

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

Agenda Item Type: Ordinance	Agenda Bill Number & Ordinance/Resolution/Motion Number: AB24-121/Ordinance D24-121	
Department/Division Submitting: Public Services	Presenter: Ken Gill	City Strategic Goal Category: DON'T FILL OUT YET

Agenda Subject: Ordinance To Consider Vacating Existing Utility Easements.

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Consider The Vacation Of Existing Utilities Easements.

Administrative Recommendation: I Move To Authorize The Mayor To Sign Ordinance 24-121, Vacating Water And Storm Access Easements.

Short Background Summary (Use a memo to write a full history): On November 12, 2024, The Council Approved Resolution 3250 Setting The Public Hearing For This Application For December 3rd, 2024. On December 3rd, 2024, Council Held A Public Hearing And No Comments Were Received. Council Directed Staff To Prepare An Ordinance To Vacate A Storm Access Easement And Water Easement That Is Attached. Ordinance 24-121 Conditions The Vacation Of The Easements On Reimbursement Of The City's Costs, Including Legal Fees, Publication Fees, And Recording Fees.

Attachments: Ordinance 24-121.

BUDGET INFORMATION			
Budgeted Amount	Current Balance	Expenditure Amount Needed	Budgeted Balance Difference
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW					
Public Hearing Date: 12/3/24		Name Of Committee/Commission Public Hearing Was Done At: Council Workshop			
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	
Hearing Examiner Review:					

COUNCIL ACTION	
Workshop Date(s): 11/12/24	Public Hearing Date: 12/3/24
Meeting Date(s): 12/10/24	Tabled To:

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

ORDINANCE NO. 1727

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, VACATING A PORTION OF AN EXISTING WATER EASEMENT AND AN INGRESS, EGRESS & UTILITIES EASEMENT LOCATED ON GCH PUGET SOUND, INC. PROPERTIES IN THE CITY OF BONNEY LAKE.

WHEREAS, pursuant to RCW 35A.11.010, the City of Bonney Lake, through its City Council, may acquire or dispose of real property or any property interest thereupon, including through an easement, for the public benefit; and

WHEREAS, G. Patrick Healy granted the City of Bonney Lake an easement for water (recording number 96040400734) on May 20th, 1994 which was located adjacent to the former right-of-way of Rhodes Lake Road; and

WHEREAS, during the plat and construction process of Creekridge Glen-Division 1 (recording number 9810145002) Rhodes Lake Road was realigned and the water main was constructed in the current location of Rhodes Lake Road; and

WHEREAS, G. Patrick Healy granted the City of Bonney Lake an ingress, egress and utilities easement (recording number 202012020334) on November 30th, 2020 for the purpose of accessing a city owned and maintained stormwater pond; and

WHEREAS, G. Patrick Healy has constructed an access from Sky Island Drive E suitable for access to the same city-owned and maintained stormwater pond, negating the need for the existing ingress, egress & utilities easement; and

WHEREAS, the City Engineer has determined that the water and the storm pond access easement is no longer needed for a public purpose, and that it is a nontransferable property right that, when vacated, reverts to the grantor; and

WHEREAS RCW 39.33.020 and BLMC 12.40.010.E requires that the City Council set a public hearing date to consider the vacation of a utility property interest; and

WHEREAS, on November 12, 2024, the Council passed Resolution 3250 which set a public hearing date for considering the application for easement vacation on December 3rd, 2024; and

WHEREAS, a public hearing was duly conducted by the Council on December 3rd, 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 a portion of the existing water easement described in Exhibit A and illustrated in Exhibit B and to supplant the existing quit claim deed with a corrected release; and

WHEREAS, the Council has further determined that it is in the public interest to vacate the ingress, egress, and utilities easement described in Exhibit C and illustrated in Exhibit D; and

WHEREAS, based on the evidence presented at the public hearing, including staff recommendations, the Council has concluded that the identified portion of the easements are no longer necessary their intended 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 of Waterline Easement. That portion of water easement as described in Exhibit A and illustrated in Exhibit B is properly vacated in accordance with the terms of this Ordinance.

Section 2. Vacation of Ingress, Egress & Utilities Easement. That portion of the ingress, egress & utilities easement described in Exhibit C and illustrated in Exhibit D is properly vacated in accordance with the terms of this Ordinance.

Section 3. Compensation. The City accepts the relocation of the access to the stormwater facility that serves Panorama West from Sky Island Drive as compensation for vacation set forth in Section 1. The City requires no compensation for the value of the existing water easement as set forth in Section 1 because it was never used.

Section 4. Conditions of Vacation. The vacation set forth in Sections 1 and 2 above and the waiver of compensation set forth in Section 3 above are all explicitly conditioned upon the applicant accepting all of the terms of this Ordinance, payment of costs, and execution of all documents necessary to implement this decision.

Section 5. Reimbursement of Costs. As a condition of approval, the City requires payment of all of the processing costs of the application and this ordinance, including but not limited to attorney fees and costs, publication and recording fees, which are associated with the review and processing of this vacation. The applicant shall reimburse the City for all such costs no later than 15 days following receipt of an invoice for the same. The applicant understands that the

vacations in this Ordinance will not be recorded nor take effect until after such payment has occurred.

Section 6. Ordinance Supplants the Existing Quit Claim Deed. This Ordinance nullifies and supplants Quit Claim Deed (Pierce County Recording # 202106140546). A copy of this Ordinance shall be recorded upon the effective date of this Ordinance.

Section 7. 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 8. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 9. Corrections. Upon the approval of the city engineer, 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.

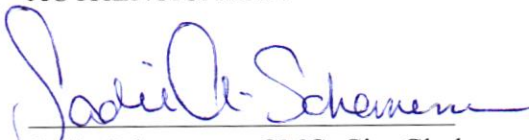
Section 10. Effective Date. This Ordinance shall be effective five (5) days after adoption and publication as provided by law, provided, however, that Sections 1, 2 and 3 above shall not take effect until such time as (1) the requirements of Sections 4, 5 and 6 have been satisfied, and (2) all necessary documents have been signed and recorded by the City.

ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this 10th day of December 2024.



Terry Carter, Mayor

AUTHENTICATED:



Sadie Schaneman, CMC, City Clerk

AB24-121
Passed: 12/10/2024
Valid: 12/15/2024
Published: 12/19/2024
Effective Date: 12/15/2024

EXHIBIT A

PAGE 1 OF 1

WATERLINE EASEMENT VACATION

LEGAL DESCRIPTION OF PARENT PARCELS AFFECTED BY WATERLINE EASEMENT REC. NO. 9604040734
(PER CITY OF BONNEY LAKE EASEMENT RECORDING NO. 9604040734)

AN EASEMENT AND RIGHT-OF-WAY OVER, THROUGH, UNDER, ACROSS, UPON AND IN THE FOLLOWING DESCRIBED PROPERTY SITUATED IN THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON:

PARCEL A: THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE W.M., LYING SOUTHERLY OF BISSON-SCANNEL COUNTY ROAD AS SURVEYED UNDER PIERCE COUNTY SURVEY RECORDED ON NOVEMBER 1, 1982 UNDER RECORDING NO. 8211010105.

PARCEL B: THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE W.M., LYING NORTHERLY OF KELLY CREEK (FENNEL CREEK), SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL C: THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE W.M., LYING SOUTHERLY OF BISSON-SCANNEL COUNTY ROAD AS SURVEYED UNDER PIERCE COUNTY SURVEY RECORDED ON NOVEMBER 1, 1982 UNDER RECORDING NO. 8211010105 AND NORTHERLY OF KELLY CREEK (FENNEL CREEK).
SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.
ALSO BEING KNOWN AS THE PROPOSED AND/OR FINAL PLAT OF CREEKRIDGE GLEN.

EXCEPT AS MAY BE OTHERWISE SET FORTH HEREIN GRANTEE'S RIGHTS SHALL BE EXERCISED UPON THAT PORTION OF THE PROPERTY (THE "RIGHT OF WAY" HEREIN) AS FOLLOWS:

EASEMENT NO. 1: ALL STREET AND ROAD RIGHTS-OF-WAY AS NOW OR HEREAFTER DESIGNED, PLATTED, AND/OR CONSTRUCTED WITHIN THE ABOVE DESCRIBED PROPERTY.

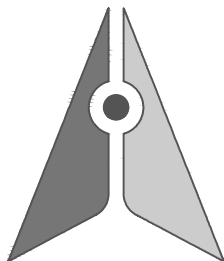
EASEMENT NO. 2: A STRIP OF LAND 10 FEET IN WIDTH, LOCATED WITHIN SAID PROPERTY LYING PARALLEL WITH AND ADJOINING ALL PUBLIC AND PRIVATE STREET AND ROAD RIGHTS-OF-WAY.

PORTION OF WATER PIPELINE EASEMENT TO BE VACATED

EASEMENT AND RIGHT-OF-WAY OVER, THROUGH, UNDER, ACROSS, UPON AND IN THE FOLLOWING DESCRIBED PROPERTY:

LOT 1 AND 2 OF PIERCE COUNTY SHORT PLAT AS RECORDED AUGUST 17, 2023 UNDER RECORDING NO. 202308175002, RECORDS OF PIERCE COUNTY AUDITOR

A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SEC. 8, AND THE SE 1/4 OF THE SW 1/4 OF SEC. 5, ALL IN T19N, R5E, W.M., PIERCE COUNTY, WASHINGTON

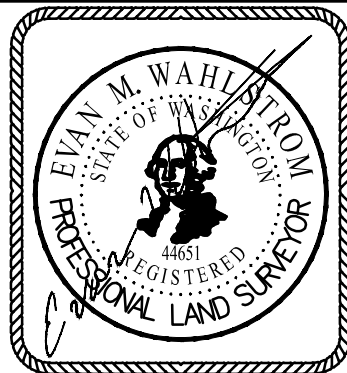


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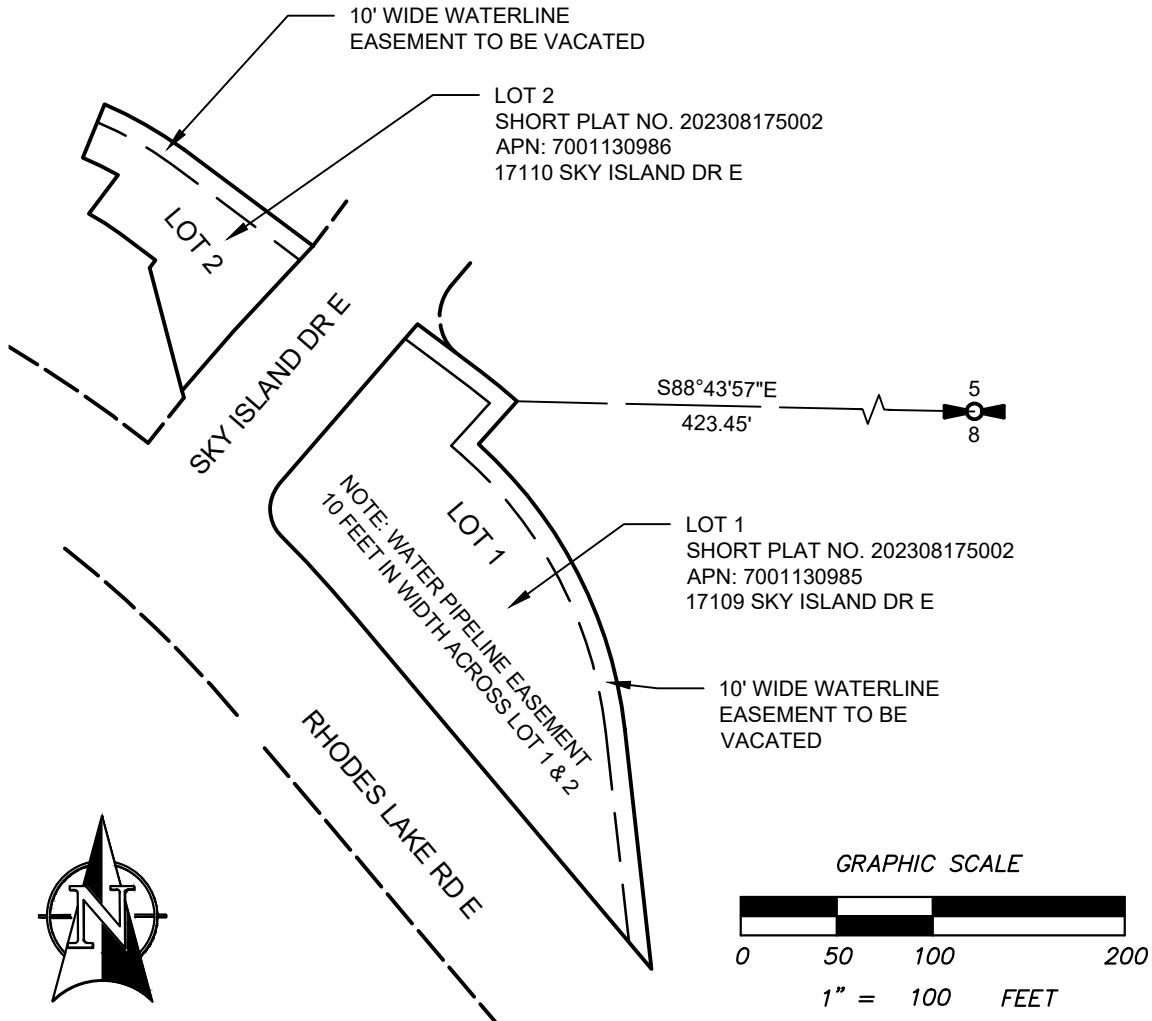


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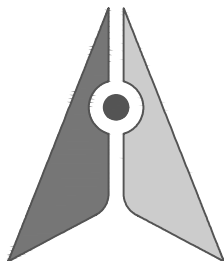
EXHIBIT B

PAGE 1 OF 1

WATERLINE EASEMENT VACATION



A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SEC. 8, AND THE SE 1/4 OF THE SW 1/4 OF SEC. 5, ALL IN T19N, R5E, W.M., PIERCE COUNTY, WASHINGTON

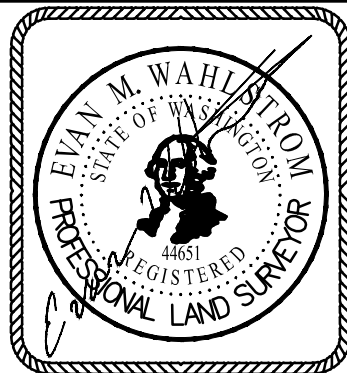


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12/10/2024

EXHIBIT C

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INGRESS, EGRESS AND UTILITIES EASEMENT VACATION

LEGAL DESCRIPTION

(PER INGRESS, EGRESS AND UTILITIES EASEMENT, RECORDING NO. 202012020334)

COMMENCING AT THE ONE-QUARTER CORNER COMMON TO [SAID] SECTIONS 5 AND 8,
TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN;

THENCE ALONG THE LINE COMMON TO SAID SECTIONS 5 AND 8 NORTH 88°43'57" WEST A DISTANCE OF
423.45 FEET;

THENCE SOUTH 42°03'17" WEST A DISTANCE OF 30.00 FEET TO THE BEGINNING OF A 235.00 FOOT RADIUS
CURVE CONCAVE OF THE SOUTHWEST, FROM WHICH A POINT A RADIAL LINE BEARS SOUTH 42°03'17" WEST;
THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 21.58 FEET THROUGH A CENTRAL
ANGLE OF 5°15'43";

THENCE NORTH 53°12'26" WEST A DISTANCE OF 4.21 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 54°08'07" EAST A DISTANCE OF 31.38 FEET TO A POINT ON A 265.00 FOOT RADIUS CURVE
CONCAVE TO THE SOUTHWEST, FROM WHICH POINT A RADIAL LINE BEARS SOUTH 37°54'16" WEST;

THENCE ALONG SAID CURVE AN ARC DISTANCE OF 5.14 FEET THROUGH A CENTRAL ANGLE OF 01°06'42";

THENCE NORTH 53°12'26" WEST A DISTANCE OF 15.80 FEET;

THENCE SOUTH 54°08'07" WEST A DISTANCE OF 56.78 FEET TO A POINT ON A 21.64 FOOT RADIUS CURVE TO
THE RIGHT;

THENCE ALONG SAID CURVE AN ARC DISTANCE ON 20.19 FEET THROUGH A CENTRAL ANGLE OF 53°27'53";

THENCE SOUTH 40°50'13" WEST A DISTANCE OF 20.87 FEET TO A POINT ON A 41.64 FOOT RADIUS CURVE
CONCAVE TO THE NORTH, FROM WHICH POINT A RADIAL LINE BEARS NORTH 29°00'23" EAST;

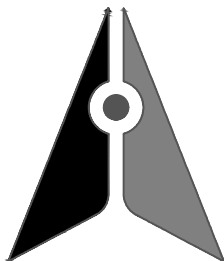
THENCE EASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 47.14 FEET THROUGH A CENTRAL ANGLE OF
64°52'16";

THENCE NORTH 54°08'07" EAST A DISTANCE OF 31.60 FEET TO THE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

(CORRECTIONS TO SCRIVENER'S ERRORS SHOWN IN [BRACKETS])

A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SEC. 8, AND THE SE 1/4 OF THE SW 1/4 OF SEC. 5, ALL IN T19N, R5E, W.M., PIERCE COUNTY, WASHINGTON

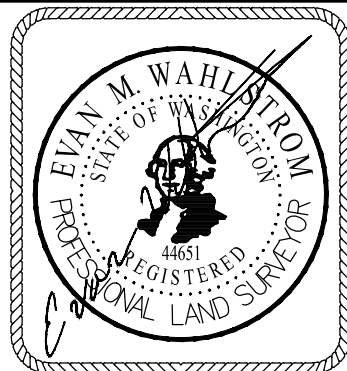


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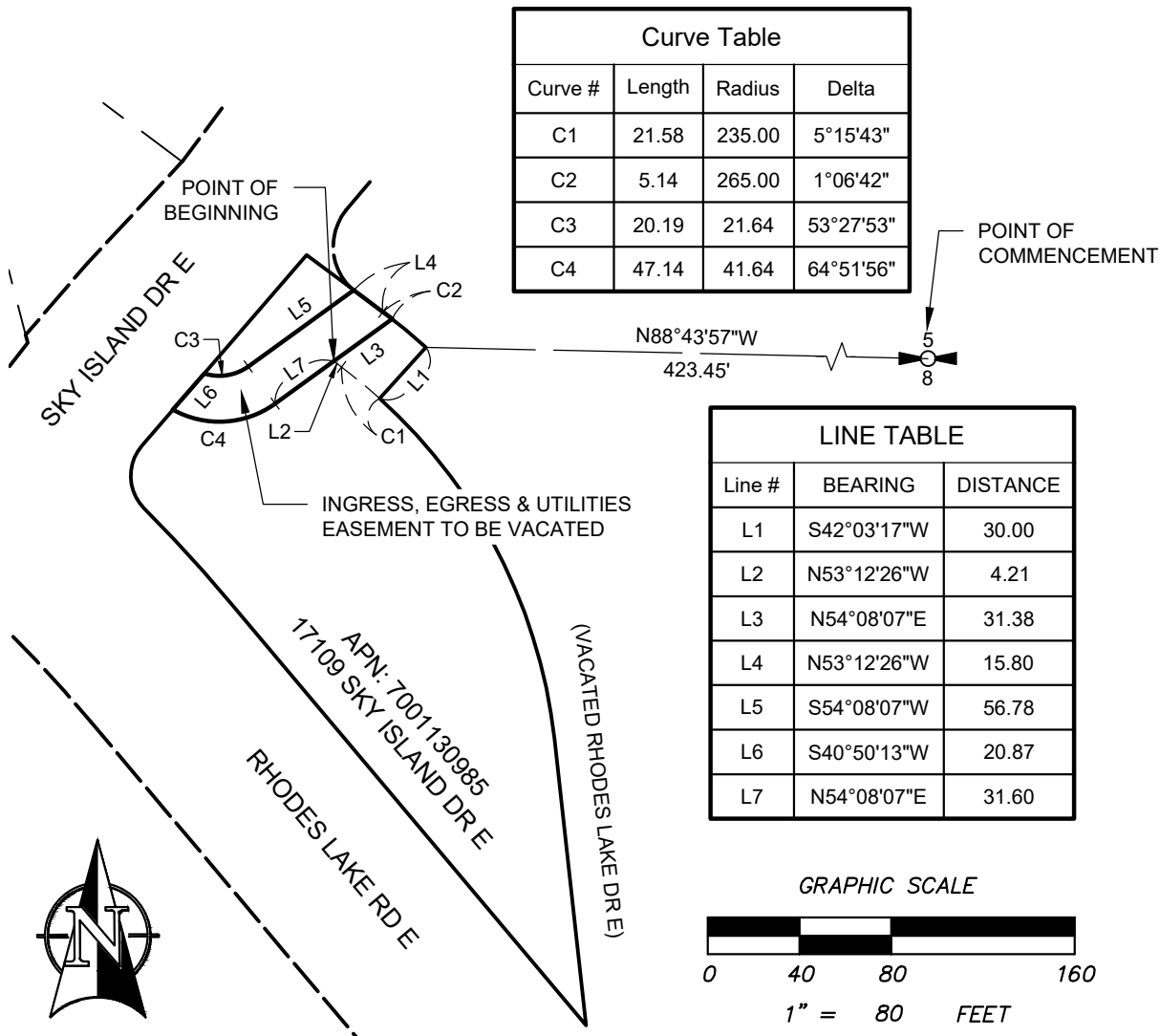


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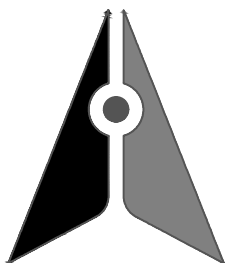
EXHIBIT D

PAGE 1 OF 1

INGRESS, EGRESS AND UTILITIES EASEMENT VACATION



A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SEC. 8, AND THE SE 1/4 OF THE SW 1/4 OF SEC. 5, ALL IN T19N, R5E, W.M., PIERCE COUNTY, WASHINGTON

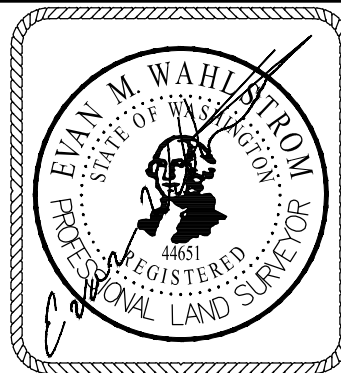


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12/9/2024

Classified Proof

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Address	9002 Main St E, Suite 300	E-Mail	besawk@ci.bonney-lake.wa.us		
	Bonney Lake, WA, 98391	Fax			
Order#	1006537	Requested By	KANDICE BESAW	Order Price	\$36.26
Classification	3030 - Legal Notices	PO #	ORDS 1726 & 1727	Tax 1	\$0.00
Start Date	12/18/2024	Created By	0917	Tax 2	\$0.00
End Date	12/18/2024	Creation Date	12/11/2024, 11:53:12 am	Total Net	\$36.26
Run Dates	1			Payment	\$0.00
Publication(s)	Enumclaw Courier Herald				
Sales Rep	9470 - Jennifer Tribbett	Phone	(360) 802-8212		
		E-Mail	jtribbett@courierherald.com		
		Fax			

**City of Bonney Lake
Ordinances adopted**

12/10/2024:

**AB24-103 - Ordinance
1726 [D24-103]**

An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Biennial Budget For Calendar Years 2025 And 2026; Providing For Severability And Corrections; And Establishing An Effective Date.

**AB24-121 - Ordinance
1727 [D24-121]**

An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Vacating A Portion Of An Existing Water Easement And An Ingress, Egress & Utilities Easement Located On Gch Puget Sound, Inc. Properties In The City Of Bonney Lake.

ECH1006537
12/18/24