

After Recording Return To:
Clerk of the Council
Snohomish County Council
3000 Rockefeller Avenue – M/S 609
Everett, WA 98201

In the matter of: Shorts School Road Vacation and Abandonment

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 21-037

APPROVING AND AUTHORIZING THE VACATION AND ABANDONMENT
OF A PORTION OF SHORTS SCHOOL ROAD, SNOHOMISH COUNTY ROAD RIGHT-
OF-WAY

WHEREAS, under Chapter 36.87 RCW and Chapter 13.100 Snohomish County Code (SCC), Snohomish County (the County) has the authority to vacate and abandon County rights-of-way determined to be useless; and

WHEREAS, on March 18, 2018, Paul and Maria Lund, (Petitioners), submitted a petition pursuant to RCW 36.87.020 and SCC 13.100.030, to vacate and abandon a portion of Short School Road, a Snohomish County road right-of-way (ROW), together with certain previously established alignments of said road ROW; and

WHEREAS, the County Engineer, pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report examining the road ROW proposed to be vacated and abandoned which Engineer's Report dated January ____, 2021, is adopted by reference herein;

WHEREAS, the County Engineer has determined that all criteria to vacate and abandon a portion of Short School Road exists and recommends that said county road ROW be vacated and abandoned, together with those previously established alignments of said road ROW as more fully set forth in the Engineer's Report; and

WHEREAS, on this ____ day of _____, 2021, pursuant to RCW 36.87.060 and SCC 13.100.060, the Snohomish County Council (County Council) held a public hearing to consider the County Engineer's report and to hear public testimony;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

Section 2. The road ROW in question comprises three distinct alignments for the same road consisting of the original 1894 establishment, the 1907 petition to change the course of said roadway, and the alignment as shown in that 1908 survey of Sinclair

Road (aka Short School Road) as actually constructed upon the ground. Said road rights-of-way are described in Exhibit A and depicted in Exhibit B, both attached to this ordinance and incorporated herein by reference, which are hereby deemed useless for county road purposes and it is determined that the public will be benefited by the vacation and abandonment of all three alignments.

Section 3. The vacation of that portion of the original 1894 establishment shown in Exhibit B is declared vacated by operation of law under the nonuser statute, RCW 36.87.090 for which no compensation is owing; The vacation of that portion of the road ROW as relocated pursuant to the 1907 petition as shown on Exhibit B, to the extent the alignment set forth in said petition differs from the actual alignment as constructed on the ground and depicted in the 1908 road survey, is determined to be a Class D ROW in which the county has an easement but with no public expenditures having been made pursuant to SCC 13.100.040(7)(d), and is hereby vacated for which no compensation is owing pursuant to SCC 13.100.080(2)(c); The vacation of that portion of the road ROW as actually improved and constructed upon the ground pursuant to the 1908 road survey as shown on Exhibit B, is determined to be a Class C ROW pursuant to SCC 13.100.040 (7)(c) in which the County has an easement interest and public expenditures were made. Per SCC 13.100.080 (2)(b), compensation must be paid for the vacation of said road ROW in an amount equal to fifty percent (50%) of the appraised value as determined in accordance with SCC 13.100.085 which compensation totals **\$ 5,174.00**, which amount must be paid within one year from the date of this ordinance or else said road ROW shall not be deemed vacated as provided in SCC 13.100.080(4).

Section 4. Under Chapter 13.100 SCC, the vacation of the county road ROW granted herein shall not take effect unless within one year of the date this ordinance is passed by the County Council, DPW files a certification with the Clerk of the Council stating the Petitioners have paid the itemized costs and expenses of the proceedings enumerated by the DPW under SCC 13.100.070.

Section 5. The petitioner shall grant and record an easement to the County over the vacated road ROW, comprising that alignment of the ROW set forth in the 1908 road survey as shown on Exhibit B, for utilities and for the benefit of the County for the construction, repair and maintenance of public utilities and services within the road ROW as provided in RCW 36.87.40 and SCC 13.100.100.

Section 6. Vacation of the road ROW shall not be deemed to impair or invalidate any existing easements over and across the road ROW including, without limitation, that easement dated September 12, 1957, granted to Snohomish County for right of ingress and egress to maintain or construct flood control works (Easement AF # 1256324).

Section 7. In the event the Petitioners fail to make payment of the compensation required within one year of the date this ordinance is passed by the County Council, this ordinance shall automatically become void and have no further force or effect.

Passed this day _____ of _____, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Stephanie Wright, Chairperson

ATTEST:

Assistant Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

County Executive

Date

ATTEST:

APPROVED AS TO FORM:



Deputy Prosecuting Attorney

EXHIBIT A

Paul Lund

Petition for Vacation of portion of Shorts School Road, aka, Sinclair Road

Description

All that portion of County Road No. 2186, known as The Sinclair Road, established by Snohomish County Superior Court on April 7, 1894, and any subsequent revisions to its location, lying within the North half of the Southwest quarter of Section 5, Township 27 North, Range 6 East, W.M.;

TOGETHER WITH any easement rights which may have been acquired by the public over the physical roadway known as Shorts School Road lying within said North half;

EXCEPT any portion thereof lying within the North 49.5 feet of the West 990 feet of said North half.

Area contained within the original 1894 alignment: 28,680 square feet, more or less.

Area contained within the 1907 alignment as shown on survey map by Elmer Lenfest, County Surveyor, dated March 26-27, 1907: 27,992 square feet, more or less.

Area contained within the 1908 alignment as shown on survey map by Elmer Lenfest, County Surveyor, dated July, 1908: 51,740 square feet, more or less.

Area of paved roadway on Lund property as it approximately parallels the 1908 alignment: 14,880 square feet, more or less.

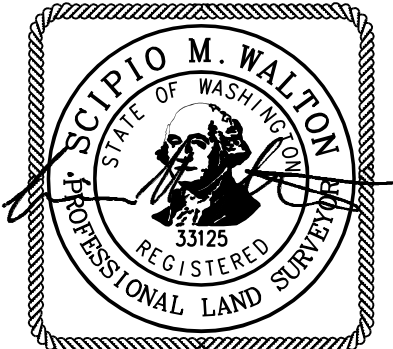
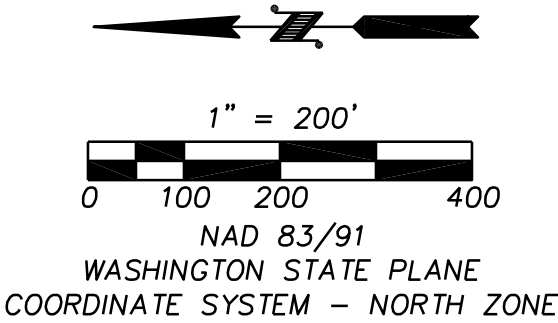
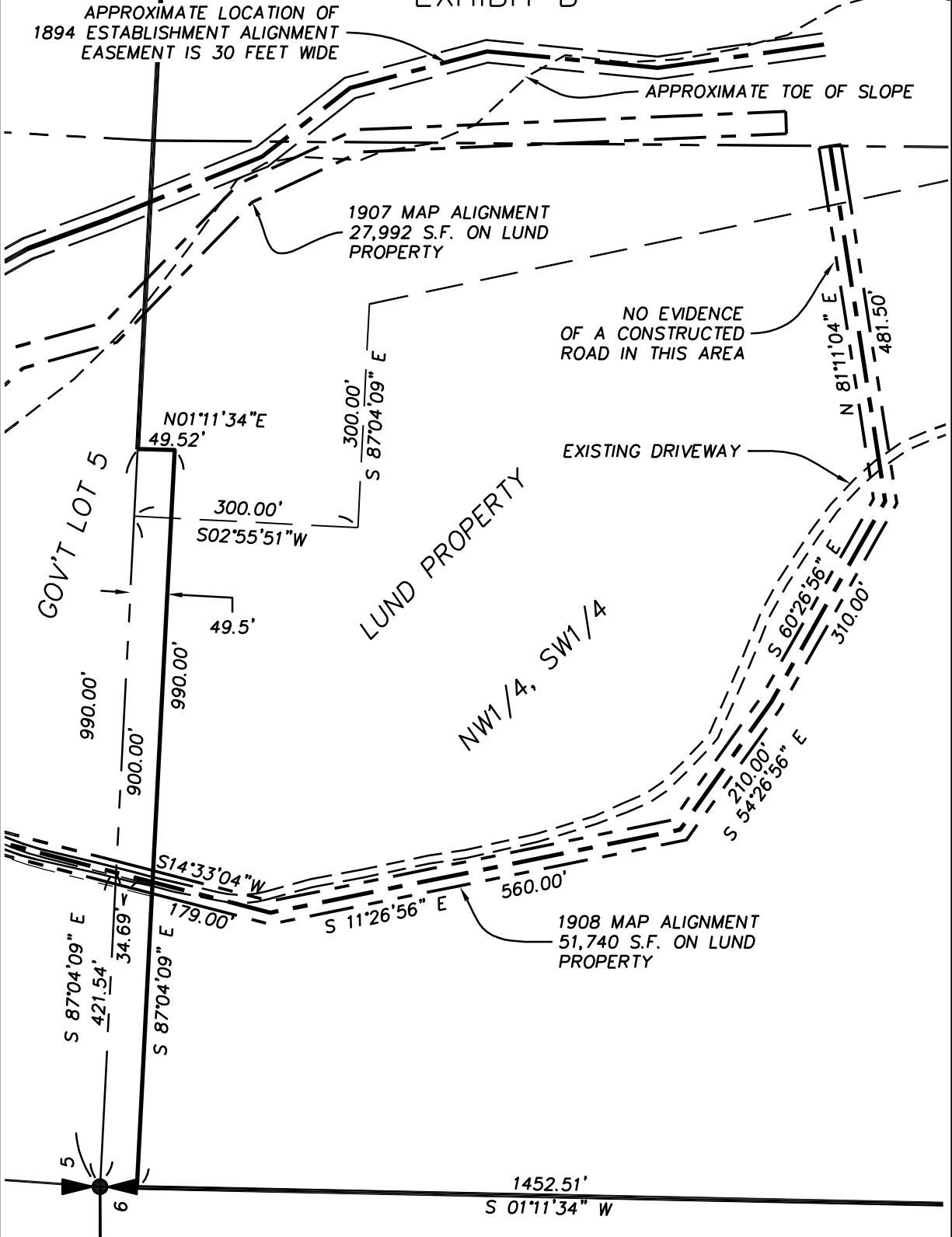
All easements are 30 feet wide.

Paved roadway is approximately 12 feet wide.



1-18-2021

EXHIBIT B



1-18-2021

© HARMSSEN, LLC 2021

Paul Lund

DATE: 1-18-2021
 DWN: SMW APR: RFC
 SCALE: 1"=200'

125 EAST MAIN STREET, SUITE 104
 MONROE, WA 98272
 TEL: (360) 794-7811

HARMSSEN, LLC ENGINEERS, SURVEYORS, PLANNERS

JOB#: 13-283
 FB: -
 SHEET 1 OF 1



Committee: Public Works
ECAF: 2021- 0416
Proposal: Ord. 21-037

Analyst: Deb Evison Bell
Date: 06/22/21

Consideration:

The proposal is to follow Snohomish County Code 13.100.010 to vacate a portion of county right of way.

Background:

On March 18, 2018, petitioners Paul and Maria Lund, submitted an application to vacate that portion of county road right-of-way (ROW) of Shorts School Road as originally established in the 1894 free holders petition, and to vacate that portion of Shorts School Road (formerly Sinclair Road) as opened and established under the 1907 petition. The proposed ROW vacation is located in the NW¼ of the SW¼ of Section 5, Township 27 N, Range East W.M.

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. Shorts School Road has been and is currently maintained with public funds south from Nevers Road, to a gate at the north property line of tax parcel number 27060500300200, owned by the Lund's, in that alignment as shown in that 1908 Survey. That portion of the ROW lying south of the gate, at the north property line of tax parcel number 27060500300200 owned by the Lund's, was at one time used and maintained by the public, but has been abandoned and gated years ago, and serves no other purpose than for access to the Petitioners' own property. Therefore, DPW has determined the subject ROW petitioned to be vacated, comprising that portion of the roadway as actually constructed and located upon the ground, pursuant to the 1908 survey, located south of that gate at the north property line of tax parcel number 27060500300200, owned by the Lund's, is not necessary or needed for current or future road purposes, and the vacation and abandonment of the proposed ROW will benefit the public. The vacated portion becomes appendage to the petitioner's property and taxes will be amended to reflect the value added by the vacation.
2. As to all such earlier alignments of Shorts School Road, extending over and upon Section 5, Township 27 North, Range 6 east, comprising what is now the Lund property, as set forth in that original 1894 freeholder's Petition, and/or the original alignment set forth in the 1907 Petition to relocate Sinclair Road, DPW has determined that any such earlier alignments of the road have never been opened or maintained for public use and, thus, should be declared vacated by operation of law pursuant to RCW 36.87.090.
3. Pursuant to SCC 13.100.080, compensation is required to be paid for the value of the property to be vacated under Section 1 above comprising the road ROW as opened, improved and formerly maintained at public expense as located under the 1908 survey.

DPW has determined that the classification of said ROW is as a Class C ROW pursuant to SCC13.100.040 (7)(c) in which the County has an easement interest and public expenditures were made. DPW has appraised the subject ROW and it is estimated to be **\$10,348.00**. Per SCC 13.100.080 (2)(b). Compensation is fifty percent (**50%**) of the appraised value which is **\$ 5,174.00** and is in accordance with SCC 13.100.085. That portion of Short School Road petitioned to be vacated serves only the Lund properties and is no longer being County maintained.

4. That portion of Sinclair Road established under the 1894 freeholder's Petition, as it pertains to Section 5, Township 27 North, Range 6 East, comprising what is now the Lund property, falls under the non-user statute and would have been automatically vacated by operation of law under RCW 36.87.090. The compensation would be zero percent (0%).

5. That portion of Sinclair Road relocated under the 1907 Petition (Cook Road establishment), to the extent the original alignment set forth in said petition differs from the actual alignment as constructed on the ground, and depicted in the 1908 survey, is a Class D ROW in which the county has an easement but with no public expenditures having been made pursuant to SCC 13.100.040(7)(d). Wherefore, the compensation for vacating said unimproved right of way would be zero percent (0%) pursuant to SCC 13.100.080(2)(c).

6. That portion of the road proposed to be vacated does not abut a body of saltwater or freshwater.

7. Inquiries to local utilities revealed that there are three existing utilities within the proposed ROW vacation. RCW 36.87.140 and SCC 13.100.100 allow the County to retain 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 the utilities within that portion of Short School Road for the construction, repair and maintenance of public utilities and services.

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: DPW has determined the compensation of the ROW at fifty-percent (50%) of the appraised value equaling **\$5,174.00** shall be paid by the petitioners, Paul and Maria Lund, along with all other costs incurred by the County in processing the petition as per SCC13.100.070 and SCC 13.100.080.

2021 Budget: NA

Future Budget Impacts: NA

Handling: NORMAL

Approved-as-to-form: YES

Risk Management: APPROVE.

Executive Recommendation: APPROVE.

Attachments: See ECAF packet.

Amendments: NONE.

Request:

Move to GLS on July 7, 2021 to set a time and date for a Public Hearing.



Snohomish County Council

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 2

Legislation Text

FILE ORD. 21-037

File #: 2021-0416, Version: 1

Executive/Council Action Form (ECAF)

ITEM TITLE:

Ordinance 21-037, approving and authorizing the vacation and abandonment of a portion of Shorts School Road, Snohomish County road rightof-way

DEPARTMENT: Public Works

ORIGINATOR: Maria Acuario

EXECUTIVE RECOMMENDATION: Approve

PURPOSE: Council approval of an Ordinance to grant vacation of a public road Right-of-Way (ROW).

BACKGROUND: On March 18, 2018, petitioners Paul and Maria Lund, submitted an application to the Department of Public Works (DPW) proposing to: (1) Vacate by operation of law under the non-user statute (RCW 36.97.090), that portion of unopened county road right-of-way (ROW) of Shorts School Road as originally established in the 1894 free holders petition. (2) Vacate that portion of Shorts School Road (formerly Sinclair Road) as opened and established under the 1907 petition. The proposed ROW vacation is located in the NW¹/₄ of the SW¹/₄ of Section 5, Township 27 N, Range East W.M. See attached Engineer’s Report for additional facts, background, findings and conditions.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: No fiscal impact.

CONTRACT INFORMATION:

ORIGINAL	CONTRACT#	AMOUNT
AMENDMENT	CONTRACT#	AMOUNT

Contract Period

ORIGINAL	START	END
AMENDMENT	START	END

OTHER DEPARTMENTAL REVIEW/COMMENTS: Approved as to form by PA(Brian Dorsey)
Approved/Reviewed by Finance & Risk

LOG NUMBERS
BGT. _____ , _____ CEO _____ , _____

EXECUTIVE/COUNCIL APPROVAL FORM

MANAGEMENT ROUTING:

EXECUTIVE _____ Dave Somers
EXEC. DIR. _____ Ken Klein
DIRECTOR/ELECTED _____ Kelly Snyder KS
DEPARTMENT _____ Public Works
DIV. MGR. _____ Stephen P. Dickson SP
DIVISION _____ TES
ORIGINATOR _____ Maria Acuario ma
DATE 6/7/2021 Ext. 2464

TO:

COUNCIL CHAIRPERSON:
SNOHOMISH COUNTY COUNCIL

EXECUTIVE RECOMMENDATION:

Approve No Recommendation
 Further Processing
 Requested By _____

PW Review: Fiscal AGH Admin BT Deputy Director dwm

_____ Executive Office Signature
 _____ CEO Staff Review
 _____ Received at Council Office

DOCUMENT TYPE:

<input type="checkbox"/> BUDGET ACTION: <input type="checkbox"/> Emergency Appropriation <input type="checkbox"/> Supplemental Appropriation <input type="checkbox"/> Budget Transfer <input type="checkbox"/> CONTRACT: <input type="checkbox"/> New <input type="checkbox"/> Amendment	<input type="checkbox"/> GRANT APPLICATION <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> Amendment to Ord. # _____ <input type="checkbox"/> PLAN <input type="checkbox"/> OTHER
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DOCUMENT / AGENDA TITLE:

The Vacation and Abandonment of a Portion of Shorts School Road, Snohomish County Road Right-of-Way

APPROVAL AUTHORITY:

EXECUTIVE _____ **COUNCIL**
CITE BASIS SCC 13.100.020

HANDLING: NORMAL EXPEDITE _____ URGENT _____ DEADLINE DATE _____

PURPOSE:

Council approval of an Ordinance to grant vacation of a public road Right-of-Way (ROW).

BACKGROUND:

- On March 18, 2018, petitioners Paul and Maria Lund, submitted an application to the Department of Public Works (DPW) proposing to:
 - (1) Vacate by operation of law under the non-user statute (RCW 36.97.090), that portion of unopened county road right-of-way (ROW) of Shorts School Road as originally established in the 1894 free holders petition.
 - (2) Vacate that portion of Shorts School Road (formerly Sinclair Road) as opened and established under the 1907 petition.
- The proposed ROW vacation is located in the NW¹/₄ of the SW¹/₄ of Section 5, Township 27 N, Range East W.M.
- See attached Engineer's Report for additional facts, background, findings and conditions.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES:

No fiscal impact.

BUDGET REVIEW: Analyst _____ Administrator _____ Recommend Approval _____

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT # _____ AMOUNT \$ _____
 AMENDMENT _____ CONTRACT # _____ AMOUNT \$ _____

CONTRACT PERIOD:

ORIGINAL Start _____ End _____
 AMENDMENT Start _____ End _____

CONTRACT / PROJECT TITLE:

CONTRACTOR NAME & ADDRESS (City/State only):

APPROVED:

RISK MANAGEMENT:

Yes _____ No N/A

COMMENTS:

PROSECUTING ATTY - AS TO FORM:

Yes X No _____

OTHER DEPARTMENTAL REVIEW / COMMENTS:

ELECTRONIC ATTACHMENTS: (List & include path & filename for each, e.g. G:\ECAF\deptname\docname_Motion)

- G:\ECAF\Dept\06_pw\Roads\2021\CRLUND Inv I000544325.pdf
- G:\ECAF\Dept\06_pw\Roads\2021\Exhibits 1 – 9 TO ER.pdf
- G:\ECAF\Dept\06_pw\Roads\2021\Shorts School Road ECAF.pdf
- G:\ECAF\Dept\06_pw\Roads\2021\Shorts School Road Engineers Report.pdf
- G:\ECAF\Dept\06_pw\Roads\2021\Shorts School Road Notice of Introduction.docx
- G:\ECAF\Dept\06_pw\Roads\2021\Shorts School Road Ordinance.pdf
- G:\ECAF\Dept\06_pw\Roads\2021\Stipulation to Value and Agreement to waive Consultant Appraisal.pdf

NON-ELECTRONIC ATTACHMENTS:

ECAF NO.:
ECAF RECEIVED:

SNOHOMISH COUNTY COUNCIL

**ORDINANCE
INTRODUCTION SLIP**

EXHIBIT # 3

FILE ORD. 21-037

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

~~~~~  
  
\_\_\_\_\_  
Councilmember Date

Clerk's Action: Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

~~~~~  
STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the item and by ____ Consensus /
____ Yeas and ____ Nays, made the following recommendation:

____ Move to Council to schedule public hearing _____

Public Hearing Date _____ **at** _____

____ Move to Council as amended to schedule public hearing

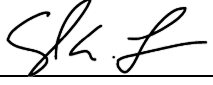
____ Move to Council with no recommendation

This item ____ should/ ____ should not be placed on the Consent Agenda.

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

This item ____ should/ ____ should not be placed on the Administrative Matters Agenda

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)



Committee Chair



ENGINEER'S REPORT

PETITION REQUEST # 18-113647 RWE

FOR THE VACATION AND ABANDONEMENT OF A PORTION OF
COUNTY ROAD RIGHT-OF-WAY IDENTIFIED AS
SHORTS SCHOOL ROAD

INTRODUCTION

Chapter 36.87 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 Snohomish County Code (SCC) contains the County's regulations that implement the provisions of Chapter 36.87 RCW. The County's legislative authority's use of this broad authority must be made under the advice and supervision of the County Engineer.

SCC 13.100.010, provides that road or right-of-way (ROW) vacation and abandonment procedures may be initiated either in response to Council request, initiated independently by the Engineer on his/her own initiative, or in response to a frontage owner's petition. The present petition to vacate relates to the southerly terminus of Shorts School Road comprising that portion of the road located entirely upon the land of petitioners' Paul and Maria Lund.

FACTS/BACKGROUND

1. On March 18, 2018, petitioners, Paul and Maria Lund, submitted an application to the Department of Public Works (DPW) proposing to: (1) Vacate by operation of law, under the non-user statute (RCW 36.87.090), that portion of unopened county road ROW of Shorts School Road, located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, Township 27 North, Range 6 East, as originally established under the 1894 freeholders' petition; (2) Vacate that portion of Shorts School Road (formerly Sinclair Road), as opened and established under the 1907 Petition located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, Township 27 North, Range 6 East as located upon the ground pursuant to the 1908 survey. (See Exhibit 1, Petition, Assessors Map and Aerial Map)
2. The ROW in question was originally established in 1894 by a freeholders' petition to establish a public county road 30 feet in width, running south from the river bank on the north boundary of Section 5, Township 27 North, Range 6 East, and ending at George

Greenwood's fence or thereabouts, filed with the Superior Court of the State of Washington for Snohomish County on February 28, 1894, commonly known as Charley Sinclair Road #2186 (Rd #151) and declared established in open court on April 7, 1894, by Judge John C. Denney. (See Exhibit 2, Order of Establishment)

3. In March 1907, a petition to change the course of Sinclair Road was submitted by freeholder's petition to establish a relocated county road, 30 feet wide and approximately ¼ mile in length by Caleb Cook, et.al., to the Board of County Commissioners for what was known as a change in the Sinclair Road. The road, per the Surveyor's report and map, began at a point on the George Saunders road on the south boundary of Section 32, Township 28 North, Range 6 East, and ended at a point in the NE¼ of the SW¼ of Section 5, Township 27 North, Range 6 East. It was declared a county road on July 15, 1907. (See Exhibit 3, Petition and Map)
4. On record in the Department of Public Works (DPW) is a second map showing a change in a portion of Sinclair Road as actually constructed upon the ground, 30 feet wide, and was surveyed in July 1908. (See Exhibit 4, Map)
5. On February 26, 1912, a petition to vacate the original 1894 alignment of Sinclair Road, as superseded by the 1907 Petition, was submitted to the Commissioners of Snohomish County by Mrs. E. O. Williams and John A. Williams, but for whatever reason only referenced that portion of the 1894 alignment located in Lot 5, in the NW¼ of Section 5, Township 27 North, Range 6 East, and omitted that portion of the original 1894 alignment extending further south onto Section 5, Township 27 North, Range 6 East, comprising what is now the Lund property. (See Exhibit 5, Petition)
6. On March 25, 1912, by motion, the following described road was vacated, known as the Sinclair or Williams Road. (See Exhibit 6)

All roads in lots 4 and 5 of Section 5, Township 27 North Range 6 East excepting the road hereinafter described:

Commencing at the ¼ section corner between Sections 5 and 6 said Township and Range, thence N 0°33' E along the Section line 923.1 feet to the fractional section corner between said Sections 5 and 6, thence N 69°39' E 359.8 feet to the true place of beginning: thence 30 feet in width lying 15 feet on either side of a center line running N 31° 05' E 319.7 feet, thence N 18°42' E 334.9 feet, thence N 7° 12' E 477.2 feet, thence N 13°48' W 207.8 feet, thence N 18° 48' W 180 feet to the north boundary of the said Section.

As set forth above, the 1912 Road Vacation failed to vacate that portion of the original 1894 alignment of Sinclair Road extending South over and upon Section 5, Township 27 North, Range 6 East, comprising what is now the Lund property.

7. An open public roadway is shown or noted on various records located in the DPW, including road book entry for 1912 Williams vacation petition, 1936 Index map of Snohomish County prepared by Department of Highways, bridge surveys and maintenance cards, and aerial photographs as early as 1947.
8. On September 12, 1957, John A. and Elizabeth D. Duncan recorded an Easement to go with the land over and across that property now comprising the Lund property and utilizing, in part, a portion of Shorts School Road, located thereon, granting a perpetual right of ingress and egress over and across said property, to Snohomish County for flood control purposes. The ingress and egress route is in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, Township 27 North, Range 6 East. (See Exhibit 7, Easement AF #1256324 and map)
9. County records indicate that a roadway was opened, improved and maintained over and across portions of Section 5, Township 27 North, Range 6 East, comprising what is now the Lund property, pursuant to the 1907 Petition, in the alignment as surveyed in 1908 (Exhibit 3), including maintenance of two small bridges. However, the bridges were subsequently removed or abandoned when the ground was filled. As currently exists, that portion of the southern terminus of Shorts School Road (formerly Sinclair Road) as established under the 1907 Petition located upon Section 5, Township 27 North, Range 6 East, comprising what is now the Lund property, serves solely to provide access to the Lund property and no other public use or benefit.
10. A request for review of historical documents, survey data, documents and summary by the Petitioner's Surveyor, Harmen & Associates, was submitted to DPW Survey Department. (See Exhibit 8)
11. Based on data and records reviewed, it is the Survey Department's opinion, the County has a 30 foot wide strip of ROW from the intersection of the Nevers Road at the northern boundary of Section 5, south to the southern end of Shorts School Road, as established in the 1907 Petition, and located as shown in the 1908 survey. In this regard, the relocated alignment, set forth in the 1907 Petition, headed in a southerly direction from the north line of Section 5, and terminates somewhere in the SW $\frac{1}{4}$ of Section 5, Township 27 North, Range 6 East, is 30 feet in width. In 1908, the roadway, as actually constructed by the County, fixed the location of the 30-foot-wide southerly portion of the road west of the alignment, set forth in the 1907 Petition, which alignment as actually constructed on the ground, is presumed to control. (See Exhibit 9)
12. This roadway alignment, as shown on the 1908 survey (Exhibit 4) has been, and is currently, maintained southerly from Nevers Road to a gate located approximately at the

north line of the NW¼ of the SW¼ of Section 5, Township 27 North, Range 6 East. The extended portion of the current Shorts School Road petitioned to be vacated, lies south from this point and is not currently County maintained.

FINDINGS

1. Shorts School Road has been and is currently maintained with public funds south from Nevers Road, to a gate at the north property line of tax parcel number 27060500300200, owned by the Lund's, in that alignment as shown in that 1908 Survey (Exhibit 4). That portion of the ROW lying south of the gate, at the north property line of tax parcel number 27060500300200 owned by the Lund's, was at one time used and maintained by the public, but has been abandoned and gated years ago, and serves no other purpose than for access to the Petitioners' own property. Therefore, DPW has determined the subject ROW petitioned to be vacated, comprising that portion of the roadway as actually constructed and located upon the ground, pursuant to the 1908 survey, located south of that gate at the north property line of tax parcel number 27060500300200, owned by the Lund's, is not necessary or needed for current or future road purposes, and the vacation and abandonment of the proposed ROW will benefit the public. The vacated portion becomes appendage to the petitioner's property and taxes will be amended to reflect the value added by the vacation.
2. As to all such earlier alignments of Shorts School Road, extending over and upon Section 5, Township 27 North, Range 6 east, comprising what is now the Lund property, as set forth in that original 1894 freeholder's Petition, and/or the original alignment set forth in the 1907 Petition to relocate Sinclair Road, DPW has determined that any such earlier alignments of the road have never been opened or maintained for public use and, thus, should be declared vacated by operation of law pursuant to RCW 36.87.090.
3. Pursuant to SCC 13.100.080, compensation is required to be paid for the value of the property to be vacated under Section 1 above comprising the road ROW as opened, improved and formerly maintained at public expense as located under the 1908 survey. DPW has determined that the classification of said ROW is as a Class C ROW pursuant to SCC13.100.040 (7)(c) in which the County has an easement interest and public expenditures were made. DPW has appraised the subject ROW and it is estimated to be **\$10,348.00**. Per SCC 13.100.080 (2)(b). Compensation is fifty percent (50%) of the appraised value which is **\$ 5,174.00** and is in accordance with SCC 13.100.085. That portion of Short School Road petitioned to be vacated serves only the Lund properties and is no longer being County maintained.

4. That portion of Sinclair Road established under the 1894 freeholder's Petition, as it pertains to Section 5, Township 27 North, Range 6 East, comprising what is now the Lund property, falls under the non-user statute and would have been automatically vacated by operation of law under RCW 36.87.090. The compensation would be zero percent (0%).
5. That portion of Sinclair Road relocated under the 1907 Petition (Cook Road establishment), to the extent the original alignment set forth in said petition differs from the actual alignment as constructed on the ground, and depicted in the 1908 survey, is a Class D ROW in which the county has an easement but with no public expenditures having been made pursuant to SCC 13.100.040(7)(d). Wherefore, the compensation for vacating said unimproved right of way would be zero percent (0%) pursuant to SCC 13.100.080(2)(c).
6. That portion of the road proposed to be vacated does not abut a body of saltwater or freshwater.
7. Inquiries to local utilities revealed that there are three existing utilities within the proposed ROW vacation. RCW 36.87.140 and SCC 13.100.100 allow the County to retain 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 the utilities within that portion of Shorts School Road for the construction, repair and maintenance of public utilities and services.

RECOMMENDATIONS

1. Based on the above findings the public will benefit by the vacation and abandonment of that portion of Shorts School Road petitioned to be vacated and the road ROW should be vacated and abandoned.
2. DPW recommends that Vacation Petition Request # 18 113647 RWE for the vacation of a portion of Shorts School Road described on Exhibit A and depicted on Exhibit B to the accompanying Ordinance is in the best interest of the general public and should be granted based on the following conditions.

CONDITIONS

1. An easement for utilities shall be granted by the petitioners over the vacated portion of Shorts School Road for the construction, repair and maintenance of the public utilities and services as per RCW 36.87.140 and SCC 13.100.100 and shall be recorded in the Auditor's Office.
2. Vacation of the ROW shall not be deemed to impair or invalidate any existing easements over and across the Lund property including, without limitation, that easement dated September 12, 1957, granted to Snohomish County for right of ingress and egress to maintain or construct flood control works. (Exhibit 6, Easement AF # 1256324)
3. Compensation of the ROW at 50% of the appraised value equaling \$5,174.00 shall be paid by the petitioners, Paul and Maria Lund, along with all other costs incurred by the County in processing the petition as per SCC13.100.070 and SCC 13.100.080.

Approved by:

Douglas W. McCormick Digitally signed by Douglas W. McCormick
DN: C=US, E=dmcormick@snoco.org, O=Snohomish
County, OU=Public Works, CN=Douglas W. McCormick
Date: 2021.06.04 14:45:55-0700

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

Date 6/4/2021

Prepared by:

Maria Acuario

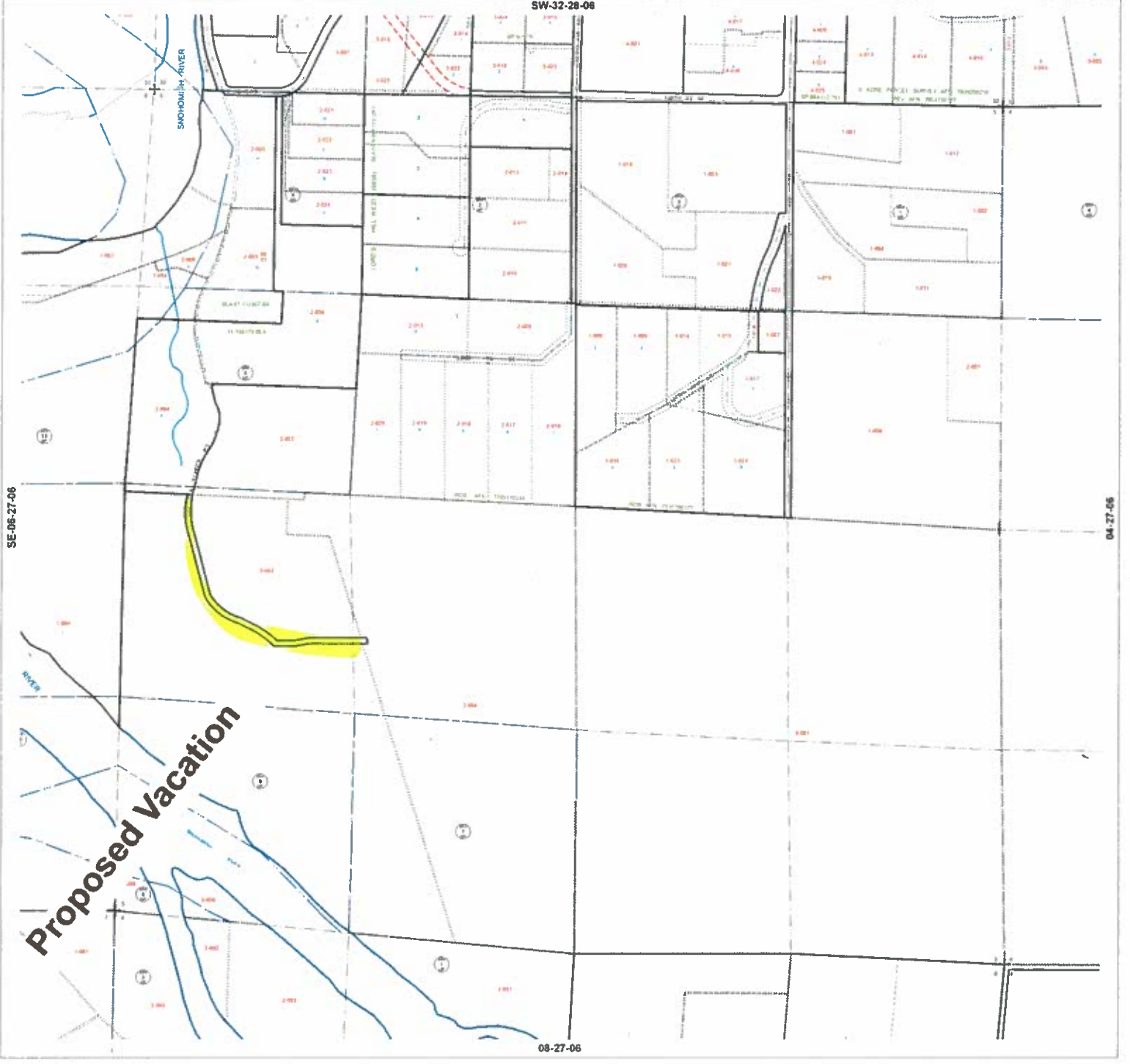
Maria Acuario
ROW Investigator III

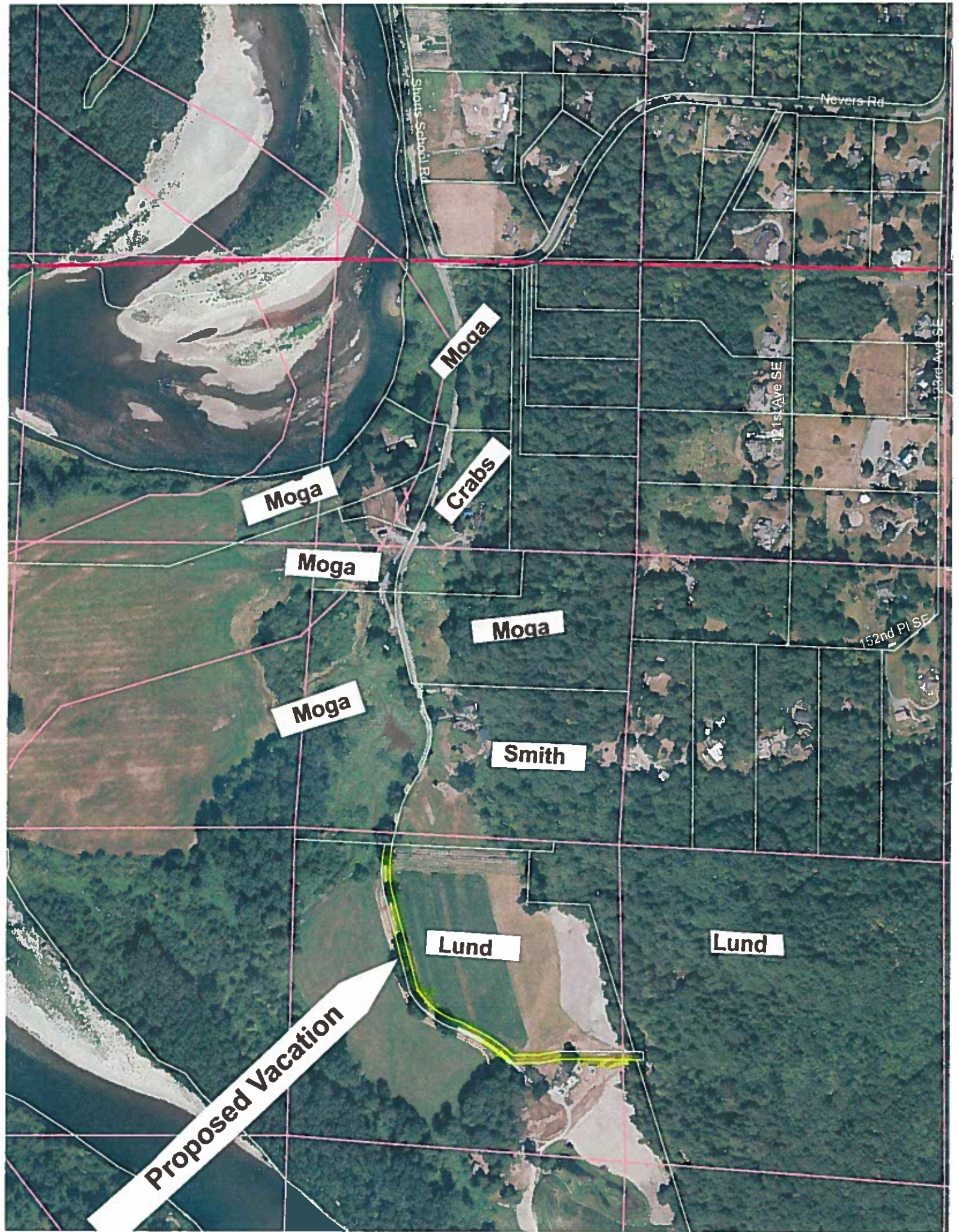
Date 6/3/2021

QUARTER ALL	SECTION 5	TOWNSHIP N W B L 27	RANGE E W M 6
-----------------------	---------------------	-------------------------------	-------------------------

Centerline Lot Block Section City Limits
 Gov Lot Subdiv ROW Quarter Tax Acct
 Major Water Other Lot Vac ROW 16th Easement
 Minor Water Other Subdiv Vac Lot

1 inch = 400 feet
 Map produced on October 20, 2010
 A product of the Assessor's Office
 Snohomish County, Washington





the above named road and for the costs of publication of the Notice of Final Hearing, and after an examination of the said report, and of the affidavit of the publisher, and the Court being fully advised in the premises it is hereby ordered that the costs be allowed as follows:

William Douglas Viewr	1 day at 750	7.50
George Heddis Viewr	1 day at 750	7.50
P. McKenzie Chairman	1 day at 750	7.50
Edmund Juegel Chairman	1 day at 750	7.50
Charles Sinclair Assessor	1 day at 7.50	
Board of Parks	1.00	3.50
Goshorn & Clemons Publishing Notice of Final Hearing		4.00

It is further ordered that upon being served with a certified copy of this order the Auditor will be strictly charged and ordered to draw his warrant on the Treasurer in favor of the several parties and for the several amounts herein stated and allowed by the Court.

Witness my hand and the seal of the Court at Washington this 17th day of April 1894

Robt. A. Bullitt Clerk
By Charles C. Johnston Deputy

John C. Murray Judge

In the Superior Court of the State of Washington for Snohomish County
In the Matter of the Petition of
Charles Sinclair and others for the View
Location and Establishment of a Public
Road in Snohomish County

Order for Establishment of County
Road No 7156

The petition of Charles Sinclair and others for the establishment of a county road coming before the Court for hearing and to consider the award of damages has returned by the Survey heretofore appointed and the Court being fully advised in the premises and being satisfied that due publications thereof have been fully made as provided by law and that said proposed road is for a public use and that the same is a public necessity and will be of general use and public benefit it is therefore ordered that said road be and the same is hereby established as surveyed and the same may be opened as provided by law for the opening of further roads.

No Damages

And it is further ordered that the costs of the survey and the order

J. B. Neely Road # 2096

of the Court be filed in the office of the County Auditor. It is further ordered that the description of the road here established shall be as follows: Commencing at river bank on North boundary of Tract of N. P. G. East. Sec 5 running thence southerly along the river bank until it strikes a slough, thence along the bank of the slough until it strikes the foot of the hill, thence following the hillside and ending at George Greenwood's fence or thereabouts

Done in open Court this 7th day of April A.D. 1894

John B. Bennett
Judge

subscribed

Filed Apr 7 1894. Robt. A. Hubbard, Clerk

By Oliver C. Thornton, Deputy

In the Superior Court of the State of Washington for the County of Snohomish

In the Matter of the Petition of Charles Smolans et al. for having laying out, surveying and establishing a County Road.

No 2106 Certificates

State of Washington }
County of Snohomish } Yes

J. Robt. A. Hubbard, County Clerk

and Clerk of the Superior Court of the State of Washington for the County of Snohomish, holding terms at Snohomish in said County, do hereby certify that he annexed hereto a complete transcript of all the proceedings had in the above entitled matter up to and including the final establishment of said road.

Witness My hand and the seal of the said Superior Court this 13th day of April 1894

Robt. A. Hubbard, Clerk

By Oliver C. Thornton, Deputy

Witness my hand and seal of the County Auditor this 16th day of April 1894 at 4:30 P.M.

County Auditor

Filed for record at request of Smolans et al. April 16 1894 at 4:30 P.M. Oliver C. Thornton

J. B. Neely Road No 2096

30470
= 152

In the Superior Court of the State of Washington for Snohomish County.

In the matter of the Petition of J. B. Neely, O. H. Latham and O. B. Rowley and others for the land locations and establishments of a Public Road in Snohomish County.

Road Petition
No 2096

We the undersigned are freeholders of Snohomish County, State of Washington and do petition and pray that a public county road or highway be established in said County fifty feet or more wide, having its points of beginning and termination, course and intermediate points and general route as follows:

Commencing at the County Road running from Post Bureau to Alameda at a point twenty two rods (22) and 14 3/8 feet North of the

EXHIBIT 2 PAGE 2

Change In Sinclair Road.

No. 151

Petition for a County Road.
 In the Matter of The Petition of
 Caleb Cook and others for the
 View, Location and Establishment
 of a County Road in Snohomish
 County, Wash. } Petition

To The Board of County Commissioners of
 Snohomish County, Wash.:

We the undersigned householders of Snohomish
 County, State of Washington, do petition that a County
 Road be established in said County 30 ft in width,
 commencing at or near the East bank of Snohomish
 River on the North side of lot (4) Sec (5) Twp (27) N
 R 6 East running thence in a southerly direction through
 the above described lot and ending at or about (300)
 three hundred feet in lot (5) the whole distance
 being about $\frac{1}{4}$ miles. Your petitioners respectfully
 represent and allege that the proposed road is practic-
 able, and will be of general use and public utility, and
 that all of your petitioners are residents and house-
 holders residing in said County in the vicinity of said
 proposed road; wherefore your petitioners pray for the
 appointment of viewers to view, lay out and survey the
 said proposed road, and to estimate the damages to each
 tract of land over which the road shall pass, and to
 do all other things provided by law.

Petitioners

Principal Petitioner

Caleb Cook
 Fred Shingerlend
 Edward Greenwood
 George Greenwood
 Harry Eshenshad
 Hiram Thomas
 Geo Grader
 L. F. Kassin
 A. W. Johnson
 John A. Williams

EXHIBIT 3 PAGE 1

Change In Smelser Road.

Waiver

On the matter of the road petitioned
for by Caleb Cook and others }

The undersigned being the owner of the following described land, do in consideration of the benefits and advantages to accrue to by the location and establishment of the County Road petitioned for by Caleb Cook and others, hereby consent that said road be established as surveyed, and forever relinquish unto Snohomish County a Right-of-Way 30 feet in width, over, across and through SW⁴ of SW⁴ Sec 32, Twp. 28 N R 6 E W M further described as follows, a strip of land 15 feet in width on each side of a center line commencing at a point on Township line bet Twp's 27 & 28, S 89° 54' E. 2216.8 ft. from $\frac{1}{4}$ cor. between Sec. 32, Twp 28 and Sec. 5, Twp 27 N. R. 6 E. running thence N. 20° 15' W. 1985 feet to an intersection with the Geo. Saunders Road of Section 32, Township 28 North, Range 6 E, and waive all claims for damages of whatever kind which may be occasioned to said land or any portion of the same, by the location, establishment and opening of said Road, giving and granting unto said Snohomish County the said Right-of-Way with full power and authority to locate, lay out and establish said Road as proposed and perpetually maintain the same as a County Road.

In Witness Whereof I have hereunto set my hand
this day of April 22nd 1907

Ellen Thomas J

Waiver

On the matter of the road petitioned
for by Caleb Cook and others }

The undersigned being the of the following described land, do in consideration of the benefits and advantages to accrue to by the location and establishment of the County Road petitioned for by Caleb Cook and others, hereby consent that said road be established as surveyed, and forever relinquish unto Snohomish County a Right-of-Way 30 feet in width, over across and through a tract in the West half of the NW⁴ of Sec. 5, Twp. 27 N., R. 6 E. W. M. more

Change In Sinclair Road.

particularly described as follows:— A right-of-way 15 feet in width on each side of a center line beginning at a point $N 69^{\circ} 26' E$ 359.8 feet from the M.C. of frac. Secs. 5 and 6; thence $N 30^{\circ} E$ 340 feet; thence $N 21^{\circ} 30' E$ 180 feet; all in Section 5, Township 27 North, Range 6 E. W. M., and waives all claims for damages of whatever kind which may be occasioned to said land or any portion of the same, by the location, establishment and opening of said Road, giving and granting unto said Snohomish County the said Right-of-Way with full power and authority to locate, lay out and establish said road as proposed and perpetually maintain the same as a County Road.

In Witness Whereof we have hereunto set our hand this 16th day of May 1907.

Caleb Cook

Sarah A. Cook

Waiver

In the matter of the road petitioned for by Caleb Cook and others }

The undersigned being the } of the following described land, do, in consideration of the benefits and advantages to accrue to } by the location and establishment of the County Road petitioned for by Caleb Cook and others, hereby consent that said road be established as surveyed, and forever relinquish unto Snohomish County a Right-of-Way 30 feet in width, over, across and through the $N W \frac{1}{4}$ of the $N. W. \frac{1}{4}$ of Sec. 5, Twp. 27 N., R. 6 E. W. M., more particularly described as follows:

A tract 15 feet in width on each side of a center line beginning at a point the North boundary of said $N. W. \frac{1}{4}$ of the $N. W. \frac{1}{4}$, $S 89^{\circ} 57' W$ 2216.8 feet from the $\frac{1}{4}$ cor. between Secs 5 and 32; thence $S 20^{\circ} 15' E$ 271.5 feet; thence $S 3^{\circ} E$ 165 feet; $S 5^{\circ} W$ 345 feet; thence $S 15^{\circ} W$ 200 feet; all in the $N W^{\frac{1}{4}}$ of the $N W^{\frac{1}{4}}$ of section 5, Township 27 North, Range 6 E. W. M. and waive all claims for damages of whatever kind which may be occasioned to said land or any portion of the same, by the location, establishment and opening of said Road, giving and granting unto said Snohomish County the said

Change In Sinclair Road

Right-of-Way with full power and authority to locate, lay out and establish said Road as proposed, and perpetually maintain the same as a County Road.

In Witness Whereof Have hereunto set hand this day of May 6th 1907

Emma O Williams
John A Williams

State of Washington }
County of Snohomish } 55.

In the Matter of the Petition of Caleb Cook et al for a County Road, to be known as the Change in Sinclair Road

Transcript of Field Notes

Said road commences at a point in the center of the Geo Sanders road West 2216 1/2 feet and N 20° 15' W 198 1/2 feet from the 1/4 corner on the south boundary of sec 32, T. 28 N. R. 6 E which is herein designated at Station 1 and ends at a point in the N.E. 1/4 of the SW 1/4 of sec 5 T. 27 N. R. 6 E. which is herein designated at Station 17.

Transcript of Field Notes of Survey.

Station	Angles		Course	Length Feet	Total Dist	Remarks
	Left	Right				
1			S 20° 15' E	470.0		Set a stone 6 x 7 1/2 ins in the center of the Geo Sanders Road for beginning of road.
						At 450 feet cross a ravine 40 feet wide course S 75° W.
2	17° 15'		S 3° E	165.0	470.0	
3	8°		S 5° W	345.0	635.0	
4	10°		S 15° W	200.0	980.0	
5	6° 30'		S 21° 30' W	180.0	1180.0	At 20 feet right bank of a ravine course N 16° W
6	8° 30'		S 30° W	340.0	1360.0	At 110 feet left bank of ravine
7					1700.0	At this point I intersect the

EXHIBIT 3 PAGE 4

Change In Sinclair Road.

	Angles		Course	Length Feet	Total Dist	REMARKS.
	Station	Left Right				
			S 22° 37' E	607.0		Center of the old travelled Sec. Sanders Road and for a monument to mark the end of the change I bury a cast iron kettle in which I place a blue colored stone and an iron link 10 ins long and 5 ins wide of $\frac{5}{8}$ in iron. The ear of the kettle marks the station point. Whence a stone mon. set for the southeast corner of Cash Cook's tract bears S 71° E 15 feet dist. and the N. E. of frac. sec. 5 and 6 bears S 69° 26' W 359.5 feet dist..
8	6153'		S 84° 30' E	220.0	2307.0	
9	2530'		S 59° E	220.0	2527.0	
10	20°		S 39° E	70.0	2747.0	
11	2530'		S 13° 30' E	90.0	2817.0	
12	3030'		S 44° E	110.0	2907.0	
13	2700'		S 16° 30' E	130.0	3017.0	
14	3030'		S 47° E	260.0	3147.0	At 124 feet intersect. Sec. E. and W. $\frac{1}{4}$ line through Sec 5, feet east of the $\frac{1}{4}$ cor. on the W. bdy.
15	24°		S 26° E	165.0	3407.0	
16	2230'		S 3° 30' E	575.0	3572.0	At 100 cross a creek 2 feet wide Course W.
17					4147.0	The end of the Sinclair Road I find the original maple B.P. from which I set a cedar post marked "R."

EXHIBIT 3 PAGE 5

Change In Sinclair Road.

I hereby certify that the foregoing field notes and map herewith submitted are correct exhibits of the road herein described, and that the survey was made on the 26th day of March A. D. 1907 to the 6th day of April A. D. 1907 inclusive.

In witness whereof I have hereunto set my hand this 29th day of June A. D. 1907.

Elmer Lenfest
County Surveyor
By Deputy

Surveyor's Report.

In the matter of the petition of
Calhoun Cook and others for the
Location and Establishment of a
County Road in Snohomish
County Washington.

} Surveyor's Report.

I, the undersigned, County Surveyor of the County of Snohomish and State of Washington, duly directed by the Board of County Commissioners of said County on the 11th day of March A. D. 1907, to make due examination and if necessary a survey of a certain road designated in the petition of Calhoun Cook and others did lay out, survey and mark the course of the road proposed in said petition, and report as follows, viz:

First.

That in my opinion said Road is a necessity and ought to be established and opened.

Second.

Said road commences at a point in the center of the Geo Sanders Road, West 2216 1/2 feet and N 25° 15' W 1985 feet from the 7 corner on the south boundary of Sec. 32 T. 28 N. R. 6 E. and runs in a southerly direction. Total length 4147.0 feet.

Third.

I recommend that said road be established

Change In Sinclair Road.

thirty feet in width.

Fourth.

The names of persons interested in lands over which said proposed road will pass, who consent to the establishment of the same, and waive all claims for damages caused thereby, are shown below:

Fifth.

The names of all persons interested in lands over which said proposed road will pass, who refuse their consent to the establishment of the same, together with the amount of damages claimed by each, are shown below:

Sixth

An estimate of damages and benefits to each tract of land over which said proposed road will pass, is shown below:

Seventh

A description of each tract of land over which said proposed road will pass, with the name and place of residence or address of the owners, lessees, claimants or incumbrances thereof, and the quantity of land to be taken from each of said tracts, is shown below:

name and address or Residence of Owner, Lessee or Incumbrancer	Sub division	Sec. Twp. Rng.	Quantity ^{per Table} Acres 100's	Remarks
Ellen L. Thomas	Lot 1	32-28-6	.13	Waived
Emma O. Williams	Lot 47 portion of Lot 5	5-27-6		Waived
Caleb Cook	Description in Lot 47 & 5	5-27-6		Waived
Nellie Sinclair	Portion of Lot 5	5-27-6		Old road
George Greenwood	Portion of NW 1/4 of 20	5-27-6		Old road

Eighth

The probable cost of construction of said road will be as follows:

Items	Amount
Bridges and culverts:	
Clearing and grubbing:	
Grading:	
Damages:	
Cost of survey (estimated)	
Total estimated cost of said road -	

EXHIBIT 3 PAGE 7

Change In Smclair Road.

Ninth

I also file with this report; the written consent and waivers of claims to damages, together with claims for damages, by persons interested in the lands affected by the establishment of said proposed road; a map of said proposed road as the same is laid out and surveyed, with the name of the owner of each tract of land written thereon, and a transcript of the field notes of the survey thereof.

Respectfully submitted this 1st day of July A.D.
1907

Elmer Lenfest

County Surveyor.

By Deputy.

Declared a county road July 15th 1907.

A. H. B. Jordan.



Plat 151
PLAT

Showing Relocation and Change of Position of

The Sinclair Road

Secs 5 and 32, Twp. 27 and 28 N., R. 6 E. W. M.

Surveyed May 26-27, 1907

Road 50 feet wide.

Elmer L. Thomas

County Surveyor

GC Change
in Southern
Portion
in 1908
Rd. 1100 ft

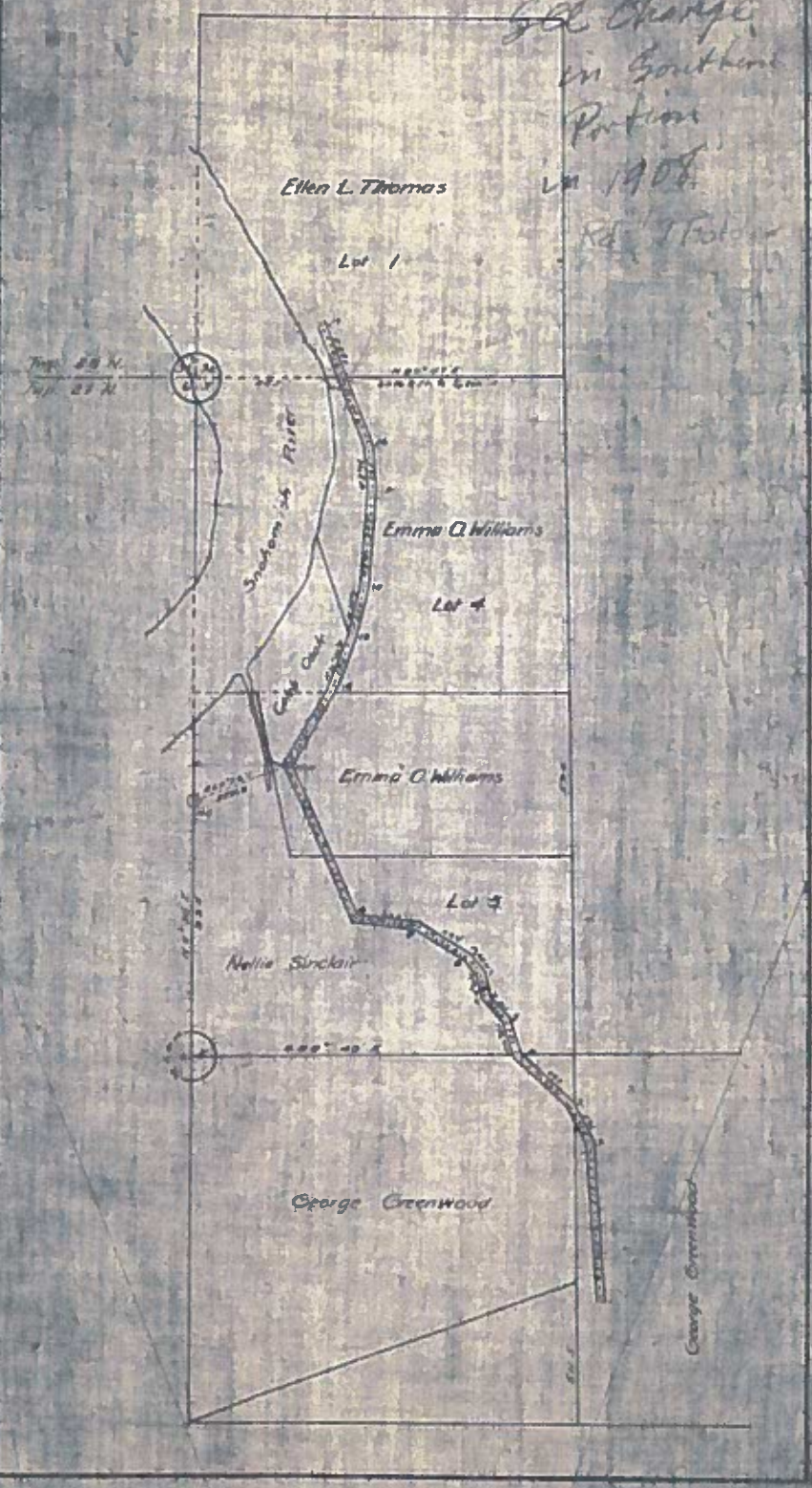


EXHIBIT 3 PAGE 9

Change in Portion
of
Sinclair Road

Sec. 5, Twp. 27 N., R. 6 E., W. 4.
 Snohomish County, Washington.
 Surveyed July, 1908. Elmer Lenfest,
 Road 30 feet wide. Co. Engineer.

Scale, 1 inch = 400 feet

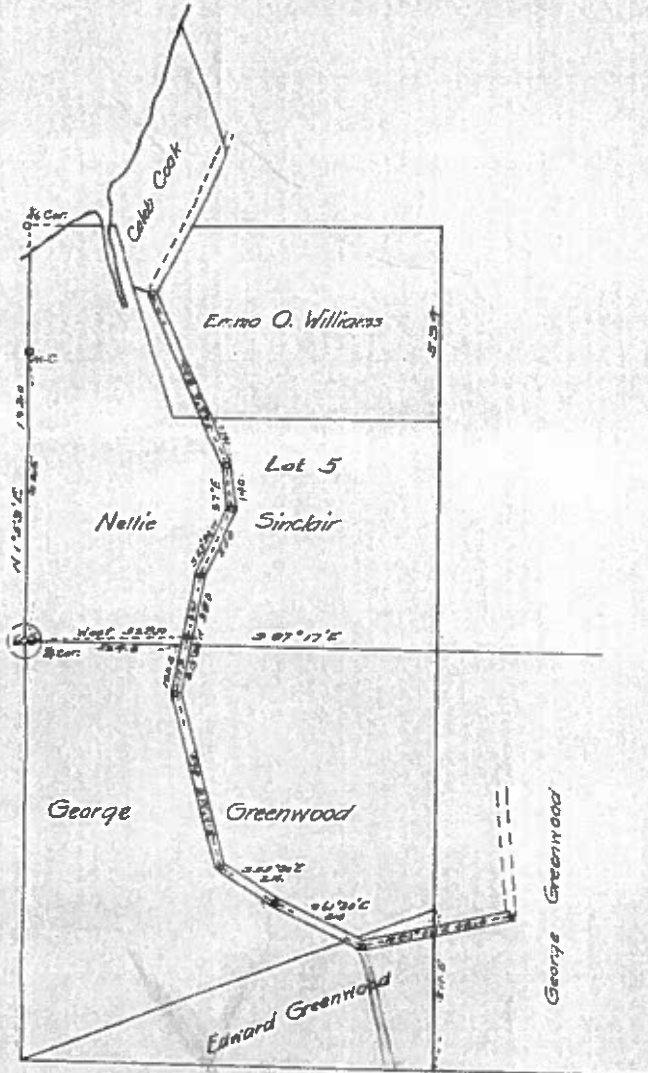


EXHIBIT 4

FILE RD #9

Vacation of part of Amelia Road

Index 151
355

Petition for vacation part of Amelia Road
To the Commissioners of the County of Ingham
State of Washington

We the undersigned having use of the new County
Road as now in use, and as deeded by Mrs E. O. Williams and
husband to the County, do petition your honorable body
that you do vacate the old road not now used by
you, to said Mrs E. O. Williams and husband.
The description of same is lot 5 - and in the
NW 1/4 of Sec 5 - Twp 27 - N. R. 6 E. 10m Ingham
County, Washington
(Signed)

August Johnson
George Giddens
Ellen B. Thomas
L. F. Kressin
H. H. John
J. J. Stephens
R. A. Wilson
F. Rechter
F. A. Rechter
Edw. Rechter

Mrs E. O. Williams
John A. Williams

Having called

Event on July 26th 1912

pursuant to a petition of property owners
in Sec 5-27-6 asking the vacation of a road
in said section; therefore on motion of the
County Auditor is instructed to call for a
hearing to be held on the 18th day of March 1912
at 2:00 pm before the County Commissioners in
their office in the Court House at Everett, Washington
for the purpose of allowing persons interested to make
objection to such vacation

Signed

Board of County Commissioners
By James McCulloch
Chairman

EXHIBIT 5

Vacation of part of Snellet Road

Index ¹⁵¹/₂₅₀

Order of Vacation.

Board WW March 25th 1912

ON motion, the following described road is hereby vacated, known as the Snellet or Williams road: all roads in lots 4 & 5 of section 5 Twp 27 N R 6 E, excepting the road hereinafter described;

Commencing at the 1/4 section corner between sections 5 & 6 said Township and Range, thence N 0° 33' E along the section line 923.1 feet to the fractional section corner between said sections 5 & 6, thence N 69° 39' E 359.8 ft to the base place of beginning; thence 30 ft in width lying 15 feet on either side of a center line running N 31° 05' E 319.7 feet, thence N 18° 42' E 334.9 feet, thence N 7° 12' E 477.2 feet, thence N 13° 48' W 207.8 feet, thence N 18° 48' W 180 feet to the north boundary of said section 5.

Signed

Board of County Commissioners

By James McCullack

Chairman

petition for vacating a county road

In the matter of the petition of Mrs E O Williams and others for the vacation of a county road in Snohomish County Washington

} petition

To the Board of County Commissioners of Snohomish County Wash:

We, the undersigned householders of Snohomish County State of Washington do petition that a County Road be vacated in said County 30 ft in width, commencing at the N line of section 5 and running south to Cole's Creek line: described as in lot 5 in the NW 1/4 of section 5, Twp 27 N R 6 E W.M.

(Signed) Geo Latta Lot 4 SW 1/4 Sec 5 Twp 27 N R 6

Aug. Johnston

Ellen L. Thomas Sec 31 Twp 28 . 6

L. F. Krasin " 31 " 28 . 6

W. J. Stephens " 32 " 28 . 6

D. H. Johnson " 33 " 28 " 6

EXHIBIT 6

E A S E M E N T

1256324

To Go With the Land

For and in consideration of the benefits to accrue to them by reason of the construction of a flood control dike, the undersigned do hereby grant to Snohomish County, its successors or assigns, the perpetual right of ingress and egress over and across certain portion of the Grantor's property, to construct and maintain said dike.

The dike location, and the ingress and egress route are in the northwest quarter of the southwest quarter of Section 5, Township 27 North, Range 6 East W.M., and are more clearly and definitely shown on the attached sketch which is made a part of this easement.

The Grantor waives any and all claims for damage of any kind arising from the construction and/or maintenance of said dike.

Nothing contained herein shall be construed to require the County of Snohomish to construct or maintain said dike if unwarranted by future conditions.

Granted this 12th day of September 1957.

John A. Duncan

Elizabeth B. Duncan
Grantor's

SNOHOMISH COUNTY, Washington

By *Edwin Kretz*
Chairman

J. E. McCullum

W. A. Wyatt
Its Board of Commissioners

NO SALES TAX
REQUIRED

SEP 12 1957

VERNE SEVIER, Snohomish County Treasurer
By *Lee Anderson*
Deputy

EXHIBIT 7 PAGE 1

STATE OF WASHINGTON SS
COUNTY OF SNOHOMISH

631 449

I, the undersigned Notary Public in and for the State of Washington, do hereby certify that on this _____ day of _____ 1957, personally appeared before me E. SAM KRAETZ, Chairman, J. E. McQUEEN, AND WILLARD A. WYATT, each one to me known to be the duly elected, qualified and acting County Commissioner of Snohomish County, Washington, who executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said Snohomish County, State of Washington, for the uses and purposes therein mentioned, and stated that the seal affixed is the official seal of Snohomish County, Washington.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public in and for the State of Washington, residing at _____

STATE OF WASHINGTON SS
COUNTY OF SNOHOMISH

On this 12TH day of September 1957, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came John A. Duncan, Elizabeth D. Duncan, husband and wife to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

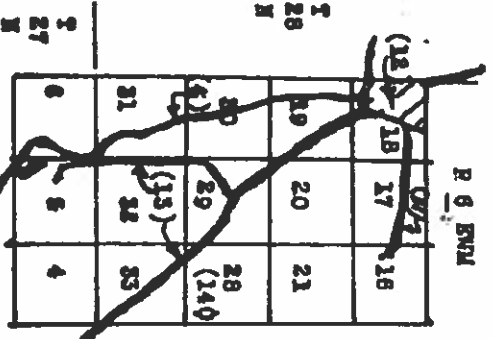
Witness my hand and seal the day and year first above written.

Clarence E. Adams
Notary Public in and for the State of Washington, residing at

Emmitt



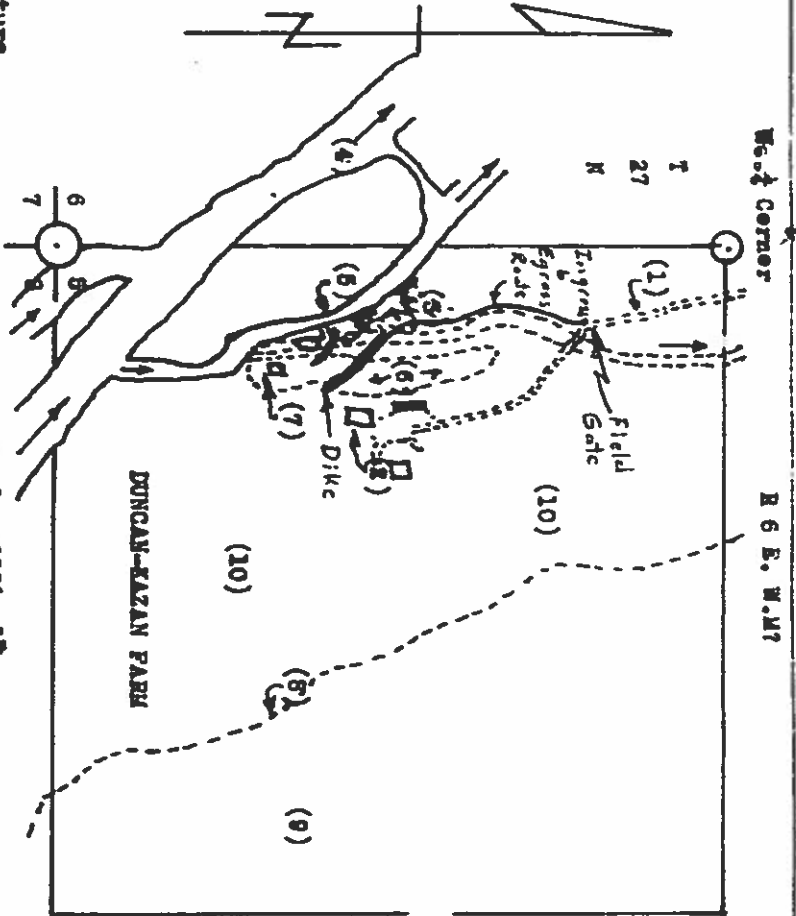
EXHIBIT 7 PAGE 2



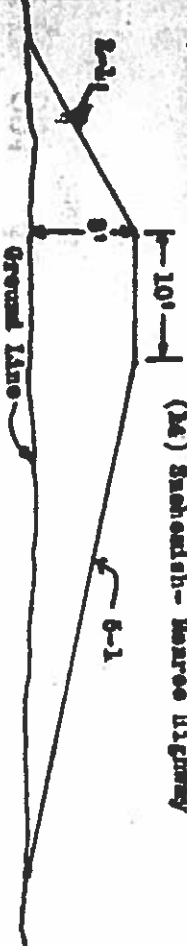
VICINITY MAP
Scale 1" = 2500'

- LEGEND
- (1) Farm access road
 - (2) Pastureland
 - (3) Overflow channel
 - (4) New location
 - (5) Snehemish River
 - (6) Side channel of river
 - (7) Wooded hill

- (7) Small cabin
- (8) Top of slope
- (9) Woodland
- (10) Fields and pasture
- (11) Stevens Pass Highway
- (12) SNEHEMISH
- (13) County Roads
- (14) Snehemish - Hearce Highway



Scale 660' 1" =
PLAN OF IMPROVEMENT



TYPICAL CROSS-SECTION OF DIKES

6600 Cy. Earth fill. Approx. 1.5 A. Clearing.
Upper fill will cross main wash approx. 100' north of small house on wooded hill above side channel from river, on bank 40' east of the main overflow channel. All fills will be 2' above adjacent river bank.

DUNCAN KAZAN				
U.S.D.A. SOIL CONSERVATION SERVICE				
Proposed by: <i>W. B. Turner</i>				
Drawing Approval: <i>Earl Danvers</i>				
County Registrar: <i>Earl Danvers</i>				
Completed	Traced	Checked	Drawing	
<i>Earl</i>	<i>Earl</i>			

Filed for Record Oct 11 1957 11:31am
Request of Snehemish County
GEO. P. DUBUCQUE, County Auditor



LAND SURVEYING • LAND USE PLANNING • CIVIL ENGINEERING

Paul Lund
15813 Shorts School Road
Snohomish, WA 98290
pilund@flash.net

File No. 13-283
March 24, 2017

RE: Status of Shorts School Road, aka Sinclair Road in Section 5, T.27N., R.6E., W.M.

Dear Mr. Lund:

This historic route first appears on the 1871 General Land Office Plat of Township 27 North, Range 6 East, W.M. The road is shown graphically as running through Government Lots 4 and 5, the northwest quarter of the southwest quarter and Government Lots 6 and 7 all in Section 5. This location does not represent an actual surveyed location, but an approximation by the contract surveyor whose primary duty was the survey of the perimeter of each section. The official field notes provide measurements where the road crossed the section line, but provide no measurements in the interior of the section. What this map does show is an alignment which is easterly of the present road location.

The next documentary evidence of the road is found in the Snohomish County Superior Court Road Petition and Establishment for the Charles Sinclair Road in 1894. The records contain notes with bearings, distances and notations for the alignment of the road. This alignment follows more or less the alignment as shown on the 1907 map, discussed below, which is approximately along the toe of the slope in the area of the Lund property. The general description contained throughout the establishment records describes the road as follows "...thence along the bank of the slough until it strikes the foot of the hill, then following the hillside to its terminus and ending at McGregor Greenwood's fence or thereabouts." It is my opinion that this Superior Court Establishment created a public easement along a route running across the Lund property at the foot or toe of the hillside to the east of the field and not along the present location of the driveway.

The next evidence is seen on the 1895 U.S. Geological Survey Quadrangle Map titled "Snohomish, Wash." That map represents a road beginning at the northwest corner of Section 5, running south along the river for about a quarter mile, then running southeasterly to the base of the hill, then following the base of the hill to the south line of Section 5. This location is consistent with the 1894 Establishment.

Several maps were produced by the County Surveyor for Sinclair Road.

1. A map dated March, 1907 titled "Plat Showing Relocation and Changes of Portion of The Sinclair Road" represents the road beginning at the north line of Section 5 approximately at the present location of Shorts School Road and running south generally along the present alignment of Shorts School Road until it reaches a point slightly south of the center of Government Lot 5. At this point the road alignment runs southwesterly to and then along the base of the hill. This alignment is more consistent with the description and notes contained in the 1894 Establishment.

A copy of this map obtained from Snohomish County Public Works has a notation "See Change in Southern Portion in 1908. Rd #9 Folder."

PAUL LUND
15813 SHORTS SCHOOL RD
SNOHOMISH, WA 98290

SNOHOMISH COUNTY
125 East Main Street, Ste. 104
Monroe, Washington 98272
(360) 794-7811 / fax: (360) 805-9732
: | Understand | Guide | Deliver
www.HarmsenInc.com

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COUNTY CLERK
SNOHOMISH COUNTY
125 EAST MAIN STREET
MONROE, WASHINGTON 98272

A document titled "Change in Sinclair Road" references "field notes and map herewith submitted." The document was submitted by the County Surveyor, Elmer Lenfest on June 29, 1907. It was declared a county road on July 15, 1907 by A. H. B. Jordan. There is no statement regarding the authority by which this declaration was made. This document would correspond to the 1907 map also prepared by Elmer Lenfest showing the road alignment along the toe of the hill.

2. A map dated July, 1908 titled "Change in Portion of Sinclair Road" represents the road approximately in the present location of the driveway across the Lund property, except that the map shows the last course of the road running easterly over the field to a point near the base of the hill. Dashed lines show a road or right-of-way running northerly from this terminus, possibly a reference to the 1907 and/or 1894 alignments.
An interesting notation made on a copy of this map obtained from Snohomish County Public Works reads "Road #9 Declared a County Rd. July 15, 1907. Roads in Lot 4&5 Sec. 5 (27-6) Vacated March 25, 1912."
No establishment documentation or authority for this alignment has been discovered or produced.
3. An undated map which appears to be from an early county road atlas depicts Chas Sinclair Road running approximately in the 1907 location onto the Lund property.
4. An undated map titled "Survey #2364 Sinclair Road Extension" appears to be a partial topographic map of a portion of the road on the Lund property, although the map resolution is poor.
5. The current county road atlas depicts Shorts School Road ending at the north line of the Lund property.

I have examined numerous aerial photos from 1933 to the present. No evidence of the easterly route can be seen in those photos.

The existing road is blocked at the north line of the Lund property by a gate. Snohomish County has had a sign at that location for over ten years stating "End of County Maintained Road."

Lastly, in a letter from Dixie Anderson, Snohomish County Public Works Supervisor, dated July 13, 2006, it is affirmed, with input from the Snohomish County Prosecuting Attorney's Office, that Shorts School Road in Section 5 is "an easement only to the public." See attached letter.

Most significantly, is the order of Vacation in Road Book 9, pages 106-110, on file in the Snohomish County Public Works records for a portion of Sinclair Road. A copy of the original and my transcription is attached. These pages contain a record of a petition to have a portion of Sinclair road vacated, the hearing for said vacation, the posting of a bond, and finally, a report of the County Engineer supporting the vacation of said road. It is interesting that the vacation only covers a portion in the Northwest quarter of Section five lying south of an angle point identified on the attached map. Sam Mutt in the Snohomish County Public Works, Survey Division came to the same conclusion. This vacation occurred in 1912. Maps showing a roadway over your land are dated 1908. It would be highly unusual to vacate a portion of county road leaving an isolated portion which could not be accessed by the public. I believe the section of road on your property was not addressed in the 1912 vacation petition because it was not

considered by the petitioners, the County Commissioners or the County Engineer as a public road. The only historical evidence for a right-of-way on the Lund property is the 1908 map of Sinclair Road by Elmer Lenfest, County Engineer. A survey map does not have the power to create a public right-of-way. There are no establishment records to be found for this alignment.

In summary, it is my professional opinion that absent any new evidence of establishment or conveyance of fee title to the public for the 1908 revision of the Sinclair Road there has never been fee title public right-of-way on the Lund property. There has been no public use of any easement over the Lund property for a period of over ten years, if ever. Since the portion of roadway on the Lund property has always only ever served the Lund property, I do not believe the public can make any valid claim for prescriptive rights. This roadway has not been maintained by the County for a period of over ten years.

Sincerely,



Scipio M. Walton, PLS
Senior Surveyor



EXHIBIT 8 Page 3



Snohomish County

Department

3000 Rockefeller Ave., M/S 607
Everett, WA 98201-4046
(425) 388-3905 (Desk)
www.snoco.org

Dave Somers
County Executive

October 10th 2018

Jeff Hoiland
Public Works Survey Manager

Dear Jeff Hoiland: *Just in/for*

Re: The Right Of Way Determination for Short School
Survey Number 4727
Road Log # 29550

Surveyor's Report

Survey Manager Jeff Hoiland had requested me to review the record for a stretch of road presently known as the "Short School Road" (Road log # 29550) as to what portion(s) are in public Right of Way and what portions have been previously vacated. On Monday, August 27, 2018 2:06 PM. My research of the record did not reveal a definitive date in which the road name was changed from the "Sinclair Road" (Road number 151).

Based on the data and records that I reviewed, it is my opinion that the county has a 30' wide strip of Right of Way from the intersection of the Nevers road (at the northern boundary of section 5) south to the southern end of the Short School Road as established in the 1908 relocation of the southern end of the Sinclair road.

On February 26th, 1912 there was held a hearing for the vacation of a part of the Sinclair road (Road book 9 page 106). The request was to vacate "We the undersigned having the use of the new county road as now in use..." "...deed the (old?) Road not now in used by you,...". Then on March 25th 1912 the county engineer recommends to board of commissioners for the road to be vacated.

Conclusion: After reviewing the record documents cited below, I determine that county did have a 1907 alignment and this alignment headed in a southerly direction from the north line of section 5 and terminates somewhere in the SW $\frac{1}{4}$ of section 5, Township 27 N., Range 6 E., W. M. that is 30 feet in width.

Then in 1908 the County built a 30 foot wide relocation to the southerly portion of the road and realigned it to the west of the 1907 position.

In 1912 the County Vacated only that portion that was no longer in use of the 1907 road. The order of Vacation reads: "On motion, the following described road is hereby vacated, known as the Sinclair or Williams Road: All (or maybe "old") roads in lots 4 & 5 of Section 5, Township 27 north Range 6 East, Excepting the road herein after described: Commencing at the $\frac{1}{4}$ Section Corner between Sections 5 & 6 said Township and Range, Thence N. 0° 33' E. along the Section line 923.1' feet to the fractional Section Corner between said Sections 5 & 6, Corner

N. 69° 39' at 359.8 ft. to the true place of beginning: Thence 30 feet in width lying 15 feet on either side of a center line. Running N 31° 05' E 319.7 feet, thence N 18° 42' W 180 feet to the North boundary of said Section 5.

As late as 1967 the county has records of maintaining portions of the 1908 alignment of the road near the southern end of the road. Sometime in the 2000s a land owner has installed a gate across the road just north of the property (Currently the Lund Property). The gate remains closed to the public currently and reportedly in the past 5 or 6 years an "End of County Maintained Road" sign was installed north of the gate.

Documents/ Records used to make this determination:

Road Index book # 1 Page 9 ~ Geo Sanders to Park Place City of Snohomish
Road record Book # 2 pages 210-211
Road record Book # 7 pages 186
Road record Book # 6 pages 574-576
Road record Book # 7 pages 128
Road Index book # 1 Page 151 ~ Charlie Sinclair
Road record Book # 5 pages 156- 164
Road Book 8 Page 521 – 528
Road Book 9 Page 106 - 110
Township books 1892, 1917 and 1947
Bridge inspection files for Bridges 417 and 418

Sincerely,

Samuel Mutt 10/10/18
Sam Mutt, PLS,
Survey Specialist Sr.

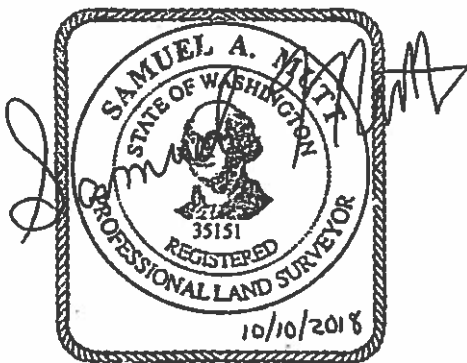


EXHIBIT 9 Page 2



Snohomish County

Public Works

3000 Rockefeller Ave., M/S 607
Everett, WA 98201-4046
(425) 388-3488
www.snoco.org

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 5

FILE ORD. 21-037

Dave Somers
County Executive

January 27, 2021

Paul and Maria Lund
15813 Shorts School Road
Snohomish, WA 98290-6808

Re: Right of Way Vacation Request
Shorts School Road

Dear Mr. & Mrs. Lund

The Department of Public Works has reviewed the legal and survey for the proposed vacation of a portion of the open dedicated right of way for Shorts School Road.

Our Right of Way Section has determined a value for the subject right of way, as shown on the attached Stipulation to Value and Waiver for Appraisal. If agreed, please sign the enclosed document and return to my attention. Per RCW 36.87.120 and SCC 13.100.080, DPW will be recommending reimbursement of this value to the County Road Fund.

After signature, we will prepare the document package for submittal to the County Council, to be considered for scheduling of a public hearing.

Please feel free to give me a call or email if you have any questions.

Sincerely,

Maria Acuario

Maria Acuario
Right of Way Investigator III
Transportation and Environmental Services Division
425 262 2464
maria.palma-deguzman@snoco.org

cc.: File



Snohomish County

Public Works

Transportation and Environmental Services

3000 Rockefeller Ave., M/S 607
Everett, WA 98201-4046
(425) 388-3488
www.snoco.org

Dave Somers
County Executive

**STIPULATION TO VALUE DETERMIND BY THE
DEPARTMENT OF PUBLIC WORKS
AND AGREEMENT TO WAIVE CONSULTANT APPRAISAL**

Project Name: Right of Way Vacation- Portion of Shorts School Road

Project No: RR 6288

We, Paul and Maria Lund, owners of tax parcels 27060500300200 and 27060500300400 have petitioned Snohomish County (Department of Public Works) to vacate a portion of Shorts School Road right-of-way. We understand that the Department of Public Works has determined that the subject-right-of way is suitable to vacate and has prepared an appraisal for the right of way for \$5,174.00.

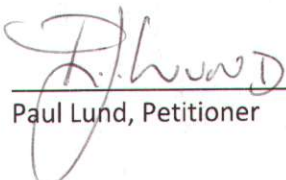
We also understand that the standard vacation process requires a consultant appraisal and appraisal review to determine the value, and that we are entitled to the full appraisal process should we choose, and that the cost of the appraisal and review will be our obligation per RCW 36.87.120 and SCC 13.100.070.

We hereby waive our right to a consultant appraisal and appraisal review and stipulate to the value of the right-of-way as determined by the Department of Public Works. We agree that the Determined Value is an accurate and competent estimate of the Fair Market Value and will not challenge the estimate in the vacation process.

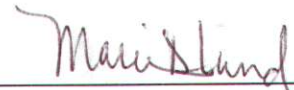
We request that the Department of Public Works proceed with the petition to vacate at this time with the Determined Value of \$5,174.00.

We certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 31 day of January, 2021 at Snohomish Washington
(City) (State)



Paul Lund, Petitioner



Maria Lund, Petitioner

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 6

FILE ORD. 21-037



Snohomish County

Public Works

3000 Rockefeller Ave
Everett, WA 98201-4046

TIN: 91-6001368

Billing Inquiries (425) 388-3940

PAUL LUND
15813 SHORTS SCHOOL ROAD
SNOHOMISH WA 98290

INVOICE NO: I000544325

INVOICE DATE: 10/31/20

DUE DATE: 12/20/20

CUSTOMER NO: CRLUND

CONTACT:

I N V O I C E

March 2019 - Oct 2020

RR6288-Short School SE VAC
LESS 4/19/19 Deposit

\$1,040.24
\$500.00-

TOTAL AMOUNT DUE: \$540.24

Detach here and return with remittance

Send check payable to:

**Snohomish County
Public Works M/S #607
3000 Rockefeller Ave.
Everett, WA 98201-4046**

CUSTOMER NO: CRLUND
INVOICE NO: I000544325

AMOUNT DUE: \$540.24

SNOHOMISH COUNTY PUBLIC WORKS
Reimbursable Project Billing Details



Project Name: ShortSchlVacSE-Lund

Billing Period: 01/01/2019 ~ 12/31/2019

Project Number: RR 6288

Project Manager: Maria Acuario-TES

Customer: Paul Lund

Customer Charge: CRLUND

Contact: Paul Lund

Sundry or Revenue: R12

Customer Job #: 2nd Deposit of \$500 on 4/18/19

Admin Fee on Labor: 20 %

<i>Job #</i>	<i>Cost Category</i>	<i>Phase/ Task</i>	<i>Group</i>	<i>Hrs</i>	<i>Amount</i>	<i>Description</i>
6288	1. Labor	101	15			
	101 ShortSchlVacSE-Lund-Vac			1.25	\$82.75	Koch S
				<u>1.25</u>	<u>\$82.75</u>	

Sub Totals	<u>1.25</u>	<u>\$82.75</u>
Equipment Fee		\$0.00 <i>*Equipment fee for engineering</i>
Admin Fee on Labor Only		<u>\$16.55</u>
Grand Total		<u>\$99.30</u>
CURRENT AMOUNT DUE		<u>\$99.30</u>

SNOHOMISH COUNTY PUBLIC WORKS
Reimbursable Project Billing Details



Project Name: ShortSchlVacSE-Lund

Billing Period: 01/01/2020 ~ 10/31/2020

Project Number: RR 6288

Project Manager: Maria Acuario-TES

Customer: Paul Lund

Customer Charge: CRLUND

Contact: Paul Lund

Sundry or Revenue: R21 12210 REV 4410

Customer Job #: 2nd Deposit of \$500 on 4/18/19

Admin Fee on Labor: 20 %

<i>Job #</i>	<i>Cost Category</i>	<i>Phase/ Task</i>	<i>Group</i>	<i>Hrs</i>	<i>Amount</i>	<i>Description</i>
6288	1. Labor	101	15			
	101 ShortSchlVacSE-Lund-Vac			12.50	\$784.12	Acuario M
				<u>12.50</u>	<u>\$784.12</u>	

Sub Totals	<u>12.50</u>	<u>\$784.12</u>
Equipment Fee		\$0.00 <i>*Equipment fee for engineering</i>
Admin Fee on Labor Only		\$156.82
Grand Total		<u>\$940.94</u>
CURRENT AMOUNT DUE		<u>\$940.94</u>