RESOLUTION NO. 2378

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN A RELEASE OF TEMPORARY CUL DE SAC & TEMPORARY TURNAROUND EASEMENT WITH D.R. HORTON.

WHEREAS, D.R. Horton is the owner of certain single-family residential lots in the Panorama West subdivision; and

WHEREAS, the Panorama West subdivision contemplated the construction of a temporary cul de sac on Lots 24 & 25 of the subdivision; and

WHEREAS, in lieu of a temporary cul de sac on Lots 24 & 25 of the Panorama West subdivision D.R. Horton has proposed constructing a temporary hammerhead turnaround on Lots 22 & 23 of the subdivision;

WHEREAS, East Pierce Fire and Rescue has considered this request and approves of the proposal as requested.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DOES HEREBY RESOLVE AS FOLLOWS:

The Mayor is hereby authorized to sign the attached temporary turnaround documents.

PASSED by the City Council this 14th day of August, 2014.

[Signature]
Neil Johnson, Jr., Mayor

AUTHENTICATED:
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:
Kathleen Haggard, City Attorney
Upon recording, return to:

SSHI LLC, dba D.R. Horton
Attn: Brandon R. Carroll
12910 Totem Lake Blvd NE, Ste 220
Kirkland, WA 98034

DOCUMENT TITLE
Release of temporary cul de sac; Temporary turnaround easement

REFERENCE NUMBERS OF RELATED DOCUMENTS
200612085002

GRANTOR
SSHI LLC, dba D.R. Horton, a Delaware limited liability company

GRANTEES
City of Bonney Lake
East Pierce Fire & Rescue

LEGAL DESCRIPTION
Lots 22 through 25, Panorama West, according to the plat thereof recorded December 8, 2006 under recording No. 200612085002, records of Pierce County.

ASSESSOR’S PROPERTY TAX PARCELS/ACCOUNT NUMBERS
7002090250; 7002090240; 7002090230; 7002090220

RELEASE OF TEMPORARY CUL DE SAC; TEMPORARY TURNAROUND EASEMENT

This Release of Temporary Cul De Sac and Temporary Turnaround Easement ("Release & Temporary Easement") is made as of this 23rd day of July, 2014, by SSHI LLC, dba D.R. Horton, a Delaware limited liability company ("Grantor"), the City of Bonney Lake, and East Pierce Fire & Rescue (together "Grantees").

RECITALS

Grantor is the owner of certain single-family residential lots located within the Panorama West subdivision recorded on December 8, 2006, under Pierce County recording number
200612085002, in the City of Bonney Lake, Washington ("Final Plat Map"), and more particularly described in Exhibit A.

The Final Plat Map contemplated a Temporary Cul de Sac, with associated utility and drainage easements, at the north end of 174th Ave E. within the subdivision. The Temporary Cul de Sac was never constructed.

In order to provide an emergency vehicle turnaround in lieu of the Temporary Cul de Sac, Grantor wishes to grant an easement for emergency vehicle turnaround on a portion of lots 22 and 23 of the subdivision, in the location as described and depicted on Exhibit B, which shall automatically terminate upon the future extension of 174th Ave E within the subdivision to connect with a road to be constructed on the property located to the north of the subdivision.

NOW THEREFORE, on behalf of themselves, their successors and assigns, the Parties make the following release and covenants:

Grantor shall construct a temporary hammerhead turnaround ("Hammerhead") with the dimensions and in the location depicted on Exhibit B.

The Hammerhead shall be constructed of compacted gravel. Grantor shall install NO PARKING signage on both sides of the Hammerhead.

Grantor hereby grants and conveys to Grantees a temporary turnaround easement over the Hammerhead for use by emergency vehicles, which shall automatically terminate upon connection of 174th Ave E within the subdivision to the road to be built on adjacent property to the north.

Upon construction of the Hammerhead, the Temporary Cul de Sac shown on the final plat map shall automatically be released and vacated.

Grantor and its successors and assigns shall not install or maintain any encroachments or obstructions in or on the Hammerhead, including but not limited to parked vehicles, landscaping, fencing, or structures, and shall remove all encroachments or obstructions at their own expense.

This temporary turnaround easement shall terminate automatically upon the opening of the connection of 174th Ave E to the road to be built on adjacent property to the north.

Within 30 days of full execution of this Release and Temporary Easement Grantor shall pay to the City of Bonney Lake a fee in lieu of restoration in the amount of $10,000.00. When this easement automatically terminates neither Grantor, nor its heirs, successors and assigns shall have any obligation to restore the public right of way adjacent to the Hammerhead. The City of Bonney Lake shall be responsible for any such right-of-way restoration, including removal of NO PARKING signs, installation of curb, gutter and sidewalk to match frontages in the subdivision. Upon termination of this easement, the owners of Lot 22 and
Lot 23 shall be responsible for removal of the improvements located within the portion of the Hammerhead that is located on their lot, if they wish to remove such improvements.

The foregoing provisions shall be covenants, terms, and conditions running with the land and shall bind all successor property owners.

Executed as of the day and year first above written.

SSHII LLC, a Delaware limited liability company, dba DR Horton

By: SHLR of Washington, Inc., a Washington corporation, its manager

Michael T. Jones, VP/Division President

The City of Bonney Lake, a municipal corporation

By: ____________________________

Its: ____________________________

East Pierce Fire & Rescue, a municipal corporation

By: ____________________________

Its: ____________________________
STATE OF WASHINGTON )
COUNTY OF KING )

I do hereby certify that Michael T. Jones, personally known to me to be the VP and Division President of SHLR of Washington, Inc., a Washington corporation, executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

GIVEN under my hand and official seal this 23rd day of July, 2014.

RAELYN HULQUIST
State of Washington
NOTARY PUBLIC
My Commission Expires 10-19-2017

STATE OF WASHINGTON )
COUNTY OF PIERCE )

I do hereby certify that Neil Johnson, personally known to me to be the Mayor of the City of Bonney Lake, a municipal corporation, executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

GIVEN under my hand and official seal this 19th day of August, 2014.

Harwood T. Edvalson
State of Washington
NOTARY PUBLIC
Commission Expires 10-10-2015
STATE OF WASHINGTON  
COUNTY OF PIERCE  

I do hereby certify that John McDonald, personally known to me to be the Deputy Chief of the East Pierce Fire & Rescue, municipal corporation, executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

GIVEN under my hand and official seal this 7th day of August, 2014.

Print Name Lauren E. Hines
NOTARY PUBLIC in and for the State of Washington; residing at: Sumner, Washington
My commission expires: August 29, 2016
Exhibit A

Legal Description of the Lots

Lots 22 through 25, Panorama West, according to Plat thereof recorded December 8, 2006, under recording No. 200612085002, records of Pierce County
EXHIBIT B
(LEGAL DESCRIPTION)

A 20 FOOT WIDE TURNAROUND EASEMENT ACROSS LOTS 22 AND 23 OF THE PLAT OF PANORAMA WEST, UNDER AUDITOR'S FEE NUMBER 200612085002 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 22;

THENCE NORTH 14°28'08" WEST, 13.12 TO A POINT ON A NONTANGENT CURVE, CONCAVE TO THE NORTH, THE CENTER OF WHICH BEARS NORTH 46°53'25" EAST, 20.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°25'17", FOR 11.32 FEET;

THENCE SOUTH 75°31'52" EAST, 10.10 FEET;

THENCE SOUTH 14°28'08" WEST, 20.00 FEET;

THENCE NORTH 75°31'52" WEST, 10.02 FEET TO A POINT ON A TANGENT CURVE, CONCAVE TO THE SOUTH, THE CENTER OF WHICH BEARS SOUTH 14°28'08" WEST, 20.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°40'08", FOR 11.40 FEET TO THE EAST RIGHT OF WAY OF 174TH AVENUE EAST;

THENCE ALONG SAID EAST RIGHT OF WAY NORTH 14°28'08" EAST, 13.16 FEET TO THE NORTH WEST CORNER OF LOT 22 AND THE POINT OF BEGINNING.

CONTAINING 438 SQUARE FEET.

SITUATE IN THE CITY OF BONNEY LAKE, COUNTY OF PIERCE, STATE OF WASHINGTON.
EXHIBIT B

LOCATED IN THE SW 1/4, SE 1/4, AND THE NE 1/4 OF THE SW 1/4 AND THE NW 1/4 OF SECTION 3, TOWNSHIP 10 NORTH, RANGE 5 EAST, AND THE NW 1/4 OF SECTION 8, TOWNSHIP 10 NORTH, RANGE 5 EAST, W.A.

LOT 22

PLAT OF PANORAMA
AFN 200812085002

LOT 23

PLAT OF PANORAMA
AFN 200812085002

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CURVE TABLE

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**BID PROPOSAL**

**DATE:** 7/8/2014  
**JOB NAME:** Panorama West Turn Around  
**QUOTE TO:** DR Horton  
**QUOTE BY:** Dave Hahn  
**PROPOSAL BASED ON UNAPPROVED PLANS**  
**NOTE:** **BUDGET QUOTE ONLY**

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**TOTAL CONTRACT QUOTE** $3,815.00

**QUOTED PRICES EXCLUDE TAX THAT WILL BE REQUIRED ON SPECIFIC LINE ITEMS PER THE GENERAL CONTRACT DOCUMENTS**
City of Bonney Lake, Washington
City Council Agenda Bill (AB)

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<th>Department/Staff Contact:</th>
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<td>Motion</td>
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<td>Donn Lewis</td>
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**Agenda Subject:** Release of Temporary Cul De Sac & Temporary Turnaround Easement with D.R. Horton

**Full Title/Motion:** A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign a Release of Temporary Cul De Sac & Temporary Turnaround Easement with D.R. Horton

**Administrative Recommendation:** Approve

**Background Summary:** D.R. Horton has purchased certain single-family residential lots in the Panorama West subdivision. The Panorama West subdivision contemplated the construction of a temporary cul de sac on Lots 24 & 25 of the subdivision. In lieu of a temporary cul de sac on Lots 24 & 25 of the Panorama West subdivision D.R. Horton has proposed constructing a temporary hammerhead turnaround on Lots 22 & 23 of the subdivision. If approved, D.R. Horton would pay the City a one-time $10,000 fee in lieu of restoration. Upon the extension and connection of 174th Avenue East the City would then be responsible for restoration work within the right-of-way (removal of the No Parking signs & install curb, gutter and sidewalk). Owners of Lots 22 & 23 would be responsible for restoration work on their lots. D.R. Horton estimated the right-of-way restoration work to be $3,815 and the City estimated the work to be $4,845. The City typically uses a 150% multiplier for an assignment of funds. In this case given the uncertainty of when 174th Avenue East may be extended and the City’s assumption of the restoration work a 200+% multiplier is appropriate.

Staff and East Pierce Fire and Rescue have considered this request and approve of the proposal as requested.

**Attachments:** Resolution 2378 & Attachments

**BUDGET INFORMATION**

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<th>Required Expenditure</th>
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**Budget Explanation:** Not Applicable

**COMMITTEE, BOARD & COMMISSION REVIEW**

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<tr>
<td>Date: April 15, 2014 &amp; August 19, 2014</td>
<td>Chair/Councilmember Randy McKibbin, Councilmember James Rackley</td>
<td>Yes D No</td>
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Forward to:

**Commission/Board Review:**

**Hearing Examiner Review:**
**COUNCIL ACTION**

Workshop Date(s):  
Public Hearing Date(s):  
Meeting Date(s):  
Tabled to Date:  

**APPROVALS**

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