

RESOLUTION NO. R2025-008

A RESOLUTION of the City Council of the City of Tumwater, Washington, approving and authorizing the Mayor to execute a Development Agreement with 70th Ave LLC related to conversion of thirty-nine mobile home units from private septic systems to public sanitary sewer.

WHEREAS, the Washington State Legislature has authorized the execution of a development agreement between a local government and a person or entity having ownership or control of real property within its jurisdiction pursuant to RCW 36.70B.170(1); and

WHEREAS, Tumwater 70th LLC owns property at Velkommen Mobile Home Park, located at 2535 70th Ave. SW, Tumwater, WA, hereinafter the “Property”;

WHEREAS, the Property provides space for thirty-nine (39) mobile home units, all of which are on septic systems and Tumwater 70th LLC wishes to install city sewer services to its tenants and remove deteriorating onsite septic systems;

WHEREAS, deteriorating and failing septic systems negatively impact water quality;

WHEREAS, the 2015 Urban Septic Assessment Report identified the Velkommen Mobile Home Park is ranked as a “high to very high risk to groundwater” due to density of septic systems onsite;

WHEREAS, the City of Tumwater received a grant from the Department of Ecology to assist with septic removal and replacement with sewer service and, because of this funding, all mobile home units now served by multiple onsite septic systems are planned to be converted to city sewer;

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170(1));

WHEREAS, pursuant to RCW 36.70B.200, on April 15, 2025, the City Council held a duly noticed public hearing on the Agreement as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. Approval and Authorization. After reviewing the Agreement and considering all the testimony and information presented at the public hearing, the City Council finds that the Agreement is consistent with the criteria set forth in

RCW 36.70B.170 and approves the Agreement attached as Exhibit A hereto. The Mayor is authorized to execute the Agreement with 70th Ave LLC and to take all further and necessary action required by the Agreement.

Section 2. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 3. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law. Provided, however, in order to claim the benefits of the Development Agreement and acquire the rights, privileges, and authorities hereby granted, 70th Ave LLC must, within sixty (60) days of the effective date of this Resolution, file in the office of the City Clerk, its written acceptance of the Development Agreement. The failure of 70th Ave LLC to file such an acceptance shall be deemed a rejection by 70th Ave LLC and this Resolution shall be null and void.

RESOLVED this 15th day of April, 2025

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney