

TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item

No.:

Subject:

Ordinance 2021-2 Approving The

Town's Purchase of Land from Mill

Haus LLC and Authorizing the Mayor

to Execute Necessary Documents

Meeting Date: January 11, 2021

Prepared by: Gregory A. Jacoby

Town Attorney

Atty Routing

No: 035-20

Atty Review Date: January 4, 2021

Summary: The Town has a long term goal of widening Adams Avenue South. This will require the Town to purchase land from adjacent property owners. Mill Haus LLC is willing to sell to the Town a strip of unimproved real property 5 feet in width and 120 feet in length adjacent to Adams Avenue South for the appraised amount of \$5,400. The land is legally described and depicted on Exhibit A to Ordinance 2021-2.

Provided the Town Council approves the right-of-way vacation requested by Mill Haus LLC, the Town proposes to purchase the 600 square foot strip of land with a portion of the funds Mill Haus LLC will pay the Town for the right-of-way vacation.

This ordinance approves the purchase and authorizes the Mayor to execute all documents necessary to complete the purchase of the 600 square foot strip of land adjacent to Adams Avenue South.

Recommendation: Staff recommends Council approve the first reading of Ordinance 2021-2 approving the purchase of land from Mill Haus LLC in the amount of \$5,400 and authorizing the Mayor to execute the necessary documents.

Motion: I move to approve the first reading of Ordinance 2021-2 approving the Town's purchase of land from Mill Haus LLC in the amount of \$5,400 and authorizing the Mayor to execute the necessary documents.

Attachments:

Ordinance 2021-2

Exhibit A-Legal Description and Figure

ORDINANCE 2021-2

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON,
APPROVING THE TOWN OF EATONVILLE'S PURCHASE OF LAND
FROM MILL HAUS, LLC FOR FUTURE STREET RIGHT OF WAY AND
AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY
DOCUMENTS**

WHEREAS, Mill Haus LLC will pay the Town of Eatonville \$11,700 to vacate a portion of unopened right-of-way adjacent to Adams Avenue South as more fully set forth in Ordinance 2021-1; and

WHEREAS, in accordance with RCW 35.79.030 and EMC 12.06.040, one-half of the revenue received by the Town as compensation for the area vacated is not subject to any limitations on its expenditure; and

WHEREAS, pursuant to RCW 35.27.370, the Town Council is authorized to purchase real property for municipal purposes; and

WHEREAS, a long term goal of the Town is to widen Adams Avenue South, which will necessitate the purchase of land from adjacent property owners; and

WHEREAS, Mill Haus LLC is willing to sell to the Town a strip of unimproved real property 5 feet in width and 120 feet in length adjacent to Adams Avenue South for the appraised amount of \$5,400, as legally described and depicted on the attached Exhibit A; and

WHEREAS, the Town proposes to purchase said real property with a portion of the funds the Town received from the aforementioned right-of-way vacation and reserve said land for the future widening of Adams Avenue South; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. The purchase of unimproved real property from Mill Haus LLC in the appraised amount of \$5,400, as legally described and depicted on Exhibit A attached hereto and incorporated by this reference, is approved and the Mayor is authorized to execute such purchase and sale documents as are necessary to complete the purchase of said real property.

Section 2. 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 preempted by state or federal law or

regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 01/11/2021
2ND READING: 01/25/2021

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this ____ day of January 2021.

Mike Schaub
Mayor

ATTEST:

Miranda Doll
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney

DEDICATION DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 14, SOUTH 88° 20' 34" EAST, 216.67 FEET FROM THE INTERSECTION OF THE EAST LINE OF THE TOWN OF EATONVILLE, AS PER THE PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 41, RECORDS OF THE PIERCE COUNTY AUDITOR AND SAID SOUTH LINE OF SECTION 14;
THENCE ALONG THE EAST LINE OF ADAMS AVENUE SOUTH, SHOWN AS MILL STREET ON THE UNRECORDED PLAT OF THE MARTI TRACTS DATED FEBRUARY 1922, NORTH 1° 7' 16" EAST, 618.70 FEET TO THE **POINT OF BEGINNING**;
THENCE CONTINUING ALONG THE EAST LINE OF SAID ADAMS AVENUE, NORTH 1° 7' 16" EAST 120.09 FEET TO THE SOUTH LINE OF AN ALLEY;
THENCE SOUTH 64° 44' 31" EAST 5.48 FEET, ALONG THE SOUTH LINE OF SAID ALLEY TO A POINT 5.00 FEET PERPENDICULAR TO THE EAST LINE OF SAID ADAMS AVENUE;
THENCE SOUTH 1° 7' 16" WEST PARALLEL WITH THE EAST LINE OF SAID ADAMS AVENUE, 118.95 FEET TO THE NORTHERLY LINE OF A TRACT OF LAND CONVEYED TO U. R. LEWIS BY DEED RECORDED SEPTEMBER 23, 1922 UNDER RECORDING NUMBER 643214;
THENCE NORTH 78° 27' 44" WEST 5.12 FEET ALONG THE NORTH LINE OF SAID LEWIS TRACT, TO THE **POINT OF BEGINNING**

EXHIBIT" A-1 "

EXHIBIT A-2

IN THE TOWN OF EATONVILLE RIGHT-OF-WAY VACATION MAP

IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER
SECTION 14 TOWNSHIP 16 NORTH RANGE 4 EAST WILLAMETTE MERIDIAN
PIERCE COUNTY WASHINGTON

PROPERTY INFORMATION:
PIERCE COUNTY PARCEL No.: 041614-4089
PROPERTY OWNER: MILL HAUS, LLC
SITE ADDRESSES: 301 CENTER ST E
EATONVILLE WA 98328
ZONING: C2 (COMMERCIAL DISTRICT)
WATER PURVEYOR: TOWN OF EATONVILLE
SEWER: TOWN OF EATONVILLE
ACCESS: PUBLIC STREET

BASIS OF DATA:
THE HORIZONTAL DATUM IS NAD83/2011 BASED ON GPS DERIVED POSITIONS.
THE COMBINED SCALE FACTOR IS 0.99998181864 FOR THIS PROJECT.
DIMENSIONS SHOWN ARE GROUND DIMENSIONS.
COMBINED USAGE OF GPS EQUIPMENT (LEICA SMARTTROLLER AND THE
WASHINGTON STATE REFERENCE NETWORK) AND CONVENTIONAL SURVEY
METHOD. MEETS OR EXCEEDS THE STANDARDS WAC 332-130-090

ALLEY DESCRIPTION:
THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 14, TOWNSHIP 16 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN,
DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT ON THE EASTERLY MARGIN OF ADAMS AVENUE SOUTH,
NORTH 1°07'16" EAST 738.79 FEET FROM THE SOUTH LINE SAID SOUTHWEST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 14,
THENCE SOUTH 64°44'31" EAST 36.81 FEET TO THE **POINT OF BEGINNING**;
THENCE NORTH 1°07'16" EAST, PARALLEL WITH ADAMS AVENUE SOUTH, 20.00 FEET;
THENCE NORTH 64°44'31" WEST 65 FEET;
THENCE SOUTH 40°59'19" WEST 18.96 FEET TO THE **POINT OF BEGINNING**

MILL HAUS LLC PROPERTY DESCRIPTION:
THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 14, TOWNSHIP 16 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN
DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 14, SOUTH 88°
20' 34" EAST, 216.67 FEET FROM THE INTERSECTION OF THE EAST LINE OF THE
TOWN OF EATONVILLE, AS PER THE PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE
14, RECORDS OF THE PIERCE COUNTY AUDITOR AND SAID SOUTH LINE OF SECTION
14,
THENCE ALONG THE EAST LINE OF ADAMS AVENUE SOUTH, SHOWN AS MILL
STREET ON THE UNRECORDED PLAT OF THE TOWN OF EATONVILLE FEBRUARY 1922,
SOUTH 7° 16' 16" WEST 130.00 FEET TO THE **POINT OF BEGINNING**;
THENCE SOUTH 76° 27' 44" EAST, 221.71 FEET ALONG THE NORTHERLY LINE OF A
TRACT OF LAND DESCRIBED IN A DEED TO GUGLIELMO BUTI, RECORDED FEBRUARY
27, 1942 UNDER AUDITOR'S FILE NO. 1294468, TO THE WESTERLY LINE OF A 15-
FOOT RADIUS CURVE BEING SHOWN ON UNRECORDED PLAT OF THE MARTI
TRACTS DATED FEBRUARY, 1922;
THENCE ALONG SAID WESTERLY LINE OF ALLEY, NORTH 19° 40' 16" EAST 125.87
FEET TO THE WESTERLY LINE OF LOT 17, UNRECORDED PLAT OF THE MARTI
TRACTS;
THENCE ALONG SAID WESTERLY LINE OF LOT 17, UNRECORDED PLAT OF THE MARTI
TRACTS, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CENTER STREET EAST, AKA
ALDER ROAD DATED SEPTEMBER 1932;
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, ALONG THE ARC OF A 2.636-48
FOOT RADIUS CURVE TO THE LEFT THE RADIUS POINT OF WHICH BEARS SOUTH
71° 16' 16" WEST 115.00 FEET TO THE WESTERLY LINE OF SAID ADAMS AVENUE SOUTH;
THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 64° 44'
31" WEST 125.50 FEET;
THENCE ALONG SAID NORTHERLY LINE OF AN ALLEY, SOUTH 64° 44' 31" EAST
68.00 FEET TO THE EASTERLY END OF SAID ALLEY;
THENCE ALONG THE END OF SAID ALLEY, SOUTH 7° 16' 16" WEST 20.00 FEET;
THENCE ALONG THE EASTERLY LINE OF SAID ALLEY, SOUTH 7° 16' 16" WEST
115.00 FEET TO THE EASTERLY LINE OF SAID ADAMS AVENUE SOUTH;
THENCE SOUTH 1° 7' 16" WEST 120.09 FEET ALONG SAID EASTERLY LINE OF
ADAMS STREET, TO THE **POINT OF BEGINNING**

**SUBJECT TO EASEMENTS, RESTRICTIONS, COVENANTS AND CONDITIONS OF RECORD,
IF ANY.**

THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF CHAPTER 332-130 WAC

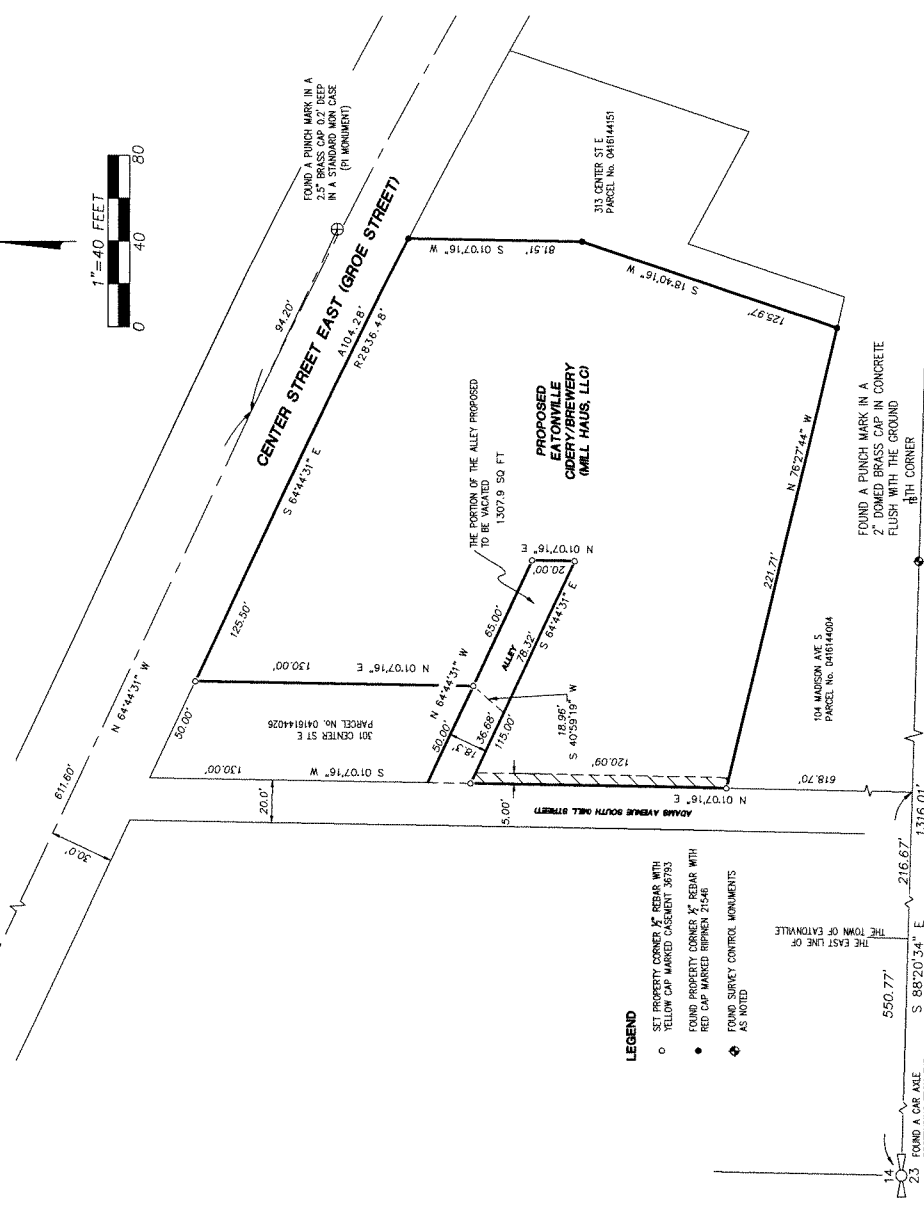
FOUND AN X IN A 3" FLAT
BRASS DISK 0.4" DEEP IN A
STANDARD MON CASE

FOUND A PUNCH MARK IN A
2.5" BRASS CAP 0.2" DEEP
IN A STANDARD MON CASE
(P MONUMENT)

FOUND A PUNCH MARK IN A
2" DOMED BRASS CAP IN CONCRETE
FLUSH WITH THE GROUND
4TH CORNER

FOUND A PUNCH MARK IN A
2" DOMED BRASS CAP IN CONCRETE
FLUSH WITH THE GROUND
4TH CORNER

FOUND A PUNCH MARK IN A
2" DOMED BRASS CAP IN CONCRETE
FLUSH WITH THE GROUND
4TH CORNER



LEGEND
○ SET PROPERTY CORNER 3" REBAR WITH
YELLOW CAP MARKED CASMENT 30783
● FOUND PROPERTY CORNER 3" REBAR WITH
RED CAP MARKED RIPPEN 21546
◆ FOUND SURVEY CONTROL MONUMENTS
AS NOTED

DATE	1/29/2020
JOB NO.	18-1352-001
CHKD. BY	DUC
SCALE	AS SHOWN
SHEET	1 OF 1

PREPARED FOR:
MILL HAUS LLC
44077 161ST AVE E
EATONVILLE, WA 98328-9468

CASSEMENT LAND SURVEYORS
2806 EAST MAIN AVE.*
PUYALLUP, WA 98372
(253) 576-7328

