

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize City Manager to Release Washington Department of Transportation Slope and Sidewalk Easements for Certain Real Properties at 14825, 16300, and 16310 Aurora Avenue North.
DEPARTMENT:	City Attorney, Public Works
PRESENTED BY:	Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

During the preliminary design and right-of-way stage of the Aurora Corridor Project, North 145th Street – North 165th Street, it was discovered that the Washington State Department of Transportation ("WSDOT") held slope and sidewalk easements on the Pierre property (14825 Aurora Avenue North), Shoreline Family Auto property owned by Neal E. Vonada, et. al. (16310 Aurora Ave.), and on property owned by Vincent Vonada, et. al. (16300 Aurora Ave.). The property owners have requested release of the easements and neither WSDOT nor the City has a need for the easements. In order to release the easements, both WSDOT and the City must quitclaim the easements back to the property owners.

ANALYSIS:

In 1948, WSDOT secured easements on the properties located at 14825, 16300 and 16310 Aurora Avenue North for the purpose of constructing and maintaining highway slopes and sidewalk areas in the excavation and/or embankment of land for road purposes. During the preliminary design and right-of-way stage of the Aurora Corridor Project, North 145th Street – North 165th Street, the property owners requested release of the easements. WSDOT has indicated to the City that they no longer have a need for the easements, and have signed off on quit claim deeds for all three properties in order to release the easements. The City has no need for the easements located on 16300 and 16310 Aurora Avenue North. The City does have a need for a small portion of the easement located on 14825 Aurora Avenue North. The City has located a illumination control box on a small area of the easement area (1.8 feet by 4.5 feet) at this address in order to keep the lights on Aurora operational. Thus, the quitclaim deed for 14825 Aurora Avenue North releases the easement, except for the small portion described above.

Although the Shoreline Municipal Code authorizes the City Manager to *purchase* property for under \$10,000 or \$50,000, if part of an approved CIP project, the Code does not address *release* of surplus real property. The City Attorney's Office will work on drafting an ordinance addressing thresholds for the release of surplus real property interests, but, in the meantime, the City Council must give the authority to the City

Manager to execute the quit claim deeds for 14825, 16300 and 16310 Aurora Avenue North in order to release the easements.

There are no required State proceedings for vacating city property interests except utility property and street rights-of-way. As with right-of-way vacation, compensation may be charged but is not required where the vacation of city property benefits the public. Here, the slope easements are no longer needed as a means of constructing Aurora. Retaining walls now replace slope easements and affect the City's policy of allowing buildings up to the back of the sidewalk after final design and construction. This policy of removing building setbacks is frustrated if slope easements remain. The City benefits from higher property utilization in redevelopment and increased taxes. Further, although the State acquired the easements, they have not requested compensation.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to sign quit claim deeds fully releasing the slope and sidewalk easements for 16300 and 16310 Aurora Avenue North and partially releasing the slope and sidewalk easement for 14825 Aurora Avenue North.

Approved By: City Manager  City Attorney *Fpc*

ATTACHMENTS

- Attachment A – Original 1948 Easements for Vonada properties
- Attachment B - Quitclaim Deed for 14825 Aurora Avenue North
- Attachment C – Quitclaim Deed for 16300 Aurora Avenue North
- Attachment D – Quitclaim Deed for 16310 Aurora Avenue North

ATTACHMENT A

Esmt Jun 14 48
May 12 48 \$1.00

3811293

In the Matter of Primary State Highway No. 1, N 115th St. to N 160th St.

Eugenia H. Purdy and George A. Purdy, her hus
to State of Washington

fp do grant and war to sp the perpetual right, permit, license and esmt to use and occupy the hrinftr des lands for the purpose of constructing and maintaining highway slopes and sidewalk areas in the excavation and/or embankment ad lands being sit in kow and daf:

2753
370

A strip of land 10 ft wide, pll and contiguous to the E right of way line of Primary State Highway No. 1 and being tht prt of the hrinftr des tr of land lying and being W of a line drawn plw and distant 55 ft WE when measured at right angles with the center line survey of sd Primary State Highway No. 1 frm Highway Engineer Survey Station 133+50 to Station 138+00 as survey over and across sd des iz tr of land.

The hrinftr mentioned tr of land is daf:

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sect 19 twp 26 N R 4 E W.M.

It is agreed betw prtias tht any dirt removed in abv mentioned operation shall be places in the low spots of blk frm which dirt is removed This to be at the option of fp and without expense to them.

The specific details concerning all of which are to be found withir tht certain map of definite location now of rec and on file in the office of the Director of Highways at Olympia, wn and bearing date of approval Mar 19 48

Eugenia H. Purdy
George A. Purdy

kow May 12 48 by Eugenia H. Purdy and George A. Purdy bf S.M.Ament
np for wn res ~~Ex~~ Mercer Island (ns May 19 51) M1 sp in kc

Esmt Jun 14 48
May 14 48 \$1.00

3811294

In the Matter of Primary State Highway No. 1 N 115th St to N 160th St kow

West & Wheeler, a wn corp
to State of Washington

--sm frm as 293--

2753
372

A strip of land 15 ft in width lying and being plw and contiguous to the Ely r/w line of Aurora Ave and being all tht prt lying Wly of a line drawn plw and 50 ft distant Ely when measured at righ angles frm the center line survey of sd Primary State Highway No. 1 N 115th St to N 160th St kc as surveyed over and across tht prt of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sect 18 twp 26 N R 4 E W.M. lying E of the E line of Aurora Ave and Wly of th Pacific Northwest Traction Company r/w Except the S 430 ft thro and Except the N 30 ft eyed to kc for rd purposes

Total acreage covered in this esmt approx. 0.12 acres

The specific--bal of frm sm down to sign--

Mar 19 48-- West & Wheeler

J. W. Wheeler, xpres

cp sl

Walter R. Davis, secy

kow May 14 48 by J.W.Wheeler and Walter R. Davis pres and secy of abv sd corp (cf) bf P.A. Schaeffer np for wn res S (ns Jul 25 50) M1 sp in kc

AFTER RECORDING RETURN TO:

Shoreline City Clerk
 17544 Midvale Avenue N
 Shoreline, WA 98133-4921

Title: Quitclaim Deed

Reference Number of Related Documents: 3848270

Grantors: State of Washington and City of Shoreline

Grantee: Pierre Associates, L.L.C.,

Legal Description: GOLF CLUB ACRES UNREC PP ACT 39961347 MOBILE HOME POR SE 1/4 OF SW 1/4 STR 18-26-4 DAF - BAAP 45 FT W & N1-31-03 W 862 FT FROM SE COR SD SW 1/4 TH S 89-28-44 W 230 FT TH N 1-31-03 W 100 FT TH N 89-28-44 E 230 FT TH S 1-31-03 E 100 FT TO POB LESS POR RD PER REC # 20060614002652

Tax Parcel ID #: 282710-0020

QUITCLAIM DEED

WHEREAS, THE STATE OF WASHINGTON and the CITY OF SHORELINE, as holders of that certain Easement recorded October 22, 1948, under King County Auditor's File No. 3848270, have received a request to relinquish all right, title and interest in and to that portion of said Easement adjoining the property as described herein.

NOW, THEREFORE, the STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION, and the CITY OF SHORELINE, Grantors, for and in consideration of relinquishing said Easement as described herein, and, pursuant to RCW 42.24.020(15), hereby convey and quitclaim unto Pierre Associates, L.L.C., Grantee, all right, title, and interest in and to the following described real property situated in King County, State of Washington, hereinafter referred to as "Parent Parcel," except for the portion described in Exhibit A and depicted in Exhibit B:

GOLF CLUB ACRES UNREC PP ACT 39961347 MOBILE HOME POR
 SE 1/4 OF SW 1/4 STR 18-26-4 DAF - BAAP 45 FT W & N1-31-03 W
 862 FT FROM SE COR SD SW 1/4 TH S 89-28-44 W 230 FT TH N 1-
 31-03 W 100 FT TH N 89-28-44 E 230 FT TH S 1-31-03 E 100 FT TO
 POB LESS POR RD PER REC # 20060614002652

The specific details concerning all of which may be found on sheet 6 of that certain plan entitled SR 99, Seattle North to Linwood no. 115th St. to No. 160th St., now of record and on

file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 19, 1948.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.


The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063 and RCW 47.24.020(15).

Dated at Olympia, Washington, this _____ day of _____, 20____.

CITY OF SHORELINE

STATE OF WASHINGTON

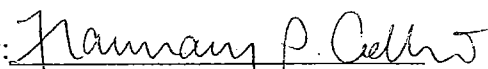
Robert L. Olander
City Manager



Douglas B. MacDonald
Secretary of Transportation

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: 

Assistant City Attorney

By: 

Assistant Attorney General

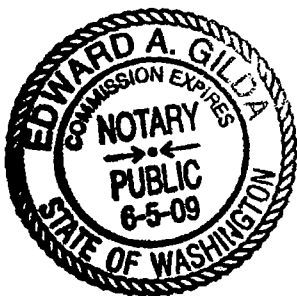
STATE OF WASHINGTON)

) : ss

County of Thurston)

On this 27th day of March, 2007, before me personally appeared Douglas B. MacDonald, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.



Edward A. Gilda

Notary (print name) Edward A. Gilda

Notary Public in and for the State of Washington,
residing at Ridgely

My Appointment Expires 6-5-09

STATE OF WASHINGTON)

: ss.

County of)

On this _____ day of _____ before me personally appeared Robert L. Olander, known to me as the City Manager of the City of Shoreline, Washington who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and each on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

Notary (print name) _____ Notary
Public in and for the State of Washington, residing at

My Appointment Expires _____

EXHIBIT A
EASEMENT FROM PARCEL NO. 2827100020

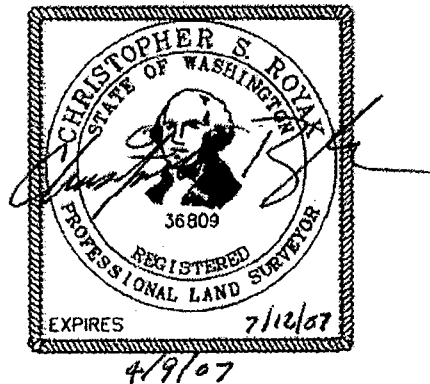
A portion of the below described Parent Parcel, as described in Statutory Warranty Deed, Auditor's File Number 9601160931, lying within the southeast quarter of the southwest quarter of Section 18, Township 26 North, Range 4 East, W.M., City of Shoreline, King County, Washington, described as follows:

Beginning at the southeast corner of above said parcel, being on the west line of the east 45 feet of said subdivision; thence along the south line of said parcel South 89°28'44" West, 5.51 feet to a point on a non-tangent curve, from which the radius point bears South 87°52'12" West; thence along a 8945.50-foot radius curve to the left, with a central angle of 00°18'13", an arc distance of 47.40 to the TRUE POINT OF BEGINNING; thence continuing along said 8945.50-foot radius curve to the left, with a central angle of 00°01'55", an arc distance of 5.00 ft; thence South 89°08'52" West, 2.00 feet to a point on a non-tangent curve, from which the radius point bears South 89°08'44" West; thence along a 8943.50-foot radius curve to the right, with a central angle of 00°01'55", an arc distance of 5.00 feet; thence North 89°10'43" East, 2.00 feet to the TRUE POINT OF BEGINNING, containing 10 square feet, more or less.

SURVEYORS NOTE:

The center line of Aurora Ave North is based on the Right of Way plans titled Aurora Avenue North Multimodal Corridor Project, N 145th Street – N 165th Street, on file with the City of Shoreline, Public Works.

4/9/2007



PARENT PARCEL

Beginning at a point which bears from the south quarter corner of Section 18, Township 26 North, Range 4 East, W.M., in King County, Washington, south $89^{\circ}28'44''$ west 45.00 feet and north $1^{\circ}31'03''$ west 862.00 feet;

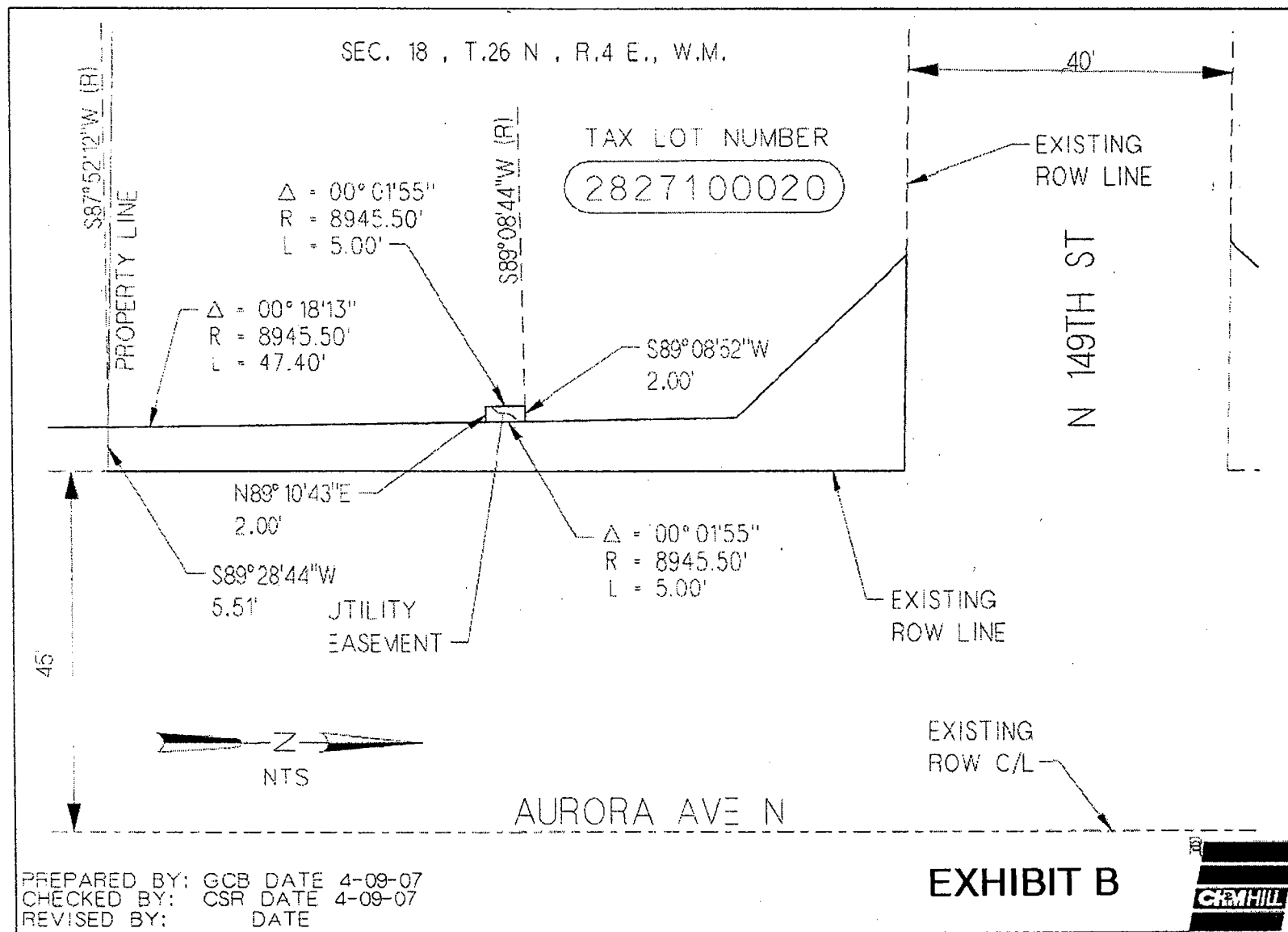
Thence south $89^{\circ}28'44''$ west 230.00 feet;

Thence north $1^{\circ}31'03''$ west 100.00 feet;

Thence north $89^{\circ}28'44''$ east 230.00 feet;

Thence south $1^{\circ}31'03''$ east 100.00 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS Tract 4, Golf Club Acres, according to the unrecorded plat thereof).



AFTER RECORDING RETURN TO:

Shoreline City Clerk
17544 Midvale Avenue N
Shoreline, WA 98133-4921

Title: Quitclaim Deed

Reference Number of Related Documents: 3811294

Grantors: State of Washington and City of Shoreline

Grantee: Vincent Vonada, Francesca Joan Benoit, husband and wife, and Neal E. Vonada, as Personal Representative of the Estate of Joan M. Vonada, deceased BCO, INC., a Washington corporation

Legal Description (abbreviated): NW NE 18-26-04

Tax Parcel ID #: 1826049208

QUITCLAIM DEED

WHEREAS, THE STATE OF WASHINGTON and the CITY OF SHORELINE, as holders of that certain Easement recorded June 14, 1948, under King County Auditor's File No. 3811294, have received a request to relinquish all right, title and interest in and to that portion of said Easement adjoining the property as described herein.

NOW, THEREFORE, the STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION, and the CITY OF SHORELINE, Grantors, for and in consideration of relinquishing said Easement as described herein, and, pursuant to RCW 42.24.020(15), hereby convey and quitclaim unto Vincent Vonada, Francesca Joan Benoit, husband and wife, and Neal E. Vonada, as Personal Representative of the Estate of Joan M. Vonada, deceased BCO, INC., a Washington corporation, Grantee, all right, title, and interest in and to the following described real property situated in King County, State of Washington:

Lot 2, King County Short Plat Number 382075, recorded under Recording Number 8206300807; said short plat being a portion of the northwest quarter of the northeast quarter of Section 18, Township 26 North, Range 4 East, W.M., in King County, Washington; EXCEPT the west 5 feet thereof conveyed to the State of Washington for road purposes by deed recorded under Recording Number 8605010776

The specific details concerning all of which may be found on sheet 9 of that certain plan entitled SR 99, Seattle North to Linwood no. 115th St. to No. 160th St., now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 19, 1948.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063 and RCW 47.24.020(15).

Dated at ~~Olympia~~ ^{Shoreline}, Washington, this _____ day of _____, 20__.

CITY OF SHORELINE

STATE OF WASHINGTON

Robert L. Olander
City Manager

Douglas B. MacDonald
Secretary of Transportation

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Assistant City Attorney

By: _____
Assistant Attorney General

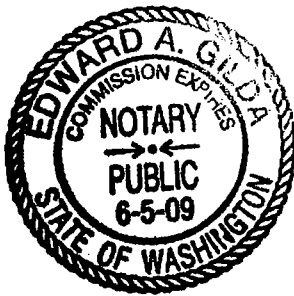
STATE OF WASHINGTON)

): ss

County of Thurston)

On this 27th day of March, 2007, before me personally appeared Douglas B. MacDonald, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.



Edward A. Gilda

Notary (print name) Edward A. Gilda

Notary Public in and for the State of Washington,
residing at Ridgely

My Appointment Expires 6-5-09

STATE OF WASHINGTON)

: ss.

County of)

On this _____ day of _____ before me personally appeared Robert L. Olander, known to me as the City Manager of the City of Shoreline, Washington who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and each on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

Notary (print name) _____ Notary
Public in and for the State of Washington, residing at

My Appointment Expires _____

AFTER RECORDING RETURN TO:

Shoreline City Clerk
17544 Midvale Avenue N
Shoreline, WA 98133-4921

Title: Quitclaim Deed

Reference Number of Related Documents: 3811294

Grantors: State of Washington and City of Shoreline

Grantee: Neal E. Vonada, who also appears as record as Neal Vonada, as his separate estate, and Vicky V. Turner and Brett McCallum, as Co-Trustees of the Jan C. Vonada Marital Trust FBO Neal E. Vonada

Legal Description (abbreviated): Ptn NW ¼ of NE ¼ of Sec 18, Twp 26 N, Rng 4 EWM

Tax Parcel ID #: 1826049368

QUITCLAIM DEED

WHEREAS, THE STATE OF WASHINGTON and the CITY OF SHORELINE, as holders of that certain Easement recorded June 14, 1948, under King County Auditor's File No. 3811294, have received a request to relinquish all right, title and interest in and to that portion of said Easement adjoining the property as described herein.

NOW, THEREFORE, the STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION, and the CITY OF SHORELINE, Grantors, for and in consideration of relinquishing said Easement as described herein, and, pursuant to RCW 42.24.020(15), hereby convey and quitclaim unto Neal E. Vonada, who also appears as record as Neal Vonada, as his separate estate, and Vicky V. Turner and Brett McCallum, as Co-Trustees of the Jan C. Vonada Marital Trust FBO Neal E. Vonada, Grantee, all right, title, and interest in and to the following described real property situated in King County, State of Washington:

That portion of the northwest quarter of the northeast quarter of Section 18, Township 26 North, Range 4 East, W.M., in King County, Washington, lying east of the east margin of Aurora Avenue North as established by deed recorded under Recording Number 8605010776, and lying west of the west line of the Pacific Northwest Traction Co., right of way, and lying south of the north 430 feet of said northwest quarter of the northeast quarter, and lying north of the south 699 feet of said northwest quarter of the northeast quarter

The specific details concerning all of which may be found on sheet 9 of that certain plan entitled SR 99, Seattle North to Linwood no. 115th St. to No. 160th St., now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 19, 1948.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063 and RCW 47.24.020(15).

Dated at ~~Olympia~~ ^{Shoreline}, Washington, this _____ day of _____, 20____.

CITY OF SHORELINE

Robert L. Olander
City Manager

STATE OF WASHINGTON

Douglas B. MacDonald
Secretary of Transportation

APPROVED AS TO FORM:

By: *Nancy F. Cullen*
Assistant City Attorney

APPROVED AS TO FORM:

By: *Elaine R*
Assistant Attorney General

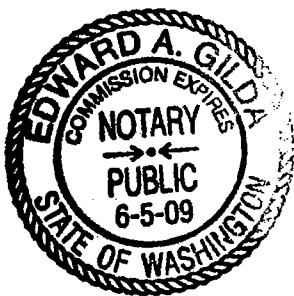
STATE OF WASHINGTON)

) : ss

County of Thurston)

On this 27th day of March, 2007, before me personally appeared Douglas B. MacDonald, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.



Edward A. Gilda

Notary (print name) Edward A. Gilda

Notary Public in and for the State of Washington,
residing at Ridgeland

My Appointment Expires 6-5-09

STATE OF WASHINGTON)

: ss.

County of)

On this _____ day of _____ before me personally appeared Robert L. Olander, known to me as the City Manager of the City of Shoreline, Washington who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and each on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

Notary (print name) _____ Notary
Public in and for the State of Washington, residing at

My Appointment Expires _____

This page intentionally left blank