RESOLUTION NO. 2410

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN THE FIRST AMENDMENT TO WSU DEVELOPMENT AGREEMENT.

WHEREAS, the City entered into a Development Agreement for the WSU property on December 22, 2009 (Resolution 1991); and

WHEREAS, the Development Agreement states that the intersection of 204th Avenue E and SR 410 shall not be signalized; and

WHEREAS, traffic studies have established that signalization of the intersection, along with the retiming and coordination of other traffic signals, will improve traffic flow; and

WHEREAS, the parties desire to amend the Development Agreement to allow for the installation of a traffic signal at the intersection of 204th Avenue E and SR 410;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached First Amendment to Development Agreement.

PASSED by the City Council this 16th day of September, 2014.

Neil Johnson Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney
FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

RECITALS

A. On December 22, 2009 Weyerhaeuser Real Estate Development Company ("WY"), Washington State University ("WSU"), and the City of Bonney Lake ("City") entered into a Development Agreement for property consisting of 149.1 acres of land lying south of SR-410 between South Prairie Road E. and 214th Avenue E. in the City of Bonney Lake (the "Property").

B. The Development Agreement restricts the 204th Avenue E./SR-410 intersection to right-in, right-out access.

C. A connector arterial with full access is important to the success of the commercial area.

D. Transportation engineering analyses performed by agents for WSU/WY indicate that, under full buildout of the Property, a traffic signal at the 204th Avenue E./SR-410 intersection and coordination of the seven signals on SR-410 between 192nd Avenue E and 214th Avenue E will result in slightly faster travel times during afternoon peak hour traffic for both east and west bound traffic between 184th Avenue E and 234th Avenue E and improved Level of Service at the following intersections on SR-410: S. Prairie Road E., 204th Avenue E., 208th Avenue E., and 214th Avenue E.

E. The City’s independent transportation engineering consultant has reviewed the supporting traffic analysis and detailed signal timing/phasing plans and agrees that the proposed signal would improve traffic flow along the SR 410 corridor and would be a benefit to the City of Bonney Lake.

AMENDMENT

NOW, THEREFORE, the Development Agreement is amended as follows:

1. Add a new Section 2.27:

   "Short Subdivision" means City of Bonney Lake Short Subdivision No. PLN-2010-01247.

2. Section 2.10 is amended as follows:

   "Expiration of Use Restriction" means the earlier of January 1, 2025 or the issuance of final the first building permits for a development on Lot 2 or Lot 3 of City of Bonney Lake Short Subdivision No. PLN-2010-01247, all of the property in the Commercial/Medical and Residential areas (also referred to as "build out of the Commercial/Medical and Residential areas"). A copy of the short subdivision map is attached to this Amendment as Attachment 1.
3. Add a new section 6.6.4:

6.6.4 The developer(s) of Lots 2 and 3 shall construct the following improvements at its (their) sole cost and without credit against the City’s Traffic Impact Fees:

6.6.4.1 Construction of 204th Avenue E. from its current terminus in Lot 3 (shown on Attachment 1) to SR-410.

6.6.4.2 Frontage improvements on SR-410 to City standards, including any necessary dedications of right-of-way.

6.6.4.3 Removal of a portion of the median barrier and arterial widening on SR-410 to provide a westbound left turning lane and a new eastbound “third” through lane to complete the “missing link” between arterial roadway sections east and west of the project frontage as shown conceptually on Attachment 3.

6.6.4.4 Installation of a traffic signal at the intersection of 204th Avenue E. and SR-410.

6.6.4.5 Traffic signals along the SR-410 corridor between and inclusive of 192nd Avenue E. and 214th Avenue E. will be connected and operated by a single master controller to provide real time interaction between all signals in order to enhance traffic flow and reduce congestion in this corridor. This type of system monitors and implements the overall corridor progression framework using an Interconnection Control or Traffic Adjusted Control type programing that will be consistent with the traffic operations and signal timing plan prepared by TENW dated February 11, 2013. This type of signal control system is also commonly referred to as a type of an Intelligent Transportation System (ITS).

4. Add a new paragraph 6.6.5:

6.6.5 Construction of the improvements identified in §6.6.4 shall not begin prior to the start of construction of the first phase of development within Lot 2 or 3 of the Short Subdivision.

5. Add a new paragraph 6.6.6:

6.6.6 The developer of Lot 2 shall provide a drive aisle allowing a potential future connection to the commercial property to the east of Lot 2 and to the City Property. As shown conceptually on Attachment 2, the drive aisle shall be located adjacent to the common property line of Lots 2 and 4 of the Short Subdivision and extend to the southeastern terminus of Lot 2.

6.6.7 Within 90 days of execution of this Amendment by the parties, WSU/WY and/or the developer of Lot 2 will contact the record owner of Parcels to the east of Lot 2 and will use its/their best efforts to obtain the owners’ consent to a vehicular connection between those parcels and the drive aisle.
6. Section 6.6.1.3 is amended as follows:

6.6.1.3 204th Avenue E. shall will be constructed from its current terminus in Lot 3 to SR-410 in conjunction with construction of the first phase of development within Lot 2 or 3 of the Short Subdivision, in phases by the commercial and medical developments as warranted by traffic studies.

7. Section 6.6.1.4 shall be replaced with the following:

The City will fully support a traffic signal at the new intersection of 204th Avenue E. with SR-410.

8. Section 9.2.2 is deleted.

WEYERHAEUSER REAL ESTATE DEVELOPMENT COMPANY
By: ____________________  Date: 9/17/14
Its: Vice President

WASHINGTON STATE UNIVERSITY
By: ____________________  Date: ____________________
Its: ____________________

The City of Bonney Lake
By: Neil Johnson, Jr.
Its: Mayor
Date: 9/16/2014
STATE OF WASHINGTON

County of Pierce

I certify that I know or have satisfactory evidence that Neil Johnson, Jr. is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Bonney Lake, Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: September 19, 2016

Notary Public in and for the State of Washington, residing at Auburn.
My appointment expires: 9-9-2016

STATE OF WASHINGTON

County of Pierce

I certify that I know or have satisfactory evidence that Scott Dahlquist is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice-President, West of Weyerhaeuser Real Estate Development Company, a wholly owned subsidiary of Weyerhaeuser Company, a Washington Corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: November 1, 2016

Notary Public in and for the State of Washington, residing at Pierce County.
My appointment expires: 11-5-2016

STATE OF WASHINGTON

County of

I certify that I know or have satisfactory evidence that is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the of Washington State University, a , to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 

Notary Public in and for the State of Washington, residing at .
My appointment expires: 

Amendment No. 1 Page 4 of 4
6. Section 6.6.1.3 is amended as follows:

6.6.1.3 204th Avenue E. shall be constructed from its current terminus in Lot 3 to SR-410 in conjunction with construction of the first phase of development within Lot 2 or 3 of the Short Subdivision, in phases by the commercial and medical developments as warranted by traffic studies.

7. Section 6.6.1.4 shall be replaced with the following:

The City will fully support a traffic signal at the new intersection of 204th Avenue E. with SR-410.

8. Section 9.2.2 is deleted.

WEYERHAEUSER REAL ESTATE DEVELOPMENT COMPANY

By: ___________________________ Date: ___________________________

Its: ___________________________

WASHINGTON STATE UNIVERSITY

By: ___________________________ Date: ____________

Roger D. Patterson
VP for Finance & Admin

Its: Washington State University

The City of Bonney Lake

By: ___________________________ Date: ____________

Neil Johnson, Jr.

Its: Mayor

Date: ____________

Amendment No. 1 Page 3 of 4
STATE OF WASHINGTON )

County of Pierce ) ss.

I certify that I know or have satisfactory evidence that Neil Johnson, Jr. is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Bonney Lake, Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: September 9, 2016

Notary Public in and for the State of Washington, residing at Auburn.
My appointment expires: 7-9-2016

STATE OF WASHINGTON )

County of _________ ) ss.

I certify that I know or have satisfactory evidence that Scott Dahlquist is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice-President, West of Weyerhaeuser Real Estate Development Company, a wholly owned subsidiary of Weyerhaeuser Company, a Washington Corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: ________________

Notary Public in and for the State of Washington, residing at ________
My appointment expires: ________________

STATE OF WASHINGTON )

County of Whitman ) ss.

I certify that I know or have satisfactory evidence that Roger D. Patterson is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the VP for Finance & Administration of Washington State University, an Institution of Higher Education, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: September 23, 2014

Notary Public in and for the State of Washington, residing at Pullman
My appointment expires: 09-01-2016

Amendment No. 1 Page 4 of 4
SR 410 / 204th Ave E
Roadway & Intersection Improvements

New Eastbound 12-foot Through Lane
New 8-foot Sidewalk

New Signalized Intersection
New 300' left-turn lane

New Eastbound 12-foot Through Lane
New 8-foot Sidewalk

WSU Bonney Lake Site

Transportation Engineering NorthWest, LLC

Attachment 3
City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Community Development/John P. Vodopich, AICP
Meeting/Workshop Date: September 16, 2014
Agenda Bill Number: AB14-115

Agenda Item Type: Motion
Ordinance/Resolution Number: 2410
Councilmember Sponsor:

Agenda Subject: First Amendment to the WSU Property Development Agreement

Full Title/Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington. Amending the WSU Property Development Agreement.

Administrative Recommendation:

Background Summary: On December 22, 2009 (Resolution 1991) the City entered into a Development Agreement for the WSU Property. This amendment to the Development Agreement would alter the timeline on the expiration of use restriction on the City property; clarify that the developer is responsible for constructing the 204th extension, SR410 frontage improvements, and provide for signal timing at their expense and at such a time when the first phase of development begins; provide for a drive aisle connection from the commercial property to the City property, commits the developer to making best efforts to obtain a vehicular access connection to properties to the east and provides for City support of a traffic signal at SR410 & 204th.

Attachments: Resolution 2410, First Amendment to Development Agreement

BUDGET INFORMATION

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Budget Explanation:

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review: Economic Development
Date: April 8, 2014
Approvals:
Chair/Councilmember
Councilmember
Consent Agenda: ☐ Yes ☐ No

Commission/Board Review:
Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):
May 6, June 3 &
August 19, 2014
Public Hearing Date(s):
September 9, 2014
Meeting Date(s):
September 9, 2014
Tabled to Date:

APPROVALS

Director: John P. Vodopich, AICP
Mayor:
Date Reviewed by City Attorney: August 13, 2014
24 September 2014

Pierce County Annex
Office of the Pierce County Auditor
Attn: Recording Department
2401 S 35th Street, Room 200
Tacoma, WA 98409-7460

RE: Resolution 2410 – First Amendment to Development Agreement between City of Bonney Lake and Weyerhauser Real Estate Development and Washington State University

Enclosed please find City of Bonney Lake Resolution 2410 – Authorizing the First Amendment to Development Agreement between the City of Bonney Lake and Weyerhauser Real Estate Development and Washington State University to be recorded by your office.

Number of Pages: 11

Please charge PO Number: 032835

Please return the recorded document to the attention of the City Clerk. Please free to contact me if you have any questions at (235) 447-3103 or cameronr@ci.bonney-lake.wa.us.

Regards,

Renee Cameron
Administrative Specialist II
City of Bonney Lake
**Name & Return Address:**
City of Bonney Lake - City Clerk
P.O. Box 7380
Bonney Lake, WA 98391

Please print legibly or type information.

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The Auditor/Recorder will rely on the information provided on this cover sheet. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

__________________________________________
Signature of Requesting Party (Required for non-standard recordings only)
Gpcoxst.doc rev 4/02