

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
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8

9 *In the matter of: 99th Ave NW*
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11

12 SNOHOMISH COUNTY COUNCIL
13 Snohomish County, Washington
14

15 ORDINANCE NO. 21-036
16

17 AN ORDINANCE VACATING A PORTION OF 99th Ave NW
18 A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY
19

20 WHEREAS, on October 17, 2019, Greg Brown, Gary and Geyanne Buse and
21 Thomas Stephenson, (the “Petitioners”) submitted a petition pursuant to RCW
22 36.87.020 and SCC 13.100.030, to vacate and abandon a portion of 99th Ave NW,
23 an unopened Snohomish County road right-of-way; and
24

25 WHEREAS, the County Road Engineer, pursuant to RCW 36.87.040 and
26 SCC 13.100.040, prepared a report examining the unopened County road right-of-
27 way proposed to be vacated and abandoned; and
28

29 WHEREAS, the County Road Engineer has determined that all criteria to
30 vacate and abandon a portion of 99th Ave NW exists and recommends that said
31 unopened County road right-of-way be vacated and abandoned; and
32

33 WHEREAS, on this 18th day of August, 2021, pursuant to RCW 36.87.060
34 and SCC 13.100.060, the Snohomish County Council (the “County Council”) held a
35 public hearing to consider the County Road Engineer’s report and to hear public
36 testimony;
37

38 NOW, THEREFORE, BE IT ORDAINED:
39

40 **Section 1.** The County Council adopts and incorporates the foregoing
41 recitals as findings as if set forth fully herein.
42

43 **Section 2.** The County Council further finds that the unopened County road
44 right-of-way described in Exhibits A, C and E and depicted in Exhibits B, D and F, all
45 attached to this ordinance and incorporated herein by reference, is useless for
46 County road purposes and the public will be benefited by its vacation.
47

1 **Section 3.** The County Council finds that the portion of the unopened County
2 road right-of-way described and depicted in the attached exhibits are vacated upon
3 satisfaction of the terms and conditions contained in this ordinance.
4

5 **Section 4.** Under Chapter 36.87 RCW and Chapter 13.100 SCC, the
6 vacation of the unopened County road right-of-way granted herein shall not take
7 effect unless, within one year of the date this ordinance is passed by the County
8 Council, the Petitioners have paid all itemized costs and expenses of the
9 proceedings enumerated by the Snohomish County Department of Public Works
10 (DPW) under SCC 13.100.070.
11

12 **Section 5.** Generally, under Chapter 36.87 RCW and Chapter 13.100 SCC,
13 the vacation of a County road right-of-way shall not take effect unless, within one
14 year of the date this ordinance is passed by the County Council, the Petitioners have
15 paid the County for the value of the road right-of-way vacated according to the
16 schedule set forth in SCC 13.100.080. Here, the unopened County road right-of-way
17 is classified as Class D under SCC13.100.040(7)(d), in which the County has an
18 easement interest and no public expenditures were made and therefore under SCC
19 13.100.085 the Petitioners are not required to compensate the County for the value
20 of the vacated road right-of-way.
21

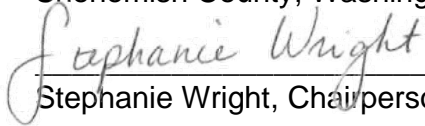
22 **Section 6.** Petitioners Gary and Geyanne Buse shall grant and record with
23 the Snohomish County Auditor an access easement benefitting Lots 50-53, Block
24 12, Thomas Stephenson's property, and to Lots 46-49, Block 12, Greg Brown's
25 property over the vacated portion of 99th Ave NW abutting Lots 1-2, Block 11, the
26 Buse's property.
27

28 **Section 7.** The Petitioners shall grant and record with the Snohomish County
29 Auditor an easement to the County over the vacated right-of-way for utilities and for
30 the benefit of the County for the construction, repair and maintenance of public
31 utilities and services within the vacated right-of-way as provided in RCW 36.87.140
32 and SCC 13.100.100.
33

34 **Section 8.** Upon the Clerk of the County Council receiving confirmation from
35 the DPW that the Petitioners have made timely and full payment of costs and
36 expenses incurred by the County in the examination and proceedings related to the
37 petitioned right-of-way vacation as required by Chapter 36.87 RCW and Chapter
38 13.100 SCC and identified in the supporting County Road Engineer's report, this
39 Ordinance shall be recorded and become effective. In the event the Petitioners fail
40 to make payment of the compensation required within one year of the date this
41 ordinance is passed by the County Council, this Ordinance shall automatically
42 become void and have no further force or effect.
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3 Passed this day 18th day of August, 2021.
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8 SNOHOMISH COUNTY COUNCIL
9 Snohomish County, Washington

10
11 
12 _____
13 Stephanie Wright, Chairperson

14 ATTEST:

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16 
17 _____
18 Clerk of the Council

19
20 (X) APPROVED
21 () EMERGENCY
22 () VETOED

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30 
31 _____
32 County Executive

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8/23/2021
Date

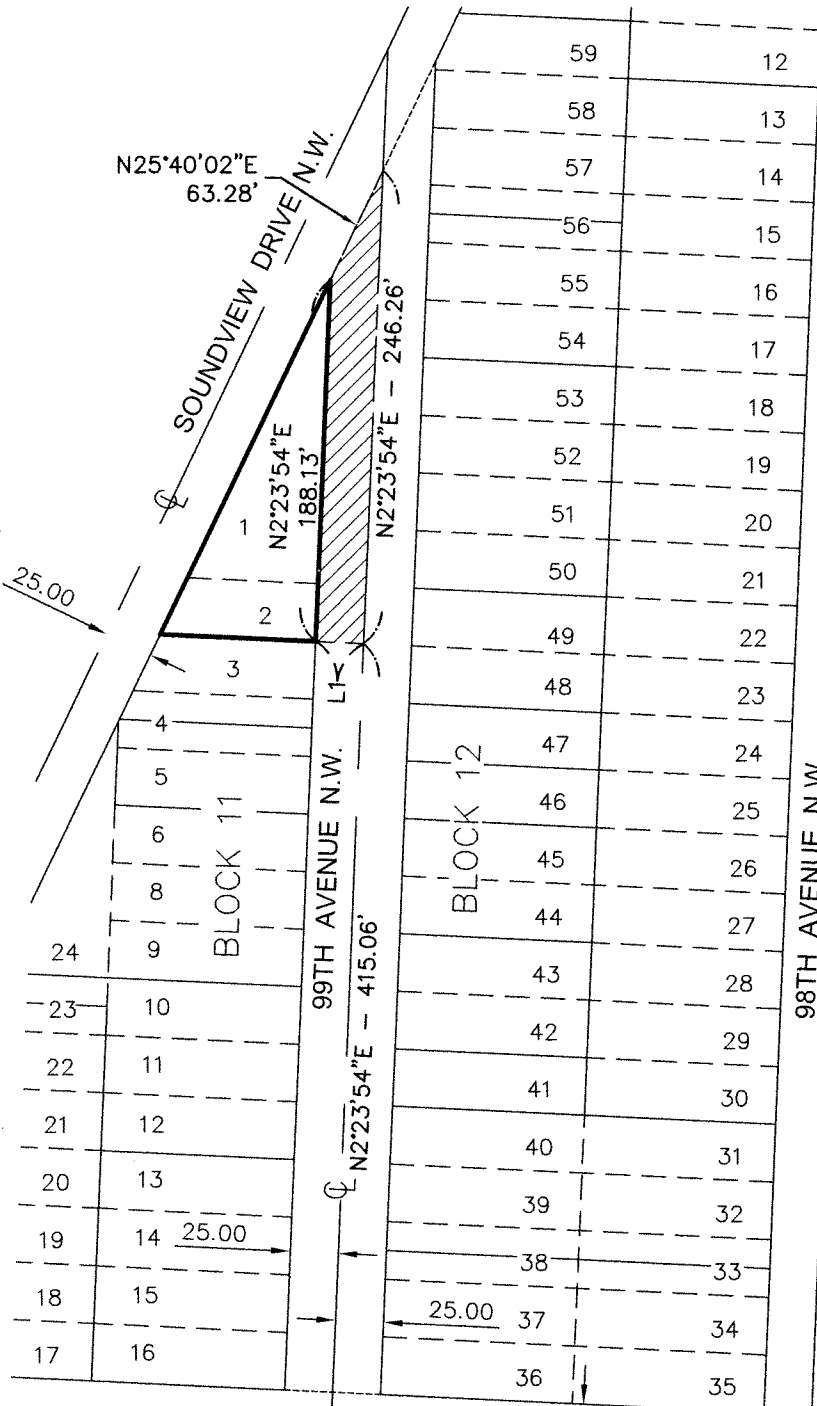
30 ATTEST:

31 
32 _____
33 APPROVED AS TO FORM!

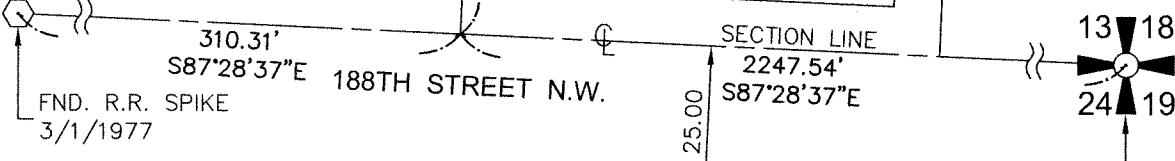
34
35 
36 _____
37 Deputy Prosecuting Attorney



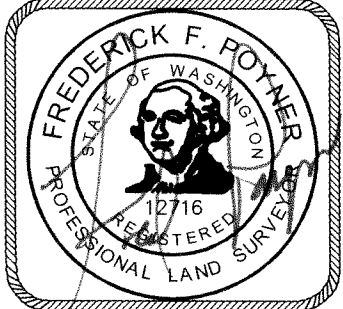
1 inch = 100 ft.



C.D. HILLMAN'S
BIRMINGHAM
WATERFRONT
ADDITION TO THE
CITY OF EVERETT
DIV. #1



3-8-20



Line Table		
Line #	Length	Direction
L1	25.00	S87° 36' 06"E

TAX PARCEL: 00394401100100

~ STREET TO BE VACATED - 5,429 S.F.

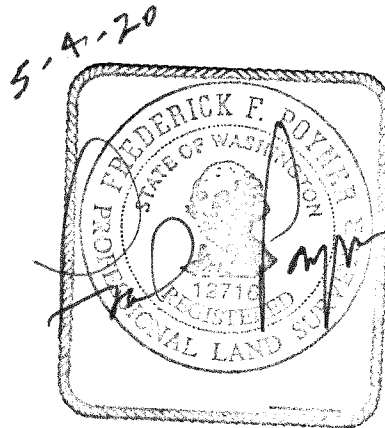
JOB NO.: 22417	DATE: 4/16/2020	DWN. BY: LAF
PORT'N GOV'T LOT 4, SEC.13, TWP.31N, RGE.3E, W.M.		
<h1 style="margin: 0;">EXHIBIT A:</h1> <h1 style="margin: 0;">GARY & GEYANNE BUSE</h1>		<p>CASCADE SURVEYING AND ENGINEERING, Inc.</p> <p>P.O. BOX 326 ARLINGTON, WA</p> <p>(360) 435-5551</p>
5/7/20 X:\22417\DWG\22417-SK1.DWG (SKETCH)		

EXHIBIT B:

ALL THAT PORTION OF GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 31 NORTH, RANGE 3 EAST, W.M. DESCRIBED AS FOLLOWS;

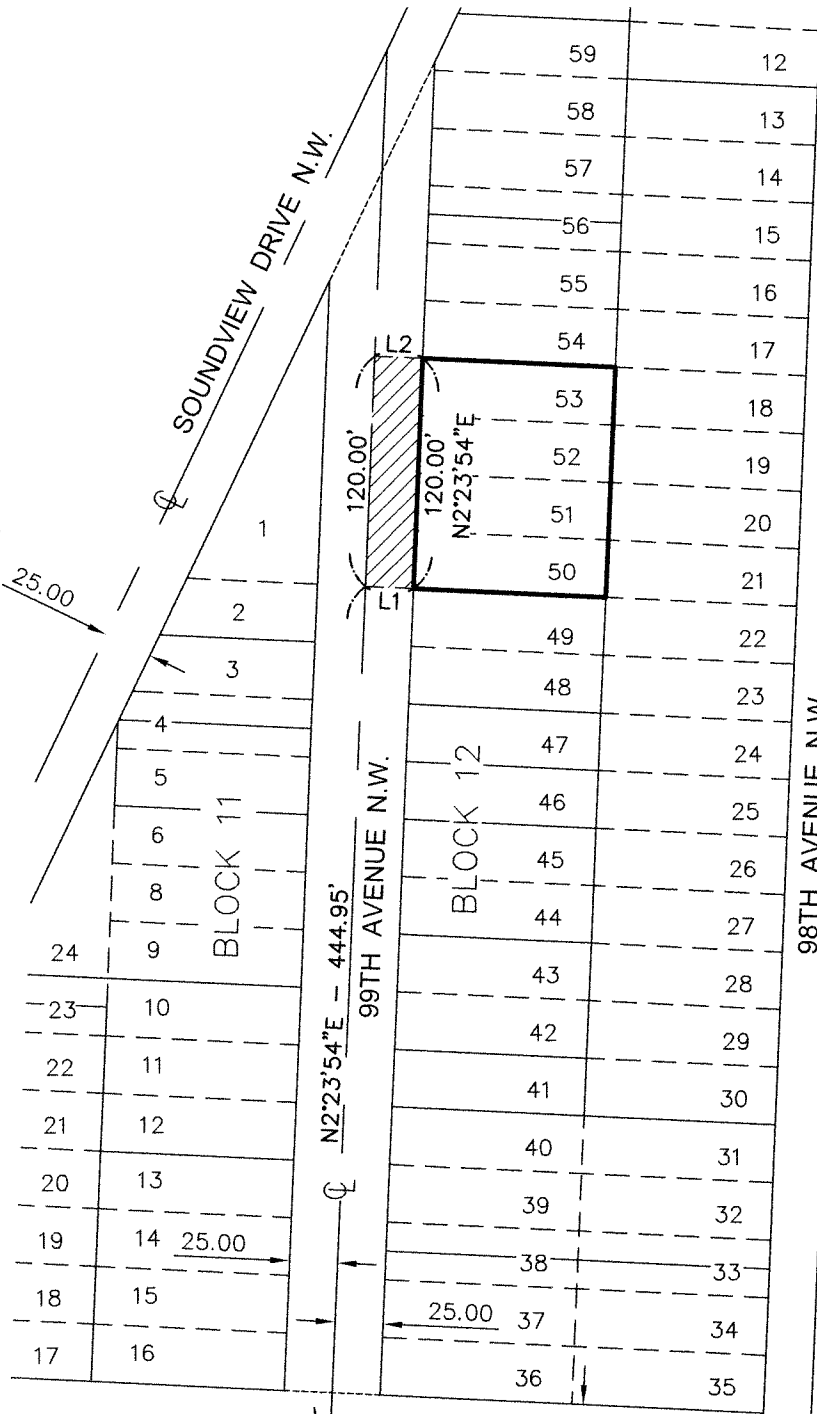
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13 ;
THENCE NORTH 87°28'37" WEST, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 2247.54 FEET TO A POINT ON THE CENTERLINE OF 99TH AVENUE N.W.;
THENCE NORTH 2°23'54" EAST, ALONG THE CENTERLINE OF 99TH AVENUE N.W., A DISTANCE OF 415.06 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 87°36'06" WEST A DISTANCE OF 25.00 FEET TO THE WESTERLY MARGIN OF 99TH AVENUE N.W. AND THE SOUTHEAST CORNER OF LOT 2, BLOCK 11, C.D. HILLMAN'S BIRMINGHAM WATER FRONT ADDITION TO THE CITY OF EVERETT, DIVISION NO. 1, AS PER PLAT RECORDED IN VOLUME 8 OF PLATS ON PAGES 21 TO 23, RECORDS OF SNOHOMISH COUNTY WASHINGTON;
THENCE NORTH 2°23'54" EAST, ALONG THE EASTERLY LINE OF SAID BLOCK 11, A DISTANCE OF 188.13 FEET, TO THE SOUTHEASTERLY MARGIN OF SOUNDVIEW DRIVE N.W.;
THENCE NORTH 25°40'02" EAST, ALONG THE SOUTHEASTERLY MARGIN OF SOUNDVIEW DRIVE N.W., A DISTANCE OF 63.28 FEET, TO THE CENTERLINE OF 99TH AVENUE N.W.;
THENCE SOUTH 2°23'54" WEST, ALONG THE CENTERLINE OF 99TH AVENUE N.W., A DISTANCE OF 246.26 FEET TO THE TRUE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

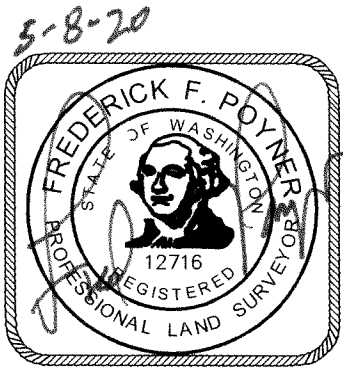
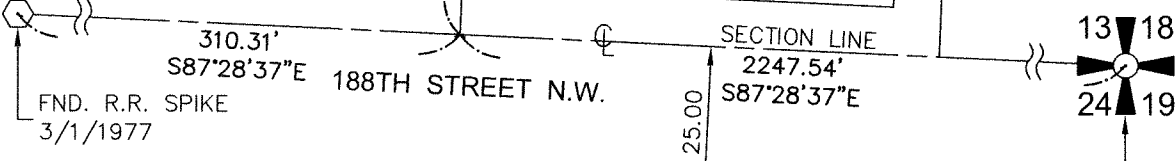




1 inch = 100 ft.



C.D. HILLMAN'S
BIRMINGHAM
WATERFRONT
ADDITION TO THE
CITY OF EVERETT
DIV. #1



Line Table		
Line #	Length	Direction
L1	25.00	S87° 36' 06"E
L2	25.00	S87° 36' 06"E

TAX PARCEL: 00394401205000

~ STREET TO BE VACATED - 3,000 S.F.

JOB NO.: 22417 DATE: 4/16/2020 DWN. BY: LAF
 PORT'N GOV'T LOT 4, SEC.13, TWP.31N, RGE.3E, W.M.

EXHIBIT C:

THOMAS STEPHENSON

5/7/20 X: \22417\DWG\22417-SK2.DWG (SKETCH)

**CASCADE
SURVEYING AND
ENGINEERING, Inc.**

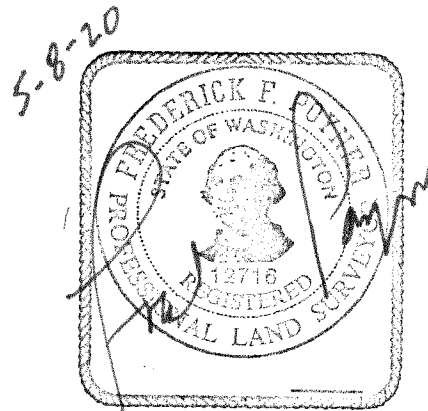
P.O. BOX 326
ARLINGTON, WA
(360) 435-5551

EXHIBIT D:

ALL THAT PORTION OF GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 31 NORTH, RANGE 3 EAST, W.M. DESCRIBED AS FOLLOWS;

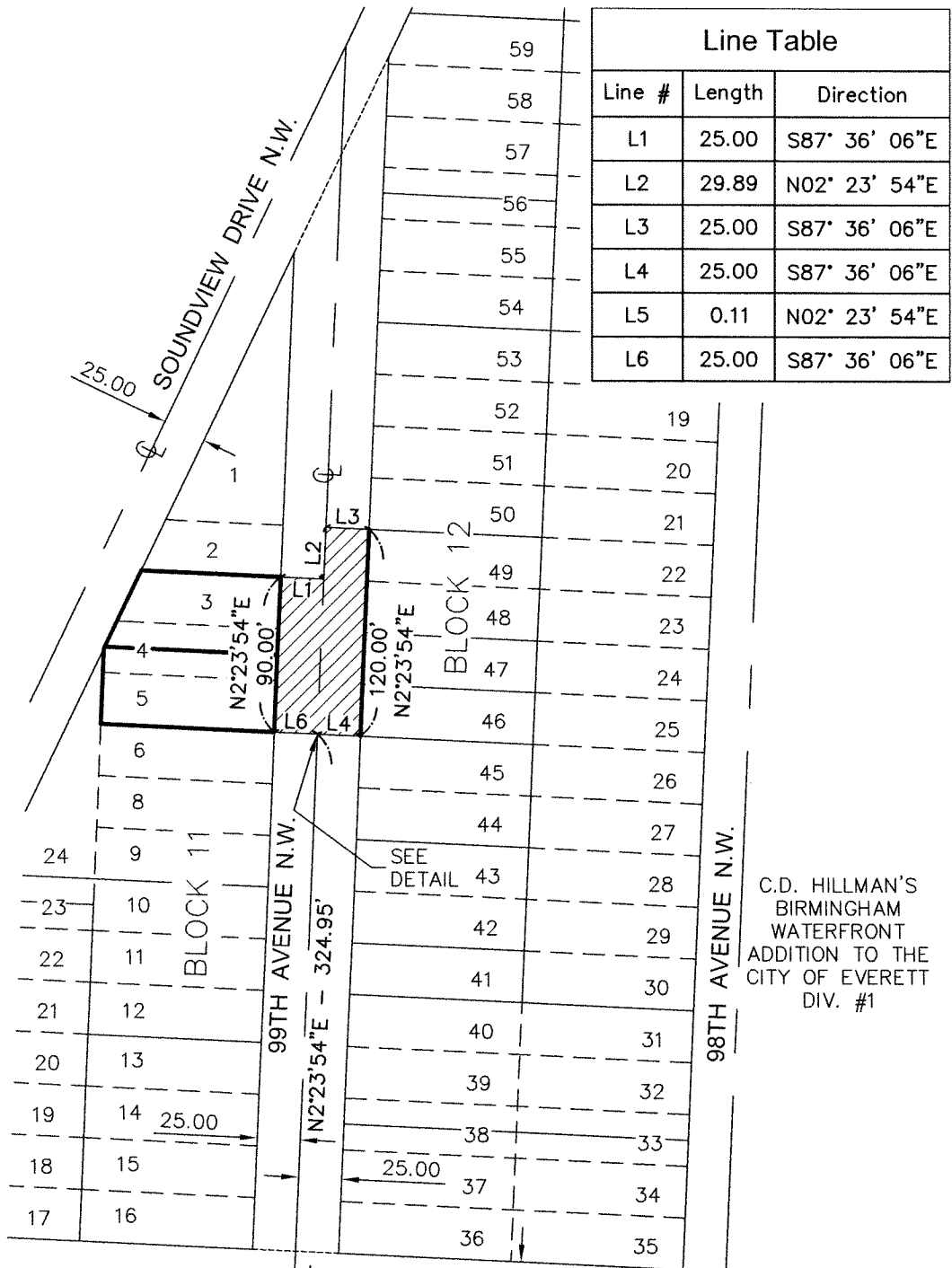
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13 ;
THENCE NORTH 87°28'37" WEST, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 2247.54 FEET TO A POINT ON THE CENTERLINE OF 99TH AVENUE N.W. ;
THENCE NORTH 2°23'54" EAST, ALONG THE CENTERLINE OF 99TH AVENUE N.W., A DISTANCE OF 444.95 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 87°36'06" EAST A DISTANCE OF 25.00 FEET TO THE EASTERLY MARGIN OF 99TH AVENUE N.W. AND THE SOUTHWEST CORNER OF LOT 50, BLOCK 12, C.D. HILLMAN'S BIRMINGHAM WATER FRONT ADDITION TO THE CITY OF EVERETT, DIVISION NO. 1, AS PER PLAT RECORDED IN VOLUME 8 OF PLATS ON PAGES 21 TO 23, RECORDS OF SNOHOMISH COUNTY WASHINGTON;
THENCE NORTH 2°23'54" EAST, ALONG THE WEST LINE OF SAID BLOCK 12, A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF LOT 53 OF SAID BLOCK 12;
THENCE NORTH 87°36'06" WEST A DISTANCE OF 25.00 FEET, TO THE CENTERLINE OF 99TH AVENUE N.W. ;
THENCE SOUTH 2°23'54" WEST, ALONG THE CENTERLINE OF 99TH AVENUE N.W., A DISTANCE OF 120.00 FEET TO THE TRUE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



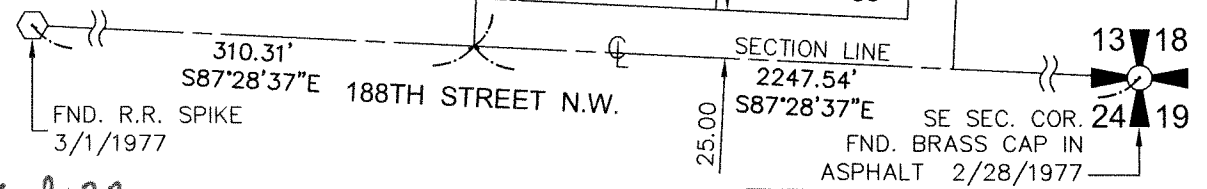


1 inch = 100 ft.

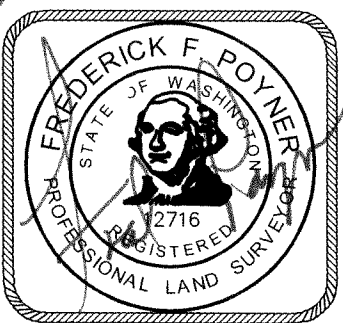


Line Table		
Line #	Length	Direction
L1	25.00	S87° 36' 06"E
L2	29.89	N02° 23' 54"E
L3	25.00	S87° 36' 06"E
L4	25.00	S87° 36' 06"E
L5	0.11	N02° 23' 54"E
L6	25.00	S87° 36' 06"E

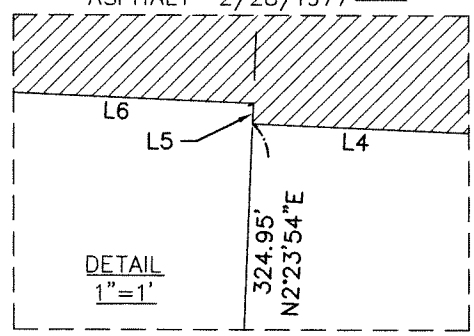
C.D. HILLMAN'S
BIRMINGHAM
WATERFRONT
ADDITION TO THE
CITY OF EVERETT
DIV. #1



5-8-20



TAX PARCELS:
00394401100300
00394401100400



~ STREET TO BE VACATED
5,250 S.F.

JOB NO.: 22417 DATE: 4/16/2020 DWN. BY: LAF
PORT'N GOV'T LOT 4, SEC.13, TWP.31N, RGE.3E, W.M.

EXHIBIT E:

GREG BROWN

5/7/20 X: \22417\DWG\22417-SK3.DWG (SKETCH)

**CASCADE
SURVEYING AND
ENGINEERING, Inc.**

P.O. BOX 326
ARLINGTON, WA

(360) 435-5551

EXHIBIT F:

ALL THAT PORTION OF GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 31 NORTH, RANGE 3 EAST, W.M. DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13 ;
THENCE NORTH 87°28'37" WEST, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 2247.54 FEET TO A POINT ON THE CENTERLINE OF 99TH AVENUE N.W.;
THENCE NORTH 2°23'54" EAST, ALONG THE CENTERLINE OF 99TH AVENUE N.W., A DISTANCE OF 324.95 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG THE CENTERLINE OF 99TH AVENUE N.W., NORTH 2°23'54" EAST A DISTANCE OF 0.11 FEET;
THENCE NORTH 87°36'06" WEST A DISTANCE OF 25.00 FEET TO THE WESTERLY MARGIN OF 99TH AVENUE N.W. AND THE SOUTHEAST CORNER OF LOT 5, BLOCK 11, C.D. HILLMAN'S BIRMINGHAM WATER FRONT ADDITION TO THE CITY OF EVERETT, DIVISION NO. 1, AS PER PLAT RECORDED IN VOLUME 8 OF PLATS ON PAGES 21 TO 23, RECORDS OF SNOHOMISH COUNTY WASHINGTON;
THENCE NORTH 2°23'54" EAST, ALONG THE EAST LINE OF SAID BLOCK 11, A DISTANCE OF 90.00 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID BLOCK 11;
THENCE SOUTH 87°36'06" EAST A DISTANCE OF 25.00 FEET, TO THE CENTERLINE OF 99TH AVENUE N.W.;
THENCE NORTH 2°23'54" EAST, ALONG THE CENTERLINE OF 99TH AVENUE N.W., A DISTANCE OF 29.89 FEET;
THENCE SOUTH 87°36'06" EAST A DISTANCE OF 25.00 FEET, TO THE EASTERLY MARGIN OF 99TH AVENUE N.W. AND THE NORTHWEST CORNER OF LOT 49, BLOCK 12 OF SAID PLAT;
THENCE SOUTH 2°23'54" WEST, ALONG THE WEST LINE OF SAID BLOCK 12, A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF LOT 46 OF SAID BLOCK 12;
THENCE NORTH 87°36'06" WEST A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF 99TH AVENUE N.W. AND THE TRUE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

