



Snohomish County Council

Committee: Committee of the Whole

Analyst: Deb Evison Bell

ECAF: 2022-1119

Proposal: Motion 22-460

Date: November 22, 2022

Consideration:

The proposal is to approve and authorize the acceptance of a Statutory Warranty Deed and establish Admiralty Way as a new County Public Road as generally shown in the Record Survey under AFN 202208185007 and authorize the Public Works Director or County Engineer to approve, sign and execute all documents necessary to effectuate the acquisition and transfer of the real property, following all construction, certifications, maintenance security and acceptance, under SCC 13.90.080.

Background:

Under Chapter 36.75 RCW and Chapter 36.81 RCW Snohomish County has the authority to acquire County right-of-way (ROW) and to establish roads for public purposes by purchase, gift, or condemnation. Under Snohomish County Code 13.90.010 road establishment procedures may be initiated at the request of the Snohomish County Council, or when the Snohomish County Engineer determines that the criteria for road establishment exists. Such roads may be initiated independently by the County Engineer or in response to a freeholders' petition. Under Snohomish County Code 30.66B, the County has the authority to condition land development approvals upon adequate access to a public road, which often requires dedication of public road right-of-way.

On December 11, 2019, the Snohomish County Hearing Examiner issued a decision requiring the developer of a new 295-unit multifamily community project (Ravenswood Apartments, LLC) to construct and establish Admiralty Way as a new public road. The County Engineer, under SCC 13.90.040, determined that the public would benefit from the new County Road, and recommended as a condition of development approval that the developer establish and construct the new public road portion of Admiralty Way that would realign 159th Place SW and continue Admiralty Way to the south. The developer has applied for the establishment of Admiralty Way (Permit Request #20-102394) and the County Engineer has prepared a report determining that the establishment is necessary and will benefit the public.

Current Proposal:

The County Engineer, per RCW 36.81, has determined that it is in the best interest of the general public and recommends the dedication of the subject ROW. Approval by motion is sought from council to authorize the establishment and acceptance of real property identified as Admiralty Way. In accordance with RCW 36.75 and SCC 13.90, the county engineer prepared a report examining the petitioned ROW that includes the following findings:

1. The new proposed public road identified on March 28, 2019; urban center development site plan is designated as Admiralty Way.

2. The new road is classified as a non-arterial residential road. The ROW being provided has sufficient width to contain the required road and improvements and will comply with all the applicable code and Engineering Design and Development Standards (EDDS) requirements.
3. The new public road, Admiralty Way, will start from the current terminus of the existing Admiralty Way and run for a length of 288 feet and end at the south property line of the subject development.
4. A record of survey depicting the ROW limits and alignment of the roads has been recorded under Auditor's File Number (AFN)202204115001 and was amended under AFN 202208185007. (See Exhibit 6, Record of Survey).
5. Establishment of a new road is necessary, practicable, and will benefit the public because operation of the arterial road system is improved by dispensing local traffic onto multiple roads and access points, response time for emergency services is reduced, and used of transit systems, pedestrian facilities, and bicycle facilities are promoted.
6. Establishment of a new road is also consistent with the requirements set forth in chapter 30.24 SCC, "General Development Standards-Access and Road Network", and EDDS chapter 3-01(7), "Road Circulation", including the requirement that a public road connection shall be constructed to any public road stubs on any adjacent parcel when the engineer determines the connect is necessary, practicable, and feasible.
7. No public expenditures will be required for the construction of a new road. All construction costs will be paid in full by the Applicant.
8. Plans for the consideration of the road to the County standards have been approved by DPW and PDS. The County has accepted a performance security bond for the construction and completion of all ROW improvements for the road. Upon completion of construction of the road by the developer, approval of as-built drawings and acceptance of the road by the County (including PDS), a two-year maintenance security bond shall be posted by developer (see Exhibit 7).
9. DPW has reviewed and approved the Statutory Warranty Deed (SWD) and recommends the deed be accepted by the County. The public administrative costs estimated to be incurred by the County in examining, investigating, and processing the establishment application are as follows:

Estimated Public Work Changes	\$2,500.00
Estimated Advertising Costs	\$300.00
Total Estimated Fee	\$2,800.00

Application Fee Credit	<\$500.00>
Total Estimated Administrative Costs	\$2,300.00

CONDITIONS

1. All outstanding administrative costs are to be paid by the developer to the County Road Fund pursuant to SCC 13.90.070.
2. DPW and PDS, after inspection of the finished construction, will determine if all County Road standards have been met.

Duration: Under Chapter 36.75 RCW and Chapter 13.90 SCC, dedication of county ROW shall not take effect unless the Petitioner pays the itemized costs and expenses of the proceedings identified and meets the conditions in the engineer's report.

Fiscal Implications: All associated costs incurred by the County in processing the petition to dedicate and construction of the proposed road shall be paid by Ravenswood Apartments LLC, as per SCC 13.90 and SCC 36.81. The expenses and the balance owing have an estimated balance of \$2,300.00

2022 Budget: NA

Future Budget Impacts: NA

Handling: Normal

Approved-as-to-form: YES

Risk Management: APPROVE.

Executive Recommendation: APPROVE.

Attachments: See ECAF packet/Engineers Report.

Amendments: NONE.

Request: The requested action is for Council to consider the motion.