

AGENDA

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue South, Des Moines**

May 14, 2015 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

EXECUTIVE SESSION

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORT

Item 1: WIRE THEFT UPDATE

Page 1 Item 2: KING COUNTY WATER DISTRICT 54: ELEVATED RESERVOIR & STORAGE EVALUATION

CONSENT AGENDA

Page 33 Item 1: APPROVAL OF MINUTES
Motion is to approve the minutes of the April 2, April 9 and April 23, 2015 Regular City Council meetings.

Page 47 Item 2: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfer included in the attached list and further described as follows:

Total A/P Checks/Vouchers	#142776-143071	\$ 970,092.02
Electronic Wire Transfers	#541-553	\$ 460,757.54
Payroll Checks	#18646-189650	\$ 8,216.02
Payroll Direct Deposit	#180001-180163	\$ 289,485.83
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers:		\$1,728,551.41

Page 49 Item 3: FARMER'S MARKET 10TH SEASON PROCLAMATION
Motion is to approve the Proclamation recognizing and congratulating the Des Moines Farmers Market for completing 9 successful seasons and wishing them the best for their upcoming 10th season.

Page 53 Item 4: HIGHLINE MUSIC4LIFE PROCLAMATION
Motion is to approve the Proclamation recognizing June as Music4Life month.

PUBLIC HEARING

Page 57 Item 1: PUBLIC HEARING FOR SV2015-01: VACATION OF PUBLIC RIGHT-OF-WAY WITHIN CITY OF DES MOINES KNOWN AS A PORTION OF THE WEST RIGHT-OF-WAY ON 7TH AVENUE SOUTH AND A PORTION OF THE NORTH RIGHT-OF-WAY OF SOUTH 226TH STREET
Staff Presentation: Planning, Building and Public Works Director
Dan Brewer

NEW BUSINESS

Page 133 Item 1: UPDATE ON THE MARINA'S FINANCIAL SUSTAINABILITY PLAN
Staff Presentation: Harbormaster Joe Dusenbury

NEXT MEETING DATE

May 21, 2015

ADJOURNMENT

**Water District # 54
Elevated Steel Reservoir & System Chlorination
Status Update
Des Moines City Council Meeting May 14, 2015**

Water District # 54 (WD 54) supplies water to approximately 4,800 people in Des Moines and Normandy Park. WD 54 operates and maintains two reservoirs, three production wells and a booster station at its property located next to City Hall.

WD 54 asked Gray & Osborne to complete a predesign report for rehabilitating and repainting the 105 foot tall elevated reservoir and to include recommendations for seismic upgrades if needed. Rehabilitation work includes steel repair, safety upgrades, and new vents and hatches. The report examined options and provided costs for: rehabilitating and repainting, seismic upgrades, and removing and replacing the existing elevated reservoir with a new ground level reservoir.

Estimated Costs:

Rehabilitation, recoating, seismic upgrades	\$1,226,000
Remove reservoir, modify booster station, construct additional storage	\$963,000

(Note: Approximately 50% of this cost is for the construction of new storage, and piping)

Construction of a second low level reservoir is more economical and operationally simpler than construction of new reservoir, at a height similar to the existing elevated reservoir.

Chlorination:

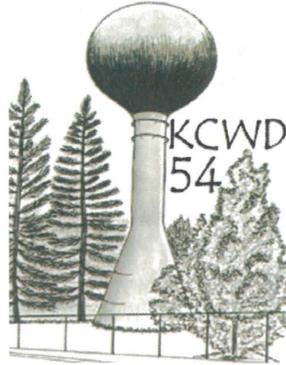
WD 54 was a non-chlorinated system until the fall of 2013, when a sample tested positive for *E. coli* bacteria. Subsequent testing indicated that the source of contamination was not at the wells, but somewhere in the distribution system. As a result, the Washington Department of Health (WDOH) required WD 54 to chlorinate until further notice. Since then, WD 54 has implemented new policies and procedures to protect the water supply and has submitted a request to WDOH to return to a non-chlorinated system. WD 54 is currently waiting for a response to that request.

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KING COUNTY WATER DISTRICT NO. 54

KING COUNTY

WASHINGTON



ELEVATED RESERVOIR AND STORAGE EVALUATION

G&O #14587
JANUARY 2015



Gray & Osborne, Inc.
CONSULTING ENGINEERS

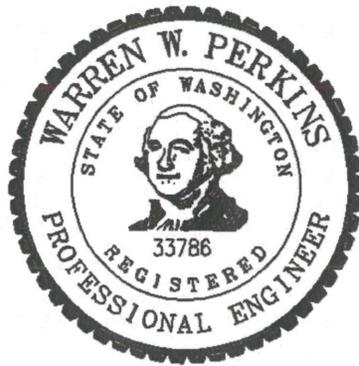
KING COUNTY WATER DISTRICT NO. 54

KING COUNTY

WASHINGTON



ELEVATED RESERVOIR AND STORAGE EVALUATION



G&O #14587
JANUARY 2015



Gray & Osborne, Inc.
CONSULTING ENGINEERS

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EXECUTIVE SUMMARY

King County Water District No. 54 (Water District No. 54) supplies water to approximately 760 connections serving approximately 4,800 people in Des Moines, Washington. To provide service, it operates and maintains two reservoirs, three production wells and a booster station at its yard site at 21810 11th Avenue South, Des Moines. All pumping facilities have backup emergency power. The entire distribution system is within one pressure zone which varies from 32 psi in the northwest portion of the service area to 100 psi at the Marina. The elevated reservoir establishes the hydraulic grade for the system.

The 109-foot-tall elevated steel reservoir was built in 1968. It should be recoated periodically to maintain its integrity. During an assessment of the reservoir, in advance of preparing plans and specifications for recoating, significant rusting and some corrosion were found. Due to these findings, the District requested a predesign report to develop estimated costs for recoating, to seismically retrofit the reservoir, and for options to remove and if necessary replace the reservoir.

Recoating the reservoir includes seal welding inside the reservoir, minor steel and safety repairs, new access and vent hatches, sand blasting to remove all existing coatings, and recoating the reservoir both inside and outside. Structural upgrades to bring the reservoir to current seismic standards include reinforcing portions of the structure, reinforcing the foundation and new anchor bolts between the foundation and the reservoir base.

Removal of the reservoir will result in a storage deficit and will require minor upgrades to the onsite booster station so that it may provide pressure to the system at all times, including during high flow events. Additional storage will need to be constructed, or acquired from Highline Water District. Due to system configuration, multiple sources, and the existing low level reservoir, construction of a second low level reservoir is more economical and operationally simpler than construction of new reservoir, at a height similar to the existing elevated reservoir.

Prior to construction of its onsite 660,000-gallon concrete reservoir in 2004, the District used to rent storage from Highline. Depending upon the terms of an agreement for storage in the Highline system, the least cost alternative could be to rent or acquire storage from Highline.

Water District No. 54 was a non-chlorinated system until the fall of 2013, when it began to chlorinate after testing positive for *E. coli* bacteria. Water District No. 54 is evaluating potentially returning to a non-chlorinated system. Since Highline Water District is a chlorinated system, if Water District No. 54 obtains storage from Highline, that storage could be an impediment to returning to a non-chlorinated system.

RECOMMENDATIONS

1. Initiate discussions with Highline to acquire storage. Based upon the estimated cost Water District No. 54 could decide whether or not to pursue a storage agreement.
2. Initiate discussions with the Washington Department of Health regarding the need to continue to chlorinate the water. This decision may impact the decision regarding acquiring storage from Highline or constructing its own storage.

INTRODUCTION

This project was undertaken with the intent of recoating the 109-foot-tall, 250,000-gallon, elevated steel reservoir (Figure 1). However, the initial inspection revealed that the interior coating of the reservoir was not in good condition. Exposed metal in various locations has led to rusting, corrosion and in some location significant metal loss. As a result the project scope was expanded to provide the District with:

- Assessment of the elevated reservoir;
- Recoating recommendations and costs;
- Seismic analysis and retrofit costs;
- Costs for removal of the elevated reservoir; and
- Options for replacement of the storage lost by removal of the elevated reservoir.



FIGURE 1

Water District No. 54 Elevated Reservoir

ELEVATED RESERVOIR INSPECTION

On November 7, 2014, Gray & Osborne inspected the elevated reservoir to observe the extent and severity of corrosion of the interior. Based upon that inspection, we developed specific recommendations regarding repair and recoating of the roof structure. The internal inspection of the reservoir was limited to steel located above the waterline.

DEFINITIONS

The following terms are used in this report to describe observed corrosion:

Surface Rust – A superficial layer of rusting not causing any practical loss of steel material. This level of rust requires only sandblasting prior to recoating.

Moderate Corrosion – Discrete areas of corrosion with rust growths that can be removed by hand. The thickness of the steel member has been slightly reduced by the corrosion. In some cases, removal of rust growths reveals small irregular pits in the steel member. A structural repair of the steel member may be required at some locations.

Severe Corrosion – Continuous or nearly continuous large rust growths along a member. Rust growths can be easily removed by hand, and reveal significant loss of steel material. Pitting of the steel is commonly found under rust growths. Structural repair of the steel member is likely required.

Seal Weld – Welding lap joints between steel plates to prevent moisture from entering the area between the plates and to allow for complete coating of all exposed steel.

OBSERVATIONS

The portion of the reservoir containing water consists of a shell of steel plates welded together to form a shape resembling a sphere. The shop drawings show the thickness of the steel shell ranging from at 5/8-inch thickness at the bottom of the spheroid to 1/4-inch at the top. Passing vertically through the center of this spheroid is a 3-foot-diameter steel tube which contains the ladder that accesses the top of the reservoir and electrical conduit. Adjacent to the access exit on the roof reservoir is a hinged roof vent which is the entry point for accessing the interior of the water reservoir. A safety tie-off ring is around the perimeter of the vent and hatch. The ring is welded to the exterior surface of the tank with standoffs, steel bars approximately 6-inches in length. The safety tie off ring is in poor condition due to some broken welds between the ring and the stand-offs.

The upper steel plates in the shell of the spheroid are lapped at plate joints, with a lap length of one to 2 inches. The shop drawings indicate that the lap welds are generally restricted to the area above the waterline. Below the waterline the steel plates are butt

welded. The interior lap joints are not seal welded. The exterior joints of all laps are continuously fillet welded.

Figure 2 shows an overall photo of the interior of the shell plates. The coating system has remained intact for a significant percentage of the surface area, though there are areas of moderate to severe corrosion.

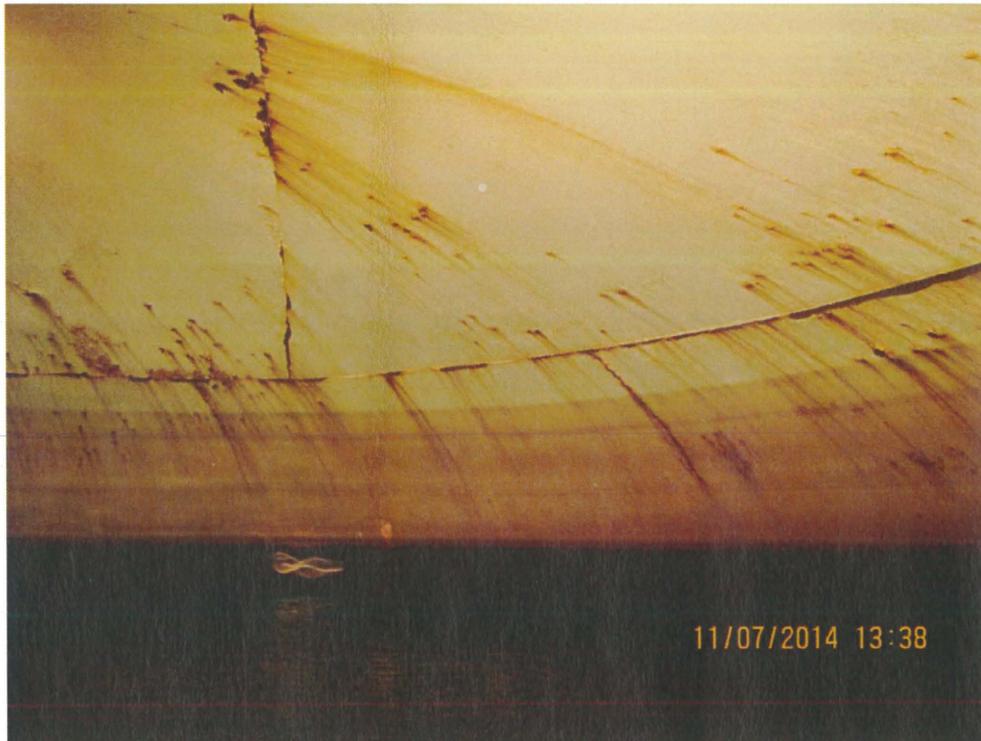


FIGURE 2

Reservoir Interior

The first type of severe corrosion observed is isolated areas of local pitting distributed relatively evenly across the shell plates. These areas of corrosion pitting likely started at a point of failure in the coating system. Once corrosion starts, it spreads by undercutting the adjacent coating. We observed that some of these areas of pitting have resulted in as much as a 1/16-inch loss of material thickness (Figure 3).

The District contracted with divers to clean and video the inside of the reservoir on November 8, 2014. The diver video show significant pitting and blistering of the coating below the waterline.

**FIGURE 3****Plate Corrosion**

The second type of severe corrosion observed is on the interior of the lap joints of the shell plates (Figure 4). The two steel surfaces facing each other within the lap joint are exposed to moisture during normal operation of the tank. This exposed steel within the lap joint is rarely coated properly during the field coating process due to the tight space within the lap joint. Once moisture enters this joint, corrosion begins and then progressively damages more coating near the lap joint. Seal welding to seal the joint can prevent moisture from entering the lap and provides an exposed surface that can be easily coated. Severe corrosion has occurred at the plate joints.

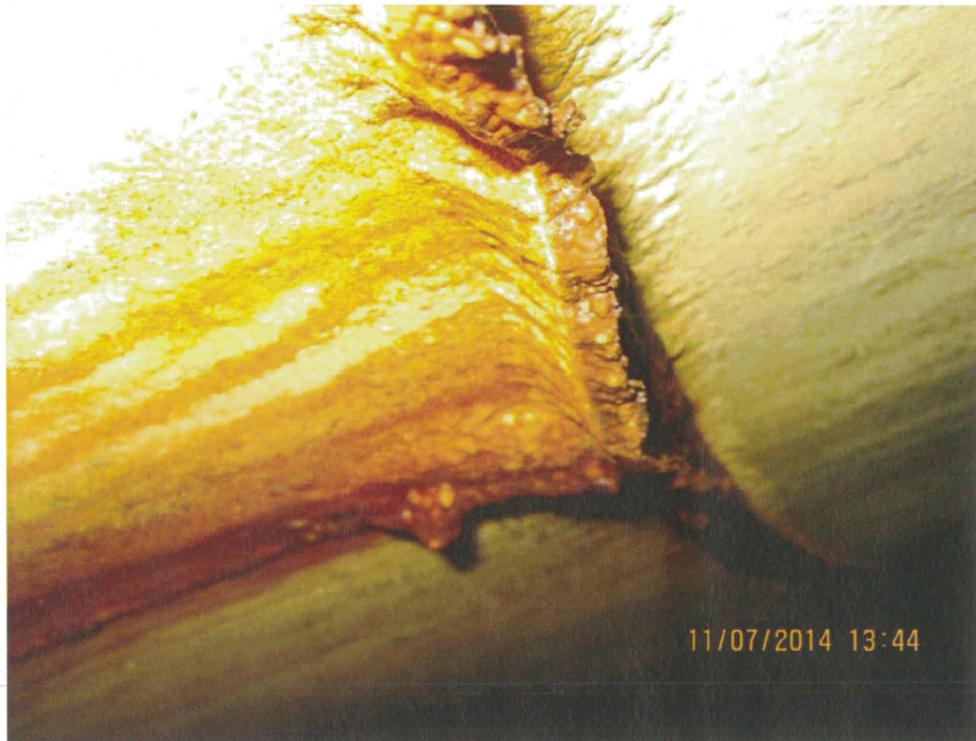


FIGURE 4

Severe Corrosion at Lap Joint

Figures 5 and 6 show the exterior of the access tube, the influent pipe, the outlet overflow box, and the access ladder to the reservoir interior mounted on the exterior of the access tube and located beneath the removable roof vent access point. Some surface rust and occasional areas of moderate corrosion were observed on these items, however generally they are in good condition. The steel tube has vents located around its top which are unscreened and provide direct access to the reservoir (Figure 5). At a minimum, this access should be fitted with screen to prevent access by bugs. If sufficient airflow to the reservoir can be maintained without it, it should be welded closed.

The exterior of the tank appears to be in good condition with very little corrosion. The coatings are delaminating from the system underneath in some locations. The exterior was pressure washed and top coated in 2005. The delamination is likely the top coat separating from the original coating. There are a few small areas of exposed metal on the reservoir exterior.

Coating samples were taken and analyzed for presence of cadmium, chromium, and lead. The interior coating was found to have detectable levels of all three metals. The exterior coating had much lower levels of the three metals, with only cadmium barely reading above detection limits. Overall, the levels of metals present do not present any

challenges with regard to removal and replacement of the coating system, however, proper testing and containment of the debris from abrasive blasting operations should be conducted.

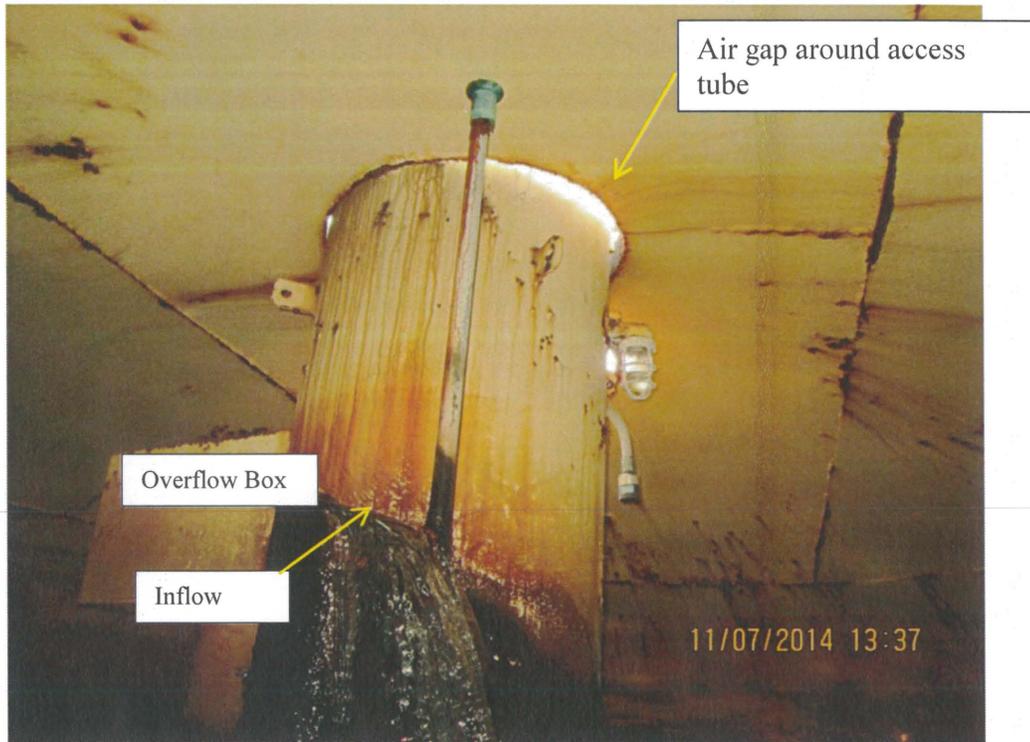
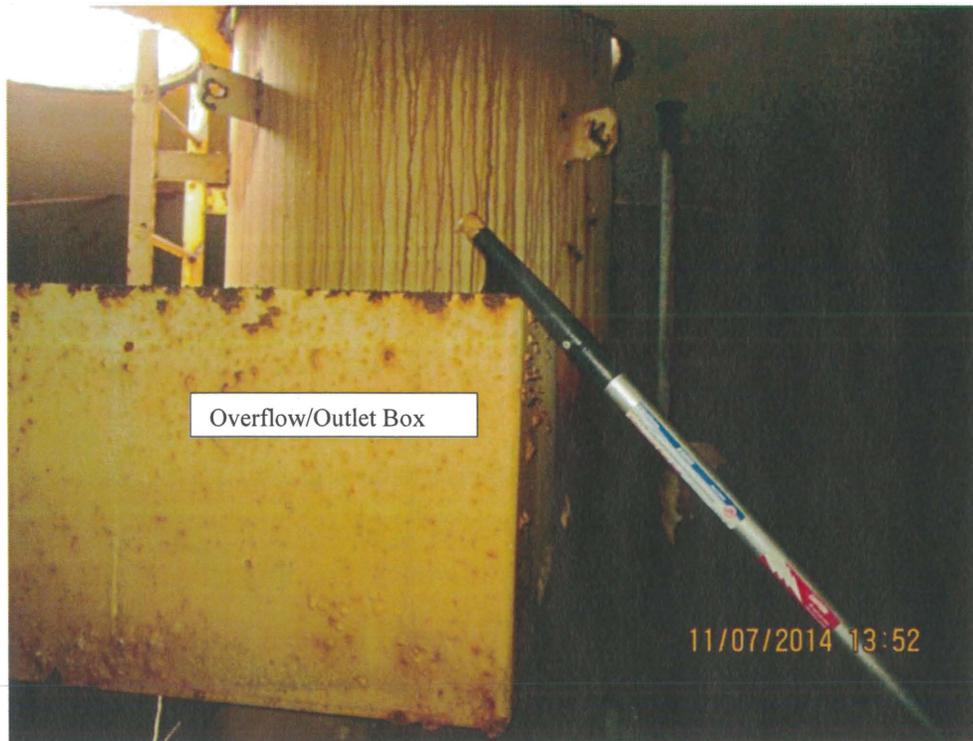


FIGURE 5

Reservoir Interior Access Tube and Inflow Pipe

**FIGURE 6****Reservoir Interior Access Ladder and Outlet Box****SEISMIC ANALYSIS**

As part of the evaluation of the reservoir, an analysis was performed to check the seismic design of the reservoir for compliance with the current building code, AWWA D100-11 Welded Carbon Steel Tanks for Water Storage. Appendix A includes a copy of the seismic analysis.

The analysis finds that many portions of the structure are insufficient to meet the current code. Insufficient items include:

- The steel plate which forms the 10-foot-diameter shaft located immediately below the water-containment structure;
- The top portion of the “bell” structure located immediately below the shaft;
- The steel baseplate at the top of foundation;
- Anchorage bolts;

- Steel shear bars at the top of foundation;
- Vertical rebar in the concrete ringwall;
- Connection of the ringwall to the underlying concrete foundation.

Reservoir design must take into account several factors including the seismic zone, the soil type, the size and shape of the reservoir, and the construction materials. The reservoir was originally designed to comply with American Water Works Association (AWWA) D100-67. Simplistically, for this reservoir, this standard only required a lateral seismic force of $0.20*W$, where W is the weight of the structure plus the contents. However, since construction the standards have been revised. AWWA standard, D100-11 requires a lateral seismic force of $0.33*W$, which represents an increase of 67 percent. The elevated reservoir does not meet the increased code requirements.

IMPROVEMENTS

Alternative 1 – Recoat the Reservoir and Minor Metal Work

Both the interior and exterior coatings should be removed and replaced. The interior coating is well past its useful life. The exterior coating, while not exhibiting corrosion like the interior, is still in need of replacement. The reservoir exterior was top coated in 2005. The top coat is beginning to delaminate. Additional top coats would induce more stress into the existing coating system and likely accelerate delamination of the coatings.

The interior of the reservoir should be seal welded and abrasive blasted prior to recoating. When blasting operations are conducted, the steel plate at the lap joints will likely have significant portions of the existing corroded steel removed. Seal welding will preserve the joints and help to prevent further corrosion from starting within lap joints. Many areas of pitting on the underside of roof plate, and potentially on the walls and floor, may only need sandblasting and recoating. If during sandblasting holes are found in the shell, the holes can be repaired with a cover plate seal welded to the inside of the reservoir and filling the exterior of the hole with weld metal.

Several accessories should be updated as part of the repairs including the roof vent, roof hatch lid, the safety tie-off ring on the roof of the reservoir, and the safety climb devices on the ladders. A new roof vent should be installed as the current one is an old, unsecured design. New roof vent models provide protection against the insertion of materials directly into the reservoir. They also have interior pallets that release air when a vacuum or a pressure buildup occurs due to the screen mesh being clogged or blocked. The roof vent riser should be completed with tie-off rings to meet current code. A new access hatch should be constructed so that there is a dedicated access hatch and a roof vent. The existing opening beneath the access tube hatch at the top of the reservoir should be welded shut. The welds holding the safety tie-off ring have broken in several

locations. It should be rewelded to the roof or replaced. The ladder safety climb devices are old and difficult to use, and should be replaced with new systems.

The anticipated cost for this option including construction, engineering, and tax is \$627,000 (Appendix B). Recoating should occur generally on a 25-year cycle. The actual time for recoating will depend upon how well the coating lasts.

Alternative 2 – Recoat the Reservoir, Minor Metal Work and Seismic Retrofit

This alternative includes all of the recoating and minor metal work as discussed above, and completion of seismic retrofit work. Seismic retrofit is not required, the structure met the seismic code at the time that it was installed. However, the District may wish to complete seismic retrofit work to help ensure the long term stability of the reservoir. Seismic upgrades should not be undertaken as a “stand alone” project. Significant welding will occur during seismic upgrades. Thus recoating will be required due to the concomitant loss of coatings.

A seismic retrofit will require strengthening the steel structure to bring the reservoir into compliance with current code. A seismic retrofit includes the following:

- Install a new ringwall placed on the exterior face of the existing ringwall and additional anchors on a new baseplate. The new ringwall would be anchored to the top of the existing foundation mat with post-installed rebar anchors. Weld a new baseplate to the outside face of the existing baseplate, with additional shear bars and anchorage bolts extending downward into the new ringwall (Figure 7).
- Strengthen the 10-foot-diameter shaft by welding regularly-spaced vertical stiffeners onto the inside face of the shaft (Figures 7 and 8).
- Reinforce the existing stiffeners in the “bell” structure by adding additional stiffeners (Figures 7 and 9).

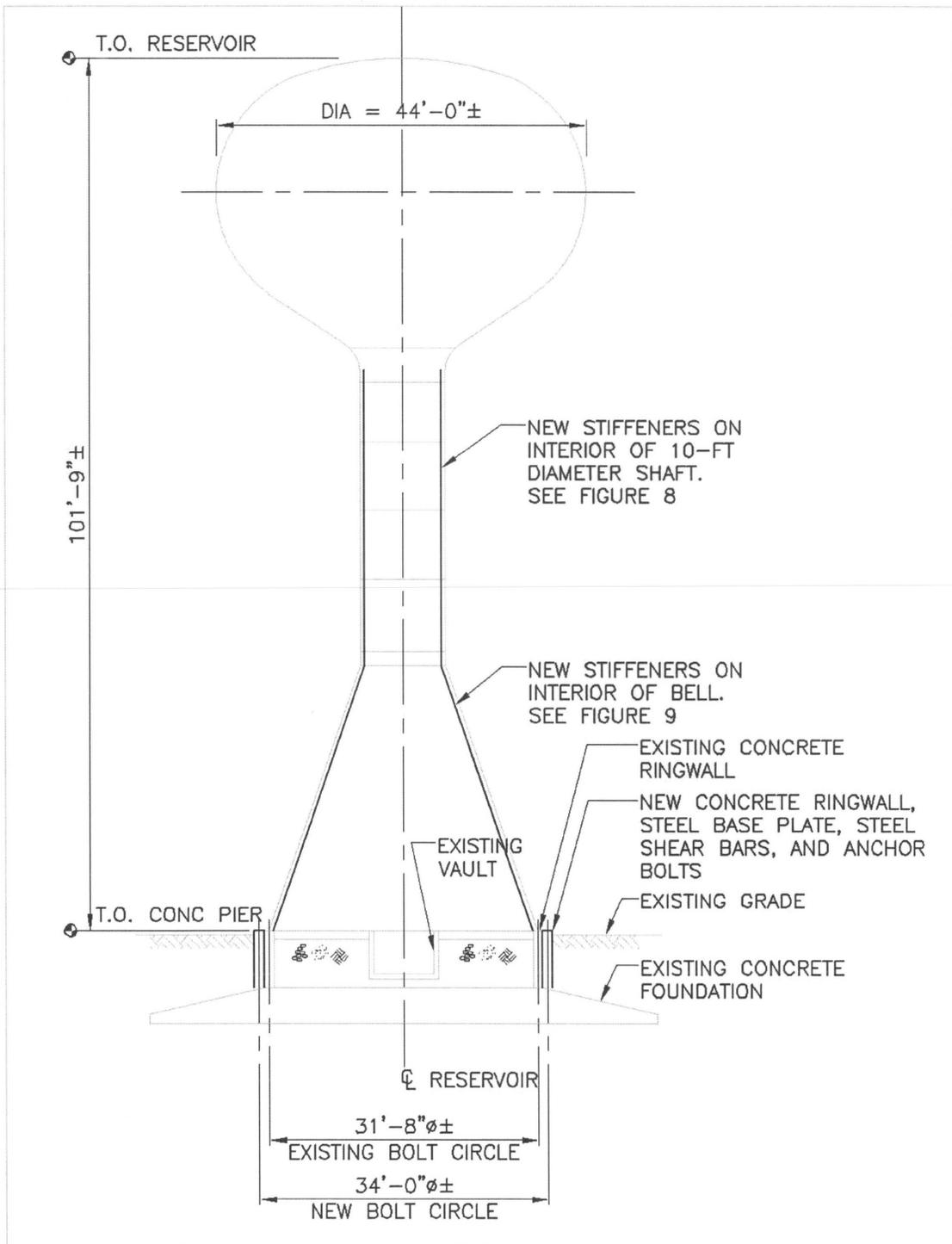


FIGURE 7

Seismic Retrofit: Reservoir Elevation

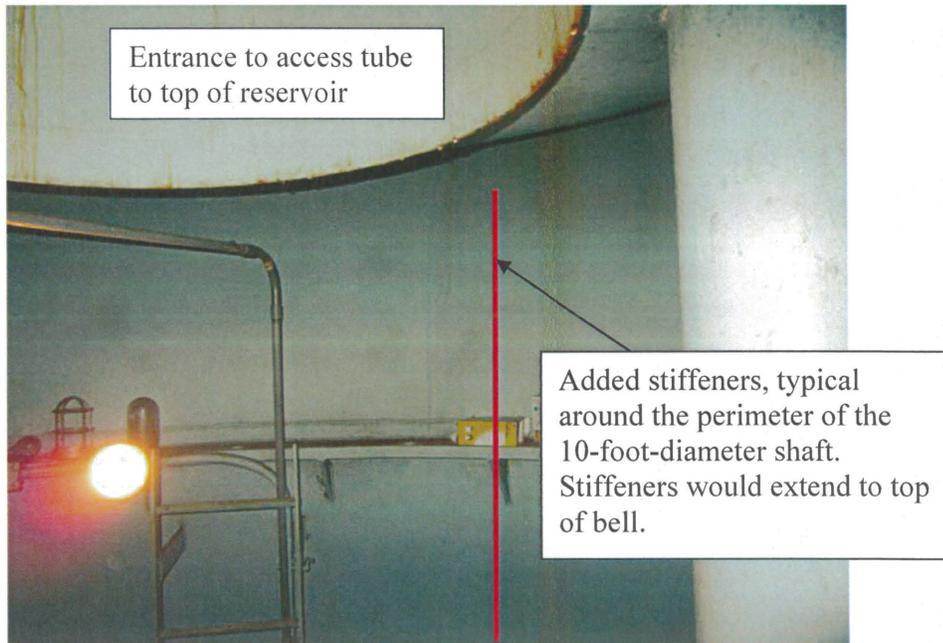


FIGURE 8

Seismic Retrofit: Stiffeners at 10-Foot-Diameter Shaft

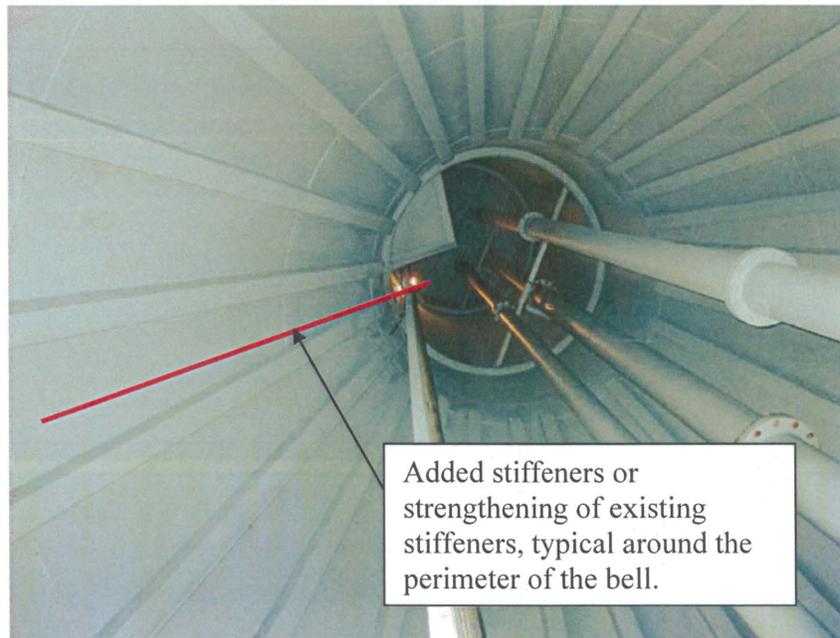


FIGURE 9

Seismic Retrofit: Stiffeners at Bell Structure

The anticipated cost for this option is \$1,226,000 (Appendix B).

Alternative 3 – Remove and Replace the Reservoir

The Remove and Replace alternative will dismantle the elevated reservoir. If the reservoir is removed there will be a resulting water storage deficiency. The storage must either be replaced with on-site reservoir construction or acquired from Highline Water District. Minor work will be needed at the booster station to allow the high flow pumps to remain operational, including a second high flow recirculation line and control upgrades. Equipment storage, which currently occurs in the control room of the reservoir, will be replaced at the same location. The power and controls for Well 6, and a discharge to waste valve, are currently housed in the Well 6 control room where they will remain.

The anticipated cost for this option, assuming onsite reservoir construction, is \$963,000 (Appendix B).

EVALUATION OF REMOVE AND REPLACE OPTION

If the elevated reservoir is removed the 660,000 low level concrete reservoir will be the only water storage structure. If the 660,000-gallon reservoir does not have sufficient capacity to provide all of the District's storage needs, additional storage will be required. The discussion below reviews system operations and storage needs.

System Operation

A review of the demand, and storage requirements and the minor capital upgrades needed for the remove and replace scenario are discussed below.

Operationally the system works as follows. The wells are called on by, and discharge to, the lower reservoir, a 660,000-gallon concrete tank. The wells discharge to the lower reservoir at the following rates:

- Well 5 – 500 gpm
- Well 6 – 350 gpm
- Well 7 – 350 gpm

Water is pumped from the lower reservoir, by the on-site booster station, to the elevated reservoir. Water flows from the elevated reservoir by gravity to the system providing minimum pressure of 30 psi under normal peak hour conditions. The elevated reservoir provides 250,000 gallons of storage.

There are six booster pumps at the booster pump station, two low flow pumps, each discharging at approximately 250 gpm, an intermediate flow pump discharging at

440 gpm and three high flow pumps, each rated at 1,750 gpm. One high flow pump is redundant. Under normal conditions the low flow and intermediate flow pumps turn on sequentially, as needed to maintain water level in the elevated reservoir. In the event of a high flow event the high flow pumps will turn on as needed and discharge directly to the system, and also feed to the elevated reservoir, through the distribution system, to replenish the water level in the elevated reservoir.

In 2013, the District added system controls and bypass piping so that the booster station can maintain system pressure with the elevated reservoir offline. The “booster pump” operational mode was designed to be for temporary use during repairs to the elevated reservoir. The high flow pumps are turned off in this mode; the District’s intertie with the Highline Water District will supply fire flow if needed. Should the District choose to dismantle the elevated reservoir, system piping and controls will need to be revised to allow the high flow pumps to remain online.

In the “booster pump mode” the system becomes a “closed system,” water must be continuously pumped to maintain pressure. When in “booster pump mode,” a low flow pump will be operated continuously to maintain system pressure. Excess water is recirculated through a 4-inch bypass, including a pressure relief control valve and flow meter, installed at the booster station. The second low flow pump and the intermediate flow pump will be turned on sequentially as needed to maintain system pressure and will turn off sequentially as demand drops. The booster pumps are operated “on by pressure” and “off by flow.”

Demand

System demand is estimated by review of water use. Equivalent residential units (ERUs) provide the base for water use planning. The use of all water by single-family residents, multi-family residents, commercial, industrial, etc., is related back to an ERU. The water used by a typical single family household is considered one ERU. The current average day ERU demand is estimated at 160 gallons per day. Table 1 summarizes historical use. Year 2014 data was not utilized in this analysis due to production meter malfunction.

Distribution system leakage (DSL) is generally the difference between the amount of water produced and the amount accounted for as sold water plus the amount of water estimated through uses, such as hydrant flushing. DSL may be the result of actual leaks, faulty meters, accounting errors or other factors that may lead to differences between production and consumption. The Washington Department of Health considers a DSL value below 10 percent to be acceptable. For the period 2006 to 2009 the DSL averaged 13.2 percent. Since 2010 the District has replaced 340 of 760 service meters, and specifically targeted several larger meters that were older and suspected of under reading consumption. The amount of DSL has decreased to approximately 6 percent.

To estimate maximum day demand, daily production for July and August for the three years 2011, 2012 and 2013 were evaluated. The Maximum Day/Average Day peaking factor ranged from 1.73 to 2.1 with an average of 1.87. The peaking factor estimated in the District's 2011 Water System Plan ranged from 1.67 to 2.37 with an average of 2.07. Based upon the past three years, and the 2011 WSP, a maximum day peaking factor of 2.2 is used to estimate future maximum day demand. The maximum day peaking factor analysis is summarized in Table 2.

Projected water use is based upon projected population growth. Growth rate in the District is estimated at 0.67 percent based upon Puget Sound Regional Council data. The City of Des Moines has indicated that a growth rate of 2.8 percent may be more likely base upon a Land Use Capacity analysis. If that growth occurs demand will increase above that shown below.

The peak hour demand may be estimated by Equation 5-1 in the Washington Department of Health 2009 Water System Design Manual.

$$\text{PHD} = (\text{MDD}/1440) [(C) (N) + F] + 18$$

MDD = Maximum Day Demand for the system.

PHD = Peak Hour Demand (gpm)

C = Coefficient associated with range for ERU (1.6 for Water District No. 54)

N = Number of ERU

F = Factor associated with range of ERU (225 for Water District No. 54)

Peak Hour demand is estimated in Table 3.

TABLE 1
Historical Demand

Year	Single-Family Residential (gal/yr)	# SFR Connections	Multi-Family Residential (gal/yr)	Other (gal/yr)	Total Consumption (gal/yr)	TOTAL Production (gal/yr)	ADD (gal/day)	# ERU Incl. DSL	DSL (gal/yr)	DSL %
2009	30,535,198	490	50,549,715	26,223,299	107,308,212	140,160,262	384,001	2,403	32,852,050	23%
2010	28,213,095	490	48,324,492	24,441,886	100,979,473	114,556,685	313,854	1,964	13,577,212	12%
2011	28,692,627	490	50,792,250	26,823,597	106,308,474	115,709,531	317,012	1,984	9,401,057	8%
2012	28,818,308	492	54,908,296	27,886,520	111,613,124	121,102,810	331,789	2,076	9,489,686	8%
2013	28,818,308	492	54,908,296	29,489,571	113,216,175	120,141,938	329,156	2,060	6,925,763	6%
Average	28,635,585	491								

ERU demand = 160 gpd

TABLE 2

Historical Peaking Factor

Year	ADD	MDD	Date	MDD/ADD
2011	317,012	566,667	21-Aug	1.79
2012	331,789	696,000	17-Aug	2.10
2013	329,156	569,000	2-Jul	1.73

TABLE 3

Projected Demand

Year	# ERU	ADD	MDD	PHD
2015	2117	338,241	744,130	920
2025	2261	361,215	794,673	977
2030	2336	373,281	821,219	1,007
2035	2414	385,750	848,650	1,039

Storage

Storage can be segregated into five components.

1. Operational storage (OS)
2. Equalizing storage (ES)
3. Standby storage (SB)
4. Fire Suppression storage (FSS)
5. Dead storage (DS)

The District is required to maintain a minimum of 30 psi pressure in the distribution system at all locations after the depletion of equalizing storage and under peak hour demand and a minimum of 20 psi under fire flow conditions assuming the depletion of standby and fire suppression storage. The booster station is capable of meeting this requirement, regardless of low level reservoir water level.

The low level reservoir is 70 feet in diameter, with a water depth of 23 feet when full. The reservoir volume is 662,000 gallons, 28,786 gallons per foot of water.

Operational Storage

The District currently operates its low level reservoir with approximately 4.5 feet of operational storage to minimize interference with water level sensors. Currently the wells are called on when the water level drops in the low level reservoir to 18.5 feet of depth and are shut off when the water depth reaches 20.5 feet. Raising the water depth at

which the lead well pump turns on to 21.5 feet, and the off level to 22.5 feet, would reduce the operational storage by 3 feet or approximately 86,000 gallons.

Equalizing Storage

Equalizing storage is estimated using Equation 9-1 in the Washington Department of Health 2009 Water System Design Manual.

$$ES = (PHD - Q_s) * 150$$

PHD = Peak Hour Demand (gpm)
 Q_s = Sum of all installed and active supply sources

The maximum production rate with all wells running is 1,200 gpm. Equalizing storage will be needed when Peak Hour Demand increases to an amount greater than 1,200 gpm.

Standby Storage (SB)

Standby storage may be estimated by assuming 200 gallons per ERU. Equation 9-2 (WDOH 2009 Water System Design Manual)

$$SB_{TSS} = (2\text{days}) * ADD * N$$

ADD = Average Day Demand/ERU (160 gpd/ERU)
 N = Number of ERU

WDOH recommends that standby storage not be less than 200 gallons per ERU.

Per Equation 9-3 in the Water System Design manual standby storage may be reduced if the system has multiple continuously available sources. Currently the District operates three wells, all of which are available on demand and with backup emergency power.

$$SB_{TMS} = 2 \text{ day} * [(ADD * N) - T_m (Q_s - Q_L)]$$

Q_s = Sum of all continuously available sources
 Q_L = Largest Source capacity
 t_m = Assume 1440 minutes

In Table 4 below standby storage is calculated both ways; assuming 200 gallons per ERU and assuming that one source well is working at 350 gpm. Storage surplus/deficit recommendations are assumed based upon 200 gallons per ERU.

Fire Suppression Storage (FSS)

Fire suppression storage is the required flow rate multiplied by the flow duration. Water District is required by the City of Des Moines and the Fire District No. 54 to supply 3,500 gpm for 3 hours.

$$\text{FSS} = 3500 * 180 = 630,000 \text{ gallons}$$

Dead Storage (DS)

Dead storage is the amount of storage required to maintain system pressure in accordance with WAC 246-290-230(5) and (6). All of the water in the low level reservoir is pumped via an outlet to the booster station through the bottom of the reservoir. The booster pumps are set to turn off, to protect them, when the water level in the reservoir is at a depth of 2.0 feet, or approximately 57,600 gallons.

The elevated reservoir provides approximately 250,000 gallons of storage. However, approximately 57,000 gallons is dead storage as it cannot supply pressure above the minimum 20 psi. Since the minimum pressure maintained by the elevated reservoir is approximately 30 psi, the storage provided by the elevated reservoir is all emergency/fire suppression storage.

Storage Summary

Water District No. 54 allows for the nesting of standby storage and fire suppression storage; only the greater of fire suppression or standby storage are needed. Currently the District's fire suppression needs are greater than its standby storage needs. With growth in the system its standby storage needs will increase. If the higher growth rate, as estimated by the City of Des Moines, occurs more storage than indicated in Table 4 will be needed; standby storage needs will exceed fire suppression storage needs, and some equalizing storage will be required.

As shown in Table 4, without the elevated reservoir, the District will have a storage deficit. The deficit could be reduced, but not be eliminated, by decreasing operational storage as discussed above. The District will need to construct additional onsite storage, or obtain storage from Highline, to correct the storage deficiency that will result from removal of the elevated reservoir.

TABLE 4

Storage – Low Level Reservoir Only

Year	ERU	PHD	OS	ES	SB _{TSS}	SB _{TMS}	FSS	DS	Total	Surplus/ Deficit
2015	2117	920	129,539	0	423,374	0	630,000	57,573	817,112	-155,112
2025	2261	977	129,539	0	452,131	0	630,000	57,573	817,112	-155,112
2030	2336	1,007	129,539	0	467,234	0	630,000	57,573	817,112	-155,112
2035	2414	1,039	129,539	0	482,841	0	630,000	57,573	817,112	-155,112

Electrical Costs

Removal of the elevated reservoir will require a revision to the District's pumping regime. Currently the booster pump station operates as needed to maintain the water level in the elevated reservoir. The system is currently an "open" system as the water level of the elevated reservoir sets hydraulic grade for the system.

If the elevated reservoir is removed the booster pumps will maintain system pressure. At a minimum one booster pump will always be running to maintain system pressure. The second and third booster pumps will come on as needed to maintain pressure if demand increases to a point where the pump(s) that are running cannot maintain pressure.

Wells 5 and 6 predate the lower reservoir and thus originally discharged to the elevated reservoir. Since construction of the lower reservoir in 2005 these two wells have been fitted with pressure sustaining valves to maintain design head on the well pump, while discharging to the lower reservoir. The well pumps are capable of pumping directly to the upper reservoir, if needed, for operational flexibility. Under normal operation the water from Wells 5 and 6 is essentially pumped to system pressure twice. The first time is at the well and through the control valve prior to discharge to the lower reservoir. The second is from the lower reservoir to the upper reservoir to maintain system pressure. Well 7 can only pump to the lower reservoir.

If the upper reservoir is dismantled, the pumps in Wells 5 and 6 should be reduced in size so that they maintain the same discharge rate at a reduced head. The reduced head and horsepower requirements will reduce pumping costs from the wells.

Offsetting the reduced pumping requirements from the wells will be increased pumping requirements at the booster station. Though the head and discharge rate from the booster station will not change at least one pump must be operated at all times to maintain pressure to a closed system. A second and third pump will be called on as needed to maintain system pressure during periods of higher demand.

In summary, the electrical costs for discharge from the wells will decrease but be offset by increased electrical costs from the booster station. We anticipate a pumping cost decrease of approximately 3 percent so long as the pumps in Wells 5 and 6 are changed out with new pumps, designed for discharge to the lower reservoir.

Booster Station Capital Improvements, if Elevated Reservoir is Dismantled

Minor work at the booster station will be needed if the elevated reservoir is dismantled. The booster station was designed with two discharge lines. During normal conditions only the low flow pumps are running and discharge is routed through the elevated reservoir. During high flow events (fire flow or water main break) discharge is routed directly to the system. As stated above, when in "booster pump mode" the excess water (the amount pumped but not being used by the system) is recirculated through a 4-inch

bypass. When in this mode the high-flow pumps are turned off and fire flow is supplied by the Highline Water District through the intertie on South 216th Street.

If Water District No. 54 is to provide fire flow long term without the elevated reservoir, we recommend that the 4-inch bypass be supplemented with a 6-inch bypass to avoid excess water velocity through the bypass in the case of a high flow event. The existing 6-inch flow meter and 6-inch control valve that currently monitor and control flow into the elevated reservoir could be relocated to the new bypass. The existing 4-inch bypass would remain as a parallel bypass system that would be used only if the 6-inch system was offline for maintenance. Operational controls will need to be modified to accommodate use of the high flow pumps. The Highline Intertie would remain as an emergency intertie. The cost to install the 6-inch bypass, using the relocated control valve and meter is anticipated at \$12,000.

As discussed above, to reduce long term electrical costs, the pumps in Wells 5 and 6 should be replaced if the elevated reservoir is dismantled. We anticipate the electrical costs savings to be approximately \$4,000 per year if the well pumps are replaced.

In lieu of new well pumps, variable frequency drives (VFD) could be installed for Wells 5 and 6. Installation of a VFD for either well will require an external VFD connected to the power and control cabinet. The existing motor starter/control cabinets are full. VFDs can create electrical harmonics, which in some situations can cause electrical disturbance to neighbors. Line and load reactors will be required to protect the pumps and to reduce impact to the electrical system. Harmonic filters may be required in addition to the line and load reactors. Since the District's well site and reservoir facility is located between the City of Des Moines Police Station and City Hall mitigation of harmonic interference is critical consideration. The anticipated cost to install VFDs with line and load reactors in separate cabinets for Wells 5 and 6 is anticipated to be \$40,000, total. If harmonic filters are required, the additional cost is anticipated to be \$20,000.

Pumps used with VFDs should be rated for that use. If the pumps are not rated for use with VFDs the life span of the pumps may be reduced. Whether or not the existing well pumps are rated for use with VFDs is unknown.

APPENDIX A
COST ESTIMATES

RECOATING ELEVATED RESERVOIR

<u>No.</u>	<u>Description</u>	<u>Qty.</u>	<u>Units</u>	<u>Unit Price</u>	<u>Amount</u>
1	Minor Changes	1	LS	\$15,000	\$15,000
2	Mobilization	1	LS	\$33,000	\$33,000
3	Temporary Water Pollution/Erosion Control	1	LS	\$2,000	\$2,000
4	Interior Reservoir Recoating, Complete	1	LS	\$102,600	\$102,600
5	Exterior Reservoir Recoating, Complete	1	LS	\$139,200	\$139,200
6	Containment, Complete	1	LS	\$34,800	\$34,800
7	Metal work, Seal Welding and Accessories ⁽¹⁾	1	LS	\$52,500	\$52,500
8	Surface Restoration	1	LS	\$2,500	\$2,500
Subtotal					\$381,600
Sales Tax (9.5%)					\$36,252
Subtotal					\$417,852
Contingency (20%)					\$83,570
Subtotal					\$501,422
Design, Construction Management, Project Administration, Permitting (25%)					\$125,356
TOTAL (ROUNDED).....					\$627,000

- (1) Includes seal welding the interior of the reservoir, installation of a new vent hatch, replacement of the existing access hatch, welding of safety tie off and new safety climbs.

RECOATING AND SEISMIC UPGRADES

<u>No.</u>	<u>Description</u>	<u>Qty.</u>	<u>Units</u>	<u>Unit Price</u>	<u>Amount</u>
1	Minor Changes	1	LS	\$15,000	\$15,000
2	Mobilization	1	LS	\$67,660	\$67,660
3	Temporary Water Pollution/Erosion Control	1	LS	\$2,000	\$2,000
4	Seismic Upgrades – Steel	1	LS	\$250,000	\$250,000
5	Seismic Upgrades – Concrete/Foundation	1	LS	\$50,000	\$50,000
6	Accessories	1	LS	\$32,500	\$32,500
7	Interior Reservoir Recoating, Complete	1	LS	\$102,600	\$102,600
8	Exterior Reservoir Recoating, Complete	1	LS	\$139,200	\$139,200
9	Containment, Complete	1	LS	\$34,800	\$34,800
10	Metal work, Seal Welding and Accessories	1	LS	\$62,500	\$62,500
11	Surface Restoration	1	LS	\$5,000	\$5,000
Subtotal					\$746,260
Sales Tax (9.5%).....					\$70,895
Subtotal					\$817,155
Contingency (20%)					\$163,431
Subtotal					\$980,586
Design, Construction Management, Project Administration, Permitting (25%).....					\$245,146
TOTAL (ROUNDED).....					\$1,226,000

**TEAR DOWN ELEVATED RESERVOIR, UPGRADE BOOSTER
STATION, CONSTRUCT NEW STORAGE**

<u>No.</u>	<u>Description</u>	<u>Qty.</u>	<u>Units</u>	<u>Unit Price</u>	<u>Amount</u>
1	Minor Changes	1	LS	\$5,000	\$5,000
2	Mobilization	1	LS	\$27,000	\$27,000
3	Temporary Water Pollution/Erosion Control	1	LS	\$3,000	\$3,000
4	Demolish and Wastehaul Elevated Reservoir, Complete	1	LS	\$100,000	\$100,000
5	Booster Pump Station Upgrades	1	LS	\$50,000	\$50,000
6	Well pump replacement	2	EA	\$35,000	\$70,000
7	Structural Modifications, Equip. Storage	1	LS	\$25,000	\$25,000
8	Electrical and Controls Complete	1	LS	\$20,000	\$20,000
9	Surface Restoration	1	LS	\$5,000	\$5,000
10	Storage (160,000 gallons) ⁽¹⁾	1	LS	\$281,000	\$281,000
Subtotal					\$586,000
Sales Tax (9.5%)					\$55,670
Subtotal					\$641,670
Contingency (20%)					\$128,334
Subtotal					\$770,004
Design, Construction Management, Project Administration, Permitting (25%)					\$192,501
TOTAL (ROUNDED).....					\$963,000

(1) Assumes a Mt. Baker Silo reservoir constructed onsite.

MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue South, Des Moines**

April 2, 2015 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Mayor Pro Tem Pina.

ROLL CALL

Council present: Mayor Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Vic Pennington.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Michael Matthias; Police Chief George Delgado; Commander Barry Sellers; Commander Bob Bohl; Master Police Officer Tony Nowacki; Planning, Building and Public Works Director Dan Brewer; Marina Maintenance Manager Scott Wilkins; Finance Director Dunyele Mason; Prosecutor Matt Hutchins; Court Administrator Jennefer Johnson; City Clerk Bonnie Wilkins.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

DISCUSSION ITEMS

Item 1: **EMERGING ISSUES**
South West King County Chamber Business Roundtable:

- May 7th at Anthony's Restaurant
- 8:00-9:00 a.m.

Item 2: **PUBLIC SAFETY**
Staff Presentation: Police Chief George Delgado

Chief Delgado gave a power point presentation to Council.

No formal action was taken.

At 8:13 p.m. Councilmember Sheckler left the meeting.

EXECUTIVE SESSION

At 8:17 p.m. Council went into an Executive Session to discuss the performance of a public employee under RCW 42.30.110(f). Council in attendance: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Pennington, Burrage, Musser and Nutting. Staff in attendance: City Manager Piasecki; Assistant City Manager Matthias; City Attorney Bosmans.

At 8:30 p.m. Mayor Kaplan extended the meeting for an additional 5 minutes.

The Executive Session concluded at 8:35 p.m.

No formal action was taken.

NEXT MEETING DATE

April 9, 2015

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Musser.
The motion passed 6-0.

The meeting was adjourned at 8:39 p.m.

Respectfully Submitted,
Bonnie Wilkins
City Clerk

MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue South, Des Moines**

April 9, 2015 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Musser.

ROLL CALL

Council present: Mayor Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Vic Pennington.

Staff present: City Manager Tony Piasecki; Assistant City Attorney Tim George; Assistant City Manager Michael Matthias; Community Development Manager Denise Lathrop; Surface Water Management Utility Manager, Loren Reinhold; Acting City Clerk Autumn Lingle.

CORRESPONDENCE

There were no correspondence

COMMENTS FROM THE PUBLIC

- M. Morris, no address, received a speeding ticket and asked where the school zone ticket revenue is spent.
- Luisa Bangs, 22605 12th Ave S, announced that she will be running for City Council. She supports economic development and public safety.
- Richard Body, 1423 S 223rd St, stated that he is a volunteer driver at Meals on Wheels and asked for continued Council support for that organization.
- Rick Johnson, 28624 Redondo Bch Dr S, requested boardwalk repair updates, commented on the surrounding temporary fencing, expressed desire that Councilmembers stay for entire functions, and he would like agendas and minutes to be available sooner.
- Scott Evan, 1172 S 223rd St, Destination Des Moines boardmember distributed Main Street flyers, issued an open invitation to attend the Main Street meeting on Friday, April 17 at John L. Scott. He asked for support in this undertaking. In addition, he requested that Council/citizens contact the legislature about supporting funding for Washington State archeology and historic preservation.
- Bob Pond, 23116 30th Ave S, voiced his opinion on raising taxes, and fire districts, encouraging citizen's to vote no on these types of ballots.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Sheckler

- Expressed his appreciation to Meals on Wheels organization and Richard Body for volunteering.

Mayor Pro Tem Pina:

- Mayor Kaplan, City Manager Piasecki and Mayor Pro Tem Pina met with Des Moines Marina Association regarding the opportunities within the City and to discuss the marinas viability.
- Finance & Economic Development Committee Meeting
 - Des Moines Theater remodeling
 - BeBe Nail Salon is demolished and new construction is beginning
 - Wally's is expanding
 - Reviewed different areas of comprehension plan.
 - North central
 - Downtown
 - Pacific ridge
 - Marina district
 - Parking and Business Improvement Area (PBIA)
 - Public Development Authority (PDA)

Councilmember Nutting:

- Thanked the Parks and Legacy Foundation for Eggstravaganza
- Washington Old Time Fiddlers Benefit Show on April 18 at 1:30 p.m. at Masonic Center
- Des Moines Elementary School Auction on April 18 at 5:30 p.m. at Des Moines Field House
- Announced he was running for re-election

PRESIDING OFFICER'S REPORT

- Capital Projects funding update
 - Picnic shelter and restroom at Des Moines Beach Park
 - Redondo Boardwalk replacement/upgrades
 - Sidewalk connecting Woodmont Elementary and library
- Attended Huntington Park Meeting
 - Fire District Bond upgrade for
 - Fire Houses
 - Safety equipment
 - Replace the aging fire boat
- Southside Alliance Retreat attended with Assistant City Manager/Economic Development Director Michael Matthias.
 - Goal setting
 - Economic development strategic plan
 - Regional marketing for attracting development
 - Zoning
 - Infrastructure to support development
 - Assets (available and buildable land)
- Environment Committee
 - Water resource inventory Area 9 (WRIA 9) Draft Interlocal Agreement to continue implementation of the Salmon Habitat Plan for 10 more years
- Public Works Yard Remediation
 - Extending program contract for 2 years for the Public Works Vehicle facility to correct and prevent storage tank leakage and to remove chemicals from aquifer
- Washington State Audit entrance meeting
 - Audit scope

- Employee Recognition Program
 - **John Cozart** – John organized his crew and was able to install several concrete anchors for the new street name signs with minimal notice (John was chosen as employee of the quarter).
 - **Jennifer Dalbec** – Jennifer has been very patient and helpful in finding information that is needed for the CityWorks program.
 - **Terryann Dell** – Terryann has the innate ability to see an employee's strength and assigns different projects to each employee that utilizes that strength. She nurtures and develops employees so they increase their skill set. She promotes teamwork and encourages employees to resolve issues and think creatively to accomplish their goals.
 - **Casey Emly** – Casey was asked to testify in a criminal jury trial on less than one days notice. Despite having multiple incidents to respond to on the day of the trial (including a fatality accident) she found time to appear in court to testify. She had no time to prepare, but displayed excellent recall of the three-month old incident. Her testimony likely played a significant role in securing a guilty verdict. She was very professional and did not show any irritation about being taken away from her duties on such short notice.
 - **Denise Lathrop** – Denise worked tirelessly on the Tree Ordinance for over a year, including responding to questions from the public, countless presentations to City Council, and revising dozens of drafts. She is currently working on the 2015 Comprehensive Plan Update, which for most jurisdictions is completed by a staff of 2-3 planners over the course of at least one year. She is doing this task on her own (in 6 months) while remaining accessible and welcoming to her staff.
 - **Matt Koppelman** – Matt has been very quick and efficient when creating map books, additional GIS layers, GIS updates, and anything else needed for Public Works.
 - **Drew Koplitz** – Drew does a great job helping out with sign work orders.
 - **Dave McGinnis** – Dave is always willing to learn new things and employ different strategies to the manner in which his crew works, with his goal being to improve the way work is generated and completed.
 - **Cecilia Pollock** – Cecilia has been very patient and helpful in providing information required for the CityWorks program.

ADMINISTRATION REPORT

City Manager Piasecki

- Announced the selection of Lisa Leone for the position of Des Moines Municipal Court Judge. She will be attending the April 23 Council meeting. Confirmation will take place April 30.
- Mayor Kaplan received an email from a citizen that would like to see the City modify its code on raising chickens. City Manager Piasecki asked Council for direction.

Direction/Action

Motion made by Councilmember Musser, to refer the code on raising chickens to Finance and Economic Development Committee for review, seconded by Councilmember Pennington.

The motion passed 7-0

CONSENT AGENDA

- Item 1: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfers included in the attached list and further described as follows:
Claim Checks: \$367,687.45
Payroll Fund Transfers: \$304,485.42
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$672,172.87
- Item 2: APPROVAL OF MINUTES
Motion is to approve the minutes from the March 5, 2015 regular City Council meeting.

Direction/Action

Motion made by Councilmember Nutting to approve the consent agenda; seconded by Councilmember Pennington.
The motion passed 7-0.

At 7:38 p.m. Council went into Executive Session. The purpose of this Executive Session was to discuss labor negotiations under RCW 42.30.140(4)(a). In attendance were: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Musser, Nutting, Burrage, Sheckler and Pennington; City Manager Piasecki; Assistant City Manager Matthias and Assistant City Attorney George;

At 7:50 p.m. Council adjourned the Executive Session. No formal action was taken.

At 7:55 p.m. Councilmember Sheckler left the meeting.

OLD BUSINESS

Mayor Kaplan moved Item 2 ahead of Item 1.

- Item 2: DRAFT ORDINANCE NO. 15-038 SURFACE WATER MANAGEMENT RATES

Surface Water Management Utility Manager Loren Reinhold gave a brief PowerPoint presentation to Council on the Surface Water Management Rates.

Direction/Action

Motion 1 made by Mayor Pro Tem Pina to suspend Rule 26(A) in order to enact Draft Ordinance No. 15-038 on first reading; seconded by Councilmember Musser.
The motion passed 7-0.

Motion 2 made by Mayor Pro Tem Pina to enact Draft Ordinance No. 15-038 adjusting the surface water service charges and charges for development permits based on the findings and recommendations of the adopted City of Des Moines 2015 Surface Water Comprehensive Plan, Service Level Scenario 3; seconded by Councilmember Musser.
The motion passed 7-0.

Mayor Kaplan read Draft Ordinance No. 15-038 into the record.

- Item 1: 2015 COMPREHENSIVE PLAN PERIODIC UPDATE:
- Capital Facilities, Utilities and Public Services Element
 - Parks, Recreation and Open Space Element
 - Transportation Element
 - Conservation Element

Economic Development Manager Denise Lathrop gave a brief PowerPoint Presentation and update to Council on the 2015 Comprehensive Plan. Council directed staff to update full document with track changes and the Council will amend it. A working draft will be given to Council May 8. Council will return the document to staff on May 22 with amendments. Staff will incorporate amendments to the document and return it to Council June 11.

NEXT MEETING DATE

April 23, 2015

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Pennington. The motion passed 7-0.

The meeting was adjourned at 8:31 p.m.

Respectfully Submitted,
Autumn Lingle
Acting City Clerk

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MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue South, Des Moines**

April 23, 2015 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Nutting.

ROLL CALL

Council present: Mayor Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Bob Sheckler and Vic Pennington.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Michael Matthias; Police Chief George Delgado, Commander Bob Bohl; Planning, Building and Public Works Director Dan Brewer; Community Development Manager Denise Lathrop; Transportation Manager Brandon Carver; Associate Transportation Engineer Andrew Merges; Harbormaster Joe Dusenbury; Marina Maintenance Manager Scott Wilkins; Parks, Recreation & Senior Services Director Patrice Thorell; Finance Director Donyele Mason; Assistant City Attorney Tim George; Prosecutor Matt Hutchins; Court Administrator Jennefer Johnson; City Clerk Bonnie Wilkins.

Mayor Kaplan reads letter from Councilmember Burrage, resigning her position as of April 22, 2014.

CORRESPONDENCE

There were no correspondences.

COMMENTS FROM THE PUBLIC

- Rikki Marohl, 22807 17th Avenue S; Invited Council and the community to the 10th season celebration of the Farmer's Market.
- Sophie & Ayden, 115 SW 164th Place; Updated Council on the student body activities at Mt. Rainier High School.
- Rick Johnson, 28624 Redondo Beach Drive S; Spoke about a couple of concerns he has down in the Redondo area; rocks on the beach and beach access on the Boardwalk.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington

- Public Safety Issues on the ballot:
 - Remember to vote.
- Thanked public for attending and sharing.

Councilmember Sheckler

- Complimented the Finance Director on the agenda item in the Council packet.

Mayor Pro Tem Pina:

- No report.

Councilmember Musser

- Municipal Facilities Committee meeting:
 - Marina sustainability plan.
 - Tourism promotion, tothebeachwa.com

Councilmember Nutting:

- Des Moines Main Street Program.
- April Pools Day at Mt. Rainier Pool.
- Des Moines Elementary School Auction.
- Fill a patrol car full of bears.
 - Sponsored by Warm 106.9 and Bartell Drugs.
 - Teddy Bears go to children in very stressful situations.

PRESIDING OFFICER'S REPORT

- Northwest Community Neighborhood meeting:
 - Improvements along Pacific Highway South.
 - Sound Transit
 - Alignment and station location.
- Sound Transit alignment consensus with SeaTac, Kent and Federal Way.
 - Open House, 5:30-7:00 in Council Chambers.
 - Show routes.
 - May 26th deadline for comments.
- Port of Seattle Master Plan:
 - No additional runways
 - Maximizing the use of the ground they have.
 - Public input welcome.

ADMINISTRATION REPORT

Item 1: INTRODUCTION OF MUNICIPAL COURT JUDGE

City Manager Piasecki introduced Municipal Court Judge appointee, Lisa Leone, who spoke to Council and the Community.

CONSENT AGENDA

Item 1: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers included in the attached list and further described as follows:

Total A/P Checks/Vouchers	#14261-142775	\$1,409,659.33
Electronic Wire Transfers	#537-540	\$ 154,933.22
Payroll Checks	#18641-18645	\$ 5,952.56
Payroll Direct Deposit	#160001-160155	\$ 290,434.67
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$1,860,979.78		

Item 2: DES MOINES LANDMARKS COMMISSION

Motion is to confirm the Mayoral appointment of Morgan Hicks to fill a three year term on the Des Moines Landmarks Commission effective immediately.

- Item 3: AMENDMENT TO THE NEW CINGULAR WIRELESS PCS, LLC COMMUNICATIONS SITE LEASE AGREEMENT
Motion is to approve the First Amendment to the Communications Site Lease Agreement (attachment 1) and Memorandum of Lease (attachment 2) between New Cingular Wireless PCS, LLC and the City of Des Moines and to authorize the City Manager to sign substantially in the form as attached.
- Item 4: COUNCIL CHAMBERS AUDIO/VISUAL SYSTEM UPGRADES
Motion is to approve the purchase agreement with Advanced Broadcast Solutions for the purchase and installation of new audio/visual equipment in the total amount of \$98,658.91, including tax, and to authorize the City Manager to enter into a contract with Advanced Broadcast Solutions and to sign the agreement substantially in the form as attached.
- Item 5: MODIFICATIONS TO THE MARINA FACILITIES LEASE BETWEEN THE CITY AND CSR MARINE SOUTH, INC.
Motion is to approve Addendum 2 to the June 9, 2009 Marina Facilities Lease between the City and CSR Marine South, Inc., adding additional yard space, and increasing the monthly rental rate from \$7,327.00 to \$8,185.00.
- Item 6: DRAFT RESOLUTION 15-065 SETTING A DATE FOR PUBLIC HEARING FOR VACATION OF PUBLIC RIGHT-OF-WAY WITHIN CITY OF DES MOINES KNOWN AS A PORTION OF THE WEST RIGHT-OF-WAY ON 7TH AVENUE SOUTH AND A PORTION OF THE NORTH RIGHT-OF-WAY OF SOUTH 226TH STREET
Motion is to adopt Draft Resolution No. 15-065 setting a public hearing on May 14, 2015 for a street vacation request relating to public right of way within the City of Des Moines.
- Item 7: DRAFT RESOLUTION NO. 15-066, SETTING A PUBLIC HEARING TO CONSIDER THE 2015 COMPREHENSIVE PLAN UPDATE
Motion is to adopt Draft Resolution No. 15-066 setting a public hearing on June 11, 2015 to consider Draft Ordinance 15-066 amending the 2009 Des Moines Comprehensive Plan and Chapters 18.05 and 18.25 DMMC.
- Item 8: REDONDO BOARDWALK REPAIR
Motion is to approve the Consultant Agreement with Exeltech Consulting for the Redondo Boardwalk Repair in the amount of \$279,085.78, and further authorize the City Manager to sign said Consultant Agreement substantially in the form as submitted after the City receives project funding obligation through the Washington State Department of Transportation.

Direction/Action

Motion made by Councilmember Nutting to approve the consent agenda; seconded by Councilmember Pennington.
The motion passed 6-0.

PUBLIC HEARING

Item 1:

PUBLIC HEARING FOR SV 2014-01: VACATION OF PUBLIC RIGHT-OF-WAY WITHIN CITY OF DES MOINES KNOWN WITHIN THE HISTORIC SR509 RIGHT OF WAY AREA BETWEEN SOUTH 220TH STREET AND SR516 KENT DES MOINES ROAD

Staff Presentation: Associate Transportation Engineer Andrew Merges

Mayor Kaplan opened the public hearing at 7:36 p.m.

Associate Transportation Engineer Andrew Merges gave a power point presentation to Council.

Mayor Kaplan called for those that signed up to speak:

Jim Jollimore, 22806 15th Avenue S; would like the City to purchase the entire right-of-way and preserve it the way it is.

Mayor Kaplan asked if anyone else wished to speak:

Ben Stark; 1310 S 230th Street; feels the City has enough trails and doesn't need another one to maintain. Also concerned about foot traffic on the trail and homes that back up to the trail.

Mayor Kaplan asked 3 times if anyone else wished to speak. Seeing none, Mayor Kaplan asked Council if they had any questions.

Planning, Building and Public Works Director Brewer addressed the concerns of those that spoke.

Mayor Kaplan closed the public hearing at 7:57 p.m.

Direction/Action

Motion made by Councilmember Sheckler to suspend Rule 26(a) in order to enact Draft Ordinance No. 15-022 on first reading; seconded by Councilmember Musser. The motion passed 6-0.

Motion made by Councilmember Sheckler to enact Draft Ordinance No. 15-022 approving the vacation of certain portions of public rights-of-way/streets specifically identified and legally described in Draft Ordinance Number 15-022; seconded by Councilmember Musser. The motion passed 6-0.

Mayor Kaplan read Draft Ordinance No. 15-022 into the record

Motion made by Councilmember Musser to authorize City Manager to sign a new easement agreement substantially in the form as submitted for the Barnes Creek Trail with the Washington State Department of Transportation in the Historic SR509 Right-of-Way area between South 220th Street and SR516 Kent Des Moines Road; seconded by
The motion passed 6-0.

At 8:05 p.m. Councilmember Sheckler left the meeting.

OLD BUSINESS

Item 1:

2015 COMPREHENSIVE PLAN PERIODIC UPDATE:

- North Central Neighborhood Element
- Downtown Neighborhood Element
- Pacific Ridge Neighborhood Element

Staff Presentation: Community Development Manager Denise Lathrop

Community Development Manager Lathrop gave a power point presentation to Council.

No formal action was taken.

NEW BUSINESS

Item 1:

FINANCIAL DISCUSSION

Staff Presentation: Finance Director Dunyele Mason

Finance Director Mason presented the new public annual budget document.

No formal action was taken.

NEXT MEETING DATE

April 30, 2015

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Pennington.
The motion passed 5-0

The meeting was adjourned at 8:41 p.m.

Respectfully Submitted,
Bonnie Wilkins
City Clerk

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CITY OF DES MOINES
Voucher Certification Approval

14-May-15

Auditing Officer Certification

Vouchers and Payroll transfers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the City Council.

As of **May 14, 2015** the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the attached list and further described as follows:

The vouchers below have been reviewed and certified by individual departments and the City of Des Moines Auditing Officer:



 Dunyele Mason, Finance Director

	# From	# To	Amounts
Claims Vouchers:			
Total A/P Checks/Vouchers	142776 -	143071	970,092.02
Electronic Wire Transfers	541 -	553	460,757.54
Total claims paid			1,430,849.56
Payroll Vouchers			
Payroll Checks	18646 -	18650	8,216.02
Direct Deposit	180001 -	180163	289,485.83
Payroll Checks	-		
Direct Deposit	-		
Payroll Checks	-		
Direct Deposit	-		
Total Paychecks/Direct Deposits paid			297,701.85
Total checks and wires for A/P & Payroll			1,728,551.41

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AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Farmer's Market 10th Season
Proclamation

ATTACHMENTS:
1. Proclamation

AGENDA OF: May 14, 2015

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: May 7, 2015

CLEARANCES:

- Legal _____
- Economic Development _____
- Finance _____
- Marina _____
- Parks, Recreation & Senior Services _____
- Planning, Building & Public Works _____
- Police _____
- Courts _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation:

The purpose of this agenda item is to recognize and congratulate the Des Moines Farmers Market for their 9 outstanding seasons.

Suggested Motion

MOTION: "I move to approve the Proclamation recognizing and congratulating the Des Moines Farmers Market for completing 9 successful seasons and wishing them the best for their upcoming 10th season.

Background:

The Des Moines Farmers market has completed 9 successful seasons and will enter into their 10th season on June 6, 2015. The Farmers Market is a community event that provides Des Moines, and surrounding areas, a bountiful variety of fresh fruits and vegetables, cheeses, crafts, flowers, honey, meat and fish, ready to eat foods, education, information and entertainment. The Farmers Market has become a gathering place that enhances the quality of life for residents and is a positive asset to the City of Des Moines.

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City of Des Moines



ADMINISTRATION
21630 11th AVENUE S, SUITE A
DES MOINES, WASHINGTON 98198-6398
(206) 878-4595 T.D.D: (206) 824-6024 FAX: (206) 870-6540



Proclamation

WHEREAS, The Des Moines Farmers Market has completed 9 successful seasons and will enter into their 10th season on June 6, 2015, and

WHEREAS, the Des Moines City Council recognizes that the Des Moines Farmers Market is a community event that provides Des Moines, and surrounding areas, a bountiful variety of fresh fruits and vegetables, cheeses, crafts, flowers, honey, meat and fish, ready to eat foods, education, information and entertainment, and

WHEREAS, the Des Moines Farmers Market has become a gathering place that enhances the quality of life for residents and is a positive asset to the City of Des Moines, now therefore

THE DES MOINES CITY COUNCIL HEREBY CONGRATULATES the Des Moines Farmers Market on a job well done over these past 9 years and wishes the Des Moines Farmers Market much success going into their 10th year.

SIGNED this 14th day of May, 2015

Dave Kaplan, Mayor

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AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Music4Life Proclamation

AGENDA OF: May 14, 2015

ATTACHMENTS:
1. Proclamation

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: May 7, 2015

CLEARANCES:

- Legal _____
- Economic Development _____
- Finance _____
- Marina _____
- Parks, Recreation & Senior Services _____
- Planning, Building & Public Works _____
- Police _____
- Courts _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL:  _____

Purpose and Recommendation:

The purpose of this agenda item is to recognize June as Music4Life month.

Suggested Motion

MOTION: "I move to approve the Proclamation recognizing June as Music4Life month.

Background:

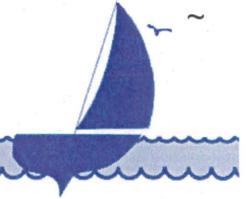
Music4Life was created in the fall of 2007 with a goal to put musical instruments, in good playing condition, into the hands of children and youth. Music4Life works with instrument manufacturers, rental agencies, wholesalers, retailers and others around the world who have access to serviceable musical instruments. Music4Life works with many school districts to create programs that enhance music education and is comprised of over 90,000 students in Washington State.

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City of Des Moines



ADMINISTRATION
21630 11th AVENUE S, SUITE A
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(206) 878-4595 T.D.D: (206) 824-6024 FAX: (206) 870-6540



Proclamation

WHEREAS, the benefits of participation in instrumental music at any age can last a lifetime; and

WHEREAS, research now shows that students who participate in instrumental music programs tend to do better in math, science, history, literature, reading, writing, international languages, even in computer science and other academic disciplines; and

WHEREAS, music education is an integral part of a well-rounded education that prepares students for success in life by teaching teamwork and discipline; and

WHEREAS, the cost of owning or renting an instrument is a barrier preventing students from low income families from participating in instrumental music; and

WHEREAS, many adults have lovingly-used musical instruments stored in their garages or attics and that they no longer use; and

WHEREAS Music4Life™ (www.Music4Life.org) is a non-profit organization that has been repairing and providing ready-to-play instruments to participating public school districts for use by the students of low income families since 2007; and

WHEREAS Music4Life guarantees that all instruments will be used exclusively for the benefit of students in the school district in which they are donated; and

WHEREAS Music4Life has provided approximately 1,500 musical instruments to children in the greater Seattle area, including 11 to Edmonds, 69 to Highline, 30 to Mukilteo, 26 to Seattle and 12 to Shoreline Public Schools students during the 2014-15 school year alone; now therefore

THE DES MOINES CITY COUNCIL HEREBY PROCLAIMS

JUNE IS MUSIC4LIFE MONTH

in Des Moines, Washington and encourage all our citizens to donate any lovingly used musical instruments they may have to www.Music4Life.org and show what financial support they can to this fine home-grown organization.

SIGNED this 14th day of May, 2015

Dave Kaplan, Mayor

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AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Public Hearing for SV2015-01:
Vacation of Public Right-of-Way within City of
Des Moines known as a portion of the west Right-
of-Way on 7th Avenue South and a portion of the
north Right-of-Way of South 226th Street.

FOR AGENDA OF: May 14, 2015

DEPT. OF ORIGIN: PBPW

DATE SUBMITTED: May 7, 2015

ATTACHMENTS:

1. Draft Ordinance No. 15-065
2. Copy of Petition
3. Information on Floor Area Ratio (FAR)
4. City of Bellevue Council Agenda, Ordinance, and Agreement
5. DMMC 12.10
6. RCW 35.79
7. Right-of-Way Vacation Checklist
8. Information on Property Value
9. Resolution No. 1293
10. Citizen comments/correspondence

CLEARANCES: 

- Legal
- Finance N/A
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Bldg & Public Works DSS
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL 

Purpose and Recommendation

The purpose of this agenda item is for the City Council to consider Draft Ordinance No. 15-065 (Attachment 1), for the vacation of a certain portion of right-of-way for limited purpose in accordance with the provisions of DMMC 12.10.040 and chapter RCW 35.79.

Suggested Motions

Motion 1A: “I move to suspend City Council Rule 26(a) in order to adopt Draft Ordinance No. 15-065 on first reading.”

Motion 1B: “I move to enact Draft Ordinance No. 15-065 approving the vacation of certain portions of public rights-of-way subject to the terms and conditions described therein, and authorize the City Manager to sign the exclusive easement for public use and access, sidewalk, and utilities substantially in the form as submitted.”

Background

The Adriana Senior Apartments, LLLP, filed an application with the City requesting vacation of a portion of the west Right-of-Way (ROW) on 7th Avenue South and a portion of the north ROW of South

226th Street (Attachment 2). The area to be vacated is illustrated in Exhibit A and described in Exhibit B to Attachment 1.

The requested ROW vacation is necessary for the proposed development commonly known as the Adriana Senior Apartments (Project). The City is currently reviewing the Project Design Review application to build a mixed use building with apartments and retail space. Permit approvals for the Project are administrative. The Applicant has stated that the Floor Area Ratio (FAR) that would be calculated if the developer owned the land under the sidewalk would allow for an increased number of units which make the Project financially feasible. It would effectively give the Applicant a greater FAR than if the sidewalk were in City ROW. More information about FAR is provided in Attachment 3.

There have been similar examples in the past where the City has obtained easements for public use and access rather than obtaining full ROW. These instances have typically been in cases where the City needed to obtain portions of property for capital improvement projects, and for financial reasons, the City's convenience, or for other reasons, the City agreed to an easement. Some locations where the City sidewalk resides in an easement are the west side of Marine View Drive between South 223rd Street and South 225th Street, portions of the north side of South 216th Street near 11th Avenue South, and the SE corner of South 216th Street and 20th Avenue South. There are certainly other examples throughout the City.

While there are some examples of where the City has placed sidewalk in an easement, it is somewhat uncommon to vacate ROW for this purpose. However, it is not completely unheard of; for example in 2005, the City of Bellevue enacted Ordinance Number 5636 vacating a portion of ROW for exactly the same purpose as proposed in this ROW vacation. In that case, the City of Bellevue maintained an easement for public use and access as well for utilities, and continued to maintain the sidewalks within the easement area. A copy of the City of Bellevue Council Agenda, Ordinance, and Agreement are provided as Attachment 4.

Street Vacation Process:

The street vacation process is codified in chapter 12.10 DMMC (Attachment 5) and in chapter 35.79 RCW (Attachment 6). In summary the process is as follows: The street vacation petition and non-refundable fee is filed with the Public Works Director. The petition must be signed by at least two-thirds of the property owners adjacent to the ROW proposed to be vacated. The Public Works Department sends the application to all public utilities in the area, as well as other City Departments and South King Fire and Rescue. The utilities state whether they have utilities within the ROW and request an easement if necessary. Other City Departments and South King Fire and Rescue provide comments as necessary and state whether they approve or disapprove of the proposed street vacation.

By resolution of the City Council, a date is set for a public hearing which is within 60 days of the resolution that sets the hearing date. A notice of public hearing is mailed to all property owners adjacent to the ROW proposed to be vacated, notices are placed in accordance with City policy in three of the most conspicuous places in the City, notice is published in the Seattle Times, and a copy of the notice is placed in a conspicuous place on the ROW that is proposed for vacation.

A public hearing is held and any objections to the ROW vacation are noted. The ROW vacation may go to a second hearing if needed. If the Council approves the ROW vacation ordinance, the City Clerk records the Ordinance with King County, which will run with the land.

In accordance with chapter 35.79.030 RCW, the ordinance may provide that the City retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

Discussion

The ROW petition filed by Adriana Senior Apartments, LLLP, meets the statutory requirements of RCW 35.79. Because the property for the Adriana Apartments is the only property adjacent to the ROW proposed to be vacated, they are the only signatures required on the petition.

Staff mailed notices of this proposed street vacation to all utility purveyors and other City Departments on March 16, 2015, requesting their comments and input on the issue. Utility purveyors and other City Departments have responded, and have been involved in the process.

There are public utilities within the ROW including Midway Sewer District, Puget Sound Energy, Comcast, King County Water District 54, Des Moines Surface Water Utility, and CenturyLink. Utilities that were contacted and are not affected are: AT&T, Highline Water District, Lakehaven Utility District, and Southwest Suburban Sewer District. South King Fire & Rescue did not have any concerns with the proposed ROW vacation. A copy of the ROW Vacation checklist is provided as Attachment 7.

ROW Classification

A thorough review showed that the area requested to be vacated is improved public ROW. The area was platted in the City of Des Moines in 1889. Staff has determined that the ROW requested to be vacated is Class "A" in accordance to DMMC 12.10.050. Class "A" ROW are defined as:

"all streets or alleys that have been part of a dedicated public right-of-way for 25 years or more, all rights-of-way conveyed to or held by the City for transportation purposes for which public funds have been expended in the acquisition, improvement or maintenance of such rights-of-way interests, and rights-of-way that abut a body of fresh or salt water".

Compensation

In accordance with DMMC 12.10.070, the amount of compensation for Class "A" ROW is the full appraised value as of the effective date of the vacation; at an amount as determined from the records of the King County Department of Assessments; or by informal or formal appraisal. Payment for compensation of vacated ROW is due within 90 days of the request from City, or the vacation is voided.

There are a number of different ways to determine the value for compensation. Based on King County Assessments, the property appears to be valued at \$18 per square foot. However, in 2011 the City had a piece of property in the Marina District appraised at \$25 per square foot. This was for the former Brown Bear Car Wash property that the City now owns at the intersection of South 216th Street and 7th Place South. The City has recently had some appraisal work done for commercial property along South 216th Street near Pacific Highway South. These properties were appraised at between \$22 and \$28 per square foot.

In discussions with the Applicant, an informal appraisal process was agreed to. Information on Assessed value, as well as information on comparable property sales within the Marina District are provided as Attachment 8. After making a 10% price adjustment for the sale in 2011, the average price

is \$21.25 per square foot. Staff and the applicant have agreed that this is a reasonable number to establish compensation. Therefore just compensation for the ROW vacation is \$105,825.00 (\$21.25/SF * 4,980 SF).

Reservation of Exclusive Easement

As the public and utility providers will continue to need to access the area requested to be vacated, consistent with RCW 35.79.030 the City is requiring an exclusive easement for public use and access, sidewalks and utilities. The easement provides that the City will retain the right to exercise and grant easements for utility purveyors in respect to the land vacated by the Draft Ordinance for the construction, repair, and maintenance of public utilities and services, and the City will grant utility easements through the land subject to vacation under this Draft Ordinance. A copy of the exclusive easement is provided as Exhibit C to Attachment 1.

Maintenance

There have been some discussions about the possibility of transferring maintenance responsibilities of the vacated area, including the sidewalk, to the property owner. Under such a scenario, the property owner would be responsible for the day-to-day maintenance of the sidewalks, or the property owner would compensate the City for providing maintenance of the sidewalk. This would be highly irregular given the circumstances, especially since the City is retaining an exclusive easement. In all of the examples previously mentioned where the City has sidewalks located within an easement, the City is responsible for maintenance of those sidewalks. In the 2005 example where the City of Bellevue vacated a portion of its sidewalk for a similar purpose, the City of Bellevue continued to be responsible for sidewalk maintenance. Transferring maintenance responsibilities of the vacated area, including the sidewalk, to the property owner would be inconsistent with other locations where the City maintains sidewalks within easement areas, and is not recommended by staff.

Procedural Requirements

As authorized by RCW 35.79.010 this request for vacation is a legislative action of the City Council, pursuant to Resolution No. 1293 (Attachment 9). Vacation of public ROW requires a public hearing before the City Council set by resolution no more than 60 days but not less than 20 days prior to the public hearing per RCW 35.79.010 and DMMC 12.10.060. On April 23, 2015, the City Council approved Resolution No. 1293 setting a public hearing on May 14, 2015. Notice of the public hearing was provided as required by RCW 35.79.020. Following the Notice of Public Hearing, staff received correspondence from concerned citizens. Comments received up to the Agenda Item submittal date have been included (Attachment 10).

State Environmental Policy Act (SEPA)

The vacation of public ROW is categorically exempt from the State Environmental Policy Act pursuant to WAC 197-11-800(2)(h), (DMMC 16.05.350).

Financial Impact

Approval of the ROW vacation will allow the Project to move forward as designed, meeting the FAR requirement of DMMC 18.115.080.

The vacation will result in \$105,825.00 in just compensation. In accordance with RCW 35.79.030 and DMMC 12.10.090, revenue received by the City as compensation for the area vacated, shall be used for the acquisition, improvement, development, and related maintenance of public transportation capital

projects within the City. Revenues received from this ROW vacation would be deposited in to the Transportation Capital Improvement Fund.

In lieu of a cash payment to the City as compensation, the Applicant has offered to provide in-kind services making transportation capital improvements for the City. One example might be to make improvements to the Fisher Lot for the City's Municipal Parking lot on Marine View Drive. The engineers estimate for the parking lot improvements is \$125,332. Since this can be considered a transportation capital project, and the cost of the parking lot improvements exceeds the value of the compensation, the requirements of RCW 35.79.030 and DMMC 12.10.090 are satisfied. If for some reason improvements to the Fisher Lot are not possible, there may be other transportation capital projects that would provide an opportunity for in lieu compensation. If not, cash payment will be required; this alternative is provided for in the Draft Ordinance.

Recommendation

Staff recommends vacating the requested area for limited purpose, effectively allowing for the area to be used in calculating the FAR. In accordance with RCW 35.79.030, the Draft Ordinance provides that the City retain an exclusive easement for public use and access, sidewalk, and for utilities. The Draft Ordinance also retains the right of the City to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. Franchise utilities will continue to operate and maintain their utilities and associated facilities within the City's exclusive easement in accordance with our franchise agreements. In other words, nothing changes – nothing on the ground changes, and vacation and purchase of the sidewalk as proposed does not physically alter the sidewalk, the street, or the proposed footprint of the Project, or the public's use and access of the area proposed to be vacated.

Alternatives

The City Council has the following alternatives:

- (1) Waive Council Rule 26(a) and enact Draft Ordinance 15-065 on 1st reading as written.
- (2) Waive Council Rule 26(a) and enact the Draft Ordinance 15-065 on 1st reading with amendments by the City Council.
- (3) Pass Draft Ordinance 15-065 on to a 2nd reading.
- (4) Not enact Draft Ordinance 15-065.

Concurrence

Administration, Planning, Building, and Public Works, and Legal Departments concur.

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CITY ATTORNEY'S FIRST DRAFT 05/14/2015

DRAFT ORDINANCE NO. 15-065

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, vacating a portion of City right-of-way generally described as a portion of the west right-of-way on 7th Avenue South and a portion of the north right-of-way of South 226th Street, located in the City of Des Moines, for limited purpose subject to the conditions and requirements set forth herein.

WHEREAS, DMMC 12.10.060 adopts the street vacation procedures of chapter 35.79 RCW, and

WHEREAS, the City has received a petition from The Adriana Senior Apartments, LLLP, to vacate certain public right-of-way known as portion of the west right-of-way on 7th Avenue South and a portion of the north right-of-way of South 226th Street, located in the City of Des Moines as illustrated in Exhibit "A", and legally described in Exhibit "B", both attached hereto and incorporated by reference, and

WHEREAS, the petition was signed by the owners of more than two-thirds of the property abutting the portion of the streets sought to be vacated as required by RCW 35.79.010, and

WHEREAS, the City is vacating the right-of-way for a specific limited purpose in order to allow the development to meet the City's floor area ratio for the proposed building, and

WHEREAS, the proposal is consistent with the intent of the goals, policies and strategies identified in the City of Des Moines Comprehensive Plan, and

WHEREAS, Comprehensive Plan Land Use Element policy 2-03-08 (1) and (2) promote new development and redevelopment in the Marina District to create a vibrant district with a quality mix of businesses that will enhance the waterfront and serve as a destination for local residents and visitors, and

WHEREAS, the Marina District Element vision and goals are aimed at creating a revitalized neighborhood that is inviting to new businesses, development shoppers and residents, and

Draft Ordinance No. 15-065
Page 2 of 5

WHEREAS, Marina District Element policy 10-03-05 states that building height should not adversely impact the adjacent street environment or nearby land uses; Strategy 10-04-10 is intended to ensure that new development or redevelopment in the Marina District exhibits design excellence by paying particular attention to site design, building form, architecture and public space as described in the *Marina District Design Guidelines* (2009), and

WHEREAS, the City and franchise utilities will continue to need access to the vacated area, and in accordance with RCW 35.79.030, the City may retain an easement for public use and access, sidewalk, and for utilities, and may retain the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services, and

WHEREAS, franchise utilities will continue to operate and maintain their utilities and associated facilities within the City's exclusive easement in accordance with the City's Franchise Agreements, and

WHEREAS, RCW 35.79.010 requires that the City Council set the public hearing and date by resolution which was, in this case, established by Resolution No. 1293 fixing the public hearing for May 14, 2015, to be followed by City Council action, and

WHEREAS, notice of the public hearing was given in accordance with RCW 35.79.020 and the public hearing was held before the Des Moines City Council on May 14, 2015, and all persons wishing to be heard were heard, and

WHEREAS, no objections to the vacation were filed by any abutting property owners prior to the hearing, and the City Council finds that no person has demonstrated special injury due to substantial impairment of access to such person's property; now therefore,

Draft Ordinance No. 15-065
Page 3 of 5

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings adopted. Based on the evidence presented, the City Council adopts the following findings of fact:

(1) The public right-of-way subject to this Ordinance consists of a portion of the west right-of-way on 7th Avenue South and a portion of the north right-of-way of South 226th Street, further legally described in Section 2 of this Ordinance; and

(2) The public right-of-way described in section 2 of this Ordinance has been improved and maintained for transportation purposes; and

(3) The right-of-way is classified as a Class "A" right-of-way since public funds have been expended in its acquisition, improvement or maintenance; and

(4) Vacation of a Class "A" right-of-way requires full compensation; and

(5) An easement is necessary for public use and access, and for public utilities for the public right-of-way which is described in section 2 of this Ordinance.

Sec. 2. Right-of-way vacation. Subject to the requirements set forth in section 3 this Ordinance, the following described public right-of-way as depicted on the attached map entitled Exhibit "A" (incorporated herein by this reference) and legally described in Exhibit "B" (incorporated herein by this reference) is vacated for limited purpose and the property within the right-of-way so vacated shall belong to the respective abutting property owner, as required by RCW 35.79.040:

That portion of 7th Avenue South and that portion of South 226th Street located in the northwest quarter of Section 17, Township 22 North, Range 4 East, W.M., in the City of Des Moines, King County, Washington.

Draft Ordinance No. 15-065
Page 4 of 5

Sec. 3. Conditions of right-of-way vacation. The right-of-way subject to vacation under this Ordinance shall be subject to the following conditions:

(1) The abutting property owner shall be required to provide the City of Des Moines compensation for vacation of this Class A right-of-way, pursuant to DMMC 12.10.070(2)(a). Compensation for the right of way to be vacated has been determined to be valued at \$105,825.00 ($\$21.25/\text{SF} \times 4,980 \text{ SF}$). In lieu of cash compensation, the City Manager is authorized to accept in-kind services related to Transportation Capital Projects of equal or greater value, or combination thereof. Total compensation is due to the City no later than December 31, 2015.

(2) The Petitioner, The Adriana Senior Apartments, LLLP, recognizes that the City of Des Moines retains an exclusive easement for public use and access, sidewalks and utilities, and that the City retains the right to exercise and grant easements for utility purveyors in respect to the land vacated by this Ordinance for the construction, repair, and maintenance of public utilities and services, and that the City of Des Moines will grant utility easements through the land subject to vacation under this Ordinance. As such, the Petitioner shall provide the City with an exclusive easement, attached as Exhibit "C" (incorporated herein by this reference).

(3) Petitioner, The Adriana Senior Apartments, LLLP, shall be responsible for obtaining a building permit from the City of Des Moines for construction of the development by September 30, 2015. If the building permit is not obtained, this Ordinance shall be repealed and the street vacation shall be null and void.

Sec. 4. Easements and reservation of easements. Pursuant to RCW 35.79.030, as set forth in section 3 of this Ordinance the City of Des Moines retains an exclusive easement for public use and access, sidewalks and utilities, and that the City retains the right to exercise and grant easements for utility purveyors in respect to the land vacated by this Ordinance for the construction, repair, and maintenance of

Draft Ordinance No. 15-065
Page 5 of 5

public utilities and services, and that the City of Des Moines will grant utility easements through the land subject to vacation under this Ordinance.

Sec. 5. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 6. Recordation. The City Clerk shall cause a certified copy of this ordinance to be recorded in the records of the King County Recorder.

Sec. 7. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 14th day of May, 2015 and signed in authentication thereof this 14th day of May, 2015.

M A Y O R

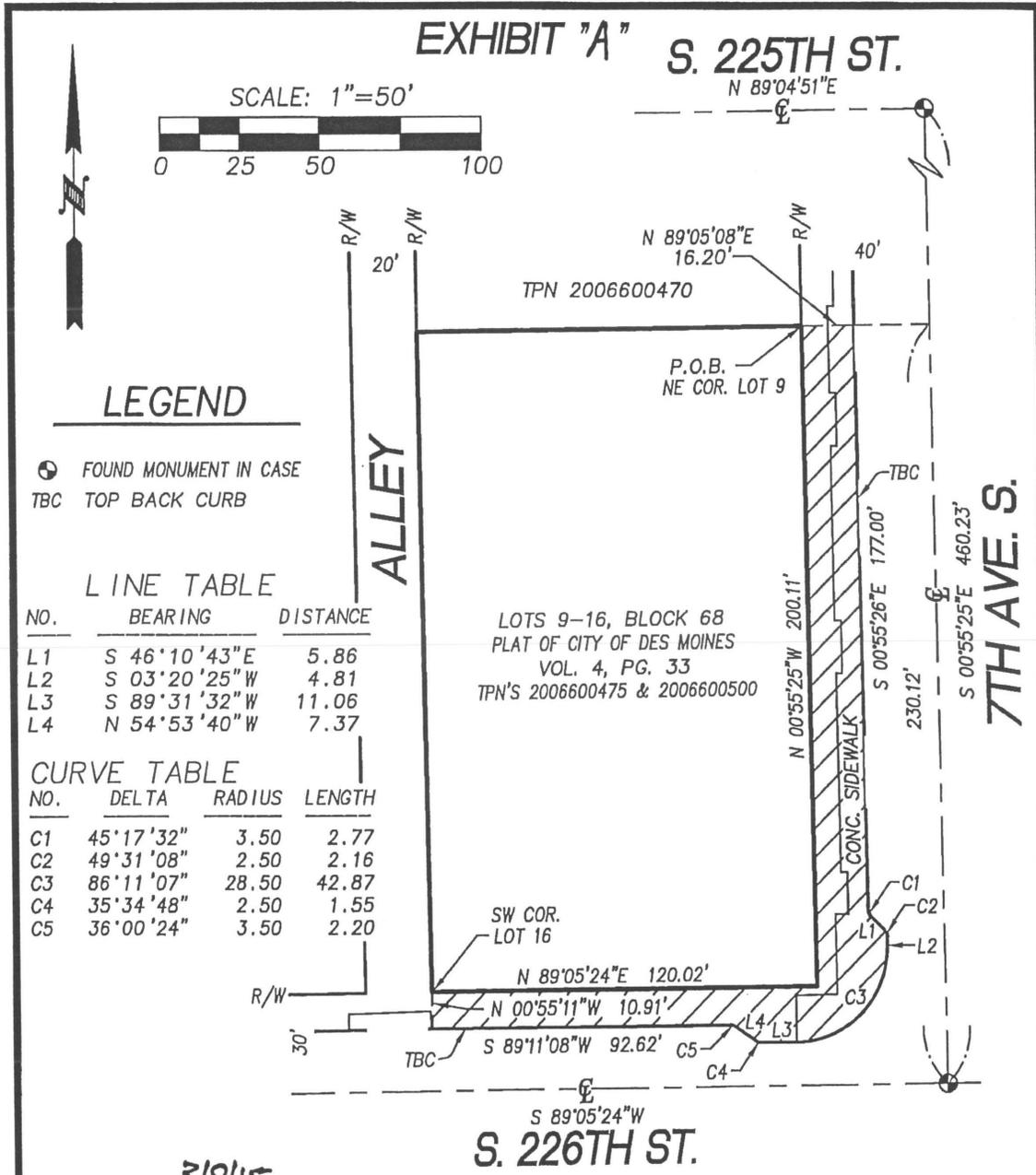
APPROVED AS TO FORM:

City Attorney

ATTEST:

Draft Ordinance No. 15-065
Page 6 of 5

City Clerk



LEGEND

- ⊙ FOUND MONUMENT IN CASE
- TBC TOP BACK CURB

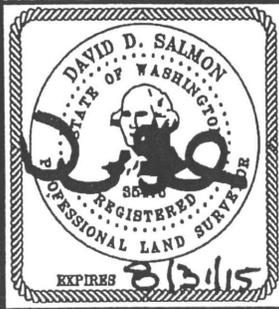
LINE TABLE

NO.	BEARING	DISTANCE
L1	S 46°10'43"E	5.86
L2	S 03°20'25"W	4.81
L3	S 89°31'32"W	11.06
L4	N 54°53'40"W	7.37

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
C1	45°17'32"	3.50	2.77
C2	49°31'08"	2.50	2.16
C3	86°11'07"	28.50	42.87
C4	35°34'48"	2.50	1.55
C5	36°00'24"	3.50	2.20

3/9/15



NCS SURVEYING

3930 South 352nd Street
Auburn, Washington 98001
Cell: (253) 606-6829
Fax: (253) 661-3641
dsalmon@ncssurveying.com

DATE:	MARCH, 2015
JOB NO.:	130405
DRAWN BY:	MFB/TWB
CHECKED BY:	D. SALMON
SCALE:	1" = 50'

EXHIBIT B**ADDITIONAL PROPERTY LEGAL**

THAT PORTION OF 7TH AVENUE SOUTH AND THAT PORTION OF SOUTH 226TH STREET LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN THE CITY OF DES MOINES, KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9, PLAT OF CITY OF DES MOINES, RECORDED IN VOLUME 4, PAGE 33, RECORDS OF KING COUNTY, WASHINGTON, THENCE N 89°05'08"E, 16.20 FEET TO THE TOP BACK OF AN EXISTING CURB; THENCE S 00°55'26"E ALONG SAID CURB, 177.00 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CURB 2.77 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3.50 FEET, THROUGH A CENTRAL ANGLE OF 45°17'32" TO A POINT OF TANGENCY; THENCE S 46°10'43"E CONTINUING ALONG SAID CURB, 5.86 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CURB 2.16 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2.50 FEET, THROUGH A CENTRAL ANGLE OF 49°31'08" TO A POINT OF TANGENCY; THENCE S 03°20'25"W CONTINUING ALONG SAID CURB, 4.81 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CURB 42.87 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 28.50 FEET, THROUGH A CENTRAL ANGLE OF 86°11'07" TO A POINT OF TANGENCY; THENCE S 89°31'32"W CONTINUING ALONG SAID CURB, 11.06 FEET A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CURB 1.55 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2.50 FEET, THROUGH A CENTRAL ANGLE OF 35°34'48" TO A POINT OF TANGENCY; THENCE N 54°53'40"W CONTINUING ALONG SAID CURB, 7.37 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CURB 2.20 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3.50 FEET, THROUGH A CENTRAL ANGLE OF 36°00'24" TO A POINT OF TANGENCY; THENCE S 89°11'08"W CONTINUING ALONG SAID CURB, 92.62 FEET; THENCE N 00°55'11"W, 10.91 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID SOUTH 226TH STREET; THENCE N 89°05'24"E ALONG LAST SAID RIGHT-OF-WAY, 120.02 FEET TO THE WESTERLY RIGHT-OF-WAY OF 7TH AVE SOUTH; THENCE N 00°55'25"W ALONG LAST SAID WESTERLY RIGHT-OF-WAY, 200.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 4980 SQUARE FEET.

ATTACHED HERE TO EASEMENT EXHIBIT MAP A.

EXHIBIT C

City of Des Moines Engineering Services Division Attn: Tommy Owen 21650 11 th Avenue South Des Moines, WA 98198
--

**EXCLUSIVE EASEMENT FOR
PUBLIC USE and ACCESS, SIDEWALK, AND UTILITIES**

Grantor: THE ADRIANA SENIOR APARTMENTS, LLLP

Grantee: CITY OF DES MOINES

Abbreviated Legal:

Additional Legal: Exhibit A

Assessors Tax Parcel ID#: 200660-0500 & 200660-0475

IN THE MATTER OF: The Adriana Senior Apartments, LLLP Right-of-Way Vacation of a portion of the west right-of-way on 7TH Avenue South and a portion of the north right-of-way on South 226th Street

GRANTOR, THE ADRIANA SENIOR APARTMENTS, LLLP, for and in consideration of mutual benefits for public use and access, do hereby grant and convey to GRANTEE, the CITY OF DES MOINES, a Washington municipal corporation, its successors and assigns, a exclusive perpetual easement and right-of-way over, through, under, across, upon, and in the real property illustrated in Exhibit A and described in Exhibit B, both attached hereto and by this reference incorporated herein. Said easement contains an area of approximately 4,980 square feet, more or less.

GRANTOR, acknowledges that the Grantee will continue to exercise all its authority pursuant to applicable franchise agreements with its utilities in accordance with RCW 35.79.030.

GRANTEE is granted the right to use the real property described in Exhibit A and B for any purpose, including but not limited to the construction, operation, maintenance, repair, and replacement of transportation facilities to facilitate public use and access including

Exclusive Easement for Public Use
and Access, Sidewalk, and Utilities
Page 2

sidewalk, street furnishings, landscaping, traffic control devices and street lighting, communication facilities and appurtenances thereto; and for the construction, operation, maintenance, repair, and replacement of utility and franchise utility facilities, pipes, lines, poles, manholes, and appurtenances thereto together with the right of access into the easement area across Grantors property at times and locations which are reasonable, do not unreasonably interfere with the Grantor's access, and enable Grantee to exercise its rights under this easement.

GRANTEE is also granted the right to use such additional area immediately adjacent to the above-described easement as shall be required for construction, such additional area to be held to a minimum necessary for that purpose; and after completion of construction or any subsequent entry, Grantee shall restore the affected area as near as may be to its condition immediately before such construction or entry.

GRANTEE does hereby release, indemnify and promise to defend and save Grantors harmless from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorney's fees incurred by Grantors in defense thereof, resulting or arising directly or indirectly on account of or out of negligent acts or omissions of Grantee or its servants, agents, employees or contractors in the exercise of the rights granted herein; provided, however, this paragraph does not indemnify Grantors against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the negligence of Grantors or Grantors agents or employees.

GRANTOR does hereby release, indemnify and promise to defend and save Grantees harmless from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorney's fees incurred by Grantees in defense thereof, resulting or arising directly or indirectly on account of or out of negligent acts or omissions of Grantor or its servants, agents, employees or contractors in the exercise of the rights granted herein; provided, however, this paragraph does not indemnify Grantees against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the negligence of Grantees or Grantees agents or employees.

This easement shall be a covenant running with the land and shall forever bind Grantors, their heirs, successors, and assigns.

Dated this _____ day of _____, 2015.

GRANTOR:

THE ADRIANA SENIOR APARTMENTS, LLLP

Its _____

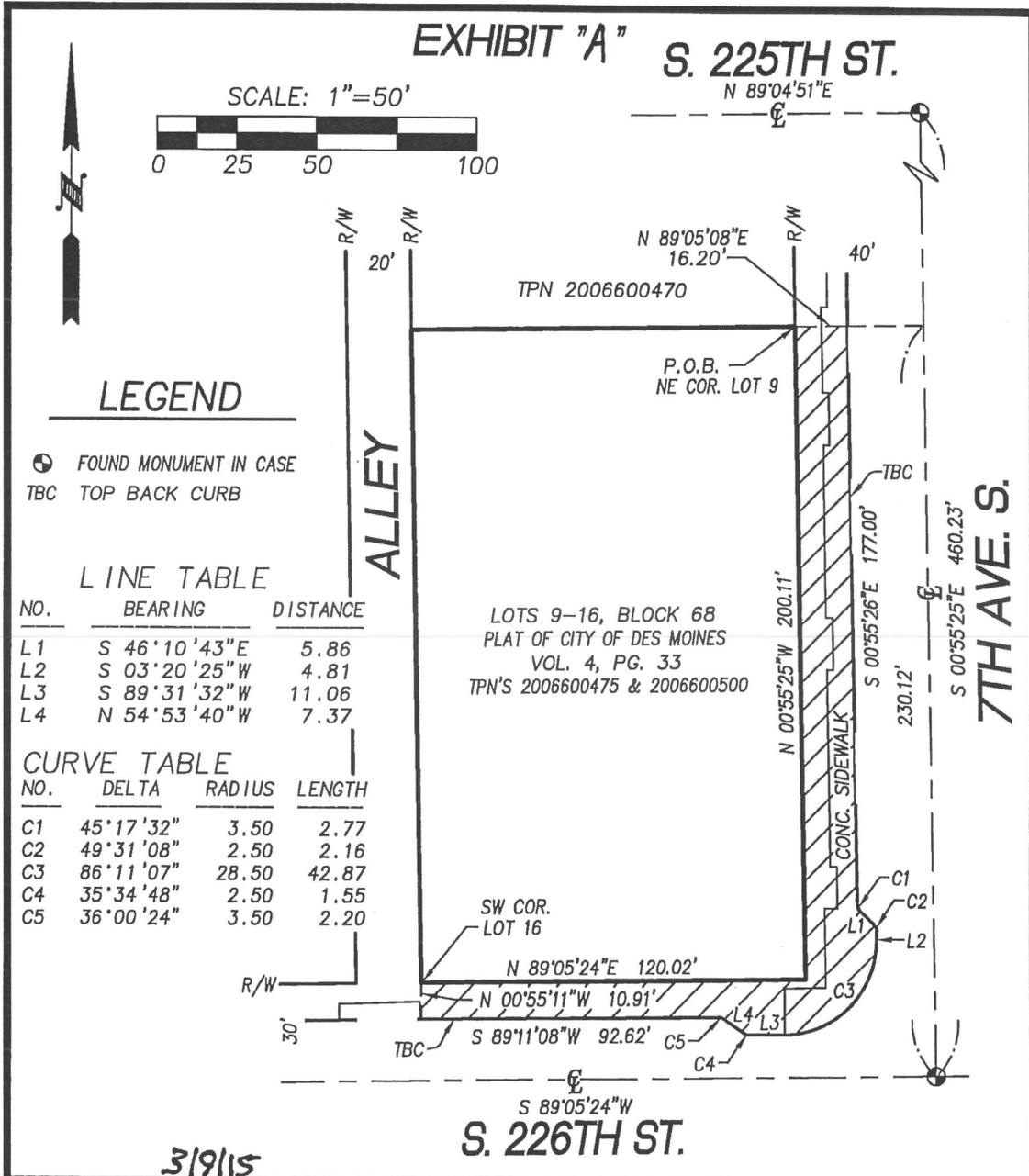
Exclusive Easement for Public Use
and Access, Sidewalk, and Utilities
Page 4

acknowledged it as the **City Manager** of the **City of Des Moines** to be the free and voluntary act of such party for the uses and purposes stated therein..

Dated this _____ day of _____, 2015.

(SEAL)

Notary Public in and for the State of Washington
Residing at _____
My Appointment Expires _____



LEGEND

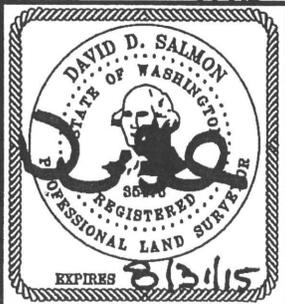
- ⊙ FOUND MONUMENT IN CASE
- TBC TOP BACK CURB

LINE TABLE

NO.	BEARING	DISTANCE
L1	S 46°10'43"E	5.86
L2	S 03°20'25"W	4.81
L3	S 89°31'32"W	11.06
L4	N 54°53'40"W	7.37

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CONTAINING 4980 SQUARE FEET.

ATTACHED HERE TO EASEMENT EXHIBIT MAP A.



DEPARTMENT OF PUBLIC WORKS
21650 11TH AVENUE SOUTH
DES MOINES, WASHINGTON 98198-8317
(206) 870-6522 FAX: (206) 870-6598



PETITION FOR THE VACATION OF
A PUBLIC STREET OR ALLEY

NAME OF PETITIONER (S): The Adriana Senior Apartments, LLLP

LOCATION OF PROPERTY: 22525 7th Avenue South Des Moines, Washington 98198

TO THE CITY COUNCIL OF DES MOINES, STATE OF WASHINGTON:

1. I/We, the undersigned owner(s) of the property abutting on that (street) (alley) commonly known as 7th Avenue South & South 226th Street, herein sought to be vacated, petition the legislative body of the City of Des Moines to vacate the following portion of, to wit (exact legal description of property to be vacated):

Please see attached legal description.

2. This (street) (alley) vacation is requested for the following purposes:

Lot enhancement with public access and utilities.

3. This (street) (alley) sought to be vacated is presently being used for the following purposes:

Public access and utilities.

4. The property abutting the (street) (alley) to be vacated is served by the following public utilities (state the name and mailing address for each separate utility):

Puget Sound Energy : PO Box 91269 Bellevue, WA 91269

Centurylink : 201 East Meeker Street, Kent, WA 98032

Comcast / 31423 Pacific Hwy South Federal Way, WA 98003

5. The owners or reputed owners of ALL lots, parcels of land, or other property abutting upon the street or alley or any part thereof sought to be vacated, as shown on the rolls of the King County Treasurer, are (if deceased, so state; use additional paper if necessary):

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
<u>7th Avenue Investments</u>	<u>24 Roy Street Suite #236 Seattle, WA. 98109</u>	<u>206-550-7622</u>
<u>City of Des Moines</u>	<u>21650 11th Avenue South Des Moines, WA 98198</u>	<u>206-870-6522</u>

City of Des Moines



DEPARTMENT OF PUBLIC WORKS
21650 11TH AVENUE SOUTH
DES MOINES, WASHINGTON 98198-6317
(206) 870-6522 FAX: (206) 870-6596



PETITION FOR THE VACATION OF A PUBLIC STREET OR ALLEY

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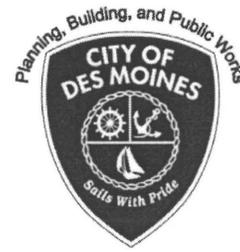
Puget Sound Energy

Centurylink

Comcast

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<u>City of Des Moines</u>	<u>21650 11th Avenue South Des Moines, WA 98198</u>	<u>206-870-6522</u>



MEMO

Date: March 2, 2015

To: Dan Brewer, P.E., Planning, Building and Public Works Director

Cc: Tony Piasecki, City Manager and Michael Matthias, Assistant City Manager

From: Denise Lathrop, Community Development Manager

RE: Floor Area Ratio Analysis

The purpose of this memo is to provide an overview of the Floor Area Ratio (FAR) provision of the Downtown Commercial (D-C) Zone and its application to The Adriana Affordable Senior Housing project. This includes a discussion of the intent of the FAR as initially established, how it was modeled, and the public benefits system. Staff's analysis is intended to show the varying ways the FAR can be applied, how it affects the design of a building, and the cost-benefit associated with the public benefit system.

Background

The FAR was established in 2011 as part of the D-C zoning amendments. Utilizing FAR was intended to provide a more flexible means to address building massing, to mitigate impacts associated with increasing building heights, to create opportunities for more varied building form, and to integrate open space or view corridors into a project design. Key economic objectives associated with this work focused on:

- Creating a Sustainable Revenue Stream
- Creating an Attractive Built Environment
- Shifting the Economic Trend by:
 - Increasing investment opportunities
 - Removing road blocks/hindrances
 - Creating investment incentives

As part of the planning analysis to establish the FAR ratios, staff looked at the City of Seattle and City of Tacoma requirements for comparison of the FAR limits and the public benefit systems. Seattle provided a closer comparison to Des Moines as they utilize FARs for mixed use zones (SM). For example:

SM40 zone has a 40 foot height limit with a base FAR of 3.0 and a maximum FAR is 3.5

SM65 zone has a 65 foot height limit with a base FAR is 3.5 and a maximum FAR is 5.0

While not an apples-to-apples comparison, it provided staff with a relative comparison when establishing the FAR limits for Des Moines zoning. Des Moines' FAR limits are about 0.3 to 0.75 lower per 5 foot of additional height:

D-C Zone (Area 2) has a 45 foot height limit with a 3.2 FAR

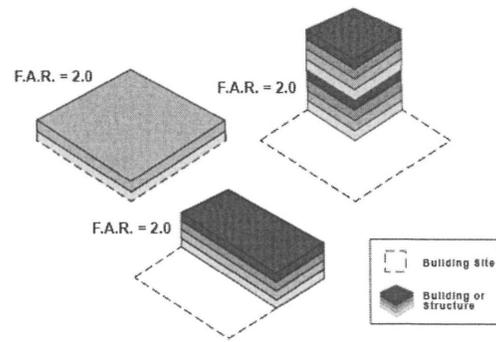
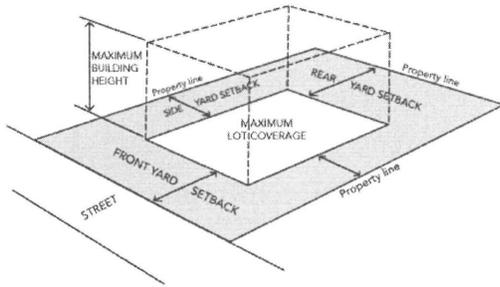
D-C Zone (Area 2 Height Bonus) has a 55 foot height limit with 3.5 FAR

Exhibit 1 illustrates the concept of FAR and the varying ways that it can be applied. The model images depict a 45 foot building height at a 3.2 FAR. What you can see is that some developers could choose to apply the FAR to the internal features of a project such as interior courtyards while others may utilize it to create view corridors or to enhance the building design through more modulation.

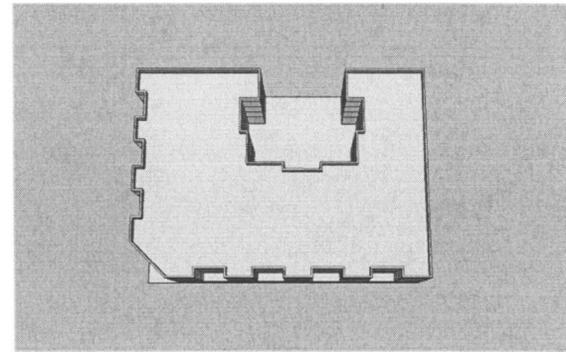
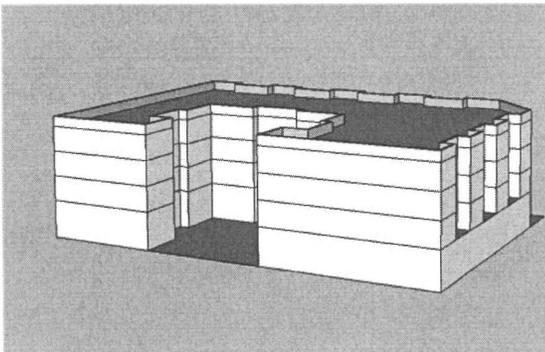
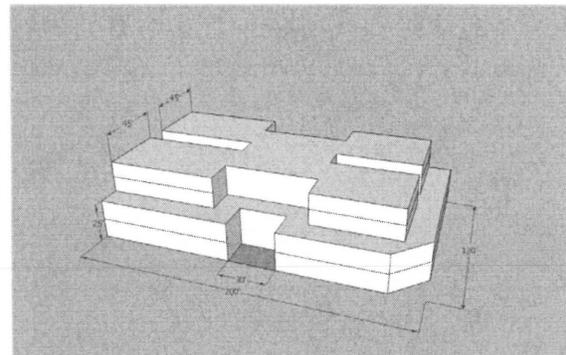
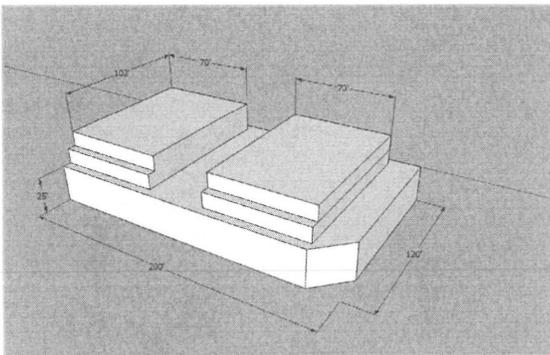
EXHIBIT 1 – FAR ANALYSIS

Concept of FAR

Building Envelope



FAR of 3.2 @ 45 Foot Building Height



Adriana Project Analysis

“The Adriana” is a proposed Senior Housing Project that is being financed as affordable housing. As such, the project must meet HUD performance standards which in effect control rental rates for a period of 27 years before the housing can transition to market rate. Of the \$21 million project cost, \$14 million will be bank financed and \$7 million will be financed by tax credits, the developer and investors. In addition, the project is required to have replacement reserves to ensure the long-term viability of the project.

While the project is taking advantage of the 55-foot building height and FAR bonus provisions of the D-C Zone pursuant to DMMC 18.115.060 and 18.115.080. Subject to minimum site requirements, these provisions enable developers to obtain additional building height (i.e., from 45 feet to 55 feet) and floor area by incorporating public benefit features into their project. Exhibit 2 provides a summary of the project review that has occurred to date on The Adriana.

EXHIBIT 2 – THE ADRIANA SENIOR HOUSING PROJECT ANALYSIS

SEPA Review Process	
<p>SEPA timeline:</p> <ul style="list-style-type: none"> • Date of SEPA Decision - November 26, 2014 • Comment Due Date - December 12, 2014 • Number of Comments Received - 9 <ul style="list-style-type: none"> ○ 5 - 6th Avenue and S. 227th Street ○ 2 - 6th Avenue, west of development site ○ 1 - 10th Avenue S. and S. 226th Place ○ 1 - 8th Avenue S. and S. 226th Place • Majority of Concerns: <ul style="list-style-type: none"> ○ Length of public comment period ○ Parking and traffic ○ Impact to neighbors ○ Lack of services in the area ○ Scale of development for area <p>No appeals filed</p>	<p>The Adriana was presented to the public as:</p> <ul style="list-style-type: none"> • 135 units, 72 parking spaces • 4.525 FAR • Utilizing 55' height bonus • 2,550 square feet (SF) commercial • Built to property line to the west • Bulk and modulation in Attachment 1
Design Review	
<p>Design review comments issued on 2/24/14:</p> <p><u>Building Height and FAR</u></p> <ul style="list-style-type: none"> • How the project will meet the 55' height bonus requirements per DMMC 18.15.060(2)(a) through (f) • FAR calculation per DMMC 18.115.080(1), 18.115.080 (3)(d), and 18.115.080(4) • Retail space calculations • Building setback from corner • Required setback from residential zone to the west • Maximum horizontal encroachment into the ROW • Building mass and modulation <p><u>Other</u></p> <ul style="list-style-type: none"> • Parking modification requirements • Rooftop appurtenances • Screening of solid waste enclosures • Landscaping requirements adjacent to residential zones • Location of parking for commercial/retail use • Calculations demonstrating provision of common recreation space per dwelling unit • Location and dimensions of all the potential signage • Exterior lighting plans • Landscape plan submittal • Scale of drawings • Frontage improvements • Onsite hydrant requirements • Elevator requirements 	<p>The Adriana as revised:</p> <ul style="list-style-type: none"> • 119 units, 61 parking spaces (60 required) • 4.2 FAR • Utilizing 55' height bonus • 2,136 square feet commercial (1,859 square feet required) • 10' setback to the west adjacent to RM900 and RM900A Zones • Bulk and modulation in attachment 2
Floor Area Ratio (FAR)	
<p>Des Moines method for calculating FAR:</p> <ul style="list-style-type: none"> • Per DMMC 18.115.080(3)(b), the maximum gross floor area is determined by multiplying the lot area of the site by 3.2. • Per DMMC 18.115.080(3)(d), using the public benefit incentive system the maximum gross floor area is determined by multiplying the lot area of the site by 3.5. 	<p>As applied to The Adriana:</p> <ul style="list-style-type: none"> • 24,000 SF lot • 3.2 FAR x 24,000 = 76,800 SF • 3.5 FAR x 24,000 = 84,000 SF • Difference between 3.2 and 3.5 = 7,200 SF • Difference between 3.5 and 4.2 = 16,800 SF • Proposed first floor = 21,213 SF (comparison)

On 2/25/15, the project applicant met with the City to discuss the challenges with meeting the 3.5 FAR and making the project pencil out in terms of the financing. In the case of the Adriana, the exterior of the building design currently meets our design requirements. The applicant will be looking at ways to reduce the FAR without impacting the current exterior design of the building such as reduction of interior hallway widths and amenities that will not be visible to the community.

The applicant has asked the City to consider a right-of-way vacation to help them meet the FAR requirements. This would entail vacating the sidewalk portion of the right-of-way to increase the lot area thereby maximizing the FAR.



City of Bellevue
City Council

AGENDA ITEM REQUEST FORM

DESIRED CITY COUNCIL MEETING: October 3 2005

STAFF CONTACT: Nora Johnson DEPT: Transp. Phone: 452-4338

STUDY SESSION
(If checked, please provide the following information to assist with meeting planning)

Presentation: LCD: Overhead:

Staff to be listed on agenda: _____

Outside individuals participating in presentation: _____

Constituency in attendance? _____

Time anticipated for staff presentation: _____ minutes

Time anticipated for Council presentation: _____ minutes

CONSENT

PUBLIC HEARING

LAND USE REPORT

OTHER RESOLUTIONS AND ORDINANCES *(If checked, indicate staff to be listed on agenda.)*

Staff to be listed on agenda: _____

UNFINISHED BUSINESS

NEW BUSINESS

CITY MANAGER'S REPORT

AGENDA ITEM SUBJECT:

Resolution No. _____ setting November 7, 2005 as the date for a public hearing to consider the vacation of a portion of 109th Ave NE south of NE 10th Street .

SEPA COMPLIANCE:
N/A

Submitted by _____ Date _____

Approved by (IT) if it is related to Information Technology _____ Date _____

Approved by (Finance) _____ Date _____

Approved by (Legal) _____ Date _____

Approved by (City Clerk) _____ Date _____

CITY COUNCIL AGENDA MEMORANDUM**SUBJECT:**

Resolution No. _____ setting November 7, 2005 as the date for a public hearing to consider the vacation of a portion of 109th Avenue NE south of NE 10th Street (sidewalk area only, not street).

FISCAL IMPACT:

This action requires staff preparation and research time, which can be accommodated within the existing Transportation Department operating budget. The petitioner has paid the required pre-hearing fee of \$1,650 and will pay a post hearing fee of \$1,100 and any appraisal fees, if the property is to be vacated.

Bellevue City Code 14.35.120 provides for compensation to the City at full appraised value of vacated areas which have been dedicated right-of-way for twenty-five years or more. At 100% of the property value, the petitioner's cost to purchase this property is estimated at \$157,120 in addition to granting the City a public access easement. If approved, this revenue would be received into the Land Purchase Revolving Fund where it would be used to fund future right of way costs.

STAFF CONTACT:

Goran Sparman, 452-4338; Nora Johnson, 452-4167; Carl Wilson, 452-4228

POLICY CONSIDERATION:

The City Clerk has received a properly filed petition to vacate right-of-way. Section 14.35.070 of the Bellevue City Code requires the Council to hold a public hearing to consider the vacation and to hear any person wanting to speak for or against the vacation and to pass an ordinance accomplishing the vacation, if appropriate. Staff will gather information and prepare findings to assist the Council in the discussion of the vacation. Following the hearing the Council shall determine:

- a. Whether a change of use or vacation of the described portion will better serve the public good; or
- b. Whether the street or portion thereof is no longer required for public use; or
- c. Whether the use thereof as a public way is of such benefit as not to justify the cost of maintenance; or
- d. Whether the substitution of a new and different thoroughfare would be more useful to the public; or
- e. Whether conditions may so change in the future as to provide a greater public use or need than presently exists; and
- f. Whether objections to the proposed vacation are made by owners of private property (exclusive of the petitioners) abutting the same.

Bellevue City Code 14.35.050 requires the public hearing be heard, which time shall not be more than 60 days, nor less than 20 days, after the date of passage of such resolution. The Code also requires the petitioner to pay the fees associated with street vacations.

BACKGROUND:

On July 15, 2005, the City received a sufficient street vacation petition signed by property owners of two-thirds of the land abutting that side of the street affected by the petition. The sufficiency of the petition as required by City Code has been established.

The area to be vacated is only the existing sidewalk area approximately 13 feet wide and not the entire street area. This right-of-way was dedicated to the public as part of the Plat of Carroll-Hedlunds 1st Addition to Bellevue in 1952.

This requested right of way vacation is associated with a proposed development commonly known as the European Tower (see Attachment B). The City is currently reviewing a Design Review application to build a multi-family residential tower. As currently proposed, the project would include 19 condominiums in a 20-story tower. This right of way vacation is requested due to the small size of the development site. The developer has stated that the increased Floor Area Ratio that would be calculated if the developer owned the land under the sidewalk would allow the condominium units to be slightly larger, "enhancing interest from potential owners and ensuring a more viable development." There are several other examples in the Downtown where sidewalks exist on easements on private property, giving those property owners a greater Floor Area Ratio than if the sidewalk were in City-owned right of way. The sidewalk on the east side of the lot to be developed also is on a sidewalk, utility, landscape and lighting easement.

Six City Departments reviewed and commented on this vacation. They recommended approving the street vacation, with the following requirements:

Utility Department – Acquire an easement to accommodate current and future utility facilities within the area to be vacated.

Transportation Department - Retain 12 to 13-foot sidewalk/utility easement providing public access and an area for existing and future public and franchise utilities. The exact width will be from the back of the existing curb to the present property line.

PCD - Provide public access easement.

EFFECTIVE DATE:

If approved, this Motion becomes effective immediately upon Council adoption.

OPTIONS:

1. Adopt Resolution No. _____ setting November 7, 2005 as the public hearing date.
2. Do not adopt Resolution No. _____. By not adopting the resolution, the public hearing will not be held.

RECOMMENDATION:

Adopt Resolution No. _____ setting November 7, 2005 as the public hearing date.

MOTION:

Adopt Resolution No. _____ setting November 7, 2005 as the public hearing date.

ATTACHMENTS:

- A. Vicinity Map
- B. Proposed Site Plan
- C. Legal Description
- D. Proposed Resolution No. _____

AVAILABLE IN COUNCIL OFFICE:

Petition to Vacate Streets

CITY COUNCIL AGENDA MEMORANDUM**SUBJECT**

Ordinance to vacate a portion of 109th Avenue NE south of NE 10th Street (sidewalk area only not street)

FISCAL IMPACT

This action requires staff preparation and research time which can be accommodated within the existing Transportation Department operating budget The petitioner has paid the required pre hearing fee of \$1 650 and will pay a post hearing fee of \$1 100 and any appraisal fees if the property is to be vacated

Bellevue City Code 14 35 120 provides for compensation to the City at full appraised value of vacated areas which have been dedicated right-of way for twenty five years or more At 100% of the property value, the petitioner s cost to purchase this property is estimated at \$157 120 in addition to granting the City a public access easement. If approved, this revenue would be receipted into the Land Purchase Revolving Fund where it would be used to fund future right of way costs

STAFF CONTACT

Goran Sparrman, 452 4338 Nora Johnson 452-4167

POLICY CONSIDERATION

Section 14 35 070 of the Bellevue City Code requires the Council to hold a public hearing to consider the vacation and to hear any person wanting to speak for or against the vacation and to pass an ordinance accomplishing the vacation, if appropriate Staff will gather information and prepare findings to assist the Council in the discussion of the vacation

Following the hearing the Council shall determine

- a Whether a change of use or vacation of the described portion will better serve the public good or
- b Whether the street or portion thereof is no longer required for public use or
- c Whether the use thereof as a public way is of such benefit as not to justify the cost of maintenance or
- d Whether the substitution of a new and different thoroughfare would be more useful to the public or
- e Whether conditions may so change in the future as to provide a greater public use or need than presently exists and
- f Whether objections to the proposed vacation are made by owners of private property (exclusive of the petitioners) abutting the same

Section 14 35 090 of the Bellevue City Code states the Council may by ordinance and subject to provisions of this code regarding payment of compensation vacate such street alley or part thereof reserving to the City an easement or the right to exercise and grant easement vacated land for the construction repair and maintenance of public utilities and services and may impose such other conditions or limitations as it deems necessary and proper to preserve any desired public use or benefit.

BACKGROUND

On July 15 2005 the City received a sufficient street vacation petition signed by property owners of two-thirds of the land abutting that side of the street affected by the petition The sufficiency of the petition as required by City Code has been established On October 17 2005 the City Council passed Resolution No 7271 setting November 7 2005 as the public hearing date for this vacation

The area to be vacated is only the existing sidewalk area (approximately 13 feet wide by 74 feet long total of approximately 982 square feet) and not the entire street area This right-of way was dedicated to the public as part of the Plat of Carroll Hedlunds 1st Addition to Bellevue in 1952

This requested right-of way vacation is associated with a proposed development commonly known as the European Tower (see Attachment B) The City is currently reviewing a Design Review application to build a multi family residential tower As currently proposed the project would include 18 condominiums in a 20 story tower Permit approvals for the project are administrative

The right of way vacation is requested due to the small size of the development site The developer has stated that the increased Floor Area Ratio that would be calculated if the developer owned the land under the sidewalk would allow the condominium units to be slightly larger "enhancing interest from potential owners and ensuring a more viable development." (See Attachment C for the impact on the project s design if the vacation is approved)

There are several other examples in the Downtown where sidewalks exist on easements on private property giving those property owners a greater Floor Area Ratio than if the sidewalk were in City-owned right of way The sidewalk on the east side of the lot to be developed also is on a sidewalk utility landscape and lighting easement

Department Review

Six City departments reviewed and commented on this vacation They recommended approving the street vacation with the following requirements

Utilities Department – Retain an easement to accommodate current and future utility facilities within the area to be vacated

Transportation Department Retain 12 to 13 foot sidewalk/utility easement providing public access and an area for existing and future public and franchise utilities The exact width will be from the back of the existing curb to the present property line The Department has no plans to widen this section of roadway or use this right of way for anything other than sidewalk

PCD Provide public access easement over the sidewalk area

Public Comment

Twelve inquiries have been received since public notice of the proposed right-of way vacation, including the following areas of concern

- **Concern** The roadway is to be vacated and closed
Response The only right of way proposed to be vacated is the sidewalk The City has no plans to vacate or close the roadway
- **Concern** Impacts on access to other properties
Response Vacation of the right of way would not change access to other properties because only the sidewalk area would be vacated and a public access easement would be retained for the entire vacation area
- **Concern** Impacts of the proposed development.
Response Impacts of the proposed development are being assessed as part of the Design Review (DR) process and appropriate mitigation will be required The DR process allows an opportunity for public comment written public comments are currently being accepted while the DR application is being reviewed

EFFECTIVE DATE

If approved this Ordinance shall become effective on November 16, 2005

OPTIONS

- 1 Adopt Ordinance No 5636 vacating a portion of 109th Avenue NE south of NE 10th Street
- 2 Do not adopt Ordinance No 5636 The City would retain ownership of the aforementioned right of way

RECOMMENDATION

Adopt Ordinance No 5636 vacating a portion of 109th Avenue NE south of NE 10th Street.

MOTION

Move to adopt Ordinance No 5636 vacating a portion of 109th Avenue NE south of NE 10th Street.

ATTACHMENTS

- A Vicinity Map
- B Proposed Site Plan
- C Design With and Without ROW Vacation
- D Proposed Ordinance No 5636 w/ Legal Description

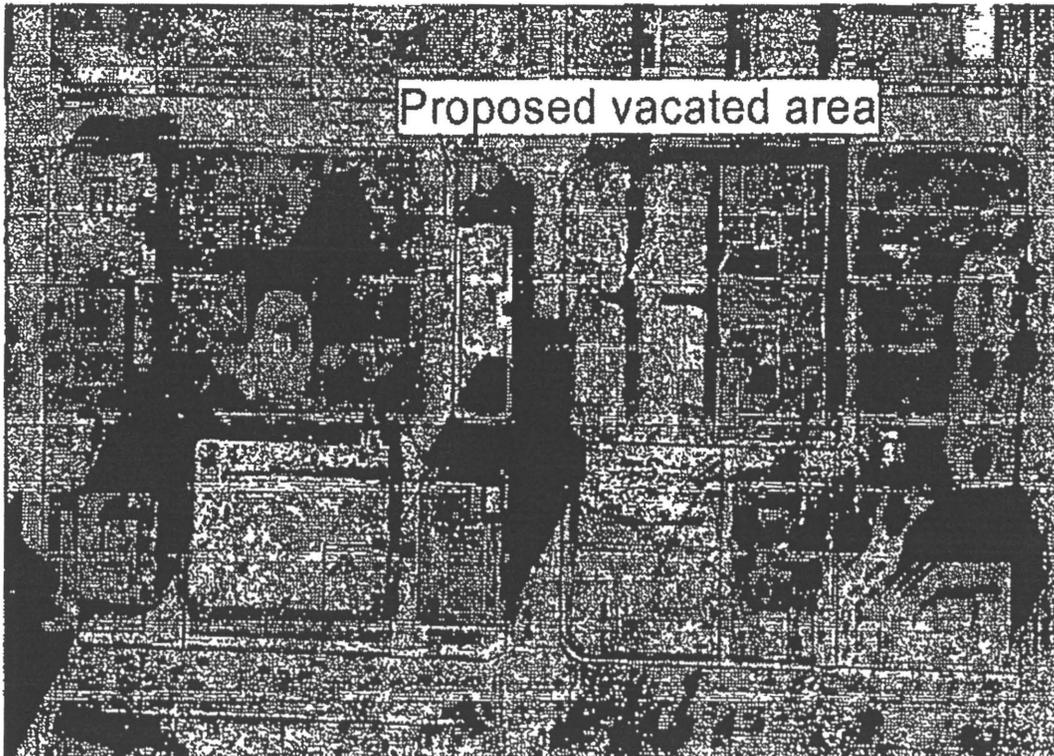
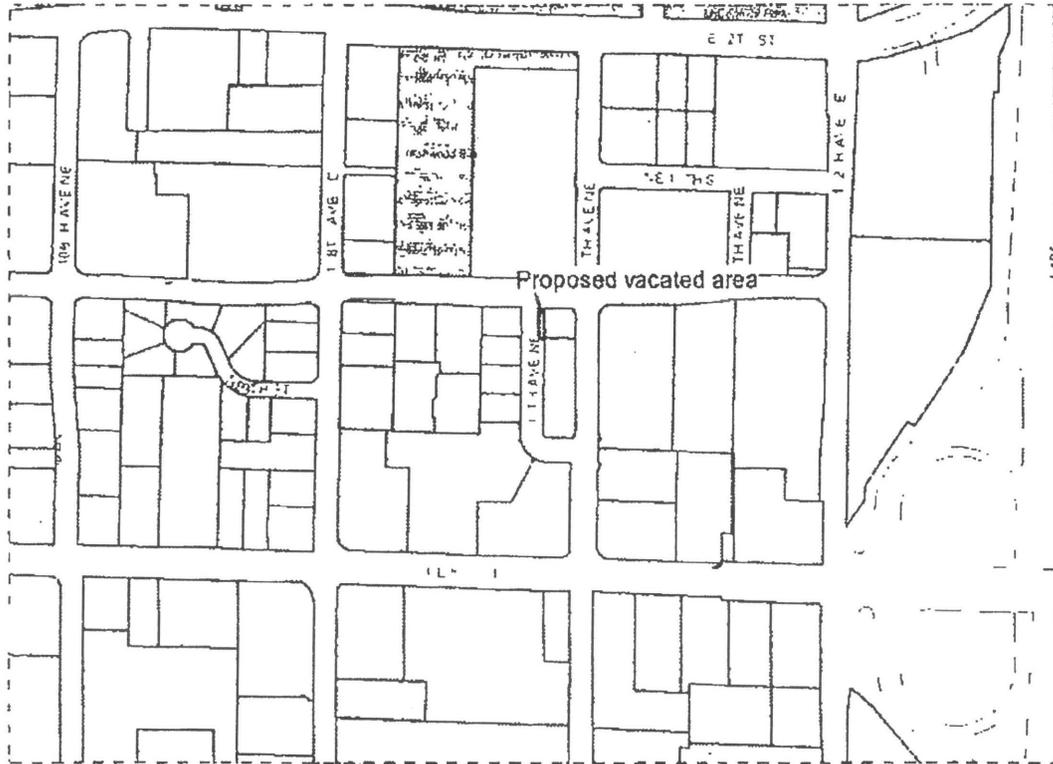
AVAILABLE IN COUNCIL OFFICE

Petition to Vacate Streets

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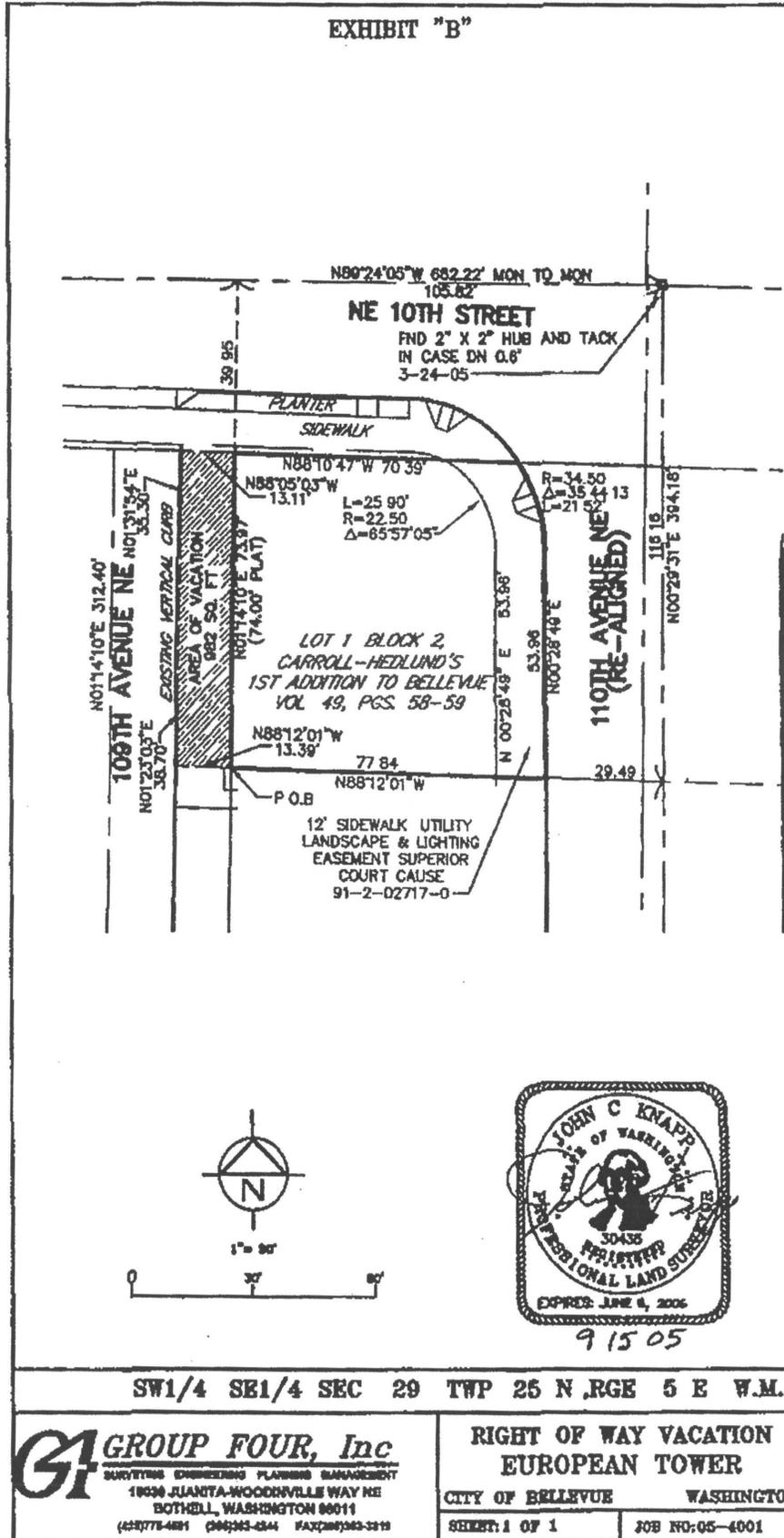
Attachment A

SITE/VICINITY MAP
109TH Ave NE Street Vacation (EUROPEAN TOWERS)



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EXHIBIT "B"



1" = 80'

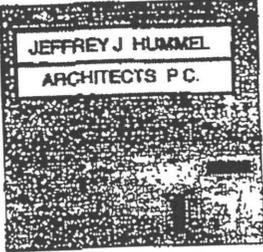


9 15 05

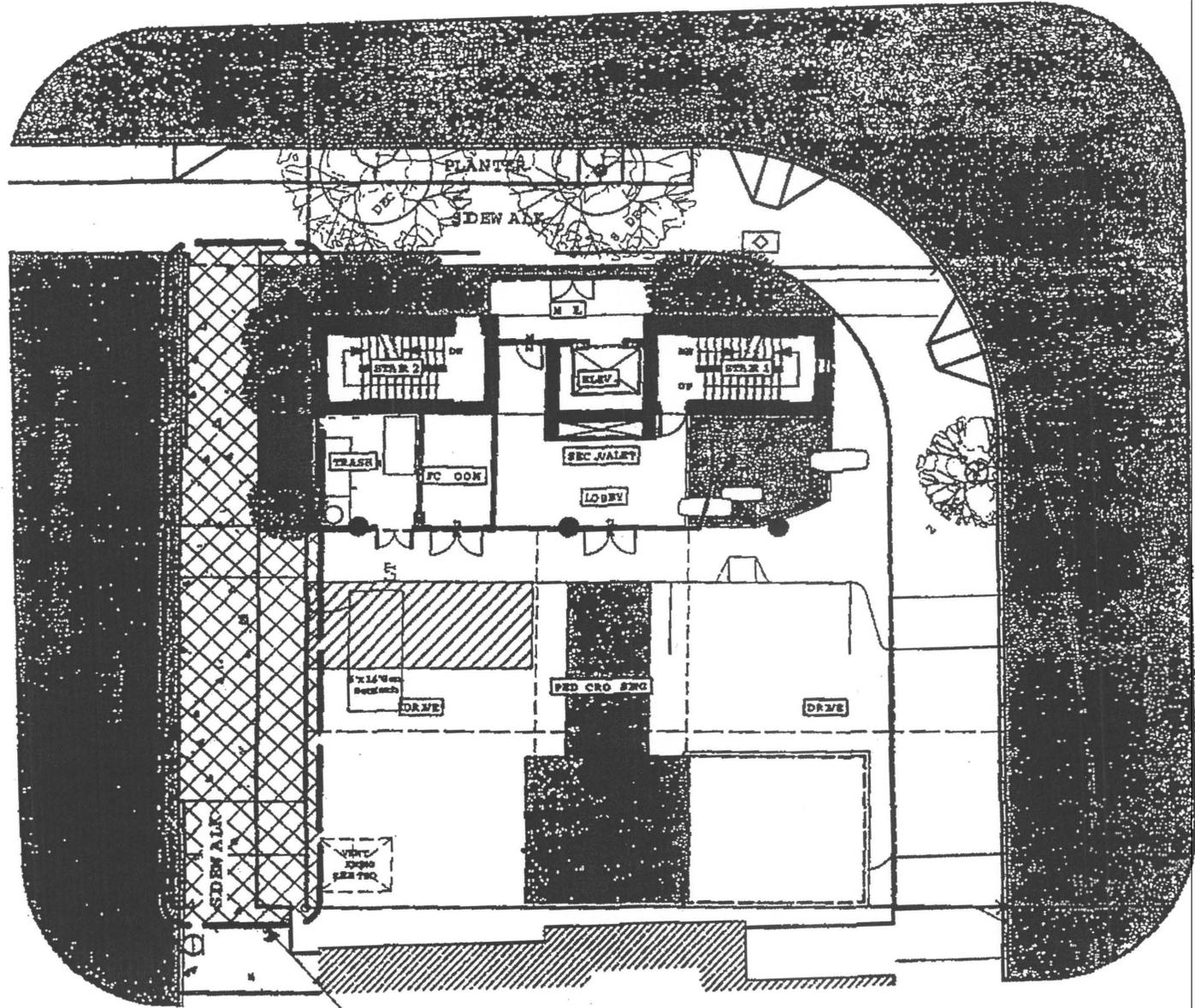
SW1/4 SE1/4 SEC 29 TWP 25 N RGE 5 E W.M.

GROUP FOUR, Inc
SURVING ENGINEERING PLANNING MANAGEMENT
18036 JUANITA WOODHILL WAY NE
BOTHELL, WASHINGTON 98011
(425) 776-4881 (206) 343-4344 FAX (206) 343-3319

RIGHT OF WAY VACATION
EUROPEAN TOWER
CITY OF BELLEVUE WASHINGTON
SHEET: 1 OF 1 JOB NO: 05-4001



Attachment B



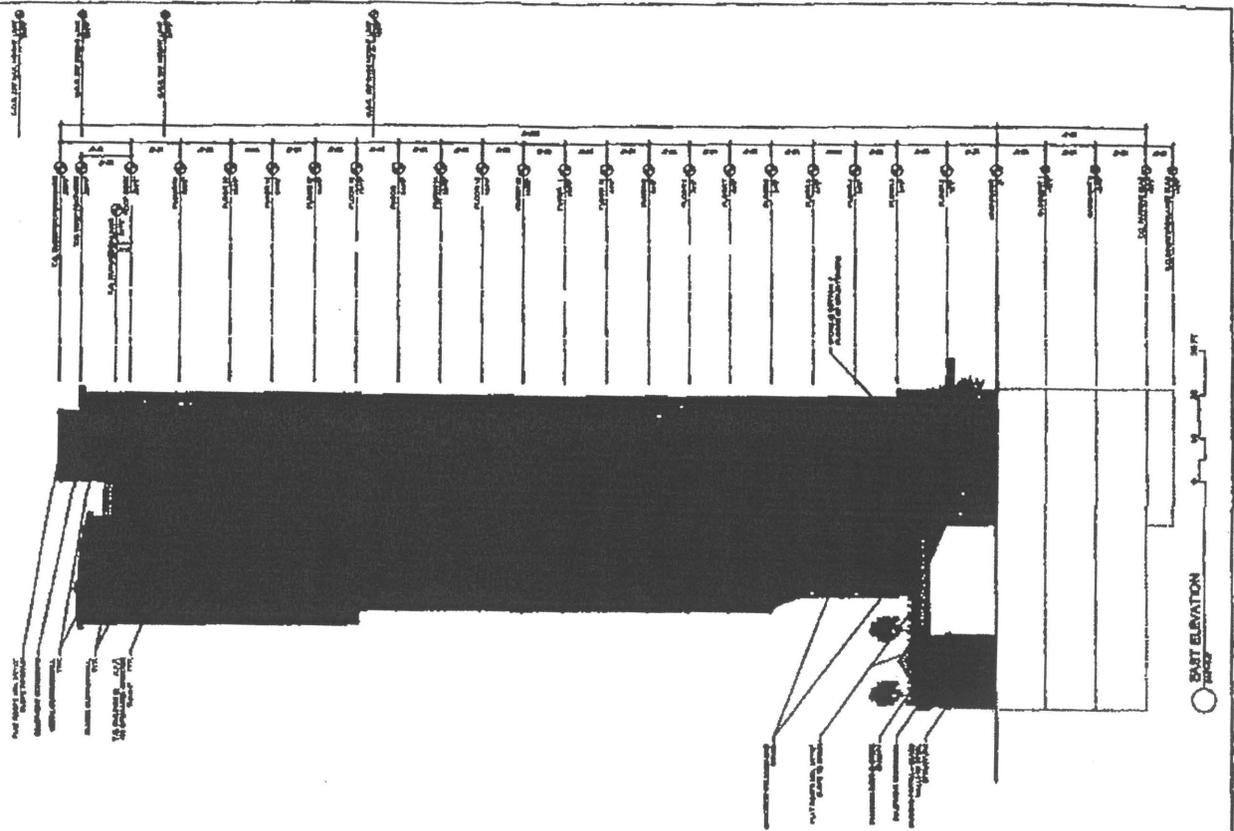
AREA OF PROPOSED
RIGHT-OF-WAY VACATION

Proposed
Site Plan

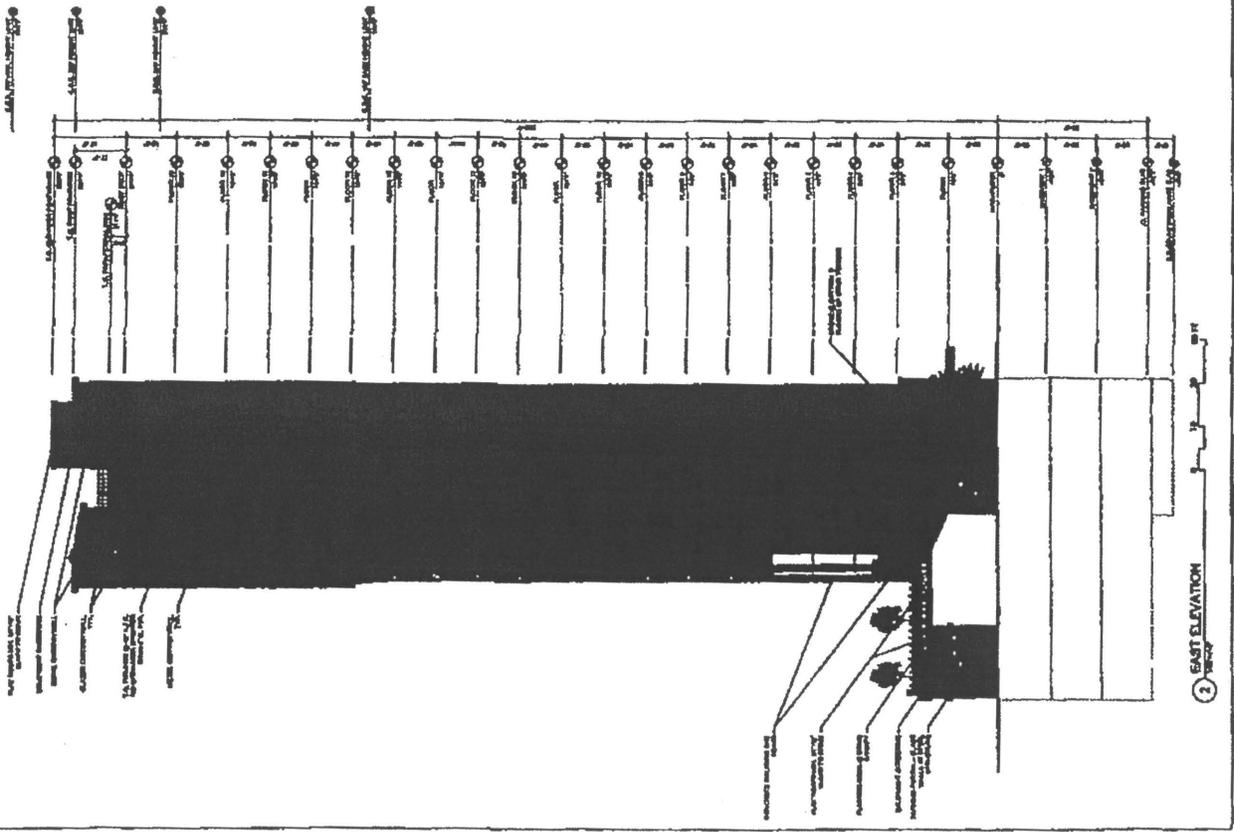
European Tower
Proposed R.O.W. Vacation
July 15 2005

97
Attachment C
109th Ave NE ROW Vacation (European Tower)

With ROW Vacation



w/out ROW Vacation



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CITY OF BELLEVUE WASHINGTON

ORDINANCE NO 5636

AN ORDINANCE determining the public advantage in vacating a portion of 109th Ave NE south of NE 10th Street in the City of Bellevue Washington and vacating the same subject to certain conditions

WHEREAS on October 17 2005 the City Council passed Resolution No 7271 fixing the time and place for a hearing to consider the vacation of a portion of 109th Ave NE south of NE 10th Street within the City of Bellevue Washington and gave notice of said hearing by posting and mailing in the manner required by law and

WHEREAS investigation was made as to the use of said right-of way and the public interests served or damaged by the change in such use by the vacation thereof and

WHEREAS a hearing was held upon the said petition on the 7th day of November 2005 at the time and place fixed in said resolution and notice and

WHEREAS having considered the positions of the private property owners abutting the proposed vacation and following said hearing the City Council by motion found that the vacation of all or a portion of said right-of way to the extent described in the petition therefore would serve the public good and directed staff to bring back an ordinance vacating such right-of-way or portion thereof and

WHEREAS said vacation also will be subject to the reservation of necessary public utility ingress and egress easements and subject also to payment of compensation by the respective abutting property owners in accordance with Section 14 35 130 14 35 150 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14 35 160 and

WHEREAS upon payment of compensation by the respective abutting property owners in accordance with Section 14 35 130-14 35 150 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14 35 160 and fulfillment of all other conditions established herein for such vacation such right of way or portions thereof shall be vacated and the City Clerk is directed to have this ordinance recorded with the King County Office of Elections and Records and to take any other action necessary to vacate such right-of-way or portions thereof now therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE WASHINGTON DOES
ORDAIN AS FOLLOWS

Section 1 The following portion of 109th Ave NE south of NE 10th Street in the City of Bellevue is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance

PROVIDED however that the City of Bellevue reserves and establishes an easement over the vacated area for public utility purposes and further the City retains a 12 to 13 foot sidewalk easement for purposes of public access and to provide an area for existing and future public and franchise utilities the exact width is to be from the back of the existing curb to the present property line

PROVIDED that the applicants provide recorded documents for the water and sewer and ingress and egress easements for neighboring properties as necessary

Section 2 The City Clerk is directed to record a certified copy of this ordinance with the King County Department of Records and Elections and the City Manager or his designee is directed to take any other action necessary to vacate such right-of way or portion thereof upon evidence of satisfactory completion of all conditions of such vacation including but not limited to reservation of necessary public utility ingress and egress easements payment of compensation to the extent and in the amount required by Section 14 35 130 14 35 150 of the Bellevue City Code or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14 35 160 or comparable compensation acceptable to the City and payment of all costs of acquisition services needed to convey title including the costs of final survey appraisals recording fees escrow title insurance processing fees and any other costs related to the purchase of the property except as otherwise agreed by the parties

Section 3 This Ordinance shall take effect and be in force five days after passage and legal publication

Passed by the City Council this ____ day of November 2005 and signed in authentication of its passage this ____ day of November 2005

Connie B Marshall Mayor

Approved as to Form
Lori M Riordan City Attorney

Jerome Y Roaché Assistant City Attorney

Attest

Myma L Basich City Clerk

Published _____

November 3 2005
Draft Version #2

EXHIBIT A

RIGHT OF WAY
VACATION

That portion of 109th Avenue Northeast in the Southwest Quarter of the Southeast Quarter in Section 29 Township 25 North Range 5 East in the City of Bellevue King County Washington described as follows

BEGINNING at the Southwest corner of Lot 1 Block 2 Plat of Carroll Hedlund s 1st Addition to Bellevue according to the plat thereof recorded in Volume 49 of Plats Pages 58 through 59 records of King County Washington thence North 88 12 01 West along the westerly prolongation of the south line of said Lot 1 a distance of 13 39 feet to the existing back of vertical curb thence North 01 23'03 East along said existing back of vertical curb a distance of 38 70 feet thence North 01°31'54 East continuing along said existing back of vertical curb a distance of 35 30 feet to the intersect the westerly prolongation of the north line of said Lot 1 thence South 88 10 47 East along said prolongation of the north line of said Lot 1 a distance of 13 11 feet the west line of said Lot 1 thence South 01 14 10 West along the west line of said Lot 1 a distance of 73 97 feet to the POINT OF BEGINNING

Containing an area of 982 square feet

WRITTEN BY RJM 9-13 05
 CHECKED BY RJM SCK
 PROOFED BY RJM SCK

GROUP FOUR INC
 16030 JUANITA WOODINVILLE WAY NE
 BOTHELL, WA 98011
 (425) 775-4581
 (206) 362-4244



0825-ORD
11/03/05

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5636

AN ORDINANCE determining the public advantage in vacating a portion of 109th Ave NE south of NE 10th Street in the City of Bellevue, Washington and vacating the same subject to certain conditions.

WHEREAS, on October 17, 2005, the City Council passed Resolution No. 7271 fixing the time and place for a hearing to consider the vacation of a portion of 109th Ave NE south of NE 10th Street within the City of Bellevue, Washington and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, investigation was made as to the use of said right-of-way and the public interests served or damaged by the change in such use by the vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 7th day of November, 2005 at the time and place fixed in said resolution and notice; and

WHEREAS, having considered the positions of the private property owners abutting the proposed vacation and following said hearing the City Council, by motion found that the vacation of all or a portion of said right-of-way to the extent described in the petition therefore would serve the public good and directed staff to bring back an ordinance vacating such right-of-way or portion thereof; and

WHEREAS, said vacation also will be subject to the reservation of necessary public utility, ingress and egress easements and subject also to payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 -14.35.150 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.160; and

WHEREAS, upon payment of compensation by the respective abutting property owners in accordance with Section 14.35.130-14.35.150 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.160 and fulfillment of all other conditions established herein for such vacation, such right-of-way or portions thereof shall be vacated and the City Clerk is directed to have this ordinance recorded with the King County Office of Elections and Records and to take any other action necessary to vacate such right-of-way or portions thereof; now, therefore,

0825-ORD
11/03/05

ORIGINAL

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The following portion of 109th Ave NE south of NE 10th Street in the City of Bellevue is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance:

PROVIDED, however, that the City of Bellevue reserves and establishes an easement over the vacated area for public utility purposes and further, the City retains a 12 to 13 foot sidewalk easement for purposes of public access and to provide an area for existing and future public and franchise utilities the exact width is to be from the back of the existing curb to the present property line.

PROVIDED, that the applicants provide recorded documents for the water and sewer and ingress and egress easements for neighboring properties as necessary.

Section 2. The City Clerk is directed to record a certified copy of this ordinance with the King County Department of Records and Elections and the City Manager or his designee is directed to take any other action necessary to vacate such right-of-way or portion thereof upon evidence of satisfactory completion of all conditions of such vacation including but not limited to reservation of necessary public utility, ingress and egress easements, payment of compensation to the extent and in the amount required by Section 14.35.130-14.35.150 of the Bellevue City Code or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.160 or comparable compensation acceptable to the City and payment of all costs of acquisition services needed to convey title including the costs of final survey, appraisals, recording fees, escrow, title insurance, processing fees and any other costs related to the purchase of the property, except as otherwise agreed by the parties.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

ORIGINAL

0825-ORD
11/03/05

Passed by the City Council this 7th day of November, 2005,
and signed in authentication of its passage this 7th day of November,
2005.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Jerome Y. Roaché
Jerome Y. Roaché, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published November 11, 2005

City of Bellevue
Transportation Department
Attn: Patti Ebert
P.O. Box 90012
Bellevue, WA 98009-9012

REC NO. _____
CITY OF BELLEVUE
DATE _____
CITY CLERK'S OFFICE
CCO FILE # _____

SIDEWALK AND UTILITY EASEMENT

Grantor:
Grantee: CITY OF BELLEVUE
Abbreviated Legal:
Additional Legal on Page: Exhibit A
Assessors Tax Parcel ID#:

IN THE MATTER OF:

GRANTOR, _____, for and in consideration of mutual benefits for public use, do hereby grant and convey to GRANTEE, the CITY OF BELLEVUE, a Washington municipal corporation, its successors and assigns, a perpetual easement and right-of-way over, through, under, across, upon, and in the real property described in Exhibit A attached hereto and by this reference incorporated herein, for sidewalk and for the construction, operation, maintenance, repair, and replacement of utility and franchise utility lines, manholes, and appurtenances thereto, together with the right of access into the easement area across Grantors property at times and locations which are reasonable and enable Grantee to exercise its rights under this easement. Said easement contains an area of _____ square feet, more or less.

Grantee is also granted the right to use such additional area immediately adjacent to the above-described easement as shall be required for construction, such additional area to be held to a minimum necessary for that purpose; and after completion of construction or any subsequent entry, Grantee shall restore the affected area as near as may be to its condition immediately before such construction or entry.

Grantee does hereby release, indemnify and promise to defend and save Grantors harmless from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorney's fees incurred by Grantors in defense thereof, resulting or arising directly or indirectly on account of or out of negligent acts or omissions of Grantee or

its servants, agents, employees or contractors in the exercise of the rights granted herein; provided, however, this paragraph does not indemnify Grantors against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the negligence of Grantors or Grantors agents or employees.

This easement shall be a covenant running with the land and shall forever bind Grantors, their heirs, successors, and assigns.

Dated this _____ day of _____, 2005.

GRANTORS:

Accepted and Approved:

CITY OF BELLEVUE

Approved as to Form:

By: _____
Nora Johnson
Assistant Director Transportation

By: _____
Patrice Cole
Assistant City Attorney

Notary Acknowledgment on additional page

Page Two
Sidewalk & Utility Easement
Parcel

STATE OF WASHINGTON
COUNTY OF KING

I certify that I know or have satisfactory evidence that
is/are the person(s) who appeared before me, and said person(s) acknowledged that
he/she/they signed this instrument, and acknowledged it to be his/her/their free and voluntary
act for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2005.

(SEAL)

Notary Public in and for the State of Washington
My appointment expires

STATE OF WASHINGTON
COUNTY OF KING

I certify that I know or have satisfactory evidence that
is/are the person(s) who appeared before me, and said person(s) acknowledged that
he/she/they signed this instrument, and acknowledged it to be his/her/their free and voluntary
act for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2005.

(SEAL)

Notary Public in and for the State of Washington
My appointment expires

Chapter 12.10 VACATION OF PUBLIC RIGHTS-OF-WAY

Sections

<u>12.10.010</u>	Title.
<u>12.10.020</u>	Application.
<u>12.10.030</u>	Purpose.
<u>12.10.040</u>	Authority.
<u>12.10.050</u>	Road classification.
<u>12.10.060</u>	Procedures.
<u>12.10.070</u>	Fees and compensation.
<u>12.10.080</u>	Condition precedent.
<u>12.10.090</u>	Manner of payment.
<u>12.10.100</u>	Appeal.

12.10.010 Title.

This chapter shall be entitled "Vacation of Public Rights-of-Way." [Ord. 1578 § 44, 2013.]

12.10.020 Application.

This chapter shall apply to the vacation of public rights-of-way within the City. [Ord. 1578 § 45, 2013.]

12.10.030 Purpose.

The purpose of this chapter is to set forth the process and procedures for the vacation of public rights-of-way and to make provisions for compensation as set forth below. [Ord. 1578 § 46, 2013.]

12.10.040 Authority.

Petitions for the vacation of City rights-of-way may be granted by the City Council in accordance with the provisions of chapter 35.79 RCW. [Ord. 1578 § 47, 2013.]

12.10.050 Road classification.

For the purposes of this chapter, all public rights-of-way within the City are declared to be within one of three classes:

(1) All streets or alleys that have been part of a dedicated public right-of-way for 25 years or more, all rights-of-way conveyed to or held by the City for transportation purposes for which public funds have been expended in the acquisition, improvement or maintenance of such rights-of-way interests, and rights-of-way that abut a body of fresh or salt water, are classified Class A rights-of-way.

(2) All City rights-of-way conveyed to or held by the City for transportation purposes for which no public funds have been expended in the acquisition of the same, excluding any Class A rights-of-way and any rights-of-way subject to being vacated by the provisions of section 32, chapter 19, Laws of 1889-90, are classified Class B rights-of-way.

(3) All City rights-of-way originally conveyed to the City by a party who subsequently petitions for the vacation of said rights-of-way for which no public expenditures have been made in the acquisition of the same and any rights-of-way or portions thereof subject to being vacated by the provisions of section 32, chapter 19, Laws of 1889-90; or any other rights-of-way not included within Classes A or B are classified Class C rights-of-way. [Ord. 1578 § 48, 2013.]

12.10.060 Procedures.

The procedures for the vacation of the public rights-of-way shall be as follows:

(1) The petition for rights-of-way vacation is filed with the Planning, Building and Public Works Director on a form prescribed by the Planning, Building and Public Works Director, and shall contain sufficient facts to enable the Planning, Building and Public Works Director to determine whether the petition(s) have complied with the provisions in this section and chapter 35.79 RCW as presently constituted or as may be subsequently amended.

(2) After a review of the petition, the Planning, Building and Public Works Director shall make a recommendation to the City Council who shall proceed under the provision cited in this section. [Ord. 1578 § 49, 2013.]

12.10.070 Fees and compensation.

(1) Each petition must be accompanied by an application fee to be set by administrative order of the City Manager or the City Manager's designee. Such fee is used to defray examination, report, publication, investigation, and other costs connected with the applications. Such fee shall not be returned to the petitioner.

(2) The amount of compensation, if required by this chapter, is determined by the City Council according to the following criteria:

(a) Vacation of all City rights-of-way included in Class A, if granted, shall require compensation at the full appraised value as of the effective date of the vacation; or which amount, for the purposes of this chapter, may be determined from the records of the King County Department of Assessments or by informal or formal appraisal; provided, that the City Council shall have the authority to accept real property of equal or greater value in lieu of cash compensation.

(b) Vacation of all City rights-of-way included in Class B, if granted, shall require compensation at 50 percent of the full appraised value as of the effective date of the vacation, which amount, for the purposes of this chapter, may be determined from the records of the King County Department of Assessments or by informal or formal appraisal.

(c) Vacation of all City rights-of-way included in Class C, if granted, requires no compensation.

(d) When a right-of-way is vacated for a governmental agency, compensation shall be in accordance with the classification of the right-of-way.

(e) The City Council may waive some or all of the compensation for any classification of right-of-way, if it determines and makes written findings that such action would benefit the residents of the City. [Ord. 1578 § 50, 2013.]

12.10.080 Condition precedent.

Subsequent to City Council approval, payment of compensation as ordered by the City Council is a condition precedent to the final vacation of any public right-of-way and shall be paid to the City by responsible parties within 90 days of receipt of the request for compensation prepared by the City. In the event of the failure of the responsible parties to pay such sum within 90 days, the petition of vacation shall be denied. [Ord. 1578 § 51, 2013.]

12.10.090 Manner of payment.

Payment is made to the Finance Director and shall be credited as follows:

(1) Revenue received by the City as compensation for the area vacated, excluding revenue received as compensation for vacation of rights-of-way that abut a body of fresh or salt water, shall be dedicated to the acquisition, improvement, development, and related maintenance of public transportation capital projects within the City.

(2) Revenue received by the City as compensation for vacation of rights-of-way that abut a body of fresh or salt water shall be dedicated to the acquisition of additional beach or water access, acquisition of additional public view sites to a body of water, or acquisition of additional moorage or launching areas. [Ord. 1578 § 52, 2013.]

12.10.100 Appeal.

A decision of the City Council may be appealed to the King County Superior Court to the extent allowed by law. [Ord. 1578 § 53, 2013.]

The Des Moines Municipal Code is current through Ordinance 1618-A, passed March 12, 2015.

Disclaimer: The City Clerk's Office has the official version of the Des Moines Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



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Inside the Legislature

- ★ Find Your Legislator
- ★ Visiting the Legislature
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- ★ TVW
- ★ Washington Courts
- ★ OFM Fiscal Note Website

[RCWs](#) > [Title 35](#) > [Chapter 35.79](#)

Chapter 35.79 RCW STREETS — VACATION

[Chapter Listing](#)

RCW Sections

[35.79.010](#) Petition by owners -- Fixing time for hearing.

[35.79.020](#) Notice of hearing -- Objections prior to hearing.

[35.79.030](#) Hearing -- Ordinance of vacation.

[35.79.035](#) Limitations on vacations of streets abutting bodies of water -- Procedure.

[35.79.040](#) Title to vacated street or alley.

[35.79.050](#) Vested rights not affected.



35.79.010

Petition by owners — Fixing time for hearing.

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.

[1965 c 7 § [35.79.010](#). Prior: 1957 c 156 § 2; 1901 c 84 § 1, part; RRS § 9297, part.]

35.79.020

Notice of hearing — Objections prior to hearing.

Upon the passage of the resolution the city or town clerk shall give twenty days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city or town and a like notice in a conspicuous place on the street or alley sought to be vacated. The said

notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the city or town council or similar legislative authority without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown: PROVIDED, That if fifty percent of the abutting property owners file written objection to the proposed vacation with the clerk, prior to the time of hearing, the city shall be prohibited from proceeding with the resolution.

[1965 c 7 § 35.79.020. Prior: 1957 c 156 § 3; 1901 c 84 § 1, part; RRS § 9297, part.]

35.79.030

Hearing — Ordinance of vacation.

The hearing on such petition may be held before the legislative authority, before a committee thereof, or before a hearing examiner, upon the date fixed by resolution or at the time the hearing may be adjourned to. If the hearing is before a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If the hearing is held before a committee it shall not be necessary to hold a hearing on the petition before the legislative authority. If the hearing is before a hearing examiner, the hearing examiner shall, following the hearing, report its recommendation on the petition to the legislative authority, which may adopt or reject the recommendation: PROVIDED, That the hearing examiner must include in its report to the legislative authority an explanation of the facts and reasoning underlying a recommendation to deny a petition. If a hearing is held before a hearing examiner, it shall not be necessary to hold a hearing on the petition before the legislative authority. If the legislative authority determines to grant the petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated. The ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. A certified copy of such

ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located. One-half of the revenue received by the city or town as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city or town.

[2011 c 130 § 1; 2002 c 55 § 1; 2001 c 202 § 1; 1987 c 228 § 1; 1985 c 254 § 1; 1969 c 28 § 4. Prior: 1967 ex.s. c 129 § 1; 1967 c 123 § 1; 1965 c 7 §35.79.030 ; prior: 1957 c 156 § 4; 1949 c 14 § 1; 1901 c 84 § 2; Rem. Supp. 1949 § 9298.]

35.79.035

Limitations on vacations of streets abutting bodies of water — Procedure.

(1) A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

(a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

(b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or

(c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

(2) Before adopting a resolution vacating a street or alley under subsection (1)(b) of this section, the city or town shall:

(a) Compile an inventory of all rights-of-way within the city or town that abut the same body of water that is abutted by the street or alley sought to be vacated;

(b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city or town for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

(c) Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on

the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and

(d) Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (b) of this subsection, and that the vacation is in the public interest.

(3) No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city or town only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

[1987 c 228 § 2.]

35.79.040**Title to vacated street or alley.**

If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each.

[1965 c 7 § 35.79.040. Prior: 1901 c 84 § 3; RRS § 9299.]

35.79.050**Vested rights not affected.**

No vested rights shall be affected by the provisions of this chapter.

[1965 c 7 § 35.79.050. Prior: 1901 c 84 § 4; RRS § 9300.]

RIGHT-OF-WAY VACATION CHECK LIST – SV2015-01 5/14/15

Name of Petitioner(s) The Adriana Senior Apartments, LLLP

Right-of-way to be vacated: the west Right-of-Way on 7th Avenue South and a portion of the north Right-of-Way of South 226th Street

- | | | |
|----|--|---|
| 1. | Name of Plat and date of addition under which the right-of-way was dedicated: | City of Des Moines,
November 1889 |
| 2. | What percent of the adjacent ownerships have petitioned in favor of the vacation? | 100%; 1 out of 1. |
| 3. | Was the street/alley in a plat filed before March 12, 1904, thus making it eligible for vacation by operation of law (Sect. 32, Ch. 19, Laws of 1889-90) if it was not opened before March 12, 1904? | Yes |
| 4. | Is the right-of-way currently used for public access by vehicular traffic? Or pedestrian traffic? | Yes – Pedestrian traffic |
| 5. | Is the right-of-way the only access to other parcel ownerships? | No |
| 6. | What impact will vacating the right-of-way have on the overall traffic circulation in the area? | None |
| 7. | Does the right-of-way provide access to any shorelines, streams or other recreational areas? | No |
| 8. | Is the right-of-way proposed for vacation adjacent to another agency (city, county)? | No |
| 9. | Which utilities currently have facilities in the right-of-way? | PSE
Midway Sewer District
Water District 54
Comcast
CenturyLink |

- | | | |
|-----|--|---|
| 10. | Which utilities have requested retention of an easement? | Midway Sewer District
PSE
Water District 54
Comcast
CenturyLink |
| 11. | Police Department Comments: | No Concerns |
| 12. | Fire District Comments: | No Concerns |
| 13. | Staff Recommendations: | None |



Address	22607 Marine View Dr S 98198	22644 S 7th Ave S 98198	624 S 223rd St 98198	
Parcel Number	2006601040		2006600993	2009004243
Assesed Total Value	552,000		153,000	108,000
Assesed Land Value	552,000		153,000	108,000
Assesed Imp Value	0		0	0
Sales Date	3/23/2012		12/15/2011	4/29/2014
Sales Price	\$587,927.00		\$160,000	\$120,000
Total Square Footage	24,000		9,000	6,098
Price per Square Foot Sales Price	\$24.50		\$17.78	\$19.68
Price Per Square Foot Assesed Value	\$23.00		\$17.00	\$17.71

Average PPS = \$20.65

119

Adjusted Sales Price	\$587,927.00	\$176,000	\$120,000
Total Square Footage	24,000	9,000	6,098
Price per Square Foot Adjusted Sales Price	\$24.50	\$19.56	\$19.68

Average PPS = \$21.25

Attachment 8

Department of Assessments

500 Fourth Avenue, Suite ADM-AS-0708, Seattle, WA 98104

Office Hours: Mon - Fri 8:30 a.m. to 4:30 p.m.

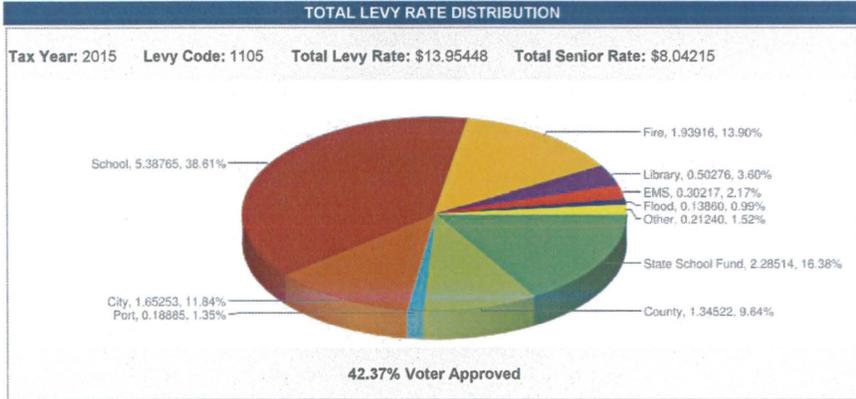
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PARCEL	
Parcel Number	200660-0500
Name	7TH AVENUE INVESTMENTS LLC
Site Address	22545 7TH AVE S 98198
Legal	DES MOINES CITY OF

BUILDING 1	
Year Built	
Building Net Square Footage	
Construction Class	
Building Quality	
Lot Size	12000
Present Use	Vacant(Commercial)
Views	No
Waterfront	

[Click here to see levy distribution comparison by year.](#)

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	216,000	0	216,000	216,000	0	216,000
2013	2014	216,000	0	216,000	216,000	0	216,000
2012	2013	264,000	0	264,000	264,000	0	264,000
2011	2012	264,000	0	264,000	264,000	0	264,000
2010	2011	264,000	0	264,000	264,000	0	264,000
2009	2010	264,000	0	264,000	264,000	0	264,000
2008	2009	264,000	0	264,000	264,000	0	264,000
2007	2008	252,000	0	252,000	252,000	0	252,000
2006	2007	144,000	0	144,000	144,000	0	144,000
2005	2006	132,000	0	132,000	132,000	0	132,000
2004	2005	132,000	0	132,000	132,000	0	132,000
2003	2004	132,000	0	132,000	132,000	0	132,000
2002	2003	132,000	0	132,000	132,000	0	132,000
2001	2002	132,000	0	132,000	132,000	0	132,000

Reference Links:

- [King County Taxing Districts Codes and Levies \(.PDF\)](#)
- [King County Tax Links](#)
- [Property Tax Advisor](#)
- [Washington State Department of Revenue \(External link\)](#)
- [Washington State Board of Tax Appeals \(External link\)](#)
- [Board of Appeals/Equalization](#)
- [Districts Report](#)
- [iMap](#)
- [Recorder's Office](#)
- [Scanned images of surveys and other map documents](#)
- [Scanned images of plats](#)

2000	2001	132,000	0	132,000	132,000	0	132,000
1999	2000	108,000	0	108,000	108,000	0	108,000
1998	1999	108,000	0	108,000	108,000	0	108,000
1997	1998	0	0	0	108,000	0	108,000
1996	1997	0	0	0	108,000	0	108,000
1994	1995	0	0	0	108,000	0	108,000
1992	1993	0	0	0	96,000	0	96,000
1990	1991	0	0	0	90,000	0	90,000
1988	1989	0	0	0	78,400	0	78,400
1986	1987	0	0	0	78,400	0	78,400
1984	1985	0	0	0	78,400	0	78,400
1982	1983	0	0	0	78,400	0	78,400

Updated: April 22, 2015

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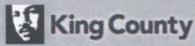
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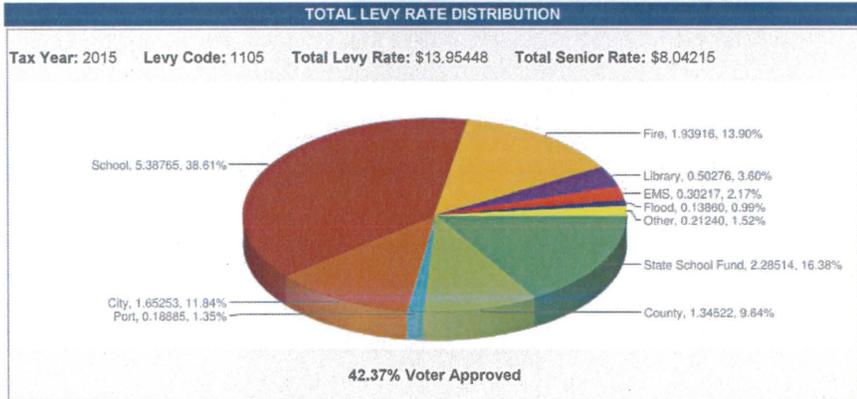
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PARCEL	
Parcel Number	200660-0475
Name	7TH AVENUE INVESTMENTS LLC
Site Address	22525 7TH AVE S 98198
Legal	CITY OF DES MOINES

BUILDING 1	
Year Built	1952
Building Net Square Footage	3064
Construction Class	MASONRY
Building Quality	AVERAGE
Lot Size	12000
Present Use	Medical/Dental Office
Views	No
Waterfront	

Click here to see levy distribution comparison by year.

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2014	2015	204,000	286,200	490,200	204,000	286,200	490,200
2013	2014	204,000	286,200	490,200	204,000	286,200	490,200
2012	2013	264,000	333,600	597,600	264,000	333,600	597,600
2011	2012	264,000	348,000	612,000	264,000	348,000	612,000
2010	2011	264,000	328,600	592,600	264,000	328,600	592,600
2009	2010	264,000	350,300	614,300	264,000	350,300	614,300
2008	2009	264,000	350,300	614,300	264,000	350,300	614,300
2007	2008	252,000	344,700	596,700	252,000	344,700	596,700
2006	2007	144,000	106,300	250,300	144,000	106,300	250,300
2005	2006	132,000	106,700	238,700	132,000	106,700	238,700
2004	2005	132,000	100,700	232,700	132,000	100,700	232,700
2003	2004	132,000	95,000	227,000	132,000	95,000	227,000
2002	2003	132,000	95,000	227,000	132,000	95,000	227,000
2001	2002	132,000	128,000	260,000	132,000	128,000	260,000

Reference Links:

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- King County Tax Links
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- Board of Appeals/Equalization
- Districts Report
- iMap
- Recorder's Office
- Scanned images of surveys and other map documents
- Scanned images of plats

2000	2001	99,000	97,000	196,000	99,000	97,000	196,000
1999	2000	81,000	95,000	176,000	81,000	95,000	176,000
1998	1999	81,000	95,000	176,000	81,000	95,000	176,000
1997	1998	0	0	0	81,000	95,000	176,000
1996	1997	0	0	0	81,000	95,000	176,000
1994	1995	0	0	0	81,000	88,300	169,300
1992	1993	0	0	0	72,000	71,100	143,100
1990	1991	0	0	0	67,500	49,200	116,700
1988	1989	0	0	0	53,900	55,500	109,400
1986	1987	0	0	0	53,900	40,500	94,400
1984	1985	0	0	0	53,900	40,500	94,400
1982	1983	0	0	0	53,900	40,500	94,400

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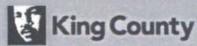
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RESOLUTION NO. 1293

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, fixing a time for a public hearing to consider vacation of a segment of public rights-of-way in the City of Des Moines.

WHEREAS, the City Council is considering vacation of a portion of public rights-of-way known as a portion of the west right-of-way on 7th Avenue South and a portion of the north Right-of-Way of South 226th Street, located in the City of Des Moines as shown on Exhibit "A", attached hereto and incorporated by reference, by the petition method, and

WHEREAS, the provisions of RCW 35.79.010 authorize the City Council to fix a time for a public hearing in order to receive public comment regarding this proposal; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

The matter of the vacation of the following described portions of public rights-of-way in the City of Des Moines is set for a public hearing before the City Council on Thursday, May 14, 2015 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 21630 11th Avenue So., Suite B, Des Moines, Washington:

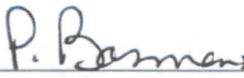
A portion of the west right-of-way on 7th Avenue South and a portion of the north Right-of-Way of South 226th Street, located in the City of Des Moines as shown on Exhibit "A", attached hereto.

Resolution No. 1293
Page 2 of 2

ADOPTED BY the City Council of the City of Des Moines,
Washington this 23rd day of April, 2015 and signed in
authentication thereof this 23rd day of April, 2015.

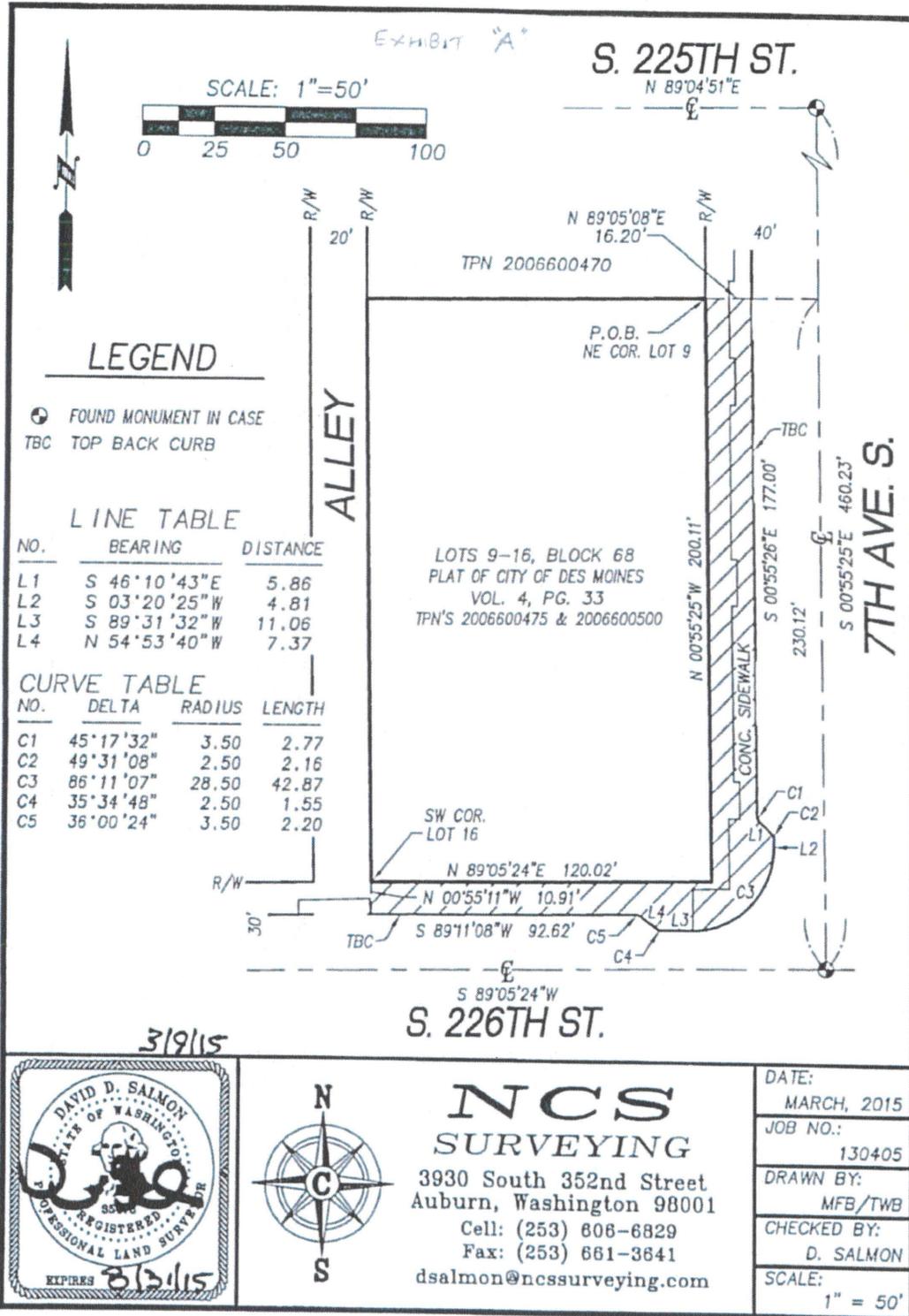

MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk



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April 24, 2015

To Des Moines City Council Members,

I am writing to request that you reject the street vacation of Seventh Avenue South requested by Adriana Senior Apartments.

The vacation of a portion of this public street goes against established city policies.

Seventh Avenue South is listed as a "minor arterial" with existing traffic of 4,000 to 12,000 trips per day. Public improvements including utilities have already been made in the requested vacation area. It is a significant arterial in the city working together with Marine View Drive South in the downtown area for pedestrian and vehicular circulation, safety, and operations. Both streets are listed as congestion Level of Service E which means very long delays at peak drive times. Downtown is a bottleneck and Seventh Avenue South is needed for safety vehicle traffic including fire, police, and emergency medical transportation when Marine View Drive South is at a stall.

Seventh Avenue South is also needed to achieve stated transportation goals for the Downtown: "The Downtown is a convergence of mobility needs for vehicles, deliveries, pedestrians, bicyclists and transit with a City goal for improving access to Downtown as a destination for both business and residents. (p. 4-52 of 2009 Comprehensive Transportation Plan)"

This street is proposed as a bicycle route and is a much safer option than riding a bicycle down Marine View Drive South and would be safer still with dedicated bike lanes as recommended in the 2009 CTP (p. 4-54). It would likely be necessary to eliminate some street parking and/or alter the sidewalk to accomplish the goal of bike lanes on this street. These improvements cannot be made if the requested street vacation is approved.

Council action subsequent to the publishing of the 2009 CTP resulted in the Marina District Rezone. This rezone results in even greater traffic from development on Seventh Avenue South than was anticipated in the 2009 CTP. Many properties can now double the number of residential units (from a prior two floors of residential above commercial to a new four floors of residential) which ironically applies to the Adriana project that is requesting this street vacation. Double the number of residents will increase the pedestrian and vehicular traffic and require more parking as new zoning changes have reduced requirements for onsite parking for both residential and commercial use in new development over what was anticipated in the CTP. Further right of way use may be required for adjustment of traffic lane width or turn pockets as traffic increases.

There is additional public interest in the public sidewalk which is an essential part of the right of way, gives access to public utilities and guarantees safe unfettered pedestrian access along the right of way for all without discrimination or disturbance. Public sidewalks are part of required street right of way development in our municipal code. The sidewalk on Seventh Avenue South is part of a continuous sidewalk improvement owned and maintained by the city for public use.

City policies establish that Seventh Avenue South is an essential public facility that is heavily used and will require further development. It would be irresponsible and against city policy to vacate right of way that we know now is needed for essential transportation purposes.

Thank you for your attention.

Sincerely,
Dan Sherman

Dan Brewer

From: Tony Piasecki
Sent: Tuesday, April 28, 2015 8:46 AM
To: Dan Brewer; Michael Matthias; Pat Bosmans; Denise Lathrop
Subject: FW: No zoning changes requested by Adriana Senior Apartments Developer

FYI

Tony Piasecki
 Des Moines City Manager

CONFIDENTIALITY STATEMENT: The information contained in this electronic communication is personal, privileged and/or confidential information intended only for the use of the individual(s) or entity(ies) to which it has been addressed. If you read this communication and are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication, other than delivery to the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail. Thank you.

-----Original Message-----

From: Terri DiMartino [<mailto:girlldog2007@gmail.com>]
 Sent: Tuesday, April 28, 2015 8:37 AM
 To: Tony Piasecki; Bob Sheckler; Dave Kaplan; Jeremy Nutting; Melissa Musser; Matt Pina; Vic Pennington
 Cc: Orwall, Rep. Tina
 Subject: No zoning changes requested by Adriana Senior Apartments Developer

Dear City Manager and Council persons:

I am writing all of you to vote NO on any changes to the current zoning and building heights codes at the request of ANY developer or person. I do not want the property on 7th Ave S & S 226th St with multiple utilities removed, sold, changed, altered or given away to the highest bidder. It's scary to think the city would give away an essential street that hundreds of people rely on to move to and from their homes, businesses and other destinations. By doing so, the City of Des Moines is giving away public property, this is against the law and Constitution. Adriana is asking the residents and businesses for a public assistance so they can build a bigger building. No way!

Tell Adriana to build this project on the Pacific Ridge. It doesn't fit the Marina District. Pacific Ridge is better suited to accommodate this project. Pacific Ridge has services to grocery stores, medical offices, emergency services, public transportation, and drugs stores, not the Marina District which has very few services. Will this building resemble the SHAG complex in White Center or the one under construction at S 242nd St & Pac Hwy? I am getting an upset stomach just thinking about a low income, poorly built building in the Marina District that will have a constant stream of emergency vehicles coming by every hour. The Marina District is the crown jewel for Des Moines, however one would never know that given we have a city council and manager that is willing to give away public streets and change the building heights.

Have you considered that Marine View Dr. is already used by 30,000 vehicles on weekdays. Our current streets can't accommodate more traffic so giving away an essential street is not feasible. Pacific Heights is a smarter choice for this project. This project puts a unnecessary burden on the current residents who pay taxes to keep the city operating. We rely on our elected officials to guard our interests, not interests of a developer. I would like a

response back on how you will vote on this issue by May 11. If you are voting yes, then please explain why you think this project is good for the Marina District. Is this the legacy you want to leave is an unsightly, out of place building that creates more traffic, noise of emergency vehicles, and takes away resident access to their homes and businesses?

I am requesting that the May 14 public meeting be posted on Des Moines Water Blog, Highline Reporter as soon as possible as this is a huge deal. And, please use the city's portable electronic sign used for road construction and street closure announcements be placed at Marine View Drive and 8th Ave S to alert residents, businesses, Des Moines Yacht Club, and visitors about the May 14 meeting. I am already phoning my neighbors in Des Moines and Redondo about this and plan to do some door to door campaigning to Marina District businesses. Expect a large turn-out of "no's" to this project request and developer.

On another matter, given the Des Moines Marina brings in substantial revenue to the City, I am requesting the City hire a private security company to patrol the Marina parking lot and Des Moines Marina park.

Just in the last 2 months I have observed people smoke marijuana in their cars, then drive away, drink alcohol in their cars and on the pier, car race in the Marina Park, and one incident of a man masturbating in his car on a Friday afternoon. He was parked along the curb as one walks on the north side of the Marina, facing the fishing pier. I believe having a uniformed person visibility to the community would discourage law breakers and they would go somewhere else.

--

Thank you in advance for your attention to my email.

Sincerely,
Terri DiMartino

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Update on the Marina's Financial Sustainability Plan

FOR AGENDA OF: May 14, 2015

ATTACHMENTS:

Marina Sustainability Plan Power Point
Marina Financial Plan – Cash
Marina Financial Plan – Debt
Marina Map

DEPT. OF ORIGIN: Marina

DATE SUBMITTED: May 8, 2015

CLEARANCES:

- Legal _____
- Finance DM
- Marina DM
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works N/A
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is to up-date the Council on the staff's efforts to develop the plan to ensure the long-term financial sustainability of the Marina.

Suggested Motion: (None Required – Information only)

Background

At the Council's goal setting retreat last November staff was directed to develop a plan to ensure the long-term financial sustainability of the Marina. The Council's directive was a response to three years of operating losses in the Marina enterprise fund and the resulting steep decline in the Marina's reserves.

The recreational boating industry in the Puget Sound was very stable for the first twenty-five years of the Marina's existence, but beginning in the 1990's, several factors started to destabilize the industry, especially the market for boat moorage. The decline in salmon fishing, the decline in young people participating in recreational boating and the largest recession in decades all factored into a significant decrease in recreational boating nationwide and here in the Puget Sound region. These factors

effectively made it impossible for the City to carry out the Marina's capital improvement program as outlined in the Des Moines Marina Comprehensive Master Plan adopted in 2002 and updated in 2007.

Discussion

At a Council meeting on January 22, 2015 the staff updated the Council on the Marina Sustainability Plan. At that meeting the staff told the Council that they had identified five major elements that would need to be developed for a comprehensive plan. The major elements are:

- An update of the Marina's revenue, expense and debt service model that was first developed in 2002 when the first of the outstanding bonds were issued. The model was up-dated again in 2008, when the second bond issue went out, but several of the assumptions made about revenue growth, specifically moorage revenue were too optimistic in light of the impacts of the recession.
- A traditional Strength, Weaknesses, Opportunities and Threats, (SWOT) analysis that will be the basis for determining the competitive advantages the Marina has in the market for moorage on the Sound. A diverse group of Marina tenants, yacht club members and non-boating citizens will participate in the exercise.
- The staff will analyze the current capital improvement plan to see what changes have to be made in the schedule of needed projects in order to ensure that the improvements that are the most critical or will generate additional revenue will be done first.
- Using information from SWOT analysis and the financial model the staff will develop options for restarting the capital improvement plan. As the options are developed the staff will include a discussion of the current level of debt and the ability of the Marina fund to carry more debt, if needed.
- As options are developed, the staff will be aware of and try to address the main challenges that face the entire industry, i.e., aging of the active boating community, competition from other activities, affordability, etc.

To date, the Marina's financial model has been updated, the SWOT analysis has been completed and the list of capital improvement projects has been updated for costs and reprioritized. A presentation of the financial model with a cash focus was presented to the Municipal Facilities Committee.

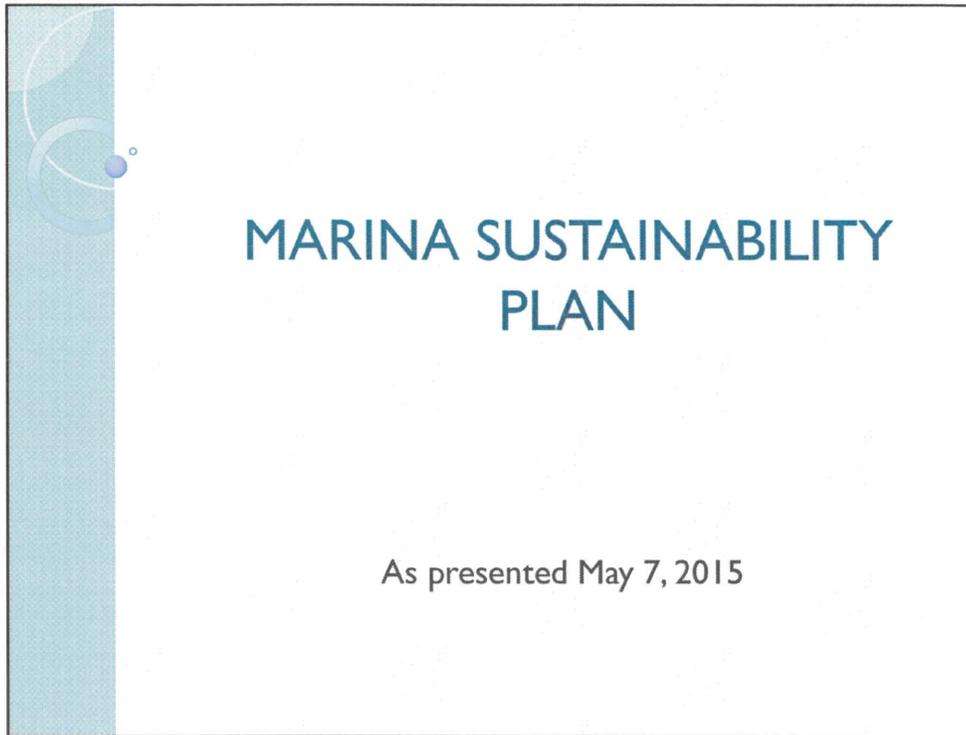
This presentation takes a new approach by separating the Marina into four distinct zones and analyzing the challenges/options for each zone. The presentation will then turn to short and long term financial effects on the narrowly defined Marina's financial plan using two different approaches: capital replacement using cash and capital replacement using debt.

Financial Impact

All of the options that are discussed and/or recommended in the report will have significant financial impacts and the presentation will include a discussion of those impacts.

Conclusion

N/A



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OVERVIEW

- Marina sustainability is best viewed in context of the larger Water Front Master Plan
- Water Front Master Plan contains four activity zones.
- Challenges and opportunities are unique to each zone and therefore each zone will have its own sustainability plan.

Overviews and a new way to view the water front will be discussed. The first point tonight is to structure the Marina discussion a little differently than we have in the past. What has been previously referred to as the “Marina Sustainability Plan” will be changed to the “Water Front Master Plan” tonight. This is important because it opens up our thinking to see opportunities and challenges differently.

The water front contains more than just a Marina. It contains several activities which have their own set of costs and related revenues sources (or lack thereof). Costs are currently lumped together which makes analysis a challenge. Accounting will be changed to track revenues and costs by individual zones to provide better data for future decision making. For the short term, higher level estimates will be used.

WATER FRONT MASTER PLAN

DOWNTOWN:

- Marina Operations Zone 1 (Blue shape)
- Economic Development Zone 2 (Green shape)
- Public Benefit Zone 3 (Orange shape)

REDONDO:

- Public Benefit Zone 4

These zones define the basic financial modeling definitions and accounting design: i.e. where cash is collected and stored (fund balance) as well as where revenues and expenses are recorded. These are the building blocks of financial planning for each of the zones. These zones will help define who keeps which money and for what purpose.

DOWN TOWN WATER FRONT MAP



MARINA OPERATIONS - Zone 1



- Includes such assets as docks, tenant restrooms, tenant parking, office building, maint shop, etc.
- Includes customer revenues such as moorage, fuel, utilities, retail sales, launch fees, etc.
- Includes operational costs such as asset maintenance, customer billing, administration, service delivery, etc.
- Includes Dry Sheds rentals (initially).

Marina operations are considered its own business enterprise. Revenues from customers are used to maintain operations as well as repair and replace assets. It currently has outstanding debt that won't be paid off until 2028. Some debt will pay off in 2022. A business model will be created to reflect these factors and address the capital replacement needs of the Marina operations in Zone 1.

ECONOMIC DEVELOPMENT - Zone 2

- Includes such current assets as boat yard, general parking lots up to Zone 3.
- Includes current development revenues such as building lease revenue.
- Includes operational costs such as asset maintenance, etc.

This zone has tremendous future opportunity for the city. The goal of this zone is to cover its own operating and capital costs, foster private enterprises to generate property, B&O and sales tax for the general fund and provide activities to make the water front a destination location.

The next step in developing this zone is to expand the boat yard allowing the existing tenant to grow his business. Increasing the yard by 6,000 sq ft will cost about \$12,000 and will be paid by cash and recovered from a lease rent increase. A more extensive building and yard expansion as well as purchase of a new travel lift will require additional debt and could cost as much as \$735,000 in construction costs. This type of investment will require new debt. More considerations of expansion options and costs is warranted. The lease should reflect the greater value to the private business and be set to at least cover the cost of the investment. The city cannot afford to subsidize private businesses. The risk to the city is if we incur the debt and the business goes out of business, the city is left making the debt payment without a revenue source.

Future planning steps are to explore opportunities for private development, private-public partnerships, and/or such things as development of Public Development Authority. The city does not have the bonding capacity or revenue base to aid in investment so other sources are needed. Direct revenues created in this zone need to be maintained for the operations, capital replacement and debt service for this zone.

PUBLIC BENEFIT – Zone 3



- Includes such assets as the fishing pier, public restrooms, the north parking lot, entrance/parking for the Beach Park, etc.
- There are no current revenue sources generated by this zone.
- Includes operational costs such as asset repairs, restroom cleaning /repairs, and event support.

This zone faces considerable fiscal challenge as it has assets but no specific source of revenue with which to maintain, improve or replace those assets. This zone is not necessary to the continuity or functioning of the Marina operations. The major challenge here is the replacement of the bulk heads around the parking lot and the front of the Beach Park and on-going maintenance of the pier.

This zone is for public benefit and it is reasonable to expect it to be paid for with public funds. Accordingly, the \$5 million dollars or so that it will take to replace the bulk heads would come from public sources. This may take the form of grants as well as debt bonding. As the city does not have the financial capacity for additional bonded debt with current revenue levels, then the debt request would be put to the voters for approval of a special property tax levy. If the public does not want to support maintaining access to the water front area, then they city would be left with a few choices: 1) do nothing until the bulk heads fail and then close access or 2) transfer ownership to someone that does have resources to replace the bulkheads. In addition to the Economic Development Zone the desired level of parking availability in this zone is also an issue to be studied.

In addition to asset replacement issues, there is the on-going cost of maintaining the pier, parking lot, public restrooms and labor used to facilitate special events. Debt financing is not an appropriate source to pay for these costs and so a different revenue source is needed. Paid parking is one possible source. A public access pass may be

another idea (residents could have one rate; nonresidents could have another). Keep in mind it would take additional staff time, software, etc. to create and administer an access pass system.

PUBLIC BENEFIT – Zone 4

- Includes such assets as, Boardwalk, rental buildings, boat launch, parking lot, public restroom, etc.
- Parking fees are the single revenue source.
- Includes operational costs such as asset repairs, restroom cleaning /repairs, and event support.

A sustainable business plan for this area will be developed recognizing the limited revenue from this zone will likely not be sufficient to pay for capital replacement or major repair costs of the Boardwalk; but the goal would be otherwise self sustaining.

MARINA FINANCIAL PLAN – ZONE 1 (Mostly) - Assumptions

- Still combines all zones operating revenues and expenditures. Other zones will be separated out in Next Steps.
- Includes only Zone 1 capital and debt.
- End Balance only reflects operating reserve. Debt reserve is separate (accounted for but not shown). Target Balances in green.
- 2022 and 2027 are next debt issue opportunities.
- Revenue and Expense escalation assumptions shown in orange.

MARINA FINANCIAL PLAN – ZONE 1 (Mostly) - Observations

- Near term (<2022) minor capital paid with cash.
- High priority capital paid with debt in 2022. Some projects are related/associated to others. (e.g. storm water & J dock transformer move).
- Long life docks paid with cash over time. One dock every 4 years or so.
- If no new debt in 2027 then Debt Reserve cash \$500K can be repurposed to annual debt payment/capital in 2027.
- 2022 Debt is interest only payments until 2028 (not normal).

Purchased with Cash

	Replace Year	Age at Replace	Replace Amt
Replace M Dock - 1970	2030	60	1,750,000
Replace N Dock - 1970	2033	63	1,800,000
Replace L Dock - 1970	2035	65	1,800,000
Replace K Dock - 1970	2037	67	1,800,000
Replace I Dock - 1970	2040	70	1,825,000
Replace H Dock - 1970	2042	72	1,850,000
Replace A Dock - 2002	2043	41	1,850,000
Replace B Dock - 2003	2045	42	1,950,000
Replace C Dock - 2004	2047	43	1,950,000
Replace D Dock - 2005	2049	44	2,000,000
Replace M Dock - 1970	2030	60	1,750,000

Purchased with Debt

	Replace	Age at	Replace
Dock	Year	Replace	Cost
Replace M Dock - 1970	2027	57	1,750,000
Replace N Dock - 1970	2027	57	1,750,000
Replace L Dock - 1970	2027	57	1,750,000
Replace K Dock - 1970	2030	60	1,819,048
Replace I Dock - 1970	2030	60	1,800,000
Replace H Dock - 1970	2030	60	1,800,000
Replace A Dock - 2002	2042	40	1,826,250
Replace B Dock - 2003	2042	39	1,800,000
Replace C Dock - 2004	2042	38	1,800,000
Replace D Dock - 2005	2042	37	1,800,000

The Beginning (not the End) – Next Steps

- Zone 1 – Revise Marina financial plan to remove other zone revenues/expenses and re-evaluate marina plan.
- Zone 2 – Create Economic Development plan. New resources ideas to explore may include such things as Port partnership, new city debt, formation of Public Facility District.
- Zone 3 – Create Public Access financial plan. New resource ideas to explore may include such things as Voter Approved bond issue (new property taxes), Port partnership, parking fees. Creation of parking structure to be considered.
- Zone 4 – Create Redondo financial plan. New resource ideas to explore are additional building rent and increases to parking and/or launching fees. Possible cost reductions may include labor reduction of summer staffing; reduction in parking tax %.

In conclusion, tough choices need to be made. By breaking the larger issue into smaller, distinct activities and then matching revenue sources to those individual activity costs, new approaches become possible to solve old problems.

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