202510100017 **ORDINANCE Rec:** \$307.50 10/10/2025 9:19 AM 5 PG SNOHOMISH COUNTY WA

1 After Recording Return To: 10/10/2025 9:19 AM 5 PG SNOHOMISH COUNTY, WA 2 Clerk of the Council 3 **Snohomish County Council** 3000 Rockefeller Avenue – M/S 609 4 5 Everett, WA 98201 6 In the matter of: 90th Ave NW Right-of-Way Vacation 7 8 9 SNOHOMISH COUNTY COUNCIL 10 Snohomish County, Washington 11 12 ORDINANCE NO. 25-049 13 14 AN ORDINANCE VACATING 90th AVE NW. 15 A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY 16 17 WHEREAS, under chapter 36.87 Revised Code of Washington (RCW) and 18 chapter 13.100 Snohomish County Code (SCC) 13.100, Snohomish County (the 19 "County") has the authority to vacate and abandon County rights-of-way determined 20 to be useless; and 21 22 WHEREAS, on June 14, 2022, the Stillaguamish Tribe of Indians (the 23 "Petitioner") met with County staff to discuss Boe Road design guestions in 24 conjunction with the ZIS A BA Phase II Estuary Restoration Project; and 25 26 WHEREAS, during this meeting, the need to vacate an unopened County 27 road right-of-way known as 90th Ave NW was identified; and 28 29 WHEREAS, on February 15, 2023, the Petitioner submitted a petition 30 pursuant to RCW 36.87.020 and SCC 13.100.030, to vacate and abandon 90th Ave 31 NW, an unopened County road ROW; and 32 33 WHEREAS, on July 30, 2025, the Snohomish County Engineer (the "County 34 Engineer"), pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report 35 examining the unopened County road right-of-way proposed to be vacated and 36 abandoned; and 37 38 WHEREAS, the unopened County road right-of-way to be vacated is 39 classified as a Class B road under SCC 13.100.040(7), for which compensation to 40 the County is authorized according to the schedule in SCC 13.100.080(2)(b) in an 41 amount equal to fifty percent of the appraised value of the ROW to be vacated; and 42 43 WHEREAS, the Department of Public Works (DPW) has determined the fair 44 market value of the unopened County road ROW proposed to be vacated is 45 \$11,724.00, resulting in a compensation amount of \$5,862.00; and 46 47

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and abandon 90th Ave NW exist and recommends that said County road ROW be vacated and abandoned; and

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WHEREAS, on this 24th day of September 2025, pursuant to RCW 36.87.060 and SCC 13.100.060, the Snohomish County Council (the "County Council") held a public hearing to consider the County Engineer's Report and to receive public testimony.

WHEREAS, the County Engineer has determined that all criteria to vacate

NOW, THEREFORE, BE IT ORDAINED:

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

Section 2. The unopened County road right-of-way described in Exhibit A and depicted in Exhibit B, both attached to this ordinance and incorporated herein by reference, is useless for County road purposes and the public will benefit from its vacation.

Section 3. The unopened County road right-of-way described and depicted in the attached exhibits is vacated upon satisfaction of the terms and conditions contained in this ordinance.

Section 4. Under chapter 36.87 RCW and chapter 13.100 SCC the vacation of the unopened County road right-of-way granted herein shall not take effect unless within one year of the date the County Council passes this ordinance, the Petitioner has paid all itemized costs and expenses of the proceedings enumerated by the County DPW under SCC 13.100.070 and identified in the County Engineer's report.

Section 5. Under chapter 36.87 RCW and chapter 13.100 SCC the vacation of the unopened County road right-of-way granted herein shall not take effect unless within one year of the date this ordinance is passed by the County Council, the Petitioner has paid the County for the value of the County road right-of-way vacated according to the schedule set forth in SCC 13.100.180. The unopened County road right-of-way is classified as Class B under SCC 13.100.040(7), and the Petitioner is required to compensate the County \$5,862.00 which is 50% of the appraised value of the County road right-of-way subject to vacation.

Section 6. Upon the Clerk of the County Council receiving confirmation from DPW that the Petitioner has 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 Petitioner fails 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.

ORDINANCE NO. 25-049 AN ORDINANCE VACATING 90th AVE NW. A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY

| 1 | Passed this 24th day of September | r 2025. |
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| 4 | | SNOHOMISH COUNTY COUNCIL |
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| 9 | | Council Chair / \ |
| 10 | | |
| 11 | ATTEST: | |
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| 13 | 1. 11. | |
| 14 | Assistant Clark of the Council | _ |
| 15 16 | Assistant Clerk of the Council | |
| 17 | | Date: September 30, 2025 |
| 18 | (X) APPROVED | |
| 19 | () EMERGENCY | One _ |
| 20 | () VETOED | County Executive |
| 21 | () (2.02) | county Executive |
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| 23 | | |
| 24 | ATTEST: | |
| 25 | | |
| 26 | | |
| 27 | <u>Melíssa Geraghty</u> | <u></u> |
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| 30 | APPROVED AS TO FORM: | |
| 31 | Elis Steinberg | |
| 32 | | |
| 33 | Deputy Prosecuting Attorney | |
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EXHIBIT A LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED

A STRIP OF LAND 30.00 FEET IN WIDTH BEING IN SECTION 6, TOWNSHIP 31 NORTH, RANGE 4 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6; THENCE NORTH 88°07'15" WEST 1976.00 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE SOUTH 01°22'45" WEST 10.00 FEET TO THE SOUTH RIGHT OF WAY MARGIN OF BOE ROAD AND THE **POINT OF BEGINNING**;

THENCE CONTINUE SOUTH 01°22'45" WEST 1316.0 FEET TO THE **TERMINUS** OF SAID CENTERLINE.

ALSO KNOWN AS SPONHEIM ROAD (90^{TH} AVE NW) AS DESCRIBED IN A QUIT CLAIM DEED RECORDED UNDER VOLUME 150, PAGE 86, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

CONTAINING 39,479 SF (0.91 AC), MORE OR LESS

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



