service, Parks & Recreation and Pavement Maintenance. More importantly, however, they have primarily focused on adjustments necessary to achieve a balanced and sustainable budget.

While the City has a 2015-2016 biennial budget that meets all of its legal obligations and reserve policies, the City is currently spending approximately \$1 million more per year than it generates in revenue. In February, following the failure of the public vote on police services, Council held a Special Meeting where staff provided a broad array of potential revenue enhancement and expenditure reduction options. The goal for this discussion was to resolve a projected negative General Fund ending fund balance in the next biennium, and a projected 2018 deficit in the City's Public Safety Fund.

The options presented by staff included potential voter approved revenue options, councilmanic revenue options, and options involving substantial reductions in staffing and service levels. Council narrowed the list of items for further consideration to include the following:

#### Revenue:

- Implementation of a fee on the Pierce County Sewer Utility;
- Increase in the fee on Tacoma Public Utilities;
- Eliminate the sunset provision on the City's Transportation Benefit District;
- Sell surplus property;
- Review options for contracting with other public safety agencies; and
- Explore advertising options.

#### Expenses:

- Reduce General Fund support for events;

- Eliminate General Fund support for Recreation services, with a transition year;
- Eliminate the Community Support Officer (CSO) and Investigator positions in the Public Safety Department in July 2015; and
- Eliminate two deputy positions in 2021.

In a subsequent meeting in March, Council discussed some of these options, in particular changes to police and recreation services, changes to the Transportation Benefit District, and the imposition of a utility tax or fee on Pierce County Sewers. In a meeting in April, staff provided additional information on potential staff and service level reductions required to obtain a balanced budget without new revenue. Based on discussions during these meetings, the City Manager is proceeding with the elimination of the CSO and investigator positions this July and on changes that will result in a reduction in the General Fund subsidy to Recreation. The City Manager also has postponed work on the TBD sunset until the 2019-2020 biennial budget.

While the focus of this ordinance is the fee on the County's Sewer Services, staff continues to work on several of the other options that required further study. These other revenue and staffing/service level options will be discussed at a future meeting.

### **Sewer Fee**

In 1999, soon after incorporation, the City entered into an interlocal agreement with Pierce County outlining the terms under which the County will provide sanitary sewer service within the City. The agreement provides that the City may implement a fee that will be incorporated into the County's billing system.

A fee on the County's Sewer Utility at the rate of 8%, which is the rate currently paid by Tacoma Public Utilities for water services, would generate approximately \$480,000 a year. The Sewer Utility currently charges single family residential customers a flat rate of \$44.18 per month. The multi-family rate is \$38.61. As a result, residential customers would pay between \$3.09 and \$3.53 more per month. Commercial accounts are billed based on classification and usage. As a result, we cannot estimate the additional expense for businesses or public agencies.

### **Dedication to the Street Fund**

The City's General Fund currently subsidizes the Street Fund by approximately \$400,000 a year. This subsidy is projected to experience inflationary increases over the next ten years. If implemented pursuant to this ordinance, it is the City Manager's recommendation that the General Fund subsidy be eliminated, and the revenue generated by the fee on the County's Sewer Utility be dedicated to the Street Fund. This dedication, along with State fuel taxes and funding from the Transportation Benefit District, would result in the Street Fund being wholly self-sufficient.

## **Financial Forecast**

Attached to this memo, you will find two forecasts. The first forecast is a status-quo forecast. It reflects the elimination of the two positions in the Public Safety Department beginning this July. It does not assume any changes to the Recreation subsidy or the imposition of the fee on the Pierce County Sewer Utility. The second forecast assumes a 50% reduction in General Fund support for Recreation, beginning in 2016, and an elimination of the Recreation subsidy beginning in 2017. It also assumes a reduction in the General Fund subsidy to the Street Fund and implementation of an 8% fee on Pierce County Sewer services dedicated to the Street Fund beginning in September.

**CITY OF UNIVERSITY PLACE**  
**FINANCIAL FORECAST - Status Quo, Elimination of CSO & Investigator**  
**2015 THROUGH 2024**

ENDING FUND BALANCE										
	12/31/2015	12/31/2016	12/31/2017	12/31/2018	12/31/2019	12/31/2020	12/31/2021	12/31/2022	12/31/2023	12/31/2024
General Fund	\$ 2,059,927	\$ 1,178,066	\$ 272,684	\$ (604,550)	\$ (1,605,675)	\$ (2,800,912)	\$ (4,178,224)	\$ (5,729,741)	\$ (7,415,449)	\$ (9,164,688)
Police/Public Safety Fund	605,590	731,947	766,873	709,371	555,710	302,036	(55,630)	(521,397)	(1,099,511)	(1,794,356)
Parks and Recreation	-	-	(0)	0	(0)	(0)	(0)	0	(0)	(0)
Street Fund	-	-	-	-	-	-	-	-	-	-
<b>General Fund Transfers/Subsidy:</b>										
Street Fund	507,178	371,362	394,309	346,549	384,709	561,994	699,748	730,794	762,881	796,042
Recreation	376,987	390,440	426,960	444,799	463,300	482,491	502,394	523,034	544,436	566,631
Parks Maintenance	330,045	299,169	312,958	345,119	358,815	374,174	390,014	408,034	392,016	408,851
Police	-	-	-	-	-	-	-	-	-	-
Development Services	441,139	590,497	636,315	666,903	693,462	720,917	749,298	778,635	808,962	840,306
	1,655,349	1,651,468	1,770,542	1,803,370	1,900,286	2,139,576	2,341,454	2,440,497	2,508,295	2,611,830

**Assumes:**

- TBD Sunsets in 5 years (2019)
- Continued GF support of Recreation
- Continued GF support of Parks
- Continued GF support of Streets with no additional funding
- Eliminate CSO & Investigator - No additional Police Funding

**CITY OF UNIVERSITY PLACE**  
**FINANCIAL FORECAST - Option 1, Revenue**  
**2015 THROUGH 2024**

	ENDING FUND BALANCE									
	12/31/2015	12/31/2016	12/31/2017	12/31/2018	12/31/2019	12/31/2020	12/31/2021	12/31/2022	12/31/2023	12/31/2024
General Fund	\$ 2,386,822	\$ 2,088,108	\$ 2,146,251	\$ 2,165,618	\$ 2,109,941	\$ 2,042,485	\$ 1,937,804	\$ 1,701,935	\$ 1,365,283	\$ 1,004,603
Police/Public Safety Fund	605,590	731,949	768,594	713,394	562,652	312,554	(40,840)	(501,599)	(1,073,924)	(1,762,152)
Parks and Recreation	-	(195,220)	-	-	-	-	-	-	-	-
Street Fund	-	111,326	206,945	357,673	477,701	581,190	692,274	780,056	843,613	881,985
<b>General Fund Transfers/Subsidy:</b>										
Street Fund	387,178	-	-	-	-	-	-	-	-	-
Recreation	376,987	195,220	-	-	-	-	-	-	-	-
Parks Maintenance	330,045	299,169	319,475	358,707	380,063	403,711	428,507	456,191	450,592	478,647
Police	-	-	-	-	-	-	-	-	-	-
Development Services	441,139	590,497	636,315	666,903	693,462	720,917	749,298	778,635	808,962	840,306
	1,535,349	1,084,886	955,790	1,025,610	1,073,525	1,124,628	1,177,805	1,234,826	1,259,554	1,318,953

**Assumes:**

Eliminate TBD Sunset (dedicated to Streets)

8% Sewer Franchise Fee - beginning Sept 2015 (dedicated to Streets)

Reduced GF support of Recreation - cut by 1/2 in 2016, eliminated in 2017

Eliminate GF support of Streets

Eliminate CSO & Investigator - No additional Police Funding

Bond Refi Savings - Beginning in January 2016

**Business of the City Council  
City of University Place, WA**

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**Proposed Council Action:**

Pass an ordinance adding a fee to sewer service within its City limits for the City's forbearance from establishing its own sewer utility, calculated as eight percent of the revenues received from sewer customers in the City; and adopting legislative findings.

**Agenda No:** 10

**Dept. Origin:** City Attorney

**For Agenda of:** June 1, 2015

**Exhibits:** Memo and Draft Ordinance

**Concurred by Mayor:** \_\_\_\_\_

**Approved by City Manager:** \_\_\_\_\_

**Approved as to Form by City Atty.:** \_\_\_\_\_

**Approved by Finance Director:** \_\_\_\_\_

**Approved by Dept. Head:** \_\_\_\_\_

Expenditure  
Required: \$0.00

Amount  
Budgeted: \$0.00

Appropriation  
Required: \$0.00

**SUMMARY / POLICY ISSUES**

The City has considered the issues of solid waste, water, sewer, and electrical power services, including formation of its own utilities, and has chosen to form a solid waste utility, but not, to date, a water, electrical power, or sewer utility. The subject of sewerage systems has a tumultuous history in the City of University Place, portions of which remain without sewer service. The City has considered and reconsidered many approaches to sewerage, including consideration and reconsideration of creation of a City sewer utility, because of the patchwork of sewers and private on-site septic systems within the City.

To date the City has not implemented universal mandatory sewer connection legislation, and existing on-site septic systems continue to be repaired, and new on-site septic systems continue to be constructed where sewer is not reasonably or cost-effectively available within the City. The operation of a partial sewerage system within the City by Pierce County remains a proprietary activity of Pierce County within the University Place City limits.

In 1999, the University Place City Council and the Pierce County Council approved an Interlocal Agreement regarding sanitary sewer services within the City (the Interlocal Agreement), which renews automatically every year. In the Interlocal Agreement, at Section 4.6, Pierce County expressly authorized and agreed to, as a matter of contract, the future addition by the City of a City fee to service charge billings which the County is obliged to implement, within its computer billing system. The Interlocal Agreement at Section 7 expressly requires the City to indemnify, defend, and hold the County harmless from any claims arising out of City actions or ordinances, which would include this City sewer fee ordinance.

Pierce County Sewer, Tacoma Water and Tacoma Power utilize the City's rights of way to provide water and electrical power to customers within the City under agreements approved by the City Council and each pays the City a fee for the City's forbearance from establishing its own water and power utilities calculated as a percentage of the revenues received from their customers in the City.

It is recommend as being in the best interests of the City to treat sewer service providers in the City in the same manner as water and electrical power providers by adopting an ordinance adding a fee to sewer service providers within City limits for the City's forbearance from establishing its own sewer utility calculated as eight percent of the revenues received from their customers in the City, to be implemented by agreement; which fee Pierce County has contractually agreed to implement within the 1999 Interlocal Agreement.

**RECOMMENDATION / MOTION**

**MOVE TO:** Pass an ordinance adding a fee to sewer service within its City limits for the City's forbearance from establishing its own sewer utility, calculated as eight percent of the revenues received from sewer customers in the City; and adopting legislative findings.

**Draft  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON ADDING A FEE TO SEWER SERVICE WITHIN ITS CITY LIMITS FOR THE CITY'S FORBEARANCE FROM ESTABLISHING ITS OWN SEWER UTILITY, CALCULATED AS EIGHT PERCENT OF THE REVENUES RECEIVED FROM SEWER CUSTOMERS IN THE CITY; AND ADOPTING LEGISLATIVE FINDINGS**

WHEREAS, the City has considered the issues of solid waste, water, sewer, and electrical power services, including formation of its own utilities, and has chosen to form a solid waste utility, but not, to date, a water, electrical power, or sewer utility; and

WHEREAS, the subject of sewerage systems has a tumultuous history in the City of University Place, portions of which remain without sewer service; and

WHEREAS, the City has considered and reconsidered many approaches to sewerage, including consideration and reconsideration of creation of a City sewer utility, because of the patchwork of sewers and private on-site septic systems within the City; and

WHEREAS, to date the City has not implemented universal mandatory sewer connection legislation, and existing on-site septic systems continue to be repaired, and new on-site septic systems continue to be constructed where sewer is not reasonably or cost-effectively available within the City; and

WHEREAS, the operation of a partial sewerage system within the City by Pierce County remains a proprietary activity of Pierce County within the University Place city limits; and

WHEREAS, in 1999, the University Place City Council and the Pierce County Council approved an Interlocal Agreement regarding sanitary sewer services within the City (the Interlocal Agreement), which renews automatically every year; and

WHEREAS, in the Interlocal Agreement, at Section 4.6, Pierce County expressly authorized and agreed to, as a matter of contract, the future addition by the City of a City fee to service charge billings which the County is obliged to implement, within its computer billing system; and

WHEREAS, the Interlocal Agreement at Section 7 expressly requires the City to indemnify, defend, and hold the County harmless from any claims arising out of City actions or ordinances, which would include this City sewer fee ordinance; and

WHEREAS, Pierce County Sewer, Tacoma Water and Tacoma Power utilize the City's rights of way to provide water and electrical power to customers within the City under agreements approved by the City Council and each pays the City a fee for the City's forbearance from establishing its own water and power utilities calculated as a percentage of the revenues received from their customers in the City; and

WHEREAS, a public hearing was held on June 1, 2015, regarding the regulations set forth in this Ordinance and the City Council weighed the testimony and considered all materials received in enacting this Ordinance; and

WHEREAS, the City Council finds it to be in the best interests of the City to treat sewer service providers in the City in the same manner as water and electrical power providers by adopting an ordinance adding a fee to sewer service providers within City limits for the City's forbearance from establishing its own sewer utility calculated as eight percent of the revenues received from their customers in the City, to be implemented by agreement; which fee Pierce County has contractually agreed to implement within the 1999 Interlocal Agreement;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Legislative Findings. The recitals and findings set forth above are hereby adopted as the City Council's legislative findings in support of the regulations adopted by this Ordinance.

Section 2. Fee Enacted. There is hereby enacted a fee on sewer service within City limits, for the City's forbearance from establishing its own sewer utility, calculated as eight percent of the revenues received from sewer customers in the City; to be implemented by agreement.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance or its application to any other person or situation.

Section 4. Effective Date. This Ordinance shall be effective five (5) days after its publication.

**PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2015.**

\_\_\_\_\_  
Denise McCluskey, Mayor

**ATTEST:**

\_\_\_\_\_  
Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steve Victor, City Attorney

Publication Date:

Effective Date:

**UNIVERSITY PLACE  
TOWN CENTER AUTHORITY  
BOARD**

# Memo

**DATE:** June 1, 2015

**TO:** University Place Town Center Authority Board

**FROM:** Leslie Blaisdell, Deputy Finance Director 

**SUBJECT:** University Place Town Center Authority Update

On August 24, 2009, the City Council designated a Revitalization Area named "Town Center Revitalization Area" to include properties extending from 35th Street south to 40th Street along Bridgeport Way and Drexler Drive within the greater Town Center District. The City applied for and was eligible to receive \$500,000 a year in LRF Tax funding.

In 2011 the UPTCA issued a \$5,885,000 Revenue Bond for funding projects within the Town Center Revitalization Area. Annual debt service payments on the bond average \$400,000 a year. Any revenues received in excess of the \$400,000 annual debt service payment are set aside in a reserve account for future payments should the tax revenues ever drop below the required annual debt service payment amount. Additionally, a portion of the original bond proceeds was set aside in the reserve account. The current balance in the reserve account is \$1,321,859.

LRF tax revenues received to date for debt repayment are as follows:

September 2011 to June 2012	\$438,081
July 2012 to June 2013	\$500,000
July 2013 to June 2014	\$497,000
July 2014 to June 2015	\$500,000

All funds available for projects have been allocated by the UPTCA Board to projects. Status of those projects is as follows:

	Life to Date 2011- 2014	2015 Carryforward Budget	Project Totals
Market Place Street Pedestrian	416,267	23,189	439,456
Lot 10 Staircase	9,720	92,000	101,720
Lot 10A Sprinkler	73,517	-	73,517
Garage/Elevator Improvements	166,918	206,326	373,244
Garage TI Design	49,283	-	49,283
Market Place Ph. 5	124,927	140,000	264,927
Lot 8 Garage Improvements	1,343,126	-	1,343,126
Flagpole	10,316	-	10,316
Lot 10 Parking	1,702,904	-	1,702,904
Briarview Demo	-	87,233	87,233
Drexler Power Vault	-	20,000	20,000
Debt Service Payment	498,000	-	498,000
	4,394,979	568,748	4,963,727

All projects are estimated to be completed in this biennium.