



Snohomish County Council

Committee: Public Works and Infrastructure
ECAF: 2022-0183
Proposal: Ord. 22-009

Analyst: Deb Evison Bell

Date: March 1, 2022

Consideration:

The proposal is to follow Snohomish County Code 13.100.010 to vacate and abandon portions of county right-of-way and to waive the fair market expense requirement of compensation, per SCC 13.100.080(3)¹.

Background:

On August 10, 2020, petitioners Prospect Development LLC (transferred to Pacific Ridge-DRH LLC with acquisition February 19, 2021), submitted an application to vacate and abandon that portion of opened, maintained, constructed and paved county road and road right-of-way (ROW) of Richmond Road and 208th Street Southeast. Originally known as East Filbert Rd, the area was dedicated by the Plat of Alderwood Manor No. 5, in 1918 and recorded in the Auditor's File Number 247322.

On July 30, 1980, the Washington State Department of Transportation conveyed via quick claim deed to Snohomish County the described real property recorded under Auditor's File Number 8007300168, as State Route 405 bisected the older roads, essentially creating two dead-end segments. The subject portion of Richmond Road currently ends at SR 405 with a constructed and maintained cul-de-sac. The same is true for 208th Street SE, as it also dead ends at SR 405. The proposal would vacate the cul-de-sac bulbs and connect the two dead-end streets with a new dedicated connection road (Ordinance 22-010). The proposed vacation is located in the SE $\frac{1}{4}$ of Section 24, Township 27 North, Range 4 East, W.M., and the SW $\frac{1}{4}$ of Section 19, Township 27 North, Range 5 East W.M.

Current Proposal:

The County Engineer has determined that it is in the best interest of the general public and recommends the vacation and abandonment of the subject ROW. Approval by ordinance is sought from council to authorize the ROW vacation and to waive the fair market value expense. In accordance with RCW 36.87.040 and SCC 13.100.040, the county engineer has prepared a report examining the petitioned ROW that includes the following findings:

1. Richmond Road and 208th St SE are opened, maintained, constructed, and paved roads as shown on aerial photographs taken from 1955 and current. (See Exhibit 8 of Engineers Report)
2. The portions of the County roads petitioned to be vacated do not abut a body of salt or fresh water per SCC 13.100.090.

¹ [ch. 13.100 Vacation | Snohomish County Code](#)

3. Inquiries to the local utilities revealed existing utilities are located within the rights-of-way proposed for vacation and abandonment. PUD currently has an overhead line and possibly two poles within the area. (See Exhibit 9) RCW 36.87.140 and SCC 13.100.100 allow the County to retain an easement in respect to the vacated portion of the rights-of-way for construction, repair, and maintenance of utilities and services.
4. The portion of Richmond Road and 208th St SE petitioned to be vacated as Classified as Class C roads under SCC 13.100.010 (7)(d). Class C roads and rights-of-way are those in which the county has an easement interest and public expenditures were made.
5. DPW determined the fair market value of that portion of Richmond Road and 208th St SE petitioned to be vacated at \$57,619.62, per SCC 13.100.085(1). Unless waived, the Petitioner is required to pay fifty percent (50%) per SCC 13.100.080(2) which equals \$28,809.81.
6. Under SCC 13.100.080(3), The County Engineer may recommend, and the Council shall have the authority, to waive some or all of the compensation required under sub sections (1) and (2) of this section. (See Exhibit 10).

CONDITIONS

1. The vacation of the rights-of-way shall not be effective until the new Richmond Road extension identified as "Road A" in May 4, 2021, administrative site plan approval for the Camberfield SFDU (File Number 19 113061 SPA) is constructed and accepted by the County and established as a County road.
2. An easement for utilities shall be granted by Pacific Ridge – DRH LLC and benefiting Snohomish County over the vacated portions of Richmond Road and 208th St SE for the construction, repair and maintenance of public utilities and services as per RCS 36.87.140 and SCC 13.100.100. Such easement shall be recorded with the Snohomish County Auditor.
3. All associated costs incurred by the County in processing the petition to vacate and the value of the portions of the rights-of-way (unless waived) shall be paid by Pacific Ridge – DRH LLC, per SCC 13.100.070 and SCC 13.100.080. These expenses and the balance owing are estimated as follows:

Estimated Public Works Charges	\$4,200.00
Estimated Advertising Costs	\$300.00
Total	\$4,500.00
Application Credit	<500.00>
Estimated Balance	\$4,000.00

4. Failure to make payments required under SCC 13.100.070 and SCC 13.100.080 within one year of the date the Ordinance is approved by the Council means the Ordinance should not be recorded and the portions of Richmond Road and 208th

Street SE petitioned to be vacated shall not be considered vacated as per SCC 13.100.080(4).

Duration: Under Chapter 36.87 RCW and Chapter 13.100 SCC, vacation of the opened county ROW shall not take effect unless the Petitioner pays the itemized costs and expenses of the proceedings identified in the engineer's report.

Fiscal Implications: All associated costs incurred by the County in processing the petition to vacate and the value of the portions of the rights-of-way, \$28,809.81 (unless waived) shall be paid by Pacific Ridge-DRH LLC, as per SCC 13.100.070 and SCC 13.100.080. The County Engineer supports waiving the fair market value expense of \$28, 809.81, as the developer will be installing a new connecting road (Ordinance 22-010). The County Engineer does recommend compensation for the administrative expenses incurred during the petition process of approximately \$4,000.00

2022 Budget: NA

Future Budget Impacts: NA

Handling: Expedite

Approved-as-to-form: YES

Risk Management: APPROVE.

Executive Recommendation: APPROVE.

Attachments: See ECAF packet/Engineers Report.

Amendments: NONE.

Request: The requested action is for council to move this to GLS on March 2nd to set a time/date for a Public Hearing (March 23, 2022, at 10:30 am is suggested).