



Public Infrastructure and Conservation

Deb Bell

Council Initiated:

☐ Yes

☒ No

ECAF: 2025-3633
Ordinance: 25-080

Type:

- ☐ Contract
☐ Board Appt.
☐ Code Amendment
☐ Budget Action
☒ Other

Requested Handling:

- ☐ Normal
☐ Expedite
☒ Urgent

Fund Source:

- ☐ General Fund
☐ Other
☒ N/A

Executive Rec:

- ☒ Approve
☐ Do Not Approve
☐ N/A

Approved as to

Form:

- ☒ Yes
☐ No
☐ N/A

Subject: Proposed vacation and abandonment of unopened Snohomish County Road Right-of-Way – portion of 40th Street SE.

Scope: The proposed ordinance would vacate approximately 2,670 square feet of deeded unopened right-of-way for 40th St SE, located in the SE ¼ of the NW ¼ of Section 31, Township 29N., Range 6E., W.M. The County Engineer has prepared the required Engineer's Report and recommends conditional approval.

Authority Granted: RCW 36.87.060 and SCC 13.100.060 the Snohomish County Council shall hold a public hearing to consider the County Engineer's report and to hear public testimony.

Background: On December 19, 2024, the Department of Public Works received a petition to vacate unopened County ROW, 40th St SE, from Brett and Angela Nicholson. In 1942 J.B. Rumsey established a public road, deeded to the County, located along the north twenty (20) feet of the West Half of the Southwest quarter of the Northwest quarter of Section 31, Township 29 North, Range 6 East, WM. Under SCC 13.100.040(7)(b), this portion is classified as a Class B Road right-of-way, and the Petitioners are required, under SCC 13.100.080(2)(b), to pay fifty percent of the appraised fair market value.

In 1969, with the recording of the Glenwood Vista plat, an additional ten (10) feet was dedicated along the southern boundary of the existing twenty (20) foot dedicated boundary, making the full easement a thirty (30) foot wide public right-of-way. This additional 10 feet is classified as a Class D Road with no compensation required. The portion of 40th St SE petitioned to be vacated is 30 feet by 89 feet (2,670 square feet) of unopened right-of-way, adjacent to Lot 9 of Glenwood Vista (Tax Parcel No. 00383500000900).

Recommendations:

1. Based on the findings in the Engineers Report, DWP has determined that the public will benefit by the vacation and abandonment of this portion of road ROW and that the ROW should be vacated and abandoned.
2. It is not advisable to preserve all or a portion of the ROW for the County transportation system for the future.
3. DPW recommends that the Vacation Petition 24 118670 RWE for the vacation of ROW for a portion of 40th Street SE, described in the attached Exhibits to the accompanying Ordinance, is in the best interest of the public and should be granted based on the recommended conditions:

Conditions:

1. All associated costs, as per SCC 13.100.070 and SCC 13.100.080, shall be paid: \$2,251.00.
2. The petitioner shall be responsible for the advertising and recording fees: estimated \$610.00.
3. Failure to make payment of the compensation required under SCC 13.100.070 and SCC 13.100.080 within one year of the date of the ordinance is approved by the County

Public Infrastructure and Conservation

Deb Bell

Council will result in the Ordinance not being recorded and the portion of 40th Street SE petition to be vacated shall not be considered vacated as per SCC 13.100.080(4).

Requested Action: For Council to move the Ordinance to GLS on December 3, 2025, to set time and date for a Public Hearing, suggested date of January 7th, 2026, at 10:30 am is suggested.