

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 169th PI SW Road Establishment*
9

10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington
12

13 ORDINANCE NO. 23-080
14

15 AN ORDINANCE APPROVING THE ACCEPTANCE OF A
16 STATUTORY WARRANTY DEED AND
17 ESTABLISHING 169th PL SW AS A NEW COUNTY ROAD
18

19 WHEREAS, under Revised Code of Washington (RCW) chapters 36.75 and
20 36.81, Snohomish County (“County”) has the authority to acquire County right-of-
21 way (ROW) and to establish roads for public purposes by purchase, gift, or
22 condemnation; and
23

24 WHEREAS, under Snohomish County Code (SCC) section 13.90.010, road
25 establishment procedures may be initiated at the request of the Snohomish County
26 Council (“County Council”), independently by the Snohomish County Engineer
27 (“County Engineer”) when it has been determined that the criteria for road
28 establishment exists, or in response to a freeholders’ petition; and
29

30 WHEREAS, on September 24, 2021, JM1 Holdings, LLC (“Owner”), applied
31 to the Snohomish County Department of Planning and Development Services
32 (PDS) for a proposed 45 single family detached unit (SFDU) development known
33 as the Larch Way SFDU (File No. 21-116524 SPA); and
34

35 WHEREAS, as a condition of development approval, the County Engineer
36 required the Owner to construct 169th PI SW as a new public road; and
37

38 WHEREAS, on May 12, 2022, the Owner petitioned the Snohomish County
39 Department of Public Works (DPW) for the establishment of 169th PI SW as
40 depicted on the Larch Way administrative site plan; and
41

42 WHEREAS, on June 13, 2022, PDS approved the administrative site plan
43 for the Larch Way SFDU; and
44
45

ORDINANCE NO. 23-080
AN ORDINANCE APPROVING THE ACCEPTANCE OF A STATUTORY WARRANTY DEED
AND ESTABLISHING 169th PL SW AS A NEW COUNTY ROAD 1

1 WHEREAS, on August 1, 2023, the County Engineer, under RCW 36.81.050
2 and SCC 13.90.040, prepared a report determining that the establishment of 169th PI
3 SW as a County road is necessary, practicable, and will benefit the public; and
4

5 WHEREAS, a properly executed Statutory Warranty Deed has been
6 provided to the County conveying sufficient ROW to ensure that County road
7 standards can be met; and
8

9 WHEREAS, a properly filed record of survey depicting the ROW limits and
10 road alignment has been recorded under Snohomish County Auditor's File Number
11 202306215003 and was amended under Auditor's File Number 202307255002;
12 and
13

14 WHEREAS, the County Engineer has determined that the road construction
15 plans depicting all required improvements to occur within the new ROW comply
16 with the County's Engineering Design and Development Standards (EDDS); and
17

18 WHEREAS, under SCC 13.90.020 a properly executed project guarantee
19 improvement bond to ensure proper performance of road improvements
20 constructed in conjunction with the establishment process was obtained and
21 submitted to PDS; and
22

23 WHEREAS, the County Council has considered the County Engineer's
24 Report recommending that the Statutory Warranty Deed be accepted, and the
25 establishment of 169th PI SW as a County road be granted; and
26

27 WHEREAS, there will be no public expenditures for the construction of 169th
28 PI SW; and
29

30 WHEREAS, the County Council declares its intention for establishing the
31 County road as described herein;
32

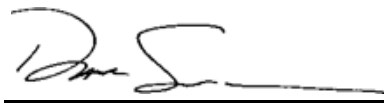
33 NOW, THEREFORE, BE IT ORDAINED:
34

35 **Section 1.** The foregoing recitals are incorporated herein as findings as
36 though fully set forth.
37

38 **Section 2.** The County Council finds that the Owner is the fee owner and
39 intends to deed the real property described in Section 3 for the use of the public as
40 a County road in perpetuity. The County Council further finds that a properly
41 executed Statutory Warranty Deed has been submitted to accomplish the same, a
42 copy of which is attached hereto as Exhibit A and incorporated by reference.
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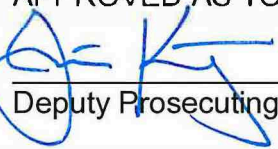
Date: September 15, 2023



County Executive

ATTEST:



APPROVED AS TO FORM:
 07 | 26 | 23

Deputy Prosecuting Attorney

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: 169th Pl SW Road Establishment

Reference Number: PFN 21 116524

Grantor: JM1 Holdings, LLC, a Washington limited liability company

Grantee: Snohomish County, a political subdivision of the State of Washington

Abbreviated Legal Description: Lots 19-21, Block 6, Alderwood Manor 10, Volume 10 Pages
10-11, Snohomish County, Washington

Add'l on Page _____

Assessor's Tax Parcel ID Number(s): Ptn 02, 00373700602000

The Grantor (s), JM1 Holdings LLC, a Washington 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
202306215003 and was amended under AF 202307255002 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 _____ day of _____ 20____.

Grantor:

JM1 Holdings LLC, a Washington limited liability
company

Tim Kaintz, Member

Signature and Title

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 acknowledges, on oath that he/she was authorized to execute the instrument and acknowledged it as
the _____
of _____
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 _____

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
