

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: *188th Place NW*
8
9

10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington
12

13 ORDINANCE NO. 21-021
14

15 AN ORDINANCE ACCEPTING STATUTORY WARRANTY DEED AND
16 ESTABLISHING 188TH PLACE NW AS A NEW COUNTY ROAD
17

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

22 WHEREAS, under SCC 13.90.010, road establishment procedures may be
23 initiated at the request of the Snohomish County Council (the “County Council”),
24 independently by the Snohomish County Engineer (the “County Engineer”), when he
25 or she determines that the criteria for road establishment exists, or in response to a
26 freeholders’ petition; and
27

28 WHEREAS, on May 15, 2017 and August 9, 2017, Lake Martha Development
29 LLC (the “Petitioner”), submitted several requests for boundary line adjustments
30 (BLAs) to the Department of Planning and Development Services (PDS) related to a
31 proposed development; and
32

33 WHEREAS, on September 25, 2017 and October 9, 2017, PDS approved the
34 BLAs for the Petitioner; and
35

36 WHEREAS, the BLAs were conditioned on the Petitioner providing sufficient
37 right-of-way to the County for a County road to provide access to the reconfigured
38 lots; and
39

40 WHEREAS, on September 6, 2017, the Petitioner created an easement for
41 ingress, egress, and utilities benefitting certain reconfigured lots over that area
42 where proposed 188th Place NW is located; and
43

44 WHEREAS, that easement is recorded with the Snohomish County Auditor
45 (the “Auditor”) under recording number 201709060096; and

1 WHEREAS, on April 18, 2018, an easement amendment agreement was
2 recorded with the Auditor under recording number 201804180187; and

3
4 WHEREAS, in conjunction with the establishment of 188th Place NW as a
5 County road, Petitioner has obtained a signed release of the ingress, egress, and
6 utility easement from all property owners that are benefited by the easement and
7 was recorded with the Auditor under recording numbers 202006260315 and
8 202007200443; and

9
10 WHEREAS, on May 8, 2018, the Petitioner petitioned the County to establish
11 a County road that will provide access to its proposed development; and

12
13 WHEREAS, the Department of Public Works (DPW) and PDS have
14 determined the establishment of 188th Place NW for access to the reconfigured lots
15 to be a public necessity, to be practicable, and will benefit the public; and

16
17 WHEREAS, on _____, under RCW 36.81.050 and SCC 13.90.040
18 the County Engineer prepared a report investigating whether the establishment of
19 the County road is necessary and practicable and will benefit the public; and

20
21 WHEREAS, the approved construction plans establish the road access
22 locations and site development for water, sewer, drainage, and grading; and

23
24 WHEREAS, a record of survey depicting the right-of-way limits and road
25 alignment has been recorded under County Auditor's File Number 201903275002;
26 and

27
28 WHEREAS, the road has been constructed and the as-built construction
29 plans were approved by PDS on February 11, 2020; and

30
31 WHEREAS, there were no public expenditures for the construction of 188th
32 Place NW; and

33
34 WHEREAS, a properly executed statutory warranty deed has been provided
35 by the Petitioner, conveying sufficient right-of-way to the County to ensure that
36 County road standards for the proposed road can be met; and

37
38 WHEREAS, DPW has reviewed the statutory warranty deed and determined
39 that it conveys sufficient right-of-way to the County to support the establishment of
40 188th Place NW as a County road; and

41
42 WHEREAS, the County Council considered the County Engineer's Report,
43 along with all the supporting exhibits, recommending that the statutory warranty
44 deed be accepted by the County and that 188th Place NW be established as a
45 County road; and

1 WHEREAS, the County Council declares its intention for establishing 188th
2 Place NW as a County road as described herein;

3
4 All that portion as shown on Record of Survey AFN 201903275002 recorded
5 with the County Auditor, identified as area for road establishment and legally
6 described as

7
8 Lots 37,38,49 and 50 of Block 24, C.D. Hillman's Waterfront Addition to the
9 City of Everett, Division No. 1, according to the plate thereof, recorded in Volume 8
10 of Plats, pages 21 through 23, records of Snohomish County, Washington.

11
12
13 NOW, THEREFORE, BE IT ORDAINED:

14
15 Section 1. The foregoing recitals are incorporated herein as findings as
16 though fully set forth.

17
18 Section 2. The County Council finds that the Petitioner owns and intends to
19 deed the property described in Section 6 to the public in perpetuity for use as a
20 County road. The County Council further finds that a properly executed statutory
21 warranty deed has been submitted to accomplish the same, a copy of which is
22 attached hereto with exhibits and incorporated by reference.

23
24 Section 3. The County Executive is authorized to accept the properly
25 executed statutory warranty deed on the County's behalf.

26
27 Section 4. The Petitioner constructed the road to County design standards
28 and specifications at its own expense. PDS approved the as-built construction plans
29 on February 11, 2020. The Petitioner has provided a two-year maintenance security
30 to the County as required by SCC 13.10.108.

31
32 Section 5. The County Council finds the road is a public necessity, is
33 practicable, and that the public will be benefitted by the establishment of 188th Place
34 NW.

35
36 Section 6. The following legally described property is hereby established as
37 County road subject to the full County authority and discretion:

38
39 All that portion as shown on Record of Survey AFN 201903275002 recorded
40 with the County Auditor, identified as area for road establishment and legally
41 described as;

42
43 Lots 37,38,49 and 50 of Block 24, C.D. Hillman's Waterfront Addition to the
44 City of Everett, Division No. 1, according to the plate thereof, recorded in Volume 8
45 of Plats, pages 21 through 23, records of Snohomish County, Washington.

1 Section 7. Establishment of the County road described in Section 6 shall not
2 be effective until DPW files a certification with the Clerk of the Council stating that all
3 administrative and advertising costs are paid in full.
4
5
6
7
8

9 PASSED this _____ day of _____, _____.

10
11 SNOHOMISH COUNTY COUNCIL
12 Snohomish County, Washington
13

14 _____
15 Stephanie Wright, Council Chair
16
17
18
19

20 ATTEST:

21 _____
22
23 Assistant Clerk of the Council
24

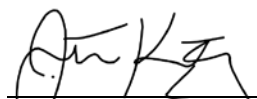
- 25 () APPROVED
- 26 () EMERGENCY
- 27 () VETOED

28 Date: _____
29
30
31

32 _____
33 County Executive
34

35 ATTEST:

36 _____
37
38 APPROVED AS TO FORM:
39

40  3/30/21
41 _____
42 Deputy Prosecuting Attorney
43
44
45

Return to:
Snohomish County Public Works
Transportation & Environmental Services
3000 Rockefeller Ave.
Everett, WA 98201

STATUTORY WARRANTY DEED

Grantor: LAKE MARTHA DEVELOPMENT, LLC., a Washington Limited Liability Company
Grantee: SNOHOMISH COUNTY, a political subdivision of the State of Washington
Legal Description: PTN Block 24, C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1

Additional on Page 3

Assessor's Tax Parcel ID No. 003944-024-037-00

In the matter of a road establishment:

The Grantor, LAKE MARTHA DEVELOPMENT, LLC., a Washington Limited Liability Company, in consideration of mutual benefit, does hereby convey and warrant to the Grantee, COUNTY OF SNOHOMISH, a political subdivision of the State of Washington, fee simple title in and to the following described real estate including any after acquired interest therein, situated in Snohomish County, State of Washington:

See Attached Exhibit A & B
(Incorporated herein by this reference)

The undersigned hereby agrees to surrender possession of the lands or rights herein conveyed, granted, transferred and/or released upon receipt of payment by the owner.

It is understood and agreed that the delivery of this deed is tendered and that the terms and obligations hereof shall not become binding upon the County of Snohomish, 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 bind the Grantor and Grantor's heirs, successors and assigns.

Dated this 5th day of February 2021.

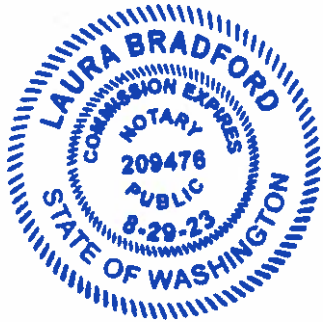
LAKE MARTHA DEVELOPMENT, LLC.

By *James R. Baker*
James R. Baker, Manager

STATE OF WASHINGTON,

COUNTY OF Snohomish) SS.

On this 5th day of February, 2021, before me, a Notary Public in and for the State of Washington I certify that I know or have satisfactory evidence that James R. Baker is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Manger of Lake Martha Development, LLC., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument. Witness my hand and seal the day and year first above written.



Laura Bradford
Laura Bradford

(print name of notary)
Notary Public in and for the State of Washington,
residing at 404 N West Ave Arlington, WA 98223
My commission expires 8-29-23

Sur. No. _____
STATUTORY WARRANTY DEED
FROM
LAKE MARTHA DEVELOPMENT, LLC.
TO
COUNTY OF SNOHOMISH

Dated _____, 20____

FILED FOR RECORD AT REQUEST OF

Department of Public Works

EXECUTIVE'S APPROVAL

Approval Rec' m
County Road Engineer
Checked by _____

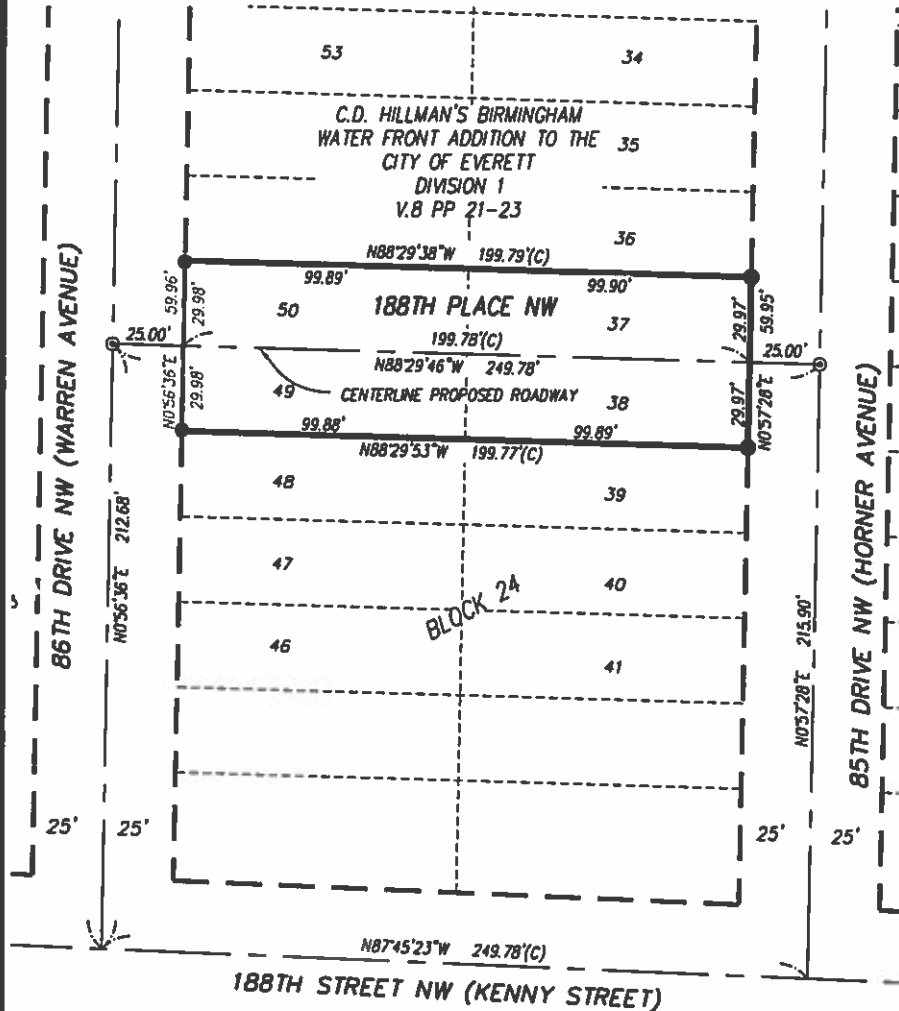
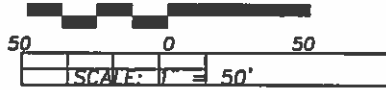
EXHIBIT A

All that portion as shown on Record of Survey AFN 201903275002, recorded with the Snohomish County Auditor, identified as area for road establishment and legally described as follows:

Lots 37, 38, 49, and 50 of Block 24, C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1, according to the plat thereof, recorded in Volume 8 of Plats, pages 21 through 23, records of Snohomish County, Washington.

Being a portion of Snohomish County Tax Parcel 003944-024-037-00

EXHIBIT "B"



188TH PLACE NW ROAD ESTABLISHMENT
LAKE MARTHA DEVELOPMENT, LLC.
 IN THE SE 1/4 OF SW 1/4 OF SECTION 18, T.31N., R.4E., W.M.
 SNOHOMISH COUNTY, WASHINGTON

ORCA Land Surveying
 3605 COLBY AVENUE, EVERETT, WA 99201
 425-259-3400 FAX: 425-258-1616

JOB NO. 2017-034 DATE:
 8/06/2019
 DWG BY: JMS
 SHEET 1 of 1



Snohomish County Council

Committee: Public Works
ECAF: 2021-0116
Proposal: Ord 21-021

Analyst: Jim Martin
Date: April 7, 2021

Consideration:

An Ordinance accepting a Statutory Warranty Deed and establishing 188th Place NW as a new County Road.

Background

On May 15, 2017 and August 9, 2017, Lake Martha Development LLC submitted several requests for boundary line adjustments to Planning and Development Services. Those requests were approved on September 25, 2017 and October 9, 2017. On September 6, 2017, the Petitioner created an easement for ingress, egress, and utilities benefitting certain reconfigured lots over that area where proposed 188th Place NW is located, said easement recorded with the Snohomish County Auditor under recording number 201709060096. Easement amendment agreement 201804180187 was also recorded with the Auditor on April 18, 2018.

On May 8, 2018, the Lake Martha Development LLC petitioned the County to establish a County road that will provide access to its proposed development. The road has been constructed and the as-built construction plans were approved by PDS on February 11, 2020. Snohomish County Department of Public Works has reviewed the statutory warranty deed and determined that it conveys right-of-way to the County to support the establishment of 188th Place NW as a County Road.

Current Proposal

Based on findings by Public Works, the County Engineer recommends the establishment of the public road for 188^h Place NW, to be effective after DPW files a certification with the Clerk of the Council stating that all administrative and advertising costs are paid in full, and that PDS determines after inspection of the finished construction that the road meets all County road standards. The County Engineer also recommends that the County Council accept the Statutory Warranty Deed conveying ROW for the roads and that it be recorded upon the terms and conditions of the ordinance.

Duration: N/A.

Fiscal Implications: N/A, as costs are to be reimbursed by the Petitioner

2021 Budget: N/A

Future Budget Impacts: None.

Handling: NORMAL

Approved-as-to-form: Yes.

Risk Management: N/A.

Executive Recommendation: APPROVE.

Attachments: See ECAF packet.

Amendments: NONE.

Request: Move to Council to set time and date for a Public Hearing.

EXECUTIVE/COUNCIL APPROVAL FORM

MANAGEMENT ROUTING:

TO:

COUNCIL CHAIRPERSON:

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

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
 _____ ORDINANCE
 _____ Amendment to Ord. # _____

_____ PLAN **SNOHOMISH COUNTY COUNCIL**
 _____ OTHER
EXHIBIT # 2
FILE ORD. 21-021

DOCUMENT / AGENDA TITLE:

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

APPROVAL AUTHORITY:

EXECUTIVE _____ **COUNCIL**
CITE BASIS SCC 13.90.020

HANDLING: NORMAL 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.

ECAF NO.:
ECAF RECEIVED:

**ORDINANCE
INTRODUCTION SLIP**

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3

TO: Clerk of the Council

FILE ORD. 21-021

TITLE OF PROPOSED ORDINANCE:

~~~~~  
  
\_\_\_\_\_  
Councilmember Date  
~~~~~

Clerk's Action: Proposed Ordinance No. _____

Assigned to: _____ Date: _____

~~~~~  
**STANDING COMMITTEE RECOMMENDATION FORM**

On \_\_\_\_\_, the Committee considered the item and by \_\_\_\_ Consensus /  
\_\_\_\_ Yeas and \_\_\_\_ Nays, made the following recommendation:

\_\_\_\_ Move to Council to schedule public hearing \_\_\_\_\_

**Public Hearing Date \_\_\_\_\_ at \_\_\_\_\_**

\_\_\_\_ Move to Council as amended to schedule public hearing

\_\_\_\_ Move to Council with no recommendation

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Consent Agenda.**

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Administrative Matters Agenda**

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

\_\_\_\_\_  
Committee Chair





## ENGINEER'S REPORT

## ROAD ESTABLISHMENT REQUEST # 18 -116584 RWE

ESTABLISHMENT OF A NEW COUNTY ROAD RIGHT-OF WAY  
**188<sup>th</sup> Place NW**

## INTRODUCTION

Chapter 36.75 Revised Code of Washington (RCW) gives county legislative authorities broad authority to acquire land for county road purposes by purchase, gift or condemnation. Snohomish County Code (SCC) 13.90.010 provides that the County Council also has the authority to establish public roads independent of the statutory establishment provisions of chapter 36.81 RCW. The county legislative authority's use of this broad authority must be made under the advice and supervision of the County Engineer.

SCC 13.90.010 provides that when the County Engineer determines that the criteria for road establishment have been met, road establishment may be initiated independently by the County Engineer. The County also has the authority under chapter 30.66B SCC to condition land development approvals upon adequate access to a public road, which often requires dedication of public road ROW. The process required for establishment of County roads is found in SCC 13.90.020.

Road Establishment Request # 18-116584 RWE for the establishment of a new county road right-of-way (ROW), **188<sup>th</sup> Place NW**, has been received by the Snohomish County Department of Public Works (DPW) from Lake Martha Development LLC.

## FACTS/BACKGROUND

1. 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  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 18, all of Section 19 except the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , the W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of Section 20 Township 31N Range 4E W.M. also lots 3 and 4 and the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 13 and all of Section 24 Township 31N Range 3E W.M. The plat was recorded in 1909, 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. (See Exhibit 1 Plat Map Pages 1-3)
2. In April and May of 2017, the following lots of **Blocks 24 and 25**, located in the SW  $\frac{1}{4}$  of Section 18 Township 31N Range 4E W.M., were conveyed to and acquired by Lake Martha Development LLC through recorded Statutory Warranty Deeds. (See Exhibit 2, Assessor's Map and Plat Map)

**Block 24**

- *Lots 1-3, under Auditors File Number (AFN) 201704170316*
- *Lots 9-13 and Lots 74-78, under AFN 201704170387*
- *Lots 14-16 and Lots 69-73, under AFN 201704170232*
- *Lots 17-22, under AFN 201704170330*
- *Lot 23 and Lots 64-68, under AFN 201704170296*
- *Lots 29-33 and Lots 54-58, under AFN 201704170297*
- *Lots 34, 37-38 and Lots 49-53, under AFN 201704170384*
- *Lots 84-86, under AFN 201704210413*

**Block 25**

- *Lots 48-60,63,64 and Lots 65-71, under AFN 201704170330*
- *Lots 61-62, under AFN 201705150213*

3. Lots 24-28 and Lots 59-63, of Block 24 of the Plat of C.D. Hillman's Birmingham Waterfront Addition to the City of Everett are owned by Rona Anderson-Loth. (See Exhibit 3, Map)
4. Lots 35 and 36, of Block 24 of the Plat of C.D. Hillman's Birmingham Waterfront Addition to the City of Everett are owned by Donald and Cheryl Brown. (See Exhibit 4, Map)
5. In May and August of 2017, Lake Martha Development LLC submitted several Affidavit of Boundary Line Adjustments (BLAs) to Planning & Development Services (PDS), proposing to change the boundary lines of blocks 24 and 25.
6. 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*
7. In October of 2017, the following lots in Blocks 24 and 25 were approved for lot line adjustments and were recorded under AFNs 201710100144, 201710100149, 201710100145, and 201710100143. (See Exhibit 6 Record of Survey, AFN 201904125001)

**BLOCK 24, except lots 4-8 and 79-83**

- *Parcels A, B, and C, AFN 201710100144*
  - Parcel A (lots 37, 38, 49-54)*
  - Parcel B (lots 55-58)*
  - Parcel C (lots 29-34) amended by AFN 201710100149*
- *Parcels C, D, U and V, AFN 201710100149 amended by AFN 201811270370*
  - Parcel C (lots 32-34)*

*Parcel D (lots 29-31)*

*Parcel U (lots 24,25,62,63, north half of lots 26 and 61)*

*Parcel V (lots 27, 28, 59, 60, south half of lots 26 and 61)*

- *Parcels E through L1, AFN 201710100145*

*Parcel E (lots 22, 23, 64, and 65)*

*Parcel F (lots 20, 21, 66 and 67)*

*Parcel G (lots 18, 19, 68 and 69)*

*Parcel H (lots 16, 17, 70 and 71)*

*Parcel I (lots 14, 15, 72 and 73)*

*Parcel J (lots 12, 13, 74 and 75)*

*Parcel K (lots 10, 11, 76 and 77)*

*Parcel L (lot 78)*

*Parcel L1 (lot 9)*

- *Parcels M and N, AFN 201710100143*

*Parcel M (lots 1-3)*

*Parcel N (lots 84-86)*

**BLOCK 25, except lots 1-47 and 72-86**

- *Parcels O through T, AFN 201710100146*

*Parcel O (lots 48-51)*

*Parcel P (lots 52-55)*

*Parcel Q (lots 56-59)*

*Parcel R (lots 60-63)*

*Parcel S (lots 64-67)*

*Parcel T (lots 68-71)*

8. On October 10, 2017, Lake Martha Development, LLC conveyed the following parcels described below to Kelp Construction Inc. by Statutory Warranty Deed (SWD) recorded under AFN 201710100743.
  - Parcel A (Lots 37, 38 and 49 through 54 of Block 24) and Parcel B (Lots 55 through 58, of Block 24) of Snohomish County BLA 17-107746
9. On January 18, 2018, Lake Martha Development LLC conveyed the following parcel described below to Kelp Construction Inc., by SWD recorded under AFN 201801180501.
  - Parcel M and N of Snohomish County BLA 17-107773
10. In April 2018, a meeting was held with several PDS and DPW staff, along with Lake Martha Development LLC. The applicant, Lake Martha Development LLC, proposed to build single family residences on the approved BLA lots and to provide access to existing lots off unopened ROW. Lake Martha Development, LLC considered applying for a trail permit as an access to the existing lots. Per EDDS 3-075, the unopened Right of Way may be used as a trail 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 right-of way of 86<sup>th</sup> Drive NW off of Lakewood Road to the unopened right of way 192<sup>nd</sup> Street NW. Due to potential wetland impacts at the intersection of 85<sup>th</sup> Drive NW and Lakewood Road, Lake Martha Development LLC did not want to open and construct the entire unopened ROW of 85<sup>th</sup> Drive NW between Lakewood Road and 192<sup>nd</sup> Street NW. (See Exhibit 7, Assessors Map & Aerial Photo)

11. 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 process. 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 Lake Martha Development, LLC should petition to have the road established as a County road under chapter 13.90 SCC.

12. On April 18, 2018, Kelp Construction and Lake Martha Development LLC., entered into an Easement Amendment Agreement stating;

*(a) Kelp Construction Inc., authorizes Lake Martha Development LLC, its manager or designated agent, or any successors designated by Lake Martha, in its sole subjective discretion to deed the proposed new public road to Snohomish County,*

*(b) Kelp Construction Inc., grants Lake Martha Development LLC, its manager or designated agent, or any successors designated by Lake Martha, the nonexclusive authority, on Kelp's behalf, and on behalf of Kelp's successor and assigns, to execute and deliver the deed dedicating the right of way to Snohomish County or other governmental authority for public right of way,*

*(c) Kelp Construction Inc., appoints Lake Martha Development LLC, its manager or designated agent, or any successor designated by Lake Martha, as its true and lawful, but not exclusive attorney and dedicating the right of way to Snohomish County or other applicable governmental authority for public right of way.*

*(d) Kelp Construction Inc., for itself retains the right to execute and deliver a deed dedicating the right of way to Snohomish County and other applicable governmental authority, if Lake Martha Development LLC, its manager or designated agent or any successor designated by Lake Martha fails to or is unable to make the dedication and to timely execute and deliver a deed to dedicate the right of way,*

*(e) Upon acceptance of the right-of-way by Snohomish County or other applicable governmental authority for public right-of-way, the Easement recorded under AFN 201709060096 shall terminate and be of no further force or effect. (See Exhibit 8, AFN 201804180187)*

13. On April 24, 2018, Kelp Construction conveyed the following parcel to Brandon and Michelle Richie (the Richie's) by SWD recorded under AFN 201804240266 and was amended by AFN 201901030163.
  - Parcel A of Snohomish County BLA 17-107746 (previously Lots 37, 38, 49 & 50 of Blk 24)
14. The Richie's have since provided Lake Martha Development 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 202006260316. (See Exhibit 9, QCD)
15. On May 11, 2018, Kelp Construction conveyed the following parcel to Brandon and Tiffanie Stokes by SWD recorded under AFN 201805110065;
  - Parcel B of Snohomish County BLA 17-107746
16. On June 28, 2018, Kelp Construction Inc., conveyed the following parcel to Jeff and Kamie Ceruti by SWD recorded under AFN 201806280528;
  - Parcel M of Snohomish County BLA 17-107773
17. On August 12, 2019, Lake Martha Development LLC conveyed the following parcels to Housing Hope by SWD recorded under AFN 201908120592;
  - Parcels C, D, E, F and G of Snohomish County BLAs 17-107746, 17-112491 and 17-107756
18. On September 28, 2018, Kelp Construction Inc., conveyed the following parcel to Samuel and Patricia Tarango by SWD recorded under AFN 201809280463;
  - Parcel N of Snohomish County BLA 17-107773
19. On October 3, 2019, Lake Martha Development LLC conveyed the following parcels to Housing Hope by SWD recorded under 201910030381;
  - Parcels H, I, J and K of Snohomish County BLA 17- 107756
  - Parcels O, P, Q, R, S and T of Snohomish County BLA 17-107771
20. On October 3, 2019, Rona Anderson – Loth conveyed the following parcels to Housing Hope by SWD recorded under AFN 201910030382;
  - Parcels U and V of Snohomish County BLA 17-112491
21. In June and July 2020, the easement dated September 5, 2017 and recorded under AFN 201709060096 has been terminated/relinquished under AFN's 202006260315 and

202007200443. On September 15, 2020, the Richie's conveyed the following parcel to William Hara by SWD recorded under AFN 202008151550;

- Parcel A (Lots 37,38 and 49 through 54) Snohomish County BLA 17-107748 recorded under AFN 201710100144

22. On January 28, 2021, Chicago Title Company, trustee under that certain Deed of Trust dated September 10, 2020, recorded September 15, 2020 under AFN 202009151551, in which William Hara is grantor and AmeriFirst Inc. is beneficiary, having received from the beneficiary under said Deed of Trust a written request to reconvey a portion of the real property described in said deed which request was approved by said grantor, does hereby reconvey to Snohomish County the property described below;

- All that portion as shown on Record of Survey AFN 201903275002, recorded with the Snohomish County Auditor, identified as area for road establishment and legally described as follows:
  - Lots 37, 38, 39 and 50 of Block 24, C.D. Hillman's Birmingham Waterfront Addition to the Plat of City of Everett Division No. 1.

## FINDINGS

1. On May 8, 2018 Lake Martha Development LLC, submitted an application and a petition proposing to create a new public road.
2. The proposed new County road was constructed over former Lots 37, 38, 49 & 50 of Block 24 of the Plat of C.D. Hillman's Birmingham Waterfront Addition to the City of Everett that is currently a portion of Parcel A as discussed above. Lake Martha Development LLC will provide the County a statutory warranty deed and clear title for that real property where the road was constructed as is required by SCC 13.90.020 (5).
3. Lake Martha Development, LLC has obtained a release of the ingress, egress, and utilities easement from all current owners of the benefitted properties.
4. The new proposed public road (previously Lots 37, 38, 49 & 50 of Block 24) designated as 188<sup>th</sup> Place NW, will connect 86<sup>th</sup> Drive NW formerly known as (FKA) Warren Avenue to the west and 85<sup>th</sup> Drive NW FKA Horner Avenue to the east.
5. Lake Martha Development LLC proposed a new right of way width of 59.94 feet which was approved on November 19, 2018, via deviation request to PDS.
6. 188<sup>th</sup> Place NW will start at the east ROW line of 86<sup>th</sup> Drive NW and run for a length of 199.78 feet and end at the west ROW line of 85<sup>th</sup> Drive NW. A record of survey depicting the ROW limits and road alignment has been recorded under Auditor's File Number 201903275002. (See Exhibit 10, ROS)

7. 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 consistent with the requirements set forth in chapter 30.24 SCC “General Development Standards – Access and Road Network,” and EDDS chapter 3-01 (7), “Road Circulation.”
8. 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 roads to County standards have been approved by PDS. PDS approved the as-built construction plan on February 11, 2020 and has released the performance security that was provided by Lake Martha Development LLC. Lake Martha Development LLC has provided a two-year maintenance security to the County as allowed under SCC 13.10.108.
9. No public expenditures were required for the construction of 188<sup>th</sup> 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, drainage work and grading work.
10. DPW has reviewed and approved the Statutory Warranty Deed and recommends the deed be accepted by the County.

## RECOMMENDATION

Based on the foregoing Findings, the establishment of the public road for 188<sup>th</sup> Place NW is necessary, practicable, and in the best interest of the general public; establishing 188<sup>th</sup> 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 County Engineer recommends the establishment be granted provided that: (1) all administrative costs are paid in full by the developer to the County Road Fund pursuant to SCC 13.90.070; and, (2) PDS determines after inspection of the finished construction that the road meets all County road standards.

The County Engineer also recommends that the County Council accept the statutory warranty deed conveying ROW for the road and that it be recorded upon the terms and conditions of the ordinance.

Douglas W McCormick Digitally signed by Douglas W McCormick  
Date: 2021.04.01 11:49:53 -07'00'

Douglas W. McCormick P.E  
Deputy Director/County Engineer

Date: \_\_\_\_\_

*Maria Acuario*

Prepared By: Maria Acuario  
ROW Investigator III

Date: 4/1/2021

For Vacation of Section of 9th Street  
 See Case No. 17124 Pl. 412

Replatment of Subdiv. 845 (773) of 9th Street  
 Volume 2027 of Official Records, page 208  
 DEAN V. WILLIAMS, County Auditor

# C. D. Hillman's Birmingham Water Front Addition

SHEET - 1 -  
 21

Replatment of Subdiv. 845 (773) of 9th Street  
 Volume 2027 of Official Records, page 208  
 DEAN V. WILLIAMS, County Auditor

Division No. 1.

DEDICATION

James and Hildebrand  
 Civil Engineers  
 Seattle, Wash.

This plat of C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1, is described as follows: The south one half of the south west one quarter of Sec. 10, all of Sec. 19 except the south west one quarter of the north east one quarter and the south west one quarter of Sec. 20 in Twp. 31N, R4E, W1 also lots 3 and 4 and the south east one quarter of the south east one quarter of Sec. 13 and all of Sec. 24 in Twp. 31N, R4E, W1 except the following described tract:  
 Beginning 725 feet west of and 250 feet north of the southeast corner of the north east quarter of the northeast one quarter of Sec. 24 Twp. 31N, R4E; thence North 210 feet; thence East 200 feet; thence South 218 feet; thence West 200 feet to the place of beginning.  
 Also excepting the following: a strip of land 20 feet in width being 10 feet on each side of the center line of Railroad Ave. running through Sections 13 and 24, Twp. 31N, R4E and Sections 18, 19 and 20 Twp. 31N, R4E which strip is reserved for railroad purposes.  
 All lots fronting on Lake Martha and Lake Howard extend to the high water line.

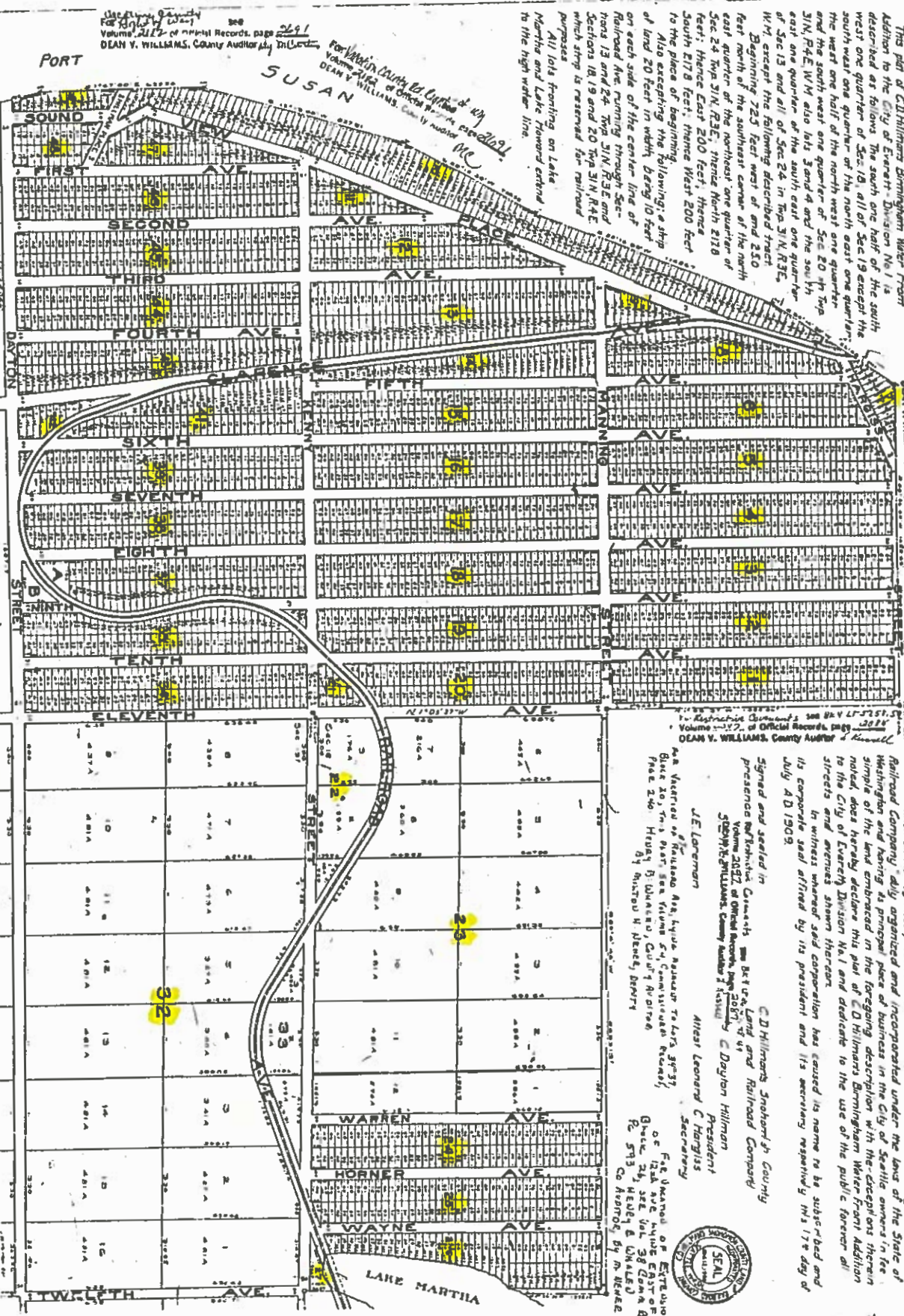
How all men by these presents that the C.D. Hillman's Subdiv. in County Land and Railroad Company duly organized and incorporated under the laws of the State of Washington and having its principal place of business in the City of Seattle, owners in fee simple of the land embraced in the foregoing description with the exception therein noted, does hereby declare this plat of C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1 and dedicate to the use of the public forever all streets and avenues shown thereon.  
 In witness whereof said corporation has caused its name to be subscribed and its corporate seal affixed by its president and its secretary respectively on this 17th day of July AD 1909.

Signed and sealed in presence of  
 Volume 2027 of Official Records, page 208  
 DEAN V. WILLIAMS, County Auditor



JE Larson  
 A. E. Leonard  
 Secretary

For Vacation of Section of 9th Street  
 See Case No. 17124 Pl. 412  
 DEAN V. WILLIAMS, County Auditor

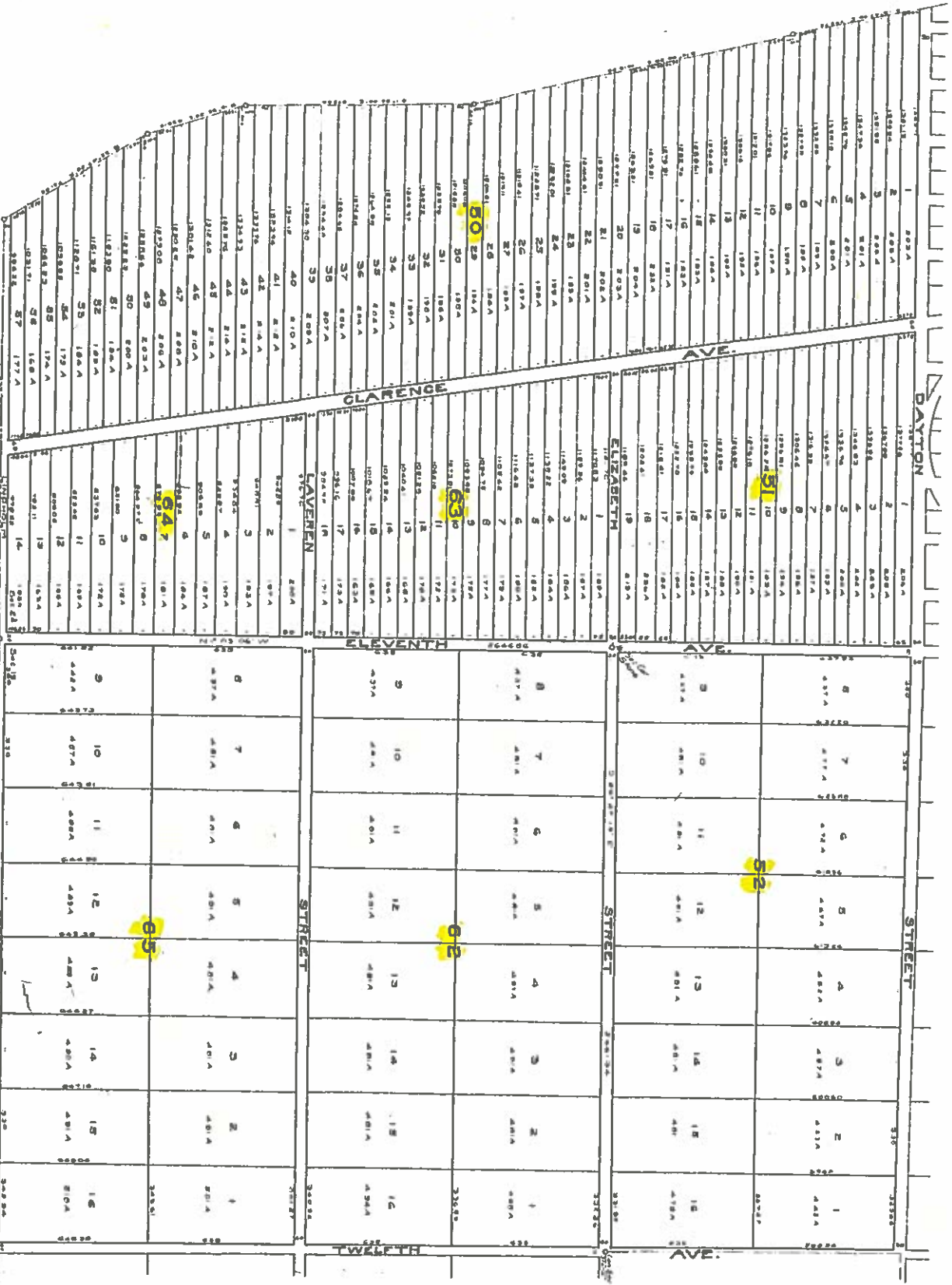


For Vacation of Section of 9th Street  
 See Case No. 17124 Pl. 412  
 DEAN V. WILLIAMS, County Auditor

The correction of foregoing  
 See vol. 29, page 189  
 DEAN V. WILLIAMS, County Auditor

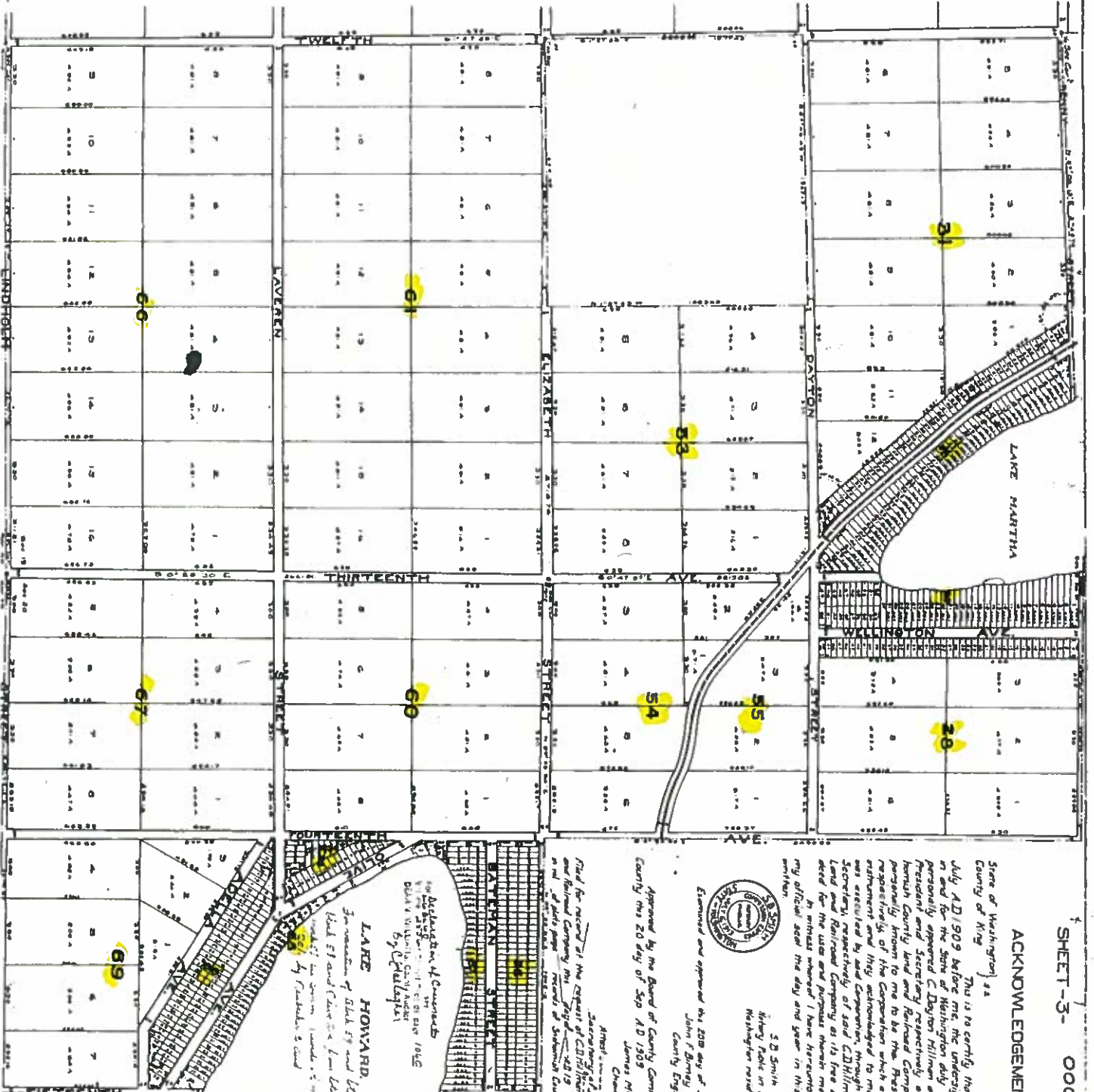
Exhibit 1 Plat map  
 Page 1





For location of Part of Dublin Ave  
 West's Clarence Ave See CSM  
 Records Vol. 89 Page 32  
 See By G. W. Hester, Deputy

Exhibit 1 Plat map  
 Page 2



SHEET-3- 0000145712  
ACKNOWLEDGEMENT  
8/23

State of Washington, ss  
County of King  
This is to certify that on this 17th day of July A.D. 1909 before me, the undersigned a Notary Public in and for the State of Washington duly commissioned and sworn in and for the State of Washington duly commissioned and sworn in and personally appeared C. D. Hillman and James McCalloch as President and Secretary respectively of C.D. Hillman's Stock Farming Company, a corporation organized under the laws of the State of Washington and they acknowledged to me that said instrument was executed by said Corporation, through them as President and Secretary respectively of said C.D. Hillman's Stock Farming Company, as its free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal this day and year in this certificate first above written.  
S.D. Smith  
Notary Public in and for the State of Washington residing at Seattle

Examined and approved this 20th day of Sept A.D. 1909  
John P. Boring  
County Engineer

Approved by the Board of County Commissioners of Snohomish County this 20th day of Sep. A.D. 1909  
James McCalloch  
Chairman

Accepted by the Board of County Commissioners of Snohomish County this 20th day of Sep. A.D. 1909  
C.L. Lowry  
Secretary

C.L. Lowry, Treasurer of Snohomish County, State of Washington, do hereby certify that all the taxes on the above described property have been fully paid to us and including the year 1909.  
C.L. Lowry  
Treasurer Snohomish County

For Declaration of Ownership of  
DAVE & WILLIAM C. ANDERSON  
by Certificate  
LAURE HOWARD  
In witness whereof Dave & William  
Andersen of Block 28 and Lot 15  
Block 21 and Lot 15 in Block 28  
of the same town, issued a Certificate  
By Certificate

145772  
Office of County Auditor  
County of Snohomish,  
State of Washington  
Filed for record at request of  
C.D. Hillman on Sept. 22 - 1909 at 10 minutes  
past 10 o'clock A.M.  
County Auditor

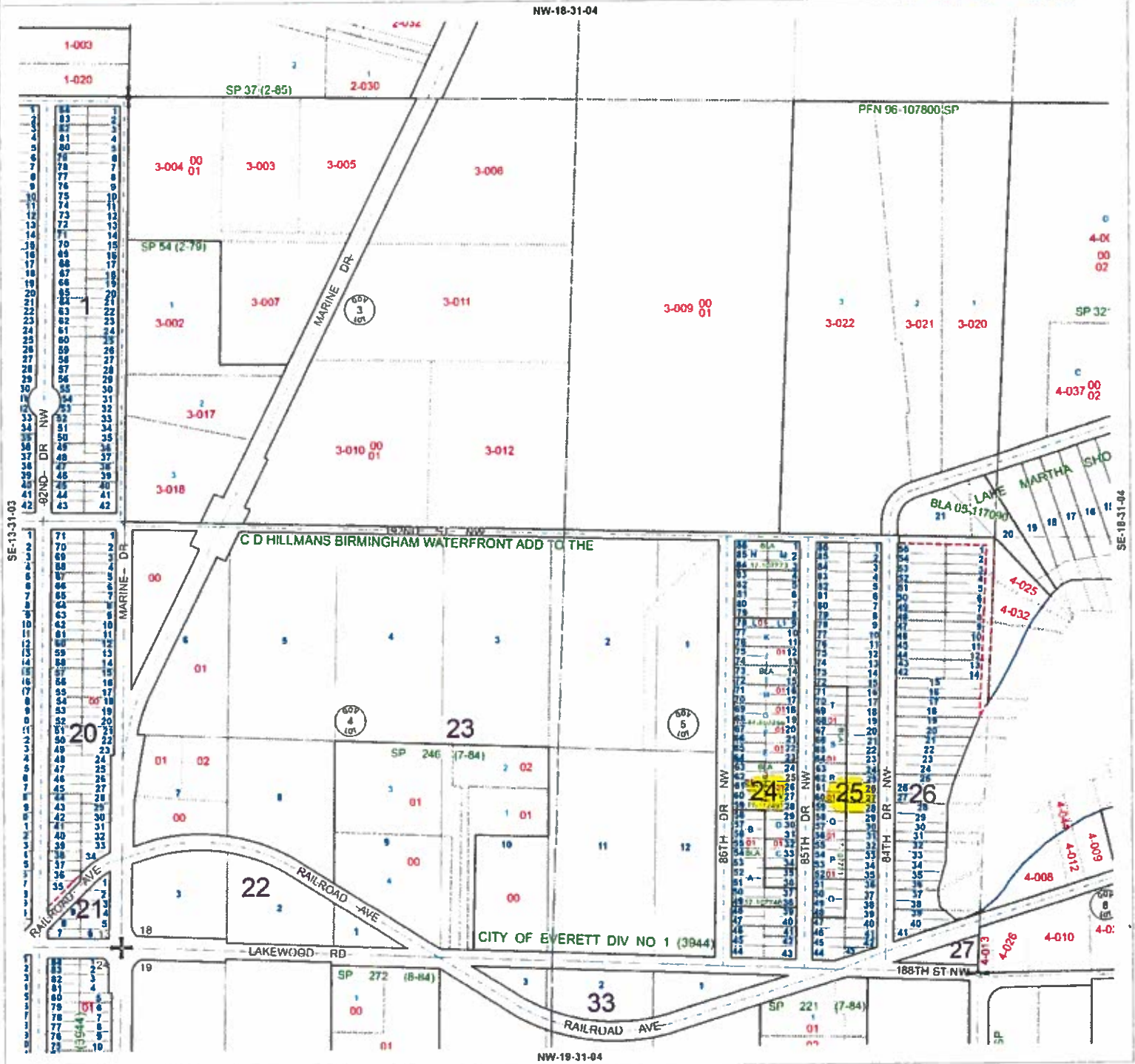
Exhibit 1 Plat map  
Page 3

|                             |                             |                                      |                                |
|-----------------------------|-----------------------------|--------------------------------------|--------------------------------|
| <b>QUARTER</b><br><b>SW</b> | <b>SECTION</b><br><b>18</b> | <b>TOWNSHIP N W B L</b><br><b>31</b> | <b>RANGE E W M</b><br><b>4</b> |
|-----------------------------|-----------------------------|--------------------------------------|--------------------------------|

Centerline --- Lot --- Block --- Section --- City Limits [Red Box] ---  
 Gov Lot --- Subdiv --- ROW --- Quarter --- Tax Acct ---  
 Major Water --- Other Lot --- Vac ROW --- 16th --- Casement ---  
 Minor Water --- Other Subdiv --- Vac Lot ---

1 inch = 200 feet  
 Map produced on August 26, 2019

A product of the Assessor's Office  
 Snohomish County, Washington



**EXHIBIT 2 Pg 1**

oration has caused its name to be subscribed and  
sident and its secretary respetively this 17<sup>th</sup> day of

C.D. Hillman's Snohomish County  
Land and Railroad Company

LT 46, 47, 48, 49  
2087  
Russell

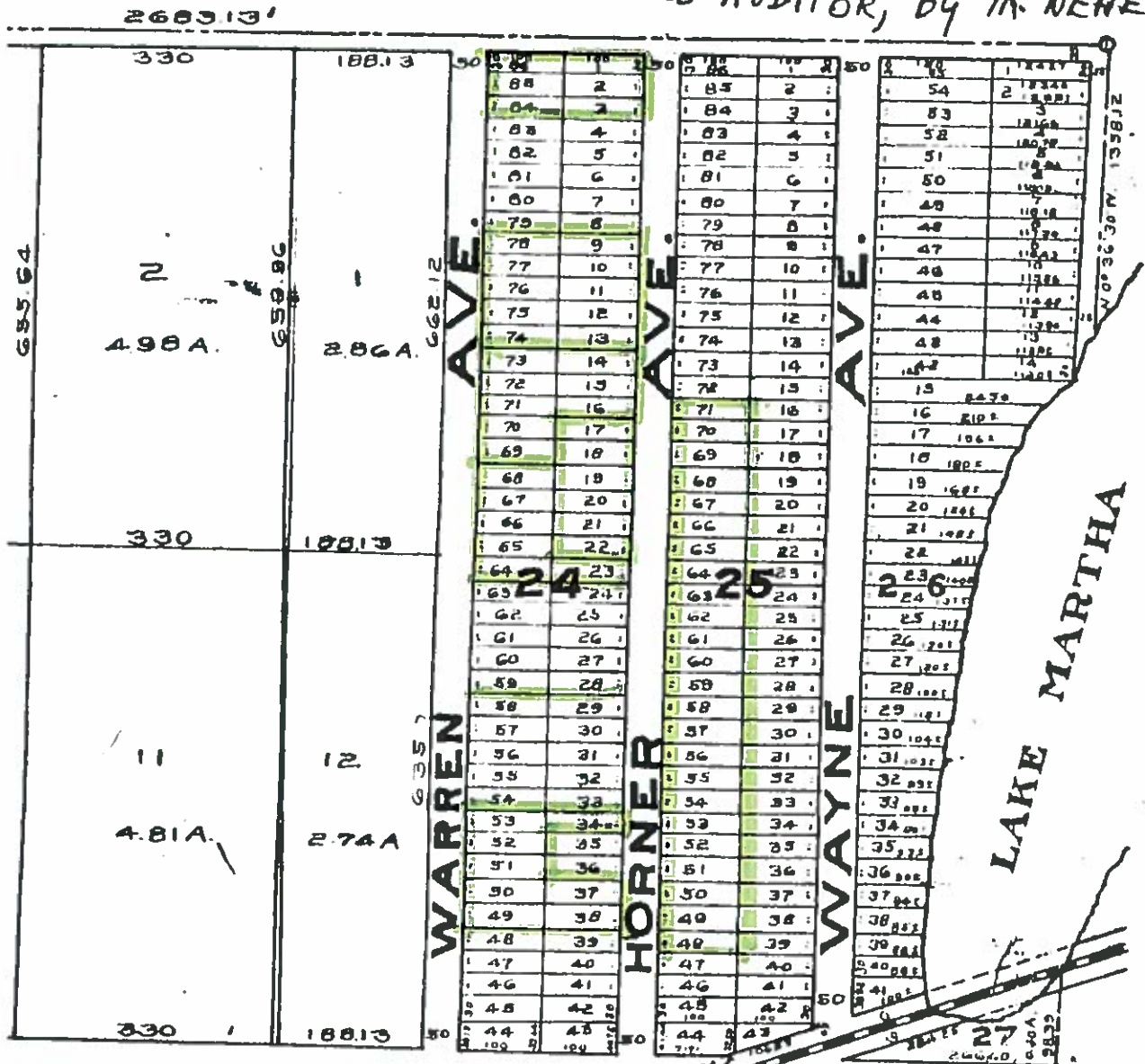
by C. Dayton Hillman  
President  
Attest Leonard C. Hargiss  
Secretary



Ord # 88-C  
vacation of 7th  
Volume 2182

ENT TO lots 34-37,  
MISSIONERS RECORDS,  
AUDITOR,  
PUTY

FOR VACATION OF EXTENSION  
OF 12th AVE LYING EAST OF  
Block 26, SEE VOL 38 COMM REC.  
PG 593. HENRY B. WHALEN  
CO AUDITOR, BY M. NEMER



For correction of foregoing.  
See Vol 39, page 189.

**EXHIBIT 2 Pg 2**

Lots acquired by  
Lake Martha Development LLC  
in April and May of 2017  
(Engineer's Report Facts/Background #1)

11/15  
Pg 76  
Snohomish County

7. Information has caused its name to be subscribed and President and its secretary respectively this 17th day of

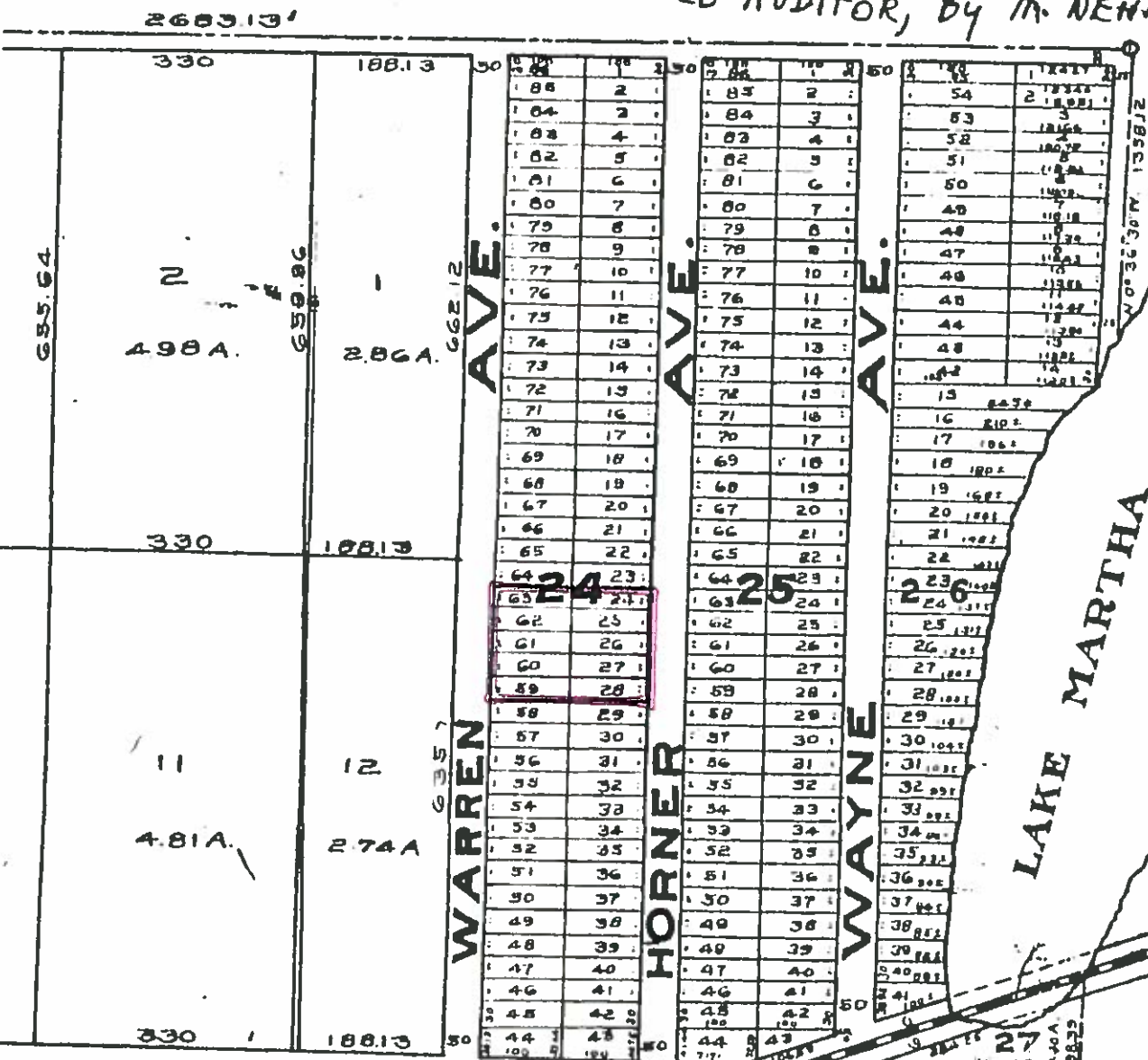
C.D. Hillman's Snohomish County  
Land and Railroad Company  
4 LT 46, 47, 48, 49  
2087  
by C. Dayton Hillman  
President  
Attest Leonard C. Hargiss  
Secretary



Ord # 88-C  
Vacation of 4th Ave

SENT TO LOTS 34-37,  
MISSIONERS RECORDS,  
AUDITOR,  
DEPUTY

FOR VACATION OF EXTENSION  
OF 12th AVE LYING EAST OF  
Block 26, SEE VOL 38 COMM REC.  
Pg 593. HENRY B. WHALEN  
CO AUDITOR, BY M. NEMER



for correction of foregoing  
see vol 38, page 589

**EXHIBIT 3**

Lots own by  
Rona Anderson - Loth  
(Engineer's Report Facts/Background #3)

115 + 115  
Page 16  
San Francisco

M.

oration has caused its name to be subscribed and  
resident and its secretary respectively this 17th day of

C.D. Hillman's Snohomish County  
Land and Railroad Company

4 LT 46, 47, 48, 49  
2087

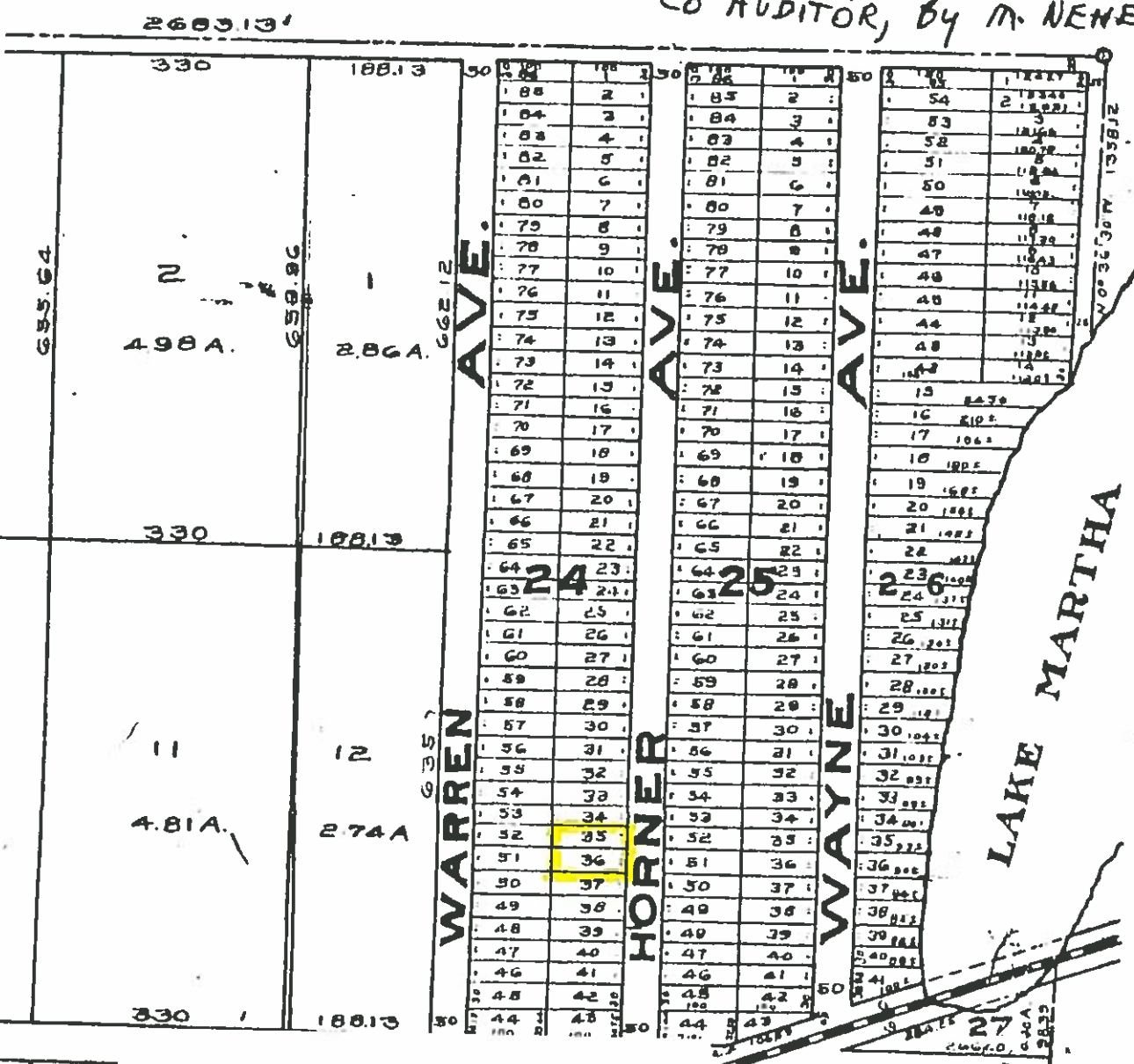
by C. Dayton Hillman  
President  
Attest Leonard C. Hargiss  
Secretary



Ord # 88-C  
vacation of 7th A

SENT TO LOTS 34-37,  
MISSIONERS RECORDS,  
AUDITOR,  
EPUTY

FOR VACATION OF EXTENSION  
OF 12th AVE LYING EAST OF  
Block 26, SEE VOL 38 COMM REC.  
PG 593. HENRY B. WHALEN  
CO AUDITOR, BY M. NENER



for correction of foregoing.  
See vol 38, page 593.

### EXHIBIT 4

Lots own by  
Donald & Cheryl Brown  
(Engineer's Report Facts/Background #4)

Lot 415  
Page 76  
Snohomish County



20170906096 2 PGS  
 09/06/2017 9 18am \$75.00  
 SNOHOMISH COUNTY, WASHINGTON

AFTER RECORDING MAIL TO.

LAW OFFICE OF COLE & GILDAY, P C  
 10101 - 270<sup>th</sup> St NW  
 Stanwood, WA 98292

**NO EXCISE TAX  
 REQUIRED**

SEP 06 2017

KIRKE SIEVERS, Snohomish County Treasurer

By KIRKE SIEVERS

**EASEMENT**

|                   |                                                                                                                                     |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| GRANTOR           | LAKE MARTHA DEVELOPMENT, LLC, a Washington limited liability company                                                                |
| GRANTEE           | LAKE MARTHA DEVELOPMENT, LLC, a Washington limited liability company                                                                |
| LEGAL DESCRIPTION | BLS 24 & 25, C D HILLMAN'S BIRMINGHAM WATER FRONT ADDITION TO CITY OF EVERETT, DIV 1                                                |
| TPN               | 003944-024-009-00, 010, 014, 017, 019, 023, 024, 029, 034; 037, 049, 054, 059, 064, 069, 074, 003944-025-048-00, 057, 061, 063, 065 |

GRANTOR LAKE MARTHA DEVELOPMENT, LLC, a Washington limited liability company, as owner of the following

Lots 37, 38, 49 and 50, Block 24, C D Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1, according to the plat thereof recorded in Volume 8 of Plats at pages 21, 22 and 23, in Snohomish County, Washington

for no consideration, hereby Grants and Conveys an easement over, under and across said Lots, for ingress, egress and utilities to and for the exclusive benefit of the following

Lots 9 through 34, Lots 37 and 38, and Lots 49 through 78, Block 24, C D Hillman's Birmingham Water Front Addition to the City of Everett, Division No 1, according to the plat thereof recorded in Volume 8 of Plats at pages 21, 22 and 23, in Snohomish County Washington

Lots 48 through 71, Block 25, C D Hillman's Birmingham Water Front Addition to the City of Everett, Division No 1, according to the plat thereof recorded in Volume 8 of Plats at pages 21, 22 and 23, in Snohomish County, Washington

upon the following terms and conditions.

**EXHIBIT 5 Pg 1**

1 The easement granted herein is only for the benefit of the listed Lots. The only persons who may grant the right to use the easement to additional Lots are James Baker or Tanya Baker, or their lineal descendants if they are deceased.

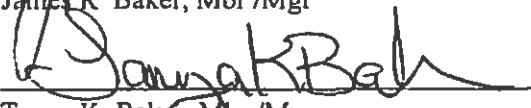
2 Maintenance on this easement, and the unopened platted road denominated 85<sup>th</sup> Drive NW (Homer Rd) between the South line of Lot 48, Block 25 and the North line of Lot 78 Block 24, and the portion of the unopened platted road denominated 86<sup>th</sup> Drive NW (Warren Avenue) adjacent to Lots 49 and 50, Block 24, shall be paid for equally by all parcels benefitted by the easement. If repairs are necessary, a community meeting shall be held with all beneficial Lot's owners being invited, and a majority vote at that meeting (or subsequent meetings) shall determine the details and the cost to each parcel.

3 This easement shall run with the land, and bind and inure to the benefit of the parties, their heirs, successors and assigns.

DONE this 5<sup>th</sup> day of September 2017

LAKE MARTHA DEVELOPMENT, LLC

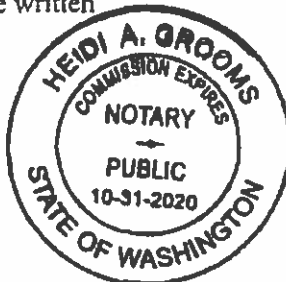
  
\_\_\_\_\_  
James R. Baker, Mbr /Mgr

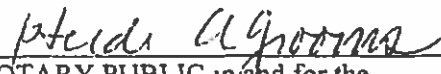
  
\_\_\_\_\_  
Tanya K. Baker, Mbr /Mgr

STATE OF WASHINGTON )  
                                                  ) ss  
COUNTY OF SNOHOMISH)

On this 5<sup>th</sup> day of September 2017, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JAMES R BAKER and TANYA K BAKER, to me known to be the Members/Managers of LAKE MARTHA DEVELOPMENT, LLC, a Washington limited liability company, the company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the same instrument and that the seal affixed is the seal of said company / corporation.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written



  
\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington  
Residing at Millington  
My appointment expires 10/31/2020

**EXHIBIT 5 Pg 2**



ation has caused its name to be subscribed and  
 sident and its secretary respectively this 17th day of

C.D. Hillman's Snohomish County  
 Land and Railroad Company

LT 46, 47, 48, 49  
 2087  
 Russell C. Dayton Hillman

President

Attest Leonard C. Hargiss

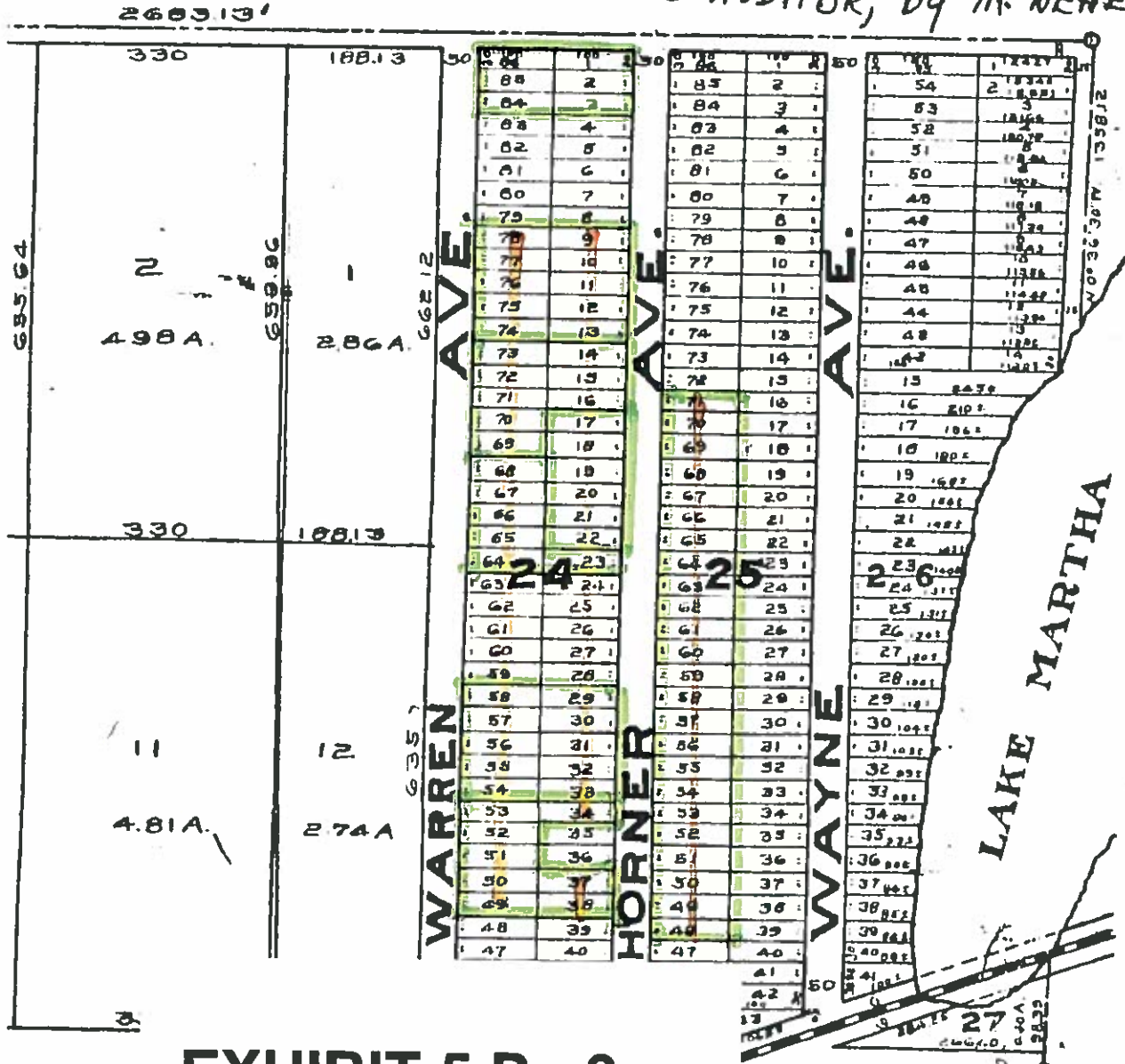
Secretary



Ord # 88-C  
 Vacation of 4th A  
 Volume 2182 of

ENT TO lots 34-37,  
 ISSIONERS RECORDS,  
 UDITOR,  
 OUTY

FOR VACATION OF EXTENSION  
 OF 12th AVE LYING EAST OF  
 BLOCK 26, SEE VOL 38 COMM REC.  
 PG 593. HENRY B. WHALEN  
 CO AUDITOR, BY M. NENER



**EXHIBIT 5 Pg 3**

Easement granting Lots 9-34 and Lots  
 37,38,49 through 78 Blk 24  
 and  
 Lots 48-71 Blk 25

For correction of foregoing.  
 See Vol 38, Page 189.  
 117 115  
 27 Page 76  
 San Francisco



**LEGEND**

- 5/8" REBAR W/ CAP "CHECK MARK"
- 1/2" REBAR W/ CAP AS NOTED
- ▲ MARK ON TOP OF "FIRE HOSE" REMAINING LOT CORNER

**NOTES**

1. THE SURVEY WAS PERFORMED WITHOUT THE ASSISTANCE OF A TREE SURVEYOR AND DOES NOT RELY UPON THE ASSISTANCE OF A TREE SURVEYOR.
2. ALL DISTANCES, BEARINGS, AND ANGLE MEASUREMENTS WERE OBTAINED FROM A TOTAL STATION.
3. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACT AND REGULATIONS THEREUNDER.
4. RECORDS OF SURVEY ARE KEPT AT THE OFFICE OF THE SURVEYOR.
5. RECORDS OF SURVEY ARE KEPT AT THE OFFICE OF THE SURVEYOR.
6. RECORDS OF SURVEY ARE KEPT AT THE OFFICE OF THE SURVEYOR.
7. RECORDS OF SURVEY ARE KEPT AT THE OFFICE OF THE SURVEYOR.
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9. RECORDS OF SURVEY ARE KEPT AT THE OFFICE OF THE SURVEYOR.
10. RECORDS OF SURVEY ARE KEPT AT THE OFFICE OF THE SURVEYOR.

**LEGAL DESCRIPTION**

PARCELS A AND V, SPOKANE COUNTY BOUNDARY LINE ADJUSTMENT 17-10774-8A, AS RECORDED UNDER RECORD NUMBER 2017010014 AND SHOWN ON RECORD OF SURVEY, RECORD NUMBER 2017010014, AND AMENDED BY RECORD OF SURVEY, RECORD NUMBER 2017010014, RECORDS OF SPOKANE COUNTY, WASHINGTON.

PARCELS B AND U, SPOKANE COUNTY BOUNDARY LINE ADJUSTMENT 17-10774-8A, AS RECORDED UNDER RECORD NUMBER 2017010014 AND SHOWN ON RECORD OF SURVEY, RECORD NUMBER 2017010014, AND AMENDED BY RECORD OF SURVEY, RECORD NUMBER 2017010014, RECORDS OF SPOKANE COUNTY, WASHINGTON.

PARCELS C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, V, W, X, Y, Z, AS RECORDED UNDER RECORD NUMBER 2017010014 AND SHOWN ON RECORD OF SURVEY, RECORD NUMBER 2017010014, AND AMENDED BY RECORD OF SURVEY, RECORD NUMBER 2017010014, RECORDS OF SPOKANE COUNTY, WASHINGTON.



GRAPHIC SCALE



**EQUIPMENT & PROCEDURES**

- INSTRUMENTATION:** LEICA TOTAL STATION
- METHOD OF SURVEY:** FIELD MEASUREMENT OF DISTANCE/ANGLE/HEIGHT
- BASE OF BEARING:** THE HORIZONTAL SIGHT LINE OF THE SOLID/DAKOTA QUARTZ SECTION 18, T.31N., R.4E., W.14., HAS THE BEARING OF NORTH 87°45'21" WEST PER THE WGS 84 DATUM (NAD 83) AND SHALL BE 200021.
- REFERENCES:** THE FOLLOWING RECORD DOCUMENTS WERE UTILIZED IN DETERMINING THE BOUNDARIES OF BLOCK 18, T.31N., R.4E., W.14.:
- (N1) RECORD OF SURVEY FOR 2010010001
  - (N2) RECORD OF SURVEY FOR 2010010002
  - (N3) RECORD OF SURVEY FOR 2010010003
  - (N4) RECORD OF SURVEY FOR 2010010004
  - (N5) RECORD OF SURVEY FOR 2010010005
  - (N6) RECORD OF SURVEY FOR 2010010006
  - (N7) RECORD OF SURVEY FOR 2010010007
  - (N8) RECORD OF SURVEY FOR 2010010008
  - (N9) RECORD OF SURVEY FOR 2010010009
  - (N10) RECORD OF SURVEY FOR 2010010010
  - (N11) RECORD OF SURVEY FOR 2010010011
  - (N12) RECORD OF SURVEY FOR 2010010012
  - (N13) RECORD OF SURVEY FOR 2010010013
  - (N14) RECORD OF SURVEY FOR 2010010014
  - (N15) RECORD OF SURVEY FOR 2010010015
  - (N16) RECORD OF SURVEY FOR 2010010016
  - (N17) RECORD OF SURVEY FOR 2010010017
  - (N18) RECORD OF SURVEY FOR 2010010018
  - (N19) RECORD OF SURVEY FOR 2010010019
  - (N20) RECORD OF SURVEY FOR 2010010020

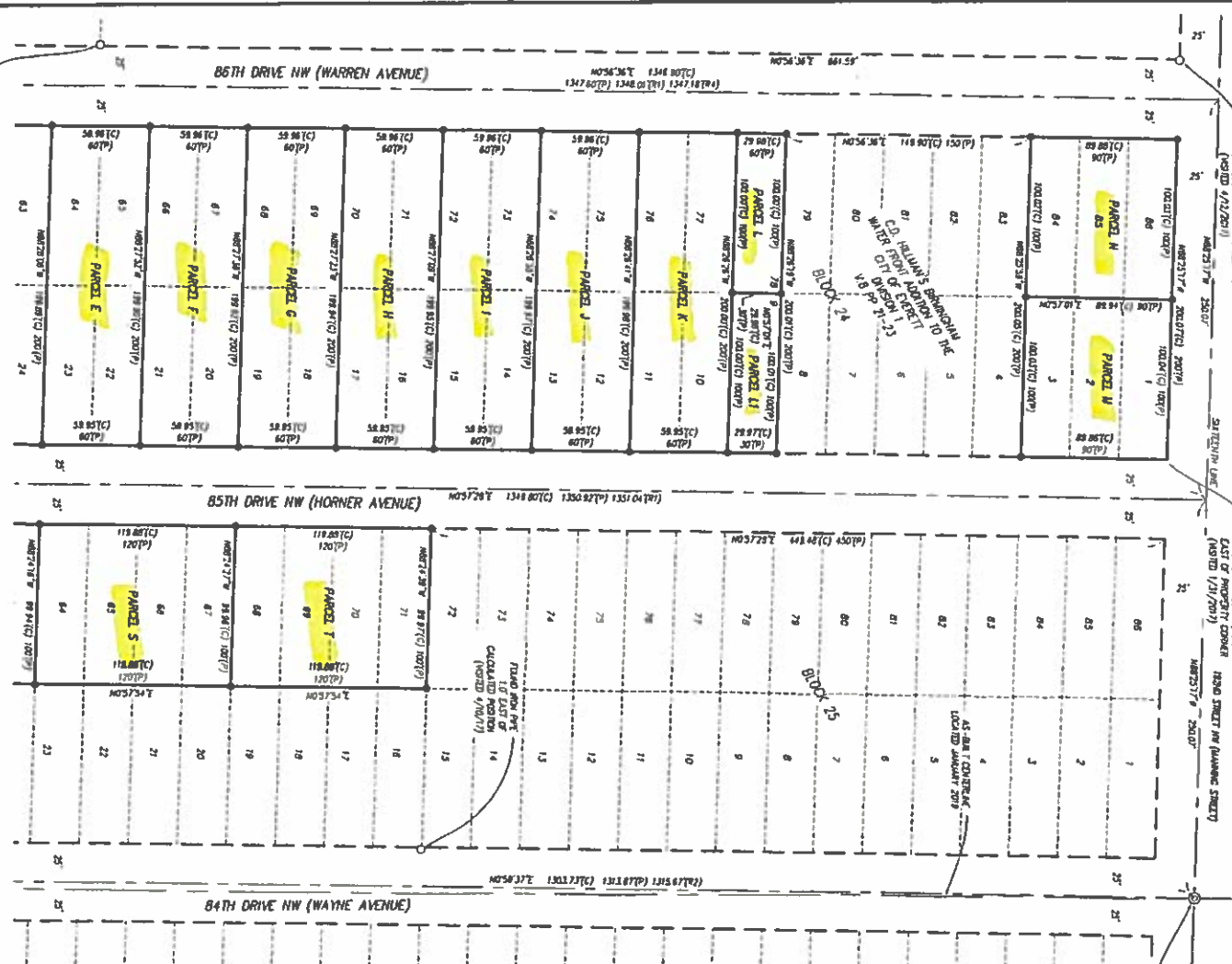


**AMENDED RECORD OF SURVEY FOR LAKE MARTHA DEVELOPMENT, LLC**  
IN THE SE 1/4 OF THE SW 1/4 SECTION 18, T.31N., R.4E., W.14.  
SPOKANE COUNTY, WASHINGTON

**ORCA Land Surveying**  
3800 CALLE AVENUE, EVERETT, WA 98201  
425.254.0000 FAX 425.254.6188

JOB NO. 2017-014  
DATE: 4/17/2019  
PAC. BT. 100  
SHEET 3 OF 3

A PORTION OF THE SE 1/4, OF THE SW 1/4, SECTION 18, T.31N., R.4E., W.14.



ROAD 5.0' WIDE AND CAP 1/2" REAR AND EAST OF PROPERTY CORNER (NOTED 4/2/2011)  
 ROAD 5.0' WIDE AND CAP 1/2" REAR AND EAST OF PROPERTY CORNER (NOTED 4/2/2011)

ROAD 5.0' WIDE AND CAP 1/2" REAR AND EAST OF PROPERTY CORNER (NOTED 4/2/2011)  
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 ROAD 5.0' WIDE AND CAP 1/2" REAR AND EAST OF PROPERTY CORNER (NOTED 4/2/2011)

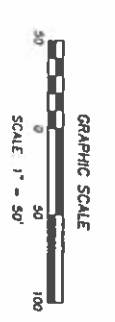
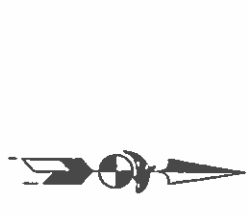
ROAD 5.0' WIDE AND CAP 1/2" REAR AND EAST OF PROPERTY CORNER (NOTED 4/2/2011)  
 ROAD 5.0' WIDE AND CAP 1/2" REAR AND EAST OF PROPERTY CORNER (NOTED 4/2/2011)

ROAD 5.0' WIDE AND CAP 1/2" REAR AND EAST OF PROPERTY CORNER (NOTED 4/2/2011)  
 ROAD 5.0' WIDE AND CAP 1/2" REAR AND EAST OF PROPERTY CORNER (NOTED 4/2/2011)

**EQUIPMENT & PROCEDURES**  
 INSTRUMENT: LEICA 1205 TOTAL STATION  
 METHOD OF SURVEY: FIELD MONUMENTED BY DISTANCE MONUMENTATION  
 MEASURED ANGLES OR DISTANCES: N/A  
 BASIS OF SURVEY: THE QUARTERLY QUARTER OF SECTION 18, TOWNSHIP 31 NORTH, RANGE 4 EAST, MERIDIAN OF NORTH 87°12' WEST FOR THE 1850 SURVEY CORNER POINTS AND (N 1850) AND (S 1850) TO 2002.

**REFERENCES:** THE FOLLOWING RECORD DOCUMENTS WERE UTILIZED IN DETERMINING THE BOUNDARY OF PARCELS 21, 22, 23 AND 24 OF OLD TOWN'S SOUTH FRONT ADDITION TO THE CITY OF FORTY:

- (1) RECORD OF SURVEY AN 2001010000
- (2) RECORD OF SURVEY AN 2001010001
- (3) RECORD OF SURVEY AN 2001010002
- (4) RECORD OF SURVEY AN 2001010003
- (5) RECORD OF SURVEY AN 2001010004
- (6) RECORD OF SURVEY AN 2001010005
- (7) RECORD OF SURVEY AN 2001010006
- (8) RECORD OF SURVEY AN 2001010007
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- (10) RECORD OF SURVEY AN 2001010009
- (11) RECORD OF SURVEY AN 2001010010
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- (14) RECORD OF SURVEY AN 2001010013
- (15) RECORD OF SURVEY AN 2001010014
- (16) RECORD OF SURVEY AN 2001010015
- (17) RECORD OF SURVEY AN 2001010016
- (18) RECORD OF SURVEY AN 2001010017
- (19) RECORD OF SURVEY AN 2001010018
- (20) RECORD OF SURVEY AN 2001010019
- (21) RECORD OF SURVEY AN 2001010020
- (22) RECORD OF SURVEY AN 2001010021
- (23) RECORD OF SURVEY AN 2001010022
- (24) RECORD OF SURVEY AN 2001010023
- (25) RECORD OF SURVEY AN 2001010024
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- (27) RECORD OF SURVEY AN 2001010026
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- (141) RECORD OF SURVEY AN 2001010140
- (142) RECORD OF SURVEY AN 2001010141
- (143) RECORD OF SURVEY AN 2001010142
- (144) RECORD OF SURVEY AN 2001010143



**LEGEND**

- SET 1/2" 1/4" REAR W/ CAP 1/2" SURVEY
- 1/2" REAR W/ CAP AS NOTED

**NOTES:**

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A FIELD REPORT AND DOES NOT PURPORT TO SHOW ALL EVIDENT RESTRICTIONS, ENCUMBRANCES AND/OR OCCUPATION WHICH MAY BE CLAIMED AGAINST ANY OF THE PARCELS SURVEYED HEREON FOR SURVEY PURPOSES. THESE FIELD DATA WERE OBTAINED FROM THE RECORDS OF SNOHOMISH COUNTY, WASHINGTON. RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

A.F. NO. 201904125001



**ORCA Land Surveying**  
 3000 COMMERCIAL AVENUE, SUITE 100  
 SNOHOMISH COUNTY, WASHINGTON 98290  
 PHONE: 425.336.5555  
 FAX: 425.336.5556

**AMENDED RECORD OF SURVEY FOR LAKE MARTHA DEVELOPMENT, LLC**  
 IN THE SE 1/4, OF THE SW 1/4, SECTION 18, T.31N., R.4E., W.14.  
 SNOHOMISH COUNTY, WASHINGTON

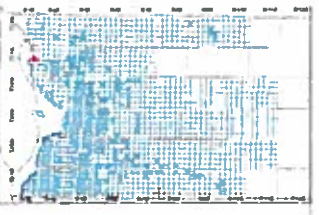
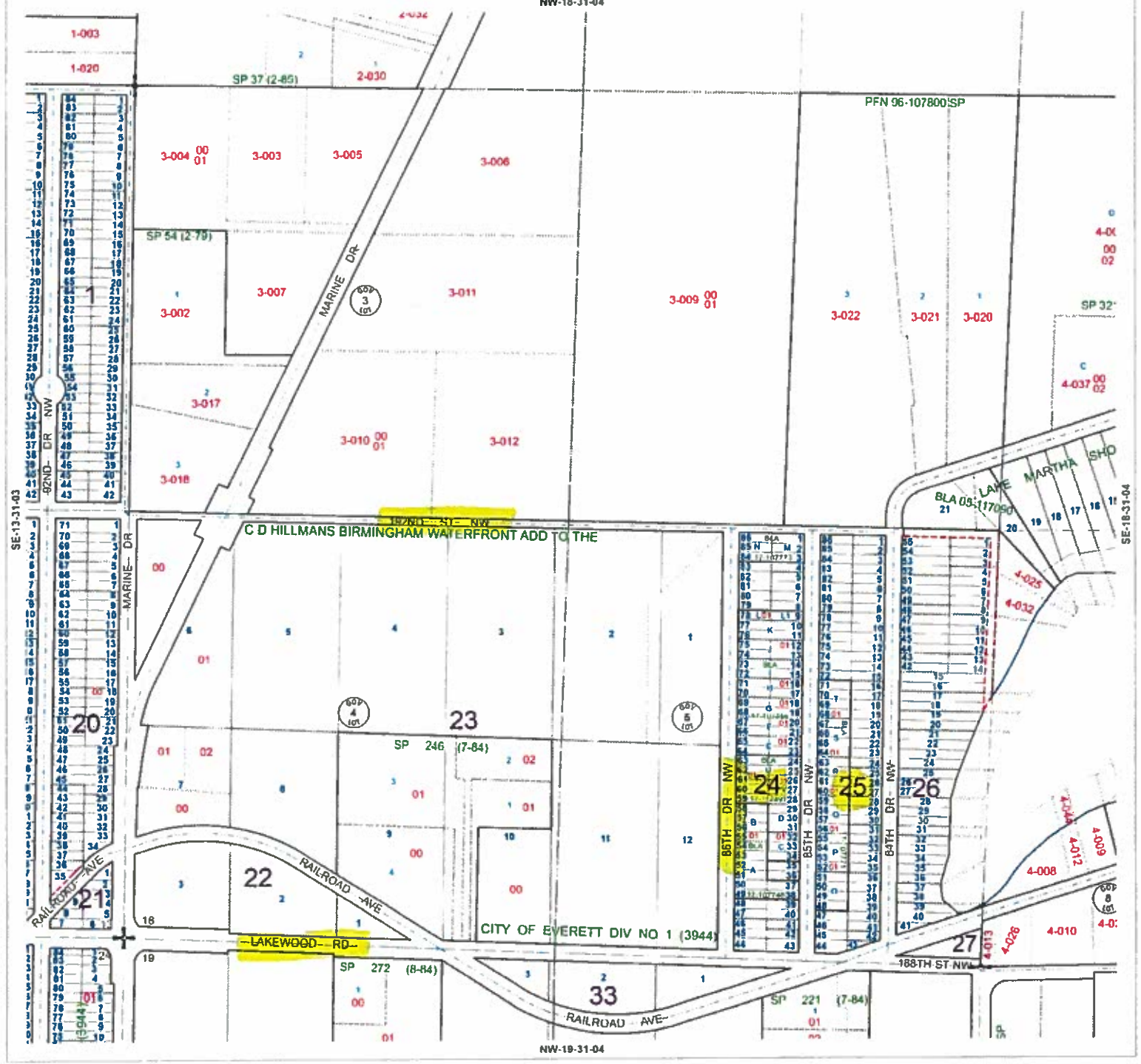
JOB NO. 2017-014  
 DATE: 4/11/2018  
 Dwg. BY: JAG/JAS  
 SHEET 2 OF 3

**EXHIBIT 6 Pg 2**

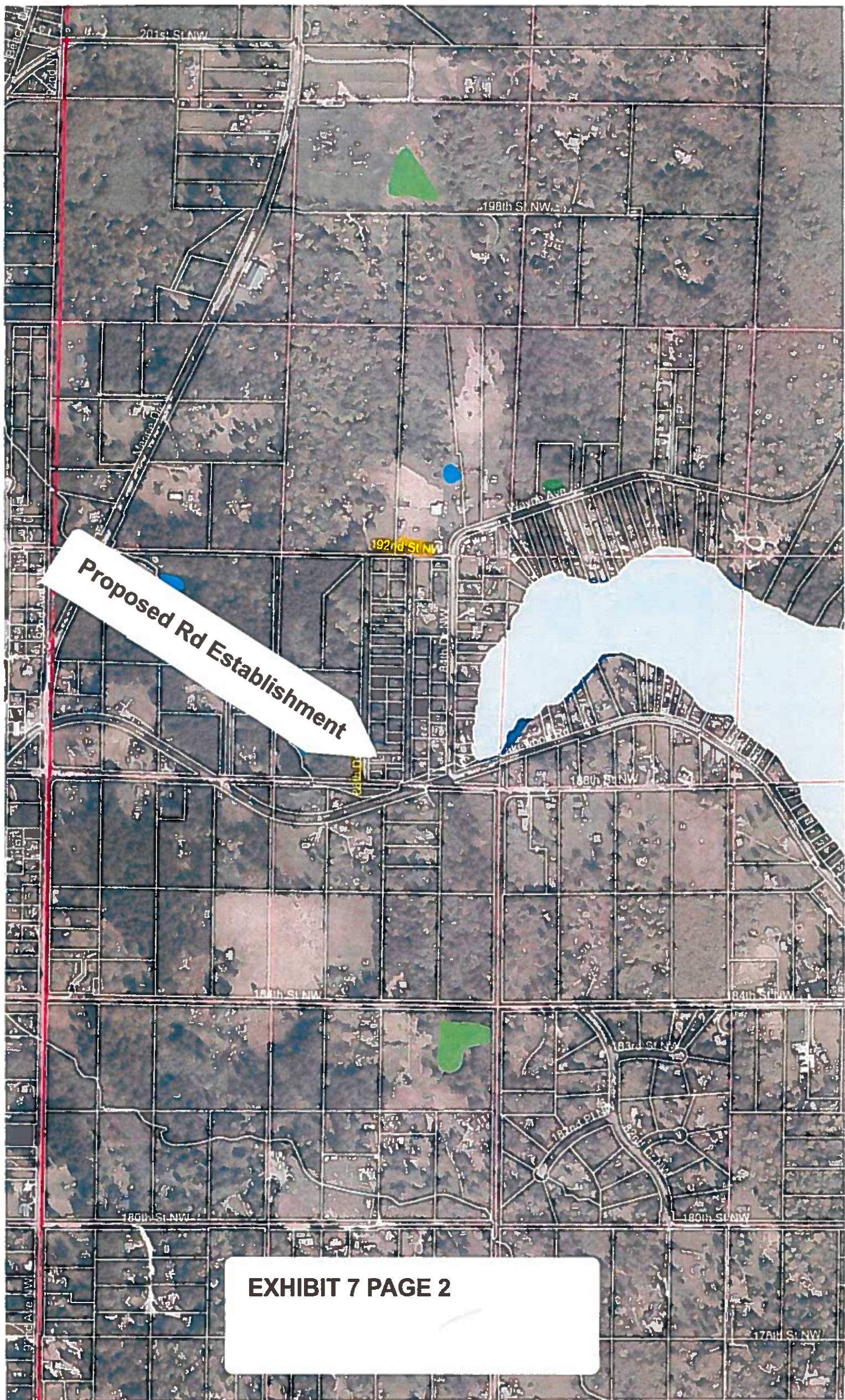
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|----------------------|----------------------|-------------------------------|-------------------------|
| QUARTER<br><b>SW</b> | SECTION<br><b>18</b> | TOWNSHIP N W S L<br><b>31</b> | RANGE E W M<br><b>4</b> |
|----------------------|----------------------|-------------------------------|-------------------------|

Centerline --- Lot --- Block --- Section --- City Limits [Red Box] ---  
 Gov Lot --- Subdiv --- ROW --- Quarter --- Tax Acct ---  
 Major Water --- Other Lot --- Vac ROW --- 18th --- Easement ---  
 Minor Water --- Other Subdiv --- Vac Lot ---

1 inch = 200 feet  
 Map produced on August 12, 2019  
 A product of the Assessor's Office  
 Snohomish County, Washington

**EXHIBIT 7 Pg 1**



Proposed Rd Establishment

EXHIBIT 7 PAGE 2

**NO EXCISE TAX  
REQUIRED**

APR 18 2018

KIRKE SIEVERS, Snohomish County Treasurer

By KIRKE SIEVERS



201804180187 5 PGS  
04/18/2018 11:08am \$78.00  
SNOHOMISH COUNTY, WASHINGTON

**After Recording Return to:**

LAKE MARTHA DEVELOPMENT, LLC  
P.O. Box 870  
Granite Falls, WA 98252

**EASEMENT AMENDMENT AGREEMENT**

Grantor: KELP CONSTRUCTION, INC.  
Grantee: LAKE MARTHA DEVELOPMENT LLC  
Legal Description: Lots 37, 38, 49 and 50, Block 24,  
C D. Hillman's Birmingham Water Front Add, Div. 1,  
V 8, p 21-23, Snohomish County, WA Add'l on P. 1-2  
Tax Parcel. 003944-024-037-00 and Ptn 003944-024-049-00  
Ref. No. 201709060096

This Agreement is made by and between KELP CONSTRUCTION, INC, a Washington corporation, and LAKE MARTHA DEVELOPMENT LLC, a Washington limited liability company.

KELP CONSTRUCTION, INC. ("Kelp") is the owner of the following-described real estate situated in the County of Snohomish, State of Washington:

**Parcel A:**

Lots 37 and 38 and Lots 49 through 54, Block 24, C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No 1, according to the plat thereof, recorded in Volume 8 of Plats, pages 21 through 23, records of Snohomish County, Washington.

**Parcel B:**

Lots 55 through 58, Block 24, C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1, according to the plat thereof, recorded in Volume 8 of Plats, pages 21 through 23, records of Snohomish County, Washington.

hereinafter the "Kelp Property."

**EXHIBIT 8 Pg 1**

LAKE MARTHA DEVELOPMENT, LLC ("Lake Martha") is the owner of the following-described real estate situated in the County of Snohomish, State of Washington:

Parcel 1:

Lots 9 through 23, Lots 29 through 34, Lots 64 through 78, Block 24, C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1, according to the plat thereof, recorded in Volume 8 of Plats, pages 21 through 23, records of Snohomish County, Washington.

Parcel 2:

Lots 48 through 71, Block 25, C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1, according to the plat thereof, recorded in Volume 8 of Plats, pages 21 through 23, records of Snohomish County, Washington.

hereinafter the "Lake Martha Property."

FOR AND IN CONSIDERATION OF the mutual benefits to the parties and other good and valuable consideration, receipt whereof is hereby acknowledged, the undersigned hereby covenant and agree as follows:

**PRIOR EASEMENT RATIFIED:** Kelp and Lake Martha hereby ratify and confirm that certain Easement and all terms and conditions thereof recorded at Snohomish County Auditor's file no. 2301709060096, and hereby bind the Kelp Property and the Lake Martha Property to all terms and conditions thereof, subject to the following amendments thereto:

1. **Dedication for Public Right of Way** While retaining the right itself to dedicate, Kelp and Lake Martha hereby agree that at any time Lake Martha, its manager or designated agent, or any successor designated by Lake Martha elects, in its sole subjective discretion, the following-described property shall be dedicated to Snohomish County or other applicable governmental authority for public right of way:

Lots 37, 38, 49 and 50, Block 24, C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1, according to the plat thereof, recorded in Volume 8 of Plats, pages 21 through 23, records of Snohomish County, Washington.

hereinafter the "Right of Way."

2. Kelp hereby grants LAKE MARTHA DEVELOPMENT, LLC, its manager or designated agent, or any successor designated by Lake Martha, the nonexclusive authority, on Kelp's behalf and on behalf of Kelp's successors and assigns, to execute and deliver the deed dedicating the Right of Way to Snohomish County or other applicable governmental authority for public right of way.

3. Kelp, for itself and its successors and assigns, hereby appoints LAKE MARTHA DEVELOPMENT LLC, its manager or designated agent, or any successor designated by Lake Martha, as its true and lawful, but not exclusive attorney and authorized agent for itself and in its name and stead, to execute and deliver a deed dedicating the Right of Way to Snohomish County or other applicable governmental authority for public right of way, and giving and granting unto said attorney in fact full authority and power to do and perform any and all other acts necessary or incident to the performance and execution of the powers herein expressly granted with power to do and perform all acts authorized hereby, as fully to all intents and purposes as Kelp, or its successors and assigns might or could do personally. This power of attorney shall continue in effect until such time as the Right of Way has been dedicated to and accepted by Snohomish County or other applicable governmental authority.

4. Kelp, for itself retains the right to execute and deliver a deed dedicating the Right of Way to Snohomish County or other applicable governmental authority for public right of way, if LAKE MARTHA DEVELOPMENT LLC, its manager or designated agent of any successor designated by Lake Martha fails to or is unable to make the dedication and to timely execute and deliver a deed to dedicate the right of way.

5. Upon acceptance of the Right of Way by Snohomish County or other applicable governmental authority for public right of way, the Easement recorded at Snohomish County Auditor's file no. 201709060096 shall terminate and be of no further force or effect.

6. This agreement shall be a covenant running with the land, binding upon and inuring to the benefit of the parties hereto, and their heirs, successors and assigns.

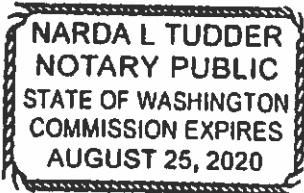




STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SNOHOMISH )

I certify that I know or have satisfactory evidence that JAMES R. BAKER and TANYA K. BAKER are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the Managers of LAKE MARTHA DEVELOPMENT LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 17<sup>th</sup> day of April, 2018.



Narda L. Tudder  
Narda L. Tudder  
(Legibly print name of notary)  
NOTARY PUBLIC in and for the State of  
Washington, residing at Marysville  
My commission expires 08-25-2020



202006260316  
 QUIT CLAIM DEED  
 Rec: \$104.50  
 6/26/2020 11:00 AM 1 of 2  
 SNOHOMISH COUNTY, WA

1224727

**After Recording Return to:**

THOM H. GRAAFSTRA  
 110 Cedar Avenue, Suite 102  
 Snohomish, WA 98290

No. 11150282 6/24/2020 3:43 PM 10.00  
 Thank you for your payment.  
 PHYLLIS

**QUIT CLAIM DEED**

Grantor: BRANDON RICHIE and MICHELLE RICHIE  
 Grantee: LAKE MARTHA DEVELOPMENT, LLC  
 Legal Description: PTN Block 24, C.D. Hillman's Birmingham Water Front Addition to the  
 City of Everett, Division No. 1 Add'l on p. 1  
 Tax Parcel ID#: ptn of 003944-024-037-00

THE GRANTOR, BRANDON RICHIE and MICHELLE RICHIE, husband and wife, for and in consideration clearing and exiting title to an established roadway, conveys and quit claims to LAKE MARTHA DEVELOPMENT, LLC, a Washington Limited Liability Company, the following-described real estate, situated in the County of Snohomish, State of Washington, including any interest therein which Grantor may hereafter acquire:

All that portion as shown on Record of Survey AFN 201903275002, recorded with the Snohomish County Auditor, identified as area for road establishment and legally described as follows:

Lots 37, 38, 49, and 50 of Block 24, C.D. Hillman's Birmingham Water Front Addition to the City of Everett, Division No. 1, according to the plat thereof, recorded in Volume 8 of Plats, pages 21 through 23, records of Snohomish County, Washington.

Being a portion of Snohomish County Tax Parcel 003944-024-037-00

DATED this 18<sup>th</sup> day of June, 2020.

  
BRANDON RICHIE, Grantor

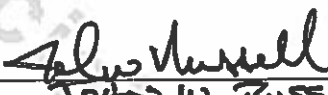
  
MICHELLE RICHIE, Grantor

STATE OF WASHINGTON )  
 )ss.  
COUNTY OF SNOHOMISH )

I certify that I know or have satisfactory evidence that BRANDON RICHIE and MICHELLE RICHIE are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 18<sup>th</sup> day of June, 2020.

JOHN W. RUSSELL  
NOTARY PUBLIC  
STATE OF WASHINGTON  
MY COMMISSION EXPIRES  
04/29/2024  
LICENSE # 100242

  
JOHN W. RUSSELL  
(Legibly print name of notary)  
NOTARY PUBLIC in and for the State of  
Washington, residing at STANWOOD, WA  
My commission expires 4-29-2024

# EXHIBIT 10 Pg 1

A PORTION OF THE SE 1/4 OF THE SW 1/4 SECTION 18, T31N, R4E, W1E.



1) THE ORIGINAL PLAT DRAWING FOR CA. HELMUTH'S MAPS FROM AROUND TO THE CITY OF ENOKET IS MISSING THE BEARING AND DISTANCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, WINDING, 1 SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 281.12 FEET, USING PLAT BEARING SYSTEM, WHEREAS THE RELATED DIMENSION BETWEEN THE TOWN MONUMENTS IS 281.14 FEET. 2) CHANGE THE BEARING OF THE EAST LINE TO SOUTHWEST QUARTER OF SECTION 18, SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 284.54 FEET, WHICH IS MORE CLOSE TO THE RELATED DISTANCE OF 281.14 FEET.

2) 1) AS NOTING THE FOUND MONUMENT AND CAP AT THE 1/4 CORNER POSITION FOR THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, THIS POSITION IS SHOWN AS AN IRON PIPE ON THE PLAT OF LANE MARINA SHORELINE MONUMENTS AND AS AN IRON CORNER ON THE PLAT OF CA. HELMUTH'S MAPS FROM AROUND TO THE CITY OF ENOKET. BY DOING SO, THE FOUND MONUMENT AT THE INTERSECTION OF MANNING STREET AND THE ARCADE SET FOR THE PLAT OF LANE MARINA SHORELINE MONUMENTS IS NORTH OF LINE OF LOT 7. THE INTERSECTION MONUMENT HAS ALSO FOUND FOR THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, THIS POSITION IS SHOWN AS AN IRON PIPE ON THE PLAT OF LANE MARINA SHORELINE MONUMENTS AND AS AN IRON CORNER ON THE PLAT OF CA. HELMUTH'S MAPS FROM AROUND TO THE CITY OF ENOKET. BY DOING SO, THE INTERSECTION MONUMENT HAS ALSO FOUND FOR THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, THIS POSITION IS SHOWN AS AN IRON PIPE ON THE PLAT OF LANE MARINA SHORELINE MONUMENTS AND AS AN IRON CORNER ON THE PLAT OF CA. HELMUTH'S MAPS FROM AROUND TO THE CITY OF ENOKET.

3) THE MONUMENTS SHOWN ON THE PLAT OF LANE MARINA SHORELINE MONUMENTS WERE FOUND AND EXACTLY MATCHED RECORD DIMENSIONS. SEE MAP BELOW.

4) THE PLAT OF CA. HELMUTH'S MAPS FROM AROUND TO THE CITY OF ENOKET HAS A 1/4 CORNER MONUMENT INCLUDING THAT MONUMENT IN THE FIRST PARAGRAPH, ABOVE THE DIMENSIONS SHOWN ON THE WEST LINE OF BLOCK 23 DO NOT MATCH FROM ORIGINAL DIMENSION 182.12 FEET ON LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 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975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

4) CA. HELMUTH'S MAPS FROM AROUND TO THE CITY OF ENOKET DOES NOT MATCH DIMENSIONS ON THE CORNERS OF THE ROAD, ONLY ON THE LOTS IN ORDER TO GET THE CORNER MONUMENTS AND THE AMERICAN MONUMENTS FROM STREET INTERSECTION TO STREET INTERSECTION ALONG THE NORTH AND SOUTHWEST QUARTER OF SECTION 18, WINDING, 1 SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 281.12 FEET, USING PLAT BEARING SYSTEM, WHEREAS THE RELATED DIMENSION BETWEEN THE TOWN MONUMENTS IS 281.14 FEET. 2) CHANGE THE BEARING OF THE EAST LINE TO SOUTHWEST QUARTER OF SECTION 18, SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 284.54 FEET, WHICH IS MORE CLOSE TO THE RELATED DISTANCE OF 281.14 FEET.

5) THE NORTH-SOUTH DIMENSION OF BLOCK 21, WINDING, 1 SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 281.12 FEET, USING PLAT BEARING SYSTEM, WHEREAS THE RELATED DIMENSION BETWEEN THE TOWN MONUMENTS IS 281.14 FEET. 2) CHANGE THE BEARING OF THE EAST LINE TO SOUTHWEST QUARTER OF SECTION 18, SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 284.54 FEET, WHICH IS MORE CLOSE TO THE RELATED DISTANCE OF 281.14 FEET.

6) BLOCK 21 HAS ESTABLISHED BY PROBABLY PLAT DIMENSIONS BY THE SOUTH AND EAST LINES OF THE BLOCK WITH RELATED DIMENSIONS. THE RELATED LINE FOR THE NORTH LINE OF BLOCK 21 WAS NOT FOUND AND PROVIDED TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, WINDING, 1 SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 281.12 FEET, USING PLAT BEARING SYSTEM, WHEREAS THE RELATED DIMENSION BETWEEN THE TOWN MONUMENTS IS 281.14 FEET. 2) CHANGE THE BEARING OF THE EAST LINE TO SOUTHWEST QUARTER OF SECTION 18, SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 284.54 FEET, WHICH IS MORE CLOSE TO THE RELATED DISTANCE OF 281.14 FEET.

7) ALTHOUGH THE ACTUAL 66-DEGREE CORNER OF BARR BARRE WERE MONUMENTS TO THE EAST LINE OF BLOCK 21, WINDING, 1 SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 281.12 FEET, USING PLAT BEARING SYSTEM, WHEREAS THE RELATED DIMENSION BETWEEN THE TOWN MONUMENTS IS 281.14 FEET. 2) CHANGE THE BEARING OF THE EAST LINE TO SOUTHWEST QUARTER OF SECTION 18, SET A BEARING OF NORTH 89°27' WEST, A DISTANCE OF 284.54 FEET, WHICH IS MORE CLOSE TO THE RELATED DISTANCE OF 281.14 FEET.

8) ROAD MONUMENT IN CASE OF CONCRETE MONUMENT WITH 7\"/>

9) ROAD MONUMENT IN CASE OF CONCRETE MONUMENT WITH 7\"/>

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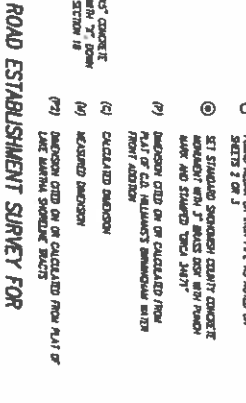
17) ROAD MONUMENT IN CASE OF CONCRETE MONUMENT WITH 7\"/>

18) ROAD MONUMENT IN CASE OF CONCRETE MONUMENT WITH 7\"/>

AUDITOR'S CERTIFICATE  
 AUDITOR'S FILE NUMBER: 20180327-5028  
 FILED FOR RECORDING DAY OF March, 2018 AT 8:50 A.M. IN VOLUME 2 OF  
 SURVEY'S PAGE 21 AT BE REQUEST OF ORCA LAND SURVEYING, INC.  
 COUNTY CLERK: [Signature]  
 COUNTY AUDITOR: [Signature]

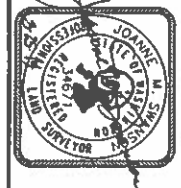
SURVEYOR'S CERTIFICATE  
 I HAVE CORRECTLY REVIEWED A SURVEY MADE BY ME OR UNDER MY DIRECTION IN  
 CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST  
 OF ORCA LAND SURVEYING, INC. IN PARAGRAPH 2018.  
 SURVEYOR: [Signature]  
 DATE: 3/25/18

ROAD ESTABLISHMENT SURVEY FOR  
 1887TH PLACE NW  
 SNOHOMISH COUNTY, WASHINGTON  
 IN THE SE 1/4 OF THE SW 1/4 SECTION 18, T31N, R4E, W1E.

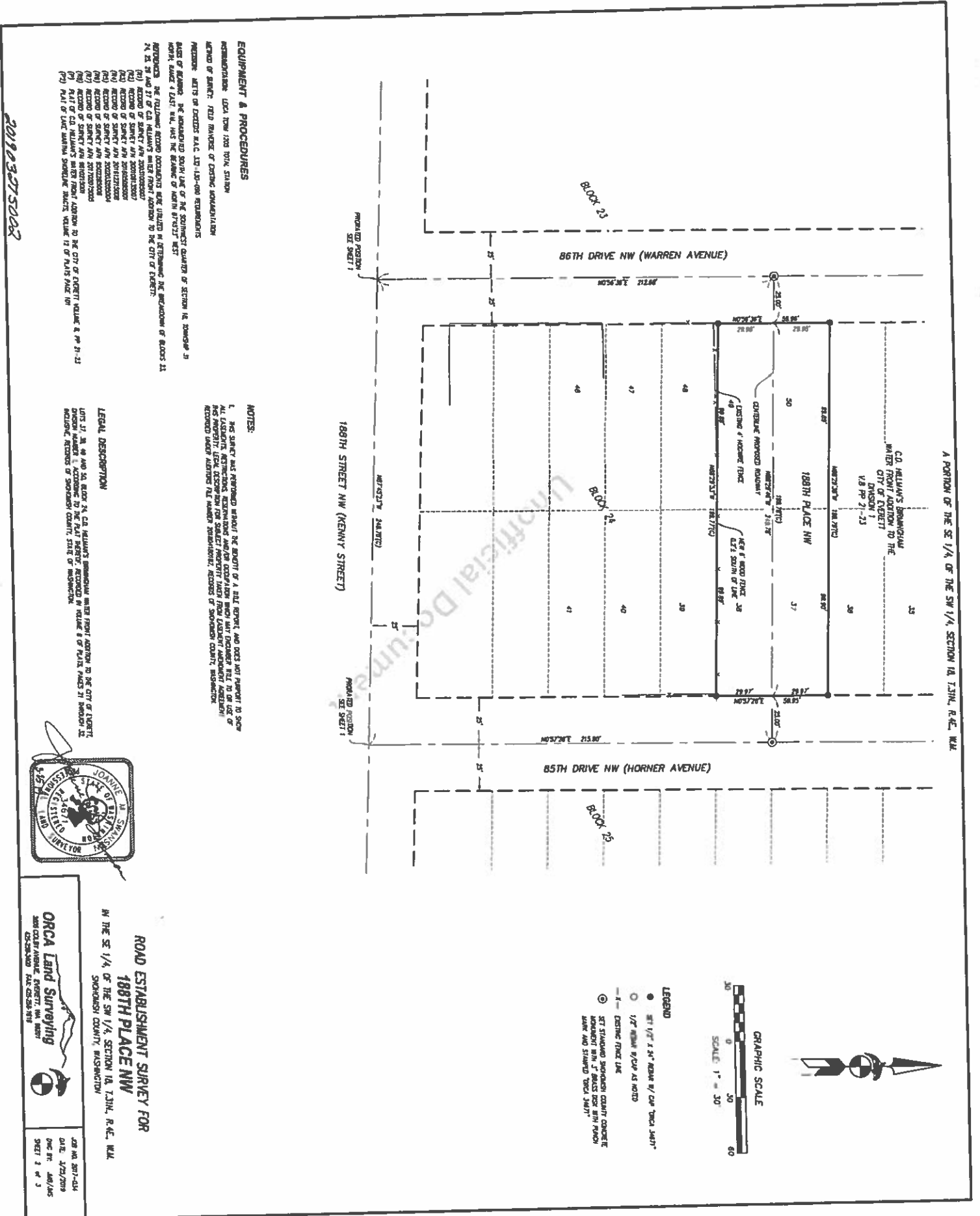


- LEGEND
- ROAD MONUMENT AS NOTED
  - ROAD MONUMENT OR IRON PIPE AS NOTED ON SHEETS 2 OR 3
  - SET STANDARD SNOHOMISH COUNTY CONCRETE MONUMENT WITH 7\"/>
  - DIMENSION ODD OR ON CALCULATED FROM PLAT OF CA. HELMUTH'S AMERICAN MAPS FROM AROUND
  - (C) CALCULATED DIMENSION
  - (M) RELATED DIMENSION
  - (P2) DIMENSION ODD OR ON CALCULATED FROM LAKE MARINA SHORELINE MONUMENTS

ORCA Land Surveying  
 3800 COPPER HARBOR ROAD WEST  
 SEASIDE, WASH. 98138-3500  
 TEL: 206-536-5100  
 FAX: 206-536-5101  
 JOB NO. 2017-039  
 DATE: 5/23/2018  
 SHEET: 26/26  
 SHEET 1 OF 3



# EXHIBIT 10 Pg 2



A PORTION OF THE SE 1/4 OF THE SW 1/4 SECTION 18, T31N, R4E, W4E

C.O. WILLIAMS BROWNSHAW  
WILSON PROPERTY  
SECTION 18, T31N, R4E, W4E  
V.B. Pgs 21-23



- LEGEND**
- SET 1/2" x 2" IRON N/CAP TOCA MARK
  - 1/2" IRON N/CAP AS NOTED
  - EXISTING FENCE LINE
  - ⊙ SET STAKED SNOOKSHAW COUNTY CONCRETE MONUMENT WITH "J" BRASS DOG WITH PINKOY MARK AND STAKED TOCA MARK

**NOTES:**

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A BOLD REPORT, AND DOES NOT PURPORT TO SHOW THE LOCATION OF ANY UNRECORDED EASEMENTS AND/OR ENCUMBRANCES WHICH MAY EXIST OR BE IN THE POSSESSION OF ANY PARTY. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS AND HAS REVIEWED RECORDED INSTRUMENTS AFFECTING THE SUBJECT PROPERTY, RECORDS OF SNOOKSHAW COUNTY, WASHINGTON.

**LEGAL DESCRIPTION:**

LOTS 37, 39, 40 AND 50, BLOCK 24, C.O. WILLIAMS BROWNSHAW WILSON PROPERTY, SECTION 18, T31N, R4E, W4E, WASHINGTON COUNTY, WASHINGTON.

**EQUIPMENT & PROCEDURES**

REMARKS: LOCAL TOWN 1200 TOTAL STATION

METHOD OF SURVEY: FIELD MEASUREMENT OF EXISTING DEMONSTRATION

PRECISION: METERS OR DECIMETERS S.A.C. 100-150-000 EQUIVIRONMENT

BASE OF MEASUREMENT: THE ADJACENT SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, DOWNSIDE 25 NORTH, T31N, R4E, W4E, HAS THE CORNER OF NORTH STREET WEST

REFERENCES: THE FOLLOWING RECORD DOCUMENTS WERE CONSULTED IN DETERMINING THE BOUNDARIES OF BLOCKS 21, 24, 25, 26 AND 27 OF C.O. WILLIAMS BROWNSHAW WILSON PROPERTY, SECTION 18, T31N, R4E, W4E:

- (1) RECORD OF SURVEY JAN 2001/01/0007
- (2) RECORD OF SURVEY JAN 2001/01/0007
- (3) RECORD OF SURVEY JAN 2001/01/0007
- (4) RECORD OF SURVEY JAN 2001/01/0007
- (5) RECORD OF SURVEY JAN 2001/01/0007
- (6) RECORD OF SURVEY JAN 2001/01/0007
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201903075002



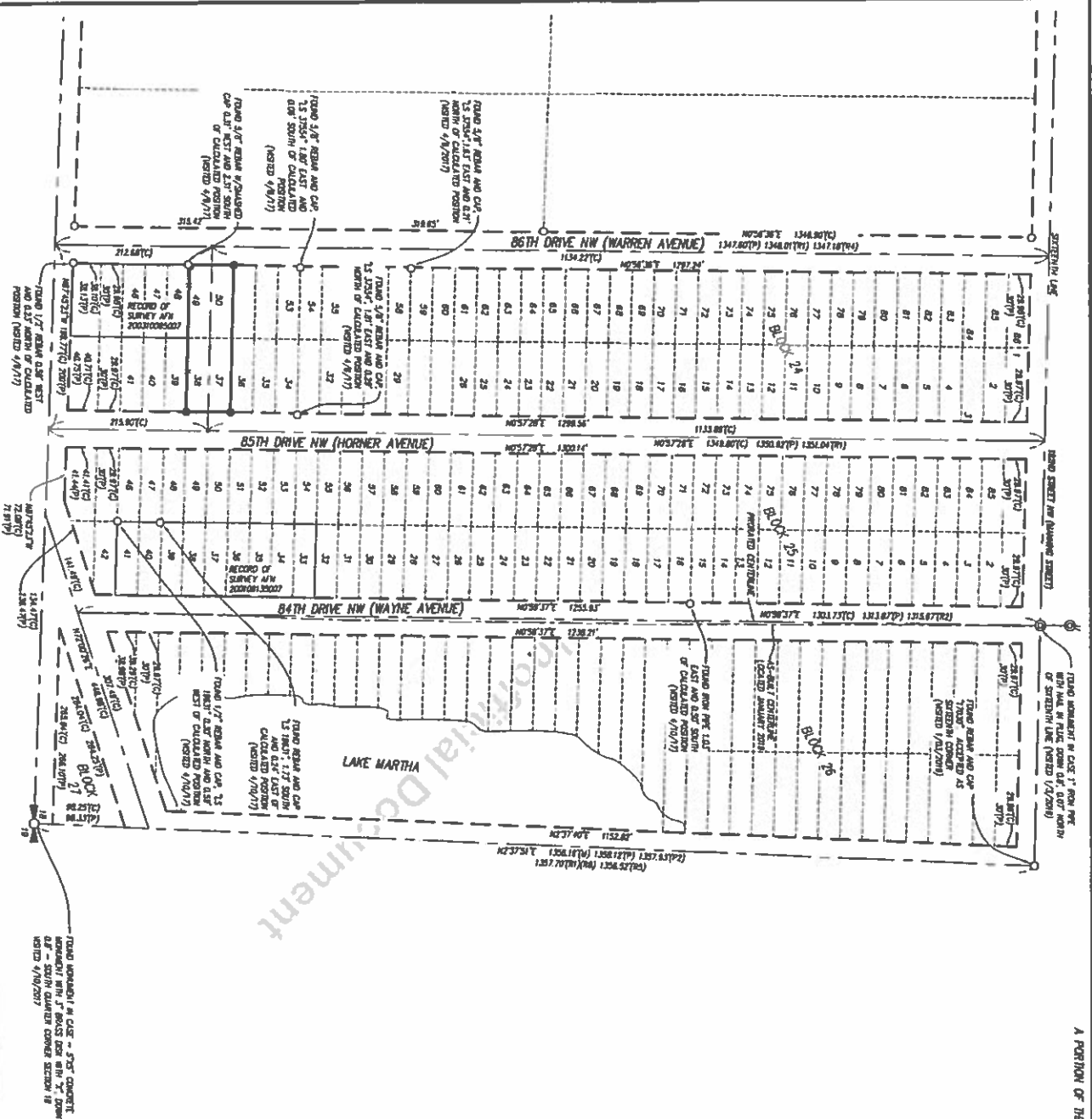
**ORCA Land Surveying**  
3800 COLUMBIAN AVE. SUITE 100  
SEASIDE, WA 98138-3818

JOE M. 2017-034  
DNC BR. 146/146  
SHEET 2 OF 3

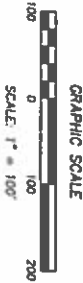
ROAD ESTABLISHMENT SURVEY FOR  
**188TH PLACE NW**  
IN THE SE 1/4 OF THE SW 1/4, SECTION 18, T31N, R4E, W4E,  
SNOOKSHAW COUNTY, WASHINGTON

# EXHIBIT 10 Pg 3

2019032755002



A PORTION OF THE SE 1/4 OF THE SW 1/4, SECTION 18, T.31N., R.4E., W.11.



ROAD ESTABLISHMENT SURVEY FOR  
**188TH PLACE NW**  
 IN THE SE 1/4 OF THE SW 1/4, SECTION 18, T.31N., R.4E., W.11.  
 SPOKANE COUNTY, WASHINGTON

**ORCA Land Surveying**  
 5800 COLUMBIAN AVENUE, SPokane, WA 99201  
 509-325-1818 FAX: 509-325-1819

JOB NO. 2017-034  
 DATE: 3/25/2018  
 DRC BY: JML/AS  
 SHEET 3 OF 3