

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

202004240761  
**ORDINANCE Rec: \$107.50**  
4/24/2020 3:32 PM 5 PG  
SNOHOMISH COUNTY, WA

In the matter of:

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 19-079

AN ORDINANCE ACCEPTING STATUTORY WARRANTY DEED AND  
ESTABLISHING 141<sup>st</sup> PLACE SW and 12<sup>th</sup> PLACE W AS NEW COUNTY ROADS

WHEREAS, under chapter 36.75 RCW and chapter 36.81 RCW, Snohomish County (the "County") has the authority to acquire County rights-of-way and to establish roads for public purposes by purchase, gift or condemnation; and

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

WHEREAS, under RCW 58.17.110, the County may also condition subdivision approval on an applicant dedicating real property for roads that will provide access to proposed lots within the subdivision; and

WHEREAS, under SCC 30.41A.630, all public roads shown on a final plat intended for public use shall be deeded or offered for dedication for public use by the applicant; and

WHEREAS, on August 24, 2017, Prospect Development LLC submitted a request for an approval of Administrative Site Plan for 44 Single Family Dwelling Unit development ("Lake Stickney Parkway SFDU") to the Department of Planning and Development Services (PDS); and

WHEREAS, on April 22, 2018, PDS approved the Administrative Site Plan for Lake Stickney Parkway SFDU; and

WHEREAS, the establishment of a County road for access to Lake Stickney Parkway SFDU is a condition of occupancy and final building approval for Lake Stickney Parkway SFDU; and

WHEREAS, the Department of Public Works (DPW) and PDS have determined the establishment of 141<sup>st</sup> Place SW and 12<sup>th</sup> Place W for access to Lake Stickney Parkway SFDU to be a public necessity, to be practicable, and will benefit the public; and

WHEREAS, on October 7, 2019, under RCW 36.81.050 and SCC 13.90.040 the County Engineer prepared a report investigating whether the establishment of the County roads are necessary and practicable and will benefit the public; and

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

WHEREAS, a record of survey depicting the right-of-way limits and road alignment has been recorded under Snohomish County Auditor's File Number 201907165004

WHEREAS, a properly executed statutory warranty deed has been provided conveying sufficient rights-of-way to the County to ensure that County road standards for the proposed roads can be met; and

WHEREAS, DPW has reviewed the statutory warranty deed and determined that it conveys sufficient right-of-way to the County to support the establishment of 141<sup>st</sup> Place SW and 12<sup>th</sup> Place W as County roads; and

WHEREAS, the County Council has considered the Engineer's Report recommending that the statutory warranty deed be accepted and the establishment of the roads be granted; and

WHEREAS, there will be no public expenditures for the construction of 141<sup>st</sup> Place SW and 12<sup>th</sup> Place W, and

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

WHEREAS, the County Council declares its intention for establishing the County roads as described herein;

NOW, THEREFORE, BE IT ORDAINED:

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

**Section 2.** The County Council finds that the fee owner, RMH LLC intends to deed the property described in Section 6 to the public in perpetuity for use as County roads. The County Council further finds that a properly executed statutory warranty deed has been submitted to accomplish the same, a copy of which is attached hereto with exhibits and incorporated by reference.

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

**Section 4.** RMH LLC constructed the road to County design standards and specifications at its own expense. As required by SCC 13.10.108, RMH LLC shall post a two-year maintenance security upon acceptance of the road by the County.

**Section 5.** The Council finds the road rights-of-way are public necessities, are practicable, and that the public will be benefitted by the establishment of 141<sup>st</sup> Place SW and 12<sup>th</sup> Place W as County roads.

**Section 6.** The following legally described property is hereby established as County road rights-of-way subject to the full County authority and discretion:

That portion of Unit 1 of Lake Stickney Parkway Master Condominium as recorded under AFN 201805035001, records of Snohomish County, Washington, lying within the northeast quarter of the southeast quarter of Section 35, Township 28 North, Range 4 East, W.M. more particularly described as follows:

A 51.00 foot strip of land being 25.50 feet on both sides of the following described centerline:

Commencing at the east quarter corner of said Section 35; thence north 87°55'06" west 95.56 feet to the point of true beginning; Thence south 0°50'12" west, 152.68 feet to the beginning of a curve to the right whose radius is 165.00 feet; thence along said curve through a central angle of 54°28'26" an arc distance of 156.87 feet; thence south 55°18'39" west, 404.74 feet to the beginning of a curve to the left whose radius is 165.00 feet; thence southwesterly along said curve through a central angle of 12°00'55" an arc distance of 34.60 feet to a point of tangency; thence south 43°17'43" west a distance of 20.43 feet more or less to the northerly margin of Madison Way and the terminus of said centerline; The boundaries of said portion shall be lengthened or shortened to terminate on the boundaries herein described;

Together with that portion more particularly described as follows;  
Commencing at the southwest corner of previously described 51 foot strip of land;

Thence north 43°17'43" east a distance 21.25 feet to a non-tangent 20.00 foot radius curve whose radius bears north 38°05'05" west; thence along said curve a distance of 29.22 through a central angle of 83°41'41" to a non-tangent 394.30 foot radius curve whose radius bears south 36°59'25" west; thence along said curve a distance of 17.87 feet through a central angle of 2°35'50" to the true point of beginning;

Together with that portion of said lot 5 more particularly described as follows;

Commencing at the southeast corner of previously described 51.00 foot strip of land;

Thence north 43°17'43" east a distance of 21.25 feet to a non-tangent 20.00 foot radius curve whose radius bears south 38°21'49" east; Thence along said curve a distance of 29.22 through a central angle of 83°41'41" to a non-tangent 394.30 foot radius curve whose radius bears south 49°36'02" west; thence along said curve a distance of 17.87 feet through a central angle of 2°35'50" to the true point of beginning.

Situate in the Snohomish County, Washington.

Said parcel having an area of 4,015 sq. f. or 0.92 acres

**Section 7.** Establishment of County road rights-of-way described in Section 6 shall not be effective until: (1) DPW files a certification with the Clerk of the Council stating that all administrative and advertising costs as identified in the Engineer's Report are paid; and (2) DPW has inspected and accepted final construction of the road.

PASSED this 8<sup>th</sup> day of January, 2020.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
Council Chair

ATTEST:

*Melanie Rao*

Assistant Clerk of the Council

APPROVED

EMERGENCY

VETOED

Date: 1/9/2020

*[Signature]*

County Executive

ATTEST:

*Melissa Grogan*

APPROVED AS TO FORM:

*[Signature]* 9/24/19

Deputy Prosecuting Attorney