

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 28th Dr SE Road Establishment*
8
9

10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington
12

13 ORDINANCE NO. 23-079
14

15 AN ORDINANCE APPROVING AND ACCEPTING A STATUTORY WARRANTY
16 DEED AND ESTABLISHING 28th DR SE AS A NEW COUNTY ROAD
17

18 WHEREAS, under Revised Code of Washington (RCW) chapters 36.75 and
19 36.81 RCW, Snohomish County (the “County”) has the authority to acquire County
20 right-of-way and to establish roads for public purposes by purchase, gift or
21 condemnation; and
22

23 WHEREAS, under Snohomish County Code (SCC) section 13.90.010, road
24 establishment procedures may be initiated at the request of the Snohomish County
25 Council (“County Council”), independently by the Snohomish County Engineer
26 (“County Engineer”) when it is determined that the criteria for road establishment exist,
27 or in response to a freeholder’s petition; and
28

29 WHEREAS, on June 15, 2020, Grannis Road LLC, (“Owner”) submitted a
30 development application known as Grannis Crossing SFDU to Snohomish County
31 Department of Planning and Development Services (“PDS”); and
32

33 WHEREAS, as a condition of development approval, the County Engineer is
34 requiring the construction and establishment of 28th Dr SE as new public road; and
35

36 WHEREAS, on July 21, 2021, the Owner, under SCC 13.90 010, petitioned the
37 Snohomish County Department of Public Works (“DPW”) for the establishment of 28th
38 Dr SE; and
39

40 WHEREAS, on October 8, 2021, the Owner conveyed proposed Grannis
41 Crossing SFDU to SSHI LLC doing business as D. R Horton (“Developer”) via
42 Statutory Warranty Deed recorded under Auditor’s File Number (AFN) 202110080641;
43 and
44

45 WHEREAS, on August 2, 2023, under RCW 36.81.050 and SCC 13.90.040, the
46 County Engineer prepared a report determining that the establishment of 28th Dr SE is
47 necessary, practicable and will benefit the public; and
48

1 WHEREAS, a properly executed statutory warranty deed has been provided
2 conveying sufficient right-of-way to ensure that County road standards can be met; and
3

4 WHEREAS, a properly filed record of survey depicting the right-of-way limits
5 and road alignment has been recorded under Snohomish County Auditor's File
6 Number 202305085001; and
7

8 WHEREAS, the County Engineer has determined that the road construction
9 plans depicting all required improvements to occur within the new right-of-way comply
10 with the County's Engineering Design and Development Standards (EDDS); and
11

12 WHEREAS, under SCC 13.90.020, a properly executed project guarantee
13 improvement bond to ensure proper performance of road improvements constructed in
14 conjunction with the establishment process was obtained and submitted to PDS; and
15

16 WHEREAS, the Council has considered the County Engineer's Report
17 recommending that the statutory warranty deed be accepted, and the establishment of
18 28th Dr SE be granted; and
19

20 WHEREAS, there will be no public expenditures for the construction of 28th Dr
21 SE; and
22

23 WHEREAS, the County Council declares its intention for establishing the
24 County road as described herein;
25

26 NOW, THEREFORE, BE IT ORDAINED:
27

28 **Section 1.** The foregoing recitals are incorporated herein as findings as though
29 fully set forth.
30

31 **Section 2.** The County Council finds that the Developer is the fee owner and
32 intends to deed the real property described in Section 3 for the use of the public in
33 perpetuity. The County Council further finds that a properly executed statutory warranty
34 deed has been submitted to accomplish the same, a copy of which is attached hereto
35 with exhibits and incorporated by reference.
36

37 **Section 3.** The following legally described property is hereby established as
38 County road right-of-way subject to the full County authority and discretion and the
39 conditions in Subsection 7:
40

41 All that portion as shown on Record of Survey Auditor's File Number
42 202305085001, identified as area for road establishment.
43

44 **Section 4.** Construction of 28th Dr SE to the County's EDDS shall be by the
45 Developer at its own expense. In accordance with Title 13 SCC, upon acceptance of
46 the construction of 28th Dr SE by the County, a two-year maintenance security shall be
47 provided by the Developer.
48

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

STATUTORY WARRANTY DEED

In the matter of re: 28th Dr SE Road Establishment

Reference Number: PFN 20108704
Grantor: SSHI LLC, a Delaware limited liability company d/b/a D.R Horton
Grantee: Snohomish County, a political subdivision of the State of Washington
Abbreviated Legal Description: Ptn Lot 1 SP (12-76) recorded under FN 7703290238
Section 17 Township 27 Range 05, Snohomish County,
Washington

Add'l on Page _____

Assessor's Tax Parcel ID Number(s): Ptn 27051700404900, 27051700406400

The Grantor (s) SSHI LLC, a Delaware limited liability company, d/b/a D.R Horton, for and in consideration of the mutual benefits to be derived, does hereby convey, and warrant to the **Snohomish County, a political subdivision of the State of Washington**, Grantee, fee simple title, in and to the following described real estate and any after acquired interest therein, situated in Snohomish County, in the State of Washington:

*All that portion as shown on Record of Survey Auditor's File Number
202305095001, identified as area for road establishment*

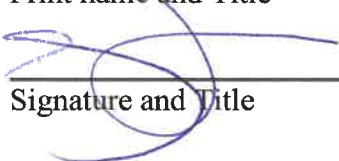
It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon Snohomish County, a political subdivision of the State of Washington unless and until accepted and approved in writing by the Snohomish County Director of Public Works or County Engineer.

The covenants shall run with the land and bond the Grantor and Grantor's heirs.

Dated this 2nd day of June 2023.

Grantor:
SSHI LLC, a Delaware limited liability company
d/b/a D.R. Horton

Ashley M. Johnson – Vice President
Print name and Title

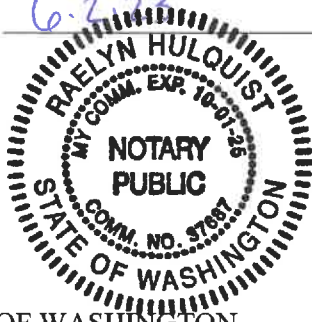


Signature and Title

STATE OF WASHINGTON)
 : §
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Ashley M Johnson
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 Vice President
of SSH LLC dba PR Horton
to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED 6.2.23



Notary Signature Raelyn Hulquist
Print name Raelyn Hulquist
Notary Public in and for the State of Washington,
Residing at Everett
My commission expires 10.01.2025

STATE OF WASHINGTON)
 : §
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that _____
is the person who appeared before me and said person acknowledged that he/she signed this instrument
and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in
the instrument.

DATED _____

Notary Signature _____
Print name _____
Notary Public in and for the State of Washington,
Residing at _____
My commission expires _____

STATUTORY WARRANTY DEED

TO
THE COUNTY OF SNOHOMISH COUNTY

Dated

_____ 20____

FILE FOR RECORD AT REQUEST OF
Department of Public Works

SNOHOMISH COUNTY PUBLIC WORKS
TRANSPORTATION & ENVIRONMENTAL
SERVICES

DOUGLAS W. McCORMICK, P.E.
SNOHOMISH COUNTY ENGINEER

Real Property Administrator
Checked by
