

1. Agenda

Documents:

[PWC AGENDA 07-02-2018.PDF](#)

2. Meeting Materials

Documents:

[CEDARHOME SQUARE TERMINATE EASEMENT AGREEMENT.PDF](#)



AGENDA

PUBLIC WORKS COMMITTEE

Monday, July 2, 2018 - 5:00 PM

Wastewater Treatment Plant – 26729 98th Drive NW

AGENDA

1. Cedarhome Square Terminate Easement Agreement

DISCUSSION

- Candle Ridge II Retention Pond
 - * Property owners have signed deed to turn over retention pond to city
- Steps to take for City to take ownership for developments with No HOA like Summer Set
- New Policy for City to take over privately owned retention ponds



**CITY OF STANWOOD
PUBLIC WORKS COMMITTEE
AGENDA STAFF REPORT**

ITEM NUMBER: 1
DATE: July 2, 2018
SUBJECT: Request to remove easements on Schmakeit property
CONTACT PERSON: Kevin Hushagen, Public Works Director
ATTACHMENTS: A – E-mail Correspondence
B – Easement
C – Relinquish Agreement

ISSUE

The issue in front of the Public Works Committee is whether or not to relinquish a waterline easement on the Schmakeit property.

SUMMARY STATEMENT

Staff was contacted by Landed Gentry Homes and Communities representatives requesting an easement on a piece of property they are set to develop be removed.

DISCUSSION

In June of 1973 Alfred and Norma Schmakeit, husband and wife, granted an easement to the Stanwood Water Company to allow for a booster pump station and waterline to be installed on their property. Neither of these uses have been needed in the water system for a number of years, and in fact the booster station was relocated and an entirely new station built across 68th Avenue with the Hawks Prairie development.

Landed Gentry Homes and Communities is now purchasing the property and has a proposed plat ready to be built on the property. The plat has been through the Hearing Examiner and approved. With the new development will come all new utilities, roads, sidewalks and right-of-way. This will move all the waterlines in to established ROW and provide for a much better system.

FINANCIAL IMPACT

Staff has invested some time into this, but any legal or outside costs will be passed onto the requestor.

Lisa M. Sokolik

Attach - A

From: Anna Nelson <anna@landedgentry.com>
Sent: Friday, June 01, 2018 10:40 AM
To: Kevin J. Hushagen
Cc: Ryan C. Larsen; Shawn A. Smith; Amy M Rusko; Lisa M. Sokolik; Brian Gentry
Subject: RE: Cedarhome Square - documents to initiate review to terminate water easement
Attachments: extinguish easement.6 1 18.doc; extinguish easement.6 1 18.pdf; Water easement AFN 2311543.pdf; City Waterline map 12-19-16.pdf; SKM_C30818053014220.pdf; 17025 Landed Gentry Cedarhome Plat Engineering Survey 11-3-17 teb.pdf

Hi Kevin,

I'm following up on the email below. I checked in with Heike and she did not get any information from Gina that showed improvements in the easement. There is a propane tank in the pump house easement area (see attached survey), but it is not in use.

Based on the lack of improvements and the language in the 1973 easement (attached AFN 2311543) we have prepared a draft "Extinguishment of Easement" document for review by your attorney. It appears that all that is necessary is for the City Council (PW Committee first?) to authorize the appropriate City signature on the easement at one of their regular meetings.

Please let us know if you need any further information from us or if an advance payment is necessary to initiate your attorney's review. Our goal is to have the easement extinguished before we purchase the property (mid-to late July). Thanks, and have a great weekend.

Anna

From: Anna Nelson
Sent: Tuesday, May 15, 2018 2:46 PM
To: 'Kevin J. Hushagen' <Kevin.Hushagen@ci.stanwood.wa.us>
Cc: Ryan C. Larsen <ryan.larsen@ci.stanwood.wa.us>; Shawn A. Smith <Shawn.Smith@ci.stanwood.wa.us>; Amy M Rusko <Amy.Rusko@ci.stanwood.wa.us>; Lisa M. Sokolik <Lisa.Sokolik@ci.stanwood.wa.us>; Brian Gentry <brian@landedgentry.com>; [hnelson@ravn timer.net] <hnelson@ravn timer.net>
Subject: RE: Cedarhome Square - process to terminate water easement

Hi Kevin,

Thanks for the quick response. No system improvements show up on the City water map (attached) and the easement is from 1973 (attached).

We'll loop back with the owner's to confirm what they know about the intent of the easement and any improvements. I think Heike Nelson from Ravn timer & Associates may have also gotten some information from Gina regarding any improvements that are in the easement and their function, but Heike is out until the week of 5/28. I'll check with her when she returns and then loop back on this.
Thanks again, Anna

From: Kevin J. Hushagen [<mailto:Kevin.Hushagen@ci.stanwood.wa.us>]
Sent: Tuesday, May 15, 2018 1:54 PM
To: Anna Nelson <anna@landedgentry.com>
Cc: Ryan C. Larsen <ryan.larsen@ci.stanwood.wa.us>; Shawn A. Smith <Shawn.Smith@ci.stanwood.wa.us>; Amy M Rusko <Amy.Rusko@ci.stanwood.wa.us>; Lisa M. Sokolik <Lisa.Sokolik@ci.stanwood.wa.us>
Subject: FW: Cedarhome Square - process to terminate water easement

Hello Anna,

In order for us to terminate the easement you will need to bring in all related title information (legal descriptions, agreements, deeds etc.) and then pay for our attorney review time. It will need to be established the intent of the easement and what/if any benefit it provided to the water system as a whole (as opposed to one property) as this will determine the method of termination (public hearing, resolution etc.) since it is part of a publicly owned utility.

Kevin Hushagen
Public Works Director
City of Stanwood
10220 270th St NW Stanwood WA 98292
Phone:(360)629-9782
Fax: (360)629-0867

kevin.hushagen@ci.stanwood.wa.us
www.ci.stanwood.wa.us

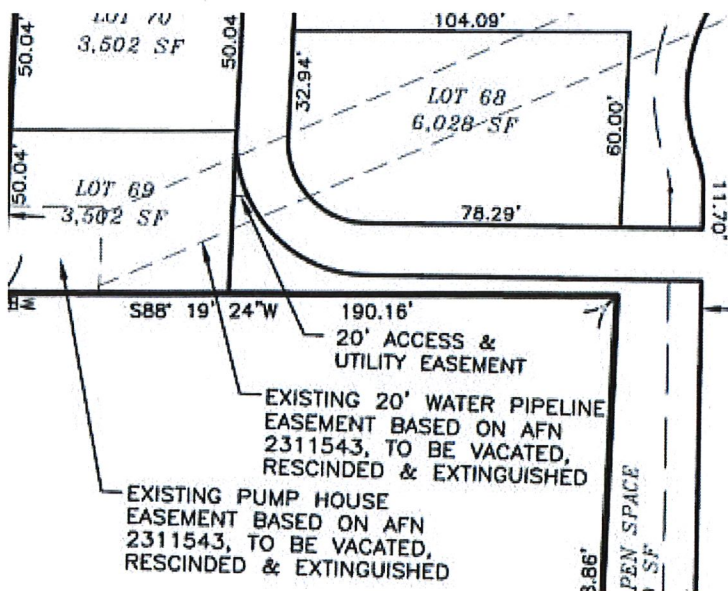
From: Anna Nelson [<mailto:anna@landedgentry.com>]
Sent: Tuesday, May 15, 2018 11:47 AM
To: Kevin J. Hushagen <Kevin.Hushagen@ci.stanwood.wa.us>; Shawn A. Smith <Shawn.Smith@ci.stanwood.wa.us>
Cc: Amy M Rusko <Amy.Rusko@ci.stanwood.wa.us>; Ryan C. Larsen <ryan.larsen@ci.stanwood.wa.us>
Subject: Cedarhome Square - process to terminate water easement

Good afternoon,

I will be dropping off the civil construction plan sets tomorrow afternoon, together with the Master Application form, Site Development Checklist and fee deposit.

One of the items we'd like to start working on is termination of the water easement that is in Phase 3 (see snip below from pre-plat map). It appears that this would be a simple termination agreement like what was recently done with Les Schwab (see attached). Can you confirm and let me know who I should coordinate with on the necessary paperwork and getting this on the Council schedule once the Examiner decision on the pre-plat is issued?

Thanks, Anna



Attach-B

RECEIVED

THIS INSTRUMENT, made this 29th day of June, 1973

between ALFRED SCHMIDT and NORMA SCHMIDT, his wife, hereinafter called the Grantors, parties of the first part and the STANWOOD WATER COMPANY, a Corporation, hereinafter called the Grantee, party of the second part,
WITNESSETH:

That the Grantors, for as in consideration of ONE DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby convey and grant to the Grantee, its' successors or assigns, the right, privilege and authority to construct, lay, alter, improve, and maintain a pump station and water pipeline upon and across the following described lands and premises situated in the County of Snohomish, State of Washington, to-wit:

Beginning at the NW corner of the NE $\frac{1}{4}$ of Section 19, Township 32 North, Range 4 E $\frac{1}{2}$ N thence East 1,650 ft., thence South 1,310 ft., more or less to County Road, thence North-westerly to a point 330 ft. North of the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, thence West 330 ft., thence North 440.73 ft., thence West 770 ft., thence North 198 ft., thence West 220 ft., thence North 351.78 to point of beginning less county road.

The pump station easement shall be that portion of the above described property described as follows, to-wit:

Beginning at a point 325 ft. South of the NW corner of the NE $\frac{1}{4}$ of Section 20, Township 32 North, Range 4 E $\frac{1}{2}$ N on the East boundary of county road, thence East 30 ft., thence South 16.78 ft., thence West 30 ft., thence North 26.78 ft., along the East boundary of county road to point of beginning.

The water pipeline easement shall be a 20 foot wide strip running Northeasterly from the pump station to a point on the South boundary of the county road 800 feet more or less East of the NW corner of the NE $\frac{1}{4}$ of Section 20, Township 32 North, Range 4 E $\frac{1}{2}$ N.

It is agreed that the Grantee shall place its pipeline at a sufficient depth so as not to interfere with the cultivation of the soil, and it is further agreed that if such repair work on said pipeline is performed during seasons of the year so as to interfere with the cultivation and growing of crops over this right-of-way, the Grantee or its assigns agree to reimburse the Grantors reasonable damages for loss of income caused thereby.

OFFICIAL RECORDS

Vol 720 PAGE 512

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee, its' successors or assigns shall permanently remove said pump station or pipeline or shall otherwise permanently abandon said pump station or pipeline, at which time all such rights, title and authority hereby granted shall terminate.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

Alfred H. H. H.
Norma H. H.
Parties of the First Part

STANWOOD WATER COMPANY, a corporation,
C. S. H.
President
W. H. H.
Sec. & Treas.

Parties of the Second Part

STATE OF WASHINGTON

COUNTY OF SPOKANE

ss.

I, the undersigned, a Notary Public, do hereby certify that on the 29th day of June, 1973, personally appeared before me ALVIN SCHMIDT and WILMA SCHMIDT, his wife, to me known to be the parties described in and who executed the within instrument and acknowledged that they signed the same as their free and voluntary act for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year in this certificate first above written.

[Signature]
Notary Public in and for the State
of Washington, residing in Stanwood

STATE OF WASHINGTON

COUNTY OF SPOKANE

ss.

On this 29th day of June, 1973, before me personally appeared C. Stanford Olsen and W. V. Brekaw to me known to be the President and the Secretary of the corporation that executed the foregoing instrument, and acknowledged 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 they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Given under my hand and official seal the day and year in this certificate first above written.

[Signature]
Notary Public in and for the State
of Washington, residing in Stanwood

OFFICIAL RECORDS

RECORDED 583

Stanwood Conf
First National Bank of Stanwood

SEP 6 PM 1 26

STANLEY CROUSE, AUSTIN
SPOKANE COUNTY CLERK

[Signature]

NO SALES TAX
REQUIRED

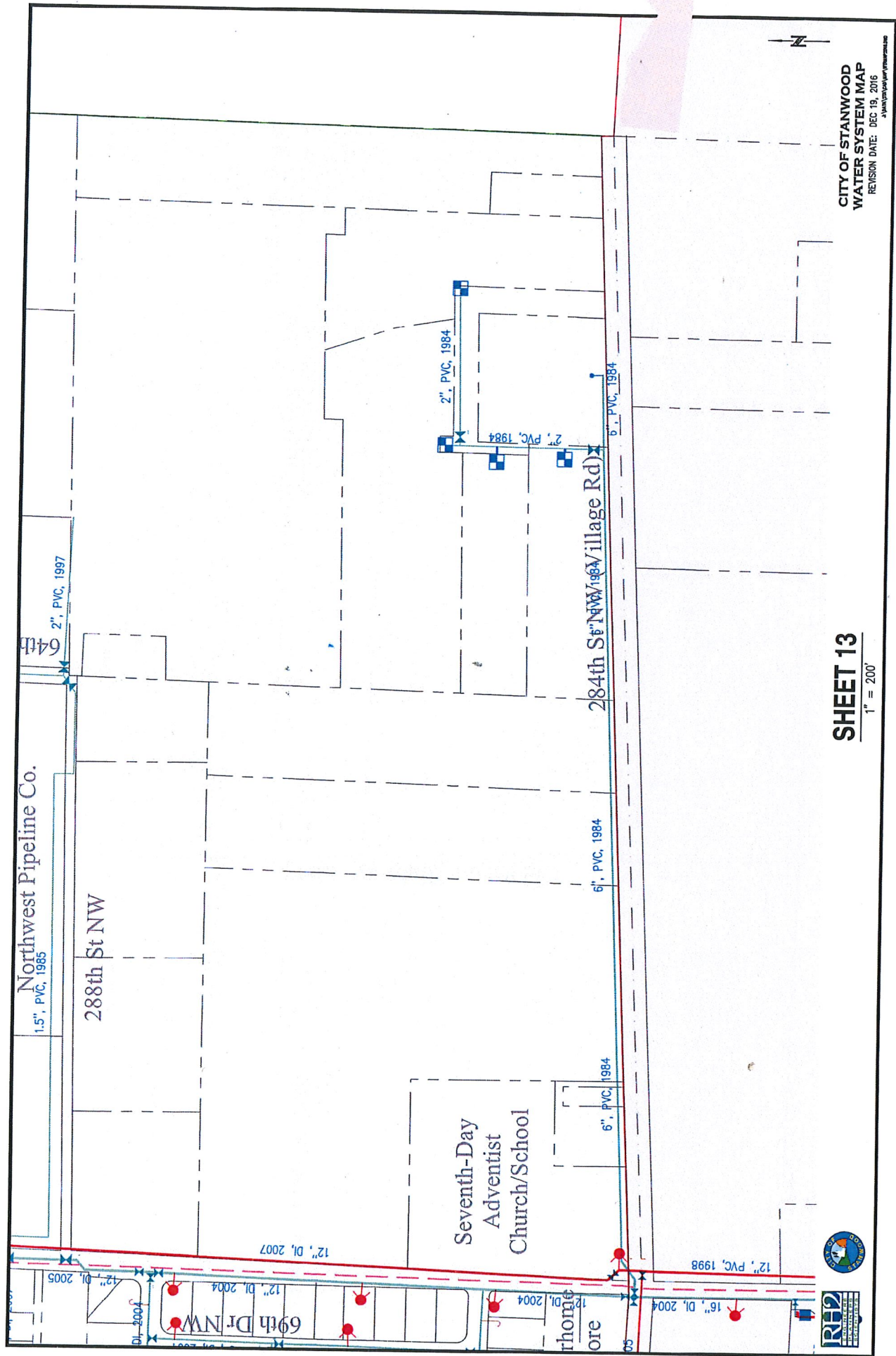
SEP - 6 1973

[Signature]

OFFICIAL RECORDS

VOL 720 PAGE 514

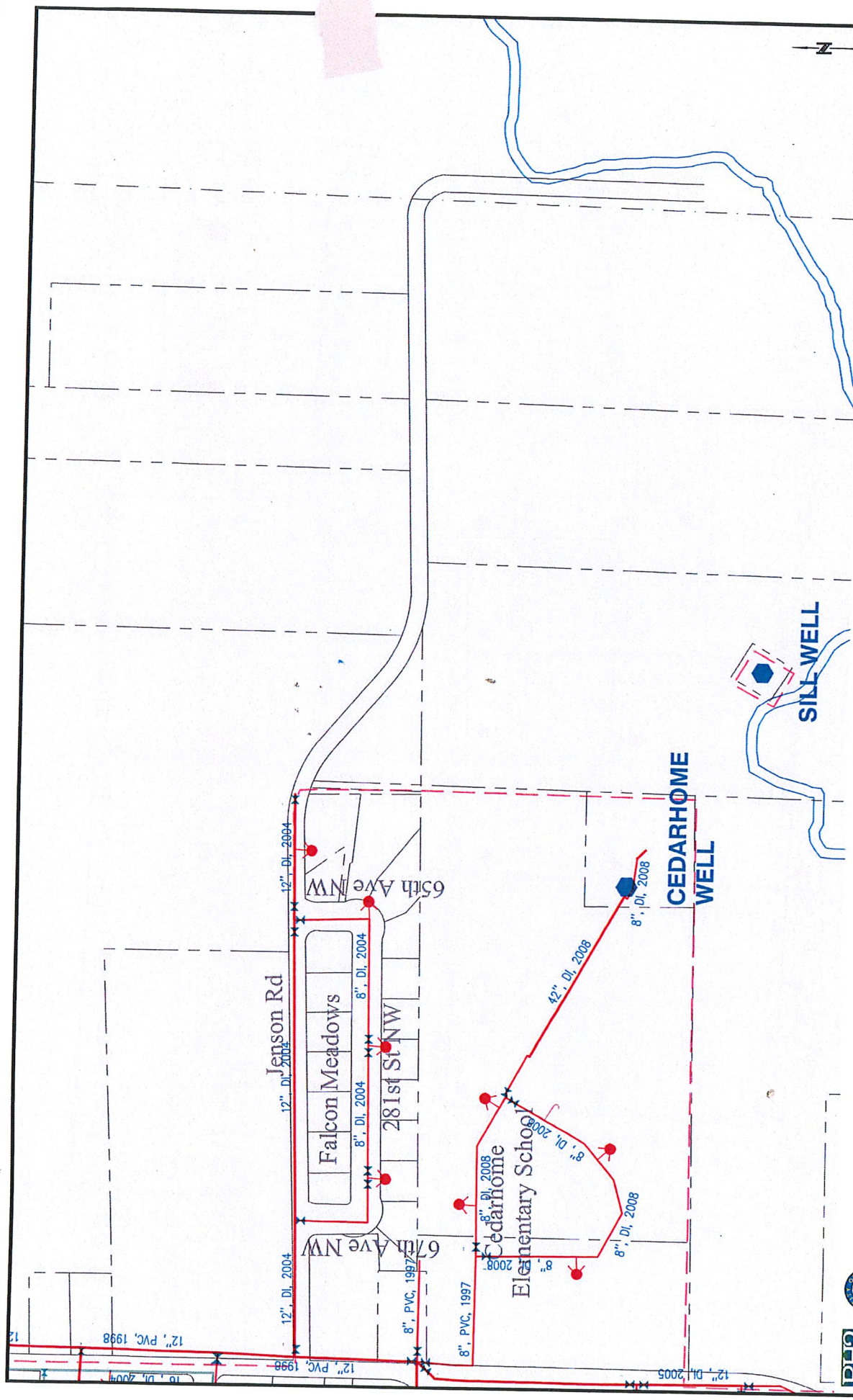
10.6X 588 Stanwood WA. 98782



CITY OF STANWOOD
WATER SYSTEM MAP
REVISION DATE: DEC 19, 2016
PREPARED BY: R&B ENGINEERING, INC.

SHEET 13
1" = 200'





SHEET 18

1" = 200'

CITY OF STANWOOD
WATER SYSTEM MAP
REVISION DATE: DEC 19, 2016



BUSINESS INFORMATION

Business Name:

STANWOOD WATER COMPANY

UBI Number:

000 007 452

Business Type:

WA PUBLIC UTILITY CORPORATION

Business Status:

INACTIVE

Principal Office Street Address:

Principal Office Mailing Address:

Expiration Date:

06/30/1987

Jurisdiction:

UNITED STATES, WASHINGTON

Formation/ Registration Date:

11/17/1911

Period of Duration:

PERPETUAL

Inactive Date:

Nature of Business:

REGISTERED AGENT INFORMATION

Registered Agent Name:

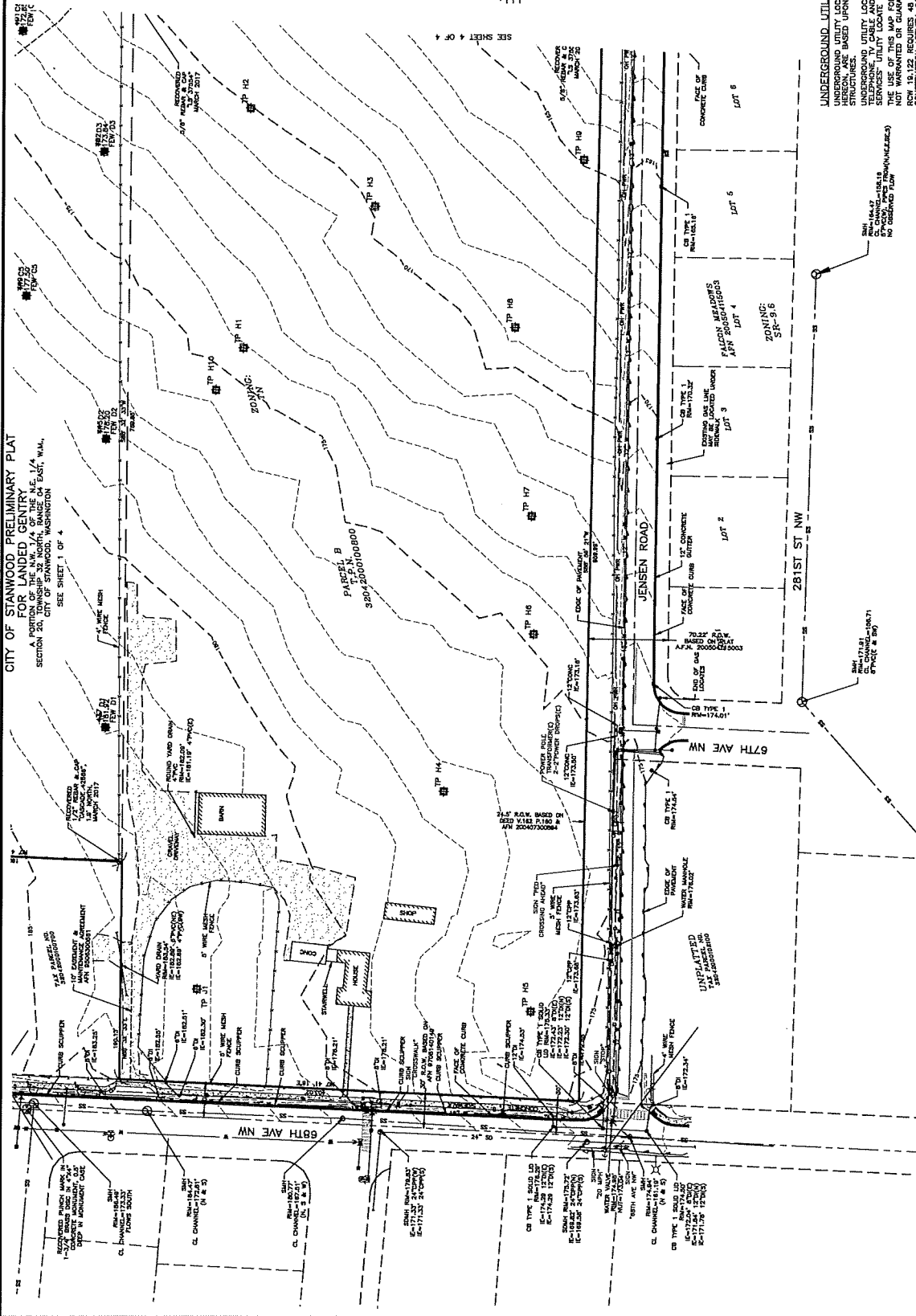
THE FIRST NATIONAL BANK OF STA

Street Address:

PO BOX 307, STANWOOD, WA, 98292, UNITED STATES

Mailing Address:

CITY OF STANWOOD, PRELIMINARY PLAT
LAND SURVEY, MAPS, AND LAND USE PLANNING
 A PORTION OF THE NW 1/4 OF THE NE 1/4
 SECTION 20, TOWNSHIP 32 NORTH, RANGE 04 EAST, W.M.
 CITY OF STANWOOD, WASHINGTON
 SEE SHEET 1 OF 4



Scale 1" = 40'
 CONTOUR INTERVAL = 1 FEET

DATUM:
 HORIZONTAL DATUM: WASHINGTON
 NORTH ZONE NAD 83/11
 VERTICAL DATUM: NAVD 88

- LEGEND**
- UNDERGROUND UTILITY LOCATIONS AS NOTED
 - AS-BUILT LOCATIONS OF UTILITY STRUCTURES
 - UNDERGROUND UTILITY LOCATIONS FOR WATER, ELECTRIC SERVICE, TELEPHONE, AND GAS SERVICE BASED ON APPLIED PROFESSIONAL SERVICES' UTILITY LOCATE SERVICES
 - THE USE OF THIS MAP FOR THE PRECISE LOCATION OF THE UTILITY LINES IS NOT WARRANTED OR GUARANTEED. UNDERGROUND UTILITY LOCATIONS ARE FOR INFORMATIONAL PURPOSES ONLY. FOR PRECISE UTILITY LOCATIONS, CONTACT 'CALL BEFORE YOU DIG' UTILITY LOCATE SERVICE AT 811 OR 1-800-424-5555.
 - UNDERGROUND UTILITY NOTE:
 - UNDERGROUND UTILITY LOCATIONS FOR STORM AND SEWER, AS SHOWN
 - UNDERGROUND UTILITY LOCATIONS FOR WATER, ELECTRIC SERVICE, TELEPHONE, AND GAS SERVICE BASED ON APPLIED PROFESSIONAL SERVICES' UTILITY LOCATE SERVICES
 - THE USE OF THIS MAP FOR THE PRECISE LOCATION OF THE UTILITY LINES IS NOT WARRANTED OR GUARANTEED. UNDERGROUND UTILITY LOCATIONS ARE FOR INFORMATIONAL PURPOSES ONLY. FOR PRECISE UTILITY LOCATIONS, CONTACT 'CALL BEFORE YOU DIG' UTILITY LOCATE SERVICE AT 811 OR 1-800-424-5555.



METRON
 CIVIL ASSOCIATES INC.
 LAND SURVEYS, MAPS, AND LAND USE PLANNING
 307 N. OLING AVENUE, SUITE 205
 (360) 432-3777 FAX (360) 432-4822
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CITY OF STANWOOD
 PRELIMINARY PLAT
 FOR
 LANDED GENTRY
 A PORTION OF NW 1/4 OF THE NE 1/4, SECTION 20,
 TOWNSHIP 32 NORTH, RANGE 04 EAST, W.M.
 CITY OF STANWOOD, WASHINGTON

DATE: 01/11/2017	DATE: 01/11/2017	DATE: 01/11/2017
BY: JVS/CLT	BY: JVS/CLT	BY: JVS/CLT
DATE: 01/11/2017	DATE: 01/11/2017	DATE: 01/11/2017
BY: JVS/CLT	BY: JVS/CLT	BY: JVS/CLT
DATE: 01/11/2017	DATE: 01/11/2017	DATE: 01/11/2017
BY: JVS/CLT	BY: JVS/CLT	BY: JVS/CLT

REV. 01/11/2017
 SHEET 1 OF 4

Filed for Record at Request of:

Document Title: Extinguishment of Easement
Ref. No. of Related Doc: 2311543
Grantor: City of Stanwood
Grantee: Alfred Schmakeit
Abbreviated legal description: PTN N ½ of NE ¼ Sec. 20, T32N, R4E
Tax Parcel Number: 32042000100500; 32042000100501

EXTINGUISHMENT OF EASEMENT

THIS EXTINGUISHMENT OF EASEMENT, is executed this ____ day of June, 2018, and is by and between the City of Stanwood, a municipal corporation, (hereinafter "Grantor"), and Alfred Schmakeit, as his separate estate ("Grantee").

RECITALS

A. Grantor is a municipal corporation and the successor in interest to Stanwood Water Company, a Washington Public Utility corporation that, as of June 30, 1987, is no longer in existence.

B. Grantee is the owner of the following legally described real property:

PARCEL A:

ALL THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 32 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EAST 1,650 FEET; THENCE SOUTH 1,320 FEET, MORE OR LESS, TO THE COUNTY ROAD; THENCE NORTHWESTERLY TO A POINT 330 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE WEST 330 FEET;

THENCE NORTH 440.22 FEET; THENCE WEST 770 FEET; THENCE NORTH 198 FEET; THENCE WEST 220 FEET; THENCE NORTH 351.76 FEET TO THE POINT OF BEGINNING;

EXCEPT COUNTY ROADS;

ALSO EXCEPT THAT PORTION DEEDED TO SNOHOMISH COUNTY UNDER RECORDING NO. 9709040282;

AND EXCEPT THAT PORTION SOLD TO THE CITY OF STANWOOD UNDER RECORDING NO. 201609190236;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

Tax Parcel No. 32042000100500; 32042000100501

Hereinafter referred to as the "Property".

C. An Easement dated June 29, 1973, and recorded under Snohomish County Auditor's File No. 231153, was previously established affecting the Property ("Original Easement").

D. Grantee is the owner of the Property burdened by the Original Easement.

E. Stanwood Water Company, a Washington Public Utility, was the original party that benefitted from the Original Easement. Grantor is successor in interest to Stanwood Water Company and therefore, the current party that benefits from the Original Easement.

F. The parties hereto have no further use for the Original Easement and have agreed to extinguish it.

NOW, THEREFORE, Grantor and Grantee hereby agree to the following:

1. Extinguishment of Easement. Grantor and Grantee hereby mutually agree to the extinguishment of the Original Easement. For that purpose, Grantor hereby conveys and quit claims any interest or rights granted to it by virtue of the Original Easement.

2. Release. Both Grantor and Grantee hereby release each other from any responsibilities or liabilities under the Original Easement.

3. Consideration. There is no monetary or other consideration given or promised in relation to this Extinguishment of Easement.

4. Binding Effect. This Extinguishment of Easement is binding upon the parties hereto, their heirs, successors and assigns.

GRANTOR:

City of Stanwood

By: _____
Its: _____

Dated: _____

GRANTEE:

Alfred Schmakeit

Dated: _____

STATE OF WASHINGTON)
 ss.
COUNTY OF SNOHOMISH)

On this _____ day of June, 2018, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the authorized representative of the City of Stanwood, the entity that executed the foregoing instrument, and acknowledged the 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/she is authorized to execute the instrument.

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

STATE OF WASHINGTON)
 ss.
COUNTY OF SNOHOMISH)

Notary Public in and for the State of Washington
Print Name: _____
My commission expires _____

On this day personally appeared before me Alfred Schmakeit to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of June, 2018.

Notary Public in and for the State of Washington
Print Name: _____
My Commission expires _____