



Snohomish County Council

Committee: Public Works
ECAF: 2021- 0416
Proposal: Ord. 21-037

Analyst: Deb Evison Bell
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 March 18, 2018, petitioners Paul and Maria Lund, submitted an application to vacate that portion of county road right-of-way (ROW) of Shorts School Road as originally established in the 1894 free holders petition, and to vacate that portion of Shorts School Road (formerly Sinclair Road) as opened and established under the 1907 petition. The proposed ROW vacation is located in the NW¼ of the SW¼ of Section 5, Township 27 N, Range 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. Shorts School Road has been and is currently maintained with public funds south from Nevers Road, to a gate at the north property line of tax parcel number 27060500300200, owned by the Lund's, in that alignment as shown in that 1908 Survey. That portion of the ROW lying south of the gate, at the north property line of tax parcel number 27060500300200 owned by the Lund's, was at one time used and maintained by the public, but has been abandoned and gated years ago, and serves no other purpose than for access to the Petitioners' own property. Therefore, DPW has determined the subject ROW petitioned to be vacated, comprising that portion of the roadway as actually constructed and located upon the ground, pursuant to the 1908 survey, located south of that gate at the north property line of tax parcel number 27060500300200, owned by the Lund's, is not necessary or needed for current or future road purposes, and the vacation and abandonment of the proposed ROW will benefit the public. The vacated portion becomes appendage to the petitioner's property and taxes will be amended to reflect the value added by the vacation.

2. As to all such earlier alignments of Shorts School Road, extending over and upon Section 5, Township 27 North, Range 6 east, comprising what is now the Lund property, as set forth in that original 1894 freeholder's Petition, and/or the original alignment set forth in the 1907 Petition to relocate Sinclair Road, DPW has determined that any such earlier alignments of the road have never been opened or maintained for public use and, thus, should be declared vacated by operation of law pursuant to RCW 36.87.090.

3. Pursuant to SCC 13.100.080, compensation is required to be paid for the value of the property to be vacated under Section 1 above comprising the road ROW as opened, improved and formerly maintained at public expense as located under the 1908 survey.

DPW has determined that the classification of said ROW is as a Class C ROW pursuant to SCC13.100.040 (7)(c) in which the County has an easement interest and public expenditures were made. DPW has appraised the subject ROW and it is estimated to be **\$10,348.00**. Per SCC 13.100.080 (2)(b). Compensation is fifty percent (**50%**) of the appraised value which is **\$ 5,174.00** and is in accordance with SCC 13.100.085. That portion of Short School Road petitioned to be vacated serves only the Lund properties and is no longer being County maintained.

4. That portion of Sinclair Road established under the 1894 freeholder's Petition, as it pertains to Section 5, Township 27 North, Range 6 East, comprising what is now the Lund property, falls under the non-user statute and would have been automatically vacated by operation of law under RCW 36.87.090. The compensation would be zero percent (0%).

5. That portion of Sinclair Road relocated under the 1907 Petition (Cook Road establishment), to the extent the original alignment set forth in said petition differs from the actual alignment as constructed on the ground, and depicted in the 1908 survey, is a Class D ROW in which the county has an easement but with no public expenditures having been made pursuant to SCC 13.100.040(7)(d). Wherefore, the compensation for vacating said unimproved right of way would be zero percent (0%) pursuant to SCC 13.100.080(2)(c).

6. That portion of the road proposed to be vacated does not abut a body of saltwater or freshwater.

7. Inquiries to local utilities revealed that there are three existing utilities within the proposed ROW vacation. RCW 36.87.140 and SCC 13.100.100 allow the County to retain 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 the utilities within that portion of Short School Road for the construction, repair and maintenance of public utilities and services.

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 of the ROW at fifty-percent (50%) of the appraised value equaling **\$5,174.00** shall be paid by the petitioners, Paul and Maria Lund, 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:

Move to GLS on July 7, 2021 to set a time and date for a Public Hearing.