

Kelso City Council Agenda

Regular Meeting, 6:00 pm
January 19, 2016
City Hall, Council Chambers
203 South Pacific
Kelso, WA 98626



**Special accommodations for the handicapped and hearing impaired are available
by special arrangement through the City Clerk's Office at 360-423-0900**

Invocation:

Pastor Marv Kasemeier, New Song Worship Center

Roll Call to Council Members:

1. Approve Minutes:

1.1. January 5, 2016 – Regular Meeting

2. Presentation:

2.1. West Kelso Subarea Plan

3. Consent Items:

3.1. Auditing of Accounts

4. Citizen Business:

5. Council Business:

5.1. Discussion – Real Estate Services Request for Proposals

6. Action/Motion Items:

6.1. Ordinance, 1st Reading

6.1.1. Amending Nuisance Abatement relating to Shopping Cart Regulations

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203 South Pacific
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Other Items:

- City Manager Report
- Staff/Dept Head Reports
- Council Reports
- Other Business
- Executive Session

Pastor Mark Schmutz, Northlake Baptist Church, gave the invocation. Mayor David Futcher led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor Futcher. Councilmembers in attendance were Rick Roberson and Todd McDaniel.

OATH OF OFFICE:

City Clerk Brian Butterfield swore in the following individuals to the Kelso City Council:

- David Futcher, Council Position No.4
- Jim Hill, Council Position No.5
- Larry Alexander, Council Position No.6
- Nancy Malone, Council Position No.7

Minutes: Upon motion by Councilmember Roberson, seconded by Councilmember Hill, 'Approve the Minutes of the 10/20/15 Transportation Benefit District Special Meeting and the 12/15/15 Regular Meeting,' motion carried, all voting yes.

ELECTION OF COUNCIL OFFICERS:

Mr. Butterfield opened the floor for nominations for Mayor. Upon motion by Councilmember Roberson, 'Nominate David Futcher for Mayor.' Mr. Butterfield asked if there were other nominations. Hearing none, the nominations were closed. Motion carried, all voting yes. **David Futcher was elected to the Mayor position.**

Mr. Butterfield opened the floor for nominations for Deputy Mayor. Upon motion by Councilmember McDaniel, 'Nominate Rick Roberson for Deputy Mayor.' Upon motion by Councilmember Hill, 'Nominate Todd McDaniel for Deputy Mayor.' Mr. Butterfield asked if there were other nominations. Hearing none, the nominations were closed. Councilmembers Futcher, McDaniel, Alexander, and Malone voted for Rick Roberson. Councilmember Hill voted for Todd McDaniel. **Rick Roberson was elected to the Deputy Mayor position.**

At 6:09 p.m., the Council adjourned for a three-minute recess to reorganize the seating arrangement.

CONSENT AGENDA:

1. **Contract Closeout:** Jones Road Waterline Replacement Project, Nutter Corporation.

Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, 'Approve the Consent Agenda,' motion carried, all voting yes.

CITIZEN BUSINESS:

Mark J. Kirkland, 2941 Melrose Lane, spoke about stormwater drainage on Hwy 99 south of the Longview Wye.

Rod Wright, 97 Banyan Drive, spoke about stormwater drainage on Haussler Road and the Aldercrest area.

Jerry Reagor, 335 Hazel Street spoke about making the state responsible for repairing certain bridges and Minor Road.

Gregg Donges, 606 North 23rd Avenue, spoke about potholes on Allen Street and regulations for at home auto repair work. He spoke about branches in the road on his street. He spoke about the City posting a notice for utility rate increases.

COUNCIL BUSINESS:

Interlocal Agreement – Southwest Washington Regional Airport Authority

Management Services: Upon Motion by Councilmember McDaniel, seconded by Councilmember Roberson, ‘Approve the Agreement.’ City Manager Taylor briefed the Council on the agreement. Lengthy discussion followed. Councilmembers Futcher, Alexander, McDaniel, and Roberson voted yes. Councilmembers Malone and Hill voted no. Motion passed, 4 to 2.

Washington State Department of Transportation Airspace Lease Agreement: Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, ‘Approve the Lease Agreement,’ motion passed, all voting yes.

Kelso/Longview Chamber of Commerce Visitor Center Lease Agreement

Amendment: Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, ‘Approve the Amended Lease Agreement’, motion passed, all voting yes.

City Real Estate Services Request for Proposal (RFP) Discussion: City Manager Taylor brought six RFP responses to the Council for consideration. The following citizens spoke from the audience:

- Butch Henry, 1201-1207 Lord Street, Pacific NW Realty
- Steven R. Dahl, 2602 Harris Street Road, Pacific NW Realty
- Todd Wade, 208 Vine Street, Woodford Commercial Real Estate
- Rod Wright, 97 Banyan Drive

Lengthy discussion followed. With consensus of the Council, this item was tabled to be considered at the January 19, 2016 Regular Meeting.

MOTION ITEMS:

Ordinance No. 16-3865 – Amending KMC 18.12 Flood Plain Management: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, ‘Adopt Ordinance No. 16-3865, ‘AN ORDINANCE OF THE CITY OF KELSO AMENDING SECTION 18.12.070 OF THE KELSO MUNICIPAL CODE RELATING TO FLOODPLAIN MANAGEMENT.’ Motion passed, all voting yes.

Resolution No. 16-1150 – Employee Salary Classification Matrix Update, Amending Employee Handbook, Drug Free Workplace Policy: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, ‘Pass Resolution No. 16-1150, ‘A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO AMENDING RESOLUTION NO. 15-1145 AND ADOPTING CHANGES TO THE SALARY CLASSIFICATION SYSTEM FOR NON-REPRESENTED EMPLOYEES, AMENDING THE PERSONNEL POLICY HANDBOOK APPLYING TO THE EMPLOYEES OF THE CITY AS INDICATED THEREIN.’ Lengthy discussion followed. Councilmembers Futcher, McDaniel, Roberson, and Hill voted yes. Councilmembers Malone and Alexander voted no. Motion passed, 4 to 2.

Appointment Council Position Vacancy: Upon motion by Councilmember Hill, ‘Extend the deadline for accepting applications for the council position vacancy to January 19, 2016.’ Motion died for lack of a second. Upon motion by Councilmember McDaniel, seconded by Councilmember Malone, ‘Appoint Kim Lefebvre to Council Position No.3.’ Councilmembers Futcher, McDaniel, Roberson, Alexander, and Malone voted yes. Councilmember Hill abstained. Motion passed, 5 to 1. Mr. Butterfield administered the oath. **Kim Lefebvre was appointed to Council Position No.3.**

2016 City Council Standing Committee/Board Assignments: With the consensus of the Council, the following Council Boards & Commissions Assignments were made:

- **SWEDC**
 - Rick Roberson and Todd McDaniel
- **Airport Authority**
 - David Futcher and Jim Hill (Alternate)
- **CAP Board**
 - Nancy Malone and Kim Lefebvre
- **CEDC Executive Board**
 - Steve Taylor
- **CEDC**
 - Rick Roberson and Nancy Malone
- **City Audit**
 - Todd McDaniel, Nancy Malone, and Jim Hill (Alternate)
- **Cowlitz Transit Authority Board**
 - Larry Alexander, Rick Roberson, and Jim Hill (Alternate)

- **CWCOG**
 - Rick Roberson and Kim Lefebvre (Alternate)
- **Disability Board**
 - David Futcher
- **911 E-Board**
 - Steve Taylor
- **Cowlitz County 911 Council**
 - Jim Hill and Larry Alexander (Alternate)
- **KDRA**
 - Larry Alexander and Nancy Malone
- **Fire Pension Board**
 - David Futcher, Brian Butterfield and Traci Howard
- **Library Board**
 - Kim Lefebvre and Larry Alexander (Alternate)
- **Lodging Tax Advisory**
 - Todd McDaniel
- **Multi-Agency Coordinating Group**
 - Steve Taylor and Chief Andrew Hamilton (Alternate)
- **Park Board Liaison**
 - Larry Alexander and Jim Hill (Alternate)
- **Public Health Advisory Committee**
 - Jim Hill
- **Sewer Operating Board (TRRWA)**
 - Mike Kardas and Steve Taylor (Alternate)
- **Solid Waste Technical**
 - Steve Taylor and Rick Roberson (Alternate)
- **Metropolitan Planning Organization**
 - Mike Kardas and Rick Roberson (Alternate)
- **RTPO**
 - Rick Roberson and Mike Kardas (Alternate)
- **‘Big Idea’ Board**
 - Larry Alexander and Kim Lefebvre (Alternate)
- **Pathways 2020**
 - Steve Taylor
- **Cowlitz County Housing First Coalition**
 - Jim Hill and Nancy Malone (Alternate)
- **TRRWA Governing Board**
 - Todd McDaniel and Rick Roberson (Alternate)

With the consensus of the Council, **Gary Archer was appointed to the ‘Big Idea’ Board Citizen Position.**

MANAGER’S REPORT:

Steve Taylor: Congratulated the councilmembers.

STAFF REPORTS:

Finance Director/City Clerk Brian Butterfield: Asked that the new councilmembers make an appointment with Patty Murray in the Finance Department.

COUNCIL REPORTS:

Todd McDaniel: No report.

Jim Hill: No report.

Nancy Malone: No report.

Rick Roberson: Expressed thanks to the staff and the Public Works Department for the cleanup effort they did in the aftermath of a recent windstorm.

Larry Alexander: No report.

Kim Lefebvre: No report.

David Futcher: Commented that he appreciated the efficiency of what was accomplished tonight. He commented that he appreciated the opportunity to work with the new councilmembers.

There being no further business, Mayor Futcher adjourned the meeting at 7:44 p.m.

MAYOR

CITY CLERK

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Presentation – W. Kelso Subarea Plan

Agenda Item: _____

Dept. of Origin: Community Development

For Agenda of: January 19, 2016

PRESENTED BY:

Jeff Arango – BERK Consulting

City Attorney: Janean Parker

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

A copy of the Draft West Kelso Subarea Plan can be found on the city's website at

<http://www.kelso.gov/west-kelso-subarea-plan>.

SUMMARY STATEMENT:

As part of the City's 2015 Comprehensive Plan update the neighborhood of West Kelso was designated as a special study area to examine the impacts of recent public improvements and future development potential. In July 2015, BERK consulting was hired to conduct the West Kelso Subarea plan to engage the public, research existing conditions, and explore tools to facilitate the desired future development of the neighborhood.

BERK has conducted public outreach for input into this plan via two public workshops, a survey, stakeholder meetings, and a presence on the City's website. They have developed a Vision Statement, guiding principles, and several alternative development patterns, which have been presented at previous Council meetings. Based on the feedback they have received from the public, staff, and the Council, the project manager will present the full draft plan and solicit feedback from the Council.

AGENDA SUMMARY SHEET
Business of the City Council
City of Kelso, Washington

SUBJECT TITLE: City Real Estate Services
Proposal (Previously tabled at the January 5,
2016 Regular Council Meeting)

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ January 19, 2016 _____

Originator: _____ Steve Taylor _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

RFP for Kelso Real Estate Services
Responses (6) from Real Estate Firms

Summary Statement:

Three years have passed since the City requested proposals for real estate services relating to the sale and lease of its properties. Butch Henry, Pacific NW Realty, has been the City's real estate representative since 2006 and was successful in 2012 extending his services to the City for an additional three years. The properties currently being listed are included in the RFP within this agenda packet. Staff issued the request for proposals last November and received six responses from firms active in the Cowlitz County market:

- Eric Fuller & Associates – Paul Young
- Century 21/R.E. Lund Realty – Bob Lund
- Pacific NW Realty – Butch Henry/Steve Dahl
- Woodford Commercial Real Estate – Todd Wade/Chris Roewe
- John L. Scott – Diane Lokan
- RE/Max – Matt Peters

All of the respondents had strong track records and extensive experience performing commercial sale and leasing transactions and marketing. Marketing, pricing, and outreach methods varied among several brokers, with some approaches more targeted, and others quite broad.

After significant review of the responses and communication with the respondents, staff's recommendation is to enter into a one-year agreement with Woodford Commercial Real Estate. Their large share of the commercial market in Cowlitz County, success in leasing and selling Kelso and Longview downtown properties, and general knowledge of small business and commercial lending set them apart as the firm with the highest likelihood of either selling or leasing the City's vacant building spaces and developing solutions for the South Pacific vacant parcel.

Woodford's pricing terms are 5% commissions on lease and sale transactions and consulting services are \$150/hr for Brokers and \$75/hr for Licensed Assistants. Commissions are to be paid by the seller of the property, but in the event a commission cannot be negotiated, the fee is 2.5% of the sales price. The City would negotiate these terms within our standard Professional Services Agreement.

The large response from the local real estate firms was refreshing and illustrates the greater interest in Kelso's downtown market as well as a stronger economy. Proposals from each of the respondents are included for Council's review and consideration.

FINANCIAL IMPACT

Difficult to quantify. Woodford's commission rate is 5% vs. 5.75% with the City's current agreement. However, assuming properties can be sold or leased, the sale prices and lease rates can vary, thus affecting the net amount realized by the City.

OPTIONS:

- 1) Move to authorize the City Manager to enter into an agreement with Woodford Commercial Real Estate for real estate services for a one (1) year period.
- 2) Authorize the Manager to enter into an agreement with another qualified respondent.
- 3) Provide staff with direction for further consideration at a later time.

RECOMMENDED ACTION:

Authorize the City Manager to enter into a professional services agreement with Woodford Commercial Real Estate for real estate services for a one (1) year period.

REQUEST FOR QUALIFICATIONS AND PROPOSALS

Real Estate Services

The City of Kelso is requesting qualifications and proposals from interested Real Estate firms/brokers to sell and/or lease various city properties. The Real Estate broker will be retained as an independent contractor, pursuant to a professional services contract approved by the City Council. The term of appointment, compensation and other requirements will be established pursuant to a contract.

The City owns the following properties and/or structures for sale or lease:

- **314 Academy Street**
(Par# 20121) – Downtown 8,000 sq ft commercial office building
- **1115 South Pacific Avenue**
(Par# 23249) – 2,500 sq ft commercial lot
- **109 Allen Street**
(Par# 20036) – Downtown 3,000 sq ft commercial office building
- **501 First Avenue**
(Kelso Train Depot) – commercial office leased space

Please submit a letter of interest to act as the City's sales representative, summary of qualifications and experience in selling and leasing commercial real estate, and three (3) client references. Responses should contain an explanation of the broker's approach to pricing, marketing, and leasing/selling commercial properties, and reflect a strong understanding of the strengths and challenges of the regional real estate market. Please include a breakdown of anticipated compensation rates, fees and any other consideration required for the provision of services.

Submittals should be limited to ten (10) pages.

All submittals must be received by **Monday, November 30th, 2015, 5:00 p.m.** to the attention of Steve Taylor, City Manager at P.O. Box 819, Kelso, WA 98626.

In person submittals are to be made to: Steve Taylor at Kelso City Hall, 203 S Pacific, Suite 217, Kelso, Washington. Please call (360) 423-1371 for questions.

November 27, 2015

Steve Taylor
City Manager
P.O. Box 819
Kelso, WA. 98626

Re: Request for Qualifications and Proposals for Real Estate Services

Dear Mr. Taylor,

Our firm is interested in acting as the City of Kelso Real Estate Services representative. Diane Lokan, Commercial Sales and Leasing Broker and Shirley Little, Broker-Owner will be working together as a team for the representation of the City of Kelso properties leasing and sales.

Diane Lokan has been leasing and selling Commercial, Multi Family and Residential Real Estate for 10 years. Prior to Diane was in the Commercial and Industrial Development Industry working for a local Developer for 28 years. Shirley Little has been in the Real Estate Industry for 38 years. Prior to Shirley was in Lending and Insurance Services.

Our approach to Leasing and/or Sales begins with understanding and keeping current with the trends in pricing and rents. Reviewing the listings on market to see what is leasing and selling. Equally important is what is staying on market with no activity and why. Presented well and priced right a listing will create activity.

Presentation and Promotion is key to getting your listing sold or leased. The Property needs to be Photographed well- Exterior and interior spaces. We use all print and digital media available to promote our listings- we are members of Loop net Commercial Real Estate and Co-Star as well as members of the NWMLS (Seattle-Longview) and the RMLS (Vancouver, Portland and Southern Oregon). Additionally we set all of our listings up with their own website on John L Scott.com. We use constant classified advertising in our local paper and the Oregonian. Last we maintain a good relationship with the surrounding Commercial Brokers-Letting them know when we have a new listing, contacting them to see if they have a client with similar needs.

For the Real Estate Services our Firm will charge a Six (6%) percent commission on either the sale or the first term lease. Of that we will split the commission with any other Broker who brings a Buyer/Lessee. No other fees will apply and we pay for our own advertising.

We have included a list of references and a sample of our current for sale and lease commercial properties.

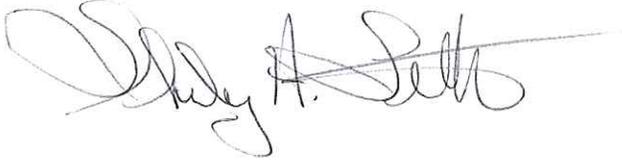
Please do not hesitate to contact us for more information.

Thank you for your consideration.



Diane Lokan, Broker

John L Scott-LVW



Shirley Little, Broker-Owner

John L Scott-LVW

Commercial Real Estate References

Jason Greene
CBRE, Inc.
Portland, OR
Jason.green@cbre.com
Phone: 503-221-4810

John F. Miller
CB Richard Ellis
Seattle, WA
jfmiller@cbre.com
Phone: 206-947-7473

Richard Inhofer
Commercial Real Estate Investor
dickinhofer@gmail.com
Phone: 360-957-0156

Joann Caldwell
Commercial Real Estate Investor
jccaldwell@comcast.net
Phone: 360-957-0893

Sharon Herbert
Local Business Owner-Curves
curveslongview@gmail.com
Phone: 360-577-8746

Properties for Sale and Lease

1 207 Hazel Street, Kelso, WA 98626



Price \$410,000
Building Size 6,000 SF
Property Sub-type Warehouse
Status Active

Property Notes

Property Description

6000 sf light industrial building. 5000 sf warehouse with an additional approx 1000 sf two bedroom, one bath apartment with separate entrance and heat pump which could easily be converted to office space. Warehouse has gas heaters, overhead mezzanine storage, additional half bath and two 14' overhead doors. Building was designed for expansion or additional oh door on west side. Located on 3/4 acre which includes a 150 x 100 gravel yard currently used for additional income with RV Storage.

2 1516 Hudson Street, Longview, WA 98632



Space Available 2,324 SF
Rental Rate Yr \$17 /SF/Yr
Spaces 1
Building Size 16,930 SF
Property Sub-type Office Building
Status Active

Property Notes

Spaces

#	Total Space Avail.	Rental Rate	Min Divisible	Max Contiguous	Lease Type	Date Avail.	Description	Sublease
101	2,324 SF	\$17 /SF/Yr	2,324 SF		NNN	Now		

Property Description

FOR LEASE. Ideal downtown location. Professional 2324 sf First Floor Office space featuring reception and waiting area, multiple office/exam rooms, Storage area, Kitchen and restroom. This space overlooks the Civic Center and 15th Avenue. Two Entrances and Security System. Perfect for Medical/Dental/Aesthetics Offices. Negotiable Tenant Improvements. Offered at \$17.00 sf per annum plus NNN. Great visibility and signage. High Traffic area. NNN Costs are currently \$6.72/sf/yr. Call Listing Agent to arrange showing. Annual CPI lease adj.

3 1700 Hudson Street, Longview, WA 98632



Price \$6,250,000
Building Size 29,242 SF
Cap Rate 5%
Property Sub-type Office Building
Status Active

Property Notes

Property Description

Newer Commercial Class A Multi Tenant Office Building. Almost fully leased with long term net lease tenants. Two spaces left with one large office suite 2870 sf fully built out and ready to lease and a small corner office suite with 472 sf. Located in the heart of downtown in the Historic Old West Side. Ample onsite parking. Convenient location close to Post Office, Banking, Restaurants and Medical Facilities.

4 1815 Washington Way, Longview, WA 98632



Space Available 700 SF
 Rental Rate Yr \$12.43 /SF/Yr
 Spaces 1
 Gross Leasable Area 700 SF
 Property Sub-type Neighborhood Center
 Status Active

Property Notes

Spaces

#	Total Space Avail.	Rental Rate	Min Divisible	Max Contiguous	Lease Type	Date Avail.	Description	Sublease
Space 1	700 SF	\$12.43 /SF/Yr	700 SF	700 SF	NNN	Now		

Property Description

Retail or Office Space in this highly visible downtown location near Civic Center Circle. Recent full Renovation. Large parking area, visible signage. Includes water, sewer & garbage.

5 3331 Washington Way, Longview, WA 98632



Space Available 2,354 SF
 Rental Rate Yr \$6.12 /SF/Yr
 Spaces 1
 Building Size 2,354 SF
 Property Sub-type Office Building
 Status Active

Property Notes

Spaces

#	Total Space Avail.	Rental Rate	Min Divisible	Max Contiguous	Lease Type	Date Avail.	Description	Sublease
Space 1	2,354 SF	\$6.12 /SF/Yr	2,354 SF	2,354 SF	NNN	Now		

Property Description

Office space that would be perfect for a medical facility, construction office or? Waiting room, reception area, offices, (4) exam rooms and large conference room. Includes 2 restrooms, plenty of parking and forced air/heat pump. Visible signage from both Industrial Way and Washington Way.



Space Available 472 - 2,290 SF
 Rental Rate Yr \$15 - 19.80 /SF/Yr
 Spaces 2
 Building Size 29,000 SF
 Property Sub-type Office Building
 Status Active

Property Notes

Spaces

#	Total Space Avail.	Rental Rate	Min Divisible	Max Contiguous	Lease Type	Date Avail.	Description	Sublease
Space 1	2,290 SF	\$19.80 /SF/Yr			NNN		Large first floor suite with reception area, conference room, kitchen space, 7 office and multiple cubicle office space.	
105	472 SF	\$15 /SF/Yr				Now		

Property Description

Newer Commercial Office Building. First Floor Suite Available. Only only space left-second floor space with 2290 square feet. Seven offices, Large conference room, Kitchen space and Reception area. Lease entire space or lease and sublease part of the space. \$1.50 per s.f. NNN. Convenient downtown location near city hall, hotels, hospital, restaurants and post office.



Price \$495,000
 Building Size 7,150 SF
 Property Sub-type Retail (Other)
 Status Active

Property Notes

Property Description

7150 sf Building with approx 4450 sf Office, showroom, lobby and two additional Office street entrance Rental units for additional income. 3600 sf Warehouse. Additional Outdoor covered Bays. Extra fenced parking lot for up to 50 Vehicles. Owner financing available OAC.



PACIFIC NORTHWEST
REALTY GROUP

November 29, 2015

CITY OF KELSO WASHINGTON
Mr. Steve Taylor, City Manager
PO Box 819
Kelso, WA 98626

Reference: Request for Qualifications and Proposals

Subject: Real Estate Services

Dear Mr. Taylor,

Thank you for the opportunity to provide our Qualifications and Proposal for Real Estate Services in accordance with your request dated October 29, 2015.

QUALIFICATIONS

Pacific Northwest Realty Group has been the City's real estate broker since July of 2006. During that time, we have provided brokerage services and consultation services to the City Manager, City Attorney and the City Council for numerous real estate transactions. Sales have been nearly \$1.4MM during this period. Lease transactions have been successful in the Train Depot. We also consulted on the Boundary Line Adjustment for the West Main Widening Project that saved significant City dollars in fees and consulting services at no additional cost. We currently have the following properties listed within the City of Kelso:

<u>Address</u>	<u>Description</u>	<u>Listed Amount</u>	<u>Listed Date</u>
109 Allen Street	Old Finance Building	\$305,550	On-Going
501 1st Ave S	Train Depot Leases	\$1.50/sf	On Going
1115 S. Pacific	Bare Lot, Former Store	\$80,750	On Going
314 Academy	Former Library Building	\$402,300	On Going

Our firm has developed numerous working relationships within city operations, including Planning & Zoning, Public Works, Engineering, Finance and Utilities. These working relationships have provided positive services to the Kelso Community -- building teamwork and proactive problem solving when working with real estate within the city.

Additionally, our firm provides real estate sales and leasing services throughout Southwest Washington. We work closely with the Kelso-Longview Chamber of Commerce and serve on numerous Boards of Directors for not for profit and limited liability companies.

PROPOSAL

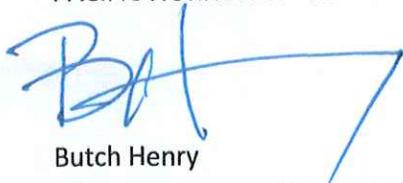
In 2012, we offered to reduce our fee for sales to 5.75%. We will continue to honor this offer and extend it to any sale going forward, including bare land. The current listing agreements expire 12/31/2015. If we are successful in retaining this book of business, we will modify the terms on the anniversary date of the existing agreements.

We provide comprehensive marketing efforts. We advertise our listed properties in the Cowlitz County Buyers Guide, The Daily News Real Estate Magazine, on our website at www.PacificNorthwestRealty.com, and LoopNet. We provide flyers and signage. We are members of Realtor, Northwest Multiple Listing Service, and Regional Multiple Listing Service. We have the most comprehensive and far reaching **Commercial Real Estate Advertising program in Cowlitz County.**

We are the best qualified brokerage firm for many reasons. First, we have significant experience and knowledge of your specific properties after having worked with the city since 2006. Second, we have a strong loyalty to Kelso. We have recently added Steve Dahl to our team. Steve has lived in Cowlitz County his entire life and has deep roots in Kelso. Butch Henry, our Commercial Broker, has been active in sales and marketing of real property in Cowlitz County for over 28 years. Butch has been your broker since 2006. Butch and Steve are committed to continuing to assist Kelso in successful real estate projects in the future.

Thank you again for the opportunity to provide this response. We look forward to hearing from you. Please don't hesitate to contact us should you have any questions or require additional information. We hope to maintain a long and mutually beneficial relationship with the City of Kelso.

Very truly yours,
PACIFIC NORTHWEST REALTY GROUP



Butch Henry
Sales Executive and Property Manager

XC: File



November 30, 2015

City of Kelso
Attn: Mr. Steve Taylor
City Manager
PO Box 819
Kelso, WA 98626

RE: Request for qualifications and proposals for real estate services for the city of Kelso

MARKETING

Cowlitz County is currently a fairly decentralized when it comes to marketing for commercial real estate. While it is more common to have one or possibly two sources for the vast majority of real estate listings in a more urban setting like Portland or Seattle, in Cowlitz County there are a number of different sources we need to utilize to attract buyers or tenants for our commercial real estate listings. This is why I have adopted an all of the above approach to my marketing and market my listings on a variety of websites including CoStar and Loopnet, the two largest commercial websites nationally. I also use lesser known but still valuable resources, such as Craigslist and Vertical Email to cast as wide a net as possible. I have also enclosed examples of a couple of my marketing flyers, which I custom tailor to each of my listings.

PRICING

Relative to pricing properties for sale, I typically evaluate the individual property using both the Comparable Sales Method and the Income Approach (also known as the Direct Capitalization Approach). In terms of the Comparable Sales Approach, the goal is to find other properties that have sold in the area which are similar to the property in question. The final estimated market value of the property is then adjusted once the differences between the properties are compared relative to condition, location, size, etc.

The other primary method used is the Income Approach in which an estimated market rent for the property is determined and this Potential Rental Income is then used to derive an estimated market value for the property. In an ideal world the values resulting from these methods would be very close to each other but, often there is some disparity between them and I have to use my best judgement to determine a final recommendation as far as price is concerned.

In terms of determining an asking lease rate, I typically use both actual lease rates and asking lease rates for comparable properties. The purpose is not only to determine what comparable properties are actually being leased for but also what competing properties are asking for their spaces.

LEASING & SALES APPROACH

I typically take a more cooperative rather than an adversarial approach in negotiations of both sales and leases. While I always strive for the best possible outcome for my client, I feel it's typical in a real estate transaction that both parties often have to give a little in order to arrive at an agreement that is mutually acceptable to both parties. My general philosophy is that a transaction will not happen unless both parties needs, rather than their wants, are satisfied, which is why identifying those needs up front with my client is very important.

I also feel it's important to evaluate the asking price and rate over the listing term and adjust it as needed. If a property sells or leases which affect the evaluation done initially, the asking price or rate should be reevaluated with this new information taken into account.

COMPENSATION

In the case of a sale of a City of Kelso property, I propose a commission of 5.5% of the total sale price, of which 3.0% will go to a buyer's agent. The will serve as a reward or incentive to the buyer's agent for selling the property. For an offer where the buyer is found by myself, the total commission will be 4.0% of the sales price. This will not only provide a small financial benefit to the City but also serve as an incentive for me to find that buyer. I should also note that I do not engage in Dual Agency, which can lead to conflicts about who is representing whom, and will be representing only the City of Kelso in any transaction.

In the case of leases for any of the properties, I would propose the same 5.5% commission for leases that are more than 24 months. This will be calculated off of the total rents payable over the initial lease term and would again be split with 3% going to the tenant's broker. For leases that are 24 months or less, I would propose a commission equal to two months of rent in the case of a tenant represented by another broker. This would be split equally between myself and the tenant's broker. If the tenant is not represented by another broker, the commission for a lease will be equal to one month of the average rent for the term of the lease.

SUMMARY

Thank you for the opportunity to bid on this proposal. I have worked in commercial real estate in the Longview-Kelso area for over 10 years and have truly enjoyed assisting local business and property owners to create opportunities which benefit all parties involved in a transaction. I look forward to working with you and should you have any questions please don't hesitate to contact me.

Sincerely,



Paul Young
Commercial Broker
Eric Fuller & Associates, Inc.

Office: 360-597-0565

Cell: 360-560-3165

Email: pyoung@ef-inc.com

Paul Young

**Commercial Broker
Eric Fuller & Associates,
Inc.
501 SE Columbia Shores
Blvd., Suite 400
Vancouver, WA 98661**

Office: 360-597-0565
Cell: 360-560-3165
Fax: 360-750-5594

pyoung@ef-inc.com

SUMMARY

The following resume will show a detail-oriented and results-driven problem solver with an extensive background in commercial real estate in the Southwest Washington area.

EXPERIENCE

Commercial Broker, Eric Fuller & Associates, Inc. Vancouver, WA - 2013 thru present

Specializing in commercial real estate with a specific focus on the Cowlitz & Clark Counties. Extensive experience with all aspects of commercial real estate including sales, leasing, property management and negotiation. Familiar with the preparation of all major documents related to commercial real estate, including leases and purchase agreements.

Accomplishments

- Since 2006 has sold over \$17 Million worth of commercial real estate with over 80% of those sales occurring in Cowlitz County.
- Since 2006 has leased over 275,000 SF of commercial real estate with the vast majority of those leases occurring in Cowlitz County.
- Currently acts as property manager for over \$9 Million worth of commercial real estate.

Commercial Broker, Windermere Commercial Real Estate Kelso, WA - 2006 thru 2013

Specializing in commercial real estate with a specific focus on the Cowlitz County and Kelso-Longview area. Extensive experience with all aspects of commercial real estate including sales, leasing, property management and negotiation. Familiar with the preparation of all major documents related to commercial real estate, including leases and purchase agreements.

Accomplishments

- Notable sale transactions include 1338 Commerce Ave (\$1.2 Million), the new Social Security Administration building at 840 Ocean Beach Hwy (\$1.57 Million) and the new Vancouver location for Community Home Health & Hospice (\$1.5 Million).
- Notable lease transactions include the new Wilco Farm and Feed in Kelso, Taco Time in Kelso and several Subway and Snap Fitness franchises in Cowlitz County.
- Completed CI 101 (Financial Analysis) and 102 (Market Analysis).

Army Ranger - US Army, 2nd Battalion, 75th Ranger Regiment Fort Lewis, WA - 2001 thru 2005

Served four years as an Army Ranger, being deployed on five overseas tours to Iraq and Afghanistan. Served as a machine gun team leader in a combat zone. Learned to work with a team in a highly technical and high stress environment.

Accomplishments

- Received the Combat Infantryman Badge, Parachutist Badge with Combat Distinguishing Device, Bronze Service Star and Army Good Conduct Ribbon among others awards and citations.

EDUCATION

University of Florida - Gainesville, WA
Bachelor's of Science - 1997 thru 2001

REFERENCES

Mr. Preston Worth - Kelso, WA

Owner – P.R. Worth, Inc.

Managing Partner – Longview WYE Development

Relationship – Paul Young currently has the vacant lots located on Coweeman Park Dr in Kelso for sale, with several lots currently under contract to sell

Office: 360-636-4396

Cell: 503-209-8737

Email: preston@prworth.com

Mr. Bob McDonald

Owner – The Bowers Building, 1338 Commerce Ave, Longview

Former Owner – Riverway Plaza, 200 Kelso Dr, Kelso

Relationship – Paul Young currently represents the owner for The Bowers Building in Longview and represented on transactions such as the Wilco Farm & Feed and Taco Time at Riverway Plaza in Kelso

Cell: 425-269-4800

Email: bmcDonald32@comcast.net

Mr. Mark Luna

Owner – Dutch Bros. Coffee franchises located in Kelso & Longview

Relationship – Negotiated the lease for his new location on Ocean Beach Hwy

Cell: 541-230-0730

Email: mark@dutchbros.com

APPROX. 24.67 ACRES

FOR SALE

Coweeman Park Drive | Kelso, Washington



Variety of sizes starting at 0.84 acres

Located at Exit 36 in Kelso at SR-432 & I-5 Interchange

Zoning allows for a variety of uses

All utilities in the street

Excellent access and visibility to freeway

LOT	TOTAL		UPLAND	
	SQUARE FEET	ACRES	SQUARE FEET	ACRES
3A	98,671	2.27	85,324	1.96
3B	97,850	2.27	82,018	1.88
4A	170,993	3.93	120,387	2.76
5A	43,524	1.00	43,524	1.00
7A	82,917	1.90	73,935	1.70
7B	89,222	2.05	71,466	1.64
8	36,606	0.84	32,716	0.75
9	55,599	1.28	43,783	1.01
10	309,237	7.10	36,562	0.84
11	51,529	1.18	33,344	0.77
14	37,618	0.86	37,618	0.86
TOTAL	1,074,666	24.67	660,677	15.17

For more info Contact:

Paul Young | pyoung@ef-inc.com
360.597.0565



501 SE Columbia Shores Bl., Ste. 400
Vancouver, WA 98661
360-750-5595
www.ericfullerinc.com

This statement with the information it contains is given with the understanding that all the negotiations relating to the purchase, rental or leasing of the property described above shall be conducted through this office. The above information, while not guaranteed, has been secured from sources we believe to be reliable.

RIVERWAY PLAZA

200 KELSO DR. | KELSO, WA 98626

FOR LEASE



LOCATION/ACCESS: Directly off I-5 and east of Three Rivers Mall in Kelso, Washington.

AVAILABLE: 1,422 SF to 2,000 SF

RENT: Lease rates starting at \$15.00 per square foot per year, triple net (est. at \$2.75/sf/year)

TRAFFIC COUNTS: 45,000 VPD

DEMOGRAPHICS	1-MILE	3-MILE	5-MILE
Estimated Population	8,968	37,374	63,478
Average Household Income	\$52,123	\$58,652	\$58,050



CO-TENANTS & AREA RETAILERS INCLUDE:



Three Rivers Mall

For more info Contact:

Paul Young
 pyoung@ef-inc.com
 360.597.0565 office direct
 360.560.3165 cell

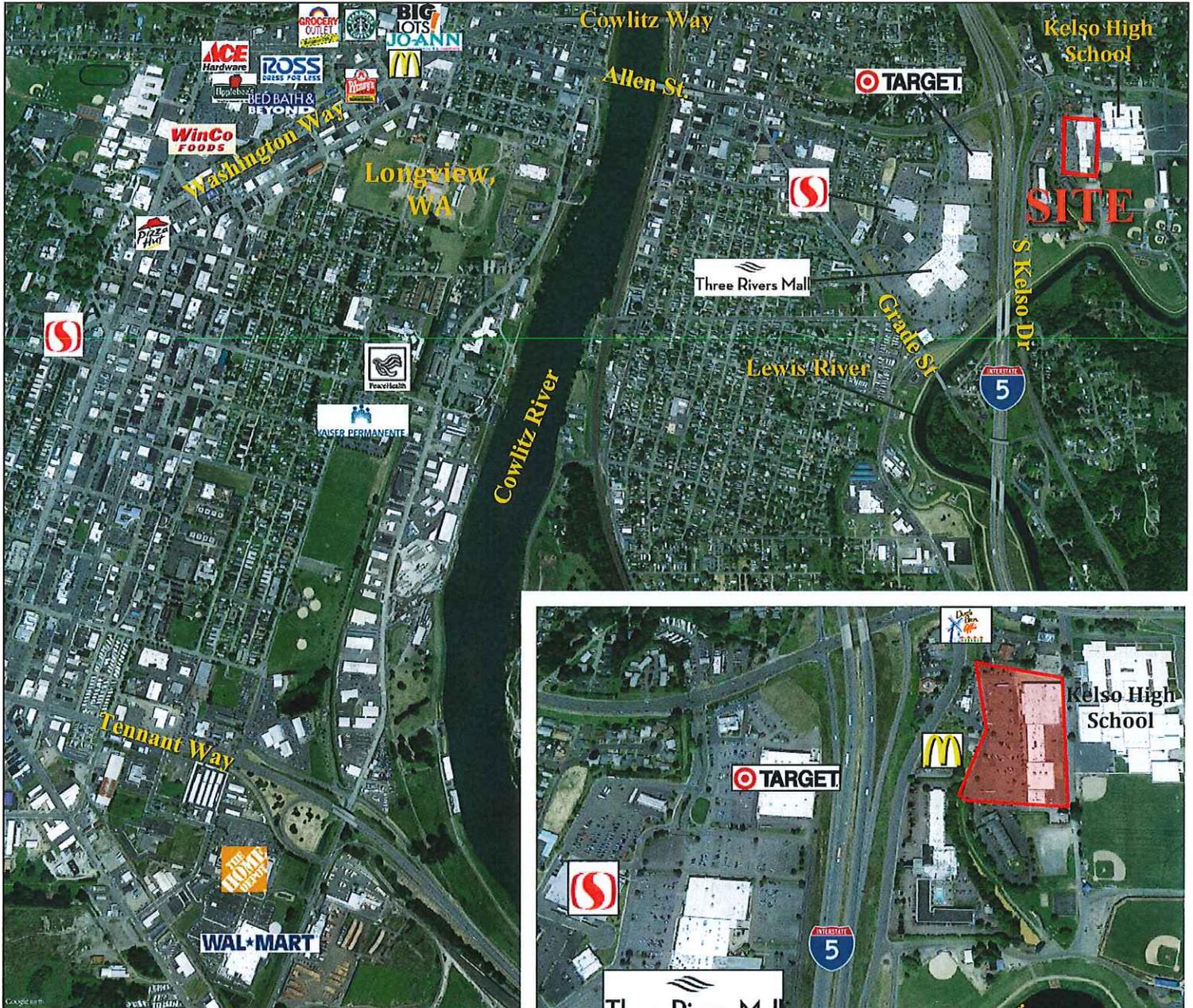


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RIVERWAY PLAZA

200 Kelso Drive | Kelso, Washington 98626





R. E. LUND REALTY

1801 - 1st Avenue, Suite 4C
P.O. Box 2729
Longview, WA 98632
Office (360)425-2870
Fax (360) 425-5442

November 30, 2015

Steve Taylor, City Manager
City of Kelso
P.O. Box 819
Kelso, WA 98626

Dear Mr. Taylor:

I have received your Request For Qualifications And Proposals for Real Estate Services. I would like to express my keen interest in representing the City of Kelso in selling and/or leasing properties owned by the City of Kelso.

Briefly, I was a commercial banker for 20 years having been President & CEO of Twin River National Bank in Lewiston ID and subsequently President & CEO of Columbia National Bank in Longview WA (now Columbia Bank). I left the banking business in 1992 and entered the real estate field. From 1993 to 2005 I had specialized solely in the sale, leasing and management of commercial and industrial real estate. In 2005 I acquired a Century 21 franchise and have operated Century 21 R. E. Lund Realty since that time. Although my company is a general real estate brokerage, my personal specialty remains the sale, leasing and management of commercial and industrial properties. Within the Century 21 System my office is classified as part of the Century 21 Commercial Investment Network and myself and one of my agents, Stephen Burrigh, are designated as Commercial Investment Specialists within the Century 21 System.

Mr Burrigh has been a Commercial Realtor for 15 years. After college, he was a Gym manager for NW Gold's Gym in Portland OR, from 1992 to 1998. Subsequently he became the President and CEO of the Cronin Corporation head of the Basco and EDI division in Portland Oregon from 1998 to 2002. He received his Real Estate License in 2000 and started his Real Estate career at Coldwell Banker and began to specialize in commercial sales, and leases and management. He then went to Realty Pro in Vancouver in 2002 to head their new Commercial Department and was there until he moved to Cowlitz County in 2013. He spent a brief time at Woodford Commercial until he came to Century21 R.E. Lund Realty in early 2015 to better focus and specialize in Commercial Real Estate Sales and Leasing which is his real passion.

* * * * *



Each Office Is Independently Owned And Operated

To support this Request For Qualifications And Proposals for Real Estate Services, I submit the following references:

Current Leasing and management clients:

Stanley Fouch
144 Elk Ridge Dr
Longview, WA 98632
(360)749-9900

We manage two complexes on California Way in Longview (851 & 756-758 California Way) consisting of approximately 7 acres of land and 40,000 square feet of leasable buildings which involve 10 building tenants and multiple (15-20) truck parking tenants. I have represented Mr. Fouch since 1995.

Joe Hutchings
4059 Old Pacific Hwy S
Kelso, WA98626
(360)751-0023

We currently manage two properties for Mr. Hutchings, one at 297 & 299 N 1st, and 274 Frontage in Kalama, WA and the other at 1405 Cypress in Longview, WA. The Kalama property is three buildings restored as one and consisting of a total of 10,500 square feet and seven tenancies. The Longview property consists of 3,000 square feet and a single tenant. I have represented Mr. Hutchings since 2005.

Charlot Bryant
75-668 Lalii Place
Kailua-Kona, HI 96740

We currently manage approximately 10,000 square feet for Ms. Bryant at 810 Westside Hwy in Kelso consisting of three buildings and seven tenants. I have represented Ms. Bryant since 2007.

Current and/or recent Brokerage clients:

Ostrander Rock and Construction
c/o Robert Portner
3549 Old Pacific Hwy S
Kelso, WA 98626
(360)957-2435

Currently listed or recently sold numerous properties which are generally larger development properties in Cowlitz County.

Dave Rutan
400 E Mill Plain, Ste 100
Vancouver, WA 98684
(360)513-5465

Currently marketing a 14 acre highway commercial property in Woodland, WA



Jeff Rauth
28301 NE 24th
Ridgefield, WA 98642
(360)751-5803

Currently marketing a 12,000 restaurant property at 304 SE 123rd in Vancouver (corner of SE 123rd and Mill Plain Blvd).

Joe Monzingo
Toppenish, WA
(360)749-1777

Recently represented Mr. Monzingo in the sale of his property at 404 W. Main St. in Kelso. My agent, Jennifer Washam, represented the buyer, Mary Lorenzo of Awakenings, Inc.

Cleek Trust
Rick Cleek
(503)572-3010
and/or
Larry Klemetsrud
1129 17th Ave.
Longview, WA
(360)749-9148

I recently represented the Cleek Trust in the sale of their building at 1427-29 15th Ave. in Longview. I also represented the buyer of the property, Ken Holly of Office Systems (360)578-2100. Additionally, I currently represent the Cleek Trust in the management of their building at 1322-24 Vandercook Way in which ASAP Business Solutions is the tenant and have represented the Cleek Trust since 1996.

More references are available upon request.

* * * * *



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Our pricing schedule is as follows:

Brokerage fees to market and sell a property:

5% brokerage fee to the City of Kelso -- if a brokerage other than Century 21 R.E. Lund Realty should present an offer that is acceptable to the City of Kelso, the brokerage fee of 5% shall be split evenly between Century 21 R.E. Lund Realty and the selling brokerage.

Brokerage fees to market and Lease a property:

6% fee payable at the time the lease is executed - if a brokerage other than Century 21 R.E. Lund Realty should present an offer that is acceptable to the City of Kelso, the brokerage fee of 6% shall be split evenly between Century 21 R.E. Lund Realty and the brokerage representing the tenant. If Century 21 R.E. Lund Realty shall represent both the City of Kelso and the tenant, the leasing fee shall be reduced to 5%.

Sincerely,



Bob Lund
Broker and Owner



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Our approach to pricing a property for sale or lease is to first interview the client to determine their needs. Some clients wish to have the property priced for a quick sale or lease, other clients are willing to wait for a period of time to optimize the price. Regardless of the client's desires, to determine the various price points of a specific property, we secure information of properties that have recently sold or leased (preferably in the past 6 – 12 months) that have characteristics that are reasonably similar to the property being evaluated. It is not always possible to identify properties that have similar characteristics and it is not always possible to identify properties that have sold or leased in the past 6 – 12 months. What is important is that we secure a minimum of three properties that have sold or lease and also look at the current market for properties that are currently available to determine what properties we will be competing against. This information is shared with the client to arrive at a price that is mutually agreeable with both the client and ourselves.

* * * * *

Our approach to marketing a property for sale or lease is multifaceted but the basic premise is to expose the property to as many eyes as possible. Signage, when possible, is the first priority. We have a few signage possibilities but our main signage option is a 4' x 8' Century 21 Commercial sign indicating the property is "For Sale" or "For Lease" and the agents name and contact information.

All properties are also posted and displayed on our company website, www.RELundRealty.com and on the Century 21 international website www.Commercial.Century21.com.

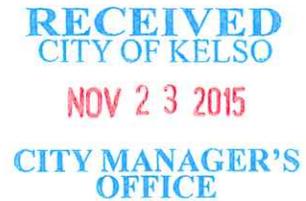
Additionally we maintain memberships in the two major regional multiple listing services, the Northwest Multiple Listing Service (NWMLS) which services the majority of the State of Washington and the Regional Multiple Listing Service (RMLS) whose primary territory is the Portland/Vancouver Metro area and other areas of Northwest Oregon and Southwest Washington. All properties that we represent are displayed on the these services websites that will reach the majority of Realtors in the Pacific Northwest and each maintain a public website whereby the general public will have access to information. Additionally, these MLS services feed listing information constantly to such notable websites as Zillow.com, Trulia.com, Realtor.com and many, many more.

Century 21 R.E. Lund Realty also maintains memberships in Commercial Services such as Loopnet (Loopnet.com), Commercial Brokers Association (CommercialMLS.com) and as mentioned above, we are members of the Century 21 Commercial Investment Network and all properties are displayed on their website (commercial.century21.com).

* * * * *



Each Office Is Independently Owned And Operated



November 17, 2015

Dear Mr. Taylor,

I, Matt Peters with Re/Max Premier Group in Longview, WA am interested in obtaining The City of Kelso's contract to represent your Commercial Real Estate needs. I've been a licensed agent for over 10 years. I specialize in selling Commercial Investment Retail Real Estate.

A few retail investment building sales I've sold are Verizon Wireless, 7-Eleven, Taco Bell, Oil Can Henry's and Jiffy Lube. I currently have an O'Reilly Auto parts listed and other retail, office, and other asset groups in differing territories. I work for my clients and service all of their real estate needs. Moreover, I am currently working on a Dollar Tree lease proposal up north in Washington and have executed a lease modification with an O'Reilly Auto Parts. I have contacts within the national retail representatives and am in the process of being a part of a few high end commercial real estate developments (clients purchased to develop on main retail thoroughfare in Canby, OR and am representing a seller currently where we are under LOI with a developer that has proposed two national tenants and in the process of converting to PSA).

I evaluate my pricing like an appraiser on the cost, sales, or income approach. Typically income approach in Commercial Real Estate dictated by a tenant occupying a space paying a market rent based on location, building amenities and other current market factors including demographics and occupancy percentages. Actual market sales are very important showing the market activity and risk threshold within market.

Marketing is the key to creating opportunities to execute a deal. I highly believe in and market through every system. Commercial and Residential vary on systems. For Commercial I use CoStar, Loopnet and CBA. Furthermore, I am a local real estate broker that is required to use NWMLS and additionally use RMLS for extra exposure.

I am very aware of our regional real estate marketplace. The strengths are there is a lot of opportunity within the marketplace. The challenge is, creating market interest through active members looking to expand or explore their horizons within the Commercial Real Estate marketplace.

Re/Max Premier Groups brokerage fee agreement is 6% of the gross selling price split equally between the listing and selling brokerages.

I've attached a list of a few of my commercial real estate clients for whom I have closed a sale, executed a lease or am actively working for, along with a marketing package that I created recently with my previous employer.

Please feel free to contact me with any questions you may have. Thanks for your time and consideration of my proposal.

Sincerely,

Matt Peters

842 Washington Way, Suite 150, Longview, WA 98632 ~ Office: (360) 636-7378 ~ Fax: (360) 636-7530



Each RE/MAX office is independently owned and operated



Matt Peters References:

Sun & Chae Pak - 253.548.5159 email: sunpak53@gmail.com

Lamar Rutherford – 310.710.2258 email: lamar@fcbb.com

Tom Scott – 206.408.7217 email: tomscott@scott-investments.com

Joe Bailey – 818.349.2929

Richard Schoen – 503.771.9623 email: land_r_invest@yahoo.com

ANDRESEN MARKETPLACE

6709 NE 63RD STREET | VANCOUVER, WA 98661



Value: \$2,200,000
NOI: \$157,424
Cap Rate: 7.16%

Key Investment Highlights:

- Building constructed in 1999.
- Shadow anchored by Safeway.
- Below market rents.
- Strong Demographics and traffic counts.
- Ample parking. Over 5 to 1 per SqFt.
- Drive thru accessibility.

FOR MORE DETAILS CONTACT:

Matt Peters | MattP@CBCWorldwideNW.com
Investment Specialist

Direct 360.823.5117
Cell 360.751.2214

CBCWorldwideNW.com
[Facebook.com/CBCWorldwideNW](https://www.facebook.com/CBCWorldwideNW)

300 W 15th Street, Suite 201 | Vancouver, WA 98660

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ANDRESEN MARKETPLACE

6709 NE 63RD STREET | VANCOUVER, WA 98661



JENKINS & ASSOCIATES

Location:	6709 NE 63 rd Street Vancouver, WA 98661
Tenants:	Phones Plus Mattress Pro Brewed Awakenings Landlord Vacant Space Credit
Year Built:	1999
Building Size:	9,810 Square Feet
Land Area:	54,450
Parking Spaces:	5.2 per 1,000 Square Feet (51 Total Spaces)
Lease Type:	Triple Net "NNN"
Tenant Responsibilities:	CAM, Taxes, Insurance
Landlord Responsibilities:	Building Structural Components
Cap Rate:	7.16%
NOI:	\$157,424
Price:	\$2,200,000
Price per Building Square Feet:	\$224
Price per Parcel Square Feet:	\$40
Average Rent per Square Footage:	\$16.8
Leasehold Policy Held:	Fee Simple
Assessor's Parcel Number:	156893000
Zoning:	C-3

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ANDRESEN MARKETPLACE

6709 NE 63RD STREET | VANCOUVER, WA 98661



JENKINS & ASSOCIATES

Operating Statement

Income:	Current	Pro Forma*
Gross Rental Income	\$141,732	\$175,991
One Year Vacant Space Landlord Credit (\$17 Per SF)	\$26,163	
Total Income:	\$167,895	\$175,991
Vacancy (5% of GRI)	(\$7,086)	(\$8,800)
Reserves (\$0.10 Per Building Square Feet)	(\$981)	(\$981)
Effective Gross Income:	<u>\$159,798</u>	<u>\$166,210</u>
Operating Expenses:		
Taxes	(\$14,393)	
Insurance	(\$2,275)	
Common Area Maintenance:		
CAMS Shopping Center	(\$8,600)	
Parking Lot & Canopy Lighting	(\$960)	
Fire System	(\$2,300)	
Utilities	(\$3,600)	
Garbage/Recycling	(\$3,900)	
**Property Management (4% of GRI)	(\$5,669)	(\$7,040)
Total Operating Expenses:	(\$41,697)	(\$43,068)
***Tenant Reimbursements:	\$39,323	\$39,323
Net Operating Income:	\$157,424	\$162,465
Cap Rate:	7.16%	7.38%
Value:	\$2,200,000	\$2,200,000

*Pro Forma Rent Based on 5 Mile Radius Rental Survey of Retail Buildings Built Between 1995 to 2005 (Avg. Rent \$17.94)

**Property Management Fee NOT Included in Tenant Reimbursements

***Tenants Pay Admin Total Fee of \$3,295 Included in Tenant Reimbursements

FOR MORE DETAILS CONTACT:

Matt Peters | MattP@CBCWorldwideNW.com
Investment Specialist

Direct 360.823.5117
Cell 360.751.2214

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Facebook.com/CBCWorldwideNW

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ANDRESEN MARKETPLACE

6709 NE 63RD STREET | VANCOUVER, WA 98661



Tenant Information



Brewed Awakenings: House-roasted coffee, hand-dipped milkshakes & pastries in a roomy space with couches & fireplace. Brewed Awakenings has five (5) locations throughout the Portland/Vancouver area. They are in the process of opening their sixth (6th) location in Sun River, OR currently. This 63rd location is the only site that has a premium commercial roaster installed in their space. They have operated successfully for over 24 years and will continue to be known for great coffee, atmosphere, and service.



Mattress Pro: Known for the largest selection of Two-Sided Mattresses at the best prices in the Vancouver/Portland area. This business operates onsite and online and specializes in the Two-Sided niche market where they obtain clients from hundreds of miles away seeking their product. Their prices can't be beat because of their long term history within the wholesale market of the mattress industry.



Cases 4 Phones: They specialize in having the perfect case. Their selection is unbeatable whether you're looking for silicone, plastic, gel-skin or top of the line luxury leather they have it all. Moreover, they buy, sell, and trade phones along with sell accessory products from chargers, Bluetooth or wired headsets, screen protectors, stylus, car mounts, portable speakers, data USB cables, memory cards and more. They have two (2) locations in Vancouver, WA. They have an online business presence as well.

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ANDRESEN MARKETPLACE

6709 NE 63RD STREET | VANCOUVER, WA 98661



JENKINS & ASSOCIATES

Rent Roll

Customer	Total SF of Building			Lease		Escalation Dates		\$ Per SF	Annually \$\$ Per SF		
	Unit /Leased SF	Lease % of Property	Move In Date	Start Date	End Date	Start Date	End Date				
	9,810.00										
Unit 0103 Phones Plus	1153	11.75%	12/01/2010	12/01/2010	11/30/2015						
One (1), Five (5) Year Option at Fair Market Value Personally Guaranteed Lease						Current Rent	2,022.00	12/1/2013	11/30/2014	\$1.75	\$21.04
						Current CAM	189.56			\$0.16	\$1.97
						Current Insurance	22.27			\$0.02	\$0.23
						Current Tax	140.93			\$0.12	\$1.47
						Step Up Rent (3%)	2,083.00	12/1/2014	11/30/2015	\$1.81	\$21.68
Unit 0101 Mattress Pro	3938	40.14%	1/1/2013	01/01/2013	04/30/2018						
One (1), Five (5) Year Option at Fair Market Value Personally Guaranteed Lease						Current Rent	5,070.00	12/1/2013	12/31/2014	\$1.29	\$15.45
						Current CAM	647.59			\$0.16	\$1.97
						Current Insurance	76.09			\$0.02	\$0.23
						Current Tax	481.44			\$0.12	\$1.47
						Step Up Rent (3%)	5,223.00	1/1/2015	12/31/2015	\$1.33	\$15.92
						Step Up Rent (3%)	5,380.00	1/1/2016	12/31/2016	\$1.37	\$16.39
						Step Up Rent (3%)	5,541.00	1/1/2017	4/30/2018	\$1.41	\$16.88
Unit 0102 Brewed Awakenings	3180	32.42%	9/1/2012	09/01/2012	08/31/2017						
Two (2), Five (5) Year Options at Fair Market Value Personally Guaranteed Lease						Current Rent	4,372.50	9/1/2013	8/31/2014	\$1.38	\$16.50
						Current CAM	523.04			\$0.16	\$1.97
						Current Insurance	61.46			\$0.02	\$0.23
						Current Tax	388.85			\$0.12	\$1.47
						Step Up Rent (3%)	4,505.00	9/1/2014	8/31/2015	\$1.42	\$17
						Step Up Rent (3%)	4,637.50	9/1/2015	8/31/2016	\$1.46	\$17.50
						Step Up Rent (3%)	4,770.00	9/1/2016	8/31/2017	\$1.50	\$18.00
Unit 0104 Vacancy Credit	1539	15.69%									
						Current Rent	2,180.25			\$1.42	\$17.00
						Current CAM	253.13			\$0.16	\$1.97
						Current Insurance	29.74			\$0.02	\$0.23
						Current Tax	188.18			\$0.12	\$1.47

FOR MORE DETAILS CONTACT:

Matt Peters | MattP@CBCWorldwideNW.com
Investment Specialist

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Cell 360.751.2214

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ANDRESEN MARKETPLACE

6709 NE 63RD STREET | VANCOUVER, WA 98661



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ANDRESEN MARKETPLACE

6709 NE 63RD STREET | VANCOUVER, WA 98661



FOR MORE DETAILS CONTACT:

Matt Peters | MattP@CBCWorldwideNW.com
Investment Specialist

Direct 360.823.5117
Cell 360.751.2214

CBCWorldwideNW.com
[Facebook.com/CBCWorldwideNW](https://www.facebook.com/CBCWorldwideNW)

300 W 15th Street, Suite 201 | Vancouver, WA 98660

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ANDRESEN MARKETPLACE

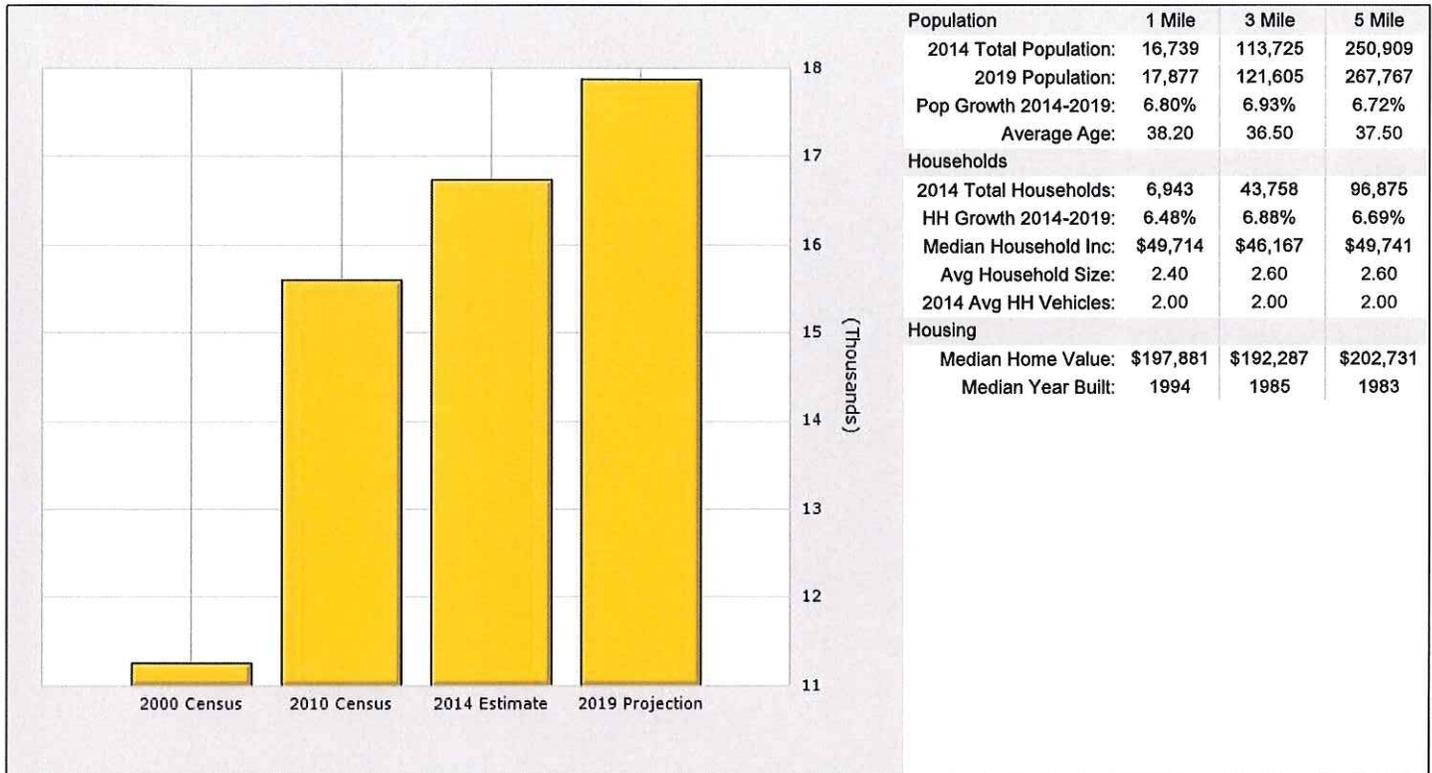
6709 NE 63RD STREET | VANCOUVER, WA 98661



JENKINS & ASSOCIATES

Population for 1 Mile Radius

6709 NE 63rd St, Vancouver, WA 98661



	1 Mile	3 Mile	5 Mile
Population			
2014 Total Population:	16,739	113,725	250,909
2019 Population:	17,877	121,605	267,767
Pop Growth 2014-2019:	6.80%	6.93%	6.72%
Average Age:	38.20	36.50	37.50
Households			
2014 Total Households:	6,943	43,758	96,875
HH Growth 2014-2019:	6.48%	6.88%	6.69%
Median Household Inc:	\$49,714	\$46,167	\$49,741
Avg Household Size:	2.40	2.60	2.60
2014 Avg HH Vehicles:	2.00	2.00	2.00
Housing			
Median Home Value:	\$197,881	\$192,287	\$202,731
Median Year Built:	1994	1985	1983

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5/7/2014

Traffic Counts of 21,983 vehicles per day on Andresen, 10,330 on 66th, and 16,742 on 63rd (2012 MPSI).

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Being situated on the north bank of the Columbia River across from the Portland, approximately 60,000 (33%) Clark County workers commute to jobs in the Oregon portion of this Metropolitan area. 79% of those commuters would take a similar job in Clark County even if the pay was lower to avoid the commute and the 9% income tax that Oregon imposes on them. Thus, even at low levels of unemployment there is an available labor pool of 216,350 employees in Clark County.

Clark County has strong industry clusters in semiconductors, high technology and professional services, and controls over half the "shovel ready" industrial land within the Portland Market. There are a number of business and industrial parks situated throughout the county, with concentrations in East Clark County and along the I-5/I-205, Fourth Plain, and Mill Plain Corridors.



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ROUND TABLE PIZZA FOR SALE

5016 NE THURSTON WAY | VANCOUVER, WA 98662



Price:	\$1,625,000
Cap Rate:	6.8%
NOI:	\$110,400

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ROUND TABLE PIZZA FOR SALE

5016 NE THURSTON WAY | VANCOUVER, WA 98662



Assessor's Parcel Number:	108080000
Zoning:	Commercial, Restaurant/Café
Thurston Way Road Frontage:	245'
Price:	\$1,625,000
Cap Rate:	6.8%
NOI:	\$110,400
Building Square Footage:	4,687
Rent Per Square Footage:	\$23.55
Price Per Building Square Feet:	\$347
Parcel Square Footage:	37,897
Price Per Parcel Square Feet:	\$43
Year Built:	1979 - Renovated 2008
Leasehold Policy Held:	Fee Simple
Lease Type:	Absolute Net
Rent Commencement:	February 26, 2007
Lease Expiration Date:	February 28, 2017
Tenant Options:	Two (2), Five (5) Year Option Remains
Parking Spaces:	57 Parking Spaces
Restaurant Max Occupancy:	206
Investment Highlights:	Hard Signalized Corner Immediately Adjacent to 900,000 Sq/Ft Regional Mall

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Round Table Pizza was founded in 1959 in Menlo Park California. They are located in Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington along with seven branches in Dubai and expanding to additional locations in Asia, including Mongolia and Vietnam.

On February 9, 2011, the company filed a petition for protection under Chapter 11 with U.S. Bankruptcy Court in Oakland. This action did not impact Round Table's 148 Franchisees that operate 355 independently owned Round Table Pizza restaurants on the West Coast. Round Table Pizza, Inc. closed some unprofitable, company-owned restaurants but stressed that most of its company-owned locations and all of its franchised location will remain open, with minimal impact on consumers.

In December 2011, Round Table emerged from Bankruptcy Court The Consensual Plan of Reorganization provides for 100 percent repayment of obligations to its secured and unsecured creditors and for its employee owners to retain 100 percent ownership of the company. The company is 100 percent employee owned, with ownership spread among 2,500 current and former employees. According to the company's bankruptcy attorney, Scott McNutt, "It is unusual, maybe unique, for a company to emerge from Chapter 11 in ten months, pay all creditors 100 percent, and preserve equity. The company's successful reorganization is a testament to the strength of the Round Table Pizza brand and to managements restructuring efforts and relentless focus on retaining ownership for its employee owners.

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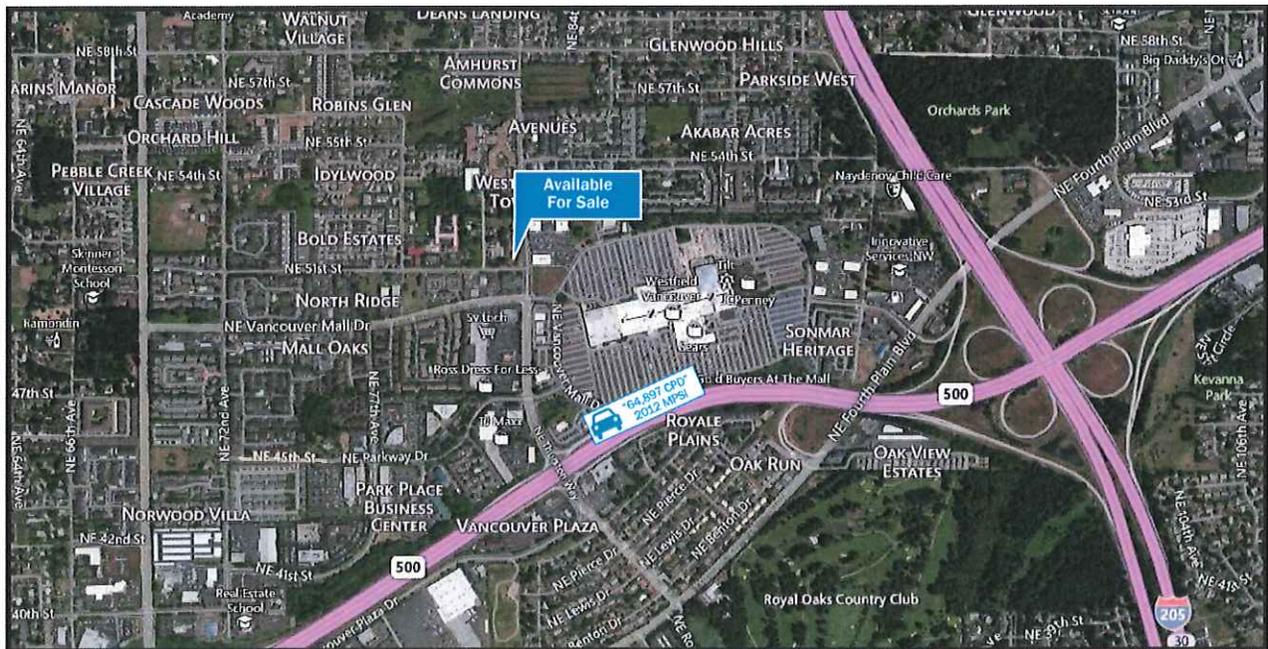
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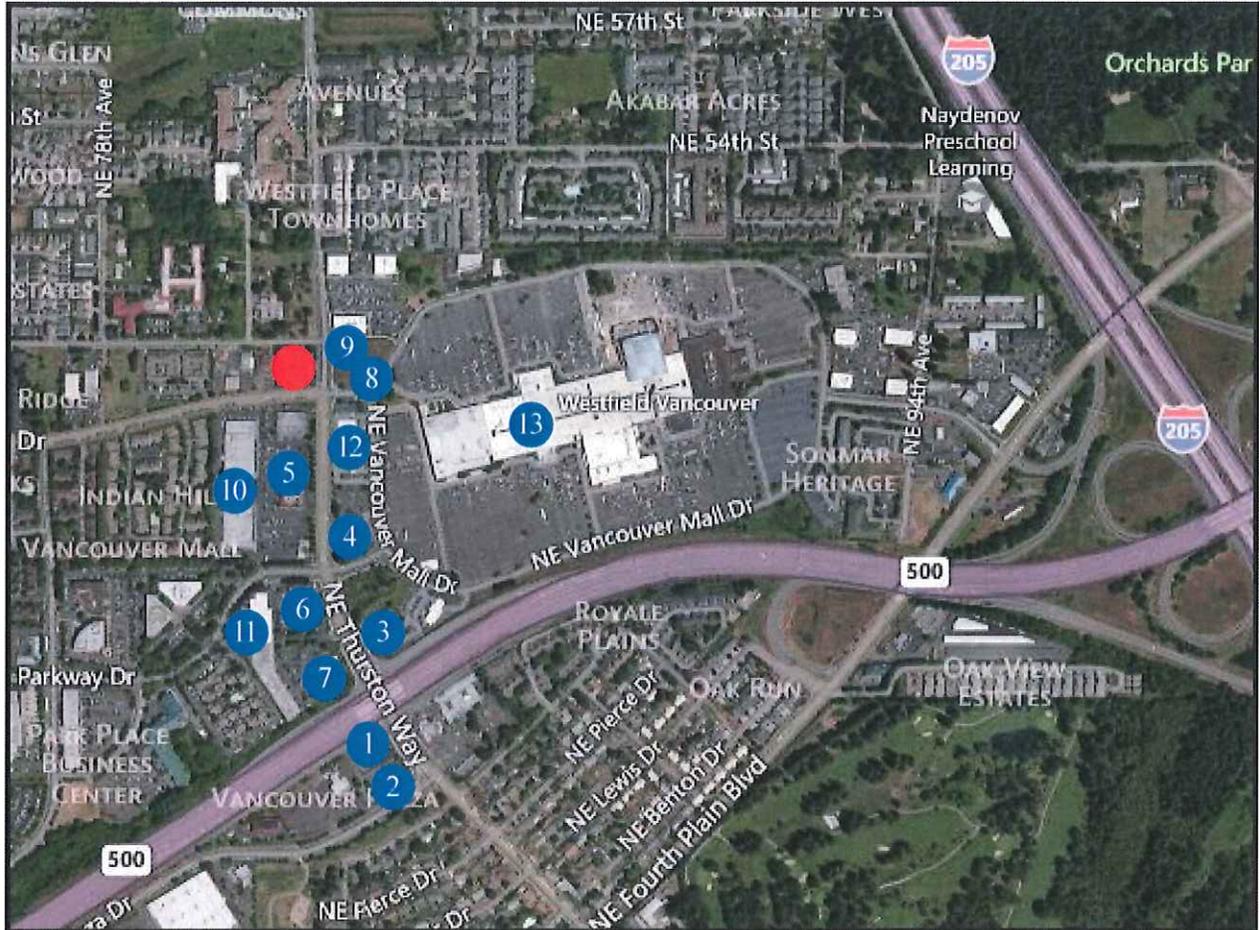
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ROUND TABLE PIZZA FOR SALE

5016 NE THURSTON WAY | VANCOUVER, WA 98662



- 1) Taco Bell
- 2) Burgerville
- 3) Red Robin
- 4) Red Lobster
- 5) Shari's
- 6) Olive Garden
- 7) Starbucks
- 8) Popeye's
- 9) 7-Eleven
- 10) Ross

- 11) TJ-Maxx
- Aspen Dental
- Play it Again Sports
- Sleep Country
- Super Cuts
- 12) Chase
- Subway
- Wells Fargo

- 13) Macys
- Nordstrom
- Cinetopia
- JCPenny
- Sears
- Old Navy

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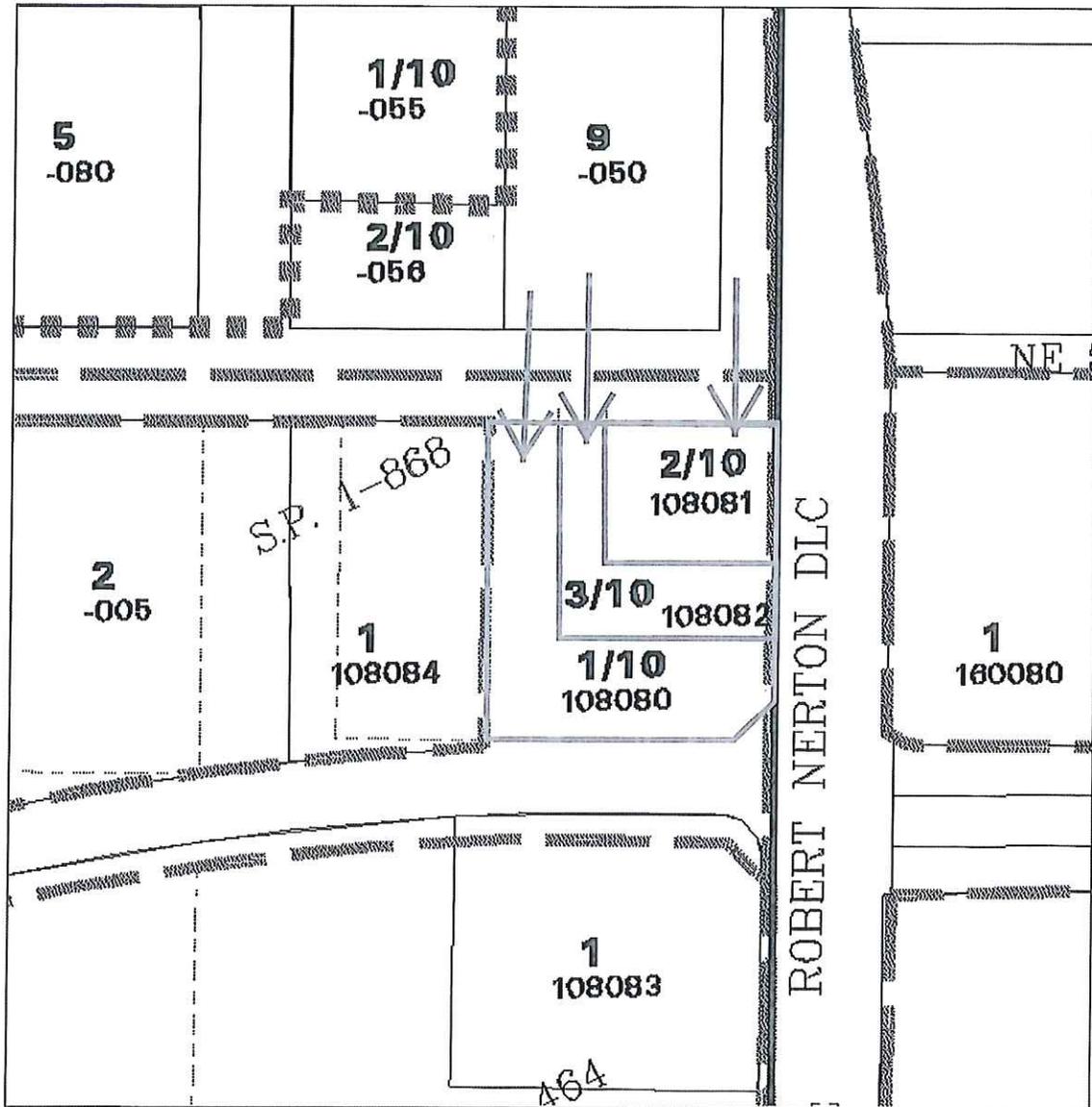
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5016 NE THURSTON WAY | VANCOUVER, WA 98662



Parcel Number : 108080 000



This sketch is furnished as a courtesy only and is solely for the purpose of assisting in locating the premises. Stewart Title Company expressly disclaims any liability which may result from reliance made upon it.

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Estimate 2014

	1 Mile Radius	3 Mile Radius	5 Mile Radius
Summary			
Population	14,599	118,658	260,610
Households	6,379	45,548	100,179
Owner Occupied Housing Units	2,625	24,725	57,365
Renter Occupied Housing Units	3,754	20,823	42,815
Projected Pop Growth 2014-2019	5.6%	6.7%	6.5%
Median Age	38	36	37
Households By Income			
Median Household Income	\$55,325	\$57,316	\$63,620
Average Household Income	\$46,297	\$46,655	\$49,483
Housing			
Median Home Value	\$187,645	\$185,728	\$202,876
Median Year Built	1994	1984	1984
Daytime Employment			
Total # Employees	11,603	49,778	104,540
Consumer Spending (\$)			
Food Away From Home	15,297	114,918	266,913

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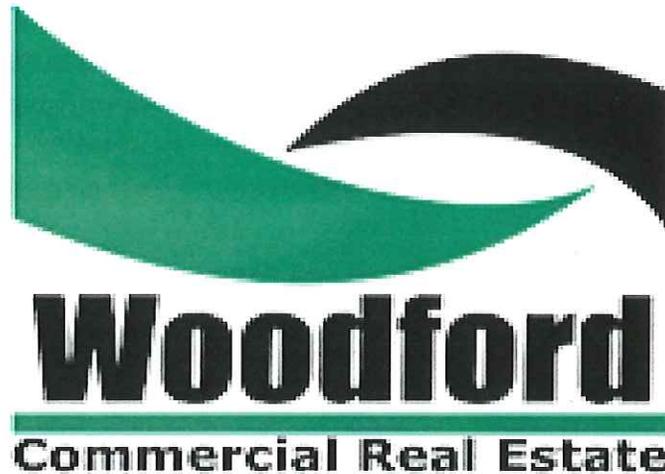
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Request for Proposal for Commercial Real Estate Services
for The City of Kelso On behalf of :

RECEIVED
CITY OF KELSO

NOV 18 2015

CITY MANAGER'S
OFFICE



Woodford Commercial Real Estate

208 Vine Street- Kelso, WA 98626

Phone: (360) 501-5500 Fax: (360) 501-6051

Email: info@woodfordcre.com

Website: www.woodfordcre.com

Executive Summary

In January of 2007 Todd Wade started Woodford Commercial Real Estate, as he felt a desire to improve the standard model for commercial real estate brokerages in the area. In 2009 Chris Roewe was brought on as a Partner and Broker. Woodford is perfectly positioned to service the needs of commercial real estate buyers, sellers, developers, tenants, and landlords. We specialize in consulting, sales, leasing, and development.

Contact Information

Todd Wade Real Estate Inc. DBA: Woodford Commercial Real Estate

Address: 208 Vine Street- Kelso, WA 98626

Phone: 360-501-5500

Fax: 360-501-6051

Email: info@woodfordcre.com

Website: www.woodfordcre.com

Contact Brokers

1. Todd Wade- Partner, Broker
Phone: 360-501-5500 or 360-601-9700
Email: todd@woodfordcre.com
2. Chris Roewe- Partner, Broker
Phone: 360-501-5500 or 360-556-5101
Email: chrisroewe@hotmail.com

Years in Business

8 years

Description of Firm

Woodford C.R.E. is mainly a commercial real estate firm. The staff includes one full time Designated Broker and one full time Managing Broker and one Licensed Assistant/ Broker. The office Washington real estate license number is 9954.

1. Todd Wade, Designated Broker/ Partner

WA Real Estate License Number: 50148

Todd graduated from the University of North Texas (Cum Laude) with a Bachelors Degree in Business Administration; with a major in Real Estate. He was awarded the Real Estate Student of the Year award as well as being an Appraisal Institute Scholarship winner.

Todd joined Windermere Commercial Real Estate in 2002 and soon was the driving force behind their Commercial Department.

In January 2007, Todd started Woodford C.R.E. as he felt a desire to improve on the standard model for commercial real estate brokerages.

Todd has been involved in a variety of high profile commercial transactions in Cowlitz and Clark Counties. He is well known and respected throughout the commercial brokerage field.

Todd is the past President of MART (Meaningful Arrangement of Real Estate Transactions) as well as a member of ICSC (International Council Shopping Centers.)

Todd has been buying, selling, and developing commercial real estate since 1998 and he brings the highest level of experience and expertise to Woodford C.R.E.

2. Chris Roewe, Managing Broker/ Partner
WA Real Estate License Number: 23495

Chris graduated from Western Washington University with a Bachelors Degree in Business Administration; majoring in Finance.

Chris became a partner at Woodford C.R.E. in January of 2009. Prior to this Chris was practicing Real Estate in SW Washington for three years and bank management for two years.

Chris enjoys being active in his local community including Kelso Rotary, Kelso Eagles, and LeTip of Longview.

Chris regularly attends meetings in Portland attending CCIM (Certified Commercial Investment Member,) and also belongs to MART (Meaningful Arrangement of Real Estate Transactions,) in which Chris has won Transaction of the Year three times. He is also a member of ISCS (International Council for Shopping Centers)

Chris has broad experience in all fields of Real Estate, including Multi-Family (both large and small,) Commercial Investments, Leasing, Sales, Creative Transactions, Alternate Financing Methods, and really enjoys number crunching.

Chris has owned most every type of property out there and has hands on knowledge of what it takes to make projects successful.

3. Breanna Lee, Licensed Assistant/ Broker
WA Real Estate License Number: 100818

Breanna has been in Residential Real Estate for seven years. She was with John L. Scott- Longview as an assistant to Dean Gehrman for two years and a Broker for three years.

Breanna moved to Woodford C.R.E. in August of 2014. She became Licensed Assistant to Chris Roewe and Todd Wade where she is also training in Commercial Real Estate.

Examples of Work/ Similar Size Entities

Woodford C.R.E. marketed and sold/leased the following properties in the kelso area. Sold/Lease 300 Oak St to Cost Less Auto Parts and Family Health Center. Leased and sold 207 Oak St to a local investor and small business. Sold 104 NW 3rd Ave and assisted in the leasing process of it. Sold 400 W Main to Minute Man Press to relocated their business to. Sold 108 West Main St to S&S Liquidators to move their business to. Plus we have multiple for lease and sale properties available currently.

References

1. Chris Pegg- Longview Housing Authority
820 11th Avenue-Longview WA 98632
Phone: (360) 423-0140 Ext. 35
2. Ann Mottet- Child Support Services Division
1338 Commerce Avenue, Suite 305- Longview WA 98632
Phone: (360) 577-3074
3. Don Lemmons-Multiple property owner in Kelso
Phone: (360) 430-5378
4. Matt Hansen- Purchasing Manager Cowlitz County
207 Fourth Ave North, Kelso WA 98626
360-577-3065 option 9, extension 2791

Additional Services Offered

Woodford C.R.E. offers additional services such as consulting, sales, leasing, and development.

Current Litigations, Outstanding Judgements, and Liens

Woodford C.R.E. has none.

Process and Methods to Minimize Costs

All services are provided for fixed fees up front.

Additional Information

Woodford C.R.E. is the only Kelso based Commercial Firm and most active Commercial Firm in Cowlitz County. We are industrious in sales, leasing, and development in our local area. Anyone can drive around town and look at our majority share of the commercial market. We look forward to using our experience and expertise to represent The City of Kelso in all commercial real estate transactions.

All properties are different and marketing needs to be planned around the strengths of each property. If we are awarded the contract we would work diligently with the city to maximize the value out of each property. We have previewed the list of properties provided and believe that we move them in a timely manner. Woodford CRE has many years of knowledge & negotiations to understand the proper pricing of commercial properties, how one block can make a significant price difference. Research, market trends & resent dealing within the area keep us on the breaking edge of the local commercial market.

Fee Schedule

1. 5% on all Lease transactions.
2. 5% on all Listing and Sales transactions.
3. Consulting is \$150 per hour for Principle Brokers and \$75 per hour for Licensed Assistants.
4. For representing City of Kelso in all purchase transactions, we expect all commission to be paid for by the seller of the property, if not or one cannot be negotiated then the fee would be 2.5% of the sales price.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: AN ORDINANCE OF THE CITY OF KELSO RELATING TO SHOPPING CART THEFT AND REGULATION AMENDING 9.04.010 AND ADDING A NEW CHAPTER 9.64 SHOPPING CART CONTROL TO THE KELSO MUNICIPAL CODE

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ January 19, 2016 _____

Originator: _____ Steve Taylor _____

City Attorney: _____ Janean Parker _____

City Manager: _____ Steve Taylor _____

PRESENTED BY:

Steve Taylor, City Manager

Agenda Item Attachments:

Proposed Ordinance

Exhibit A – Yakima Municipal Code Chapter 6.27 – Shopping Cart Regulations

Exhibit B – Auburn Municipal Code Chapter 8.18 – Abandoned Shopping Carts

SUMMARY STATEMENT:

As part of the recent updates to the nuisance abatement/code enforcement program staff has researched potential solutions to the issue of shopping carts that have been abandoned throughout the City. The proposed approach will require retail establishments to affix a sign to each cart identifying the name of the establishment or owner of the cart as well as post notification on their property that is it unlawful to remove carts from the premises.

The proposed ordinance adopts RCW 9A.56.270 which makes it a Class 3 civil infraction to remove carts from establishments meeting the criteria noted above in addition to creating a process for the retrieval, impoundment, and disposition of shopping carts and establishing a fee aimed at cost recovery.

The proposed ordinance has an effective date on March 1, 2016, in order to give staff time to send local retail establishments notice of the new requirements and offer them an opportunity to provide comments and feedback. Staff has been working with the neighboring City of Longview to address the roving nature of shopping carts.

Following previous discussions with Council in November 2015 regarding this issue, letters were sent out to local retailers known to use shopping carts informing them of the proposed change. No comments have been received to date.

The following article regarding shopping carts was published in The Daily News on February 21, 2005.

Chief Wayne Nelson thinks he has found a cure for the shopping cart blight that ails Kelso. The Kelso Police chief recently met with representatives from Target, Safeway, Sinnett's Marketplace and Dollar Tree and compiled a list of phone numbers that city employees may call to report stray shopping cart sightings. The store managers have agreed to collect the carts within a day or so of receiving calls, Nelson said.

Last week, Nelson handed out the list of contact numbers to police officers, city employees who drive city vehicles and eagle-eyed city councilmen.

Nelson said the store managers seemed willing to cooperate. "No one intended for their carts to be stolen and not returned," he said.

He originally hoped to set up one lost shopping cart hotline, but that didn't pan out because each store has its own corporate policy for how aggressively it deals with wandering carts, he said.

If the informal cart-corralling measure flops, the city may once again consider adopting an ordinance to address the issue, he said.

RECOMMENDED ACTION:

Move to approve on first reading an ordinance amending Chapter 9.04 State Criminal Statutes Adopted and adding Chapter 9.64 Shopping Cart Control to the Kelso Municipal Code.



City of Kelso

Shopping Cart Nuisance
Regulations Update

January 19, 2016



Stolen & Abandoned Shopping Carts

- Prevalent in downtown and West Kelso
- Neighborhood Eyesores/Blight
- Contain trash and hazardous materials (needles, etc.)



A few current examples...



Limitations



- Few retailers have locking mechanisms on carts
- Retailers are notified by nuisance abatement staff of the location of abandoned carts
- Most often, the carts are not retrieved
- City bears expense of removing carts or returning to owners
- Inability to take legal action against individuals illegally possessing carts



Legal Remedies

- RCW 9A.56.270 allows law enforcement to cite or arrest individuals in unlawful possession of shopping carts – ***only if City adopts ordinance***
- Citations or arrests can only occur if retailers have affixed signage to their carts and provided notice prohibiting unauthorized removal
- City code currently does not incorporate these provisions



Examples...

- Longview
 - Makes contact with owner after identifying cart (gives three days)
 - Calls Waste Control to pick up carts if not already removed
 - Waste Control charges for time and dump fee (if applicable)
 - Waste Control may deliver carts back to retailer or disposes of carts



Examples...

- Yakima
 - Adopts RCW and requires retailers to identify and retrieve carts
 - Notifies owner of abandoned cart if signage is affixed; provides 96 hours for removal (not including weekends)
 - Impounds carts and charges \$25.00 fine for pickup (carts with locking devices are exempt from fine)
 - Disposes of carts if not reclaimed within 7 days of initial notice



Examples...

- Auburn
 - Adopts RCW and requires retailers to identify and retrieve carts
 - Impounds carts and sends notice to owners
 - Owners pay impoundment fee of \$30.00/cart, and are assessed an additional \$70.00/cart disposal fee if not retrieved from impoundment area within 14 days.
 - If carts are not identified, impounded carts will be disposed of without notice, but fee will be assessed.



Proposed KMC Changes

- Amend KMC 9.04.010 (identifies the City's list of offenses) to adopt RCW 9A.56.270 Shopping Cart Theft
- Create new KMC Chapter 9.64 Shopping Cart Control
- Ordinance is based on Yakima's shopping cart abatement program.



Program Proposal

- Makes it a Class 3 civil infraction to be in possession of carts illegally more than 100 feet away from a store's parking area and makes it a misdemeanor with proper signage and proof of intent.
- Require retailers to affix signage to carts and post notice on premises.
- Identify carts and provide 48 hours notice to owners for retrieval (not counting weekends).
- Impound carts and charge \$25.00 fine for collecting the cart; Carts with locking devices are exempt.
- Dispose of carts after seven days from initial notification



Next Steps

- Staff sent letters to area retailers requesting comments on the proposed ordinance in November. No feedback has been received.
- Upon adoption, City would begin program on March 1st, 2016
- Program Goals
 - Reduce instances of cart theft through citations
 - Obtain retailer cooperation in cart retrieval
 - Encourage installation of locking devices
- Many West Kelso carts come from Longview retailers
 - Longview retailers will be notified when carts are identified
 - \$25.00 fine will be collected prior to impoundment release

Questions?



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO RELATING TO SHOPPING CART THEFT AND REGULATION AMENDING 9A.56.270 AND ADDING A NEW CHAPTER 9.62 SHOPPING CART CONTROL TO THE KELSO MUNICIPAL CODE

WHEREAS, shopping carts lost, stolen or abandoned on public and private property can obstruct access to sidewalks and streets, interfere with pedestrian and vehicular traffic, and impede emergency services creating a potential public safety hazard and harming public health and safety; and

WHEREAS, left unattended, lost, stolen, or abandoned shopping carts cause deteriorated community appearance and can create conditions of blight in the community; and

WHEREAS, the City has determined that abandoned shopping carts is becoming a more common problem within the City constituting a public nuisance; and

WHEREAS, the City wishes to deter the removal of shopping carts from businesses provide for the retrieval of lost, stolen, or abandoned shopping carts, and to prevent the accumulation of removed carts on public and private properties within the City;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. Kelso Municipal Code Chapter 9.04 Amended. That Kelso Municipal Code Section 9.04.010 is hereby amended to add the following state statute to the list of statutes adopted by reference:

RCW 9A.56.270 Shopping Cart Theft.

SECTION 2. Kelso Municipal Code Title 9 Amended. That Kelso Municipal Code

Title 9 is hereby amended to add a new Chapter 9.64 as follows:

Chapter 9.64 – Shopping Cart Control.

9.64.010 Purpose.

The purpose of this Chapter is to prevent the unlawful removal of shopping carts from the premises of businesses and to provide for the prompt retrieval of lost, stolen, or abandoned shopping carts to promote public health, safety, and welfare.

9.64.020. Removal of shopping cart violation and penalties.

A. It is a Class 3 civil infraction as defined in RCW 7.80.120 for a person without written permission of the owner or person entitled to possession to abandon or to be in possession of a shopping cart that is the property of another more than 100 feet away from the parking area of the retail establishment or shopping cart containment area of the owner of the shopping cart.

B. This section shall apply only if: (1) the shopping cart has a sign permanently affixed to it that identifies the owner of the cart or the retailer, or both, (2) the retail establishment posts notification to the public of the procedure to be used for authorized removal of the cart from the premises and notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized abandonment of the cart, is unlawful, and lists a telephone number or address for returning carts;.

9.64.030 Shopping cart identification signs and notice required.

A. Every shopping cart made available for use by customers shall have the following: (a) a sign permanently affixed to it that identifies the owner of the cart or the retailer, or both; (b) notifies the public of the procedure to be utilized for authorized removal of the cart from the premises; (c) notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is unlawful; and (d) lists a telephone number or address for returning carts removed from the premises or parking area to the owner or retailer.

B. Every retail establishment providing shopping carts shall post in a conspicuous location on the retail establishment property a notification to the public that unauthorized removal of

shopping carts from the premises of the business and the unauthorized possession of a shopping cart is unlawful. The posted notification shall also contain the procedure to be utilized for authorized removal of the cart from the business premises and list a telephone number or address for returning carts removed from the premises.

C. Every retail establishment providing shopping carts shall keep on file with the City Police Department a current telephone number and physical address at which the retail establishment may be contacted for the purpose of reporting the location of abandoned, lost, or stolen shopping carts.

9.64.040 Retrieval and impoundment procedures.

A. Impoundment with Notice. The City may impound a shopping cart which has affixed to it identification information as required by KMC 9.64.020(B), if the following conditions have been satisfied:

1. Location Outside of Premises. The shopping cart is located outside the premises or parking area of a retail establishment and is left unattended or discarded on public property owned by or under the control of the city, or on any right-of-way within the city, or on private property where the owner has consented to removal; and
2. Notice of the cart's discovery and location is given to the shopping cart's owner, retailer, or agent unless such notice has been voluntarily waived by the shopping cart's owner, retailer, or agent; and
3. Failure to Retrieve Cart. The shopping cart is not retrieved within forty eight (48) hours from the date notice is given. The forty-eight hours shall be calculated using only days Monday through Friday and will not include weekend days Saturday and Sunday.

B. Impoundment without Notice. A shopping cart may be impounded without notice if one of the following conditions is satisfied:

1. Hazardous Location. If a shopping cart will impede emergency services, or the normal flow of vehicular or pedestrian traffic, city enforcement personnel are authorized to immediately retrieve the shopping cart from public or private property and impound it. If the cart has identification information affixed, the owner will be notified and given

forty-eight hours to retrieve the cart before a collection fee is assessed using the time calculation listed in subsection (A)(3) of this section; or

2. Lack of Identification. If a shopping cart is unattended or discarded and located outside the premises or parking area of a retail establishment and does not have the required identification information affixed thereto as required by KMC 9.64.020(B), the city may immediately retrieve the shopping cart from public property owned by or under control of the city, any right-of-way within the city, or private property with the consent of the owner; or

3. Evidence of a Crime. Any lost or stolen shopping cart may be impounded as evidence in a criminal investigation.

9.64.050 Fees and disposition of carts.

A. Impounded Carts. When a shopping cart is impounded in accordance with this chapter, the city may charge a cart collection fee to the owner of a shopping cart. The fine shall be in the amount of twenty-five dollars per cart and each cart collected shall constitute a separate violation. Any owner having installed a locking device on its carts which has been disabled by one other than the owner or his agent shall be exempt from the fine.

B. Disposition of Carts. The city may sell or otherwise dispose of any cart not reclaimed within seven days from the date of notification to the owner or the owner's agent of the cart's discovery and location.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2016.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Chapter 6.27**SHOPPING CART REGULATIONS**

Sections:

- 6.27.010 Purpose.
- 6.27.020 Declaration of nuisance.
- 6.27.030 Exemptions.
- 6.27.040 Definitions.
- 6.27.050 Shopping cart identification signs and notice required.
- 6.27.060 Retrieval and impoundment procedures.
- 6.27.070 Fees and disposition of carts.
- 6.27.080 Severability.

6.27.010 Purpose.

It is the primary purpose of this chapter to provide for the prompt retrieval of lost, stolen or abandoned shopping carts to promote public safety and improve the image and appearance of the city. It is a further purpose of this chapter to prevent the accumulation of illegally removed carts on public or private properties. (Ord. 2009-31 § 1 (part), 2009).

6.27.020 Declaration of nuisance.

Retail establishments provide shopping carts for the convenience of customers shopping on the premises of the businesses. Shopping carts that have been removed from the premises of the business and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health and safety of the public. Shopping carts abandoned on public and private property can create conditions of blight in the community, obstruct free access to sidewalks, streets and other rights-of-way, interfere with pedestrian and vehicular traffic on pathways, driveways, public and private streets, and impede emergency services. It is for these reasons that such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this chapter, or in any other manner provided by law. (Ord. 2009-31 § 1 (part), 2009).

6.27.030 Exemptions.

This chapter shall not apply to shopping carts that are removed for repair or maintenance authorized by the owner or owner's agent. (Ord. 2009-31 § 1 (part), 2009).

6.27.040 Definitions.

Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meanings:

“Abandoned shopping cart” means any shopping cart left unattended or discarded upon any public property owned by or under the control of the city, or left on any right-of-way within the city, or private property other than the premises of the retail establishment from which the shopping cart was removed.

“Authorized agent” means the owner, or an employee or authorized agent of the owner, entitled to possession of the shopping cart.

“Authorized customer” means a customer of the retail establishment, having the written permission of the owner or owner's agent to remove the shopping cart from the business premises.

“Enforcement personnel” means any police officer, code enforcement inspector, or designated staff employed by the city of Yakima.

“Lost or stolen shopping cart” means a shopping cart that is both:

- A. Marked with the identifying information required by YMC 6.27.050; and

B. Removed from the premises of a retail establishment by any person other than an authorized agent, an authorized customer, enforcement personnel, or a person with proof of ownership of the shopping cart.

“Owner” means any person or entity, in connection with the functions of a business, who owns, leases, possesses, or makes a shopping cart available to customers or the public.

“Parking area” means a parking lot or other property provided by a retail establishment for the use of customers of said retail establishment for the parking of customer vehicles. The parking area of a retail establishment located in a multistore complex or a shopping center shall include the entire parking area used by the multistore complex or shopping center.

“Premises” means any building, property, or other area upon which any retail establishment business is conducted or operated in the city of Yakima, including the parking area provided for customers in such retail establishment.

“Retail establishment” means any business located in the city of Yakima which offers or provides shopping carts for the use of the customers of such business regardless of whether such business is advertised or operated as a retail or wholesale business, and regardless of whether such business is open to the general public, is a private club or business, or is a membership store.

“Shopping cart” or “cart” means a motorized or non-motorized basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind. (Ord. 2009-31 § 1 (part), 2009).

6.27.050 Shopping cart identification signs and notice required.

A. Every shopping cart made available for use by customers shall have a sign permanently affixed to it that includes the identification of the retail establishment or owner of the shopping cart in accordance with RCW 9A.56.270 as adopted by YMC 6.68.020.

B. Every retail establishment shall post in a conspicuous location on the retail establishment property a notification to the public that unauthorized removal of shopping carts from the premises of the business and the unauthorized possession of a shopping cart is unlawful. The posted notification shall also contain the procedure to be utilized for authorized removal of the cart from the business premises.

C. Every retail establishment shall keep on file with the city of Yakima department of refuse a current telephone number and physical address at which the retail establishment may be contacted for the purpose of reporting the location of abandoned, lost, or stolen shopping carts. (Ord. 2009-31 § 1 (part), 2009).

6.27.060 Retrieval and impoundment procedures.

A. Impoundment with Notice. Enforcement personnel may impound an abandoned shopping cart which has affixed to it identification information as required by YMC 6.27.050, if the following conditions have been satisfied:

1. Location Outside of Premises. The shopping cart is located outside the premises or parking area of a retail establishment and is located on public property owned by or under the control of the city, or left on any right-of-way within the city, or on private property where the owner has consented to removal; and
2. Notice of the cart’s discovery and location is given to the shopping cart’s owner, retailer, or agent unless such notice has been voluntarily waived by the shopping cart’s owner, retailer, or agent; and
3. Failure to Retrieve Cart. The shopping cart is not retrieved within ninety-six hours from the date notice is given. The ninety-six hours shall be calculated using only days Monday through Friday and will not include weekend days Saturday and Sunday.

B. Impoundment without Notice. A shopping cart may be impounded without notice if one of the following conditions is satisfied:

1. Hazardous Location. If a shopping cart will impede emergency services, or the normal flow of vehicular or pedestrian traffic, city enforcement personnel are authorized to immediately retrieve the shopping cart from

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public or private property and impound it. If the cart has identification information affixed, the owner will be notified and given ninety-six hours to retrieve the cart before a collection fee is assessed using the time calculation listed in subsection (A)(3) of this section; or

2. Lack of Identification. If a shopping cart is abandoned and located outside the premises or parking area of a retail establishment and does not have the required identification information affixed thereto as required by YMC 6.27.050, city enforcement personnel are authorized to immediately retrieve the shopping cart from public property owned by or under control of the city, any right-of-way within the city, or private property with the consent of the owner; or

3. Evidence of a Crime. Any lost or stolen shopping cart as defined by YMC 6.27.040 may be impounded as evidence in a criminal investigation under YMC 6.68.020 or any other criminal investigation. (Ord. 2009-31 § 1 (part), 2009).

6.27.070 Fees and disposition of carts.

A. Impounded Carts. When a shopping cart is impounded in accordance with this chapter, the city may charge a cart collection fee to the owner of a shopping cart. The fine shall be in the amount of twenty-five dollars per cart and each cart collected shall constitute a separate violation. Any owner having installed a locking device on its carts which has been disabled by one other than the owner or his agent shall be exempt from the fine.

B. Disposition of Carts. The city may sell or otherwise dispose of any cart not reclaimed within seven days from the date of notification to the owner or the owner's agent of the cart's discovery and location. (Ord. 2009-31 § 1 (part), 2009).

6.27.080 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. (Ord. 2009-31 § 1 (part), 2009).

Chapter 8.18

ABANDONED SHOPPING CARTS

Sections:

- 8.18.010 Definitions.
- 8.18.020 Findings – Purpose.
- 8.18.030 Regulations.
- 8.18.040 Nuisance – Enforcement.

8.18.010 Definitions.

The definitions set forth in this section shall govern the application and interpretation of this chapter:

- A. “Abandoned shopping cart” means any cart that has been removed, without written consent of the owner, from the owner’s business premises and is located on either public or private property.
- B. “Shopping cart” means a basket which is mounted on wheels or a similar device generally used in a retail or commercial establishment by a customer for the purpose of transporting goods of any kind.
- C. “Director” means the community development and public works director for the city of Auburn, or such other director or officer designated by the mayor to administer this chapter.
- D. “Owner” means any person or entity, who/which in connection with the conduct of a business, owns, leases, possesses, or makes a shopping cart available to customers or the public. For purposes of this chapter, “owner” shall also include the owner’s designated agent.
- E. “Premises” means the entire area owned, occupied, and/or utilized by an owner which provides shopping carts for use by customers or other persons, including any parking lot or other property provided by or on behalf of the owner for customer parking or use. (Ord. 6530 § 1, 2014; Ord. 6287 § 2, 2010; Ord. 5906 § 1, 2005.)

8.18.020 Findings – Purpose.

- A. Public Nuisance. Abandoned shopping carts constitute a public nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic in the city. The accumulation of wrecked and dismantled abandoned shopping carts on public property tends to create conditions that reduce property values, and promotes blight and deterioration.
- B. Intention. The intent of this chapter is to ensure that measures are taken to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law.
- C. Applicability. This chapter shall apply to all owners of any business establishments or other commercial services within the city of Auburn that provide shopping carts for customer use or the public. (Ord. 6530 § 1, 2014; Ord. 5906 § 1, 2005.)

8.18.030 Regulations.

- A. Abandonment Prohibited. It shall be unlawful for any person to cause or permit any shopping cart to be abandoned upon any sidewalk, street or other public area, other than the premises of the owner of such shopping cart.
- B. Cart Identification Required.
 - 1. Every shopping cart owned or provided by any owner must have a sign permanently affixed to the shopping cart that contains all of the following information:
 - a. Identity of owner, business establishment, or both.

b. Notification to the public that the removal of the shopping cart from the premises is a violation of state law, and notification to the public of the procedure to be utilized for authorized removal of the cart from the premises.

c. The address or phone number of the owner of the business establishment for shopping cart return.

2. Any shopping cart found abandoned on public property that does not have the identification and information required by subsection B of this section, or does not have other ownership information or identification that is sufficient, in the city's determination, to allow the city to mail to the owner an invoice/notice of impoundment by certified mail, return receipt requested, may be removed from such public property and disposed of by the city in accordance with state law for disposition of abandoned property. The determination of whether there is sufficient information of ownership, where the identification requirements of subsection B of this section are not met, shall be in the sole discretion of the director. (Ord. 6530 § 1, 2014; Ord. 6046 § 1, 2006; Ord. 5906 § 1, 2005.)

8.18.040 Nuisance – Enforcement.

Abandoned shopping carts are declared to be a public nuisance. The city's enforcement rights for abandoned shopping carts are nonexclusive, and include the enforcement methods provided in this chapter and in this title of the city code, as well as any other methods for abatement of nuisances, and any other enforcement methods available under the law or in equity, including the following:

A. Civil Enforcement. Any owner who violates any provision of this chapter shall be subject to enforcement procedures for each violation in accordance with Chapter 1.25 ACC.

B. Impoundment, Retrieval and Notification.

1. As an alternative to civil enforcement or other methods of enforcement, the director may impound any abandoned shopping carts left on any public property owned by or under the control of the city, or left on any public right-of-way within the city. The director may hold impounded shopping carts at the city's maintenance and operations yard until retrieved by the owner or disposed of by the city as herein provided.

2. Whenever the director has impounded any abandoned shopping carts bearing the identification of ownership as required by ACC 8.18.030(B), or such other ownership information or identification that is sufficient, in the city's determination, to allow the city to mail to the owner an invoice/notice of impoundment by certified mail, return receipt requested, the director or designee shall mail an invoice/notice of impoundment by certified mail, return receipt requested, to the owner at the address shown on the shopping cart's identification label, or such address as is determined by the director to be appropriate to give reasonable notice to the owner where the identification requirements of ACC 8.18.030(B) are not met. Such invoice/notice shall advise that the impounded shopping carts may be redeemed at the city's maintenance and operations yard during the normal work day (between 8:00 a.m. and 3:00 p.m., Monday through Friday, except holidays) upon payment of the administrative impoundment fee of \$30.00 per shopping cart. The invoice/notice shall also advise the owner that if the impounded abandoned shopping carts are not retrieved within 14 days of the date of the invoice/notice, the abandoned shopping carts shall be subject to disposal by the city, and in addition to the \$30.00 administrative impoundment fee the owner shall also be obligated to pay an additional \$70.00 disposal fee, per shopping cart.

3. If the impounded abandoned shopping carts are not retrieved within 14 days of the date of the invoice/notice, the director shall be authorized to dispose of the abandoned shopping carts through whatever means or manner the director deems reasonable and appropriate. In the event of such disposal, the director is authorized to take appropriate steps to collect the \$30.00 administrative impoundment fee, as well as the additional \$70.00 disposal fee, per shopping cart. The shopping cart disposal fee shall be in addition to the administrative impoundment fee, and the administrative impoundment fee shall be due and owing regardless of whether or not the shopping carts are retrieved.

4. If an abandoned shopping cart is impounded that does not have the ownership identification information permanently affixed to it as required by ACC 8.18.030(B), or does not have other ownership information or

Exhibit B

Auburn Municipal Code

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identification that is sufficient, in the city's determination, to allow the city to mail to the owner an invoice/notice of impoundment by certified mail, return receipt requested, the director shall be authorized to dispose of it immediately, without any notice requirements. (Ord. 6530 § 1, 2014; Ord. 6046 § 2, 2006; Ord. 5906 § 1, 2005.)