

**ORDINANCE NO. 1721**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, VACATING A PORTION OF THE EXISTING 224TH RIGHT-OF-WAY AND UTILITY EASEMENTS LOCATED ON THE PEAK410 BUSINESS PARK PROPERTY IN THE CITY OF BONNEY LAKE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, adjustments to existing utility easements are necessary to accommodate the development of the PEAK410 Business Park; and

**WHEREAS**, prior to the sale of the former Compass Pointe property, the City retained a portion for the construction of the SR-410 and 224th Avenue East roundabout; and

**WHEREAS**, during the design phase of the SR-410 and 224th Avenue East roundabout, it was determined that the roundabout needed to be shifted slightly westward, requiring the vacation of a portion of the existing 224th Avenue East right-of-way and dedication of new right-of-way for said street; and

**WHEREAS**, the City Council initiated the vacation process pursuant to Resolution 3218; and

**WHEREAS**, BLMC 12.40.010.E mandates that the public hearing date for a street vacation be established by Resolution 3218; and

**WHEREAS**, a public hearing was duly conducted by the Council on July 23, 2024, during which all information and testimony regarding the proposed vacations of existing right-of-way and easements was thoroughly considered; and

**WHEREAS**, the Council has determined that it is in the public interest to vacate the portion of 224th Avenue East described in Exhibit A and illustrated in Exhibit B; and

**WHEREAS**, the Council has further determined that it is in the public interest to vacate the easements depicted in Exhibit C; and

**WHEREAS**, based on the evidence presented at the public hearing, including staff recommendations, the Council has concluded that the identified portion of the street and easements are no longer necessary for public travel or related purposes; and

**WHEREAS**, the vacation of these rights-of-way and easements will not adversely affect any public interest.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Vacation.** That portion of 224th Avenue East as described in Exhibit A and illustrated in Exhibit B be vacated and the easements illustrated in Exhibit C are **HEREBY VACATED.**

**Section 2. Compensation.** The City accepts the dedication of additional right-of-way for 224<sup>th</sup> Avenue East described in Exhibit D and illustrated in Exhibit E dedication and new easements illustrated in Exhibit F as compensation for aforementioned vacation.

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

**Section 4. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

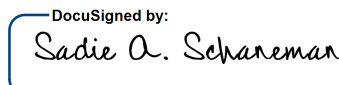
**Section 5. Corrections.** Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

**Section 6. Effective Date.** This Ordinance shall be effective five (5) days after adoption and publication as provided by law.

**ADOPTED** by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this 13<sup>th</sup> day of August 2024.

Signed by:  
  
339AD7C13E9E492...  
Terry Carter, Mayor

AUTHENTICATED:

DocuSigned by:  
  
975A05C52D794C6...  
Sadie A. Schaneman, CMC, City Clerk

<b>AB</b> 24-78
<b>Passed:</b> 8/13/2024
<b>Valid:</b> 8/18/2024
<b>Published:</b> 8/22/2024
<b>Effective Date:</b> 8/18/2024
<b>This Ordinance totals</b> <u>14</u> page(s)

City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Agenda Item Type:</b> Ordinance	<b>Agenda Bill Number &amp; Ordinance/Resolution/Motion Number:</b> AB24-78/Ord. D24-78	
<b>Department/Division Submitting:</b> Public Services	<b>Presenter:</b> Jason Sullivan	<b>City Strategic Goal Category:</b> <b>DON'T FILL OUT YET</b>

**Agenda Subject:** 224th Right-of-Way Vacation (Peak410).

**Full Title/Motion:** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Vacating A Portion Of The Existing 224th Right-Of-Way And Utility Easements Located On The Peak410 Business Park Property In The City Of Bonney Lake; Providing For Severability And Corrections; And Establishing An Effective Date.

**Administrative Recommendation:** Approve.

**Short Background Summary (Use a memo to write a full history):** Adjustments To Existing Utility Easements And The Vacation Of Part Of 224<sup>th</sup> Ave. E. Are Necessary To Facilitate The Development Of The PEAK410 Business Park. Prior To The Sale Of The Former Compass Pointe Property, The City Set Aside A Parcel For The Construction Of The SR-410 And 224<sup>th</sup> Ave. E. Roundabout. During The Design Phase, It Was Determined That The Roundabout Needed To Be Shifted Westward, Requiring The Vacation Of A Section Of The Current 224<sup>th</sup> Ave. E. And The Dedication Of New Right-Of-Way. The Vacation Of These Rights-Of-Way And Easements Will Not Adversely Affect Any Public Interest, As The Developer Is Committed To Dedicating New Right-Of-Way For The 224th Avenue East And SR-410

**Attachments:** Ordinance D24-78, Public Hearing Notice, And Newspaper Proof.

<b>BUDGET INFORMATION</b>			
Budgeted Amount	Current Balance	Expenditure Amount Needed	Budgeted Balance Difference
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>					
Public Hearing Date:	Name Of Committee/Commission Public Hearing Was Done At:				
Date & Name Of Committee/ Commission Meeting	Return To Committee/ Commission/Board	Council Workshop Discussion	Consent Agenda	Council Full Issues	Chair's Signature For Approval Of Next Steps
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s): 7/23/2024
Meeting Date(s): 6/25/2024 and 8/13/2024	Tabled To:

<b>APPROVALS</b>		
<b>Department Director:</b> Jason Sullivan	<b>Mayor:</b> Terry Carter	<b>Date Reviewed By City Attorney (if applicable):</b>

# EXHIBIT A

## RIGHT-OF-WAY VACATION LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 2 OF SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A POINT ON THE NORTHERLY MARGIN OF SR-410 HIGHWAY AT STATION 434+76.80, 68.00 FEET LEFT OF CENTERLINE PER WASHINGTON STATE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS, MP 16.02 TO MP 16.26, APPROVED NOVEMBER 19, 2009, SAID POINT ALSO DESCRIBED IN THAT CERTAIN RIGHT OF WAY DEDICATION DEED, RECORDING NO. 201911060129;

THENCE NORTH 46°53'07" WEST, ALONG SAID NORTHERLY MARGIN, 4.13 FEET TO THE **POINT OF BEGINNING** AND STATION 434+73.49, 70.48 FEET LEFT OF CENTERLINE;

THENCE NORTH 84°02'52" WEST, 52.47 FEET TO STATION 434+21.02, 70.27 FEET LEFT OF CENTERLINE;

THENCE NORTH 44°47'05" WEST, 131.07 FEET TO STATION 433+19.19, 152.79 FEET LEFT OF CENTERLINE;

THENCE NORTH 05°29'26" EAST, 109.54 FEET TO THE SAID NORTHERLY MARGIN AND STATION 433+17.86, 262.33 FEET LEFT OF CENTERLINE;

THENCE SOUTH 80°44'23" EAST, ALONG SAID NORTHERLY MARGIN, 43.75 FEET TO STATION 433+61.55, 259.98 FEET LEFT OF CENTERLINE;

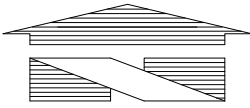
THENCE SOUTH 16°11'00" EAST, ALONG SAID NORTHERLY MARGIN, 164.99 FEET TO STATION 434+24.35, 107.42 FEET LEFT OF CENTERLINE;

THENCE SOUTH 46°53'07" EAST, ALONG SAID NORTHERLY MARGIN, 61.47 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,991 SQUARE FEET (0.275 ACRES), MORE OR LESS.

22451-PEAK 410 BUSINESS PARK  
22451L.001 – MKA  
JULY 10, 2023  
Page 1 of 1

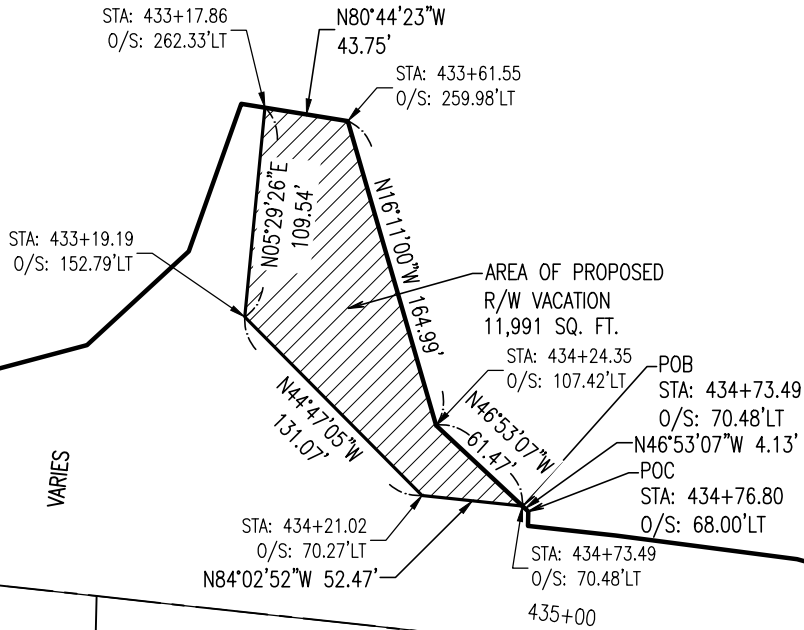




1"=100'

### EXHIBIT B

APN  
051902-1070

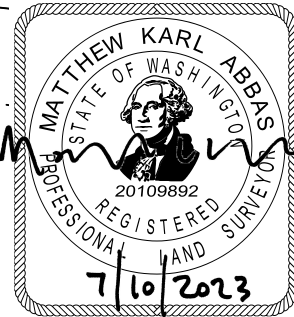


APN  
051902-1058


VARIES

SR-410

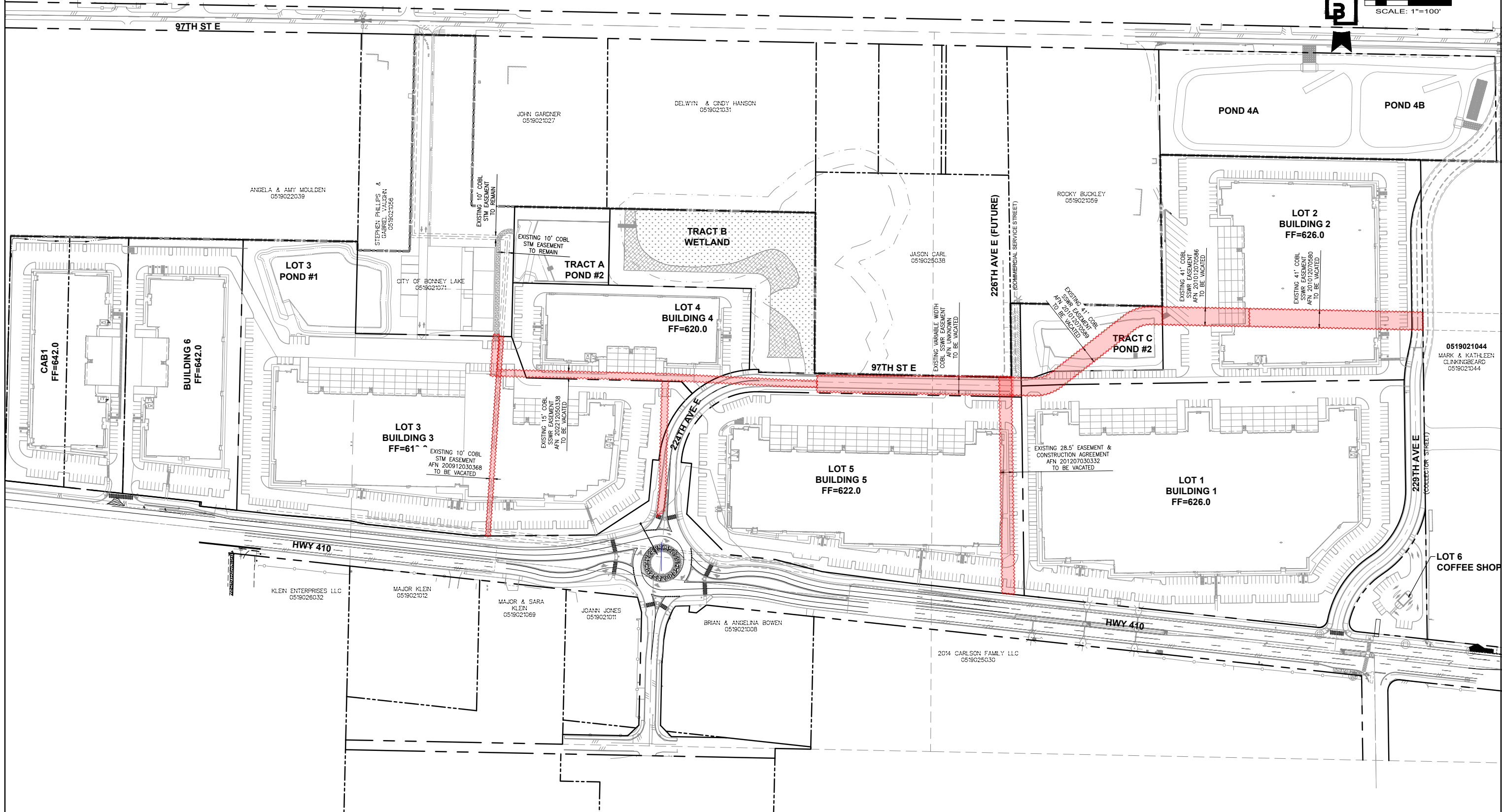
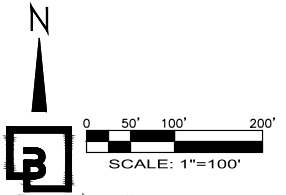
225TH AVE E



File:P:\22000s\22451\survey\22451exh01-vacation.dwg Date/Time:7/10/2023 8:38 AM MATT ABBAS

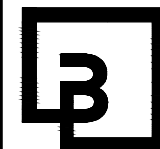
<b>SCALE:</b> HORIZONTAL 1"=100'   <b>BARCHAUSEN CONSULTING ENGINEERS, INC.</b>  18215 72ND AVENUE SOUTH KENT, WA 98032 425.251.6222 BARCHAUSEN.COM	<b>For:</b> <b>PEAK 410 BUSINESS PARK</b>	<b>JOB NUMBER</b> <b>22451</b>  22451L.001.DOC
	<b>Title:</b> <b>RIGHT-OF-WAY VACATION</b>	<b>SHEET</b> <b>1 of 1</b>
DESIGNED _____ DRAWN <u>KMA</u> CHECKED <u>MKA</u> APPROVED <u>MKA</u> DATE <u>7/10/2023</u>		

# EXHIBIT C



No.	Date	By	Ckd.	Appr.	Revision

Designed	WPS	Scale:
Drawn	WPS	Horizontal
Checked	BHE	1"=100'
Approved	BHE	Vertical
Date	7/16/24	N/A



**Barghausen Consulting Engineers, Inc.**  
 18215 72nd Avenue South  
 Kent, WA 98032  
 425.251.6222 [barghausen.com](http://barghausen.com)

For: \_\_\_\_\_

Title: **EXHIBIT O-1  
 EASEMENT VACATIONS FOR  
 PEAK 410 BUSINESS PARK  
 BONNEY LAKE, WA**

Job Number	22451
Sheet	1 of 2

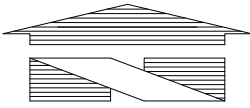
P:\22000a\22451\exhibit\22451 DA Easement Exhibit 2024-07-16.dwg 7/16/2024 2:52 PM WSEMPLE

## EXHIBIT D

### RIGHT-OF-WAY DEDICATION LEGAL DESCRIPTION

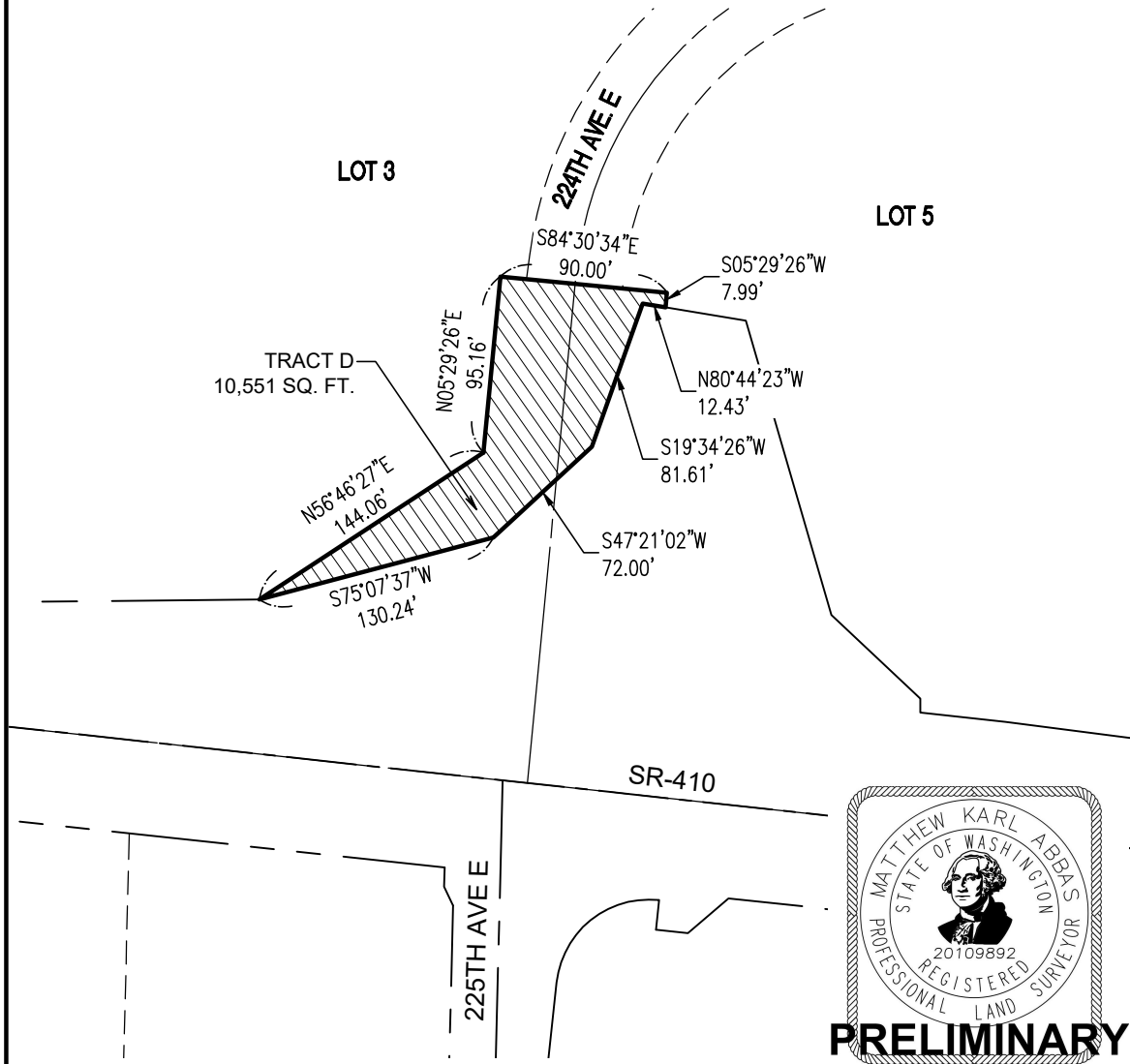
TRACT D, CITY OF BONNEY LAKE SHORT PLAT NO. PLN-2023-02833, ACCORDING TO THE RECORDED PLAT THEREOF UNDER RECORDING NO. \_\_\_\_\_, PIERCE COUNTY, WASHINGTON.






1"=100'

# EXHIBIT E



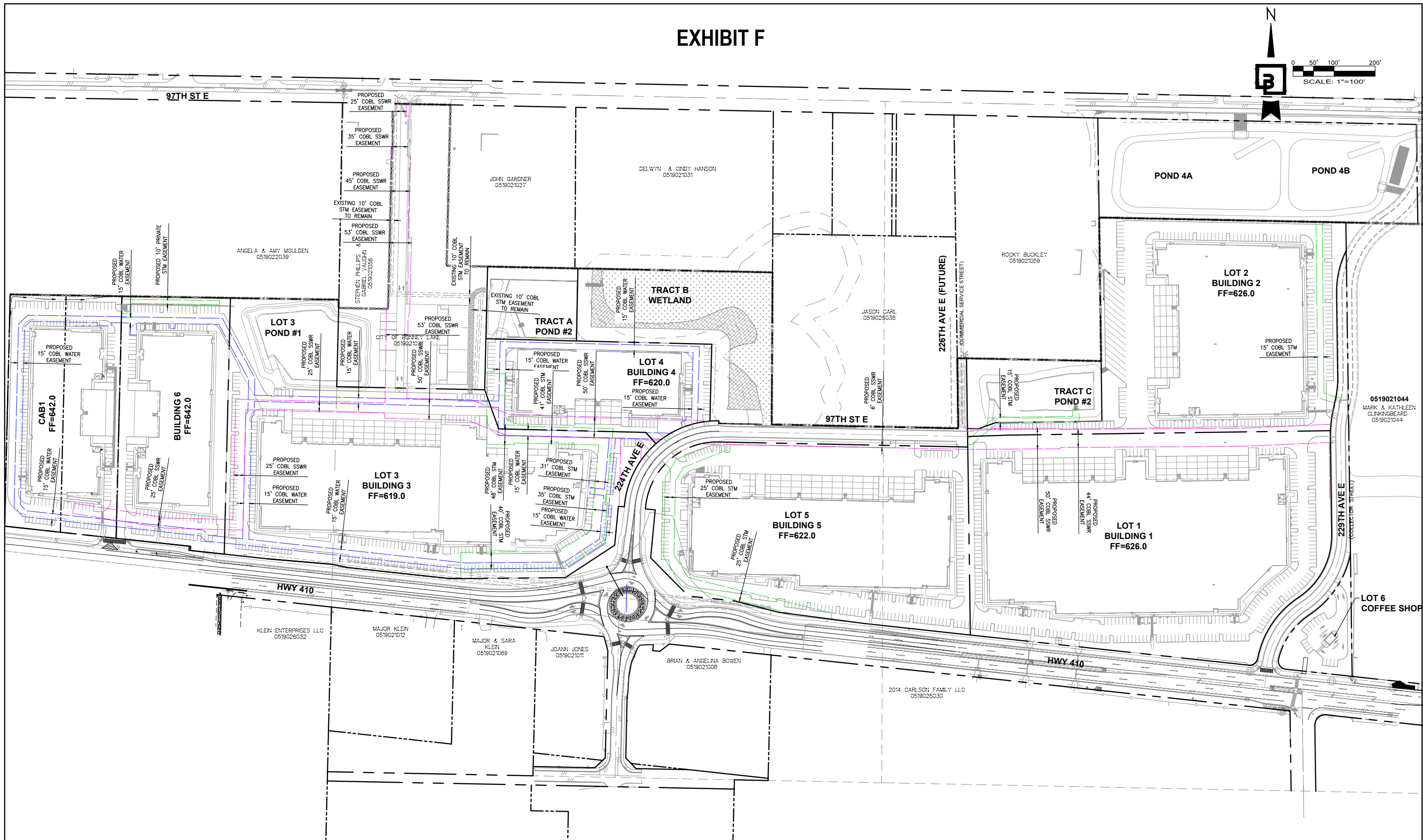
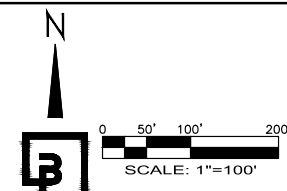
**PRELIMINARY**

File:P:\22000s\22451\survey\22451exh03-dedication-parcel d.dwg Date/Time:10/27/2023 8:33 AM MATT ABBAS

SCALE: HORIZONTAL 1"=100'	For: <b>PEAK 410          BUSINESS PARK</b>	JOB NUMBER <b>22451</b> 22451L.003.DOC
 BARGHAUSEN CONSULTING ENGINEERS, INC. 18215 72ND AVENUE SOUTH KENT, WA 98032 425.251.6222 BARGHAUSEN.COM	Title: <b>RIGHT-OF-WAY          VACATION</b>	SHEET <b>1 of 1</b>
DESIGNED _____ DRAWN <u>MKA</u> CHECKED <u>MKA</u> APPROVED <u>MKA</u> DATE <u>10/27/23</u>		



# EXHIBIT F



No.	Date	By	Ckd.	Appr.	Revision

Designed	WPS	Scale:
Drawn	WPS	Horizontal
Checked	BHE	1"=100'
Approved	BHE	Vertical
Date	7/16/24	N/A

**Barghausen Consulting Engineers, Inc.**  
 18215 72nd Avenue South  
 Kent, WA 98032  
 425.251.6222 [barghausen.com](http://barghausen.com)

For: \_\_\_\_\_

Title: **EXHIBIT O-2  
 PROPOSED EASEMENTS FOR  
 PEAK 410 BUSINESS PARK  
 BONNEY LAKE, WA**

Job Number  
**22451**  
 Sheet  
**2 of 2**

P:\22000a\22451\exhibit\22451 DA Easement Exhibit 2024-07-16.dwg 7/16/2024 1:22 PM WSEMPLE



## NOTICE OF PUBLIC HEARINGS and REVISED DETERMINATION OF NONSIGNIFICANCE (DNS)

The public has the right to review the contents of the official file for the proposal, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. The most current application materials are available for public review by [clicking on the link next to the file number\(s\) provided in this notice](#), or by requesting a link from the staff contact listed in this notice.

<b>Notice Date:</b>	7/3/2024	<b>Comment Due Date:</b>	7/18/2024 (SEPA) 7/23/2024 (Public Hearing)
<b>Project:</b>	<p>The proposed Peak410 Business Park (PFTBP) will include the construction of nine (9) buildings totaling approximately 1,002,815 sq. ft. of light industrial, manufacturing, warehouse / distribution, retail and office uses on a 64acre site on the north and south sides of State Route (SR) 410 East. This is an increase of approximately 152,815 sq. ft. of floor area and 14 acres from the original proposal. In addition to the onsite building construction, the project includes several onsite and offsite utility and roadway improvements.</p> <p>This proposal includes:</p> <ul style="list-style-type: none"> <li>• City-initiated vacation of approximately 11,991 sq. ft. of right-of-way at the northeast corner of the intersection of SR 410 E and 225th Ave E (Resolution No. 3218);</li> <li>• Proposed surplus of an existing City stormwater easement on Tax Parcel No. (TPN) 051902-5044 and existing City sanitary sewer easement on TPNs 051902-5041, -5042, and -5050; and</li> <li>• An amendment to the original Peak 410 Development Agreement (Pierce County Auditor’s File No. (AFN) 202212080022).</li> </ul>		
<b>Project Name:</b>	Peak410 Business Park Development Agreement Amendment		
<b>Location:</b>	<p>The properties are generally located along State Route (SR) 410 E between bounded by 220th Ave E to the west, 230th Ave E to the east, 96th St E to the north, and 100th St E to the south.</p> <p>On-Site: 22212, 22309, and 22320 State Route (SR) 410 E; 22503 97th St E; XXX 99th St Ct E; 9619, 9625, 9701, 9705, and 9906 229th Ave E; and XXX 225th Ave Ct E.</p> <p>Off-Site: 22919, 23015, and 23021 SR 410 E; and 9804 233rd Ave E</p>		
<b>Tax Parcel(s):</b>	<p>On-Site: 051902-1001 (Pierce County), -1011, -1012, -5041, -5042, -5043, -5044, -5045, -5046, -5047, -5048, -5049, -5050, -5051, -1068, -1069, -1071, -6001, -6002, -6003, and -6032</p>		

	Off-Site: 051902-1044 and -6004; 051901-2016 and -2036
<b>Environmental Review:</b>	<b>NOTICE IS HEREBY GIVEN</b> that a Revised Determination of Non-Significance (DNS) was issued on July 3, 2024, under WAC 197-11-340. All comments are welcomed and will be accepted prior to 5:00PM on <b>July 18, 2024</b> . The responsible official may reconsider or withdraw the DNS based on new information or possible impacts discovered during the comment period. This determination may also be appealed to the City of Bonney Lake Hearing Examiner per the procedures in BLMC 16.02.100 and 14.120.020. A complete appeal application and fee shall be received by the Public Services Department prior to the close of business fifteen (15) days from the end of the comment period ( <b>August 8, 2024</b> ). A final decision will not be made on this proposal until after <b>August 12, 2024</b> .
<b>Public Hearing:</b>	<b>NOTICE IS HEREBY FURTHER GIVEN</b> that the City of Bonney Lake City Council will convene three related Public Hearings at 6:00 p.m. on <b>7/23/2024</b> or soon thereafter in the City Council Chambers at the Bonney Lake Justice and Municipal Building, 9002 Main Street E., Bonney Lake, Washington to receive public testimony on the following: <p style="margin-left: 40px;"><b>Public Hearing 1:</b> City-Initiated Vacation of Existing Rights-of-Way and Easements (Proposed Ordinance D24-78).</p> <p style="margin-left: 40px;"><b>Public Hearing 2:</b> Surplus and Conveyance of Utility Property (Proposed Resolution R24-77)</p> <p style="margin-left: 40px;"><b>Public Hearing 3:</b> First Amendment To The Peak410 Business Park Development Agreement (Proposed Resolution R24-51)</p> <p>The public can call in to the City Council Meeting at: 323-792-6234 (Meeting ID: 108 592 120#) or participate virtually using the link available on the Bonney Lake City Council Meetings webpage: <a href="https://www.ci.bonney-lake.wa.us/government/departments/administrative_services/city_clerks_office/city_council_meeting">https://www.ci.bonney-lake.wa.us/government/departments/administrative_services/city_clerks_office/city_council_meeting</a>.</p>
<b>Public Comment:</b>	The public has the right to review the draft ordinance, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. Written comments will be accepted if filed with the Public Services Department at 21719 96th Street E., Buckley, WA 98321, if filed on or before 5:00 p.m. on <b>July 23, 2024</b> .
<b>Applications:</b>	PLN-2023-02893 Development Agreement Amendment; PLN-2024-02910 SEPA Revision: <a href="https://bonneylake.box.com/s/02g0orqqnpua5hu3a63rneqdiuefdl1j">https://bonneylake.box.com/s/02g0orqqnpua5hu3a63rneqdiuefdl1j</a>
<b>Staff Contact:</b>	Jason Sullivan, Interim Public Services Director, Email: <a href="mailto:sullivanj@cobl.us">sullivanj@cobl.us</a> Phone: (253) 447-4355
<b>Documentation Available:</b>	Draft Development Agreement Amendment, Revised Site Plans, Right-of-Way Vacation and Easement Surplus Exhibits, Revised Phasing Plan, Revised SEPA Checklist, Traffic Impact Analysis, Wetland Memos

# Classified Proof

Client	3100013000 - City of Bonney Lake- LEGAL ADS	Phone	(253) 862-8602		
Address	9002 Main St E, Suite 300	E-Mail	powers-hubbarda@ci.bonney-lake.wa.us		
	Bonney Lake, WA, 98391	Fax			
Order#	998865	Requested By	AMANDA POWERS HUBBARD	Order Price	\$124.08
Classification	3030 - Legal Notices	PO #		Tax 1	\$0.00
Start Date	07/10/2024	Created By	0917	Tax 2	\$0.00
End Date	07/17/2024	Creation Date	07/02/2024, 02:47:48 pm	Total Net	\$124.08
Run Dates	2			Payment	\$0.00
Publication(s)	Enumclaw Courier Herald				
Sales Rep	9470 - Jennifer Tribbett	Phone	(360) 802-8212		
		E-Mail	jtribbett@courierherald.com		
		Fax			

**NOTICE OF PUBLIC  
HEARING  
Vacation Of Existing  
Rights-Of-Way  
Proposed Ordinance  
D24-78**

The City Council of the City of Bonney Lake will hold a Public Hearing during the regular meeting of July 23, 2024, at 6:00 p.m., or as soon thereafter as possible, to consider City-initiated vacation of existing rights-of-way (Resolution No. 3218), specifically 11,991 sq. ft. of right-of-way located at the northeast corner of the intersection of SR 410 E and 225th Ave E (Proposed Ordinance D24-78).

All members of the public may provide testimony during the public hearing or they may submit written comments prior to the public hearing. The City Council meets at Bonney Lake Justice & Municipal Center located at 9002 Main Street East, Bonney Lake, WA 98391. Written comments may be submitted to the City Clerk at 9002 Main Street E, Suite 300, Bonney Lake, WA 98391. Anyone objecting to the proposed vacation should attend the public hearing or send a letter to the city council indicating his or her objection.

For citizens with disabilities who are requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible as to the type of service or equipment needed.

ECH998865

7/10/24, 7/17/24