



## ENGINEER'S REPORT

PETITION REQUEST # 20 117158 RWE

FOR THE VACATION AND ABANDONMENT OF A PORTION  
OF AN UNOPENED COUNTY ROAD RIGHT-OF-WAY IDENTIFIED AS

***271<sup>st</sup> Place NE***

### INTRODUCTION

Chapter 36.87 of the Revised Code of Washington (RCW) gives 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 establishment provisions of Chapter 36.87 RCW. 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 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 November 20, 2020, Lang Investment Properties, LLC, and Donna Lang (the "Petitioners") petitioned the County to vacate a portion of 271<sup>st</sup> Place NE. (See Exhibit 1, Petition)
2. Lang Investment Properties, LLC, owns lots 1-2 of Block 3 located in the Plat of Town of Bryant that abuts 271<sup>st</sup> Place NE to the north (tax parcel 00398600300100). Donna Lang owns Lot 1 of Block 6 in the Plat of Town of Bryant that abuts 271<sup>st</sup> Place NE to the south (tax parcel no 00398300300100. Lang Investments Properties LLC, also owns a tax parcel no 32052700300100, located adjacent to the north of lots 1-2 and just east of State Route 9. (See Exhibit 2, Assessor and Aerial maps)
3. The Plat of Town of Bryant is in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 22, Township 32 North, Range 5 East W.M. It consists of 143 lots within 12 blocks. All streets, alleys and

highways were dedicated to the use of the public forever when the plat was recorded on June 9, 1919. (See Exhibit 3, Assessor, Plat, and Aerial maps)

4. 271<sup>st</sup> Place NE, formerly known as Avenue D, is an unopened dedicated ROW, 40 feet in width, 20 feet on each side of the centerline. (See Exhibit 3, page 2, Plat map)
5. The Petitioners are proposing to develop the parcels and construct a building site on the northern parcels and a septic drain field on the parcel to the south of the portion of 271<sup>st</sup> Place NE proposed to be vacated.

## **FINDINGS**

1. The portion of 271<sup>st</sup> Place NE petitioned to be vacated has never been opened in the vicinity or used as a public road.
2. The portion of 271<sup>st</sup> Place NE petitioned to be vacated terminates at an unopened County ROW to the east (First Street).
3. The portion of 271<sup>st</sup> Place NE petitioned to be vacated is classified as a Class D road under SCC 13.100.040(7)(d). Class D roads and ROWs are those in which the County has an easement interest, and no public expenditures were made.
4. Compensation to the County as a condition of vacation required under SCC 13.100.080 for a Class D ROW is zero percent of the appraised value. See SCC 13.100.080(2)(c).
5. There are no utilities located within the portion of 271<sup>st</sup> Place NE petitioned to be vacated.
6. The ROW does not abut a body of saltwater or freshwater as per RCW 36.87.130 and SCC 13.100.085.
7. The real property taxes for tax parcel nos. 00398600300100 and 00398600600100 will be amended to reflect the value added by the vacation of the ROW abutting their property.
8. It is not advisable to preserve any portion of the County ROW proposed to be vacated for the County's future transportation system because the ROW is not needed for access.
9. A record of survey depicting the ROW limits proposed to be vacated has been recorded under AFN 202305185001. (See Exhibit 4, Recorded Record of Survey)

## **RECOMMENDATIONS**

1. Based on the above findings, the Snohomish County Department of Public Works (DPW) has determined that the public will benefit by the vacation and abandonment of this ROW and the ROW should be vacated and abandoned.

2. DPW recommends that Vacation Petition Request 20 117158 RWE for the vacation of ROW for a portion of 271<sup>st</sup> Place NE, as described in the record of survey, attached as Exhibit 4 to this Engineer’s Report and also attached as an Exhibit to the accompanying Ordinance, is in the best interest of the public and should be granted based on the following conditions:

**CONDITIONS**

1. All associated costs incurred by the County in processing the petition to vacate shall be paid by the Petitioner, as per SCC 13.100.070 and SCC 13.100.080.

Estimated Public Works Administrative Charges	\$ 4,200.00
Compensation as percentage of ROW land value	\$ 0.00
Application Credit	\$ <500.00>
 Total Estimated Balance	 \$ 3,700.00

2. The Petitioners shall be responsible for the advertising costs and recording fees which are listed as follows:

Estimated Advertising Cost (Notices of Introduction and Enactment)	\$ 300.00
 Estimated Recording Fees	 \$ 206.50

3. Failure to make payments of the compensation required under SCC 13.100.070 and SCC 13.100.080 within one year of the date the Ordinance is adopted by the Council, means the Ordinance should not be 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 the Ordinance is adopted by the Council, the Petitioners shall execute and record with the Snohomish County Auditor the “Covenant and Agreement Related to the Vacation of a portion of 271<sup>st</sup> PI NE, an Unopened Snohomish County Right-of-Way” (attached to the Ordinance as Exhibit B) to ensure that no portion of the Petitioner’s real property becomes land-locked in the event either Petitioner sells a portion of their real property abutting the vacated ROW.

Approved by:

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

\_\_\_\_\_  
Date

Prepared By:

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Maria Acuario  
ROW Investigator III

\_\_\_\_\_  
Date