

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 13, 2013

AGENDA ITEM: Roy Robinson Subaru utility request	AGENDA SECTION: New Business	
PREPARED BY: Gloria Hirashima, Chief Administrative Officer	DIRECTOR APPROVAL:	
ATTACHMENTS: 1. Site information 2. Staff memorandum dated 5/1/13 3. Draft Memorandum of Understanding with Tulalip Tribes		
	MAYOR	CAO
BUDGET CODE:	AMOUNT: \$	

DESCRIPTION:

Roy Robinson Subaru has requested consideration of utilities for their leased property located west of Interstate 5, on the Tulalip Reservation (see attachment 1). The water/sewer connection will service a new auto dealership on the property, which is currently vacant land. They have submitted for utility plan review to Community Development for water and sewer to serve the property.

The property is located outside the City’s utility service area and city limits. It is also located outside Marysville’s urban growth area, on the Tulalip Indian reservation. The proposal is currently being reviewed by Tulalip Tribes permit review committee and Snohomish County as it is within the Tribes’ and the County’s jurisdiction.

The City is in discussions with Tulalip Tribes over the sale of water and sewer lines west of Interstate 5. The City hopes to resolve the purchase and sale and transfer by the end of 2013.

Roy Robinson Subaru hopes to commence construction in the immediate future, prior to completion of the water/sewer sale to the Tulalip Tribes. Therefore, they are requesting consideration from the city in providing a connection prior to transfer of the services.

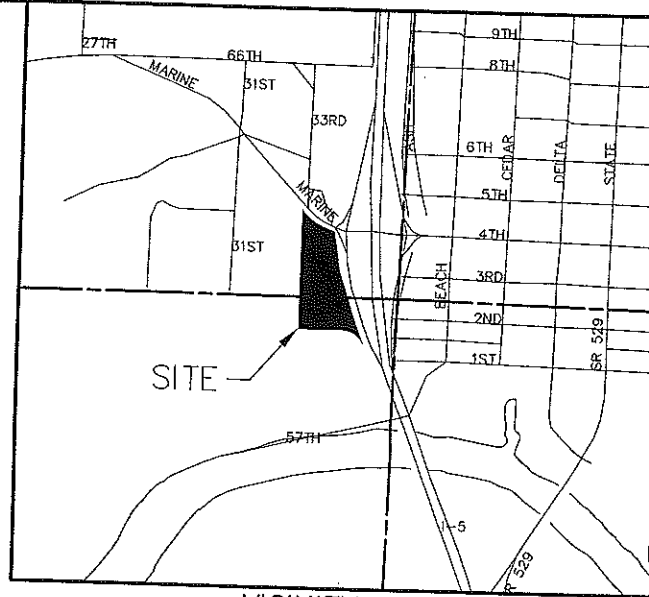
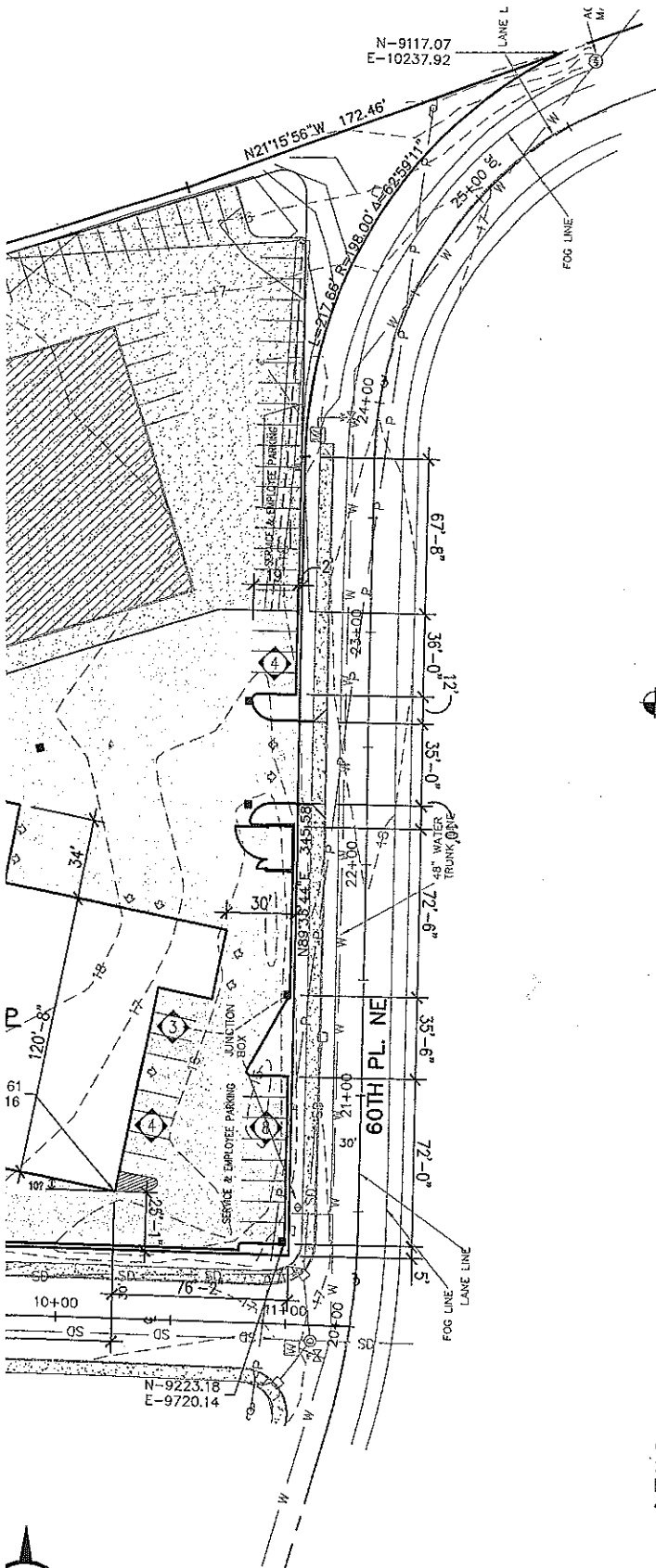
RECOMMENDED ACTION:

Consider options including 1) Approval of utilities by MOU with Tulalip Tribes; or 2) Approval of utilities to Roy Robinson without reference to MOU; or 3) denial of request.

COUNCIL ACTION:

DN

RANGE 5 E, W.M.



VICINITY MAP
SCALE 1" = 2000'

LEGAL DESCRIPTION

A TITLE REPORT HAS NOT BEEN ACQUIRED TO SUPPORT THIS SURVEY. BOUNDARY LINES HAVE BEEN OBTAINED FROM AVAILABLE COUNTY RECORDS AND ADJOINER LEGAL DESCRIPTIONS. EASEMENTS ARE NOT SHOWN.

DATUM

NAVD 88

BENCHMARK

WSDOT MONUMENT DESIGNATION GP31005-128
ELEVATION = 40.40'

BASIS OF BEARING

WASHINGTON STATE PLANE NORTH ZONE HOLDING WSDOT MONUMENT GP31005-128 AND MONUMENT GP31005-52.

SITE DATA

SITE ADDRESS: NEC 60TH PL NE & 33 AVE. NE
TULALIP, WA 98271
TAX ACCOUNT NUMBER: 30052900400400

OWNER

THE TULALIP TRIBES OF WA.
6406 MARINE DRIVE
TULALIP, WA 98271
800.869.8287

APPLICANT

ROY ROBINSON SUBARU
6616 35TH AVE. SE
TULALIP, WA 98271
866.662.1719

SURVEYOR

A.S.P.I.
CONTACT: MATTHEW SCHNEIDERS
4532-B EVERGREEN WAY
EVERETT, WA 98203
425.252.1884

CIVIL ENGINEER

OMEGA ENGINEERING, INC.
JOSEPH SMEBY, PE
2829 ROCKEFELLER AVE.
EVERETT, WA 98201
425.387.3820
F: 425.259.1958

ARCHITECT

2812 ARCHITECTURE
CONTACT: ADAM CLARK, AIA
2812 COLBY AVE
EVERETT, WA 98201
425.252.2153





EXECUTIVE DEPARTMENT
1049 State Avenue ♦ Marysville, WA 98270
(360) 363-8088 ♦ (360) 651-5099 FAX

DATE: May 1, 2013
TO: Marysville City Council
FROM: Gloria Hirashima, Chief Administrative Officer
SUBJECT: Roy Robinson Subaru utility request

Roy Robinson Subaru has submitted plans for a new dealership west of Interstate 5 on the Tulalip Reservation. They have water and sewer plans submitted for review to Marysville Community Development. The City of Marysville currently owns water and sewer lines west of Interstate 5 serving existing residential and commercial properties west of Interstate 5. The city provides limited services west of Interstate 5. The area is outside the Marysville urban growth area, city limits and utility service area.

The City and Tulalip Tribes are negotiating a sale of the water and sewer lines on the reservation from the City to the Tulalip Tribes. This sale has been in discussions since 2007, when the City approved a utility request for the museum and cultural center (Resolution 2197). The sale has advanced this year, with documents under review by both parties.

If utilities are granted at this time by the city of Marysville, the applicant is on notice that water/sewer will be sold to the Tulalip Tribes, and future conditions, rates and fees will be determined by the Tribes following transfer of the system. This statement should be included in any resolution or authorization for water and sewer of the subject property.

**MEMORANDUM OF UNDERSTANDING
BETWEEN TULALIP TRIBES AND CITY OF MARYSVILLE
REGARDING SALE OF WATER AND SEWER INFRASTRUCTURE
AND FUTURE SERVICES WITHIN THE CONTRACT AREA**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between the City of Marysville ("City") and Tulalip Tribes of Washington ("Tribes").

WHEREAS, the City of Marysville owns certain water and sewer infrastructure west of Interstate 5, in the vicinity of Marine Drive, on the Tulalip Tribes Indian Reservation.

WHEREAS, the City of Marysville desires to sell said infrastructure to the Tribes and the Tribes wish to purchase said infrastructure.

WHEREAS, the agreements have been drafted and both parties intend to complete negotiations over the next several months to conclude and close said sale between City and Tribes.

WHEREAS, pending development applications require action by the City to approve or deny water and sewer connections, and the City wishes to ensure concurrence by the Tribes as the future owner of said connections.

NOW, THEREFORE, THE City and Tribes understand and agree as follows:

1. **WATER AND SEWER INFRASTRUCTURE.** The City and Tribes are currently reviewing draft water and sewer infrastructure sale contracts as well as a draft agreement for conveyance of treated wastewater for the area west of Interstate 5 in the vicinity of Marine View Drive described in said agreements. Subject to final negotiation of the agreements, both parties intend to conclude and close the sale over the next several months, resulting in transfer of the ownership of the system to the Tribes.
2. **PENDING SEWER CONNECTIONS IN SAID AREA.** The City and Tribes have reviewed two proposals to connect to sewer in the pending sale area. Roy Robinson Subaru has proposed a new facility at the northeast corner of 61st Place NE and 33rd Avenue NE. They will be applying to Marysville for a new sewer connection for their facility. Tribes have constructed a gas station at 6327 Marine Drive and wish to connect the facility to sewer. These connections may occur in advance of the sale of the system to the Tribes. The City and Tribes concur that these connections will be consistent with and incorporated into the infrastructure to be sold and transferred to the Tribes upon purchase.
3. **CONNECTION FEES AND RATES.** New connections referenced herein that apply for connection to the City shall pay connection fees and rates consistent with Chapter 14.07 of the Marysville Municipal Code. Connections shall be paid at "Outside City" charges and monthly utility rates shall be paid at "Outside UGA" rates as long as the system remains under ownership by the City.

Following sale and transfer of the utility system to the Tribes, the Tribes will determine monthly rates.

DATED this _____ day of _____, 2013.

TULALIP TRIBES OF WASHINGTON

By: _____
Chairman

CITY OF MARYSVILLE

By: _____
Mayor