

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  
6  
7

8 *In the matter of 188<sup>th</sup> St SW Road Establishment*  
9

10 SNOHOMISH COUNTY COUNCIL  
11 Snohomish County, Washington  
12

13 ORDINANCE NO. 23-024  
14

15 AN ORDINANCE APPROVING THE ACCEPTANCE OF A  
16 STATUTORY WARRANTY DEED AND ESTABLISHING 188<sup>th</sup> ST SW  
17 AS A NEW COUNTY ROAD  
18

19 WHEREAS, under chapter 36.75 RCW and chapter 36.81 RCW, Snohomish  
20 County (the County) has the authority to acquire County right-of-way (ROW) and to  
21 establish roads for public purposes by purchase, gift, or condemnation; and  
22

23 WHEREAS, under SCC 13.90.010, road establishment procedures may be  
24 initiated at the request of the Snohomish County Council (County Council),  
25 independently by Snohomish County Engineer (County Engineer) when he or she  
26 determines that the criteria for road establishment exists, or in response to a  
27 freeholders' petition; and  
28

29 WHEREAS, on August 31, 2021, Pacific Ridge - DRH LLC (Pacific Ridge),  
30 applied to the Snohomish County Department of Planning and Development  
31 Services (PDS) for a proposed 41 single family detached unit (SFDU) development  
32 known as the Cedar Pointe SFDU; and  
33

34 WHEREAS, on August 24, 2022, PDS approved the administrative site plan  
35 for the Cedar Pointe SFDU (File No. 21-115349 SPA); and  
36

37 WHEREAS, as a condition of development approval, the County Engineer  
38 required Pacific Ridge to construct 188<sup>th</sup> St SW as a new public road; and  
39

40 WHEREAS, on March 9, 2022, Pacific Ridge petitioned the Snohomish  
41 County Department of Public Works (DPW) for the establishment of 188<sup>th</sup> St SW as  
42 depicted on the Cedar Pointe SFDU administrative site plan; and  
43

44 WHEREAS, on May 10, 2023, the County Engineer, pursuant to RCW  
45 36.81.050 and SCC 13.90.040, prepared a report determining that the

ORDINANCE NO. 23-024  
AN ORDINANCE APPROVING THE ACCEPTANCE OF  
A STATUTORY WARRANTY DEED AND ESTABLISHING  
188<sup>th</sup> St SW AS A NEW COUNTY ROAD

1 establishment of 188<sup>th</sup> St SW is necessary and practicable and will benefit the  
2 public; and

3  
4 WHEREAS, a properly executed Statutory Warranty Deed has been  
5 provided conveying sufficient ROW to ensure that County road standards can be  
6 met; and

7  
8 WHEREAS, a properly filed record of survey depicting the ROW limits and  
9 road alignment has been recorded under Snohomish County Auditor's File Number  
10 (AFN) 202209265003 and was amended under AFN 202210255002; and

11  
12 WHEREAS, the County Engineer has determined that the road construction  
13 plans depicting all required improvements to occur within the new ROW comply  
14 with the County's Engineering Design and Development Standards (EDDS); and

15  
16 WHEREAS, under SCC 13.90.020, a properly executed project guarantee  
17 improvement bond to ensure proper performance of road improvements  
18 constructed in conjunction with the establishment process was obtained and  
19 submitted to PDS; and

20  
21 WHEREAS, the County Council has considered the County Engineer's  
22 Report recommending that the Statutory Warranty Deed be accepted, and the  
23 establishment of 188<sup>th</sup> St SW be granted; and

24  
25 WHEREAS, there will be no public expenditures for the construction of  
26 188<sup>th</sup> St SW; and

27  
28 WHEREAS, the County Council declares its intention for establishing the  
29 County road as described herein;

30  
31 NOW, THEREFORE, BE IT ORDAINED:

32  
33 **Section 1.** The foregoing recitals are incorporated herein as findings as  
34 though fully set forth.

35  
36 **Section 2.** The County Council finds that Pacific Ridge is the fee owner and  
37 intends to deed the real property described in Section 3 for the use of the public as  
38 a County road in perpetuity. The County Council further finds that a properly  
39 executed statutory warranty deed has been submitted to accomplish the same, a  
40 copy of which is attached hereto as Exhibit A and incorporated by reference.

41  
42 **Section 3.** The following legally described property is hereby established  
43 as County road ROW subject to the full County authority and discretion, subject to  
44 the conditions in Subsection 7:

45

1 All that portion as shown on Record of Survey Auditor's File Number  
2 202209265002 and was amended under AFN 202210255002, identified as  
3 area for road establishment.  
4

5 **Section 4.** Construction of 188<sup>th</sup> St SW to the County's EDDS shall be  
6 completed by Pacific Ridge at its own expense. Upon acceptance of the  
7 construction of 188<sup>th</sup> St SW by the County, Pacific Ridge shall provide a two-year  
8 maintenance security required under title 13 SCC.  
9

10 **Section 5.** The County Council finds the road ROW is a public necessity, is  
11 practicable, and that the public will be benefitted by the establishment of 188<sup>th</sup> St  
12 SW.  
13

14 **Section 6.** The Snohomish County Executive or his designee is authorized  
15 to accept the properly executed Statutory Warranty Deed on the County's behalf for  
16 188<sup>th</sup> St SW established by this ordinance.  
17


18 **Section 7.** Establishment of the County ROW described in Section 3 is not  
19 effective until all of the following have occurred: (1) DPW files a certification with  
20 the Clerk of the County Council stating all administrative and advertising costs  
21 required under SCC 13.90.070 have been paid; (2) PDS and DPW have inspected  
22 and accepted final construction of 188<sup>th</sup> St SW; (3) a two-year maintenance  
23 security has been submitted by Pacific Ridge and accepted by the County; and (4)  
24 the Statutory Warranty Deed has been recorded.  
25

26  
27 PASSED this 10<sup>th</sup> day of May, 2023.  
28

29 SNOHOMISH COUNTY COUNCIL  
30 Snohomish County, Washington  
31

32   
33 \_\_\_\_\_  
34 Council Chair  
35

36 ATTEST:  
37

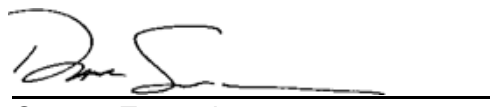
38   
39 \_\_\_\_\_  
40 Deputy Clerk of the Council  
41

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45

- 1 (X) APPROVED
- 2 ( ) EMERGENCY
- 3 ( ) VETOED

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Date: May 11, 2023

  
\_\_\_\_\_  
County Executive

ATTEST:

  
\_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_ 03/02/2023  
Deputy Prosecuting Attorney

EXHIBIT A

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: 188<sup>th</sup> St SW Road Establishment*

Reference Number: PFN 21 115349  
Grantor: Pacific Ridge -DRH LLC, a Delaware limited liability company  
Grantee: Snohomish County, a political subdivision of the State of Washington  
Abbreviated Legal Description: Lot 6 Blk 13, Alderwood Manor No. 3 Volume 9 Pages 74-76,  
Snohomish County, Washington

Add'l on Page \_\_\_\_\_

Assessor's Tax Parcel ID Number(s): Ptn 00372801300504

The Grantor (s), Pacific Ridge -DRH LLC, a Delaware limited liability company, 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 202209265002 and was amended under AFN 202210252002 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.

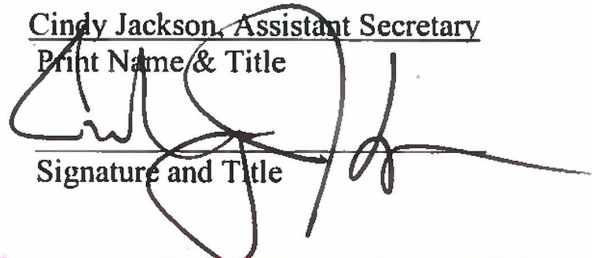
Dated this 8<sup>th</sup> day of January 2023

GRANTOR:  
Pacific Ridge – DRH LLC, a Delaware limited liability company

By: SHLR of Washington, Inc. a Washington corporation member

Cindy Jackson, Assistant Secretary  
Print Name & Title

Signature and Title

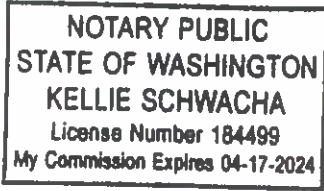


STATE OF WASHINGTON )  
 : §  
COUNTY OF SNOHOMISH )

I certify that I know or have satisfactory evidence that Cindy Jackson  
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 Assistant Sec.  
of Pacific Ridge - DRHILL  
to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED 1-8-2023

Notary Signature [Signature]  
Print name Kellie Schwacha  
Notary Public in and for the State of Washington,  
Residing at Everett  
My commission expires 4-17-2024



STATE OF WASHINGTON )  
 : §  
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  
  
\_\_\_\_\_