

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 9, 2016

AGENDA ITEM: Final Plat Approval Rock Creek North Division 2, Phase 5	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Senior Planner	APPROVED BY:	
ATTACHMENTS: 1. Hearing Examiner’s Decision dated May 26, 2005 2. Site Plan – Phase 5 3. Vicinity Map 4. Performance bond		
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

On May 26, 2005, the Snohomish County Hearing Examiner approved the preliminary plat of Rock Creek North, creating 160 lots on approximately 44.5 acres. The applicant is constructing the project in 5 phases. Phase 1 which consisted of 20 lots was constructed and recorded on July 24, 2013. Phase 2 which consists of 15 lots was constructed and recorded on February 20, 2014. Phase 3, which consists of 36 lots has been constructed and recorded on April 15, 2015.

The preliminary plat of Rock Creek North, Division 2 expires on May 25, 2016. The City of Marysville has allowed and is facilitating the timely recording of phase 5 within the plat of Rock Creek North, Division II. Phase 5 consists of 19 lots. Much of the storm drainage and sanitary sewer improvements have been completed within Phase 5. Additionally, Harbour Homes has completed all frontage improvements along 83rd Ave NE.

Harbour Homes has posted a performance bond for Phase 5 in the amount of \$1,132,841.30 for the balance of the internal work to be completed in future public right-of-way and in areas to be dedicated to the City as public improvements. The final plat notes that no building permits are available on any lot in phase 5 until all improvements have been completed and accepted by the City and the final plat.

The plat is generally located at 7227 83rd Ave NE.

RECOMMENDED ACTION: City staff recommends the City Council approve and authorize the Mayor to sign the Final Plat of Rock Creek North Division 2, Phase 5.
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COUNCIL ACTION:



Snohomish County

**DECISION of the SNOHOMISH COUNTY
DEPUTY HEARING EXAMINER**

Hearing Examiner's Office

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

Robert J. Backstein
Hearing Examiner

Ed Good
Deputy Hearing Examiner

DATE OF DECISION: May 26, 2005

PLAT/PROJECT NAME: *Rock Creek North*

M/S 405
3000 Rockefeller Ave.
Everett, WA 98201

APPLICANT/
LANDOWNER: Harbour Homes, Inc.

(425) 388-3538
FAX (425) 388-3201

FILE NO.: 04 100385

TYPE OF REQUEST: 160 lot subdivision on 44.47 acres utilizing lot size averaging

DECISION (SUMMARY): **APPROVAL** subject to precondition and conditions.

BASIC INFORMATION

GENERAL LOCATION: The property is located at 7227 83rd Avenue NE, Marysville, WA.

ACREAGE: 44.47 acres

NUMBER OF LOTS: 160

AVERAGE LOT SIZE: 5,792 square feet

MINIMUM LOT SIZE: 4,916 square feet

DENSITY: 3.60 du/ac (gross)
7.52 du/ac (net)

ZONING: Residential-9,600 (R-9,600)

COMPREHENSIVE PLAN DESIGNATION:

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

Subarea Plan: Marysville

Subarea Plan Designation: Rural (1 du/2.3 ac), with an Environmentally Sensitive Area Overlay

UTILITIES:

Water/Sewer: City of Marysville (proposed)

SCHOOL DISTRICT: Marysville No. 25

FIRE DISTRICT: No. 22

SELECTED AGENCY RECOMMENDATIONS:

Department of:

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

Public Works (DPW): Approval subject to a precondition and conditions.

INTRODUCTION

The applicant filed the Master Application on April 20, 2004. (Exhibit 1)

The Hearing Examiner (Examiner) made a site familiarization visit on May 16, 2005

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the county code. (Exhibits 15, 16 and 17)

A SEPA determination was made on April 7, 2005. (Exhibit 14) No appeal was filed.

The Examiner held an open record hearing on May 17, 2005, the 127th 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 17, 2005 at 9:00 a.m..

1. The Examiner announced that he had read the PDS staff report, reviewed the file and viewed the area and therefore was generally apprised of the particular request involved.
2. The applicant, Harbor Homes, Inc., was represented by Luay Joudeh of D. R. Strong Consulting Engineers, Inc. Snohomish County was represented by David Radabaugh of the Department of Planning & Development Services and by Andy Smith of the Department of Public Works.
3. Dean Fink, who owns a parcel abutting the subject site on the north, testified at the hearing with concerns about drainage, grading, vegetation, traffic, his water well, and impacts of the proposed development on his 95 year-old neighbor, Mr. Campbell, who has lived at this vicinity since 1941. Mr. Fink's attorney, Cynthia Thomas, by letter dated April 22, 2005, points out that Mr. Fink has an exclusive easement across the proposed plat and has not granted any right to cross it with a plat road.
4. The hearing concluded at 10:37 a.m.

NOTE: The above information summarizes the information submitted to the Examiner at the hearing. However, for a full and complete record, verbatim audio tapes of the hearing are available in the Office of the Hearing Examiner.

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS OF FACT

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

1. The applicant, Harbour Homes, Inc., proposes a 160-lot subdivision known as Rock Creek North on 44.47 acres bounded by SR-9 on the east. The City of Marysville abuts on the west and north. The western boundary is 83rd Avenue NE. The site is bisected by a Type 4 stream with associated wetlands. The stream flows into Lake Martha. But for one bridge, the stream and all wetlands will be in Native Growth Protection Areas.
2. Approximately 18 acres of the site's 44.5 acres (40%) will be covered by impervious surface. Witness Fink submitted into evidence seven colored photographs showing storm water standing on his property's west corner in April 2005. The applicant responds that the storm drainage plans for the project are engineered to detain runoff and then disperse it through the Native Growth Protection Areas.
3. Mr. Fink points out that grading will fill between 6,600 and 10,000 trucks. He is concerned that that amount of grading and hauling might (1) damage his utilities, which are located in his easement (above-mentioned), (2) cause vibrations resulting in collapse of his unlined well, (3) remove so much vegetation that wind will blow down what trees remain, (4) cause physical or emotional harm to 95-year-old neighbor, Mr. Campbell. (Mr. Fink has 130-foot trees standing within 30-feet of his porch.)
4. The applicant responds that the grading is "balanced"; i.e., grading will not involve export or import of fill. (Presumptively, that results in less truck movement and noise and vibration than would be the case if the trucks were entering and leaving the site.) The applicant also responds (1) that no site work will be deep enough to cause Mr. Fink's well walls to collapse, (2) that the applicant will hire a locator service to find and mark Mr. Fink's utilities, (3) that the density of residences per acre is higher in adjoining Marysville than in the County's R-9600 zoning on the subject site and (4) Marysville has placed a condition on all plats to the north to participate in improving 87th Avenue NE to neighborhood collector standards. The applicant commented that the loss of trees and resultant risk to the stability of what trees remain is, at times, an unavoidable risk of land development.
5. The Examiner expressed hope that some accommodation could be found to ease the impact of such change in the vicinity on the 95-year-old neighbor but acknowledged that there is no specific requirement to do so. The Examiner finds as fact that 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 Protection Act (SEPA). The staff report is hereby adopted by the Examiner as if set forth in full herein unless otherwise noted. 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.
6. The project would comply with park mitigation requirements under Chapter 30.66A SCC (Title 26A SCC) by the payment of \$1,040.00 for each new single-family home.
7. 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.

8. School mitigation requirements under Chapter 30.66C SCC (Title 26C SCC) have been reviewed and set forth in the conditions.
9. The PDS Engineering Division has reviewed the concept of the proposed grading and drainage review pursuant to Chapter 30.63A SCC (Title 24 SCC) and recommends approval of the project subject to conditions which would be imposed during the full detailed drainage plan.
10. The Snohomish County Health District has no objection to this proposal provided that public water and sewer are furnished.
11. Public water and sewer service will be available for this development as well as electrical power.
12. 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). According to the GPP, the ULDR designation covers various subarea plan designations which would allow mostly detached housing developments on larger lot sizes. Land in this category may be developed at a density of 4-6 du/ac and one of the implementing zones is the R-9,600 zone which is the case here.
13. The request complies with the Snohomish County Subdivision Code, Chapter 30.41A SCC (Title 19 SCC) as well as the State Subdivision Code, RCW 58.17. The proposed plat complies with the established criteria therein and makes the appropriate provisions for public, health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and other planning features including safe walking conditions for students.
14. The proposal has been evaluated by PDS for compliance with the lot size averaging provisions of SCC 30.41A.240 and SCC 30.23.210. This proposal is consistent with these provisions.
15. 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.
16. Any finding of fact in this decision which should be deemed a conclusion is hereby adopted as such.

CONCLUSIONS OF LAW

Based on the findings of fact entered above the following conclusions of law are entered.

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. The Department of Public Works recommends that the request be approved as to traffic use subject to certain conditions.

3. The request is consistent with the GMACP; GMA-based County codes; and the type and character of land use permitted on the site and the permitted density with the applicable design and development standards.
4. The application should be approved subject to the following stipulations.

PRECONDITION

The preliminary plat map (Exhibit 18) shall be modified so that the lots and access easements shall not be within Native Growth Protection Areas (NGPA).

CONDITIONS

- A. The preliminary plat received by the Department of Planning and Development Services on April 21, 2005 (Exhibit 18), as modified by the Precondition above, 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.
 - ii. The platlor shall mark with temporary markers in the field the boundary of all Native Growth Protection Areas (NGPA) required by Chapter 30.62 SCC, or the limits of the proposed site disturbance outside of the NGPA, using methods and materials acceptable to the county.
 - iii. A Final Mitigation Plan shall be submitted for review and approval during the construction review phase of this project, based on the January 9, 2005 Conceptual Compensatory Mitigation Program by Habitat Technologies (Exhibit 4).
 - iv. Certificates of water and sewer availability shall be obtained from the City of Marysville.
- 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 four existing parcels. Lots 1 through 4 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:
 - \$1,924.83 per lot for mitigation of impacts on county roads paid to the County,
 - \$2.45 per lot for impacts to Washington State Department of Transportation project DOT-22 (SR 9 at SR528) paid to the County,

\$1,222.43 per lot for impacts to the City of Marysville paid to the City. Proof of payment to the city is required.

\$205.72 per lot for impacts to the City of Arlington paid to the City. Proof of payment to the city is required.

\$74.32 per lot for TDM paid to the County per SCC 30.66B.630.

These payments are due prior to or at the time of building permit issuance for each single-family residence. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lots therein. Once building permits have been issued all mitigation payments shall be deemed paid by the Department of Planning and Development Services.

- iii. Ten feet of right-of-way along the development's frontage and parallel with 83rd Avenue NE shall be dedicated to Snohomish County on the final recorded plat. [SCC 30.66B.510, SCC 30.66B.520]
- iv. All Critical Areas shall be designated Native Growth Protection Areas (NGPA) (unless other agreements have been made) with the following language on the face of the plat;

"All NATIVE GROWTH PROTECTION AREAS shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees. The activities as set forth in SCC 32.10.110(29)(a), (c), and (d) are allowed when approved by the County."

D. Prior to recording of the final plat:

- i. The developer shall pay the County \$1,040.00 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 frontage improvements shall be constructed along the parcel's frontage on 83rd Avenue NE to the specifications of the Department of Public Works. [SCC 30.66B.410]
- iii. A waiting area 10 foot by 15 feet for school children shall be constructed along the development on 83rd Avenue NE to the specifications of the Department of Public Works. [RCW 58.17.110]
- iv. Public road access shall be provided to all lots within the development [SCC 30.24.052].
- v. Native Growth Protection Area boundaries (NGPA) shall have been permanently marked on the site prior to final inspection by the county, with both NGPA signs and adjacent markers which can be magnetically located (e.g.: rebar, pipe, 20 penny nails, etc.). The platlor may use other permanent methods and materials provided they are first approved by the county. Where an NGPA boundary crosses another boundary (e.g.: lot, tract, plat, road, etc.), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

NGPA signs shall have been placed no greater than 100 feet apart around the perimeter of the NGPA. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the NGPA, unless otherwise approved by the county biologist. The design and proposed locations for the NGPA signs shall be submitted to the Land Use Division for review and approval prior to installation.

- vi. The final wetland mitigation plan shall be completely implemented.
 - vii. The following easement shall be extinguished:
 - a. Snohomish County Auditor's File Number (AFN) 8905110242
 - b. AFN 7808020195 and 8811290342
 - c. AFN 8906010223
 - viii. The area of the easement (Auditor's File Number 8603280301, as amended by Auditor's File Number 8905160403) intersected by the north stub of 85th Avenue NE to the north boundary of the plat shall be constructed to public road standards if the adjacent property to the east (Tax Parcel Number 300525-002-017-00) develops or the easement is extinguished prior to final plat approval.
- 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.

5. Any conclusion in this decision which should be deemed a finding of fact is hereby adopted as such.

DECISION:

The request for a 160 lot subdivision utilizing lot size averaging is hereby APPROVED, subject to the precondition and conditions set forth in Conclusion 4, above.

Decision issued this 26th day of May, 2005.


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 6, 2005**. 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 9, 2005** 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: David Radabaugh
Department of Public Works: Andrew Smith

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.

This decision is binding but will not become effective until the above precondition(s) have been fulfilled and acknowledged by the Department of Planning and Development Services (PDS) on the original of the instant decision. Document(s) required for fulfillment of the precondition(s) must be filed in a complete, executed fashion with PDS not later than May 26, 2011

1. "Fulfillment" as used herein means recordation with the County Auditor, approval/acceptance by the County Council and/or Hearing Examiner, and/or such other final action as is appropriate to the particular precondition(s).
2. One and only one six month period will be allowed for resubmittal of any required document(s) which is (are) returned to the applicant for correction.
3. This conditional approval will automatically be null and void if all required precondition(s) have not been fulfilled as set forth above; PROVIDED, that:
 - A. The Examiner may grant a one-time extension of the submittal deadline for not more than twelve (12) months for just cause shown if and only if a written request for such extension is received by the Examiner prior to the expiration of the original time period; and
 - B. The submittal deadline will be extended automatically an amount equal to the number of days involved in any appeal proceedings.

ACKNOWLEDGMENT OF FULFILLMENT OF PRECONDITIONS

The above imposed precondition(s) having been fulfilled by the applicant and/or the successors in interest, the Department of Planning and Development Services hereby states that the instant Decision is effective as of _____.

Certified by:

(Name)

(Title)

Parties of Record Register
04-100385 SD ROCK CREEK NORTH
HRG: 5/17/05 UPDATED 5/25/05(KD)
04100385 KW

HARBOUR HOMES INC
906 SE EVERETT MALL WAY
EVERETT WA 98208

SNOHOMISH HEALTH DISTRICT
BRENT RAASINA
3020 RUCKER AVE SUITE 104
EVERETT WA 98201-3900

SNO CO DEPT OF PUBLIC WORKS
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SNO CO PLAN & DEV/LAND USE DIV
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REAL PROPERTY LAW GROUP
CYNTHIA THOMAS
1218 THIRD AVE, SUITE 1900
SEATTLE WA 98101

MARYSVILLE SCHOOL DISTRICT
JOSEPH LEGARE
4220 80TH ST NE
MARYSVILLE WA 98270-3498

CITY OF MARYSVILLE
LIBBY GRAGE
80 COLUMBIA AVE
MARYSVILLE WA 98270

ROCK CREEK NORTH DIVISION 2, PHASE 5

A REPLAT OF TRACT 999, ROCK CREEK NORTH DIVISION 2, PHASE 1, A.F.N. 201307245001, A PORTION OF THE NW 1/4 OF THE NW 1/4, SEC. 25, TWP. 30N., RGE. 5E., W.M., CITY OF MARYSVILLE, SNOHOMISH COUNTY, WASHINGTON

Table with recording number, volume/page, and sheet information.

LEGAL DESCRIPTION

TRACT 999, ROCK CREEK NORTH DIVISION 2, PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED UNDER RECORDING NUMBER 201307245001, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

DEDICATION

KNOW ALL MEN (PERSONS) BY THESE PRESENTS THAT HARBOUR HOMES LLC, A WASHINGTON LIMITED LIABILITY COMPANY, THE UNDERSIGNED OWNER, IN FEE SIMPLE OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT AND THE USE FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES.

FOLLOWING ORIGINAL REASONABLE GRADING OF THE ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHTS-OF-WAY TO HAMPER PROPER ROAD DRAINAGE.

TRACTS 999, 998 AND 996 ARE NGPA/OPEN SPACE TRACTS AND ARE HEREBY GRANTED AND CONVEYED, TOGETHER WILL ALL MAINTENANCE OBLIGATIONS TO THE ROCK CREEK NORTH DIVISION 2 HOMEOWNERS ASSOCIATION.

TRACT 997 IS A FUTURE (STORM DRAINAGE TRACT) AND IS HEREBY RESERVED BY THE DEVELOPER, FOLLOWING COMPLETION OF CONSTRUCTION AND THE RE-RECORDING OF THE FINAL PLAT SAID TRACT WILL BE DEDICATED TO THE CITY OF MARYSVILLE FOR PUBLIC ROAD PURPOSES.

TRACT 995 IS A FUTURE RIGHT OF WAY TRACT AND IS HEREBY RESERVED BY THE DEVELOPER, FOLLOWING COMPLETION OF CONSTRUCTION AND THE RE-RECORDING OF THE FINAL PLAT SAID TRACT WILL BE DEDICATED TO THE CITY OF MARYSVILLE FOR PUBLIC ROAD PURPOSES.

THE HOA SHALL REMAIN IN EXISTENCE UNLESS AND UNTIL ALL LOTS WITHIN THIS SUBDIVISION HAVE ASSUMED COMMON OWNERSHIP OF THOSE TRACTS PREVIOUSLY OWNED BY THE HOA. IN THE EVENT THAT THE HOA SHOULD BE DISSOLVED, THEN EACH LOT SHALL HAVE AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN THE TRACTS PREVIOUSLY OWNED BY THE HOA AS WELL AS RESPONSIBILITY FOR MAINTAINING THE TRACTS, MEMBERSHIP IN THE HOA AND PAYMENT OF DUES OR OTHER ASSESSMENTS FOR MAINTENANCE PURPOSES SHALL BE A REQUIREMENT OF LOT OWNERSHIP, AND SHALL REMAIN AN APPURTENANCE TO AND INSEPARABLE FROM EACH LOT.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS AND SEALS THIS DAY OF 2016.

HARBOUR HOMES LLC, A WASHINGTON LIMITED LIABILITY COMPANY

BY: ITS:

ACKNOWLEDGMENTS

STATE OF COUNTY OF

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT SIGNED THIS INSTRUMENT ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE OF HARBOUR HOMES LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED SIGNATURE OF NOTARY PUBLIC TITLE MY APPOINTMENT EXPIRES

APPROVALS

EXAMINED AND APPROVED THIS DAY OF 2016.

CITY ENGINEER

EXAMINED AND APPROVED THIS DAY OF 2016.

COMMUNITY DEVELOPMENT DIRECTOR

EXAMINED, FOUND TO BE IN CONFORMITY WITH APPLICABLE ZONING AND OTHER LAND USE CONTROLS, AND APPROVED THIS DAY OF 2016.

MAYOR, CITY OF MARYSVILLE

ATTEST: CITY CLERK

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING TAXES.

TREASURER, SNOHOMISH COUNTY

DEPUTY COUNTY TREASURER

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF HARBOUR HOMES LLC, THIS DAY OF 2016.

AT MINUTES PAST M. AND RECORDED IN VOLUME OF PLATS, PAGE(S) A.F.N. RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

AUDITOR, SNOHOMISH COUNTY

DEPUTY COUNTY AUDITOR

SURVEYOR'S NOTES

- 1. ALL TITLE INFORMATION SHOWN ON THIS MAP HAS BEEN EXTRACTED FROM CHICAGO TITLE INSURANCE COMPANY SUBDIVISION GUARANTEE, CERTIFICATE NUMBER 500038313 DATED FEBRUARY 24, 2016. IN PREPARING THIS MAP, D.R. STRONG CONSULTING ENGINEERS INC. HAS CONDUCTED NO INDEPENDENT TITLE SEARCH NOR IS D.R. STRONG CONSULTING ENGINEERS INC. AWARE OF ANY TITLE ISSUES AFFECTING THE SURVEYED PROPERTY OTHER THAN THOSE SHOWN ON THE MAP AND DISCLOSED BY REFERENCED CHICAGO TITLE INSURANCE COMPANY CERTIFICATE. D.R. STRONG CONSULTING ENGINEERS INC. HAS RELIED WHOLLY ON CHICAGO TITLE COMPANY REPRESENTATIONS OF THE TITLE'S CONDITION TO PREPARE THIS SURVEY AND THEREFORE D.R. STRONG CONSULTING ENGINEERS INC. QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.
2. ALL SURVEY CONTROL INDICATED AS "FOUND" WAS RECOVERED FOR THIS PROJECT IN MARCH, 2005, EXCEPT AS NOTED OTHERWISE.
3. PROPERTY AREA = 339,286± SQUARE FEET (7.7889± ACRES).
4. ALL DISTANCES ARE IN FEET.
5. THIS IS A FIELD TRAVERSE SURVEY. A LEICA FIVE SECOND COMBINED ELECTRONIC TOTAL STATION WAS USED TO MEASURE THE ANGULAR AND DISTANCE RELATIONSHIPS BETWEEN THE CONTROLLING MONUMENTATION AS SHOWN. CLOSURE RATIOS OF THE TRAVERSE MET OR EXCEEDED THOSE SPECIFIED IN WAC 332-130-090. ALL MEASURING INSTRUMENTS AND EQUIPMENT ARE MAINTAINED IN ADJUSTMENT ACCORDING TO MANUFACTURER'S SPECIFICATIONS.

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF ROCK CREEK NORTH DIVISION 2, PHASE 5 IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 25, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M., AS REQUIRED BY STATE STATUTES; THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, FOLLOWING COMPLETION OF CONSTRUCTION OF THE SITE IMPROVEMENTS AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.

STEPHEN J. SCHREI, PROFESSIONAL LAND SURVEYOR. CERTIFICATE NO. 37555 D.R. STRONG CONSULTING ENGINEERS 520 7TH AVENUE KIRKLAND, WASHINGTON 98033 PHONE: (425) 827-3063



D.R. STRONG CONSULTING ENGINEERS ENGINEERS PLANNERS SURVEYORS 520 7TH AVENUE KIRKLAND, WA 98033 O 425.827.3063 F 425.827.2428

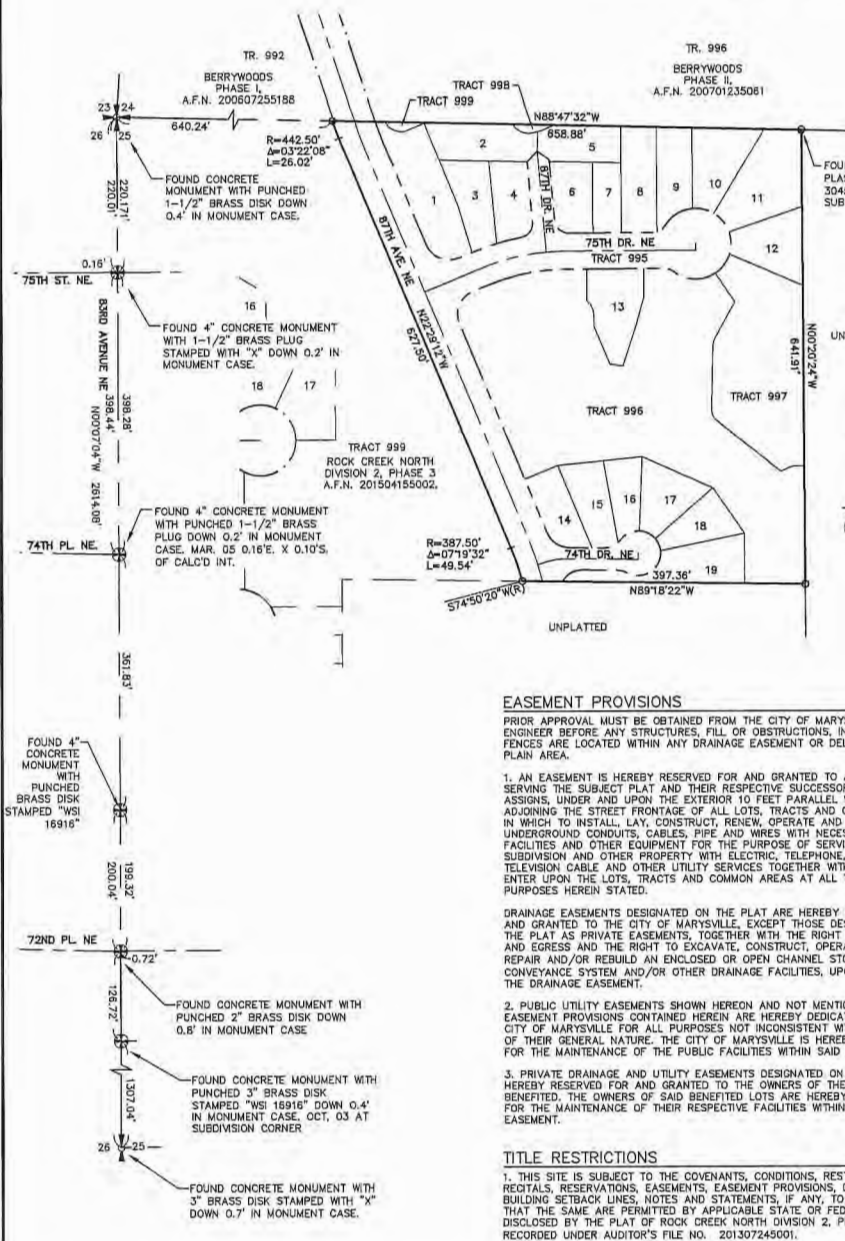
www.dstrang.com



ROCK CREEK NORTH DIVISION 2, PHASE 5

A REPLAT OF TRACT 999, ROCK CREEK NORTH DIVISION 2, PHASE 1, A.F.N. 201307245001,
A PORTION OF THE NW 1/4 OF THE NW 1/4, SEC. 25, TWP. 30N., RGE. 5E., W.M.,
CITY OF MARYSVILLE, SNOHOMISH COUNTY, WASHINGTON

RECORDING NO.	VOL/P6
SHEET 2 OF 6	



EASEMENT PROVISIONS

PRIOR APPROVAL MUST BE OBTAINED FROM THE CITY OF MARYSVILLE CITY ENGINEER BEFORE ANY STRUCTURES, FILL OR OBSTRUCTIONS, INCLUDING FENCES ARE LOCATED WITHIN ANY DRAINAGE EASEMENT OR DELINEATED FLOOD PLAIN AREA.

1. AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING THE SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS, TRACTS AND COMMON AREAS, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, FIRE AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, TELEVISION CABLE AND OTHER UTILITY SERVICES TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS, TRACTS AND COMMON AREAS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

DRAINAGE EASEMENTS DESIGNATED ON THE PLAT ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MARYSVILLE, EXCEPT THOSE DESIGNATED ON THE PLAT AS PRIVATE EASEMENTS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO EXCAVATE, CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND/OR REBUILD AN ENCLOSED OR OPEN CHANNEL STORM WATER CONVEYANCE SYSTEM AND/OR OTHER DRAINAGE FACILITIES, UPON OR THROUGH THE DRAINAGE EASEMENT.

2. PUBLIC UTILITY EASEMENTS SHOWN HEREON AND NOT MENTIONED IN THE EASEMENT PROVISIONS CONTAINED HEREIN ARE HEREBY DEDICATED TO THE CITY OF MARYSVILLE FOR ALL PURPOSES NOT INCONSISTENT WITH EASEMENTS OF THEIR GENERAL NATURE. THE CITY OF MARYSVILLE IS HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC FACILITIES WITHIN SAID EASEMENTS.

3. PRIVATE DRAINAGE AND UTILITY EASEMENTS DESIGNATED ON THE PLAT ARE HEREBY RESERVED FOR AND GRANTED TO THE OWNERS OF THE LOTS BENEFITED. THE OWNERS OF SAID BENEFITED LOTS ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE FACILITIES WITHIN SAID EASEMENT.

TITLE RESTRICTIONS

1. THIS SITE IS SUBJECT TO THE COVENANTS, CONDITIONS, RESTRICTIONS, REITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES AND STATEMENTS, IF ANY, TO THE EXTENT THAT THE SAME ARE PERMITTED BY APPLICABLE STATE OR FEDERAL LAW AS DISCLOSED BY THE PLAT OF ROCK CREEK NORTH DIVISION 2, PHASE 1 RECORDED UNDER AUDITOR'S FILE NO. 201307245001.

RESTRICTIONS/CONDITIONS OF APPROVAL

- NO BUILDING PERMITS WILL BE ISSUED UNTIL THE INFRASTRUCTURE HAS BEEN INSTALLED AND ACCEPTED BY THE CITY, THE PLAT RE-SURVEYED, RECORD DRAWINGS HAVE BEEN ACCEPTED, AND THE PLAT IS RE-RECORDED.
- AFTER CONSTRUCTION AND PRIOR TO RE-RECORDING OF THE PLAT, A LETTER FROM THE PROJECT ENGINEER SHALL BE SUBMITTED TO THE CITY VERIFYING FINAL PLAT GRADING HAS BEEN COMPLETED CONSISTENT WITH THE APPROVED GRADING PLANS AND THAT ALL RECOMMENDATIONS OUTLINED IN THE GEOTECHNICAL INVESTIGATION HAVE BEEN FOLLOWED AND THE FILL HAS BEEN PROPERLY PLACED.
- AFTER CONSTRUCTION AND PRIOR TO RE-RECORDING OF THE PLAT, THE DEVELOPER SHALL PROVIDE A LETTER TO THE CITY FROM A CERTIFIED ARBORIST, STATING THAT ALL TREES IDENTIFIED ARE SAFE TO RETAIN AND HAVE NO VISIBLE DEFECTS WHICH CONSTITUTE A SAFETY HAZARD. AFTER REVIEW AND APPROVAL BY THE CITY, ANY RECOMMENDATIONS OUTLINED IN THE ARBORIST REPORT WILL NEED TO BE FOLLOWED PRIOR TO RE-RECORDING OF THE FINAL PLAT APPROVAL.
- AFTER CONSTRUCTION AND PRIOR TO RE-RECORDING OF THE PLAT, THE DEVELOPER SHALL PROVIDE A LETTER TO THE CITY FROM THE HEALTH DISTRICT, STATING THAT THEY HAVE NO OBJECTION TO THE FINAL PLAT RECORDING.
- BUILDING ENVELOPS SHALL BE SHOWN ON THE RE-RECORDED PLAT AFTER THE LOCATION OF ALL INFRASTRUCTURE IS KNOWN.
- 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 30.86C.01D.
- MARYSVILLE MUNICIPAL CODE REQUIRES THE NEW LOT MITIGATION PAYMENTS IN THE AMOUNTS SHOWN BELOW FOR EACH SINGLE-FAMILY RESIDENTIAL BUILDING PERMIT:
 \$3747.97 PER LOT FOR MITIGATION OF IMPACTS ON CITY STREETS FOR THE CITY OF MARYSVILLE SHALL BE PAID TO THE CITY.
 \$28.28 PER LOT FOR MITIGATION OF IMPACTS ON STATE HIGHWAYS PAID FOR THE CITY OF MARYSVILLE AND TRANSFERRED TO WSDOT, (WSDOT ID #34 - SR9 AT 108TH STREET NE).
 \$202.34 PER LOT (\$28,935.29 TOTAL) FOR MITIGATION OF IMPACTS ON CITY STREETS FOR THE CITY OF ARLINGTON PAID TO THE CITY. PROOF OF PAYMENT SHALL BE PROVIDED.
 THESE PAYMENTS ARE DUE PRIOR TO OR AT THE TIME OF BUILDING PERMIT ISSUANCE FOR EACH SINGLE-FAMILY RESIDENCE. NOTICE OF THESE MITIGATION PAYMENTS SHALL BE CONTAINED IN ANY DEEDS INVOLVING THIS SUBDIVISION OF THE LOT(S) THEREIN. ONCE BUILDING PERMITS HAVE BEEN ISSUED ALL MITIGATION PAYMENTS SHALL BE DEEMED PAID BY PDS.
- ALL NATIVE GROWTH PROTECTION AREAS (NGPA) SHALL BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES WHEN APPROVED BY THE CITY. ACTIVITIES AS SET FORTH IN CHAPTER 22E MMC ARE ALLOWED WHEN APPROVED BY THE CITY.
- THE DEVELOPER SHALL PAY THE CITY OF MARYSVILLE \$48.82 PER NEW DWELLING UNIT AS MITIGATION FOR PARKS AND RECREATION IMPACTS IN ACCORDANCE WITH CHAPTER 22D.020 MMC; 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.
- THE SALE OR LEASE OF LESS THAN A WHOLE LOT IN ANY SUBDIVISION PLANNED AND FILED UNDER TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE IS EXPRESSLY PROHIBITED EXCEPT IN COMPLIANCE WITH TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE.
- THE LOCATION AND HEIGHT OF ALL FENCES AND OTHER OBSTRUCTIONS WITHIN AN EASEMENT AS DEDICATED ON THIS PLAT SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS OR DESIGNEE.
- THERE SHALL BE NO FURTHER SUBDIVISION OF ANY LOT WITHIN THIS PLAT WITHOUT RESUBMITTING FOR FORMAL PLAT PROCEDURE.
- ANY LOT CONTAINING LESS THAN 5,000 SQUARE FEET IS REQUIRED TO COMPLY WITH THE SMALL LOT DESIGN STANDARDS AS SET FORTH IN CHAPTER 22C.01C.310 MMC.

LEGEND

- SECTION CORNER AS NOTED
- QUARTER SECTION CORNER AS NOTED
- FOUND MONUMENT AS NOTED
- 5/8" REBAR WITH PLASTIC CAP STAMPED "DRS 37556" SET PER REFERENCE 5, EXCEPT AS NOTED OTHERWISE
- BARBED WIRE FENCE

REFERENCES

- THE PLAT OF ROCK CREEK RECORDED UNDER AUDITOR'S FILE NUMBER 200409155006.
- THE PLAT OF THE RIDGE AT ROCK CREEK, PHASE ONE, RECORDED UNDER AUDITOR'S FILE NUMBER 2709195146.
- THE PLAT OF BERRYWOODS PHASE I, RECORDED UNDER AUDITOR'S FILE NUMBER 200607255188.
- THE PLAT OF BERRYWOODS PHASE II, RECORDED UNDER AUDITOR'S FILE NUMBER 20070123561.
- THE PLAT OF ROCK CREEK NORTH DIVISION 2, PHASE 1, RECORDED UNDER AUDITOR'S FILE NUMBER 201307245001.
- THE PLAT OF ROCK CREEK NORTH DIVISION 2, PHASE 2, RECORDED UNDER AUDITOR'S FILE NUMBER 2014022050030.
- THE PLAT OF ROCK CREEK NORTH DIVISION 2, PHASE 3, RECORDED UNDER AUDITOR'S FILE NUMBER 201504155001.



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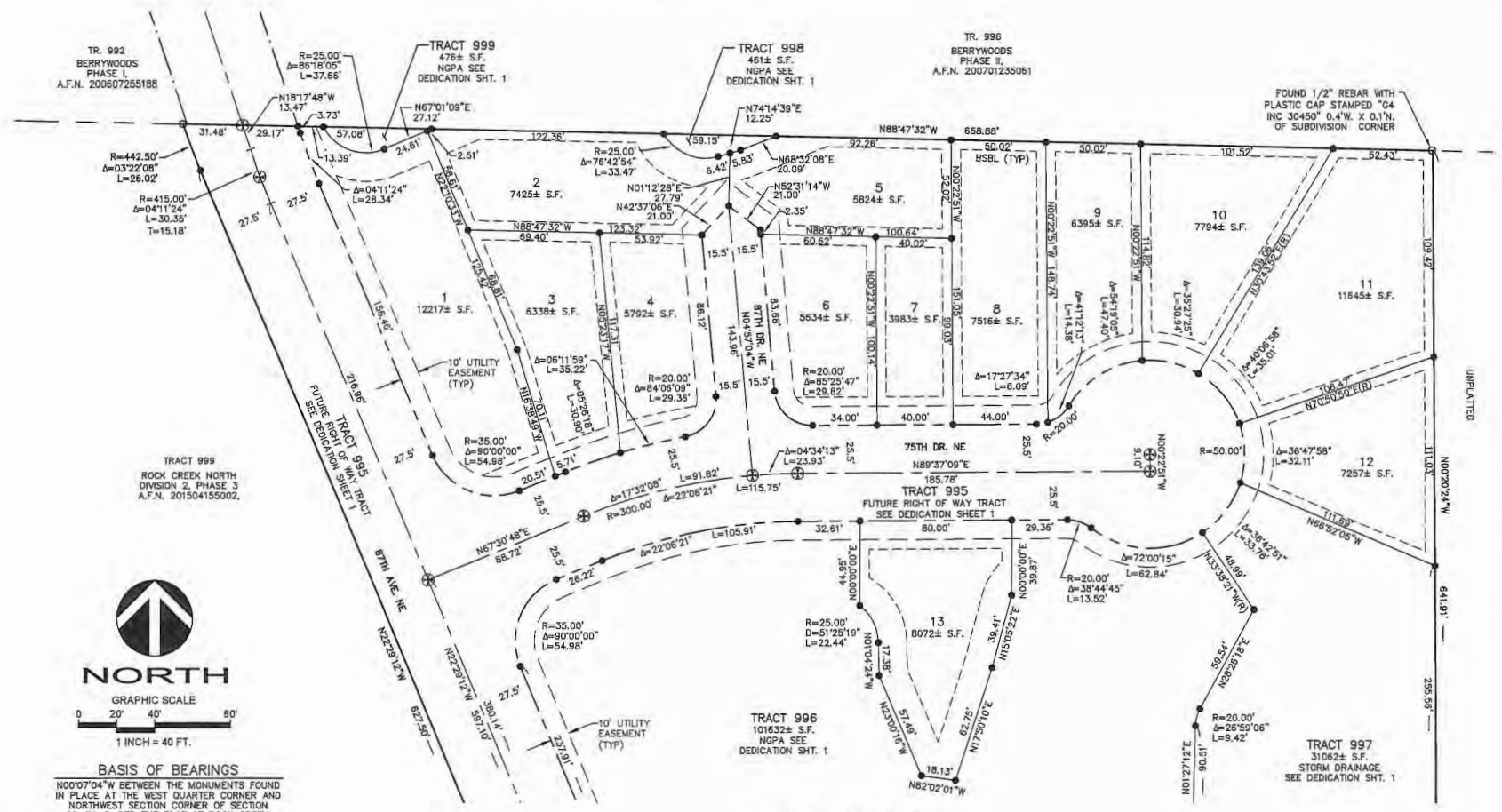


PROJECT NO. 11034

ROCK CREEK NORTH DIVISION 2, PHASE 5

A REPLAT OF TRACT 999, ROCK CREEK NORTH DIVISION 2, PHASE 1, A.F.N. 201307245001,
A PORTION OF THE NW 1/4 OF THE NW 1/4, SEC. 25, TWP. 30N., RGE. 5E., W.M.,
CITY OF MARYSVILLE, SNOHOMISH COUNTY, WASHINGTON

RECORDING NO.	VOL/PG
	SHEET 3 OF 6



BASIS OF BEARINGS
N00°07'04"W BETWEEN THE MONUMENTS FOUND IN PLACE AT THE WEST QUARTER CORNER AND NORTHWEST SECTION CORNER OF SECTION 25-30-5, PER THE PLAT OF ROCK CREEK, A.F.N. 200409155006

- LEGEND**
- ⊕ MONUMENT PER REFERENCE 5, 6 OR 7, EXCEPT AS NOTED OTHERWISE
 - ⊕ STANDARD CITY OF MARYSVILLE MONUMENT WITH BRASS DISK STAMPED "DRS 37555" IN MONUMENT CASE TO BE SET FOLLOWING COMPLETION OF CONSTRUCTION OF SITE IMPROVEMENTS
 - 5/8" REBAR WITH PLASTIC CAP STAMPED "DRS 37555" SET PER REFERENCE 5, 6 OR 7, EXCEPT AS NOTED OTHERWISE
 - 5/8" X 24" REBAR WITH PLASTIC CAP STAMPED "DRS 37555" TO BE SET FOLLOWING COMPLETION OF CONSTRUCTION OF SITE IMPROVEMENTS
 - BSBL BUILDING SETBACK LINE
 - PDE PRIVATE STORM DRAINAGE EASEMENT
 - E.P. EASEMENT PROVISIONS

SEE SHEET 4 FOR CONTINUATION
SEE SHEET 5 FOR ADDITIONAL EASEMENT LOCATIONS

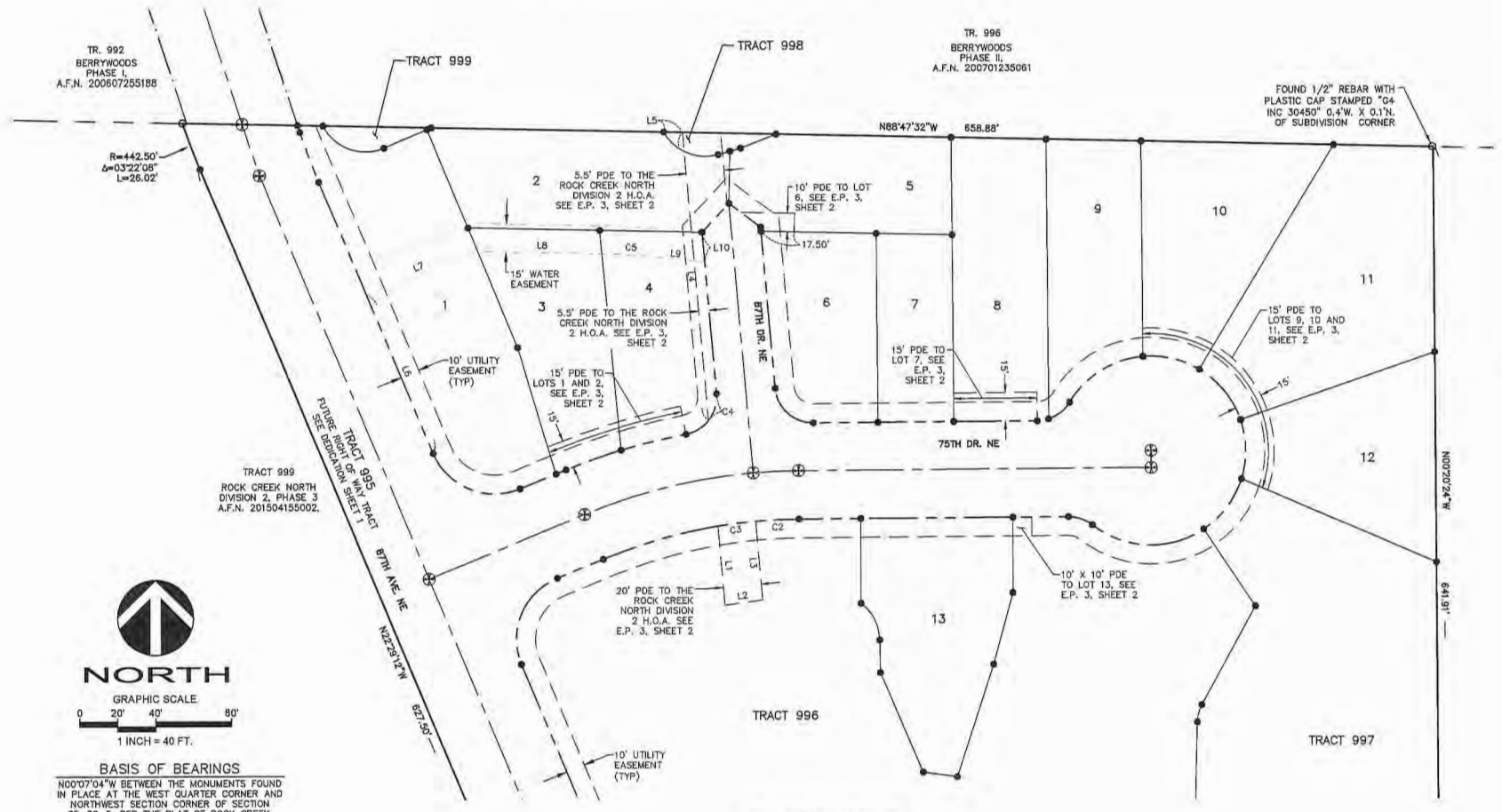
DRS
D.R. STRONG
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RECORDING NO.	VOL/PG
	SHEET 5 OF 6



BASIS OF BEARINGS
N00°07'04"W BETWEEN THE MONUMENTS FOUND
IN PLACE AT THE WEST QUARTER CORNER AND
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SEE SHEET 6 FOR CONTINUATION
SEE SHEET 3 FOR LOT DIMENSIONS

LINE	BEARING	DISTANCE
L1	N04°57'04"W	42.24'
L2	N81°51'08"E	20.03'
L3	N04°57'04"W	41.93'
L4	N04°57'04"W	153.79'
L5	N88°47'32"W	9.89'
L6	N22°29'12"W	91.08'
L7	N68°20'07"E	62.37'
L8	N88°47'32"W	66.09'
L9	N83°42'04"W	27.10'
L10	N04°57'04"W	16.07'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C2	274.50'	04°46'44"	22.90'
C3	274.50'	04°10'44"	20.02'
C4	20.60'	43°31'52"	15.29'
C5	272.50'	05°05'28"	24.21'



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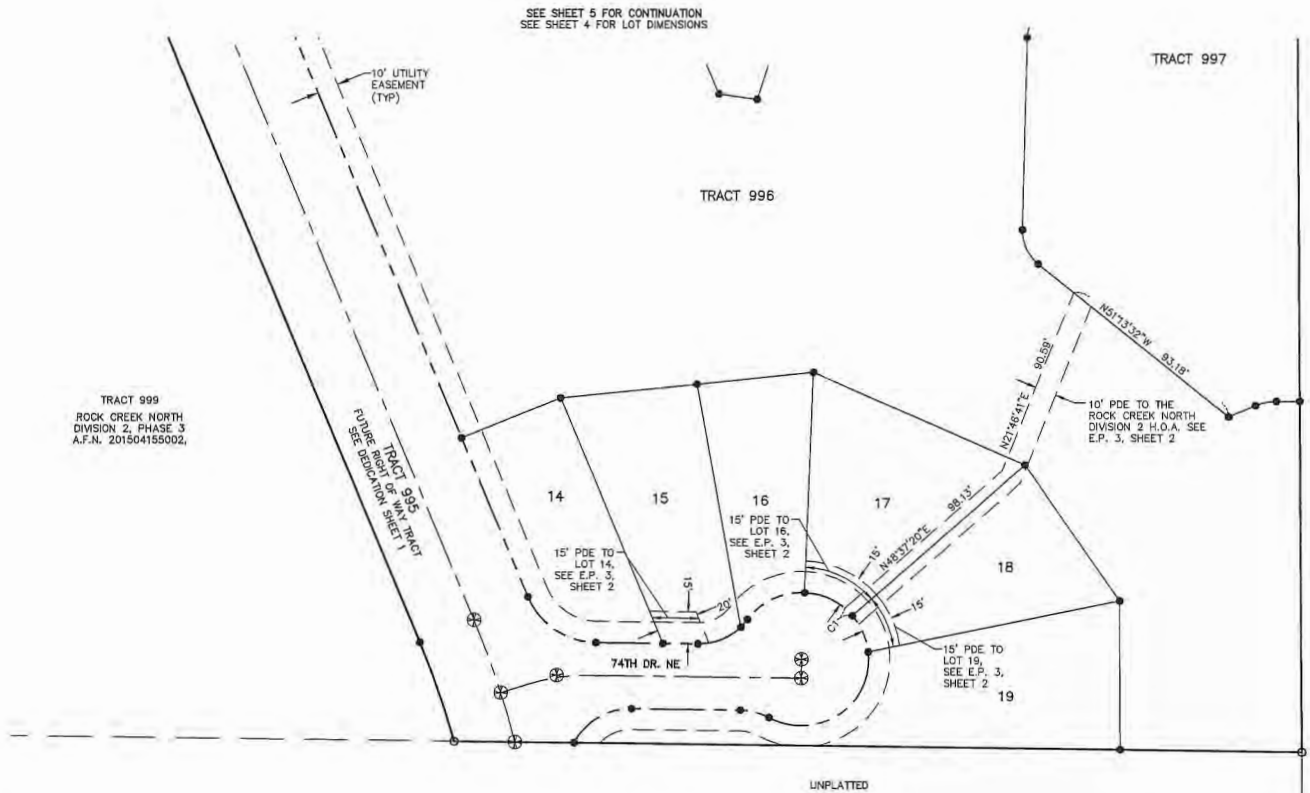


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RECORDING NO.	VOL/PG
	SHEET 6 OF 6



BASIS OF BEARINGS
 N00°07'04"W BETWEEN THE MONUMENTS FOUND
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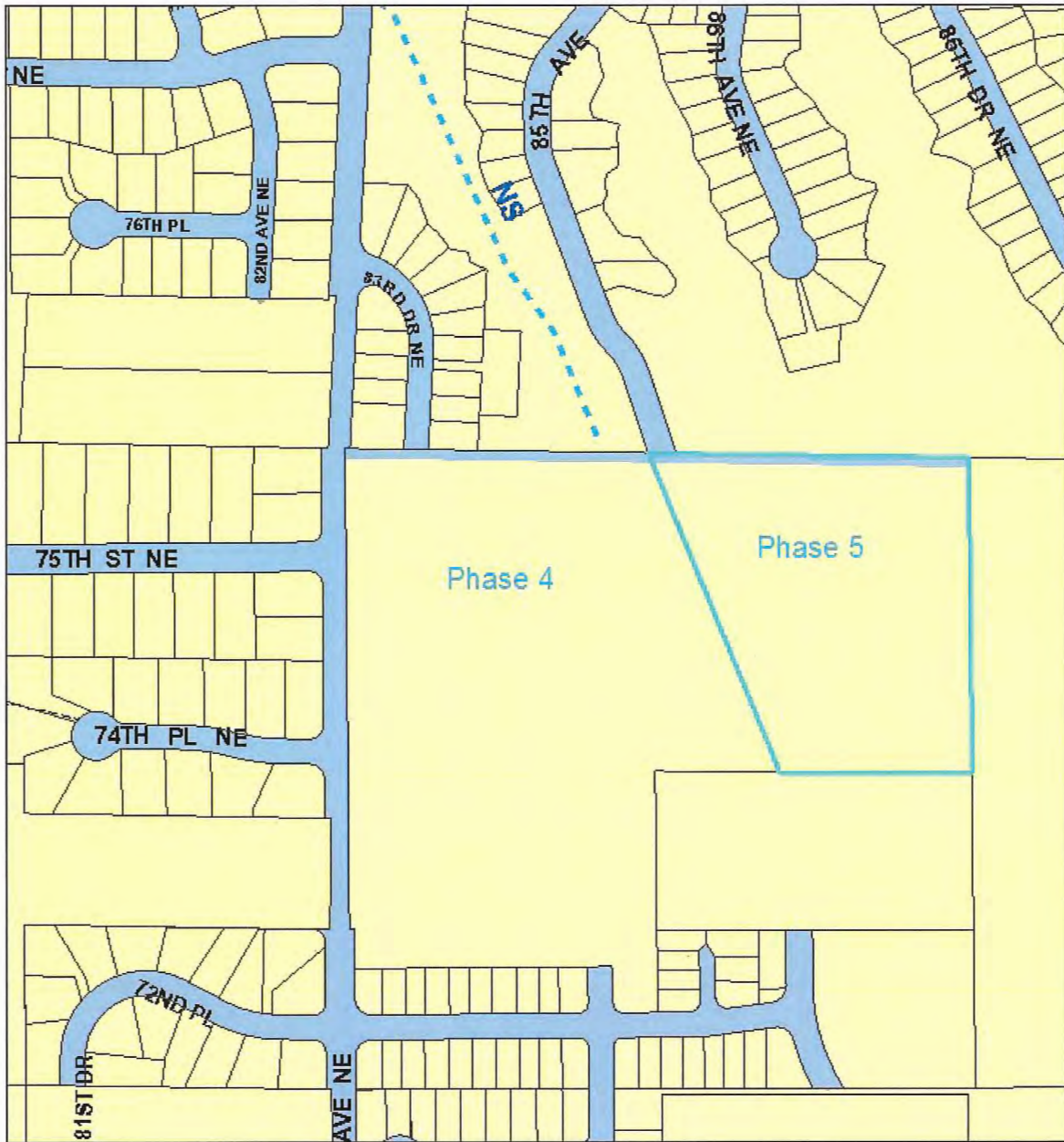
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 - E.P. EASEMENT PROVISIONS

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	31.50'	09°07'30"	5.02'



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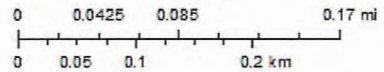




April 27, 2016

1:5,202

- | | |
|------------------|---------------------|
| Parcels | STATE OF WASHINGTON |
| Railroad | Streets |
| MUNICIPALITY | Trails |
| PRIVATE | Arlington airport |
| RAILROAD | Water bodies |
| SNOHOMISH COUNTY | |



THE CITY OF MARYSVILLE DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS OF THIS DATA FOR ANY PARTICULAR PURPOSE, EITHER EXPRESSED OR IMPLIED.

Form – Security for Performance – Improvement Bond

Amount \$ 1,132,841.30

Bond No. 758147S

IMPROVEMENT BOND
(Security for Performance)

KNOW ALL MEN BY THESE PRESENTS, that we, Harbour Homes, LLC (developer) as Principal, and Developers Surety and Indemnity Company, a corporation (bond company and surety), duly authorized to do surety business in the State of Washington, as Surety, are jointly and severally held and bound unto the CITY OF MARYSVILLE in the sum of One Million One Hundred Thirty Two*(\$ 1,132,841.30) for the payment of which we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

*Thousand Eight Hundred Forty One and 30/100ths

THE CONDITION OF THIS BOND IS SUCH THAT, WHEREAS, the above named Principal is obligated to the CITY to complete improvements as next set out by the deadline stated:

Description of Improvements:

public right of way and in areas to be dedicated to the City of Marysville

Deadline for Completion:

36 months

For that certain project known as Rock Creek North Division II Phase 5 ;

NOW, THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform said obligation(s) (the “work”) by the deadline stated or any extension of said term that may be granted by the City, with or without notice to the Surety, this obligation shall be void, otherwise it shall remain in full force and effect jointly and severally as to principal and surety.

In the event that the principal does not complete the work by the deadline to City standards, then the Surety shall within thirty days of demand from the City make a written commitment to the City that it will either:

(a) Remedy the default itself with reasonable diligence pursuant to a time schedule acceptable to the City, or

(b) Tender to the City within an additional fifteen (15) days the amount necessary, as determined in good faith by the City, for the City to remedy the default, up to the total

amount of this Bond. Said estimate shall include reasonable City administrative overhead costs, legal costs and attorney's fees.

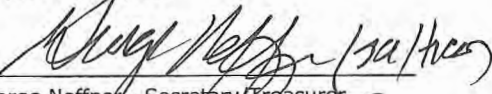
Upon completion of the duties of the Surety under either of the options above, the surety shall then have fulfilled its obligations under this Bond, except that if option (b) above is elected by the Surety, and the City's actual costs exceed the estimate, Surety shall pay the City such excess up to the maximum amount of this Bond. Under option (b) City shall notify the surety of the actual cost of the remedy. In the event the City's estimate exceeded the City's actual costs (including administrative overhead costs, legal costs and attorney's fees) the City shall return such excess to the Surety without interest.

This bond and security for performance also shall extend to and secure all of the City's administrative overhead costs and all legal costs and reasonable attorneys fees incurred by City in seeking and securing performance by the principal, the surety and any other obligated party to the maximum value or penal sum of this bond.

In the event of any ambiguity concerning the obligation herein, this Bond and Security for performance shall be construed, interpreted and enforced in accordance with the intent and the provisions of Chapter 19.51 Marysville Municipal Code.

IN WITNESS WHEREOF, the signature of the said Principal and the corporate seal and the name of the Surety is hereto affixed binding them to this obligation this 8th day of April, 2016.

PRINCIPAL
Harbour Homes, LLC


George Neffner - Secretary/Treasurer

SURETY:
Developers Surety and Indemnity Company


Jana M. Roy, Attorney-in-Fact

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA
PO Box 19725, IRVINE, CA 92623 (949) 263-3300**

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each hereby make, constitute and appoint:

Jana M. Roy, Guy P. Armfield, Scott McGilvray, Jill A. Boyle, Elizabeth R. Hahn, Susan B. Larson, Scott Fisher, Deanna M. French, Roger Kaltenbach, Ronald J. Lange, Mindee L. Rankin, John R. Claeys, jointly or severally

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Boards of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, Executive Vice-President, Senior Vice-President or any Vice President of the corporations be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of either of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporations when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective officers and attested by their respective Secretary or Assistant Secretary this January 29, 2015.

By: *Daniel Young*
Daniel Young, Senior Vice-President

By: *Mark Lansdon*
Mark Lansdon, Vice-President



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On January 29, 2015 before me, Lucille Raymond, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Daniel Young and Mark Lansdon
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Lucille Raymond
Lucille Raymond, Notary Public



Place Notary Seal Above

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 8th day of April, 2016.

By: *Cassie J. Berrisford*
Cassie J. Berrisford, Assistant Secretary