

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: *188<sup>th</sup> 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 188<sup>th</sup> 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 188<sup>th</sup> 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 188<sup>th</sup> 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 April 1, 2021, 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 188<sup>th</sup>  
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  
40 188<sup>th</sup> 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 188<sup>th</sup> Place NW be established as a  
45 County road; and

1           WHEREAS, the County Council declares its intention for establishing 188<sup>th</sup>  
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 188<sup>th</sup> 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 5<sup>th</sup> day of May, 2021.

10  
11 SNOHOMISH COUNTY COUNCIL  
12 Snohomish County, Washington

13 *Stephanie Wright*  
14 \_\_\_\_\_  
15 Stephanie Wright, Council Chair  
16  
17  
18  
19

20 ATTEST:

21 *Melua Ras*  
22 \_\_\_\_\_  
23 Assistant Clerk of the Council  
24

25  APPROVED  
26  EMERGENCY  
27  VETOED

28 Date: 5/10/2021

29  
30 *[Signature]*  
31 \_\_\_\_\_  
32 County Executive  
33  
34

35 ATTEST:

36 *Melissa Geraghty*  
37 \_\_\_\_\_  
38 APPROVED AS TO FORM:

39  
40 *[Signature]* 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 5<sup>th</sup> day of February 2021.

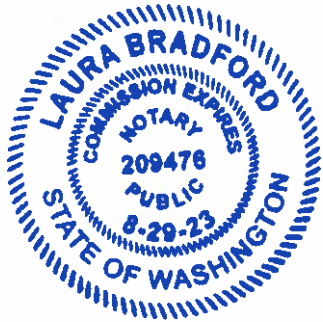
LAKE MARTHA DEVELOPMENT, LLC.

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

STATE OF WASHINGTON,

COUNTY OF Snohomish ) SS.

On this 5<sup>th</sup> 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 \_\_\_\_\_

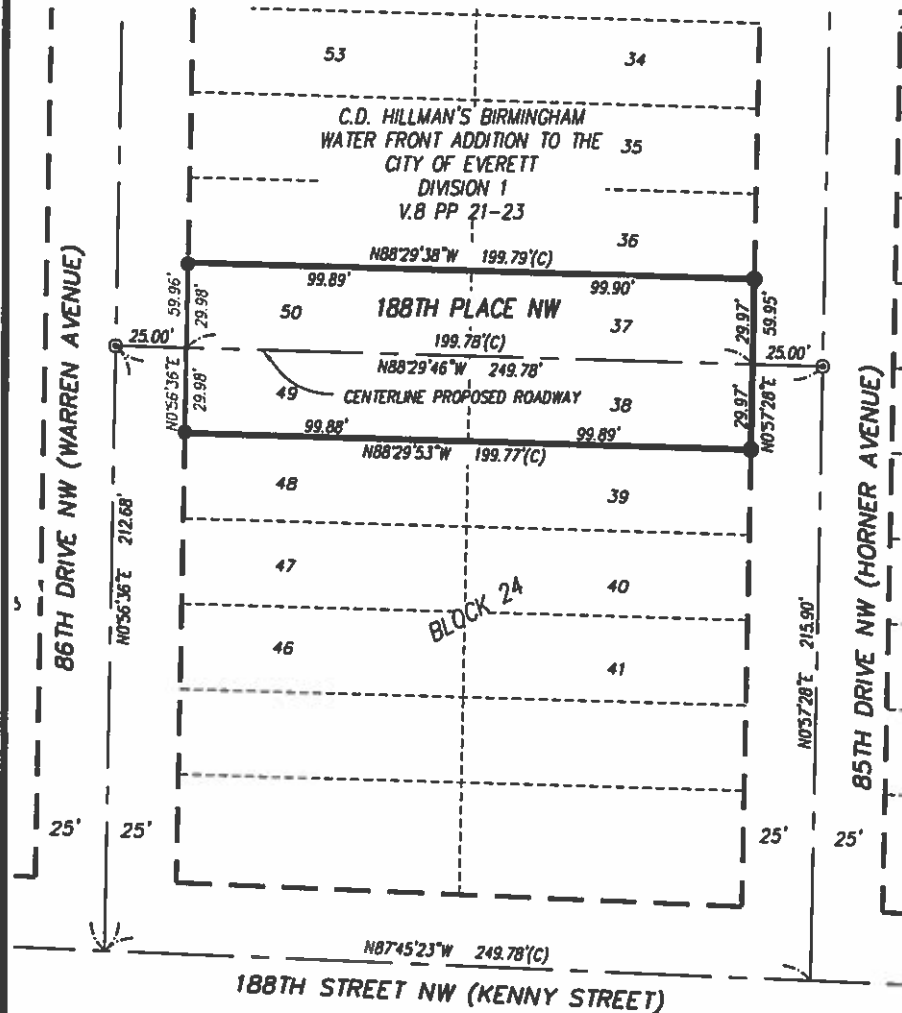
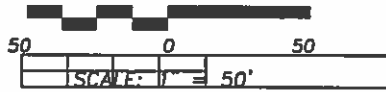
**EXHIBIT A**

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