


**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: December 13, 2021**

<b>AGENDA ITEM:</b>	
R&D Masonry (PA21-033) – Easement Modifications	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b>
Ken McIntyre, Development Services Manager	
<b>DEPARTMENT:</b>	
Public Works	
<b>ATTACHMENTS:</b>	
1. Relinquishment of Easement 2. Drainage Easement (New) 3. Easement Modification Exhibit	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
N/A	N/A
<b>SUMMARY:</b>	

R&D Masonry proposes a new warehouse building at 13120 41<sup>st</sup> Ave NE. There is currently a “drainage/screening” easement occupying the westerly and southerly 20-ft of the parcel. When the plat for this area was recorded, it appears that a ditch was intended to be constructed along the western and southern edges of this parcel. However, it was actually constructed along the west edge of this parcel, and the north edge of the adjacent lot, immediately south of this parcel. The ditch on the adjacent parcel lies within a separate 20-ft easement which will not be affected by this proposal.

The project is proposing to replace the ditch on the west side of the property with a culvert, which allows the ditch to be filled-in. The project also proposes a reduction of the easement on the west side of the property from 20-ft to 15-ft, since access to the entire ditch is no longer needed. The City would typically require a 15-ft public easement for new storm drainage features such as the proposed culvert, so the proposal is consistent with City standards. The proposed culvert will discharge to the existing ditch immediately south of the project site.

Since there are no drainage features within the south 20-ft of the subject parcel, the project is requesting that the easement on the south edge of the parcel be released completely. Stormwater in the area is conveyed by an existing ditch immediately south of the parcel, which lies in its own separate easement, so the easement along the south edge of the subject parcel is not needed by the City.

The requested easement modification is being accomplished by releasing the entire drainage/screening easement on the property, and recording a new easement encumbering the westerly 15-ft of the property.

**RECOMMENDED MOTION:**  
I move to authorize the Mayor to sign and execute the Relinquishment of Easement and Drainage Easement.

WHEN RECORDED RETURN TO:

CITY OF MARYSVILLE  
1049 STATE AVENUE  
MARYSVILLE, WA 98270

### Relinquishment of Easement

WHEREAS, the City of Marysville, a municipal corporation of the State of Washington ("Marysville"), is the grantee of certain easement rights as established by plat filed under Snohomish County Auditor file number 8205055025; and

WHEREAS, the property commonly known as 13120 41st Avenue NE, Marysville, the legal description of which is attached hereto as Exhibit C (the "Property"), is burdened by a twenty foot drainage and screening easement as established by the above-mentioned plat, the legal description of which is attached hereto as Exhibit A and which is depicted in Exhibit B (the "Easement");

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

NOW, THEREFORE, the City of Marysville relinquishes, vacates, and releases the twenty foot drainage and screening easement as described in Exhibit A and depicted in Exhibit B. All other easement rights as established by the plat filed under Snohomish County Auditor file number 8205055025 shall remain in full force and effect, and are unaffected by this instrument.

City of Marysville

Dated \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Clerk)

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF SNOHOMISH )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_ to me known to be the MAYOR of THE CITY OF MARYSVILLE, the municipal corporation named herein, and acknowledged execution of the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument on behalf of the District.

WITNESS my hand and official seal hereto affixed the day and year first above written.

\_\_\_\_\_  
\_\_\_\_\_

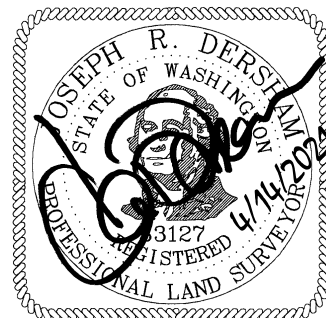
# EXHIBIT A

20' DRAINAGE AND SCREENING  
EASEMENT RELINQUISHMENT  
(LEGAL DESCRIPTION)

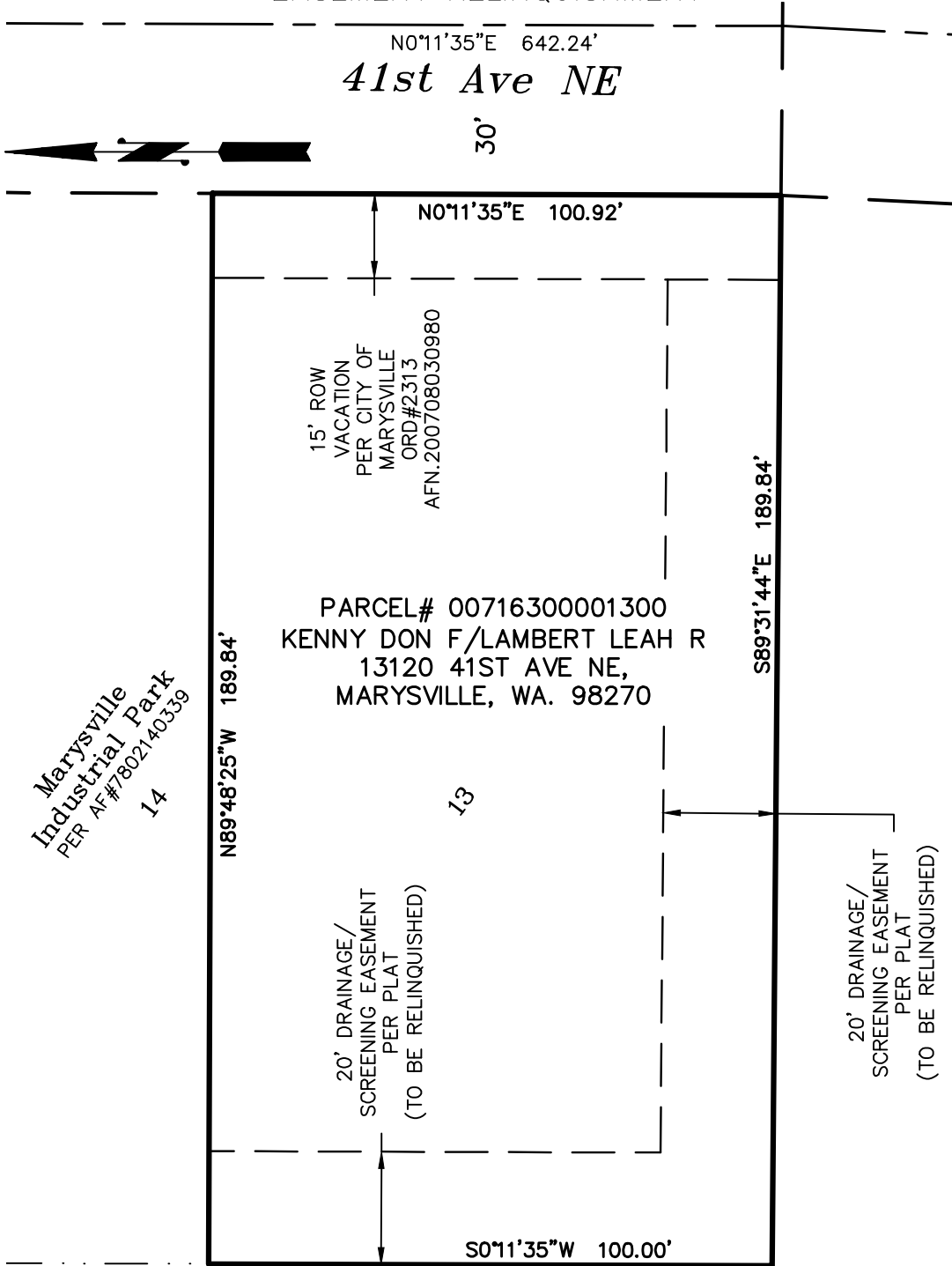
THE WEST AND SOUTH 20.00 FOOT DRAINAGE AND SCREENING EASEMENT OF LOT 13,  
NORTHWEST INDUSTRIAL PARK, ACCORDING THE PLAT THEREOF, RECORDED IN VOLUME  
43, OF PLATS, PAGES 177 THROUGH 179, INCLUSIVE, RECORDS OF SNOHOMISH COUNTY,  
WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

BENCHMARK SURVEYING LLC  
RD MASONRY – 13120 41ST AVE NE  
6/14/2021



**EXHIBIT B**  
EASEMENT RELINQUISHMENT



*Marysville  
Industrial Park  
PER AF#7802140339  
14*

N89°48'25\"W 189.84'

S89°31'44\"E 189.84'

15' ROW  
VACATION  
PER CITY OF  
MARYSVILLE  
ORD#2313  
AFN.200708030980

PARCEL# 00716300001300  
KENNY DON F/LAMBERT LEAH R  
13120 41ST AVE NE,  
MARYSVILLE, WA. 98270

20' DRAINAGE/  
SCREENING EASEMENT  
PER PLAT  
(TO BE RELINQUISHED)

20' DRAINAGE/  
SCREENING EASEMENT  
PER PLAT  
(TO BE RELINQUISHED)

13

SCALE: 1" = 30' DATE: 6/14/2021

BENCHMARK SURVEYING LLC  
11915 44TH DR. SE  
EVERETT, WA 98208  
206-396-3199

**EASEMENT RELINQUISHMENT**  
**CITY OF MARYSVILLE**  
**RD MASONRY - 13120 41ST AVE NE** 1 OF 1

**Exhibit "C"**

**Property Legal Description**

Lot 13, NORTHWEST INDUSTRIAL PARK, according to the plat thereof recorded in Volume 43 of Plats, pages 177 through 179, inclusive, records of Snohomish County, Washington. TOGETHER WITH that portion of vacated 41<sup>st</sup> Avenue, NE, that would attach by Operation of Law. SITUATE in the County of Snohomish, State of Washington.

TPN: 00716300001300

When recorded, return to:

CITY OF MARYSVILLE  
1049 STATE AVENUE  
MARYSVILLE, WA 98270

Document Title: Drainage Easement  
Grantor: Don Kenney  
Grantee: City of Marysville

Legal Description: Section 4 Township 30 Range 5 Quarter NW - NORTHWEST  
INDUSTRIAL PARK BLK 000 D-00 - LOT 13 TGW VAC 41ST  
AVE NE PER CITY OF MAR ORD #2313 REC AFN 200705140512  
& 200708030980

Assessor's Property Tax Parcel Numbers: 00716300001300

### **DRAINAGE EASEMENT**

This Drainage Easement (the "Easement") is made and entered into as of the date of the last signature below, by and between [R&D Masonry] (the "Grantor") and the City of Marysville, a municipal corporation of the state of Washington (the "Grantee").

### **RECITALS**

WHEREAS, Grantor is the owner of the property commonly known as 13120 41st Avenue NE, Marysville, the legal description of which is attached hereto as Exhibit C (the "Property").

WHEREAS, the Grantor desires to grant the Grantee a drainage easement over a portion of the Property.

Now therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

## AGREEMENT

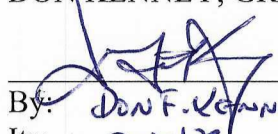
1. Drainage Easement. The Grantor, for valuable consideration, the adequacy and receipt of which is hereby acknowledged, hereby grants to the Grantee a non-exclusive easement across, over, and under that portion of the Property as described in Exhibit A and depicted in Exhibit B (the "Easement Area"), for the purpose of installing, maintaining, accessing, improving, inspecting, and repairing drainage facilities (the "Easement"). Such drainage facilities may include any type of system designed to collect, convey, or control the flow of water, including but not limited to ditches and underground pipes.
2. Use of Easement Area. Grantor may not place any structures, fences, or other obstructions in the Easement Area.
3. Runs with the Land; Successors and Assigns. The Easement and the rights and obligations contained herein shall run with the land and shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.
4. Warranty. The Grantor covenants to the Grantee that Grantor is lawfully seized and possessed of the Property; has a good and lawful right and power to sell and convey the same and to grant the Easement; that the Easement Area is free and clear of all encumbrances; and that Grantor will forever warrant and defend title to the Easement and the quiet possession of it against the lawful claims and demands of all other persons whomsoever.
5. Governing Law. This Agreement will be governed by the laws of the State of Washington, with venue in Snohomish County.
6. Exhibits. The attached Exhibits are incorporated into and shall be considered a part of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Easement to be duly signed as of the day and year first above written.

**[SIGNATURES ON FOLLOWING PAGE]**

DON KENNEY, GRANTOR:

CITY OF MARYSVILLE, GRANTEE:

  
By: Don F. Kenney  
Its: DWN:JK  
DATE: 11/15/2021

\_\_\_\_\_  
Jon Nehring, Mayor  
DATE: \_\_\_\_\_



STATE OF \_\_\_\_\_ )

)ss.

COUNTY OF \_\_\_\_\_ )

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

STATE OF WASHINGTON )

)

COUNTY OF SNOHOMISH )

On this day, before me personally appeared Don Kenney, to me known to be the Owner of 13120 NE 41st, and acknowledged said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath stated that he or she was authorized to execute said instrument.

Dated this 15 day of November,  
2021



Caprice King  
(Notary Signature)

CAPRICE KING  
(Print Name)

NOTARY PUBLIC in and for the State of  
Washington

Residing at (city):  
mapleville

My commission expires:  
7/28/22

# EXHIBIT A

15' DRAINAGE EASEMENT  
(LEGAL DESCRIPTION)

THE WEST 15.00 OF LOT 13, NORTHWEST INDUSTRIAL PARK, ACCORDING THE PLAT THEREOF, RECORDED IN VOLUME 43, OF PLATS, PAGES 177 THROUGH 179, INCLUSIVE, RECORDS OF SNOHOMISH COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF VACATED 41ST AVENUE NE, THAT WOULD ATTACH BY OPERATION OF LAW.

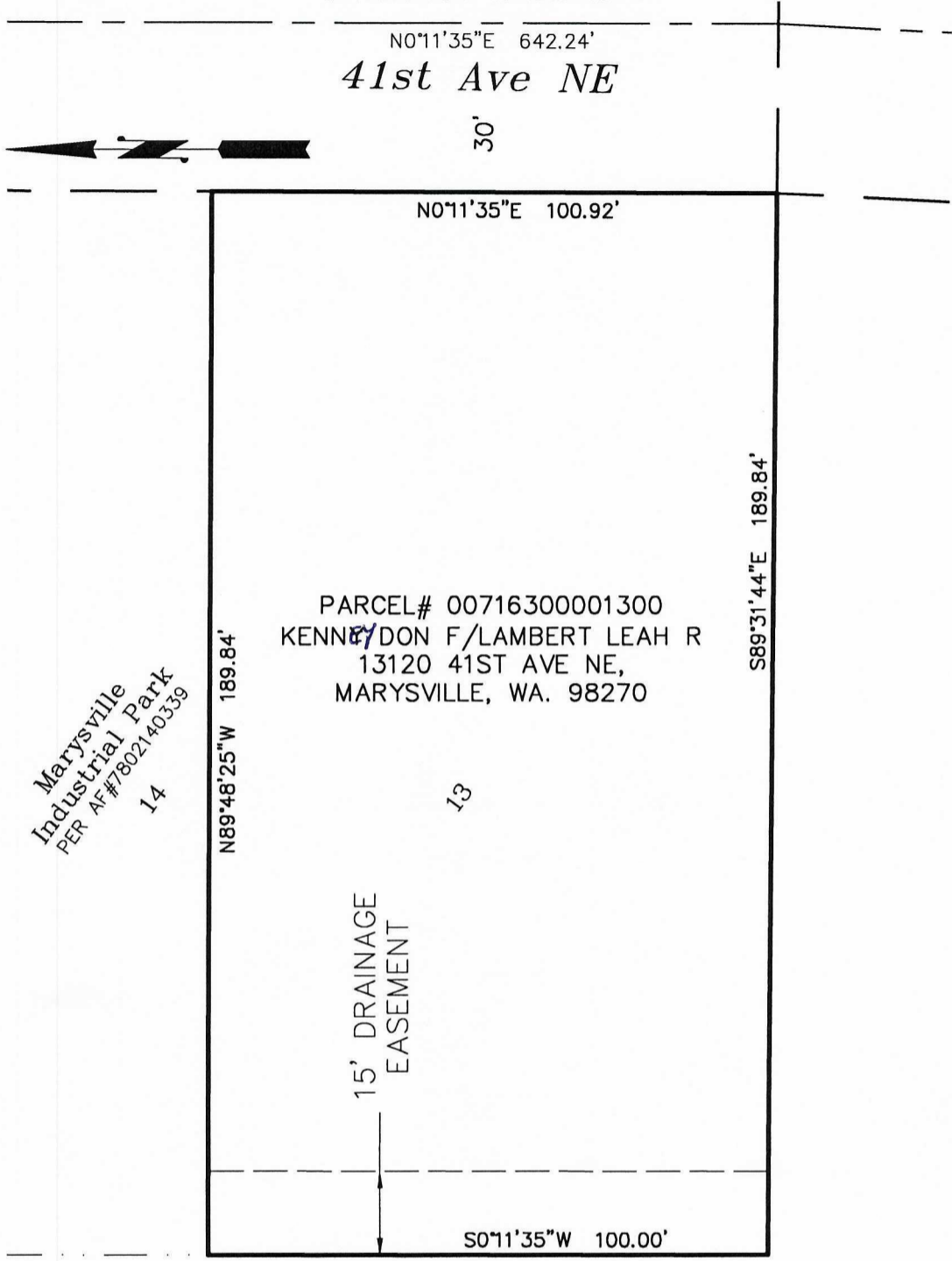
SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

(CONTAINING APPROXIMATELY 1,501 SQ.FT.)

BENCHMARK SURVEYING LLC  
RD MASONRY - 13120 41ST AVE NE  
6/14/2021



EXHIBIT B  
DRAINAGE EASEMENT

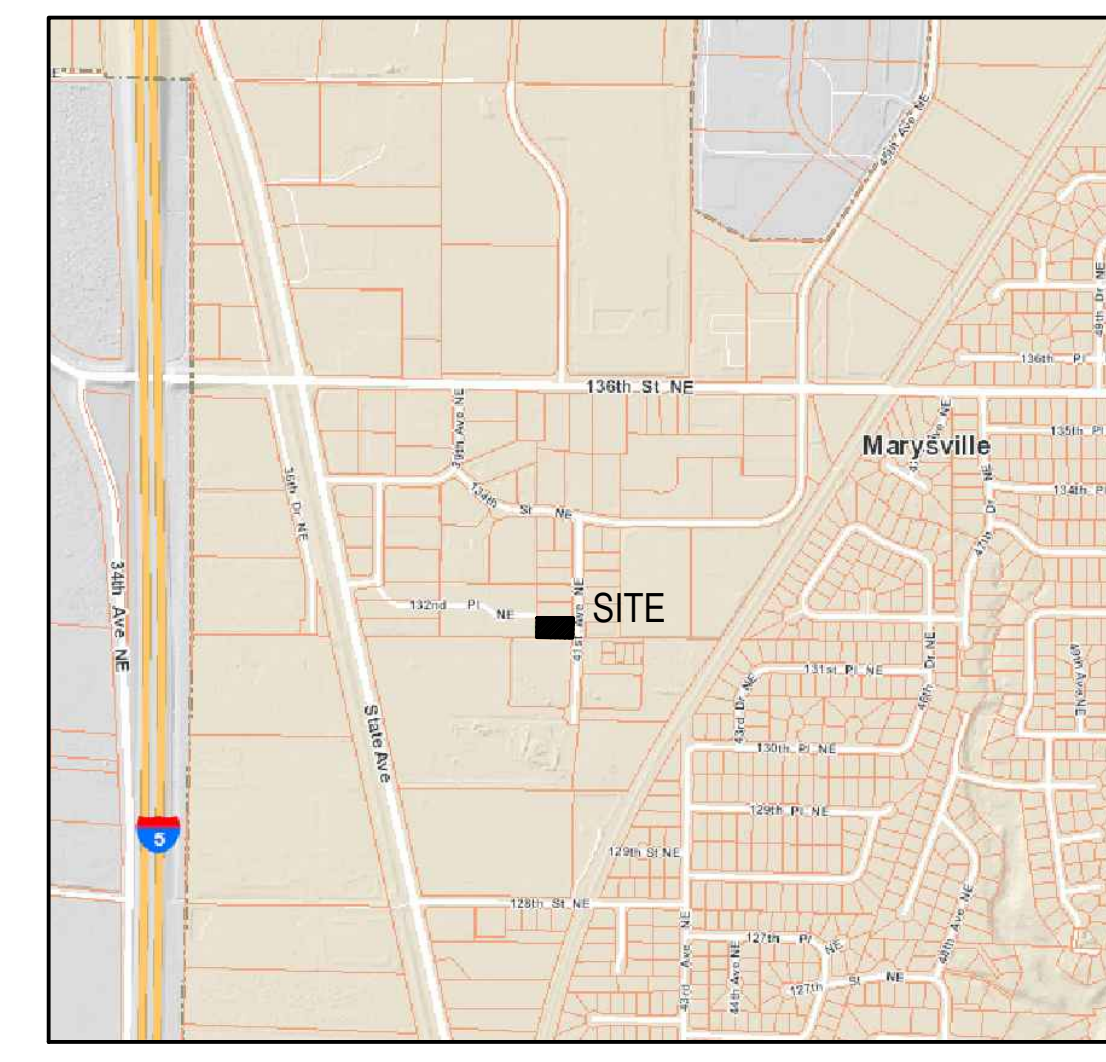
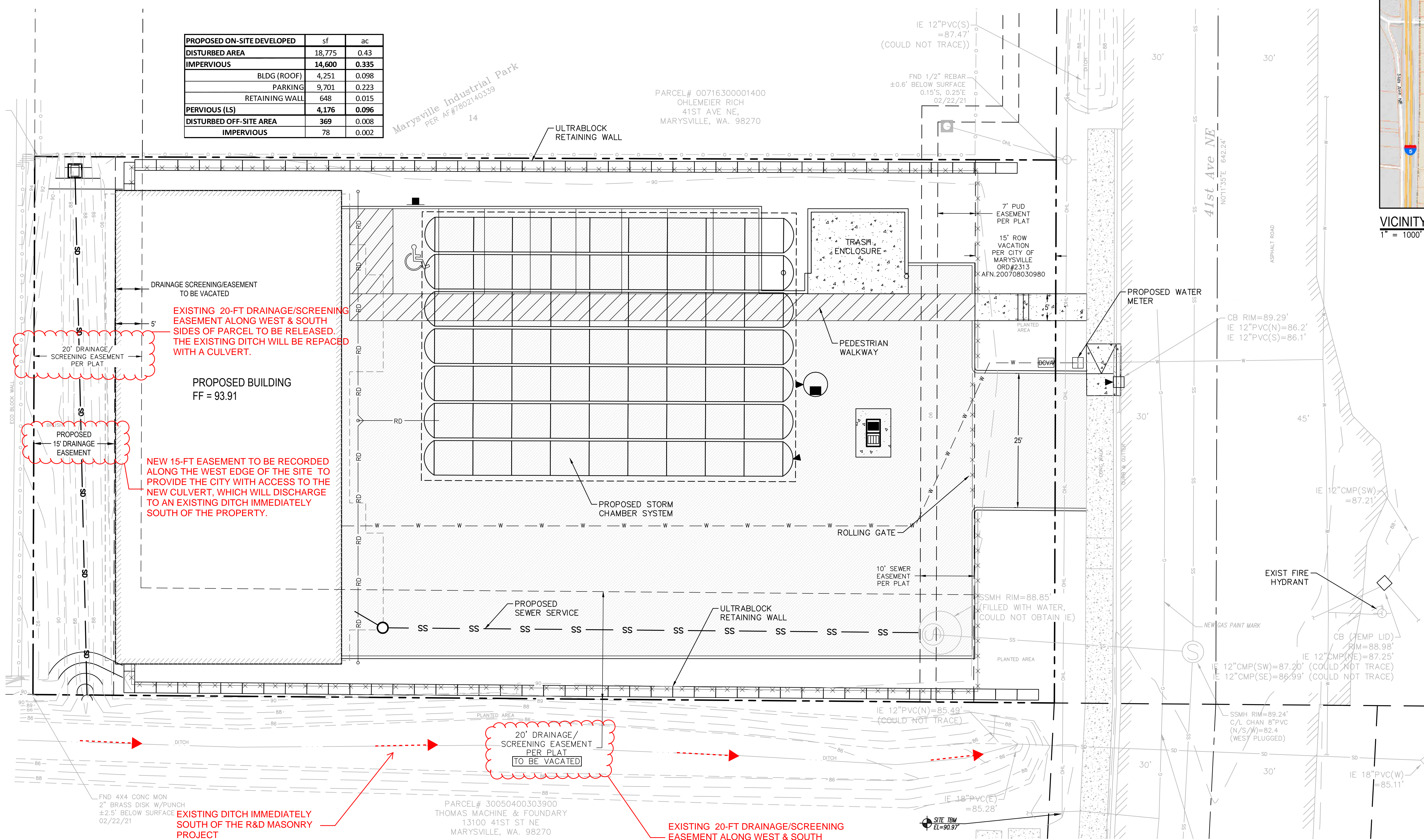


SCALE: 1" = 30' DATE: 6/14/2021

BENCHMARK SURVEYING LLC  
11915 44TH DR. SE  
EVERETT, WA 98208  
206-396-3199

**DRAINAGE EASEMENT**  
**CITY OF MARYSVILLE**  
**RD MASONRY - 13120 41ST AVE NE** 1 OF 1

# SE1/4 OF THE NW 1/4 OF SEC. 04, T. 30N., R. 05E, W.M. R&D MASONRY YARD



**DRAWING INDEX**

Code	Description
C1.0	COVER SHEET
C2.0	TESC PLAN
C2.1	TESC DETAILS
C3.0	STORM & GRADING PLAN
C3.1	STORM DETAILS AND PROFILE
C3.2	STORM DRAINAGE DETAILS
C3.3	SITE DETAILS
C4.0	COMPOSITE UTILITY PLAN
C4.1	WATER AND SEWER DETAILS
	EXISTING CONDITIONS - SURVEY

**PROJECT TEAM:**

**APPLICANT/ LEGAL OWNER:** R & D MASONRY  
13109 - 41ST AVE NE  
MARYSVILLE, WA 98271  
360-653-1414  
don@rdmasonry.com

**CIVIL ENGINEER:** FURR ENGINEERING SERVICES PLLC  
DEAN FURR  
4715 142ND PL SW UNIT#B  
EDMONDS, WA 98026  
(206) 890-8291  
FURREENGINEERING@GMAIL.COM

**GEOTECHNICAL CONSULTANT:** COBALT GEOSCIENCES, LLC  
PHIL HABERMAN  
P. O. BOX 82243  
KENMORE, WA 98028  
(206) 331-1097  
COBALTGeo@GMAIL.COM

**SURVEYOR:** BENCHMARK SURVEYING LLC  
11915 44TH DRIVE SE  
EVERETT, WA 98208  
206-396-6252

**ARCHITECT:** AD SHAPIRO ARCHITECTS PS  
PO BOX 0054  
EDMONDS, WA 98020  
425-778-5400

**EARTHWORK QUANTITIES**

CUT = 477 CY - STORM CHAMBER  
CUT = 3 CY  
FILL = 1,772 CY  
NET = 1,292 CY FILL

**LEGAL DESCRIPTION:**

AS PER STATUTORY WARRANTY DEED A.F. NO. 201603010352  
LOT 13, NORTHWEST INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 43, OF PLATS, PAGES 177 THROUGH 179, INCLUSIVE, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, TOGETHER WITH THAT PORTION OF VACATED 41ST AVENUE NE, THAT WOULD ATTACHE BY OPERATION OF LAW.  
SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

**UTILITIES:**

**GAS:** PUGET SOUND ENERGY (425) 882-4406

**ELECTRICITY:** PUGET SOUND ENERGY (425) 882-4406

**STORM:** CITY OF MARYSVILLE (360) 363-8000

**SEWER:** CITY OF MARYSVILLE (360) 363-8000

**WATER:** CITY OF MARYSVILLE (360) 363-8000

**GARBAGE:** WASTE MANAGEMENT 1 (800) 592-9995

**FIRE:** MARYSVILLE FIRE DISTRICT (360)-363-8500

**SITE INFORMATION:**

**PARCEL(S):** 00716300001300

**ADDRESS:** 13120 41ST AVE NE  
MARYSVILLE, WA 98271

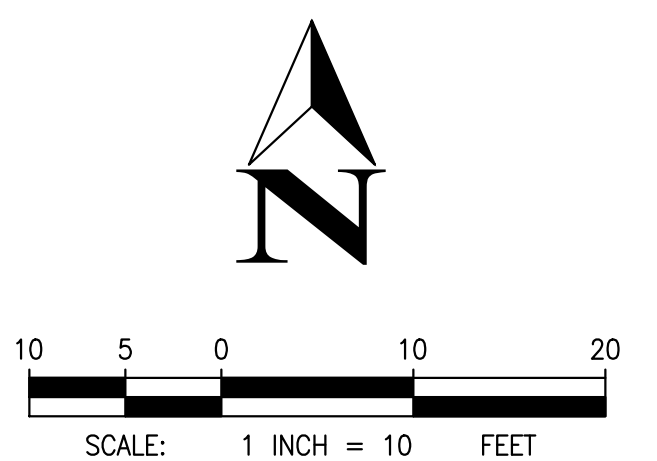
**ZONE:** LI

**LAND USE:** LIGHT INDUSTRIAL

**SETBACKS:**  
MIN. REAR 0'  
MIN. SIDE 0'  
MIN. STREET 0'

**PERMITS REQUIRED:** GRADING, UTILITY, ROW, AND BUILDING PERMITS

**TOPOGRAPHY, BOUNDARY, AND UTILITIES STATEMENT:**  
FURR ENGINEERING SERVICES PLLC DOES NOT WARRANT THE TOPOGRAPHY, BOUNDARY, AND/OR EXISTING UTILITIES SHOWN ON THESE PLANS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO HAVE ALL EXISTING IMPROVEMENTS FIELD VERIFIED PRIOR TO CONSTRUCTION. ANY SUBSURFACE EXPLORATION OF EXISTING UNDERGROUND UTILITIES (POWER, WATER, SEWER, TELECOM, ETC.) SHALL BE PERFORMED BY THE CONTRACTOR. DISCREPANCIES BETWEEN WHAT IS SHOWN ON THE PLANS AND LOCATED BY THE CONTRACTOR SHALL BE BROUGHT TO THE ATTENTION OF FURR ENGINEERING SERVICES PLLC, PRIOR TO CONSTRUCTION ACTIVITIES.



**CITY OF MARYSVILLE  
CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT**

THIS PLAN SHEET HAS BEEN REVIEWED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES, CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGEMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRE OTHER COUNTY, STATE, OR FEDERAL PERMIT REVIEW & APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION OF, AND COMPLIANCE WITH ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSPFW HYDRAULIC PROJECT APPROVAL (HPA), WSDOE NOTICE OF INTENT (NOI), CORPS OF ENGINEERS FILL PERMITS, AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.

*Ken McIntyre*  
KEN MCINTYRE, PE - DEVELOPMENT SERVICES MANAGER  
DATE 11/01/2021

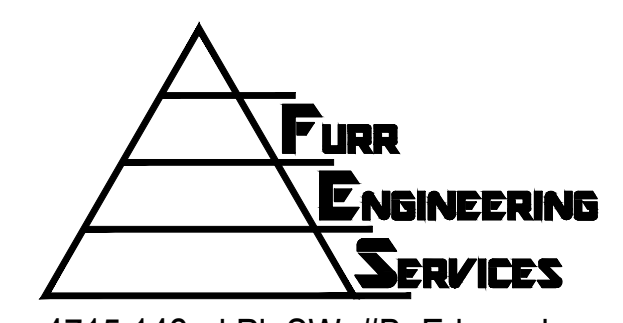
THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER A PERIOD OF 60 MONTHS FROM THE DATE SHOWN ABOVE, OR UPON EXPIRATION OF PRELIMINARY PLAT OR SITE PLAN APPROVAL PER MMC 22A.040.030

R&D MASONRY  
13120-41ST AVE NE  
MARYSVILLE, WA 98271

PA21-033  
G21-0037

Key Plan

Registration



4715 142nd Pl. SW #B, Edmonds, WA 98026  
ph 206.890.8291

Sheet Title

**COVER SHEET**

Revisions

No.	Description

Scale:  
FES Project No: 21057  
Date: MAY 20, 2021  
Designed: DAF  
Drawn: TJW  
Checked: DAF

Sheet Number

**C1.0**