

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on Request from Burien Property Owner to Form a Local Improvement District (LID) to Fund Street and Drainage Improvements to South 140 th Street.		Meeting Date: May 23, 2011
Department: Public Works	Attachments: 1. Letter of April 28, 2011, from Keith Lithchfield 2. Map of Proposed LID Boundary 3. Example of Petition 4. Project Activities	Fund Source: LID Activity Cost: TBD Amount Budgeted: 0 Unencumbered Budget Authority: 0
Contact: Larry R. Blanchard, Director		
Telephone: (206) 248-5514		
Adopted Initiative: Yes No X	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: Under the authority granted to the City Council under the Revised Code of Washington (RCW) 35.43, the City has the authority to establish an LID for the purposes of constructing street and storm drainage improvements. Property owners that petition the City Council to construct these improvements utilizing the process under RCW 35.43 need to know the conditions the Council will accept before proceeding with the formation of the LID.		
BACKGROUND (Include prior Council action & discussion): Last week the Public Works Department was approached by Jag Basra, the owner of the property at 1244 S 140 th Street in Burien. Mr. Basra submitted building permits for 3.7 acres and 462 parking stalls at 1244 S 140 th Street, but there is no storm drainage system available for Mr. Jag to connect to along S 140 th Street. He asked the Public Works Department to create an LID to complete the off-site improvements for street and storm drainage. The improvement will be a benefit to future developments/redevelopments along S 140 th Street. A letter to this affect is included with this Agenda Bill. Mr. Basra has indicated that he is willing to approach the existing property owners as designated on the attached map to sign a petition (draft petition attached) requesting the formation of the LID. Mr. Basra would like to make sure that, if he proceeds forward with obtaining a majority of property owner signatures for the formation of the LID, the City Council is in agreement that they would support the formation of an LID. Mr. Basra will proceed with obtaining petition signatures to form the LID described above and, if successful in obtaining an appropriate majority of signatures of owners of property adjacent to and accessing onto South 140 th Street, will submit the petition to Council for authorization to form the LID and set the Public Hearing for said LID.		
OPTIONS (Including fiscal impacts): N/A		
Administrative Recommendation: Hold discussion and authorize staff to proceed to work with property owners for submittal of petitions under RCW 35.43 to form a Local Improvement District (LID) to fund street/drainage improvements to South 140 th Street.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required		
Submitted by: Administration _____ City Manager _____		
Today's Date: May17, 2011		File Code: \\File01\records\CC\Agenda Bill 2011\052311pw-1 for S 140th Street Park & Fly Project.docx



April 28, 2011

City of Burien
Department of Community Development
400 SW 152nd Street, Suite 300
Burien, WA 98166

Attention: Ramesh Davad, P.E.

Subject: Burien Park and Fly Facility

Dear Mr. Davad:

As discussed during Monday's meeting, this letter is a formal request to the Burien City Council to approve the formation of a Local Improvement District (LID) under the Revised Code of Washington (RCW) 35.43 for the purpose of constructing public improvements including, but not exclusively to street and drainage improvements.

Currently our client is in the process of obtaining building permits for the Park and Fly Project located on the 3.7 acre property with the address of 1260 & 1244 South 140th Street. In order to build the Park and Fly project or any project for that matter, a properly sized off-site drainage system must be constructed draining to Miller Creek.

However, the size of pipe required for our site alone would not provide capacity for other undeveloped property surrounding the Park and Fly site. We propose that an adequately sized pipe be install from my clients property to Miller Creek approximately 1,000 west of the Park and Fly property. Also, due to the recent flooding in the area and the lack of capacity in the 36" pipe that crosses S 140th Street an additional pipe crossing S 140th Street must be installed.

My client has agreed to circulate petitions to form the LID for this project, and would like to know if the City would authorize us to proceed with obtaining signatures on petitions to form the LID for this purpose. The surrounding area is zoned Airport Industrial and we believe that we can obtain a majority of signatures for this LID project and submit those to the City for approval.

The project site is bordered by single family residential development to the north, east and west and to the south by South 140th Street. The area is zoned for airport industrial and many of the surrounding properties that were historically residential have been cleared and/or vacated due to the industrial zoning (most noticeably to the south). The park and fly facility will mitigate developed storm water impacts on-site through the construction of a standard infiltration bed. Although Level 2 is the prescribed flow control performance standard for this site, per BMC 13.10.140(2), a Level 3 facility is proposed due to the historic downstream flooding problems.

In the event that the formation of the LID is unsuccessful then my client supports the use of a Late Comers Agreement, if acceptable to the City.

Ramesh Davad, P.E. – City of Burien

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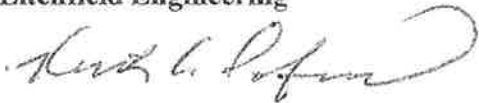
April 28, 2011

I am hopeful that the above information with attachments is sufficient for the Burien City Council to evaluate my request. However, if you should have any questions or need additional information please do not hesitate to contact me.

I thank you in advance for the time that you have committed to this project.

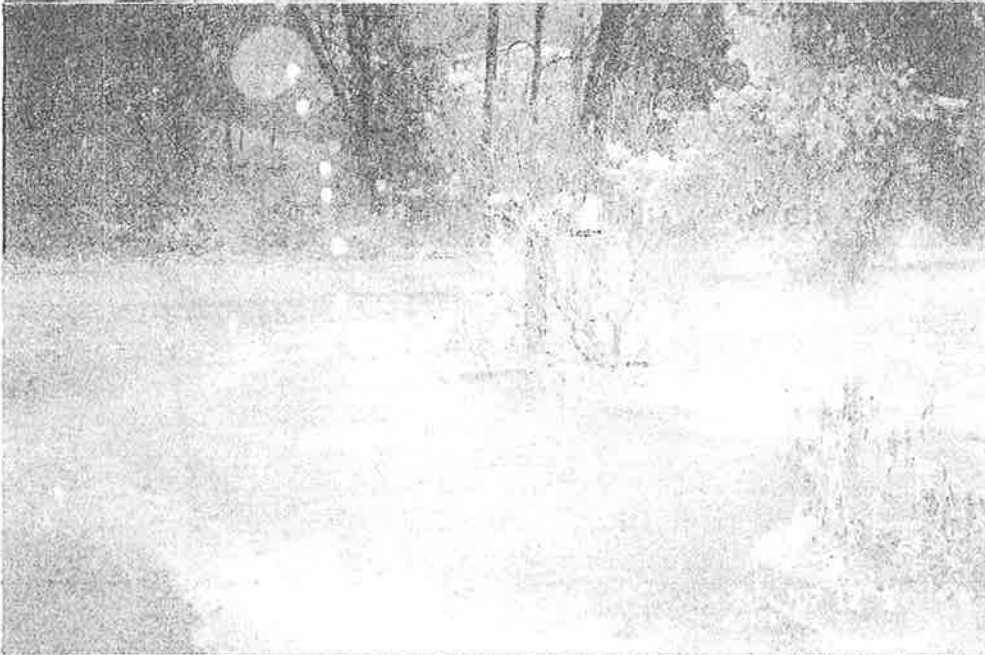
Sincerely,

Litchfield Engineering

A handwritten signature in black ink, appearing to read "Keith A. Litchfield", written in a cursive style.

Keith A. Litchfield, P.E.

Attachments: Photographs of Downstream Flooding
Vicinity Map of Proposed Road/Drainage System Improvements



Photographs of Flooding Near 1004 S. 140th Street
Drainage Tributary to Miller Creek



PROPOSED LOCAL IMPROVEMENT DISTRICT - S 140TH ST



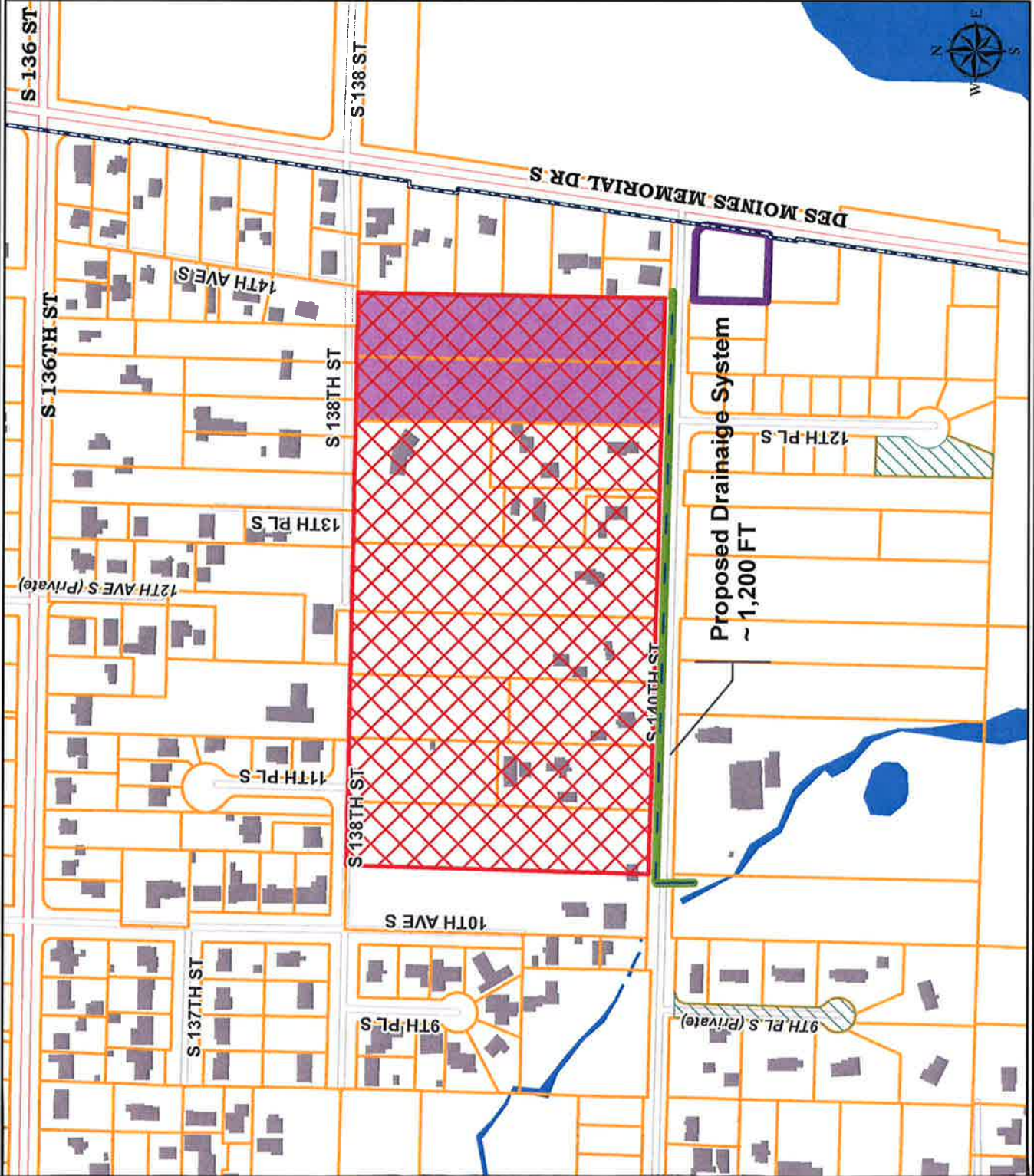
THE CITY OF BURIEEN DISCLAIMS ANY WARRANTY OF FITNESS OF USE FOR PARTICULAR PURPOSE, EXPRESS OR IMPLIED, WITH RESPECT TO THIS PRODUCT.

Legend

Proposed LID



Proposed Park & Fly



0 300 600 1,200 Feet

NGIS01GISShare\FernandoL\Requests\RameshD\TKT2241\S140thST_LID_TKT2241.mxd
Last updated 5/5/2011
By: FernandoL



City of Burien
PETITION FOR S 140TH
STREET AND DRAINAGE IMPROVEMENTS
LOCAL IMPROVEMENT DISTRICT

We, the undersigned, being legal owners of land included in a proposed Local Improvement District for the

S 140th Street and Drainage Improvements

hereby petition the City of Burien to construct said improvements.

We understand that all properties benefited by the improvements will be included in a Local Improvement District and assessed for the cost of the improvements in compliance with Washington State Law. The territorial extent of the Local Improvement District includes Parcel Nos. 1723049138 & 1723049030 as shown in the attached map. _____% of land area is owned by the petitioners.

This improvement will be done in accordance with approved plans and specifications of the Public Works Department.

At the time of filing, this petition must be signed by the owners of 50 percent (50%) of the properties within the proposed improvement district. This petition must be submitted to the City Clerk, Burien City Hall, 400 SW 152nd Street, Burien, WA 98166. If you have any questions regarding this petition or the cost of the work being petitioned for, contact the Public Works Department at (206) 248-5521.

Actual assessments may vary from assessment estimates, so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NOTE: Petitioners must identify the property by legal description (e.g. lot, block and addition), and must be the owner(s) of record of the listed property. No signature by agent will be allowed.

Parcel No.	Ownership	Sign and Print Name	Address and Phone Number
1723049138 & 1723049030	A1 EDUCATION HILL LLC (JAG BASRA)		1244 & 1260 S 140 th St

Legal Description of Property:

South 140th Street Improvement Project
Proposed Formation Local Improvement District
Schedule of Activities

Step	Activity	Description	Date
1	Filing of LID Petition	Closing dated for filing of a petition signed by the owners of property aggregating a majority of the area of the proposed LID (RCW 35.43.120)	Schedule to be Determined (2011)
2	Certification of Sufficiency	Engineers determines sufficiency of petition, and prepares cost estimate, assembles other statutorily require information and certifies it to the council (RCW 35.43.130)	Schedule to be Determined (2011)
3	SEPA Determination	The proposed LID is categorically exempt from SEPA (WAC, Chapter 197.11.800(17))	Schedule to be Determined (2011)
4	Declaration of Intent to form LID	Adopt resolution declaring intention to form LID and fix public hearing date (RCW 35.43.125 and 130)	Schedule to be Determined (2011)
5	Notice of Hearing	Mail notice of public hearing at least 15 before the date fixed for hearing to the property owners of record on the rolls of the County Assessor (RCW 35.43.150 and 270)	Schedule to be Determined (2011)
6	Publish Resolution Declaring Intent to Form LID	Publish resolution declaring intent to form LID and fixing public hearing date in at least two consecutive issues of the official newspaper, the first publication being at least 15 days prior to the hearing (RCW 35.43.140)	Schedule to be Determined (2011)
7	Formation Hearing	Conduct hearing on formation of LID	Schedule to be Determined (2011)
8	LID Ordinance	Pass ordinance creating LID and ordering the improvement (RCW 35.43.070)	Schedule to be Determined (2011)
9	Publish Ordinance	Publish ordinance creating LID in official newspaper.	Schedule to be Determined (2011)
10	File Ordinance	Within 15days of formation, file ordinance creating LID, boundary diagram and preliminary assessment roll with City Treasurer. The City Treasures shall immediately [post the proposed assessment roll on the index LID assessments (RCW 35.50.005)	Schedule to be Determined (2011)
11	Expiration of time limit on litigation	No lawsuit may be maintained challenging the formation of the LID if not filed within 30 days after passage of the formation ordinance (RCW 35.43.100)	Schedule to be Determined (2011)
12	Final Assessment Roll	Preparation of the final assessment roll and hearing will occur following project completion	Schedule to be Determined (2011)

