



Committee of the Whole

Deb Bell

Council Initiated:

☐ Yes

☒ No

ECAF: 2023-1315
Ordinance: 23-131

Type:

- ☐ Contract
☐ Board Appt.
☐ Code Amendment
☐ Budget Action
☒ Other

Requested Handling:

- ☐ Normal
☒ Expedite
☐ Urgent

Fund Source:

- ☐ General Fund
☐ Other
☒ N/A

Executive Rec:

- ☒ Approve
☐ Do Not Approve
☐ N/A

Approved as to

Form:

- ☒ Yes
☐ No
☐ N/A

Subject: Proposed County Road Right-of-Way Vacation – 271st Place NE

Scope: The proposed ordinance would vacate a 40-foot strip of land of deeded unopened right-of-way for 271st Place NE, located in the SW ¼ of the SW ¼ of Section 22, Township 32 North, Range 5 East, W.M. The County Engineer has prepared the required Engineer's Report and recommends conditional approval.

Authority Granted: RCW 36.87.060 and SCC 13.100.060 the Snohomish County Council shall hold a public hearing to consider the County Engineer's report and to hear public testimony.

Background: On November 20, 2020, the Department of Public Works received an initial petition to vacate unopened County ROW, 271st Place NE, formerly known as Avenue D an unopened dedicated ROW of the Plat of the Town of Bryant, from Lang Investments, LLC (adjacent to the north), and Donna Lang (adjacent to the south). The proposed vacation is a strip of land, 20 feet on each side of the centerline.

Recommendations:

1. Based on the findings in the Engineers Report, DWP has determined that the public will benefit by the vacation and abandonment of the ROW and that the ROW should be vacated and abandoned.
2. DPW recommends that the Vacation Petition 20 1171588 RWE for the vacation of ROW for a portion of 271st Place NE, described in the record of survey attached in the Engineers Report Exhibit 4, page 10, and Exhibit A to the accompanying Ordinance, is in the best interest of the public and should be granted based on the recommended conditions.

Conditions:

1. All associated costs, as per SCC 13.100.070 and SCC 13.100.080, shall be paid: \$3,700.00.
2. The petitioner shall be responsible for the advertising and recording fees: estimated \$506.50.
3. Failure to make payment of the compensation required under SCC 13.100.070 and SCC 13.100.080 within one year of the date of the ordinance is adopted by Council will result in the ordinance not being recorded and the ROW shall not be considered vacated as per SCC 13.100.080(4).
4. As an additional condition of ROW vacation, within three (3) months of the date of the Ordinance adoption by Council, the Petitioners shall execute and record with the Snohomish County Auditor the "Covenant and Agreement Related to the Vacation of a portion of 271st Pl NE, an Unopened Snohomish County Right-of-Way" (attached to the Ordinance as Exhibit B) to ensure that no portion of the Petitioners' real property becomes land-locked in the event either Petition sells a portion of their real property abutting the vacated ROW.

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Requested Action: To set time and date for a Public Hearing, suggested date of December 6th at 10:30 am is suggested.