

RESOLUTION NO. 2013-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DECLARING THE CITY'S INTENTION TO MOVE FORWARD WITH THE INFRASTRUCTURE IMPROVEMENT PROJECT FOR THE INDUSTRIAL AREA LOCATED NEAR THE AIRPORT, BASED UPON THE TERMS AND CONDITIONS SET FORTH IN THIS RESOLUTION AND SETTING AN EFFECTIVE DATE.

WHEREAS, for the past several years the City has spent staff and consultant time evaluating various potential proposals for improving access and providing utilities to the industrial zoned property near the City municipal airport (the "Industrial Area"); and

WHEREAS, on August 1, 2012, the City Council was approached by the owners of property in the Industrial Area with a proposal which included two documents titled "Agreement to Donate Land and/or Easements for City Right-of-Way" and a "Unanimous Agreement of Determination of Relative Assessments for a Local Improvement District, City of Deer Park, WA (Extension of 6th East to Cedar Road and Cedar Road South to Crawford)"; and

WHEREAS, following the citizen led presentation at the August 1, 2012 City Council meeting, the Council voted unanimously to continue moving forward on certain preliminary aspects of the project, which included engineering and survey services necessary to define the property required for the project; and

WHEREAS, the funding for the Industrial Area Improvement Project includes a 1.8 million dollar federal grant and a 1.8 million dollar State of Washington low interest Public Works Trust Fund ("PWTF") loan for the total estimated project cost of 3.6 million dollars; and

WHEREAS, the project will include water, sewer, street lighting, storm water, sidewalks, and road construction improvements on 6th Street and construction of the new Cedar

Road as identified in the documents on file at the City prepared by the City's consulting engineer, J-U-B Engineers, Inc.; and

WHEREAS, funds for repayment of the 1.8 million dollar PWTF loan has always been planned to be a combination of a Local Improvement District ("LID") in the amount of about 1.2 million dollars paid for by the Industrial Area property owners and additional City grant or other funds totaling about \$600,000; and

WHEREAS, as of the date of consideration of this Resolution, City staff and consultants have been unable to find any additional funding and have determined that the City's share of the 3.6 million dollar estimated project cost will be the approximate \$600,000 amount; and

WHEREAS, because the Industrial Area property owners unanimously support the LID in specific assessment amounts, obtaining before project and after project appraisals to establish the improvements to be constructed as a result of the project will add value to the involved properties, which will be equal to or greater than the cost of the LID, is unnecessary as the property owners are likely willing to stipulate that this is the case; and

WHEREAS, an alternative to a stipulation by the property owners as to the added value to their respective properties would be for the property owners to obtain, at their expense, appraisals in support of the LID; and

WHEREAS, the LID will be unique because it has one hundred percent (100%) support of the LID property owner participants; and

WHEREAS, based upon the above and upon the recommendation of the Mayor, the City Council has determined that allocation of funds from the City in the approximate amount of \$600,000 and moving forward with this project as set forth in this Resolution would be in the best interests of the public health, safety and welfare of the citizens of the City of Deer Park; and

WHEREAS, the City Council has heard from representatives of the LID area property owners and others that the improvements to be constructed as part of the infrastructure improvement project will enable the properties in this industrial area of the City to be “shovel ready” for developments that are anticipated to add wage earner jobs for citizens of our community; and

WHEREAS, on January 16, 2013, at an Open Public Meeting, the City Council considered a tentative timeline for the project and a list of items relative to the project funding and the LID; and

WHEREAS, the list of items, as previously presented to the City Council, included the completion of legal descriptions and survey work by the City’s consulting engineers, J-U-B Engineers, Inc.; and

WHEREAS, at the January 16, 2013 meeting, the City Council authorized completion of the right-of-way dedication process by a subconsultant to be retained by J-U-B Engineers, Inc.; and

WHEREAS, the right-of-way that was described by J-U-B Engineers, Inc. has all been dedicated by the project area property owners as set forth in the attachment to City Ordinance No. 2013-925, which Ordinance was approved by the City Council at an Open Public Meeting of the City Council on the 17th day of April, 2013; **NOW, THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON
HEREBY RESOLVE AS FOLLOWS:**

Section 1. City staff and consultants are authorized to move forward with the next steps in the Industrial Area Improvement Project timeline dated January 16, 2013 for the project, which will include water, sewer, street lighting, storm water, sidewalks, and road construction on

6th Street and new Cedar Road as identified in documents on file at the City prepared by J-U-B Engineers, Inc.

Section 2. Project design by J-U-B Engineers, Inc. should be delayed until a complete LID Petition has been circulated, signed, and submitted to the City. The LID Petition should be submitted as a “closed” Petition which specifically states the amounts to be paid by the LID participant property owners to the City as those amounts are identified in the August 1, 2012 documents signed by the participating property owners and submitted to the City. The property owners shall obtain appraisals at their expense or stipulate that the LID assessments represent the fair share payment assessment for each property owner and affirm that each property owner has independently determined that the improvements will create an increase in value to each property owners’ properties equal to or in excess of the amount of the LID assessment to be paid by each property owner.

Section 3. One hundred percent (100%) participation in the Petition by the property owners will be necessary in order to move this project to the engineering design phase. If any property owner decides not to participate in the LID, City staff and consultants are directed to return to the City Council for further review and further consideration of this matter.

Section 4. The City’s State Environmental Policy Act (“SEPA”) official should complete the SEPA analysis and evaluation for the project.

Section 5. The City Council should be presented with a complete and executed LID Petition for purposes of holding a public hearing on the LID formation and to thereafter consider passage of an Ordinance creating the LID.

Section 6. The City Council recognizes that if the City Council accepts the LID as outlined above herein, that the City will be responsible for payment of any project cost overruns and the City will be the economic beneficiary of any savings incurred on the project.

Section 7. City staff and City consultants are authorized and directed to take all action necessary to comply with the terms and conditions of this Resolution.

Section 8. This Resolution shall be effective immediately upon passage by the City Council.

RESOLVED this 17th day of April, 2013.

APPROVED:

MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:

DEBY CRAGUN, CITY CLERK/TREASURER