


**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: 7/28/2014**

<b>AGENDA ITEM:</b> State Avenue 116th Street NE to 136th Street NE Corridor Improvements - Condemnation Ordinance	
<b>PREPARED BY:</b> Patrick Gruenhagen <b>DEPARTMENT:</b> Public Works - Engineering	<b>DIRECTOR APPROVAL:</b> 
<b>ATTACHMENTS:</b> <ul style="list-style-type: none"><li>• Excerpt from Washington Administrative Code</li><li>• Ordinance and Exhibit "A" Legal Descriptions</li></ul>	
<b>BUDGET CODE:</b> 30500030.563000 R1404	<b>AMOUNT:</b> \$0.00
<b>SUMMARY:</b>	

The City of Marysville and its agents will soon begin the property acquisition phase for the State Avenue 116th Street NE to 136th Street NE Corridor Improvement Project — for the purposes of widening the State Avenue corridor from its existing three lane configuration to five lanes.

Fair market value compensation will be offered to the property owners in accordance with recently-completed appraisals. If the City and the property owners cannot reach a mutually agreeable settlement, the enclosed ordinance will allow the City to exercise eminent domain for the acquisition of property through condemnation proceedings. Purchase of property under this framework is also of substantial benefit to property owners, as the compensation they receive for the transfer of property to the City will not be subject to real estate excise tax. As the attached WAC 458-61A-206 states:

*“Transfers of real property to a governmental entity under an imminent threat of the exercise of eminent domain, a court judgment or settlement with a government entity based upon a claim of inverse condemnation, or as a result of the actual exercise of eminent domain, are not subject to the real estate excise tax.”*

<b>RECOMMENDED ACTION:</b> Staff recommends that Council authorize the Mayor to approve the Ordinance authorizing the condemnation, appropriation, taking, and damaging of land and other property for construction of the State Avenue 116th Street NE to 136th Street NE Corridor Improvement Project.
---

## **WAC 458-61A-206**

### **Condemnation proceedings.**

(1) **Introduction.** Transfers of real property to a governmental entity under an imminent threat of the exercise of eminent domain, a court judgment or settlement with a governmental entity based upon a claim of inverse condemnation, or as a result of the actual exercise of eminent domain, are not subject to the real estate excise tax.

(2) **Transfer must be to a governmental entity.** To qualify for this exemption, the threat of condemnation or the exercise of eminent domain must be made by a governmental entity with the actual power to exercise eminent domain.

(3) **Threat to exercise eminent domain must be imminent.** To qualify for this exemption, the governmental entity must have either filed condemnation proceedings against the seller/grantee; or:

(a) The governmental entity must have notified the seller in writing of its intent to exercise its power of eminent domain prior to the sale; and

(b) The governmental entity must have the present ability and authority to use its power of eminent domain against the subject property at the time of sale; and

(c) The governmental entity must have specific statutory authority authorizing its power of eminent domain for property under the conditions presented.

(4) **Inverse condemnation.** Inverse condemnation occurs when the government constructively takes real property even though formal eminent domain proceedings are not actually taken against the subject property. The seller must have a judgment against the governmental entity, or a court approved settlement, based upon inverse condemnation to claim the exemption.

(5) **Examples.** The following examples, while not exhaustive, illustrate some of the circumstances in which a sale to a governmental entity may or may not be exempt on the basis of condemnation or threat of eminent domain. The status of each situation must be determined after a review of all the facts and circumstances.

(a) The Jazz Port school district wants to purchase property for a new school. An election has been held to authorize the use of public funds for the purchase, and the general area for the site has been chosen. In order to proceed, the district will need to obtain a five-acre parcel owned by the Fairwood family. The district has been granted authority to obtain property by the use of eminent domain if required. The district has notified the Fairwoods in writing of its intention to exercise its powers of eminent domain if necessary to obtain the land. The Fairwoods, rather than allowing the matter to proceed to court, agree to sell the parcel to the Jazz Port district. The school district will use the parcel for construction of the new school. The conveyance from the Fairwoods to Jazz Port school district is exempt from real estate excise tax because the transfer was made under the imminent threat of the exercise of eminent domain.

(b) The Sonata City Parks Department has the authority to obtain land for possible future development of parks. The department would like to obtain waterfront property for preservation and future development. They approach Frankie and Chaz Friendly with an offer to purchase the Friendlys' 20-acre waterfront parcel. The Parks Department does not have a current appropriation for actual construction of a park on the site, and the City Council has not specifically authorized an exercise of eminent domain to obtain the subject property. The conveyance from the Friendlys to the city is subject to the real estate excise tax, because the transfer was not made under the imminent threat of the exercise of eminent domain.

[Statutory Authority: RCW 82.45.150, 82.32.300, and 82.01.060. WSR 14-06-060, § 458-61A-206, filed 2/28/14, effective 3/31/14. Statutory Authority: RCW 82.32.300, 82.01.060(2), and 82.45.150. WSR 05-23-093, § 458-61A-206, filed 11/16/05, effective 12/17/05.]

CITY OF MARYSVILLE  
Marysville, Washington

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON AUTHORIZING THE CONDEMNATION, APPROPRIATION, TAKING, DAMAGING AND ACQUISITION OF LAND AND OTHER PROPERTY FOR THE PURPOSE OF WIDENING STATE AVENUE FROM THREE LANES TO FIVE LANES AND CONSTRUCTING CURBS, GUTTERS AND SIDEWALKS, FROM APPROXIMATELY 116<sup>th</sup> STREET NE TO APPROXIMATELY 136<sup>th</sup> STREET NE, AND REPEALING ORDINANCE NUMBER 2685

WHEREAS, the City Council of the City of Marysville (hereinafter the "City") finds as follows:

1. Public safety, convenience, use and necessity demand the widening of State Avenue from three lanes to five lanes from approximately 116<sup>th</sup> Street NE to approximately 136<sup>th</sup> Street NE, together with construction of curbs, gutters and sidewalks, to meet the requirements of increased traffic.

2. The City has conducted engineering studies and has determined that it will be necessary to acquire fee interests in property and easements for the street widening as more specifically described in **EXHIBIT "A,"** attached hereto and incorporated herein by this reference.

3. The entire cost of the acquisition provided by this ordinance shall be paid by the following funds of the City:

Fund No. 305 (GMA-Street)

or such other general funds of the City as may be provided by law.

4. The City and some property owners may be unable to agree upon the compensation to be paid for the **EXHIBIT "A"** property and easements.

5. The City has authority pursuant to RCW Chapter 8.12 to acquire, if necessary, title to real property for public purposes. Improvement of State Avenue between 116<sup>th</sup> Street NE and 136<sup>th</sup> Street N.E. is a public purpose.

6. Notice of the planned final action authorizing the condemnation of the property described in **Exhibit A** has been given to the owners of said property and published in the Everett Herald and Marysville Globe in accordance with the provisions of RCW 8.25.290.

7. The City previously passed Ordinance No. 2685 on February 12, 2007, which pertained to improvements to State Avenue between 116<sup>th</sup> Street NE and 136<sup>th</sup> Street NE, which ordinance is superseded by this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,  
WASHINGTON DO ORDAIN AS FOLLOWS:

1. The City is hereby authorized to condemn, appropriate, take and damage the real property described in **EXHIBIT A** hereto, together with all rights appurtenant thereto, including access where applicable. The City is further authorized to amend the legal descriptions contained in **EXHIBIT A** as may be necessary and appropriate to meet requirements of the project.

2. The use of the property described in **EXHIBIT "A"** is for widening State Avenue from three to five lanes and constructing curbs, gutters and sidewalks, from approximately 116<sup>th</sup> Street NE to approximately 136<sup>th</sup> Street NE, which is a permanent public use and is reasonably necessary for the purposes for which it is sought.

3. All lands, rights, privileges and other property lying within the limits of the land described in **EXHIBIT "A,"** as the legals may be amended, together with all rights appurtenant thereto, including access where applicable, are hereby authorized to be condemned, appropriated, taken and damaged for the purpose of widening of State Avenue from three to five lanes and constructing curbs, gutters and sidewalks, from approximately 116<sup>th</sup> Street NE to approximately 136<sup>th</sup> Street NE. All lands, rights, privileges and other properties are to be taken, damaged and appropriated only after just compensation has been made, or paid into the court for the owners thereof in the manner provided by law.

4. The cost of the acquisition provided for by this ordinance shall be paid by the following funds of the City:

Fund No. 305 (GMA-Street)

or such other general funds of the City as may be provided by law.

5. The City's attorneys should be and hereby are authorized and directed to begin and prosecute the actions and proceedings in a manner provided by law to carry out the provisions of this ordinance, and to enter into settlements to mitigate damages.

6. Ordinance Nos. 2685 is hereby repealed.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of July, 2014.

CITY OF MARYSVILLE

By \_\_\_\_\_  
JON NEHRING, Mayor

ATTEST:

By \_\_\_\_\_  
Deputy City Clerk

Approved as to form:

By \_\_\_\_\_  
GRANT WEED, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTIONS OF ACQUISITIONS**



Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**“EXHIBIT A”**

**RIGHT OF WAY FROM PARCEL 30050900200200**

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE NORTH 4 RODS OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 30 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, LYING EAST OF COUNTY ROAD (SMOKEY POINT BOULEVARD) AND WEST OF THE NORTHERN PACIFIC RAIL ROAD RIGHT OF WAY.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.





Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**“EXHIBIT A”**

**RIGHT OF WAY FROM PARCEL 30050400301600**

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTH 8 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, LYING EAST OF COUNTY ROAD AS ESTABLISHED AND LOCATED NOVEMBER 15, 1912;

EXCEPT THAT PORTION THEREOF LYING EASTERLY OF THE WESTERLY MARGIN OF THE NORTHERN PACIFIC RAILROAD RIGHT OF WAY;

AND EXCEPT THAT PORTION THEREOF LYING WITHIN COUNTY ROAD (SMOKEY POINT BOULEVARD).

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.







Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

## “EXHIBIT A”

### RIGHT OF WAY FROM PARCEL 30050400301300

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THE WEST 190 FEET OF THE NORTH 10 ACRES OF THE SOUTH 18 ACRES OF THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, LYING EAST OF THE EAST LINE OF HIGHWAY 99 AS CONVEYED TO SNOHOMISH COUNTY BY DEED RECORDED UNDER RECORDING NO. 190433, AS MEASURED ALONG THE NORTH LINE OF SAID NORTH 10 ACRES AND PARALLEL TO THE EAST LINE OF HIGHWAY 99;

EXCEPT ANY PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT A POINT WHERE THE NORTH LINE OF THE NORTH 10 ACRES OF THE SOUTH 18 ACRES OF THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, LYING EAST OF HIGHWAY 99 INTERSECTS THE EAST RIGHT OF WAY LINE OF HIGHWAY 99;

THENCE EAST 380 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF THE NORTHERN PACIFIC RAILWAY;

THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE 136 FEET;

THENCE WEST 372 FEET, MORE OR LESS, TO THE EAST RIGHT OF WAY LINE OF HIGHWAY 99 TO A POINT 136 FEET SOUTHERLY FROM THE POINT OF BEGINNING;

THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

#### SURVEYORS NOTE:

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.





Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**“EXHIBIT A”**

**RIGHT OF WAY FROM PARCEL 30050400301400**

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT A POINT WHERE THE NORTH LINE OF THE NORTH 10 ACRES OF THE SOUTH 18 ACRES OF THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, LYING EAST OF HIGHWAY 99 INTERSECTS THE EAST RIGHT OF WAY LINE OF HIGHWAY 99;

THENCE EAST 380 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF THE NORTHERN PACIFIC RAILWAY;

THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE 136 FEET;

THENCE WEST 372 FEET, MORE OR LESS, TO THE EAST RIGHT OF WAY LINE OF HIGHWAY 99 TO A POINT 136 FEET SOUTHERLY FROM THE POINT OF BEGINNING;

THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.





Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

## “EXHIBIT A”

### RIGHT OF WAY FROM PARCEL 30050400301200

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4,  
TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF THE  
SOUTHWEST QUARTER, WHICH IS 349.5 FEET SOUTH OF THE NORTHEAST CORNER THEREOF;

THENCE FROM SAID POINT OF BEGINNING RUN SOUTH ON THE EAST LINE OF SAID  
SUBDIVISION A DISTANCE OF 419.5 FEET;

THENCE WEST 1,224 FEET, MORE OR LESS, TO THE EAST LINE OF THE COUNTY ROAD  
(PACIFIC HIGHWAY);

THENCE NORTHERLY ALONG THE EAST LINE OF SAID ROAD 353 FEET, MORE OR LESS, TO A  
POINT 388.5 FEET SOUTHERLY FROM THE POINT OF INTERSECTION OF THE EAST LINE OF  
SAID ROAD WITH THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF  
SAID SECTION;

THENCE EASTERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THE FOLLOWING:

- A. THAT PORTION OF SAID PREMISES LYING EASTERLY OF THE WESTERLY RIGHT OF  
WAY LINE OF THE NORTHERN PACIFIC RAILWAY COMPANY;
- B. TRACT CONVEYED TO H. C. STINEKE BY DEED FILED FOR RECORD UNDER SNOHOMISH  
COUNTY RECORDING NUMBER 433619, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH HALF OF THE  
SOUTHWEST QUARTER OF SAID SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., AND  
THE EAST BOUNDARY LINE OF THE PACIFIC HIGHWAY;

THENCE SOUTHEASTERLY ALONG THE EAST BOUNDARY LINE OF THE PACIFIC HIGHWAY A  
DISTANCE OF 388.5 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTHEASTERLY ALONG THE EAST BOUNDARY OF THE PACIFIC  
HIGHWAY A DISTANCE OF 10 RODS;



Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**(RIGHT OF WAY FROM PARCEL 30050400301200 CONTINUED)**

THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF LAND OWNED BY THE GRANTORS TO THE WESTERLY BOUNDARY LINE OF THE NORTHERN PACIFIC RAILROAD RIGHT OF WAY;

THENCE NORTHEASTERLY ALONG THE SAID BOUNDARY LINE OF THE NORTHERN PACIFIC RAILROAD RIGHT OF WAY TO THE NORTH LINE OF LAND OWNED BY THE GRANTORS;

THENCE WESTERLY ALONG THE NORTH LINE OF LAND OWNED BY THE GRANTORS TO THE TRUE POINT OF BEGINNING;

- C. THAT PORTION OF SAID PREMISES LYING SOUTH OF THE TRACT CONVEYED TO H. C. STINEKE BY DEED FILED FOR RECORD UNDER RECORDING NUMBER 433619, PARTICULARLY DESCRIBED IN EXCEPTION B ABOVE AND NORTH OF A LINE THAT IS PARALLEL WITH AND 100 FEET SOUTH OF THE SOUTH LINE OF SAID STINEKE TRACT.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.





Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**“EXHIBIT A”**

**RIGHT OF WAY FROM PARCEL 30050400301100**

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 4, WITH THE EAST LINE OF THE PACIFIC HIGHWAY;

THENCE SOUTHEASTERLY ALONG SAID EAST LINE 553.5 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO H. C. STINEKE AND WIFE BY DEED RECORDED UNDER AUDITOR'S FILE NO. 433619, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, AND THE TRUE POINT OF BEGINNING;

THENCE EAST ALONG THE SOUTH BOUNDARY OF THE SAID STINEKE TRACT TO THE WEST LINE OF THE NORTHERN PACIFIC RAILWAY RIGHT OF WAY;

THENCE SOUTHERLY ALONG SAID RIGHT OF WAY TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ARNIE JOHNSON AND WIFE BY DEED RECORDED UNDER AUDITOR'S FILE NO. 843577, RECORDS OF SAID COUNTY;

THENCE WEST ALONG THE NORTH LINE OF SAID JOHNSON TRACT TO THE EAST LINE OF THE PACIFIC HIGHWAY;

THENCE NORTH ALONG SAID EAST LINE TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.





Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**“EXHIBIT A”**

**RIGHT OF WAY FROM PARCEL 30050400301000**

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST W.M. AND THE EAST BOUNDARY LINE OF THE PACIFIC HIGHWAY AND RUNNING THENCE SOUTHEASTERLY ALONG THE EAST BOUNDARY LINE OF THE PACIFIC HIGHWAY A DISTANCE OF 388 1/2 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE SOUTHEASTERLY ALONG THE EAST BOUNDARY LINE OF THE PACIFIC HIGHWAY A DISTANCE OF 10 RODS;

THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO C.L. VINING BY DEED RECORDED IN VOLUME 186 OF DEEDS ON PAGE 356, TO THE WESTERLY BOUNDARY LINE OF THE NORTHERN PACIFIC RAILROAD RIGHT OF WAY;

THENCE NORTHEASTERLY ALONG THE SAID BOUNDARY LINE OF THE NORTHERN PACIFIC RAILROAD RIGHT OF WAY TO THE SOUTH LINE OF SAID C.L. VINING TRACT;

THENCE WESTERLY ALONG THE SOUTH LINE OF SAID C.L. VINING TRACT TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.





Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**“EXHIBIT A”**

**RIGHT OF WAY FROM PARCEL 30050400300700**

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 4,  
TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SUBDIVISION;

THENCE WEST FOR 1396 FEET MORE OR LESS TO THE EAST LINE OF THE COUNTY ROAD AS  
CONVEYED IN VOLUME 151 OF DEEDS ON PAGE 54;

THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID COUNTY ROAD FOR 388.5 FEET TO  
THE SOUTHWEST CORNER OF THE W. C. LEIFER TRACT AS CONVEYED IN DEED RECORDED  
UNDER AUDITOR'S FILE NUMBER 1000479, AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 13°10'58" WEST ALONG THE EAST LINE OF SAID COUNTY ROAD FOR 91 FEET;

THENCE NORTH 76°49'02" EAST FOR 100 FEET;

THENCE SOUTH 40°59'06" EAST FOR 150 FEET TO THE SOUTH LINE OF SAID LEIFER TRACT;

THENCE NORTH 89°24'10" WEST ALONG SAID SOUTH LINE FOR 175 FEET TO THE POINT OF  
BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE  
AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.





*Pacific Surveying & Engineering*

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
[www.psesurvey.com](http://www.psesurvey.com)

## **"EXHIBIT A"**

### **RIGHT OF WAY FROM PARCEL 30050400302400**

THE WEST 13.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M.; RUNNING THENCE WEST 1396 FEET, MORE OR LESS, TO THE EAST LINE OF THE COUNTY ROAD;

THENCE SOUTHERLY ALONG THE EAST LINE OF COUNTY ROAD 187 1/2 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE SOUTHERLY ALONG EAST LINE OF COUNTY ROAD 201 FEET;

THENCE EAST 608 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY OF THE NORTHERN PACIFIC RAILWAY;

THENCE NORTHERLY ALONG WEST LINE OF THE NORTHERN PACIFIC RAILWAY COMPANY RIGHT OF WAY 200 1/2 FEET;

THENCE WEST 713 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4;

THENCE WEST FOR 1396 FEET, MORE OR LESS, TO THE EAST LINE OF THE COUNTY ROAD AS CONVEYED IN VOLUME 151 OF DEEDS ON PAGE 54;

THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID COUNTY ROAD FOR 388.5 FEET TO THE SOUTHWEST CORNER OF THE W.C. LEIFER TRACT AS CONVEYED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1000479, AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 13°10'58" WEST ALONG THE EAST LINE OF SAID COUNTY ROAD FOR 91 FEET;

THENCE NORTH 76°49'02" EAST FOR 100 FEET;

THENCE SOUTH 40°59'06" EAST FOR 150 FEET TO THE SOUTH LINE OF SAID LEIFER TRACT;





Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**(RIGHT OF WAY FROM PARCEL 30050400302400 CONTINUED)**

THENCE NORTH 89°24'10" WEST ALONG SAID SOUTH LINE FOR 175 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.





Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

## “EXHIBIT A”

### RIGHT OF WAY FROM PARCEL 30050400300800

THAT PORTION OF PROPERTY SITUATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M. IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

#### EXISTING PARCEL DESCRIPTION:

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;

THENCE WEST 1,396 FEET MORE OR LESS, TO THE EAST LINE OF THE COUNTY ROAD, THE TRUE POINT OF BEGINNING;

THENCE SOUTHERLY ALONG THE EAST LINE OF THE COUNTY ROAD, 187.5 FEET;

THENCE EAST 713 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF THE NORTHERN PACIFIC RAILWAY;

THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHERN PACIFIC RAILWAY COMPANY RIGHT OF WAY 186.5 FEET;

THENCE WEST 819 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING;

EXCEPT THE EAST 530 FEET THEREOF AS MEASURED ALONG THE NORTH LINE OF SAID PREMISES.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

#### ADDITIONAL RIGHT OF WAY AREA DESCRIPTION:

BEGINNING AT THE NORTHWEST CORNER OF ABOVE DESCRIBED PROPERTY, SAID CORNER LYING 30 FEET EASTERLY WHEN MEASURED AT RIGHT ANGLES TO THE CENTER LINE OF COUNTY ROAD AND BEING THE EASTERLY MARGIN OF SAID COUNTY ROAD; THENCE ALONG THE NORTH LINE OF SAID PARCEL SOUTH  $89^{\circ}23'11''$  EAST, 47.99 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST, FROM WHICH THE RADIUS POINT BEARS SOUTH  $00^{\circ}36'49''$  WEST, 27.50 FEET; THENCE ALONG SAID CURVE SOUTHERLY 49.49 FEET, THROUGH A CENTRAL ANGLE OF  $103^{\circ}06'50''$  TO THE END OF CURVE; THENCE PARALLEL WITH THE EASTERLY MARGIN OF SAID COUNTY ROAD SOUTH  $12^{\circ}30'01''$  EAST 152.86 FEET TO THE SOUTHERLY LINE OF SAID PARCEL; THENCE ALONG SAID SOUTHERLY LINE NORTH  $89^{\circ}23'11''$  WEST 13.35 FEET TO SAID EASTERLY MARGIN LYING 30 FEET EASTERLY WHEN MEASURED AT



Pacific Surveying & Engineering

1812 Cornwall Avenue  
Bellingham, WA 98225  
Phone 360-671-7387 ^ Fax 360-671-4685  
www.psesurvey.com

**(RIGHT OF WAY FROM PARCEL 30050400300800 CONTINUED)**

RIGHT ANGLES TO THE CENTER LINE OF COUNTY ROAD; THENCE ALONG SAID EASTERLY MARGIN NORTH 12°30'01" WEST, 187.50 FEET TO THE POINT OF BEGINNING.

**SURVEYORS NOTE:**

THE CENTER LINE OF STATE AVENUE IS BASED ON THE RIGHT OF WAY PLANS TITLED STATE AVENUE, 116<sup>TH</sup> ST NE TO 136<sup>TH</sup> ST NE, DATED July 1, 2014.

