

After Recording Return To:  
Clerk of the Council  
Snohomish County Council  
3000 Rockefeller Avenue – M/S 609  
Everett, WA 98201

In the matter of: *21<sup>st</sup> Ave West Road Establishment*

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 21 -024

AN ORDINANCE ACCEPTING A STATUTORY WARRANTY DEED AND  
ESTABLISHING 21ST AVENUE WEST AS A NEW COUNTY ROAD

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

WHEREAS, under SCC 13.90.010, road establishment procedures may be initiated at the request of the Snohomish County Council (the “County Council”) or, when the Snohomish County Engineer (the “County Engineer”) determines that the criteria for road establishment exists, the road establishment process may be initiated independently by the County Engineer or in response to a freeholders’ petition; and

WHEREAS, on May 24, 2018, RMH LLC (the “Petitioner”), submitted a development application to the Snohomish County Department of Planning and Development Services (PDS); and

WHEREAS, as a condition of development approval, the County Engineer is requiring the Petitioner to construct and establish 21<sup>st</sup> Avenue West as a new public road; and

WHEREAS, on May 8, 2019, the Petitioner submitted an application to the Snohomish County Department of Public Works (DPW) for the establishment of 21<sup>st</sup> Avenue West as a new County road under SCC 13.90.010; and

WHEREAS, on April 20, 2021, under RCW 36.81.050 and SCC 13.90.040, the County Engineer prepared a report determining that the establishment of 21<sup>st</sup> Avenue West as a County road is necessary and practicable, and will benefit the public; and

WHEREAS, the Petitioner has provided a properly executed statutory warranty deed, and DPW has reviewed and determined that the deed conveys adequate ROW to ensure that the County road standards can be met; and

WHEREAS, a properly filed record of survey depicting the ROW limits and road alignment has been recorded under Snohomish County Auditor’s File Number 202104025002; and

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

WHEREAS, the Petitioner has provided a properly executed project guarantee improvement bond to ensure proper performance of road improvements constructed in conjunction with the establishment process under SCC 13.90.020; and

WHEREAS, the County Council has considered the County Engineer's Report along with all supporting exhibits, recommending that the statutory warranty deed be accepted and that 21<sup>st</sup> Avenue West be established as a County road; and

WHEREAS, there will be no public expenditures for the construction of 21<sup>st</sup> Avenue West; and

WHEREAS, the County Council declares its intention for establishing 21<sup>st</sup> Avenue West as a County road as described herein.

NOW, THEREFORE, BE IT ORDAINED:

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

**Section 2.** The County Council finds that the Petitioner is the fee owner and intends to deed the real property described in Section 3 for the use of the public in perpetuity. The County Council further finds that a properly executed statutory warranty deed has been submitted to accomplish the same, a copy of which is attached hereto with exhibits and incorporated by reference.

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

All that portion as shown on Record of Survey Auditor's File Number 202104025002, identified as area for road establishment.

**Section 4.** Construction of 21<sup>st</sup> Avenue West to the County's EDDS shall be by the Petitioner at their own expense. In accordance with Title 13 SCC, upon acceptance of the construction of 21<sup>st</sup> Avenue West by the County, a two-year maintenance security shall be provided by the Petitioner.

**Section 5.** The Council finds the road ROW is a public necessity, is practicable, and the public will be benefitted by the establishment of 21<sup>st</sup> Avenue West.

**Section 6.** The County Executive is authorized to accept the construction of 21<sup>st</sup> Avenue West and the properly executed Statutory Warranty Deed on the County's behalf.

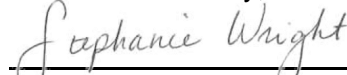
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**Section 7.** Establishment of the County ROW described in Section 3 is not effective until: (1) DPW files a certification with the Clerk of the Council stating that all administrative and advertising costs enumerated by the Department of Public Works pursuant to SCC 13.90.070 have been paid; (2) PDS and DPW have inspected and accepted final construction of 21<sup>st</sup> Avenue West; (3) a two-year maintenance security has been submitted by Petitioner and accepted by the County; and (4) the Statutory Warranty Deed has been recorded.

PASSED this 19<sup>th</sup> day of May, 2021.

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington



Stephanie Wright, Council Chair

ATTEST:



Assistant Clerk of the Council

- (X) APPROVED
- ( ) EMERGENCY
- ( ) VETOED

Date: 5/20/2021



Dave Somers, County Executive

ATTEST:



APPROVED AS TO FORM:



4/19/21

Deputy Prosecuting Attorney

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ESTABLISHING A NEW COUNTY ROAD 21<sup>st</sup> Ave West

After recording return document to:  
Snohomish County Public Works  
TES - M/S 607  
3000 Rockefeller Ave  
Everett WA 98201-4046

## STATUTORY WARRANTY DEED

Reference Number: 18 117568 SPA

Grantor: RMH, LLC, a Washington Limited Liability Company

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

Abbreviated Legal Description: That portion of Lots 14 and 15, Block 6, Alderwood Manor No. 3, according to the plat thereof recorded in Volume 9 of Plats, Pages 74 through 76, inclusive, records of Snohomish County, Washington. A ptn of Dawson Place Master Condominium, according to the Declaration thereof recorded under Auditor's File No. 202102095001, records of Snohomish County, Washington.

Assessor's Tax Parcel ID Number(s): Ptn of 00555300401102

### *In the matter of a road establishment for: 21<sup>st</sup> Avenue West*

The Grantor, RMH, LLC, a Washington limited liability company, for and in consideration of the mutual benefits to be derived, does hereby convey and warrant to **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  
under Auditor's File Number 202104025002  
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, successors and assigns.

Dated this 8 day of APRIL 2021

RMH, LLC  
Grantor, Print

Ryan McGowan, Manager  
Print name and Title

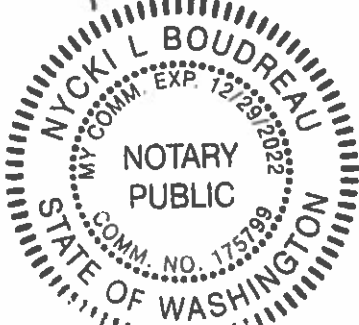
  
Signature and Title

STATE OF WASHINGTON )  
 : §  
COUNTY OF SNOHOMISH )

I certify that I know or have satisfactory evidence that Ryan McGowan  
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 manager  
of RMH LLC  
to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED April 8th 2021

Notary Signature *Nycki Boudreau*  
Print name Nycki Boudreau  
Notary Public in and for the State of Washington,  
Residing at Bonney Lake  
My commission expires 12-29-2022



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 FROM	TO 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 Check by _____
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