



## Snohomish County Council

**Committee:** Public Works  
**ECAF:** 2021-0147  
**Proposal:** Ord 21-022

**Analyst:** Jim Martin  
**Date:** April 15, 2021

### **Consideration:**

Ordinance vacating a portion of 119<sup>th</sup> St SW, a Snohomish County Road right-of-way.

### **Background**

On July 18, 2018, Solstive Management LLC and JERD Investments LLC submitted a petition to vacate and abandon a portion of 119<sup>th</sup> St SW.

### **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 public will be benefited by the vacation of that portion of 119<sup>th</sup> Street SW located to the west of the constructed cul-de-sac, as it is not needed for the County's current or planned transportation system.
2. The Petitioners' real property taxes will be amended to reflect the value added by the vacation of the County road abutting their property.
3. 119<sup>th</sup> Street SW is an opened, constructed and paved road which the County maintains for 2,017 feet west of the intersection with Alexander Road. The portion of ROW proposed to be vacated, solely provides parking for, and access to, the Petitioners' properties and is useless for public road purposes. The public will be benefited by no longer being obligated to maintain this portion of 119<sup>th</sup> Street SW.
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 commercial development immediately to the west prevents any connection to other County roads.
5. 119<sup>th</sup> Street SW does not abut a body of saltwater or freshwater.
6. The County did not receive any objection from any party opposing the proposed vacation.
7. Inquiries to the local utilities revealed that Alderwood Water and Wastewater Management have an existing water main and sewer line in that section of the proposed ROW vacation, PUD has electrical facilities within the ROW, PSE has gas main and service on the south side of 119<sup>th</sup> Street SW, and Comcast Cable has potential fiber optic crossing to serve the building to the south. (See Exhibit 15, AWWD, Exhibit 16, PUD, Exhibit 17 PSE and Exhibit 18 Comcast)
8. 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 ROW of 119<sup>th</sup> Street SW for the construction, repair and maintenance of public utilities and services.
9. JERD Investments, LLC shall provide an access easement to Lot 126 of the Plat of Paine Field No. 3 over the north 20 feet of the south half of the vacated ROW,

and Lot 125 PPF3 over the north 20 feet of the south half of the vacated ROW adjacent to Lot 124 PPF3.

10. DPW determined the fair market value of that portion of 119th Street SW petitioned to be vacated at \$58,093.00. The Petitioners have agreed to this valuation.

11. The portion of 119th Street SW petitioned to be vacated is classified as a Class C road under SCC 13.100.040(7) (d). Class C roads and ROW are those in which the County has an easement interest and public expenditures were made. Under SCC 13.100.080(2)(b), Petitioners are required to pay *fifty percent* of the appraised value, as determined by DPW, which equals **\$29,046.50**.

*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:* Under SCC 13.100.080(2)(b), Petitioners are required to pay *fifty percent* of the appraised value, as determined by DPW, which equals **\$29,046.50**.

**2021 Budget:** Yes

**Future Budget Impacts:** None.

**Handling:** NORMAL

**Approved-as-to-form:** Yes.

**Risk Management:** Yes.

**Executive Recommendation:** APPROVE.

**Attachments:** See ECAF packet.

**Amendments:** NONE.

**Request:** Move to GLS on April 28<sup>th</sup> to set time and date for a Public Hearing.