



City of Stevenson
Public Works Department

(509)427-5970

No. 19-22

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

RIGHT OF WAY USE PERMIT

Subject to all the terms, conditions, and provisions written or printed below or on any part of this form.

Tax Parcel: 02-07-01-1-1-4700-00

Address: 127 SW Russell Avenue, Stevenson, WA 98648

Findings:

- A Survey of the public right of way, prepared by Klein and Associates, Inc. for the City of Stevenson right of way adjacent to 127 SW Russell Avenue identified a building encroachment of 20 square feet over the City of Stevenson Right of Way line (Attachment A).
- Neither Toledo, Carlos R & Jennifer A nor the City of Stevenson were aware of the encroachment until the survey was completed.
- The above described encroachment is not interfering with the public's use of the right of way – a road with buried and above ground utilities.
- The structure was originally constructed in 1905 before the City established a building department with the authority to review and inspect new construction.
- This business provides food services to the community
- The City finds that the benefits derived from this business exceeds lease value and does not intend presently to assess a lease charge for the space beyond the ROW permit fee.

TYPE D RIGHT OF WAY PERMIT IS HEREBY GRANTED TO (Permittee): Toledo, Carlos R & Jennifer A its successors and assigns

To: Continue the building encroachment of a 20 square feet portion of the City of Stevenson right of way with the understanding that the permittee will be responsible for the maintenance of all portions of the structure located within the encroachment. Toledo, Carlos R & Jennifer A (permittee) and its successors or assigns do commit to removing the encroachment if the building were ever replaced or if the portion of the building that is in the encroachment were replaced.

No work relating to the removal of the encroachment if the building were ever replaced or if the portion of the building that is in the encroachment were replaced shall be done under this permit until the party or parties to whom it is granted shall have communicated with the City of Stevenson forty-eight (48) hours prior to start of construction.

Responsible parties shall notify the City of Stevenson twenty-four (24) hours prior to completion of such work for final inspection by the Public Works Department. All work shall be in accord with standards and terms set forth in WAC 136-40 and City of Stevenson Ordinance No. 1027, summarized on the reverse side.

The undersigned Permittee hereby accept this permit subject to the terms and conditions as herein set forth.

I HAVE READ ORDINANCE 1027 ON THE REVERSE AND AGREE WITH ITS TERMS.

PERMITEE

Toledo, Carlos R & Jennifer A

By: _____
Signature

Name (Printed)

City of Stevenson, Public Works Director

City of Stevenson, Mayor

Planning Approval (if Applicable):

N/A
City of Stevenson Planning Director

Date _____

ORDINANCE NO. 1027

AN ORDINANCE ADDRESSING CITY OF STEVENSON, WASHINGTON REGULATIONS AND PROCEDURES FOR UTILITY INSTALLATIONS, EXCAVATIONS, REPAIRS AND OTHER USES OF CITY RIGHTS OF WAY AND REPEALING PORTIONS OF TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Stevenson is legally vested in rights of ways, and it would benefit the City to have an ordinance setting forth the laws relating to the use of the City's rights of way to protect and preserve the public health, safety and welfare and develop processes to implement these goals.

GENERAL PROVISIONS APPLICABLE TO ALL PERMITS

During the progress of the work such barriers shall be erected and maintained as may be necessary or as may be directed for the protection of the traveling public: the barriers shall be properly lighted at night.

In accepting this permit the petitioner, his successors and assigns, agrees to protect the City of Stevenson and save it harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or persons, corporation or property by reason of the performance of any such work, character of materials used or manner of installation, maintenance and operation or by the improper occupancy of rights of way or public place or public structure, and in case any suit or action is brought against said City of Stevenson for damages arising out of or by reason of any of the above causes, the petitioner, his successors or assigns will upon notice to him or them of commencement of such action, defend the same at his or their own sole cost and expense and will satisfy any judgments after the said suit or action shall have finally been determined if adverse to the City of Stevenson.

Except as herein authorized, no excavation shall be made or obstacle placed within the limits of a City street in such a manner as to interfere with the travel over said road.

If the work done under this permit interferes in any way with the drainage of the city streets, the grantee shall wholly and at his own expense make such provision as the Director may direct to take care of said drainage.

On completion of said work herein contemplated all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and satisfactory to the Director.

All of the work herein contemplated shall be done under the supervision of and to the satisfaction of the Director and the entire expense of said supervision shall be borne by the party or parties to whom this permit is issued.

This permit or privilege shall not be deemed or held to be an exclusive one and shall not prohibit the City from granting other permits of like or other nature to other public or private utilities, nor shall it prevent the City from using any of its roads, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.

The Director may revoke, annul, change, amend, amplify, or terminate this permit or any of the conditions herein enumerated if grantee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or thru willful or unreasonable neglect, fails to heed or comply with notice given or if the utility herein granted is not installed or operated and maintained in conformity herewith or at all or for any cause or reason whatsoever.

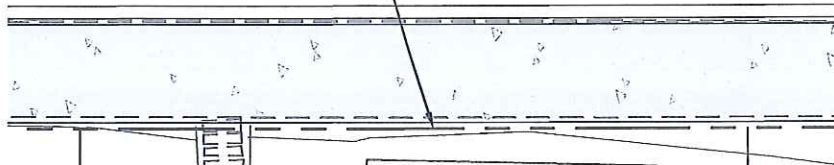
The party or parties to whom this permit is issued shall maintain at his or their sole expense the structure or object for which this permit is granted to a condition satisfactory to the City's Director.

In accepting this permit the grantee, his successors and assigns, agree that any damage or injury done to the property of the grantee or any expense incurred by him through the operation of a contractor, working for the City or of any City employee shall be the sole expense of the grantee, his successors or assigns.

SW Russell Avenue



Existing Right-of-Way Line
(typ)

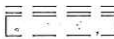
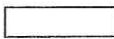




Proposed Encroachment
Agreement Area (20 sf)

The Crossing Take Out
127 SW Russell Ave
02070111470000
Toledo

Existing Property Line
(typ)

Legend

-  Existing Curb & Sidewalk
-  Existing Building
-  Proposed Encroachment Agreement Area
-  Proposed Curb & Sidewalk

The Crossing Take Out

Owner: Toledo

Property Address:
127 SW Russell Ave
Stevenson, WA 98648

Tax Lot: 02070111470000

DRAFT

wallis
*
engineering

April 2019



City of Stevenson

Phone (509)427-5970
FAX (509) 427-8202

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

5/20/2019

Michelle Newlean
WSDOT Local Programs ROW Manager
P O Box 47390
Olympia WA 98504-7390

Dave Leighow, Realty Officer
Federal Highway Administration (FHWA)
Washington Division Office

Through

Dawn Fletcher
Local Programs ROW Specialist
WSDOT SW Region
PO Box 47390
Olympia, WA 98504-7390

RE: Request for FHWA/WSDOT Approval to Dispose or Grant Use of Excess Right of Way (ROW) 127 SW Russell Avenue, Stevenson, WA 98648

Agency: City of Stevenson

The above property has been reviewed by Agency staff and has been determined to be surplus to our needs per 23CFR 710.403, 23CFR 710.409, Chapter 25.14 of the Local Agency Guidelines (LAG) Manual 36-63, and Chapter 11-7 of the Right of Way (ROW) Manual 26-01. We are requesting that the appropriate WSDOT/FHWA review be completed so that the property can be declared surplus and sold or used for another purpose.

By checking the boxes below, the Agency certifies:

There was federal aid in the purchase of this property, which was part of parcel no. _____ on the _____ project, and the Federal Aid no. was _____.

The Agency will charge the current fair market value for the disposal or use of the real property.

OR

* The agency requires approval to dispose or grant use of the property for less than current fair market value for the disposal or use as provided under 23 CFR 710.403(e)(1) through (6) which is subject to approval from FHWA. Selling for less than fair market value creates a federal nexus and NEPA, NHPA, and ESA documentation must be completed prior to lease or disposal (23CFR 771.11(d)(6). When a local jurisdiction is acquiring the property for a project, they often have this completed when applying to purchase the property. Upon approval, the Agency will include a reversion clause in the deed. **Attached is the agency's written request showing the exception is in the overall public interest based on social, environmental, or economic benefits, or is for a non-proprietary governmental use.**

The lands will not be needed for transportation purposes in the foreseeable future.

Agency personnel viewed the site and declare that it is vacant of all staff and equipment.

The right of way being retained is adequate under present day standards for the transportation facility.

The property is not located within Interstate right of way.

OR

* The property is located within Interstate right of way. If this is the case, FHWA approval of this disposal will be required and NEPA is triggered and NEPA, NHPA, and ESA documentation must be completed prior to lease or disposal (23CFR 771.11(d)(6). When a local jurisdiction is acquiring the property for a project, they often have this completed when applying to purchase the property.

The surplus or use will not adversely affect the facility or the traffic using it. The lands to be disposed of, used or relinquished are not suitable for retention to restore, preserve, or improve the scenic beauty and environmental quality adjacent to the transportation facility.

The lands to be disposed of, used or relinquished are not suitable for inclusion in our wetlands inventory, or to restore our roadside operational, environmental, visual or auxiliary functions.

The lands to be disposed of, used or relinquished are not needed for a park and ride lot, flyer stop, or similar facility to accommodate high occupancy vehicles.

The lands to be disposed of, used or relinquished are not needed for a park, conservation, recreation or related purpose.

No hazardous material is present on the site, and any necessary clean-up has been completed.

This disposal action proposed use does not have significant adverse environmental impacts and satisfies 23 CFR Part 771.117(d)(6).

The lands to be disposed of, used or relinquished were not required for mitigation purposes for the federal aid project in which they were purchased.

The Federal share of net income from the disposal or use of this property will be used for activities eligible for funding under title 23 of the United States Code.

The Agency will keep an accounting of the use of proceeds from the disposal or use of property acquired with federal funds for other eligible Title 23 activities.

The Agency will notify the Local Programs ROW Manager at (360) 705-7329 of any change in the disposal status or use of the property.

Submitted By:

Eric Hansen, City of Stevenson Public Works
Director

Date

WSDOT Approval:

Michelle Newlean, WSDOT Local Programs Right
of Way Manager

Date

***FHWA Approval (if applicable):**

Dave Leighow, FHWA Realty Officer

Date