



RE: Annexation question

Ben Shumaker <ben@ci.stevenson.wa.us>
To: Nick Hogan <nick@ci.stevenson.wa.us>

Tue, Jun 2, 2015 at 9:15 AM

When a dedication occurs as part of the subdivision/short platting process, the state legislature has given it the definition in [RCW 58.17.020\(3\)](#). The state lays out the procedure for a dedication in [RCW 58.17.165](#) and includes some protections for the City against adjacent property owners based on the city's roadway maintenance or construction practices.

Ken references this often, but MRSC has written up a [description](#) about the difference between a fee title dedication and a dedication for public travel. MRSC has also answered an [inquiry](#) on the city's responsibility to maintain alleys. Its nuanced, and doesn't get to your specific question to Ken, but it should still help to answer it.

The City's land division codes require dedication language acknowledging the provisions of RCW 58.17.165, but some cities take that much further. The attached examples from King County, Renton, & Tacoma go into detail on the city/county's right to regrade the roadways (or lots in Renton!) in the future.

BEN SHUMAKER

From: Nick Hogan [mailto:nick@ci.stevenson.wa.us]
Sent: Monday, June 01, 2015 5:58 PM
To: Ben Shumaker
Cc: Nick Hogan
Subject: RE: Annexation question

Ben, thank you again for this excellent background info, very helpful. I forwarded a copy to Ken to see if he has any additional guidance on our legal obligation.

What exactly does it mean for a road to be "dedicated"?

Thanks, Nick

From: Ben Shumaker [mailto:ben@ci.stevenson.wa.us]
Sent: Tuesday, May 26, 2015 12:42 PM
To: Nick Hogan
Subject: RE: Annexation question

Nick-

I did some research to better answer your question about Lakeview Street.

This area was annexed into the City in either 1973 or 1974, well in advance of the annexation "policy" accepted by the Planning Commission in 1991.

The Pappas Short Plat was originally approved in early 1984 with no dedication or roadway improvement requirements, but concerns about intersection safety and procedural requirements led the City to contact the owner later in that year to amend the plat and dedicate the roadway. The roadway improvement requirements at that time were for 22' wide road with an 80' wide cul-de-sac with 8" of base rock under 4" of top coarse [sic] fines as well as some ditching improvements. The City accepted all the improvements and dedication of the roadway in 1987.

The dedication language for the roadway is lacking any explanation of the City's or property owner's expectations or obligations, but in general, when the City accepts a roadway, then it is expected to accept maintenance of that roadway in its existing condition. Improvements to roadways are not the City's responsibility, but that has not stopped us from bearing the responsibility in the past 30+ years when we have successfully used grant funding to offset the obligations we could be expected to shift onto the adjacent landowners. This has been interpreted as the City paying for the improvement, when actually we have been using state or federal funds in lieu of property owner contributions. The City's matching portion of these funds is likely in the ballpark of what it would be to match property owners contributions to a local improvement district.

In this case, the City needs to be clear whether the property owner is requesting 1) the City to bring the roadway back up to condition it was when the property owners originally entrusted us with its maintenance or 2) the City to improve the road to a higher standard than it has been in the past. If they are requesting the first action, then, in fairness, it should be budgeted and completed according to some priority schedule without asking for their contributions. It appears that something along these lines was done in 2002 and 2008. If they are requesting the second (and the draft 6-year TIP is written as if that is the case), then they should reasonably be expected to bear some of the burden for the improvement, BUT. Because of the way the City has used grant funds on more significant roadways and because the community has not seen us set up local improvement districts for less significant roadways, we can expect a great deal of education will be needed for the owners along this street. If the City funds the improvement without asking for adjacent landowner contributions, then we other property owners should be prepared to receive the same treatment.

This is a budgeting/policy decision that has been avoided in the past, and the frustrations you are seeing from both the property owner and the public works department are a result of that avoidance. It's time to do the work, make the decisions, and then do the work to make sure the decisions are implemented. I can

help put the tools in place to do that if you would like, but if I were to take that on, I would want to be successful, and the roles be well clarified in advance so I can be.

Please let me know if you need any more help on this,

BEN SHUMAKER

From: Nick Hogan [mailto:nick@ci.stevenson.wa.us]

Sent: Friday, May 22, 2015 3:04 PM

To: Ben Shumaker

Subject: Annexation question

Ben, thanks for the annexation policy – good background. I see that section IV.B says the City shall require owners seeking annexation participate in the financing of needed improvements....as a condition of annexation.

Carla mentioned that Lakeview Road was annexed when they were annexing the Lodge, so we may have not followed the normal processes, and may have even promised to pave the road for them. Frank thought that Lakeview being not paved when it was annexed was simply missed. Where can I find a copy of the annexation agreement to see what if anything was agreed to for funding future improvements?

Thanks, Nick

 **DeicationLanguage.pdf**
352K