



**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 9<sup>th</sup> Street to the West City Limit
2. Pavement Repair excavation of US-101 from 3<sup>rd</sup> Street to Govan.

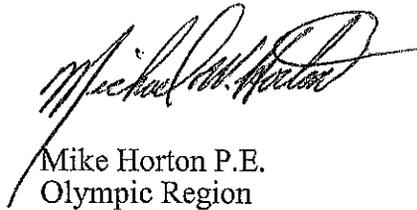
The State further agrees, after acceptance by the City of the above work, to a lump sum payment to the City in the amount of \$309,000 in lieu of performing additional repair or improvements to US-101 on that portion being certified to the City. This lump sum payment will be made to the City within 3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



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

99 SEP 5 PM 3:54  
 RECEIVED  
 99 SEP 5 PM 3:54

THIS AGREEMENT, made and entered into this 2<sup>nd</sup> 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

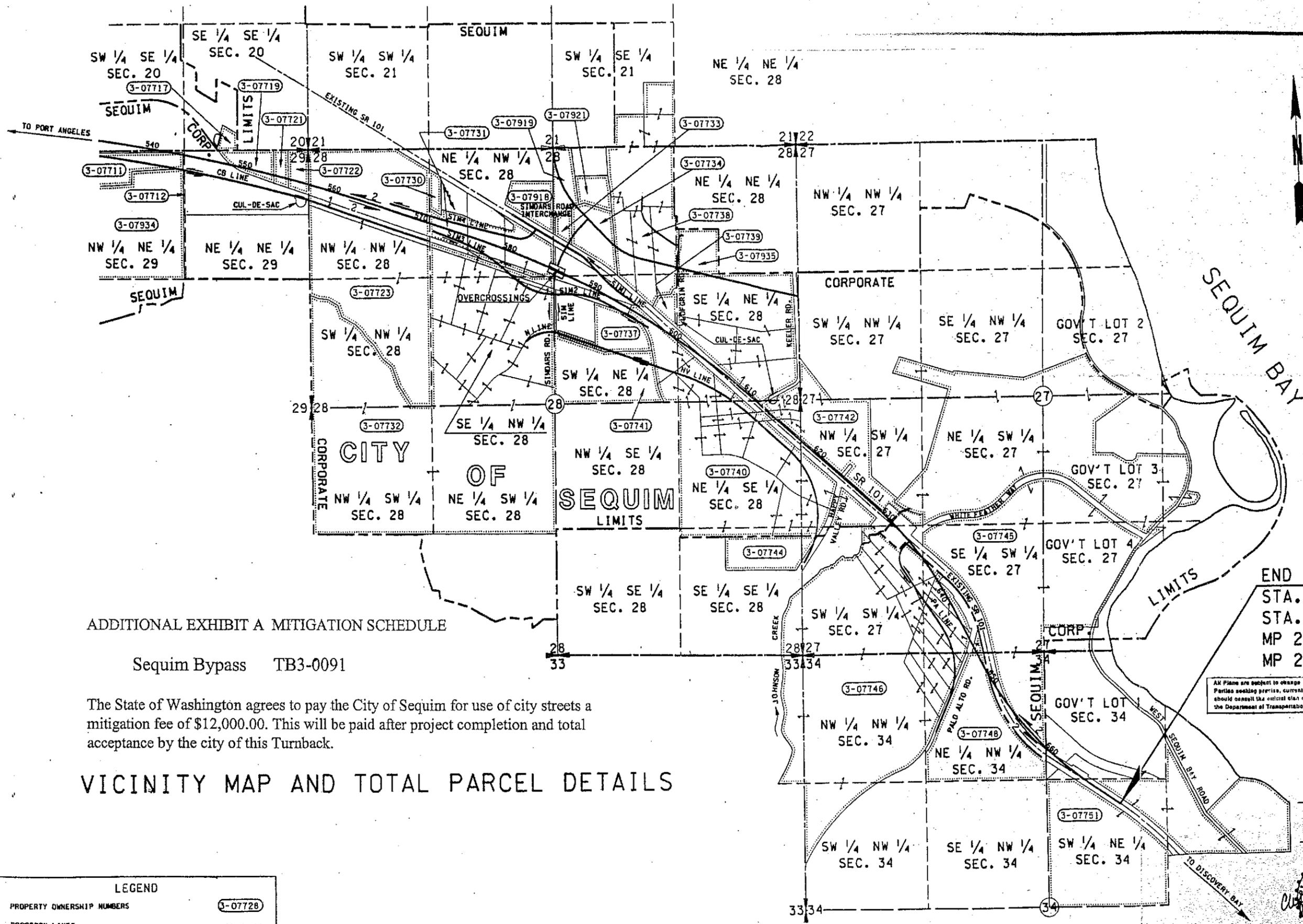
By *Clark Johnson*  
*Interim City Mgr.*

STATE OF WASHINGTON  
DEPARTMENT OF TRANSPORTATION

By *Clayton J. Daniels*  
Region Administrator

Date *8/24/99*

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



**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

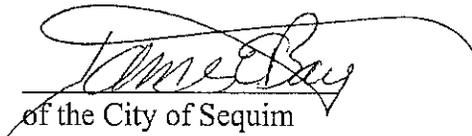
Washington State  
Department of Transportation  
PO Box 47440  
Olympia, WA 98504-7440

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

Dear Sir:

On the 9<sup>th</sup> 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 10:57

**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 29<sup>th</sup> 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

<b>Totals</b>	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 4/14

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: Daniel C. Stillwell Date: 4/11/00

Approved by: Michael W. Horton 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	0000610

Please remit the total payment of \$321,000  
to City of Sequim, Attn. City Treasurer  
152 W. Cedar St., Sequim, WA. 98382

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

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STATE ORIGINAL

DATE: Oct. 26, 1999

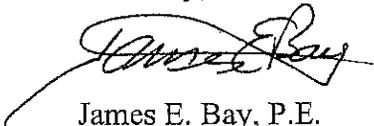
TO: Michael W. Horton, P.E.  
Local Programs Engineer

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