



**Washington State
Department of Transportation**

Sid Morrison
Secretary of Transportation

Olympic Region Headquarters
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia, WA 98504-7440

(360) 357-2600
Fax (360) 357-2601

June 17, 1999

The Honorable Bill Thomas
Mayor, City of Sequim
152 West Cedar Street
Sequim WA 98382-3317

Subject: Washington Street
Former US-101 Right of Way
Certification to the City of Sequim

Dear Mr. Thomas

Under the provisions of RCW 36.75.090 and WAC 468-30-075, Procedure for Transfer of Abandoned State Highways to Cities and Towns, the portion of old US-101, as shaded on the attached right of way plans, will be transferred to the City, after traffic is routed onto the new US-101 alignment.

The State agrees to do the following items of work prior to Certification to the City:

1. Paving of 9th Street to the West City Limit
2. Pavement Repair excavation of US-101 from 3rd Street to Govan.

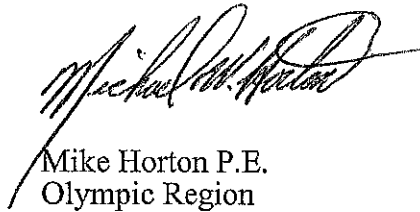
The State further agrees, after acceptance by the City of the above work, to a lump sum payment to the City in the amount of \$309,000 in lieu of performing additional repair or improvements to US-101 on that portion being certified to the City. This lump sum payment will be made to the City within 3 Months after US-101 has been transferred to the City.

The City will accept the State work by issuance of a letter. Upon receipt of the City letter the State will complete the Right of Way Certification to the City. At that time all pertinent maps and documents on file in the Department of Transportation Olympia Service Center will be forwarded to you.

The Honorable Bill Thomas
June 17, 1999
Page 2

The City and State acceptance of this agreement and the procedures contained within are attested to by the below signatures.

Sincerely,



Mike Horton P.E.
Olympic Region
Local Programs Engineer

Concurrence,



Bill Thomas
City of Sequim
Mayor

Attachment

cc File Sequim\sequimcert101
Jim Bay Sequim PWD



City/Town Turnback Agreement			Organization and Address City of Sequim 152 West Cedar Street Sequim, WA 98382-3317
Agreement Number TB 3-0091			Section / Location US 101 Sequim Bypass MP 262 to MP 267 Vicinities
State Route 101	Control Section 0501	Region Olympic	0L-2084

99 SEP - 5 PM 3:54
 RECEIVED
 DEPT. OF TRANSPORTATION

THIS AGREEMENT, made and entered into this 2nd day of SEPTEMBER, 1999, between the STATE OF WASHINGTON, Department of Transportation, acting by and through the Secretary of Transportation, hereinafter called the "STATE," and the above named organization, hereinafter called the "CITY".

WHEREAS, the STATE is planning the construction or improvement of a section of state route as shown above, and
 WHEREAS, the STATE will abandon a portion of an existing state highway and/or construct, reconstruct, or rearrange certain city streets, frontage roads, access roads, intersections, ramps, crossings, and/or other pertinent features, and

WHEREAS, construction of this facility, including rearranged city streets and other features will necessitate the transfer of jurisdiction from the CITY to the STATE of those rights of way, and

WHEREAS, upon completion of construction of this facility it is necessary to describe the division of responsibility of the STATE and CITY in the ownership, maintenance, and reconstruction of this roadway and other features, and provide for the transfer of rights accordingly.

NOW THEREFORE, by virtue of Title 47.24.010 and 47.52.210, and pursuant to WAC 468-18-050, "Policy on the construction, improvement and maintaining of intersections of state highways and city streets," WAC 468-30-075, "Procedure for transfer of abandoned state highways to cities and towns" and in consideration of the terms, conditions, covenants, and performance contained herein or attached and incorporated and made a part hereof. IT IS MUTUALLY AGREED AS FOLLOWS:

**I
CITY RIGHT OF WAY**

The CITY agrees that the transfer of jurisdiction and/or ownership of all city rights of way needed for the construction of this facility shall be governed by RCW 47.24.010 and/or RCW 47.52.210. Prior to commencement of construction, the STATE will notify the CITY in writing that it will assume jurisdiction and relieve the CITY from all responsibility in the operation, maintenance, and reconstruction thereon until construction is complete.

**II
ABANDONED STATE HIGHWAY**

If a public highway which is or has been a part of the route of a state highway and is no longer necessary as such is to be certified to the CITY, it will be included in the plans marked Exhibit "A," attached hereto and by this reference made a part of this AGREEMENT.

In those cases involving abandonment of a state highway, a joint maintenance inspection by representatives of the STATE and CITY shall be held prior to entering into this AGREEMENT and all agreed to deficiencies, if any, shall be enumerated in detail and included as part of Exhibit "A."

Items of work, if any, which cannot be agreed to prior to executing this AGREEMENT, shall also be enumerated in detail and included as part of Exhibit "A."

**III
COMPLETION INSPECTION**

Upon completion of construction of the facilities covered by this AGREEMENT, an inspection by representatives of the STATE and CITY shall be made to determine that the requirements of this AGREEMENT have been fulfilled.

The CITY, following satisfactory completion of the joint inspection, will provide the STATE a letter agreeing to accept the facilities covered by this AGREEMENT in their present condition.

**IV
TRANSFER OF JURISDICTION**

Subsequent to the completion of construction, opening to public use, and receipt of the CITY's letter of acceptance, the STATE will notify the CITY in writing of its intent to transfer jurisdiction of these features as shown on the attached plans marked Exhibit "A". The CITY agrees to

accept said abandoned highway, rearranged city streets, frontage roads, cul-de-sacs, and other features, including right of way, access control, and other property rights, and to relieve the STATE from all responsibilities in the operation, maintenance, and reconstruction of these features. Exhibit "A" is colored, wherever applicable, as follows:

- Red** Indicates construction and rights of way to be conveyed to the CITY.
- Blue** Indicates easements to be conveyed to the CITY.
- Yellow** Indicates nonoperating properties to be conveyed to the CITY. These properties are considered necessary for the continued maintenance of the areas shown in red and/or blue color.
- Green** Indicates areas within the highway right of way to be maintained and reconstructed by the CITY. Except for snow and ice removal, maintenance and reconstruction of the separation structures shall be the responsibility of the STATE.
- Orange** Indicates access control and access rights to be conveyed to the CITY. These rights may be maintained or disposed of by the CITY and any revenue resulting from said disposal shall be placed in the CITY's street fund and used exclusively for street purposes.
- Brown** Indicates access control and access rights to be conveyed to the CITY. These rights shall be maintained by the CITY and will not be transferred, sold, abandoned, vacated, or otherwise altered or disposed of without prior written approval of the STATE.

**V
CONVEYANCE**

Within six months following the notice to transfer jurisdiction, the STATE will furnish the CITY a recordable conveyance of those features shown in red, blue, yellow,

orange, and/or brown color on the plans marked Exhibit "A". The conveyance will be recorded pursuant to RCW 65.08.095.

The forthcoming instrument will be subject to the following restrictions:

(NO FEDERAL PARTICIPATION)

It is understood and agreed that the above-referenced property is transferred for road/street purposes only, and no other use shall be made of said property without obtaining prior written approval of the grantor. Revenues resulting from any vacation, sale, or rental of this property, or any portion thereof, shall be placed in the grantee's road/street fund and used exclusively for road/street purposes, except that the grantee may deduct the documented direct costs of any such vacation, sale, or rental. ** ROADS & STREET USE INCLUDES UTILITY AND FRANCHISE USE.*

(FEDERAL PARTICIPATION)

It is understood and agreed that the above referenced property is transferred for road/street purposes only, and no other use shall be made of said property without the prior written approval of the grantor. It is also understood and agreed that the grantee, its successors or assigns, shall not revise either the right of way lines or the access control without prior written approval from the grantor, its successors, or assigns. Revenues resulting from any vacation, sale, or rental of this property or any portion thereof, shall: (1) if the property is disposed of to a governmental entity for public use, be placed in the grantee's road/street fund and used exclusively for road/street purposes; or (2) if the property is disposed of other than as provided in (1) above, be shared by the grantee and grantor, their successors or assigns in the same proportion as acquisition costs were shared, except that the grantee may deduct the documented direct costs of any such vacation, sale, or rental. ** ROADS & STREET USE INCLUDES UTILITY AND FRANCHISE USE.*

**VI
LEGAL RELATIONS**

No liability shall attach to the STATE or CITY by reason of entering into this AGREEMENT except as expressly provided herein.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the day and year first above written.

CITY

By *[Signature]*
Interim City Mgr.

Date 8/24/99

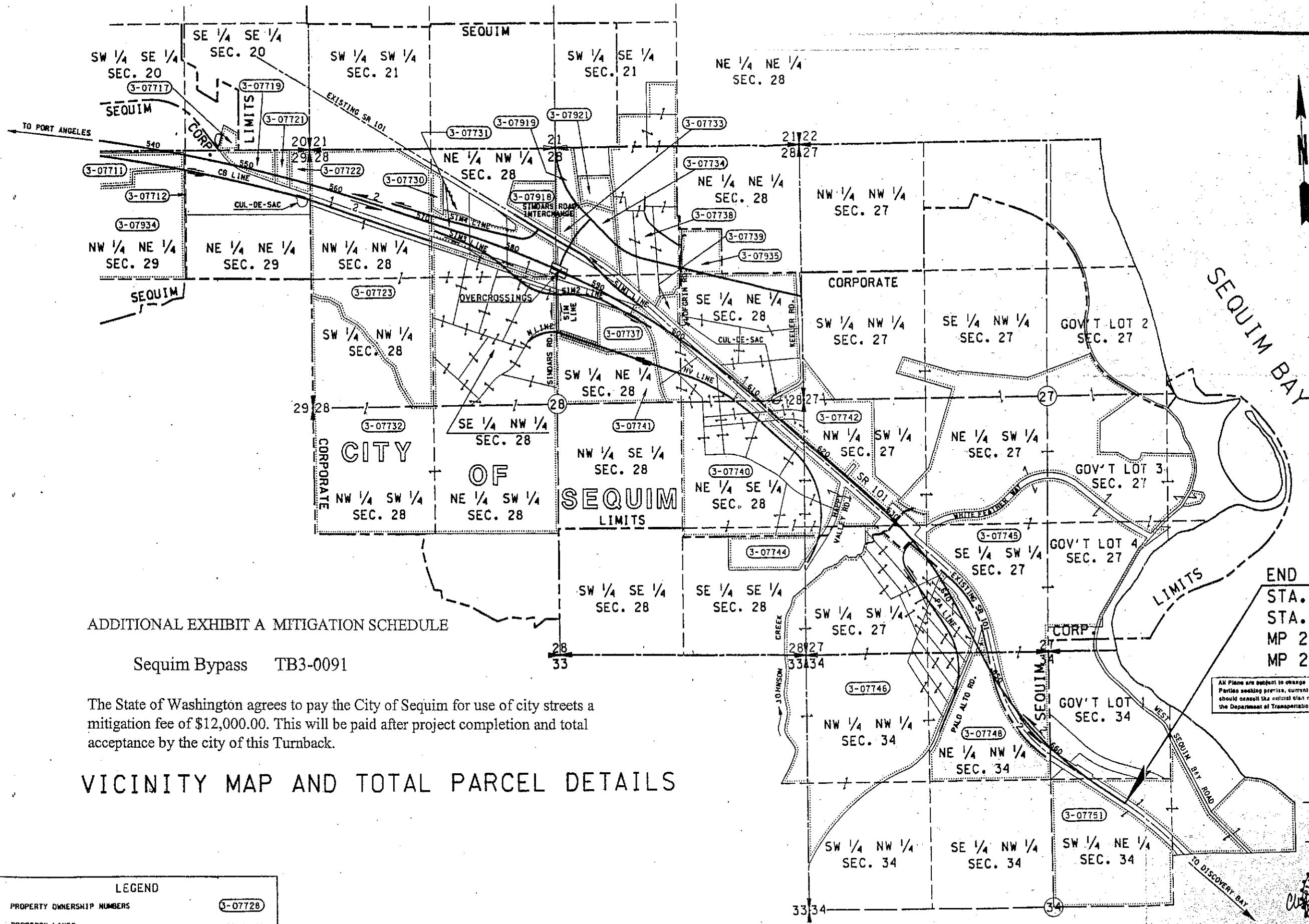
STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

By *[Signature]*
Region Administrator

T.30N. R.3W. W.M.

REGION NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.
10	WASH.		

TB-30091
Sheet 1/13



ADDITIONAL EXHIBIT A MITIGATION SCHEDULE

Sequim Bypass TB3-0091

The State of Washington agrees to pay the City of Sequim for use of city streets a mitigation fee of \$12,000.00. This will be paid after project completion and total acceptance by the city of this Turnback.

VICINITY MAP AND TOTAL PARCEL DETAILS

END OF PLAN
STA. 669+85.54 P.C., BK.=
STA. 681+58.9 P.C., AHD.
MP 267.71 BK.=
MP 267.92 AHD.

All Plans are subject to change
Parties seeking precise, current information
should consult the original plan on file in
the Department of Transportation in Olympia

EXHIBIT A

FOR ACCESS HEARING PLAN SEE PLAN OF
SAME TITLE, APPROVED DECEMBER 16, 1994
SR 101 MP262.30 TO MP267.71
SEQUIM BYPASS
CLALLAM COUNTY

VICINITY MAP
&
TOTAL PARCEL DETAILS

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON



DESIGN PROGRAM ENGINEER APPROVED AUGUST 2, 1996

LEGEND

PROPERTY OWNERSHIP NUMBERS 3-07728

PROPERTY LINES

SCALE IN FEET
0 500 1000

Letter 4-18-97	4-25-97	Revised boundary parcel 3-07731	REP
Authority	Date	Subsequent Approval	By



**Washington State
Department of Transportation**

Sid Morrison
Secretary of Transportation
February 12, 2001

Olympic Region Headquarters

5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia, WA 98504-7440

(360) 357-2600
Fax (360) 357-2601

City of Sequim
Public Works Department
152 West Cedar Street
Sequim, WA 98382-3317

SR 101 Sequim Bypass
TB3-0091

Attn.: James E. Bay
Director of Public Works

Dear Sir:

In accordance with the provisions of Turnback Agreement No. TB3-0091 and your acceptance of the amendment to TB3-0091 dated February 9, 2001, we amend the relinquishment of those portions shown on Exhibit "A" Sheets 2, 9, 10, 11 and 12 of 18 and add Sheet 18A to TB3-0091 for certification to the City. By copy of this letter to Environmental and Engineering Service Center Real Estate Services, I am requesting that they initiate action to transfer appropriate documents to the City. I appreciate your cooperation in assisting us in finalizing this turnback.

Sincerely,

Daniel Stillwell

Daniel Stillwell
Olympic Region
Local Programs Agreement Engineer

DS:ds

Attachments:

Amendment Acceptance Letter
Revised Exhibit "A" Sheet 2 of 18
Revised Exhibit "A" Sheet 9 of 18
Revised Exhibit "A" Sheet 10 of 18
Revised Exhibit "A" Sheet 11 of 18
Revised Exhibit "A" Sheet 12 of 18
Added Exhibit "A" Sheet 18A

cc:

Evelyn Greenwalt
Randy Dunn
Tom Dale
Jerry Moore
Don Clotfelter
Bob Bond
file

01 FEB 12 PM 1:53

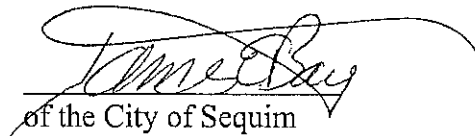
Washington State
Department of Transportation
PO Box 47440
Olympia, WA 98504-7440

Attn.: Michael Horton, P.E.
Local Programs Engineer

Dear Sir:

On the 9th of February, 2001, the City of Sequim has accepted the amendment to WSDOT Turnback Agreement No. TB3-0091.

Sincerely,


of the City of Sequim



**Washington State
Department of Transportation**

Sid Morrison
Secretary of Transportation
March 31, 2000

REC'D ACCOUNTING
OLYMPIC REGION

00 MAR 31 AM 10:27

Olympic Region Headquarters
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia, WA 98504-7440

(360) 357-2600
Fax (360) 357-2601

City of Sequim
Public Works Department
152 West Cedar Street
Sequim, WA 98382-3317

SR-101 Sequim Bypass
TB3-0091 and Certification of former US-101 Right of Way

Attn.: James E. Bay
Director of Public Works

Dear Sir:

In accordance with the provisions of Turnback Agreement No. TB3-0091 and the provisions of the letter for Certification to the City of Sequim of Former US-101 Right of Way dated June 17, 1999, and the attached acceptance letters dated March 29, 2000, we relinquish those portions shown on Exhibit "A" of the turnback agreement and transfer those portions shown on the exhibit of the certification letter to the City of Sequim. By copy of this letter to Environmental and Engineering Service Center Real Estate Services, I am requesting that they initiate action to transfer appropriate documents to the City. I have appreciated your cooperation in assisting us in finalizing this turnback and certification.

Sincerely,

Daniel Stillwell
Daniel Stillwell
Olympic Region
Local Programs Agreement Engineer

DS:ds

Attachments:
TB3-0091 Acceptance Letter
TB3-0091 Exhibit "A"
Acceptance Letter for transfer of former US-101 Right of Way
Certification Letter Exhibit

cc:
Evelyn Greenwalt
Kevin Dayton
Tom Dale
Jerry Moore
Bob Loshonkohl
Bob Bond
file



152 West Cedar Street • Sequim, Washington 98382-3317 • Area Code 360
City Hall: 683-4139 • FAX 681-3448 Public Works: 683-4908 • FAX 681-0552

Washington State
Department of Transportation
PO Box 47440
Olympia, WA 98504-7440

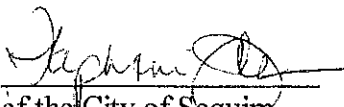
Attn: Michael Horton P.E.
Local Programs Engineer

Dear Sir:

On 29th of March, 2000; the City of Sequim has accepted the areas contained in WSDOT Turnback Agreement No. TB3-0091.

Please prepare and forward to the City the documents for the transfer of jurisdiction of the areas contained in the turnback agreement.

Sincerely,


of the City of Sequim



PAYMENT VOUCHER

Voucher # XV 431 012634

Vendor No. 916001502

Totals

Ret. Total	\$0.00	N/P Total	\$0.00	Total	\$321,000.00
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Vendor: CITY OF SEQUIM
Address 1: 152 W CEDAR ST
Address 2:
City, State, Zip: SEQUIM WA98382-3317

Y/E Phase Voucher Date 04/13/00

Status AWAITING APPROVAL ^{4/4}

PAGE NUMBER: 1 OF 1

Invoice				Reference		Retainage	
P. Auth	Date	Number	P. Agree	Order No.	Quantity	P/F Type	Amount
	04/07/00	TB30091	TB30091 0		0.000		

Distribution												
Job No.	Work Op	Obj	Org	B/S Acct	Parcel	C. Section Equip No.	Revenue Source	Fund	Activity	Appr.	Agency	Disc. Type
005345	24	0409	ER16	4370	01	050100						

Service Request No.	N/P Amount	Total Amount	I/D
		\$12,000.00	

Invoice				Reference		Retainage	
P. Auth	Date	Number	P. Agree	Order No.	Quantity	P/F Type	Amount
	04/07/00	TB30091	DC00610 0		0.000		

Distribution												
Job No.	Work Op	Obj	Org	B/S Acct	Parcel	C. Section Equip No.	Revenue Source	Fund	Activity	Appr.	Agency	Disc. Type
005345	23	0409	ER16	4370	01	050100						

Service Request No.	N/P Amount	Total Amount	I/D
		\$309,000.00	

Invoice				Reference		Retainage	
P. Auth	Date	Number	P. Agree	Order No.	Quantity	P/F Type	Amount

Distribution												
Job No.	Work Op	Obj	Org	B/S Acct	Parcel	C. Section Equip No.	Revenue Source	Fund	Activity	Appr.	Agency	Disc. Type

Service Request No.	N/P Amount	Total Amount	I/D

(01)
(02)

User Name
TRACY WEST

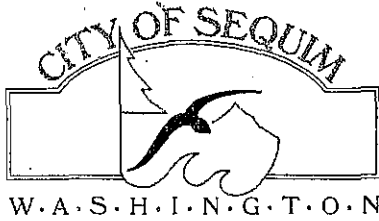
Received By _____ Date _____
Checked and Approved for Processing By _____ Date _____

Comments:
Signature of Approving Authority _____ Date _____

Checked by: David L. [Signature] Date: 4/11/00

Approved by: [Signature] Date: 4/11/00

Michael W. Horton



152 West Cedar Street • Sequim, Washington 98382-3317 • Area Code 360
City Hall: 683-4139 • FAX 681-3448 Public Works: 683-4908 • FAX 681-0552

April 7, 2000

Mr. Dan Stillwell, Engineer
Olympic Region
Washington State
Department of Transportation
P.O. Box 47440
Olympia, WA. 98504-7440

RE: TB3-0091 City of Sequim

Dear Mr. Stillwell;

This letter and invoice is in response to your letter of March 31, 2000 and email of April 4, 2000 to Jim Bay, Public Works Director regarding TB3-0091 and certification of former US-101.

INVOICE

Mitigation Fee for Brownfield Road

\$ 12,000

Group 24

TB30091

Lump Sum payment in lieu of additional repair or improvements to Washington St. (Old U.S. Hwy. 101) on that portion being certified to the city.

\$309,000

Group 23

DC00610

Please remit the total payment of
to City of Sequim, Attn. City Treasurer
152 W. Cedar St., Sequim, WA. 98382

\$321,000

If there are any questions, please call either Mr. Bay or myself at 360.683.4139.
Thank you for your assistance in speeding the payment process along.

Sincerely,

Lonna L. Muirhead

Lonna L. Muirhead
City Clerk/Treasurer

c: Stephani Johnson, City Manager
Jim Bay, Public Works Director

RECEIVED
APR 10 2000
OLYMPIC REGION

1915 10 26

9116001400

060100

STATE ORIGINAL

DATE: Oct. 26, 1999

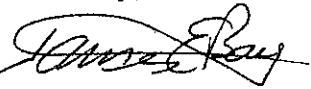
TO: Michael W. Horton, P.E.
Local Programs Engineer

FROM: James E. Bay, P.E.
Public Works Director

SUBJECT: SR 101
Sequim ByPass
Agreement **TB3-0091**

On the 29 of October, 1999, the City of Sequim has accepted the amendment to WSDOT Turnback Agreement No. TB3-0091, Exhibit "A".

Sincerely,



James E. Bay, P.E.
Public Works Director

DS:ds

cc:
Evelyn Greenwalt
Tom Dale
Jerry Moore
File

REC'D ACCOUNTING
OLYMPIA REGION
99 NOV -2 AM 7:48



**Washington State
Department of Transportation**

Sid Morrison
Secretary of Transportation

October 26, 1999

Olympic Region Headquarters
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia, WA 98504-7440

(360) 357-2600
Fax (360) 357-2601

City of Sequim
152 West Cedar Street
Sequim, WA 98382-3317

TB3-0091 SR 101
Sequim ByPass
Turnback Agreement

Attn.: James E. Bay, P.E.

Dear Sir:

Subsequent to execution of this turnback agreement, numerous turnback areas were found to have been omitted from the turnback agreement.. This turnback will be amended as follows:

- 1) Exhibit "A" Sheets 1 of 13 through 13 of 13 will be renumbered Exhibit "A" Sheets 1 of 18 through 13 of 18.
- 2) Right of way plan sheet SR 101, Simdars Road Interchange, Vicinity, Sheet 4 of 5 will be added to become Exhibit "A" Sheet 14 of 18.
- 3) Right of way plan sheet SR 101, Simdars Road Interchange Vicinity, Sheet 5 of 5 will be added to become Exhibit "A" Sheet 15 of 18.
- 4) Right of way plan sheet SR 101, Sequim ByPass, Sheet 24 of 31 will be added to become Exhibit "A" Sheet 16 of 18.
- 5) Right of way plan sheet SR 101, Sequim ByPass, Sheet 26 of 31 will be added to become Exhibit "A" Sheet 17 of 18.
- 6) Right of way plan sheet SR 101, Sequim ByPass, Sheet 27 of 31 will be added to become Exhibit "A" Sheet 18 of 18.

Attached is amended Exhibit "A" Sheets 14 of 18 through 18 of 18 and a form letter for your signature to denote acceptance of this amendment. If you have any questions please call me at (360) 357-2621.

Sincerely,

Daniel Stillwell
Local Programs Agreement Engineer

DS:ds
attachments:
Turnback TB3-0091 Exhibit "A" Sheets 14 of 18 through 18 of 18
Acceptance Letter

cc:
Evelyn Greenwalt
Tom Dale
Jerry Moore
File