

LOG NUMBERS

BGT. _____ ,

CEO _____ ,

EXECUTIVE/COUNCIL APPROVAL FORM

MANAGEMENT ROUTING:

EXECUTIVE Dave Somers
EXEC. DIR. Ken Klein
DIRECTOR/ELECTED Kelly Snyder *KS*
DEPARTMENT Public Works
DIV. MGR. Stephen P. Dickson *SD*
DIVISION TES
ORIGINATOR Maria Acuario *ma*
DATE 3/17/21 Ext. 2464

TO:

COUNCIL CHAIRPERSON:

SNOHOMISH COUNTY COUNCIL

EXECUTIVE RECOMMENDATION:

_____ Approve _____ No Recommendation

_____ Further Processing

_____ Requested By _____

PW Review: Fiscal *AGH* Admin *BT* Deputy Director *dwm*

Executive Office Signature _____

CEO Staff Review _____

Received at Council Office _____

DOCUMENT TYPE:

_____ BUDGET ACTION:
 _____ Emergency Appropriation
 _____ Supplemental Appropriation
 _____ Budget Transfer
 _____ CONTRACT:
 _____ New
 _____ Amendment

_____ GRANT APPLICATION
 _____ **X** ORDINANCE
 _____ Amendment to Ord. # _____
 _____ PLAN
 _____ OTHER

DOCUMENT / AGENDA TITLE:

Ordinance Accepting Statutory Warranty Deed and Establishing 188th Place NW as a New County Road

APPROVAL AUTHORITY:

EXECUTIVE _____

COUNCIL _____

X

CITE BASIS SCC 13.90.020

HANDLING:

NORMAL **X**

EXPEDITE _____

URGENT _____

DEADLINE DATE _____

PURPOSE:

Council approval of an Ordinance to grant road establishment.

BACKGROUND:

- The Plat of C.D. Hillman’s Birmingham Water Front Addition to the City of Everett has 69 blocks and is located in the S ½ of the SW ¼ of Section 18, all of Section 19 except the SW ¼ of the NE ¼, the W ½ of the NW ¼ and SW ¼ of Section 20 Township 31 North Range 4 East W.M. Also lots 3 and 4 of the SE ¼ of the SE ¼ of Section 13, and all of Section 24 Township 31 North Range 3 East W. M. The plat was recorded in 1909, in Volume 8 of Plats Pages 21 through 23, records of Snohomish County. All streets and alleys were dedicated to the use of the public forever. (Engineer’s Report (ER) Exhibit 1)
- In April and May of 2017, lots 1-3, 9-23, 29-34, 37, 38, 49-58, and 84-86 of block 24, and lots 48-60, and 61-71 of block 25, located in the SW ¼ of Section 18 Township 31 North Range 4 East W.M., were acquired by, and conveyed to, Lake Martha Development LLC (The Applicant) through recorded Statutory Warranty Deeds. (ER Exhibit 2)

- In May and August of 2017, The Applicant submitted several Affidavit of Boundary Line Adjustments (BLAs) to Planning and Development Services (PDS), proposing to change the boundary lines of blocks 24 and 25.
- In September 2017, Lake Martha Development LLC, grantor and owner of Lots 37, 38, 49 and 50 of Block 24, granted and conveyed an easement, over, under and across said lots for ingress, egress and utilities to and for the exclusive benefit of the following lots described below. (See Exhibit 5, Recorded Easement, AFN 201709060096 and Map showing benefited lots)
 - Lots 9 through 34, Lots 37 and 38, Lots 49 through 78, of Block 24
 - Lots 48 through 71, of Block 25 (ER Exhibit 5)
- In October of 2017, all lots in block 24 except lots 4-8 and 79-83, and lots 48-71 of block 25, were approved for lot line adjustments. (ER Exhibit6)
- In October 2017, The Applicant conveyed Parcel A (formerly lots 37, 38 and 49-54 of block 24) and Parcel B (lots 55-58 of block 24) of Snohomish County BLA 17-107746 to Kelp Construction Inc., by Statutory Warranty Deed (SWD) recorded under AFN 201710100743.
- On April 24, 2018, Kelp Construction Inc. conveyed Parcels A & B of Snohomish County BLA 17-107746, recorded under AFN 201710100144, to Brandon and Michelle Richie via SWD recorded under AFN 201805110065.
- In April 2018, a meeting was held with several PDS and Department of Public Works (DPW) staff, along with The Applicant. The Applicant proposed to build a single-family residence on the approved BLA lots and to provide access to existing lots off unopened right-of-way (ROW). The Applicant considered applying for a trail permit as an access to the existing lots. Per EDDS 3-075, the unopened ROW may be used as a rail permit for up to eight (8) lots. Once nine (9) or more lots are proposed off this road system, the road improvements are determined by DPW. Here, because access was being provided to more than eight lots, a trail permit was not allowed under the County Code. Further, SCC 30.24.010 (5) (c), for connectivity purposes, requires a public road to connect from the unopened ROW of 86th Drive NW off Lakewood Road to the unopened ROW 192nd Street NW. Due to potential wetland impacts at the intersection of 85th Drive NW and Lakewood Road, The Applicant did not want to open and construct the entire unopened ROW of 85th Drive NW between Lakewood Road and 192nd Street NW. (ER Exhibit 7)
- SCC 30.24.020 also prohibits a private road from being used to connect two public roads. Because of this, the County Engineer determined a public road was required to provide access to the parcels created by the boundary line adjustment processes. The County Engineer also concluded that the proposed road network element was to be built to rural non-arterial standards under EDDS 3-040 and that the applicant should petition to have the road established as a County road under chapter 13.90 SCC.
- On May 8, 2018, The Applicant submitted an application and petition proposing to create a new public road.
- The proposed new County road was constructed over former Lots 37, 38, 49 & 50 of Block 24 of the Plat of C.D. Hillmans Waterfront Addition to the City of Everett, which is currently a portion of Parcel A of Snohomish County BLA 17-107746.
- That portion of Parcel A Snohomish County BLA 17- 107746 is owned by Brandon and Michelle Richie. The Richie's have since provided The Applicant a Quit Claim Deed to the portion of Parcel A where the proposed County road has been constructed. This Quit Claim Deed was recorded with the Snohomish County Auditor under recording number 202006230316. (ER Exhibit 9)
- The Applicant has obtained a release of the ingress, egress and utilities easement from all current owners of the benefited properties. Said release of easements have been recorded in the Auditor's Office under recording numbers 202006260315 and 202007200443.

- The new proposed public road is 59.94 feet which was approved on November 19, 2018, via deviation request to PDS.
- The new road designated as 188th Place NW, will connect 86th Drive NW, formerly known as (FKA) Warren Avenue to the west and 85th Drive NW, FKA Horner Avenue to the east.
- 188th Place NW will start at the east ROW line of 86th Drive NW, and run for a length of 199.78 feet and end at the west ROW line of 85th Drive NW. A record of Survey depicting the ROW limits and road alignment has been recorded under AFN 201903275002. (ER Exhibit 10)
- The establishment of 188th Place NW as a County road ROW is necessary, is practicable, and will benefit the public. The establishment of 188th Place NW is necessary and consistent with the requirement set forth in chapter 30.24 SCC, “General Development Standards- Access and Road Network,“ and EDDS chapter 3-01 (7), “Road Circulation.” Establishing 188th Place NW as a County Road is necessary as it provides connectivity to two rights-of way and provides access to 24 parcels. It will benefit the public because it ensures the road is constructed and maintained to County standards providing safe travel to those using the road.
- The establishment of ROW shall not create any responsibility to Snohomish County to construct any road or other public facility thereon. Plans for the construction of the road to County standards have been approved by PDS and DPW. PDS approved the as-built construction plan on February 11, 2020 and has released the performance security that was provided by The Applicant. The Applicant has provided a two-year maintenance security to the County as allowed under SCC 13.10.108.
- No public expenditures were required for the construction of 188th Place NW. The construction costs were paid in full by the developer and include, but are not limited to, costs associated with construction of all necessary bridges, culverts, clearing work, grubbing work and drainage work.
- DPW had reviewed and approved the Statutory Warranty Deed and recommends the deed be accepted by the County.
- The road is located in Council District # 1.

