

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 23-069

AUTHORIZING EXECUTION OF A RESTRICTIVE COVENANT FOR DIKING
IMPROVEMENT DISTRICT 5 ADVANCE WETLAND MITIGATION SITE

WHEREAS, at the time of conveyance of title to the deeded dike corridor Ch. 85.08 RCW provided that such property be held by the County for the benefit of the applicable diking and drainage improvement district pursuant to which the County took title to the deeded dike corridor for the benefit of DID5; and

WHEREAS, that Interlocal Agreement (ILA) between the County and DID5 as authorized by Ordinance No. 14-066 recognized that the County would continue to hold title to the deeded dike corridor underlying the remnant dike for the benefit of DID5 with the right on the part of DID5 to reclaim or make any use of said remnant dike corridor for mitigation purposes as provided for in section 2.3.5 of said ILA; and

WHEREAS, DID5 desires to now use the remnant dike corridor for advance mitigation purposes in accordance with that Agreed Order #19517 dated December 17, 2020, entered into by and between DID5 and the State of Washington Department of Ecology for the purpose of implementing an advance mitigation wetland site as provided for therein, the terms and conditions of which require DID5 to execute and record that "Declaration of Land Use Restriction and Real Property Covenant" (Restrictive Covenant) over and upon the deeded dike corridor underlying the remnant dike; and

WHEREAS, DID5 has requested the County as the fee title holder of the deeded dike corridor for the benefit of DID5 to consent and otherwise authorize the Restrictive Covenant to be executed and recorded by the parties as a covenant burdening that portion of the deeded dike corridor underlying the remnant dike; and

WHEREAS, upon approval by the Snohomish County Council, the County and DID5 will be parties to the Restrictive Covenant; and

WHEREAS, the Restrictive Covenant would affect portions of Snohomish County Assessor Parcel Numbers 29050900100200, 29050900100300, 29051000200200, 29051000200300, 29051000300400, 29051000300500 in Sections 9, 10, Township 29N, Range 5E, Snohomish County, WA; and

WHEREAS, the Department of Conservation and Natural Resources, Surface Water Management Division has determined that the Restrictive Covenant is in furtherance of the use of the remnant dike corridor for the benefit of DID5 as provided for in Section 2.3.5 of the ILA and is appropriate to execute and approve for the benefit of DID5;

NOW, THEREFORE, ON MOTION, the Snohomish County Council authorizes the Property Officer of the Department of Facilities and Fleet, Property Management Division to execute the Declaration of Land Use Restriction and Real Property Covenant on behalf of the County for the Diking Improvement District 5 Advanced Wetland Mitigation Site.


DATED this 8th day March, 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Deputy Clerk of the Council