

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 14, 2015

AGENDA ITEM: Final plat approval for the Emberly subdivision (ZA05-126627SD), located at 4613 116 th Street NE, and associated deeds for right-of-way dedication.	AGENDA SECTION: New business	
PREPARED BY: Angela Gemmer, Associate Planner	APPROVED BY:	
ATTACHMENTS: 1. Sno. Co. Hearing Examiner’s Decision dated 6/14/06 2. Vicinity map 3. Legal description 4. Final plat checklist 5. Final plat map 6. Deed and Dedication for Public Right-of-Way <ul style="list-style-type: none"> · Powers, James E. and Phyllis G. · Fissori, Kevin W. and Mary E. · Maleta, Vasile and Lynn A. · Harwood, Kenneth R. and Linda A. · McGhee, Donald Lee Jr. 	MAYOR	CAO

DESCRIPTION:

The Snohomish County Hearing Examiner granted preliminary subdivision approval for a 19-lot subdivision known as “Emberly” on June 14, 2006. This plat was annexed into the City on November 1, 2005 and is located north of 116th Street NE along 47th Avenue NE with an original site address of 4613 116th Street NE.

As a condition of final plat approval, 47th Avenue NE is required to be deeded and dedicated to the City as public right-of-way. The portion of 47th Avenue NE that is within the plat boundaries will be deeded and dedicated via approval and recording of the plat map. A portion of 47th Avenue was constructed over an ingress and egress easement located on four single family lots which are not within the plat boundaries; therefore, separate instruments for deed and dedication of public right-of-way have been prepared and executed, and are included for City Council approval. The applicant has met all plat conditions of approval.

RECOMMENDED ACTION:

Staff recommends that the City Council approve and authorize the Mayor to sign the final plat of Emberly along with the associated right-of-way Deeds.

COUNCIL ACTION:



BEFORE THE

Hearing Examiner's Office

Email: Hearing.Examiner@co.snohomish.wa.us

SNOHOMISH COUNTY HEARING EXAMINER

Robert J. Backstein
Hearing Examiner

DECISION of the DEPUTY HEARING EXAMINER

Ed Good
Deputy Hearing Examiner

M/S 405

3000 Rockefeller Ave.
Everett, WA 98201

(425) 388-3538

FAX (425) 388-3201

In the Matter of the Application of)
)
EMBERLY, LLC)
)
Rezone from R-9,600 to R-8,400 and a 19-lot)
subdivision on 4.8 acres)

FILE NO. 05 126627

DATE OF DECISION: June 14, 2006

PLAT/PROJECT NAME: *Emberly*

DECISION (SUMMARY): The proposed rezone from the current R-9,600 to R-8,400 and the 19-lot subdivision are **CONDITIONALLY APPROVED**.

BASIC INFORMATION

GENERAL LOCATION: This project is located at 4613 116th Street NE, Marysville, Washington.

ACREAGE: 4.78

NUMBER OF LOTS: 19

DENSITY: 4.0 du/ac (gross)
5.1 du/ac (net)

ZONING: CURRENT: R-9,600
PROPOSED: R-8,400

COMPREHENSIVE PLAN DESIGNATION:

General Policy Plan Designation: Urban Low Density Residential (4-6 du/ac)
Subarea Plan: Marysville
Subarea Plan Designation: Suburban (1-4 du/ac)

UTILITIES:

Water/Sewer: City of Marysville

SCHOOL DISTRICT: Marysville No. 25

FIRE DISTRICT: No. 12

SELECTED AGENCY RECOMMENDATIONS:

Department of:

Planning and Development Services (PDS): Approval subject to conditions

Public Works (DPW): Approval subject to conditions

INTRODUCTION

The applicant filed the Master Application on October 27, 2005. (Exhibit 1)

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the county code. (Exhibits 16, 17 and 18)

A SEPA determination was made on April 12, 2006. (Exhibit 15) No appeal was filed.

The Examiner held an open record hearing on May 31, 2006, the 69th day of the 120-day decision making period. Witnesses were sworn, testimony was presented and exhibits were entered at the hearing.

PUBLIC HEARING

The public hearing commenced on May 31, 2006 at 9:04 a.m.

1. The Examiner indicated that he has read the PDS staff report, reviewed the file and viewed the area and therefore had a general idea of the particular request involved.
2. The applicant, Emberly, LLC, was represented by Marty Robinett of Robinett Development. Snohomish County was represented by Bob Pemberson of the Department of Planning and Development Services and by Ann Goetz of the Department of Public Works. A contested issue concerns whether specific sidewalk segments must be provided by this applicant in order to meet the requirements of RCW 58.17 for safe walking by students to and from school.
3. No member of the general public participated by documentary evidence or by testimony.

The hearing concluded at 9:48 a.m.

NOTE: For a complete record, an electronic recording of this hearing is available in the Office of the Hearing Examiner.

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS OF FACT

Based on all of the evidence of record, the following findings of fact are entered.

1. The master list of exhibits and witnesses which is a part of this file and which exhibits were considered by the Examiner is hereby made a part of this file as if set forth in full herein.
2. The PDS staff report has correctly analyzed the nature of the application, the issues of concern, the application's consistency with adopted codes and policies and land use regulations, and the State Environmental Policy Act (SEPA). That report is hereby adopted by the Examiner as if set forth in full herein unless otherwise stated below.
- 3-A. The only contested issue in this record is whether the applicant should be required, as recommended by the staff report to the Examiner, to (A) construct an offsite segment of a walkway to the intersection of 116th Street NE and 46th Avenue NE, which is the nearest Marysville School District bus stop location serving middle school and high school students and (B) to Marshall Elementary School at 4407-116th Street NE. Those walkways would require construction along the east side of 47th Avenue NE and the north side of 116th Street NE.
- 3-B. The applicant protests the requirement for the walkways described in Finding 3-A above, primarily on grounds that the applicant would have to acquire an easement from the owner of a parcel identified on the plat map as Parcel 1-024 in order to complete the sidewalk. The applicant argues that past Hearing Examiner decisions in Snohomish County have not made a proponent hostage to the purchase of such easement. Consequently, the applicant drafted revised language (Exhibit 30) for the staff's recommended condition, which revision would leave the sidewalk requirement "...to the satisfaction of the Marysville School district." That School District's response of November 9, 2005 (Exhibit 24) to a request for review of the subject plat reads, in part: "Provide a safe walking route to Marshall Elementary."
- 3-C. Testimony by Ann Goetz of Snohomish County's Department of Public Works establishes that, absent the contested sidewalk segments, school students would have to cross 116th Street NE, walk a short distance, then cross again, in order to remain on approved sidewalks whether proceeding to the north or to the south, and do that twice daily. In summary, without the recommended sidewalk, a student who resides in the proposed plat walking to and from Marshall Elementary School, for example, would have to walk across 116th Street NE four times each day.
4. The project would comply with park mitigation requirements under Chapter 30.66A SCC (Title 26A SCC) by the payment of \$48.82 for each new single-family home.
5. The DPW reviewed the request with regard to traffic mitigation and road design standards. This review covered Title 13 SCC and Chapter 30.66B SCC (Title 26B SCC) as to road system capacity, concurrency, inadequate road conditions, frontage improvements, access and circulation, and dedication/deeding of right-of-way, state highway impacts, impacts on other streets and roads, and Transportation Demand Management. As a result of this review, the DPW has determined that the development is concurrent and has no objection to the requests subject to various conditions.

6. School mitigation requirements under Chapter 30.66C SCC (Title 26C SCC) have been reviewed and set forth in the conditions.
7. No streams, wetlands, steep slopes or other areas meeting Snohomish County definition of a critical area is known to exist on site.
8. The PDS Engineering Division has reviewed the concept of the proposed grading and drainage and recommends approval of the project subject to conditions, which would be imposed during full detailed drainage plan review pursuant to Chapter 30.63A SCC (Title 24 SCC).
9. The Snohomish County Health District has no objection to this proposal provided that public water and sewer are furnished.
10. Public water and sewer service will be furnished by the City of Marysville.
11. The property is designated Urban Low Density Residential (ULDR 4-6 du/ac) on the General Policy Plan (GPP) Future Land Use Map (FLUM) and is located within an Urban Growth Area (UGA). Land in this category may be developed at a density of 4-6 du/ac and one of the implementing zones is the R-8,400 zone which is the case here.
12. Chapter 30.42A covers rezoning requests and applies to site-specific rezone proposals that conform to the Comprehensive Plan. The decision criteria under SCC 30.42A.100 provides as follows:

The hearing examiner may approve a rezone only when all the following criteria are met:

- (1) the proposal is consistent with the comprehensive plan;
- (2) The proposal bears a substantial relationship to the public health, safety, and welfare;
- and
- (3) Where applicable, minimum zoning criteria found in Chapters 30.31A through 30.31F SCC are met.

It is the finding of the Examiner that the request meets these requirements generally and should be approved.

13. The request is consistent with Section 30.70.100 SCC (Section 32.50.100 SCC), which requires, pursuant to RCW 36.70B.040, that all project permit applications be consistent with the GMACP, and GMA-based county codes.
14. Any finding of fact in this decision which should be deemed a conclusion is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Examiner having fully reviewed the PDS staff report, hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, policies, principles, conditions and their effect upon the request. It is therefore hereby adopted by the Examiner as a conclusion as if set forth in full herein, in order to avoid needless repetition. There are no changes to the recommendations of the staff report.

2. Specifically, there is no amendment by the Examiner of the staff's recommended Condition D. The amendment urged by the applicant's Exhibit 30 to eliminate specified sidewalk construction is not an amendment supported by the evidence of record. Further, although School District recommendations on such issues warrant substantial weight, RCW 58.17 does not authorize a County Council (or its delegate, the Hearing Examiner) to defer conditions of plat approval to a School District. The applicant knew or had reason to know at the time of purchase of the subject site that an easement would be needed in order to meet sidewalk requirements for students.
3. The Department of Public Works recommends that the request be approved as to traffic use subject to certain conditions.
4. The request is consistent with the (1) GMACP, GMA-based County codes, (2) the type and character of land use permitted on the site, (3) the permitted density, and(4) the applicable design and development standards.
5. The request is for a rezone and therefore must comply with Chapter 30.42A. This is a site specific rezone that conforms to the Comprehensive Plan and since no evidence was submitted contrary to the requirements of Chapter 30.42A, the application is presumed to meet those requirements.
6. The request should be approved subject to compliance by the applicant with the following preconditions and conditions:

CONDITIONS

- A. The preliminary plat received by the Department of Planning and Development Services on March 23, 2006 (Exhibit 10A) shall be the approved plat configuration. Changes to the approved plat are governed by SCC 30.41A.330.
- B. Prior to initiation of any further site work; and/or prior to issuance of any development/construction permits by the county:
 - i. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition A, above.
- C. The following additional restrictions and/or items shall be indicated on the face of the final plat:
 - i. "The lots within this subdivision will be subject to school impact mitigation fees for the Marysville School District No. 25 to be determined by the certified amount within the Base Fee Schedule in effect at the time of building permit application, and to be collected prior to building permit issuance, in accordance with the provisions of SCC 30.66C.010. Credit shall be given for one existing parcel. Lot 1 shall receive credit."
 - ii. Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each single-family residential building permit:
 - iii.
 - \$1,863.76 per lot for mitigation of impacts on county roads paid to the County,
 - \$2,020.00 lot for mitigation of impacts on the City of Marysville streets paid to the City,
 - \$209.68 per lot for mitigation of impacts on the City of Arlington streets paid to the City.

The developer of this subdivision has elected to defer these payment obligations to a time preceding building permit issuance. Notice of these mitigation payment obligations shall be contained in any deeds involving this subdivision or the lots therein. Once building permit has been issued all mitigation payments shall be deemed paid.

- iv. On lots with more than one road frontage, county Engineering Design and Development Standards (EDDS) restricts lot access to the minor road, unless the PDS-Traffic grants a formal deviation.

D. Prior to recording of the final plat:

- i. The developer shall pay the County \$48.82 per new dwelling unit as mitigation for parks and recreation impacts in accordance with Chapter 30.66A SCC; provided, however, the developer may elect to postpone payment of the mitigation requirement until issuance of a building permit for that lot. The election to postpone payment shall be noted by a covenant placed on the face of the recorded plat and included in the deed for each affected lot within the subdivision.
- ii. Urban standard frontage improvements shall be constructed along the property frontage with 116th Street NE unless bonding of improvements is allowed by PDS, in which case construction is required prior to any occupancy of the development. [SCC 30.66B.410]
- iii. Construction of an offsite walkway to the nearest bus stop location for the middle and high school students as identified by the Marysville School District (currently the intersection of 116th Street NE and 46th Avenue NE), and to Marshall Elementary School at 4407 116th Street NE, must have been completed along a legal and the most direct route in any location where none exist. This would include the east side of 47th Avenue NE, and the north side of 116th Street NE.
- iv. 47th Avenue NE shall have been constructed from 116th Street NE to the north property line of the development, to public road standards per EDDS, and deeded or dedicated as public right-of-way.

E. All development activity shall conform to the requirements of Chapter 30.63A SCC.

Nothing in this permit/approval excuses the applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project.

Preliminary plats which are approved by the county are valid for five (5) years from the date of approval and must be recorded within that time period unless an extension has been properly requested and granted pursuant to SCC 30.41A.300.

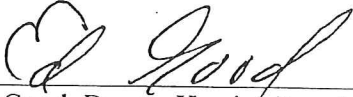
- 7. Any conclusion in this report and decision which should be deemed a finding of fact is hereby adopted as such.

DECISION

Based on the findings of fact and conclusions of law entered above, the decision of the Hearing Examiner on the application is as follows:

The requests for a rezone from Residential-9,600 to Residential-8,400 and a 19-lot subdivision are hereby **CONDITIONALLY APPROVED**, subject to the conditions set forth in Conclusion No. 6 above.

Decision issued this 14th day of June, 2006.


Ed Good, Deputy Hearing Examiner

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

The decision of the Hearing Examiner is final and conclusive with right of appeal to the County Council. However, reconsideration by the Examiner may also be sought by one or more parties of record. The following paragraphs summarize the reconsideration and appeal processes. For more information about reconsideration and appeal procedures, please see Chapter 30.72 SCC and the respective Examiner and Council Rules of Procedure.

Reconsideration

Any party of record may request reconsideration by the Examiner. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **JUNE 26, 2006**. There is no fee for filing a petition for reconsideration. **"The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing."** [SCC 30.72.065]

A petition for reconsideration does not have to be in a special form but must: contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner's attorney, if any; identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested; state the relief requested; and, where applicable, identify the specific nature of any newly discovered evidence and/or changes proposed by the applicant.

The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner's decision;
- (c) The Hearing Examiner committed an error of law;
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the record;
- (e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or
- (f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant to the provisions of SCC 30.72.065. Please include the County file number in any correspondence regarding this case.

Appeal

An appeal to the County Council may be filed by any aggrieved party of record. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the County Council shall be limited to those issues raised in the petition for reconsideration. Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before JUNE 28, 2006 and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

An appeal must contain the following items in order to be complete: a detailed statement of the grounds for appeal; a detailed statement of the facts upon which the appeal is based, including citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; written arguments in support of the appeal; the name, mailing address and daytime telephone number of each appellant, together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and the required filing fee.

The grounds for filing an appeal shall be limited to the following:

- (a) The decision exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- (c) The Hearing Examiner committed an error of law; or
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by substantial evidence in the record. [SCC 30.72.080]

Appeals will be processed and considered by the County Council pursuant to the provisions of Chapter 30.72 SCC. Please include the County file number in any correspondence regarding the case.

Staff Distribution:

Department of Planning and Development Services: Bob Pemberton
Department of Public Works: Ann Goetz

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.

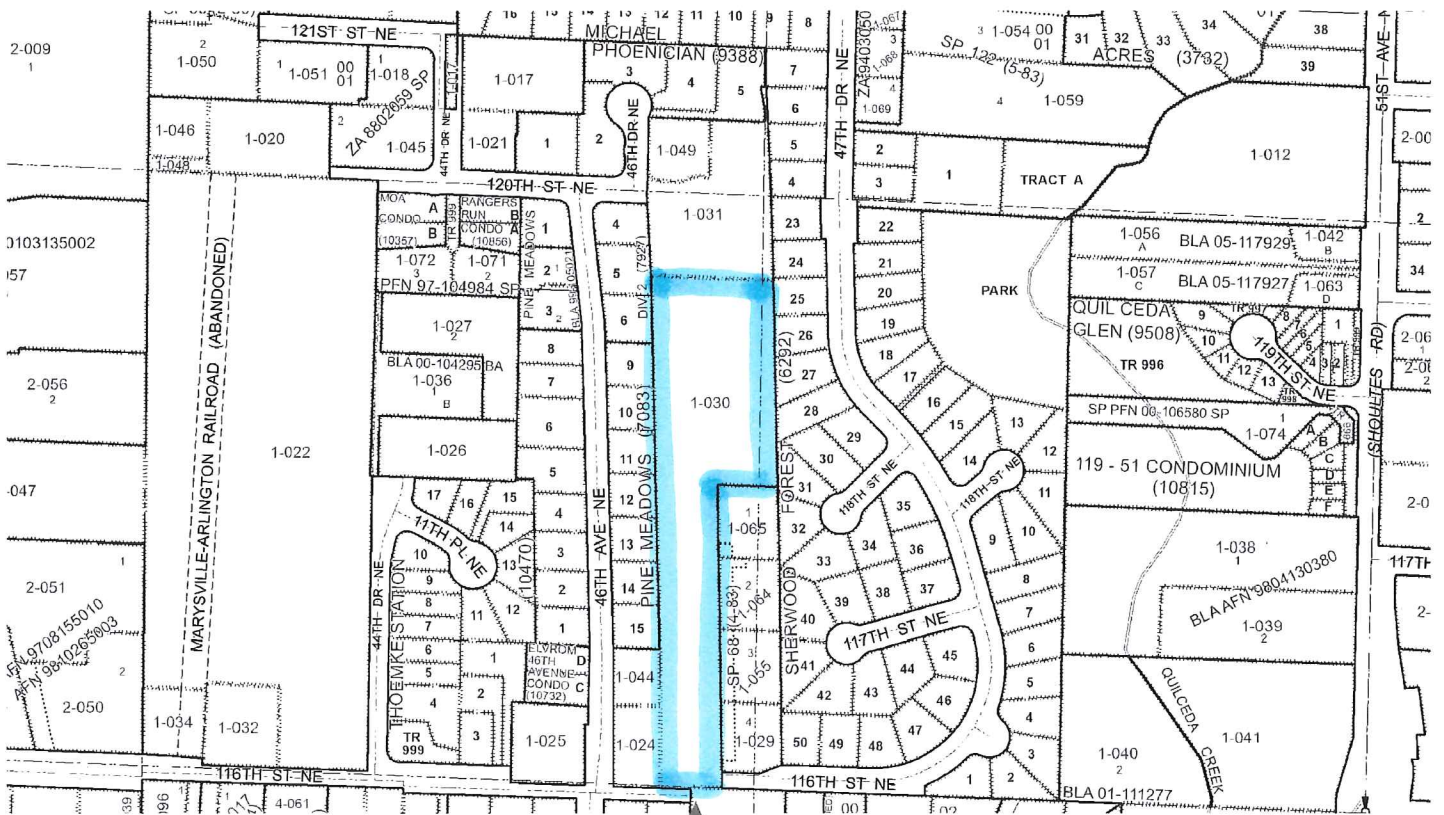


EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 300509-001-030-00

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 15, PINE MEADOWS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 42 OF PLATS, PAGE 230, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

THENCE NORTHERLY ALONG THE EAST LINE OF SAID PLAT TO THE SOUTH LINE OF THE NORTH 180 FEET OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER;

THENCE SOUTH 88°06'56" EAST 266.88 FEET TO THE WEST LINE OF THE PLAT OF SHERWOOD FOREST, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 29 OF PLATS, PAGE 59, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PLAT TO THE NORTHEAST CORNER OF TRACT CONVEYED TO EDWIN A. CARLSON BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2248538;

THENCE NORTH 89°24'08" WEST 132.03 FEET;

THENCE SOUTH 02°23'36" EAST 660.90 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER;

THENCE NORTH 89°24'28" WEST ALONG SAID SOUTH LINE TO A POINT SOUTH 1°41'43" EAST FROM THE TRUE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF TRACT CONVEYED TO EARL D. HAMILTON BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2143047;

THENCE NORTH 1°41'43" WEST ALONG THE EAST LINE OF SAID TRACT AND THE EAST LINE OF TRACT CONVEYED TO HAROLD A. MAUDE BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2143046 TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.




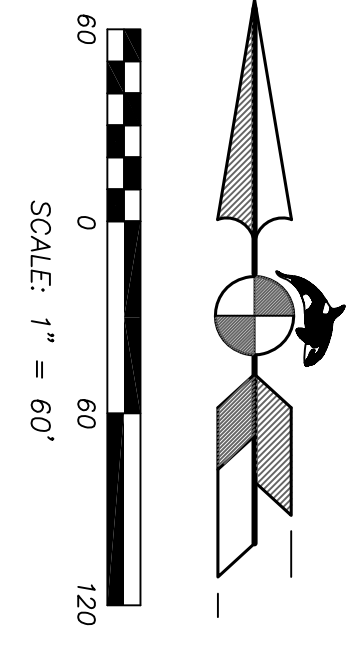
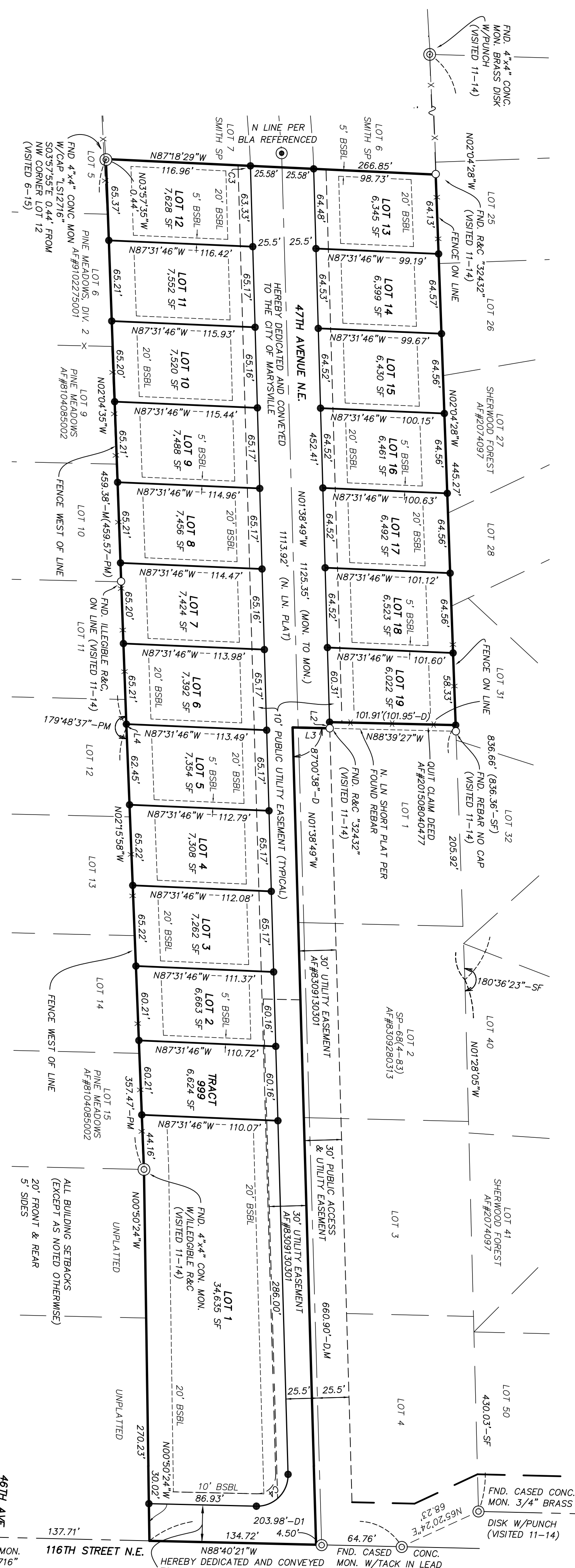
COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue, Marysville, WA 98270
 (360) 363-8100, (360) 651-5099 FAX

FINAL PLAT CHECK LIST

Plat Name:	Emberly	PA #	PA06-069
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Item	Department	Initials	Date
1. Plat Map- Checked & Approved	Land Dev.	SAS	8/14/15
	Planning	ADG	8/13/15
2. Letter of Segregation to Assessor	Planning	ADG	8/7/15
3. Water System/Sewer System			
Letter of Acceptance	Const. Insp.	SAS	8/14/15
Asbuilts – Including Digital Files	Const. Insp.	SAS	8/14/15
Bill(s) of Sale	Const. Insp.	SAS	8/14/15
Maintenance and Warranty Funding	Const. Insp.	SAS	8/17/15
4. Road/Storm Sewer			
Letter of Acceptance	Const. Insp.	SAS	8/14/15
Asbuilts – Including Digital Files	Const. Insp.	SAS	8/14/15
Bill(s) of Sale	Const. Insp.	SAS	8/14/15
Maintenance and Warranty Funding	Const. Insp.	SAS	8/17/15
5. Performance Bond – Submitted/Approved			
(If Required - Road and Storm Drain Only)	Const. Insp.	N/A	
6. Inspection Fees - Calculated and Paid	Const. Insp.	SAS	8/17/15
7. Final Plat Fee - Calculated and Paid \$2,900.00	Planning	ADG	6/11/15
8. TIP Fees: Prior to building permit issuance	Planning	ADG	

9. Parks Mitigation Fees: <i>Paid at building permit.</i>	Planning	ADG	
10. School District Mitigation Fees: <i>Paid at building permit.</i>	Planning	ADG	
11. Signage and Striping Installed	Const. Insp.	<i>SAS</i>	<i>8/14/15</i>
12. Final Grading and TESC Inspection	Const. Insp.	<i>SAS</i>	<i>8/14/15</i>
13. Satisfied Hearing Examiner's Conditions of Approval	Planning	ADG	8/17/15
14. Utility/Recovery/Main Fees	Land Dev.	<i>SAS</i>	<i>8/14/15</i>
15. <i>Landscape performance security for</i>	Planning	ADG	8/17/15
Plat Approved for Recording: <i>rain garden</i>			
Community Development Director:			
Date:			
City Engineer: 			
Date: <i>8/27/15</i>			
Note: The final plat will not be scheduled before the City Council until this checklist is complete.			



EQUIPMENT & PROCEDURES

INSTRUMENTATION: LEICA TORM1205 TOTAL STATION
 METHOD OF SURVEY: FIELD TRAVERSE OF EXISTING MONUMENTATION
 PRECISION: MEETS OR EXCEEDS W.A.C. 332-130-090 REQUIREMENTS

BASIS OF BEARING: THE MONUMENTED CENTERLINE LINE OF 116TH STREET N.E. PER PLAT OF THOMAS STATION, RECORDED UNDER AF#200604115253, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

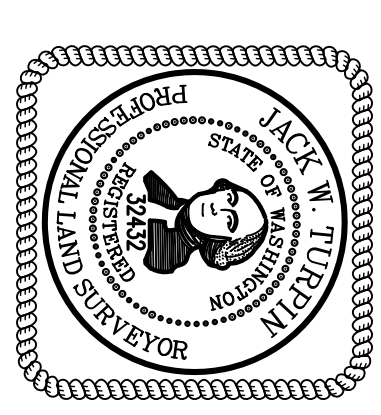
SURVEY REFERENCES:
 SF-SHERWOOD FOREST, VOL. 29, PG. 59
 PM-PINE MEADOWS DIV. 2, VOL. 51, PG. 249-250
 BOUNDARY LINE ADJUSTMENT (BLA) AF#200903255003.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C3	1.99	472.20	001°42'8"
C4	40.57	25.00	92°58'28"

LINE TABLE		
LINE	LENGTH	BEARING
L2	5.01	N01°38'49"W
L3	30.04	N88°39'27"W
L4	2.77	N02°04'35"W

LEGEND

- ⊙ SET CASED CONC. MON. W/BRASS DISK "ORCA 32432"
- SET 1/2" X 24" REBAR W/CAP "ORCA 32432"
- ⊙ EXISTING CASED CONC. MON., AS NOTED
- EXISTING REBAR OR IRON PIPE, AS NOTED
- R&C REBAR AND CAP
- D DISTANCE AND OR BEARING PER LEGAL DESCRIPTION
- M MEASURED
- D1 DISTANCE PER DEED AF#2143047
- BSBL BUILDING SETBACK LINE



EMBERLY

PFN 05 126627

IN THE SW 1/4 & THE SE 1/4 OF THE NE 1/4 OF SECTION 9, T.30N., R.5E., W.M., CITY OF MARYSVILLE, SNOHOMISH COUNTY, WASHINGTON

ORCA Land Surveying
 3605 COLBY AVENUE, EVERETT, WA 98201
 425-259-3400 FAX: 425-258-1616

JOB NO. 2014-120
 DATE: 8/12/15
 DWG AP
 SHEET 2 OF 2

44TH DR NE
 BASIS OF BEARING
 N88°40'21"W 483.88'
 FOUND CASED CONC MON (VISITED 11-14)
 FND. CASED CONC. MON. W/PLASTIC CAP "12716" (VISITED 11-14)
 137.71'
 46TH AVE. N.E.
 UNPLATTED
 UNPLATTED
 270.23'
 30.02'
 10' BSBL 86.93'
 203.98'-D1 4.50'
 134.72'
 64.76'
 N88°40'21"W
 HEREBY DEDICATED AND CONVEYED TO THE CITY OF MARYSVILLE
 FND. CASED CONC. MON. W/TACK IN LEAD (VISITED 11-14)

After Recording Return to:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

DEED AND DEDICATION FOR PUBLIC RIGHT OF WAY

Grantor: JAMES E. POWERS and PHYLLIS G. POWERS
MARY E. FISSORI and KEVIN W. FISSORI
Grantee: CITY OF MARYVILLE
Legal Description: The West 30 feet of Lot 1, Snohomish County Short Plat Sp 68 (4-83),
recorded under Auditor's File Number 8309280313 and corrected under
Auditor's File Number 9012060435, records of Snohomish County,
Washington;
Tax Parcel: Portion of 300509-001-065-00

The Grantors, JAMES E. POWERS and PHYLLIS G. POWERS, husband and wife,
and MARY E. FISSORI and KEVIN W. FISSORI, wife and husband, for and in consideration
of satisfaction of a condition of development approval, convey, warrant and dedicate to the
CITY OF MARYSVILLE, a municipal corporation of the State of Washington, the following-
described real estate, situate in the County of Snohomish, State of Washington, together with
all after-acquired title of the Grantor therein for use as a public right of way:

The West 30 feet of Lot 1, Snohomish County Short Plat Sp 68 (4-83),
recorded under Auditor's File Number 8309280313 and corrected under
Auditor's File Number 9012060435, records of Snohomish County,
Washington;

Situate in the County of Snohomish, State of Washington.

Also, the Grantor requests that the Assessor and Treasurer of Snohomish County,
Washington, segregate the taxes and the assessed valuation as between the portion of property

herein conveyed and the remainder thereof, and set over the lien of all unpaid taxes, if any, affecting the real estate herein conveyed to the portion of tax parcel 300509-001-065-00 not conveyed hereby, as provided for by RCW 84.60.070.

DATED this 24th day of August, 2015.

James E Powers
JAMES E. POWERS

Phyllis G. Powers
PHYLLIS G. POWERS

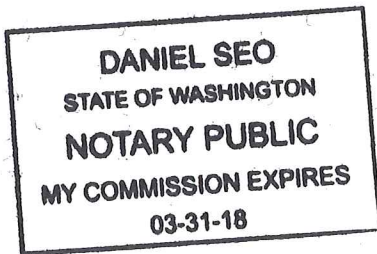
MARY E. FISSORI

KEVIN W. FISSORI

STATE OF WASHINGTON)
)ss.
COUNTY OF Snohomish)

I certify that I know or have satisfactory evidence that JAMES E. POWERS and PHYLLIS G. POWERS 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 24th day of August, 2015.



Daniel Seo

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at Marysville
My commission expires 03-31-18

After Recording Return to:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

DEED AND DEDICATION FOR PUBLIC RIGHT OF WAY

Grantor: JAMES E. POWERS and PHYLLIS G. POWERS
MARY E. FISSORI and KEVIN W. FISSORI
Grantee: CITY OF MARYVILLE
Legal Description: The West 30 feet of Lot 1, Snohomish County Short Plat Sp 68 (4-83),
recorded under Auditor's File Number 8309280313 and corrected under
Auditor's File Number 9012060435, records of Snohomish County,
Washington;
Tax Parcel: Portion of 300509-001-065-00

The Grantors, JAMES E. POWERS and PHYLLIS G. POWERS, husband and wife,
and MARY E. FISSORI and KEVIN W. FISSORI, wife and husband, for and in consideration
of satisfaction of a condition of development approval, convey, warrant and dedicate to the
CITY OF MARYSVILLE, a municipal corporation of the State of Washington, the following-
described real estate, situate in the County of Snohomish, State of Washington, together with
all after-acquired title of the Grantor therein for use as a public right of way:

The West 30 feet of Lot 1, Snohomish County Short Plat Sp 68 (4-83),
recorded under Auditor's File Number 8309280313 and corrected under
Auditor's File Number 9012060435, records of Snohomish County,
Washington;

Situate in the County of Snohomish, State of Washington.

Also, the Grantor requests that the Assessor and Treasurer of Snohomish County,
Washington, segregate the taxes and the assessed valuation as between the portion of property

herein conveyed and the remainder thereof, and set over the lien of all unpaid taxes, if any, affecting the real estate herein conveyed to the portion of tax parcel 300509-001-065-00 not conveyed hereby, as provided for by RCW 84.60.070.

DATED this 28 day of 28, August, 2015.

JAMES E. POWERS

PHYLLIS G. POWERS

Mary E Fissori

MARY E. FISSORI

Kevin W Fissori

KEVIN W. FISSORI

STATE OF WASHINGTON)
)ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that JAMES E. POWERS and PHYLLIS G. POWERS 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.

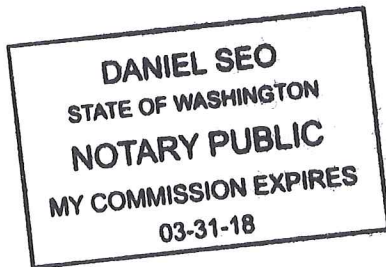
DATED this 28 day of _____, 2015.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

STATE OF WASHINGTON)
)ss.
COUNTY OF Snohomish)

I certify that I know or have satisfactory evidence that MARY E. FISSORI and KEVIN W. FISSORI 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 28th day of August, 2015.



Daniel Seo
Daniel Seo
(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at Marysville
My commission expires 03-31-18

ACCEPTED:

CITY OF MARYSVILLE

By _____

After Recording Return to:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

DEED AND DEDICATION FOR PUBLIC RIGHT OF WAY

Grantor: EMBERLY, LLC.
VASILE MALETA and LYNN A. MALETA
Grantee: CITY OF MARYSVILLE
Legal Description: The West 30 feet of Lot 2, Snohomish County Short Plat Sp 68 (4-83),
recorded under Auditor's File Number 8309280313 and corrected by
instrument recorded under Auditor's File Number 9012060435, records
of Snohomish County, Washington
Tax Parcel: Portion of 300509-001-064-00
Ref. No.: 200708140272

The Grantor, EMBERLY, LLC, a Washington Limited Liability Company, pursuant to authority granted under Construction Easement from VASILE MALETA and LYNN A. MALETA, husband and wife, to EMBERLY, LLC, dated July 10, 2007 and recorded August 14, 2007, under Snohomish County Auditor's file no. 200708140272, for and in consideration of satisfaction of a condition of development approval, conveys, warrants and dedicates to the CITY OF MARYSVILLE, a municipal corporation of the State of Washington, the following-described real estate, situate in the County of Snohomish, State of Washington, together with all after-acquired title of the Grantor therein for use as a public right of way:

The West 30 feet of Lot 2, Snohomish County Short Plat Sp 68 (4-83),
recorded under Auditor's File Number 8309280313 and corrected by
instrument recorded under Auditor's File Number 9012060435, records of
Snohomish County, Washington;

Situate in the County of Snohomish, State of Washington.

Also, the Grantor requests that the Assessor and Treasurer of Snohomish County, Washington, segregate the taxes and the assessed valuation as between the portion of property herein conveyed and the remainder thereof, and set over the lien of all unpaid taxes, if any,

affecting the real estate herein conveyed to the portion of tax parcel 300509-001-064-00 not conveyed hereby, as provided for by RCW 84.60.070.

DATED this 11th day of August, 2015.

EMBERLY, LLC

By [Signature]
 MARTIN H. ROBINETT, Manager

ACCEPTED:

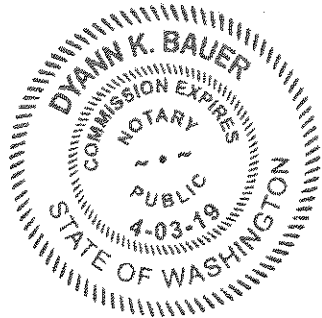
CITY OF MARYSVILLE

By _____

STATE OF WASHINGTON)
)ss.
 COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that MARTIN H. ROBINETT 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 Manager of EMBERLY, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 11th day of August, 2015.



[Signature]
Dyann K. Bauer
 (Legibly print name of notary)
 NOTARY PUBLIC in and for the State of
 Washington, residing at Arlington
 My commission expires 4-3-2019

200708140272 2 PGS
08/14/2007 10:22am \$41.00
SNOHOMISH COUNTY, WASHINGTON

NO EXCISE TAX
REQUIRED

AUG 14 2007

BOB DANTINI, Snohomish County Treasurer

By BOB DANTINI

After Recording Return to:

EMBERLY, LLC
3601 COLBY AVENUE
EVERETT, WA 98201

CONSTRUCTION EASEMENT

Grantor: MALETA, VASILE and MALETA, LYNN A.
Grantee: EMBERLY, LLC
Legal Description: Ptn NE ¼ 9-30-5 Add'l on p. 1
Tax Parcel ID#: 300509-001-064-00

FOR GOOD AND VALUABLE CONSIDERATION, the benefits derived and to be derived by the Grantor herein, and other good and valuable consideration, receipt whereof is hereby acknowledged, Grantor, VASILE MALETA and LYNN A. MALETA, husband and wife, hereby convey and quit claim unto EMBERLY, LLC, a Washington Limited Liability Company, its successors and assigns, a perpetual, nonexclusive construction easement for ingress, egress and utilities, over, under, through, upon, in and across the following-described property of said Grantor:

The West 30 feet of the following-described property:

Lot 2 of Snohomish County Short Plat No. 68(4-83), recorded under recording number 8309280313, and corrected by instrument recorded under recording number 9012060435, being a portion of the Southwest quarter of the Northeast quarter and of the Southeast quarter of the Northeast quarter of Section 9, Township 30 North, Range 5 East, W.M. in Snohomish County, Washington.

Assessor's Tax Parcel ID#: Portion of 300509-001-064-00

Grantor further conveys and grants to Grantee, and its contractors, employees, agents and assigns, the right to enter upon said easement to construct a public road to City of Marysville standards, and to install underground and overhead utilities within said easement.

Grantor further conveys and grants to Grantees the right to dedicate said easement to the City of Marysville at such time as the easement has been improved to the City of Marysville standards, subject only to acceptance of such dedication by the City of Marysville.

IN WITNESS WHEREOF, this easement is executed this 10 day of JULY, 2007.

VASILE MALETA, Grantor

LYNN A. MALETA

STATE OF WASHINGTON)

)ss.

COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that VASILE MALETA and LYNN A. MALETA 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 10 day of July, 2007.



Cindy Stach
(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at Everett
My commission expires 7/26/2010

After Recording Return to:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

DEED AND DEDICATION FOR PUBLIC RIGHT OF WAY

Grantor: EMBERLY, LLC.
KENNETH R. HARWOOD and LINDA A. HARWOOD
Grantee: CITY OF MARYSVILLE
Legal Description: The West 30 feet of Lot 3, Snohomish County Short Plat Sp 68 (4-83),
recorded under Auditor's File Number 8309280313 and corrected by
instrument recorded under Auditor's File Number 9012060435, records
of Snohomish County, Washington
Tax Parcel: Portion of 300509-001-055-00
Ref. No.: 200708140270

The Grantor, EMBERLY, LLC, a Washington Limited Liability Company, pursuant to authority granted under Construction Easement from KENNETH R. HARWOOD and LINDA A. HARWOOD, husband and wife, to EMBERLY, LLC, dated July 9, 2007 and recorded August 14, 2007, under Snohomish County Auditor's file no. 200708140270, for and in consideration of satisfaction of a condition of development approval, conveys, warrants and dedicates to the CITY OF MARYSVILLE, a municipal corporation of the State of Washington, the following-described real estate, situate in the County of Snohomish, State of Washington, together with all after-acquired title of the Grantor therein for use as a public right of way:

The West 30 feet of Lot 3, Snohomish County Short Plat Sp 68 (4-83),
recorded under Auditor's File Number 8309280313 and corrected by
instrument recorded under Auditor's File Number 9012060435, records of
Snohomish County, Washington;

Situate in the County of Snohomish, State of Washington.

Also, the Grantor requests that the Assessor and Treasurer of Snohomish County, Washington, segregate the taxes and the assessed valuation as between the portion of property herein conveyed and the remainder thereof, and set over the lien of all unpaid taxes, if any,



200708140270 2 PGS
08/14/2007 10:22am \$41.00
SNOHOMISH COUNTY, WASHINGTON

NO EXCISE TAX
REQUIRED

AUG 14 2007

BOB DANTINI, Snohomish County Treasurer

BOB DANTINI

After Recording Return to:

EMBERLY, LLC
3601 COLBY AVENUE
EVERETT, WA 98201

CONSTRUCTION EASEMENT

Grantor: HARWOOD, KENNETH R. and HARWOOD, LINDA A.
Grantee: EMBERLY, LLC
Legal Description: Ptn NE¼ 9-30-5 Add'l on p. 1
Tax Parcel ID#: 300509-001-055-00

FOR GOOD AND VALUABLE CONSIDERATION, the benefits derived and to be derived by the Grantor herein, and other good and valuable consideration, receipt whereof is hereby acknowledged, Grantor, KENNETH R. HARWOOD and LINDA A. HARWOOD, husband and wife, hereby convey and quit claim unto Grantee EMBERLY, LLC, a Washington Limited Liability Company, its successors and assigns, a perpetual, nonexclusive construction easement for ingress, egress and utilities, over, under, through, upon, in and across the following-described property of said Grantor:

The West 30 feet of the following-described property:

Lot 3 of Snohomish County Short Plat No. 68(4-83), recorded under recording number 8309280313, and corrected by instrument recorded under recording number 9012060435, being a portion of the Southwest quarter of the Northeast quarter and of the Southeast quarter of the Northeast quarter of Section 9, Township 30 North, Range 5 East, W.M. in Snohomish County, Washington.

Assessor's Tax Parcel ID#: Portion of 300509-001-055-00

Grantor further conveys and grants to Grantee, and its contractors, employees, agents and assigns, the right to enter upon said easement to construct a public road to City of Marysville standards, and to install underground and overhead utilities within said easement.

Grantor further conveys and grants to Grantee the right to dedicate said easement to the City of Marysville at such time as the easement has been improved to City of Marysville standards, subject only to acceptance of such dedication by the City of Marysville.

IN WITNESS WHEREOF, this easement is executed this 9 day of July, 2007.

Kenneth R Harwood
KENNETH R. HARWOOD, Grantor

Linda A. Harwood
LINDA A. HARWOOD

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that KENNETH R. HARWOOD and LINDA A. HARWOOD 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 9 day of July, 2007.



Cindy Stach
Cindy Stach
(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at Everett
My commission expires 7/26/2010

After Recording Return to:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

DEED AND DEDICATION FOR PUBLIC RIGHT OF WAY

Grantor: EMBERLY, LLC.
DONALD LEE McGHEE, JR.
Grantee: CITY OF MARYSVILLE
Legal Description: Ptn S½ NE¼ 9-30-5, Snohomish County, Washington Add'l on p. 1
Tax Parcel: Portion of 300509-001-029-00
Ref. No.: 200708140271

The Grantor, EMBERLY, LLC, a Washington Limited Liability Company, pursuant to authority granted under Construction Easement from DONALD LEE McGHEE, JR. to EMBERLY, LLC, dated July 10, 2007, and recorded August 14, 2007, under Snohomish County Auditor's file no. 200708140271, for and in consideration of satisfaction of a condition of development approval, conveys, warrants and dedicates to the CITY OF MARYSVILLE, a municipal corporation of the State of Washington, the following-described real estate, situate in the County of Snohomish, State of Washington, together with all after-acquired title of the Grantor therein for use as a public right of way:

The West 30 feet of Lot 4, Snohomish County Short Plat Sp 68 (4-83), recorded under Auditor's File Number 8309280313 and corrected by instrument recorded under Auditor's File Number 9012060435, records of Snohomish County, Washington; EXCEPT any portion thereof conveyed to City of Marysville by Deed and Dedication for Public Right of Way recorded under Snohomish County Auditor's file no. 201312040180.

Situate in the County of Snohomish, State of Washington.

Also, the Grantor requests that the Assessor and Treasurer of Snohomish County, Washington, segregate the taxes and the assessed valuation as between the portion of property herein conveyed and the remainder thereof, and set over the lien of all unpaid taxes, if any,

affecting the real estate herein conveyed to the portion of tax parcel 300509-001-029-00 not conveyed hereby, as provided for by RCW 84.60.070.

DATED this 11th day of August, 2015.

EMBERLY, LLC

By [Signature]
MARTIN H. ROBINETT, Manager

ACCEPTED:

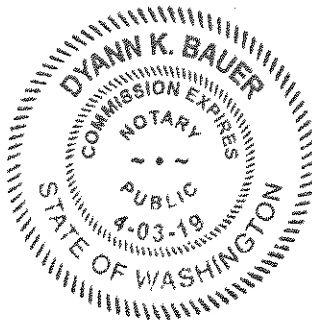
CITY OF MARYSVILLE

By _____

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that MARTIN H. ROBINETT 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 Manager of EMBERLY, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 11th day of August, 2015.



[Signature]
Dyann K. Bauer
(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at Cerleton
My commission expires 4-3-2019



200708140271 2 PGS
08/14/2007 10:22am \$41.00
SNOHOMISH COUNTY, WASHINGTON

**NO EXCISE TAX
REQUIRED**

AUG 14 2007

BOB DANTINI, Snohomish County Treasurer

By BOB DANTINI

After Recording Return to:

EMBERLY, LLC
3601 COLBY AVENUE
EVERETT, WA 98201

CONSTRUCTION EASEMENT

Grantor:	McGHEE, DONALD LEE, JR.	
Grantee:	EMBERLY, LLC	
Legal Description:	Ptn NE¼ 9-30-5	Add'l on p.1
Tax Parcel ID#:	300509-001-029-00	

FOR AND VALUABLE CONSIDERATION, the benefits derived and to be derived by the Grantor herein, and other good and valuable consideration, receipt whereof is hereby acknowledged, Grantor, DONALD LEE McGHEE, JR., a single person, hereby conveys and quit claims unto Grantee EMBERLY, LLC, a Washington Limited Liability Company, its successors and assigns, a perpetual, nonexclusive easement for ingress, egress and utilities, over, under, through, upon, in and across the following-described property of said Grantor:

The West 30 feet of the following-described property:

Lot 4 of Snohomish County Short Plat No. 68(4-83), recorded under recording number 8309280313, and corrected by instrument recorded under recording number 9012060435, being a portion of the Southwest quarter of the Northeast quarter and of the Southeast quarter of the Northeast quarter of Section 9, Township 30 North, Range 5 East, W.M. in Snohomish County, Washington.

Assessor's Tax Parcel ID#: Portion of 300509-001-029-00

Grantor further conveys and grants to Grantees, and their contractors, employees, agents and assigns, the right to enter upon said easement to construct a public road to City of Marysville standards, and to install underground and overhead utilities within said easement.

Grantor further conveys and grants to Grantee the right to dedicate said easement to the City of Marysville at such time as the easement has been improved to City of Marysville standards, subject only to acceptance of such dedication by the City of Marysville.

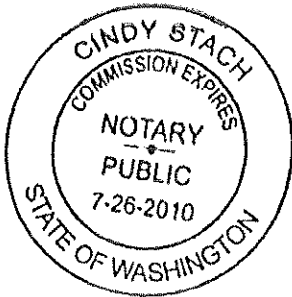
IN WITNESS WHEREOF, this easement is executed this 10 day of July, 2007.

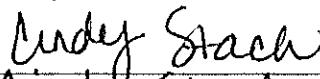

DONALD LEE MCGHEE, JR., Grantor

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that DONALD LEE MCGHEE, JR. is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 10 day of July 2007.





Cindy Stach
(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at Everett
My commission expires 7/26/2010