

1 After Recording Return To:
2 Clerk of the Council
3 Snohomish County Council
4 3000 Rockefeller Avenue – M/S 609
5 Everett, WA 98201
6

7 *In the matter of: 40th St SE Right-of-Way Vacation*
8

9 SNOHOMISH COUNTY COUNCIL
10 Snohomish County, Washington
11

12 ORDINANCE NO. 25-080
13

14 AN ORDINANCE VACATING AND ABANDONING
15 AN UNOPENED PORTION OF 40TH St SE,
16 A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY
17

18 WHEREAS, under chapter 36.87 Revised Code of Washington (RCW) and
19 chapter 13.100 Snohomish County Code (SCC) 13.100, Snohomish County (the
20 “County”) has the authority to vacate and abandon County road rights-of-way
21 determined to be useless; and
22

23 WHEREAS, on December 19, 2024, Brett and Angela Nicholson, (the
24 Petitioners) submitted a petition pursuant to RCW 36.87.020 and SCC 13.100.030,
25 requesting the vacation and abandonment of an unopened portion of 40th Street SE,
26 a County road right-of-way; and
27

28 WHEREAS, on October 30, 2025, the Snohomish County Engineer (the
29 “County Engineer”), pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a
30 report examining the proposed vacation and abandonment; and
31

32 WHEREAS, the portion of County road proposed to be vacated has a width of
33 30 feet, consisting of 20 feet deeded by quit claim deed and recorded under
34 Auditor’s File No. 754366, Vol. 313, Pg. 562 (1942), and 10 feet dedicated by Plat of
35 Glenwood Vista under Auditor’s File No. 2107900, Vol. 30, Pg. 56 (1969); and
36

37 WHEREAS, the 20-foot deeded portion is classified as a Class B road right-
38 of-way under SCC 13.100.040(7)(b), for which compensation to the County is
39 required under SCC 13.100.080(2)(b) in an amount equal to fifty percent of the
40 appraised fair market value of the right-of way to be vacated; and
41

42 WHEREAS, the Department of Public Works (DPW) has determined the fair
43 market value of the unopened deeded portion of County road right-of-way to be
44 \$4,503.40, resulting in a required compensation amount of \$2,251.70 to the County;
45 and
46

1 WHEREAS, the 10-foot dedicated portion is classified as a Class D road
2 right-of-way under SCC 13.100.040(7)(d), for which no compensation is required
3 under SCC 13.100.080(2)(c); and
4

5 WHEREAS, the County Engineer has determined that all criteria to vacate
6 and abandon a portion of 40th St SE exists and recommends that said County road
7 right-of-way be vacated and abandoned; and
8

9 WHEREAS, on this 7th day of January, 2026, pursuant to RCW 36.87.060
10 and SCC 13.100.060, the Snohomish County Council (the "County Council") held a
11 public hearing to consider the County Engineer's Report and to receive public
12 testimony;
13

14 NOW, THEREFORE, BE IT ORDAINED:
15

16 **Section 1.** The County Council adopts and incorporates the foregoing recitals
17 as findings as if set forth fully herein.
18

19 **Section 2.** The unopened portion of County road right-of-way described in
20 Exhibit A and depicted in Exhibit B, both attached to this ordinance and incorporated
21 herein by reference, is useless for County road purposes and the public will be
22 benefited by its vacation and abandonment.
23

24 **Section 3.** The unopened portion of County road right-of-way described and
25 depicted in the attached exhibits is vacated and abandonment upon satisfaction of
26 the terms and conditions contained in this ordinance.
27

28 **Section 4.** Under chapter 36.87 RCW and chapter 13.100 SCC, the vacation
29 and abandonment of the unopened portion of County road right-of-way granted
30 herein shall not take effect unless within one year of the date the County Council
31 passes this ordinance, the Petitioners have fully paid all itemized costs and
32 expenses of the proceedings enumerated by DPW under SCC 13.100.070 and
33 identified in the County Engineer's Report.
34

35 **Section 5.** Under chapter 36.87 RCW and chapter 13.100 SCC, the vacation
36 of the unopened portion of County road right-of-way granted herein shall not take
37 effect unless, within one year of the date this ordinance is passed by the County
38 Council, Petitioners have paid the County for the value of the County road right-of-
39 way vacated according to the schedule set forth in SCC 13.100.180 for the deeded
40 portion of the right-of-way. The 20-foot deeded portion of the unopened County road
41 right-of-way is classified as Class B under SCC 13.100.040(7), and the Petitioners
42 are required to compensate the County \$2,251.70, which is fifty percent of the
43 appraised fair market value of the Class B portion of the County road right-of-way
44 subject to vacation. The 10-foot dedicated portion of the unopened County road
45 right-of-way is classified as Class D under SCC 13.100.040(7), and no
46 compensation is required for the Class D portion of the unopened County road right-
47 of-way being vacated and abandoned by this ordinance.


1
2 **Section 6.** Upon the Clerk of the County Council receiving confirmation from
3 DPW that Petitioners have made timely and full payment as required by this
4 ordinance, chapter 36.87 RCW, and chapter 13.100 SCC, this ordinance shall be
5 recorded with the Snohomish County Auditor and become effective. In the event the
6 Petitioners fail to make the required payments within one year of the date this
7 ordinance is passed by County Council, this ordinance shall automatically become
8 void and have no further force or effect.
9

10
11 Passed this 7th day of January, 2026.
12


13
14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington
16

17 
18 _____
19 Council Chair
20

21 ATTEST:

22 
23 _____
24 Deputy Clerk of the Council
25

26
27
28 (X) APPROVED
29 () EMERGENCY
30 () VETOED
31

32
33 
34 _____
35 County Executive
36
37 1/8/2026
38 _____
39 Date
40

41 ATTEST:

42 
43 _____
44

45 APPROVED AS TO FORM:

46 
47 _____
48 Deputy Prosecuting Attorney
49

EXHIBIT A

LEGAL DESCRIPTION
RIGHT OF WAY VACATION

A PORTION OF THE NORTH HALF, OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 29 NORTH, RANGE 6 EAST, W.M., IN SNOHOMISH COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9, OF THE PLAT OF GLENWOOD VISTA, RECORDED IN VOLUME 30, PAGE 56, RECORDS OF SNOHOMISH COUNTY, STATE OF WASHINGTON, **THE TRUE POINT OF BEGINNING (TPOB);**
THENCE NORTH 0°47'55" EAST ALONG THE EAST LINE OF SAID LOT 9 PROLONGED, A DISTANCE OF 30.00 FEET TO THE NORTH MARGIN OF THE UNOPENED RIGHT OF WAY OF 40TH STREET SE;
THENCE NORTH 89°12'05" WEST, ALONG SAID NORTH MARGIN AND PARALLEL TO THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 89.00 FEET;
THENCE SOUTH 0°47'55" WEST A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9;
THENCE SOUTH 89°12'05" EAST, ALONG THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 89.00 FEET TO **THE TRUE POINT OF BEGINNING (TPOB).**

SITUATED IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA: 2670 SQ FT



EXHIBIT B

S/E 1/4, OF N/W 1/4 OF SEC. 31, TOWNSHIP 29 N., RANGE 6 E., W.M.

