

**Subject: Resolution #694 – Acceptance
 Of Ruston Way Improvements
 Under SEP 12-05/DGP 08-09**

Proposed Council Action:

Consider Adopting Resolution #694.

Dept. Origin: Mayor’s Office
**Prepared by: Jennifer Robertson,
 City Attorney’s Office**
For Agenda of: December 18, 2018
Exhibits: Resolution #694

	Initial & Date
Concurred by Mayor:	_____
Approved by City Planner:	_____
Approved as to form by City Atty:	<u>JSR/12-12-18</u>
Approved by Finance Director:	_____
Approved by Department Head:	_____

INFORMATION / BACKGROUND

Point Ruston has been in the process of re-developing the 97-acre ASARCO superfund site into a mixed use development since 2008. Half of this site is located inside the City of Ruston. The City of Ruston has approved approximately 70 permits for this project over the past 10 years, including approval of a Master Development Plan in 2008 and a Shoreline Substantial Development Permit in 2009. As part of the Point Ruston Master Development Plan, Point Ruston constructed the following new or realigned public roads: Ruston Way, Baltimore Street and the public portion of Yacht Club Road. This was performed under the permit numbers DGP 08-09 and SEP 12-05. After several years of delay and punch list compliance work, there remains only one incomplete item which is for Point Ruston to record an easement for Catch Basin #66 as well as to pay outstanding fees due.

The City and Point Ruston LLC have entered into a settlement agreement whereby the parties agreed that if the City Council granted the Point Ruston street vacation (VAC 17-01) and accepted the Ruston Way improvements under permit numbers DGP 08-09 and SEP 12-05, that Point Ruston would record the Catch Basin #66 Easement and pay the City of Ruston \$100,000 within ten days of those actions.

The effective date of the acceptance resolution is set for December 31, 2018 provided that Point Ruston records the Easement for Catch Basin #66 with the Pierce County Auditor’s Office and remits to the City of Ruston \$100,000 within 10 days of the passage of the Resolution. Assuming that occurs, then after the effective date of the Resolution, all further maintenance and operations cost of said street and public utilities improvements shall be borne by the City of Ruston. If Point Ruston does not record the easement and pay the fees, then Resolution No. 694 will not take effect and the staff will place it onto the January 8th Council Meeting Agenda re-consideration and repeal.

FISCAL CONSIDERATION

There is a cost to take over maintenance and operations of these street and utilities improvements. Point Ruston will remit \$100,000 to the City within 10 days of the passage of this Resolution to cover the costs of its outstanding permit fee balances. These funds will go into the City's street improvement fund.

RECOMMENDATION / MOTION

Approve Resolution #694.

MOTION: I move to approve Resolution #694 accepting certain street improvements for municipal use from Point Ruston, LLC.

RESOLUTION NO. 694

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RUSTON, ACCEPTING CERTAIN STREET IMPROVEMENTS FOR MUNICIPAL USE FROM POINT RUSTON, LLC.

WHEREAS, Point Ruston has been in the process of re-developing the 97-acre ASARCO superfund site into a mixed use development since 2008. Half of this site is located inside the City of Ruston. The City of Ruston has approved approximately 70 permits for this project over the past 10 years, including approval of a Master Development Plan in 2008 and a Shoreline Substantial Development Permit in 2009; and

WHEREAS, as part of the Point Ruston Master Development Plan, Point Ruston constructed the following new or realigned public roads: Ruston Way, Baltimore Street and the public portion of Yacht Club Road. This was performed under the following permit numbers DGP 08-09 and SEP 12-05; and

WHEREAS, after several years of delay and punch list compliance work, there remains only one incomplete item which is for Point Ruston to record an easement for Catch Basin #66; and

WHEREAS, there are also outstanding fees due for this permit; and

WHEREAS, the City and Point Ruston LLC have entered into a settlement agreement whereby the parties agreed that if the City Council granted the Point Ruston street vacation (VAC 17-01) and accepted the Ruston Way improvements under permit numbers DGP 08-09 and SEP 12-05, that Point Ruston would record the Catch Basin #66 Easement and pay the City of Ruston \$100,000; and

WHEREAS, the City Council deems it in the City's interest to accept the right of way improvements under permit numbers DGP 08-09 and SEP 12-05 "as is"; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY RESOLVES AS FOLLOWS:

Section 1. Acceptance of Improvements. The City Council accepts the street and City of Ruston utility improvements constructed under DGP 08-09 and SEP 12-05 as is as facilities of the City of Ruston. Private utilities or public utility lines belonging to other entities are unaffected by this acceptance.

Section 2. Assumption of Maintenance. After the effective date of this Resolution, all further maintenance and operations cost of said streets and Ruston public utilities improvements shall be borne by the City of Ruston.

Section 3. Effective Date. Provided that Point Ruston records the Easement for Catch Basin #66 with the Pierce County Auditor's Office and remits to the City of Ruston \$100,000 within 10 days of the passage of this Resolution, then this resolution shall take effect on December 31, 2018. If such acts do not occur within 10 days (by December 28, 2018), then this Resolution shall not take effect and shall be brought back for re-consideration and repeal at the next Regular Council meeting.

PASSED by the City Council of the City of Ruston, signed by the Mayor and attested by the City Clerk in authentication of such passage on this 18th December, 2018.

Bruce Hopkins, Mayor

ATTEST:

Judy Grams, City Clerk

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO: 694