

1 After Recording Return To:
2 Clerk of the Council
3 Snohomish County Council
4 3000 Rockefeller Avenue – M/S 609
5 Everett, WA 98201
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8 *In the matter of 49th Dr SE Road Establishment*
9

10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington
12

13 ORDINANCE NO. 24 -086
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15 AN ORDINANCE APPROVING THE ACCEPTANCE OF A STATUTORY
16 WARRANTY DEED AND ESTABLISHING 49th DR SE AS A NEW COUNTY ROAD
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18 WHEREAS, under Revised Coded of Washington (RCW) chapters 36.75
19 and 36.81, Snohomish County (“County”) has the authority to acquire County right-
20 of-way (ROW) and to establish roads for public purposes by purchase, gift, or
21 condemnation; and
22

23 WHEREAS, under Snohomish County Code (SCC) section 13.90.010, road
24 establishment procedures may be initiated at the request of the Snohomish County
25 Council (“County Council”), independently by the Snohomish County Engineer
26 (“County Engineer”) when it has been determined that the criteria for road
27 establishment exists, or in response to a freeholders’ petition; and
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29 WHEREAS, on June 30, 2017, Northshore School District (NSD) # 417
30 (“Owner”) applied to the Snohomish County Department of Planning and
31 Development Services (PDS) for an approval of a conditional use permit (CUP) to
32 authorize construction of a 76,191 square foot, three story elementary school
33 named Maltby Elementary School and a 120,184 square foot, three story middle
34 school named Maltby Middle School (File No. 17 110535 CUP); and
35

36 WHEREAS, on August 17, 2018, the Owner petitioned the Snohomish
37 County Department of Public Works (DPW) for the establishment of 49th Dr SE as
38 depicted on the Maltby Elementary and Middle School administrative site plan; and
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40 WHEREAS, on August 22, 2018, PDS approved the administrative site plan
41 for Maltby Elementary and Middle School; and
42

43 WHEREAS, as a condition of development approval, the County Engineer
44 required the Owner to construct 49th Dr SE as a new public road; and
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Ordinance No. 24 -086

AN ORDINANCE APPROVING THE ACCEPTANCE OF A STATUTORY WARRANTY DEED
AND ESTABLISHING 49th Dr SE AS A NEW COUNTY ROAD - 1

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WHEREAS, on _____, the County Engineer, pursuant to RCW 36.81.050 and SCC 13.90.040, prepared a report determining that the establishment of 49th Dr SE is necessary and practicable and will benefit the public; and

WHEREAS, a properly filed record of survey depicting the right-of-way limits and road alignment has been recorded under Snohomish County Auditor’s File Number (AFN) 202301305003; and

WHEREAS, the County Engineer has determined that the road construction plans depicting all required improvements to occur within the new right-of-way comply with the County’s Engineering Design and Development Standards (EDDS); and

WHEREAS, under RCW 36.32.590, the Owner is exempt from bonding /insurance, and cost estimates for the construction of the new public road are not required; and

WHEREAS, a properly executed Statutory Warranty Deed (SWD) has been provided conveying sufficient right-of-way to ensure that County road standards can be met; and

WHEREAS, the County Council has considered the County Engineer’s Report, together with the supporting exhibits, recommending that the SWD be accepted, and the establishment of 49th Dr SE be granted; and

WHEREAS, there will be no public expenditures for the construction of 49th Dr SE; and

WHEREAS, the County Council declares its intention for establishing the County road as described herein;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The foregoing recitals are incorporated herein as findings as though fully set forth.

Section 2. The County Council finds that the Owner is the fee owner and intends to deed the real property described in Section 3 for the use of the public as a County road in perpetuity. The County Council further finds that a properly executed SWD has been submitted to accomplish the same, a copy of which is attached hereto as Exhibit A and incorporated by reference.

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Section 3. The following legally described property is hereby established as County road right-of-way subject to the full County authority and discretion, and subject to the conditions in Subsection 7:

All that portion as shown on Record of Survey AFN 202401305003, identified as area for road establishment.

Section 4. Construction of 49th Dr SE to the County's EDDS shall be completed by the Owner at their own expense.

Section 5. The County Council finds the road is a public necessity, is practicable, and that the public will be benefitted by the establishment of 49th Dr SE.

Section 6. The Snohomish County Executive, or designee, is authorized to accept the properly executed SWD on the County's behalf for 49th Dr SE established by this Ordinance.

Section 7. Establishment of the County road described in Section 3 shall not be effective until all the following have occurred: (1) DPW files a certification with the Clerk of the County Council stating all administrative and advertising costs required under SCC 13.90.070 have been paid; (2) PDS and DPW have inspected and accepted final construction of 49th Dr SE; (3) and the SWD has been recorded.

PASSED this _____ day of _____, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

Date: _____

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County Executive

ATTEST:

APPROVED AS TO FORM:

 5/7/24

Deputy Prosecuting Attorney

Ordinance No. 24 -086

AN ORDINANCE APPROVING THE ACCEPTANCE OF A STATUTORY WARRANTY DEED
AND ESTABLISHING 49th Dr SE AS A NEW COUNTY ROAD - 4

After recording return document to:
Snohomish County Public Works
TES - M/S 607
3000 Rockefeller Ave
Everett WA 98201-4046

STATUTORY WARRANTY DEED

In the matter of re: 49th Dr SE Road Establishment

Reference Number: PFN 17-110535 CUP, 18-121767 RWE
Grantor: Northshore School District No. 417, a Washington School District
Grantee: Snohomish County, a political subdivision of the State of Washington
Abbreviated Legal Description:

Add'l on Page _____

Assessor's Tax Parcel ID Number(s):

The Grantor (s) Northshore School District, #417, for and in consideration of the mutual benefits to be derived, does hereby convey and warrant to the **Snohomish County, a political subdivision of the State of Washington**, Grantee, fee simple title, in and to the following described real estate and any after acquired interest therein, situated in Snohomish County, in the State of Washington:

All that portion as shown on Record of Survey Auditor's File Number 202401305003, identified as area for road establishment

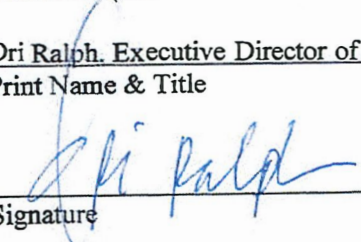
It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon Snohomish County, a political subdivision of the State of Washington unless and until accepted and approved in writing by the Snohomish County Director of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

The covenants shall run with the land and bond the Grantor and Grantor's heirs.

Dated this 11 day of March 2024

Grantor:
Northshore School District No. 417, a Washington School District

Dri Ralph, Executive Director of Support Services
Print Name & Title


Signature

STATE OF WASHINGTON)

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COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Dri Ralph is the person who appeared before me and said person acknowledged that he/she signed this instrument and acknowledges, on oath that he/she was authorized to execute the instrument and acknowledged it as the affair of Northshore SD to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED 3-11-24

Notary Signature [Signature]
Print name Christine Cash
Notary Public in and for the State of Washington,
Residing at 3330 Monte Villa Pkwy Bethell
My commission expires 10-6-24



STATE OF WASHINGTON)

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COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me and said person acknowledged that he/she signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED _____

Notary Signature _____
Print name _____
Notary Public in and for the State of Washington,
Residing at _____
My commission expires _____

STATUTORY WARRANTY DEED
TO
THE COUNTY OF SNOHOMISH COUNTY

Dated
_____ 20____

FILE FOR RECORD AT REQUEST OF
Department of Public Works

SNOHOMISH COUNTY PUBLIC WORKS
TRANSPORTATION & ENVIRONMENTAL
SERVICES

DOUGLAS W. McCORMICK, P.E.
SNOHOMISH COUNTY ENGINEER

Real Property Administrator
Checked by
