

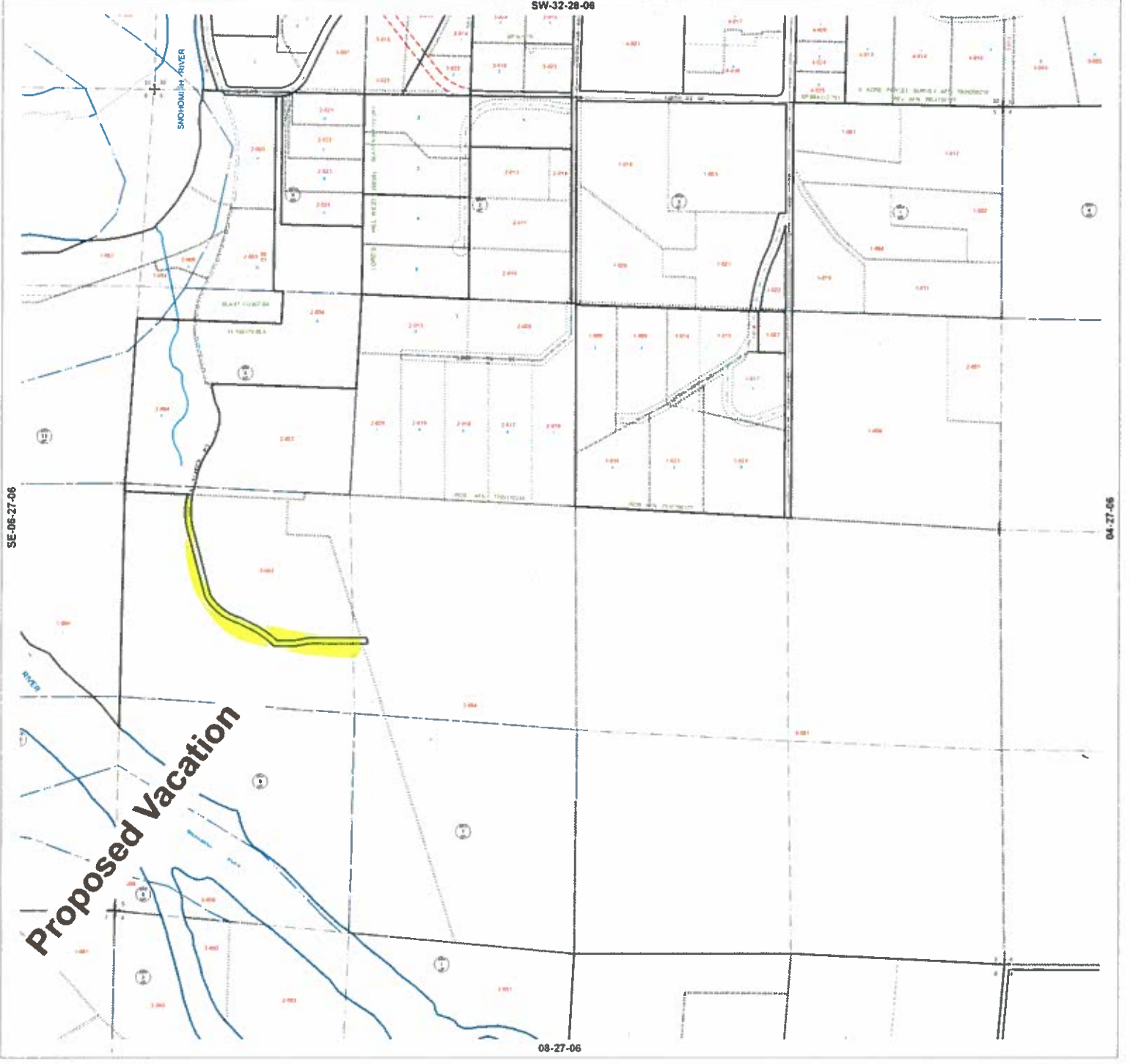


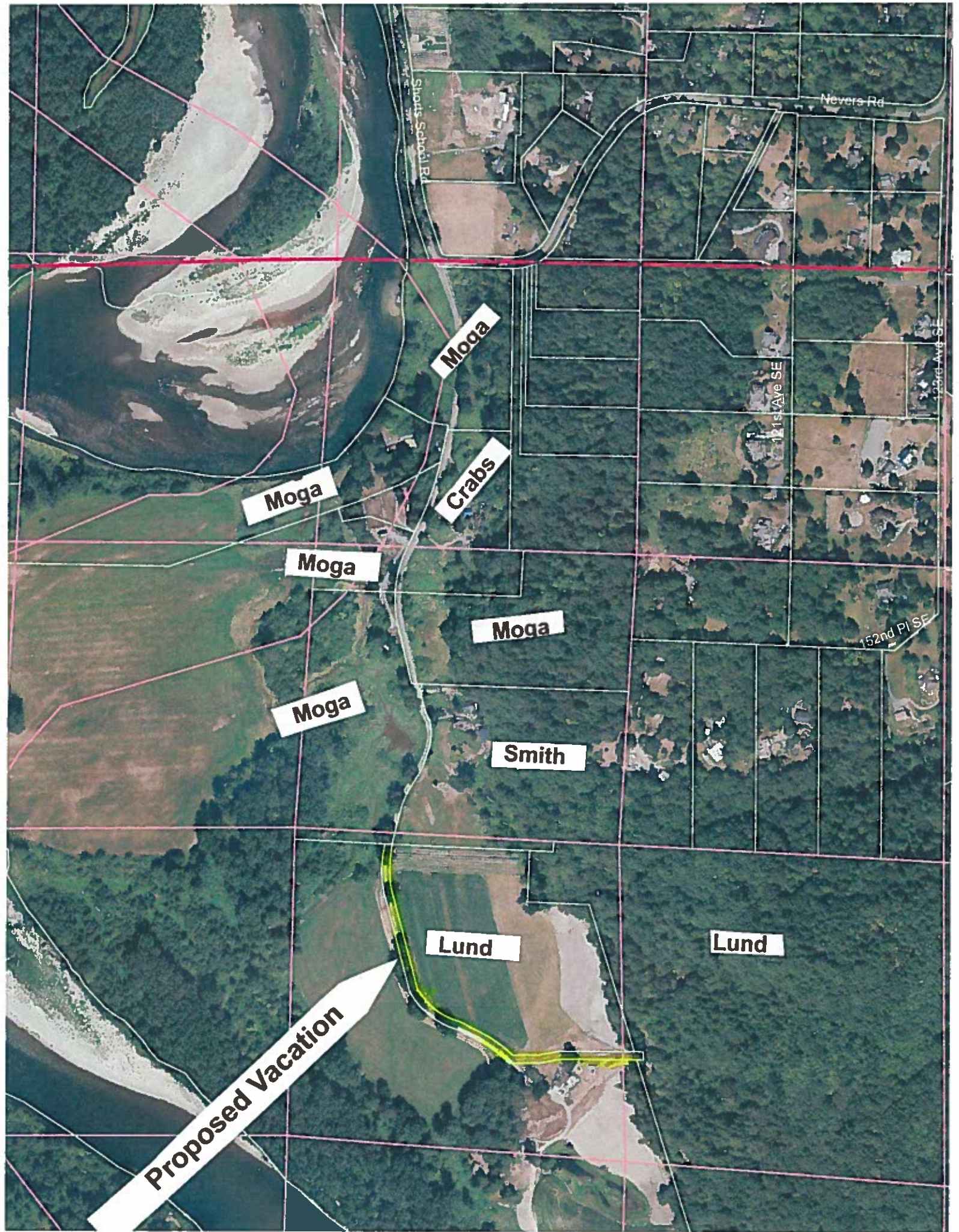


QUARTER <b>ALL</b>	SECTION <b>5</b>	TOWNSHIP N W B L <b>27</b>	RANGE E W M <b>6</b>
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Centerline Lot Block Section City Limits  
 Gov Lot Subdiv ROW Quarter Tax Acct  
 Major Water Other Lot Vac ROW 16th Easement  
 Minor Water Other Subdiv Vac Lot

1 inch = 400 feet  
 Map produced on October 20, 2010  
 A product of the Assessor's Office  
 Snohomish County, Washington





the above named road and for the costs of publication of the Notice of Final Hearing, and after an examination of the said report, and of the affidavit of the publisher, and the Court being fully advised in the premises it is hereby ordered that the costs be allowed as follows:

William Douglas Viewr	1 day at 750	7.50
George Heddis Viewr	1 day at 750	7.50
P. McKenzie Chairman	1 day at 750	7.50
Edmund Juegel Chairman	1 day at 750	7.50
Charles Sinclair Assessor	1 day at 750	7.50
	Board of Public 1.00	3.50
Goshorn & Clemons Publishing Notice of Final Hearing		4.00

It is further ordered that upon being served with a certified copy of this order the Auditor will be strictly charged and ordered to draw his warrant on the Treasurer in favor of the several parties and for the several amounts herein stated and allowed by the Court.

Witness my hand and the seal of the Court this 17th day of April 1894  
John C. Murray Judge  
Robt. A. Bullitt Clerk  
By Charles C. Thornton Deputy

In the Superior Court of the State of Washington for Snohomish County  
In the Matter of the Petition of  
Charles Sinclair and others for the View  
Location and Establishment of a Public  
Road in Snohomish County

Order for Establishment of County  
Road No 7156

The petition of Charles Sinclair and others for the establishment of a county road coming before the Court for hearing and to consider the award of damages has returned by the Survey heretofore appointed and the Court being fully advised in the premises and being satisfied that due publications thereof have been fully made as provided by law and that said proposed road is for a public use and that the same is a public necessity and will be of general use and public benefit it is therefore ordered that said road be and the same is hereby established as surveyed and the same may be opened as provided by law for the opening of further roads.

No Damages

And it is further ordered that the costs of the survey and the order

EXHIBIT 2 PAGE 1

J. B. Neely Road No 2096

of the Court be filed in the office of the County Auditor. It is further ordered that the description of the road here established shall be as follows: Commencing at river bank on North boundary of Tract of N. P. G. East. Sec 5 running thence southerly along the river bank until it strikes a slough, thence along the bank of the slough until it strikes the foot of the hill, thence following the hillside and ending at George Greenwood's fence or thereabouts

Done in open Court this 7<sup>th</sup> day of April A.D. 1894

John B. Bennett  
Judge

subscribed

Filed Apr 7 1894. Robt. A. Hubbard, Clerk

By Oliver C. Thornton, Deputy

In the Superior Court of the State of Washington for the County of Snohomish

In the Matter of the Petition of Charles Smolans et al. For having laying out, surveying and establishing a County Road.

No 2096 Certificates

State of Washington }  
County of Snohomish } Yes

J. Robt. A. Hubbard, County Clerk

and Clerk of the Superior Court of the State of Washington for the County of Snohomish, holding terms at Snohomish in said County, do hereby certify that he annexed hereto a complete transcript of all the proceedings had in the above entitled matter up to and including the final establishment of said road.

Witness My hand and the seal of the said Superior Court this 13<sup>th</sup> day of April 1894

Robt. A. Hubbard, Clerk

By Oliver C. Thornton, Deputy

Witness my hand and seal of the County Auditor this 16<sup>th</sup> day of April 1894 at 4:30 P.M.

County Auditor

Filed for record at request of Smolans et al. April 16 1894 at 4:30 P.M. Oliver C. Thornton Deputy

J. B. Neely Road No 2096

30470  
= 152

In the Superior Court of the State of Washington for Snohomish County.

In the matter of the Petition of J. B. Neely, O. H. Latham and O. B. Rowley and others for the laid location and establishment of a Public Road in Snohomish County.

Road Petition No 2096

We the undersigned and freeholders of Snohomish County, State of Washington and do petition and pray that a public county road or highway be established in said County fifty feet or more wide, having its points of beginning and termination, course and intermediate points and general route as follows:

Commencing at the County Road running from Post Bureau to Alameda at a point twenty two rods (22) and 14 3/8 feet North of the

EXHIBIT 2 PAGE 2

## Change In Sinclair Road.

No. 151

Petition for a County Road.  
 In the Matter of The Petition of  
 Caleb Cook and others for the  
 View, Location and Establishment  
 of a County Road in Snohomish  
 County, Wash. } Petition

To The Board of County Commissioners of  
 Snohomish County, Wash.:

We the undersigned householders of Snohomish  
 County, State of Washington, do petition that a County  
 Road be established in said County 30 ft in width,  
 commencing at or near the East bank of Snohomish  
 River on the North side of lot (4) Sec (5) T7p (27) N  
 R 6 East running thence in a southerly direction through  
 the above described lot and ending at or about (300)  
 three hundred feet in lot (5) the whole distance  
 being about  $\frac{1}{4}$  miles. Your petitioners respectfully  
 represent and allege that the proposed road is practic-  
 able, and will be of general use and public utility, and  
 that all of your petitioners are residents and house-  
 holders residing in said County in the vicinity of said  
 proposed road; wherefore your petitioners pray for the  
 appointment of viewers to view, lay out and survey the  
 said proposed road, and to estimate the damages to each  
 tract of land over which the road shall pass, and to  
 do all other things provided by law.

Petitioners

Principal Petitioner

Caleb Cook  
 Fred Shingerlend  
 Edward Greenwood  
 George Greenwood  
 Harry Eshenshad  
 Hiram Thomas  
 Geo Graddis  
 L. F. Kassin  
 A. W. Johnson  
 John A. Williams

## Change In Smelser Road.

## Waiver

On the matter of the road petitioned  
for by Caleb Cook and others

The undersigned being the owner of the following described land, do in consideration of the benefits and advantages to accrue to by the location and establishment of the County Road petitioned for by Caleb Cook and others, hereby consent that said road be established as surveyed, and forever relinquish unto Snohomish County a Right-of-Way 30 feet in width, over, across and through SW<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> Sec 32, Twp. 28 N R 6 E W M further described as follows, a strip of land 15 feet in width on each side of a center line commencing at a point on Township line bet Twp's 27 & 28, S 89° 57' E. 2216.8 ft. from  $\frac{1}{4}$  cor. between Sec. 32, Twp 28 and Sec. 5, Twp 27 N. R. 6 E. running thence N. 20° 15' W. 1985 feet to an intersection with the Geo. Saunders Road of Section 32, Township 28 North, Range 6 E, and waive all claims for damages of whatever kind which may be occasioned to said land or any portion of the same, by the location, establishment and opening of said Road, giving and granting unto said Snohomish County the said Right-of-Way with full power and authority to locate, lay out and establish said Road as proposed and perpetually maintain the same as a County Road.

In Witness Whereof I have hereunto set my hand  
this day of April 22<sup>nd</sup> 1907

Ellen Thomas J

## Waiver

On the matter of the road petitioned  
for by Caleb Cook and others

The undersigned being the of the following described land, do in consideration of the benefits and advantages to accrue to by the location and establishment of the County Road petitioned for by Caleb Cook and others, hereby consent that said road be established as surveyed, and forever relinquish unto Snohomish County a Right-of-Way 30 feet in width, over across and through a tract in the West half of the NW<sup>1</sup>/<sub>4</sub> of Sec. 5, Twp. 27 N., R. 6 E. W. M. more



## Change In Sinclair Road.

particularly described as follows:— A right-of-way 15 feet in width on each side of a center line beginning at a point  $N 69^{\circ} 26' E$  359.8 feet from the M.C. of frac. Secs. 5 and 6; thence  $N 30^{\circ} E$  340 feet; thence  $N 21^{\circ} 30' E$  180 feet; all in Section 5, Township 27 North, Range 6 E. W. M., and waives all claims for damages of whatever kind which may be occasioned to said land or any portion of the same, by the location, establishment and opening of said Road, giving and granting unto said Snohomish County the said Right-of-Way with full power and authority to locate, lay out and establish said road as proposed and perpetually maintain the same as a County Road

In Witness Whereof we have hereunto set our hand this 16<sup>th</sup> day of May 1907.

Caleb Cook

Sarah A. Cook

## Waiver

In the matter of the road petitioned for by Caleb Cook and others }

The undersigned being the } of the following described land, do, in consideration of the benefits and advantages to accrue to } by the location and establishment of the County Road petitioned for by Caleb Cook and others, hereby consent that said road be established as surveyed, and forever relinquish unto Snohomish County a Right-of-Way 30 feet in width, over, across and through the  $N W \frac{1}{4}$  of the  $N. W. \frac{1}{4}$  of Sec. 5, Twp. 27 N., R. 6 E. W. M., more particularly described as follows:

A tract 15 feet in width on each side of a center line beginning at a point the North boundary of said  $N. W. \frac{1}{4}$  of the  $N. W. \frac{1}{4}$ ,  $S 89^{\circ} 57' W$  2216.8 feet from the  $\frac{1}{4}$  cor. between Secs 5 and 32; thence  $S 20^{\circ} 15' E$  271.5 feet; thence  $S 3^{\circ} E$  165 feet;  $S 5^{\circ} W$  345 feet; thence  $S 15^{\circ} W$  200 feet; all in the  $N W^{\frac{1}{4}}$  of the  $N W^{\frac{1}{4}}$  of section 5, Township 27 North, Range 6 E. W. M. and waive all claims for damages of whatever kind which may be occasioned to said land or any portion of the same, by the location, establishment and opening of said Road, giving and granting unto said Snohomish County the said

Change In Sinclair Road

Right-of-Way with full power and authority to locate, lay out and establish said Road as proposed, and perpetually maintain the same as a County Road.

In Witness Whereof Have hereunto set hand this day of May 6<sup>th</sup> 1907

Emma O Williams  
John A Williams

State of Washington }  
County of Snohomish } 55.

In the Matter of the Petition of Caleb Cook et al for a County Road, to be known as the Change in Sinclair Road

Transcript of Field Notes

Said road commences at a point in the center of the Geo Sanders road West 2216 1/2 feet and N 20° 15' W 198 1/2 feet from the 1/4 corner on the south boundary of sec 32, T. 28 N. R. 6 E which is herein designated at Station 1 and ends at a point in the N.E. 1/4 of the SW 1/4 of sec 5 T. 27 N. R. 6 E. which is herein designated at Station 17.

Transcript of Field Notes of Survey.

Station	Angles		Course	Length Feet	Total Dist	Remarks
	Left	Right				
1			S 20° 15' E	470.0		Set a stone 6 x 7 1/2 ins in the center of the Geo Sanders Road for beginning of road.
						At 450 feet cross a ravine 40 feet wide course S 75° W.
2	17° 15'		S 3° E	165.0	470.0	
3	8°		S 5° W	345.0	635.0	
4	10°		S 15° W	200.0	980.0	
5	6° 30'		S 21° 30' W	180.0	1180.0	At 20 feet right bank of a ravine course N 16° W
6	8° 30'		S 30° W	340.0	1360.0	At 110 feet left bank of ravine
7					1700.0	At this point I intersect the

EXHIBIT 3 PAGE 4

## Change In Sinclair Road.

	Angles		Course	Length Feet	Total Dist	REMARKS.
	Station	Left Right				
			S 22° 37' E	607.0		Center of the old travelled Sec. Sanders Road and for a monument to mark the end of the change I bury a cast iron kettle in which I place a blue colored stone and an iron link 10 ins long and 5 ins wide of $\frac{5}{8}$ in iron. The ear of the kettle marks the station point. Whence a stone mon. set for the southeast corner of Cash Cook's tract bears S 71° E 15 feet dist. and the N. E. of frac. sec. 5 and 6 bears S 69° 26' W 359.5 feet dist.. Thence following the center of the old road as travelled.
8	6153'		S 84° 30' E	220.0	2307.0	
9	2530'		S 59° E	220.0	2527.0	
10	20°		S 39° E	70.0	2747.0	
11	2530'		S 13° 30' E	90.0	2817.0	
12	3030'		S 44° E	110.0	2907.0	
13	2700'		S 16° 30' E	130.0	3017.0	
14	3030'		S 47° E	260.0	3147.0	At 124 feet intersect. Sec. E. and W. $\frac{1}{4}$ line through Sec 5, feet east of the $\frac{1}{4}$ cor. on the W. bdy.
15	24°		S 26° E	165.0	3407.0	
16	2230'		S 3° 30' E	575.0	3572.0	At 100 cross a creek 2 feet wide Course W.
17					4147.0	The end of the Sinclair Road I find the original maple B.P. from which I set a cedar post marked "R."

EXHIBIT 3 PAGE 5

## Change In Sinclair Road.

I hereby certify that the foregoing field notes and map herewith submitted are correct exhibits of the road herein described, and that the survey was made on the 26th day of March A. D. 1907 to the 6th day of April A. D. 1907 inclusive.

In witness whereof I have hereunto set my hand this 29th day of June A. D. 1907.

Elmer Lenfest  
County Surveyor  
By Deputy

## Surveyor's Report.

In the matter of the petition of  
Calhoun Cook and others for the  
Location and Establishment of a  
County Road in Snohomish  
County Washington.

} Surveyor's Report.

I, the undersigned, County Surveyor of the County of Snohomish and State of Washington, duly directed by the Board of County Commissioners of said County on the 11th day of March A. D. 1907, to make due examination and if necessary a survey of a certain road designated in the petition of Calhoun Cook and others did lay out, survey and mark the course of the road proposed in said petition, and report as follows, viz:

## First.

That in my opinion said Road is a necessity and ought to be established and opened.

## Second.

Said road commences at a point in the center of the Geo Sanders Road, West 2216 1/2 feet and N 25° 15' W 1985 feet from the 7 corner on the south boundary of Sec. 32 T. 28 N. R. 6 E. and runs in a southerly direction. Total length 4147.0 feet.

## Third.

I recommend that said road be established

Change In Sinclair Road.

thirty feet in width.

Fourth.

The names of persons interested in lands over which said proposed road will pass, who consent to the establishment of the same, and waive all claims for damages caused thereby, are shown below:

Fifth.

The names of all persons interested in lands over which said proposed road will pass, who refuse their consent to the establishment of the same, together with the amount of damages claimed by each, are shown below:

Sixth

An estimate of damages and benefits to each tract of land over which said proposed road will pass, is shown below:

Seventh

A description of each tract of land over which said proposed road will pass, with the name and place of residence or address of the owners, lessees, claimants or incumbrances thereof, and the quantity of land to be taken from each of said tracts, is shown below:

name and address or Residence of Owner, Lessee or Incumbrancer	Sub division	Sec. Twp. Rng.	Quantity <sup>per Table</sup> Acres 100's	Remarks
Ellen L. Thomas	Lot 1	32-28-6	.13	Waived
Emma O. Williams	Lot 47 portion of Lot 5	5-27-6		Waived
Caleb Cook	Description in Lot 47 & 5	5-27-6		Waived
Mellie Sinclair	Portion of Lot 5	5-27-6		Old road
George Greenwood	Portion of NW 1/4 of 5204	5-27-6		Old road

Eighth

The probable cost of construction of said road will be as follows:

Items	Amount
Bridges and culverts:	
Clearing and grubbing:	
Grading:	
Damages:	
Cost of survey (estimated)	
<b>Total estimated cost of said road -</b>	

EXHIBIT 3 PAGE 7

Change In Smclair Road.

Ninth

I also file with this report; the written consent and waivers of claims to damages, together with claims for damages, by persons interested in the lands affected by the establishment of said proposed road; a map of said proposed road as the same is laid out and surveyed, with the name of the owner of each tract of land written thereon, and a transcript of the field notes of the survey thereof.

Respectfully submitted this 1<sup>st</sup> day of July A.D.  
1907

Elmer Lenfest

County Surveyor.

By Deputy.

Declared a county road July 15<sup>th</sup> 1907.

A. H. B. Jordan.



Plat 151  
PLAT

Showing Relocation and Change of Position of

# The Sinclair Road

Secs 5 and 32, Twp. 27 and 28 N., R. 6 E. W. M.

Surveyed May 26-27, 1907

Road 50 feet wide.

Elmer L. Thomas

County Surveyor

GC Change  
in Southern  
Portion  
in 1908  
Rd. 1100 ft

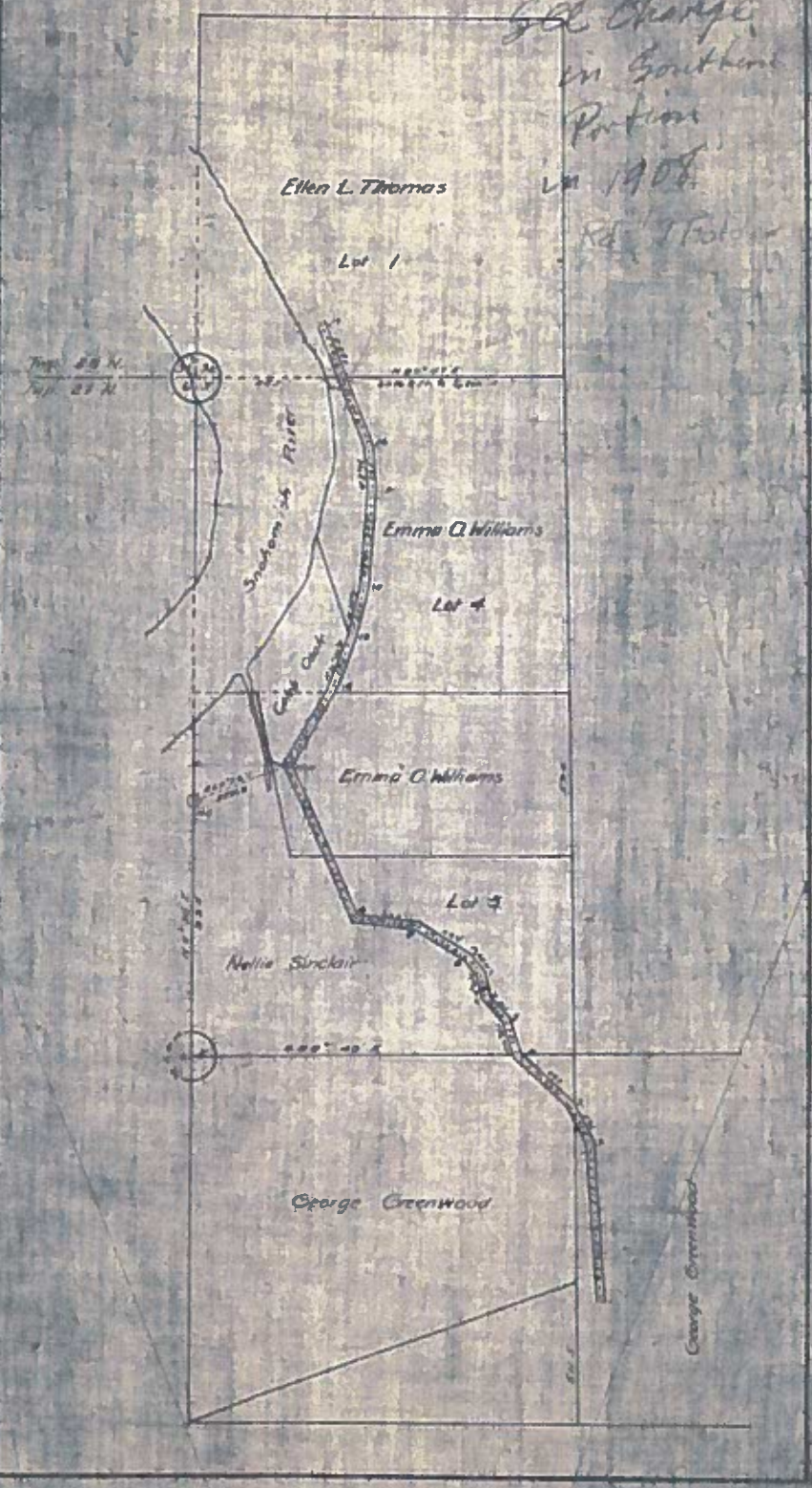
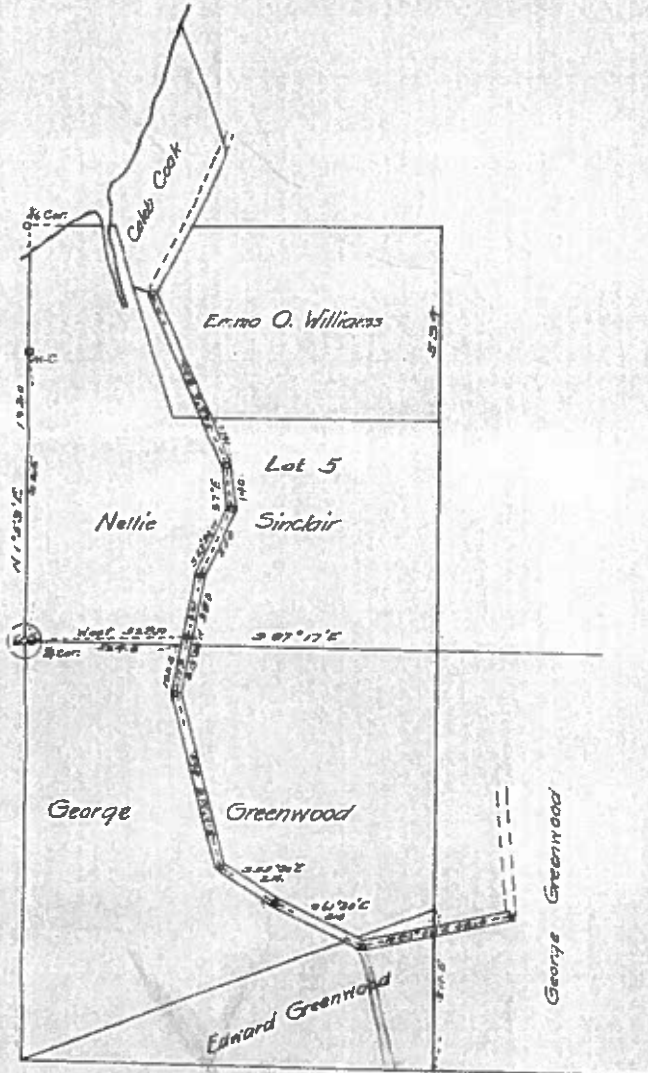


EXHIBIT 3 PAGE 9

Change in Portion  
of  
**Sinclair Road**

Sec. 5, Twp. 27 N., R. 6 E., W. 4.  
Snohomish County, Washington.  
Surveyed July, 1908. Elmer Lenfest,  
Road 30 feet wide. Co. Engineer.

Scale, 1 inch = 400 feet



**EXHIBIT 4**

FILE RD #9



Vacation of part of Amelia Road

Index 151  
355

## Petition for Vacation part of Amelia Road

To the Commissioners of the County of Ingham  
State of Washington

We the undersigned being one of the new County  
Road as now in use, and as deeded by Mrs E. O. Williams and  
husband to the County, do petition your honorable body  
that you set the old road not now used by  
you, to said Mrs E. O. Williams and husband.  
The description of same is lot 5 - and in the  
NW 1/4 of Sec 5 - Twp 27 - N. R. 6 E. 10m Ingham  
County, Washington  
(Signed)

August Johnson  
George Giddens  
Ellen B. Thomas  
L. F. Kressin  
H. St. John  
J. J. Stephens  
R. A. Wilson  
F. Rechter  
F. A. Rechter  
Edw. Rechter

Mrs E. O. Williams  
John A. Williams

Having called

Event on July 26<sup>th</sup> 1912

pursuant to a petition of property owners  
in Sec 5-27-6 asking the vacation of a road  
in said section; therefore on motion of the  
County Auditor is instructed to call for a  
hearing to be held on the 18<sup>th</sup> day of March 1912  
at 2:00 pm before the County Commissioners in  
their office in the Court House at Everett, Washington  
for the purpose of allowing persons interested to make  
objection to such vacation

Signed

Board of County Commissioners

By James McCulloch

Chairman

EXHIBIT 5

Vacation of part of Snellet Road

Index <sup>151</sup>/<sub>250</sub>

Order of Vacation.

Res. W. W. March 25<sup>th</sup> 1912

ON motion, the following described road is hereby vacated, known as the Snellet or Williams road: all roads in lots 4 & 5 of section 5 Twp 27 N Range 6 East, excepting the road hereinafter described;

Commencing at the 1/4 section corner between sections 5 & 6 said Township and Range, thence N. 0° 33' E. along the section line 923.1 feet to the fractional section corner between said sections 5 & 6, thence N. 69° 39' E 359.8 ft to the true place of beginning; thence 30 ft in width lying 15 feet on either side of a center line running N 31° 05' E 319.7 feet, thence N 18° 42' E 334.9 feet, thence N. 7° 12' E 477.2 feet, thence N 13° 48' W 207.8 feet, thence N. 18° 48' W 180 feet to the north boundary of said section 5.

Signed

Board of County Commissioners

By James McCullack

Chairman

petition for vacating a county road

In the matter of the petition of Mrs E O Williams and others for the vacation of a county road in Snohomish County Washington

} petition

To the Board of County Commissioners of Snohomish County Wash:

We, the undersigned householders of Snohomish County State of Washington do petition that a County Road be vacated in said County 30 ft in width, commencing at the N. line of section 5 and running south to Cole's Creek line: described as in lot 5 in the NW 1/4 of section 5, Twp 27 N R 6 E W.M.

(Signed) Geo Ladder Lot 4 SW 1/4 Sec 5 Twp 27 N R 6

Aug. Johnston

Ellen Lithman Sec 31 Twp 28 . 6

L. F. Krasin " 31 " 28 . 6

W. J. Stephens " 32 " 28 . 6

D. H. Johnson " 33 " 28 " 6

EXHIBIT 6

E A S E M E N T

1256324

To Go With the Land

For and in consideration of the benefits to accrue to them by reason of the construction of a flood control dike, the undersigned do hereby grant to Snohomish County, its successors or assigns, the perpetual right of ingress and egress over and across certain portion of the Grantor's property, to construct and maintain said dike.

The dike location, and the ingress and egress route are in the northwest quarter of the southwest quarter of Section 5, Township 27 North, Range 6 East W.M., and are more clearly and definitely shown on the attached sketch which is made a part of this easement.

The Grantor waives any and all claims for damage of any kind arising from the construction and/or maintenance of said dike.

Nothing contained herein shall be construed to require the County of Snohomish to construct or maintain said dike if unwarranted by future conditions.

Granted this 12<sup>th</sup> day of September 1957.

*John A. Duncan*

*Elizabeth B. Duncan*  
Grantor's

SNOHOMISH COUNTY, Washington

By *Edwin Kretz*  
Chairman

*J. E. McCullum*

*W. A. Wyatt*  
Its Board of Commissioners

NO SALES TAX  
REQUIRED

SEP 12 1957

VERNE SEVIER, Snohomish County Treasurer  
By *Lee Anderson*  
Deputy

EXHIBIT 7 PAGE 1

STATE OF WASHINGTON SS  
COUNTY OF SNOHOMISH

631 449

I, the undersigned Notary Public in and for the State of Washington, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 1957, personally appeared before me E. SAM KRAETZ, Chairman, J. E. McQUEEN, AND WILLARD A. WYATT, each one to me known to be the duly elected, qualified and acting County Commissioner of Snohomish County, Washington, who executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said Snohomish County, State of Washington, for the uses and purposes therein mentioned, and stated that the seal affixed is the official seal of Snohomish County, Washington.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public in and for the State of Washington, residing at \_\_\_\_\_

STATE OF WASHINGTON SS  
COUNTY OF SNOHOMISH

On this 12<sup>TH</sup> day of September 1957, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came John A. Duncan, Elizabeth D. Duncan, husband and wife to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

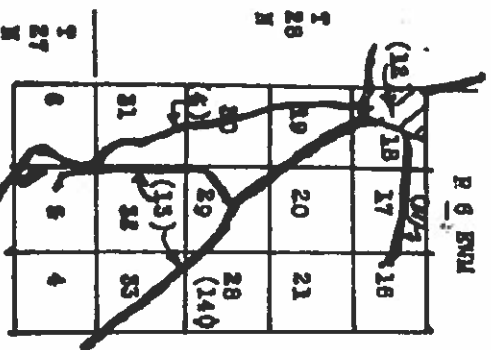
Witness my hand and seal the day and year first above written.

Clarence E. Adams  
Notary Public in and for the State of Washington, residing at \_\_\_\_\_

Emmitt

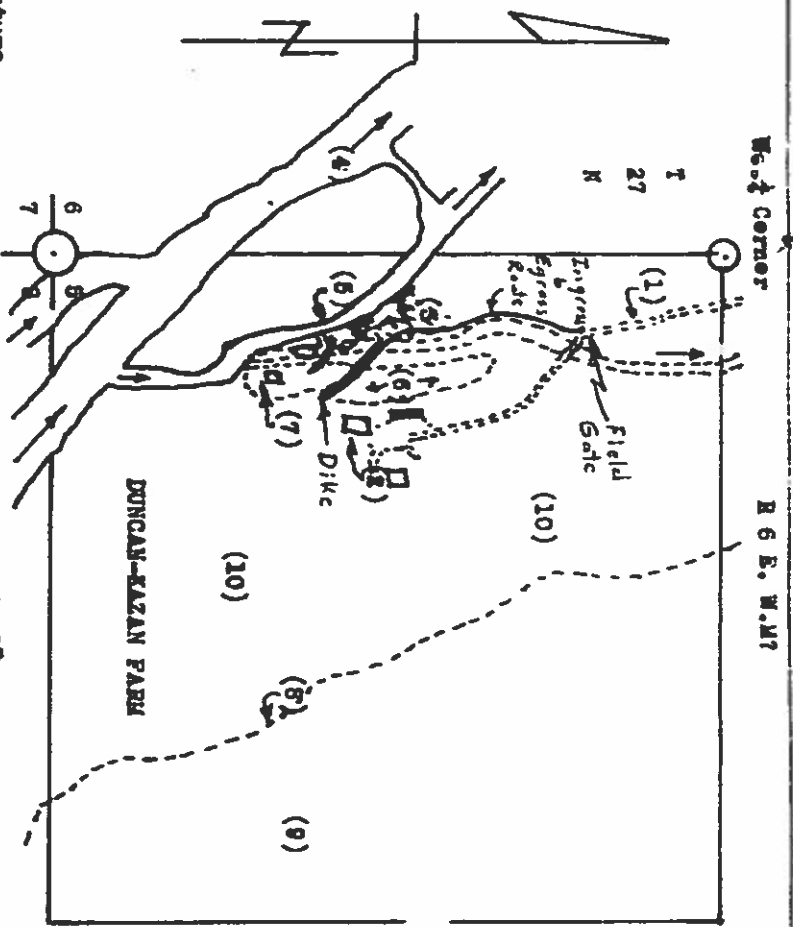


EXHIBIT 7 PAGE 2



- LEGEND
- (1) Farm access road
  - (2) Pastureland
  - (3) Overflow channels
  - (4) New locations
  - (5) Snehemish River
  - (6) Side channel of river
  - (7) Wooded hill

- (7) Small cabin
- (8) Top of slope
- (9) Woodland
- (10) Fields and pasture
- (11) Stevens Pass Highway
- (12) SNEHEMISH
- (13) County Roads
- (14) Snehemish - Hearce Highway



6600 Cy. Earth fill. Approx. 1.5 A. Clearing.  
Upper fill will cross main wash approx. 100' north of small house on wooded hill above side channel from river, on bank 40' east of the main overflow channel. All fills will be 2' above adjacent river bank.

**DUNCAN-KAZAN**  
U.S.D.A. SOIL CONSERVATION SERVICE

Recommended by: *W. B. [Signature]*

Designing Approval: *Earl [Signature]*

County Registrar: *Earl [Signature]*

Completed	Drawn	Checked	Drawing
<i>[Signature]</i>	<i>[Signature]</i>		

Filed for Record Oct 11 1957, 11:31am  
Request of Snehemish County  
GEO. P. DUBUCQUE, County Auditor



LAND SURVEYING • LAND USE PLANNING • CIVIL ENGINEERING

Paul Lund  
15813 Shorts School Road  
Snohomish, WA 98290  
[pilund@flash.net](mailto:pilund@flash.net)

File No. 13-283  
March 24, 2017

RE: Status of Shorts School Road, aka Sinclair Road in Section 5, T.27N., R.6E., W.M.

Dear Mr. Lund:

This historic route first appears on the 1871 General Land Office Plat of Township 27 North, Range 6 East, W.M. The road is shown graphically as running through Government Lots 4 and 5, the northwest quarter of the southwest quarter and Government Lots 6 and 7 all in Section 5. This location does not represent an actual surveyed location, but an approximation by the contract surveyor whose primary duty was the survey of the perimeter of each section. The official field notes provide measurements where the road crossed the section line, but provide no measurements in the interior of the section. What this map does show is an alignment which is easterly of the present road location.

The next documentary evidence of the road is found in the Snohomish County Superior Court Road Petition and Establishment for the Charles Sinclair Road in 1894. The records contain notes with bearings, distances and notations for the alignment of the road. This alignment follows more or less the alignment as shown on the 1907 map, discussed below, which is approximately along the toe of the slope in the area of the Lund property. The general description contained throughout the establishment records describes the road as follows "...thence along the bank of the slough until it strikes the foot of the hill, then following the hillside to its terminus and ending at McGregor Greenwood's fence or thereabouts." It is my opinion that this Superior Court Establishment created a public easement along a route running across the Lund property at the foot or toe of the hillside to the east of the field and not along the present location of the driveway.

The next evidence is seen on the 1895 U.S. Geological Survey Quadrangle Map titled "Snohomish, Wash." That map represents a road beginning at the northwest corner of Section 5, running south along the river for about a quarter mile, then running southeasterly to the base of the hill, then following the base of the hill to the south line of Section 5. This location is consistent with the 1894 Establishment.

Several maps were produced by the County Surveyor for Sinclair Road.

1. A map dated March, 1907 titled "Plat Showing Relocation and Changes of Portion of The Sinclair Road" represents the road beginning at the north line of Section 5 approximately at the present location of Shorts School Road and running south generally along the present alignment of Shorts School Road until it reaches a point slightly south of the center of Government Lot 5. At this point the road alignment runs southwesterly to and then along the base of the hill. This alignment is more consistent with the description and notes contained in the 1894 Establishment.

A copy of this map obtained from Snohomish County Public Works has a notation "See Change in Southern Portion in 1908. Rd #9 Folder."

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A document titled "Change in Sinclair Road" references "field notes and map herewith submitted." The document was submitted by the County Surveyor, Elmer Lenfest on June 29, 1907. It was declared a county road on July 15, 1907 by A. H. B. Jordan. There is no statement regarding the authority by which this declaration was made. This document would correspond to the 1907 map also prepared by Elmer Lenfest showing the road alignment along the toe of the hill.

2. A map dated July, 1908 titled "Change in Portion of Sinclair Road" represents the road approximately in the present location of the driveway across the Lund property, except that the map shows the last course of the road running easterly over the field to a point near the base of the hill. Dashed lines show a road or right-of-way running northerly from this terminus, possibly a reference to the 1907 and/or 1894 alignments.  
An interesting notation made on a copy of this map obtained from Snohomish County Public Works reads "Road #9 Declared a County Rd. July 15, 1907. Roads in Lot 4&5 Sec. 5 (27-6) Vacated March 25, 1912."  
No establishment documentation or authority for this alignment has been discovered or produced.
3. An undated map which appears to be from an early county road atlas depicts Chas Sinclair Road running approximately in the 1907 location onto the Lund property.
4. An undated map titled "Survey #2364 Sinclair Road Extension" appears to be a partial topographic map of a portion of the road on the Lund property, although the map resolution is poor.
5. The current county road atlas depicts Shorts School Road ending at the north line of the Lund property.

I have examined numerous aerial photos from 1933 to the present. No evidence of the easterly route can be seen in those photos.

The existing road is blocked at the north line of the Lund property by a gate. Snohomish County has had a sign at that location for over ten years stating "End of County Maintained Road."

Lastly, in a letter from Dixie Anderson, Snohomish County Public Works Supervisor, dated July 13, 2006, it is affirmed, with input from the Snohomish County Prosecuting Attorney's Office, that Shorts School Road in Section 5 is "an easement only to the public." See attached letter.

Most significantly, is the order of Vacation in Road Book 9, pages 106-110, on file in the Snohomish County Public Works records for a portion of Sinclair Road. A copy of the original and my transcription is attached. These pages contain a record of a petition to have a portion of Sinclair road vacated, the hearing for said vacation, the posting of a bond, and finally, a report of the County Engineer supporting the vacation of said road. It is interesting that the vacation only covers a portion in the Northwest quarter of Section five lying south of an angle point identified on the attached map. Sam Mutt in the Snohomish County Public Works, Survey Division came to the same conclusion. This vacation occurred in 1912. Maps showing a roadway over your land are dated 1908. It would be highly unusual to vacate a portion of county road leaving an isolated portion which could not be accessed by the public. I believe the section of road on your property was not addressed in the 1912 vacation petition because it was not

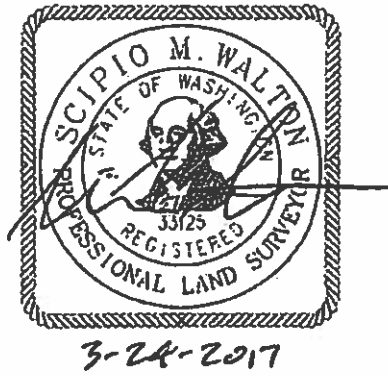
considered by the petitioners, the County Commissioners or the County Engineer as a public road. The only historical evidence for a right-of-way on the Lund property is the 1908 map of Sinclair Road by Elmer Lenfest, County Engineer. A survey map does not have the power to create a public right-of-way. There are no establishment records to be found for this alignment.

In summary, it is my professional opinion that absent any new evidence of establishment or conveyance of fee title to the public for the 1908 revision of the Sinclair Road there has never been fee title public right-of-way on the Lund property. There has been no public use of any easement over the Lund property for a period of over ten years, if ever. Since the portion of roadway on the Lund property has always only ever served the Lund property, I do not believe the public can make any valid claim for prescriptive rights. This roadway has not been maintained by the County for a period of over ten years.

Sincerely,



Scipio M. Walton, PLS  
Senior Surveyor



**EXHIBIT 8 Page 3**





Snohomish County

Department

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Everett, WA 98201-4046  
(425) 388-3905 (Desk)  
www.snoco.org

Dave Somers  
County Executive

October 10<sup>th</sup> 2018

Jeff Hoiland  
Public Works Survey Manager

Dear Jeff Hoiland: *Just in case*

Re: The Right Of Way Determination for Short School  
Survey Number 4727  
Road Log # 29550

## Surveyor's Report

Survey Manager Jeff Hoiland had requested me to review the record for a stretch of road presently known as the "Short School Road" (Road log # 29550) as to what portion(s) are in public Right of Way and what portions have been previously vacated. On Monday, August 27, 2018 2:06 PM. My research of the record did not reveal a definitive date in which the road name was changed from the "Sinclair Road" (Road number 151).

Based on the data and records that I reviewed, it is my opinion that the county has a 30' wide strip of Right of Way from the intersection of the Nevers road (at the northern boundary of section 5) south to the southern end of the Short School Road as established in the 1908 relocation of the southern end of the Sinclair road.

On February 26th, 1912 there was held a hearing for the vacation of a part of the Sinclair road (Road book 9 page 106). The request was to vacate "We the undersigned having the use of the new county road as now in use..." "...deed the (old?) Road not now in used by you,...". Then on March 25<sup>th</sup> 1912 the county engineer recommends to board of commissioners for the road to be vacated.

Conclusion: After reviewing the record documents cited below, I determine that county did have a 1907 alignment and this alignment headed in a southerly direction from the north line of section 5 and terminates somewhere in the SW  $\frac{1}{4}$  of section 5, Township 27 N., Range 6 E., W. M. that is 30 feet in width.

Then in 1908 the County built a 30 foot wide relocation to the southerly portion of the road and realigned it to the west of the 1907 position.

In 1912 the County Vacated only that portion that was no longer in use of the 1907 road. The order of Vacation reads: "On motion, the following described road is hereby vacated, known as the Sinclair or Williams Road: All (or maybe "old") roads in lots 4 & 5 of Section 5, Township 27 north Range 6 East, Excepting the road herein after described: Commencing at the  $\frac{1}{4}$  Section Corner between Sections 5 & 6 said Township and Range, Thence N. 0° 33' E. along the Section line 923.1' feet to the fractional Section Corner between said Sections 5 & 6, Corner

N. 69° 39' at 359.8 ft. to the true place of beginning: Thence 30 feet in width lying 15 feet on either side of a center line. Running N 31° 05' E 319.7 feet, thence N 18° 42' W 180 feet to the North boundary of said Section 5.

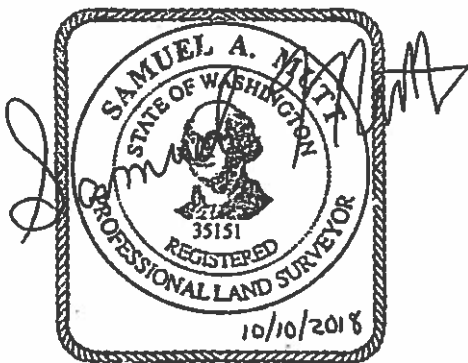
As late as 1967 the county has records of maintaining portions of the 1908 alignment of the road near the southern end of the road. Sometime in the 2000s a land owner has installed a gate across the road just north of the property (Currently the Lund Property). The gate remains closed to the public currently and reportedly in the past 5 or 6 years an "End of County Maintained Road" sign was installed north of the gate.

**Documents/ Records used to make this determination:**

Road Index book # 1 Page 9 ~ Geo Sanders to Park Place City of Snohomish  
Road record Book # 2 pages 210-211  
Road record Book # 7 pages 186  
Road record Book # 6 pages 574-576  
Road record Book # 7 pages 128  
Road Index book # 1 Page 151 ~ Charlie Sinclair  
Road record Book # 5 pages 156- 164  
Road Book 8 Page 521 – 528  
Road Book 9 Page 106 - 110  
Township books 1892, 1917 and 1947  
Bridge inspection files for Bridges 417 and 418

Sincerely,

*Samuel Mutt* 10/10/18  
Sam Mutt, PLS,  
Survey Specialist Sr.



**EXHIBIT 9 Page 2**