



201003300062
Skagit County Auditor

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RETURN TO:

Eron Berg
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

GUARDIAN NORTHWEST TITLE CO.
ACCOMMODATION RECORDING ONLY

DOCUMENT TITLE(S):

CITY OF SEDRO-WOOLLEY ORDINANCE NO. 1671-10:

M9426

AN ORDINANCE ESTABLISHING A UTILITY CONNECTION FEE PURSUANT TO RCW 35.92.025 FOR REAL PROPERTY BENEFITED BY A SANITARY SEWER MAIN ON FRUITDALE ROAD.

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

GRANTOR:

- 1. City of Sedro-Woolley

GRANTEE(S):

- 1. Public

LEGAL DESCRIPTION: Attached
Abbreviated Legal: Portion of the SE 1/4 of 18-35-5.

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

P39377	P39328	P39347	P39329
P122473	P39344	P39378	P39380
P39387	P39390	P39389	P39388
P39382	P39417	P39400	P118573
P39401	P39399	P39396	P39348
P95640	P95641	P39395	P39351
P39393			

ORDINANCE NO.1671-10

AN ORDINANCE ESTABLISHING A UTILITY CONNECTION FEE PURSUANT TO
RCW 35.92.025 FOR REAL PROPERTY BENEFITED BY A SANITARY SEWER MAIN
ON FRUITDALE ROAD

Whereas, the City Council of the City of Sedro-Woolley conducted a public hearing on March 10, 2010 to consider testimony from the public regarding the advantages and disadvantages of establishing a special connection charge pursuant to RCW 35.92.025, and

Whereas, the City provided notice of the public hearing in the newspaper of record and by mailing to property owners within the special connection area, and

Whereas, the City Council considered the testimony of both the citizens and the expert opinion of the Public Works Director/City Engineer, and

Whereas, the City Council finds that the Fruitdale Road area described in the attached Exhibit A and depicted in the attached Exhibit B, is specifically benefitted by the sanitary sewer main and pump station, and that a special connection charge for the cost of this main and pump station is appropriate, and

Whereas, it is not appropriate for the cost of this infrastructure to be added to the cost of the connection fee for prior improvements, to be borne by all users, and

Whereas, the City Council finds that a special connection charge which is designed to recoup the actual cost of construction of the line, lift station and associated improvements, but not to exceed this cost is appropriate, and

Whereas, the City Council finds that the Public Works Director/City Engineer has determined that, based upon a reasonable build-out density using the current underlying zoning of benefitted property with an adjustment for coverage area, the net cost per lot for these improvements is \$3,450.00, and

Whereas, the Public Works Director/City Engineer's stamped analysis is attached to this ordinance as Exhibit C, and

Whereas, the City Council finds that it is in the public interest and welfare to extend sanitary sewer to Fruitdale Road between SR 20/Moore Street and McGarigle Road, and that the residents thereof should pay the cost of these improvements, now therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY
ORDAIN AS FOLLOWS:



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Section 1. A new section shall be added to Title 13 of the Sedro-Woolley Municipal Code as follows:

SWMC 13. _____: Utility Connection Fee – Fruitdale Road

A. Residential User Connection Fee. In addition to all other charges and fees assessed by ordinance or statute, and not in lieu thereof, the owner or owners of any lot or parcel within that real property legally described on Exhibit A and illustrated on the map attached as Exhibit B set out at the end of this section, and any real property aggregated thereto and any subdivision thereof, which is served by the Fruitdale Road sanitary sewer pump station and main, shall pay a special connection fee in the sum of three thousand four hundred fifty dollars for each residential dwelling unit connected to the sanitary sewer.

B. Nonresidential User Connection Fee. In addition to all other charges and fees assessed by ordinance or statute, and not in lieu thereof, the owner or owners of any lot or parcel within that real property legally described on Exhibit A and illustrated on the map attached as Exhibit B set out at the end of this section, and any real property aggregated thereto and any subdivision thereof, which is served by the Fruitdale Road sanitary sewer pump station and main, shall pay a special connection fee for each nonresidential structure or nonresidential use connected to the sanitary sewer in the sum of three thousand four hundred fifty dollars for each equivalent residential unit (“ERU”). Each nonresidential sewer connection or use shall be deemed equivalent to at least a minimum of one ERU. The number of ERUs shall be determined by the superintendent, whose determination shall be final.

C. Time of payment. The special connection fee shall be due at the time of application for a building permit, if for a new structure, or at time actual connection or connection permit application, if for an existing structure.

D. Lien. If not paid when due, the special connection fee established by this section shall constitute a lien on the lot or parcel, and may be foreclosed in the manner provided by law.

E. Remedies. In the event that the owner or owners fail to pay the special connection fee established by this section, the city may, in addition to all other remedies provided by law or ordinance, seek a money judgment from the owner or owners, foreclose the lien as provided by law, terminate sewer service to the lot or parcel, or seek injunctive or equitable relief. The remedies herein provided are cumulative, and not exclusive.

F. Definitions. For purposes of this section, the following definitions shall apply:



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“Equivalent residential unit (ERU)” means a common measure for all types of users to put them on an equivalent basis with a single family residential user. One ERU is equal to seven hundred fifty cubic feet of water consumption per month.

“Owner or owners” means fee owner, purchaser subject to a deed of trust or mortgage, or purchaser under a real estate contract. One who is a tenant, renter, lessee or holder of an option or right to purchase shall not be considered an owner.

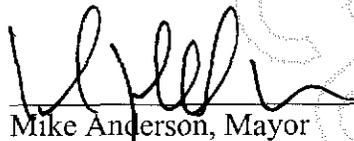
“Residential dwelling unit” means a single family residence, an individual apartment unit in an apartment building, an individual dwelling unit in a duplex or multifamily residential structure, and a mobile home space or pad in a mobile home park

Section 2. This ordinance shall be effective five (5) days after passage and publication as provided by law.

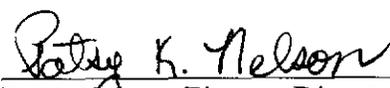
Section 3. This ordinance shall be recorded in the office of the Skagit County Auditor.

Section 4. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

PASSED by majority vote of the members of the Sedro-Woolley City Council this 24th day of March, 2010, and signed in authentication of its passage this 24th day of March , 2010.


Mike Anderson, Mayor

Attest:

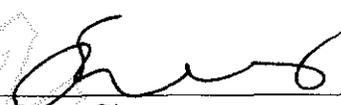

Patsy Nelson, Finance Director

Approved as to form:



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Eron Berg, City Attorney

Filed with the City Clerk:	March 4, 2010
Public Hearing:	March 10, 2010
First Reading:	March 10, 2010
Second Reading:	March 24, 2010
Passed by the City Council:	March 24, 2010
Signed by the Mayor:	March 24, 2010
Date of Publication:	March 29, 2010
Recorded with County Auditor:	



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Exhibit A



806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

LEGAL DESCRIPTION
FOR
CITY OF SEDRO-WOOLLEY
OF
PROPERTY INCLUDED IN
FRUITDALE ROAD SEWER BENEFIT AREA

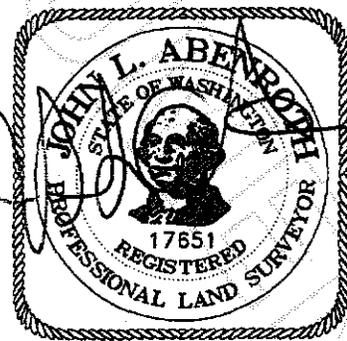
March 11, 2010

AREA EAST OF FRUITDALE ROAD

Beginning at the northeast corner of the southeast quarter of Section 18, Township 35 North, Range 5 East, W.M.; thence S 02°23'16" E along the east line of said southeast quarter, a distance of 969.20 feet to its intersection with the northwesterly right of way line of State Route 20; thence S 53°40'19" W along said northwesterly right of way line, a distance of 1604.36 feet to its intersection with the east right of way line of Fruitdale Road; thence northerly along the east right of way line of Fruitdale Road through the following thirteen courses; N 02°14'31" W, a distance of 1381.36 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 90.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 40.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 70.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet to the north line of said southeast quarter; thence N 88°19'16" E along the north line of said southeast quarter, a distance of 1326.33 feet to the point of beginning of this description.
Containing 43.39 acres.

AREA WEST OF FRUITDALE ROAD

Beginning at the southwest corner of the southeast quarter of the northwest quarter of the southeast quarter of Section 18, Township 35 N., Range 5 E., W.M.; thence N 02°10'13" W along the west line of said subdivision, a distance of 664.45 feet to the northwest corner of the southeast quarter of the northwest quarter of the southeast quarter of said Section 18 said point being also the southwest corner of Lot 17 of the



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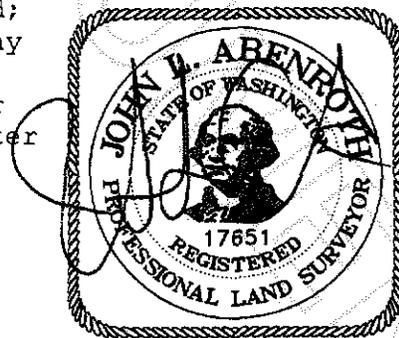
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Skagit
Surveyors & Engineers

806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

plat of Wedmore Addition filed in Volume 9 of Plats at page 115, records of Skagit County, Washington; thence N 88°06'39" E, a distance of 128.91 feet to the southeast corner of said Lot 17; thence N 08°13'01" W along the east line of said Lot 17, a distance of 92.91 feet to the southerly margin of the cul-de-sac at the south end of Calkin Place; thence easterly along the margin of said cul-de-sac on a curve to the left having a radius of 45.00 feet through a central angle of 38°56'14", and an arc distance of 30.58 feet; thence S 08°13'01" E along the west line of Lot 16 of said plat, a distance of 96.24 feet to the southwest corner of said Lot 16; thence N 88°06'39" E along the north line of the southeast quarter of the northwest quarter of the southeast quarter of said Section 18, a distance of 292.14 feet to the southeast corner of Lot 5 of said plat of Wedmore Addition; thence N 02°19'20" W, a distance of 86.00 feet to the northeast corner of Lot 5 of said plat of Wedmore Addition; thence N 88°06'39" E, a distance of 100.00 feet to the southwest corner of Lot 1 of Short Plat 90-58 filed in Volume 9 of Short Plats at page 72 records of Skagit County; thence N 02°19'20" W along the west line of Lots 1 and 2 of said Short Plat and along the west line of Lot 2 of Short Plat No. PL-01-0438 filed under AF#200211070077, a distance of 347.04 feet to the northwest corner of Lot 2 of said Short Plat No. PL-01-0438; thence S 89°02'10" W along the north line of Lot 2 of said Short Plat No. PL-01-0438, a distance of 19.97 feet to the southeast corner of Lot 2 of said Wedmore Addition; thence N 02°19'07" W along the east line of Lots 2 and 1 of said plat of Wedmore's Addition, a distance of 171.31 feet to the northeast corner of Lot 1 of said plat of Wedmore Addition; thence S 88°07'14" W, a distance of 11.00 feet; thence N 02°20'02" W, a distance of 5.00 feet; thence N 26°59'00" E, a distance of 37.28 feet; thence N 41°49'33" E, a distance of 8.50 feet; thence N 89°01'28" E, a distance of 100.47 feet to the west right of way line of Fruitdale Road; thence S 02°14'31" E along the west right of way line of Fruitdale Road, a distance of 1309.00 feet to the south line of the southeast quarter of the northwest quarter of the southeast quarter of said Section 18; thence S 87°54'19" W, a distance of 644.80 feet to the point of beginning of this description.

Containing 11.56 acres.

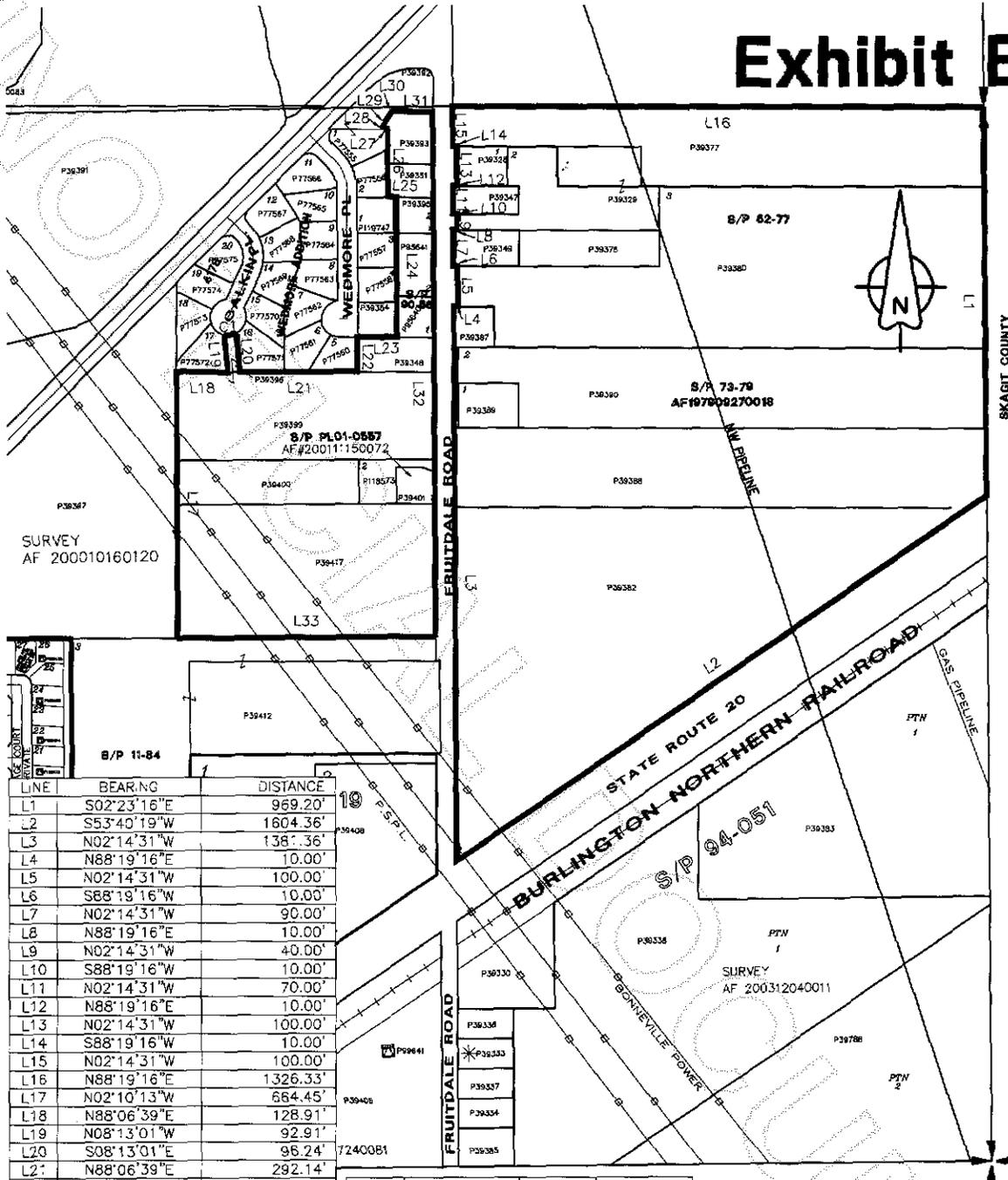


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Exhibit B



LINE	BEARING	DISTANCE
L1	S02°23'16"E	959.20'
L2	S53°40'19"W	1604.36'
L3	N02°14'31"W	1381.36'
L4	N88°19'16"E	10.00'
L5	N02°14'31"W	100.00'
L6	S88°19'16"W	10.00'
L7	N02°14'31"W	90.00'
L8	N88°19'16"E	10.00'
L9	N02°14'31"W	40.00'
L10	S88°19'16"W	10.00'
L11	N02°14'31"W	70.00'
L12	N88°19'16"E	10.00'
L13	N02°14'31"W	100.00'
L14	S88°19'16"W	10.00'
L15	N02°14'31"W	100.00'
L16	N88°19'16"E	1326.33'
L17	N02°10'13"E	664.45'
L18	N88°06'39"E	128.91'
L19	N08°13'01"W	92.91'
L20	S08°13'01"E	96.24'
L21	N88°06'39"E	292.14'
L22	N02°19'20"W	86.00'
L23	N88°06'39"E	100.00'
L24	N02°19'20"W	347.04'
L25	S89°02'10"W	19.97'
L26	N02°19'07"W	171.31'
L27	S88°07'14"W	11.00'
L28	N02°20'02"W	5.00'
L29	N26°59'00"E	37.28'
L30	N41°49'33"E	8.50'
L31	N89°01'28"E	100.47'
L32	S02°14'31"E	1309.00'
L33	S87°54'19"W	644.80'

CURVE	ANGLE	RADIUS	LENGTH
C1	38°56'14"	45.00'	30.58'

SCALE 1" = 400'

**MAP OF FRUITDALE ROAD
SEWER SERVICE AREA
FOR
CITY OF SEDRO-WOLLEY**

SKAGIT SURVEYORS AND ENGINEERS

11MAR10 JN210013A



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Exhibit C

FRUITDALE SEWER IMPACT AREA ANALYSIS

City of Sedro-Woolley, WA
OPTION (3) 100% Lot Serviced
 Owner: City of Sedro Woolley
 By: Mark A Fruitdale North of SR20
 Date: 3/19/2010

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL BID	FRUITDALE		
						QUANT	TOTAL	
3-2	FA#2 - Stump in Sewer Trench	LS	100%	FA	1,040.46	1,040.46	1,040.46	
3-6	FA#6 - Stump at SSPS wetwell	LS	100%	FA	1,522.89	1,522.89	1,522.86	
3-13	FA#13 - Relocate existing sewer cleanout	LS	100%	FA	1,074.52	1,074.52	-	
3-15	FA#15 - Repair leaking existing sewer tap	LS	100%	FA	1,993.36	1,993.36	-	
3-23	FA#23 - Install attic access hatch in SSPS building	LS	100%	FA	405.44	405.44	405.44	
3-29	FA#29 - Hospital grade muffler install in Fruitdale Rd SSPS Bldg	LS	100%	FA	3,089.42	3,089.42	3,089.42	
89	Manhole Type 1 48 In. Diam	EA	10	2,357.64	23,576.40	8.00	18,861.12	
90	Manhole Additional Height 48 In. Diam	LF	17	261.29	4,441.93	17.00	4,441.93	
91	Manhole Type 1 48 In. Diam Set in Exist Pipe	EA	2	2,150.57	4,301.14	-	-	
92	Connect to Exist. Manhole	EA	1	370.67	370.67	-	-	
93	PVC Sanitary Sewer Pipe 6 In. Diam.	LF	969	33.99	32,936.31	548.00	18,626.62	
94	PVC Sanitary Sewer Pipe 8 In. Diam.	LF	2,049	38.69	79,275.81	1,802.00	69,719.38	
95	Side Sewer	EA	38	543.10	20,637.80	27.00	14,663.70	
96	Sanitary Sewer Pump Station, Complete	LS	1	LS	99,103.45	100%	99,103.45	
96-1	Sanitary Sewer PS, CO#1 Silencer Upgrade	LS	1	LS	1,697.63	1.00	1,697.63	
97	C900 PVC Sewer Forcemain 4 In. Diam.	LF	195	18.75	3,656.25	200.00	3,750.00	
98	Connect Forcemain to Exist. Manhole	EA	1	364.99	364.99	1.00	364.99	
99	Dewatering	LS	1	199,058.67	199,058.67	1.00	199,058.67	
100	Pump Station Building	LS	1	LS	60,139.91	100%	60,139.91	
122	Admin Settlement of Fruitdale Sewer Dewatering Claim - CO#	LS	95%	90,000.00	85,500.00	95%	85,500.00	
SUBTOTAL CONTRACT								581,985.48
WSST AT 8.2%								47,722.81
TOTAL CONSTRUCTION CONTRACT								629,708.29
DISTRIBUTION								83.3%

R&E STUDY REPORT (FINAL)

LBS PE (FINAL)		44,000.00	41,047.37
LBS CM COST TO 1/29/2010 (FINAL THIS GROUP)		61,414.08	57,292.87
CITY CM COST TO 1/31/2010 (FINAL THIS GROUP)		14,529.22	13,554.23
MISC CN (PUD, PSE, ETC)		14,498.04	14,498.04
SUBTOTAL			756,100.80
5% ADMIN			37,805.04
TOTAL			793,905.84

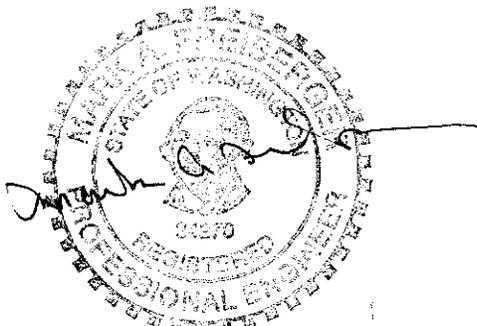
IMPACT AREA (PER SSE LEGAL DESCR)
 BUILDOUT POPULATION IF R5/R7 PER ZONING
 R5 BUILDOUT
 R7 BUILDOUT
 R5 LOT SIZE, 70X120
 TOTAL R5 LOTS
 R7 LOT SIZE, 60X100
 TOTAL R7 LOTS
 USE FOR COVERAGE 40%
 NET LOTS
 PROJECT COST PLUS 5% ADMIN
NET COST PER LOT

UPDATED

54.95	AC
716.4	PERSONS
43.39	AC
11.56	AC
8400	SF
161	EA
6000	SF
60	EA
221	EA
\$ 763,350.00	EST 5/7/2009 BASED ON BID
\$ 3,450	EA

5/7/09 ESTIMATE
 CHANGE

\$ 3,740 EA
 7.8% DECREASE DUE TO ADDITION OF PARCELS 39377 AND PORTION OF 39392



EXPIRES 3/15/2010



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