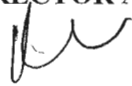


**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: March 27, 2017**

<b>AGENDA ITEM:</b>	
Declaration of Protective Covenants, Conditions and Restrictions for Parcel 300521-002-024-00	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b> 
Jeff Laycock, City Engineer	
<b>DEPARTMENT:</b>	
Engineering	
<b>ATTACHMENTS:</b>	
Declaration of Protective Covenants, Conditions and Restrictions	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
N/A	N/A
<b>SUMMARY:</b>	

Snohomish County is requesting that the City approve the attached Declaration of Protective Covenants, Conditions and Restrictions document. The Declaration is related to the required mitigation for the road projects listed in the document. The road projects and mitigation site were built by Snohomish County and subsequently annexed by the City before the Covenants for the site were recorded. Now, in order for the County to comply with permit requirements and record the required Covenants, the document must be signed by the owner of the property, which is now the City of Marysville.

**RECOMMENDED ACTION:**

Staff recommends that Council authorize the Mayor to sign the Declaration of Protective Covenants, Conditions and Restrictions for Parcel 300521-002-024-00 as requested by Snohomish County.

Recorded at the Request of:  
Snohomish County Public Works  
3000 Rockefeller Ave.  
Everett, WA 98201

## **DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS**

Grantor: City of Marysville, a municipal corporation of the State of Washington  
Grantee: The Public  
Assessor Tax Parcel No.: 300521-002-024-00  
Legal Description: Ptn E1/2 SE1/4 NW1/4 NW1/4 Ly Wly of Quilceda Creek  
See Exhibit A attached for full legal description

This Declaration of Protective Covenants, Conditions and Restrictions, hereinafter referred to as the "Declaration" is made this date by the City of Marysville, a municipal corporation of the State of Washington, hereinafter referred to as the "City", which is the owner of that certain real property located in Snohomish County, Washington, more particularly described on the attached Exhibits "A" and "B" incorporated herein by this reference, the "Declaration Property".

This Declaration is hereby made to comply with the environmental permit requirements for compensatory mitigation for certain public works projects completed by Snohomish County, a political subdivision of the State of Washington, hereinafter referred to as the "County", prior to annexation and transfer of ownership of the Declaration Property to the City. The aforementioned road projects are as follows:

1. Quilceda Creek Bridge #455, on file with Snohomish County Engineering, under Survey #3260.
2. 51<sup>st</sup> Avenue NE & Shoultes Road Intersection, on file with Snohomish County Engineering, under Survey #2282.
3. 34<sup>th</sup> Avenue NE & 128<sup>th</sup> Street NE, on file with Snohomish County Engineering, under Survey #4120.
4. Marysville School Walkway Project, on file with Snohomish County Engineering, under Survey #4122 and #3845.

It is the purpose of this Declaration to ensure that the Declaration Property, which is a mitigation site located within City road right of way since annexation, will be retained forever in an open and undeveloped condition, and to prevent any use of the property that will impair or interfere with the conservation values of the Declaration Property. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited: (a) The legal or de facto subdivision of the Declaration Property for any purpose; and (b) Any residential, commercial or industrial use, including agricultural use of or activity on the Declaration Property; and (c) The dumping or other disposal of wastes, refuse and debris on the Declaration Property; and (d) The construction or placement of trails, boardwalks, viewing platforms or benches.

This Declaration is subject to the right of the City, its heirs, devisees, and/or assigns, to the possession and use of the Declaration Property in any manner, PROVIDED that said use by the City shall in no way interfere with the conditions of this Declaration.

The covenants herein shall run with the land and shall be binding on the City, its heirs, successors and assigns.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

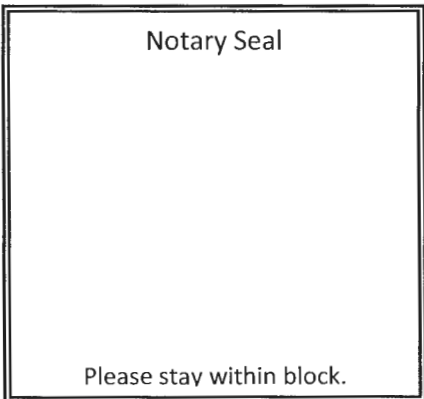
CITY OF MARYSVILLE

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

STATE OF WASHINGTON )  
  : §  
COUNTY OF SNOHOMISH )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_ to me known to be the person who signed as the \_\_\_\_\_ of the City of Marysville, a municipal corporation of the State of Washington that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said City for the uses and purposes therein mentioned, and on oath stated that he was duly elected or appointed, qualified and acting as said official of said City, and that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.



\_\_\_\_\_  
Notary (print name) \_\_\_\_\_  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

88<sup>th</sup> ST NE/ BR.455  
Survey Number 3260.  
Snohomish County Road  
Project Number's: 89-959, 91-960.  
July 15, 2016.

## EXHIBIT "A"

### Declaration Property:

A tract of land in Section 21, Township 30 N. Range 5 E. of the Willamette Meridian.

Beginning at a point where the north line of the Right of Way of Granis Road crosses the center of Quilceda Creek

Thence running northerly along the center of Quilceda Creek 634 feet.

Thence West 295 feet.

Thence South 634 feet.

Thence East 197 feet to the point of beginning.

Except the South 30 feet thereof.

Except the West 15 feet of the South 254 feet thereof.

Except the South 83 feet of the west 87 feet thereof.

Subject to the rights and restrictions contained in an easement granted to the Puget Sound Power and Light Company and their heirs and assigns. Described as; The East ten feet thereof.

The land herein is described as noted on the Right of Way plan for 88<sup>th</sup> Street NE I-5 to State Street, including Quilceda Creek Bridge 455; on file in the office of the County Engineer under Survey Number 3260.



7-15-16

# EXHIBIT B

SN. 3260 Bridge 455/88th ST NE Mitigation Parcel

SEC. 21, TWP. 30 N, R. 5 E, W.M.



Portions of the EAST HALF of the SOUTHEAST  $\frac{1}{4}$  of the NORTHWEST  $\frac{1}{4}$  of the NORTHWEST  $\frac{1}{4}$  OF SEC. 21 TWP 30N, RNG 5E. WM.

