

**CITY OF MARYSVILLE AGENDA BILL**  
**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: October 13, 2014**

<b>AGENDA ITEM:</b> State Ave 116 <sup>th</sup> to 136 <sup>th</sup> – 12129 State Ave	
<b>PREPARED BY:</b> Jeff Laycock, PE, Project Manager	<b>DIRECTOR APPROVAL:</b>  <i>OK for KM</i>
<b>DEPARTMENT:</b> Public Works, Engineering	
<b>ATTACHMENTS:</b> Snohomish County PUD Distribution Easement	
<b>BUDGET CODE:</b> R1404	<b>AMOUNT:</b> N/A

**SUMMARY:**

This project requires the relocation of PUD poles along the State Ave corridor. As part of the relocation an easement is required to accommodate a new anchor at 12129 State Ave.

**RECOMMENDED ACTION:**

Staff recommends Council authorize the Mayor to sign and execute the PUD Distribution Easement with the PUD to allow installation of a guy wire.

**AFTER RECORDING RETURN TO:**  
*Public Utility District No. 1 of Snohomish County*  
*Attn: Real Estate Services - 04*  
*P.O. Box 1107*  
*Everett, WA 98206*



1180 (Rev. 3/92)

**DISTRIBUTION EASEMENT**  
**Underground and/or Overhead**

E-  
NW 9 (30-05)  
(392918-03) 16884 – W20764

THIS INDENTURE made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, between  
**CITY OF MARYSVILLE, a municipal corporation of the State of Washington,** hereinafter referred to as Grantor,  
PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, and **Frontier Communications Northwest Inc.,**  
hereinafter referred to as Grantee; WITNESSETH:

WHEREAS, Grantor is the owner of certain lands and premises situated in the County of Snohomish,  
State of Washington, described as follows:

**ALL THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING WESTERLY OF THE NORTHERN  
PACIFIC RAILWAY COMPANY RIGHT-OF-WAY;**

**THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9,  
TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON DESCRIBED AS  
FOLLOWS:**

**BEGINNING AT A POINT ON THE EAST BOUNDARY LINE OF SAID NORTHEAST QUARTER OF THE  
NORTHWEST QUARTER, 376 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE WEST TO  
THE EAST BOUNDARY LINE OF PACIFIC HIGHWAY; THENCE SOUTHEASTERLY ALONG SAID EAST  
BOUNDARY LINE OF SAID HIGHWAY 324.7 FEET; THENCE EAST TO THE BOUNDARY LINE OF SAID  
NORTHWEST QUARTER; THENCE NORTH ALONG SAID EAST BOUNDARY LINE 311.6 FEET, MORE OR  
LESS, TO THE POINT OF BEGINNING.**

**SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON**

**TAX PARCEL NUMBERS: 30050900204500**

AND WHEREAS, the Grantee is desirous of acquiring certain rights and privileges across, over, under  
and upon the said lands and premises.

NOW, THEREFORE, Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other  
valuable consideration, receipt of which is hereby acknowledged, hereby conveys and grants to Grantee, its agents,  
contractors, successors and assigns, the perpetual right, privilege, and authority to construct, erect, alter, improve,  
extend, repair, operate, and maintain electric distribution line facilities consisting of poles and/or structures and/or  
underground facilities, or combinations thereof, with necessary braces, guys, and anchors, and to install or place  
upon or suspend from such poles or facilities, distribution wires, insulators, cross-arms, transformers, and other  
electrical equipment, communication wires and/or cables, and other necessary or convenient appurtenances,  
across, over, under and upon the following described lands and premises situated in the County of Snohomish,  
State of Washington, to-wit:

**That portion of the above described property as shown on Exhibit "A" attached hereto and by this  
reference made a part hereof.**

Together with the right of ingress to and egress from said lands across adjacent lands of the Grantor, for  
the purpose of constructing, reconstructing, repairing, renewing, altering, changing, patrolling and operating said  
line, and the right at any time to remove said facilities from said lands.

Also the right at all times to cut and/or trim all brush, timber, trees or other growth standing or growing  
upon the lands of Grantor which, in the opinion of Grantee, constitute a menace or danger to said line or to persons  
or property by reason of proximity to said line. Grantor and the heirs, successors, or assigns of Grantor hereby  
covenant and agree not to construct or permit to be constructed any structures of any kind on the easement area  
without approval of the District.

The Grantor and the heirs, successors or assigns of Grantor covenant and agree not to do any blasting  
or discharge any explosives within a distance of three hundred (300) feet of said line without giving reasonable  
notice in writing to the Grantee, its successors or assigns, of intention so to do.

The rights, title, privileges and authority hereby granted shall continue to be in force until such time as the Grantee, its successors or assigns, shall permanently remove said poles, wires and appurtenances from said lands, or shall otherwise permanently abandon said line, at which time all such rights, title, privileges and authority hereby granted shall terminate.

The Grantor also covenants to and with the Grantee that Grantor is lawfully seized and possessed of land aforesaid; has a good and lawful right and power to sell and convey same; that same are free and clear of encumbrances, except as above indicated; and that Grantor will forever warrant and defend the title to said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

*Please sign and have notarized below*

**CITY OF MARYSVILLE**

By: \_\_\_\_\_

State of Washington )

) ss.

County of \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it,

as the \_\_\_\_\_ of CITY OF MARYSVILLE, a municipal corporation of the State of  
**Washington**, to be the free and voluntary act of such parties for the uses and purposes mentioned in the  
instrument.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_  
Notary Public

Commission expires: \_\_\_\_\_

# Exhibit "A"

STATE AVENUE

BURLINGTON NORTHER R/R

Approximate location of facilities

THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO BE AN ACCURATE SURVEY



Not To Scale

## NW 9-30-5

9/15/14	City of Marysville	W.O. #392918
	Tax Lot # 30050900204500	R/W #16884