

ENGINEER'S REPORT

PETITION REQUEST # 20 116971 RWE

FOR THE VACATION AND ABANDONEMENT OF A PORTION
OF AN UNOPENED COUNTY ROAD RIGHT-OF-WAY IDENTIFIED AS

20th Street Northeast

INTRODUCTION

Chapter 36.87 Revised Code of Washington (RCW) gives county legislative authorities broad authority to vacate and abandon land that was acquired for county road purposes. Chapter 13.100 Snohomish County Code (SCC) provides that Snohomish County (the County) also has the authority to vacate and abandon public road right-of-way (ROW) independent of the statutory vacation provisions of Chapter 36.87 RCW. The County's legislative authorities use of this broad authority must be made under the advice and supervision of the County Engineer.

SCC 13.100.010 provides that the road or ROW vacation and abandonment procedures may be initiated either in response to Council request, by the County Engineer when he/she determines that the criteria for the road or ROW vacation and abandonment exists, or in response to a frontage owner's petition.

FACTS/BACKGROUND

1. On November 4, 2020, James and Rachel Day, (the Petitioners) submitted a petition to Department of Public Works (DPW) proposing to vacate a portion of the unopened deeded county road ROW of 20th St NE. (See Exhibit 1, Petition)
2. James and Rachel Day own both parcels abutting the north and south portion of this section of ROW, tax parcel numbers 29051100103500 and 29051100400200. (See Exhibit 2, Statutory Warranty Deed and Maps)
3. The proposed ROW vacation is 16 feet in width, 8 feet on each side of the quarter section line of Section 11. (See Exhibit 3, Survey)
4. 20th St NE is an unopened deeded ROW located in the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ section of Section 11, Township 29 North, Range 5 East, W. M. (See Exhibit 4, Public Works Map)

5. The northern portion of the proposed vacation abutting parcel 29051100103500 was conveyed to Snohomish County by Sunnyside Land Company on January 26, 1912 and was recorded in the Auditor's Office under Volume 145 Page 118. (See Exhibit 5, NE Quarter Map and 1912 Deed)
6. The southern portion of the proposed vacation abutting parcel 29051100400200 was conveyed to Snohomish County via Treasurer's Deed recorded in the Auditor's Office under Volume 641 Page 235. (See Exhibit 6, SE Quarter Map and Treasurer's Deed)
7. The proposed vacation dead ends at the western boundary of "The Village Condo" condominium development where previously existing unopened ROW has already been vacated.
8. The ROW east of the proposed vacation and the parcel boundaries of tax parcels 29051100103500 and 29051100400200, extending east to the northeast section line was vacated by Amended Ordinance No. 97-011. (See Exhibit 7, Ordinance and Assessor's Map).
9. The ROW west of the proposed vacation and parcel boundaries of tax parcels 29051100103500 and 29051100400200, extending to the west still exists and is unopened.
10. A comment was obtained from the City of Lake Stevens's City Engineer and is in support of the proposed vacation.

FINDINGS

1. The ROW proposed to be vacated has never been opened in the vicinity or used as a public road.
2. The ROW does not abut a body of saltwater or freshwater as per RCW 36.87.130 and SCC 13.100.090.
3. The Petitioner's real property taxes will be amended to reflect the value added by the vacation of the ROW abutting the petitioner's properties.
4. It is not advisable to preserve any portion of the County ROW proposed to be vacated for the County transportation system of the future because there is no future road connectivity due to a portion of 20th St NE having been vacated under Amended Ordinance No. 97-011.
5. The proposed vacation on the south will eliminate the potential for tax parcel 29051100400200 to access a public road, however adjoining tax parcel 29051100103500 is also owned by the Petitioners and has direct access to a public road. No other properties have the potential to be landlocked as a result of this unopened ROW vacation

6. The portion of 20th St NE petitioned to be vacated is classified as Class B road under SCC13.100.040(7)(b). Class B roads and rights-of-way are those in which the county has a fee simple interest, and no public expenditures were made.
7. DPW has determined the fair market value of that portion of 20th St NE petitioned to be vacated at \$2,843.31 using the formula described in SCC 13.100.085(1).
8. Under SCC 13.100.080(2)(b), Petitioners are required to pay fifty percent of the appraised value as determined by DPW, which is equal to \$1,421.66.
9. A Stipulation to Value and Agreement to Wave Consultant Appraisal has been signed by the Petitioners, agreeing to the valuation of the property prepared by the County. (See Exhibit 8, Stipulation)
10. There are no utilities located within the proposed ROW vacation.
11. The County did not receive any objection from any party opposing the proposed vacation.

RECOMMENDATIONS

1. Based on the above findings, Public Works has determined that the public will benefit by the vacation and abandonment of this ROW and the ROW should be vacated and abandoned.
2. DPW recommends that Vacation Petition Request 20 116971RWE, for the vacation of ROW for a portion 20th St NE described on the attached Exhibits to the accompanying Ordinance, is in the best interest of the general public and should be granted based on the following conditions:


CONDITIONS

1. All associated costs incurred by the county in processing the petition to vacate and the land value of the ROW shall be paid by the petitioners, James and Rachel Day, as per SCC 13.100.070 and SCC 13.100.080.

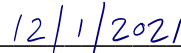
Estimated Public Works Administrative Charges	\$4,200.00
Estimated Advertising Cost for Ordinance Notice	\$ 300.00
 Total Estimated Cost	 \$4,500.00
 ROW Land Value	 \$1,421.66
Application Credit Fee	<500.00>
Estimated Balance	\$5,421.66

2. The petitioners are required to pay fifty percent of the appraised value of the ROW as determined by DPW which equals to \$ 1,421.66.
3. Failure to make payments of the compensation required under SCC 13.100.070 and SCC 13.100.080 within one year of the date the ordinance or motion is adopted by the Council, means the ordinance or motion should not be recorded and the road and/or ROW shall not be considered vacated.

Approved by:




Douglas W. McCormick P.E.
Deputy Director/County Engineer

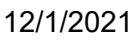


Date

Prepared By:



Maria Acuario
ROW Investigator III



Date



202004080587

DEEDS (EXCEPT QCDS)

Rec: \$104.50

4/8/2020 3:13 PM 1 of 2

SNOHOMISH COUNTY, WA

Electronically Recorded

Thank you for your payment.
E136363 \$9,446.80
SARA H. 04/08/2020

When recorded return to:

James M Day
2325 77th Avenue NE
Everett, WA 98205

Filed for Record at Request of
Northwest Escrow, LLC
Escrow Number: EV20-1352

**INSURED BY
CHICAGO TITLE**
Statutory Warranty Deed

500092613

THE GRANTOR Boyden Investment Company, LLC, a Washington Limited liability Company for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to James M Day and Rachel Day, a married couple the following described real estate, situated in the County of Snohomish, State of Washington.

Abbreviated Legal:
SW NE and NW SE 11-29-6

Tax Parcel Number(s): 290511-001-035-00, 290511-004-002-00

See attached legal description as Exhibit "A"

Dated April 1, 2020

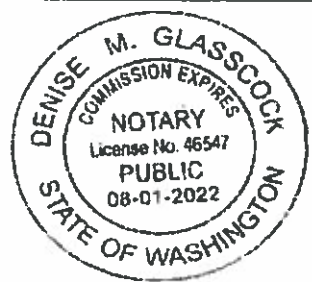
Boyden Investment Company, LLC

Richard J. Boyden
By: Richard J. Boyden, Managing Member

STATE OF Washington
COUNTY OF Snohomish) SS:

I certify that I know or have satisfactory evidence that Richard J. Boyden is/are the person(s) who appeared before me, and said person(s) acknowledge he signed this instrument, on oath stated he is/are authorized to execute the instrument and acknowledge that as the Managing Member of Boyden Investment Company, LLC to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 4-1-20 Denise M. Glasscock



Notary Public in and for the State of Washington
Residing at Shawmut
My appointment expires: 8-1-22

EXHIBIT A

PARCEL A:

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, LYING WEST OF THE EAST LINE OF THE WEST 990.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11.

EXCEPT THE NORTH 8.00 FEET AND THE SOUTH 8.00 FEET THEREOF FOR ROAD PURPOSES.

PARCEL B:

THE EAST HALF OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;

EXCEPT THE NORTH 8 FEET FOR PUBLIC ROAD;

TOGETHER WITH THE NORTH 8 FEET ADJACENT TO THIS PROPERTY AND LYING EASTERLY OF THE WEST 990 FEET OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER PER RIGHT OF WAY VACATED BY AMENDED ORDINANCE NO. 97-011 RECORDED UNDER RECORDING NO. 9707170296, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

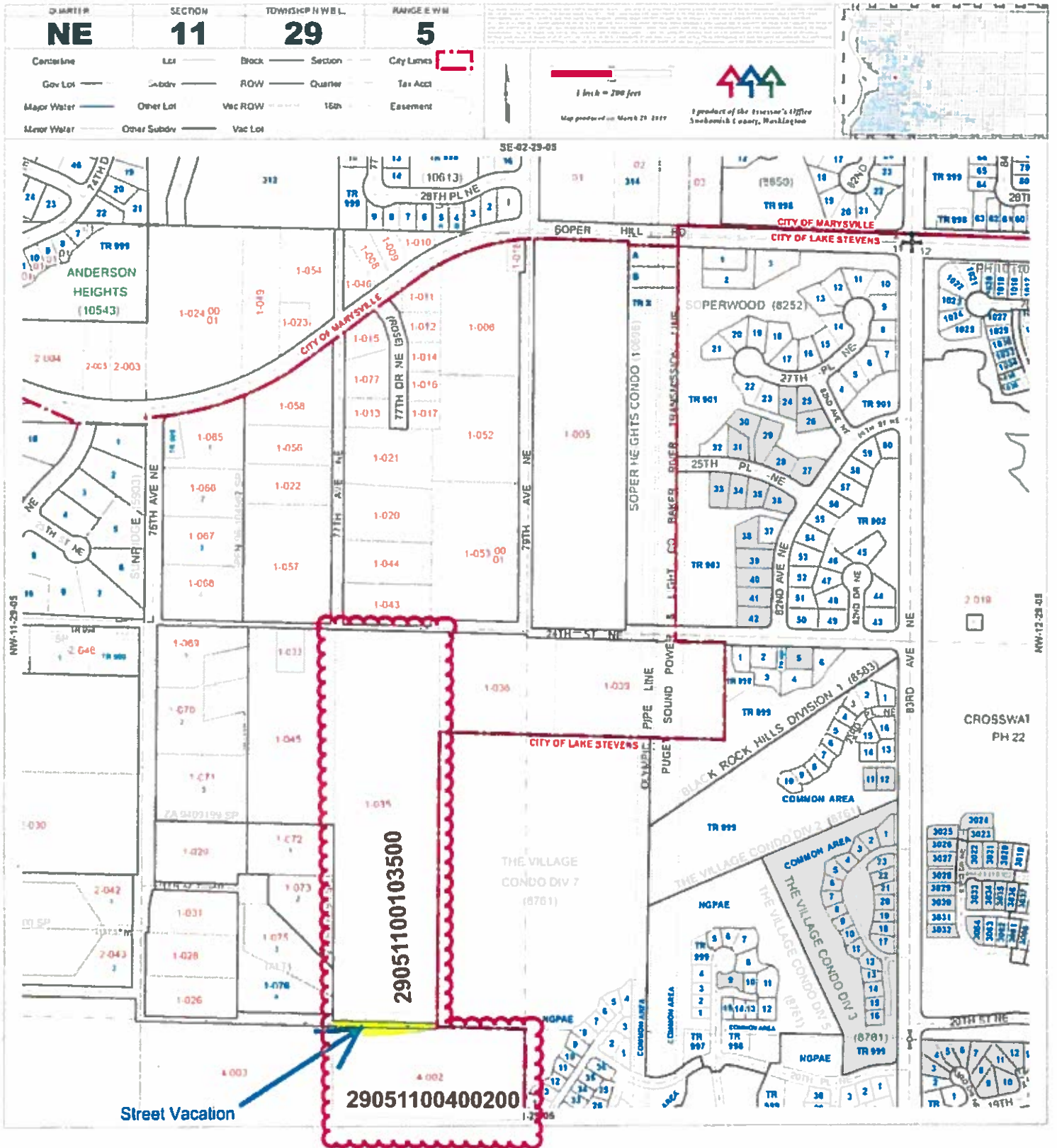


Exhibit 2 Page 3

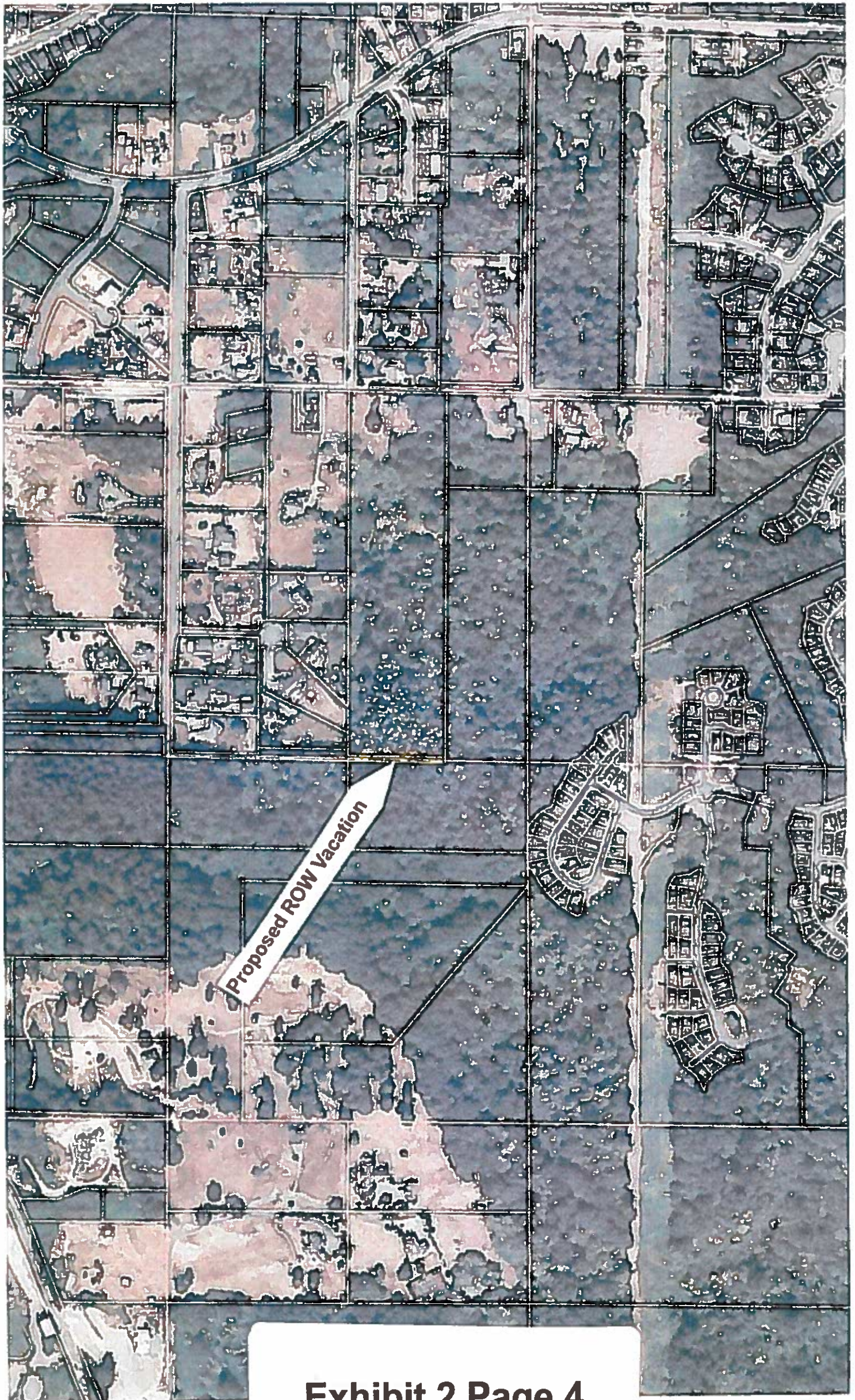
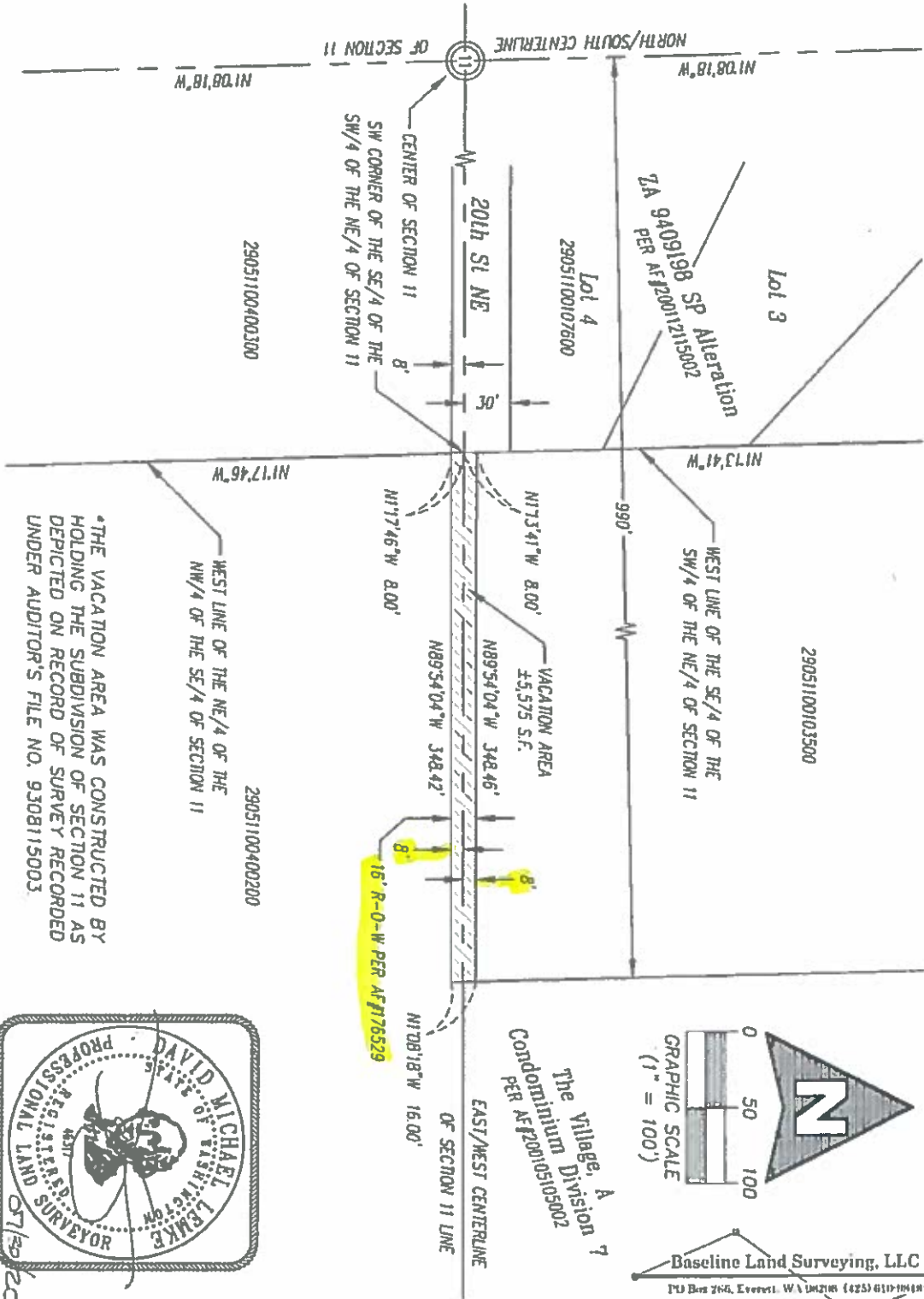
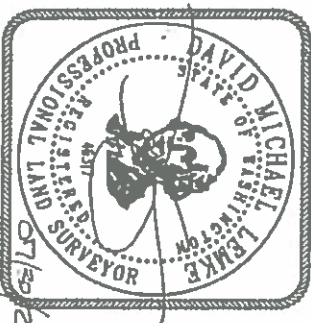


EXHIBIT B



*THE VACATION AREA WAS CONSTRUCTED BY HOLDING THE SUBDIVISION OF SECTION 11 AS DEPICTED ON RECORD OF SURVEY RECORDED UNDER AUDITOR'S FILE NO. 9308115003



Baseline Land Surveying, LLC
 P.O. Box 266, Everett, WA 98216 (425) 611-1941

Exhibit 3

Exhibit 4 Page 1

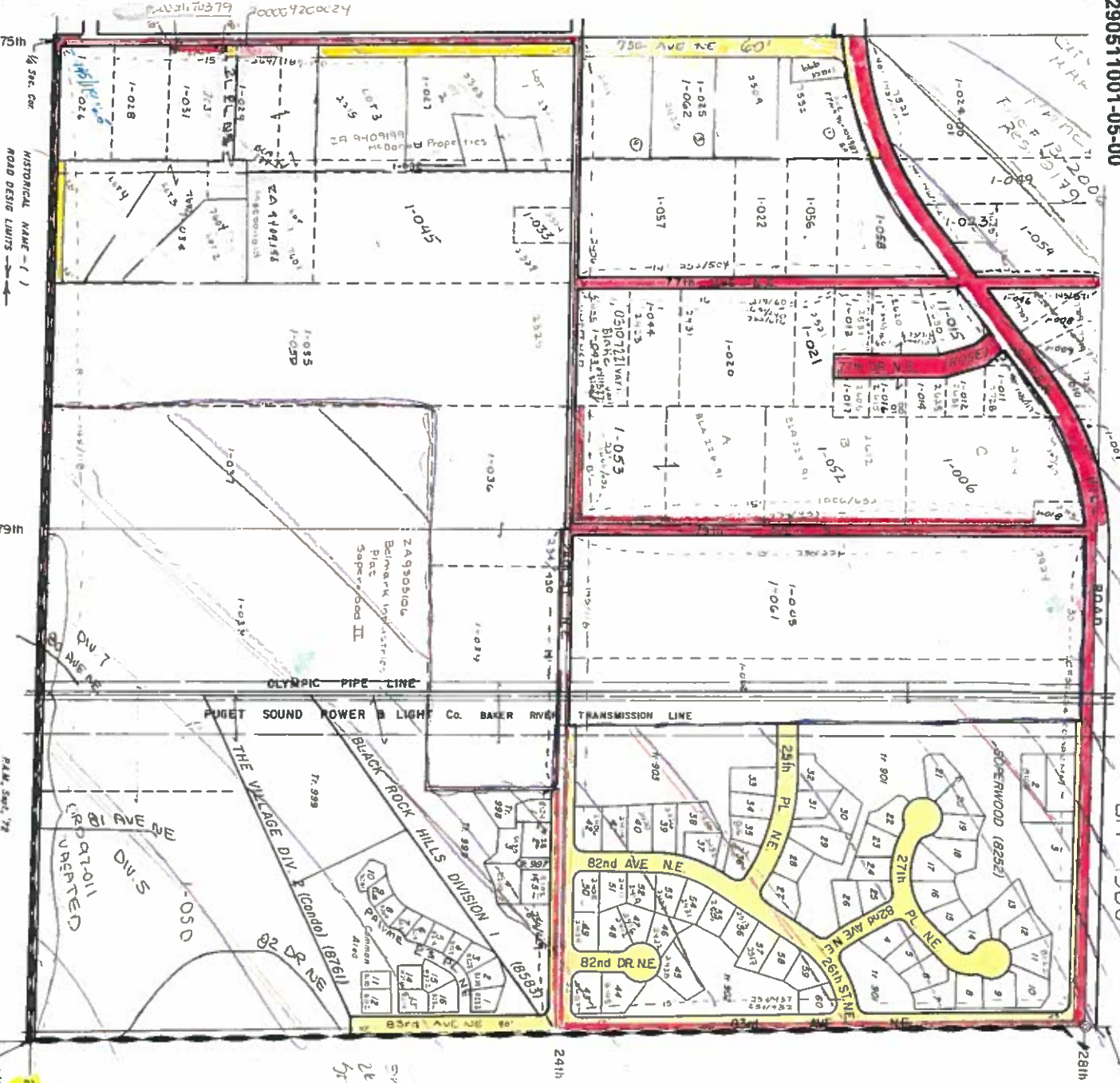


290511001-05-00

N.E. 1/4, SEC. 11, T.29N., R.5E.
1" = 200'

BM 1900

2 1
1112



NOTE

HISTORICAL NAME - ()
ROAD DESIGN LIMITS - ()

20th St NE

NE 11-29-5

Handwritten notes:
#712
26 5/4
5/31/07
5/31/07

KNOW ALL MEN BY THESE PRESENTS, that this Indenture made and entered into this 24 day of January, 1912, by and between the Sunny Side Land Company, a corporation, of Everett, Wash, party of the first part, and the County of Snohomish, State of Washington, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of \$1. to it paid, receipt whereof is hereby acknowledged, and also in consideration of the benefits to accrue to it by reason of the laying out and establishing a public road through the property hereinafter described, does convey, release and quit claim unto grantees, for the use of the Public forever, as a public road and highway, all interest in the following described real estate, situated in Snohomish County, Washington, to-wit:

From the corner common to sections 2, 3, 10 and 11, in Township 29, N.R. 5 E.W.M., thence N. 70°15' W. 102.2 feet, thence W. parallel to the S. line of sec. 3, 880.2 ft, more or less, to Ebey Slough, thence southerly along Ebey Slough to the S. line of said section, thence E. on the S line of said section 3, to the place of beginning.

Also, a strip of land 16 feet in width, being 8 feet on each side of the following described center line, to-wit: Commencing at the S.W. corner of the N.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of section 11, Twp. 29 N.R. 5 E.W.M. thence running E. on the subdivision line to the S.E. corner of the N.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of said section.

Also the North 16 $\frac{1}{2}$ feet of the following lands, to-wit: The S.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ and that portion of the S.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ lying E of the center line of the county road running North and South through said S.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ all in section 11, Twp. 29 N.R. 5 E.W.M.

Also, a strip of land 16 feet in width, being 8 feet on each side of the following described center line, to-wit: Commencing at the S.W. corner of the S.W. $\frac{1}{4}$ of the E.E. $\frac{1}{4}$ of section 11, Twp. 29 N.R. 5 E.W.M. running thence E on the subdivision line to the E. line of said section 11, at the S.W. corner of the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of said section.

Also, a strip of land 33 feet in width, being 16 $\frac{1}{2}$ feet on each side of the following described center line, to-wit: Commencing at a pt. 125 ft S of NE. cor of S.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of section 11, Twp. 29 N.R. 5 E.W.M. thence running W. parallel to the E and W quarter section line, to the road running E. and S. through the W $\frac{1}{4}$ of said section.

Also the following strip of land, to-wit: A strip of land 16 $\frac{1}{2}$ feet wide east and west, and 90 feet long, north and south from the center line of the last above described tract extending thence S and lying immediately W of and adjoining the E and S quarter section line of said sec. 11, Twp. 29 N.R. 5 E.W.M.

In Witness Whereof said party of the first part doeshereunto subscribe its corporate signature and affix its corporate seal.

SUNNY SIDE LAND COMPANY,

By

E. M. Metzger Vice President

SUNNY SIDE LAND COMPANY,

By

W. H. Black Secretary.



172 Pages 118 #176929

3, 11-29-5
145/118

QUARTER	SECTION	TOWNSHIP N W B L.	RANGE E W M
SE	11	29	5

Centerline --- Lot --- Block --- Section --- City Limits [Red Box]

Gov Lot --- Subdiv --- ROW --- Quarter --- Tax Acct

Major Water --- Other Lot --- Vac ROW --- 16th --- Easement

Minor Water --- Other Subdiv --- Vac Lot

1 inch = 200 feet

Map produced on October 01, 2019

A product of the Assessor's Office
Snohomish County, Washington

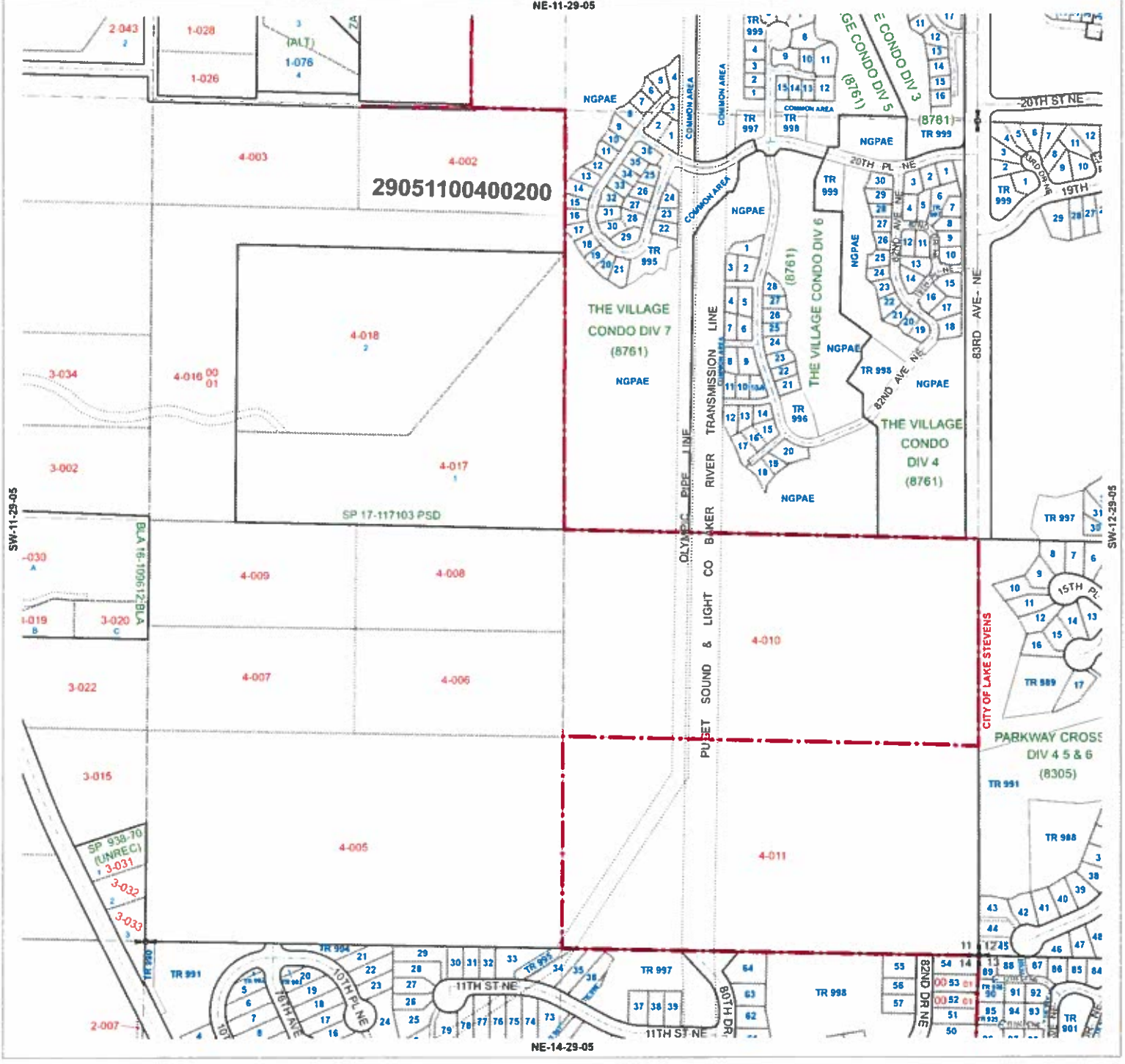


Exhibit 6 Page 1

PLAT OF INDEX

Beg at a pt on S side of Ave. "A" 135 ft Ely of NE cor Lot 8 Block 5 th Ely along S side of Ave "A" 85 ft th Sly at R angle to N Fork of Skykomish River th SWly alg River bank 85 ft th Ely to POB Block 5

Section 17, Township 27 North, Range 4 EWM S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ & NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ less E 30 ft to Standard Oil Treasurer's Deed #4552 and less the W 30 ft of E 60 ft to AND Deed #4634

Section 1, Township 27 North, Range 6 EWM Lot 1 less Tr owned by G.N. Ry Co less Co Rd less strip 100 ft wide on SWly side 01210-1-073-0002

Section 1, Township 28 North, Range 4 EWM NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 30, Township 28 North, Range 5 EWM E $\frac{1}{2}$ Lot 4 less Co. Rd.

Section 31, Township 28 North, Range 5 EWM Lot 1

Section 16, Township 28 North, Range 8 EWM NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 16, Township 28 North, Range 8 EWM SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 16, Township 28 North, Range 8 EWM NE $\frac{1}{4}$ SE $\frac{1}{4}$

* Section 11, Township 29 North, Range 5 EWM E $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ less 8 ft off N side for public road

Section 8, Township 29 North, Range 7 EWM Beg SE cor NE $\frac{1}{4}$ NE $\frac{1}{4}$ th N 858 ft th W 561 ft th SEly to a pt 396 ft W of POB th E 396 ft to POB

Section 8, Township 29 North, Range 7 EWM Beg 396 ft W of SE cor NE $\frac{1}{4}$ NE $\frac{1}{4}$ th W 924 ft th N 1320 ft th E 1320 ft th S 462 ft th W 561 ft th SEly to POB less Co Rd.

Section 20, Township 31 North, Range 4 EWM NW $\frac{1}{4}$ NE $\frac{1}{4}$ ly W of Co. Rd.

Tract Deed #4753 - Original plat: S. 11 - T. 29 - R. 5
S. 11 - T. 29 - R. 5
641/235
V. 641/P. 233

9707170296

Return to:

Snohomish County Public Works
Counter - 1st Floor
2930 Wetmore Avenue
Everett, WA 98201



9707170296
07/17/97 14:29
p.0002 Recorded
Snohomish County

In the matter of:

COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED
ORDINANCE NO. 97-011
VACATING COUNTY ROAD RIGHT-OF-WAY
PORTION 20TH STREET NE

WHEREAS, the petition of Belmark Industries for the vacation of certain County road right-of-way came on for hearing before the Council on this 23rd day of April, 1997; and

WHEREAS, the County Council declared its intention to vacate and abandon a portion of 20th Street NE road right-of-way; and

WHEREAS, the Department of Public Works and Planning and Development Services have recommended that the vacation be granted; and

WHEREAS, the Council considered the Engineer's report of the Department of Public Works recommending that the vacation be granted.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Council finds, based on the report of the Department of Public Works that the right-of-way to be vacated is useless for County road purposes and that the public will be benefited by its vacation.

Section 2. The following County road right-of-way is vacated upon the terms and conditions stated herein:

A strip of land, (~~(45.00)~~) 16.00 feet in width over a portion of the east half of Section 11, Township 29 North, Range 5 East, W.M., in Snohomish County Washington, said strip having 8.00 feet on each side of the following described centerline: Beginning at the east quarter corner of said Section 11; thence N89°54'04"W, along the east west centerline of said Section 11, a distance of 1,357.00 feet to the east line of the west 990.00 feet of the southwest quarter of the northeast quarter of said Section 11 and the terminus of said centerline. The sidelines of the above described strip of land shall be lengthened or shortened, as required, to intersect the east line of said Section 11 and the east line of the west 990.00 of the southwest quarter of the northeast quarter of Section 11.

Containing 21,712 square feet more or less. Situate in the County of Snohomish, State of Washington. The centerline described is the centerline of a 16.00 foot right-of-way recorded under auditor's file No. 176529, records of said county.

Section 3. The Council finds that the vacation of County right-of-way granted herein shall be effective only upon filing with the Clerk of the Council a certification from the Department of Public Works that the petition has a) paid to the Snohomish County Road Fund the actual cost of processing the petition for vacation, which amount is estimated to be \$1,200.00; and b) have paid to the County those costs incurred by the County Council for advertising the Notice of Public Hearing in the approximate amount of \$200, per RCW 36.87.070 and SCC 13.100.070

PASSED this 23rd day of April, 1997.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

John Hamer
Chairperson

ATTEST: Barbara Sitoristi
Asst. Clerk of the Council

- APPROVED
 VETOED
 EMERGENCY

DATE: 4/25/97

ATTEST: Laura Nelson

Gary Weikel
County Executive

GARY WEIKEL
Executive Director

9707170296



Snohomish County

Public Works
Transportation and Environmental Services

3000 Rockefeller Ave., MS 607
Everett, WA 98201-4046
(425) 388-3488
www.snoco.org

Dave Somers
County Executive

**STIPULATION TO VALUE DETERMINED BY THE
DEPARTMENT OF PUBLIC WORKS
AND AGREEMENT TO WAIVE CONSULTANT APPRAISAL**

Project Name: Ptn of 20th St NE ROW Vacation

Project No: RR 6325

I/We, James and Rachel Day, owner(s) of tax parcel(s) 29051100103500 and 29051100400200, have petitioned Snohomish County (Department of Public Works) to vacate a portion of 20th St NE, right-of-way. We understand that the Department of Public Works has determined that the subject-right-of way is suitable to vacate and has prepared an appraisal for the right of way for \$1,421.66

We also understand that the standard vacation process requires a consultant appraisal and appraisal review to determine the value, and that we are entitled to the full appraisal process should we choose, and that the cost of the appraisal and review will be our obligation per RCW 36.87.120 and SCC 13.100.070.

We hereby waive our right to a consultant appraisal and appraisal review and stipulate to the value of the right-of-way as determined by the Department of Public Works. We agree that the Determined Value is an accurate and competent estimate of the Fair Market Value and will not challenge the estimate in the vacation process.

We request that the Department of Public Works proceed with the petition to vacate at this time with the Determined Value of \$1,421.66

We certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 20th day of July, 2021 at Lake Stevens, WA
(City) (State)

James M Day
Petitioner

Rachel A Day
Petitioner

Exhibit 8