

City of Mountlake Terrace  
6100 219<sup>th</sup> St. SW, Suite 200  
Mountlake Terrace, WA. 98043

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09/14/2016 11:44am \$152.00  
SNOHOMISH COUNTY, WASHINGTON

SEP 14 2016

KIRKE SIEVERS, Snodgrass County Treasurer

By KIRKE SIEVERS

Document Title RELEASE OF UTILITY EASEMENTS

Grantor: Sonata Homes, LP

Grantees: Trustee: City of Mountlake Terrace

Beneficiary: \_\_\_\_\_

Legal Description (abbreviated): New Parcel A of City of Mountlake Terrace BLA No. PLL-14-0001, recorded under Auditor's File No. 201502245001.

☐ Additional on: page 5

Assessor's Tax Parcel ID#: 00-6199-000-012-01

Reference Nos. of Documents Released or Assigned: 2262386 and 7907300263

Plat of \_\_\_\_\_ Recording Number: \_\_\_\_\_

CHICAGO TITLE COMPANY HAS PLACED  
THIS DOCUMENT OF RECORD AS A CUSTOMER  
COURTESY AND ACCEPTS NO LIABILITY FOR THE  
ACCURACY OR VALIDITY OF THE DOCUMENT.

After Recording Return To:  
City of Mountlake Terrace  
6100 219th Street SW Suite 200  
Mountlake Terrace, WA

## RELEASE OF UTILITY EASEMENTS

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**THIS RELEASE OF UTILITY EASEMENTS ("Release")** is executed by the **CITY OF MOUNTLAKE TERRACE ("City")**, a municipal corporation organized and existing under the laws of the State of Washington, and **SONATA HOMES, LP ("Sonata")**, a limited partnership.

### Recitals

**WHEREAS**, Western Washington Corporation of Seventh-Day Adventists executed and delivered to the City an easement recorded September 6, 1972 on the subject property described in Exhibit A ("Subject Property") recorded under Auditor File No. 2262386, records of Snohomish County Washington; and

**WHEREAS**, Pursuant to the terms of said easement the City was granted a 10' wide water utility easement along the north property line of tract (lot) 14 of the Subject Property as shown in Exhibit B; and

**WHEREAS**, Clive Harrington executed and delivered to the City and Mark Moody an easement recorded July 30, 1979 on the Subject Property recorded under Auditor File No. 7907300263, records of Snohomish County Washington; and

**WHEREAS**, Pursuant to the terms of the said easement the City and Mark Moody were granted a sanitary sewer easement across the southeast corner of lot 12 of the Subject Property, Beginning at the southeast corner of lot 12, then North 0°58' 00" West, 45.00 feet, thence South 71°21'41" West, 139.57 feet to the South line of said Lot 12, thence South 89°50'00" East, 133.01 feet to the Point of Beginning, as shown on Exhibit B; and

**WHEREAS**, said easements recorded under Auditor File No. 2262386 and 7907300263, records of Snohomish County Washington, are collectively known as the "Easements" on the Subject Property; and

**WHEREAS**, Sonata Homes, LP ("Sonata") is the current owner of record of the Subject Property and the said Easements located on the Subject Property as shown on Exhibit B; and

**WHEREAS**, Pursuant to RCW 35.94.040 the City Council held a Public Hearing on March 7, 2016 and determined by adopted Resolution on March 7, 2016 that the property (Easements) originally acquired for utility purposes are surplus to the City's needs and are not required for providing continued utility service and the property (Easements) may be leased, sold or conveyed and the City Manager was authorized to execute the documents necessary to release of the "Easements"; and

**WHEREAS**, the Easements will no longer be used for their intended purposes; and

**WHEREAS**, The City Council determined that it was in the City's best public interest to release the property Easement(s) rights no longer required by the City and that the mutual consideration of said release of benefits both the City and Sonata, the fee property owner, for the Subject Property; and

**WHEREAS**, Sonata has requested that the City release the Easements in conjunction with Sonata development of the Subject Property and the City has agreed to release its interest created under the Easements subject to the conditions set forth below;

**NOW, THEREFORE**, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City agrees as follows:

1. **Recitals.** All of the foregoing recitals are true and correct and expressly incorporated herein by this reference.
2. **Release of Easement.** The City hereby releases, terminates and quitclaims any and all right, and interest in and to the Easements as described herein.
3. **Sonata's Obligation.** As a condition to this Release, Sonata at its sole cost hereby agrees to install any and all necessary water, storm and sanitary sewer lines and appurtenances to serve the Subject Property and the Plat of Donna McGee Addition as part of the preliminary and final Planned Unit Development and Plat of Atworth Commons (City of Mountlake Terrace application nos. PPU-14-0001, PPL-14-0001, PPU-15-0001, and PFP-15-0001). This Release shall not be delivered to Sonata until Sonata has delivered to the City good and sufficient instruments creating new utility easements, as may be required by the City.
4. **Recording.** Upon execution, and subject to paragraph 3 above, this Release shall be recorded in the Public Records of Snohomish County, Washington. This Release is binding upon Sonata, owner of the Subject Property, its successors and assigns, and runs with the property underlying the Easements.

IN WITNESS WHERE OF, This Release has been executed by the City on 2nd day of September, 2016 and executed by Sonata on 13th day of September, 2016:

Sonata Homes, LP

By: 

Robert Vick, Senior Vice President  
TSC Services, Inc. authorized agent  
Sonata Homes, LP

Date: 9/13/16

City of Mountlake Terrace

By: 

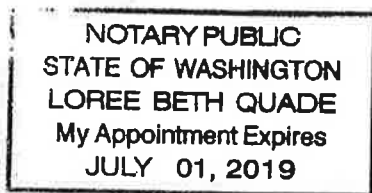
Scott Hugill,  
Interim City Manager

Date: 9/12/16

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SNOHOMISH )

On this 13th day of September, 2016, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Robert Vick to me known to be the Senior Vice President of TSC Services, Inc., authorized agent, Sonata Homes, LP described herein and who executed the foregoing instrument, and acknowledged to me that he is authorized to sign on behalf of the limited partnership and that he signed and sealed the said instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.

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



Loree Beth Quade  
NOTARY PUBLIC in and for the  
State of Washington, residing at  
Camano Island, Washington

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SNOHOMISH )

On this 2nd day of September, 2016, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Scott Hugill to me known to be the City Manager of City of Mountlake Terrace described herein and who executed the foregoing instrument, and acknowledged to me that he/she is authorized to sign on behalf of the Corporation and that he/she signed and sealed the said instrument as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

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



Susan K. Read  
NOTARY PUBLIC in and for the  
State of Washington, residing at  
Shoreline, Washington

**EXHIBIT "A"**  
**Legal Description**

**APN/Parcel ID: 00-6199-000-012-01**

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Tracts 12, 13 and 14, plat of Zattu Vista Hall Lake Tracts, according to the plat thereof recorded in Volume 11 of Plats, page 41, records of Snohomish County, Washington;

EXCEPT the East 30 feet as conveyed to the City of Mountlake Terrace for right-of-way by deed recorded under Auditor's File Number 8112220133, records of said County;

AND EXCEPT that portion of said Tracts 12 and 13, being more particularly described as follows:

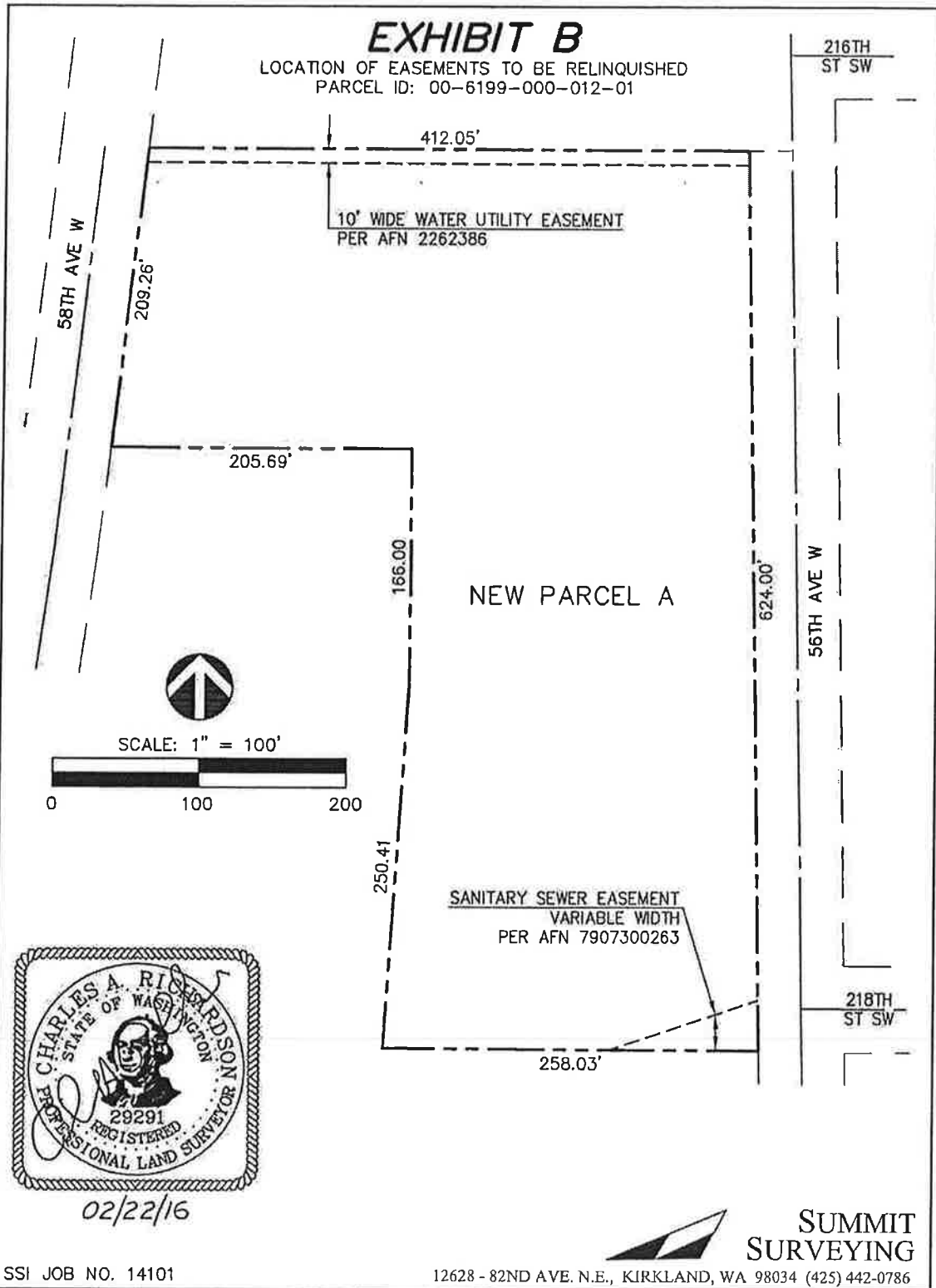
BEGINNING at the Northwest corner of said Tract 13;  
thence South 89°50'00" East along the North line of said Tract 13, a distance of 205.69 feet;  
thence South 00°10'00" West, 166.00 feet;  
thence South 03°47'36" West, a distance of 250.41 feet to the South line of said Tract 12;  
thence North 89°50'00" West along said South line, a distance of 244.29 feet to the Southwest corner of said Tract 12 and a point on the Easterly right-of-way margin of 58th Avenue West;  
thence North 07°51'00" East along said margin and the West line of said Tracts 12 and 13, a distance of 346.50 feet;  
thence North 06°33'00" East continuing along said margin and the West line of said Tract 13, a distance of 72.97 feet to the POINT OF BEGINNING.

(Also known as New Parcel A of City of Mountlake Terrace Boundary Line Adjustment No. PLL-14-0001, recorded under Auditor's File Number 201502245001);

Situate in the County of Snohomish, State of Washington.

## EXHIBIT B

LOCATION OF EASEMENTS TO BE RELINQUISHED  
PARCEL ID: 00-6199-000-012-01



SSI JOB NO. 14101

12628 - 82ND AVE. N.E., KIRKLAND, WA 98034 (425) 442-0786

SUMMIT  
SURVEYING

