



Snohomish County Council

Committee: Committee of the Whole
ECAF: 2021- 1045
Proposal: Ord. 21-102

Analyst: Deb Evison Bell
Date: December 09, 2021

Consideration:

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

Background:

On November 4, 2020, petitioners James and Rachel Day, submitted an application to vacate that portion of unopened county road right-of-way (ROW) of 20th Street North East as originally established and conveyed by the Sunnyside Land Company in 1912 and recorded in the Auditor's Office under Volume 145, Page 118 and by Treasurer's Deed recorded in the Auditor's Volume 641, Page 235, and to vacate that portion of the unopened deeded right-of-way that is 16 feet in width, and 8 feet on each side of the quarter section line of Section 11. The proposed ROW vacation is located in the NE¼ of the SE¼ of Section 11, Township 29 N, Range 5 East W.M.

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. 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.

Duration: Under Chapter 36.87 RCW and Chapter 13.100 SCC, vacation of the unopened 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 of the ROW at fifty percent (50%) of the appraised value equaling **\$1,421.66** shall be paid by the petitioners, James and Rachel Day, along with all other costs incurred by the County in processing the petition as per SCC13.100.070 and SCC 13.100.080.

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: Consider setting a time/date for a Public Hearing, January 12, 2022 at 10:30 am is suggested.