

RESOLUTION NO. 05-316.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR RIGHT OF WAY PURPOSES AND PAY JUST COMPENSATION

WHEREAS, on April 21, 2005, the City Council passed Ordinance No. 781, condemning certain real property necessary for sidewalk and other right-of way improvements at the intersection of Baker Street and Railroad Avenue; and

WHEREAS, the City has negotiated the purchase of an easement from the property owner Green River Arie No. 1490, Fraternal Order of Eagles, in lieu of condemnation, for the sum of \$2500.00, plus reimbursement of expenditures incurred in evaluating the City's offer up to \$750.00 as required by statute. A copy of the Easement is attached hereto as Exhibit A and by reference incorporated herein (the "Agreement"); and

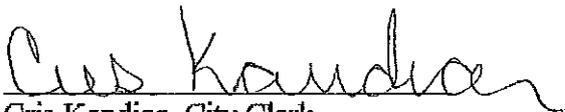
WHEREAS, the Council has reviewed the Easement and finds that the sum offered constitutes just compensation and is in the best interests of the City and its citizens; now, therefore

BE IT RESOLVED that the City Council hereby authorizes the Mayor to execute the Easement on behalf of the City and to pay the property owner compensation of \$2500.00, plus reimbursement of expenditures incurred in evaluating the City's offer up to \$750.00.

ADOPTED by the City Council on May ¹⁴19, 2005 at an open public meeting.


~~Howard Prots, Mayor~~
Geoff Bowie

Attest:


Cris Kandior, City Clerk

AFTER RECORDING RETURN TO:

McGavick Graves, P.S.
Attn: G. Amann
1102 Broadway, Ste 500
Tacoma, WA 98402

GRANT OF EASEMENT FOR RIGHT OF WAY

GRANTOR: TRUSTEES OF GREEN RIVER ARIE NO. 1490, FRATERNAL ORDER OF EAGLES,
a nonprofit corporation

GRANTEE: CITY OF BLACK DIAMOND, a municipal corporation

LEGAL DESCRIPTION: Portion Lot 13, Block 8, Volume 35 of Plats, Page 23

Complete legal description is attached hereto as Exhibit A.

ASSESSOR'S TAX PARCEL ID#: portion 084400-0500-05

1. This Grant of Easement is entered into this ____ day of April, 2005, between TRUSTEES OF GREEN RIVER ARIE NO. 1490 OF THE FRATERNAL ORDER OF EAGLES, hereinafter "Grantor" and the City of Black Diamond, a Washington municipal Corporation, hereinafter "Grantee".

2. The Grantor owns real property located at 32616 Railroad Avenue in Black Diamond, Washington and legally described as follows ("Grantor's Property):

Parcel No. 084400-0500-05

LOT 13, BLOCK 8, TOWN OF BLACK DIAMOND, RECORDED IN VOLUME 35
OF PLATS, PAGE 23, IN KING COUNTY, WASHINGTON.

3. The Grantee is authorized to commence a construction project for sidewalk and other right-of-way improvements within the City of Black Diamond, including the intersection of Baker Street and Railroad Avenue (the "Project"). In order to construct the Project it is necessary for the Grantee to acquire an easement over a portion of the Grantor's Property.

GRANT OF EASEMENT -1

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4. For good and valuable consideration, the receipt of which is hereby acknowledged, which amount Grantor acknowledges to be just compensation, Grantor grants and conveys to Grantee, its heirs and assigns forever, for use of the public, an easement over, under, upon and across the portion of Grantor's Property described in Exhibit A attached hereto. The conveyance is made in lieu of condemnation.

5. The purpose of the Easement is to allow the Grantee, its officers, officials, employees, agents and contractors the perpetual right to construct, inspect, repair, operate and maintain a public right-of-way, including street, curb, gutter, sidewalk, traffic control devices, utilities, and appurtenances.

6. Grantee shall have the right of access to the Easement area over and across Grantor's Property to enable Grantee to exercise its rights hereunder, provided, however, that, except in the case of an emergency, Grantee's access to Grantor's Property shall be preceded by reasonable advance notice to Grantor. Grantee shall compensate Grantor for any damage to Grantor's Property caused by the exercise of such right of access by Grantee.

7. Construction of the Project shall not interfere with Grantor's 2005 Labor Day celebration or with Saturday weddings on Grantor's Property scheduled as of the date of this Easement.

8. The Grantee shall have the right to assign, convey, sublease, apportion or otherwise transfer any or all of its rights, benefits, privileges, and interests arising in and under this easement, and shall have the right to authorize concurrent use of the easement by utility franchisees of Grantee.

9. It is understood and agreed that the terms and obligations hereof shall not become binding upon the City of Black Diamond unless and until accepted and approved herein by the Black Diamond City Council.

GRANTOR:

GRANTEE:

TRUSTEES OF GREEN RIVER ARIE NO.1490,
FRATERNAL ORDER OF EAGLES

CITY OF BLACK DIAMOND

By: *Dave Cummings*
Dave Cummings
President of the Board of Directors
Dave Cummings

Howard Botts, Mayor

ATTEST:

Cris Kandior, City Clerk-Treasurer

GRANT OF EASEMENT -2

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STATE OF WASHINGTON)
)
County of King) ss.

I certify that I know or have satisfactory evidence that Dave Cummings is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath, stated that he was authorized to execute the instrument and acknowledged it as the president of the board of directors of GREEN RIVER ARIE NO. 1490, FRATERNAL ORDER OF EAGLES to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 5-5-05



Kristine E. Kinney
NOTARY PUBLIC
Print Name: Kristine E. Kinney
My appointment expires: 8-3-07

GRANT OF EASEMENT -3

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April 11, 2005
File #28536/98

**ADDITIONAL RIGHT-OF-WAY
LEGAL DESCRIPTION**

A PARCEL OF LAND LYING WITHIN SECTION 14, TOWNSHIP 21 NORTH, RANGE 6 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF BLACK DIAMOND, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT MARKING THE CENTERLINE INTERSECTION OF FIRST AVENUE AND BAKER STREET;
THENCE SOUTH 59°44'16" WEST ALONG THE MONUMENTED CENTERLINE OF BAKER STREET, A DISTANCE OF 125.38 FEET;
THENCE NORTH 30°15'44" EAST 30.00 FEET TO THE NORTH MARGIN OF SAID BAKER STREET AND THE POINT OF BEGINNING;
THENCE ALONG SAID MARGIN SOUTH 59°44'16" WEST 93.78 FEET TO THE EASTERLY MARGIN OF RAILROAD AVENUE;
THENCE NORTH 29°49'44" WEST, ALONG SAID MARGIN, 21.83 FEET;
THENCE SOUTH 88°23'11" EAST 31.13 FEET;
THENCE SOUTH 64°19'15" WEST 67.40 FEET TO THE POINT OF BEGINNING.

MFG/jlg

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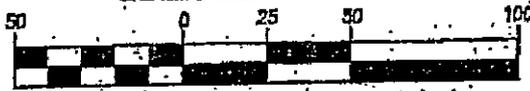


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Apex Engineering

2801 South 35th, Suite 200
Tacoma, Washington 98409-7479
(253) 473-4484 FAX: (253) 473-0589

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft
APEX JOB NO. 28536

