

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 *In the matter of 87th Ave SE Road Establishment*

8
9 SNOHOMISH COUNTY COUNCIL
10 Snohomish County, Washington

11
12 ORDINANCE NO. 23-071

13
14 AN ORDINANCE APPROVING THE ACCEPTANCE OF A STATUTORY WARRANTY
15 DEED AND ESTABLISHING 87th AVE SE AS A NEW COUNTY ROAD

16
17 WHEREAS, under chapters 36.75 and 36.81 of the Revised Code of
18 Washington (RCW), Snohomish County (the County) has the authority to acquire
19 county right-of-way (ROW) by purchase, gift, or condemnation and establish roads for
20 public purposes; and

21
22 WHEREAS, Section 13.90.010 of the Snohomish County Code (SCC) provides
23 that road establishment procedures may be initiated at the request of the Snohomish
24 County Council (County Council), independently by Snohomish County Engineer
25 (County Engineer) when that person determines the criteria for road establishment
26 exists, or in response to a freeholders’ petition; and

27
28 WHEREAS, on April 16, 2021, Pacific Ridge - DRH LLC (Pacific Ridge), applied
29 to the Snohomish County Department of Planning and Development Services (PDS)
30 requesting approvals for a multi-use development known as Cathcart Crossing; and

31
32 WHEREAS, as a condition of development approval, PDS and the County
33 Engineer required Pacific Ridge to construct 87th Ave SE as a new public road; and

34
35 WHEREAS, on October 13, 2021, Pacific Ridge petitioned the Snohomish
36 County Department of Public Works (DPW) for the establishment of 87th Ave SE as
37 depicted on the approved Urban Residential Design Standards (URDS) Administrative
38 Site Plan for Cathcart Crossing; and

39
40 WHEREAS, on July 7, 2022, as amended on August 8, 2022, the Hearing
41 Examiner approved the Planned Community Business Preliminary Site Plan, Biding
42 Site Plan, and URDS Administrative Site Plan for Cathcart Crossing, File No. 21-
43 107654 SPA/BSP, with conditions of approval that included the construction and
44 establishment of 87th Ave SE as a new public road (the “Decision”); and

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46 WHEREAS, the Hearing Examiner’s Decision was affirmed by the County
47 Council in the closed record appeal of Cathcart Crossing through Motion No. 22-449
48 dated October 18, 2022; and

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ORDINANCE NO. 23-071
AN ORDINANCE APPROVING THE ACCEPTANCE OF A STATUTORY WARRANTY DEED
AND ESTABLISHING 87th AVE SE AS A NEW COUNTY ROAD - 1

1 WHEREAS, on June 20, 2023, the County Engineer, pursuant to RCW
2 36.81.050 and SCC 13.90.040, prepared a report determining that the establishment of
3 87th Ave SE is necessary, practicable, and will benefit the public; and
4

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

8 WHEREAS, a properly filed record of survey depicting the ROW limits and road
9 alignment has been recorded under Snohomish County Auditor's File Number (AFN)
10 202302035003; 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 with
14 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 constructed in
18 conjunction with the establishment process was obtained and submitted to PDS; and
19

20 WHEREAS, the County Council has considered the County Engineer's report
21 recommending that the Statutory Warranty Deed be accepted, and the establishment
22 of 87th Ave SE be granted; and
23

24 WHEREAS there will be no public expenditures for the construction of 87th Ave
25 SE; and
26

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

30 NOW, THEREFORE, BE IT ORDAINED:
31

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

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

41 **Section 3.** The following described property is hereby established as county
42 road ROW subject to the full authority and discretion of the County, upon recording of
43 the binding site plan for Cathcart Crossing and subject to the conditions in Section 7.
44

45 All that portion as shown on Record of Survey Auditor's File Number
46 202302035003, for "Parcel C" and identified as area of proposed right-of-way
47 for 87th Ave SE.
48
49

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: 87th Ave SE Road Establishment

Reference Number: PFN
Grantor: Pacific Ridge – DRH, LLC
Grantee: Snohomish County, a political subdivision of the State of Washington
Abbreviated Legal Description: A portion of the SW 1/4 and the SE 1/4 of the SW 1/4, SEC. 36, TWP. 28 N., RGE. 5 E.; And a portion of the NE 1/4 of the NW 1/4, SEC. 1, TWP. 27 N., RGE. 5 E., W.M. Snohomish County, Washington

Add'l on Page _____

Assessor's Tax Parcel ID Number(s): 28053600301100IOP

The Grantor (s) Pacific Ridge – DRH, LLC, 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 202302035003 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 9th day of May 2023

Grantor:

Cindy Jackson, Asst. Secretary
Print name and Title

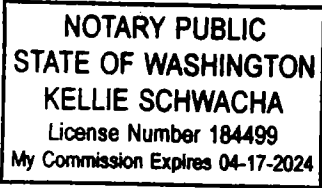
[Signature]
Signature and Title

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 Secretary
of Pacific Ridge - DRH, LLC
to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED 5.8.2023

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
