

EVERETT SCHOOL DISTRICT NO. 2

RESOLUTION NO. 1044

Jefferson Elementary School Storm Water Detention Tract Conveyance

A Resolution of the Board of Directors (the "Board") of Everett School District No. 2 (the "School District") authorizing execution and delivery on behalf of the District of a Snohomish County Quit Claim Deed and related instruments to accomplish the conveyance of real property and property rights for a storm water detention facility to Snohomish County (the "County").

WHEREAS, the School District owns Lot 2 of Snohomish County Short Plat 09-102385-00-00 SP (AFN 201109075001), in Snohomish County, Washington, a portion of which is more particularly described on Exhibit A and shown on Exhibit B (the "Detention Pond Tract"); and

WHEREAS, On September 1, 2009, the Snohomish County Hearing Officer issued his decision in File No. 09-102385-00-00-SP (the "Decision"), approving subject to conditions the short plat application filed by the School District, and setting forth drainage conditions for the new county road (Cadet Way) authorized in the Decision (the "County Road"); and

WHEREAS, the County has used and maintained, and intends to continue to use and maintain, a storm water detention facility located on the Detention Pond Tract that treats and detains storm water runoff, primarily from the County Road (the "Facility"); and

WHEREAS, the Detention Pond Tract to be conveyed is not currently subject to an authorized school use, is no longer required for school purposes, and has an estimated value of less than \$50,000; and

WHEREAS, the County maintains the Facility on the Detention Pond Tract, creating a situation in which both the County and School District have ownership or maintenance obligations with respect to the same facility, creating management complications and potentially complicating and increasing the cost of administration and risk management; and

WHEREAS, the Intergovernmental Disposition of Property Act, Chapter 39.33 RCW, provides municipal corporations of the State of Washington with the authority to transfer real property on such terms and conditions as may be mutually agreed upon by the proper authorities of such municipal corporations;

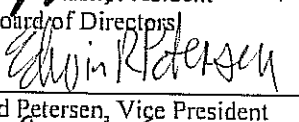
NOW, THEREFORE, be it resolved by the Board of Directors, pursuant to Chapter 39.33 RCW, that:

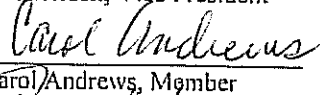
- (a) the Board declare, and hereby declares, the Detention Pond Tract to be conveyed (including the improvements thereupon) is not subject to an authorized school use and is no longer needed for school purposes, and
- (b) that dedication and conveyance of the Detention Pond Tract to the County to facilitate the treatment and detention of storm water runoff from the County Road is beneficial to the County's maintenance of the Facility and will reduce administrative responsibilities and risk management concerns of the School District with respect to the facility and Detention Pond Tract; and
- (c) the Board authorize, and hereby authorizes, the Superintendent of the School District (or the Superintendent's designee) to execute and deliver to the County a Snohomish County Quit Claim Deed in the form attached as Exhibit C, and related instruments, and to do all other things necessary and advisable to be done to accomplish the dedication of the Detention Pond Tract to the County in accordance with applicable law.

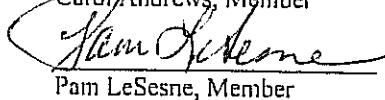
ADOPTED this 28th day of August, 2012, and authenticated by the signatures affixed below.

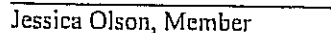
BOARD OF DIRECTORS:


Jeff Russell, President
Board of Directors



Ed Petersen, Vice President


Carol Andrews, Member


Pam LeSesne, Member


Jessica Olson, Member

ATTESTED BY:


Dr. Gary Cohn
Superintendent & Secretary to the Board of Directors
Everett School District No. 2

Jefferson Elementary School Detention Pond
Survey 4362/ROPRJ-6-39
August 23, 2012

EXHIBIT "A"

Existing Parcel:

Lots 1 and 2 of Snohomish County Short Plat 09-102385-00 SP, recorded under Auditor's File Number 201109075001, records of Snohomish County, Washington. Being a portion of the east half of the northwest quarter of Section 17, Township 28 North, Range 5 East, W.M.
Situate in the County of Snohomish, State of Washington.

Right-of-Way Acquisition: (See Exhibit B)

That portion of Lot 2 of Snohomish County Short Plat 09-102385-00 SP, recorded under Auditor's File Number 201109075001, records of Snohomish County, Washington, described as follows:

Beginning at the Southeast corner of said Lot 2;
Thence N34°51'49"W along the northeasterly line of said Lot 2, a distance of 83.05 feet;
Thence N37°39'20"W, a distance of 62.70 feet;
Thence S55°08'11"W perpendicular to said northeasterly line, a distance of 180.98 feet;
Thence S34°42'18"E, a distance of 145.70 feet to the south line of said Lot 2, said point being on the northerly right of way line of Cadet Way;
Thence N55°07'52"E along said south line, a distance of 184.44 feet.

Containing an area of 26,746 square feet, more or less.

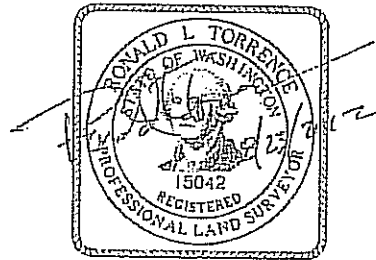


EXHIBIT B

PAGE 2 OF 2

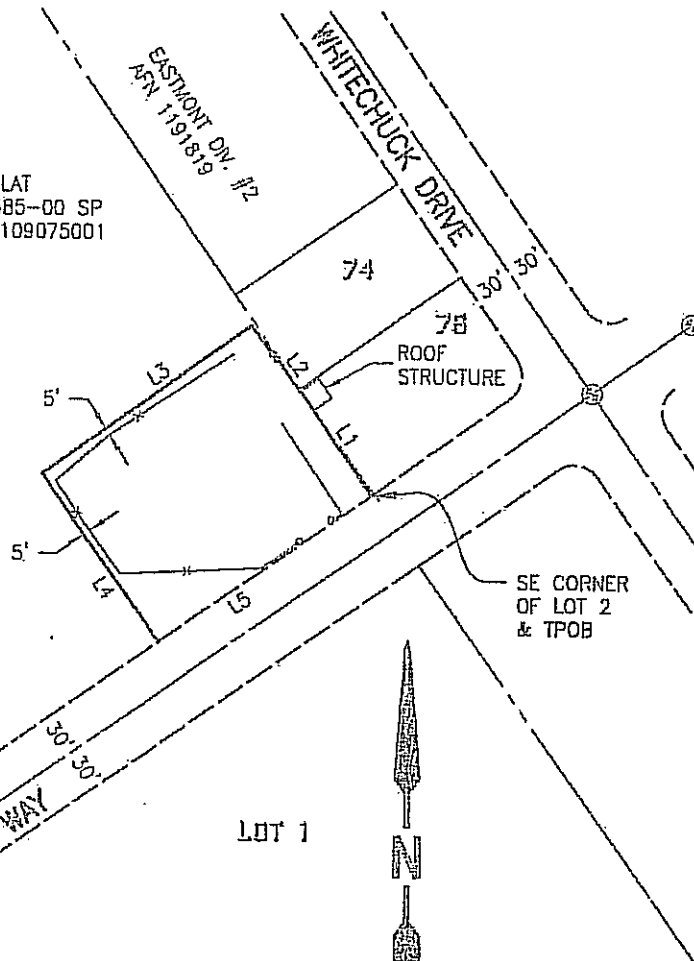
Jefferson Elementary School Detention Pond
SN4362/ROPRJ-6-39

SEC. 17, TWP. 28 N, R. 05 E, W.M.



SHORT PLAT
09-102385-00 SP
AFN 201109075001

LOT 2



LINE TABLE

LINE #	LENGTH	DIRECTION
L1	83.05'	N34°51'49"W
L2	62.70'	N37°39'20"W
L3	180.98'	S55°08'11"W
L4	145.70'	S34°42'18"E
L5	184.44'	N55°07'52"E

SCALE = 1" = 100'

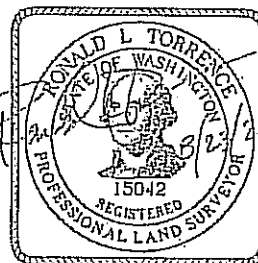


Exhibit C
[Form of Snohomish County Quit Claim Deed]

AFTER RECORDING MAIL TO:

Snohomish County Public Works
Engineering Services Right of Way
3000 Rockefeller Ave, M/S 607
Everett, WA 98201-4046
Attn: Katrina

SNOHOMISH COUNTY QUIT CLAIM DEED

Reference No.: 201109075001
Grantor: Everett School District No.2
Grantee: County of Snohomish
Legal Description: Ptn of Lot 2, SNOCO PFN 09-102385-00-00-SP
Add'l Legal on Exhibit A
Assessor's Tax Parcel ID No.: 28051700201700

In the matter of Jefferson Elementary School Storm Water Detention Facility
Donation/Dedication

The GRANTOR, Everett School District No. 2, a Washington Municipal Corporation, for open space and conservation purposes pursuant to Snohomish County Code 30.41B.020(11) and for and in consideration of the County of Snohomish's maintenance of the constructed storm water detention facility located on the following described real estate, conveys and quit claims to the GRANTEE, County of Snohomish, a political subdivision of the State of Washington, the following described real estate, situated in Snohomish County, State of Washington, together with all improvements thereupon:

**The real estate legally described in Exhibit A attached hereto as the "Right-of-Way Acquisition,"
containing an area of 26,746 square feet, more or less,
and depicted in Exhibit B attached hereto
(Both Exhibits Incorporated herein by this reference)**

Said real property being subject to all easements, covenants, and equitable servitudes of record, and Snohomish County Code 30.41B.020(10).

It is understood and agreed that the delivery of this deed is tendered and that the terms and obligations hereof shall not become binding upon the County of Snohomish, State of Washington unless and until accepted and approved in writing by the Snohomish County Director of Public Works or County Engineer.

The covenants shall run with the land and bind the Grantee and Grantee's heirs, successors and assigns.

Dated this ____ day of _____, 2012

GRANTOR:

EVERETT SCHOOL DISTRICT NO. 2, a
municipal corporation of the State of
Washington

By: _____
Name: _____
Title: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

On this _____ day of _____, 2012, 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 person who signed as _____ of Everett School District No. 2, a Washington municipal corporation, the municipal corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

(Signature of Notary)

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at _____
My appointment expires: _____

Jefferson Elementary School Detention Pond
Survey 4362/ROPRJ-6-39
August 23, 2012

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Situate in the County of Snohomish, State of Washington.

Right-of-Way Acquisition: (See Exhibit B)

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Beginning at the Southeast corner of said Lot 2;
Thence N34°51'49"W along the northeasterly line of said Lot 2, a distance of 83.05 feet;
Thence N37°39'20"W, a distance of 62.70 feet;
Thence S55°08'11"W perpendicular to said northeasterly line, a distance of 180.93 feet;
Thence S34°42'18"E, a distance of 145.70 feet to the south line of said Lot 2, said point being on the northerly right of way line of Cadet Way;
Thence N55°07'52"E along said south line, a distance of 184.44 feet.

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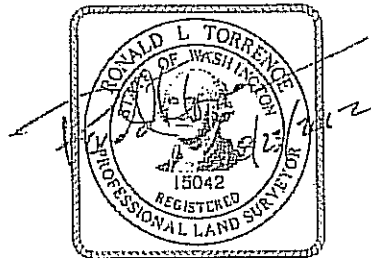
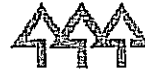


EXHIBIT B

PAGE 2 OF 2

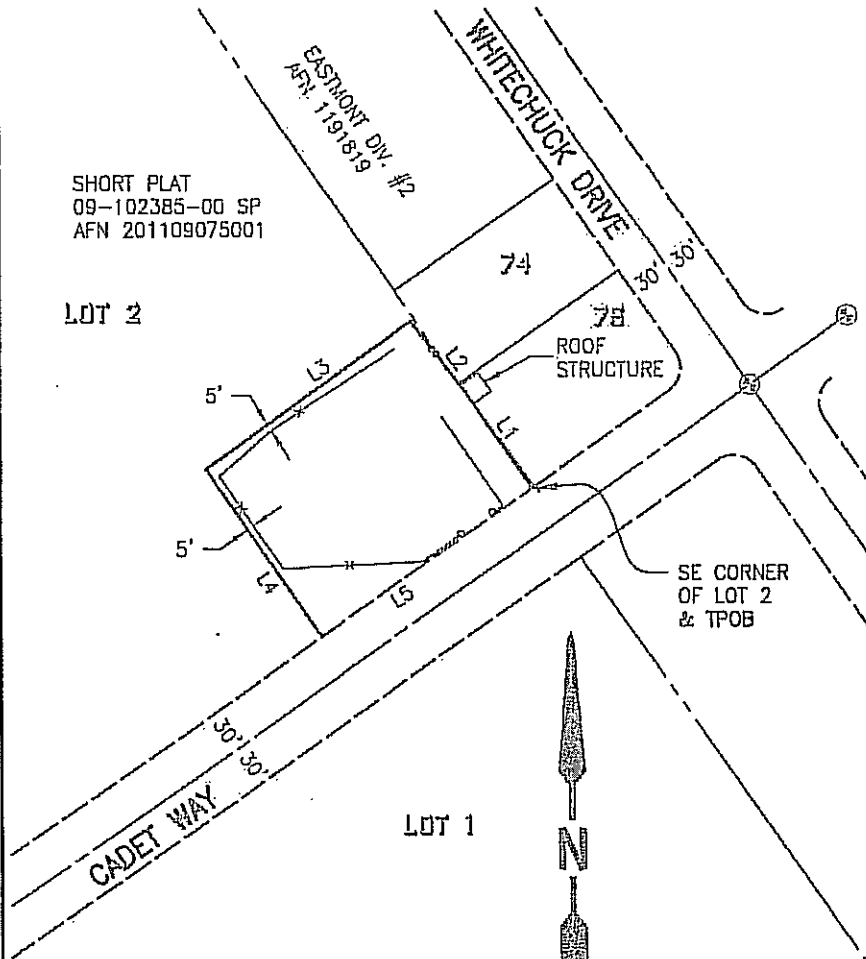
Jefferson Elementary School Detention Pond
SN4362/ROPRJ-6-39

SEC. 17, TWP. 28 N., R. 05 E, W.M.



SHORT PLAT
09-102385-00 SP
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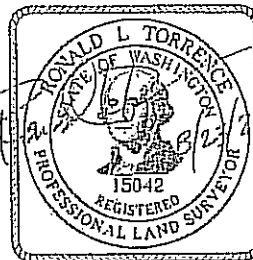
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**The real estate legally described in Exhibit A attached hereto as the "Right-of-Way Acquisition," containing an area of 26,746 square feet, more or less,
and depicted in Exhibit B attached hereto
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Said real property being subject to all easements, covenants, and equitable servitudes of record, and Snohomish County Code 30.41B.020(10).

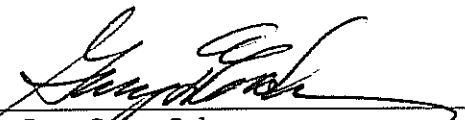
It is understood and agreed that the delivery of this deed is tendered and that the terms and obligations hereof shall not become binding upon the County of Snohomish, State of Washington unless and until accepted and approved in writing by the Snohomish County Director of Public Works or County Engineer.

The covenants shall run with the land and bind the Grantee and Grantee's heirs, successors and assigns.

Dated this 28th day of August, 2012

GRANTOR:

EVERETT SCHOOL DISTRICT NO. 2, a
municipal corporation of the State of
Washington

By: 
Name: Dr. Gary Cohn
Title: Superintendent

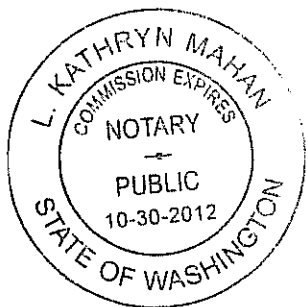
STATE OF WASHINGTON)

) SS.

COUNTY OF SNOHOMISH)

On this 28 day of Aug., 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Dr. Gary Cohen, to me known to be the person who signed as Superintendent of Everett School District No. 2, a Washington municipal corporation, the municipal corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Kashyap Mahan
(Signature of Notary)

L Kathryn Mahan
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Mt. Vernon, WA
My appointment expires: 10-30-12.

Jefferson Elementary School Detention Pond
Survey 4362/ROPRJ-6-39
June 26, 2012

EXHIBIT "A"

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Beginning at the Southeast corner of said Lot 2, said point the TRUE POINT OF BEGINNING (TPOB);
Thence N34°51'49"W along the east line of said lot, a distance of 83.05 feet;
Thence N37°39'20"W, a distance of 62.70 feet;
Thence S55°08'11"W, a distance of 180.98 feet;
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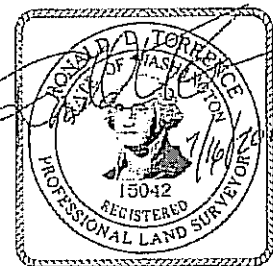
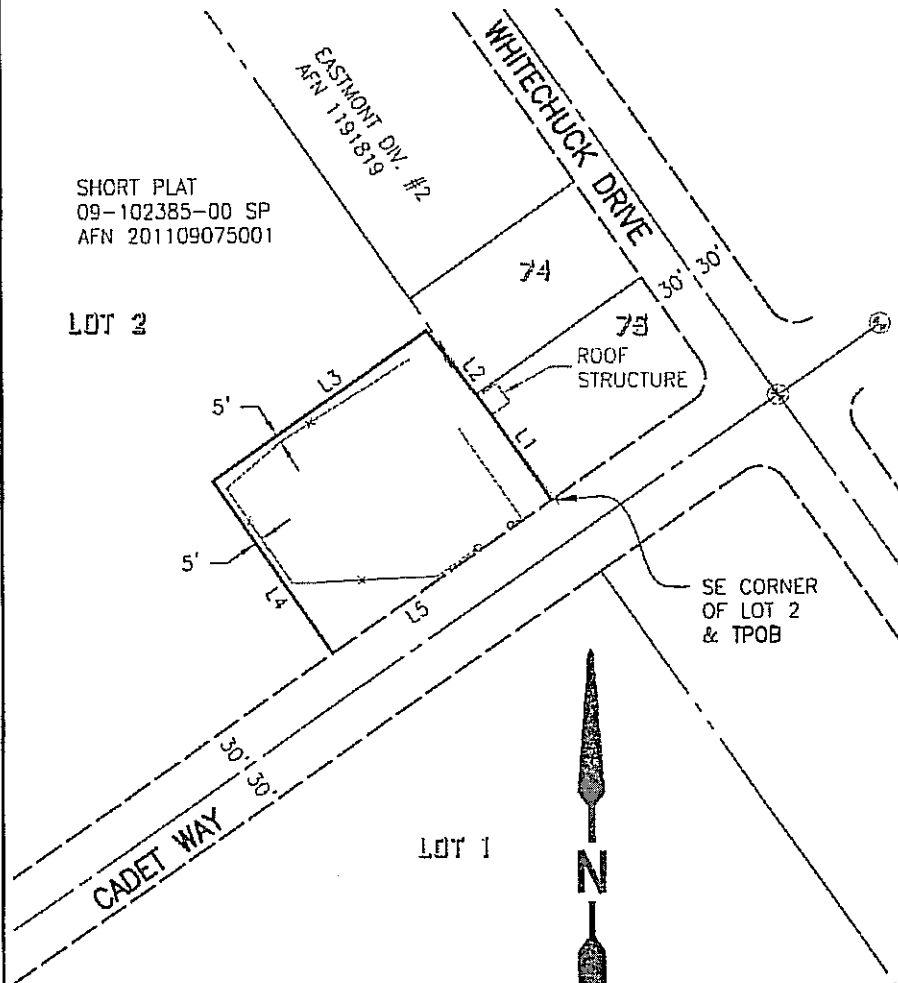


EXHIBIT B

Jefferson Elementary School Detention Pond
SN4362/ROPRJ-6-39

SEC. 17, TWP. 28N, R. 05 E. W.M.

PAGE 2 OF 2



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