



Snohomish County Council

Committee: Public Works

Analyst: Deb Evison Bell

ECAF: 2021- 0415

Proposal: Ord. 21-036

Date: 06/22/21

Consideration:

The proposal is to follow Snohomish County Code 13.100.010 to vacate a portion of county right of way.

Background:

On October 17, 2019, Greg Brown, Gary and Geyanne Buse and Thomas Stephenson, submitted an application proposing to vacate a portion of unopened dedicated ROW of 99th Ave NW between Soundview Dr NW and 98th Ave NW, located in the SE¼ of Section 13 Township 31 North Range 3 East W.M. The proposed vacation is a strip of land 50 feet in width, and 25 feet on each side of the centerline of 99th Ave NW.

Current Proposal:

The County Engineer has determined that it is in the best interest of the general public and recommends the vacation and abandonment of the subject ROW. Approval by ordinance is sought from council to authorize the ROW vacation. In accordance with RCW 36.87.040 and SCC 13.100.040, the county engineer prepared a report examining the petitioned ROW that includes the following findings:

1. All of the lots within this portion of C. D. Hillman's Birmingham Waterfront Addition to the City of Everett are legal substandard lots.
2. The proposed ROW has never been opened in the vicinity or used as a public road.
3. The ROW does not abut a body of saltwater or freshwater as per RCW 36.87.130 and SCC 13.100.085.
4. Greg Brown, owner of tax parcel 00394401100300, is reconstructing the old house located on the west side of the proposed vacation. Lots 3-5, Block 11 on which the house sits do not meet current zoning requirements nor Snohomish Health District standards for a drain field. The drain field will be placed on Lots 46 and 47 and the new house will be extended out into the current ROW.
5. Gary and Geyanne Buse, owners of tax parcel 00394401100100, on the west side of the proposed vacation, plan to add garage space and parking to the adjacent ROW.
6. Thomas Stephenson, owner of tax parcel 00394401205000, located on the east side of the proposed vacation, will add additional square footage to their lot through the proposed vacation.
7. The proposed vacation will eliminate access from the public road to Lots 50-53, Block 12, Thomas Stephenson's property and to Lot's 46-49, Block 12, Greg Brown's property. An VACATION REQUEST 19-115451 RWE ENGINEER'S REPORT – 99th Ave NW A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY access easement will therefore be required over Lots 1-2, Block 11, the Buse's property so that access is provided.
8. Thomas Stephenson's driveway is encroaching on the Buse's proposed portion to vacate. The Petitioners agreed to the following; • Thomas Stephenson will relocate his driveway on that portion of Buse's proposed vacation and within the boundaries of the required access easement.

9. The public will be benefitted by the vacation because the vacated ROW becomes an appendage to the Petitioner's properties and taxes will be amended accordingly.

10. DPW determines that it is not advisable to preserve for the future, all or any of the subject ROW, for county transportation system because the skewed connection of Soundview Drive and 99th Ave NW is not practical connection and there is no future benefit to the county.

11. The ROW is classified as Class D under SCC 13.100.040 (7) (d) Road and/or ROW in which the county has an easement interest and no public expenditures were made.

12. DPW has determined the compensation for the county's easement interest in that portion of unopened dedicated ROW of 99th Ave NW, petitioned under this vacation request shall be 0% of the appraised value as per SCC 13.100.080 (2)(c) and as determined under SCC 13.100.085.

13. Inquiries to the local utilities revealed existing utilities are located within the ROW proposed for vacation and abandonment. Ziplly Fiber, FKA Frontier Communications, have buried service lines within the proposed vacation.

14. RCW 36.87.140 and SCC 13.100.100 allow the County to retain an easement in respect to the vacated ROW for the construction, repair and maintenance of utilities and services. It is recommended that an easement be retained for all utilities within the vacated portion of 99th Ave NW for the construction, repair and maintenance of public utilities and services.

15. The County did not receive any objection from any party opposing the proposed vacation.

Duration: Under Chapter 36.87 RCW and Chapter 13.100 SCC, vacation of the opened county ROW shall not take effect unless the Petitioner pays the itemized costs and expenses of the proceedings identified in the engineer's report.

Fiscal Implications: DPW has determined the compensation for the county's easement interest in that portion of unopened dedicated ROW of 99th Ave NW, petitioned under this vacation request shall be 0% of the appraised value as per SCC 13.100.080 (2)(c) and as determined under SCC 13.100.085. All associated costs incurred by the county in processing the petition to vacate shall be paid by the Petitioners, per SCC 13.100.070 and SCC 13.100.080; estimated costs: **\$4,910.00**.

2021 Budget: NA

Future Budget Impacts: NA

Handling: NORMAL

Approved-as-to-form: YES

Risk Management: APPROVE.

Executive Recommendation: APPROVE.

Attachments: See ECAF packet.

Amendments: NONE.

Request:

Move to GLS on July 14, 2021 to set a time and date for a Public Hearing.