

1 After Recording Return To:
2 Clerk of the Council
3 Snohomish County Council
4 3000 Rockefeller Avenue – M/S 609
5 Everett, WA 98201
6

7 *In the matter of: 40th St SE Right-of-Way Vacation*
8

9 SNOHOMISH COUNTY COUNCIL
10 Snohomish County, Washington
11

12 ORDINANCE NO. 25-080
13

14 AN ORDINANCE VACATING AND ABANDONING AN UNOPENED PORTION OF
15 40TH St SE,
16 A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY
17

18 WHEREAS, under chapter 36.87 Revised Code of Washington (RCW) and
19 chapter 13.100 Snohomish County Code (SCC) 13.100, Snohomish County (the
20 “County”) has the authority to vacate and abandon County road rights-of-way
21 determined to be useless; and
22

23 WHEREAS, on December 19, 2024, Brett and Angela Nicholson, (the
24 Petitioners) submitted a petition pursuant to RCW 36.87.020 and SCC 13.100.030,
25 requesting the vacation and abandonment of an unopened portion of 40th Street SE,
26 a County road right-of-way; and
27

28 WHEREAS, on ____, the Snohomish County Engineer (the “County
29 Engineer”), pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report
30 examining the proposed vacation and abandonment; and
31

32 WHEREAS, the portion of County road proposed to be vacated has a width of
33 30 feet, consisting of 20 feet deeded by quit claim deed and recorded under
34 Auditor’s File No. 754366, Vol. 313, Pg. 562 (1942), and 10 feet dedicated by Plat of
35 Glenwood Vista under Auditor’s File No. 2107900, Vol. 30, Pg. 56 (1969); and
36

37 WHEREAS, the 20-foot deeded portion is classified as a Class B road right-
38 of-way under SCC 13.100.040(7)(b), for which compensation to the County is
39 required under SCC 13.100.080(2)(b) in an amount equal to fifty percent of the
40 appraised fair market value of the right-of way to be vacated; and
41

42 WHEREAS, the Department of Public Works (DPW) has determined the fair
43 market value of the unopened deeded portion of County road right-of-way to be
44 \$4,503.40, resulting in a required compensation amount of \$2,251.70 to the County;
45 and
46

ORDINANCE NO. 25-080
AN ORDINANCE VACATING AND ABANDONING AN UNOPENED PORTION OF 40 ST SE,
A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY

1 WHEREAS, the 10-foot dedicated portion is classified as a Class D road
2 right-of-way under SCC 13.100.040(7)(d), for which no compensation is required
3 under SCC 13.100.080(2)(c); and
4

5 WHEREAS, the County Engineer has determined that all criteria to vacate
6 and abandon a portion of 40th St SE exists and recommends that said County road
7 right-of-way be vacated and abandoned; and
8

9 WHEREAS, on this ____ day of _____, 20_____, pursuant to RCW
10 36.87.060 and SCC 13.100.060, the Snohomish County Council (the "County
11 Council") held a public hearing to consider the County Engineer's Report and to
12 receive public testimony;
13

14 NOW, THEREFORE, BE IT ORDAINED:
15

16 **Section 1.** The County Council adopts and incorporates the foregoing recitals
17 as findings as if set forth fully herein.
18

19 **Section 2.** The unopened portion of County road right-of-way described in
20 Exhibit A and depicted in Exhibit B, both attached to this ordinance and incorporated
21 herein by reference, is useless for County road purposes and the public will be
22 benefited by its vacation and abandonment.
23

24 **Section 3.** The unopened portion of County road right-of-way described and
25 depicted in the attached exhibits is vacated and abandonment upon satisfaction of
26 the terms and conditions contained in this ordinance.
27

28 **Section 4.** Under chapter 36.87 RCW and chapter 13.100 SCC, the vacation
29 and abandonment of the unopened portion of County road right-of-way granted
30 herein shall not take effect unless within one year of the date the County Council
31 passes this ordinance, the Petitioners have fully paid all itemized costs and
32 expenses of the proceedings enumerated by DPW under SCC 13.100.070 and
33 identified in the County Engineer's Report.
34

35 **Section 5.** Under chapter 36.87 RCW and chapter 13.100 SCC, the vacation
36 of the unopened portion of County road right-of-way granted herein shall not take
37 effect unless, within one year of the date this ordinance is passed by the County
38 Council, Petitioners have paid the County for the value of the County road right-of-
39 way vacated according to the schedule set forth in SCC 13.100.180 for the deeded
40 portion of the right-of-way. The 20-foot deeded portion of the unopened County road
41 right-of-way is classified as Class B under SCC 13.100.040(7), and the Petitioners
42 are required to compensate the County \$2,251.70, which is fifty percent of the
43 appraised fair market value of the Class B portion of the County road right-of-way
44 subject to vacation. The 10-foot dedicated portion of the unopened County road
45 right-of-way is classified as Class D under SCC 13.100.040(7), and no
46 compensation is required for the Class D portion of the unopened County road right-
47 of-way being vacated and abandoned by this ordinance.

ORDINANCE NO. 25-080

AN ORDINANCE VACATING AND ABANDONING AN UNOPENED PORTION OF 40 ST SE,
A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY

Section 6. Upon the Clerk of the County Council receiving confirmation from DPW that Petitioners have made timely and full payment as required by this ordinance, chapter 36.87 RCW, and chapter 13.100 SCC, this ordinance shall be recorded with the Snohomish County Auditor and become effective. In the event the Petitioners fail to make the required payments within one year of the date this ordinance is passed by County Council, this ordinance shall automatically become void and have no further force or effect.

Passed this day _____ of _____ 2025.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Assistant Clerk of the Council

() APPROVED

() EMERGENCY

() VETOED

County Executive

Date

ATTEST:

APPROVED AS TO FORM:

Elie Steinberg
Deputy Prosecuting Attorney

Petition for Vacation of a County Road

IN THE MATTER OF THE PETITION OF

Brett & Angela Nicholson

and others for the Vacation of

Portion of 40th ST SE

(Road Name or Number)

PETITION

TO THE SNOHOMISH COUNTY COUNCIL OF SNOHOMISH COUNTY, WASHINGTON

We, the undersigned freeholders of Snohomish County, State of Washington do petition that the following described County Road be vacated:

(FILL IN EXACT LEGAL DESCRIPTION OF PORTION OF ROAD TO BE VACATED)

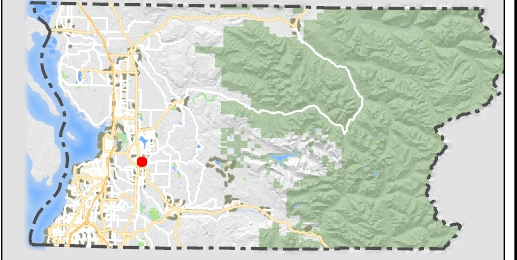
PREPARED BY A PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL ENGINEER

Legal Description Attached as Exhibit A

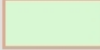
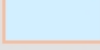
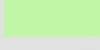
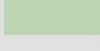
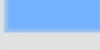
PREPARER'S STAMP & SIGNATURE

the whole distance being about **89 feet** ~~miles~~ and **2,669** total square footage.

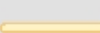
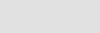
Your petitioners respectfully represent and allege that the road is useless as a part of the general road system and the public will be benefited by its vacation, and that all of your petitioners are freeholders residing in the County in the vicinity of the road; and therefore the petitioners request the vacation of the road, as provided by law.



Legend

-  Parcel
-  Recent Sales 2024
-  Recent Sales 2023
-  Recent Sales 2022
-  City Boundary
-  County Park
-  National Forest
-  Water

Street Types

-  Interstate
-  State Route
-  Local Road

Multiple Parcels
[\(Click for Info\)](#)

0 225 451 Feet

11/8/2024



All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Assessor Map

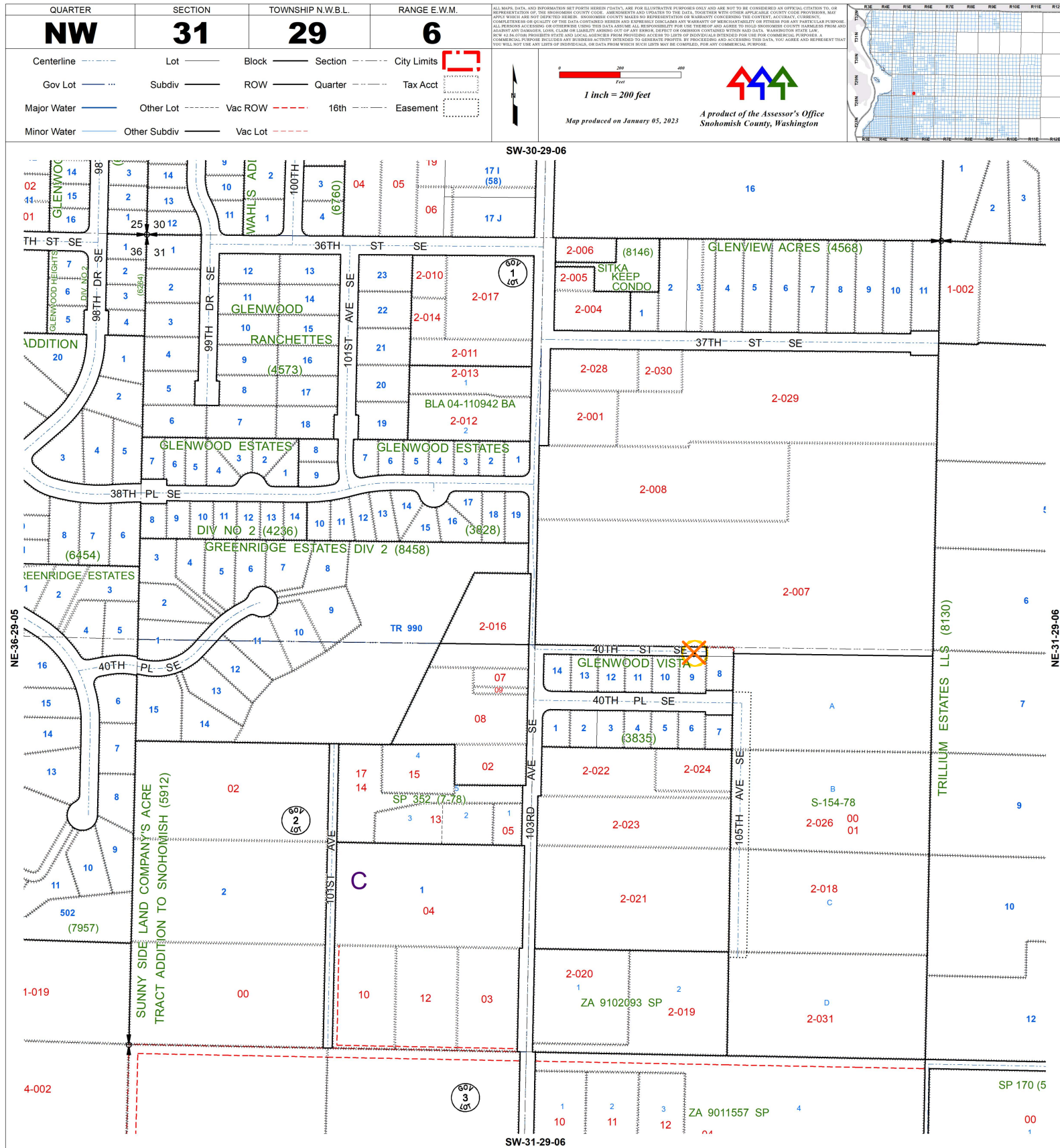


EXHIBIT 3
Site Plan

S/E 1/4, OF N/W 1/4 OF SEC. 31, TOWNSHIP 29 N., RANGE 6 E., W.M.

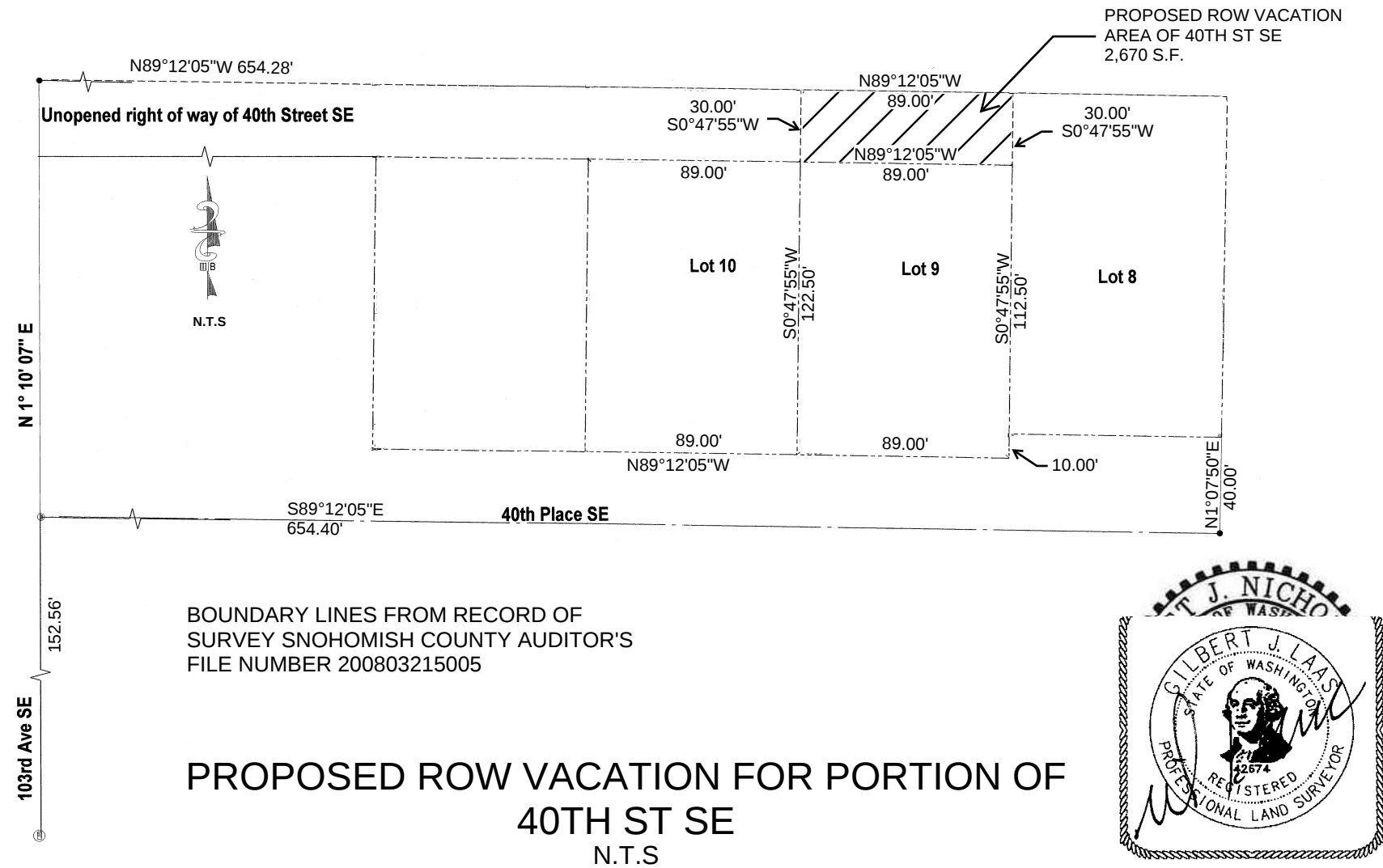
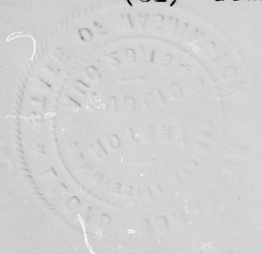


EXHIBIT 4 pg.1 of 2

QUIT CLAIM DEED

The Grantor herein J. B. Rumsey
..... for the consideration of - - -One and no/100ths - - - dollars
and also of benefits to accrue by reason of laying out and establishing a public road through
..... property, and which is hereafter described, convey ~~g~~ release ~~s~~ and quit-claims...
to the County of Snohomish, State of Washington, for the use of the public forever, all interest in the following
described real estate, viz.:

The North Twenty (20) feet of the West Half ($W\frac{1}{2}$) of the Southeast
quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-one
(31) Township twenty-nine (29) North Range Six (6) EWM.



31-29-6
313/562

situated in the County of Snohomish, State of Washington. Said Grantor..... do ~~es~~ hereby waive..... and
relinquish..... all claims of damage caused or arising by reason of the laying out and establishing of a public
road upon the property herein conveyed.

Dated this 19th day of March A. D., 1942

J. B. Rumsey
Bernice H. Rumsey

CONTAINED BY

STATE OF WASHINGTON
COUNTY OF Snohomish ss.

On this 20th day of March, 1942, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came J.B. Rumsey and Bernice H Rumsey to me known to be the individual A described in and who executed the within instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above written.

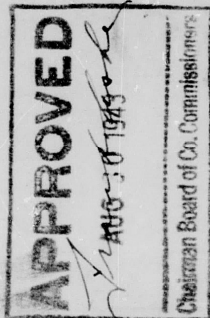
Notary Public in and for the State of Washington, residing at Everett Wash.

254266 Sur. No. 2/06

S/-29-C
QUIT-CLAIM DEED
FROM J.B. Rumsey
TO Bernice H Rumsey
COUNTY OF SNOHOMISH

Right of Way
Dated Mar 19, 1942

COMMISSIONERS' APPROVAL



FILED FOR RECORD AT REQUEST OF

J. E. Dyer

On the 20th day of March, 1942, at 313 minutes past Deeds M., and 562 of Deeds, Notarized in Voluntary Records of Snohomish County, Washington.

Auditor

Deputy

By Harry J. Felt

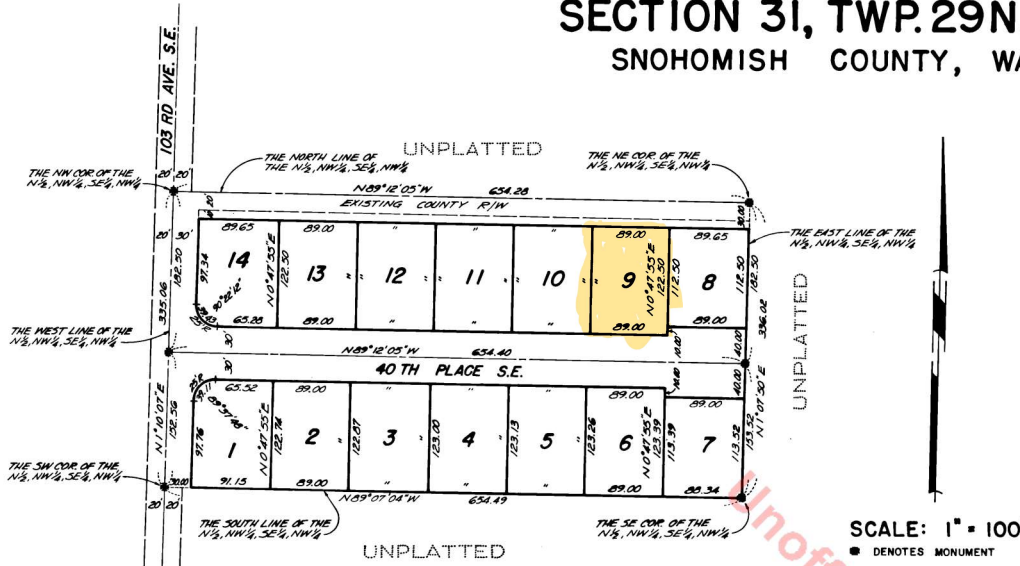
Dist # 3

GLENWOOD VISTA

SECTION 31, TWP. 29N, R6E, W.M.

SNOHOMISH COUNTY, WASHINGTON

30B
5775
6637
507P



DESCRIPTION

This plat of GLENWOOD VISTA embraces the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 29 North, Range 6 East, W.M., Snohomish County, Washington. LESS County Road.

EASEMENT PROVISIONS

An easement of hereby reserved for and granted to PUBLIC UTILITY DISTRICT NO. 1 of SNOHOMISH COUNTY and GENERAL TELEPHONE COMPANY of the NORTHWEST, INC., their respective successors and assigns, under and upon the exterior 7 feet, parallel with and adjoining the street frontage of all lots, in which to install, lay, construct, renew, operate and maintain underground conduits, cables and wires with necessary facilities and other equipment for the purpose of serving this subdivision and other property with electric and telephone service, together with the right to enter upon the lots at all times for the purposes herein stated. Also, all lots shall be subject to an easement 2.5 feet in width, parallel with and adjacent to all interior lot lines, for purposes of drainage and utilities.

LAND SURVEYOR'S CERTIFICATE

I hereby certify that this plat of GLENWOOD VISTA is based upon an actual survey and subdivision of Section 31, Twp. 29 N., R. 6 E., W.M.; that the courses and distances are shown correctly thereon; that the monuments have been set and the lot and block corners staked correctly on the ground and that I have fully complied with provisions of the platting regulations.

Kenneth W. Espeeth
KENNETH W. ESPEETH, Pro. Land Surveyor
Certificate No. 8013

TREASURER'S CERTIFICATE

I, Verne Sievas, Treasurer of Snohomish County, Washington, do hereby certify that all taxes on the above described tract of land have been paid, up to and including the year 1970.

Verne Sievas
Treasurer, Snohomish County

Lee Anderson
By: Deputy Treasurer, Snohomish County

APPROVALS

I hereby certify that this plat complies with the conditions set forth by the Snohomish County Planning Commission and is duly approved this 11th day of August, 1969.

Lang D. Deinde For J.A. Smith
Director

Examined and approved this 11th day of August, 1969.

Robert Johnson
Snohomish County Engineer

Examined and approved this 11th day of August, 1969.

E. Sam Kratz
Chairman, Board of County Commissioners

RECORDING CERTIFICATE

Filed for record at the request of *Ruskin Fisher*
this 12 day of August, 1969, at 32 minutes past 10 a.m.
and recorded in volume 30 of Plats, page 56, records of Snohomish County, Washington.

Stan Dubuque
Auditor, Snohomish County

Arla Martin
By: Deputy Auditor, Snohomish County

\$1,500

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, owners in fee simple, contract purchasers and mortgagees of the land hereby platted, hereby declare this plat and dedicate to the public forever all roads and ways shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon. Following the 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 rights-of-way, or to hamper proper drainage. Any enclosing of drainage waters in culverts or drains, or re-routing thereof across any lot, as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner. IN WITNESS WHEREOF we have set our hands and seals.

Theodore Beckmeyer, Jr.
THEODORE BECKMEYER, JR.

Claretta Joy Beckmeyer
CLARETTA JOY BECKMEYER

Clifford A. Tiedeman
CLIFFORD A. TIEDEMAN

Lorraine J. Tiedeman
LORRAINE J. TIEDEMAN

SEATTLE FIRST NATIONAL
BANK, Snohomish Branch

Egon J. Swanson Branch Manager
R.C. Pollack

ACKNOWLEDGMENTS

STATE OF WASHINGTON
COUNTY OF SNOHOMISH ss.

This is to certify that on this 30th day of July, 1969, before me, the undersigned, a Notary Public, personally appeared THEODORE BECKMEYER, JR. & CLARETTA JOY BECKMEYER, his wife, to me known to be the individuals who executed the within dedication, and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes therein mentioned. WITNESS my hand and official seal the day and year first above written.

Marion P. Schab
Notary Public in and for the State of Washington
Residing at Everett

STATE OF WASHINGTON
COUNTY OF SNOHOMISH ss.

This is to certify that on this 1st day of August, 1969, before me, the undersigned, a Notary Public, personally appeared CLIFFORD A. TIEDEMAN and LORRAINE J. TIEDEMAN, his wife, to me known to be the individuals who executed the within dedication, and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes therein mentioned. WITNESS my hand and official seal the day and year first above written.

Marion P. Schab
Notary Public in and for the State of Washington
Residing at Everett

STATE OF WASHINGTON
COUNTY OF SNOHOMISH ss.

This is to certify that on this 30th day of July, 1969, before me, the undersigned, a Notary Public, personally appeared *EVERETT J. SWANSON* and *R.C. POLLACK*, respectively, of SEATTLE FIRST NATIONAL BANK, Snohomish Branch, a Washington corporation, to me known to be the individuals who executed the within dedication, and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes therein mentioned and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation. WITNESS my hand and official seal the day and year first above written.

Willis C. Langston
Notary Public in and for the State of Washington
Residing at Snohomish

EXHIBIT 6

APPRAISED VALUE CALCULATION PER SCC 13.100.085 (1)

Property Owner:

Brett & Angela Nicholson

(1) Tax parcel #: 00383500000900

Given Information:

2024 Market Land Value = 27,500

Size (gross) = 0.25

Area to be vacated = 1,780 (10 x 89 = 890 / 2,670 – 890 = 1,780)

1 acre = 43,560 sq ft

Formula:

Size (gross) 0.25 x 1 acre 43, 560 = 10,890

Market Land Value

2024 Land Market Value \$27,500 / size & 1 acre total 10,890 = 2.53

2.53 x 1,780 = \$ 4,503.40

50% = \$2,251.70

Total \$2,251.70