

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 9, 2015

AGENDA ITEM: Public Hearing to consider the proposed vacation of 25 th Avenue NE and the existing stormwater pond and the request to waive compensation for said vacation.	AGENDA SECTION: Public Hearing	
PREPARED BY: Chris Holland, Planning Manager	APPROVED BY:	
ATTACHMENTS: 1. Resolution 2372 2. Petition for Vacation of 25 th Avenue NE, including: <ul style="list-style-type: none"> • Exhibit A – AERO Construction Co. Bid • Exhibit B – Lakewood Station Preliminary Site Plan • Exhibit C – Future ROW Dedication for realigned roadway 3. Memo from Chris Holland, Planning Manager, 12/23/14 4. Staff & Public Agency Comments 5. Chapter 12.32 MMC, <i>Vacation of Streets and Alleys</i> 6. Ordinance	MAYOR	CAO
	BUDGET CODE:	
BUDGET CODE:		AMOUNT:

DESCRIPTION:

On January 12, 2014 City Council passed Resolution No. 2372 setting a public hearing date on February 9, 2015 to consider the petition from Smokey Point Commercial, LLC (applicant), proposing to vacate a portion of 25th Avenue NE and an existing stormwater detention pond, located north of 172nd Street NE (SR 531), in conjunction with the construction of the Lakewood Station Binding Site Plan. The resolution recommended City Council waive all compensation of the vacated right-of-way based on the factors outlined in Resolution No. 2372.

Staff is recommending Council approve the proposed vacation of 25th Avenue NE and the existing stormwater detention pond, subject to the following conditions, as reflected in the attached Ordinance:

- (a) Vacation of 25th Avenue NE and the stormwater detention pond shall not be effective until the applicant has constructed a permanent or temporary public access from 25th Avenue NE to 172nd Street NE (SR 531), as approved by the City Engineer;
- (b) 25th Avenue NE shall be vacated subject to reservation of a perpetual easement in favor of the City of Marysville for utilities, across, under and through that portion of the property; and
- (c) The applicant shall be required to construct and dedicate, to the City of Marysville, a new public roadway realigning 25th Avenue NE to the west to a mini RAB and construct a RAB at 172nd Street NE (SR 531), to a public standard; including sidewalks, planter strips and decorative lighting, as approved by the City Engineer and Washington State Department of Transportation.

RECOMMENDED ACTION:

Approve the Ordinance vacating 25th Avenue NE and the stormwater detention facility, subject to the conditions reflected in the ordinance, and waive compensation for the vacation.

COUNCIL ACTION:

CITY OF MARYSVILLE
Marysville, Washington
RESOLUTION NO. 2372

A RESOLUTION OF THE CITY OF MARYSVILLE ESTABLISHING FEBRUARY 9, 2015 AS THE DATE UPON WHICH A HEARING SHALL BE HELD BEFORE THE MARYSVILLE CITY COUNCIL TO CONSIDER VACATION OF A PORTION OF 25th AVENUE NE, AND A STORMWATER DETENTION POND, LOCATED NORTH OF 172nd STREET NE (SR 531) IN THE CITY OF MARYSVILLE, AND CONSIDER WAIVING COMPENSATION FOR SAID VACATION.

WHEREAS, Smokey Point Commercial, LLC, petitioned the City of Marysville to vacate a portion of 25th Avenue NE and an existing stormwater detention pond, north of 172nd Street NE (SR 531), in the City of Marysville; and

WHEREAS, on January 12, 2015, the Marysville City Council considered the petition and directed staff to schedule a public hearing pursuant to Chapter 12.32 of the Marysville Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, AS FOLLOWS:

Section 1. Pursuant to RCW 35.79.010, incorporated by reference in RCW 35A.47.020, and pursuant to Marysville Municipal Code Section 12.32.020, **February 9, 2015** shall be and hereby is established as the time at which the City Council of the City of Marysville shall hold a public hearing at the Marysville City Hall at 7:00 PM or such later hour as is available, to consider the right-of-way vacation petition of Smokey Point Commercial, LLC, requesting vacation of a portion of 25th Avenue NE and an existing stormwater detention pond, generally located north of 172nd Street NE (SR 531), which is legally described in **Exhibits A & C** and depicted in **Exhibits B & D**, attached hereto.

Section 2. Pursuant to Marysville Municipal Code Section 12.32.020, when the vacation is initiated by the City of Marysville, or the City Council deems it in the best interest of the City of Marysville, the Council may waive all or any portion of such compensation. At the time the Council initially has the petition before it in order to set the matter for public hearing by resolution, the Council shall consider the reports of the City Engineer and/or the Community Development Director shall determine whether or not it will require that the City be compensated as a condition of the vacation.

Section 3. The City Engineer and Community Development Director have recommended the Council waive all compensation of the vacated right-of-way and stormwater detention pond, based on the following factors:

- (a) At the public hearing for the Lakewood Station Binding Site Plan, Washington State Department of Transportation (WSDOT) testified that a signal or a RAB would not be allowed to be installed at the intersection of 172nd Street NE (SR 531) and 25th Avenue NE, due to its close proximity to the signalized intersection of 27th Avenue NE to the east. WSDOT however, does support construction of a RAB further west at approximately the 2300 Block.

(b) The relocation of 25th Avenue NE, west to a RAB located at 23rd Avenue NE, will provide a public benefit by allowing existing residents, future residents and patrons of the proposed commercial development improved access to 172nd Street NE (SR 531). Currently, 25th Avenue NE is a non-signalized intersection which makes it difficult to make left turns during the AM and PM peak hours.

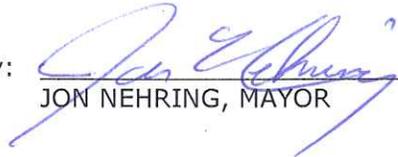
(c) Vacating 25th Avenue NE and the stormwater detention pond provides an opportunity for commercial development that would otherwise be difficult due to access restrictions required by WSDOT, which would benefit the public through increased tax revenue to the City of Marysville.

(d) The applicant is proposing to construct and dedicate a new roadway alignment, to a public standard; including sidewalks, planter strips and decorative lighting, at no cost to the public. The cost for constructing the road, **not including** the RAB at 172nd Street NE (SR 531), decorative lighting and landscaping is approximately \$776,692.00.

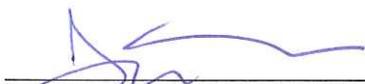
(e) The dedication of new public right-of-way is approximately 86,733 SF, **not including** dedication of right-of-way for the construction of the RAB and frontage improvements on 172nd Street NE (SR 531). The applicant has requested 87,342 SF of existing right-of-way be vacated.

PASSED by the City Council and APPROVED by the Mayor this 12th day of January, 2015.

CITY OF MARYSVILLE

By: 
JON NEHRING, MAYOR

Attest:
By: 
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:
By: 
CITY ATTORNEY

Date of Publication: 1/17/15
Effective Date: 1/22/15
(5 days after publication)

EXHIBIT A

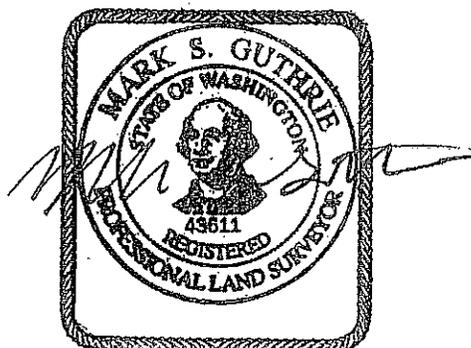
25TH AVENUE NE VACATION LEGAL DESCRIPTION

THE EAST 30.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE SOUTH 30.00 FEET THEREOF.

TOGETHER WITH THE WEST 30.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE SOUTH 40.00 FEET THEREOF.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND:
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20;
THENCE SOUTH 89°03'37" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 356.18 FEET;
THENCE NORTH 00°56'23" WEST 40.00 FEET TO THE NORTH LINE OF A TRACT OF LAND CONVEYED TO THE STATE OF WASHINGTON BY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200101290045, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
THENCE SOUTH 89°03'37" WEST ALONG SAID NORTH LINE 253.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°44'11" AN ARC DISTANCE OF 32.02 FEET TO A POINT ON THE EAST RIGHT OF WAY OF 25TH AVENUE NE;
THENCE SOUTH 00°47'48" WEST ALONG SAID EAST RIGHT OF WAY 20.62 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 40.00 FEET OF SAID SOUTHWEST QUARTER;
THENCE NORTH 89°03'37" EAST ALONG SAID NORTH LINE 20.62 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



3-5-13

EXHIBIT B

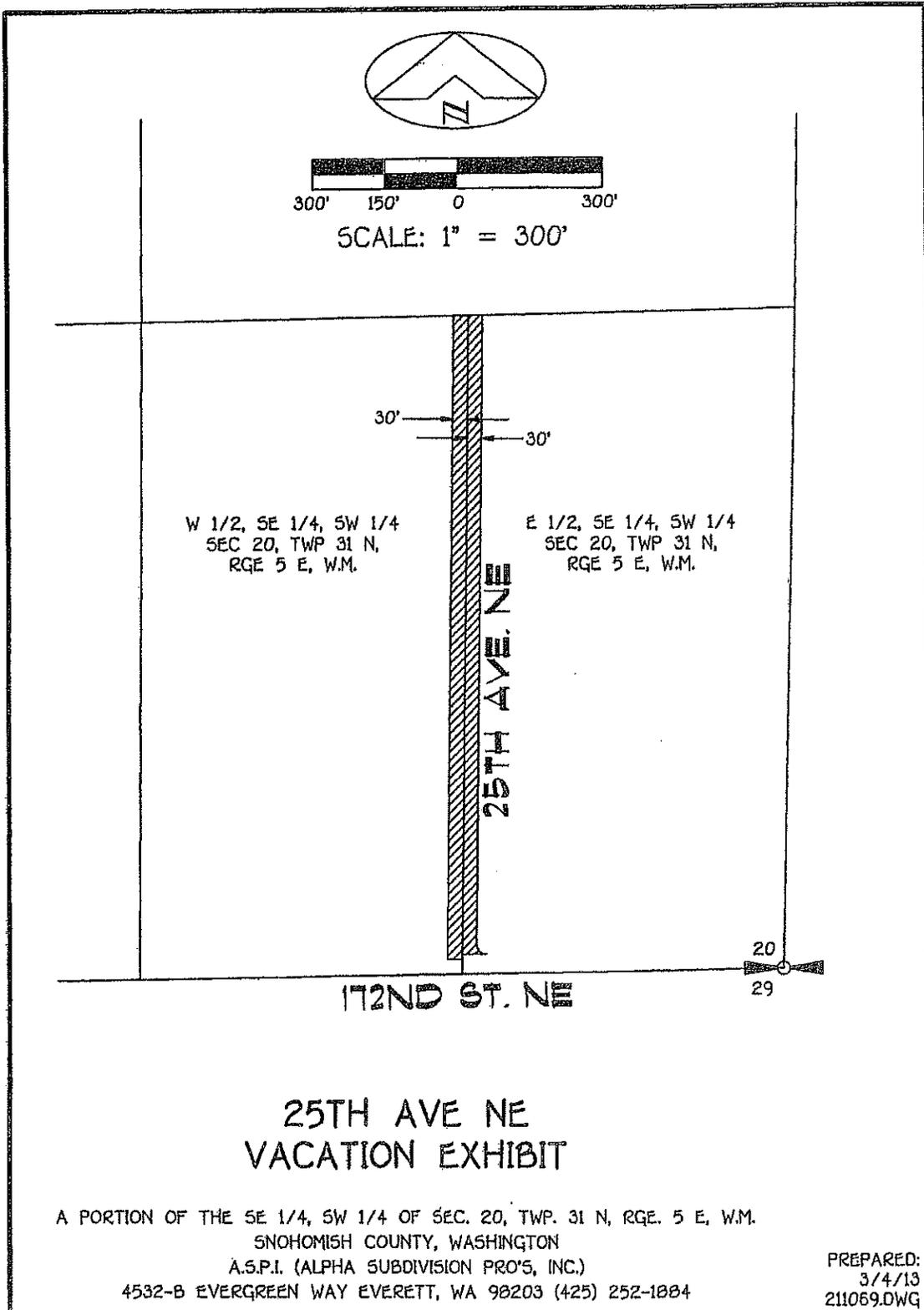
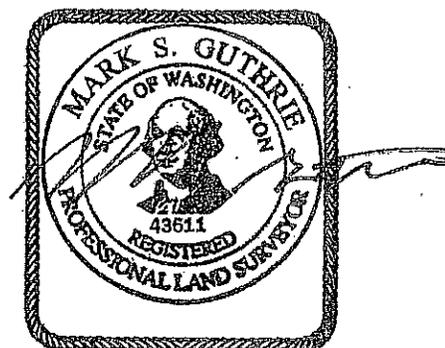


EXHIBIT C

POND AREA VACATION LEGAL DESCRIPTION

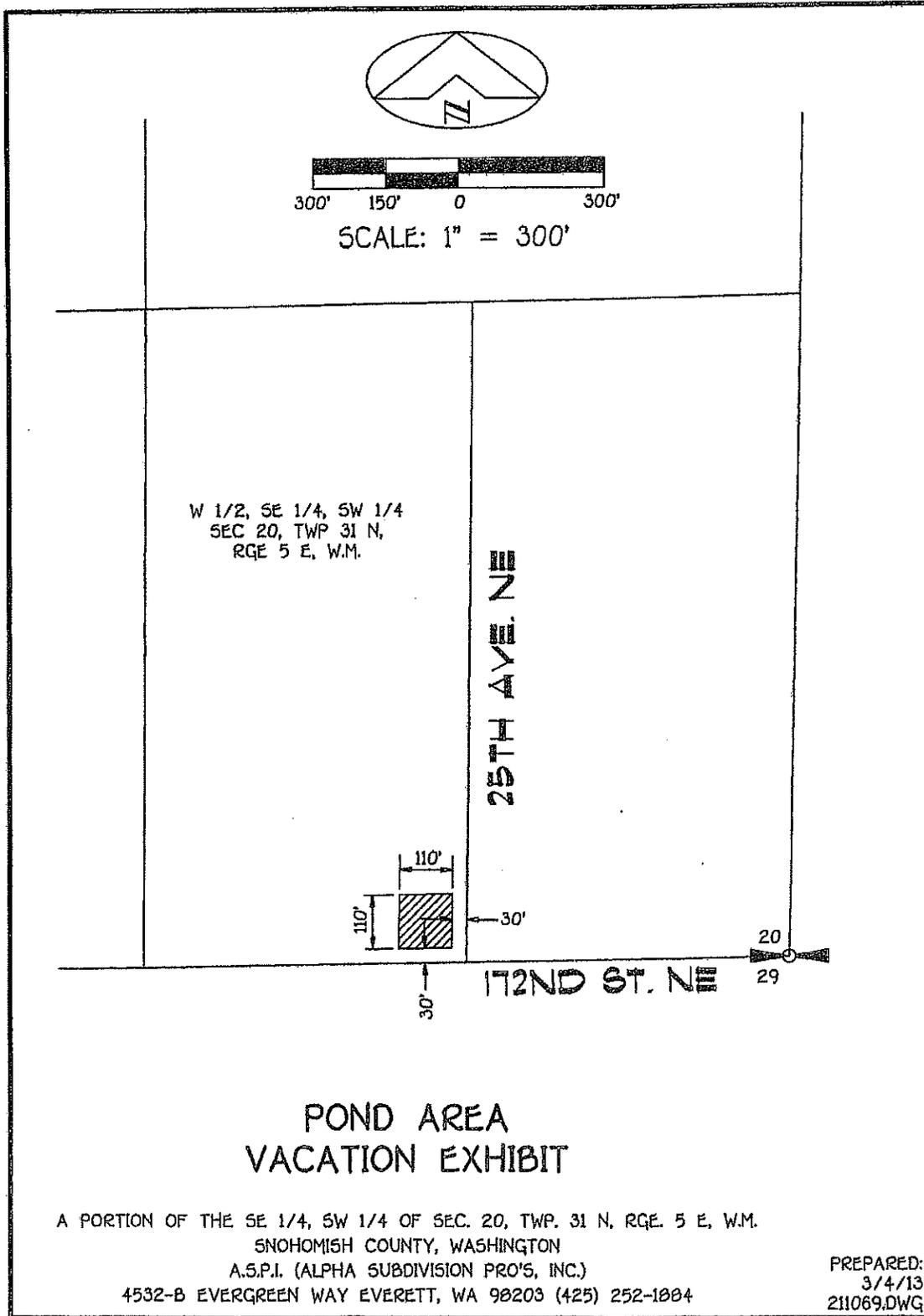
THE NORTH 110 FEET OF THE SOUTH 140 FEET OF THE WEST 110 FEET OF THE EAST 140 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., AS CONVEYED TO SNOHOMISH COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 9304070110, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



3-5-13

EXHIBIT D



PETITION FOR VACATION OF STREET

1. See attached Legal Descriptions for areas to be vacated and areas to be dedicated to the City of Marysville.
2. Smokey Point Commercial, LLC and Smokey Point Apartments, LLC are the owner of 100% of all property abutting 25th Ave NE. Both entities have the same ownership.
3. Vacation of 25th Ave. NE will meet the following criteria:
 - a. It will provide a public benefit

Response: At the Lakewood Station Binding Site Plan public hearing, Washington State Department of Transportation (WSDOT) testified that a signal or roundabout (RAB) would not be allowed to be installed at the intersection of 172nd Street NE (SR 531) and 25th Avenue NE, due to its close proximity to the signalized intersection of 27th Avenue NE. Based on this testimony, our team has been working closely with WSDOT to revise the current intersection in order to relocate this intersection west to a new intersection (23rd Avenue NE) and construct a RAB, which would comply with WSDOT spacing standards on a State Highway (SR 531). The relocation of 25th Avenue NE from its current configuration to a RAB located at 23rd Avenue NE, will provide a public benefit by allowing existing residents, future residents and patrons of the proposed commercial development improved access to 172nd Street NE (SR 531).. In addition, it opens up the opportunity for more commercial opportunities and tenant prospects because of the increased access to 172nd Street NE (SR 531), which would benefit the public through increased tax revenue to the City of Marysville..

- b. It will not adversely affect the street pattern of circulation of the immediate area of the community as a whole.

Response: There will be no adverse affect to the local traffic circulation. In fact, the overall design of the new RAB at 23rd Avenue NE will drastically improve the current street pattern and circulation. The ability to access 172nd Street NE (SR 531) with a new RAB will greatly enhance the safety for those currently using 25th Ave NE. Since WSDOT was not in favor of allowing either a signalized intersection, nor a RAB, at the current 25th Ave and 172nd Street NE intersection, the new 23rd Ave location will be utilized to drastically improve the ability for the neighborhoods to the north on 25th Ave to take a east-bound turning movement.

- c. The public need will not be adversely affected.

Response: There will be no adverse affect to the public with the proposed vacation and dedication, as proposed.

In addition, construction and dedication of the roadway sections of 23rd Avenue NE, 174th Street NE, and the RAB will be at the developer's expense. The estimated cost to construct the proposed improvements is approximately \$551,753, based on a three (3) lane roadway section including two travel lanes, a center turn lane, curbs, gutters and sidewalks, and the RAB. The new dedicated and improved length of roadway will be 1,717 lineal feet. In addition to the roadway improvement will be the half-street dedication and improvement of 176th Street NE at the north end of the Phase 1 Apartments. The new dedicated and improved length or roadway will be 631 lineal feet, at an estimated cost of \$101,850. This would be in comparison to the cost of the vacated right-of-way, which is approximately 1,285 lineal feet and an estimated cost of \$224,938.

- d. The street is not contemplated or needed for future public use.

Response: The area to be vacated will be replaced by an amount of area greater than what is being vacated and will provide the same public use as its current configuration with improved access to 172nd Street NE (SR 531).

- e. No abutting owner will become landlocked or have his access substantially impaired.

Response: No abutting owner will become landlocked or have his or her access substantially impaired. Smokey Point Commercial, LLC and Smokey Point Apartments, LLC owns all abutting property along the reconfigured roadway.

- 4. Smokey Point Commercial, LLC and Smokey Point Apartments, LLC, hereby agrees to pay all fees and charges required by Chapter 12.32 MMC relating to vacation of street(s).

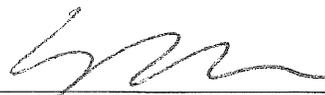
Pond Area: The current detention pond located at the corner of 25th Avenue NE 172nd Street NE (SR 531) is being requested for vacation, in addition to the above reference road areas. The current use and function of the pond will be replaced per the civil plans prepared by Omega Engineering and approved by the City of Marysville Community Development Department. These approvals are being issued through the Binding Site Plan and Building Permit process.

Dated October 8, 2014

Smokey Point Commercial, LLC

By: 
Steven J. Malsam, Manager

Smokey Point Apartments, LLC

By: 
Steven J. Malsam, Manager

Land Area Requested to be Vacated

25th Ave NE 76,887 sq.ft.

Pond Area: 10,455 sq.ft. Total Area: to be vacated: 87,342 sq.ft.

Land Area Proposed to be dedicated to the City of Marysville

25th Ave NE 88,733 sq.ft.

Additional area to be dedicated to WSDOT along 172nd St. NE (TBD – Plans currently under review by WSDOT)

All these areas are shown on the attached drawings.

EXHIBIT A

AERO Construction Co.

3827 Bickford Avenue,
P.O. Box 295
Snohomish, WA. 98290
Phone 425-334-2475
Fax 425-397-6196

September 10, 2014

Smokey Point Commercial LLC

Attention: Ed Babbitt

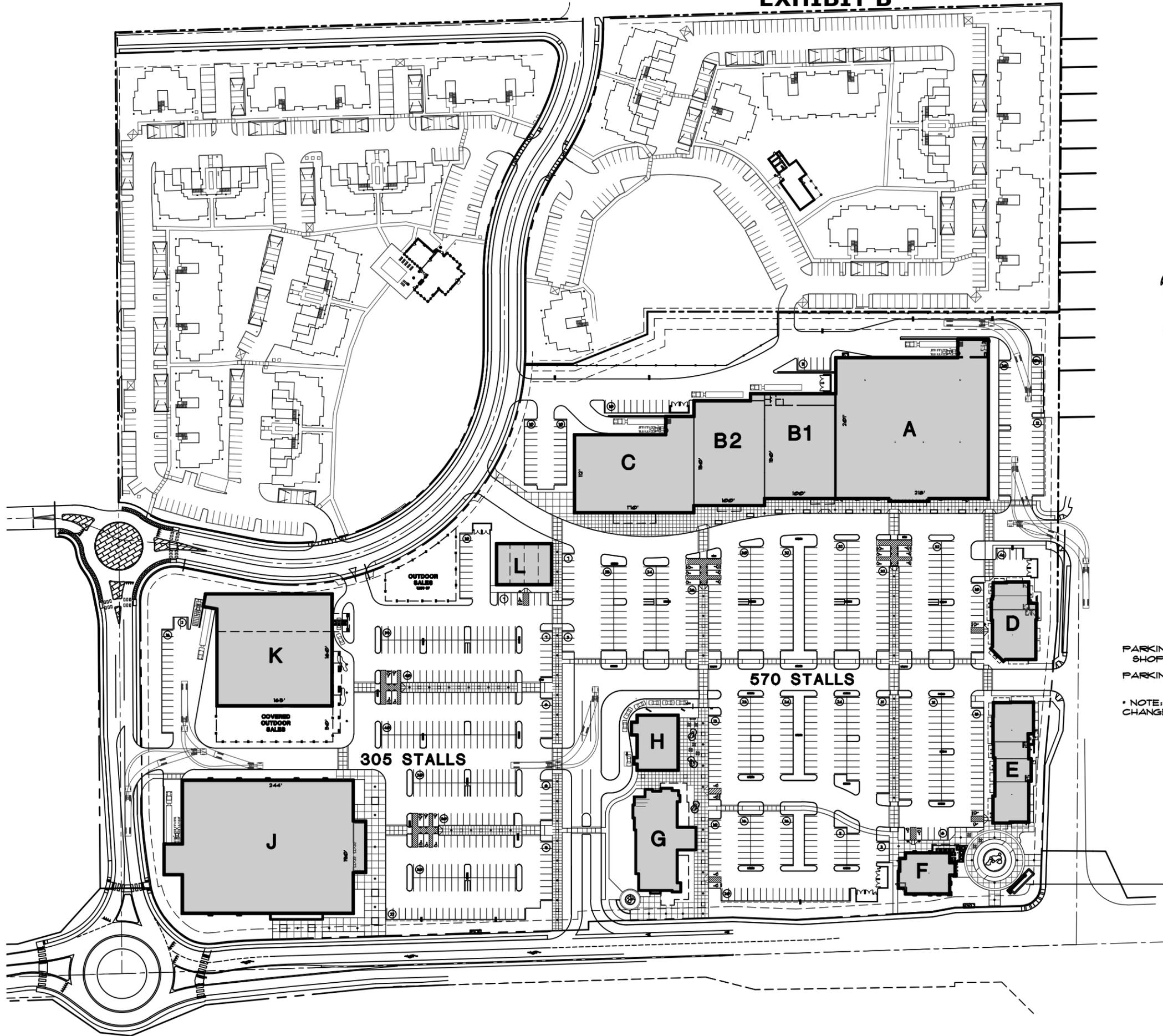
Re: Smokey Point Commercial - Roadway Improvements Budget
Aero Job Number 511

Description	Quantity	Unit	Price	Subtotal	Notes
New 25th Ave NE Through 174th Street NE, including 23rd Ave. NE to North side of 172nd					
Fine Grade Curbs	4,145.00	LF	3.40	14,093.00	
18" Vertical Curb & Gutter	3,050.00	LF	15.00	45,750.00	
22" Roundabout Type 1 Rolled Curb	215.00	LF	24.00	5,160.00	
18" Roundabout Type 2 Rolled Curb	880.00	LF	18.00	15,840.00	
Perpendicular Curb Ramps	10.00	EA	1,200.00	12,000.00	
Parallel Curb Ramps	8.00	EA	900.00	7,200.00	
Fine Grade Walks, Aprons and Islands	22,945.00	SF	0.50	11,472.50	
5'x4" Double Ribbon Sidewalk	15,300.00	SF	6.00	91,800.00	
5'x6" Stamped Concrete Apron	1,400.00	SF	11.40	15,960.00	Outside Roundabout
6" Stamped Concrete Crosswalk	530.00	SF	11.40	6,042.00	
6" Stamped Concrete Roundabout Islands	5,715.00	SF	11.40	65,151.00	
3" Depth Crushed Rock at Concrete Improvements	460.00	TON	26.65	12,259.00	
Fine Grade Asphalt	65,925.00	SF	0.20	13,185.00	
2" Class B Asphalt	7,325.00	SY	9.75	71,418.75	
4" ATB Asphalt	7,325.00	SY	15.25	111,706.25	
3" Depth Crushed Rock at Asphalt Improvements	1,040.00	TON	26.65	27,716.00	
Channelization and Signage	1.00	LS	25,000.00	25,000.00	
Total New Road Improvements				551,753.50	Tax Not Included

Existing 25th Ave NE					
Fine Grade Curbs	1,353.00	LF	3.40	4,600.20	
18" Vertical Curb & Gutter	1,353.00	LF	15.00	20,295.00	
Fine Grade Walks	6,765.00	SF	0.50	3,382.50	
4" Sidewalk	6,765.00	SF	6.00	40,590.00	
3" Depth Crushed Rock at Concrete Improvements	140.00	TON	26.65	3,731.00	
Fine Grade Asphalt	46,260.00	SF	0.20	9,252.00	
2" Class B Asphalt	5,140.00	SY	9.75	50,115.00	
4" ATB Asphalt	5,140.00	SY	15.25	78,385.00	
3" Depth Crushed Rock at Asphalt Improvements	720.00	TON	26.65	19,188.00	
Total Existing Road Improvements				224,938.50	Tax Not Included

Bid Notes: This proposal is budgetary only at this time.
This proposal does not include traffic control.

EXHIBIT B



PRELIMINARY SITE PLAN
 SCALE: 1"=50'-0" 10-8-14

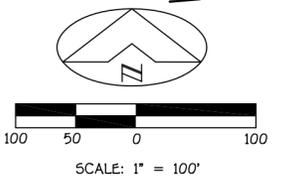
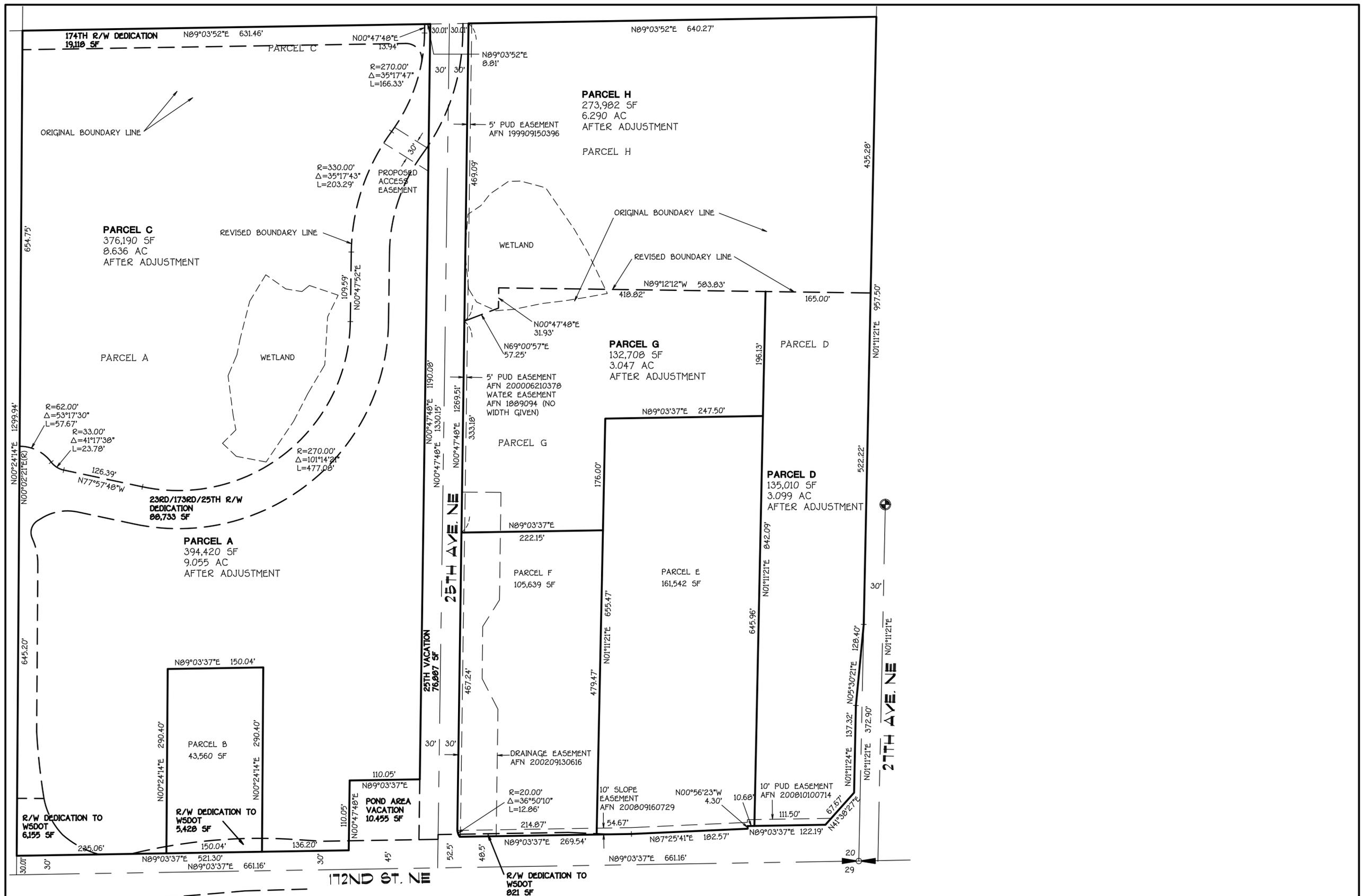
PROJECT DATA

LABEL	BUILDING FOOTPRINT	BUILDING USE
A	45,000 SF	RETAIL ANCHOR
B1	15,000 SF	RETAIL ANCHOR
B2	15,000 SF	RETAIL ANCHOR
C	20,000 SF	RETAIL ANCHOR
D	6,615 SF	RETAIL SHOPS
E	9,285 SF	RETAIL SHOPS
F	4,500 SF	RESTAURANT
G	9,575 SF	RESTAURANT
H	4,800 SF	RETAIL SHOPS
J	49,000 SF	RETAIL ANCHOR
K	26,800 SF	RETAIL ANCHOR
	8,250 SF	COVERED SALES
	7,000 SF	OUTDOOR SALES
L	5,000 SF	RETAIL SHOPS
TOTAL	225,825 SF	

PARKING REQUIRED:
 SHOPPING CENTER: * 218,825 SF @ 1/ 250 SF = 875 STALLS
 PARKING PROVIDED: 875 STALLS (1/ 250 SF)

* NOTE: ALL USES ARE PROPOSED AND SUBJECT TO CHANGE

EXHIBIT C



A.S.P.I.
LAND SURVEYING
AND
PLANNING
4532-B EVERGREEN WAY
EVERETT, WA 98203
(425) 252-1884

AREA EXHIBIT	
A PORTION OF THE SE 1/4, SW 1/4 OF SEC. 20, TWP. 31 N, RGE. 5 E, W.M. CITY OF MARYSVILLE SNOHOMISH COUNTY, WASHINGTON	
PREP: 6/12/2014	REV:
HCP	M5G
1 OF 1	211069



COMMUNITY DEVELOPMENT DEPARTMENT
80 Columbia Avenue ♦ Marysville, WA 98270
(360) 651-5100 ♦ (360) 651-5099 FAX

MEMORANDUM

DATE: December 23, 2014
TO: Marysville City Council
FROM: Chris Holland, Planning Manager
RE: Lakewood Station – 25th Avenue NE and Stormwater Detention Pond Vacation
CC: Gloria Hirashima, CAO/CD Director
Kevin Nielsen, PE, PW Director

The Community Development Department (CD) received a petition from Smokey Point Commercial, LLC, (applicant) proposing to vacate a portion of 25th Avenue NE and an existing stormwater detention pond, located north of 172nd Street NE (SR 531), in conjunction with the construction of the Lakewood Station Binding Site Plan. The petition submitted represents 100% of the ownership of the properties fronting the proposed vacated portion of 25th Avenue NE and the stormwater detention pond.

Rather than compensating the City for the vacated portion of 25th Avenue NE and the stormwater detention pond, the applicant is proposing to construct a new public roadway, realigning 25th Avenue NE to the west to a mini roundabout (RAB) and constructing a full RAB at 172nd Street NE (SR 531) that would provide improved access onto the state highway. The applicant is also proposing to collect and treat stormwater, associated with the vacated stormwater detention pond, in accordance with the 2005 Stormwater Management Manual for Western Washington and MMC Title 14 *Water and Sewers*.

Marysville Municipal Code (MMC) 12.32.020(2) provides guidance for compensation of vacated area, and includes the following language:

“When the vacation is initiated by the city of Marysville, or the city council deems it in the best interest of the city of Marysville, the council may waive all or any portion of such compensation. At the time the city council initially has the petition before it in order to set the matter for public hearing by resolution the city council shall consider the reports of the city engineer and/or the city planner and shall determine whether or not it will require that the city be compensated as a condition of vacation.”

In all cases where Council requires compensation for vacated right-of-way, an appraisal of the right-of-way is required to be made. One of the options identified in MMC 12.32.050, is to obtain the assessed value of comparable abutting properties from the records of the Snohomish County Assessor. CD obtained the 2015 Snohomish County assessed value(s) of the comparable abutting properties, and calculated the total assessed value of the proposed vacation at approximately \$591,305.34, based on an average assessed value of \$6.77 per SF.

APN	OWNER	ACREAGE	SF	ASSESSED VALUE	ASSESSED VALUE PER SF
31052000302400	SMOKEY POINT COMMERCIAL LLC	16.89	735,728	\$4,396,100	\$5.98
31052000304600	SMOKEY POINT COMMERCIAL LLC	1	43,560	\$304,900	\$7.00
31052000303600	SMOKEY POINT COMMERCIAL LLC	0.93	40,511	\$283,600	\$7.00
31052000302900	SMOKEY POINT COMMERCIAL LLC	2.7	117,612	\$822,500	\$6.99
31052000302800	SMOKEY POINT COMMERCIAL LLC	3.88	169,013	\$1,185,000	\$7.01
31052000302600	SMOKEY POINT COMMERCIAL LLC	4.7	204,732	\$1,432,900	\$7.00
31052000302500	SMOKEY POINT COMMERCIAL LLC	2.9	126,324	\$884,300	\$7.00
31052000302700	SMOKEY POINT COMMERCIAL LLC	4.7	204,732	\$1,273,100	\$6.22
AVERAGED ASSESSED VALUE PER SF FRONTING 25TH AVENUE NE					\$6.77
TOTAL ASSESSED VALUE FOR VACATED ROW (87,342 SF x \$6.77)					\$591,305.34

Another option outlined in MMC 12.32.050 is to require the applicant to obtain a professional appraisal stating the fair market value of the right-of-way proposed for vacation. Recently, the City of Marysville purchased property for the State Avenue Improvement Project (116th Street NE to 136th Street NE) at approximately \$10.00+/- per square foot. Based on the rate the City paid for acquisition of property for this improvement project, the total assessed value of the proposed right-of-way vacation would be approximately \$873,420.00. Therefore, it can be assumed that the value of the property proposed to be vacated would be somewhere between \$591,305.34 and \$873,420.00.

After reviewing the proposal, CD is recommending Council waive compensation, as proposed by the applicant, based on the following factors:

- At the public hearing for the Lakewood Station Binding Site Plan, Washington State Department of Transportation (WSDOT) testified that a signal or a RAB would not be allowed to be installed at the intersection of 172nd Street NE (SR 531) and 25th Avenue NE, due to its close proximity to the signalized intersection of 27th Avenue NE to the east. WSDOT however, does support construction of a RAB further west at approximately the 2300 Block.
- The relocation of 25th Avenue NE, west to a RAB located at 23rd Avenue NE, will provide a public benefit by allowing existing residents, future residents and patrons of the proposed commercial development improved access to 172nd Street NE (SR 531). Currently, 25th Avenue NE is a non-signalized intersection which makes it difficult to make left turns during the AM and PM peak hours.
- Vacating 25th Avenue NE and the stormwater detention pond provides an opportunity for commercial development that would otherwise be difficult due to access restrictions required by WSDOT, which would benefit the public through increased tax revenue to the City of Marysville.
- The applicant is proposing to construct and dedicate a new roadway alignment, to a public standard; including sidewalks, planter strips and decorative lighting, at no cost to the public. The cost for constructing the road, **not including** the RAB at 172nd Street NE (SR 531), decorative lighting and landscaping is approximately \$776,692.00.

- . The dedication of new public right-of-way is approximately 86,733 SF, **not including** dedication of right-of-way for the construction of the RAB and frontage improvements on 172nd Street NE (SR 531). The applicant has requested 87,342 SF of existing right-of-way be vacated.

At the time the Council initially has the petition before it in order to set the matter for public hearing by resolution, the Council shall consider the reports of the City Engineer and/or the Community Development Director shall determine whether or not it will require that the City be compensated as a condition of the vacation.

A resolution has been prepared establishing February 9, 2015 as the date upon which a public hearing shall be held before City Council to consider vacation of a portion of 25th Avenue NE, and the existing stormwater detention pond.



REQUEST FOR REVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION					
File Number	PA 12014	Date Sent	10.09.14	Please Return by	10.20.14
Project Title	Lakewood Station - 25 th Avenue NE and Pond Vacation	Related File Number(s)			
Project Description	Vacation of 25 th Avenue NE and the existing stormwater pond located on the northwest corner of 25 th Avenue NE and 172 nd Street NE.				

BACKGROUND SUMMARY							
Owner/Applicant	Smokey Point Commercial, LLC						
Site Address	2403 & 2609 172 nd Street NE; 17526 25 th Avenue NE	APN(s)	31052000302400, 31052000304600, 31052000303600, 31052000302600, 31052000302800, 31052000302900, 31052000302500, 31052000302700				
Acreage (SF)	N/A	Section	20	Township	31N	Range	05E
Comprehensive Plan	MU, GC	Zoning	MU, GC	Shoreline Environment	N/A		

REVIEWING AGENCIES				
Marysville	Local Agencies & Districts	State & Federal	County	Other
<input type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input type="checkbox"/> LD (Anne Miller) <input type="checkbox"/> LD (Deryl Taylor) <input checked="" type="checkbox"/> LD (Shawn Smith) <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works (John Cowling) <input checked="" type="checkbox"/> Public Works (Kari Chennault) <input type="checkbox"/> Public Works (Karen Latimer) <input type="checkbox"/> Public Works (Jesse Hannahs) <input type="checkbox"/>	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Arlington Airport <input type="checkbox"/> Community Transit <input type="checkbox"/> Everett (city) <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input type="checkbox"/> Lake Stevens SD 4 <input type="checkbox"/> Lakewood SD 306 <input type="checkbox"/> Marysville SD 25 <input type="checkbox"/> PUD No. 1 (electric) <input type="checkbox"/> PUD No. 1 (water) <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> US Army Corps of Engineers <input type="checkbox"/> BNSF <input type="checkbox"/> DOE (Bellevue) <input type="checkbox"/> DOE (Olympia - Env. Review) <input type="checkbox"/> DOE (SEPA - Greta Stough) <input type="checkbox"/> DOE (Shorelands - G, Tallent) <input type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Olympic Pipeline <input type="checkbox"/> Puget Sound Energy <input type="checkbox"/> Stillaguamish Tribe <input type="checkbox"/> Tulalip Tribes <input type="checkbox"/> <input type="checkbox"/>

PROJECT MANAGER			
Name Chris Holland	Title Planning Manager	Phone 360.363.8207	E-mail cholland@marysvillewa.gov

The City of Marysville Community Development Department is reviewing this application and encourages other affected agencies, departments, community groups and municipalities to respond. Your comments will assist the City's evaluation of this application. Furthermore, you will become a Party of Record to this case if you submit a response with your name and address. We highly recommend that you send your comments on letterhead. Without a full name and address, you will not be considered a Party of Record. You may e-mail, fax or send via regular mail your comments to this project manager listed above.

If you have no comments, please check the box below, sign and return this form to the project manager.

NO COMMENTS Signature: _____ Date: _____

ATTACHED Title: _____ Agency: _____

Chris Holland

From: John Cowling
Sent: Monday, October 13, 2014 2:12 PM
To: Chris Holland
Cc: Janis Lamoureux
Subject: RE: Lakewood Station - 25th Ave Street Vacation

Engineering has reviewed the construction estimates and have found them to be within reason.

Thanks.

John A. Cowling, P.E.

Assistant City Engineer

City of Marysville | 80 Columbia Ave, Marysville, WA 98270
Direct Line (360) 363-8281 | Fax (360) 363-8284

From: Chris Holland
Sent: Thursday, October 09, 2014 9:42 AM
To: John Cowling
Cc: Janis Lamoureux
Subject: Lakewood Station - 25th Ave Street Vacation

John-

You will be receiving and RFR for the 25th Avenue Street Vacation for Lakewood Station. In the materials there are construction estimates and estimates of existing value of 25th Avenue. Can you please make sure that your staff reviews these numbers and provides responses to this? I would like to know if the applicant needs to adjust, prior to bringing to Council on November 3rd.

I've also attached all of the materials electronically, but you will be receiving paper copies.

Thank you,

Chris Holland | Planning Manager

CITY OF MARYSVILLE
Community Development Department
80 Columbia Avenue
Marysville, WA 98270

360-363-8100 Office
360-363-8207 Direct Line
360-651-5099 Fax

cholland@marysvillewa.gov
<http://marysvillewa.gov>



PUBLIC WORKS
Kevin Nielsen, *Director*

80 Columbia Avenue
Marysville, Washington 98270
Phone (360) 363-8100
Fax (360) 363-8284
ci.marysville.wa.us

MEMORANDUM

To: Chris Holland

Fr: Brenda Donaldson

Re: PA12-014

Date: October 22, 2014

Engineering Department Comments:

Utilities – No comments.

- Ryan Morrison

Transportation – No comments.

- Jesse Hannahs



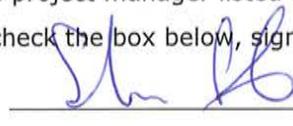
REQUEST FOR REVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION									
File Number	PA 12014			Date Sent		Please Return by	10.20.14		
Project Title	Lakewood Station - 25 th Avenue NE and Pond Vacation			Related File Number(s)					
Project Description	Vacation of 25 th Avenue NE and the existing stormwater pond located on the northwest corner of 25 th Avenue NE and 172 nd Street NE.								
BACKGROUND SUMMARY									
Owner/Applicant	Smokey Point Commercial, LLC								
Site Address	2403 & 2609 172 nd Street NE; 17526 25 th Avenue NE			APN(s)	31052000302400, 31052000304600, 31052000303600, 31052000302600, 31052000302800, 31052000302900, 31052000302500, 31052000302700				
Acreage (SF)	N/A			Section	20	Township	31N	Range	05E
Comprehensive Plan	MU, GC	Zoning	MU, GC	Shoreline Environment			N/A		
REVIEWING AGENCIES									
Marysville	Local Agencies & Districts			State & Federal		County		Other	
<input type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input type="checkbox"/> LD (Anne Miller) <input type="checkbox"/> LD (Deryl Taylor) <input checked="" type="checkbox"/> LD (Shawn Smith) <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works (John Cowling) <input checked="" type="checkbox"/> Public Works (Kari Chennault) <input type="checkbox"/> Public Works (Karen Latimer) <input type="checkbox"/> Public Works (Jesse Hannahs) <input type="checkbox"/>	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Arlington Airport <input type="checkbox"/> Community Transit <input type="checkbox"/> Everett (city) <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input type="checkbox"/> Lake Stevens SD 4 <input type="checkbox"/> Lakewood SD 306 <input type="checkbox"/> Marysville SD 25 <input type="checkbox"/> PUD No. 1 (electric) <input type="checkbox"/> PUD No. 1 (water) <input type="checkbox"/> <input type="checkbox"/>			<input type="checkbox"/> US Army Corps of Engineers <input type="checkbox"/> BNSF <input type="checkbox"/> DOE (Bellevue) <input type="checkbox"/> DOE (Olympia - Env. Review) <input type="checkbox"/> DOE (SEPA - Greta Stough) <input type="checkbox"/> DOE (Shorelands - G. Tallent) <input type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Olympic Pipeline <input type="checkbox"/> Puget Sound Energy <input type="checkbox"/> Stillaguamish Tribe <input type="checkbox"/> Tulalip Tribes <input type="checkbox"/> <input type="checkbox"/>	
PROJECT MANAGER									
Name Chris Holland		Title Planning Manager		Phone 360.363.8207		E-mail cholland@marysvillewa.gov			

The City of Marysville Community Development Department is reviewing this application and encourages other affected agencies, departments, community groups and municipalities to respond. Your comments will assist the City's evaluation of this application. Furthermore, you will become a Party of Record to this case if you submit a response with your name and address. We highly recommend that you send your comments on letterhead. Without a full name and address, you will not be considered a Party of Record. You may e-mail, fax or send via regular mail your comments to this project manager listed above.

If you have no comments, please check the box below, sign and return this form to the project manager.

NO COMMENTS **Signature:**  **Date:** 12/23/14
 ATTACHED **Title:** _____ **Agency:** _____



REQUEST FOR REVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

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File Number	PA 12014		Date Sent	10.09.14	Please Return by	10.20.14
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Acreage (SF)	N/A		Section	20	Township	31N Range 05E
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Marysville	Local Agencies & Districts		State & Federal		County	Other
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PROJECT MANAGER						
Name Chris Holland	Title Planning Manager	Phone 360.363.8207	E-mail cholland@marysvillewa.gov			

The City of Marysville Community Development Department is reviewing this application and encourages other affected agencies, departments, community groups and municipalities to respond. Your comments will assist the City's evaluation of this application. Furthermore, you will become a Party of Record to this case if you submit a response with your name and address. We highly recommend that you send your comments on letterhead. Without a full name and address, you will not be considered a Party of Record. You may e-mail, fax or send via regular mail your comments to this project manager listed above.

If you have no comments, please check the box below, sign and return this form to the project manager.

NO COMMENTS Signature: M. A. [Signature] Date: 10/20/14
 ATTACHED Title: surface water Specialist Agency: WR - City of Marysville



MARYSVILLE POLICE DEPARTMENT



MEMORANDUM

DATE: October 23, 2014
TO: Chris Holland, Community Development Dept.
FROM: Larry Buell, Lieutenant *LJB*
RE: PA 12014

I have reviewed the application for the vacation of the Lakewood Station – 25th Ave NE and the existing storm water pond located on the northeast corner of 25th Ave NE and 172nd St NE

The Police Department has no issues at this time.

Feel free to contact me at 360.363.8328 if you have any questions.



REQUEST FOR REVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

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REVIEWING AGENCIES									
Marysville	Local Agencies & Districts			State & Federal		County		Other	
<input type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input type="checkbox"/> LD (Anne Miller) <input type="checkbox"/> LD (Deryl Taylor) <input checked="" type="checkbox"/> LD (Shawn Smith) <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works (John Cowling) <input checked="" type="checkbox"/> Public Works (Kari Chennault) <input type="checkbox"/> Public Works (Karen Latimer) <input type="checkbox"/> Public Works (Jesse Hannahs) <input type="checkbox"/>	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Arlington Airport <input type="checkbox"/> Community Transit <input type="checkbox"/> Everett (city) <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input type="checkbox"/> Lake Stevens SD 4 <input type="checkbox"/> Lakewood SD 306 <input type="checkbox"/> Marysville SD 25 <input type="checkbox"/> PUD No. 1 (electric) <input type="checkbox"/> PUD No. 1 (water) <input type="checkbox"/> <input type="checkbox"/>			<input type="checkbox"/> US Army Corps of Engineers <input type="checkbox"/> BNSF <input type="checkbox"/> DOE (Bellevue) <input type="checkbox"/> DOE (Olympia - Env. Review) <input type="checkbox"/> DOE (SEPA - Greta Stough) <input type="checkbox"/> DOE (Shorelands - G, Tallent) <input type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Olympic Pipeline <input type="checkbox"/> Puget Sound Energy <input type="checkbox"/> Stillaguamish Tribe <input type="checkbox"/> Tulalip Tribes <input type="checkbox"/> <input type="checkbox"/>	
PROJECT MANAGER									
Name Chris Holland		Title Planning Manager		Phone 360.363.8207		E-mail cholland@marysvillewa.gov			

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If you have no comments, please check the box below, sign and return this form to the project manager.

NO COMMENTS Signature: D. Van B... Date: 10-21-14
 ATTACHED Title: Asst. F.M. Agency: MFD

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE VACATING A PORTION OF 25th AVENUE NE AND AN EXISTING STORMWATER DETENTION POND LOCATED NORTH OF 172nd STREET NE (SR 531) IN THE CITY OF MARYSVILLE, WASHINGTON.

WHEREAS, a public hearing was held before Marysville City Council on February 9, 2015 to consider vacation of a portion of 25th Avenue NE, and a stormwater detention pond, located north of 172nd Street NE (SR 531) in the City of Marysville, and to consider waiving compensation for said vacation; and

WHEREAS, the Marysville City Council recommends waiving all compensation of the vacated right-of-way, based on the following factors:

(a) At the public hearing for the Lakewood Station Binding Site Plan, Washington State Department of Transportation (WSDOT) testified that a signal or a roundabout (RAB) would not be allowed to be installed at the intersection of 172nd Street NE (SR 531) and 25th Avenue NE, due to its close proximity to the signalized intersection of 27th Avenue NE to the east. WSDOT however, does support construction of a RAB further west at approximately the 2300 Block.

(b) The relocation of 25th Avenue NE, west to a RAB located at 23rd Avenue NE, will provide a public benefit by allowing existing residents, future residents and patrons of the proposed commercial development improved access to 172nd Street NE (SR 531). Currently, 25th Avenue NE is a non-signalized intersection which makes it difficult to make left turns during the AM and PM peak hours.

(c) Vacating 25th Avenue NE and the stormwater detention pond provides an opportunity for commercial development that would otherwise be difficult due to access restrictions required by WSDOT

(d) The applicant is proposing to construct and dedicate a new roadway alignment, to a public standard; including sidewalks, planter strips and decorative lighting, at no cost to the public. The cost for constructing the road, not including the RAB at 172nd Street NE (SR 531), decorative lighting and landscaping is approximately \$776,692.00.

(e) The dedication of new public right-of-way is approximately 86,733 SF, not including dedication of right-of-way for the construction of the RAB and frontage improvements on 172nd Street NE (SR 531). The applicant has requested 87,342 SF of existing right-of-way be vacated.

WHEREAS, the Marysville City Council considered the evidence presented at the public hearing and entered the following findings of fact:

(a) The vacation will provide a public benefit and purpose as the applicant shall be required to construct and dedicate, to the City of Marysville, a new public roadway realigning 25th Avenue NE to the west to a mini roundabout (RAB) and construct a RAB at 172nd Street NE (SR 531), to a public standard; including sidewalks, planter strips and decorative lighting, as approved by the City Engineer and Washington State Department of Transportation;

- (b) The right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;
- (c) The public need shall not be adversely affected;
- (d) The right-of-way is not contemplated or needed for future public use;
- (e) No abutting owner will become landlocked nor will his access be substantially impaired;

NOW, THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. That portion of 25th Avenue NE and the stormwater detention pond as legally described and depicted in **Exhibit A** attached hereto, is hereby vacated, subject to the following conditions:

- (a) Vacation of 25th Avenue NE and the stormwater detention pond shall not be effective until the applicant has constructed a permanent or temporary public access from 25th Avenue NE to 172nd Street NE (SR 531), as approved by the City Engineer;
- (b) 25th Avenue NE shall be vacated subject to reservation of a perpetual easement in favor of the City of Marysville for utilities, across, under and through that portion of the property; and
- (c) The applicant shall be required to construct and dedicate, to the City of Marysville, a new public roadway realigning 25th Avenue NE to the west to a mini RAB and construct a RAB at 172nd Street NE (SR 531), to a public standard; including sidewalks, planter strips and decorative lighting, as approved by the City Engineer and Washington State Department of Transportation.

Section 2. This ordinance and the vacation of that portion of 25th Avenue NE and the stormwater detention pond as legally described and depicted in **Exhibit A** attached hereto, shall become effective five (5) days after publication of this ordinance and recording by the City of a certified copy of the same in the records of the Snohomish County Auditor. This ordinance shall not be recorded until and unless condition (a) in Section 1 of this Ordinance has been fully satisfied and the right-of-way for the new public roadway realigning 25th Avenue NE has been dedicated to the City of Marysville.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2015.

CITY OF MARYSVILLE

By: _____
 JON NEHRING, MAYOR

Attest:

By: _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

EXHIBIT A

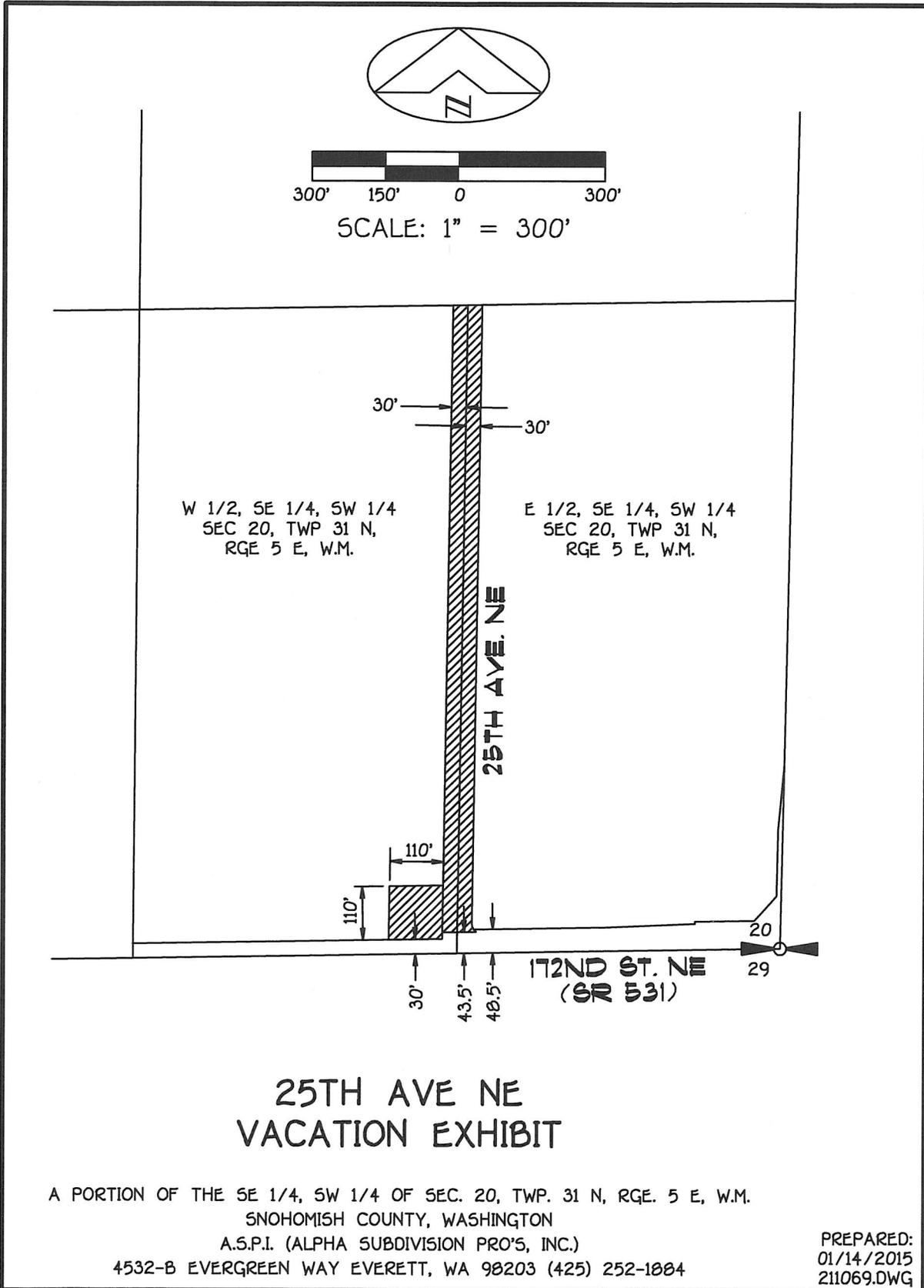


EXHIBIT A

25TH AVENUE NE VACATION LEGAL DESCRIPTION

THE EAST 30.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE SOUTH 43.50 FEET THEREOF.

TOGETHER WITH THE WEST 30.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE SOUTH 43.50 FEET THEREOF.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER;
THENCE SOUTH 89°03'37" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 661.16 FEET TO THE CENTERLINE OF 25TH AVENUE NE;
THENCE NORTH 00°47'48" EAST ALONG SAID CENTERLINE 43.52 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 43.50 FEET NORTH OF SAID SOUTH LINE;
THENCE NORTH 89°03'37" EAST ALONG SAID PARALLEL LINE 30.01 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 30.00 FEET EAST OF SAID CENTERLINE, SAID POINT BEING THE TRUE POINT OF BEGINNING;
THENCE CONTINUE NORTH 89°03'37" EAST 9.21 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 20.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS SOUTH 33°28'18" WEST;
THENCE NORTHWESTERLY 20.01 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 57°19'29" TO A POINT ON SAID PARALLEL LINE;
THENCE SOUTH 00°47'48" WEST ALONG SAID PARALLEL LINE 17.11 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE NORTH 110 FEET OF THE SOUTH 140 FEET OF THE WEST 110 FEET OF THE EAST 140 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., AS CONVEYED TO SNOHOMISH COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 9304070110, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

