

EVERETT SCHOOL DISTRICT NO. 2
Snohomish County, Washington
June 25, 2002

RESOLUTION NO. 747

A Resolution of the Board of Directors (the "Board") of Everett School District No. 2 (the "District") declaring a portion of property at the Silver Lake Elementary School site to be surplus and authorizing the sale of said surplus property to the City of Everett ("City").

WHEREAS, the Board is authorized under RCW 39.33.010 to sell, transfer, exchange, lease or otherwise dispose of property to another government entity;

WHEREAS, the Board, pursuant to RCW 39.33.020, is authorized to dispose of property to another government entity without a public hearing if the estimated value of the property is below fifty thousand dollars;

WHEREAS, the District owns that certain real property more particularly described on Exhibit A and depicted on Exhibit B, both of which are attached hereto and made a part hereof by this reference ("Property" - note: in the event of conflict, the legal description on Exhibit A shall control);

WHEREAS, the City of Everett desires to acquire and use the Property to widen State Route 527 (a copy of the City's proposal is attached hereto as Exhibit C);

WHEREAS, the Board, based on an appraisal information available to the District, estimates the value of the Property to be less than fifty thousand dollars;

WHEREAS, the City has further agreed to provide additional funds to the District that the Board, based on information available to the District, estimates will be sufficient for the District to construct and otherwise implement mitigation projects and changes to and at Silver Lake Elementary School to help avoid, minimize, and compensate for the impacts that the SR 527 widening would otherwise have on the District's programs and facilities at Silver Lake Elementary School;

WHEREAS, the City has proposed that following a conveyance of the Property to the City, in relation to the widening project, the District will be responsible for all improvements and mitigation on the school property retained by the District and the City or the Washington State Department of Transportation will be responsible for all improvements and construction in the SR 527 right-of-way (including the Property), including curbs, gutters, sidewalks, curb cuts, street lighting, retaining walls and landscaping;

WHEREAS, the City has advised the District that the City anticipates payment to the District in full within 7 days of receipt of the District's deed and a real estate excise tax affidavit completed as to the District.

WHEREAS, the Board has determined that the Property is not needed for school purposes; and

WHEREAS, the Board has further determined that selling the Property to the City is in the best interest of the District and, in light of the mitigation projects and changes to and at Silver Lake Elementary School, will not interfere with the District's current educational program and related activities.

NOW, THEREFORE, be it resolved that the Board declare, and hereby declares, based on the forgoing (including without limitation the City's payment of funds to the District for mitigation of impacts from the widening of SR 527 on programs and facilities at Silver Lake Elementary School), the Property to be surplus as it is not needed by the District for school purposes, such declaration being made for the sole purpose of disposing of the Property to the City for the SR 527 widening project pursuant to the statutory authorization provided by Chapter 39.33 RCW; and

FURTHER RESOLVED THAT the District's Superintendent, or her designee, be, and hereby is, authorized and, subject to resolution of any administrative details to the Superintendent's satisfaction, directed to complete such a disposition by executing and delivering to the City a statutory warranty deed conveying such property to the City subject to existing defects and encumbrances which are of record or which an accurate survey would disclose and a real estate excise tax affidavit (claiming appropriate exemption from tax) for (1) a purchase price of Twenty-Four Thousand and 00/100 Dollars (\$24,000.00), plus (2) funds allow the District to mitigate potential impacts to the District's programs and facilities at Silver Lake Elementary School, (3) which purchase price and mitigation funds together total Four Hundred Ten Thousand and 00/100 Dollars, (4) with the City's payment to the District due in full within 7 days of receipt of the deed and the real estate excise tax affidavit from the District; and

FURTHER RESOLVED the District's Superintendent or her designee, be, and hereby is, authorized and directed to take such other and further action as deemed necessary or appropriate to accomplish such transaction.

BOARD OF DIRECTORS

By: [Signature]
President

By: [Signature]
Vice President

By: [Signature]
Director

By: [Signature]
Director

By: [Signature]
Director

Attest: June 11, 2002

By: [Signature]
Superintendent and Secretary for the Board

EXHIBIT A

CITY OF EVERETT
ref. no. 94
WSDOT ref. no. 1-16335
Tax Lot Number 292805-3-034-0004

An acquisition over and across the North Half of North Half of the Southwest Quarter of the Southwest Quarter of Section 29, Township 28 North, Range 5 East, W.M.;

TOGETHER WITH the following described tract:

Beginning at the southwest corner of the Northwest Quarter of the Southwest Quarter of said Section; thence North 247.5 feet; thence East 276 feet; thence South 247.5 feet; thence West 276 feet to the point of beginning;

LESS county Road;

AND LESS that portion described as follows:

Beginning at the Northeast corner of the South 247.5 feet of the West 276 feet of the Northwest Quarter of the Southwest Quarter; thence North 88° 48' 14" West along the north line thereof 19.83 feet; thence South 00° 53' 24" West 33.20 feet; thence North 89° 06' 36" East 18.90 feet to the east line thereof; thence North 00° 43' 57" East along said line 32.49 feet to the point of beginning;

AND ALSO LESS additional right-of-way deeded to the State of Washington by Deed recorded under Auditor's File Number 86121104013.

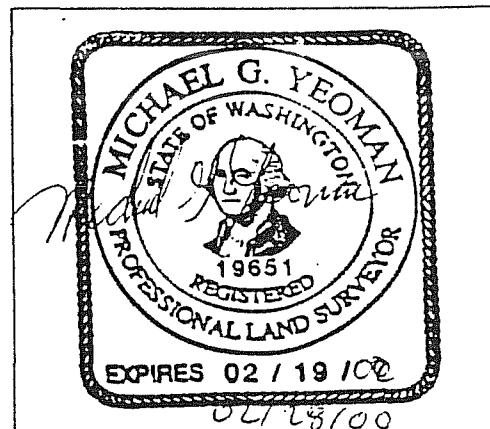
Situate in the City of Everett, County of Snohomish, State of Washington.

Said acquisition more particularly described as follows:

(the following bearings are based upon NAD83 (91) Washington State Plane coordinates)

BEGINNING at the southwest corner of the above described parcel; thence North 01° 46' 13" East, along the west line of said parcel, a distance of 492.88 feet; thence South 87° 46' 35" East, along said west line, a distance of 6.00 feet; thence North 01° 46' 13" East, along said west line, a distance of 90.00 feet to the north line of said parcel; thence South 87° 46' 35" East, along said north line, a distance of 25.91 feet; thence South 47° 18' 59" West a distance of 32.48 feet; thence South 01° 43' 17" West a distance of 492.16 feet;

thence South 00° 16' 25" West a distance of 67.83 feet to the south line of said parcel; thence North 87° 46' 55" West, along said south line, a distance of 10.92 feet to the POINT OF BEGINNING.



Containing an area of 5,006 square feet, more or less.



EXHIBIT B

REAL PROPERTY

May 28, 2002

Michael Gunn
Everett School District
3715 Oakes Avenue
Everett, WA 98201

RE: SR 527 Widening 132nd St SE to 112th St SE
Parcel 94
Silver Lake Elementary School

Dear Mike:

Thank you for the numerous meetings and discussions that we had that were beneficial to us to better understand the impacts that would be imposed upon the Silver Lake Elementary School as a result of the proposed 19th Avenue S.E. street widening project.

Based upon our latest meeting, it is offered that upon receipt of an executed Statutory Warranty Deed and real estate excise tax affidavit, the City of Everett will agree to compensate the Everett School District \$410,000.00 as full and complete payment for the acquisition of the subject property (as shown on the attached sketch) and for the mitigation of all impacts thereto.

It is anticipated that payment in full can be made to the school district within 7 days after receipt of the above mentioned documents.

As we had discussed earlier, the school district will be responsible for the construction of any and all improvements and mitigation on the Silver Lake ES property and no further compensation will be requested from the City of Everett. The City of Everett/WSDOT will be responsible for the construction for any and all improvements in the WSDOT right-of-way necessary for the SR 527 street widening project including curbs, gutters, sidewalks, curb cuts, street lighting, retaining walls and landscaping. As you are aware, the timing of this street improvement will depend upon the availability of funding.

If you have any questions or need additional information please feel free to call me at (425) 257-8808.

Sincerely,

Craig Fullerton
Real Property Manager

cc: Laurae Briggs



CITY OF EVERETT - PUBLIC WORKS DEPARTMENT
SR 527 (1129TH PL S.E. VIC TO 112TH S.E.)
RIGHT-OF-WAY ACQUISITION EXHIBIT MAP

OWNER: EVERETT SCHOOL DISTRICT NO. 2

MAILING ADDRESS:

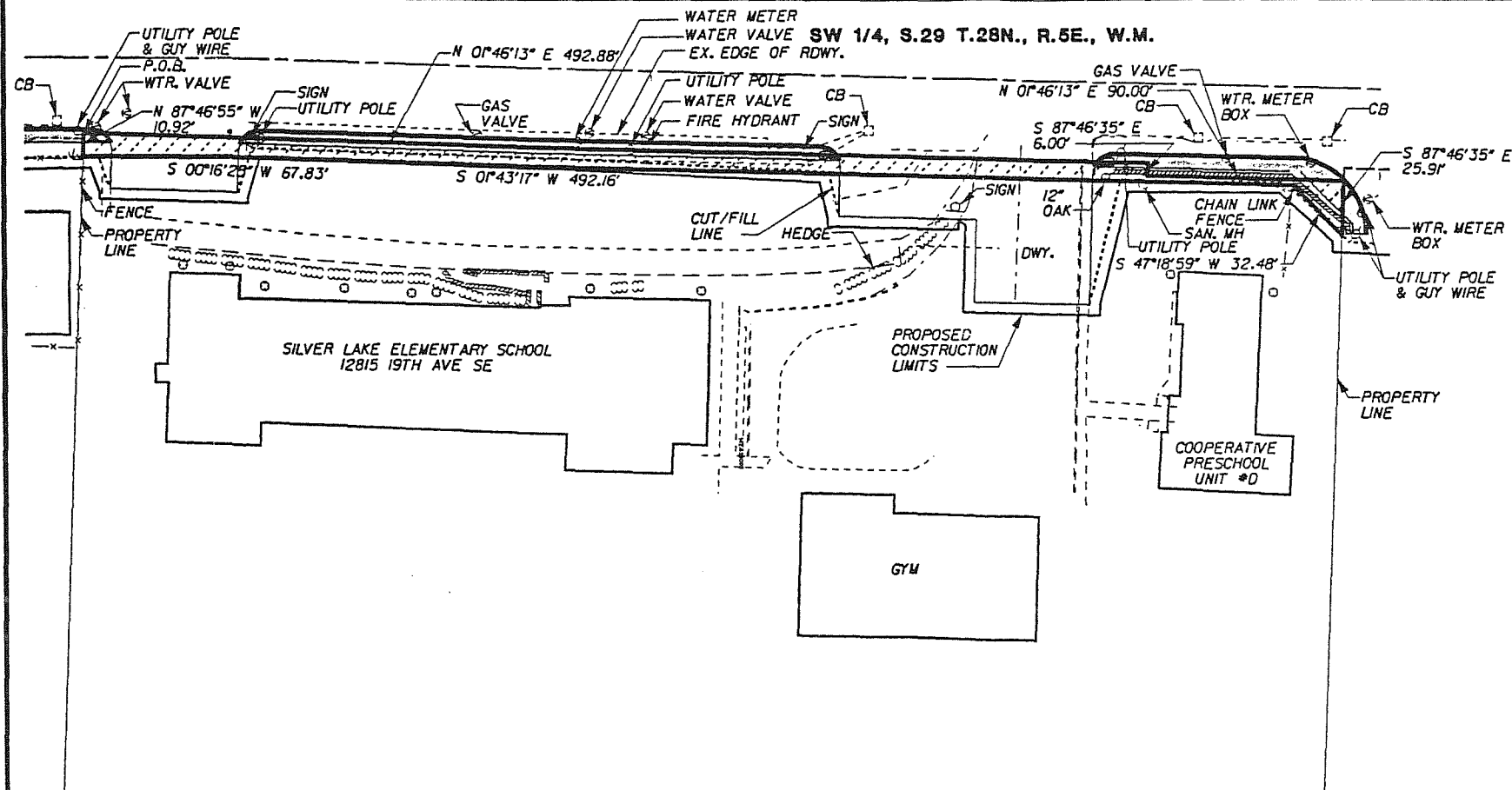
PROPERTY ADDRESS: 12815 19TH AVE SE

TAX LOT NUMBER: 292805-3-034-0004

CITY OF EVERETT
PARCEL NO. 94

WSDOT PARCEL NO.
1-18336

TIB NO. 9P-031-0065



SCALE: 1" = 60'
PARCEL AREA = 48,867 s.f.
ROW ACQUISITION AREA = 5,006 s.f.
REMAINING PARCEL AREA = 43,861 s.f.

NOTE: THIS MAP DOES NOT REPRESENT A PROPERTY
SURVEY AND IS PROVIDED FOR REFERENCE ONLY.

DATE: 02/08/00