

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 8, 2021

AGENDA ITEM:	
Strawberry Court (PA20-041) – Sewer Easement Relinquishment	
PREPARED BY:	DIRECTOR APPROVAL:
Ken McIntyre, Development Services Manager	<i>KE for KN</i>
DEPARTMENT:	
Public Works	
ATTACHMENTS:	
1. Easement Relinquishment Document 2. AFN 2091342 – Easement for sewer pipeline	
BUDGET CODE:	AMOUNT:
SUMMARY:	

WK Investments, LLC has submitted a land use application for a parcel located at 1060 Columbia Avenue, proposing a 3-story apartment building with 42 residential units. The parcel contains an existing easement recorded in April of 1969 for the stated purpose of a sewer pipeline.

The City does not currently operate a sewer pipeline within this easement. The City does operate a sewer main within the public right-of-way (Columbia Ave), roughly 40-ft west of the project's front boundary. Because this easement is no longer used by the City, the applicant is requesting that the City relinquish the sewer easement encumbrance. The Public Works Department has reviewed the request, and recommends that the City Council authorize the Mayor to execute and record the attached easement relinquishment document.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to execute the attached relinquishment document and record it with the Snohomish County Auditor.

RECOMMENDED MOTION:

I move to authorize the Mayor to execute the easement relinquishment document and record it with the Snohomish County Auditor.

WHEN RECORDED RETURN TO:
CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

RELINQUISHMENT OF EASEMENT

LEGAL DESCRIPTION:

ABBREVIATED: PTN SE1/4 NW1/4, STR 28-30N-5E, W.M.

FULL: SEE EXHIBIT B

TAX PARCEL NUMBER(S): 300528-002-203-00

GRANTOR: City of Marysville, a municipal corporation

GRANTEE: WK Investments LLC, a Washington limited liability company

CROSS REF: 2091342

WHEREAS, the City of Marysville, a municipal corporation of the State of Washington (“Marysville”), is the grantee of that certain Easement for a sewer pipeline dated April 15, 1969 and recorded under Auditors File No. 2091342, records of Snohomish County, Washington, attached hereto as Exhibit A (the “Easement”); and

WHEREAS, the Easement burdens the property described in Exhibit B; and

WHEREAS, Marysville desires to relinquish, vacate, and release the Easement.

NOW, THEREFORE, the City of Marysville relinquishes, vacates, and releases the pipeline easement recorded under Auditors File No. 2091342 records of Snohomish County.

DATED this _____ day of _____, 20_____.

CITY OF MARYSVILLE

By: _____
Jon Nehring, Mayor

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Jon Nehring is the person who appeared before me and said person acknowledged that he signed this instrument as the Mayor of City of Marysville and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this ____ day of _____, 20__

(Notary Signature)

(Print Name)

NOTARY PUBLIC in and for the State of Washington
Residing at (city): _____
My commission expires: _____

EXHIBIT A

The east 20 feet of the west 45 feet of the below described property:

The W 1/2 of the E 1/2 of the N 100 feet of the following: beginning at the SE ¼ of the NE ¼ of Sec 28, T 30 N, R 5 E, WM; thence N 197.6 feet to a point on the N line of 10th Street; thence N 630.48 feet to an iron pipe; thence W 902 feet more or less to the east margin of State Avenue; thence S along the E line of State Avenue 634.75 feet to the N line of 10th Street; thence E to point of beginning, except for Alder Avenue

EXHIBIT B

That portion of the Southeast Quarter of the Northwest Quarter of Section 28, Township 30 North, Range 5 East of the Willamette Meridian, described as follows:

Commencing at the Southeast corner of said subdivision;

Thence North 0°03'30" East along the East line of said subdivision for a distance of 197.60 feet to a point on the North line of 10th Street in the Town of Marysville produced East and the centerline of Alder Street;

Thence continue North 0°03'30" East along said East line, also being the centerline of Alder Street for a distance of 630.48 feet to an iron pipe, said iron pipe being on the South line produced East of the Plat of Fauvers Addition to Marysville;

Thence North 89°31'05" West along said line for a distance of 253.86 feet to the Northeast corner of that certain tract of land as conveyed in Auditor's File No. 1254372, said Northeast corner also being the true point of beginning;

Thence continue North 89°31'05" West for a distance of 482.81 feet to a point 180.00 feet East of the East line of State Street;

Thence South 0°04'00" West for 250.01 feet along a line being parallel to State Street;

Thence South 89°31'05" East for a distance of 255.06 feet;

Thence South 0°03'30" West for a distance of 50.00 feet to the South line of that certain tract of land conveyed in Auditor's File No. 1282463;

Thence South 89°31'05" East along the South line of said tract for a distance of 217.79 feet to the Southeast corner thereof;

Thence North 0°03'30" East along the East line thereof for a distance of 200.01 feet to the Northeast corner thereof, also being the Southeast corner of that certain tract of land as conveyed in Auditor's File No. 1254372;

Thence North 0°03'30" East along the East line of said tract for a distance of 100.00 feet to the true point of beginning;

Except that portion lying West of the East line of Columbia Avenue as conveyed to the City of Marysville by deed recorded under Auditor's File No. 9403020284, records of Snohomish County, Washington.

Situate in the County of Snohomish, State of Washington.

Parcel ID: 300528-002-203-00

2091342

D. C. BOGARD GRANTOR

NO. _____

to

CITY OF MARYSVILLE, WASHINGTON, GRANTEE

EASEMENT FOR PIPE LINE

46 B
85 C

The undersigned, Grantors, for and in consideration of One Dollar (\$1.00) and the Grantee's undertaken to construct a new drainage ditch within the easement, the receipt of which is hereby acknowledged, by these presents bargain, sell, transfer and convey unto the City of Marysville, Washington, a municipal corporation of the State of Washington Grantee, an easement over, across, along and under the following described property situated in Snohomish County, State of Washington:

The W 1/2 of E 1/2 of the N 100 feet of the following: beginning at the SE 1/4 of the NW 1/4 of Sec 28, T 30 N, R 5 E WM; thence N 197.6 feet to a point on the N line of 10th Street; thence N 630.48 (See page 2)

Said easement shall occupy and include

The east 20 feet of the west 45 feet of the above described tract.

and shall be for the purpose of installing, constructing, maintaining, operating, repairing and replacing a sewer pipeline or lines and all necessary connections and appurtenances thereto, together with the right of ingress and egress to, from and across said described property for the foregoing purposes. Said easement shall also include the right to construct cuts or fills within the easement granted and cut or fill slopes within the property of the Grantor immediately adjacent to said easement, provided that Grantee shall not be reasonable for the type of earth from which they are constructed.

It is further provided that Grantee shall repair and restore any private improvements which are disturbed or damaged in either the original installation or in maintenance of said pipeline or lines to their original condition, as near as may be, and that upon completion of construction Grantee shall remove all debris and leave the easement area and adjacent slopes in a neat and orderly condition.

It is further provided that the Grantor shall be responsible for moving his existing fence to the east edge of the easement prior to the beginning of construction, if the fence is located within the proposed easement.

Dated this 15th day of April 1969

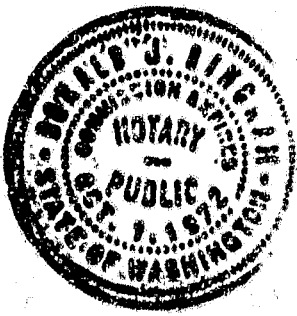
[Signature]
D. C. Bogard

STATE OF WASHINGTON)

COUNTY OF Snohomish)

On this 15th day of April 1969, before me, the undersigned, a NOTARY PUBLIC in and for the State of Washington, duly commissioned and sworn, personally appeared *[Signature]* to me known to be the individual(s) described in and who executed the foregoing instrument as *[Signature]* free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



[Signature]
NOTARY PUBLIC in and for the State of Washington
residing at *[Signature]*

NO SALES TAX
REQUIRED

MAY 6 - 1969

OFFICIAL RECORDS

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PAGE 2

feet to an iron pipe; thence W 902 feet
more or less to the east margin of State
Avenue; thence S along the E line of
State Avenue 634.75 feet to the N line
of 10th Street; thence E to point of
beginning except for Alder Avenue

OFFICIAL RECORDS

2091342
CLERK OF COURTS
CITY OF MARYSVILLE
MAY 6 AM 10 44

STANLEY CURRIER, AGENT
SHERMAN COUNTY, WASH.
REPLY

W. H. Doyle

*City Hall Park
Marysville, Wa.*

300

OFFICIAL RECORDS

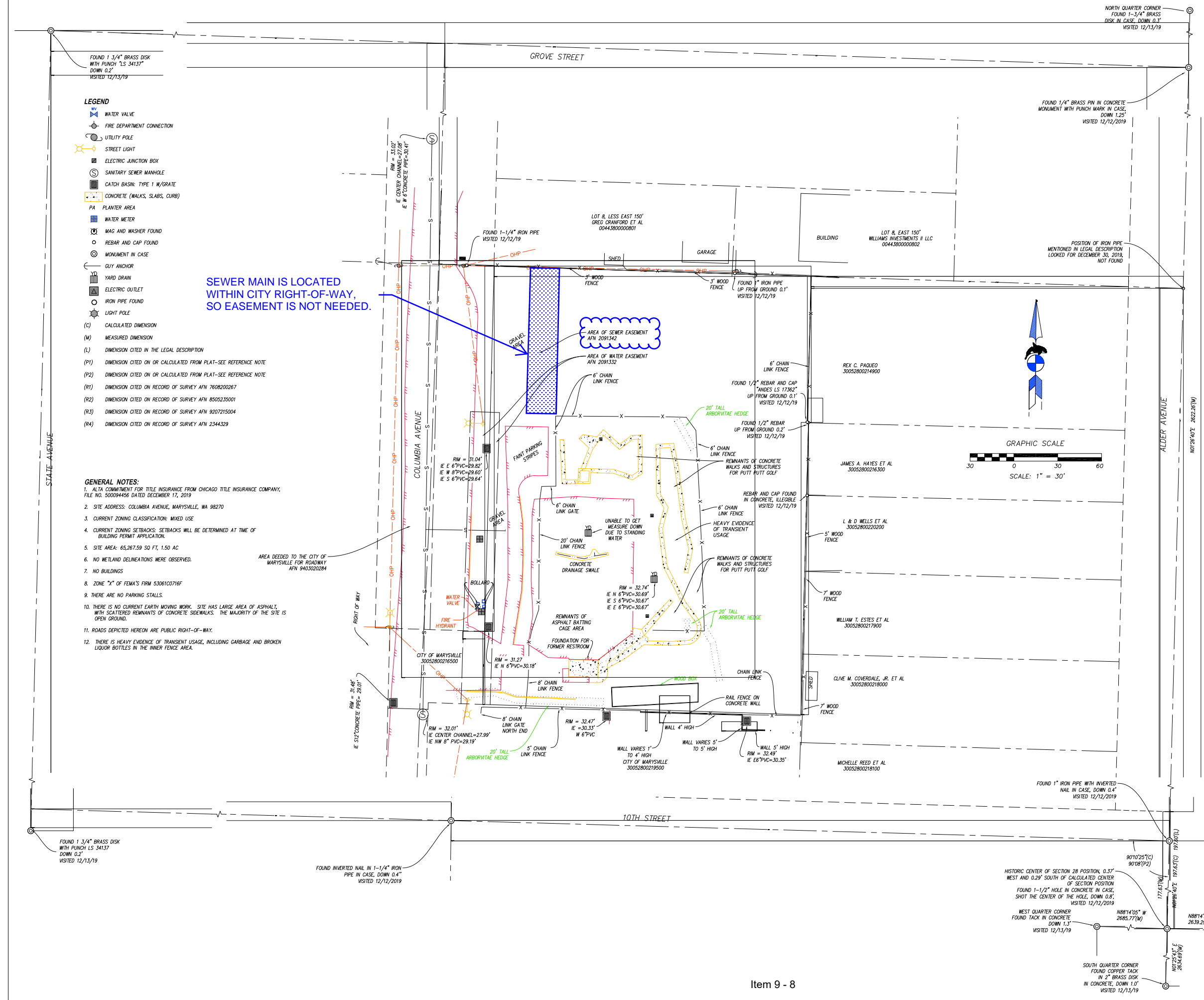
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- LEGEND**
- WATER VALVE
 - FIRE DEPARTMENT CONNECTION
 - UTILITY POLE
 - STREET LIGHT
 - ELECTRIC JUNCTION BOX
 - SANITARY SEWER MANHOLE
 - CATCH BASIN: TYPE 1 W/GRADE
 - CONCRETE (WALKS, SLABS, CURB)
 - PA PLANTER AREA
 - WATER METER
 - MAG AND WASHER FOUND
 - REBAR AND CAP FOUND
 - MONUMENT IN CASE
 - GUY ANCHOR
 - YARD DRAIN
 - ELECTRIC OUTLET
 - IRON PIPE FOUND
 - LIGHT POLE

- (C) CALCULATED DIMENSION
- (M) MEASURED DIMENSION
- (L) DIMENSION CITED IN THE LEGAL DESCRIPTION
- (P1) DIMENSION CITED ON OR CALCULATED FROM PLAT-SEE REFERENCE NOTE
- (P2) DIMENSION CITED ON OR CALCULATED FROM PLAT-SEE REFERENCE NOTE
- (R1) DIMENSION CITED ON RECORD OF SURVEY AFN 7608200267
- (R2) DIMENSION CITED ON RECORD OF SURVEY AFN 8505235001
- (R3) DIMENSION CITED ON RECORD OF SURVEY AFN 9207215004
- (R4) DIMENSION CITED ON RECORD OF SURVEY AFN 2344329

- GENERAL NOTES:**
1. ALTA COMMITMENT FOR TITLE INSURANCE FROM CHICAGO TITLE INSURANCE COMPANY, FILE NO. 500094456 DATED DECEMBER 17, 2019
 2. SITE ADDRESS: COLUMBIA AVENUE, MARYSVILLE, WA 98270
 3. CURRENT ZONING CLASSIFICATION: MIXED USE
 4. CURRENT ZONING SETBACKS: SETBACKS WILL BE DETERMINED AT TIME OF BUILDING PERMIT APPLICATION.
 5. SITE AREA: 65,267.59 SQ FT, 1.50 AC
 6. NO WETLAND DELINEATIONS WERE OBSERVED.
 7. NO BUILDINGS
 8. ZONE "X" OF FEMA'S FIRM 530610716F
 9. THERE ARE NO PARKING STALLS.
 10. THERE IS NO CURRENT EARTH MOVING WORK. SITE HAS LARGE AREA OF ASPHALT, WITH SCATTERED REMNANTS OF CONCRETE SIDEWALKS. THE MAJORITY OF THE SITE IS OPEN GROUND.
 11. ROADS DEPICTED HEREON ARE PUBLIC RIGHT-OF-WAY.
 12. THERE IS HEAVY EVIDENCE OF TRANSIENT USAGE, INCLUDING GARBAGE AND BROKEN LIQUOR BOTTLES IN THE INNER FENCE AREA.

SEWER MAIN IS LOCATED WITHIN CITY RIGHT-OF-WAY, SO EASEMENT IS NOT NEEDED.



EQUIPMENT & PROCEDURES

INSTRUMENTATION: LEICA TORM1205 TOTAL STATION AND STONEX S900 GPS
 METHOD OF SURVEY: GPS STATIC TRAVERSE WITH STONEX S900 OF EXISTING MONUMENTATION

SURVEY PRECISION: MEETS OR EXCEEDS:
 1) MINIMUM MEASUREMENT STANDARDS FOR ALTA/NSPS LAND TITLE SURVEYS
 2) MINIMUM REQUIREMENTS PER I.A.C. 332-130-090.

BASES OF BEARINGS: CENTERLINE OF ALDER AVENUE BETWEEN FOUND MONUMENTS AT 10TH STREET AND GROVE STREET BASED ON GPS OBSERVATION OF THE MONUMENTS.

REFERENCES:

- (P1) PLAT OF FAULNER'S ADDITION TO THE CITY OF MARYSVILLE, VOLUME 13, PAGE 97
- (P2) PLAT OF SCHLAGETER'S ADDITION TO MARYSVILLE, VOLUME 10, PAGE 101
- (R1) RECORD OF SURVEY, AFN 7608200267
- (R2) RECORD OF SURVEY, AFN 86052035001
- (R3) RECORD OF SURVEY, AFN 9207215004
- (R4) RECORD OF SURVEY, AFN 2344329

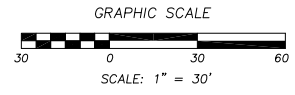
LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 30 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;
 THENCE NORTH 0°33'30" EAST ALONG THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 197.60 FEET TO A POINT ON THE NORTH LINE OF 10TH STREET IN THE TOWN OF MARYSVILLE PRODUCED EAST AND THE CENTERLINE OF ALDER STREET;
 THENCE CONTINUE NORTH 0°33'30" EAST ALONG SAID EAST LINE, ALSO BEING THE CENTERLINE OF ALDER STREET FOR A DISTANCE OF 630.48 FEET TO AN IRON PIPE, SAID IRON PIPE BEING ON THE SOUTH LINE PRODUCED EAST OF THE PLAT OF FAULNER'S ADDITION TO MARYSVILLE;
 THENCE NORTH 89°31'05" WEST ALONG SAID LINE FOR A DISTANCE OF 253.86 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND AS CONVEYED IN AUDITOR'S FILE NO. 1254372, SAID NORTHEAST CORNER ALSO BEING THE TRUE POINT OF BEGINNING;
 THENCE CONTINUE NORTH 89°31'05" WEST FOR A DISTANCE OF 482.81 FEET TO A POINT 180.00 FEET EAST OF THE EAST LINE OF STATE STREET;
 THENCE SOUTH 0°04'00" WEST FOR 250.01 FEET ALONG A LINE BEING PARALLEL TO STATE STREET;
 THENCE SOUTH 89°31'05" EAST FOR A DISTANCE OF 255.06 FEET;
 THENCE SOUTH 0°03'30" WEST FOR A DISTANCE OF 50.00 FEET TO THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND CONVEYED IN AUDITOR'S FILE NO. 1282463;
 THENCE SOUTH 89°31'05" EAST ALONG THE SOUTH LINE OF SAID TRACT FOR A DISTANCE OF 217.79 FEET TO THE SOUTHEAST CORNER THEREOF;
 THENCE NORTH 0°03'30" EAST ALONG THE EAST LINE THEREOF FOR A DISTANCE OF 200.01 FEET TO THE NORTHEAST CORNER THEREOF, ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND AS CONVEYED IN AUDITOR'S FILE NO. 1254372;
 THENCE NORTH 0°03'30" EAST ALONG THE EAST LINE OF SAID TRACT FOR A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION LYING WEST OF THE EAST LINE OF COLUMBIA AVENUE, AS CONVEYED TO THE CITY OF MARYSVILLE BY DEED RECORDED UNDER AUDITOR'S FILE NO. 9403020284, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



SCHEDULE B, PART II, EXCEPTIONS

1. EASEMENT(S) GRANTED TO THE CITY OF MARYSVILLE FOR WATER PIPELINE OR LINES, AS GRANTED IN DOCUMENT RECORDED MARCH 6, 1989 UNDER RECORDING NO. 2091332.
 AFFECTS: SOUTHWESTERLY PORTION OF SAID PREMISES AND OTHER PROPERTY
2. EASEMENT(S) GRANTED TO THE CITY OF MARYSVILLE FOR SEWER PIPELINE OR LINES, AS GRANTED IN DOCUMENT RECORDED MAY 6, 1989 UNDER RECORDING NO. 2091342.
 AFFECTS: WESTERLY PORTION OF SAID PREMISES
3. POWER OF ATTORNEY AND AGREEMENT NOT TO PROTEST FORMATION OF LOCAL IMPROVEMENT DISTRICT FOR ROAD IMPROVEMENTS INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF, RECORDED OCTOBER 11, 1989 UNDER RECORDING NO. 891010348.

SURVEYOR'S CERTIFICATE:

TO (i) WILLIAMS INVESTMENTS, ITS SUCCESSORS AND ASSIGNS, (ii) CHICAGO TITLE TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6, 7, 8, 9 AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 13, 2019.

JOANNE M. SWANSON, PLS., CF625
 CERTIFICATE NO. 34671

DATE

A.L.T.A./N.S.P.S. LAND TITLE SURVEY
 for
WILLIAMS INVESTMENTS
 IN THE SE 1/4 OF THE NW 1/4 OF SECTION 28, T.30N., R.05E., W.M.
 SNOHOMISH COUNTY, WASHINGTON

ORCA Land Surveying
 3805 COLBY AVENUE, EVERETT, WA 98201
 425-259-3400 FAX: 425-259-1616

JOB NO. 2019-119
 DATE: 1/8/2020
 DWG BY: JMS, ARC
 F.B. 1913, PG. 76-79
 F.B. 1910, PG. 142-143
 SHEET 1 of 1