

Return after filing:  
Greg Brown  
18907 Soundview Drive NW  
Stanwood, WA 98292-7893

**COVENANT AND AGREEMENT RELATED TO THE VACATION OF A PORTION OF  
99<sup>th</sup> AVENUE NW, AN UNOPENED SNOHOMISH COUNTY RIGHT-OF-WAY**

**GRANTOR:** Greg Brown, a private individual

**GRANTEE:** Snohomish County, a political subdivision of the State of Washington

**ABBREVIATED LEGAL DESCRIPTION:** Section 13 Township 31 Range 3 Quarter SE C. D. HILLMAN'S BIRMINGHAM WF ADD TO COE DIV 1 BLK 011 D-00 COMB FOR TAX PURPOSES ONLY LOTS 3 THRU 5 TGW LOTS 46 THRU 49 BLK 12

**TAX PARCEL:** 00394401100300

This Covenant and Agreement is entered into by Greg Brown ("Brown"), a private individual owning property in unincorporated Snohomish County and Snohomish County (the "County"), a political subdivision of the State of Washington.

**WHEREAS,** Gary and Gayeann Buse, Thomas Stephenson, and Brown jointly petitioned Snohomish County to vacate a portion of an unopened Snohomish County right-of-way for 99<sup>th</sup> Avenue NW which abuts each of the petitioners' properties in the Warm Beach area of unincorporated Snohomish County; and

**WHEREAS,** on August 18, 2021, the Snohomish County Council adopted Ordinance No. 21-036 relating to the vacation of a portion of an unopened Snohomish County right-of-way for 99<sup>th</sup> Avenue NW; and

**WHEREAS,** Brown is the owner of Snohomish County Tax Parcel No. 00394401100300 which is bisected by a portion of the unopened Snohomish County right-of-way vacated by Ordinance No. 21-036; and

**WHEREAS,** the Brown parcel is described as: Section 13 Township 31 Range 3 Quarter SE C. D. HILLMAN'S BIRMINGHAM WF ADD TO COE DIV 1 BLK 011 D-00 COMB FOR TAX PURPOSES ONLY LOTS 3 THRU 5 TGW LOTS 46 THRU 49 BLK 12; and

Page 1 of 3

**COVENANT AND AGREEMENT RELATED TO THE VACATION OF A PORTION OF  
99<sup>th</sup> AVENUE NW, AN UNOPENED SNOHOMISH COUNTY RIGHT-OF-WAY**

**WHEREAS**, Snohomish County Tax Parcel No. 00394401100300 is composed of seven historic, substandard lots and; and

**WHEREAS**, lots 3 through 5 of Block 11 of C.D. Hillman's Birmingham Waterfront Addition (the "Western Portion") and lots 46 through 49 of Block 12 of C.D. Hillman's Birmingham Waterfront Addition (the "Eastern Portion") are separated by a portion of 99<sup>th</sup> Avenue NW vacated by Ordinance No. 21-036; and

**WHEREAS**, Ordinance No. 21-036 included a condition that the Buses grant and record with the Snohomish County Auditor an access easement benefitting the Eastern Portion of Brown's property; and

**WHEREAS**, Brown has informed Snohomish County Department of Public Works that he no longer needs the access easement as required by Ordinance No. 21-036; and

**WHEREAS**, Snohomish County wishes to avoid the possibility of the Eastern Portion ever becoming a landlocked parcel without adequate vehicular access; and

**WHEREAS**, in consideration of the County amending Ordinance No. 21-036 to remove the condition that the Buses grant Brown an access easement Brown executes and records this Covenant and Agreement;

**NOW THEREFORE**, Greg Brown, a private individual owning real property in unincorporated Snohomish County covenants and agrees as follows:

Greg Brown owns real property described as: Section 13 Township 31 Range 3 Quarter SE C. D. HILLMAN'S BIRMINGHAM WF ADD TO COE DIV 1 BLK 011 D-00 COMB FOR TAX PURPOSES ONLY LOTS 3 THRU 5 TGW LOTS 46 THRU 49 BLK 12.

Brown's real property identified by Snohomish County Tax Parcel No. 00394401100300 is depicted in Exhibit A, attached and incorporated into this covenant and agreement.

For the purposes of this Covenant and Agreement, Section 13 Township 31 Range 3 Quarter SE C. D. HILLMAN'S BIRMINGHAM WF ADD TO COE DIV 1 BLK 011 D-00 LOTS 3 THRU 5 shall be known as the Western Portion and Section 13 Township 31 Range 3 Quarter SE C. D. HILLMAN'S BIRMINGHAM WF ADD TO COE DIV 1 BLK 12 LOTS 46 THRU 49 shall be known as the Eastern Portion.

Greg Brown covenants and agrees that should any or all of the Western Portion or any or all of the Eastern Portion be sold, transferred, conveyed, or otherwise disposed of independently of the other portion that Brown, or his successors or assigns, shall provide an access easement benefitting the Eastern Portion and burdening the Western Portion in sufficient in width and location to satisfy applicable Snohomish County Code access requirements as adopted at the time of the sale, transfer, conveyance, or other disposal of the property.

This covenant is intended to be a running covenant, burdening the parties' successors and assigns.

///

///

///

I, Greg Brown, accept this COVENANT AND AGREEMENT ASSOCIATED WITH THE VACATION OF A PORTION OF 99<sup>th</sup> AVENUE NW, AN UNOPENED SNOHOMISH COUNTY RIGHT-OF-WAY.

Greg Brown  
Greg Brown  
Property Owner  
18907 Soundview Drive NW  
Stanwood, WA 98292-7893

STATE OF WASHINGTON     )  
  )  
COUNTY OF Snohomish     )

On this day, personally appeared before me Greg Brown, to me known to be the individual described herein and who executed the within and foregoing instrument and acknowledged to me that he (he/she) signed the same as himself (himself/herself) a free and voluntary act and deed for the uses and purposes therein mentioned.  
GIVEN under my hand and official seal this 3 day of February, 2023.

Diana L Mix  
Notary  
Residing at Snohomish County

