



201010270022
Skagit County Auditor

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RETURN TO:

ERON BERG
CITY OF SEDRO-WOOLLEY
325 METCALF STREET
SEDRO-WOOLLEY WA 98284

DOCUMENT TITLE(S):

CITY OF SEDRO-WOOLLEY ORDINANCE NO. 1684-10:

**AN ORDINANCE ESTABLISHING A UTILITY CONNECTION FEE
PURSUANT TO RCW 35.92.025 FOR REAL PROPERTY BENEFITED BY A
SANITARY SEWER MAIN ON NORTH TOWNSHIP STREET.**

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 NE ¼ of 13-35-4.

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

P36417	P36416	P39318	P11838
P36415	P101553	P39316	P39280
P36418	P36416	P39317	P39366

ORDINANCE No. 1684-10

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

Whereas, the City Council of the City of Sedro-Woolley conducted a public hearing on April 28, 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 North Township Street area described in the attached Exhibit A and depicted in the attached Exhibit B, is directly benefitted by the sanitary sewer main, and that a special connection charge for the cost of this main 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 sewer line 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 \$725.00, 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 North Township Street from Alderwood to the City's limits, 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:

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



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UNWITNESSED
SWMC 13. _____: Utility Connection Fee – N. Township Street

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 N. Township Street sanitary sewer main, shall pay a special connection fee in the sum of seven hundred twenty five 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 N. Township Street sanitary sewer main, shall pay a special connection fee for each nonresidential structure or nonresidential use connected to the sanitary sewer in the sum of seven hundred twenty five 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.

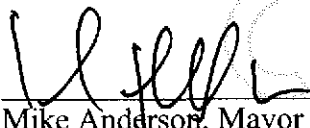
“Residential dwelling unit” means a single family residence, an individual apartment unit in an apartment building, an individual dwelling unit in a duplex or multifamily residential structure, and a mobile home space or pad in a mobile home park

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 13th day of October, 2010, and signed in authentication of its passage this 14th day of October, 2010.



Mike Anderson, Mayor

Attest:



Patsy Nelson, Finance Director



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Approved as to form:



Eron Berg, City Attorney

Filed with the City Clerk:	April 22, 2010
Public Hearing:	April 28, 2010
First Reading:	April 28, 2010
Second Public Hearing:	October 13, 2010
Second Reading:	October 13, 2010
Passed by the City Council:	October 13, 2010
Signed by the Mayor:	October 14, 2010
Date of Publication:	October 20, 2010
Recorded with County Auditor:	



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Exhibit A

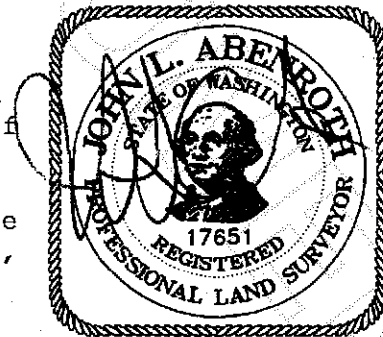


806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

LEGAL DESCRIPTION
FOR
CITY OF SEDRO-WOOLLEY
OF
NORTH TOWNSHIP SEWER
SPECIAL CONNECTION CHARGE AREA

October 7, 2010

Beginning at the southeast corner of the northeast quarter of the northeast quarter of Section 13, Township 35 North, Range 4 East, W.M.; thence N 87°37'56" W along the south line of said subdivision, a distance of 1333.40 feet to the southwest corner of Short Plat No. SW-01-79 filed under Auditor's File Number 7905010019, records of Skagit County, Washington; thence N 00°20'43" W along the west line of said short plat, a distance of 649.46 feet to the northwest corner thereof; thence S 88°08'57" E along the north line of said short plat, a distance of 1298.48 feet to the west line of North Township Street; thence N 00°43'25" W along said west line, a distance of 345.90 feet to it's intersection with the westerly extension of the south line of the north 315 feet of Government Lot 1, Section 18, Township 35 North, Range 5 East, W.M.; thence S 89°29'35" E along the south line of said north 315 feet, a distance of 1046.20 feet to the east line of said Government Lot 1; thence N 00°37'47" W along the east line of said Government Lot 1, a distance of 315.06 feet to the northeast corner thereof; thence S 89°29'35" E along the north line of the northeast quarter of the northwest quarter of said Section 18, a distance of 677.80 feet to the northeast corner of the west half of the northeast quarter of the northwest quarter of said Section 18; thence S 00°19'45" E along the east line of said west half, a distance of 1351.31 feet to the south line of the north 30 feet of the southeast quarter of the northwest quarter of said Section 18; thence N 89°33'26" W along the south line of said north 30 feet, a distance of 670.70 feet to the west line of said southeast quarter of the northwest quarter; thence S 00°37'47" E along the east line of Government Lot 2 of said Section 18, a distance of 251.97 feet to the centerline of the Puget Sound Energy transmission line easement; thence N 55°26'50" W along said



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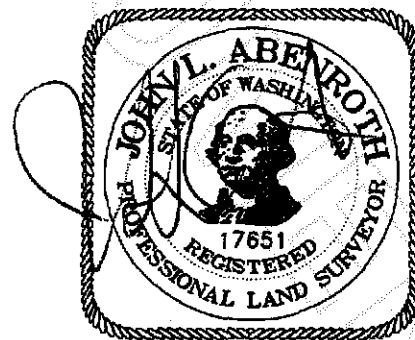
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Skagit
Surveyors & Engineers

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

centerline, a distance of 97.96 feet to the southeast corner of Lot 11 of the Plat of Alder Ridge Div. 1 as shown on the plat thereof filed under Auditor's File No. 8101050022, records of Skagit County; thence N 00°37'47" W along the east line of said Lot 11, a distance of 172.35 feet to the northeast corner thereof; thence N 89°33'26" W along the north line of said Plat of Alder Ridge Div. 1, a distance of 934.35 feet to the west line of said Section 18; thence N 00°43'25" W, a distance of 54.69 feet to the point of beginning of this description.

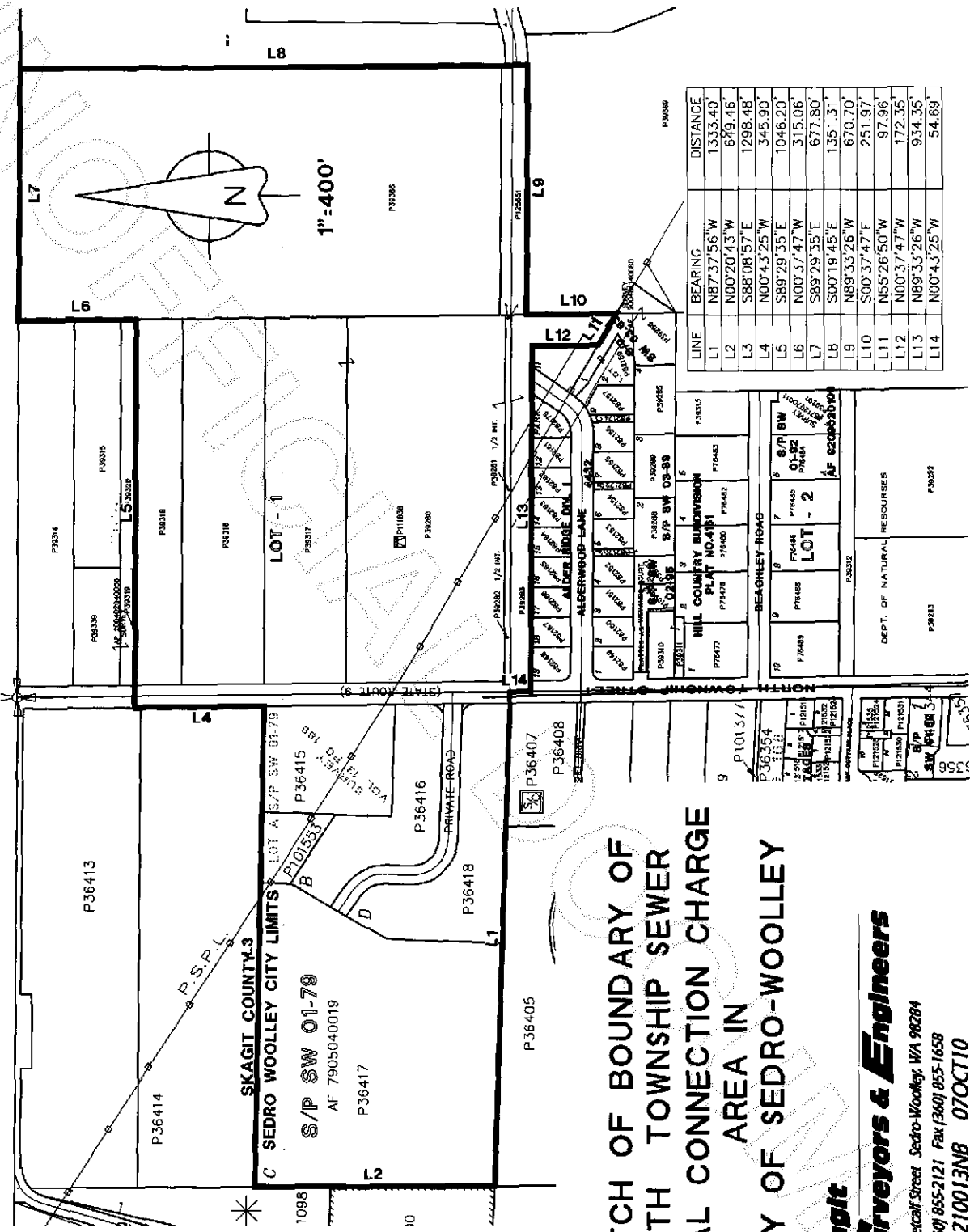
Containing 2,887,695 Square Feet or 66.29 Acres.



10/7/10



Exhibit B



SKETCH OF BOUNDARY OF
 NORTH TOWNSHIP SEWER
 SPECIAL CONNECTION CHARGE
 AREA IN
 CITY OF SEDRO-WOOLLEY

Skagit Surveyors & Engineers
 806 Metcalf Street Sedro-Woolley, WA 98284
 (360) 855-2121 Fax (360) 855-1658
 JN210013NB 07OCT10

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NORTH TOWNSHIP, ALDERWOOD TO NORTH CITY LIMITS SEWER EXTENSION SPECIAL CONNECTION CHARGE

SPECIAL CONNECTION CHARGE AREA

PARCEL	OWNER	ACRES	STRUCTURE?	ASSESSED VALUE	NOTES
36418	Hansel Mitzel LLC	2.58	NO	247,200.00	
36417	Johnson Richard B	11.65	NO	1,014,900.00	Connected to SR9 via 60' crossing Mitzel
36416	Hansel Mitzel LLC	2.39	YES - SHED	239,300.00	
101553	Hansel Mitzel LLC	0.73	NO	69,900.00	
36415	City of Sedro-Woolley	2.21	NO	346,200.00	Value before demolition of Structures
39280	Hamilton Dean & Hamilton De Etta	9.34	YES-RESID	235,700.00	
39281	Dukes Hill LLC	0.2	NO	200.00	
39282	Mumford, James R, II & Mumford, Debora	0.2	NO	200.00	
39283	Hamilton Dean & Hamilton De Etta	1.27	NO	6,800.00	
111838	Hamilton, Kevin	0	YES-RESID	29,300.00	Mobile Home on Leased Lot
39317	Hamilton, Kevin	4.87	YES-RESID	238,800.00	
39316	Ammons Brian & Ammons Krissa Nicole	4.87	YES-RESID	183,200.00	
39318	Van Wieringen Jeffrey & Van Wieringen Jill	2.71	YES-RESID	262,200.00	
39366	Dukes Hill LLC	19.55	NO	1,062,400.00	
125651	City of Sedro-Woolley (future Portebello extension)	0.9	NO	6,700.00	
TOTAL PER SKAGIT COUNTY ASSESSOR		63.47 ACRES		\$ 3,923,000	
PER SKAGIT SURVEYORS LEGAL 10/7/10		66.29 ACRES			

FINAL PROJECT COST

PLATS PLUS FINAL PAY ESTIMATE	120,964.12	
R&E CM, AMENDMENT 1	41,059.56	
WIDENER ENVIRONMENTAL SERVICES CM TO 7/31/10	3,640.00	
MISC CN COSTS	31.78	165,695.46
DESIGN - WIDENER ENVIRONMENTAL SERVICES TO 7/31/10	15,029.00	
DESIGN COSTS - R&E AMD 1	47,682.63	
DESIGN COSTS - MISC	-	62,711.83
SUBTOTAL	228,407.09	228,407.09
ADMIN, 5%	11,420.35	11,420.35
TOTAL PROJECT COST	239,827.44	239,827.44

SPECIAL CONNECTION CHARGE - FINAL

IMPACT AREA PER SSE LEGAL	66.29	AC
R5 BUILDOUT AREA	66.29	AC
TOTAL R5 LOTS	331	EA
PROJECT COST PLUS 5% ADMIN	\$ 239,827	
NET COST PER LOT	\$ 725 PER ERU	

NOTE: PRELIMINARY ESTIMATE WAS \$730 PER ERU PER COUNCIL MEMO 4/28/10

By: Mark A. Freiberger, PE
Date: October 8, 2010



Exhibit C



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