



# City Council, Regular Meeting

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## AGENDA

October 1, 2013

6:30 pm – 9:30 pm  
Council Chambers

### Call to Order

### Roll Call

### Pledge of Allegiance

### Approval of Agenda

### Student Liaison Reports

### Presentations/Proclamations

- Special Recognition by City Manager
- Medicaid Expansion Outreach and Enrollment/King County

### Public Comment

**Note:** *This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.*

### Consent Agenda

- Payroll for the period ending September 15, 2013 for pay date September 20, 2013 in the amount of \$290,066.74
- 1. Approval: Claims for period ending October 1, 2013 in the amount of \$1,391,996.76 for Check No. 35717 through No. 35804
- 2. **Ordinance:** Second Reading Amending SMC 16.05.030 Regarding Hours Of Construction; Providing For Severability; And Establishing An Effective Date
- 3. **Resolution:** Granting Final Plat Approval to the Plat of Cornerstone Estates
- 4. **Contract:** On-Call Environmental Consulting/Parametix
- 5. **Amendment:** National Pollution Discharge Elimination System Permit Appeal
- 6. **Approval:** Study Session Notes for September 10, 2013
- 7. **Approval:** Minutes for September 16, 2013 Regular Meeting

### Public Hearings - None

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

## **Unfinished Business –**

8. **Resolution:** Lake Washington School District Bond/Levy Ballot Measure supporting: **Resolution No. 2162** A Resolution of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the submission to the qualified electors of the District at a special election to be held therein on February 11, 2014, of the proposition of whether excess taxes should be levied of \$63,000,000 in 2014 for the collection in 2015, \$64,900,000 in 2015 for collection in 2016, \$66,800,00 in 2016 for collection in 2017, \$68,900,000 in 2017 for collection in 2018, said excess taxes to pay part of the cost of educational programs and operations support of the District.

**Resolution No. 2163** A Resolution of the Board of Directors of Lake Washington School District #414, King County, Washington, providing for the submission to the qualified electors of the district at a special election to be held therein on February 11, 2014, of a proposition to authorize the district to levy an additional tax to provide a total of \$127,200,000 for the District's Capital Projects Fund for construction, renovation, improvements and expansion of new and existing facilities, for technology improvements, and equipment and training to meet the current and future educational programs for its students, such levies to be made for four years commencing in 2014 for collection in the school years from 2014-2015 through 2017-2018

**Resolution No. 2164** A Resolution of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district as a special election to be held therein on February 11, 2014, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$755,000,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds for the renovation, upgrade and new construction of school facilities, and authorizing the Deputy Superintendent and/or Director, Business Services to submit a request for eligibility for the Washington State School District Credit Enhancement Program

## **New Business**

9. Resolution: Initiating and Setting A Public Hearing Date To Consider The Vacation of A Portion of SE 32<sup>nd</sup> Street

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Assisted Listening Devices are also available upon request.

10. Resolution: Initiating and Setting a Public Hearing Date To Consider The Vacation of A Portion of SE 28<sup>th</sup> Street

11. Motion: Approving Additional Funding for Sammamish Landing Park Phase 2

12. Resolution: Regarding the Klahanie Potential Annexation Area

**Council Reports**

**City Manager Report**

City Wide Traffic and Speeding Citations

**Executive Session** – Potential Litigation pursuant to RCW 42.30.110(1)(i)

**Adjournment**



**AGENDA CALENDAR**

<b>Oct 2013</b>			
Tues 10/08	6:30 pm	Study Session	Economic Development Visioning Exercise Council Chamber Update
Mon. 10/14	6:30 pm	Study Session/Regular Meeting/ Joint Study Session with PC	Fire Services (SS) Ordinance: Public Hearing/First Reading School Impact Fees (All Districts) Ordinance: First Reading Golf Carts on City Streets Resolution/Interlocal Agreement: Association of Washington Cities Employee Benefit Trust (consent) Comprehensive Plan Update (SS)
<b>Nov 2013</b>			
Tues 11/05	6:30 pm	Regular Meeting	Level of Service/Planning Commission Hand-off Ordinance: Public Hearing/First Reading for Ja Huvinen Street Vacation Ordinance: Public Hearing/First Reading for a Portion of SE 32 <sup>nd</sup> Street Vacation Ordinance: Second Reading Golf Carts on City Streets Ordinance: Second Reading School Impact Fees (All Districts) Resolution: Comprehensive Plan Mid-Biennial Budget Overview (cm report)
Tues 11/12	6:30 pm	Study Session	Television Cable Franchise
Mon. 11/18	6:30 pm	Regular Meeting	Ordinance: Second Reading for Ja Huvinen Street Vacation Ordinance: Second Reading for a Portion of SE 32 <sup>nd</sup> Street Vacation Ordinance: Public Hearing/First Reading Transportation Level of Service Ordinance: Public Hearing/First Reading 2013-2014 Budget Adjustment Ordinance: Public Hearing/First Reading 2014 Tax Levy Resolution: Salary Schedule Discussion: Tree Retention Ordinance
<b>Dec 2013</b>			
Tues 12/03	6:30 pm	Regular Meeting	Ordinance: Second Reading 2013-2014 Budget Adjustment Ordinance: Second Reading 2014 Tax Levy Ordinance: Second Reading Transportation Level of Service Resolution: Fee Schedule Resolution: Fire Services Contract: Community Sports Field Maintenance/Brickman Contract: Custodial Services/TBD Contract: On-Call Electrical Services/TBD Contract: Plumbing/Eastside Plumbing Contract HVAC Maintenance/TBD Contract: Olympic Environmental/Recycle Grants Program
Mon 12/9			Baords & Commission Appreciation Event
Tues 12/10	6:30 pm	Special meeting/Study Session	
Mon. 12/16	6:30 pm	Regular Meeting	<b>CANCELLED</b>
<b>To Be Scheduled</b>		<b>To Be Scheduled</b>	<b>Parked Items</b>
Fire Services		Ordinance: Second Reading Puget Sound Energy Franchise	



If you are looking for facility rentals, please click [here](#).

<< September

## October 2013

November >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 6:30 p.m. City Council Meeting	2 4 p.m. Finance Committee Meeting 6:30 p.m. Parks and Recreation Commission Meeting	3 10 a.m. "Putting it all together Collage Cardmaking" (55+ Art Program) 4 p.m. Public Safety Committee Meeting 6:30 p.m. Planning Commission Meeting	4	5 11 a.m. Mayor's Month of Concern
6	7	8 6:30 p.m. City Council Study Session	9	10	11	12 9 a.m. Sammamish Recycling Collection Event 9 a.m. Volunteer at Illahee Trail 10 a.m. 7th Annual Arts Fair
13 10 a.m. 7th Annual Arts Fair	14 5:30 p.m. City Council Office Hour 6:30 p.m. City Council Special Meeting	15	16 6 p.m. Sammamish Youth Board Meeting	17 6:30 p.m. Planning Commission Meeting	18	19 10 a.m. Sammamish Walks - Beaver Lake Preserve 1 p.m. "Creative Characters" Special Arts Sammamish
20	21	22	23	24	25	26 9 a.m. Volunteer at Evans Creek Preserve
27	28 6:30 p.m. Arts Commission Meeting	29	30	31		

If you are looking for facility rentals, please click [here](#).

<< October

## November 2013

December >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 6:30 p.m. City Council Meeting	6 4 p.m. Finance Committee Meeting 6:30 p.m. Parks and Recreation Commission Meeting	7 6:30 p.m. Planning Commission Meeting	8	9
10	11 Veterans' Day City offices closed	12 6:30 p.m. Study Session	13	14	15	16 1 p.m. Volunteer at Lower Sammamish Commons
17	18 6:30 p.m. Arts Commission Meeting 6:30 p.m. City Council Meeting	19	20 6 p.m. Sammamish Youth Board Meeting	21 6:30 p.m. Planning Commission Meeting	22	23
24	25	26	27	28 Thanksgiving City offices closed	29 Thanksgiving City offices closed	30



# MEMORANDUM

**TO:** Melonie Anderson/City Clerk  
**FROM:** Marlene/Finance Department  
**DATE:** September 26, 2013  
**RE:** Claims for October 1, 2013

\$ 9,859.05  
 50,403.74  
 1,304,571.56  
 20,770.96  
 6,391.45

### Top 7 Expense Items in Packet

Watson Asphalt	\$708,914.53	Roadway Overlay Project & 228th Turn Lane Project
RW Scott	\$250,225.49	Intersection Improvements
Barker Rinker Seacat	\$166,615.56	Community Center - August 2013
Kenyon Disend	\$26,210.68	Attorney Services - August 2013
Plantscapes	\$24,033.99	Landscape Maintenance Streets & Parks Sept. 2013
US Bank	\$20,770.96	Visa Card August 2013 City Wide
Prothman	\$19,512.84	Interim Inspectors & Planners July/August 2013

**TOTAL \$ 1,391,996.76**

**Checks # 35717 - 35804**

# Accounts Payable

## Check Register Totals Only

User: mdunham  
 Printed: 9/18/2013 - 1:47 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
35717	09/18/2013	KINGTREA	King County Treasury	9,859.05	35,717
				Check Total:	
				9,859.05	

## Accounts Payable

## Check Register Totals Only

User: mdunham  
 Printed: 9/20/2013 - 10:13 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
35718	09/20/2013	ANI	ANI Administrators NW Inc	1,696.51	35,718
35719	09/20/2013	CHAP13	Chapter 13 Trustee	280.00	35,719
35720	09/20/2013	ICMA401	ICMA 401	37,182.09	35,720
35721	09/20/2013	ICMA457	ICMA457	8,514.27	35,721
35722	09/20/2013	PSE	Puget Sound Energy	2,438.87	35,722
35723	09/20/2013	WASUPPOR	Wa State Support Registry	292.00	35,723
				50,403.74	
Check Total:				50,403.74	

## Accounts Payable

## Check Register Totals Only

User: mdunham  
 Printed: 9/25/2013 - 3:15 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
35724	10/01/2013	ANI	ANI Administrators NW Inc	348.00	35,724
35725	10/01/2013	APEXPRES	Richard Miller	492.75	35,725
35726	10/01/2013	ARTEAST	Art East	560.00	35,726
35727	10/01/2013	AT&TMOBI	AT&T Mobility	184.20	35,727
35728	10/01/2013	BACKGROU	Background Source Intl	40.00	35,728
35729	10/01/2013	BLUELNGR	The Blue Line Group, LLC	15,936.40	35,729
35730	10/01/2013	BOHANAN	Martin Bohanan	58.83	35,730
35731	10/01/2013	BRIM	Brim Tractor Co, Inc	378.27	35,731
35732	10/01/2013	BRS	Barker Rinker Seacat Architecture	166,615.56	35,732
35733	10/01/2013	CADMAN	Cadman, Inc.	8,613.02	35,733
35734	10/01/2013	CENTLIN2	Century Link	395.34	35,734
35735	10/01/2013	COMCAST2	COMCAST	214.64	35,735
35736	10/01/2013	COMCAST3	Comcast	983.07	35,736
35737	10/01/2013	DAILY	Daily Journal of Commerce	195.30	35,737
35738	10/01/2013	DEERE	John Deere Landscapes	137.00	35,738
35739	10/01/2013	DELL	Dell Marketing L.P.	2,069.52	35,739
35740	10/01/2013	DRANSFIE	Stuart Dransfield	150.00	35,740
35741	10/01/2013	DUGGINS	Waylen Duggins	200.00	35,741
35742	10/01/2013	ESA	ESA	4,905.00	35,742
35743	10/01/2013	EVANS	David Evans & Associates, Inc	13,659.43	35,743
35744	10/01/2013	EVERFORD	Evergreen Ford	67.33	35,744
35745	10/01/2013	EVERSONS	Everson's Econo Vac, Inc.	6,536.73	35,745
35746	10/01/2013	EWINGIRR	Ewing Irrigation	331.03	35,746
35747	10/01/2013	FRAME	Scott Frame	18.50	35,747
35748	10/01/2013	FRONTIR2	Frontier	346.25	35,748
35749	10/01/2013	FUNRENT	Festival Rentals LLC	2,897.55	35,749
35750	10/01/2013	GCMULTI	Kevin Tighe	1,565.85	35,750
35751	10/01/2013	GEORGES	George's Bakery	85.00	35,751
35752	10/01/2013	GUBATA	Allison Gubata	17.99	35,752
35753	10/01/2013	HDFOWL	H. D. Fowler Company	423.77	35,753
35754	10/01/2013	HOLLYWOO	Hollywood Lights Inc	6,127.62	35,754
35755	10/01/2013	HONDAKU	Issaquah Honda Kubota	52.23	35,755
35756	10/01/2013	HONORWOR	HonorWorks	700.00	35,756
35757	10/01/2013	IBSEN	IBSEN Towing	198.20	35,757
35758	10/01/2013	INTEGRA	Integra Telecom	1,255.63	35,758
35759	10/01/2013	IPS	Integrated Print Solutions, Inc	3,285.00	35,759
35760	10/01/2013	ISD	Issaquah School District	882.30	35,760
35761	10/01/2013	ISSAQ1	Issaquah Press, Inc.	50.25	35,761
35762	10/01/2013	ISSCEDAR	Issaquah Cedar & Lumber	91.71	35,762
35763	10/01/2013	JIRSA	Barbara Jirsa	218.29	35,763
35764	10/01/2013	KENYON2	Kenyon Disend PLLC	26,210.68	35,764
35765	10/01/2013	KLEINFEL	Kleinfelder, Inc.	1,042.50	35,765
35766	10/01/2013	LAKESIDE	Lakeside Industries	116.62	35,766
35767	10/01/2013	LEXIS	Lexis Nexis Risk Data Mgmt	54.75	35,767
35768	10/01/2013	MICRO	Microflex, Inc.	35.88	35,768
35769	10/01/2013	MINUTE	Mike Immel	317.18	35,769
35770	10/01/2013	MYER	Anjali Myer	21.96	35,770
35771	10/01/2013	NAPA	Genuine Parts Company/Issaquah	1.30	35,771
35772	10/01/2013	NC MACH	NC Machinery Co	180.28	35,772
35773	10/01/2013	NWCASC	Northwest Cascade, Inc.	687.48	35,773

Check	Date	Vendor No	Vendor Name	Amount	Voucher
35774	10/01/2013	NWPLAY	Northwest Playground Equipment	183.96	35,774
35775	10/01/2013	ODELL	Thomas Odell	901.63	35,775
35776	10/01/2013	PACE	Pace Engineers, Inc.	520.00	35,776
35777	10/01/2013	PATTERDO	Dolores Patterson	180.00	35,777
35778	10/01/2013	PIEDMONT	Piedmont Directional Signs	175.00	35,778
35779	10/01/2013	PLANTSCA	Plantscapes, Inc	24,033.99	35,779
35780	10/01/2013	PROTH	Prothman Company	19,512.84	35,780
35781	10/01/2013	QBS	Quality Business Systems	274.71	35,781
35782	10/01/2013	QUALITYT	Quality Towing, Inc.	206.63	35,782
35783	10/01/2013	RAFFETTO	Natalie Raffetto	2,251.00	35,783
35784	10/01/2013	RODDA	Rodda Paint	904.02	35,784
35785	10/01/2013	RWSCOTT	R. W. Scott Construction Co	250,225.49	35,785
35786	10/01/2013	SAM	Sammamish Plateau Water Sewer	11,145.78	35,786
35787	10/01/2013	SAMCHAMB	Sammamish Chamber of Commerce	5,000.00	35,787
35788	10/01/2013	SEATIM	Seattle Times	338.00	35,788
35789	10/01/2013	SHERWIN	Sherwin-Williams Company	339.70	35,789
35790	10/01/2013	SOUNDPUB	Sound Publishing, Inc	1,000.00	35,790
35791	10/01/2013	SUBPROPA	Suburban Propane	88.78	35,791
35792	10/01/2013	UNITRENT	United Rentals NA, Inc	2,754.36	35,792
35793	10/01/2013	VERIZON	Verizon Wireless	75.52	35,793
35794	10/01/2013	WAASPHAL	Wa Asphalt Pavement Assoc	175.00	35,794
35795	10/01/2013	WAAUDIT	Wa State Auditor's Office	4,350.35	35,795
35796	10/01/2013	WATERSH	The Watershed Company	766.25	35,796
35797	10/01/2013	WATSON	Watson Asphalt Paving Co	708,914.53	35,797
35798	10/01/2013	WAWORK	Washington Workwear Stores Inc	104.03	35,798
35799	10/01/2013	WED	Western Equipment Distributors	43.80	35,799
35800	10/01/2013	WELCHMIC	Michael Dylan Welch	150.00	35,800

Check Total:

1,304,571.56

# Accounts Payable

## Check Register Totals Only

User: mdunham  
 Printed: 9/26/2013 - 10:11 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
35801	10/01/2013	US BANK	U. S. Bank Corp Payment System	20,770.96	35,801
				Check Total:	
				20,770.96	

Accounts Payable  
 Check Register Totals Only

User: mdunham  
 Printed: 9/26/2013 - 10:31 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
35802	10/01/2013	DILLEY	Jennifer Dilley	224.00	35,802
35803	10/01/2013	PIEDMONT	Piedmont Directional Signs	350.00	35,803
35804	10/01/2013	PROTH	Prothman Company	5,817.45	35,804
				6,391.45	
Check Total:				6,391.45	





# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** Septemeber 10, 2013

**Originating Department:** Community Development

**Clearances:**

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

**Subject:** Ordinance: Modifications to the existing City of Sammamish Municipal Code Chapter 16.05.030: repealing construction hours for specified holidays.

**Action Required:** Conduct Second Reading and adopt the ordinance

**Exhibits:**

1. Draft Attachment "A"
2. Ordinance

**Budget:** N/A

**Summary Statement:** This ordinance provides modifications to the existing City of Sammamish Municipal Code Chapter 16.05.030 by prohibiting specified holidays from construction hours.

**Background:** The hours of construction allowed by the existing City of Sammamish Code are set to minimize disruptions and inconvenience to the citizens of Sammamish. Currently construction is only prohibited on Sundays. At the July 6, 2013 Special Meeting/Study Session Council directed staff to change the hours of construction to prohibit construction on holidays. The draft ordinance proposes to prohibit construction on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. This is consistent with the surrounding jurisdictions. First Reading of this ordinance was conducted on September 16, 2013. No changes were recommended.

**Financial Impact:** None

**Recommended Motion:** Conduct Second Reading of the Ordinance. Motion to adopt the ordinance amending Section 16.05.030 of the Sammamish Municipal Code.



**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2013-\_\_\_\_**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, AMENDING SMC 16.05.030 REGARDING  
HOURS OF CONSTRUCTION; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE**

WHEREAS, the City Council for the City of Sammamish desires to amend an ordinance regulating hours of construction within the City for the health, safety and welfare of its citizens; and

WHEREAS, The City Council finds that inadequately controlled noise from construction activity can adversely affect the health, safety and welfare of the people, the value of property, and the quality of the environment; and

WHEREAS, It is the expressed intent of the City to control the level of noise in a manner which promotes the use, value and enjoyment of property, sleep and repose, and the quality of the environment;

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

Section 1. SMC 16.05.030, Amended. Sammamish Municipal Code Section 16.05.030 (Hours of Construction) is hereby amended to read as set forth in Attachment "A":

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Thomas T. Odell

Exhibit 1

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk: September 10, 2013

First Reading: September 16, 2013

Passed by the City Council:

Date of Publication:

Effective Date:



# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** September 26, 2013

**Originating Department:** Community Development

**Clearances:**

<input type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input checked="" type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

**Subject:** Resolution: Final Plat for Cornerstone Estates Subdivision of 7 lots

**Action Required:** Motion to adopt resolution approving the subdivision

**Exhibits:**

1. Draft Resolution
2. Hearing Examiner Decision
3. Matrix showing plat conditions and responses
4. Map of Final Plat
5. Vicinity Map

**Budget:** N/A Legislative Approval

**Summary Statement:**

The developer of the Cornerstone Estates subdivision is seeking to record the subdivision, which will create 7 additional single family lots.

**Background:**

*Description:*

The proposed final plat of Cornerstone Estates is the final phase of the subdivision process, which will result in the creation of 7 lots. The preliminary plat was reviewed and granted preliminary plat approval by the City of Sammamish Hearing Examiner on March 6, 2009. Access to the development is from NE 22<sup>nd</sup> Street.

The City of Sammamish has reviewed, and approved the installation of the required infrastructure (drainage facilities, streets, sidewalks, etc.) improvements under site development permit BLD2012-00871. The improvements have been substantially completed and inspected. The final lift of asphalt, and street trees etc. have been bonded for (see below).

The entire site is zoned Residential, 4 units per acre (R-4). The subject site is constrained by environmentally critical areas, in particular an onsite wetlands and associated buffers. The environmentally critical areas are located within a separate critical areas tract, identified as Tract D. The proposed lots are located outside of the critical areas tract.



## City Council Agenda Bill

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### *Site Improvements Bond:*

The applicant has completed the site improvements and posted a bond for the maintenance of the remaining site improvements (including streets and other required drainage improvements) in the amount of \$24,190.40.

### *Landscaping Bond:*

The applicant has posted a street landscaping, recreation improvement and tree retention performance bond in the amount of \$83,661.51.

### *Street Impact Fees:*

The applicant has paid 30% percent of the street impact fee in the amount of \$8,912.38. The remaining fees will be collected at the time of building permit issuance or deferred to the point of sale if the applicant wishes on a per lot basis.

### *School Impact Fees paid to the City of Sammamish:*

The applicant has paid fifty percent of the applicable Lake Washington School District impact fees in the amount of \$21,015.00 in addition to the current administration fee. The balance of the school impact fees shall be paid at the time of building permit issuance on a per lot basis.

The applicant has demonstrated to the City of Sammamish that all of the preliminary plat approval conditions have either been met, or have been bonded and will be met in a timely manner.

### **Financial Impact:** N/A

Recommended Motions: Approve the 7-lot Cornerstone Estates subdivision, and authorize the mayor to sign the mylars for the final plat.

**CITY OF SAMMAMISH  
WASHINGTON  
Resolution No. R2013-\_\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, GRANTING FINAL PLAT APPROVAL TO  
THE PLAT OF CORNERSTONE ESTATES**

WHEREAS, the City Council has received recommendation of approval for the final plat of the Cornerstone Estates Subdivision; and

WHEREAS, the City Council has reviewed said plat and finds that it conforms to all terms of the preliminary plat approval and applicable land use laws and regulations; and

WHEREAS, the City Council desires to grant final approval to the 7-lot plat of Cornerstone Estates;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,  
WASHINGTON, DO RESOLVE AS FOLLOWS:**

Section 1. Adoption of Hearing Examiner's Findings and Conclusions. The City Council hereby adopts the findings and conclusions included in the City of Sammamish Hearing Examiner's decision of March 6, 2009 for the preliminary plat of Cornerstone Estates.

Section 2. Grant of Approval. The City Council hereby grants final approval to the Cornerstone Estates (7-lots) plat.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE \_\_\_\_\_ DAY OF OCTOBER 2013.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Thomas T. Odell

Exhibit 1

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk: September 26, 2013  
Passed by the City Council:  
Resolution No.:

**BEFORE the HEARING EXAMINER  
of the  
CITY of SAMMAMISH**

**DECISION**

FILE NUMBER: PLN2007-00066

APPLICANT: Lee S. Wu and William Locke

TYPE OF CASE: Preliminary subdivision (*Cornerstone*)

STAFF RECOMMENDATION: Approve subject to conditions

SUMMARY OF DECISION: GRANT subject to conditions

DATE OF DECISION: March 6, 2009

**INTRODUCTION**

Lee S. Wu and William Locke (Wu & Locke), seek preliminary approval of *Cornerstone*, a seven lot single-family residential subdivision of a 2.39 acre site zoned R-4.

Wu & Locke filed the preliminary subdivision application on November 6, 2007. (Exhibit S-1<sup>1</sup>) The Sammamish Department of Community Development (the Department) deemed the application to be complete when filed. (Testimony)

The subject property is located at 23726 NE 22<sup>nd</sup> Street, diagonally northwest across NE 22<sup>nd</sup> Street from Christa McAuliffe Elementary School.

The Sammamish Hearing Examiner (Examiner) viewed the subject property on February 26, 2009.

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<sup>1</sup> Exhibit citations are provided for the reader's benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner's Decision is based upon all documents in the record.

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The Examiner held an open record hearing on February 26, 2009. The Department gave notice of the hearing as required by the Sammamish Municipal Code (SMC). (Exhibit S-7)

Section 20.05.100(1) SMC requires that application decisions be rendered within a net 120 days after the application is deemed complete. If that timeline cannot be met, the Department is required to provide a written explanation to the applicant. [SMC 20.05.100(3)] The Department testified that 137 net days have elapsed since the application was deemed complete and that it had informed Wu & Locke by letter dated August 26, 2008, that the 120 day requirement would not be met. (Testimony)

Exhibits were offered and admitted during the hearing, a list of which is maintained by the Hearing Clerk.

At the close of the hearing, the Examiner held the record open through close of business on March 6, 2009, for submittal by the parties of: An updated water certificate; an updated sewer certificate; a revised version of Department Recommended Condition 7; and a response to the revised version of Department Recommended Condition 7 by Wu & Locke, if desired. Documents received pursuant to that process are Exhibits S-20 – S-22. The record closed on March 5, 2009.

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner's knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

### ISSUES

Does the application meet the criteria for preliminary subdivision approval as established within the SMC? One neighbor participated in the hearing process. Her primary question was what would happen to an easement which encumbers a portion of the property; that issue will be fully addressed in the Findings of Fact and Conclusions of Law, below. Her other questions related to matters beyond the proper scope of a preliminary subdivision proceeding and will not be addressed.

### FINDINGS OF FACT

1. The *Cornerstone* property is a sectionally described,<sup>2</sup> rectangular parcel containing approximately 2.39 acres. The parcel's dimensions are approximately 165 feet by 674 feet. The parcel's long axis

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<sup>2</sup> A "sectional" (or "subdivisional") property description is one which uses fractions of a land survey section to legally describe a parcel. Other forms of legal property descriptions are "metes and bounds" and platted lot numbers (where a parcel is simply identified as a certain lot within a recorded plat).

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runs north to south. The south boundary of the property abuts the north side of NE 22<sup>nd</sup> Street. (Exhibits S-2 and S-15)

2. The *Cornerstone* property is bordered by a variety of uses:
  - A. The property to the north is a fully developed, single family residential subdivision. Two of the lots within that subdivision which are served by NE 24<sup>th</sup> Place (Lots 34 and 35) as well as a stormwater detention facility tract (Tract A) back up to the north boundary of the *Cornerstone* property. The subdivision to the north did not provide for any public or private street access southerly to the *Cornerstone* property. (Exhibits S-2, S-15, S-16, and S-19)
  - B. The property to the east is a fully developed, single family residential subdivision whose recorded name is *Columbia*. A 30 foot wide tract (Tract H) terminates against the northeast corner of the *Cornerstone* property. (That tract has apparently been subsumed into the six *Columbia* lots which abut it.) A small portion of the rear lot line of *Columbia* Lot 33 abuts the *Cornerstone* property south of Tract H. The rear yards of two other *Columbia* lots (Lots 50 and 54) abut the south 150 feet of the east side of the *Cornerstone* property. The vast majority of *Cornerstone's* common boundary with *Columbia* abuts Tract F, a large open space tract within *Columbia*. *Columbia* did not provide for any public or private street access westerly to the *Cornerstone* property. (Exhibits S-2, S-15, S-16, and S-19)
  - C. The property directly across NE 22<sup>nd</sup> Street from the *Cornerstone* property is a wooded, undeveloped acreage tract. Christa McAuliffe Elementary School lies diagonally to the southeast abutting the wooded tract. (Exhibits S-15 and S-17 and testimony)
  - D. The parcel to the west was originally another sectionally described parcel of similar size and dimensions to the *Cornerstone* property. That parcel and the larger parcel to its west (which extends west to 236<sup>th</sup> Avenue NE) were the subjects of short subdivision approvals by the City. The two short subdivisions, which were apparently processed concurrently, are mirror images of one another: Each has a small lot abutting NE 22<sup>nd</sup> Street near their common boundary line and a large residual lot to its north which abuts NE 22<sup>nd</sup> Street by a 30 foot wide panhandle, apparently encumbered by an easement benefiting the smaller lot. Each panhandle has a 30 foot radius return where it intersects NE 22<sup>nd</sup> Street. The houses on the two small lots face towards and take access from the panhandles. The result is a 60 foot wide panhandle centered along their common boundary containing a short, shared private street, designed to facilitate construction of a standard public street at such time as the large residual lots are further subdivided. The City deferred frontage improvements to NE 22<sup>nd</sup> Street (apparently for up to about 10 years) when those short subdivisions were approved. The frontage improvements will have to be completed before the end of the deferral period. (Exhibits S-15, S-16, and S-19 and testimony)

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3. The north 30 feet of the *Cornerstone* property is presumably encumbered by an easement for ingress and egress. (Exhibit S-2) In June, 1956, Howard K. and Evelyn K. Watson (Watsons), who at the time owned at least 80 acres in the area,<sup>3</sup> created easements across their property for the benefit of a party whose ownership was not set forth in the easement.<sup>4</sup> (In other words, we know from the easement document what land was encumbered by the easements, but we do not know what land was benefited by the easements.) The land encumbered by the easements extends from 236<sup>th</sup> Avenue NE on the west to 244<sup>th</sup> Avenue NE on the east (one-half mile) and from the alignment of NE 24<sup>th</sup> Street (not NE 24<sup>th</sup> Place) on the north to NE 20<sup>th</sup> Street on the south.<sup>5</sup>

The 1956 easement document created three easements: A 30 foot wide easement running east-west across the north edge of the Watsons' ownership; a 60 foot wide easement running east-west through the exact middle of their ownership; and a 30 foot wide easement running east-west across the south edge of their ownership. The center easement has, in part, become NE 22<sup>nd</sup> Street. The south easement would form the north half of NE 20<sup>th</sup> Street, were that street to be developed.<sup>6</sup> The north easement, as created, encumbered not only the north 30 feet of the *Cornerstone* property, but also the north 30 feet of what is now the *Columbia* property (Tract H) and the north 30 feet of parcels further to the east and west between the two avenues.<sup>7</sup> (Exhibits S-16 and S-19)

In 1997 (Recorded in 1998) the owners of property about 330 feet east of the *Cornerstone* property executed a document to "relinquish, release, terminate and abandon all rights and interest granted" to their property by the north easement. Other similar documents were apparently recorded at about the same time.<sup>8</sup> (Exhibit S-19)

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<sup>3</sup> The estimate of their ownership is based upon the extent of the land over which they created an easement. The easement as created encumbers the north half of the northeast quarter of a section of land. A standard section of land contains 640 acres; a quarter section contains 160 acres; and half of a quarter section would nominally contain 80 acres. The Watsons may have owned additional property not involved in the easements.

<sup>4</sup> The easement was rerecorded shortly thereafter, presumably to correct a major error in the legal description: The initially recorded easement places the property in the wrong Range: Range 5 East, Willamette Meridian rather than the correct Range 6 East, Willamette Meridian. (Exhibit S-19) The record does not contain a copy of the rerecorded easement, so the Examiner does not know if it contains any other changes.

<sup>5</sup> The Examiner has determined the extent of the Watson's ownership by applying the legal description in Exhibit S-19 to the zoning map in Exhibit S-16.

<sup>6</sup> As can be seen on Exhibit S-16, the segments of NE 20<sup>th</sup> Street which presently exist between 236<sup>th</sup> and 244<sup>th</sup> Avenues NE lie south of the sectional line. The Watsons' easement would abut the existing road segments on the north.

<sup>7</sup> The easement document excludes from the easements "portions conveyed to King County for road purposes." Without further documents, one can only guess whether 236<sup>th</sup> and 244<sup>th</sup> Avenues NE or any portion of NE 22<sup>nd</sup> Street existed at that time. Resolution of that uncertainty does not matter to the outcome of this application.

<sup>8</sup> Although it doesn't particularly affect the outcome of this case, it would appear that that action occurred in conjunction with the development of *Columbia* and that the "various other" relinquishment documents mentioned on page 4 of the title report (Exhibit S-19) involved the other parcels which went to make up *Columbia*. While the relinquishment document was signed by the then-actual property owners, it was to be returned after recordation to "CamWest Development, Inc." of Bellevue. (Exhibit S-19) The Examiner knows CamWest to be a residential land developer and presumes that it was the developer of *Columbia*.

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4. The south half of the *Cornerstone* property slopes mildly upward towards the north. The north half is relatively flat except for a depression in the northeast corner of the site. (Exhibit S-3) The site is wooded; it contains 118 significant trees as defined by the SMC. (Exhibits S-2 and S-15)

The depression contains a portion of a Category II wetland. The bulk of the wetland extends off-site into Tract F in *Columbia*. Wu & Locke have not altered the wetland area. (Exhibits S-2, S-3, and S-9) The SMC requires that Category II wetlands be protected by a 75 foot wide buffer, but allow that buffer width to be “averaged” so long as it is not less than half that width at any point. [SMC 21A.50.290(1) and .290(6)] Wetlands and their buffers are to be protected by placement within a critical area tract which “shall be recorded on all documents of title of record”. [SMC 21A.50.190(1)] Critical area tracts are to be owned jointly by the owners of the lots in a development or by the homeowners association for the development. [SMC 21A.50.190(2)]

5. The *Cornerstone* property presently contains a single-family residence, whose driveway enters the site at the southeast corner and passes behind *Columbia* Lots 50 and 54, and an accessory building. (Exhibits S-2 and S-15 and testimony)
6. The *Cornerstone* property and the surrounding area are uniformly designated Urban Residential 4 du/acre on the City adopted Comprehensive Plan. (Exhibits S-17 and S-18) The Department has prepared a detailed analysis of compliance with applicable Comprehensive Plan policies. (Exhibit S-18, p. 4) That analysis was not challenged by any hearing participant and is incorporated herein by reference as if set forth in full.
7. The subject property and the entirety of the surrounding area are uniformly zoned R-4. (Exhibit S-16) The R-4 zone permits a maximum density of 4 du/acre and requires a minimum lot width of 30 feet. [SMC 21A.25.030(A)] The maximum permitted yield for the *Cornerstone* property, calculated in accordance with the requirements of SMC 21A.25.070 - .100 is 6.78 or 7 single-family lots. (Testimony)
8. Wu & Locke propose to subdivide the property into seven lots for single-family residential development, one critical areas tract, one recreation tract, and two private street tracts. (Exhibit S-2)

The proposed lots have been laid out such that each can access onto at least one of the interior private streets. The proposed lots will range in area from 8,667 to 11,312 square feet (SF). The existing residence is to be retained on the largest lot (Lot 1). (Exhibit S-2)

Tract A and a joint-use driveway extension would run along the south portion of the east property line and serve three of the seven lots. It would more or less follow the alignment of the existing driveway. As presently drawn, Tract A would serve Lots 1, 2, and 3 with Lots 1 and 3 using the shared-use driveway extension. However, Wu & Locke would like the flexibility to have Tract A

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serve Lots 1, 2, and 4 instead with Lots 1 and 4 using the shared-use driveway extension. (Exhibit S-2 and testimony)

Tract B and a joint-use driveway extension would run along the south portion of the west property line and serve the remaining four of the seven lots with Lots 6 and 7 using the shared-use driveway extension. (Exhibit S-2 and testimony)

Tract C, a 2,731 SF recreation tract, is proposed between Lots 1 and 5 at the end of the hammerhead turnaround. (Exhibit S-2)

An 18,588 SF Sensitive Areas Tract (SAT) would be created to protect the wetland and its buffer. Wu & Locke propose to average the buffer width. Their proposal is fully consistent with SMC regulations for averaging. The buffer at its narrowest will be wider than is the buffer for the same wetland within *Columbia*. The SAT would encumber the entire northeast quarter of the site, including the entire area presently encumbered by the 30 foot wide easement. (Exhibit S-2, S-3, and S-8) The City's wetland biologist has reviewed and approved Wu & Locke's mitigation plan. (Exhibit S-18)

9. The record contains evidence that appropriate provisions have been made for:
  - A. Open space. Over 20,000 SF of the site will be set aside as open space, a combination of SAT and recreation area. (Exhibit S-2)
  - B. Drainage ways. The property lies within two drainage basins. The site's soils have been studied and found to be not generally acceptable for stormwater infiltration. That being the case, most of the stormwater will be collected and transported to a detention vault beneath Tract A. A small portion of the runoff from the northern lots will be infiltrated to recharge the wetland. (Exhibits S-2 and S-5) The proposal conforms with applicable regulations. (Exhibit S-18)
  - C. Streets and roads. Frontage improvements for NE 22<sup>nd</sup> Street will be provided as required by the City's Interim Public Works Standards (PWS). (Exhibit S-2) The PWS generally require public streets within new subdivisions. However, because the short platting of the two parcels to the west assumed that a future public street would lie along their common boundary rather than along the common boundary between the *Cornerstone* property and the easterly of those lots, *Cornerstone* is essentially a skinny strip of land sandwiched between developments which have made no provision for access to it. Because of the significant amount of land that would be required for a public street right-of-way, including its cul-de-sac, Wu & Locke have used private streets in their design.

The PWS allow private streets within subdivisions if they serve no more than four lots and are provided with either a cul-de-sac or a hammerhead turnaround. [PWS.15.090.A and .130]

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If the plat is officially restricted such that no more than four lots are allowed to access off either private road tract (all seven lots are laid out such that they could all access from Tract B), the private roads as proposed would meet the PWS; otherwise they would not.

The City granted a Certificate of Concurrency to *Cornerstone* at the time of application submittal. (Exhibit S-14)

- D. Alleys. The design does not employ alleys. (Exhibit S-2)
- E. Other public ways. No need for other public ways within the subdivision exists. (Exhibit S-2) In fact, it would appear that King County and/or the City have turned their back on the northerly of the three ingress and egress easements created in 1956: Neither *Columbia* nor the subdivision to the north made any effort to create a public street along that alignment. (Exhibit S-15)
- F. Transit stops. The record contains no request for transit stops.
- G. Potable water supply. The Northeast Sammamish Sewer & Water District issued a Certificate of Water Availability for *Cornerstone* on May 18, 2007, which was valid for one year from that date. (Exhibit S-12) Wu & Locke have received an updated Certificate which is valid through March 3, 2010. (Exhibit S-20)
- H. Sanitary wastes. The Northeast Sammamish Sewer & Water District issued a Certificate of Sewer Availability for *Cornerstone* on May 18, 2007, which was valid for one year from that date. (Exhibit S-13) Wu & Locke have received an updated Certificate which is valid through March 3, 2010. (Exhibit S-21)
- I. Parks and recreation. The proposed design includes an active recreation area (Tract C) meeting City code requirements. (Exhibits S-2 and S-18) Park impact mitigation fees will have to be paid when the lots are developed. (Exhibit S-18)
- J. Playgrounds. See Finding 9.I, above.
- K. Schools and schoolgrounds. The property is located within the Lake Washington School District (School District). The School District has not requested any area for schools. (Exhibit S-10) School impact mitigation fees will have to be paid when the lots are developed. (Exhibit S-18)
- L. Safe walking conditions for students who only walk to and from school. Elementary age students will attend the McAuliffe School, diagonally across NE 22<sup>nd</sup> Street. *Cornerstone's* required frontage improvements will include sidewalks across the width of the property

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which will connect to an existing sidewalk system extending east from the southeast corner of the site. A marked crosswalk exists just east of the property. (Exhibits S-2 and S15)

Junior high age students will attend Inglewood School. (Exhibit S-10) Pedestrian walkways exist between the *Cornerstone* site and Inglewood. (Testimony)

High school age students will be bussed to Eastlake High School. (Exhibit S-10)

10. Sammamish's State Environmental Policy Act (SEPA) Responsible Official issued a threshold Determination of Nonsignificance (DNS) for *Cornerstone* on December 3, 2008.<sup>9</sup> (Exhibit S-4) The DNS was not appealed. (Testimony)
11. The Department has analyzed the proposal and concludes that it complies with all applicable standards. Therefore, the Department recommends approval subject to conditions. The Department made the following corrections to its report during the hearing:
  - A. Page 2, Finding 7: The last line should read "Mystic Lake are subject to Level 3 flow control and Sphagnum bog protection menu." (Testimony)
  - B. Page 8, Recommended Condition 7: The Department has provided replacement language which eliminates the three "fill-in-the-blanks". (Exhibit S-22)
  - C. Page 8, Recommended Condition 8: The blank should be filled in with "5, 6, and 7". (Testimony)
  - D. Page 8, Recommended Condition 12: The words "private road tracts," should be inserted between "space," and open". (Testimony)
12. City staff have advised Wu & Locke of standard requirements which will have to be met as the project proceeds. (Exhibit S-6)
13. Wu & Locke take no issue with any of the Department's Recommended Conditions, as amended. (Testimony)
14. The owner of Lot 33 in *Columbia* sought assurance that the old 30 foot wide ingress and egress easement was not going to be used for access. She also asked if there would be any difficulties associated with imposing an SAT on top of an old ingress and egress easement. (Testimony)

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<sup>9</sup> The threshold determination was inadvertently entitled as a "Mitigated Determination of Nonsignificance." It is simply a straight DNS. (Testimony)

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15. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

### LEGAL FRAMEWORK<sup>10</sup>

The Examiner is legally required to decide this case within the framework created by the following principles:

#### Authority

A preliminary subdivision is a Type 3 land use application. [SMC 20.05.020, Exhibit A] A Type 3 land use application requires an open record hearing before the Examiner. The Examiner makes a final decision on the application which is subject to the right of reconsideration and appeal to Superior Court. [SMC 20.05.020, 20.10.240, 20.10.250, and 20.10.260]

The Examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications, and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including Chapter 43.21C RCW and the regulations, policies, objectives, and goals of the interim comprehensive plan or neighborhood plans, the development code, the subdivision code, and other official laws, policies and objectives of the City of Sammamish.

[SMC 20.10.070(2)]

#### Review Criteria

Section 20.10.200 SMC sets forth requirements applicable to all Examiner Decisions:

When the examiner renders a decision . . . , he or she shall make and enter findings of fact and conclusions from the record that support the decision, said findings and conclusions shall set forth and demonstrate the manner in which the decision . . . is consistent with, carries out, and helps implement applicable state laws and regulations and the regulations, policies, objectives, and goals of the interim comprehensive plan, the development code, and other official laws, policies, and objectives of the City of Sammamish, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public.

Additional review criteria for preliminary subdivisions are set forth at SMC 20.10.220:

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<sup>10</sup> Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

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When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

(1) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

(2) The public use and interest will be served by the platting of such subdivision and dedication.

### Vested Rights

Sammamish has enacted a vested rights provision.

Applications for Type 1, 2, and 3 land use decisions, except those that seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

[SMC 20.05.070(1)] Therefore, this application is vested to the development regulations as they existed on November 6, 2007.

### Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof.

### Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

## CONCLUSIONS OF LAW

1. Extensive, detailed conclusions regarding conformance with the criteria for approval are unnecessary since *Cornerstone* is essentially an uncontested case.
2. The easement along the north edge of the *Cornerstone* property is the only issue of significant concern. It must first be said that it is highly doubtful, regardless of the legal status of that easement, that it would ever be used for ingress and egress. That said, however, it would be wrong to blithely pass it by only for someone years from now to discover that we had left a mess in our wake.

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The Title company says “We are unable to determine if said instruments extinguish all possible rights established under said easement.” (Exhibit S-19) Having spent some time carefully reviewing the partial set of easement-related documents available in this hearing record, the Examiner can see why the Title company is reluctant to make a definitive ruling: The present status of the easement is not entirely clear.

To the best of the Examiner’s knowledge, “relinquishment” and “extinguishment” are two different concepts as applied to easements. If an owner relinquishes his/her rights to an easement, he/she is giving up any right to use the easement; the easement would remain but not be available for use by owners of the property which relinquished it. If an owner extinguishes an easement, he/she is essentially erasing it from the property. Extinguishment would eliminate the easement. However, the owner of a property encumbered by an easement does not, in the Examiner’s opinion, have the right to extinguish an easement which encumbers his/her property unless the owners of all properties benefited by that easement are willing to allow it to be erased. In other words, the property encumbered by an easement (called the servient estate) cannot erase the easement unless all those who have the right to use the easement (called the dominant estate) agree.

A real chance exists for a legal conflict between the old ingress and egress easement and the SAT required by the SMC. The dominant estate in the easement was expressly granted the right to “remove brush trees and other obstructions” within the easement. (Exhibit S-19) Removal of trees within a wetland buffer protected by an SAT is expressly prohibited by the SMC (with some limited exceptions). [SMC 21A.50.300 *et al.*] The Examiner doubts that some future City staff would want to try to deal with a Reasonable Use Exception for development of a road within the easement, as unlikely as that may seem.

Under the circumstances, the Examiner believes that the best that can be done here is to require that Wu & Locke execute and record a relinquishment document much as did the *Columbia* owners before that subdivision was recorded. At least it would then be clear that the successor owners of *Cornerstone* had no right to use any part of that easement. Over time, the remainder of the old easement could be relinquished as other encumbered properties to the east and west are developed/redeveloped.

3. From all of the above, the Examiner can conclude that *Cornerstone* meets the considerations within SMC 20.10.200. All evidence demonstrates compliance with Comprehensive Plan policies and zoning code, subdivision code, and Environmentally Sensitive Areas regulations.
4. Given all the evidence in the record, the Examiner can conclude that *Cornerstone* complies with the review criteria of SMC 20.10.220. This is truly infill development, notwithstanding the acreage tract bordering on the west. It is infill because the area’s development pattern was essentially determined when the two parcels to the west were short subdivided and a decision was made to provide for a public street running along their common property lines. At that point, the *Cornerstone* property

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became a narrow rectangle whose only practical access point is NE 22<sup>nd</sup> Street. It is too narrow to run a public street up its middle: Lots would be only about 50 feet deep and the cul-de-sac at the north end would leave only about 30 feet of depth on each side. Further, a public street could logically go nowhere, and its intersection with NE 22<sup>nd</sup> Street would be unusually close to the future intersection to the west. Private access tracts as proposed make the most sense. The proposed subdivision will serve the public use and interest.

5. The recommended conditions of approval as set forth in Exhibit S-18 are reasonable, supported by the evidence, and capable of accomplishment with the following changes:
  - A. Recommended Condition 3 will be moved to become the first condition and will be slightly modified. It is appropriate that it be the first condition as it specifically identifies that which is being given preliminary plat approval. It will be modified to indicate that Exhibit S-2 represents not only the approved preliminary plat but also supporting plans (such as tree retention, drainage, clearing and grading, etc.). Finally, a sentence will be added to remind the reader that preliminary plats may be revised if certain procedures are followed as spelled out in the SMC.
  - B. Recommended Condition 7 will be replaced with the alternative as proposed by the Department. (Exhibit S-22) As stated by the Examiner during the hearing, it would be troublesome to impose a condition containing blanks. Blanks would inevitably lead to questions of who has authority to fill them and what are the parameters that have to be followed in filling them. The Department's suggested alternative solves those problems very well.
  - C. Wu & Locke's representative asked a very pertinent question during the hearing: Since water and sewer commitment certificates are by their own terms valid for only one year and since an approved preliminary plat is valid for five years, what assurance is there that adequate water and sewer service will be available if the plat is developed and recorded after the current certificates expire in one year?<sup>11</sup>

At the time, the Examiner had no answer for the question. Upon reflection, the Examiner remembered that other jurisdictions have addressed the issue. One city for which the Examiner provides hearing services asks the Examiner to impose the following condition on every preliminary subdivision approval: "The Developer shall submit a new certificate for the availability of water (sewer) if the current certificate, dated X, expires prior to the issuance of any construction permits, or shall provide proof of an executed Developer Extension Agreement."

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<sup>11</sup> This is a paraphrasing of the question.

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That type of condition recognizes that the current certificates show that at present the system purveyors have capability to provide both water and sewer services to the proposed development, but requires that they be updated before actual development commences if they have expired in the interim. That type of condition would be an appropriate addition to this (and future) preliminary subdivision approval decisions.

- D. The Examiner prefers not to use the word “Applicant” in conditions. A preliminary subdivision approval, like most land use entitlement permits, runs with the land. That means that whoever owns the land benefits from the permit during its term. It is possible that Wu & Locke may sell the property before it is developed. In fact, it could, in theory, be sold multiple times before actual development occurred. Were that to be the case, the ultimate developer would not be the current “applicants.” Lest a future owner try to argue that he/she was not the applicant and, therefore, the conditions which require the applicant to do something didn’t apply to him/her, the Examiner prefers to use the word “Plattor” (meaning the person platting the property) or “Developer” (meaning the person developing the property) in conditions instead of “Applicant.” In the one previous preliminary subdivision case which this Examiner has heard for the City, the word used was “Developer.” The Examiner will substitute that word throughout the conditions of approval here.
  - E. The textual revisions as orally recommended by the Department to Recommended Conditions 6, 8, and 12 are necessary for accuracy and completeness and will be made.
  - F. An easement “relinquishment” condition will be added for the reasons discussed above.
  - G. A condition must be added to ensure that not more than four lots take access from private road Tract B. Private road Tract A is not a problem: Only four lots could use it for access. However, every one of the seven proposed lots could theoretically take access from private road Tract B. The City’s Interim Public Works Standards, adopted by SMC 14.01.010, would be violated if more than four of the lots actually take access from Tract B. The Examiner cannot knowingly approve an application which would violate adopted standards/code. Therefore, a condition must be imposed to limit access onto Tract B.
  - H. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 1 – 3, 8, 10, 11, 14, and 17 will improve parallel construction, clarity, and flow within the conditions.<sup>12</sup> Such changes will be made.
6. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

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<sup>12</sup> The ending punctuation mark for a number of the Recommended Conditions is a semi-colon. Those will all be replaced with periods although not individually listed in this sentence.

## Exhibit 2

HEARING EXAMINER DECISION

RE: PLN2007-00066 (*Cornerstone*)

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## Exhibit 2

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The following statement is provided pursuant to RCW 36.70B.130: “Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.”

## Exhibit 2

HEARING EXAMINER DECISION  
RE: PLN2007-00066 (*Cornerstone*)  
March 6, 2009  
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### **CONDITIONS OF APPROVAL** *Cornerstone* **PLN2007-00066**

This Preliminary Subdivision is subject to compliance with all applicable provisions, requirements, and standards of the Sammamish Municipal Code, standards adopted pursuant thereto, the Specific design Requirements as set forth in hearing Exhibit S-6, and the following special conditions:

#### ***General Conditions:***

1. Exhibit S-2 shall be the approved preliminary plat and supporting plans. Minor revisions are authorized pursuant to SMC 19.40.040(2).
2. Pursuant to RCW 58.17.170 the Developer shall comply with all county, state, and federal rules and regulations in effect on November 6, 2007, the vesting date of the subject application. However, if the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision, future development may be subject to updated construction codes, including but not limited to the International Building Code and the International Fire Code, as amended.
3. Pursuant to SMC 19.40.040, preliminary plat approval shall be null and void if any condition is not satisfied and the final plat is not recorded within the approval period of sixty (60) months; provided the developer may file for an extension as permitted by code.
4. Prior to final plat approval, the owner(s) shall record with King County an easement relinquishment document against the subject property which shall relinquish, release, terminate, and abandon any and all rights and interest which the subject property has in that certain ingress and egress easement presently encumbering the north 30 feet of the subject property. The relinquishment document shall be reviewed and approved both as to form and as to substantive adequacy by the City Attorney prior to its recordation.
5. The Developer shall submit a new certificate for the availability of water if the current certificate, dated March 3, 2009, expires prior to the issuance of any construction permits, or shall provide proof of an executed Developer Extension Agreement.
6. The Developer shall submit a new certificate for the availability of sewer if the current certificate, dated March 3, 2009, expires prior to the issuance of any construction permits, or shall provide proof of an executed Developer Extension Agreement.

#### ***Conditions to appear on the face of the final plat:***

## Exhibit 2

### HEARING EXAMINER DECISION

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7. Graphic and textual restrictions shall be provided which limit the number of lots legally allowed to access onto private road Tract B [as depicted on Exhibit S-2; insert equivalent tract identifier if the labeling sequence changes]. The restrictions shall specifically identify the lots, up to a maximum of four, which shall access from Tract A. The restrictions shall specifically identify the lots, up to a maximum of four, which shall access from Tract B. No lot shall be legally allowed to access from both private road tracts. The graphic restriction shall denote the lot frontages across which access to one or the other of the private road Tracts is prohibited.
8. The stormwater facilities for this development shall be owned and maintained by the HOA. An easement shall be provided to the City of Sammamish for inspection. Language to this effect shall be shown on the final plat.
9. *“Metal products such as galvanized steel, copper, or zinc shall not be used in all building roofs, flashing, gutters, or downspouts unless they are treated to prevent metal leaching and sealed such that contact with storm water is prevented.”*
10. *“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved Construction Drawing on file with the City of Sammamish. This plan shall be submitted with the application for any building permit. All connections of the drains shall be constructed and approved prior to final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be designed and constructed as part of the building permit process and shall comply with the approved Construction Drawings on file with the City of Sammamish.”*
11. This project has been preliminarily approved to use Small Site Drainage for the north basin based on limitations to the proposed maximum new impervious and new pollution generating surface areas draining to the on-site wetland. The final plat shall indicate the maximum new impervious surface area and the maximum new pollution generating surface area for each lot subject to Small Site Drainage requirements and consistent with the approved drainage report on file with the plat-associated Site Development Permit.
12. *“Lots 5, 6, and 7 [as depicted on Exhibit S-2; insert equivalent numbers if the lot numbering sequence changes], which contain or are adjacent to infiltration or dispersion trenches, shall be graded such that top of trench is below bottom of foundation.”*
13. *“No lot or portion of a lot shall be subdivided and sold, or resold, or its ownership changed or transferred in violation of applicable city, county, state, or federal standards, rules, regulations or laws.”*
14. The Developer shall comply with RCW 58.17.280, providing the appropriate *“addressing note”* with address ranges being on the final plat.

## Exhibit 2

### HEARING EXAMINER DECISION

RE: PLN2007-00066 (*Cornerstone*)

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15. *“No direct driveway access onto NE 22<sup>nd</sup> St will be allowed. Access to the lots shall be from the internal private roads.”*
16. *“Maintenance and upkeep of the recreation space, private road tracts, open space, and sensitive areas tracts shall be the responsibility of the Home Owners Association.”*
17. *“Trees identified on the face of this plat have been retained pursuant to the provisions of SMC 21A.35.210. Retained trees are subject to the tree protection standards of SMC 21A.35.230. Removal of these trees is prohibited unless the tree is removed to prevent imminent danger or hazard to persons or property, subject to a clearing and grading permit approved by the City of Sammamish. Trees removed subject to this provision shall be replaced in compliance with SMC 21A.35.240.”*
18. The Developer shall include a note regarding the payment of traffic impact fees in accordance to City of Sammamish Ordinance No 2006-208. Specific language related to the payment of the traffic impact fees shall be reviewed and approved by the City prior to final plat approval.
19. *“The proposed subdivision is subject to school impact fees for Issaquah School District, consistent with SMC 21A.105. At the time of building permit, the applicant shall pay one half of the required school impact fee, together with an administrative fee.”*
20. *“The proposed subdivision is subject to parks impact fees, consistent with SMC 14A.20, which shall be paid at the time of building permit issuance together with an administrative fee.”*
21. *“Pursuant to City of Sammamish Ordinance No. 02002-112, a surface water system development charge shall be paid at the time of building permit issuance for each new residential dwelling unit.”*
22. *“Maintenance of landscape strips separating the sidewalk from the roadway, planter islands, and/or planted medians shall be the responsibility of the Homeowners Association. If the maintenance responsibilities are not addressed in the Homeowners Association covenants and restrictions, then the abutting property owner shall be responsible for the maintenance. Under no circumstances shall the City bear any maintenance responsibilities for landscaping strips, planter islands, or planted medians.”*



**Cornerstone Estates Compliance Matrix, Updated 9/12/13**

Hearing Examiner's Condition	Applicant Response	Comments
<b>General Conditions:</b>		
<p>1. Exhibit S-2 shall be the approved preliminary plat and supporting plans. Minor revisions are authorized pursuant to SMC 19.40.040(2).</p>	<p><b>Except for minor revisions, approved by the city, the final plat has been prepared according to the approved preliminary plat.</b></p>	
<p>2. Pursuant to RCW 58.17.170 the Developer shall comply with all county, state, and federal rules and regulations in effect on November 6, 2007, the vesting date of the subject application. However, if the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision, future development may be subject to updated construction codes, including but not limited to the International Building Code and the International Fire Code, as amended.</p>	<p><b>The final plat has been prepared in compliance with all applicable rules and regulations</b></p>	
<p>3. Pursuant to SMC 19.40.040, preliminary plat approval shall be null and void if any condition is not satisfied and the final plat is not recorded within the approval period of sixty (60) months; provided the developer may file for an extension as permitted by code.</p>	<p><b>The preliminary plat was approved March 6, 2009, and expires March 6, 2014. It is the intention of the developer to record the final plat as soon as possible.</b></p>	
<p>4. Prior to final plat approval, the owner(s) shall record with King County an easement relinquishment document against the subject property which shall relinquish, release, terminate, and abandon any and all rights and interest which the subject property has in that certain ingress and egress easement presently encumbering the north 30 feet of the subject property. The relinquishment document shall be reviewed and approved both as to form and as to substantive adequacy by the City Attorney prior to its recordation.</p>	<p><b>The Relinquishment of Easement document has been recorded under Recording No. 20130726001162; a copy of which is included in the resubmittal.</b></p>	

Exhibit 3

<p>5. The Developer shall submit a new certificate for the availability of water if the current certificate, dated March 3, 2009, expires prior to the issuance of any construction permits, or shall provide proof of an executed Developer Extension Agreement.</p>	<p><b>A copy of the Developer Extension Agreement is included with the resubmittal.</b></p>	
<p>6. The Developer shall submit a new certificate for the availability of sewer if the current certificate, dated March 3, 2009, expires prior to the issuance of any construction permits, or shall provide proof of an executed Developer Extension Agreement.</p>	<p><b>A copy of the Developer Extension Agreement is included with the resubmittal.</b></p>	
<p><b>Conditions to appear on the face of the final plat:</b></p>		
<p>7. Graphic and textual restrictions shall be provided which limit the number of lots legally allowed to access onto private road Tract B [as depicted on Exhibit S-2; insert equivalent tract identifier if the labeling sequence changes]. The restrictions shall specifically identify the lots, up to a maximum of four, which shall access from Tract A. The restrictions shall specifically identify the lots, up to a maximum of four, which shall access from Tract B. No lot shall be legally allowed to access from both private road tracts. The graphic restriction shall denote the lot frontages across which access to one or the other of the private road Tracts is prohibited.</p>	<p><b>The current approved configuration of the plat provides access to the public right of way for all lots by way of the private access tract.</b></p>	
<p>8. The stormwater facilities for this development shall be owned and maintained by the HOA. An easement shall be provided to the City of Sammamish for inspection. Language to this effect shall be shown on the final plat.</p>	<p><b>Per agreement with the city, contrary to this condition, an easement to the city has been provided, on the final plat in order for the city to own and operate the stormdrainage facilities within Tract B. Necessary language providing for ownership and maintenance of the tract by the homeowners association has been included on the final plat.</b></p>	

Exhibit 3

<p>9. "Metal products such as galvanized steel, copper, or zinc shall not be used in all building roofs, flashing, gutters, or downspouts unless they are treated to prevent metal leaching and sealed such that contact with storm water is prevented."</p>	<p><b>The required note has been included on the final plat.</b></p>	
<p>10. "All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved Construction Drawing on file with the City of Sammamish. This plan shall be submitted with the application for any building permit. All connections of the drains shall be constructed and approved prior to final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be designed and constructed as part of the building permit process and shall comply with the approved Construction Drawings on file with the City of Sammamish."</p>	<p><b>The required note has been included on the final plat.</b></p>	
<p>11. This project has been preliminarily approved to use Small Site Drainage for the north basin based on limitations to the proposed maximum new impervious and new pollution generating surface areas draining to the on-site wetland. The final plat shall indicate the maximum new impervious surface area and the maximum new pollution generating surface area for each lot subject to Small Site Drainage requirements and consistent with the approved drainage report on file with the plat-associated Site Development Permit.</p>	<p><b>The required areas have been provided on the final plat.</b></p>	
<p>12. "Lots 5, 6, and 7 [as depicted on Exhibit S-2; insert equivalent numbers if the lot numbering sequence changes], which contain or are adjacent to infiltration or dispersion trenches, shall be graded such that top of trench is below bottom of foundation."</p>	<p><b>The required note has been included on the final plat.</b></p>	

Exhibit 3

<p>13. "No lot or portion of a lot shall be subdivided and sold, or resold, or its ownership changed or transferred in violation of applicable city, county, state, or federal standards, rules, regulations or laws."</p>	<p><b>The required note has been included on the final plat.</b></p>	
<p>14. The Developer shall comply with RCW 58.17.280, providing the appropriate "addressing note" with address ranges being on the final plat.</p>	<p><b>The required note has been included on the final plat. Address ranges have been filled as provided by the city.</b></p>	
<p>15. "No direct driveway access onto NE 22nd St will be allowed. Access to the lots shall be from the internal private roads."</p>	<p><b>The required restriction has been included on the final plat.</b></p>	
<p>16. "Maintenance and upkeep of the recreation space, private road tracts, open space, and sensitive areas tracts shall be the responsibility of the Home Owners Association."</p>	<p><b>The necessary notes, providing for the maintenance of the recreation space, private road tracts, open space, and sensitive areas tracts have been provided on the final plat.</b></p>	
<p>17. "Trees identified on the face of this plat have been retained pursuant to the provisions of SMC 21A.35.210. Retained trees are subject to the tree protection standards of SMC 21A.35.230. Removal of these trees is prohibited unless the tree is removed to prevent imminent danger or hazard to persons or property, subject to a clearing and grading permit approved by the City of Sammamish. Trees removed subject to this provision shall be replaced in compliance with SMC 21A.35.240."</p>	<p><b>The required note has been included on the final plat.</b></p>	
<p>18. The Developer shall include a note regarding the payment of traffic impact fees in accordance to City of Sammamish Ordinance No 2006-208. Specific language related to the payment of the traffic impact fees shall be reviewed and approved by the City prior to final plat approval.</p>	<p><b>The required note has been included on the final plat.</b></p>	

Exhibit 3

<p>19. "The proposed subdivision is subject to school impact fees for Issaquah School District, consistent with SMC 21A.105. At the time of building permit, the applicant shall pay one half of the required school impact fee, together with an administrative fee."</p>	<p><b>The required note has been included on the final plat.</b></p>	
<p>20. "The proposed subdivision is subject to parks impact fees, consistent with SMC 14A.20, which shall be paid at the time of building permit issuance together with an administrative fee."</p>	<p><b>The required note has been included on the final plat.</b></p>	
<p>21. "Pursuant to City of Sammamish Ordinance No. 02002-112, a surface water system development charge shall be paid at the time of building permit issuance for each new residential dwelling unit."</p>	<p><b>The required note has been included on the final plat.</b></p>	
<p>22. "Maintenance of landscape strips separating the sidewalk from the roadway, planter islands, and/or planted medians shall be the responsibility of the Homeowners Association. If the maintenance responsibilities are not addressed in the Homeowners Association covenants and restrictions, then the abutting property owner shall be responsible for the maintenance. Under no circumstances shall the City bear any maintenance responsibilities for landscaping strips, planter islands, or planted medians."</p>	<p><b>The required note has been included on the final plat and the maintenance responsibilities have been addressed in the Homeowners Association's CC&amp;R's.</b></p>	



<p>CITY OF SAMMAMISH SUBDIVISION NO. PLN 2007-00066</p>	<p>CITY OF SAMMAMISH APPROVAL EXAMINED AND APPROVED PER S.M.C. 19A.16 THIS ___ DAY OF _____, 2013</p> <p>_____ DIRECTOR OF COMMUNITY DEVELOPMENT, CITY OF SAMMAMISH</p> <p>_____ CITY ENGINEER, CITY OF SAMMAMISH</p> <p>_____ MAYOR, CITY OF SAMMAMISH</p>	<p>KING COUNTY DEPARTMENT OF ASSESSMENTS EXAMINED &amp; APPROVED THIS ___ DAY OF _____, 20___</p> <p>_____ KING COUNTY ASSESSOR      _____ DEPUTY KING COUNTY ASSESSOR</p> <p>TAX PARCEL NO. 2725069092</p> <p>FINANCE DIVISION CERTIFICATE</p> <p>I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS, OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL.</p> <p>THIS ___ DAY OF _____, 20___</p> <p>_____ MANAGER, KING COUNTY OFFICE OF FINANCE</p>	<p>RECORDING NO.</p>	<p>VOL./PAGE</p>
		<p>PORTION OF      THE NW 1/4 OF THE NE 1/4 SEC. 27 T. 25 N., R. 6 E., W.M.</p>		

**DECLARATION**

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND TRACTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF SAMMAMISH, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF SAMMAMISH, ITS SUCCESSORS OR ASSIGNS.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF SAMMAMISH, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION. PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF SAMMAMISH, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF SAMMAMISH, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS:

<p>ACH HOMES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY</p>	<p>HOMESTREET BANK, A WASHINGTON STATE CHARTERED SAVINGS BANK</p>
<p>BY: _____</p> <p>ITS: _____</p>	<p>BY: _____</p> <p>ITS: _____</p>

**LEGAL DESCRIPTION**

THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 30 FEET THEREOF DEEDED TO KING COUNTY UNDER RECORDING NO. 9809170899.

STATE OF WASHINGTON      )  
  ) SS  
COUNTY OF \_\_\_\_\_)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ SIGNED THIS INSTRUMENT ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE \_\_\_\_\_ OF ACH HOMES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED \_\_\_\_\_

SIGNATURE OF \_\_\_\_\_  
NOTARY PUBLIC

TITLE \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

STATE OF WASHINGTON      )  
  ) SS  
COUNTY OF \_\_\_\_\_)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ SIGNED THIS INSTRUMENT ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE \_\_\_\_\_ OF HOMESTREET BANK, A WASHINGTON STATE CHARTERED SAVINGS BANK TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED \_\_\_\_\_

SIGNATURE OF \_\_\_\_\_  
NOTARY PUBLIC

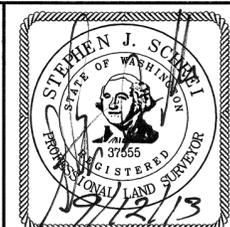
TITLE \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

**NOTES AND RESTRICTIONS**

1. TRACT A IS A PRIVATE ACCESS AND UTILITY TRACT FOR INGRESS, EGRESS, PRIVATE DRAINAGE AND UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 1 THROUGH 7 AND IS HEREBY CONVEYED UPON THE RECORDING OF THIS PLAT TO THE CORNERSTONE ESTATES HOMEOWNERS ASSOCIATION. SAID HOMEOWNERS ASSOCIATION IS HEREBY RESPONSIBLE FOR THE MAINTENANCE OBLIGATIONS ASSOCIATED WITH SAID TRACT. SHOULD THE CORNERSTONE ESTATES HOMEOWNERS ASSOCIATION FAIL TO PROPERLY MAINTAIN SAID TRACT AND FACILITIES, THE OWNERS OF LOTS 1 THROUGH 7 OF THIS PLAT SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND FACILITIES.
2. TRACT B IS A STORMWATER TRACT AND IS HEREBY GRANTED AND CONVEYED UPON THE RECORDING OF THIS PLAT TO THE CORNERSTONE ESTATES HOMEOWNERS ASSOCIATION. SAID HOMEOWNERS ASSOCIATION IS HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPING WITHIN SAID TRACT AND THE COST THEREOF. SHOULD THE CORNERSTONE ESTATES HOMEOWNERS ASSOCIATION FAIL TO PROPERLY MAINTAIN SAID TRACT, THE OWNERS OF LOTS 1 THROUGH 7 OF THIS PLAT SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT. AN EASEMENT OVER SAID TRACT FOR OPERATION AND MAINTENANCE OF THE PUBLIC DRAINAGE FACILITIES THEREIN IS HEREBY GRANTED AND CONVEYED TO THE CITY OF SAMMAMISH, SEE EASEMENT NOTE 6, SHEET 2.
3. TRACT C IS A RECREATION TRACT AND IS HEREBY GRANTED AND CONVEYED TO THE CORNERSTONE ESTATES HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT. SAID HOMEOWNERS ASSOCIATION IS HEREBY RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OBLIGATIONS ASSOCIATED WITH SAID TRACT AND RECREATION FACILITIES THEREIN. SHOULD THE CORNERSTONE ESTATES HOMEOWNERS ASSOCIATION FAIL TO PROPERLY MAINTAIN SAID TRACT AND FACILITIES, THE OWNERS OF LOTS 1 THROUGH 7 OF THIS PLAT SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND FACILITIES.
4. TRACT D IS A SENSITIVE AREA TRACT AND IS HEREBY GRANTED AND CONVEYED TO THE CORNERSTONE ESTATES HOMEOWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT. SAID HOMEOWNERS ASSOCIATION IS HEREBY RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OBLIGATIONS ASSOCIATED WITH SAID TRACT. SHOULD THE CORNERSTONE ESTATES HOMEOWNERS ASSOCIATION FAIL TO PROPERLY MAINTAIN SAID TRACT, THE OWNERS OF LOTS 1 THROUGH 7 OF THIS PLAT SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT.
5. TRACT E IS A PRIVATE ACCESS AND UTILITY TRACT FOR INGRESS, EGRESS, PRIVATE DRAINAGE AND UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 6 AND 7 AND IS HEREBY CONVEYED UPON THE RECORDING OF THIS PLAT TO THE OWNERS OF SAID LOTS 6 AND 7. SAID LOT OWNERS ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR PRIVATE FACILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE FACILITIES USED IN COMMON WITHIN SAID TRACT.
6. METAL PRODUCTS SUCH AS GALVANIZED STEEL, COPPER, OR ZINC SHALL NOT BE USED IN ALL BUILDING ROOFS, FLASHING, GUTTERS, OR DOWNSPOUTS UNLESS THEY ARE TREATED TO PREVENT METAL LEACHING AND SEALED SUCH THAT CONTACT WITH STORM WATER IS PREVENTED.
7. ALL BUILDING DOWNSPOUTS, FOOTING DRAINS, AND DRAINS FROM ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL COMPLY WITH THE 1998 KING COUNTY SURFACE WATER DRAINAGE MANUAL AND SHALL BE CONNECTED TO THE PERMANENT STORM DRAIN OUTLET VIA PERFORATED TIGHT LINE, AS SHOWN ON THE APPROVED CONSTRUCTION DRAWING ON FILE WITH THE CITY OF SAMMAMISH. THIS PLAN SHALL BE SUBMITTED WITH THE APPLICATION FOR ANY BUILDING PERMIT. ALL CONNECTIONS OF THE DRAINS SHALL BE CONSTRUCTED AND APPROVED PRIOR TO FINAL BUILDING INSPECTION APPROVAL. FOR THOSE LOTS THAT ARE DESIGNATED FOR INDIVIDUAL LOT INFILTRATION SYSTEMS, THE SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED AS PART OF THE BUILDING PERMIT PROCESS AND SHALL COMPLY WITH THE APPROVED CONSTRUCTION DRAWINGS ON FILE WITH THE CITY OF SAMMAMISH.
8. LOTS 5, 6, AND 7, WHICH CONTAIN OR ARE ADJACENT TO INFILTRATION OR DISPERSION TRENCHES, SHALL BE GRADED SUCH THAT TOP OF TRENCH IS BELOW BOTTOM OF FOUNDATION.
9. NO LOT OR PORTION OF A LOT SHALL BE SUBDIVIDED AND SOLD, OR RESOLD, OR ITS OWNERSHIP CHANGED OR TRANSFERRED IN VIOLATION OF APPLICABLE CITY, COUNTY, STATE, OR FEDERAL STANDARDS, RULES, REGULATIONS OR LAWS.
10. NO DIRECT DRIVEWAY ACCESS ONTO NE 22ND ST WILL BE ALLOWED. ACCESS TO THE LOTS SHALL BE FROM THE INTERNAL PRIVATE ROAD.
11. MAINTENANCE AND UPKEEP OF THE RECREATION SPACE, PRIVATE ROAD TRACTS, OPEN SPACE, AND SENSITIVE AREAS TRACTS SHALL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.
12. TREES IDENTIFIED ON THE TREE RETENTION PLAN OF THE PRELIMINARY PLAT FOR RETENTION HAVE BEEN RETAINED PURSUANT TO THE PROVISIONS OF SMC 21A.35.210. RETAINED TREES ARE SUBJECT TO THE TREE PROTECTION STANDARDS OF SMC 21A.35.230. REMOVAL OF THESE TREES IS PROHIBITED UNLESS THE TREE IS REMOVED TO PREVENT IMMINENT DANGER OR HAZARD TO PERSONS OR PROPERTY, SUBJECT TO A CLEARING AND GRADING PERMIT APPROVED BY THE CITY OF SAMMAMISH. TREES REMOVED SUBJECT TO THIS PROVISION SHALL BE REPLACED IN COMPLIANCE WITH SMC 21A.35.240.
13. AT THE TIME OF FINAL PLAT, THIRTY PERCENT (30%) OF THE REQUIRED TRAFFIC IMPACT FEES WERE PAID CONSISTENT WITH THE PROVISIONS OF SMC 14A.15. AT BUILDING PERMIT ISSUANCE OR AS OTHERWISE APPROVED BY THE CITY, A FINAL PAYMENT SHALL BE MADE EQUAL TO ONE HUNDRED PERCENT (100%) OF THE IMPACT FEE, LESS A CREDIT FOR ANY DEPOSITS PAID FOR ALL THOSE BUILDING PERMITS ISSUED. IF A BUILDING PERMIT IS NOT ISSUED WITHIN TWO YEARS, OR ONE HUNDRED PERCENT (100%) PAYMENT IS NOT OTHERWISE MADE, ALL REMAINING BUILDING PERMITS SHALL BE ASSESSED IMPACT FEES BASED ON THE CURRENT RATE IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE, LESS A CREDIT FOR ANY DEPOSITS PAID.

CONTINUED ON SHEET 2.

<p><b>RECORDER'S CERTIFICATE</b></p> <p>FILED FOR RECORD THIS ..... DAY OF ....., 20 ..... AT .... IN BOOK .....OF..... AT PAGE.....AT THE REQUEST OF STEPHEN J. SCHREI, P.L.S. SURVEYOR'S NAME</p> <p>..... MANAGER      "Supt." OF RECORDS</p>	<p><b>LAND SURVEYOR'S CERTIFICATE</b></p> <p>I HEREBY CERTIFY THAT THIS PLAT OF CORNERSTONE ESTATES IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 6 EAST, W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY, THAT THE MONUMENTS WILL BE SET AND THE LOT CORNERS STAKED CORRECTLY ON THE GROUND FOLLOWING THE COMPLETION OF CONSTRUCTION OF THE SITE IMPROVEMENTS AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATING REGULATIONS.</p> <p style="text-align: center;"><i>Stephen J. Schrei</i> CERTIFICATE NO. 37555</p>		<p><b>DRS D.R. STRONG CONSULTING ENGINEERS</b></p> <p>ENGINEERS PLANNERS SURVEYORS</p> <p>10604 NE 38th PLACE, SUITE 232      425.827.3063 OFFICE KIRKLAND, WA 98033      800.962.1402 TOLL FREE 425.827.2423 FAX www.drstrong.com</p>	<p><b>CORNERSTONE ESTATES</b></p> <p>CITY OF SAMMAMISH SUBDIVISION NO. PLN 2007-00066</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">DWN. BY</td> <td style="width:33%;">DATE</td> <td style="width:33%;">JOB NO.</td> </tr> <tr> <td>SJS</td> <td>4/23/13</td> <td>12042</td> </tr> <tr> <td>CHKD. BY</td> <td>SCALE</td> <td>SHEET</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">1 OF 4</td> </tr> </table>	DWN. BY	DATE	JOB NO.	SJS	4/23/13	12042	CHKD. BY	SCALE	SHEET			1 OF 4
DWN. BY	DATE	JOB NO.														
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		1 OF 4														

CITY OF SAMMAMISH  
SUBDIVISION NO.  
PLN 2007-00066

RECORDING NO.

VOL./PAGE

**WATER AND SEWER EASEMENT PROVISION**

EASEMENTS ARE HEREBY DEDICATED AND CONVEYED, UPON THE RECORDING OF THIS PLAT, TO NORTHEAST SAMMAMISH SEWER AND WATER DISTRICT OR ITS SUCCESSORS AND ASSIGNS, PARALLEL WITH AND ADJOINING TRACTS A AND E OVER THE EXTERIOR 10 FEET OF LOTS 1 THROUGH 6 TRACT B AND TRACT C, AS SHOWN HEREIN AND TRACT A AND TRACT E, AND PARALLEL WITH AND ADJOINING THE PUBLIC RIGHT OF WAY OVER THE EXTERIOR 10 FEET OF TRACT A AND TRACT B AND THOSE EASEMENT AREAS IDENTIFIED AS NORTHEAST SAMMAMISH SEWER AND WATER DISTRICT WATER EASEMENT OR NORTHEAST SAMMAMISH SEWER AND WATER DISTRICT SEWER EASEMENT, AS SHOWN HEREIN IN WHICH TO INSTALL, LAY, CONSTRUCT, MAINTAIN, INSPECT, REPLACE, REPAIR, REMOVE, RENEW, USE AND OPERATE WATER AND SEWER SYSTEMS AND APPURTENANCES FOR THIS SUBDIVISION AND OTHER PROPERTY, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES WITH ALL NECESSARY MAINTENANCE AND CONSTRUCTION EQUIPMENT FOR THE PURPOSES STATED. THE GRANTOR COVENANTS THAT NO STRUCTURES SHALL BE CONSTRUCTED OR ERECTED OVER, UPON OR WITHIN THESE EASEMENTS, INCLUDING FENCES OR ROCKERIES, AND NO TREES, BUSHES OR OTHER SHRUBBERY SHALL BE PLANTED IN THE AREA OF GROUND FOR WHICH THE EASEMENTS IN FAVOR OF NORTHEAST SAMMAMISH SEWER AND WATER DISTRICT HAVE BEEN APPROVED.

**CITY OF SAMMAMISH DRAINAGE EASEMENT COVENANT**

ALL DRAINAGE EASEMENTS WITHIN THIS PLAT, NOT SHOWN AS "PRIVATE", ARE HEREBY GRANTED AND CONVEYED TO THE CITY OF SAMMAMISH, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON, FOR THE PURPOSE OF CONVEYING, STORING, MANAGING AND FACILITATING STORM AND SURFACE WATER PER THE ENGINEERING PLANS APPROVED FOR THIS PLAT BY THE CITY OF SAMMAMISH, TOGETHER WITH THE RIGHT OF REASONABLE ACCESS (INGRESS AND EGRESS), TO ENTER SAID DRAINAGE EASEMENT FOR THE PURPOSE OF INSPECTING, OPERATING, MAINTAINING, REPAIRING AND IMPROVING THE DRAINAGE FACILITIES CONTAINED THEREIN. NOTE THAT EXCEPT FOR THE FACILITIES WHICH HAVE BEEN FORMALLY ACCEPTED FOR MAINTENANCE BY THE CITY OF SAMMAMISH, MAINTENANCE OF DRAINAGE FACILITIES ON PRIVATE PROPERTY IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

THE OWNERS OF SAID PRIVATE PROPERTY ARE REQUIRED TO OBTAIN PRIOR WRITTEN APPROVAL FROM THE CITY OF SAMMAMISH, AND ANY REQUIRED PERMITS FROM THE CITY OF SAMMAMISH FOR ACTIVITIES SUCH AS CLEARING AND GRADING, PRIOR TO FILLING, PIPING, CUTTING OR REMOVING VEGETATION (EXCEPT FOR ROUTINE LANDSCAPE MAINTENANCE SUCH AS LAWN MOWING) IN OPEN VEGETATED DRAINAGE FACILITIES (SUCH AS SWALES, CHANNELS, DITCHES, PONDS, ETC.), OR PERFORMING ANY ALTERATIONS OR MODIFICATIONS TO THE DRAINAGE FACILITIES, CONTAINED WITHIN SAID DRAINAGE EASEMENT.

THIS EASEMENT IS INTENDED TO FACILITATE REASONABLE ACCESS TO THE DRAINAGE FACILITIES. THIS EASEMENT AND COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE OWNERS OF SAID PRIVATE PROPERTY, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

**TITLE RESTRICTIONS**

1. THIS SITE IS SUBJECT TO THE CONDITIONS, NOTES, EASEMENTS, PROVISIONS AND/OR ENCROACHMENTS CONTAINED OR DELINEATED ON THE FACE OF THE SURVEY RECORDED UNDER RECORDING NUMBER 8604079007.
2. THIS SITE IS SUBJECT TO THE TERMS, CONDITIONS, RESERVATIONS AND EXCEPTIONS REGARDING THE RESERVING OF MINERALS BY WEYERHAEUSER TIMBER COMPANY AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 3814579.
3. THIS SITE IS SUBJECT TO RESTRICTIONS LIMITING THE USE OF THAT PORTION OF THE PROPERTY LYING WITHIN 100 FEET FROM A WATER WELL AS IMPOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 8412110384. THE PROPERTY DESCRIBED WITHIN SAID INSTRUMENT IS NOT LOCATED WITHIN THIS SITE.
4. THIS SITE IS SUBJECT TO THE TERMS AND PROVISIONS OF AN EASEMENT IN FAVOR OF PUGET SOUND ENERGY, INC., FOR AN ELECTRIC TRANSMISSION AND/OR DISTRIBUTION SYSTEM AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 8706260809. SAID EASEMENT IS A RE-RECORDING OF THE EASEMENT RECORDED UNDER RECORDING NUMBER 8611210824 AND IS SHOWN HEREON
5. THIS SITE IS SUBJECT TO THE RIGHT TO MAKE NECESSARY SLOPES FOR CUTS OR FILLS UPON THE PREMISES AS GRANTED BY DEED RECORDED UNDER RECORDING NUMBER 9809170899.
6. THIS SITE IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "REIMBURSEMENT AGREEMENT" AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20020412001170.
7. THIS SITE IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SELLER'S NOTICE OF ON-SITE SEWAGE SYSTEM OPERATION AND MAINTENANCE REQUIREMENTS" AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20041216002496.
8. THIS SITE IS SUBJECT TO THE TERMS AND PROVISIONS OF AN EASEMENT 10 FEET IN WIDTH, 5 FEET ON EACH SIDE OF GRANTEE'S FACILITIES, IN FAVOR OF PUGET SOUND ENERGY, INC., FOR AN ELECTRIC TRANSMISSION AND/OR DISTRIBUTION SYSTEM AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20130103001127. THE LEGAL DESCRIPTION WITHIN SAID INSTRUMENT IS INSUFFICIENT TO DETERMINE THE EASEMENT'S EXACT LOCATION WITHIN THIS SITE.

**PRIVATE EASEMENT PROVISIONS**

THE OWNER(S) OF THE LAND HEREBY SUBDIVIDED DO HEREBY GRANT AND CONVEY TO THE OWNER(S) OF THE LOTS BENEFITED OR ANY OTHER PRIVATE ENTITY AS STATED IN THE EASEMENT NOTES AND THEIR ASSIGNS A PERPETUAL EASEMENT FOR THE STATED UTILITIES. THESE EASEMENTS AND CONDITIONS SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON THE SUCCESSORS, HEIRS, AND ASSIGNS OF THE OWNER(S) OF THE LAND HEREBY BURDENED. THE OWNER(S) OF THE LOT BENEFITED AND THEIR ASSIGNS SHALL HAVE THE RIGHT WITHOUT PRIOR INSTITUTION OF ANY SUIT OR PROCEEDINGS OF LAW AT SUCH TIME AS MAY BE NECESSARY TO ENTER UPON SAID EASEMENT FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, REPAIRING, ALTERING OR RECONSTRUCTING SAID UTILITY OR MAKING ANY CONNECTION THERE TO WITHOUT INCURRING ANY LEGAL OBLIGATION OR LIABILITY THEREFORE; PROVIDED THAT SUCH SHALL BE ACCOMPLISHED IN A MANNER THAT IF EXISTING PRIVATE IMPROVEMENTS ARE DISTURBED OR DESTROYED THEY WILL BE REPAIRED OR REPLACED TO A CONDITION SIMILAR AS THEY WERE IMMEDIATELY BEFORE THE PROPERTY WAS ENTERED UPON BY THE ONE BENEFITED. THE OWNER(S) OF THE BURDENED LOT SHALL RETAIN THE RIGHT TO USE THE SURFACE OF SAID EASEMENT IF SUCH USE DOES NOT INTERFERE WITH THE INSTALLATION OR USE OF SAID UTILITIES. HOWEVER, THE OWNER(S) OF THE BURDENED LOT SHALL NOT ERECT OR MAINTAIN ANY BUILDINGS OR STRUCTURES WITHIN THE EASEMENT. ALSO THE OWNER(S) OF THE BURDENED LOT SHALL NOT PLANT TREES, SHRUBS OR VEGETATION HAVING DEEP ROOT PATTERNS WHICH MAY CAUSE DAMAGE TO OR INTERFERE WITH SAID UTILITIES. ALSO THE OWNER(S) OF THE BURDENED LOT SHALL NOT DEVELOP OR BEAUTIFY THE EASEMENT AREAS IN SUCH A WAY TO CAUSE EXCESSIVE COST TO THE OWNER(S) OF THE LOT BENEFITED PURSUANT TO ITS RESTORATION DUTIES HEREIN.

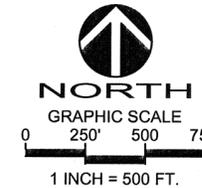
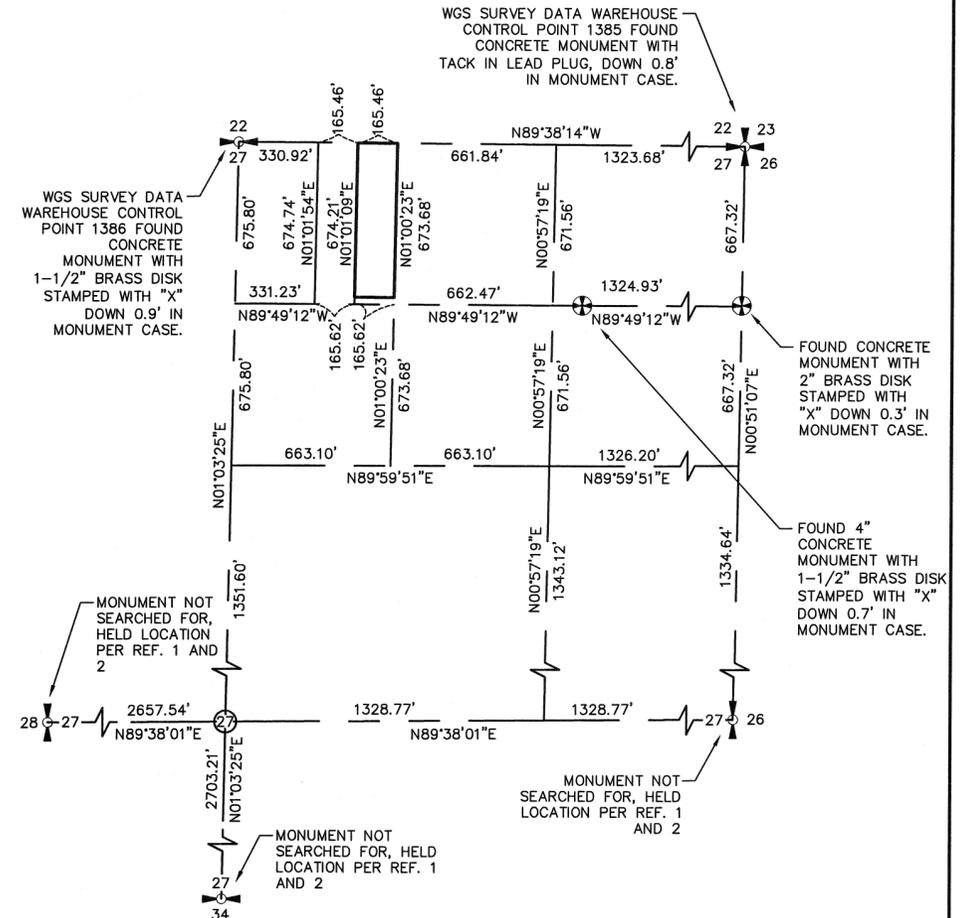
**EASEMENT NOTES**

1. AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF SAMMAMISH, PUGET SOUND ENERGY COMPANY, FRONTIER, COMCAST CABLE TELEVISION COMPANY, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING THE PUBLIC STREET FRONTAGE OF ALL LOTS AND TRACTS, TRACT A, TRACT E AND THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING TRACT A, AS SHOWN HEREIN, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, MAINS, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, TV, AND GAS SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, TELEPHONE OR CABLE TV SHALL BE PLACED OR BE PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.
2. THE 10 FOOT PRIVATE STORM DRAINAGE EASEMENT SHOWN ON LOTS 1, 2 AND 3 IS RESERVED FOR AND GRANTED TO THE BENEFIT OF THE OWNERS OF LOTS 2, 3 AND 4 FOR PRIVATE STORM DRAINAGE FACILITIES. SAID OWNERS ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE PRIVATE DRAINAGE FACILITIES. THE OWNERS OF SAID LOTS 1, 2, 3 AND 4 SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
3. THE PRIVATE STORM DRAINAGE EASEMENT SHOWN ON LOT 7 IS RESERVED FOR AND GRANTED TO THE BENEFIT OF THE OWNER OF LOT 6 FOR PRIVATE STORM DRAINAGE FACILITIES. SAID OWNER IS HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR INDIVIDUAL PRIVATE DRAINAGE FACILITIES. THE OWNERS OF SAID LOTS 6 AND 7 SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
4. THE PRIVATE WATER EASEMENT SHOWN ON LOT 6 IS RESERVED FOR AND GRANTED TO THE BENEFIT OF THE OWNERS OF LOT 7 FOR PRIVATE WATER FACILITIES. NORTHEAST SAMMAMISH SEWER AND WATER DISTRICT IS HEREBY RESPONSIBLE FOR THE MAINTENANCE OF WATER FACILITIES BELOW THE METER CONNECTION, THE OWNER OF SAID LOT 7 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THE PRIVATE WATER FACILITIES ABOVE SAID METER CONNECTION.
5. AN EASEMENT OVER TRACT A AND THAT PORTION OF TRACT C, SHOWN HEREON AS 20' EMERGENCY VEHICLE ACCESS EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF SAMMAMISH FOR EMERGENCY VEHICLE ACCESS PURPOSES. THE CITY OF SAMMAMISH SHALL HAVE THE RIGHT, AT SUCH TIMES AS MAY BE NECESSARY, TO ENTER UPON SAID EASEMENT FOR EMERGENCY PURPOSES. THE GRANTOR RESERVES THE RIGHT TO USE THE EASEMENT FOR ANY PURPOSE NOT INCONSISTENT WITH THE RIGHTS HEREIN GRANTED.
6. AN EASEMENT IS HEREBY GRANTED AND CONVEYED TO THE CITY OF SAMMAMISH, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON, OVER AND UPON TRACT B FOR THE PURPOSE OF OPERATING AND MAINTAINING THE PUBLIC DRAINAGE FACILITIES CONTAINED THEREIN. THE CITY OF SAMMAMISH IS HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC DRAINAGE FACILITIES WITHIN SAID TRACT.
7. THE PRIVATE SANITARY SEWER EASEMENT SHOWN ON LOT 6 IS RESERVED FOR AND GRANTED TO THE BENEFIT OF THE OWNERS OF LOT 7 FOR PRIVATE SANITARY SEWER FACILITIES. NORTHEAST SAMMAMISH SEWER AND WATER DISTRICT IS HEREBY RESPONSIBLE FOR THE MAINTENANCE OF SANITARY SEWER FACILITIES BELOW THE CONNECTION TO THE SEWER MAIN LINE, THE OWNER OF SAID LOT 7 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THE PRIVATE SANITARY SEWER FACILITIES ABOVE SAID CONNECTION.

**NOTES AND RESTRICTIONS**

CONTINUED FROM SHEET 1.

14. FIFTY PERCENT OF THE SCHOOL IMPACT FEE WAS PAID AT THE TIME OF FINAL PLAT. THE REMAINING 50% OF THE THEN CURRENT SCHOOL IMPACT FEE SHALL BE ASSESSED AND COLLECTED FOR EACH LOT, TOGETHER WITH AN ADMINISTRATIVE FEE, AT THE TIME OF BUILDING PERMIT ISSUANCE, PAID TO THE CITY OF SAMMAMISH.
15. THE PROPOSED SUBDIVISION IS SUBJECT TO PARKS IMPACT FEES, CONSISTENT WITH SMC 14A.20, WHICH SHALL BE PAID AT THE TIME OF BUILDING PERMIT ISSUANCE TOGETHER WITH AN ADMINISTRATIVE FEE.
16. PURSUANT TO CITY OF SAMMAMISH ORDINANCE NO. 02002-112, A SURFACE WATER SYSTEM DEVELOPMENT CHARGE SHALL BE PAID AT THE TIME OF BUILDING PERMIT ISSUANCE FOR EACH NEW RESIDENTIAL DWELLING UNIT.
17. MAINTENANCE OF LANDSCAPE STRIPS SEPARATING THE SIDEWALK FROM THE ROADWAY, PLANTER ISLANDS, AND/OR PLANTED MEDIANS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. IF THE MAINTENANCE RESPONSIBILITIES ARE NOT ADDRESSED IN THE HOMEOWNERS ASSOCIATION COVENANTS AND RESTRICTIONS, THEN THE ABUTTING PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE. UNDER NO CIRCUMSTANCES SHALL THE CITY BEAR ANY MAINTENANCE RESPONSIBILITIES FOR LANDSCAPING STRIPS, PLANTER ISLANDS, OR PLANTED MEDIANS.

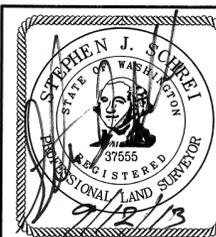


**BASIS OF BEARINGS**

N89°38'14"W BETWEEN THE MONUMENTS FOUND IN PLACE AT THE NORTHEAST SECTION CORNER AND THE NORTH QUARTER CORNER OF SECTION 27-25-6, AS CALCULATED BETWEEN WGS SURVEY DATA WAREHOUSE CONTROL POINTS 1385 AND 1386

**REFERENCES:**

1. CITY OF SAMMAMISH SHORT PLAT NO. 002002, RECORDED UNDER RECORDING NUMBER 20041201900002.
2. CITY OF SAMMAMISH SHORT PLAT NO. SHP 002003, RECORDED UNDER RECORDING NUMBER 20040729900011.
3. THE PLAT OF COLUMBIA AT SAMMAMISH HIGHLANDS RECORDED IN VOLUME 198 OF PLATS, PAGES 64 THROUGH 68, UNDER RECORDING NUMBER 20010308001320.
4. THE PLAT OF SUFFIELD DIV. 2 RECORDED IN VOLUME 136 OF PLATS, PAGES 11 THROUGH 15, UNDER RECORDING NUMBER 8701140466.
5. THE PLAT OF CAMDEN PARK RECORDED IN VOLUME 182 OF PLATS, PAGES 75 THROUGH 85, UNDER RECORDING NUMBER 9710210641.



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CORNERSTONE ESTATES

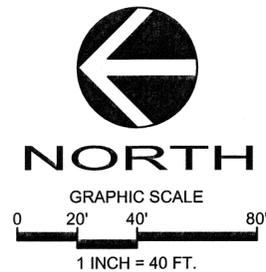
CITY OF SAMMAMISH  
SUBDIVISION NO. PLN 2007-00066

DWN. BY SJS	DATE 4/23/13	JOB NO. 12042
CHKD. BY	SCALE	SHEET 2 OF 4

CITY OF SAMMAMISH  
SUBDIVISION NO.  
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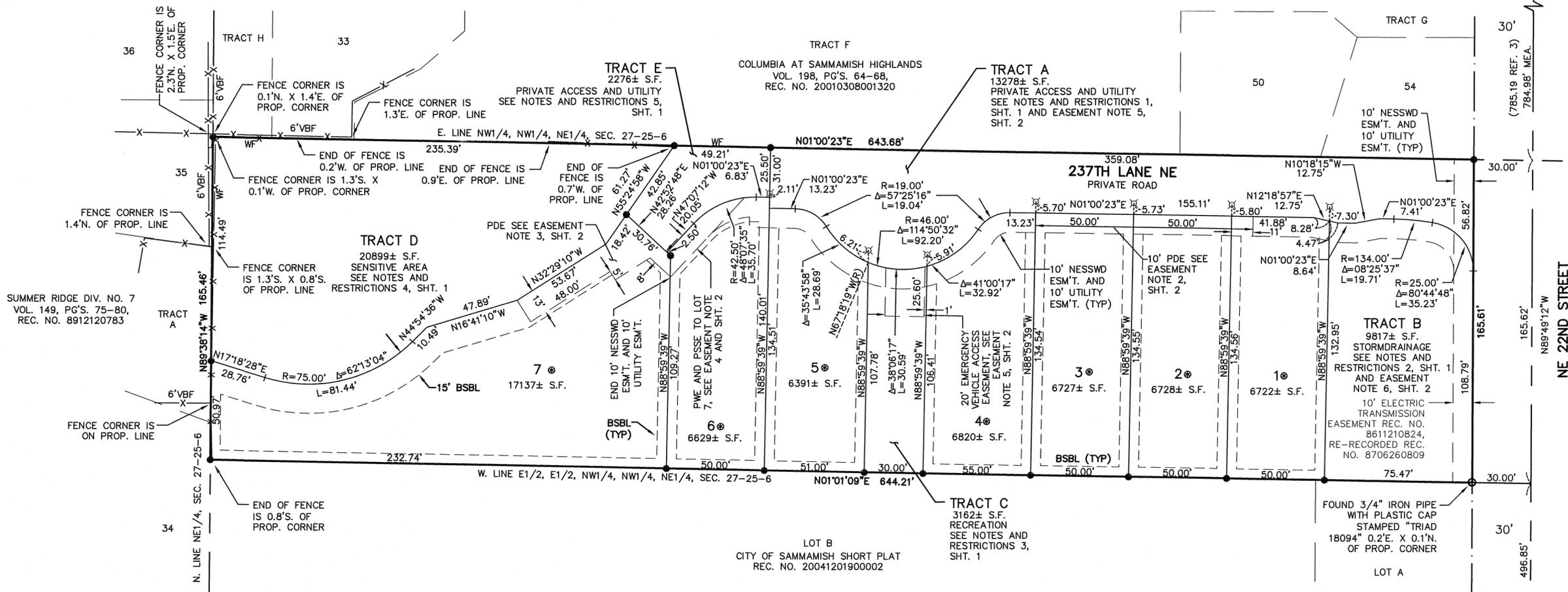
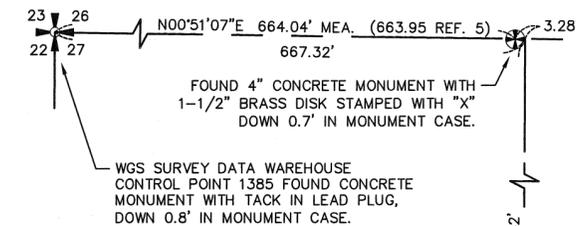
**SURVEY NOTES**

1. ALL TITLE INFORMATION SHOWN ON THIS MAP HAS BEEN EXTRACTED FROM FIRST AMERICAN TITLE INSURANCE COMPANY SUBDIVISION GUARANTEE FOURTH REPORT ORDER NO. 4220-2010168 DATED JULY 23, 2013. IN PREPARING THIS MAP, D.R. STRONG CONSULTING ENGINEERS INC. HAS CONDUCTED NO INDEPENDENT TITLE SEARCH NOR IS D.R. STRONG CONSULTING ENGINEERS INC. AWARE OF ANY TITLE ISSUES AFFECTING THE SURVEYED PROPERTY OTHER THAN THOSE SHOWN ON THE MAP AND DISCLOSED BY REFERENCED FIRST AMERICAN TITLE INSURANCE COMPANY GUARANTEE. D.R. STRONG CONSULTING ENGINEERS INC. HAS RELIED WHOLLY ON FIRST AMERICAN TITLE COMPANY REPRESENTATIONS OF THE TITLE'S CONDITION TO PREPARE THIS SURVEY AND THEREFOR D.R. STRONG CONSULTING ENGINEERS INC. QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.
2. ALL SURVEY CONTROL INDICATED AS "FOUND" WAS RECOVERED FOR THIS PROJECT IN JULY, 2012.
3. PROPERTY AREA = 106,586± SQUARE FEET (2.4469± ACRES).
4. ALL DISTANCES ARE IN FEET.
5. THIS IS A FIELD TRAVERSE SURVEY. A LEICA FIVE SECOND COMBINED ELECTRONIC TOTAL STATION WAS USED TO MEASURE THE ANGULAR AND DISTANCE RELATIONSHIPS BETWEEN THE CONTROLLING MONUMENTATION AS SHOWN. CLOSURE RATIOS OF THE TRAVERSE MET OR EXCEEDED THOSE SPECIFIED IN WAC 332-130-090. ALL MEASURING INSTRUMENTS AND EQUIPMENT ARE MAINTAINED IN ADJUSTMENT ACCORDING TO MANUFACTURER'S SPECIFICATIONS.



RECORDING NO. VOL./PAGE

**BASIS OF BEARINGS**  
N89°38'14"W BETWEEN THE MONUMENTS FOUND IN PLACE AT THE NORTHEAST SECTION CORNER AND THE NORTH QUARTER CORNER OF SECTION 27-25-6, AS CALCULATED BETWEEN WGS SURVEY DATA WAREHOUSE CONTROL POINTS 1385 AND 1386



**BSBL NOTE:**  
BUILDING SETBACK LINES ARE AS FOLLOWS:  
REAR 5 FEET  
SIDE 5 FEET  
FRONT 10 FEET

**IMPERVIOUS SURFACE RESTRICTION**  
THE REDUCED IMPERVIOUS SURFACE CREDIT HAS BEEN IDENTIFIED AS A BMP TO SATISFY THE FLOW CONTROL BMP REQUIREMENTS. TO MEET SAID REQUIREMENT, THE MAXIMUM ALLOWABLE IMPERVIOUS SURFACE FOR EACH LOT SHALL BE RESTRICTED TO THOSE MAXIMUM IMPERVIOUS SURFACES SHOWN BELOW

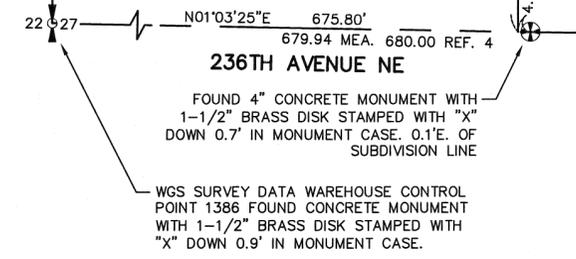
LOT NO.	MAX. ALLOWABLE IMPERVIOUS AREA IN SQUARE FEET
1	4,033
2	4,037
3	4,036
4	4,092
5	3,834
TRACT E	1,200
LOTS 6 AND 7 COMBINED	8,800

LOT NO.	MAX. POLLUTION GENERATING SURFACE AREA IN SQUARE FEET
LOTS 6 AND 7 COMBINED	3,800

**ADDRESS NOTE:**  
THE HOUSE ADDRESS SYSTEM FOR THIS PLAT SHALL BE AS FOLLOWS: ADDRESSES SHALL BE ASSIGNED FOR 237TH LANE NE. WITHIN THE RANGE OF 2201 TO 2399. INDIVIDUAL ADDRESSES WILL BE ASSIGNED TO THE PRINCIPAL ENTRANCE OF EACH RESIDENCE OR BUILDING AT THE TIME OF BUILDING PERMIT ISSUANCE.

- LEGEND:**
- ⊕ FOUND MONUMENT AS NOTED
  - FOUND CORNER MONUMENT AS AS NOTED.
  - SET 5/8" X 24" REBAR WITH PLASTIC CAP STAMPED "DRS 37555"
  - ⊗ SET TACK IN LEAD PLUG WITH 1" BRASS WASHER STAMPED "DRS 37555", ON LOT LINE EXTENDED AS SHOWN HEREON IN LIEU OF FRONT CORNER
  - VBF VERTICAL BOARD FENCE
  - WF WIRE FENCE
  - PDE PRIVATE STORM DRAIN EASEMENT
  - PWE PRIVATE WATER EASEMENT
  - PSSE PRIVATE SANITARY SEWER EASEMENT
  - BSBL BUILDING SETBACK LINE
  - NESSWD NORTHEAST SAMMAMISH SEWER AND WATER DISTRICT



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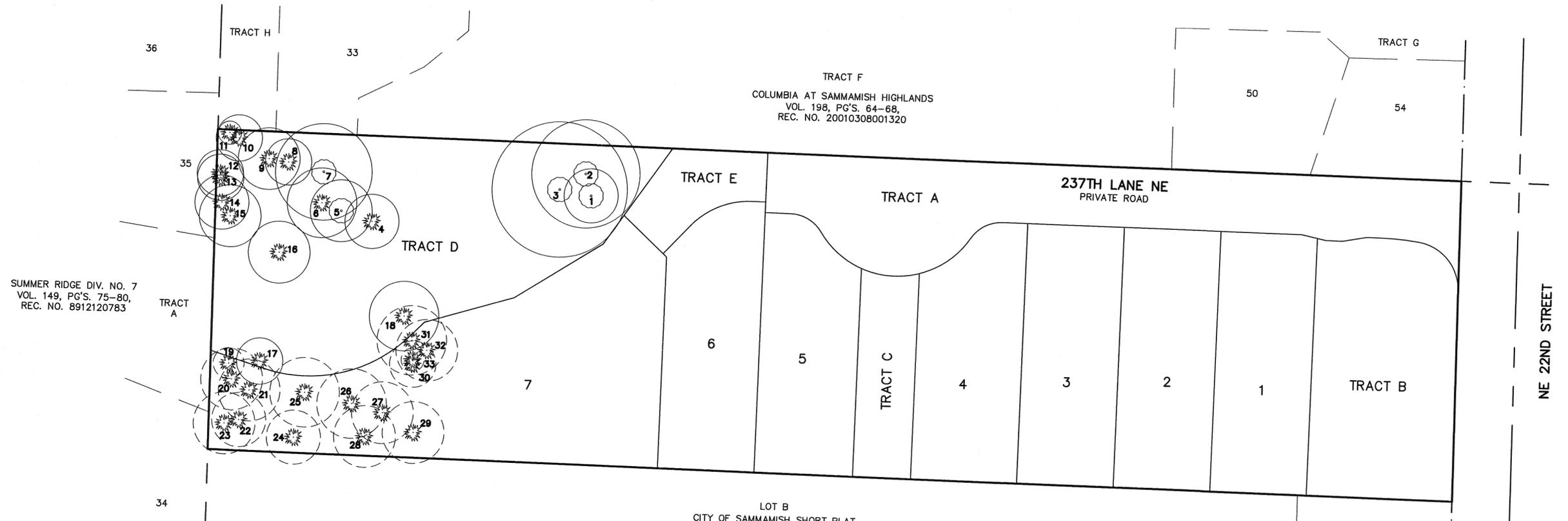
**CORNERSTONE ESTATES**  
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SUBDIVISION NO. PLN 2007-00066

DWN. BY	DATE	JOB NO.
SJS	4/23/13	12042
CHKD. BY	SCALE	SHEET
		3 OF 4

CITY OF SAMMAMISH  
SUBDIVISION NO.  
PLN 2007-00066

RECORDING NO.

VOL./PAGE



TREES TO BE RETAINED

TREE NO.	SPECIES	DBH	DL
1	HEMLOCK	18	14
2	MAPLE	24	28
3	MAPLE	33	35
4	HEMLOCK	12	14
5	ALDER	18	16
6	RED-CEDAR	18	18
7	MAPLE	28	25
8	RED-CEDAR	12	12
9	RED-CEDAR	30	16
10	RED-CEDAR	10	12
11	FIR	8	6
12	HEMLOCK	15	12
13	HEMLOCK	14	12
14	FIR	14	14
15	HEMLOCK	17	16
16	RED-CEDAR	28	16
17	HEMLOCK	10	12
18	HEMLOCK	20	18
19	RED-CEDAR	8	8
20	RED-CEDAR	28	16
21	FIR	20	16
22	RED-CEDAR	18	14
23	RED-CEDAR	15	16
24	RED-CEDAR	20	14
25	RED-CEDAR	30	18
26	RED-CEDAR	23	18
27	RED-CEDAR	20	16
28	RED-CEDAR	22	16
29	RED-CEDAR	22	16
30	HEMLOCK	10	12
31	HEMLOCK	26	18
32	RED-CEDAR	21	16
33	RED-CEDAR	9	6

TREE TABLE NOTE

1. DBH = DIAMETER AT BREAST HEIGHT IN INCHES
2. DRIPLINE = RADIUS IN FEET

TREE RETENTION NOTE

TREES IDENTIFIED ON THE FACE OF THIS PLAT HAVE BEEN RETAINED PURSUANT TO THE PROVISIONS OF SMC 21A.35.210. RETAINED TREES ARE SUBJECT TO THE TREE PROTECTION STANDARDS OF SMC 21A.35.230. REMOVAL OF THESE TREES IS PROHIBITED UNLESS THE TREE IS REMOVED TO PREVENT IMMINENT DANGER OR HAZARD TO PERSONS OR PROPERTY, SUBJECT TO A CLEARING AND GRADING PERMIT APPROVED BY THE CITY OF SAMMAMISH. TREES REMOVED SUBJECT TO THIS PROVISION SHALL BE REPLACED IN COMPLIANCE WITH SMC 21A.35.240.

TREE EASEMENT PROVISION

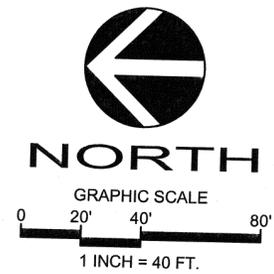
A TREE RETENTION EASEMENT IS HEREBY GRANTED TO THE CITY OF SAMMAMISH FOR THE LONG TERM PRESERVATION AND PROTECTION OF THE TREES SHOWN HEREON. ALL TREES SUBJECT TO THE TREE RETENTION EASEMENT SHALL NOT BE CUT, PRUNED, COVERED BY FILL, REMOVED OR DAMAGED WITHOUT WRITTEN APPROVAL FROM THE CITY OF SAMMAMISH, UNLESS OTHERWISE PROVIDED BY LAW.

NOTE

EXISTING TREE LOCATIONS SHOWN HEREON ARE BASED ON A FIELD SURVEY PERFORMED BY PLS, INC. UNDER JOB NO. 6163, DATED OCTOBER 28, 2006 AND FIELD VERIFIED BY D.R. STRONG CONSULTING ENGINEERS INC. IN JULY, 2012. TREE SIZES, SPECIES AND DRIP LINES ARE BASED ON THE INFORMATION PROVIDED.

TREE RETENTION CALCULATION

EXISTING ONSITE TREES:	118
EXISTING DEAD TREES:	0
TOTAL TREES FOR CALCULATION:	118
REQUIRED TREE RETENTION RATE:	25%
REQUIRED NO. OF TREES TO BE RETAINED:	30
PER CITY OF SAMMAMISH CODE, UP TO HALF OF TREES REQUIRED FOR RETENTION MAY BE WITHIN SENSITIVE AREAS AND THEIR BUFFERS (15 TREES). THEREFORE, THE PROJECT IS REQUIRED TO RETAIN 15 TREES WITHIN THE DEVELOPABLE AREA IN ORDER TO ACHIEVE THE 25% RETENTION RATE.	
TREES WITHIN SENSITIVE AREAS:	
TOTAL:	18
TOWARDS TREE RETENTION:	15
TOTAL TREES TO BE RETAINED AND SAVED:	33
TOTAL TREES TO BE RETAINED AND SAVED FOR CALCULATION:	30
PROPOSED RETENTION RATE:	25.4%
<ul style="list-style-type: none"> <li>○ INDICATES DRIPLINE OF TREE TO BE RETAINED &amp; SAVED WITHIN SENSITIVE AREAS (18)</li> <li>○ INDICATES DRIPLINE OF TREE TO BE RETAINED AND SAVED WITHIN DEVELOPABLE AREA (15)</li> </ul>	



LEGEND

- EXISTING SIGNIFICANT DECIDUOUS TREE TO BE SAVED
- ☼ EXISTING SIGNIFICANT CONIFER TREE TO BE SAVED



**DRS** D.R. STRONG  
CONSULTING ENGINEERS

ENGINEERS PLANNERS SURVEYORS

620 - 7TH AVENUE  
KIRKLAND, WA 98033

425.827.3063 OFFICE  
800.962.1402 TOLL FREE  
425.827.2423 FAX  
www.drstrong.com

CORNERSTONE ESTATES

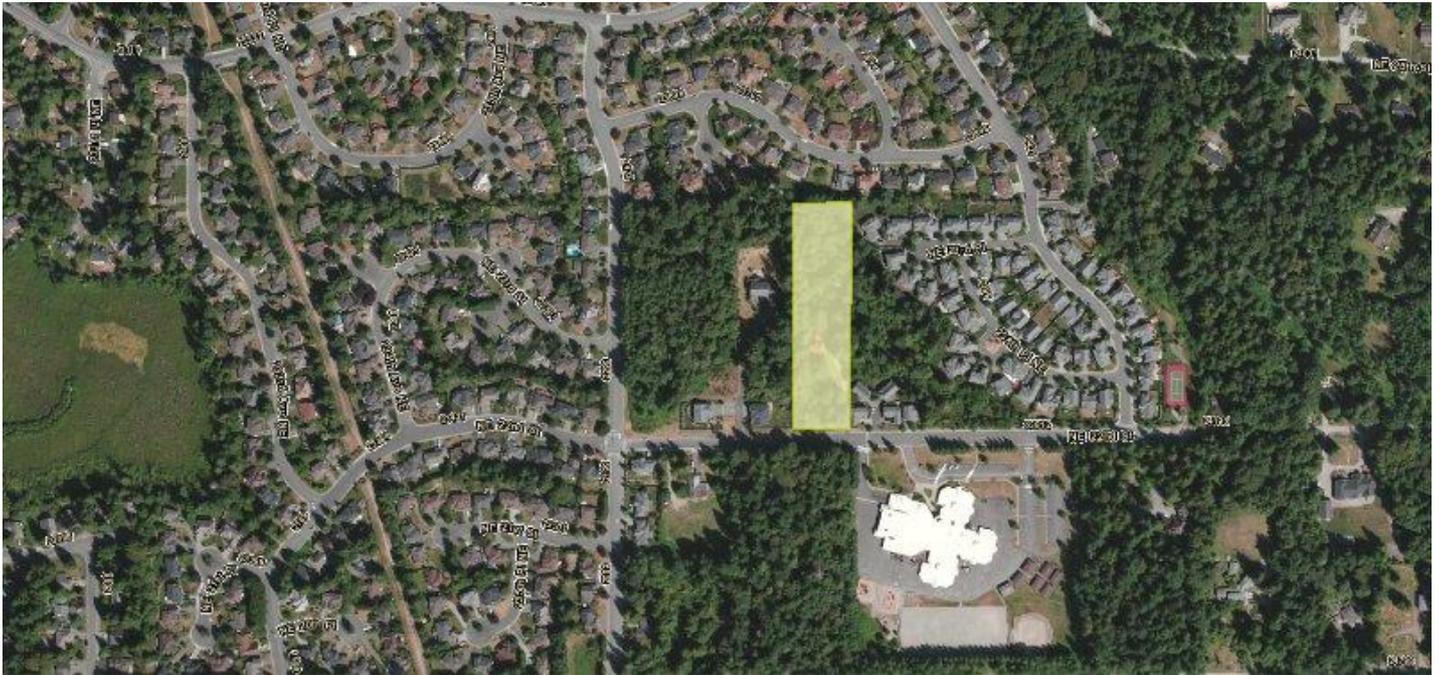
CITY OF SAMMAMISH  
SUBDIVISION NO. PLN 2007-00066

DWN. BY FAD	DATE 7/26/13	JOB NO. 12042
CHKD. BY	SCALE	SHEET 4 OF 4

# NWMaps PDF Export

## Exhibit 5 - Cornerstone Vicinity Map

9/26/2013 9:44 AM NWMaps



Disclaimer: The eCityGov Alliance or its member agencies do not guarantee that the information on this map is accurate or complete. This map is provided for information purposes only.





# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** September 25, 2013

**Originating Department:** Parks and Recreation

**Clearances:**

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input checked="" type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

**Subject:** On-Call Environmental Consulting Services

**Action Required:** Authorize the City Manager to execute a contract with Parametrix Inc. for on-call environmental consulting services in the amount of \$50,000.

**Exhibits:** 1. Contract and Scope of Work

**Budget:** 2013-14 Budget – Funding is allocated for environmental consulting services in each capital project budget. In addition, \$82,000 is allocated in the 2013-14 parks planning professional services budget for support services for non-capital projects.

**Summary Statement:**

This is a contract with Parametrix, Inc. to provide on-call environmental consulting support services for capital improvement projects. Many of the capital projects require environmental consulting services support to complete the project. These services may include critical areas impact assessment, mitigation plans, permitting assistance, shoreline enhancement design, and other related tasks. This is structured as an “on-call contract” as the support tasks vary for each capital project. This is a two-year on-call contract and is shared by the Public works and Parks and Recreation Department.

**Background:**

The City has successfully completed an on-call contract for environmental services over the past few years. Prior to utilizing on-call contracts, staff had to issue a separate contract for each project requiring environmental support, resulting in a number of “smaller” contracts throughout the year. This on-call contract will provide timely access to consultant services as needed during project design over the course of the next two planning/design years.

Work tasks may include critical areas designation and impact analysis, critical areas mitigation planning, shoreline enhancement design, and monitoring. These environmental analysis requirements are a component of most capital improvement projects.



## City Council Agenda Bill

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Staff from the Parks and Public Works Department reviewed the Scope of Qualifications (SOQ) for five firms from the eCityGov Shared Procurement Portal roster. Based on work with projects of a similar nature, the experience and qualifications of the staff, familiarity with Sammamish, and confirmation with the consultant regarding project availability, Parametrix, Inc. was selected as the on-call environmental services consultant.

### **Financial Impact:**

The requested authorization amount is not-to-exceed \$50,000.00 for a two-year on-call contract. This amount will be covered within the existing approved budget amounts for the various capital improvement projects. As this is an on-call agreement, there is no guarantee the full contract amount will be needed or expended. Work tasks under this agreement will be assigned to the consultant on an as needed basis.

### **Recommended Motion:**

Authorize the City Manager to execute an on-call contract for an amount not-to exceed \$50,000.00 with Parametrix Inc. for environmental consulting services for capital projects.

**CITY OF SAMMAMISH  
AGREEMENT FOR SERVICES**

Consultant: Parametrix Inc.

This Agreement is entered into by and between the City of Sammamish, Washington, a municipal corporation, hereinafter referred to as the "City," and Parametrix Inc., hereinafter referred to as the "Consultant."

WHEREAS, the City desires to have certain services performed for its citizens; and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. **Scope of Services to be Performed by Consultant.** The Consultant shall perform those services described in Exhibit "A" of this agreement. In performing such services, the Consultant shall comply with all federal, state, and local laws and regulations applicable to the performance of such services. The Consultant shall perform services diligently and completely and in accordance with professional standards of conduct and performance.

2. **Compensation and Method of Payment.** The Consultant shall submit invoices for work performed using the form set forth in Exhibit "B".

The City shall pay Consultant:

[Check applicable method of payment]

According to the rates set forth in Exhibit " "

A sum not to exceed \$50,000.00

Other (describe): \_\_\_\_\_

The Consultant shall complete and return to the City Exhibit "C," Taxpayer Identification Number, prior to or along with the first invoice submittal. The City shall pay the Consultant for services rendered within ten days after City Council approval.

3. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing upon execution and ending December 31, 2015, unless sooner terminated under the provisions of the Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. **Ownership and Use of Documents.** Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Consultant in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not

5. **Independent Contractor.** The Consultant and the City agree that the Consultant is an independent contractor with respect to the services provided pursuant to this Agreement. The Consultant will solely be responsible for its acts and for the acts of its agents, employees, subconsultants, or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto.

6. **Indemnification/Hold Harmless.** The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits, including attorney fees, arising out of or in connection with the performance of this Contract, except for injuries and damages caused by the negligence of the City.

## Exhibit 1

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement."

### **7. Insurance.**

**A.** The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

#### **Minimum Scope of Insurance**

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

#### **Minimum Amounts of Insurance**

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

#### **Other Insurance Provisions**

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance shall not be cancelled by either party except after thirty (30) days prior written notice has been given to the City

**Verification of Coverage**

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

**8. Record Keeping and Reporting.**

A. The Consultant shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with RCW Chapter 40.14 and by the City.

9. **Audits and Inspections.** The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review, or audit by the City during the performance of this Agreement.

**10. Termination.**

A. This City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be cancelled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than fourteen days written notice, or in the event that outstanding invoices are not paid within sixty days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

11. **Discrimination Prohibited.** The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, age, national origin, marital status, or presence of any sensory, mental, or physical handicap.

12. **Assignment and Subcontract.** The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

13. **Conflict of Interest.** The City insists on the highest level of professional ethics from its consultants. Consultant warrants that it has performed a due diligence conflicts check, and that there are no professional conflicts with the City. Consultant warrants that none of its officers, agents or employees is now working on a project for any entity engaged in litigation with the City. Consultant will not disclose any information obtained through the course of their work for the City to any third party, without written consent of the "City". It is the Consultant's duty and obligation to constantly update its due diligence with respect to conflicts, and not the City's obligation to inquire as to potential conflicts. This provision shall survive termination of this Agreement.

14. **Confidentiality.** All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

15. **Non-appropriation of funds.** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

16. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

17. **Notices.** Notices to the City of Sammamish shall be sent to the following address:

City of Sammamish  
801 228<sup>th</sup> Avenue SE  
Sammamish, WA 98075  
Phone number: (425) 295-0500

Notices to the Consultant shall be sent to the following address:

Company Name Parametrix Inc.  
Contact Name Dwight Miller  
Street Address 411 108<sup>th</sup> Avenue NE, Suite 1800  
City, State Zip Bellevue, WA 98004  
Phone Number (425) 458-6200  
Email [dmiller@parametrix.com](mailto:dmiller@parametrix.com)

18. **Applicable Law; Venue; Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee, shall be included in the judgment.

19. **Severability.** Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

CITY OF SAMMAMISH, WASHINGTON

CONSULTANT

By: \_\_\_\_\_

By:  \_\_\_\_\_

Print Name: Ben Yazici

Print Name: Dwight Miller

Title: City Manager

Title:  \_\_\_\_\_

Date: \_\_\_\_\_

Date: 9/19/13

Attest/Authenticated:

Approved As To Form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

**EXHIBIT A**  
**Scope of Work**  
Environmental Consulting Services  
Parametrix Inc.

General Scope of Work

The work under this AGREEMENT shall consist of performing services related to Environmental Consulting Services as herein defined and necessary to accomplish individual tasks (Task Orders”) issued by the City of Sammamish. The CONSULTANT shall furnish all services and labor necessary to accomplish these tasks, and provide all materials, supplies, equipment, and incidentals, except as designated elsewhere in the AGREEMENT, necessary to prepare and deliver to the CITY the studies, plans, specifications, estimated, and other deliverable item(s) requested by the CITY.

The CITY is not obligated to assign any specific number of tasks to the CONSULTANT, and the CITY’S and CONSULTANT’S obligations hereunder are limited to the tasks assigned in writing. The CITY may require the CONSULTANT to perform all work on a project, or act as part of a team by performing only a portion of the project work. Task assignments may include, but are not limited to the following types of work:

- Critical Area Impact Assessment
- Critical Area Mitigation
- Restoration Design
- Permitting Assistance (local, state and/or federal)
- Monitoring
- Shoreline Enhancement
- Cost Estimation
- Specification Development
- Construction Oversight
- Expert Witness
- Other related work requested by the CITY

It is anticipated that the task assignments may vary in scope, complexity and location. Specific scopes of work will be developed as individual task assignments are requested.

Authorization of Work

Work requested by the CITY shall be issued in writing. The request by the CITY should include the following information, which may be furnished in coordination with the CONSULTANT:

1. Task Order title (project name)
2. Technical approach to the task (if complex enough to require this)
3. Specific deliverables
4. Schedule with milestones and deliverables
5. Cost/hour estimate
6. Due date of work

All of the above items may be brief, but will be sufficiently detailed to understand the work being authorized and the amount it will cost.

The CITY will review and approve the CONSULTANT’S submittal for any work requested, or at the CITY’S option, negotiate various elements of the work requested prior to authorizing work to begin and issuing a Notice to Proceed. If, after work has begun, the CONSULTANT cannot meet the agreed schedule or cost, the CONSULTANT shall immediately notify the CITY. Authorization of additional time or cost for approved work will be at the sole option of the CITY and will be made in writing. New budgets for any new requests or extensions of previous work will be approved in writing by the CITY prior to beginning new work.

Work may begin when the Notice to Proceed is sent to the CONSULTANT by the CITY, except that emergency actions requiring a 24-hour response can be handled by an oral authorization. Such oral authorization shall be followed up with a written confirmation within 24 hours with the information listed above included.

EXHIBIT B



**REQUEST FOR CONSULTANT PAYMENT**

To: City of Sammamish  
 801 228<sup>th</sup> Avenue SE  
 Sammamish, WA 98075  
 Phone: (425) 295-0500  
 FAX: (425) 295-0600

Invoice Number: \_\_\_\_\_ Date of Invoice: \_\_\_\_\_

Consultant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Contract Period: \_\_\_\_\_ Reporting Period: \_\_\_\_\_

Amount requested this invoice: \$ \_\_\_\_\_

Specific Program: \_\_\_\_\_

\_\_\_\_\_  
 Authorized signature

**ATTACH ITEMIZED DESCRIPTION OF SERVICES PROVIDED**

*For Department Use Only*

Total contract amount	
Previous payments	
Current request	
Balance remaining	

Authorization to Consultant: \$
Account Number:
Date:

Approved for Payment by: \_\_\_\_\_ Date: \_\_\_\_\_

**Finance Dept.**

Check # \_\_\_\_\_ Check Date: \_\_\_\_\_

EXHIBIT C



### TAX IDENTIFICATION NUMBER

In order for you to receive payment from the City of Sammamish, the must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Sammamish prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

- Corporation                       Partnership                       Government Consultant  
 Individual/Proprietor                       Other (explain)

TIN No.: 91-0914810

Social Security No.: \_\_\_\_\_

Print Name: Dwight Miller

Title: Division Manager

Business Name: Parametrix, Inc.

Business Address: 411 108th Ave NE, #1800, Bellevue, WA 98004

Business Phone: 425/458-6200

9/19/13  
Date

[Signature]  
Authorized Signature (Required)



## Exhibit D Compensation

**Effective October 1, 2013**

Costs for services in connection with individual projects shall be established by written authorization for each specific project. Billing shall be on a time and materials basis. Hourly rates for the Consultant's staff are as follows:

		<b>2013- 2014 Rates</b>
Colin Worsley	Wetland Specialist	\$133.95
Jeff Meyer	Sr. Wetland Specialist	\$174.12
Matt Maynard	Biologist / Habitat Assessment	\$107.02
Mike Hall	Biologist / Habitat Assessment	\$132.12
Jenny Bailey	Sr. Planner	\$192.78
Katheryn Seckel	Environmental Planner	\$91.73
Julie Brandt	Sr. Surface Water Engineer	\$152.26
Phoebe Johannessen	Sr. Surface Water Engineer	\$159.52
Craig Buitrago	Surface Water Engineer	\$122.40
Jens Swenson	Landscape Architect	\$139.69
Shanon Harris	Project Controls Specialist	\$96.58
Jennifer Hamilton	Sr. Project Coordinator	\$97.50
Andrew D'Sylva	Designer	\$140.62
Butch Purganan	CADD Tech Lead	\$121.85
Sybil Gooljar	Technical Editor	\$106.26
Jean Johnson	Sr. Contracts Administrator	\$121.99
Ryan Scally	Word Processing	\$101.30
Debbie Fetherston	Word Processing	\$90.04

Rates may increase by up to 4% in October 2014. If rates do not increase, current rates would continue through December 31, 2014. Rates for additional staff members, if any, shall be agreed upon by the Consultant and the City. Portions of hours worked shall be billed in quarter hour increments. Expert Testimony rates will be provided to the City when requested.



# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** September 25, 2013

**Originating Department:** Public Works

**Clearances:**

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Rec
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

**Subject:** Amendment #1 to the Interlocal Agreement between a Coalition of Cities to jointly appeal the NPDES Phase II 2013-2018 Permit

**Action Required:** Authorize the City Manager to execute an amendment to the interlocal agreement with a coalition of Washington cities for the purpose of jointly appealing the NPDES Phase II 2013-2018 Permit

**Exhibits:**

1. Amended Interlocal Agreement
2. Amended Exhibit A

**Budget:** The estimated cost to the City of Sammamish based on population has increased from \$20,000 to \$30,000 (costs are \$10,000 over initial estimates) and will be paid for out of the approved Surface Water Management Fund Professional Services.

**Summary Statement:**

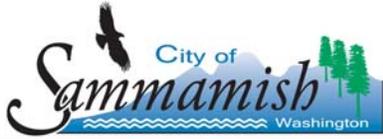
The State Department of Ecology re-issued National Pollutant Discharge Elimination System (“NPDES”) Phase II Permit to Sammamish and other Phase II cities. The permit contains a number of significant permit conditions that have potential financial implications to the city as well as development impacts for property owners. A group of cities in western Washington have filed a joint appeal against some of the key issues affecting local jurisdictions

The appeal process has taken more resources than were originally allocated. The coalition is asking for an additional contribution of \$10,000 for legal expenses. The first appeal hearing is scheduled to occur in front of the Pollution Control Hearings Board between October 7<sup>th</sup> and Nov 1<sup>st</sup>.

**Background:**

A group of cities in western Washington have filed a joint appeal to the Pollution Control Hearings Board (PCHB) against some of the key issues affecting location jurisdictions.

At the September 17, 2012 Regular Meeting the City Council authorized the City Manager to sign an Interlocal agreement to join the group of cities appealing the permit.



## City Council Agenda Bill

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### **Financial Impact:**

The cost of the legal work associated with the appeal is to be divided up by the participating cities. The amount each agency is responsible for is dependent upon their population. Sammamish's cost is now anticipated to be \$30,000; this represents an increase of \$10,000 over the initial estimates. There are funds available in the approved professional services line item in the Surface Water Management Fund.

### **Recommended Motion:**

Authorize the City Manager to sign the amended interlocal agreement between certain western Washington Cities for the purpose of filing a joint appeal to the recently issued Department of Ecology National Pollutant Discharge Elimination System ("NPDES") Phase II Permit.

FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF AUBURN, BAINBRIDGE ISLAND, BELLEVUE, BOTHELL, BREMERTON, BURLINGTON, CAMAS, DES MOINES, EVERETT, FERNDALE, ISSAQUAH, KELSO, KENT, KIRKLAND, LONGVIEW, LYNNWOOD, MOUNT VERNON, POULSBO, RENTON, SAMMAMISH, SEATAC, SNOQUALMIE AND SUMNER AND COWLITZ COUNTY REGARDING LEGAL SERVICES

THE INTERLOCAL AGREEMENT ("Agreement") is entered into between the Cities of Auburn, Bainbridge Island, Bellevue, Bothell, Bremerton, Burlington, Camas, Des Moines, Everett, Ferndale, Issaquah, Kelso, Kent, Kirkland, Longview, Lynnwood, Mount Vernon, Poulsbo, Renton, Sammamish, SeaTac, Snoqualmie, Sumner and Cowlitz County is hereby amended as follows:

Paragraph 4.1 of the Interlocal is hereby amended to read as follows:

4.1 The Legal Services' fees and costs shall be shared by members of the Coalition based upon the cost-sharing formula set forth in the First Amended Exhibit "A" attached hereto and incorporated by this reference. This obligation shall continue through conclusion of the Legal Services as provided in Paragraph 2 above, unless a member of the Coalition terminates its participation in this Agreement as provided in Paragraph 5. Members of the Coalition hereby authorize said fees and costs up to \$675,000. Provided, however, any increase in the cost of legal services that would require additional payments from any Coalition members in excess of the obligations set forth in the First Amended Exhibit "A" shall require amendment of this Agreement unless an individual Coalition member expressly volunteers to increase its share without the necessity of amendment of this Interlocal Agreement.

All other provisions of the Interlocal Agreement remain in full force and effect.

IN WITNESS, the parties below execute this First Amendment to the Coalition Interlocal Agreement which shall become effective as of \_\_\_\_\_, 2013.

<b>AUBURN:</b>  CITY OF AUBURN  By: _____ Print Name: _____ Its: _____ Date: _____	<b>BAINBRIDGE ISLAND:</b>  CITY OF BAINBRIDGE ISLAND  By: _____ Print Name: _____ Its: _____ Date: _____
<b>NOTICES TO BE SENT TO:</b> _____ _____	<b>NOTICES TO BE SENT TO:</b> _____ _____

Exhibit 1

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<b>APPROVED AS TO FORM:</b> <hr/>	<b>APPROVED AS TO FORM:</b> <hr/>

<b>BELLEVUE:</b>  CITY OF BELLEVUE  By: _____ Print Name: _____ Its: _____ Date: _____	<b>BOTHELL:</b>  CITY OF BOTHELL  By: _____ Print Name: _____ Its: _____ Date: _____
<b>NOTICES TO BE SENT TO:</b> <hr/> <hr/> <hr/> <p>( ) - (Telephone)</p> <p>( ) - (Facsimile)</p>	<b>NOTICES TO BE SENT TO:</b> <hr/> <hr/> <hr/> <p>( ) - (Telephone)</p> <p>( ) - (Facsimile)</p>
<b>APPROVED AS TO FORM:</b> <hr/>	<b>APPROVED AS TO FORM:</b> <hr/>
<b>BREMERTON:</b>  CITY OF BREMERTON  By: _____ Print Name: _____ Its: _____ Date: _____	<b>BURLINGTON:</b>  CITY OF BURLINGTON  By: _____ Print Name: _____ Its: _____ Date: _____

Exhibit 1

<b>NOTICES TO BE SENT TO:</b> _____ _____ _____ _____ ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)	<b>NOTICES TO BE SENT TO:</b> _____ _____ _____ _____ ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)
<b>APPROVED AS TO FORM:</b> _____	<b>APPROVED AS TO FORM:</b> _____

<b>CAMAS:</b>  CITY OF CAMAS  By: _____ Print Name: _____ Its: _____ Date: _____	<b>COWLITZ COUNTY:</b>  COWLITZ COUNTY  By: _____ Print Name: _____ Its: _____ Date: _____
<b>NOTICES TO BE SENT TO:</b> _____ _____ _____ _____ ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)	<b>NOTICES TO BE SENT TO:</b> _____ _____ _____ _____ ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)
<b>APPROVED AS TO FORM:</b> _____	<b>APPROVED AS TO FORM:</b> _____
<b>DES MOINES:</b>  CITY OF DES MOINES	<b>EVERETT:</b>  CITY OF EVERETT

Exhibit 1

<p>By: _____ Print Name: _____ Its: _____ Date: _____</p>	<p>By: _____ Print Name: _____ Its: _____ Date: _____</p>
<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____ _____ _____</p> <p>( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)</p>	<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____ _____ _____</p> <p>( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)</p>
<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>	<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>
<p><b>FERNDALE:</b></p> <p>CITY OF FERNDALE</p> <p>By: _____ Print Name: _____ Its: _____ Date: _____</p>	<p><b>ISSAQUAH:</b></p> <p>CITY OF ISSAQUAH</p> <p>By: _____ Print Name: _____ Its: _____ Date: _____</p>
<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____ _____ _____</p> <p>( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)</p>	<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____ _____ _____</p> <p>( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)</p>
<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>	
<p><b>KELSO:</b></p>	<p><b>KENT:</b></p>

Exhibit 1

<b>CITY OF KELSO</b>  By: _____ Print Name: _____ Its: _____ Date: _____	<b>CITY OF KENT</b>  By: _____ Print Name: _____ Its: _____ Date: _____
<b>NOTICES TO BE SENT TO:</b> _____ _____ _____  ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)	<b>NOTICES TO BE SENT TO:</b> _____ _____ _____  ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)
<b>APPROVED AS TO FORM:</b> _____	<b>APPROVED AS TO FORM:</b> _____

<b>KIRKLAND:</b>  CITY OF KIRKLAND  By: _____ Print Name: _____ Its: _____ Date: _____	<b>LONGVIEW:</b>  CITY OF LONGVIEW  By: _____ Print Name: _____ Its: _____ Date: _____
<b>NOTICES TO BE SENT TO:</b> _____ _____ _____  ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)	<b>NOTICES TO BE SENT TO:</b> _____ _____ _____  ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)
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Exhibit 1

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<p><b>LYNNWOOD:</b></p> <p>CITY OF LYNNWOOD</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p><b>MOUNT VERNON:</b></p> <p>CITY OF MOUNT VERNON</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>( ) _____ - _____ (Telephone)</p> <p>( ) _____ - _____ (Facsimile)</p>	<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>( ) _____ - _____ (Telephone)</p> <p>( ) _____ - _____ (Facsimile)</p>
<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>	<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>

<p><b>POULSBO:</b></p> <p>CITY OF POULSBO</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p><b>RENTON:</b></p> <p>CITY OF RENTON</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____</p> <p>_____</p> <p>_____</p>

Exhibit 1

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<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>	<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>

<p><b>SAMMAMISH:</b></p> <p>CITY OF SAMMAMISH</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p><b>SEA-TAC</b></p> <p>CITY OF SEA-TAC</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>( ) _____ - _____ (Telephone)</p> <p>( ) _____ - _____ (Facsimile)</p>	<p><b>NOTICES TO BE SENT TO:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>( ) _____ - _____ (Telephone)</p> <p>( ) _____ - _____ (Facsimile)</p>
<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>	<p><b>APPROVED AS TO FORM:</b></p> <p>_____</p>

<p><b>SNOQUALMIE:</b></p> <p>CITY OF SNOQUALMIE</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p><b>SUMNER:</b></p> <p>CITY OF SUMNER</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
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Exhibit 1

<b>NOTICES TO BE SENT TO:</b> _____ _____ _____ _____ ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)	<b>NOTICES TO BE SENT TO:</b> _____ _____ _____ _____ ( ) _____ - _____ (Telephone) ( ) _____ - _____ (Facsimile)
<b>APPROVED AS TO FORM:</b> _____	<b>APPROVED AS TO FORM:</b> _____

Exhibit 2

FIRST AMENDED EXHIBIT "A"

TO

INTERLOCAL AGREEMENT REGARDING LEGAL SERVICES

For purposes of pursuing an appeal of the 2013-18 NPDES permit issued by the state Department of Ecology on August 1, 2012, the following delineates the financial contributions to be made by members of the Governmental Entities Coalition.

Entities with a population of up to 10,000:	<del>\$10,000</del> now	\$15,000
Entities with a population between 10,001 and 30,000	<del>\$15,000</del> now	\$22,500
Entities with a population between 30,001 and 50,000	<del>\$20,000</del> now	\$30,000
Entities with a population above 50,000	<del>\$25,000</del> now	\$37,500





# STUDY SESSION NOTES

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## Study Session September 10, 2013

Mayor Tom Odell called the study session to order at 6:30 pm.

### Public Comment

*This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.*

Steven Tyzzer, 21318 NE 1<sup>st</sup> Street, Requested that the city build a stormwater system that will protect the Thompson basin and surrounding homes.

Mark Cross, 208<sup>th</sup> Place, Requested a stormwater system for the Thompson basin.

Maryanne Wilkins, 20917 SE 212<sup>th</sup> Street, She spoke regarding the community/aquatic center project.

John Galvin, 423 228<sup>th</sup> Avenue SE, Spoke regarding Town Center Development.

### Topics

- Presentation: Washington Recreation & Parks Association Award/Joanna Puthoff
- Discussion: Community Center

Executive Session – Potential Litigation Pursuant to RWC 20.30.110(1)(i)

Council retired to Executive Session 9:10 pm and returned at 9:30 pm. No action was taken.

### Adjournment





**COUNCIL** **MINUTES**

**Regular Meeting/Study Session**  
**September 16, 2013**

Mayor Tom Odell called the regular meeting of the Sammamish City Council to order at 6:30 pm.

**Councilmembers present:** Mayor Tom Odell, Deputy Mayor Ramiro Valderrama, Councilmembers John Curley, Don Gerend, Tom Vance and Nancy Whitten.

Councilmembers Absent: Councilmember John James.

MOTION: Councilmember Gerend moved to excuse Councilmember James. Councilmember Vance seconded. Motion carried unanimously 6-0.

**Staff present:** City Manager Ben Yazici, Public Works Director Laura Philpot, Assistant City Manager/Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Kari Sand, and City Clerk Melonie Anderson.

**Roll Call/Pledge of Allegiance**

Roll was called. Councilmember Gerend led the pledge.

**Approval of Agenda**

MOTION: Councilmember Gerend moved to approve the agenda. Deputy Mayor Valderrama seconded. Motion carried unanimously 6-0.

**Presentations/Proclamations**

- Arts Commission 10 Year Anniversary – Finance Director Joe Guinasso reported that this is the 10<sup>th</sup> Anniversary of the Commission and they celebrated with wine and cake before the meeting. . Mayor Odell thanked the Arts Commission Chair, Anne Schafer and the entire Arts Commission for the time, effort and hard work they put in on behalf of the City.
- Environmentally Critical Areas – Assistant City Manager/Director of Community Development Kamuron Gurol gave the staff report and showed a PowerPoint presentation (*available on the city's website at [www.sammamish.us](http://www.sammamish.us)*). Councilmember Whitten questioned what process is used when Council approves unwritten code and staff has not drafted it to correctly reflect to their direction.

- East Lake Sammamish Trail/King County – King County Parks Director Kevin Brown gave the report and showed a PowerPoint presentation (*available on the City's website at [www.sammam.us](http://www.sammam.us)*)
- SE 14<sup>th</sup> Street Extension – Public Works Director Laura Philpot gave the staff report and showed a PowerPoint presentation (*available on the city's website at [www.sammamish.us](http://www.sammamish.us)*)

MOTION: Deputy Mayor Valderrama moved to advance the City Manager's Report to come in front of Council Reports to discuss the SE 14<sup>th</sup> Street issue further. Councilmember Curley seconded. Motion carried unanimously 6-0.

### **Public Comment**

Stephanie Hibner/Ann Precup, Representing the Sammamish Community Garden, They thanked the Council for allowing their committee to create the first community garden in Sammamish.

Alisha Brummett, 1342 247<sup>th</sup> Place SE, Spoke regarding the SE 14<sup>th</sup> Street project.

Charlotte Roth, 1361 247<sup>th</sup> Place SE, Spoke regarding the SE 14<sup>th</sup> Street Project.

Sharon Steinbis, 24933 SE 14<sup>th</sup> Street, Agreed with previous speakers regarding SE 14<sup>th</sup> Street Project.

Katie, Emily and Ted McDorman, 24525 SE 14<sup>th</sup> Street, Agreed with previous speakers regarding SE 14<sup>th</sup> Street project.

Cindy Noonchester, 24518 SE 14<sup>th</sup>, Agreed with previous speakers and submitted written comments regarding SE 14<sup>th</sup> Street Project.

Gregg Krabbe, Commented on the Environmentally Critical Areas (ECA) Pilot Program.

Rob Kapela, 4060 212<sup>th</sup> Way, Commented on the ECA Pilot Program, specifically the first come, first served requirement.

Doug McDormand, 24525 SE 14<sup>th</sup> Street, Spoke regarding SE 14<sup>th</sup> Street and showed a PowerPoint presentation.

Ted Melancon, 24525 SE 14<sup>th</sup> Street, Spoke against the SE 14<sup>th</sup> Street Project.

Jim Osgood, 19661 SE 26<sup>th</sup> Way, Spoke regarding the ECA Pilot Program regulations.

Tom Harmon, 4369 243<sup>rd</sup> Avenue SE, Issaquah, Spoke regarding the proposed annexation of Klahanie by the City of Issaquah.

Mark Seely, Representing Klahanie Choice, Spoke regarding the Klahanie annexation.

Howard Noonchester, 24518 SE 14<sup>th</sup> Street, Agreed with previous speakers regarding the SE 14<sup>th</sup> Street Project.

Eli Quinant, Representing Renaissance Ridge, Agreed with previous speakers regarding SE 14<sup>th</sup> Street Project

Dino Guzetti, Spoke supporting the Klahanie annexation to Sammamish.

### **Consent Agenda**

Payroll for the period ending August 30, 2013 for pay date September 5, 2013 in the amount of \$317,730.47

Approval: Claims for period ending September 16, 2013 in the amount of \$869,086.04 for Check No. 35620 through No. 35716

Ordinance: Second Reading Adopting SMC 9.05.430 Regarding Antiharassment Protection Orders; Providing For Severability; And Establishing An Effective Date (O2013-351)

Ordinance: Amending Chapter 20.10 SMC Regarding Time Periods Associated With Hearing Examiner Actions; Providing For Severability; And Establishing An Effective Date (O2013-352)

Resolution: Accepting the 2013 Sidewalk and Curb Ramp Retrofit Project as Complete (R2013-544)

Contract: 2013 Crack Seal Projects/Northwest Asphalt, Inc.

Approval: September 3, 2013 Regular Meeting Minutes

**MOTION:** Deputy Mayor Valderrama moved to approve the consent agenda. Councilmember Gerend seconded. Motion carried unanimously 6-0.

**Public Hearing** - none

**Unfinished Business** - None

### **New Business**

**Resolution:** Lake Washington School District Bond/Levy Ballot Measure supporting: **Resolution No. 2162** A Resolution of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the submission to the qualified electors of the District at a special election to be held therein on February 11, 2014, of the proposition of whether excess taxes should be levied of \$63,000,000 in 2014 for the collection

in 2015, \$64,900,000 in 2015 for collection in 2016, \$66,800,00 in 2016 for collection in 2017, \$68,900,000 in 2017 for collection in 2018, said excess taxes to pay part of the cost of educational programs and operations support of the District.

**Resolution No. 2163** A Resolution of the Board of Directors of Lake Washington School District #414, King County, Washington, providing for the submission to the qualified electors of the district at a special election to be held therein on February 11, 2014, of a proposition to authorize the district to levy an additional tax to provide a total of \$127,200,000 for the District's Capital Projects Fund for construction, renovation, improvements and expansion of new and existing facilities, for technology improvements, and equipment and training to meet the current and future educational programs for its students, such levies to be made for four years commencing in 2014 for collection in the school years from 2014-2015 through 2017-2018

**Resolution No. 2164** A Resolution of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district as a special election to be held therein on February 11, 2014, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$755,000,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds for the renovation, upgrade and new construction of school facilities, and authorizing the Deputy Superintendent and/or Director, Business Services to submit a request for eligibility for the Washington State School District Credit Enhancement Program **(R2013-545)**

Superintendent Dr. Traci Pierce gave the overview for the levies and bond and gave a PowerPoint presentation (*available on the city's website at [www.sammamish.us](http://www.sammamish.us)*). The Lake Washington Citizen's Levy committee chair, Terry Nielson, spoke in support of the levies and bonds. Byron Shoots, member of the Committee, also spoke in favor of the ballot measures.

No one spoke in opposition of the levy and bond measures.

Mayor Odell suggested postponing this decision to allow for additional time to consider the information about the need for the levies/bond and to allow Dr. Pierce time to provide additional information.

**Ordinance:** First Reading Amending SMC 16.05.030 Regarding Hours Of Construction; Providing For Severability; And Establishing An Effective Date

City Clerk Melonie Anderson gave the staff report. At Council direction, this ordinance will add holidays to the list of days when construction work is prohibited. This is the first reading of the ordinance, no action is required.

## **City Manager Report**

- **SE 14<sup>th</sup> Street**

MOTION: Councilmember Whitten moved to approve minimal improvements to SE 14<sup>th</sup> Street including a widened cross section to accommodate bicycles and concurrently proceed with the Neighborhood Traffic Management Program (NTMP) to be completed within the next 12 months. Councilmember Gerend seconded. Motion carried 5-1 with Mayor Odell dissenting.

Mayor Odell feels that the issues this neighborhood is facing with increased traffic and speeding is a problem common to the entire city and this neighborhood should not be elevated ahead of others already in the NTMP process.

- **207<sup>th</sup> Avenue SE**

Mr. Gurol gave the staff report and showed a PowerPoint presentation (*available on the city's website at [www.sammamish.us](http://www.sammamish.us)*).

## **Council Reports**

Councilmember Vance and Deputy Mayor Valderrama have been participating in Eastside Fire and Rescue meetings.

Mayor Odell reported that the Mayor's Month of Concern Food Drive kicked off this weekend. He also requested traffic and speeding information city-wide be presented at the next Public Safety Committee meeting.

MOTION: Councilmember Vance moved to cancel the December 16, 2013 Regular Council meeting and change the December 10, 2013 Study Session to a Special Meeting. Councilmember Curley seconded. Motion carried unanimously 6-0.

Study Session was postponed.

Meeting adjourned 10:02 pm

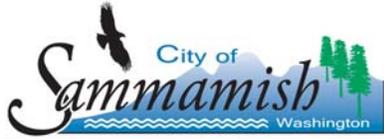
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Melonie Anderson, City Clerk

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Thomas T. Odell, Mayor





# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** September 10, 2013

**Originating Department:** City Manager

**Clearances:**

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

**Subject:** Resolution Supporting the 2014 Lake Washington School District's (LWSD) Levies and Bond

**Action Required:** Adopt the resolution

**Exhibits:**

1. City of Sammamish Resolution
2. LWSD Resolution #2162
3. LWSD Resolution #2163
4. LWSD Resolution #2164

**Budget:** n/a

**Summary Statement** – The Lake Washington School District has asked the City of Sammamish to support the 2014 levies and bond. This resolution expresses the city's support.

## Background

At the August 5, 2013 Lake Washington Board of Director's Meeting, the School Board adopted three resolutions to be placed on the February 11, 2014 ballot - Resolution No. 2162, Replacement of Existing Educational Programs & Operations Levy; Resolution No. 2163 Replacement of Existing Capital Projects Levies; and Resolution No. 2164, General Obligation Bonds, in order to properly provide for the financial obligations and educational needs of the district and its students.

Resolution No. 2162, Replacement of Existing Educational Programs & Operations Levy, authorizes a four-year levy: \$63.0 million in 2015, \$64.9 million in 2016, \$66.8 million in 2017, and \$68.9 million in 2018. This levy would pay part of the general fund expenses for educational programs and operations. The estimated tax rates per \$1,000 of assessed valuation for 2015, 2016, 2017 and 2018 are \$1.85, \$1.88, \$1.90 and \$1.92 respectively.

Resolution No. 2163, Replacement of Existing Capital Projects Levies, authorizes a four-year levy: \$31.20 million in 2015, \$31.5 million in 2016, \$32.0 million in 2017 and \$32.5 million in 2018. This levy would pay for upgrades and improvements to district buildings, sites, and technology. The estimated tax rates per \$1,000 of assessed valuation for 2015, 2016, 2017 and 2018 are \$.91, \$.91, \$.91 and \$.91 respectively.



## City Council Agenda Bill

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Resolution No. 2164, General Obligation Bonds, authorizes the sale of bond totaling \$755 million. It authorizes the board to levy additional property taxes annually to repay the bonds. These funds would be used to modernize Juanita High School; Kirk, Mead, and Rockwell Elementary Schools; and Evergreen and Kamiakin Middle Schools; construct additions to Lake Washington and Eastlake High School; acquire land for new buildings; construct and equip three new elementary schools, a middle school, an east-side international- focused Choice school and a west-side STEM-focused Choice school; and construct and equip additions at Lake Washington High School and Eastlake High School.

The overall tax rates per \$1,000 of assessed valuation, including these measure and previously approved bond measures is estimated to be \$4.73 in 2015, \$4.76 in 2016, \$4.75 in 2017 and \$4.74 in 2018. This compares to the estimated 2014 rate of \$3.92 in 2014.

Since the levy has a direct impact on residents and students of the City of Sammamish, the City Council has been asked to consider an endorsement of this proposition.

**Financial Impact:** N/A

**Recommended Motion:** Move to adopt the resolution supporting the 2014 Lake Washington School District's Levies and Bond ballot measures.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2013-\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, SUPPORTING:**

**Resolution No. 2162 A Resolution of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the submission to the qualified electors of the District at a special election to be held therein on February 11, 2014, of the proposition of whether excess taxes should be levied of \$63,000,000 in 2014 for the collection in 2015, \$64,900,000 in 2015 for collection in 2016, \$66,800,00 in 2016 for collection in 2017, \$68,900,000 in 2017 for collection in 2018, said excess taxes to pay part of the cost of educational programs and operations support of the District.**

**Resolution No. 2163 A Resolution of the Board of Directors of Lake Washington School District #414, King County, Washington, providing for the submission to the qualified electors of the district at a special election to be held therein on February 11, 2014, of a proposition to authorize the district to levy an additional tax to provide a total of \$127,200,000 for the District's Capital Projects Fund for construction, renovation, improvements and expansion of new and existing facilities, for technology improvements, and equipment and training to meet the current and future educational programs for its students, such levies to be made for four years commencing in 2014 for collection in the school years from 2014-2015 through 2017-2018**

**Resolution No. 2164 A Resolution of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district as a special election to be held therein on February 11, 2014, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$755,000,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds for the renovation, upgrade and new construction of school facilities, and authorizing the Deputy Superintendent and/or Director, Business Services to submit a request for eligibility for the**

**Washington State School District Credit Enhancement Program**

WHEREAS, Lake Washington School District provides a high quality public school education to students who live in the City of Sammamish; and

WHEREAS, Lake Washington School District is experiencing a significant increase in enrollment that has led to overcrowding at many schools. Enrollment projections call for continued increases in enrollment, resulting in more overcrowding across the district; and

WHEREAS, at August 5 board meeting of the Lake Washington Board of Directors' meeting, Dr. Traci Pierce, Superintendent of the Lake Washington School District, made a recommendation for three ballot measures to be placed on the February 11, 2014 ballot. The Board of Directors adopted Resolution No. 2162, Replacement of Existing Educational Programs & Operations Levy; Resolution No. 2163 Replacement of Existing Capital Projects Levies; and Resolution No. 2164, General Obligation Bonds, in order to properly provide for the financial obligations and educational needs of the district and its students; and

WHEREAS, the Sammamish City Council complied with RCW 42.17.130 to ensure that:  
(a) any required notice of the meeting included the title and number of the ballot proposition, and  
(b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

RESOLVED, that passage of the 2014 Levy and Bond measures will greatly enhance the educational needs of Lake Washington School District Students. As such, the Sammamish City Council hereby declares formal support for the proposed Lake Washington School District Levy and Bonds and urges the citizens of the Lake Washington School District to vote for the measures at the February 11, 2014 election.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF OCTOBER 2013**

CITY OF SAMMAMISH

APPROVED

\_\_\_\_\_  
Mayor Thomas T. Odell

Exhibit 1

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk: September 12, 2013

Passed by the City Council:

Resolution No.: R2013-\_\_\_\_\_



LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON

REPLACEMENT OF EXISTING EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

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RESOLUTION NO. 2162

- A RESOLUTION of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the submission to the qualified electors of the District at a special election to be held therein on February 11, 2014, of the proposition of whether excess taxes should be levied of \$63,000,000 in 2014 for collection in 2015, \$64,900,000 in 2015 for collection in 2016, \$66,800,000 in 2016 for collection in 2017, \$68,900,000 in 2017 for collection in 2018, said excess taxes to pay part of the cost of educational programs and operations support of the District.

ADOPTED AUGUST 5, 2013

PREPARED BY:

K&L GATES LLP  
Seattle, Washington

RESOLUTION NO. 2162

A RESOLUTION of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the submission to the qualified electors of the District at a special election to be held therein on February 11, 2014, of the proposition of whether excess taxes should be levied of \$63,000,000 in 2014 for collection in 2015, \$64,900,000 in 2015 for collection in 2016, \$66,800,000 in 2016 for collection in 2017, \$68,900,000 in 2017 for collection in 2018, said excess taxes to pay part of the cost of educational programs and operations support of the District.

WHEREAS, Lake Washington School District No. 414, King County, Washington (the “District”), for the past four years has had in effect an educational programs operations levy in order to enable the District to pay for its educational programs and services, including teaching, school supplies, athletics, buildings and transportation; and

WHEREAS, the current educational programs and operations levies expire this year; and

WHEREAS, the money in and to be paid into the General Fund of the District during the 2014-2015, 2015-2016, 2016-2017, 2017-2018 and 2018-2019 school years will be insufficient to enable the District to pay for necessary educational programs and operations and to properly meet the educational needs of the students attending District schools; and

WHEREAS, in order to properly provide for such educational programs and operations and such educational needs, the Board of Directors of the District deems it necessary to levy the following taxes upon all of the taxable property within the District in excess of the maximum annual tax levy permitted by law to be levied within the District without a vote of the electors:

- A. A tax of approximately \$1.85 per thousand dollars of assessed valuation to provide \$63,000,000, said levy to be made in 2014 for collection in 2015;
- B. A tax of approximately \$1.88 per thousand dollars of assessed valuation to provide \$64,900,000, said levy to be made in 2015 for collection in 2016;
- C. A tax of approximately \$1.90 per thousand dollars of assessed valuation to provide \$66,800,000, said levy to be made in 2016 for collection in 2017; and

Exhibit 2

- D. A tax of approximately \$1.92 per thousand dollars of assessed valuation to provide \$68,900,000, said levy to be made in 2017 for collection in 2018.

WHEREAS, the Constitution and laws of the State of Washington require that the question of whether or not such excess taxes may be levied must be submitted to the qualified electors of the District for their ratification or rejection;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LAKE WASHINGTON SCHOOL DISTRICT NO. 414, KING COUNTY, WASHINGTON, as follows:

Section 1. The following taxes for the District's General Fund should be levied upon all of the taxable property within the District in excess of the maximum annual tax levy permitted by law to be levied within the District without a vote of the electors:

- A. \$63,000,000, said levy to be made in 2014 for collection in 2015;
- B. \$64,900,000, said levy to be made in 2015 for collection in 2016;
- C. \$66,800,000, said levy to be made in 2016 for collection in 2017; and
- D. \$68,900,000, said levy to be made in 2017 for collection in 2018.

The estimated levy rate depends upon the final dollar amount of assessed value of the property within the District. At this time, based upon information provided by the King County Assessor's office, the estimated levy rate for the 2014 levy is \$1.85 per thousand dollars of assessed valuation, the estimated levy rate for the 2015 levy is \$1.88 per thousand dollars of assessed valuation, the estimated levy rate for the 2016 levy is \$1.90 per thousand dollars of assessed valuation; and the estimated levy rate for the 2017 levy is \$1.92 per thousand dollars of assessed valuation. The exact levy rate shall be adjusted based upon the actual assessed value of the property within the District at the time of the levy. Upon approval by the voters of the proposition substantially in the form set forth below, the District may use the proceeds of said levies during the 2014-2015, 2015-2016,

## Exhibit 2

2016-2017, 2017-2018 and 2018-2019 school years by incurring an indebtedness by the issuance of short term obligations against the General Fund of the District, as authorized by Chapter 39.50 RCW, and may expend the proceeds of said levies to pay such part of the general expenses of educational programs and operations of the District during such school years as may be authorized or allowed by law for the use of excess levy funds.

Section 2. It is hereby found and declared that the best interests of the District require the submission to the qualified electors of the District of the proposition of whether or not the District shall levy such excess tax for their ratification or rejection at a special election to be held therein on February 11, 2014.

King County Elections, as *ex officio* supervisor of elections in King County, Washington, is hereby requested to call and conduct said special election to be held within the District on said date and to submit to the qualified electors of the District the proposition substantially in the form hereinafter set forth. The Secretary of the Board of Directors is hereby authorized and directed to certify said proposition substantially in the following form:

PROPOSITION NO. 1

LAKE WASHINGTON SCHOOL DISTRICT NO. 414

REPLACEMENT OF EXISTING EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

The Board of Directors adopted Resolution No. 2162 concerning educational funding. This proposition authorizes the District to levy the following excess taxes, to replace an expiring levy, on all taxable property within the District, to support the District’s educational programs and operations:

Collection Years	Approximate Levy Rate/\$1,000 Assessed Value	Levy Amount
2015	\$1.85	\$63,000,000
2016	\$1.88	\$64,900,000
2017	\$1.90	\$66,800,000
2018	\$1.92	\$68,900,000

all as provided in the Resolution. Should this proposition be approved?

YES .....

NO .....

The Secretary of the Board of Directors of the District is hereby directed to deliver a certified copy of this resolution to King County Elections.

Section 3. Voter’s Pamphlet. Pursuant to authority granted by RCW 29.81A.010, the Board of Directors hereby authorizes the District’s participation in the local voters’ pamphlet for the February 11, 2014 election and requests that King County Elections prepare and publish a voter’s pamphlet for this proposition. The District understands and agrees that it will be required to pay its proportionate share of the expenses of the voters’ pamphlet.

Exhibit 2

ADOPTED by the Board of Directors of Lake Washington School District No. 414, King County, Washington, at a regular meeting thereof, held on the 5th day of August, 2013.

LAKE WASHINGTON SCHOOL DISTRICT  
NO. 414, KING COUNTY, WASHINGTON

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President and Director

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Director

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Director

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Director

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Director

ATTEST:

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Secretary, Board of Directors

CERTIFICATE

I, the undersigned, Secretary of the Board of Directors of Lake Washington School District No. 414, King County, Washington, (the "District") and keeper of the records of the Board of Directors (the "Board"), DO HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 2162 of the Board (the "Resolution"), duly adopted at a regular meeting thereof held on the 5th day of August, 2013.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper passage of the Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of August, 2013.

---

Secretary, Board of Directors

OFFICIAL BALLOT  
LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON  
February 11, 2014

---

INSTRUCTIONS TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the word "YES"; to vote against the following proposition, place a cross (X) in the square opposite the word "NO."

---

PROPOSITION NO. 1

LAKE WASHINGTON SCHOOL DISTRICT NO. 414

REPLACEMENT OF EXISTING EDUCATIONAL PROGRAMS AND  
OPERATIONS LEVY

The Board of Directors adopted Resolution No. 2162 concerning educational funding. This proposition authorizes the District to levy the following excess taxes, to replace an expiring levy, on all taxable property within the District, to support the District's educational programs and operations:

Collection Years	Approximate Levy Rate/\$1,000 Assessed Value	Levy Amount
2015	\$1.85	\$63,000,000
2016	\$1.88	\$64,900,000
2017	\$1.90	\$66,800,000
2018	\$1.92	\$68,900,000

all as provided in the Resolution. Should this proposition be approved?

YES .....

NO .....

NOTICE  
LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON  
February 11, 2014

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NOTICE IS HEREBY GIVEN that on February 11, 2014, a special election will be held in the above-named school district for the submission to the qualified electors of said school district of the following proposition:

PROPOSITION NO. 1

LAKE WASHINGTON SCHOOL DISTRICT NO. 414

REPLACEMENT OF EXISTING EDUCATIONAL PROGRAMS AND  
OPERATIONS LEVY

The Board of Directors adopted Resolution No. 2162 concerning educational funding. This proposition authorizes the District to levy the following excess taxes, to replace an expiring levy, on all taxable property within the District, to support the District's educational programs and operations:

Collection Years	Approximate Levy Rate/\$1,000 Assessed Value	Levy Amount
2015	\$1.85	\$63,000,000
2016	\$1.88	\$64,900,000
2017	\$1.90	\$66,800,000
2018	\$1.92	\$68,900,000

all as provided in the Resolution. Should this proposition be approved?

YES .....

NO .....

---

King County Elections



LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON

REPLACEMENT OF EXISTING CAPITAL PROJECTS LEVIES

---

RESOLUTION NO. 2163

A RESOLUTION of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the submission to the qualified electors of the district at a special election to be held therein on February 11, 2014, of a proposition to authorize the district to levy an additional tax to provide a total of \$127,200,000 for the District's Capital Projects Fund for construction, renovation, improvements and expansion of new and existing facilities, for technology improvements, and equipment and training to meet the current and future educational programs for its students, such levies to be made for four years commencing in 2014 for collection in the school years from 2014-2015 through 2017-2018.

ADOPTED AUGUST 5, 2013

PREPARED BY:

K&L GATES LLP  
Seattle, Washington

RESOLUTION NO. 2163

A RESOLUTION of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the submission to the qualified electors of the district at a special election to be held therein on February 11, 2014, of a proposition to authorize the district to levy an additional tax to provide a total of \$127,200,000 for the District's Capital Projects Fund for construction, renovation, improvements and expansion of new and existing facilities, for technology improvements, and equipment and training to meet the current and future educational programs for its students, such levies to be made for four years commencing in 2014 for collection in the school years from 2014-2015 through 2017-2018.

WHEREAS, the educational facilities of Lake Washington School District No. 414, King County, Washington (the "District"), including technology facilities are in need of renovation, construction, improvements and expansion to meet the current and future educational programs for its students; and

WHEREAS, funds available to the District will be insufficient to enable the District to implement such projects; and

WHEREAS, in order to support the cost of these projects as found necessary by the Board of Directors, it is deemed advisable that the District levy a tax upon all the taxable property within the District in excess of the annual tax the District is permitted by law to levy without a vote of the people, such levy to be made for four years commencing in 2014 for collection in the school years from 2014-2015 through 2017-2018, inclusive, as authorized by Article VII, Section 2 of the State Constitution and RCW 84.52.053; and

WHEREAS, the question of whether or not such excess tax may be levied must be submitted to the qualified electors of the District for their ratification or rejection; and

WHEREAS, the conditions here and above set forth which requires the holding of a special election in the District;

### Exhibit 3

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LAKE WASHINGTON SCHOOL DISTRICT NO. 414, KING COUNTY, WASHINGTON as follows:

Section 1. Finding. It is hereby found and declared that the welfare of the students and other residents of the District requires the District to carry out the improvements hereinafter provided.

Section 2. Authorization of Improvements. The District shall modernize and expand its school facilities through the construction, renovation, improvement and expansion of new and existing facilities, and improvements to technology equipment and training. In addition, the District shall also modernize its educational facilities through the acquisition and installation, implementation and management of computer technology and technology systems, facilities and projects, including but not limited to enhancing infrastructure, acquiring hardware, licensing software, and implementing online applications and training related to the installation of the foregoing as an integral part of the District's technology systems, facilities, or projects; and the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products or services, and shall make other capital project expenditures as found necessary by the Board of Directors.

The District may repay any obligations hereafter incurred for the foregoing purposes.

If available funds are sufficient, the District shall acquire, construct, equip and make other capital improvements to the facilities of the District, all as the Board of Directors finds necessary; provided that such funds may be used only to support the construction,

### Exhibit 3

modernization, replacement, and remodeling of school facilities or implementation of the District's technology facilities plan.

If the District shall determine that it has become impracticable to accomplish any of such improvements or portions thereof by reason of changed conditions or needs, incompatible development, costs substantially in excess of those estimated, or acquisition by a superior governmental authority, the District shall not be required to accomplish such improvement and may apply levy proceeds as set forth in this section. If any or all of the improvements have been completed, or their completion duly provided for, or their completion found to be impractical, the District may apply the levy proceeds or any portion thereof to other portions of the improvements or to other capital purposes of the District, as the District in its discretion shall determine. Notwithstanding any provision of this resolution to the contrary, levy proceeds may only be used to support the construction, modernization or remodeling of school facilities or implementation of the District's technology facilities plan.

Section 3. Authorization of Levies. It is hereby found and declared that best interests of the District require the submission to the qualified electors of the District of the proposition whether the District shall make the Capital Projects Fund levies for their ratification or rejection at a special election to be held on February 11, 2014. For the purpose of replacing an expiring levy and providing funds necessary for the needs described in Section 2 above, King County Elections, as *ex officio* supervisor of elections in King County, is hereby requested to call and conduct such special election to be held within the District on such day and to submit to the qualified electors of the District for their approval or rejection, a proposition providing for tax levies for the Capital Projects Fund for four years, commencing in 2014, producing dollar amounts at estimated tax rates per thousand dollars of assessed value to produce such amounts,

### Exhibit 3

in excess of the maximum amount tax levy permitted by law to be levied within the District without a vote of the electors, all as follows:

- A. \$31,200,000, said levy to be made in 2014 for collection in 2015;
- B. \$31,500,000, said levy to be made in 2015 for collection in 2016;
- C. \$32,000,000, said levy to be made in 2016 for collection in 2017; and
- D. \$32,500,000, said levy to be made in 2017 for collection in 2018.

The estimated levy rate depends upon the final dollar amount of assessed value of the property within the District. At this time, based upon information provided by the County Assessor's office, the estimated levy rate for the 2014 levy is \$0.91 per thousand dollars of assessed valuation, the estimated levy rate for the 2015 levy is \$0.91 per thousand dollars of assessed valuation, the estimated levy rate for the 2016 levy is \$0.91 per thousand dollars of assessed valuation, the estimated levy rate for the 2017 levy is \$0.91 per thousand dollars of assessed valuation. The exact levy rate shall be adjusted based upon the actual assessed value of the property within the District at the time of the levy.

Section 4. Voter's Pamphlet. Pursuant to authority granted by RCW 29.81A.010, the Board of Directors hereby authorizes the District's participation in the local voters' pamphlet for the February 11, 2014 election and requests that King County Elections prepare and publish a voter's pamphlet for this proposition. The District understands and agrees that it will be required to pay its proportionate share of the expenses of the voters' pamphlet.

Section 5. Approval of Form of Ballot. The Secretary of the Board of Directors is hereby authorized and directed to certify said proposition to King County Elections, as *ex officio* supervisor of elections in King County, substantially in the following form:

PROPOSITION NO. 2

LAKE WASHINGTON SCHOOL DISTRICT NO. 414

REPLACEMENT OF EXISTING CAPITAL PROJECTS LEVIES

The Board of Directors approved Resolution No. 2163 for educational facilities and technology levies. This proposition authorizes the improvement and upgrade of District facilities; including educational technology, software and training; building and site improvements; and authorizes the following excess levies for such purposes on all taxable property within the District:

Collection Years	Approximate Levy Rate/\$1,000 Assessed Value	Levy Amount
2015	\$0.91	\$ 31,200,000
2016	\$0.91	\$ 31,500,000
2017	\$0.91	\$ 32,000,000
2018	\$0.91	\$ 32,500,000

all as provided in the Resolution. Should this proposition be approved?

YES .....

NO .....

The Secretary of the Board of Directors of the District is hereby authorized and directed to deliver certified copies of this resolution to King County Elections.

Exhibit 3

ADOPTED by the Board of Directors of Lake Washington School District No. 414, King County, Washington, at a regular meeting thereof, held this 5th day of August, 2013.

LAKE WASHINGTON SCHOOL DISTRICT  
NO. 414, KING COUNTY, WASHINGTON

\_\_\_\_\_  
President and Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

ATTEST:

\_\_\_\_\_  
Secretary, Board of Directors

CERTIFICATE

I, the undersigned, Secretary of the Board of Directors of Lake Washington School District No. 414, King County, Washington (the "District"), and keeper of the records of the Board of Directors (the "Board"), DO HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 2163 of the Board (the "Resolution"), duly adopted at a regular meeting thereof held on the 5th day of August, 2013.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of August, 2013.

---

Secretary, Board of Directors

OFFICIAL BALLOT  
LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON  
February 11, 2014

---

INSTRUCTIONS TO VOTERS: To vote in favor of the following proposition, place a cross (x) in the square opposite the words "YES"; to vote against the following proposition, place a cross (X) in the square opposite the words "NO."

---

PROPOSITION NO. 2

LAKE WASHINGTON SCHOOL DISTRICT NO. 414

REPLACEMENT OF EXISTING CAPITAL PROJECTS LEVIES

The Board of Directors approved Resolution No. 2163 for educational facilities and technology levies. This proposition authorizes the improvement and upgrade of District facilities; including educational technology, software and training; building and site improvements; and authorizes the following excess levies for such purposes on all taxable property within the District:

Collection Years	Approximate Levy Rate/\$1,000 Assessed Value	Levy Amount
2015	\$0.91	\$ 31,200,000
2016	\$0.91	\$ 31,500,000
2017	\$0.91	\$ 32,000,000
2018	\$0.91	\$ 32,500,000

all as provided in the Resolution. Should this proposition be approved?

YES .....

NO .....

NOTICE  
LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON

February 11, 2014

---

---

NOTICE IS HEREBY GIVEN that on February 11, 2014, a special election will be held in the above-named school district for the submission to the qualified electors of said school district of the following proposition:

PROPOSITION NO. 2

LAKE WASHINGTON SCHOOL DISTRICT NO. 414

REPLACEMENT OF EXISTING CAPITAL PROJECTS LEVIES

The Board of Directors approved Resolution No. 2163 for educational facilities and technology levies. This proposition authorizes the improvement and upgrade of District facilities; including educational technology, software and training; building and site improvements; and authorizes the following excess levies for such purposes on all taxable property within the District:

Collection Years	Approximate Levy Rate/\$1,000 Assessed Value	Levy Amount
2015	\$0.91	\$ 31,200,000
2016	\$0.91	\$ 31,500,000
2017	\$0.91	\$ 32,000,000
2018	\$0.91	\$ 32,500,000

all as provided in the Resolution. Should this proposition be approved?

YES .....

NO .....

---

King County Elections

LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON

GENERAL OBLIGATION BONDS

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RESOLUTION NO. 2164

A RESOLUTION of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district at a special election to be held therein on February 11, 2014, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$755,000,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds for the renovation, upgrade and new construction of school facilities, and authorizing the Deputy Superintendent and/or Director, Business Services to submit a request for eligibility for the Washington State School District Credit Enhancement Program.

ADOPTED AUGUST 5, 2013

PREPARED BY:

K&L GATES LLP  
Seattle, Washington

LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
RESOLUTION NO. 2164

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\* This table of contents and the cover page are not a part of this resolution; they are included for convenience of the reader only.

RESOLUTION NO. 2164

A RESOLUTION of the Board of Directors of Lake Washington School District No. 414, King County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district at a special election to be held therein on February 11, 2014, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$755,000,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds for the renovation, upgrade and new construction of school facilities, and authorizing the Deputy Superintendent and/or Director, Business Services to submit a request for eligibility for the Washington State School District Credit Enhancement Program.

WHEREAS, improved facilities are needed in Lake Washington School District No. 414, King County, Washington (the “District”) in order to provide the students of the District with safe, adequate and efficient educational facilities; and

WHEREAS, in order to provide all or a part of the funds to enable the District to undertake renovations and upgrades to extend the life of the District’s existing facilities, including elementary, middle and high school buildings, it is deemed necessary and advisable that the District issue and sell its unlimited tax general obligation bonds to provide funds for such purposes; and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether or not such bonds may be issued and sold for such purposes must be submitted to the qualified electors of the District for their ratification or rejection; and

WHEREAS, in RCW ch. 39.98 (the “Credit Enhancement Act”), the State Legislature established a credit enhancement program (the “Program”) for voter-approved school district general obligation bonds; and

## Exhibit 4

WHEREAS, Section 39.98.040 of the Credit Enhancement Act authorizes the state treasurer to make a determination that a school district is eligible for participation in the Program if the state treasurer determines that the District is eligible under rules adopted by the state finance committee; and

WHEREAS, the District may elect to participate in the Program upon an administrative determination that it is cost-effective;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LAKE WASHINGTON SCHOOL DISTRICT NO. 414, KING COUNTY, WASHINGTON, as follows:

Section 1.     Findings. This Board of Directors (the “Board”) hereby finds and declares that the best interest of the students and other inhabitants of the District require the District to carry out the plans hereinafter provided at the time or times and in the order deemed most necessary and advisable by the Board.

Section 2.     Capital Improvements. The District shall make the following capital improvements (the “Improvements”):

- Acquire, construct and equip three new elementary schools;
- Acquire, construct and equip a new middle school or equivalent space;
- Acquire, construct and equip an East Side internationally focused choice school;
- Acquire, construct and equip a West Side STEM (science, technology and mathematics) focused choice school;
- Construct and equip an addition to Lake Washington High School;
- Construct and equip an addition to Eastlake High School; and
- Modernize and replace (including equipping) the following schools.

## Exhibit 4

- a. Juanita High School
- b. Evergreen Middle School
- c. Kamiakin Middle School
- d. Kirk Elementary
- e. Mead Elementary
- f. Rockwell Elementary

In connection with the foregoing Improvements, the District may also acquire sites as needed in order to accomplish the Improvements and the cost of acquisition shall be considered part of the Improvements. The cost of all necessary planning, architectural, engineering, and other consulting services, inspection and testing, administrative and relocation expenses, demolition, site work, on and off-site utilities, related improvements, including but not limited to parking, driveways, entry ways, landscaping and related athletic facilities and other costs incurred in connection with the making of the foregoing capital improvements shall be deemed a part of the costs of the Improvements. Such Improvements shall include all necessary furniture, equipment and appurtenances.

If available funds are sufficient from the proceeds of Bonds authorized for the above purposes, the District may use such funds to acquire sites for facilities of the District or to pay the principal of or interest on the Bonds, In the alternative, if available funds are sufficient from the proceeds of Bonds authorized for the above purposes and/or state and local circumstances require, the District may use such funds to acquire, construct, equip, modernize and make other capital improvements to the facilities of the District, all as the Board of Directors may determine, after holding a public hearing thereon pursuant to RCW 28A.530.020.

## Exhibit 4

The District shall determine the application of available moneys as between the various Improvements set forth above so as to accomplish, as nearly as may be, all of the Improvements described or provided for in this section. The District shall determine the exact extent and specifications for construction of structures or other improvements.

If the Board shall determine that it has become impractical to accomplish any of such Improvements or portions thereof by reason of state or local circumstances, including changed conditions, incompatible development or costs substantially in excess of those estimated, the District shall not be required to accomplish such Improvements and may apply the Bond proceeds or any portion thereof to other portions of the Improvements, to other capital improvements, or to payment of principal of or interest on the Bonds, as the Board may determine after holding a public hearing thereon pursuant to RCW 28A.530.020.

In the event that the proceeds of sale of the Bonds, plus any other moneys of the District legally available, are insufficient to accomplish all of the Improvements provided by this section, the District shall use the available funds for paying the cost of those Improvements for which the Bonds were approved deemed by the Board most necessary and in the best interest of the District.

The District does not anticipate receiving funds from the State of Washington pursuant to Chapter 28A.525 RCW.

Section 3. Authorization of Bonds. For the purpose of providing all or a part of the funds necessary to pay the cost of the Improvements, together with incidental costs and costs related to the sale and issuance of the bonds, the District shall issue and sell its unlimited tax general obligation bonds in the principal amount of not to exceed \$755,000,000. The balance of the cost of the Improvements shall be paid out of any money which the District now has or may

## Exhibit 4

later have on hand which are legally available for such purposes. None of said bond proceeds shall be used for the replacement of equipment or for any other than a capital purpose. Such bonds shall be issued in an amount not exceeding the amount approved by the qualified electors of the District as required by the Constitution and laws of the State of Washington or exceeding the amount permitted by the Constitution and laws of the State of Washington.

Section 4.     Details of Bonds. The bonds provided for in Section 3 hereof shall be sold in such amounts and at such time or times as deemed necessary and advisable by this Board and as permitted by law, shall bear interest at a rate or rates not to exceed the maximum rate permitted by law at the time the bonds are sold, and shall mature in such amounts and at such times within a maximum term of twenty (20) years from date of issue, but may mature at an earlier date or dates, as authorized by this Board and as provided by law. Said bonds shall be general obligations of the District and, unless paid from other sources, both principal thereof and interest thereon (including original issue discount) shall be payable out of annual tax levies to be made upon all the taxable property within the District without limitation as to rate or amount and in excess of any constitutional or statutory tax limitations. The exact date, form, terms and maturities of said bonds shall be as hereafter fixed by resolution of the Board. After voter approval of the bond proposition and in anticipation of the issuance of such bonds, the District may issue short term obligations as authorized and provided by Chapter 39.50 RCW.

Section 5.     Election. It is hereby found and declared that the best interests of the District requires the submission to the qualified electors of the District of the proposition of whether the District shall issue the Bonds at a special election to be held on February 11, 2014. King County Elections, as *ex officio* supervisor of elections, is hereby requested also to call and conduct the special election to be held within the District and to submit to the qualified electors

of the District the proposition set forth below. The Secretary of the Board is hereby authorized and directed to certify the proposition to said officials in the following form:

PROPOSITION NO. 3  
LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
GENERAL OBLIGATION BONDS - \$755,000,000

The Board of Directors of Lake Washington School District No. 414 adopted Resolution No. 2164 concerning this proposition for bonds. This proposition authorizes the construction and equipping of new schools (three elementary, one middle, two choice); the modernization/replacement of schools (Kirk, Mead, Rockwell Elementary; Evergreen and Kamiakin Middle; and Juanita High); additions to schools (Lake Washington and Eastlake High); and other capital improvements, to issue \$755,000,000 of general obligation bonds maturing within a maximum of 20 years, and to levy excess property taxes annually to repay the bonds, as provided in Resolution No. 2164. Should this proposition be:

APPROVED?.....   
REJECTED?.....

The Secretary of the Board of Directors is hereby authorized to deliver a certified copy of this resolution to King County Elections.

Section 6. Voter’s Pamphlet. Pursuant to authority granted by RCW 29.81A.010, the Board of Directors hereby authorizes the District’s participation in the local voters’ pamphlet for the February 11, 2014 election and requests that King County Elections prepare and publish a voter’s pamphlet for this proposition. The District understands and agrees that it will be required to pay its proportionate share of the expenses of the voters’ pamphlet.

Section 7. Request for Eligibility for the Credit Enhancement Program. In preparation for the issuance and sale of the Bonds after approval by the voters, the Board of Directors hereby requests that the State Treasurer issue a certificate of eligibility in favor of the District for participation by the District in the Program with respect to the Bonds. The Deputy

## Exhibit 4

Superintendent and/or Director, Business Services is hereby authorized (following voter approval) to submit such applications, resolutions and certifications as shall be required by the State Treasurer in reviewing the District's request for participation.

Section 8.     Severability. In the event that any provision of this resolution shall be held to be invalid, such invalidity shall not affect or invalidate any other provision of this resolution or the Bonds, but they shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Exhibit 4

Section 9.     Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Lake Washington School District No. 414, King County, Washington, at a regular meeting held this 5th day of August, 2013.

LAKE WASHINGTON SCHOOL DISTRICT  
NO. 414, KING COUNTY, WASHINGTON

\_\_\_\_\_  
President and Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

ATTEST:

\_\_\_\_\_  
Secretary of the Board of Directors

CERTIFICATE

I, the undersigned, Secretary of the Board of Directors of Lake Washington School District No. 414, King County, Washington (the "District"), and keeper of the records of the Board of Directors (the "Board"), DO HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 2164 of the Board (herein called the "Resolution"), duly adopted at a regular meeting thereof held on the 5th day of August, 2013.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the adoption of said Resolution; that all other requirements and proceedings incident to the proper adoption of said Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of August, 2013.

---

Secretary of the Board of Directors

OFFICIAL BALLOT

LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON

February 11, 2014

INSTRUCTIONS TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the word "APPROVED"; to vote against the following proposition, place a cross (X) in the square opposite the word "REJECTED."

PROPOSITION NO. 3  
LAKE WASHINGTON SCHOOL DISTRICT NO. 414

GENERAL OBLIGATION BONDS - \$755,000,000

The Board of Directors of Lake Washington School District No. 414 adopted Resolution No. 2164 concerning this proposition for bonds. This proposition authorizes the construction and equipping of new schools (three elementary, one middle, two choice); the modernization/replacement of schools (Kirk, Mead, Rockwell Elementary; Evergreen and Kamiakin Middle; and Juanita High); additions to schools (Lake Washington and Eastlake High); and other capital improvements, to issue \$755,000,000 of general obligation bonds maturing within a maximum of 20 years, and to levy excess property taxes annually to repay the bonds, as provided in Resolution No. 2164. Should this proposition be:

APPROVED?.....   
REJECTED?.....

NOTICE OF SPECIAL ELECTION

LAKE WASHINGTON SCHOOL DISTRICT NO. 414  
KING COUNTY, WASHINGTON

February 11, 2014

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NOTICE IS HEREBY GIVEN that on Tuesday, February 11, 2014, a special election will be held in the above-named school district for the submission to the qualified electors of said School district of the following proposition:

PROPOSITION NO. 3  
LAKE WASHINGTON SCHOOL DISTRICT NO. 414

GENERAL OBLIGATION BONDS - \$755,000,000

The Board of Directors of Lake Washington School District No. 414 adopted Resolution No. 2164 concerning this proposition for bonds. This proposition authorizes the construction and equipping of new schools (three elementary, one middle, two choice); the modernization/replacement of schools (Kirk, Mead, Rockwell Elementary; Evergreen and Kamiakin Middle; and Juanita High); additions to schools (Lake Washington and Eastlake High); and other capital improvements, to issue \$755,000,000 of general obligation bonds maturing within a maximum of 20 years, and to levy excess property taxes annually to repay the bonds, as provided in Resolution No. 2164. Should this proposition be:

APPROVED?.....

REJECTED?.....

---

King County Elections





# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** September 25, 2013

**Originating Department:** Public Works

**Clearances:**

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

**Subject:** Resolution establishing the date, time and place for a Public Hearing to consider a request to vacate the northern most 30 feet of SE 32<sup>nd</sup> Street public right of way

**Action Required:** City Council adoption of the attached Resolution establishing the date, time and place for the Public Hearing to consider this street right of way vacation request.

**Exhibits:**

1. Resolution Initiating the Vacation and Setting Public Hearing Date, Time and Place
2. Vicinity Map showing area of the proposed right of way vacation

**Budget:** Not applicable

**Summary Statement:**

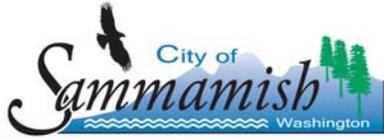
Staff is recommending the City initiate the vacation of excess public right of way that currently exists on SE 32<sup>nd</sup> Street just west of 224<sup>th</sup> Ave SE. The procedures are explained in Chapter PWS 05 of the City's Interim Public Works Standards, "Street and Alley Vacation Procedures".

The first step in the City initiated process is for the City Council to pass a resolution which formally initiates a public hearing.

**Background:**

At the time parcels 6795100662 and 6795100663 along SE 32<sup>nd</sup> Street were originally platted, SE 32<sup>nd</sup> Street was not a through street. In order to accommodate a temporary turnaround for emergency vehicles, the developer dedicated an extra 30 feet of public right of way over and beyond that required per the public street standards. The intent was that once SE 32<sup>nd</sup> Street was connected, the excess public right of way would be vacated and returned to the adjacent parcels.

SE 32<sup>nd</sup> Street is now a fully connected roadway, and because of that staff is recommending the City initiate the vacation process. Per the City's Interim Public Works Standards and Revised Code of Washington 35.79.010 the City must pass a Resolution formally initiating the process and set a public hearing. This hearing shall be not more than 60 days nor less than 20 days after the date of adoption of the resolution.



## City Council Agenda Bill

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**Financial Impact:**

None.

**Recommended Motion:**

Move to adopt Resolution No. R2013-\_\_\_ which initiates the street vacation process and establishes a Public Hearing date of November 5, 2013 regarding the 30 feet of right of way along the northern edge of SE 32<sup>nd</sup> Street just west of 224<sup>th</sup> Avenue SE.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2013 - \_\_\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, INITIATING AND SETTING A PUBLIC  
HEARING DATE TO CONSIDER THE VACATION OF A  
PORTION OF SE 32<sup>nd</sup> STREET**

WHEREAS, the City Council desires to initiate by resolution a Street Vacation of the northern most 30 feet of SE 32<sup>nd</sup> Street along parcel numbers 6795100662 and 6795100663; and

WHEREAS, the City's Interim Public Works Standards (PWS.05.070) and Washington State Law (RCW 35.79.010) permit such City Council-initiated street vacations, and likewise provide for notice and a public hearing on such action including that the date of such public hearing shall be fixed by Resolution of the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. City Council Initiation of Street Vacation. Pursuant to RCW 35.79.010 and PWS.05.030, the City Council hereby initiates a street vacation of the northern most 30 feet of SE 32<sup>nd</sup> Street along parcel numbers 6795100662 and 6795100663.

Section 2. Public Hearing on Street Vacation. The City Council shall conduct a public hearing on the proposed street vacation on November 5<sup>th</sup> at 6:30 pm at the Sammamish City Council Chambers, 801 228<sup>th</sup> Avenue SE, Sammamish, Washington.

Section 3. Notice of Public Hearing. The City shall provide notice of the public hearing on the proposed street vacation in the manner set forth in RCW 35.78.020 and PWS.05.090.

**PASSED BY THE SAMMAMISH CITY COUNCIL AT A REGULAR MEETING  
THEREOF ON THE \_\_\_\_\_ DAY OF OCTOBER 2013.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Thomas T. Odell

Exhibit 1

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

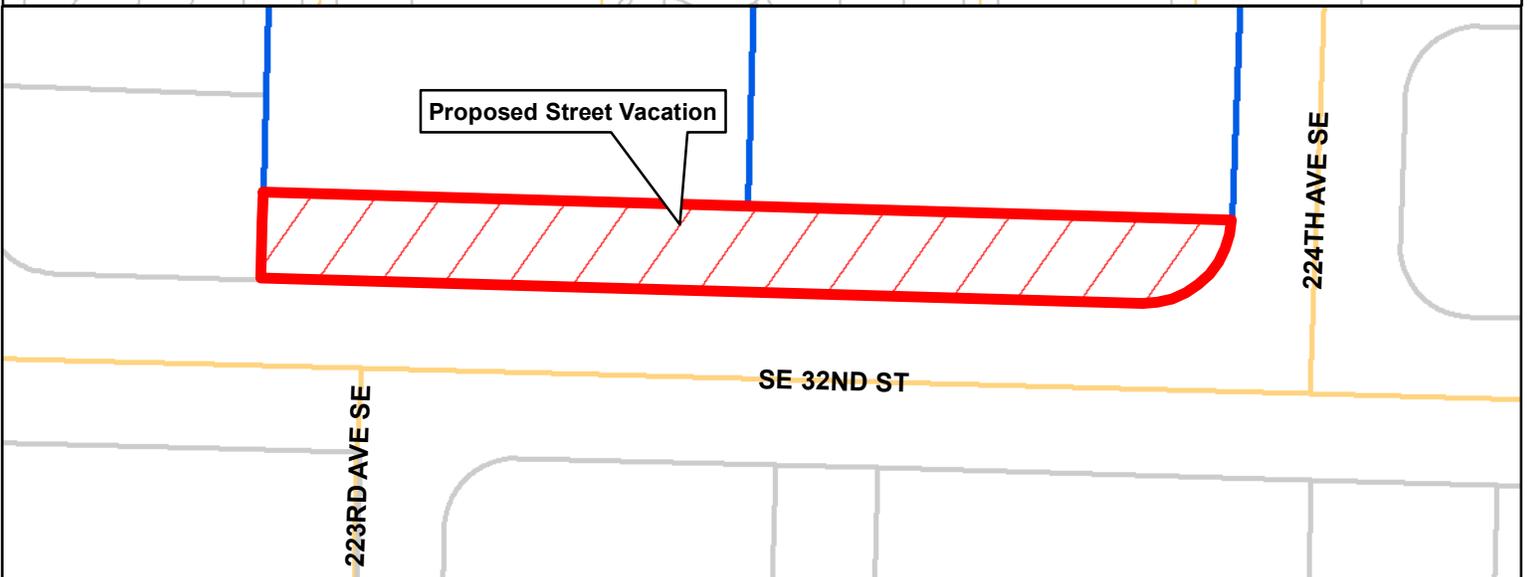
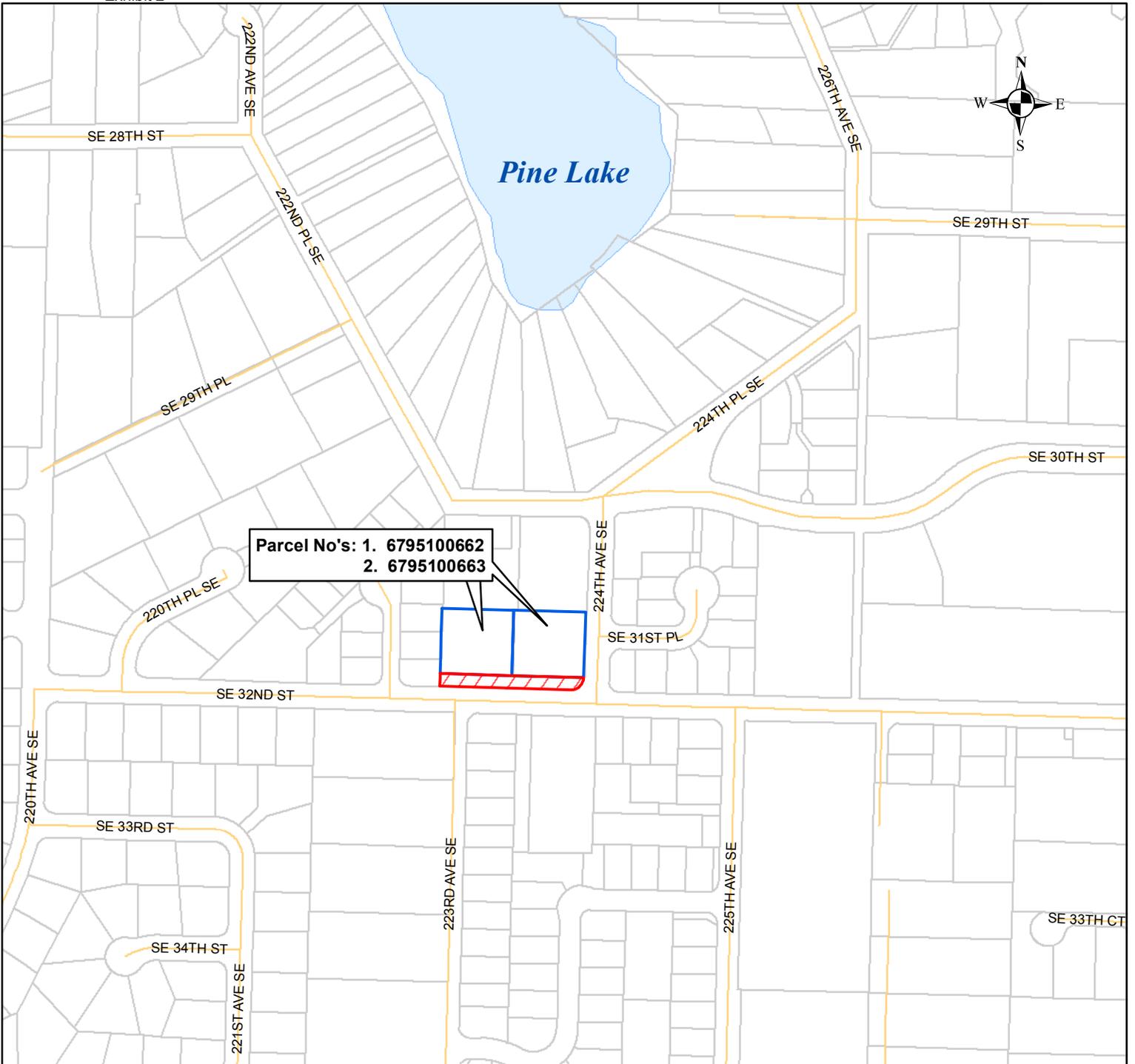
Approved as to form:

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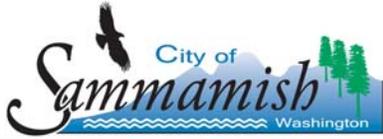
Michael R. Kenyon, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Resolution No.:

September 25, 2013







# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** September 25, 2013

**Originating Department:** Public Works

**Clearances:**

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

**Subject:** Resolution establishing the date, time and place for a Public Hearing to consider a request to vacate approximately ½ acres of SE 28<sup>th</sup> Street public right of way

**Action Required:** City Council adoption of the attached Resolution establishing the date, time and place for the Public Hearing to consider this street right of way vacation request.

**Exhibits:**

1. Resolution Initiating the Vacation and Setting Public Hearing Date, Time and Place
2. Vicinity Map showing area of the proposed right of way vacation

**Budget:** Not applicable

**Summary Statement:**

Staff is recommending the City initiate the vacation of excess public right of way that currently exists adjacent to SE 28<sup>th</sup> Street. The procedures are explained in Chapter PWS 05 of the City's Interim Public Works Standards, "Street and Alley Vacation Procedures".

The first step in the City initiated process is for the City Council to pass a resolution which formally initiates a public hearing.

**Background:**

In March of 2013, the City Council approved the vacation of a portion of unopened public right of way. The unopened right of way was north of SE 28<sup>th</sup> Street and was originally titled JA Halverson. The right of way vacation was requested by the adjacent property owner. Through the process the research showed that the JA Halverson alignment was replaced by what is currently known as SE 28<sup>th</sup> Street.

Research also showed that the donating parcels dedicated both alignments, and King County never intended to construct more than one roadway. The majority of JA Halverson alignment was vacated decades ago. After the approved vacation in March 2013, only one remnant of right of way from this alternative alignment exists. It is this remaining piece that staff is recommending the City initiate vacation of.



## City Council Agenda Bill

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**Financial Impact:**

None.

**Recommended Motion:**

Move to adopt Resolution No. R2013-\_\_\_ which initiates the street vacation process and establishes a Public Hearing date of November 5, 2013 regarding approximately ½ acre of unneeded right of way adjacent SE 28<sup>th</sup> Street as shown on the attached vicinity map.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2013 - \_\_\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, INITIATING AND SETTING A PUBLIC  
HEARING DATE TO CONSIDER THE VACATION OF A  
PORTION OF SE 28th STREET**

WHEREAS, the City Council desires to initiate by resolution a Street Vacation of approximately ½ of an acre of SE 28<sup>th</sup> Street adjacent to parcel number 0924069038; and

WHEREAS, the City's Interim Public Works Standards (PWS.05.070) and Washington State Law (RCW 35.79.010) permit such City Council-initiated street vacations, and likewise provide for notice and a public hearing on such action including that the date of such public hearing shall be fixed by Resolution of the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. City Council Initiation of Street Vacation. Pursuant to RCW 35.79.010 and PWS.05.030, the City Council hereby initiates a street vacation of approximately ½ of an acre adjacent to parcel number 0924069038.

Section 2. Public Hearing on Street Vacation. The City Council shall conduct a public hearing on the proposed street vacation on November 5<sup>th</sup> at 6:30 pm at the Sammamish City Council Chambers, 801 228<sup>th</sup> Avenue SE, Sammamish, Washington.

Section 3. Notice of Public Hearing. The City shall provide notice of the public hearing on the proposed street vacation in the manner set forth in RCW 35.78.020 and PWS.05.090.

**PASSED BY THE SAMMAMISH CITY COUNCIL AT A REGULAR MEETING  
THEREOF ON THE \_\_\_\_ DAY OF OCTOBER 2013.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Thomas T. Odell

Exhibit 1

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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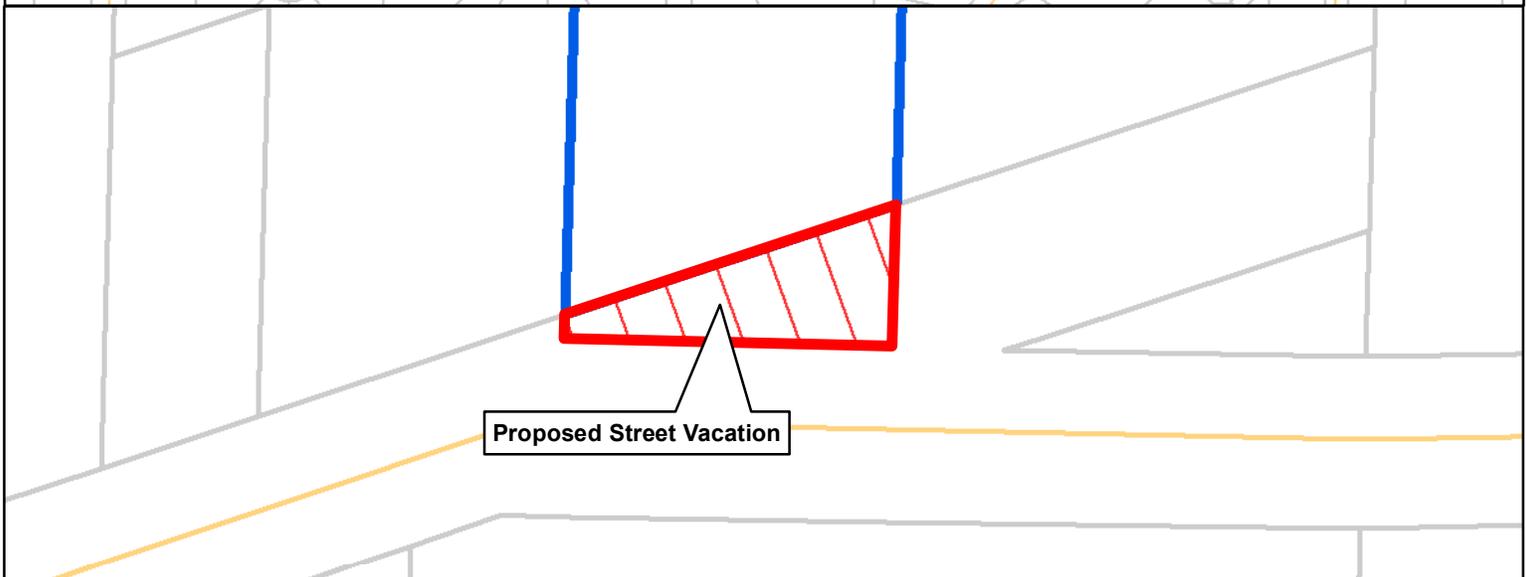
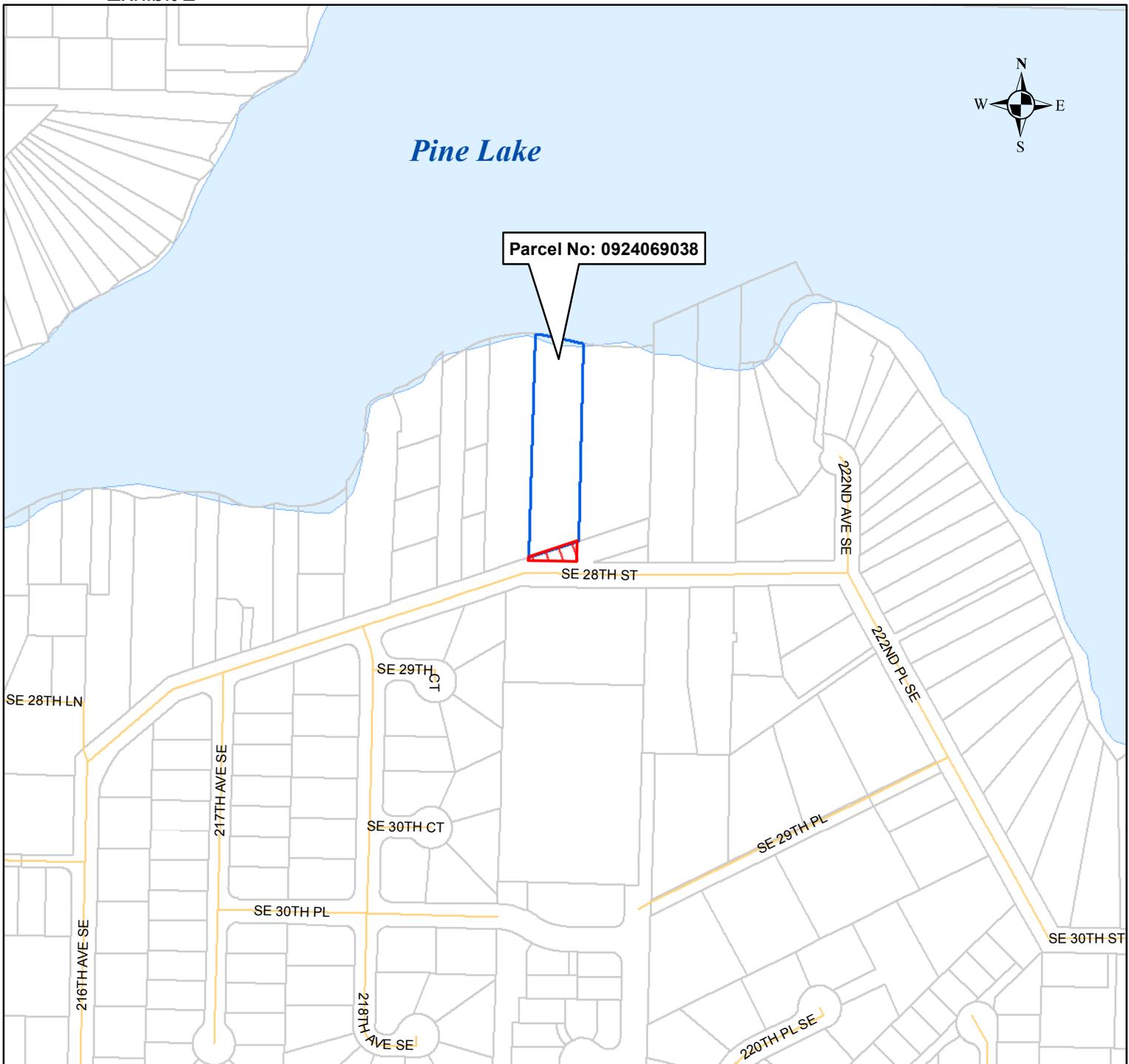
Michael R. Kenyon, City Attorney

Filed with the City Clerk:                      September 25, 2013  
Passed by the City Council:  
Resolution No.:



*Pine Lake*

Parcel No: 0924069038



Proposed Street Vacation





# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** September 25, 2013

**Originating Department:** Parks and Recreation

**Clearances:**

City Manager  
 Attorney  
 Admin Services

Community Development  
 Finance & IT  
 Fire

Parks & Recreation  
 Police  
 Public Works

**Subject:** Sammamish Landing Phase II Improvements

**Action Required:** Authorize the City Manager to utilize a portion of the City's ending fund balance to construct the Sammamish Landing Phase II improvements in 2014.

**Exhibits:** Photos of parking at Sammamish Landing

**Budget:** Requesting \$2,000,000 be allocated from the 2013 Ending Fund Balance of the Parks CIP Fund for the purpose of constructing a parking lot, an accessible path to the park and a permanent restroom building at Sammamish Landing.

**Summary Statement:**

The first phase of improvements at Sammamish Landing Park was completed earlier this year. The first phase included shoreline access, two new docks, two picnic shelters, and trails, but did not include parking.

Since opening the park, visitors have been parking on 187<sup>th</sup> Avenue NE as well as on the shoulders of East Lake Sammamish Parkway. This caused some safety concerns on the parkway, particularly in the summer when park usage was at its peak. In the near future, 187<sup>th</sup> Avenue NE (City of Redmond road) will be re-stripped to include a bike lane, which will eliminate the on-street parking for Sammamish Landing Park.

Staff recommends that City Council allocate the necessary resources to construct a parking lot on the upland park parcels along with associated improvements to better accommodate public use. This project would be constructed in 2014.

**Background:**

The first phase of improvements at Sammamish Landing consisted of two picnic shelters, a trail head, improvements to existing trails, a portable restroom, site furnishings, mitigation and access to existing pocket beaches. The two existing docks were also replaced with floating docks for year-round use.



## City Council Agenda Bill

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Primary access to the park is from the King County East Lake Sammamish trail, or by vehicle with parking in the locations described above. These parking areas have caused significant safety concerns. Staff have observed approximately 25 cars parked on both sides of the parkway with an additional 20-25 cars parked along 187<sup>th</sup> Avenue NE on a busy summer day.

### **Scope of Work:**

The master plan for Sammamish Landing Park, as adopted by the City Council in July 2010, proposes a parking lot for approximately 35 cars on the upland park parcels to the east of the parkway. Staff recommends constructing this parking lot with a pedestrian actuated crossing across the parkway. The recommendation also includes an accessible switchback trail to bring people down the 20-foot elevation drop from the parkway to the park to comply with ADA regulations.

The scope of work also includes construction of a permanent restroom. The park is currently served by a portable restroom (a honey bucket) that was intended for interim use only. During the past summer, the honey bucket had to be serviced a minimum of three times a week to keep up with usage. It is economical to build this restroom building concurrent with the switch-back trail to combine earthwork and grading efforts and to minimize the disruption to traffic on the parkway during construction. For this reason staff recommends including this option in the project.

The cost estimate for Phase II is \$2,000,000. Note that this includes design costs, construction costs, contingencies and Washington State sales taxes. In the case of the restroom building, the costs also include the utility connection costs for electricity, water and sewer.

Staff is recommending that the project be timed in such a way that it would coincide with the King County trail widening project scheduled for next summer (2014).

### **Financial Impact:**

Because this project was not included in the 2013-2014 Budget, Staff recommends that the City Council allocate \$2,000,000 from the Parks CIP Fund to design and construct the Sammamish Landing Phase II improvements. The 2013 Parks CIP Fund Ending Fund Balance, before this adjustment, is anticipated to be approximately \$14.5 million. A formal budget amendment will be included during the 2013-2014 Mid-biennial Budget update in November.

### **Recommended Motion:**

Authorize the City Manager to include \$2,000,000 from the Parks CIP Ending Fund Balance during the 2013-2014 Mid-biennial Budget amendment, for the construction of Phase II at Sammamish Landing Park to include parking, an accessible pathway to the park and a permanent restroom building.



# City Council Agenda Bill



Parking on East Lake Sammamish Parkway



Parking on 187<sup>th</sup> Avenue NE





# City Council Agenda Bill

**Meeting Date:** October 1, 2013

**Date Submitted:** September 26, 2013

**Originating Department:** Community Development

**Clearances:**

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

**Subject:** Resolution regarding Klahanie Potential Annexation Area (PAA)

**Action Required:** Consider public input and adopt resolution

**Exhibits:** 1. Proposed Resolution with attached map

**Budget:** N/A

## Summary Statement

The proposed resolution states that the Sammamish City Council believes that the residents of the Klahanie area deserve the opportunity for an informed choice between annexation to either the City of Sammamish or the City of Issaquah. Under this resolution, the City Manager is directed to include in the upcoming studies conducted for the Comprehensive Plan Rewrite the addition of the Klahanie area as a Potential Annexation Area, as shown on the map in Attachment A. Such studies may include critical areas, zoning, infrastructure, logical boundaries, public services and projected costs and revenues to serve the proposed annexation. The resolution also notes that in accordance with the requirements and provisions of applicable state law, Sammamish may proceed with consideration of an annexation of the Klahanie area following amendment of the Countywide Planning Policies.

## Background

The Klahanie area is an unincorporated area of the Sammamish Plateau that is adjacent to the City of Sammamish on two of its three sides for a total common boundary of 3.5 miles or approximately ten times the common boundary with Issaquah. A large percentage of the children in the Klahanie area reside within the attendance areas for Skyline High School and other district schools located in Sammamish. Klahanie area residents have stated that they identify with the Sammamish Plateau and utilize the Sammamish Library, Sammamish parks, shops, and schools, and that they attend many Sammamish city events.

The Klahanie area has been in Issaquah's PAA for a number of years. In November 2005, Klahanie area residents voted to annex to Issaquah but to not accept a pro rata share of existing Issaquah debt, and subsequently the Issaquah City Council rejected the Klahanie area annexation due to this issue.



## City Council Agenda Bill

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In June, 2013 the Sammamish City Council unanimously approved a motion supporting annexation of the Klahanie area to Sammamish if an attempt to annex to Issaquah fails. In July, 2013 the Issaquah City Council approved a resolution of intent to annex the Klahanie area by the election method in early 2014 and subsequently invoked the jurisdiction of the King County Boundary Review Board (BRB). The BRB held Public Hearings on September 18 and 19, 2013 on this subject at which Klahanie area residents and representatives of the Cities of Issaquah and Sammamish testified.

**Financial Impact:** N/A for resolution

**Recommended Motion:** Consider public input and adopt resolution

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2013-\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH CITY COUNCIL REGARDING  
THE KLAHANIE POTENTIAL ANNEXATION AREA**

WHEREAS, in 1995 the Klahanie area was included in the Issaquah Comprehensive Plan as a Potential Annexation Area (PAA); and

WHEREAS, in August 1999 the City of Sammamish incorporated an area of unincorporated King County formerly in the PAAs for Redmond and Issaquah; however no adjustment was made to the Klahanie PAA to reflect the Sammamish incorporation; and

WHEREAS, since incorporation the City of Sammamish has completed an annexation study of its designated PAAs, and adopted contingent land use and zoning designations for those areas; and

WHEREAS Sammamish has accepted four petitions for annexation, and all of those areas are now part of Sammamish; and

WHEREAS, in May 2001 the Sammamish City Council first expressed the desire to include the Klahanie area as part of the Sammamish PAA; and

WHEREAS, in May, 2002 the City of Issaquah signed a Memorandum Of Understanding with Sammamish that agreed to initiate removal of Klahanie from the Issaquah PAA; and

WHEREAS, in September, 2002 the Issaquah City Council reaffirmed its intention to retain Klahanie in the Issaquah PAA; and

WHEREAS, in November 2005 Klahanie residents voted to annex to Issaquah but to not accept a pro rata share of existing Issaquah debt, and subsequently the Issaquah City Council rejected Klahanie annexation due to this issue; and

WHEREAS, in June, 2013 the Sammamish City Council unanimously approved a motion supporting annexation of Klahanie to Sammamish if an attempt to annex to Issaquah fails; and

WHEREAS, in July, 2013 the Issaquah City Council approved a resolution of intent to annex Klahanie by the election method in early 2014 and subsequently invoked the jurisdiction of the King County Boundary Review Board (BRB); and

WHEREAS, the BRB held Public Hearings on September 18 and 19, 2013 on this subject at which Klahanie residents and representatives of the Cities of Issaquah and Sammamish testified; and

WHEREAS, Klahanie is an unincorporated area of the Sammamish Plateau that is adjacent to the City of Sammamish on two of its three sides for a total common boundary of 3.5 miles or approximately ten times the common boundary with Issaquah; and

WHEREAS, a large percentage of the children in Klahanie reside within the attendance areas for Skyline High School and other district schools located in Sammamish; and

WHEREAS, the Sammamish City Council has heard from many Klahanie residents that they identify with the Sammamish Plateau and utilize the Sammamish Library, Sammamish parks, shops, and schools, and that they attend many Sammamish city events; and

WHEREAS, public services can be efficiently and safely provided by the City of Sammamish to the Klahanie area and the City's financial conditions is strong and stable.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, RESOLVES AS FOLLOWS:**

1. The Sammamish City Council believes that the residents of the Klahanie area deserve the opportunity for an informed choice between annexation to either the City of Sammamish or the City of Issaquah.
2. The City Manager is directed to include in the upcoming studies conducted for the Comprehensive Plan Rewrite the addition of Klahanie as a Potential Annexation Area, as shown on the map in Attachment A. Such studies may include critical areas, zoning, infrastructure, logical boundaries, public services and projected costs and revenues to serve the proposed annexation.
3. In accordance with the requirements and provisions of applicable state law, Sammamish may proceed with consideration of an annexation of Klahanie following amendment of the Countywide Planning Policies.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_, 2013.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk: September 26, 2013  
Passed by the City Council:  
Resolution No:

DRAFT



Attachment A: Map of Klahanie Potential Annexation Area

