

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: October 12, 2015

AGENDA ITEM: Authorize the Mayor to sign the sight distance easement for Allen Creek Park Snohomish County: PFN 04119115	AGENDA SECTION:	
PREPARED BY: Amy Hess, Assistant Planner	APPROVED BY:	
ATTACHMENTS: 1. Sight Distance Easement		
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

During construction of the subdivision of Allen Creek Park, the applicant removed some trees on a neighboring parcel in order to install utilities. The adjacent property owner agreed to the tree removal, subject to installation of a quality 6' wood fence along the perimeter of the property. Installation of the fence created a sight distance issue at the southeast corner of 59th Avenue NE and 83rd Place NE. The wood (opaque) fence was replaced with chain link (transparent) fencing in order to alleviate the sight distance issue. In order to ensure adequate sight distance at this intersection, the City required that the applicant record a sight distance easement which requires the property owner to maintain transparency at this intersection.

Staff is recommending approval of the Final Plat of Allen Creek concurrently with this sight distance easement.

RECOMMENDED ACTION: Staff recommends City Council authorize the Mayor to sign the sight distance easement associated with the Plat of Allen Creek Park.
COUNCIL ACTION:

AFTER RECORDING RETURN TO:

City of Marysville
1049 State Ave
Marysville WA 98270

**CITY OF MARYSVILLE
SIGHT DISTANCE EASEMENT**

THIS EASEMENT made this 29th day of September, 2015, between MICHELE J PALM WESTON, hereinafter referred to as "Grantor," the CITY OF MARYSVILLE, a municipal corporation of the State of Washington, hereinafter referred to as "Grantee" or "City"

NOW, THEREFORE, Grantor, for valuable consideration, the adequacy and receipt of which is hereby acknowledged, hereby conveys and grants to the Grantee, its successors and assigns and its contractors, agents, permittees and licensees, the perpetual right, privilege and authority of a sight triangle easement

As described in attached exhibit "A" and depicted on attached exhibit "B".

The sight triangle easement is granted and conveyed for the purpose of providing clear and unobstructed views along the lanes of travel, at the intersection of 83rd Place NE and 59th Ave. NE.

The Grantor reserves the right to use the surface of the above-described easement as a yard but shall not erect any buildings, structures, patios, or other construction of any nature on said easement. Furthermore the Grantor shall be responsible for keeping all vegetation clear over said easement between 30 inches and 8 feet above the adjacent road grade.

The Grantee is also granted the right of ingress to and egress for the purpose of removing vegetation in the event of an emergency.

This conveyance shall be a covenant running with the land, and shall be binding on the Grantor and its heirs, successors and assigns forever.

Any mortgage on said land held by the Mortgagee is hereby subordinated to the rights herein granted to the Grantee, but in all other respects the said mortgage shall remain unimpaired.

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

GRANTOR

Michele J. Smith

GRANTEE

INDIVIDUAL NOTARY:

STATE OF WASHINGTON)
) ss
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Michele J. Smith is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 29th day of Sept. 2015



Sam A. Al-Nouri

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at WA
My commission expires: 04/03/16

REPRESENTATIVE NOTARY:

STATE OF WASHINGTON)
) ss
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that _____ is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument , and on oath stated that he/she/they were authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

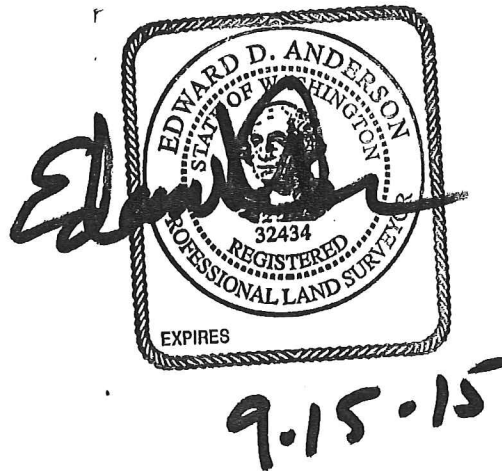
DATED this _____ day of _____

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires: _____

EXHIBIT A

THAT PORTION OF THE WEST 241.18 FEET OF LOT 6, BLOCK 1, KELLOGG MARSH FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10 OF PLATS, PAGE 16 RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
EXCEPT THE NORTH 185.00 FEET THEREOF;
TOGETHER WITH THE SOUTH 20.00 FEET OF THE NORTH 185.00 FEET OF SAID LOT 6;
LYING NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

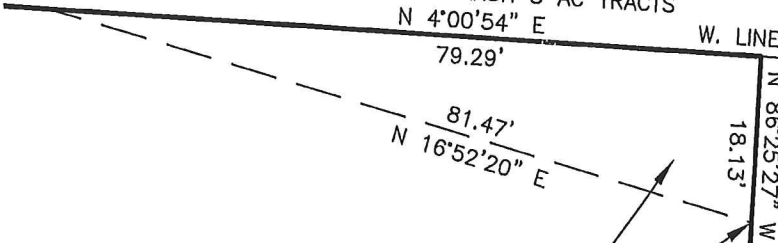
COMMENCING AT THE NORTHWEST CORNER OF DESCRIBED LAND AT THE SOUTH LINE OF THE NORTH 165 FEET OF SAID LOT 6 AND SAID CORNER BEING INTERNAL ANGLE POINT OF PARCEL 2 OF SNOHOMISH COUNTY BOUNDARY LINE ADJUSTMENT NO. 04-119115 AS RECORDED UNDER RECORDING NO. 200703160044; THENCE SOUTH $86^{\circ}25'27''$ EAST ALONG SAID SOUTH LINE OF NORTH 165 FEET 18.13 FEET TO THE **TRUE POINT OF BEGINNING** OF DESCRIBED LINE; THENCE SOUTH $16^{\circ}52'20''$ WEST 81.47 FEET TO THE WEST LINE OF SAID LOT 6 AND THE END OF THE DESCRIBED LINE.



PARCEL 2
BLA 04-119115

W LINE LOT 6, KELOG MARSH 5 AC TRACTS
N 4°00'54" E

W. LINE OF SE1/4 SEC 22-30-05



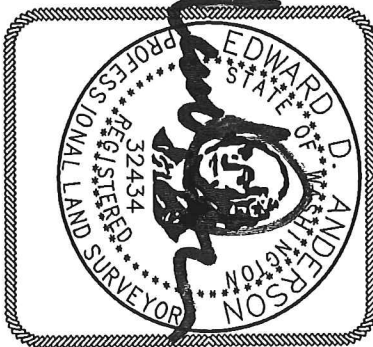
PARCEL 2
BLA 04-119115
REC. NO. 200703160044
(TAX. NO. 30052200300300)

EXHIBIT B

PORTION OF TRACT 6,
KELLOGG MARCH FIVE
ACRE TRACTS
(TAX NO. 004800100602)



9.15.15



NW1/4, SE1/4, SEC. 22, T. 30 N., R. 5 E., W.M.



Mead Gilman & Assoc.
Professional Land Surveyors
P.O. BOX 289, WOODINVILLE, WA 98072
PHONE: (425) 486-1252 FAX: (425) 486-6108

JOB NO. 14139