

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 June 4, 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 28th day of July, 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.

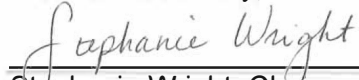
Section 5. The petitioner shall grant and record an easement to the County over the vacated road ROW, comprising that alignment of the ROW set forth in the 1908 road survey as shown on Exhibit B, for utilities and for the benefit of the County for the construction, repair and maintenance of public utilities 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 28th day of July, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Stephanie Wright, Chairperson

ATTEST:



Assistant Clerk of the Council

(X) APPROVED
() EMERGENCY
() VETOED



County Executive

8/3/2021

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

