

ENGINEER'S REPORT

DPW PROJECT FILE NUMBER: 24 118670 RWE

APPLICATION DATE: December 19, 2024

PROJECT NAME: 40th St SE Right of Way (ROW) Vacation

APPLICANT: Brett & Angela Nicholson
10409 40th PI SE
Lake Stevens, WA 98258

OWNER: Brett & Angela Nicholson

TYPE OF REQUEST: ROW Vacation

ROAD NAME: 40th St SE

LOCATION: Lake Stevens

SECTION/TOWNSHIP/RANGE: Section 31, Township 29 N, Range 6 E, W.M.

TAX PARCEL NUMBER(S): 00383500000900

ACREAGE: 0.25

TRANSPORTATION SERVICE AREA: TSA B

RECOMMENDATIONS: APPROVAL

CITE BASIS: SCC 13.100.040

PETITION REQUEST 24 118670 RWE

FOR THE VACATION AND ABANDONEMENT OF A PORTION OF AN UNOPENED PORTION OF COUNTY ROAD RIGHT-OF-WAY IDENTIFIED AS 40TH St SE

INTRODUCTION

Chapter 36.87 of the Revised Code of Washington (RCW) grants county legislative authorities broad authority to vacate and abandon land that was acquired for County road purposes. Chapter 13.100 of the Snohomish County Code (SCC) provides that Snohomish County (the "County") also has the authority to vacate and abandon public road right-of-way (ROW) independent of the statutory vacation provisions of RCW 36.87. The County legislative authority's use of this broad authority must be made under the advice and supervision of the Snohomish County Engineer ("County Engineer").

SCC 13.100.010 provides that the road or ROW vacation and abandonment procedures may be initiated either in response to Snohomish County Council ("County Council") request, by the County Engineer when the Engineer determines that the criteria for the road or ROW vacation and abandonment exists, or in response to a frontage owner's petition.

FACTS/BACKGROUND

1. On December 19, 2024, Brett and Angela Nicholson, husband and wife (the "Petitioners") submitted a petition to Snohomish County Department of Public Works (DPW) proposing to vacate and abandon an unopened ROW portion of 40th St SE abutting their property. (Exhibit 1, Petition)
2. The Petitioners are the owners of parcel 00383500000900, also known as lot 9, Plat of Glenwood Vista located in the NW ¼ of Section 31 Township 29 North Range 6 East, W.M. (Exhibit 2, Assessors and Plat Maps)
3. That unopened portion of road ROW proposed to be vacated totals 30 feet in width by 89 feet in length, or 2,670 square feet. Of this total, 20 feet of the width for the entire length was deeded ROW and the remaining 10 feet of width was dedicated ROW. (Exhibit 3, Site Plan)
4. On March 19, 1942, the 20-foot ROW was deeded to the County via Quit Claim Deed recorded under Auditor's File Number (AFN) 754366, Volume 313, Page 562. (Exhibit 4, Quit Claim Deed)
5. On August 12, 1969, the 10-foot ROW was dedicated through the Plat of Glenwood Vista under AFN 2107900, Book of Plats Vol 30, Page 56 (Exhibit 5, Plat Record)

FINDINGS

1. The proposed road ROW vacation does not contain any wetlands and does not abut a body of saltwater or freshwater, consistent with RCW 36.87.130 (rev 12/31/2023) and SCC 13.100.090.
2. No utilities are located within the ROW proposed to be vacated, and there are no future utility plans for the area. Therefore, there is no need to reserve an easement for utilities.
3. The 20-foot deeded portion is classified as Class B road ROW under SCC 13.100.040(7)(b), meaning the County holds fee simple interest. No public expenditures have been made on this portion of the unopened ROW.
4. DPW has determined that the fair market value of the 20-foot Class B portion is \$4,503.40. Under SCC 13.10.080(2)(b), the Petitioners are required to pay fifty percent of the appraised value which is equal to \$2,251.70 (Exhibit 6, Appraised Value Calculation).
5. The 10-foot dedicated portion of the is classified as Class D road ROW under SCC 13.100.040(7)(d), meaning the County holds an easement interest. No public expenditures have been made on this portion of the unopened ROW.
6. The 10-foot Class D portion requires no compensation under SCC 13.100.085.
7. Being unopened, the ROW is currently not in use, nor has it ever been used for County road purposes.
8. Once ROW vacation is granted the Petitioners' property taxes will be amended to reflect the value added by the vacation of the ROW abutting their property.

RECOMMENDATIONS

1. Based on the above findings, DPW has determined that the public will benefit from the vacation and abandonment of this portion of road ROW. The portion of the ROW proposed to be vacated and abandoned is useless for County road purposes. The portion of the ROW should be vacated and abandoned.
2. It is not advisable to preserve all or a portion of the ROW for the County transportation system for the future.
3. DPW recommends that Vacation Petition Request 24 118670 RWE for the vacation of ROW for a portion of 40th St SE, described on the attached Exhibits to the accompanying Ordinance, be approved by the County Council subject to the below conditions.

CONDITIONS

1. All associated costs incurred by the County in processing the petition to vacate and the value of the portion of ROW shall be paid by the Petitioner as per SCC 13.100.070 and SCC 13.100.080. These expenses are as follows:

Estimated Public Works Charges	\$2,251.70
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2. The Petitioner shall also be responsible for the advertising cost and recording fees which are listed as follows.

Estimated Advertising Cost (Notice of Introduction/Enactment)	\$ 300.00
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Estimated Recording fees	\$ 310.00
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3. Failure to make payments required under SCC 13.100.070 and SCC 13.100.080 within one year of the date the Ordinance is approved by the County Council means the Ordinance should not be recorded and the portion of 40th St SE petitioned to be vacated shall not be considered vacated as per SCC 13.100.080(4)

Approved by:

Douglas W McCormick
Douglas W. McCormick P.E.
Deputy Director/County Engineer

10/30/2025
Date

Prepared by:

Heather Noble
Heather Noble
ROW Investigator III

10/14/2025
Date