

RETURN TO:

Wilson Auto Brokers
17866 State Rte 536
Mt Vernon WA 98273



199909090001
Kathy Hill, Skagit County Auditor
9/9/1999 Page 1 of 9 8:55:04AM

DOCUMENT TITLE(S) (or transactions contained herein):

Development Agreement # 004554

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

[] ADDITIONAL REFERENCE NUMBERS ON PAGE ____
OF DOCUMENT.

GRANTOR(S) (Last name, first name and initials):

1. Wilson Auto Brokers
- 2.
- 3.
- 4.

[] ADDITIONAL NAMES ON PAGE ____ OF DOCUMENT.

GRANTEE(S) (Last name, first name and initials):

1. Mount Vernon City
2. Skagit County
- 3.
- 4.

[] ADDITIONAL NAMES ON PAGE ____ OF DOCUMENT.

LEGAL DESCRIPTION (Abbreviated: i.e., lot, block, plat or quarter, quarter, section, township and range):

TR 1 SP 68-79 ptm NE 1/4 24-34-3

[] ADDITIONAL LEGAL(S) ON PAGE ____ OF DOCUMENT.

ASSESSOR'S PARCEL/TAX I.D. NUMBER: P22555

[] TAX PARCEL NUMBER(S) FOR ADDITIONAL LEGAL(S) ON PAGE ____ OF DOCUMENT.

Development Agreement
City of Mount Vernon/Skagit County/Wilson Auto Brokers
004554

This agreement is made and entered into on this 23RD day of August, 1999 by and among the City of Mount Vernon, hereinafter known as "City", Skagit County, hereinafter known as "County", and Wilson Auto Brokers, hereinafter known as "Property Owner".

WHEREAS, the City has independently reviewed the Property Owner's Proposed Development, a commercial/limited industrial development, hereinafter referred to as "Development", which is located in the City's urban growth area (UGA) and within Skagit County and more particularly described in "Exhibit A", which by this reference is incorporated herein; and

WHEREAS, the Development was submitted to the County for review on June 14, 1999; and

WHEREAS, the County adopted the Skagit County Comprehensive Plan effective June 01, 1997 which prohibits urban development within the unincorporated areas of a UGA until an interlocal agreement has been made between the County and City regarding urban public facilities and services, including the level of urban public facilities and services; and

WHEREAS, the City and County have approved and adopted an interlocal agreement; and

WHEREAS, the City and County are agreeable to approval of the Development subject to, and in accordance with, the following terms and conditions of this agreement;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the parties agree as follows:

1. The Development shall be constructed in accordance with the site plan as shown on "Exhibit B" and the site plan conditions of approval of the Skagit County Planning and Permit center.
2. The Development shall meet urban development standards for fire flow, access, turning radiuses, fire hydrant spacing, street naming and addressing as required by Ervin Lindall, Chief of Fire Prevention, City of Mount Vernon Fire Department in the attached letter "Exhibit C", dated April 26, 1999
3. The Development shall conform to the City's Engineering Department Regulations and Standards for streets, drainage, sewer and related permit requirements from effected agencies and jurisdiction, as required by the attached letter "Exhibit D", dated April 29, 1999 from Ken Nakao, Project Engineer, City of Mount Vernon Engineering Department.



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4. The Property Owner shall agree to connect to the City sewer system at such time it is available to serve the property. The Property Owner, at the time of sewer connection, agrees to sign, give consent, and not object to annexation of the Development, provided the requirements of Chapter 35A.14 RCW are complied with in any further annexation proceeding. The sewer connection design and construction shall meet City standards and shall be approved and inspected by the City. Interim waste water facilities to serve the existing and new developments on the property may include holding tanks, septic tanks, or similar systems approved by Skagit County. These facilities are considered temporary and will be abandoned upon availability of the City sewer service to the existing and new developments on the property.
5. The Development shall meet all the requirements of the City's Commercial/Limited Industrial Zoning District.
6. The Developer shall be responsible for the payment of Transportation Impact Fees at the time of building permit approvals.
7. The City will provide urban police and fire services at the time of annexation. However, until annexation occurs, police services will be provided by the Skagit County Sheriff's Department and fire protection will be provided by Fire District No. 2.
8. Development standards, including dumpster and recycling container pad and enclosure standards for the property shall conform to the City's C/LI Commercial/Limited Industrial zoning district designated for this property in the South Mount Vernon UGA.
9. The City supports development of the property under the Commercial/Limited Industrial zoning district designated for this area in the West Mount Vernon UGA.
10. The City agrees to support approval of a building permit application upon execution of this agreement.
11. The City shall enforce this agreement through any means available, including specific performance.
12. This Agreement is intended to constitute and memorialize equitable servitude to run with the land described in "**Exhibit A**". This agreement shall be recorded with the Skagit County Auditor and shall be binding on heirs, successors, and assigns of the Property Owner, including purchasers of individual lots in the Development.



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Dated this 23RD day of August, 199 99.

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The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simple interest in the above described property:

PROPERTY OWNER:

By: 

LUTHER WILSON
Wilson Auto Brokers

SKAGIT COUNTY:

By: 

TED W. ANDERSON, Chairperson
Board of County Commissioners

By: 

O. HARVEY WOLDEN
Commissioner

By: 

ROBERT R. HART
Commissioner

ATTEST:

By: 

PATTI CHAMBERS, Clerk
Board of County Commissioners



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CITY OF MOUNT VERNON:

004554

By:


SKYE K. RICHENDRER, Mayor


ATTEST:

By:


MARK S. KNOWLES, Finance Director

APPROVED AS TO FORM:

By:


JOHN MOFFAT, Chief Civil Deputy
Skagit County Prosecuting Attorney's Office

By:


SCOTT THOMAS, City Attorney

ATTACHMENTS:

Exhibit A	Legal Description
Exhibit B	Site Plan
Exhibit C	April 26, 1999 Letter - Chief of Fire Prevention
Exhibit D	April 29, 1999 Letter - Project Engineer, Engineering Department



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LEGAL DESCRIPTION

TRACT 1 OF SKAGIT COUNTY SHORT PLAT NO. 68-79, APPROVED AUGUST 9, 1979 AND RECORDED AUGUST 17, 1979, IN VOLUME 3 OF SHORT PLATS, PAGE 166, UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 7908170009, BEING ALSO A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, T. 34 N., R. 3 E., W.M.;
EXCEPT THE FOLLOWING DESCRIBED PORTION THEREOF:
BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 1; THENCE
N 0°18'17"E 350.00 FEET ALONG THE WEST LINE OF TRACT 1; THENCE
S 89°19'07"E 151.41 FEET PARALLEL WITH THE SOUTH LINE OF SAID TRACT 1;
THENCE S 0°18'17"W 350.00 FEET TO THE SOUTH LINE OF SAID TRACT 1;
THENCE N 89°19'07"W 151.41 FEET ALONG SAID SOUTH LINE OF TRACT 1 TO
THE POINT OF BEGINNING;
IN SKAGIT COUNTY, WASHINGTON.



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EXHIBIT

A

Wilson Auto Brokers

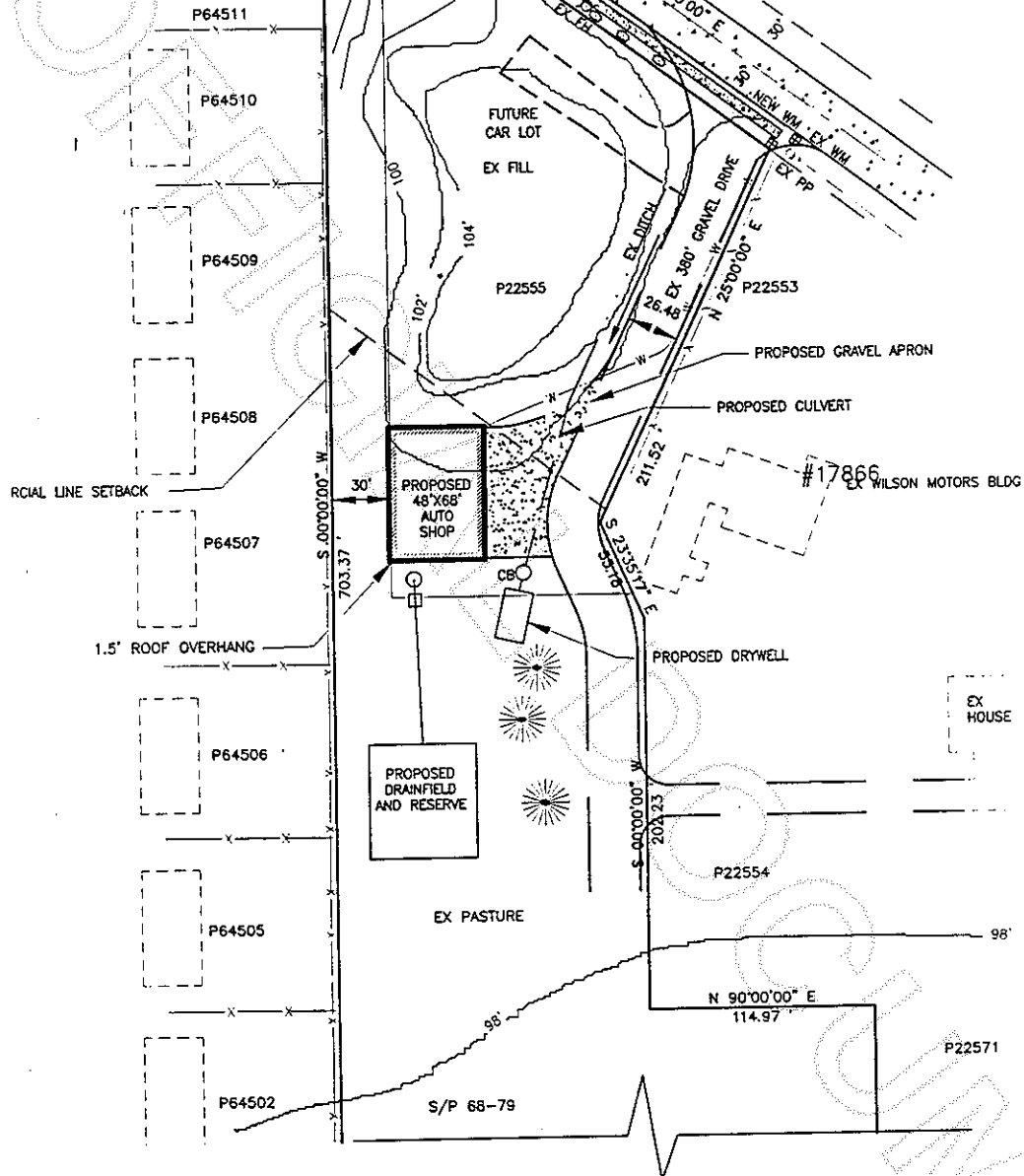
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NOTE:

URB. CUTTER & SIDEWALK
TO BE CONSTRUCTED AT
A LATER DATE PER CITY/COUNTY
DEVELOPMENT AGREEMENT

NEW STORM CONVEYANCE
SYSTEM TO BE INCLUDED
IN DRAINAGE DESIGN AT
THAT TIME.

LANDSCAPING PER CITY
REQUIREMENTS



PLOT PLAN, PROPOSED AUTO SHOP



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EXHIBIT B

Wilson Auto Brokers

Memorandum

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To: Rick Cisar, CED Director
From: Ervin Lindall, Chief of Fire Prevention
Date: April 26, 1999
Subject: Preliminary Site Plan for Wilson Motors

The Mount Vernon Fire Department has reviewed the proposed site plan for Wilson Motors located in the West Urban Service area of the City of Mount Vernon. The following comments are intended to be included in the requirements for the proposed project.

Fire Flow:

The required fire flow for the proposed building is 1,500 gallons per minute at 20 psi for a 2-hour duration. Written verification from the Public Utility District of the available fire flow shall be required.

Fire Hydrant:

An on-site fire hydrant shall be required within 150 feet of any portion of the proposed structure.

Water line:

The water line to supply the fire hydrant shall be at least 8-inch diameter ductile iron pipe when the overall length exceeds 100 feet. Six inch diameter is the minimum.

Access:

The fire apparatus access road to the proposed structure and existing dwelling shall be at least 20 feet of unobstructed width.

Thanks for the opportunity to review this project.

ERL

Ervin Lindall

Cc: Dain Cain, Skagit County Fire Marshal



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EXHIBIT C
Wilson Auto Brokers

Post Office Box 809
Mount Vernon, WA 98273
www.mount-vernon.wa.us/

1024 Cleveland Avenue
Phone: (360) 336-6204
Fax: (360) 336-6299


E-Mail: mvengineering@ci.mount-vernon.wa.us

STAFF REPORT

TO: Rick Cisar, Planning Director
FROM: Ken Nakao, Project Engineer
DATE: April 29, 1999
Re: Wilson Motors
17866 Memorial Highway

In response to the above project's revised preliminary site design, the Engineering Department has the following comments:

1. The Engineering Department recommends checking that no potential utility conflicts would occur.
2. The site shall provide adequate lighting during evening hours.
3. The project must conform to the City's Concurrency regulations in MVMC Chapter 14.10, including providing street frontage improvements along Memorial Highway from the west property line to the east property line, including sidewalk, curb and gutter, lighting, street widening and tapers abutting the property. The distance from the face of curb to right-of-way centerline of Memorial Highway shall be 24 feet.
4. All drainage design shall conform to the City of Mount Vernon Drainage regulations in MVMC Chapter 13.33. A storm main shall be extended upstream along Memorial Highway to the frontage of the site to allow storm water to discharge off site to the storm main.
5. Projects with 5,000 or more square feet of added impervious surface area requires a drainage report prepared by a licensed professional civil engineer registered in the State of Washington, and on-site detention system.
6. Additional requirements may be imposed by Federal, State, County, and Local agencies, including but not limited to the National Marine Fisheries Service in conjunction with the Endangered Species Act, Federal wetland Permit, State Department of Fisheries, Federal flood Plain Permits, and NPDES Permit. The developer, engineer, and landowner is responsible for acquiring the required permits, and complying with all Federal, State, County, and Local agencies.


Ken Nakao, P.E.
Project Engineer



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EXHIBIT D

Wilson Auto Brokers