

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 13, 2021

| | |
|---|---------------------------|
| AGENDA ITEM: | |
| Condemnation Ordinance for 80th St NE Non-Motorized Project | |
| PREPARED BY: | DIRECTOR APPROVAL: |
| Jon Walker | |
| DEPARTMENT: | |
| Legal | |
| ATTACHMENTS: | |
| | |
| BUDGET CODE: | AMOUNT: |
| | |
| SUMMARY: | |

The 80th St NE Non-Motorized project will include the restriping 80th St NE from State Ave to 47th Ave to remove parking and provide bicycle lanes. The project will also include the construction of curb, gutter, drainage, sidewalk and a bicycle lane on the south side of 80th St NE from 47th Ave NE to 51st Ave NE.

This project is underway and the City has been contacting property owners regarding right-of-way acquisitions that are necessary to complete the project. The City intends to acquire necessary right-of-way through negotiations if at all possible.

The city has two reasons for considering authorizing the use of eminent domain at this time. First, the procedural requirements to authorize eminent domain through an ordinance take considerable time and coordination. If the city were to wait to take this step, it might interfere with construction timelines and delay the project. The ordinance only authorizes the city to use eminent domain, but does not require it to do so. Second, if the sale of property takes place under “threat” of eminent domain (the “threat” would be established by the ordinance), the seller does not need to pay the real estate excise tax that he or she would otherwise be required to pay. WAC 458-61A-206 (copy attached). The tax is currently 1.15% in the city.

RECOMMENDED ACTION: Staff recommends that the Council consider approving the condemnation ordinance for the 80th St NE Non-Motorized Project.

RECOMMENDED MOTION: I move to approve Ordinance No. ___ authorizing the city to use eminent domain to acquire property for the 80th St NE Non-Motorized Project.

WAC 458-61A-206 Condemnation proceedings. (1) Introduction.

Transfers of real property to a governmental entity under an imminent threat of the exercise of eminent domain, a court judgment or settlement with a governmental entity based upon a claim of inverse condemnation, or as a result of the actual exercise of eminent domain, are not subject to the real estate excise tax.

(2) **Transfer must be to a governmental entity.** To qualify for this exemption, the threat of condemnation or the exercise of eminent domain must be made by a governmental entity with the actual power to exercise eminent domain.

(3) **Threat to exercise eminent domain must be imminent.** To qualify for this exemption, the governmental entity must have either filed condemnation proceedings against the seller/grantee; or:

(a) The governmental entity must have notified the seller in writing of its intent to exercise its power of eminent domain prior to the sale; and

(b) The governmental entity must have the present ability and authority to use its power of eminent domain against the subject property at the time of sale; and

(c) The governmental entity must have specific statutory authority authorizing its power of eminent domain for property under the conditions presented.

(4) **Inverse condemnation.** Inverse condemnation occurs when the government constructively takes real property even though formal eminent domain proceedings are not actually taken against the subject property. The seller must have a judgment against the governmental entity, or a court approved settlement, based upon inverse condemnation to claim the exemption.

(5) **Examples.** The following examples, while not exhaustive, illustrate some of the circumstances in which a sale to a governmental entity may or may not be exempt on the basis of condemnation or threat of eminent domain. The status of each situation must be determined after a review of all the facts and circumstances.

(a) The Jazz Port school district wants to purchase property for a new school. An election has been held to authorize the use of public funds for the purchase, and the general area for the site has been chosen. In order to proceed, the district will need to obtain a five-acre parcel owned by the Fairwood family. The district has been granted authority to obtain property by the use of eminent domain if required. The district has notified the Fairwoods in writing of its intention to exercise its powers of eminent domain if necessary to obtain the land. The Fairwoods, rather than allowing the matter to proceed to court, agree to sell the parcel to the Jazz Port district. The school district will use the parcel for construction of the new school. The conveyance from the Fairwoods to Jazz Port school district is exempt from real estate excise tax because the transfer was made under the imminent threat of the exercise of eminent domain.

(b) The Sonata City Parks Department has the authority to obtain land for possible future development of parks. The department would like to obtain waterfront property for preservation and future development. They approach Frankie and Chaz Friendly with an offer to purchase the Friendlys' 20-acre waterfront parcel. The Parks Department does not have a current appropriation for actual construction of a park on the site, and the City Council has not specifically authorized an exercise of eminent domain to obtain the subject property. The conveyance from the Friendlys to the city is subject to the real estate

excise tax, because the transfer was not made under the imminent threat of the exercise of eminent domain.

[Statutory Authority: RCW 82.45.150, 82.32.300, and 82.01.060. WSR 14-06-060, § 458-61A-206, filed 2/28/14, effective 3/31/14. Statutory Authority: RCW 82.32.300, 82.01.060(2), and 82.45.150. WSR 05-23-093, § 458-61A-206, filed 11/16/05, effective 12/17/05.]

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON DECLARING PUBLIC USE AND NECESSITY FOR LAND AND PROPERTY TO BE CONDEMNED FOR THE PURPOSE OF MAKING IMPROVEMENTS TO 80TH ST NE FROM APPROXIMATELY STATE AVENUE TO 51ST AVE NE; AND AUTHORIZING THE CONDEMNATION, APPROPRIATION, TAKING, DAMAGING AND ACQUISITION OF LAND AND OTHER PROPERTY AND PAYMENT FROM THE GENERAL FUND.

WHEREAS, the City Council of the City of Marysville (hereinafter the "City") finds as follows:

1. The 80th St NE Non-Motorized project will include the restriping 80th St NE from State Ave to 47th Ave to remove parking and provide bicycle lanes. The project will also include the construction of curb, gutter, drainage, sidewalk and a bicycle lane on the south side of 80th St NE from 47th Ave NE to 51st Ave NE; and

2. The City has conducted engineering and traffic studies and determined that it will be necessary to acquire portions properties for the street improvements as depicted in **EXHIBIT A** and more specifically described in **EXHIBIT B**, attached hereto and incorporated herein by this reference; and

3. The project is necessary to meet the city's goals for safe pedestrian and bicycle travel; and

4. The project is necessary to enhance the city's stormwater drainage and conveyance system; and

5. Efforts are now on-going to acquire the properties necessary for this public use by negotiation; and

6. In the event that negotiated acquisition is not fully successful in advance of the anticipated commencement and construction, it is essential that the City be prepared to initiate condemnation proceedings so that the project can be timely constructed; and

7. Public safety, convenience, use and necessity demand the acquisition of several parcels of property, easement, and/or temporary construction easements to wit: 4728 80th St NE; 4804 80th St NE; 4814 80th St NE; 4828 80th St NE; 5004 80th St NE; 7923 47th Ave NE, Marysville, Washington; and

8. The entire cost of the acquisition provided by this ordinance shall be paid by the following funds of the City:

FEDERAL GRANT FUND
TRANSPORTATION BENEFIT DISTRICT FUND

or such other general funds of the City as may be provided by law.

9. The City may be unable to agree with the property owners upon the compensation to be paid for the properties identified in **EXHIBIT B** or it may not be feasible to clear title without condemnation proceedings.

10. The City has authority pursuant to chapter 8.12 RCW to acquire, if necessary, title to real property for public purposes. Improvement of the City's road system and stormwater drainage and conveyance system is a public purpose.

11. The proposed improvement is for restriping 80th St NE from State Ave to 47th Ave to remove parking and provide bicycle lanes. The project will also include the construction of curb, gutter, drainage, sidewalk and a bicycle lane on the south side of 80th St NE from 47th Ave NE to 51st Ave NE, which is a permanent public use and is reasonably necessary for the purposes for which it is sought.

12. Notice of the planned final action authorizing the condemnation of the property described in Exhibits A and B has been given to the owner(s) of said property and published in the Everett Herald and Marysville Globe in accordance with the provisions of RCW 8.25.290.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. 80th Street Non-Motorized Project is a Public Use. The 80th Street Non-Motorized project is a public use. The improvement will be owned by the City of Marysville and open for vehicle, pedestrian, and bicycle travel by members of the public.

1. Section 2. Determination of Necessity. Acquisition of the properties depicted in Exhibit A and legally described in Exhibit B, both of which are attached and incorporated by this reference (the "Properties"), is necessary to construct the 80th St Non-Motorized project. If the Properties are not acquired and the project is not constructed, traffic movement and safety along the 80th Street NE will be severely negatively impacted. Connecting to existing infrastructure, this project will help achieve the Transportation Element's Priority Pedestrian System Plan and Bicycle System Plan adopted in the 2015 City of Marysville Comprehensive Plan.

Section 3. Condemnation. Under the authority of chapter 8.12 RCW, the Properties shall be condemned and acquired by the City of Marysville, after just compensation having been first made or paid into court for the owner(s) in the manner prescribed by law.

Section 4. Authorization. The City Attorney and/or his designees are hereby authorized to commence and prosecute condemnation proceedings for the Properties in the manner provided by law, to determine and make or pay just compensation, and to take such other steps as they deem necessary to complete the acquisition of the Properties including to enter into settlements to mitigate damages.

Section 5. Compensation. Compensation shall be paid to the owners of the property identified in Exhibits A and B, and the cost of acquisition and the costs of litigation shall be paid from the City's General Fund.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word 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.

Section 7. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 20_____.

CITY OF MARYSVILLE

By _____
JON NEHRING, Mayor

ATTEST:

By _____
Deputy City Clerk

Approved as to form:

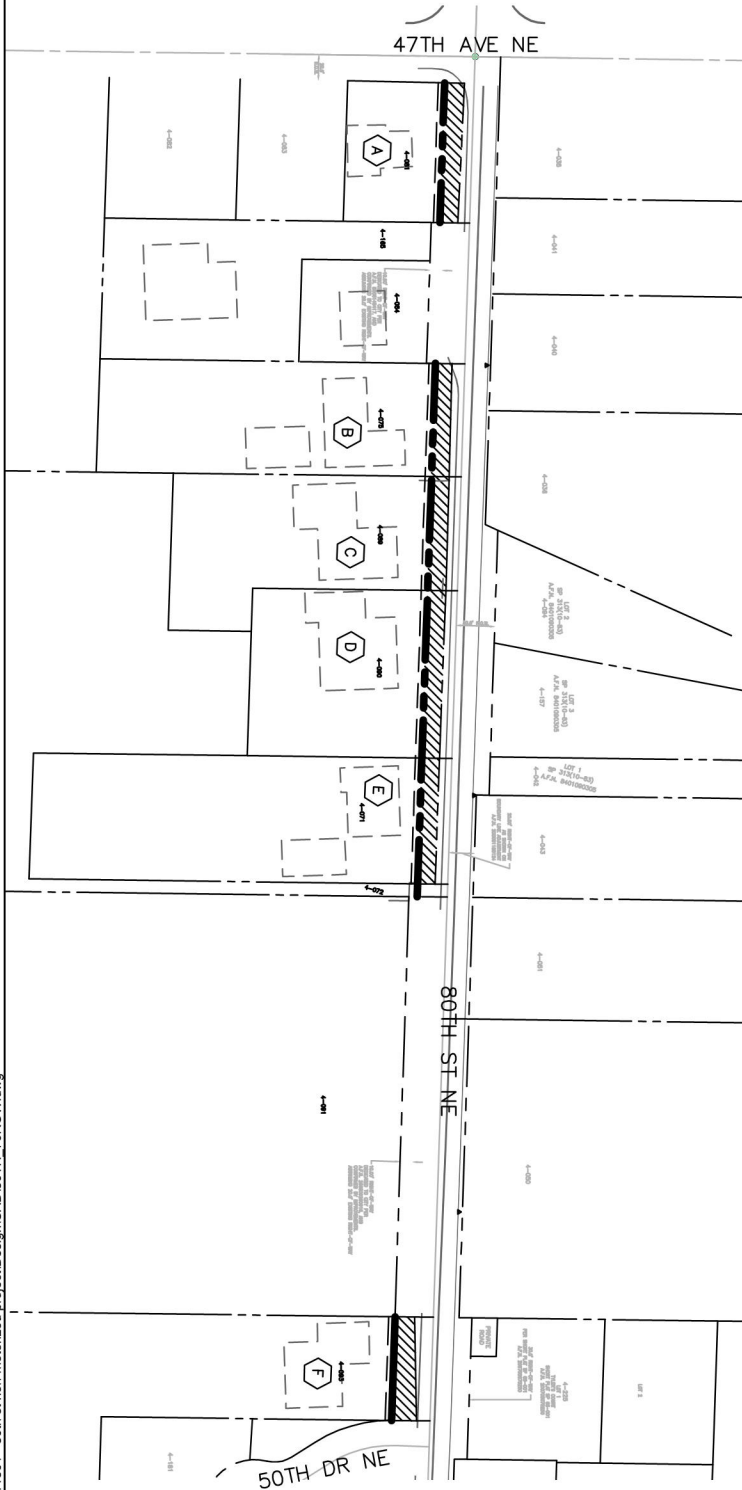
By _____
JON WALKER, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____

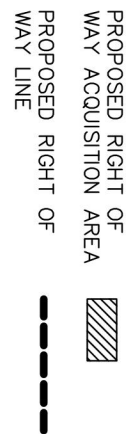
EXHIBIT A

Parcel Sketch



| PARCEL DETAILS | |
|----------------|---------------------------------|
| PARCEL | ADDRESS |
| A | 30052100408100 7923 47TH AVE NE |
| B | 30052100407500 4728 80TH ST NE |
| C | 30052100408900 4804 80TH ST NE |
| D | 30052100409000 4814 80TH ST NE |
| E | 30052100407100 4828 80TH ST NE |
| F | 30052100409300 5004 80TH ST NE |

LEGEND:



SCALE IN FEET



S:\Eng\Projects\transportation\1801 - 80th st non-motorized project\Design\CAD\80TH_ZOROW.dwg

| | | | |
|--|--|---|--------------------|
| | 80TH ST NON-MOTORIZED 30500030.563000; R1801 | RIGHT-OF-WAY EXHIBIT MAP | 5.5.2021 DATE |
| | CITY OF MARYSVILLE PUBLIC WORKS DEPARTMENT 80 COLUMBIA AVE MARYSVILLE, WA 98270 (360) 363-8100 | SECTION 21, TOWNSHIP 30 N, RANGE E, W.M. | 01 of 01 NUMBER |

EXHIBIT B

EXHIBIT A

Tax Account No. 30052100408100

PARCEL A

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF WESTOVER ROAD AND THE EAST LINE OF LIBERTY ROAD; THENCE SOUTH 89°07' EAST ALONG THE SOUTH LINE OF WESTOVER ROAD 110 FEET; THENCE SOUTH 0°30' EAST PARALLEL TO THE EAST LINE OF LIBERTY ROAD 98.9 FEET; THENCE NORTH 89°07' WEST 110 FEET TO THE EAST LINE OF LIBERTY STREET; THENCE NORTH 0°30' WEST ALONG THE EAST LINE OF LIBERTY STREET 98.9 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

RIGHT-OF-WAY ACQUISITION

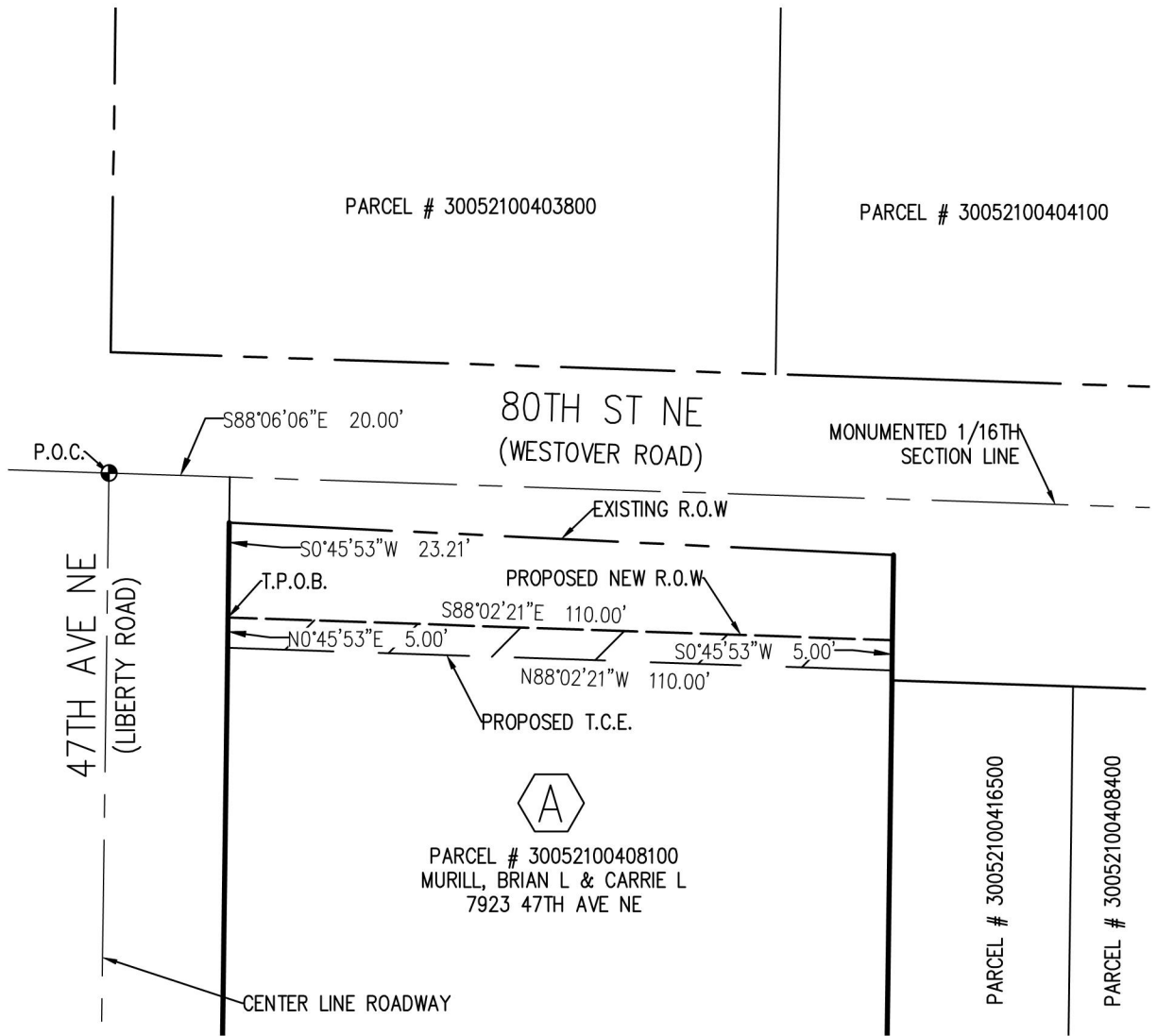
A PORTION OF THE ABOVE PARCEL A DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT AT THE INTERSECTION OF 80TH ST NE (WESTOVER ROAD) AND 47TH AVE NE (LIBERTY ROAD); THENCE S 88° 06' 06" E ALONG THE 1/16 SECTION LINE, A DISTANCE OF 20.00 FEET; THENCE S 00° 45' 53" W, A DISTANCE OF 7.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 87° 12' 41" E, A DISTANCE OF 110.05 FEET; THENCE S 00° 45' 53" W, A DISTANCE OF 14.07 FEET; THENCE N 88° 02' 21" W, A DISTANCE OF 110.00 FEET; THENCE N 00° 45' 53" E, A DISTANCE OF 15.66 FEET TO THE POINT OF BEGINNING.

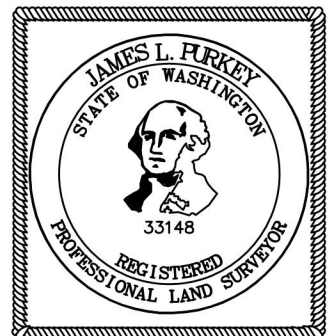
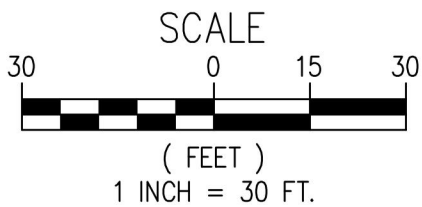
CONTAINING 1,635 SQUARE FEET +/-

EXHIBIT B

SE 1/4 OF THE SE 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M.



TEMPORARY CONSTRUCTION EASEMENT AREA - 550 SQUARE FEET +/-



P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
R.O.W. - RIGHT OF WAY
T.C.E. - TEMPORARY CONSTRUCTION EASEMENT

| | | | |
|--|--------------------|---------------------|--|
| EXHIBIT B TEMP. CONST. EASEMENT CITY OF MARYSVILLE 80TH ST NE | DRAWING INFO | SHEET INFO | 19201 120th Ave NE, Suite 201 Bothell, WA 98011 425-951-4800 www.nv5.com |
| | PARCEL A | DRAWN CEH | |
| | 229420-E000115-TCE | CHECKED JLP | |
| | 1" = 30' | LAST EDIT 3/26/2021 | |
| | | PLOT DATE 4/1/2021 | |

EXHIBIT A

Tax Account No. 30052100407500

PARCEL B

A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., RECORDS OF SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF WESTOVER ROAD AND EAST LINE OF LIBERTY STREET; THENCE EAST ALONG THE SOUTH LINE OF WESTOVER ROAD FOR 220 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21; THENCE SOUTH 275 FEET, MORE OR LESS, TO POINT 360 FEET NORTH OF THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21; THENCE WEST TO A POINT THAT IS 220 FEET EAST OF THE EAST LINE OF LIBERTY STREET AND 360 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21; THENCE NORTH TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

RIGHT-OF-WAY ACQUISITION

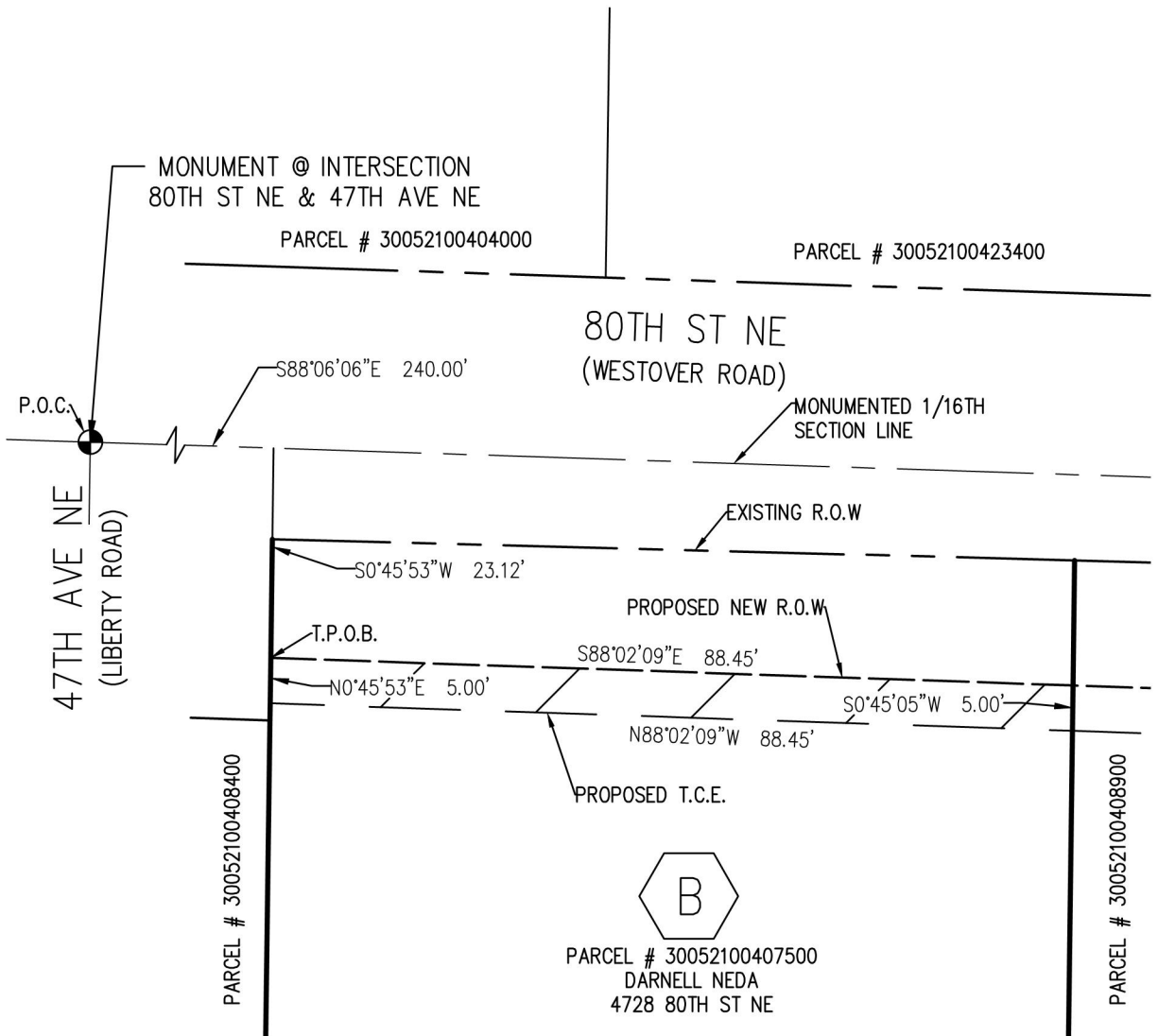
A PORTION OF THE ABOVE PARCEL B DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT AT THE INTERSECTION OF 80TH ST NE (WESTOVER ROAD) AND 47TH AVE NE (LIBERTY ROAD); THENCE S 88° 06' 06" E ALONG THE 1/16 SECTION LINE, A DISTANCE OF 240.00 FEET; THENCE S 00° 45' 53" W, A DISTANCE OF 10.03 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 88° 29' 18" E, A DISTANCE OF 88.43 FEET; THENCE S 00° 45' 53" W, A DISTANCE OF 13.78 FEET; THENCE N 88° 02' 09" W, A DISTANCE OF 88.45 FEET; THENCE N 00° 45' 53" E, A DISTANCE OF 13.08 FEET TO THE POINT OF BEGINNING.

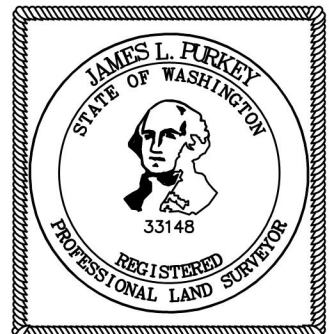
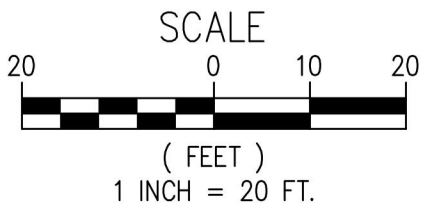
CONTAINING 1,188 SQUARE FEET +/-

EXHIBIT B

SE 1/4 OF THE SE 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M.



TEMPORARY CONSTRUCTION EASEMENT AREA - 442 SQUARE FEET +/-



P.O.C. - POINT OF COMMENCEMENT
 P.O.B. - POINT OF BEGINNING
 R.O.W. - RIGHT OF WAY
 T.C.E. - TEMPORARY CONSTRUCTION EASEMENT

| | | | |
|--|--------------------|---------------------|--|
| EXHIBIT B TEMP. CONST. EASEMENT CITY OF MARYSVILLE 80TH ST NE | DRAWING INFO | SHEET INFO | 19201 120th Ave NE, Suite 201 Bothell, WA 98011 425-951-4800 www.nv5.com |
| | PARCEL B | DRAWN CEH | |
| | 229420-E000115-TCE | CHECKED JLP | |
| | 1" = 20' | LAST EDIT 3/26/2021 | |
| | | PLOT DATE 4/1/2021 | |

EXHIBIT A

Tax Account No. 30052100408900

PARCEL C

A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 01°23'43" EAST ALONG THE WEST LINE THEREOF FOR 221.31 FEET; THENCE SOUTH 88°32'13" EAST FOR 117.34 FEET; THENCE NORTH 03°37'48" EAST FOR 64.88 FEET TO THE SOUTH LINE OF THE NORTH 160.0 OF THE EAST 131.0 FEET OF THE WEST 220.0 FEET OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 89°43'48" WEST ALONG THE SOUTH LINE THEREOF FOR 33.79 FEET TO THE SOUTHWEST CORNER OF SAID EAST 131.0 FEET OF THE WEST 220.0 FEET OF THE NORTH 160.0 FEET THEREOF; THENCE NORTH 01°23'43" WEST ALONG THE WEST LINE THEREOF FOR 160.02 FEET TO THE NORTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 89°43'48" WEST ALONG THE NORTH LINE THEREOF FOR 89.12 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE COUNTY ROAD (80TH ST. NE)

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

RIGHT-OF-WAY ACQUISITION

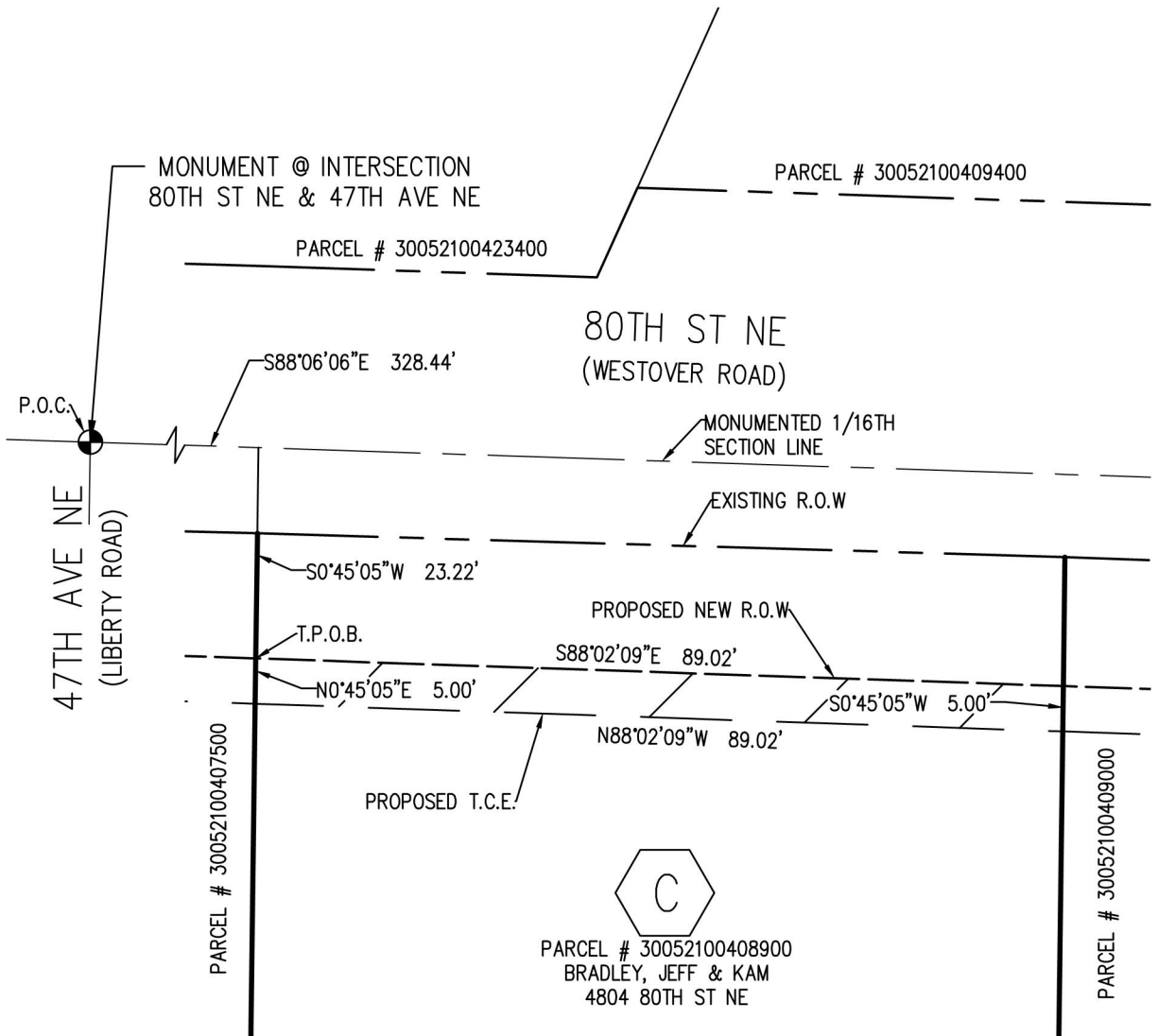
A PORTION OF THE ABOVE PARCEL C DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT AT THE INTERSECTION OF 80TH ST NE (WESTOVER ROAD) AND 47TH AVE NE (LIBERTY ROAD); THENCE S 88° 06' 06" E ALONG THE 1/16 SECTION LINE, A DISTANCE OF 328.44 FEET; THENCE S 00° 45' 05" W, A DISTANCE OF 9.44 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 88° 18' 49" E, A DISTANCE OF 89.02 FEET; THENCE S 00° 45' 05" W, A DISTANCE OF 14.21 FEET; THENCE N 88° 02' 09" W, A DISTANCE OF 89.02 FEET; THENCE N 00° 43' 53" E, A DISTANCE OF 13.78 FEET TO THE POINT OF BEGINNING.

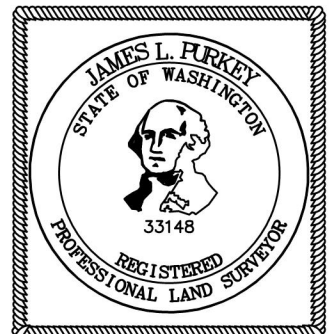
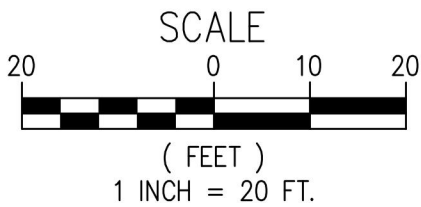
CONTAINING 1,246 SQUARE FEET +/-

EXHIBIT B

SE 1/4 OF THE SE 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M.



TEMPORARY CONSTRUCTION EASEMENT AREA - 445 SQUARE FEET +/-



P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
R.O.W. - RIGHT OF WAY
T.C.E. - TEMPORARY CONSTRUCTION EASEMENT

| | | | |
|--|--------------------|---------------------|---|
| EXHIBIT B TEMP. CONST. EASEMENT CITY OF MARYSVILLE 80TH ST NE | DRAWING INFO | SHEET INFO | <p>19201 120th Ave NE, Suite 201 Bothell, WA 98011 425-951-4800 www.nv5.com</p> |
| | PARCEL C | DRAWN CEH | |
| | 229420-E000115-TCE | CHECKED JLP | |
| | 1" = 20' | LAST EDIT 3/26/2021 | |
| | | PLOT DATE 4/1/2021 | |

EXHIBIT A

Tax Account No. 30052100409000

PARCEL D

ALL THAT PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., RECORDS OF SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE EAST ALONG THE NORTH LINE OF SAID SUBDIVISION 89 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE EAST ALONG SAID NORTH LINE FOR 131 FEET; THENCE SOUTH 160 FEET; THENCE WEST PARALLEL TO NORTH LINE OF SAID SUBDIVISION FOR 131 FEET; THENCE NORTH 160 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT WESTOVER ROAD.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

RIGHT-OF-WAY ACQUISITION

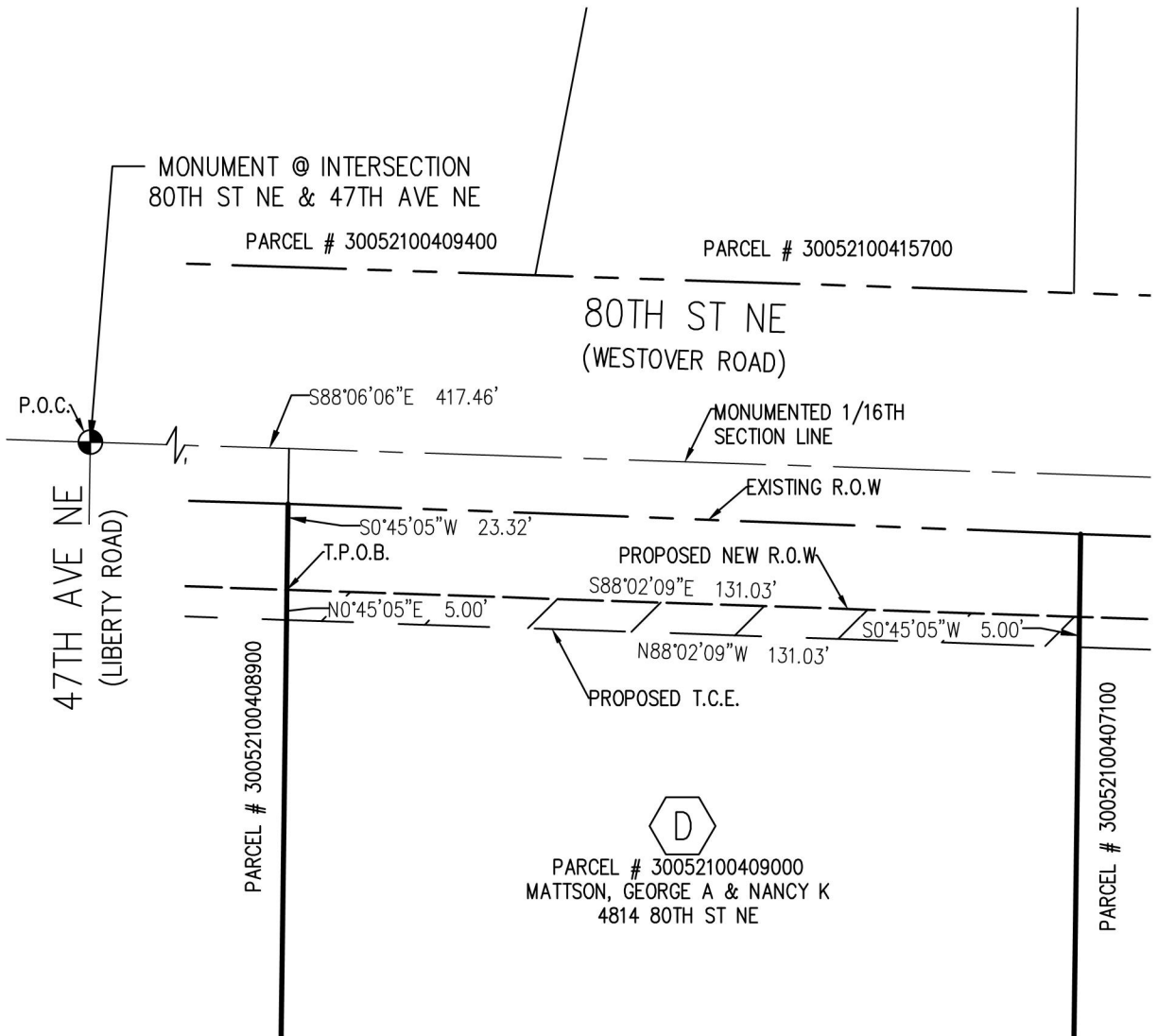
A PORTION OF THE ABOVE PARCEL D DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT AT THE INTERSECTION OF 80TH ST NE (WESTOVER ROAD) AND 47TH AVE NE (LIBERTY ROAD); THENCE S 88° 06' 06" E ALONG THE 1/16 SECTION LINE, A DISTANCE OF 417.46 FEET; THENCE S 00° 45' 05" W, A DISTANCE OF 9.11 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 87° 48' 36" E, A DISTANCE OF 131.04 FEET; THENCE S 00° 45' 05" W, A DISTANCE OF 13.70 FEET; THENCE N 88° 02' 09" W, A DISTANCE OF 131.03 FEET; THENCE N 00° 45' 05" E, A DISTANCE OF 14.21 FEET TO THE POINT OF BEGINNING.

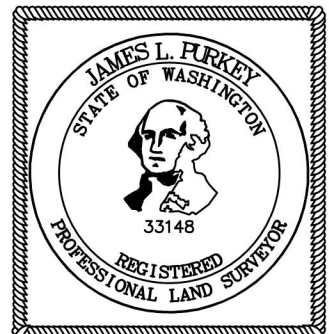
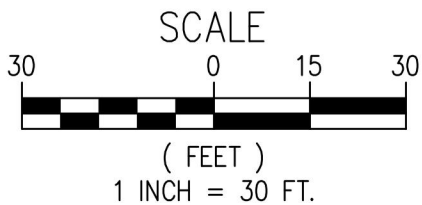
CONTAINING 1,828 SQUARE FEET +/-

EXHIBIT B

SE 1/4 OF THE SE 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M.



TEMPORARY CONSTRUCTION EASEMENT AREA - 665 SQUARE FEET +/-



P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
R.O.W. - RIGHT OF WAY
T.C.E. - TEMPORARY CONSTRUCTION EASEMENT

| | | | |
|--|--------------------|---------------------|---|
| EXHIBIT B TEMP. CONST. EASEMENT CITY OF MARYSVILLE 80TH ST NE | DRAWING INFO | SHEET INFO | <p>19201 120th Ave NE, Suite 201 Bothell, WA 98011 425-951-4800 www.nv5.com</p> |
| | PARCEL D | DRAWN CEH | |
| | 229420-E000115-TCE | CHECKED JLP | |
| | 1" = 30' | LAST EDIT 3/26/2021 | |
| | | PLOT DATE 4/1/2021 | |

EXHIBIT A

Tax Account No. 30052100407100

PARCEL E

THE NORTH 377 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THE NORTH 20 FEET THEREOF FOR 80TH STREET NORTHEAST RIGHT-OF-WAY;

AND EXCEPT THE WEST 220 FEET THEREOF;

AND EXCEPT THE EAST 10 FEET THEREOF.

RIGHT-OF-WAY ACQUISITION

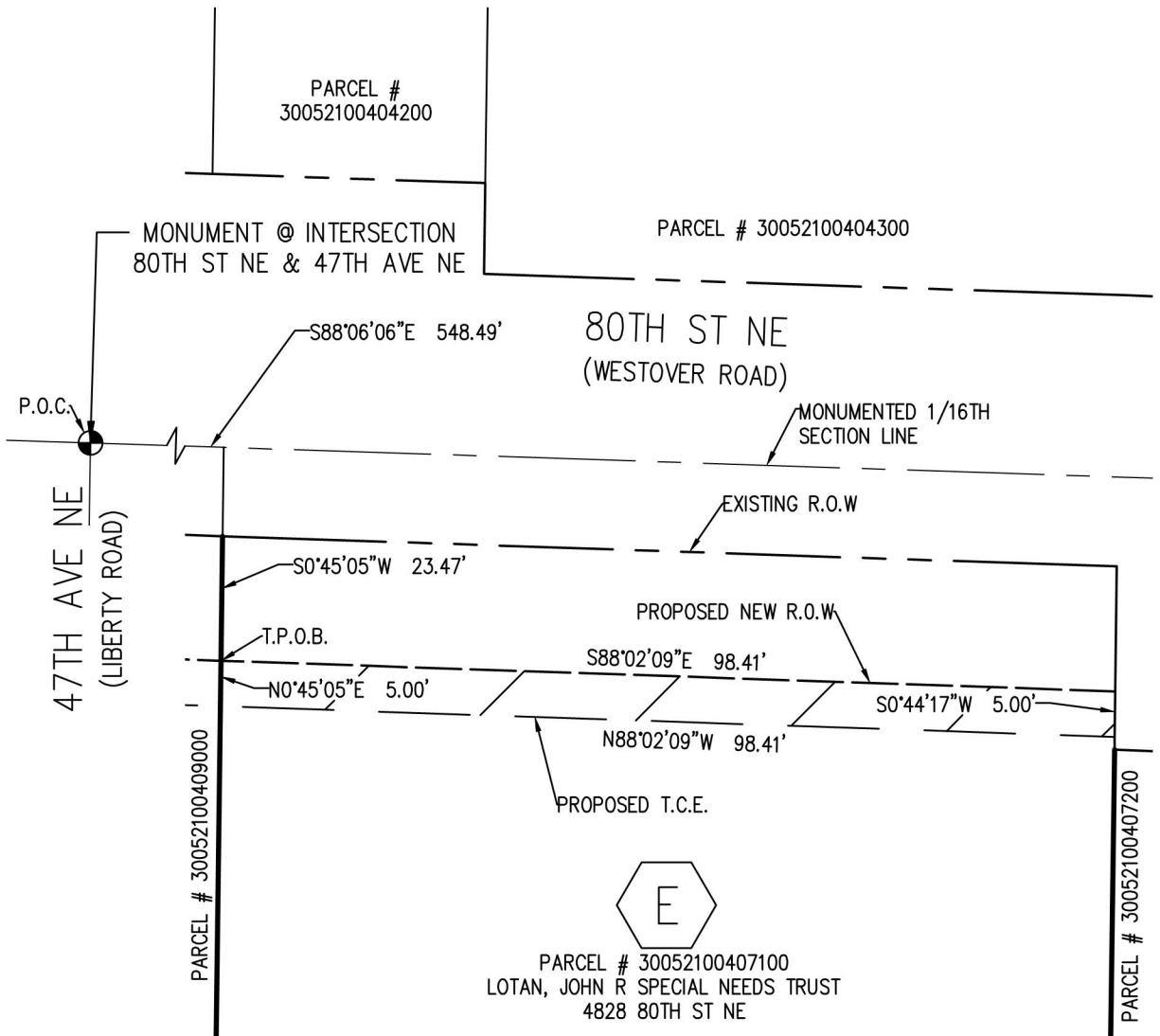
A PORTION OF THE ABOVE PARCEL E DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT AT THE INTERSECTION OF 80TH ST NE (WESTOVER ROAD) AND 47TH AVE NE (LIBERTY ROAD); THENCE S 88° 06' 06" E ALONG THE 1/16 SECTION LINE, A DISTANCE OF 548.49 FEET; THENCE S 00° 45' 05" W, A DISTANCE OF 9.77 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 88° 03' 40" E, A DISTANCE OF 98.40 FEET; THENCE S 00° 44' 17" W, A DISTANCE OF 13.74 FEET; THENCE N 88° 02' 09" W, A DISTANCE OF 98.41 FEET; THENCE N 00° 45' 05" E, A DISTANCE OF 13.70 FEET TO THE POINT OF BEGINNING.

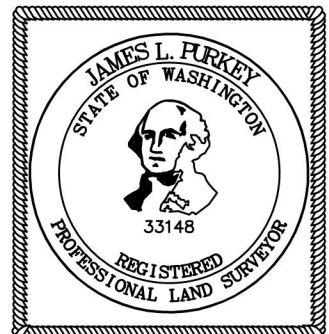
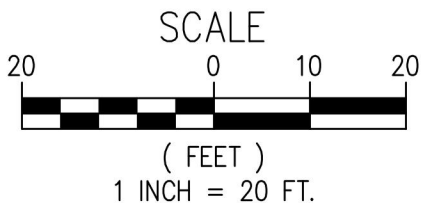
CONTAINING 1,350 SQUARE FEET +/-

EXHIBIT B

SE 1/4 OF THE SE 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M.



TEMPORARY CONSTRUCTION EASEMENT AREA - 492 SQUARE FEET +/-



P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
R.O.W. - RIGHT OF WAY
T.C.E. - TEMPORARY CONSTRUCTION EASEMENT

| | | | |
|--|--------------------|---------------------|---|
| EXHIBIT B TEMP. CONST. EASEMENT CITY OF MARYSVILLE 80TH ST NE | DRAWING INFO | SHEET INFO | <p>19201 120th Ave NE, Suite 201 Bothell, WA 98011 425-951-4800 www.NV5.com</p> |
| | PARCEL E | DRAWN CEH | |
| | 229420-E000115-TCE | CHECKED JLP | |
| | 1" = 20' | LAST EDIT 3/26/2021 | |
| | | PLOT DATE 4/1/2021 | |

EXHIBIT A

Tax Account No. 30052100409300

PARCEL F

THE WEST 81 FEET OF THE NORTH HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THE SOUTH 66 FEET THEREOF; AND

EXCEPT COUNTY ROAD;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

RIGHT-OF-WAY ACQUISITION

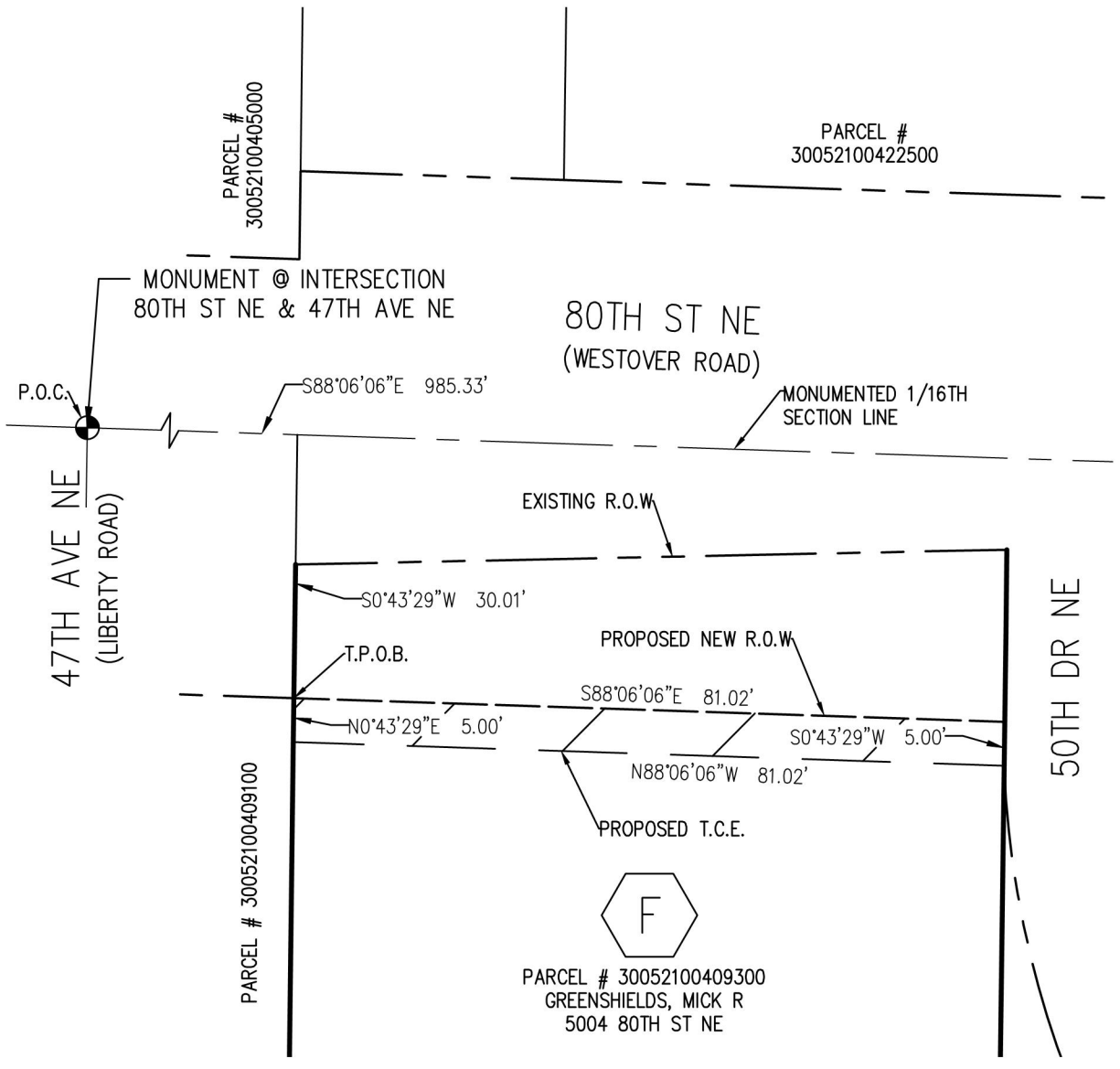
A PORTION OF THE ABOVE PARCEL F DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT AT THE INTERSECTION OF 80TH ST NE (WESTOVER ROAD) AND 47TH AVE NE (LIBERTY ROAD); THENCE S 88° 06' 06" E ALONG THE 1/16 SECTION LINE, A DISTANCE OF 985.33 FEET; THENCE S 00° 43' 29" W, A DISTANCE OF 14.79 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 88° 48' 03" E, A DISTANCE OF 81.05 FEET; THENCE S 00° 43' 29" W, A DISTANCE OF 19.60 FEET; THENCE N 88° 06' 06" W, A DISTANCE OF 81.02 FEET; THENCE N 00° 43' 29" E, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

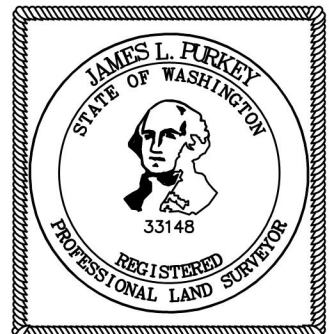
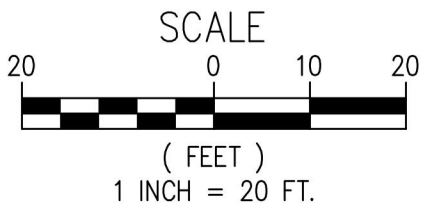
CONTAINING 1,410 SQUARE FEET +/-

EXHIBIT B


SE 1/4 OF THE SE 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M.



TEMPORARY CONSTRUCTION EASEMENT AREA - 405 SQUARE FEET +/-



P.O.C. - POINT OF COMMENCEMENT
 P.O.B. - POINT OF BEGINNING
 R.O.W. - RIGHT OF WAY
 T.C.E. - TEMPORARY CONSTRUCTION EASEMENT

| | | | |
|--|--------------------|---------------------|---|
| EXHIBIT B TEMP. CONST. EASEMENT CITY OF MARYSVILLE 80TH ST NE | DRAWING INFO | SHEET INFO |  19201 120th Ave NE, Suite 201 Bothell, WA 98011 425-951-4800 www.NV5.com |
| | PARCEL F | DRAWN CEH | |
| | 229420-E000115-TCE | CHECKED JLP | |
| | 1" = 20' | LAST EDIT 3/26/2021 | |
| | | PLOT DATE 4/1/2021 | |