



Snohomish County Council

Committee: Public Works and Infrastructure

ECAF: 2022-1180

Proposal: Motion 22-495

Analyst: Deb Evison Bell

Date: December 6, 2022

Consideration:

The proposed Motion would approve the surplus declaration of Assessor's Tax Parcel No. 32061200301200 and would authorize the Property Officer of the Department of Facilities Management to execute on behalf of the County, a Quitclaim Deed, Amendment No. 1 to the Declaration of Protective Covenants, Conditions and Restrictions for Cicero Pond Conservation, and take all steps that are necessary to consummate the transfer on behalf of Snohomish County, in accordance with Snohomish County Charter 2.20(7).

Background:

In 1995 the Council approved by Motion 95-215 which authorized the acquisition of approximately 90 acres of real property for the Cicero Pond Conservation. A Declaration of Protective Covenants, Conditions and Restrictions for Cicero Pond Conservation was recorded, which limits any improvements to the real property. A 5.4-acre portion has been significantly impacted by the migration of the North Fork of the Stillaguamish River, thus most of the Parcel currently lies within the riverbed and is under the jurisdiction of the State of Washington.

Snohomish County and the Stillaguamish Tribe of Indians had been codefendants in a lawsuit, case no. 22-2-06240-31 Superior Court of the State of Washington, which was dismissed without prejudice on November 9, 2022. The Director of the Snohomish County Department of Conservation and Natural Resources (DCNR) and the Property Officer recommend the surplus and transfer of the Parcel to the Stillaguamish Tribe, who in turn agrees to the acquisition and to continue to defend the Parcel and to bear the costs associated with ownership of the Parcel.

Current Proposal:

Scope: Approval of the surplus declaration for APN 32061200301200 and find it in the public's interest to transfer the parcel to the Stillaguamish Tribe of Indians, and approval of authorization for the Property Officer of the Department of Facilities and Fleet to execute, on behalf of the County, a Quitclaim Deed, Amendment No. 1 to the Declaration of Protective Covenants, Conditions and Restrictions for Cicero Pond Conservation, and take all steps necessary to consummate the transfer on behalf of Snohomish County.

Duration: The surplus, sale, disposition, and transfer of the real property to the Stillaguamish Tribe would be in perpetuity.

Fiscal Implications: NA

2022 Budget: NA

Handling: NORMAL

Approved-as-to-form: YES

Risk Management: APPROVE

Executive Recommendation: APPROVE

Requests: Move to GLS on December 14, 2022, for consideration.