

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: October 22, 2018**

<b>AGENDA ITEM:</b>	
Amendment correcting the legal description and map of street vacation Ordinance 2990	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b>
Chris Holland, Planning Manager	
<b>DEPARTMENT:</b>	
Community Development	
<b>ATTACHMENTS:</b>	
1. Letter from Snohomish County Assessor’s Land Segregation Department, dated September 4, 2019. 2. Smokey Point Market Place Binding Site Plan 3. Ordinance correcting the legal description and map of Ordinance 2990	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
<b>SUMMARY:</b>	

On February 9, 2015 Marysville City Council passed Ordinance 2990 vacating a portion of 25<sup>th</sup> Avenue NE and an existing stormwater detention pond, located north of 172<sup>nd</sup> Street NE (SR 531). After completion of the conditions required of the street vacation, Ordinance 2990 was recorded with the Snohomish County Auditor on November 2, 2017, under Auditor’s File Number (AFN) 201711020442. Ordinance 2990 was recorded concurrently with the recording of the Binding Site Plan (BSP), known as “Smokey Point Market Place,” under AFN 201711025013.

During the segregation process with the Snohomish County Assessor it was discovered that Ordinance 2990 contained an inaccurate legal description and corresponding map of the vacation, in that it contained a portion of land that is owned by the State of Washington, as noted in the attached letter from the Snohomish County Assessor’s Land Segregation Department, dated September 4, 2018.

Attached is an Ordinance correcting the legal description and map of the 25<sup>th</sup> Avenue NE street vacation, which will allow the Snohomish County Assessor to segregate Smokey Point Market Place BSP.

<b>RECOMMENDED ACTION:</b>
Approve the attached ordinance correcting the legal description and map of the 25 <sup>th</sup> Avenue NE street vacation and record the ordinance with the Snohomish County Auditor.

Assessor's Office

September 4, 2018

Linda Hjelle  
County Assessor

Laura Washabaugh  
Chief Deputy

SMOKEY POINT COMMERCIAL LLC  
1457 130<sup>TH</sup> AVE NE  
BELLEVUE, WA 98005

M/S #510  
3000 Rockefeller Ave.  
Everett, WA 98201-4046

(425) 388-3433  
FAX (425) 388-3961

RE: Tax Account Nos. 31052000302400 thru 31052000302900 & 31052000304600  
Document: City of Marysville Binding Site Plan PFN PA12014  
Recorded under Auditor's File No. 201711025013

Dear Members,

The attached Binding Site Plan cannot be **processed** by the Assessor's Office to update our records because of the reason(s) stated below:

- Ownership in question  
 Unable to identify property being transferred  
 Other (see attachment)

In our review of the above document, the Assessor's Office has discovered inconsistencies to the ownership role, regarding Ordinance No. 2990, as compared to our records. These inconsistencies may or may not affect your land title. Please contact your Title Company or legal counsel with any title questions.

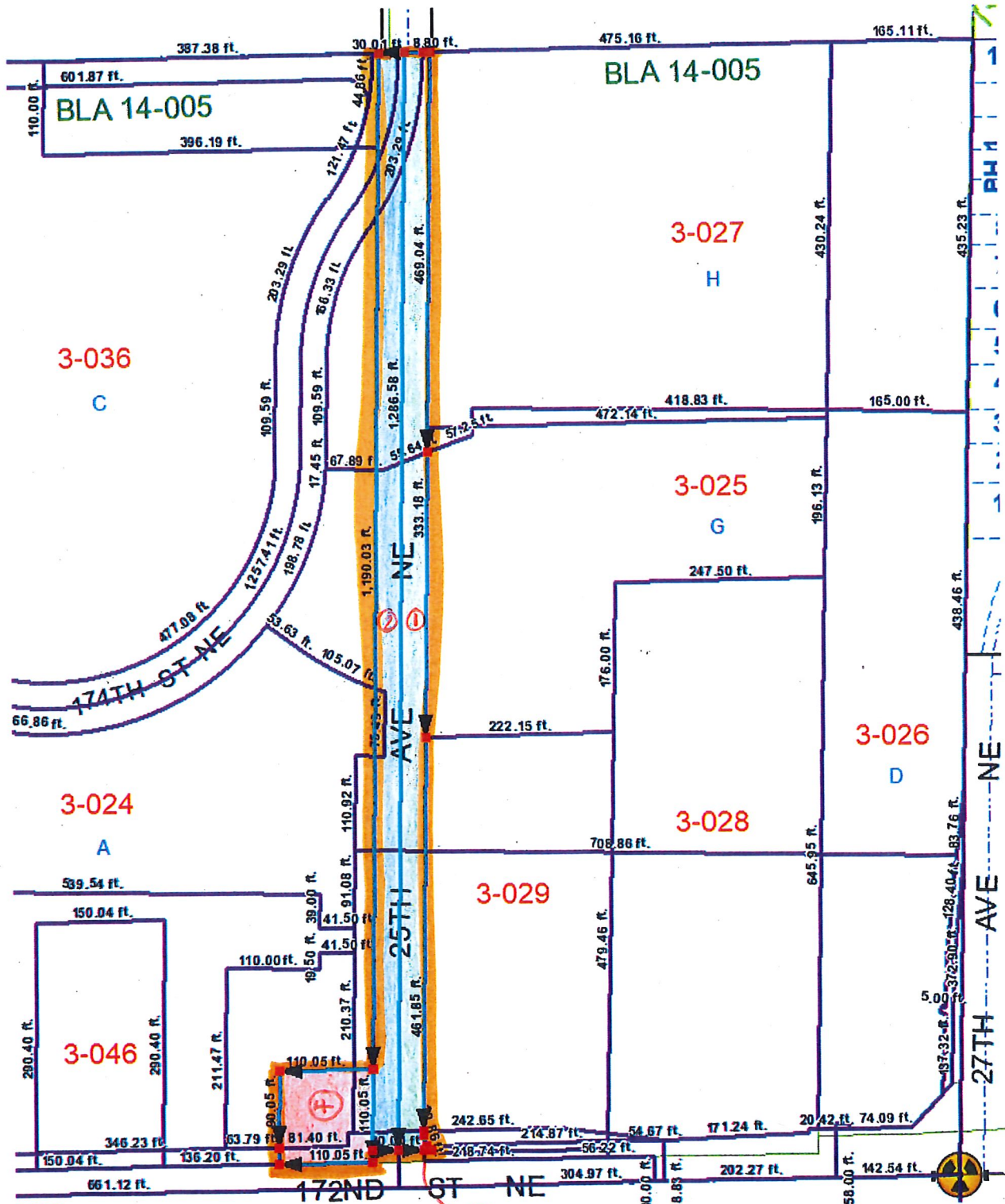
A copy of the Binding Site Plan document will be placed on hold until the issue is resolved. Please see attached pages. If you need more information, please contact me at the telephone number or e-mail address listed below.

Sincerely,



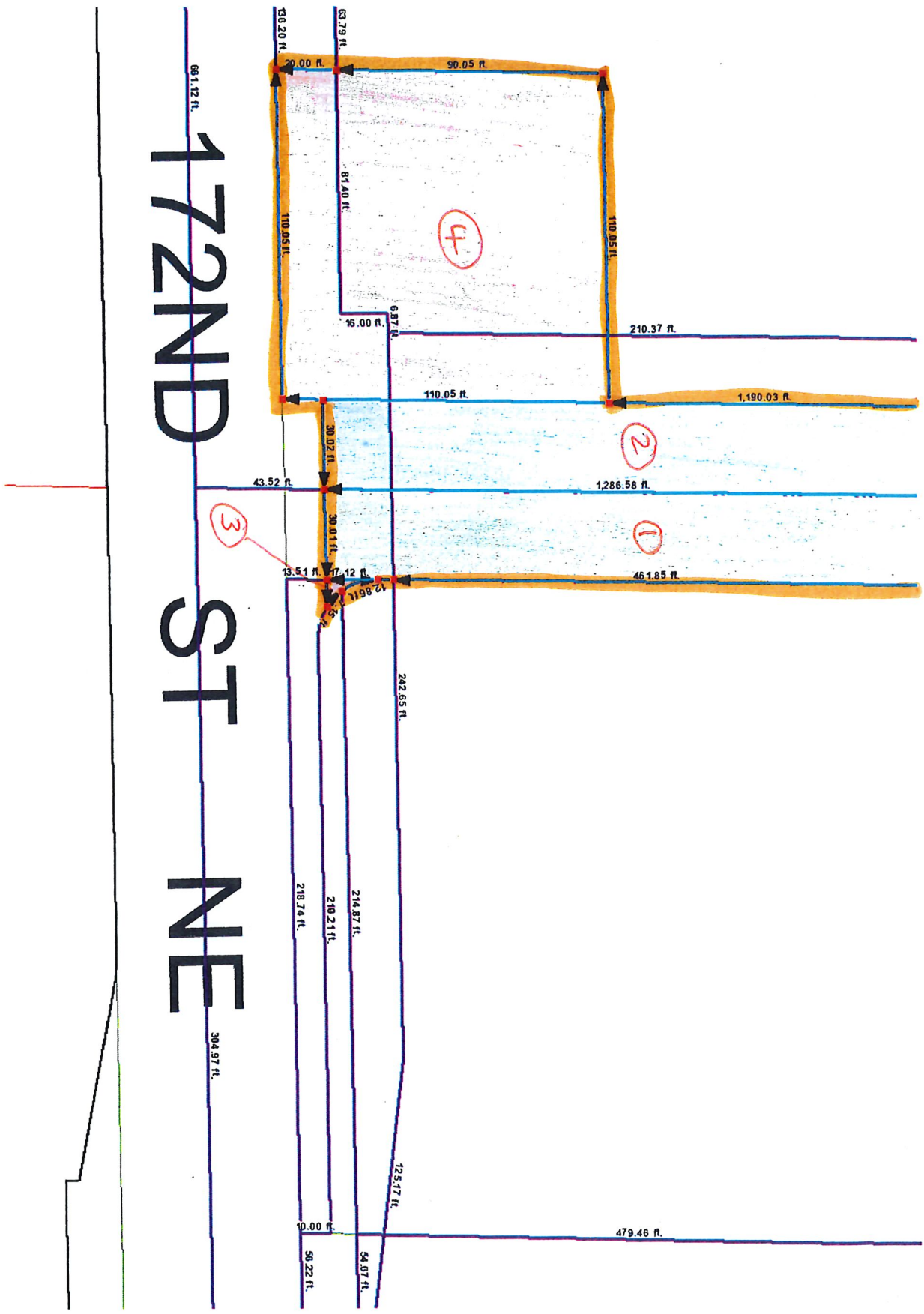
Aaron R Blue Distor  
Land Segregation Dept  
(425) 262-2305 - or -  
Toll free 1-800-562-4367 (Ext 2305)  
Aaron.Distor@snoco.org

TOTAL VACATION

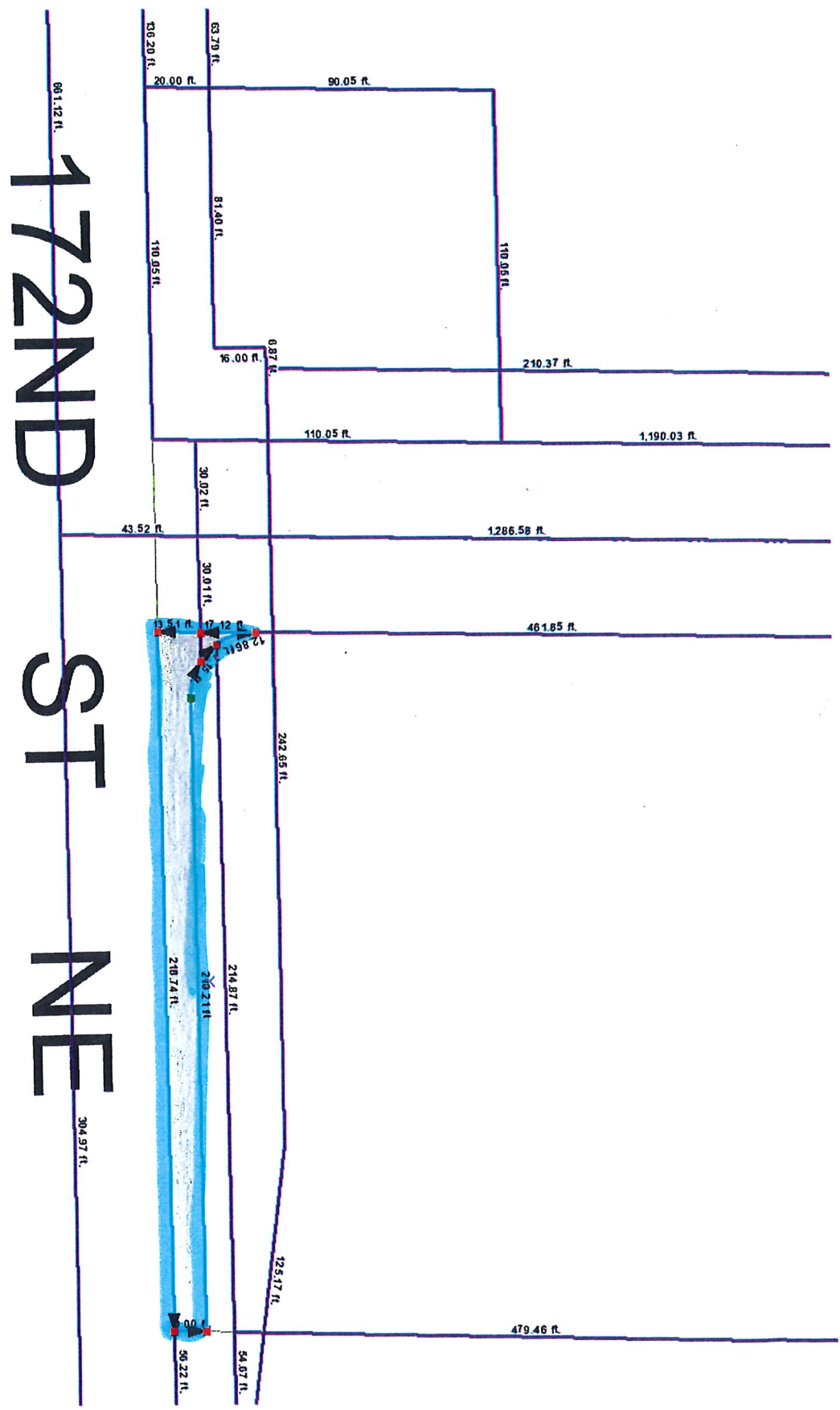


③ STATE-OWNED PORTION PER  
 AFN 200101290045  
 (SEE ZOOMED-IN MAP)

TRAIL VACATION



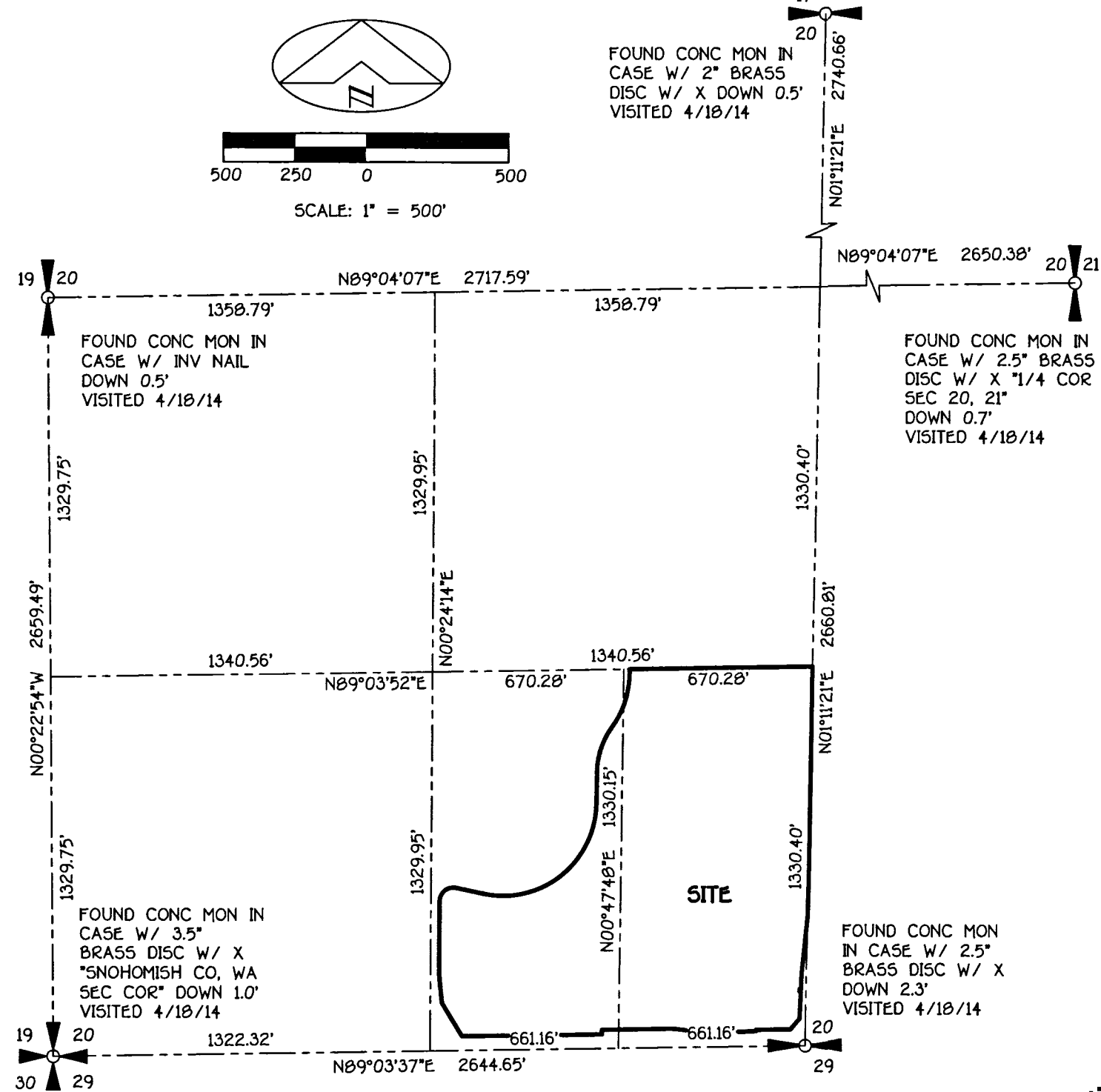
NO STATE PER AEN 200101290045



TO STATE REAL RKN 200101290045



**SMOKEY POINT MARKET PLACE**



**DEDICATION**

KNOW ALL PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREIN SUBDIVIDED, DECLARE THIS BINDING SITE PLAN TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY AND DEDICATE TO THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE. WE DEDICATE THE USE FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH PUBLIC HIGHWAY PURPOSES AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN IN THE REASONABLE GRADING OF SAID STREETS AND AVENUES.

ALL DEVELOPMENT AND USE OF THE LAND DESCRIBED HEREIN SHALL BE IN ACCORDANCE WITH THIS BINDING SITE PLAN, AS IT MAY BE AMENDED WITH THE APPROVAL OF THE CITY, TOWN, OR COUNTY HAVING JURISDICTION OVER THE DEVELOPMENT OF SUCH LAND, AND IN ACCORDANCE WITH SUCH OTHER GOVERNMENTAL PERMITS, APPROVALS, REGULATIONS, REQUIREMENTS, AND RESTRICTIONS THAT MAY BE IMPOSED UPON SUCH LAND AND THE DEVELOPMENT AND USE THEREOF. UPON COMPLETION, THE IMPROVEMENTS ON THE LAND SHALL BE INCLUDED IN ONE OR MORE CONDOMINIUMS OR OWNED BY AN ASSOCIATION OR OTHER LEGAL ENTITY IN WHICH THE OWNERS OF UNITS THEREIN OR THEIR OWNERS' ASSOCIATIONS HAVE A MEMBERSHIP OR OTHER LEGAL OR BENEFICIAL INTEREST. THIS BINDING SITE PLAN SHALL BE BINDING UPON ALL NOW OR HEREAFTER HAVING ANY INTEREST IN THE LAND DESCRIBED HEREIN.

FURTHER, WE WAIVE FOR OURSELVES, OUR HEIRS AND ASSIGNS, AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF MARYSVILLE AND ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED TO THE ADJACENT LANDS OF THIS BINDING SITE PLAN BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS BINDING SITE PLAN.

THIS BINDING SITE PLAN, DEDICATION, AND WAIVER OF CLAIMS IS MADE WITH FREE CONSENT AND IN ACCORDANCE WITH OUR DESIRES.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS 26th DAY OF October 2017.

BY: [Signature] TITLE: MANAGER  
 STEVE MALSAM  
 SMOKEY POINT APARTMENTS II, LLC  
 A WASHINGTON LIMITED LIABILITY COMPANY;  
 SMOKEY POINT COMMERCIAL LLC  
 A WASHINGTON LIMITED LIABILITY COMPANY.

[Signature] TITLE: VICE PRESIDENT COMMERCIAL BKG REL MANAGER  
 DAVID M. ORR  
 US BANK NATIONAL ASSOCIATION

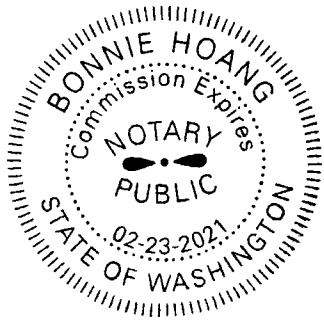
[Signature] TITLE: SVP  
 MARGUERITE J. MOYET  
 KEYBANK NATIONAL ASSOCIATION

**ACKNOWLEDGMENT**

STATE OF Washington )  
 COUNTY OF King ) ss

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT STEVE MALSAM IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE MANAGER OF SMOKEY POINT APARTMENTS II, LLC AND SMOKEY POINT COMMERCIAL LLC TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: 10/26/2017  
 SIGNATURE: [Signature]  
 PRINT NAME: Bonnie Huang  
 NOTARY PUBLIC IN AND FOR THE STATE OF WA  
 RESIDING AT Olympia  
 MY APPOINTMENT EXPIRES: 2/23/2021

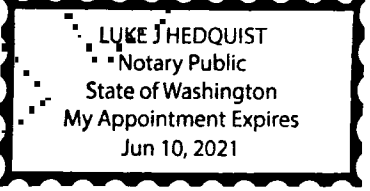


**ACKNOWLEDGMENT**

STATE OF Washington )  
 COUNTY OF Spokane ) ss

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT DAVID M. ORR IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE VICE PRESIDENT COMMERCIAL BKG REL MANAGER OF US BANK NATIONAL ASSOCIATION TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: 10-24-2017  
 SIGNATURE: [Signature]  
 PRINT NAME: LUKE J. HEDQUIST  
 NOTARY PUBLIC IN AND FOR THE STATE OF WA  
 RESIDING AT: Spokane, WA  
 MY APPOINTMENT EXPIRES: June 10, 2021

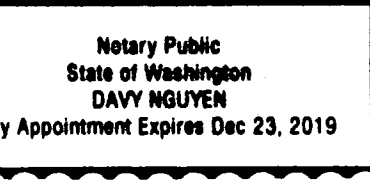


**ACKNOWLEDGMENT**

STATE OF Washington )  
 COUNTY OF King ) ss

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT MARGUERITE J. MOYET IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE SVP OF KEYBANK NATIONAL ASSOCIATION TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: 10-26-2017  
 SIGNATURE: [Signature]  
 PRINT NAME: Davy Nguyen  
 NOTARY PUBLIC IN AND FOR THE STATE OF WA  
 RESIDING AT: Federal Way, WA  
 MY APPOINTMENT EXPIRES: 12-23-2019



**CERTIFICATES**

THIS BINDING SITE PLAN CONFORMS TO ALL OF THE CONDITIONS OF THE PRELIMINARY APPROVAL.

EXAMINED AND APPROVED THIS 31st DAY OF October, 2017.

[Signature]  
 CITY OF MARYSVILLE COMMUNITY DEVELOPMENT DIRECTOR

THIS BINDING SITE PLAN CONFORMS TO SURVEY DATA, LAYOUT OF STREETS, ALLEYS AND RIGHT-OF-WAY, DESIGN OF BRIDGES, SEWAGE AND WATER SYSTEMS AND ALL OTHER PUBLIC IMPROVEMENTS.

EXAMINED AND APPROVED THIS 31st DAY OF October, 2017.

[Signature]  
 CITY OF MARYSVILLE ENGINEER

**BASIS OF BEARING**

N89°03'37"E ON THE SOUTH LINE OF SW 1/4 OF SEC 20 PER RECORD OF SURVEY AFN 200002285002

**SURVEY REFERENCES**

- BOUNDARY LINE ADJUSTMENT AUDITOR'S FILE NUMBER 201409125001
- RECORD OF SURVEY AUDITOR'S FILE NUMBER 9905065002
- RECORD OF SURVEY AUDITOR'S FILE NUMBER 200002285002
- RECORD OF SURVEY AUDITOR'S FILE NUMBER 200309165002

**SURVEY NOTES**

EQUIPMENT: 5" OR LESS ELECTRONIC TOTAL STATION AND/OR TOPCON GB-500 RTK GPS  
 METHOD: FIELD TRAVERSE AND/OR RTK GPS  
 THE CLOSURES OF THIS FIELD TRAVERSE CONDUCTED DURING THIS SURVEY MEET OR EXCEED THE MINIMUM CLOSURE STANDARDS STATED IN WAC 332-130-090.

**COVENANTS AND SPECIAL RESTRICTIONS**

DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS FOR SMOKEY POINT MARKET PLACE IS RECORDED UNDER AFN 201412290506.

**SHEET INDEX**

- SHEET 1 SECTION SUBDIVISION AND DEDICATION
- SHEET 2 LEGAL DESCRIPTIONS AND RECORD MATTERS
- SHEET 3 EXISTING PARCEL BOUNDARIES
- SHEET 4 PROPOSED LOT CONFIGURATION
- SHEET 5-10 PROPOSED IMPROVEMENTS

SHEET 1 OF 10 SECTION SUBDIVISION AND DEDICATION AF # 2017 1102 5013

**RECORDING CERTIFICATE**

FILED FOR RECORD BY MARK S. GUTHRIE THIS 2nd DAY OF November 2017 A.D. AT 25 MINUTES PAST 2 O'CLOCK p.M. AND RECORDED IN VOLUME 85P OF SURVEYS ON PAGE --- RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

Carolyn Weikel COUNTY AUDITOR  
Diana Mix DEPUTY AUDITOR

**LAND SURVEYOR'S CERTIFICATE**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF SMOKEY POINT COMMERCIAL LLC IN APRIL 2016.

Mark Guthrie 10-17-17  
 MARK S. GUTHRIE REGISTRATION #43611 DATE



**A.S.P.I.**

**LAND SURVEYING AND PLANNING**

5205 S. 2ND AVE, SUITE A  
 EVERETT, WA 98203  
 (425) 252-1884

**BINDING SITE PLAN FOR SMOKEY POINT MARKET PLACE**

FFN: PA 12014

A PORTION OF THE SE 1/4, SW 1/4 OF SEC. 20, TWP. 31 N, RGE. 5 E, W.M.

CITY OF MARYSVILLE  
 SNOHOMISH COUNTY, WASHINGTON

PREP: 11/11/2016  
 REV: 10/12/2017  
 MSG  
 1 OF 10  
 21106985P

**SMOKEY POINT MARKET PLACE**

**EXISTING LEGAL DESCRIPTIONS**

PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT NUMBER 500060917, DATED AUGUST 2, 2017.

PARCEL H OF CITY OF MARYSVILLE BOUNDARY LINE ADJUSTMENT NO. 14-005, RECORDED UNDER AUDITOR'S FILE NO. 201409125001, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

**SPECIAL EXCEPTIONS**

PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT NUMBER 500060917, DATED AUGUST 2, 2017.

1. AFN 199909150396, PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY AND GTE NORTHWEST INCORPORATED EASEMENT. (SHOWN ON MAP, TO BE TERMINATED)
2. AFN 200610260422 CITY OF MARYSVILLE RECOVERY CONTRACT NO. 271 AND THE TERMS AND CONDITIONS THEREOF.
3. AFN 201007270534 CITY OF MARYSVILLE CONTRACT FOR RECOVERY OF SIGNAL PROJECT COSTS, CONTRACT NO. 290 INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF.
4. AFN 201407020415 PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY AND FRONTIER COMMUNICATIONS NORTHWEST, INC. EASEMENT. (DESCRIPTION NOT SUFFICIENT TO SHOW ON MAP)
5. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON CITY OF MARYSVILLE BOUNDARY LINE ADJUSTMENT NO. 14-005;
6. AFN 201410090237 CASCADE NATURAL GAS CORPORATION EASEMENT. (DESCRIPTION NOT SUFFICIENT TO SHOW ON MAP)
7. AFN 201711020451 CITY OF MARYSVILLE NO-BUILD EASEMENT (SHOWN ON MAP)
8. AFN 201509150448 DECLARATION OF EXCLUSIVE USE AFFECTING SMOKEY POINT APARTMENTS INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF.
9. AFN 201605030407 RECREATIONAL AMENITIES JOINT USE AND RECIPROCAL EASEMENT AGREEMENT INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF.
10. GENERAL TAX INFORMATION
11. IT APPEARS THAT IMPROVEMENTS ARE LOCATED ON THE LAND BUT ARE NOT PRESENTLY ASSESSED. SUPPLEMENTAL TAXES MAY APPEAR ON FUTURE TAX ROLLS.
12. DEED OF TRUST AFN 201605190273
13. NOTICE OF LIEN, DEFERRED IMPACT FEE APPLICATION AND AGREEMENT FOR DEFERRED PAYMENT OF DEVELOPMENT IMPACT FEES INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF, AFN 201412240147.
14. NOTICE OF LIEN AND AGREEMENT FOR DEFERRED PAYMENT OF UTILITY CONNECTION CHARGES INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF, AFN 201412240148.
15. MATTERS RELATING TO LIEN RIGHTS DUE TO NEW CONSTRUCTION.
16. TITLE COMPANY TERMS AND CONDITIONS

**COVENANTS AND SPECIAL RESTRICTIONS**

DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS FOR SMOKEY POINT MARKET PLACE IS RECORDED UNDER AFN 201412290506.

**EXISTING LEGAL DESCRIPTIONS**

PER FIRST AMERICAN TITLE INSURANCE COMPANY GUARANTEE NO. NC5-792794-WA1 DATED JULY 26, 2017.

PARCEL A:  
PARCEL A, CITY OF MARYSVILLE BOUNDARY LINE ADJUSTMENT NO. 14-005 RECORDED SEPTEMBER 12, 2014 UNDER SNOHOMISH COUNTY RECORDING NO. 201409125001, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON.

PARCEL B:  
THE SOUTH 320.32 FEET OF THE EAST 150.00 FEET OF THE WEST 385.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THAT PORTION LYING WITHIN 172ND STREET NE.

PARCEL C:  
PARCEL D, CITY OF MARYSVILLE BOUNDARY LINE ADJUSTMENT NO. 14-005 RECORDED SEPTEMBER 12, 2014 UNDER SNOHOMISH COUNTY RECORDING NO. 201409125001, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON.

PARCEL D:  
A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE WEST ALONG THE SOUTH SECTION LINE 165 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH ALONG THE WEST LINE OF THE EAST 165 FEET OF SAID SUBDIVISION A DISTANCE OF 704 FEET; THENCE WEST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 247.5 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID EAST 165 FEET OF SAID SUBDIVISION TO THE SOUTH LINE OF SAID SECTION; THENCE EAST TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION LYING WITHIN 172ND STREET NORTHEAST RUNNING ALONG THE SOUTH OF SAID PROPERTY;

ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR THE WIDENING OF 172ND STREET NORTHEAST BY DEED RECORDED JANUARY 29, 2001 UNDER RECORDING NO. 200101290045;

ALSO EXCEPT THAT PORTION CONVEYED TO STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION BY DEED RECORDED SEPTEMBER 16, 2008 UNDER RECORDING NO. 200809160728, IN SNOHOMISH COUNTY, WASHINGTON.

PARCEL E:  
A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE WEST ALONG THE SECTION LINE A DISTANCE OF 412.5 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SECTION A DISTANCE OF 528 FEET; THENCE WEST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 247.5 FEET; THENCE PARALLEL WITH THE WEST LINE OF SAID SECTION TO THE SOUTH LINE OF SAID SECTION; THENCE EAST TO THE POINT OF BEGINNING;

EXCEPT THE WEST 30 FEET THEREOF FOR ROAD;

ALSO EXCEPT THAT PORTION LYING WITHIN 172ND STREET NORTHEAST RUNNING ALONG THE SOUTH LINE OF SAID PROPERTY;

ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR THE WIDENING OF 172ND STREET NORTHEAST BY DEED RECORDED JANUARY 29, 2001 UNDER RECORDING NO. 200101290045;

ALSO EXCEPT THAT PORTION CONVEYED TO STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION BY DEED RECORDED SEPTEMBER 16, 2008 UNDER RECORDING NO. 200809160728, IN SNOHOMISH COUNTY, WASHINGTON.

PARCEL F:  
PARCEL G, CITY OF MARYSVILLE BOUNDARY LINE ADJUSTMENT NO. 14-005 RECORDED SEPTEMBER 12, 2014 UNDER SNOHOMISH COUNTY RECORDING NO. 201409125001, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON.

**RECORD MATTERS**

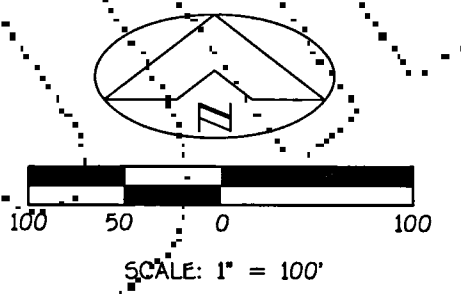
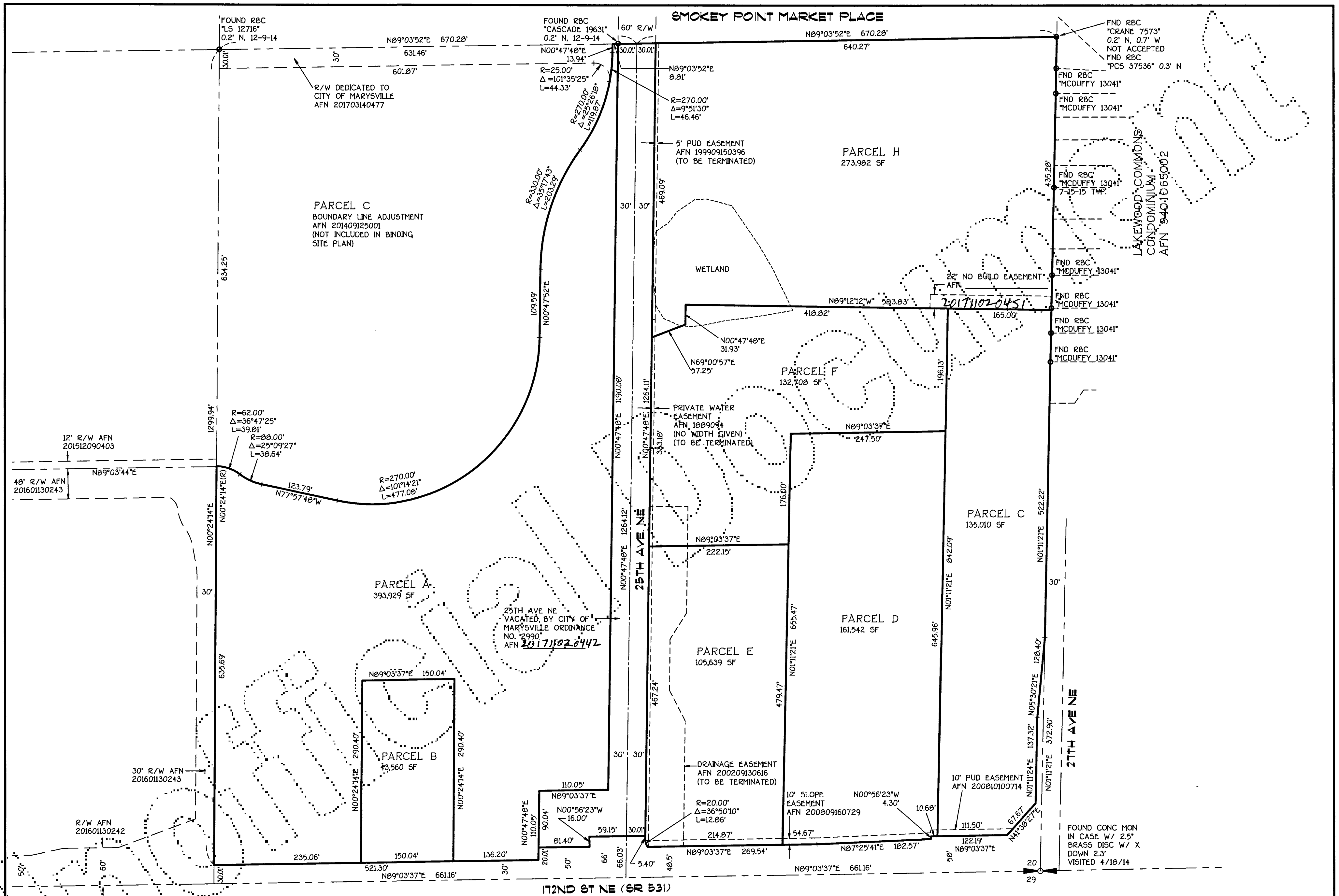
PER FIRST AMERICAN TITLE INSURANCE COMPANY GUARANTEE NO. NC5-792794-WA1 DATED JULY 26, 2017.

- 1-6. GENERAL TAX INFORMATION
7. FACILITY CHARGES, IF ANY, INCLUDING BUT NOT LIMITED TO HOOK-UP, OR CONNECTION CHARGES, AND LATECOMER CHARGES FOR WATER OR SEWER FACILITIES OF CITY OF MARYSVILLE, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, AS DISCLOSED BY INSTRUMENT RECORDED APRIL 14, 2015 UNDER RECORDING NO. 201504140133. NONE CURRENTLY DUE.
8. POTENTIAL CHARGES, FOR THE KING COUNTY SEWAGE TREATMENT CAPACITY CHARGE, AS AUTHORIZED UNDER RCW 35.58 AND KING COUNTY CODE 28.04.050. SAID CHARGES COULD APPLY FOR ANY PROPERTY THAT CONNECTED TO THE KING COUNTY SEWER SERVICE AREA ON OR AFTER FEBRUARY 1, 1990. NOTE: PROPERTIES LOCATED IN SNOHOMISH COUNTY AND PIERCE COUNTY MAY BE SUBJECT TO THE KING COUNTY SEWAGE TREATMENT CAPACITY CHARGES, NONE CURRENTLY DUE.
9. WATER LINE EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: AFN 1889094 IN FAVOR OF: ERNEST M. OLSEN AND HATTIE R. OLSEN (NO WIDTH GIVEN) (SHOWN ON MAP, EASEMENT TO BE TERMINATED)
10. RESTRICTIONS, CONDITIONS, DEDICATIONS, NOTES, EASEMENTS AND PROVISIONS, IF ANY, AS CONTAINED AND/OR DELINEATED ON THE FACE OF THE SHORT PLAT NO. 5PI02 (3-77) RECORDED AUGUST 11, 1977 UNDER RECORDING NO. 7708110207, IN SNOHOMISH COUNTY, WASHINGTON. (AFFECTS PARCELS A AND B)
11. CONDITIONS, NOTES, EASEMENTS, PROVISIONS CONTAINED AND/OR DELINEATED ON THE FACE OF THE SURVEY RECORDED MAY 6, 1999 UNDER RECORDING NO. 9905065002 IN SNOHOMISH COUNTY, WASHINGTON. (AFFECTS PARCELS A AND B)
12. AFN 200006210378 PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY AND GTE NORTHWEST INCORPORATED EASEMENT.
13. AFN 200209130616 SNOHOMISH COUNTY DRAINAGE EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN. (SHOWN ON MAP, EASEMENT TO BE TERMINATED)
14. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CITY OF MARYSVILLE RECOVERY CONTRACT NO. 271" RECORDED OCTOBER 26, 2006 AS RECORDING NO. 200610260422 OF OFFICIAL RECORDS.
15. RELINQUISHMENT OF ALL EXISTING AND FUTURE RIGHTS TO LIGHT, VIEW AND AIR, TOGETHER WITH THE RIGHTS OF ACCESS TO AND FROM THE STATE HIGHWAY CONSTRUCTED ON LANDS CONVEYED BY DOCUMENT IN FAVOR OF THE STATE OF WASHINGTON: RECORDING NO.: 200809160728 (AFFECTS PARCELS C, D, E AND F)
16. AFN 200809160729 STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION SLOPE EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN. (SHOWN ON MAP)
17. AFN 200810100714 PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, AND VERIZON NORTHWEST INC. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: (SHOWN ON MAP)
18. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RECOVERY CONTRACT FOR SIGNAL PROJECT COSTS" RECORDED JULY 27, 2010 AS RECORDING NO. 201007270534 OF OFFICIAL RECORDS. (AFFECTS PARCEL C)
19. AFN 201407020415 PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY AND FRONTIER COMMUNICATIONS NORTHWEST INC. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN. (DESCRIPTION IS NOT SUFFICIENT TO LOCATE ON MAP)
20. TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS AS CONTAINED IN RECORDED LOT LINE ADJUSTMENT (BOUNDARY LINE REVISION) NO. 14-005 AFN 201409125001: (AFFECTS PARCELS A, C AND F)
21. AFN 201410090237 CASCADE NATURAL GAS CORPORATION EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN. (DESCRIPTION IS NOT SUFFICIENT TO LOCATE ON MAP)
22. COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS AFN 201412290506 (NOT PLOTTABLE)
23. AFN 201502050192 WAVE BROADBAND EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN. (AFFECTS PARCELS A AND B) (DESCRIPTION IS NOT SUFFICIENT TO LOCATE ON MAP)
24. LEASE AND THE COVENANTS AND CONDITIONS AS THEREIN CONTAINED, AS DISCLOSED BY MEMORANDUM OF LEASE AFN 201502230535.
25. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "NOTICE OF LIEN, DEFERRED IMPACT FEE APPLICATION AND AGREEMENT FOR DEFERRED PAYMENT OF DEVELOPMENT IMPACT FEES" AFN 201503260416. (AFFECTS PARCELS C, D, E AND F)
26. LEASE AND THE COVENANTS AND CONDITIONS AS THEREIN CONTAINED, AS DISCLOSED BY MEMORANDUM OF LEASE AFN 201508140128.
27. DEED OF TRUST AFN 20150630110, MODIFIED UNDER AFN 201510200763.
28. SURVEY BY A.S.P.I. LAND SURVEYING AND PLANNING, DATED JULY 15, 2015 AND LAST REVISED SEPTEMBER 15, 2015, JOB NO. 211069, DISCLOSES THE FOLLOWING:  
(A) PROPOSED 25TH AVENUE RUNS ALONG THE NORTH AND WEST SIDES OF PARCEL A BY AN UNDISCLOSED DISTANCE; (B) WEST SIDE OF BUILDING A, B, C CROSSES THE WESTERN BOUNDARY AT THE WEST SIDE OF PARCEL C INTO THE 25TH AVENUE NORTHEAST RIGHT-OF-WAY BY A MAXIMUM EXTENT OF 50.8 FEET; (C) FENCE AT THE NORTHEAST SIDE OF PARCEL D CROSSES THE EASTERN BOUNDARY ONTO LANDS OF OTHERS BY AN UNDISCLOSED DISTANCE; (D) BUILDING A, B, C LIES ENTIRELY WITHIN THE 5 FOOT PUBLIC UTILITY EASEMENT AREA DETAILED IN RECORDING NUMBER 200006210378; (E) BUILDING A, B, C LIES WITHIN THE WATER EASEMENT AREA DETAILED IN RECORDING NUMBER 1889094 BY AN UNDISCLOSED DISTANCE. EASEMENT AREA IS NOT DEPICTED ON THE SURVEY DRAWING.
29. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUBORDINATION, NON-DISTURBANCE AND ATTORNEY AGREEMENT" AFN 201509300360.
30. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUBORDINATION, NON-DISTURBANCE AND ATTORNEY AGREEMENT" AFN 201510200806.
31. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUBORDINATION, NON-DISTURBANCE AND ATTORNEY AGREEMENT" AFN 201510200812.
32. LEASE AND THE COVENANTS AND CONDITIONS AS THEREIN CONTAINED, AS DISCLOSED BY MEMORANDUM OF LEASE AFN 201604050287.
33. UNRECORDED LEASEHOLDS, IF ANY, RIGHTS OF VENDORS AND SECURITY AGREEMENT ON PERSONAL PROPERTY AND RIGHTS OF TENANTS, AND SECURED PARTIES TO REMOVE TRADE FIXTURES AT THE EXPIRATION OF THE TERM.
34. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUBORDINATION, NON-DISTURBANCE AND ATTORNEY AGREEMENT" RECORDED JUNE 2, 2016 AS RECORDING NUMBER 20160620443.
35. MECHANICS LIEN RECORDED UNDER RECORDING NUMBER 201606100827. (AFFECTS PARCEL C)



<b>A.S.P.I.</b> LAND SURVEYING AND PLANNING 5205 S. 2ND AVE, SUITE A EVERETT, WA 98203 (425) 252-1884	<b>BINDING SITE PLAN</b> FOR <b>SMOKEY POINT MARKET PLACE</b> PFN: PA 12014	PREP: 11/11/2016 REV: 10/12/2017
	A PORTION OF THE SE 1/4, SW 1/4 OF SEC. 20, TWP. 31 N, RGE. 5 E, W.M.	MSG 2 OF 10 211069B5P
CITY OF MARYSVILLE SNOHOMISH COUNTY, WASHINGTON		





**LEGEND**  
 ○ FOUND IRON PIPE OR REBAR AND CAP (RBC) AS NOTED ACCEPTED UNLESS NOTED

SHEET 3 OF 10  
 EXISTING PARCEL BOUNDARIES

AF # 201711025013



**A.S.P.I.**  
 LAND SURVEYING AND PLANNING  
 5205 S. 2ND AVE, SUITE A  
 EVERETT, WA 98203  
 (425) 252-1884

**BINDING SITE PLAN FOR SMOKEY POINT MARKET PLACE**  
 PFN: PA 12014  
 A PORTION OF THE SE 1/4, SW 1/4 OF SEC. 20, TWP. 31 N, RGE. 5 E, W.M.  
 CITY OF MARYSVILLE  
 SNOHOMISH COUNTY, WASHINGTON

PREP: 11/11/2016
REV: 10/12/2017
M5G
3 OF 10
211069BSP



SMOKEY POINT MARKET PLACE

FOUND RBC  
"L5 12716"  
0.2' N, 12-9-14

N09°03'52"E 661.47'

FOUND RBC  
"CASCADE 19631"  
0.2' N, 12-9-14

176TH STREET NE

EDGE OF ASPHALT

601.87'

30' R/W DEDICATED  
TO CITY OF MARYSVILLE  
AFN 201703140477

R=25.00'  
Δ=101°35'25"  
L=44.33'

R=270.00'  
Δ=25°26'18"  
L=119.87'

R=300.00'  
Δ=7°51'47"  
L=184.81'

R=330.00'  
Δ=3°51'43"  
L=203.29'

R=330.00'  
Δ=3°51'43"  
L=203.29'

R=300.00'  
Δ=7°51'47"  
L=184.81'

R=270.00'  
Δ=25°26'18"  
L=119.87'

PARCEL C  
BOUNDARY LINE ADJUSTMENT  
AFN 201409125001  
(NOT INCLUDED IN BINDING  
SITE PLAN)

N00°24'14"E  
634.25'

SEE SHEET 8 OF 10

109.59'  
109.59'  
N00°47'48"E  
25TH AVE NE

APARTMENTS

CARPPOOL

R=330.00'  
Δ=3°01'45"  
L=17.45'

N09°12'12"W 67.90'

N69°00'57"E 112.89'

SEE SHEET 6 OF 10



SCALE: 1" = 40'

LEGEND

- SET CONCRETE MONUMENT WITH 3" BRASS DISC WITH PUNCH
- SET 24" X 1/2" REBAR WITH CAP OR MAG NAIL & WASHER STAMPED "43611"
- FOUND IRON PIPE OR REBAR AND CAP (RBC) AS NOTED ACCEPTED UNLESS NOTED

SHEET 5 OF 10  
PROPOSED IMPROVEMENTS

AF # 201711025013



A.S.P.I.  
LAND SURVEYING  
AND  
PLANNING

5205 S. 2ND AVE, SUITE A  
EVERETT, WA 98203  
(425) 252-1884

BINDING SITE PLAN  
FOR  
SMOKEY POINT MARKET PLACE

PER: PA 12014

A PORTION OF THE SE 1/4, SW 1/4 OF  
SEC. 20, TWP. 31 N, RQE. 5 E, W.M.

CITY OF MARYSVILLE  
SNOHOMISH COUNTY, WASHINGTON

PREP: 11/11/2016

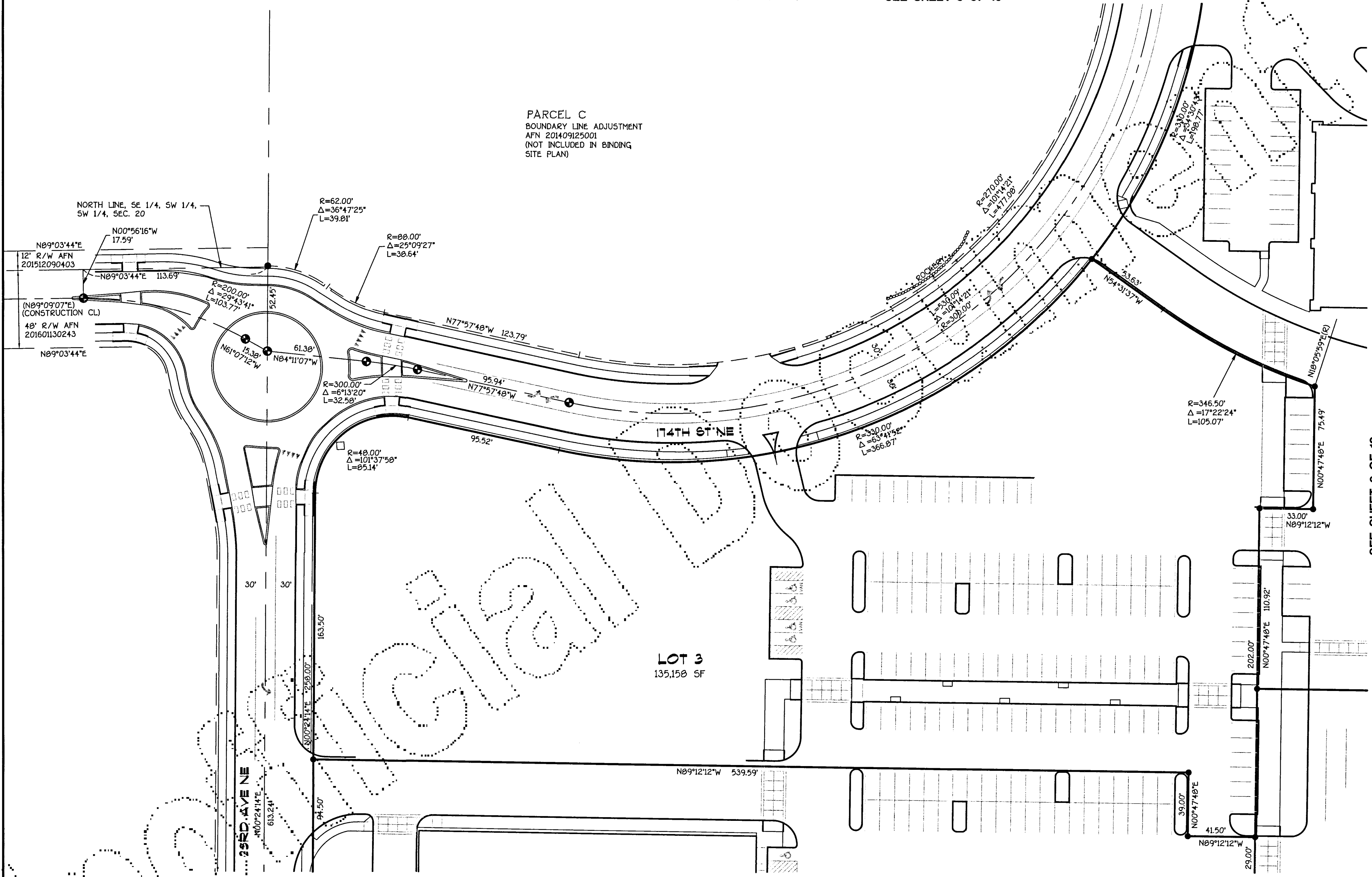
REV: 10/12/2017

M5G

5 OF 10

21106985P

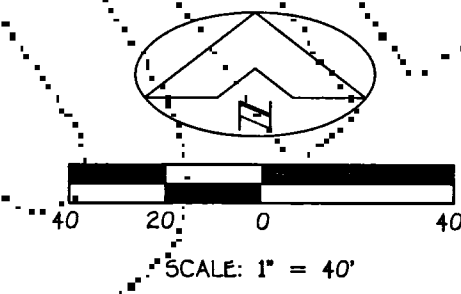
PARCEL C  
BOUNDARY LINE ADJUSTMENT  
AFN 201409125001  
(NOT INCLUDED IN BINDING  
SITE PLAN)



LOT 3  
135,150 SF

SEE SHEET 7 OF 10

SEE SHEET 9 OF 10



- LEGEND**
- SET CONCRETE MONUMENT WITH 3" BRASS DISC WITH PUNCH
  - SET 24" X 1/2" REBAR WITH CAP OR MAG NAIL & WASHER STAMPED "43611"
  - FOUND IRON PIPE OR REBAR AND CAP (RBC) AS NOTED ACCEPTED UNLESS NOTED



AF # 2017 1102 5013

**A.S.P.I.**  
LAND SURVEYING  
AND  
PLANNING  
5205 S. 2ND AVE, SUITE A  
EVERETT, WA 98203  
(425) 252-1884

**BINDING SITE PLAN  
FOR  
SMOKEY POINT MARKET PLACE**  
FN: PA 12014  
A PORTION OF THE SE 1/4, SW 1/4 OF  
SEC. 20, TWP. 31 N, RGE. 5 E, W.M.  
CITY OF MARYSVILLE  
SNOHOMISH COUNTY, WASHINGTON

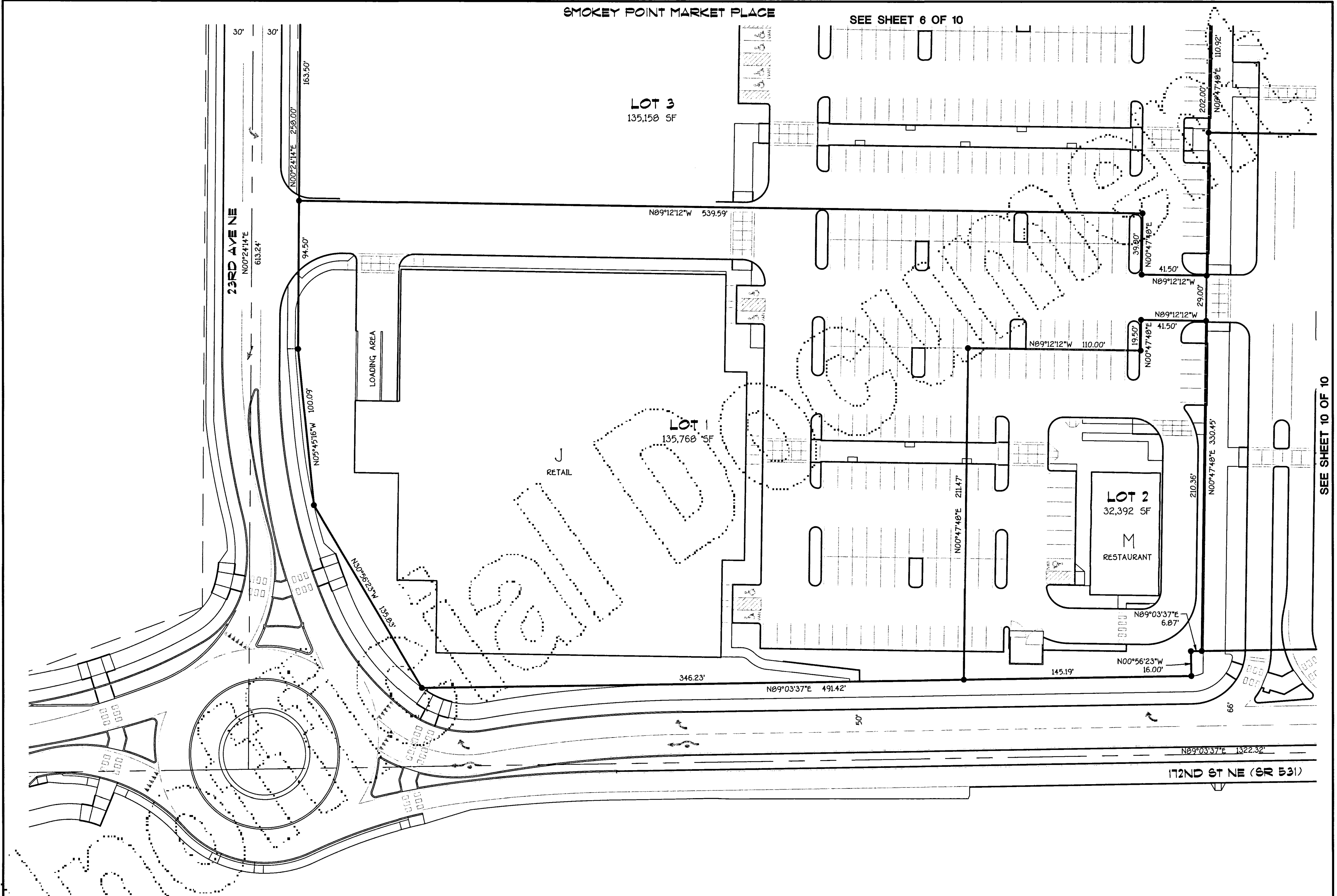
PREP: 11/11/2016
REV: 10/12/2017
MSG
6 OF 10
211069B5P

SHEET 6 OF 10  
PROPOSED IMPROVEMENTS

SMOKEY POINT MARKET PLACE

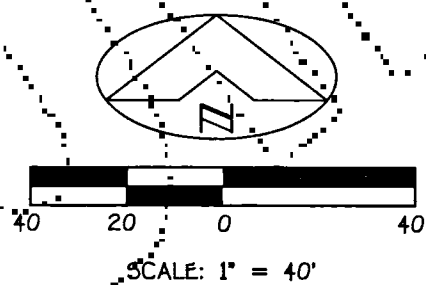
SEE SHEET 6 OF 10

SEE SHEET 10 OF 10



**LEGEND**

- SET CONCRETE MONUMENT WITH 3" BRASS DISC WITH PUNCH
- SET 24" X 1/2" REBAR WITH CAP OR MAG NAIL & WASHER STAMPED "43611"
- FOUND IRON PIPE OR REBAR AND CAP (RBC) AS NOTED ACCEPTED UNLESS NOTED



SHEET 7 OF 10  
PROPOSED IMPROVEMENTS

AP # 2017 11025013



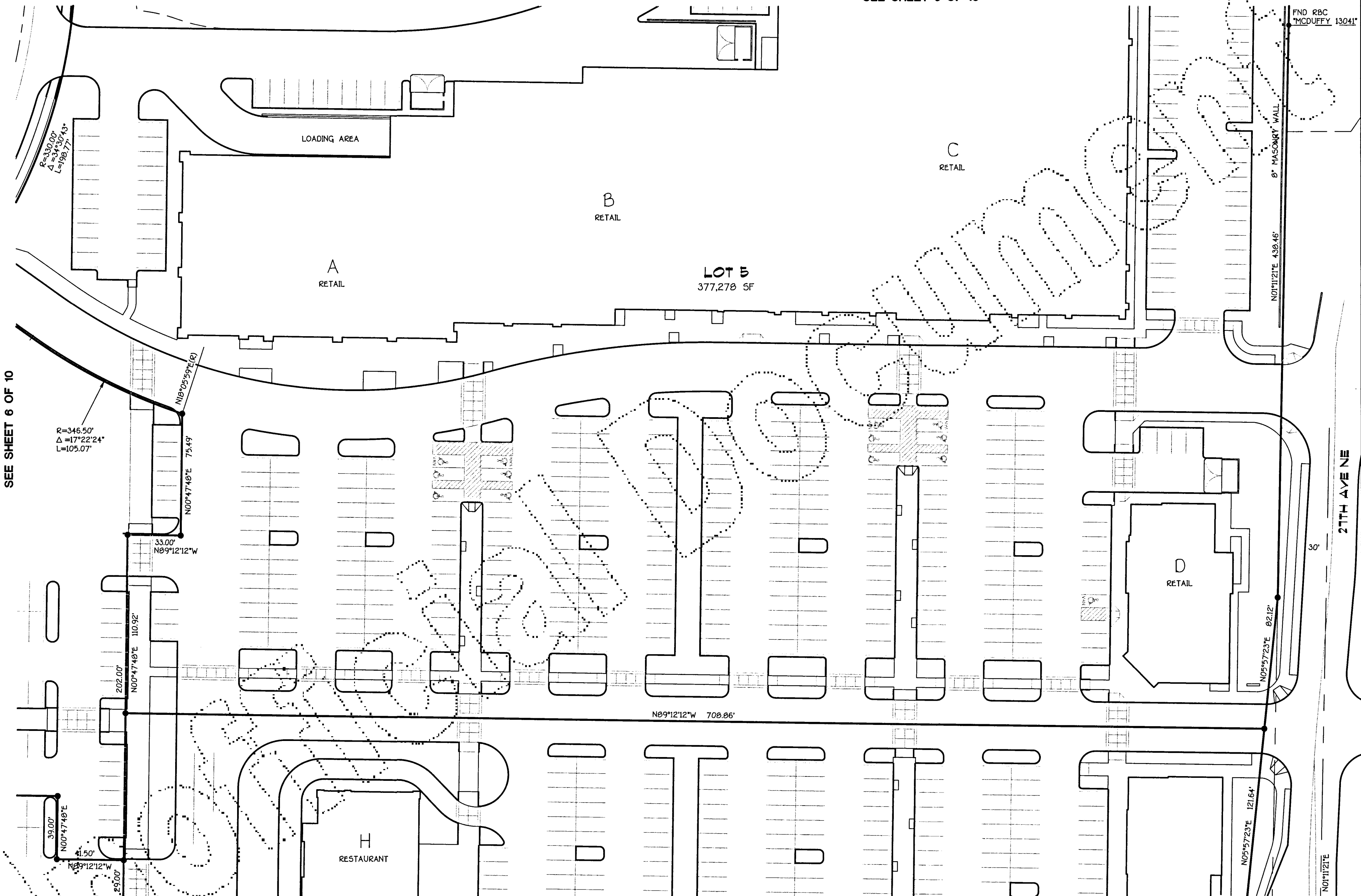
**A.S.P.I.**  
LAND SURVEYING AND PLANNING  
5205 S. 2ND AVE, SUITE A  
EVERETT, WA 98203  
(425) 252-1884

**BINDING SITE PLAN FOR SMOKEY POINT MARKET PLACE**  
FFN: PA 12014  
A PORTION OF THE SE 1/4, SW 1/4 OF SEC. 20, TWP. 31 N, RGE. 5 E, W.M.  
CITY OF MARYSVILLE  
SNOHOMISH COUNTY, WASHINGTON

PREP: 11/11/2016
REV: 10/12/2017
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211069B5P



FND. RBC  
MCDUFFY 13041'



SEE SHEET 6 OF 10

21TH AVENUE

R=346.50'  
Δ=17°22'24"  
L=105.07'

R=330.00'  
Δ=34°30'43"  
L=198.77'

33.00'  
N89°12'12"W

202.00'  
N00°47'48"E 110.92'

39.00'  
N00°47'48"E

41.50'  
N89°12'12"W

29.00'

N16°05'59"E (R)

N00°47'48"E 75.49'

N89°12'12"W 708.86'

N05°57'23"E 82.12'

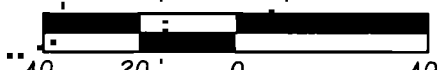
N05°57'23"E 121.64'

N01°12'12"E 435.46'

30'

**LEGEND**

- SET CONCRETE MONUMENT WITH 3" BRASS DISC WITH PUNCH
- SET 24" X 1/2" REBAR WITH CAP OR MAG NAIL & WASHER STAMPED "43611"
- FOUND IRON PIPE OR REBAR AND CAP (RBC) AS NOTED ACCEPTED UNLESS NOTED



SCALE: 1" = 40'

SHEET 9 OF 10  
PROPOSED IMPROVEMENTS

SEE SHEET 10 OF 10

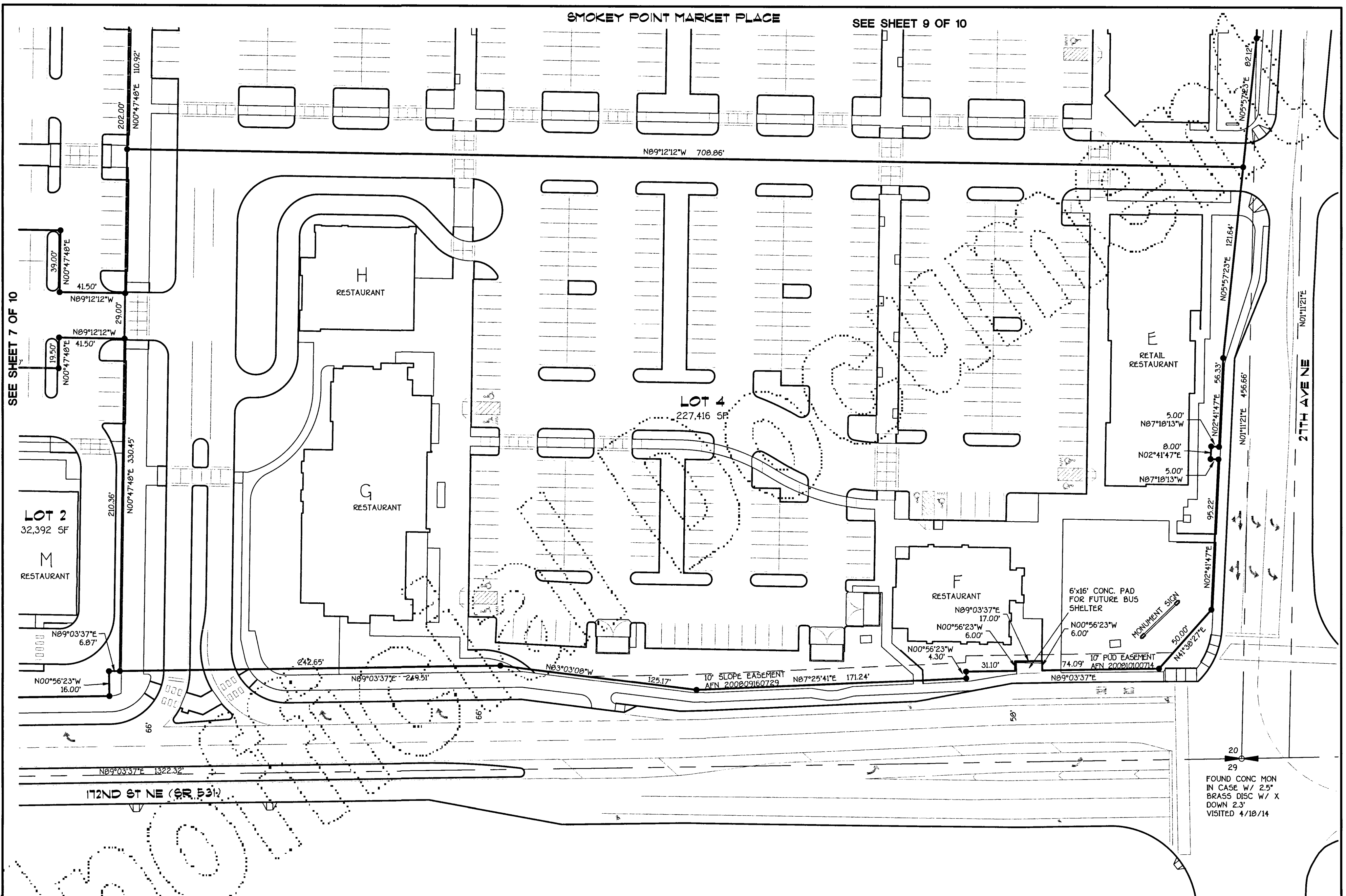
AF # 2017 1102 5013



**A.S.P.I.**  
LAND SURVEYING  
AND  
PLANNING  
5205 S. 2ND AVE, SUITE A  
EVERETT, WA 98203  
(425) 252-1884

**BINDING SITE PLAN  
FOR  
SMOKEY POINT MARKET PLACE**  
PFN: PA 12014  
A PORTION OF THE SE 1/4, SW 1/4 OF  
SEC. 20, TWP. 31 N, RGE. 5 E, W.M.  
CITY OF MARYSVILLE  
SNOHOMISH COUNTY, WASHINGTON

PREP: 11/11/2016
REV: 10/12/2017
MSG
9 OF 10
211069BSP



SEE SHEET 7 OF 10

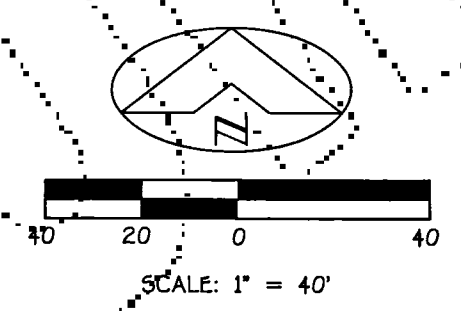
LOT 2  
32,392 SF

LOT 4  
227,416 SF

172ND ST NE (SR 53)

21TH AVENUE

FOUND CONC MON  
IN CASE W/ 2.5"  
BRASS DISC W/ X  
DOWN 2.3'  
VISITED 4/18/14



- LEGEND**
- SET CONCRETE MONUMENT WITH 3" BRASS DISC WITH PUNCH
  - SET 24" X 1/2" REBAR WITH CAP OR MAG NAIL & WASHER STAMPED "43611"
  - FOUND IRON PIPE OR REBAR AND CAP (RBC) AS NOTED ACCEPTED UNLESS NOTED

AF # 201711025013



**A.S.P.I.**  
LAND SURVEYING  
AND  
PLANNING  
5205 S. 2ND AVE, SUITE A  
EVERETT, WA 98203  
(425) 252-1884

**BINDING SITE PLAN  
FOR  
SMOKEY POINT MARKET PLACE**  
FFN: PA 12014  
A PORTION OF THE SE 1/4, SW 1/4 OF  
SEC. 20, TWP. 31 N, RGE. 5 E, W.M.  
CITY OF MARYSVILLE  
SNOHOMISH COUNTY, WASHINGTON

PREP: 11/11/2016
REV: 10/12/2017
MSG
10 OF 10
211069B5P



**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE CORRECTING THE LEGAL DESCRIPTION AND MAP OF THE VACATION OF A PORTION OF 25<sup>th</sup> AVENUE NE AND AN EXISTING STORMWATER DETENTION POND LOCATED NORTH OF 172<sup>nd</sup> STREET NE (SR 531) IN THE CITY OF MARYSVILLE, WASHINGTON.**

**WHEREAS**, a public hearing was held before Marysville City Council on February 9, 2015 to consider vacation of a portion of 25<sup>th</sup> Avenue NE, and a stormwater detention pond, located north of 172<sup>nd</sup> Street NE (SR 531) in the City of Marysville, and to consider waiving compensation for said vacation; and

**WHEREAS**, the Marysville City Council approved the vacation of the said portion of 25<sup>th</sup> Avenue NE and the stormwater detention pond located north of 172<sup>nd</sup> Street NE (SR 531) via Ordinance 2990 as shown in **Exhibit A**; and

**WHEREAS**, Ordinance 2990 contained an inaccurate legal description and corresponding map of the vacation, in that it contained a portion of land that is owned by the State of Washington; and

**WHEREAS**, other than the portion of land owned by the State of Washington, Ordinance 2990 correctly vacated the remainder of land described in the Ordinance; and

**WHEREAS**, the Marysville City Council recommends correcting the legal description and map of the vacation that was approved by Ordinance 2990 in order to correctly exclude that portion of land that is owned by the State of Washington, by replacing the legal description and map of Ordinance 2990 with the correct legal description and map as shown in **Exhibit B**;

**NOW, THEREFORE**, the City Council of the City of Marysville, Washington do ordain as follows:

**Section 1.** Ordinance 2990 is hereby amended, and the legal description and map of Ordinance 2990 as shown in **Exhibit A** is replaced by the legal description and map shown in **Exhibit B**.

**Section 2.** The perpetual easement in favor of the City of Marysville for utilities that was that was reserved by Ordinance 2990 is hereby revised to match the legal description and map as shown in **Exhibit B**.

**Section 3.** Other than as amended by this Ordinance, Ordinance 2990 shall remain in full force and effect.

**Section 4.** This ordinance and the corrected legal description of the vacation of that portion of 25<sup>th</sup> Avenue NE and the stormwater detention pond as legally described and depicted in **Exhibit B** attached hereto, shall become effective five (5) days after publication of this ordinance and recording by the City of a certified copy of the same in the records of the Snohomish County Auditor.

**Section 5.** Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By: \_\_\_\_\_  
DEPUTY CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
JON WALKER, CITY ATTORNEY

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

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

**EXHIBIT A**

201711020442  
11/02/2017 2:25pm \$79.00  
SNOHOMISH COUNTY, WASHINGTON

CONFORMED COPY  
6 PGS

Return Address

City of Marysville  
1049 State Avenue  
Marysville, WA 98270

Please print or type information

*FA 666229C*

<p><b>Document Title(s)</b> (or transactions contained therein):</p> <p>ORDINANCE NO. 2990 – VACATING A PORTION OF 25<sup>TH</sup> AVENUE NE AND AN EXISTING STORMWATER DETENTION POND LOCATED NORTH OF 172<sup>ND</sup> STREET NE (SR531) IN THE CITY OF MARYSVILLE, WA</p>
<p><b>Grantor(s)</b> (Last name first, then first name and initials)</p> <p>MARYSVILLE, CITY OF</p>
<p><b>Grantee(s)</b> (Last name first, then first name and initials)</p> <p>SMOKEY POINT COMMERCIAL, LLC</p>
<p><b>Legal description</b> (abbreviated: i.e., lot, block, plat or section, township, range, qtr./qtr.)</p> <p>PORTION OF THE SOUTHEAST QUARTER, SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RAGE 5 EAST W.M., SNOHOMISH COUNTY, WASHINGTON</p>
<p><b>Reference Number(s) of Documents assigned or released:</b></p> <p>ORDINANCE NO. 2990</p>
<p><b>Assessor's Property Tax Parcel/Account Number</b></p> <p>N/A – EXISTING RIGHT-OF-WAY</p>

# EXHIBIT A

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. 2990**

**AN ORDINANCE OF THE CITY OF MARYSVILLE VACATING A PORTION OF 25<sup>th</sup> AVENUE NE AND AN EXISTING STORMWATER DETENTION POND LOCATED NORTH OF 172<sup>nd</sup> STREET NE (SR 531) IN THE CITY OF MARYSVILLE, WASHINGTON.**

**WHEREAS**, a public hearing was held before Marysville City Council on February 9, 2015 to consider vacation of a portion of 25<sup>th</sup> Avenue NE, and a stormwater detention pond, located north of 172<sup>nd</sup> Street NE (SR 531) in the City of Marysville, and to consider waiving compensation for said vacation; and

**WHEREAS**, the Marysville City Council recommends waiving all compensation of the vacated right-of-way, based on the following factors:

(a) At the public hearing for the Lakewood Station Binding Site Plan, Washington State Department of Transportation (WSDOT) testified that a signal or a roundabout (RAB) would not be allowed to be installed at the intersection of 172<sup>nd</sup> Street NE (SR 531) and 25<sup>th</sup> Avenue NE, due to its close proximity to the signalized intersection of 27<sup>th</sup> Avenue NE to the east. WSDOT however, does support construction of a RAB further west at approximately the 2300 Block.

(b) The relocation of 25<sup>th</sup> Avenue NE, west to a RAB located at 23<sup>rd</sup> Avenue NE, will provide a public benefit by allowing existing residents, future residents and patrons of the proposed commercial development improved access to 172<sup>nd</sup> Street NE (SR 531). Currently, 25<sup>th</sup> Avenue NE is a non-signalized intersection which makes it difficult to make left turns during the AM and PM peak hours.

(c) Vacating 25<sup>th</sup> Avenue NE and the stormwater detention pond provides an opportunity for commercial development that would otherwise be difficult due to access restrictions required by WSDOT

(d) The applicant is proposing to construct and dedicate a new roadway alignment, to a public standard; including sidewalks, planter strips and decorative lighting, at no cost to the public. The cost for constructing the road, not including the RAB at 172<sup>nd</sup> Street NE (SR 531), decorative lighting and landscaping is approximately \$776,692.00.

(e) The dedication of new public right-of-way is approximately 86,733 SF, not including dedication of right-of-way for the construction of the RAB and frontage improvements on 172<sup>nd</sup> Street NE (SR 531). The applicant has requested 87,342 SF of existing right-of-way be vacated.

**WHEREAS**, the Marysville City Council considered the evidence presented at the public hearing and entered the following findings of fact:

(a) The vacation will provide a public benefit and purpose as the applicant shall be required to construct and dedicate, to the City of Marysville, a new public roadway realigning 25<sup>th</sup> Avenue NE to the west to a mini roundabout (RAB) and construct a RAB at 172<sup>nd</sup> Street NE (SR 531), to a public standard; including sidewalks, planter strips and decorative lighting, as approved by the City Engineer and Washington State Department of Transportation;

## EXHIBIT A

- (b) The right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;
- (c) The public need shall not be adversely affected;
- (d) The right-of-way is not contemplated or needed for future public use;
- (e) No abutting owner will become landlocked nor will his access be substantially impaired;

**NOW, THEREFORE**, the City Council of the City of Marysville, Washington do ordain as follows:

**Section 1.** That portion of 25<sup>th</sup> Avenue NE and the stormwater detention pond as legally described and depicted in **Exhibit A** attached hereto, is hereby vacated, subject to the following conditions:

- (a) Vacation of 25<sup>th</sup> Avenue NE and the stormwater detention pond shall not be effective until the applicant has constructed a permanent or temporary public access from 25<sup>th</sup> Avenue NE to 172<sup>nd</sup> Street NE (SR 531), as approved by the City Engineer;
- (b) 25<sup>th</sup> Avenue NE shall be vacated subject to reservation of a perpetual easement in favor of the City of Marysville for utilities, across, under and through that portion of the property; and
- (c) The applicant shall be required to construct and dedicate, to the City of Marysville, a new public roadway realigning 25<sup>th</sup> Avenue NE to the west to a mini RAB and construct a RAB at 172<sup>nd</sup> Street NE (SR 531), to a public standard; including sidewalks, planter strips and decorative lighting, as approved by the City Engineer and Washington State Department of Transportation.

**Section 2.** This ordinance and the vacation of that portion of 25<sup>th</sup> Avenue NE and the stormwater detention pond as legally described and depicted in **Exhibit A** attached hereto, shall become effective five (5) days after publication of this ordinance and recording by the City of a certified copy of the same in the records of the Snohomish County Auditor. This ordinance shall not be recorded until and unless condition (a) in Section 1 of this Ordinance has been fully satisfied and the right-of-way for the new public roadway realigning 25<sup>th</sup> Avenue NE has been dedicated to the City of Marysville.

**Section 3.** Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this 9<sup>th</sup> day of February, 2015.

CITY OF MARYSVILLE

By: 


JON NEHRING, MAYOR

Attest:

**EXHIBIT A**

By:   
APRIL O'BRIEN, DEPUTY CITY CLERK

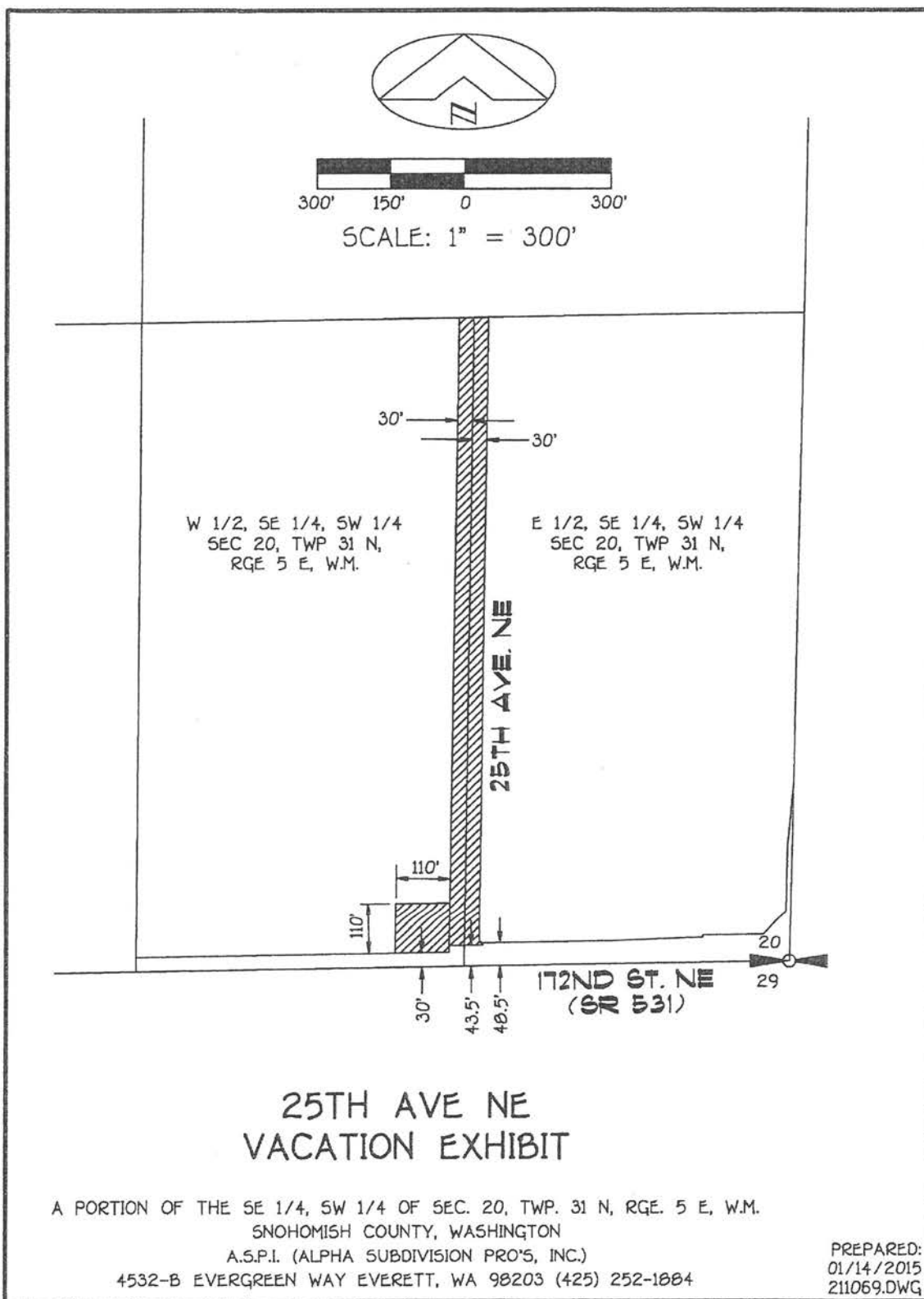
Approved as to form:

By:   
JON WALKER, CITY ATTORNEY

Date of Publication: 10.28.17

Effective Date: 11.02.17  
(5 days after publication)

# EXHIBIT A



# EXHIBIT A

## 25<sup>TH</sup> AVENUE NE VACATION LEGAL DESCRIPTION

THE EAST 30.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;  
EXCEPT THE SOUTH 43.50 FEET THEREOF.

TOGETHER WITH THE WEST 30.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;  
EXCEPT THE SOUTH 43.50 FEET THEREOF.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND:  
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER;  
THENCE SOUTH 89°03'37" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 661.16 FEET TO THE CENTERLINE OF 25<sup>TH</sup> AVENUE NE;  
THENCE NORTH 00°47'48" EAST ALONG SAID CENTERLINE 43.52 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 43.50 FEET NORTH OF SAID SOUTH LINE;  
THENCE NORTH 89°03'37" EAST ALONG SAID PARALLEL LINE 30.01 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 30.00 FEET EAST OF SAID CENTERLINE, SAID POINT BEING THE TRUE POINT OF BEGINNING;  
THENCE CONTINUE NORTH 89°03'37" EAST 9.21 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 20.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS SOUTH 33°28'18" WEST;  
THENCE NORTHWESTERLY 20.01 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 57°19'29" TO A POINT ON SAID PARALLEL LINE;  
THENCE SOUTH 00°47'48" WEST ALONG SAID PARALLEL LINE 17.11 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE NORTH 110 FEET OF THE SOUTH 140 FEET OF THE WEST 110 FEET OF THE EAST 140 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., AS CONVEYED TO SNOHOMISH COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 9304070110, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.





## EXHIBIT B

### 25<sup>TH</sup> AVENUE NE VACATION LEGAL DESCRIPTION

THE EAST 30.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;  
EXCEPT THE SOUTH 66.00 FEET THEREOF.

TOGETHER WITH THE WEST 30.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;  
EXCEPT THE SOUTH 66.00 FEET THEREOF.

TOGETHER WITH THAT PORTION OF THE NORTH 110 FEET OF THE SOUTH 140 FEET OF THE WEST 110 FEET OF THE EAST 140 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., AS CONVEYED TO SNOHOMISH COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 9304070110, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20;

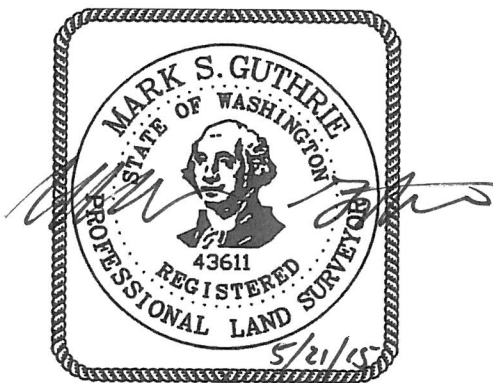
THENCE NORTH 00°47'48" EAST ALONG THE EAST LINE OF SAID WEST HALF 66.03 FEET TO THE NORTH LINE OF THE SOUTH 66.00 FEET OF SAID SUBDIVISION, THE POINT OF BEGINNING OF THIS LINE DESCRIPTION;

THENCE SOUTH 89°03'37" WEST ALONG SAID NORTH LINE 59.15 FEET;

THENCE SOUTH 00°56'23" EAST 16.00 FEET TO THE NORTH LINE OF THE SOUTH 50.00 FEET OF SAID SUBDIVISION;

THENCE SOUTH 89°03'37" WEST ALONG SAID NORTH LINE 81.40 FEET TO THE WEST LINE OF SAID EAST 140 FEET, THE TERMINUS OF THIS LINE DESCRIPTION.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



# EXHIBIT B

