

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
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7
8

9 *In the matter of: 271st PI NE*

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11
12 SNOHOMISH COUNTY COUNCIL
13 Snohomish County, Washington
14

15 ORDINANCE NO. 23-131

16
17 AN ORDINANCE VACATING A PORTION OF 271st PLACE NE
18 A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY
19

20 WHEREAS, on November 20, 2020, Lang Investments, LLC, and Donna
21 Lang (the “Petitioners”) submitted a petition pursuant to the Revised Code of
22 Washington (RCW) 36.87.020 and the Snohomish County Code (SCC) 13.100.030
23 to vacate and abandon a portion of 271st Place NE, an unopened Snohomish County
24 road right-of-way (ROW); and
25

26 WHEREAS, the Snohomish County Engineer (the “County Engineer”),
27 pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report examining the
28 road ROW proposed to be vacated and abandoned; and
29

30 WHEREAS, the County Engineer has determined that all criteria to vacate
31 and abandon a portion of 271st Place NE exist and recommends that said unopened
32 road ROW be vacated and abandoned; and
33

34 WHEREAS, on this 6th day of December, 2023, pursuant to RCW 36.87.060
35 and SCC 13.100.060, the Snohomish County Council (the “County Council”) held a
36 public hearing to consider the County Engineer’s report and to hear public testimony.
37

38 NOW, THEREFORE, BE IT ORDAINED:
39

40 **Section 1.** The County Council adopts and incorporates the foregoing
41 recitals as findings as if set forth fully herein.
42

43 **Section 2.** The County Council further finds that the unopened road ROW
44 legally described and depicted in the survey recorded under Auditor’s File No.
45 202305185001 and attached as Exhibit A to this ordinance and incorporated herein
46 by reference, is not usable for County road purposes and the public will benefit by its
47 vacation.

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2 **Section 3.** The County Council finds that the portion of the unopened road
3 ROW described and depicted in Exhibit A is vacated upon satisfaction of the terms
4 and conditions contained in this ordinance.
5

6 **Section 4.** The vacation of the unopened road ROW granted herein shall not
7 take effect unless within one year of the date this ordinance is passed by the County
8 Council the Petitioners have paid all itemized costs and expenses of the proceedings
9 enumerated by the Department of Public Works (DPW) under SCC 13.100.070.
10

11 **Section 5.** The vacation of the unopened road ROW granted herein shall not
12 take effect unless within three (3) months of the date this ordinance is passed by the
13 County Council the Petitioners have executed and recorded with the County Auditor
14 the "Covenant and Agreement Related to the Vacation of a portion of 271st PI NE, an
15 Unopened Snohomish County Right-of-Way" in substantially the same form as is
16 attached to this ordinance as Exhibit B, to prevent any portion of the Petitioners'
17 property abutting the vacated road ROW from becoming land locked in the future.
18

19 **Section 6.** The unopened road ROW to be vacated is classified as Class D
20 under SCC 13.100.040(7)(d), in which the County has an easement, no public
21 expenditures were made, and for which no compensation is required by the County
22 under SCC 13.100.080.
23

24 **Section 7.** Upon the Clerk of the County Council receiving confirmation from
25 DPW that the Petitioners have fulfilled the conditions set forth in Sections 4 and 5,
26 this ordinance shall be recorded with the County Auditor and become effective upon
27 recording. In the event the Petitioners fail to fulfill the conditions set forth in Sections
28 4 and 5, this ordinance shall automatically become void and have no further force or
29 effect.
30

31
32 Passed this day 6th day of December, 2023.
33

34
35 SNOHOMISH COUNTY COUNCIL
36 Snohomish County, Washington
37


38 *Jared Mead*
39 _____
40 Jared Mead, Chairperson
41

42 ATTEST:

43 *M. G. ...*
44 _____
45 Deputy Clerk of the Council
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(X) APPROVED
() EMERGENCY
() VETOED



County Executive

12/11/2023

Date

ATTEST:

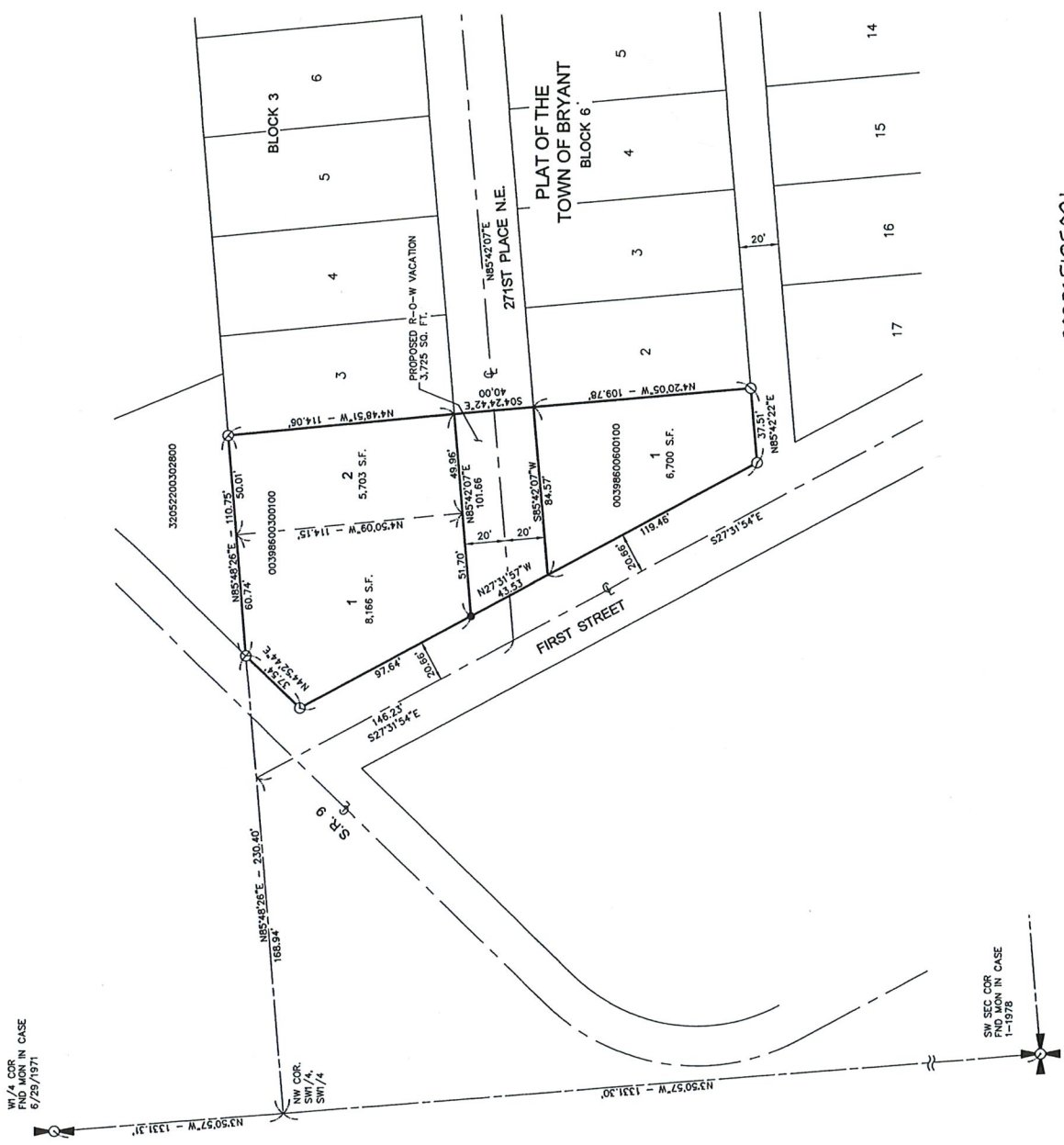


APPROVED AS TO FORM:


_____ 10/4/2023
Deputy Prosecuting Attorney

EXHIBIT A

NW 1/4 COR.
END MON IN CASE
6/29/1971



LEGAL DESCRIPTION:
TAX PARCEL 00398600300100
LOTS 1 AND 2, BLOCK 3, TOWN OF BRYANT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGE 85, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.
SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

TAX PARCEL 00398600600100
LOT 1, BLOCK 6, TOWN OF BRYANT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGE 85, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.
SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

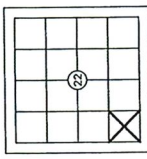
PROPOSED R-O-W VACATION
THAT PORTION OF THE PLAT OF THE TOWN OF BRYANT, AS RECORDED IN VOLUME 9 OF PLATS ON PAGE 85, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 3 OF SAID PLAT; THENCE NORTH 85°42'07" EAST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 42°44'42" WEST, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 6 OF SAID PLAT; THENCE SOUTH 85°42'07" WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 43.53 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 3,725 SQUARE FEET OF LAND.

SUBJECT TO AND TOGETHER WITH ANY EASEMENTS, COVENANTS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS OF RECORD.
SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

SURVEY REFERENCES:
(R1) SURVEY FOR LANG INVESTMENTS AS RECORDED UNDER AUDITOR'S FILE NO. 202010225018, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

- NOTES:**
- BOUNDARIES ESTABLISHED PER THIS SURVEY MAY NOT CONFORM TO EXISTING LINES OF OCCUPATION AND FENCE LINES AND COULD RESULT IN POSSIBLE BOUNDARY DISPUTES.
 - THIS SURVEY HAS BEEN PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. NO AND/OR ENCUMBRANCES MAY EXIST OF WHICH THE SURVEYOR IS UNAWARE AND THEREFORE NOT SHOWN HEREON.
 - DIMENSIONS TO AS-BUILT FEATURES ARE PERPENDICULAR TO OR PARALLEL WITH REFERENCED LINES, UNLESS OTHERWISE NOTED.



LEGEND:
○ DENOTES 1/2" X 24" REBAR & CAP L.S. 12716 SET 9/19/2020 UNLESS OTHERWISE NOTED
● DENOTES 1/2" REBAR & CAP L.S. 12716 FOUND 9/19/2020 UNLESS OTHERWISE NOTED
~ DENOTES PROPERTY BOUNDARY

SURVEY INSTRUMENT USED: SOKKIA SET 5
SURVEY INSTRUMENT USED: TOPCON DS
SURVEY INSTRUMENT USED: TOPCON HP5PR
SURVEY INSTRUMENT USED: TOPCON HP5
SURVEY PRECISION: THIS SURVEY EXCEEDS FIELD TRAVERSE REQUIREMENTS OF WAC 332-130-090

AUDITOR'S FILE # 20330518500



AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS 18th DAY OF May 2020 AT 11:07 A.M. IN BOOK OF AT PAGE AT THE REQUEST OF CASCADE SURVEYING & ENGINEERING, INC.
Caythi Fell COUNTY AUDITOR
Deputy Auditor

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT. AT THE REQUEST OF LANG INVESTMENTS, INC. IN MAY 2020.
REGISTERED LAND SURVEYOR L.S. NO 12716

SCALE: 1"=40'
DRAWN BY: JAE/AB 2020/2023
CHECKED BY: JP
FIELD SURVEY: 8/19/2020
JOB #: 22584
F.B. #: SNL 971

Survey For: PORTN SW 1/4, SW 1/4, SEC. 22, TWP. 32N, RGE. 3E, W.1.
LANG INVESTMENTS
Survey By: (360)-435-5551 X: 22584 DWG SURVEY 22584-R05.DWG (R05)
Cascade Surveying & Engineering, Inc.
P.O. BOX 326, ARLINGTON, WASHINGTON, 98223 (105 EAST DIVISION STREET) 5/3/23

EXHIBIT B

Return after filing:
Lang Investment Properties, LLC
5607 Parkside Dr
Marysville, WA 98270

Document name: Covenant and Agreement Related to the Vacation of a Portion of 271st Place NE, an Unopened Snohomish County Right-of-Way
Grantor: Lang Investment Properties, LLC, a Washington limited liability company
Grantee: Snohomish County, a political subdivision of the State of Washington
Legal Description: SW ¼, SW ¼ Section 22 Township 32 Range 5, Lots 1-2 Blk 3 and Lot 1 Blk 6, Plat of Town of Bryant
Tax Parcel No.: 00398600300100, 00398600600100

COVENANT AND AGREEMENT RELATED TO THE VACATION OF A PORTION OF 271st PLACE NE, AN UNOPENED SNOHOMISH COUNTY RIGHT-OF-WAY

This Covenant and Agreement is entered into by Lang Investment Properties, LLC, a Washington limited liability company, owning property in unincorporated Snohomish County and Snohomish County (the "County"), a political subdivision of the State of Washington.

RECITALS

WHEREAS, Lang Investment Properties, LLC and Donna Lang are the respective owners of Snohomish County Tax Parcel Nos. 00398600300100 and 00398600600100, which are separated by a portion of unopened Snohomish County right-of-way, 271st Place NE; and

WHEREAS, Lang Investment Properties, LLC is the owner of Tax Parcel No. 00398600300100, composed of two historic substandard lots and legally described as SW ¼, SW ¼ Section 22 Township 32 Range 5, Lots 1-2 Blk 3 Plat of Town of Bryant (the "Northern Parcel"); and

WHEREAS, Donna Lang is the owner of Tax Parcel No. 00398600600100, composed of one historic lot and legally described as SW ¼, SW ¼ Section 22 Township 32 Range 5, Lot 1 Blk 6, Plat of Town of Bryant (the "Southern Parcel"); and

WHEREAS, Lang Investment Properties, LLC, and Donna Lang (the "Petitioners") petitioned Snohomish County to vacate a portion of an unopened Snohomish County right-of-way for 271st Place NE which abuts the Northern Parcel and Southern Parcel; and

WHEREAS, the Petitioners propose to develop the parcels together with a building site located on the Northern Parcel and a septic drain field located on the Southern Parcel; and

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COVENANT AND AGREEMENT RELATED TO THE VACATION OF A PORTION OF 271st PLACE NE, AN UNOPENED SNOHOMISH COUNTY RIGHT-OF-WAY

WHEREAS, Snohomish County wishes to avoid the possibility of the Southern Parcel ever becoming a landlocked parcel without adequate vehicular access; and

WHEREAS, Snohomish County wishes to avoid the possibility of any portion of the Northern Parcel ever becoming a landlocked parcel without adequate vehicular access.

AGREEMENT

NOW THEREFORE, as a condition of the right-of-way vacation for a portion of 271st Place NE, Lang Investment Properties, LLC, a Washington limited liability company owning real property in unincorporated Snohomish County covenants and agrees as follows:

1. In the event any portion of the Northern Parcel legally described as SW ¼, SW ¼ Section 22 Township 32 Range 5, Lots 1-2 Blk 3 Plat of Town of Bryant (Tax Parcel No. 00398600300100) is sold, transferred, conveyed, or otherwise disposed of independently of the rest of the Northern Parcel resulting in a landlocked parcel, Lang Investment Properties, LLC or its successors or assigns shall provide an access easement burdening the Northern Parcel and benefitting the landlocked parcel in sufficient width and location to satisfy applicable Snohomish County Code access requirements as adopted at the time of the sale, transfer, conveyance, or other disposal of the landlocked property.

2. In the event all or any portion of the Southern Parcel legally described as SW ¼, SW ¼ Section 22 Township 32 Range 5, Lot 1 Blk 6, Plat of Town of Bryant (Tax Parcel No. 00398600600100) is sold, transferred, conveyed, or otherwise disposed of independently of the Northern Parcel resulting in a landlocked parcel, Lang Investment Properties, LLC or its successors or assigns shall provide an access easement burdening the Northern Parcel and benefitting the landlocked parcel in sufficient width and location to satisfy applicable Snohomish County Code access requirements as adopted at the time of the sale, transfer, conveyance, or other disposal of the landlocked property.

3. This covenant is intended to be a running covenant, binding upon the burdened and benefitted parties' successors and assigns.

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Lang Investment Properties, LLC accepts this COVENANT AND AGREEMENT ASSOCIATED WITH THE VACATION OF A PORTION OF 271st PLACE NE, AN UNOPENED SNOHOMISH COUNTY RIGHT-OF-WAY.

By: _____
[Print name/title]

