



Department of Public Works

ENGINEER'S REPORT

PROJECT SUMMARY

DPW PROJECT FILE NUMBER:	23 116653 RWE
APPLICATION DATE:	February 15, 2023
PROJECT NAME:	90 th Ave NW
APPLICANT:	Stillaguamish Tribe of Indians Charlotte Scofield P.O. Box 277 Arlington, WA 98223 (360) 547-2690
OWNER:	Stillaguamish Tribe of Indians P.O. Box 277 Arlington, WA 98223 (360) 547-2690
TYPE OF REQUEST	RIGHT-OF-WAY VACATION
ROAD NAME	90 th Ave NW (Sponheim Rd)
LOCATION	90 th Ave NW, from Boe Rd south to end of the road
SECTION/TOWNSHIP/RANGE	Section 6, Township 31, Range 4 E W.M.
TAX PARCEL NUMBER(S) (abutting proposed ROW Vacation)	31040600200300, 31040600200301
ACREAGE	51.6 acres
TRANSPORTATION SERVICE AREA	A
RECOMMENDATIONS	APPROVAL WITH CONDITIONS

PETITION REQUEST # 23 112733 RWE
FOR THE VACATION AND ABANDONEMENT
OF AN UNOPENED COUNTY ROAD RIGHT-OF-WAY IDENTIFIED AS
90th Ave NW

INTRODUCTION

Chapter 36.87 of the Revised Code of Washington (RCW) gives county legislative authorities broad authority to vacate and abandon land that was acquired for county road purposes. Chapter 13.100 of the Snohomish County Code (SCC) provides that Snohomish County (the County) also has the authority to vacate and abandon public road right-of-way (ROW) independent of the statutory vacation provisions of RCW 36.87. The County legislative authority's use of this broad authority must be made under the advice and supervision of the Snohomish County Engineer (County Engineer).

SCC 13.100.010 provides that the road or ROW vacation and abandonment procedures may be initiated either in response to Snohomish County Council (County Council) request, by the County Engineer when the Engineer determines that the criteria for the road or ROW vacation and abandonment exists, or in response to a frontage owner's petition.

FACTS/BACKGROUND

1. On June 14, 2022, the Stillaguamish Tribe of Indians met with Snohomish County staff to discuss Boe Road design questions in conjunction with ZIS A BA Phase II Estuary Restoration Project. During this meeting, a need was identified to vacate an existing county road identified as 90th Ave NW.
2. The proposed Phase II Estuary Restoration Project is to complete tidal wetland restoration on approximately 248 acres on the Stillaguamish Tribe's property, all south of Boe Road. (See Exhibit 1, Estuary Restoration Plan)
3. On February 15, 2023, the Stillaguamish Tribe of Indians ("the Petitioner") submitted a petition to the Snohomish County ("the County") Department of Public Works (DPW) proposing to vacate the unopened county road ROW of 90th Ave NW. (See Exhibit 2, pg.1-2 Petition)
4. The Petitioner owns parcels 31040600200300 and 31040600200301, located in the NW 1/4 of Section 6 Township 31 N Range 4 E W.M. The properties are both in an open space agriculture, with buildings on site. 90th Ave NW bisects these parcels, which was recently segregated for tax purposes. (See Exhibit 3, Assessor's Static Map)

FINDINGS

1. The 1917 Township book and the 1936 State Highway Map of Snohomish County shows that 90th Ave NW was formerly known as Sponheim Rd # 376. A record of survey dated 1912 shows that the ROW on the north and the south line of 90th Ave NW, is 30 feet in width, 15 feet on each side of the centerline. (See Exhibit 4, pg.1-2, 1917 Township Book pg.1 and Sponheim Rd # 376 pg. 2)
2. The proposed ROW vacation will begin south of Boe Road from the north line of 90th Ave NW and continue to the south end of 90th Ave NW. (See Exhibit 5, pg.1-2, Legal Description pg.1 and Map pg. 2)
3. The portion of 90th Ave NW proposed to be vacated is an unopened deeded ROW and was conveyed to the County by Quit Claim Deed on March 7, 1913, recorded under Auditor's File Number (AFN) 187239, Volume 150, Page 86 (See Exhibit 6, pg.1-2 QCD Vol. 150 Pg. 86)
4. Being unopened, the right-of-way is currently not in use, nor has it ever been used for County Road purposes.
5. The Petitioner's intent to vacate 90th Ave NW is to breach the dike and create a wetland habitat on the south side of Boe Road to include all properties owned. (See Exhibit 7, Flood Plan Map)
6. The levees will be lowered and set back to Boe Road tidal of wetlands of varying length, widths and depths will be excavated all to restore natural estuarine/riverine process at the project location for the purpose of salmon recovery and enhancing Tribal Treaty Rights and benefiting the local community.
7. The ROW proposed to be vacated does not abut a body of saltwater or freshwater as per RCW 36.87.130 (rev 12/31/2023) and SCC 13.100.090. (See Exhibit 8, RCW 36.87.130).
8. It is not advisable to preserve any portion of the County ROW proposed to be vacated for future County transportation needs because, 90th Ave NW terminates at the south end bisected by the Petitioner's properties, tax parcels 31040600200300 and 310406002003001 (See Exhibit 9, Aerial Photo).
9. The portion of 90th Ave NW petitioned to be vacated is classified as a Class B Road under SCC13.100.040(7)(b). Class B roads and ROWs are those in which the County has fee simple interest, and no public expenditures were made.
10. The parcels adjacent to the proposed vacation have a combined acreage of approximately 51.6 acres with a Market Land Value of \$672,600 as of April 2024 as reported in the Snohomish County Assessors Property Information.

11. Per SCC 13.100.085, DPW has determined the Assessor's Land Market Value of the vacated right-of-way is \$11,724.00 and is attributable to tax parcels 31040600200300 and 310406002003001.
12. Under SCC 13.100.080(2)(b), the Petitioner is required to pay fifty percent of the appraised value as determined by DPW, which is equal to \$5,862.00. A Stipulation to Value and Agreement to Wave Consultant Appraisal has been signed by the Petitioner agreeing to the valuation of the property prepared by the County. (See Exhibit 10, pg.1-2 Stipulation Agreement)
13. The Petitioner's real property taxes for tax parcels 3104060020300 and 31040600203001 will be amended to reflect the value added by the vacation of the County ROW abutting their property.
14. Snohomish County PUD has an existing utility pole within the proposed ROW vacation; however, it will be relocated prior to start of the Petitioner's proposed ROW vacation project so there is no need to reserve an easement for utilities.

RECOMMENDATIONS

1. Based on the above findings, DPW has determined that the public will benefit by the vacation and abandonment of this ROW and the ROW should be vacated and abandoned.
2. DPW recommends that Vacation Petition Request 23 116653 RWE for the vacation of ROW of 90th Ave NW, described on the Exhibits to the accompanying Ordinance, is in the best interest of the public and should be granted based on the following conditions:

CONDITIONS

1. All associated costs incurred by the County in processing the petition to vacate and the land value of the ROW shall be paid by the Petitioner, as per SCC 13.100.070 and SCC 13.100.080.

Estimated Public Works Administrative Charges	\$ 5000.00 +/-
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Compensation of ROW value (at 50% of ROW Land Value)	\$ 5862.00
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2. The Petitioner shall be responsible for the advertising costs and recording fees which are listed as follows:

Estimated Advertising Cost (Notices of Introduction & Enactment)	\$300.00
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Estimated Recording Fees (Ordinance)	\$306.50
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3. 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 County Council will result in the Ordinance not being recorded and 90th Ave NW petitioned to be vacated shall not be considered vacated as per SCC 13.100.080(4).

Approved by:

Douglas W McCormick
Douglas W. McCormick P.E.
Deputy Director/County Engineer

7/30/2025
Date

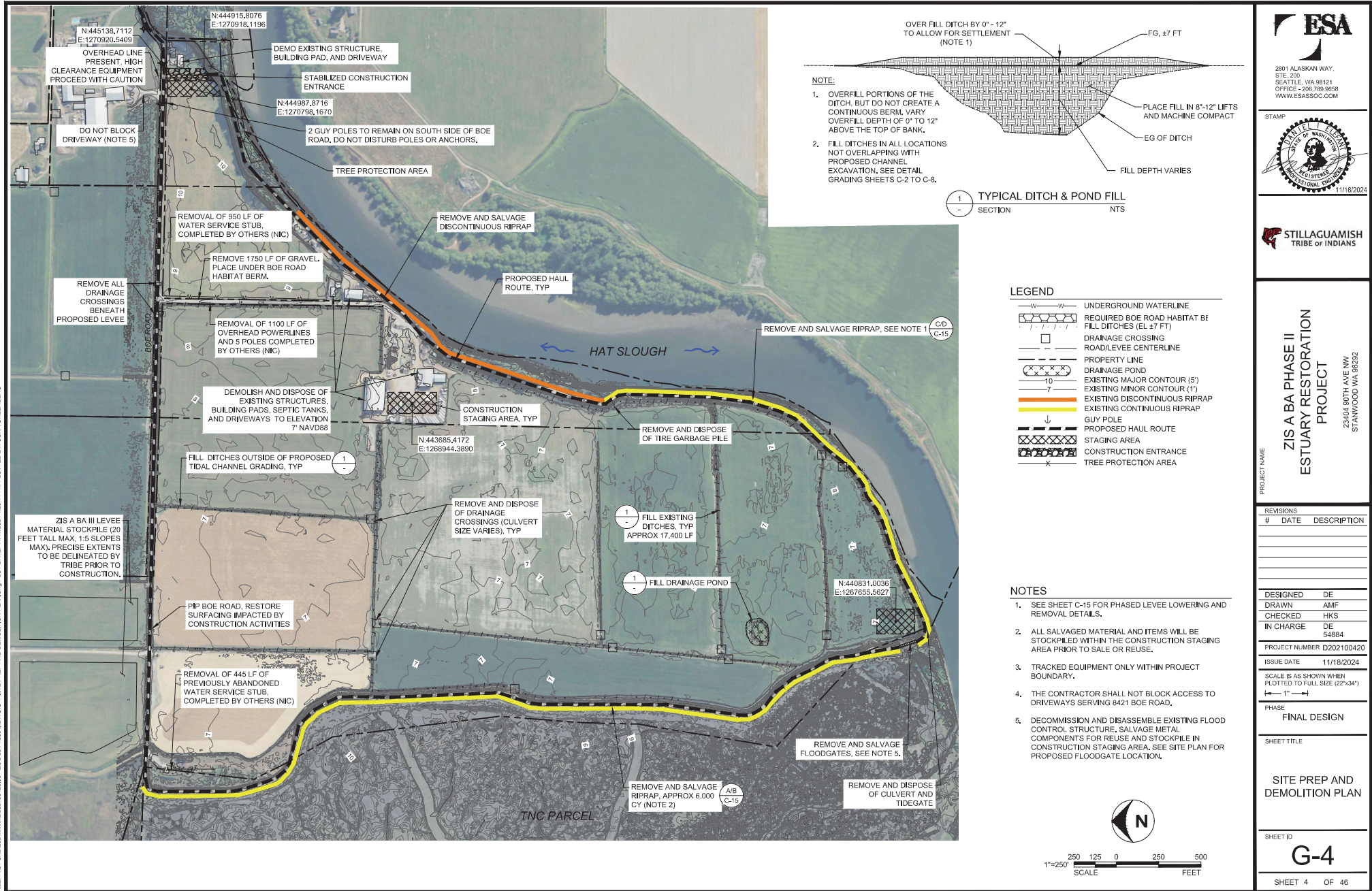
Prepared By:

Heather Noble
Heather Noble
ROW Investigator III

07/18/2025
Date

EXHIBIT 1

Estuary Restoration Plan



Petition for Vacation of a County Road

IN THE MATTER OF THE PETITION OF

The Stillaguamish Tribe of Indians

and others for the Vacation of

90th Ave. NW (AKA Sponheim Road)

(Road Name or Number)

PETITION

TO THE SNOHOMISH COUNTY COUNCIL OF SNOHOMISH COUNTY, WASHINGTON

We, the undersigned freeholders of Snohomish County, State of Washington do petition that the following described County Road be vacated:

(FILL IN EXACT LEGAL DESCRIPTION OF PORTION OF ROAD TO BE VACATED)
PREPARED BY A PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL ENGINEER

A STRIP OF LAND 30.00 FEET IN WIDTH BEING IN SECTION 6, TOWNSHIP 31 NORTH,
RANGE 4 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, LYING 15.00 FEET ON
EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.
COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6;
THENCE NORTH 88°07'15" WEST 1976.00 FEET ALONG THE NORTH LINE OF THE
NORTHWEST QUARTER OF SAID SECTION 6;
THENCE SOUTH 01°22'45" WEST 10.00 FEET TO THE SOUTH RIGHT OF WAY MARGIN OF
BOE ROAD AND THE POINT OF BEGINNING;
THENCE CONTINUE SOUTH 01°22'45" WEST 1316.0 FEET TO THE TERMINUS OF SAID
CENTERLINE.

ALSO KNOWN AS SPONHEIM ROAD (90TH AVE NW) AS DESCRIBED IN A QUIT CLAIM
DEED RECORDED UNDER VOLUME 150, PAGE 86, RECORDS OF SNOHOMISH COUNTY,
WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH,
STATE OF WASHINGTON.



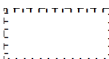
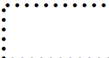
5/21/2025

PREPARER'S STAMP & SIGNATURE

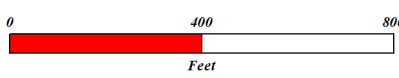
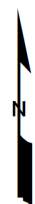
the whole distance being about 0.25 miles and 39,479 total square footage.

Your petitioners respectfully represent and allege that the road is useless as a part of the general road system and the public will be benefited by its vacation, and that all of your petitioners are freeholders residing in the County in the vicinity of the road; and therefore the petitioners request the vacation of the road, as provided by law.

ALL TRADE DATA AND INFORMATION CONTAINED HEREIN ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT TO BE CONSIDERED AN OFFICIAL CITATION TO, OR REIMPRESSION OF THE SMOOSHOM COUNTY CODE. AMENDMENTS AND UPDATES TO THE DATA, TOGETHER WITH OTHER APPLICABLE COUNTY CODE PROVISIONS, MAY BE OBTAINED FROM THE SMOOSHOM COUNTY CLERK'S OFFICE. THIS DOCUMENT IS PROVIDED AS-IS WITHOUT WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO, COMPLETENESS OR QUALITY OF THE DATA CONTAINED HEREIN AND EXPRESSLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. NO LIABILITY SHALL BE ASSUMED BY SMOOSHOM COUNTY FOR ANY DAMAGES, LOSSES, CLAIMS OR LIABILITY ARISING OUT OF ANY ERROR, DEFECT OR OMMISSION CONTAINED WITHIN SAID DATA. WASHINGTON STATE LAW, RCW 42.06.07(8) PROHIBITS STATE AND LOCAL AGENCIES FROM PROVIDING ACCESS TO LISTS OF INDIVIDUALS INTENDED FOR USE FOR COMMERCIAL PURPOSES A PERSON HAS A RIGHT TO KNOW IF HIS OR HER NAME OR ADDRESS IS SPECIFICALLY IDENTIFIED IN ANY LIST OR RECORD. YOU AGREE TO REPRESENT AND WARRANT THAT YOU WILL NOT USE LISTS OF INDIVIDUALS, OR DATA FROM WHICH SUCH LISTS MAY BE COMPILED, FOR ANY COMMERCIAL PURPOSE.

QUARTER	SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.	
ALL	6	31	4	
Centerline 	Lot 	Block 	Section 	City Limits 
Gov Lot 	Subdiv 	ROW 	Quarter 	Tax Acct 
Major Water 	Other Lot 	Vac ROW 	16th 	Easement 
Minor Water 	Other Subdiv 	Vac Lot 		

ALL TRADE, DATA AND INFORMATION CONTAINED HEREIN ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT TO BE CONSIDERED AN OFFICIAL CITATION TO, OR REIMPRESSION OF, THE SMOOSHOM COUNTY CODE. AMENDMENTS AND UPDATES TO THE DATA, TOGETHER WITH OTHER APPLICABLE COUNTY CODE PROVISIONS, MAY BE OBTAINED FROM THE SMOOSHOM COUNTY CLERK'S OFFICE. THE INFORMATION CONTAINED HEREIN IS PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE COMPLETENESS OR QUALITY OF THE DATA CONTAINED HEREIN AND EXPRESSLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. THE INFORMATION CONTAINED HEREIN IS PROVIDED WITHOUT LIABILITY TO THE SMOOSHOM COUNTY CLERK'S OFFICE, AND THE USER AGREES TO HOLD THE SMOOSHOM COUNTY CLERK'S OFFICE HARMLESS AGAINST ANY DAMAGES, LOSS, CLAIM OR LIABILITY ARISING OUT OF ANY ERROR, DEFECT OR OMISSION CONTAINED WITHIN SAID DATA. WASHINGTON STATE LAW, RCW 42.56.070(8) PROHIBITS STATE AND LOCAL AGENCIES FROM PROVIDING ACCESS TO LISTS OF INDIVIDUALS INTENDED FOR USE FOR COMMERCIAL PURPOSES A PERSON'S NAME, ADDRESS, PHONE NUMBER, OR OTHER IDENTIFYING INFORMATION. IF YOU ARE A PERSON WHOSE INFORMATION IS ON SUCH A LIST, YOU AGREE TO HOLD THE SMOOSHOM COUNTY CLERK'S OFFICE HARMLESS IF YOU DO NOT USE LISTS OF INDIVIDUALS, OR DATA FROM WHICH SUCH LISTS MAY BE COMPILED, FOR ANY COMMERCIAL PURPOSE.

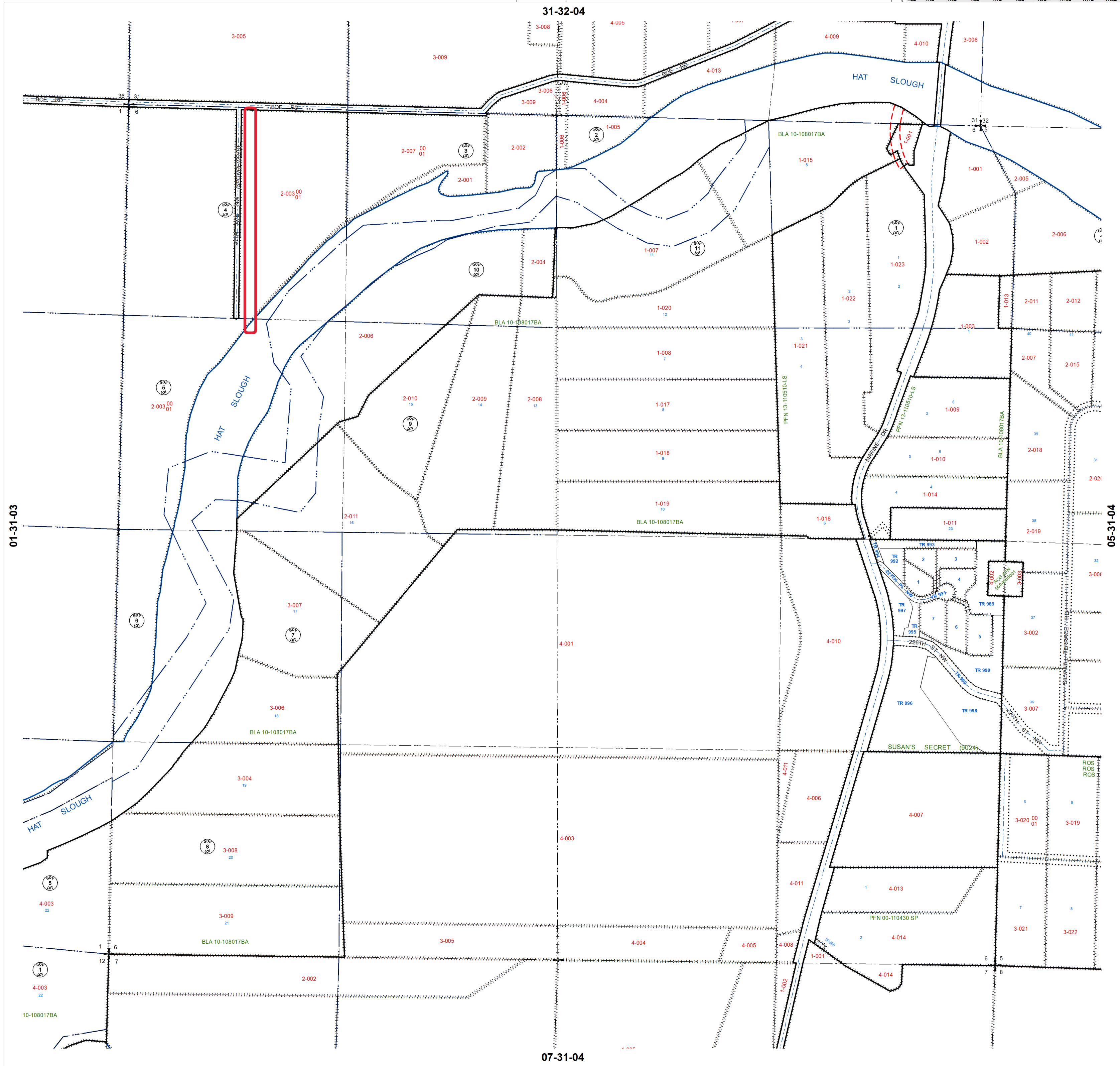
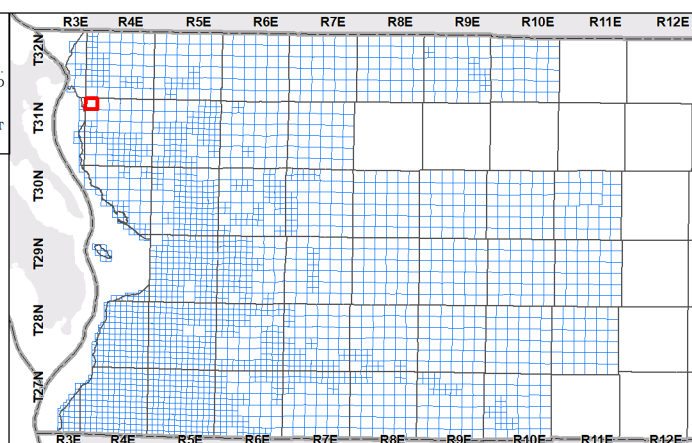


1 inch = 400 feet

Map produced on August 09, 2023



*A product of the Assessor's Office
Snohomish County, Washington*



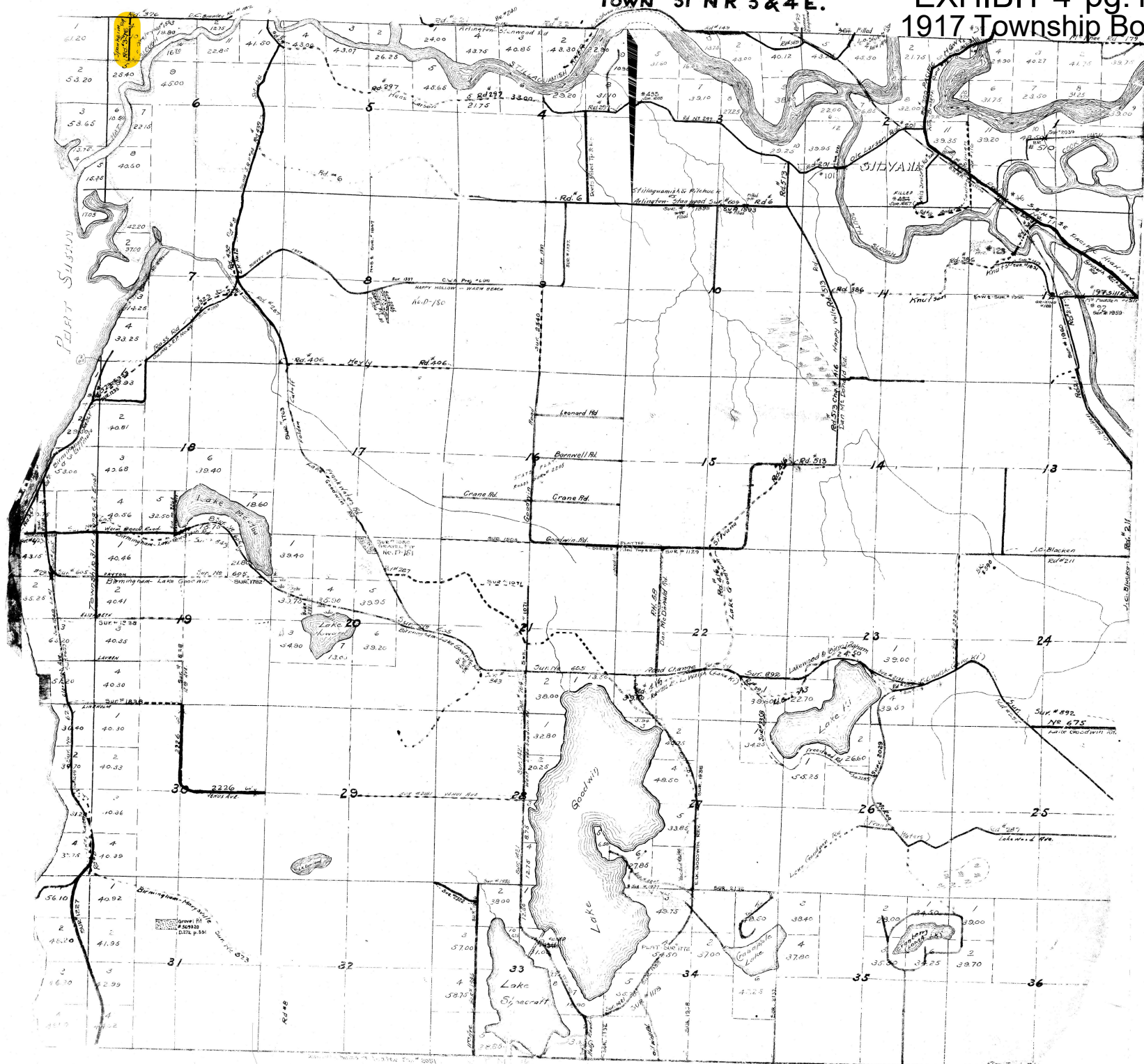


EXHIBIT 4 pg. 2

Sponheim Rd # 376

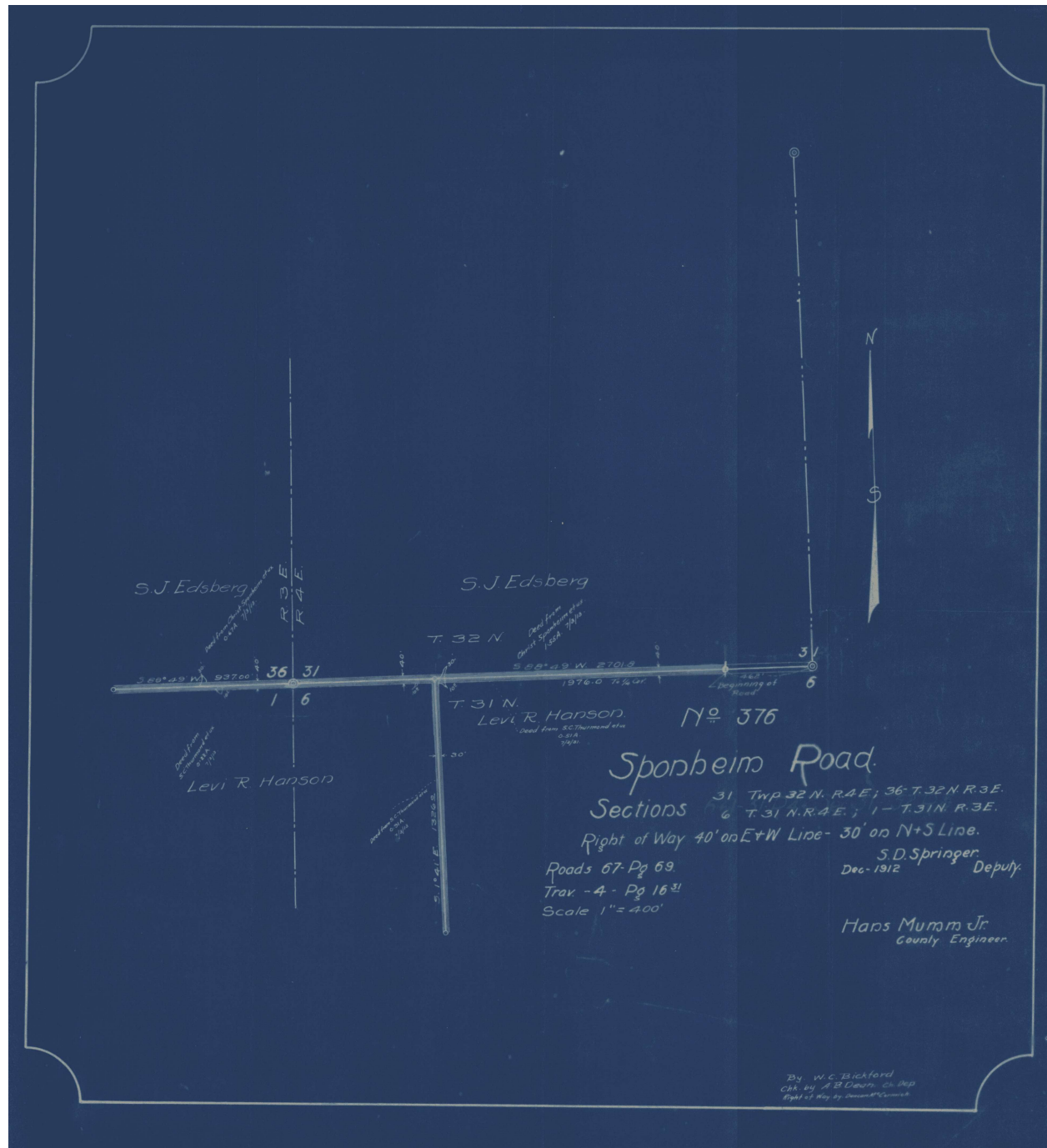


EXHIBIT 5

Pg. 1

EXHIBIT A LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED

A STRIP OF LAND 30.00 FEET IN WIDTH BEING IN SECTION 6, TOWNSHIP 31 NORTH, RANGE 4 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6;
THENCE NORTH 88°07'15" WEST 1976.00 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6;
THENCE SOUTH 01°22'45" WEST 10.00 FEET TO THE SOUTH RIGHT OF WAY MARGIN OF BOE ROAD AND THE **POINT OF BEGINNING**;
THENCE CONTINUE SOUTH 01°22'45" WEST 1316.0 FEET TO THE **TERMINUS** OF SAID CENTERLINE.

ALSO KNOWN AS SPONHEIM ROAD (90TH AVE NW) AS DESCRIBED IN A QUIT CLAIM DEED RECORDED UNDER VOLUME 150, PAGE 86, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

CONTAINING 39,479 SF (0.91 AC), MORE OR LESS

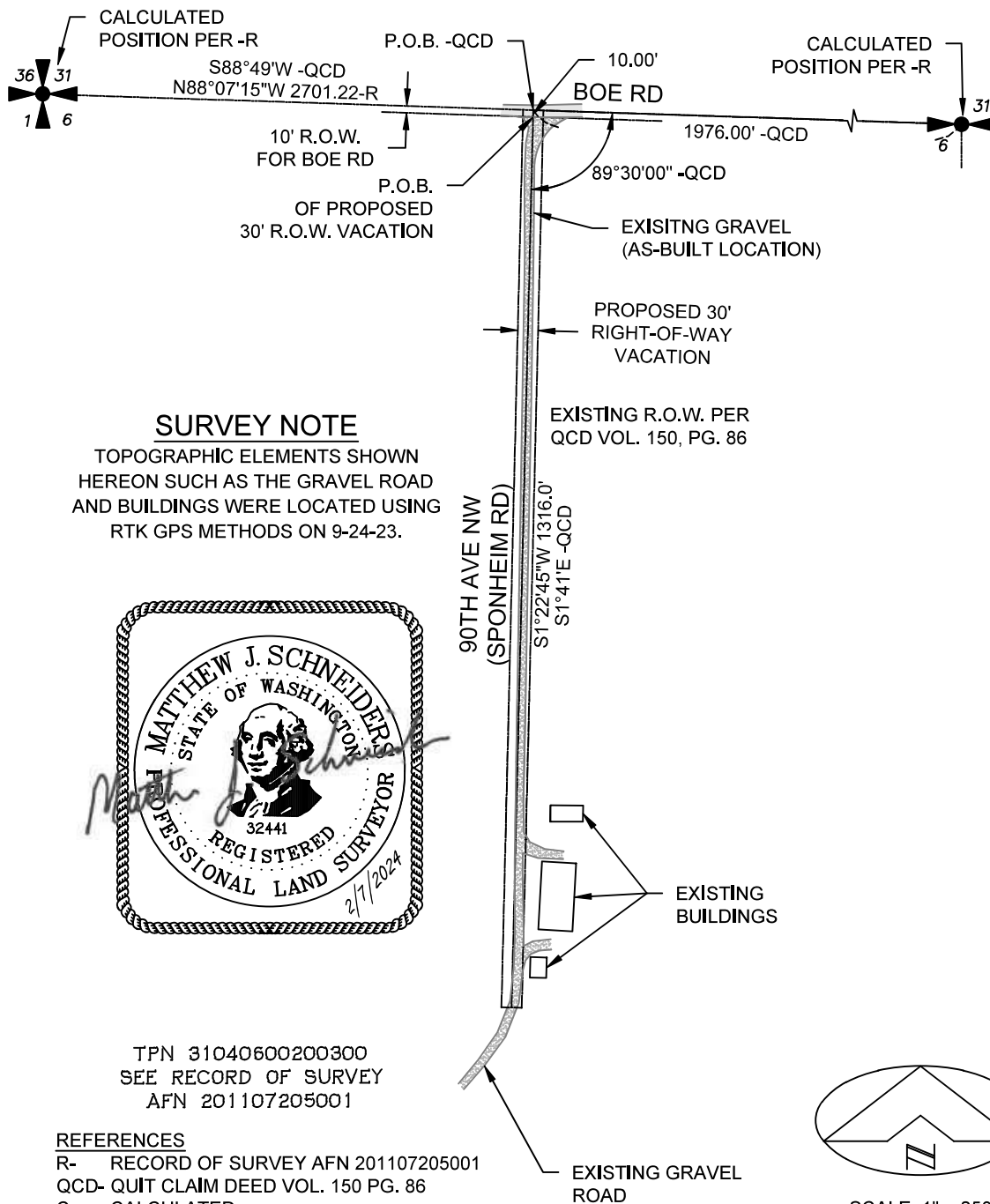
SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



EXHIBIT 5

Pg. 2

EXHIBIT "B" RIGHT-OF-WAY VACATION



2822 COLBY AVE. (360) 794-7811
SUITE 300 (425) 252-1884
EVERETT, WA 98201 FAX: (360) 805-9732

SITE ADDRESS
NW 1/4, NW 1/4, SECTION 6,
TOWNSHIP 31 N, RANGE 4 E

PARCEL NUMBERS
31040600200300
31040600200301

02/07/2024

CBS

23-279

QUIT-CLAIM DEED

The Grantor herein *S. C. Thurmond and Otie L. Thurmond his wife* for the consideration of One Dollars

and also of benefits to accrue to *them* by reason of laying out and establishing a public road through *there* property, and which is hereafter described, convey release and quit-claim

to the County of Snohomish, State of Washington, for the use of the Public forever, as a public road and highway, all interest in the following described real estate, viz: A strip of land 10 ft. in

width along the S. side of the N. bdy. line of Sec. 1. T. 31. N. R. 3. E. described as follows: - Com. at Cor. com. to Sec's 1-6-31 & 36. running th. S 88° 49' W.

937 ft. All in Sec. 1. T. 31. N. R. 3. E. Containing 0.22 Acres.

Also a Strip of land 10 ft. in width along the S. side of the N. bdy. line of Sec. 6. described as follows: - Com. at NW. Cor. Sec. 6. running th. N 88° 49' E.

2239.8 ft. All in Sec. 6-31-4. Containing 0.51 acres.

Also a strip of land 15 ft. wide on each side of a center line des. as follows

Beg. at a point on N. line Sec. 6. S 88° 49' W. 1976.0 ft. from $\frac{1}{2}$ cor. bet. Sec's 6 and 31. running th. S. 1° 41' E. 1326.0 ft.

All in Sec. 6. T. 31. N. R. 4. E.

Containing 0.91 Acres.

We sign this in consideration of the relinquishment of the old road leading down the dike.

S. C. Thurmond,

EXHIBIT 6 pg. 1

situated in the County of Snohomish, State of Washington.

Dated this *7th*

day of

March

A. D. 191

S. C. Thurmond
Otie L. Thurmond

EXHIBIT 6 pg. 2

State of Washington
County of Snohomish ss.

On this 7th day of March 1913, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came J. L. Thurmond and Etie L. Thurmond his wife the known to be the individual described in and who executed the within instrument and acknowledged to me that they signed and sealed the same as there free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above written.

J. L. Conners
Notary Public in and for the State of Washington, residing at Hammond

QUIT-CLAIM DEED

FROM

J. L. Thurmond et al

TO

COUNTY OF SNOHOMISH

Dated

191

Filed for record at request of

A. H. Willhite

MAR 14 1913

On the 14 day of March 1913, at 57 minutes past 1 P. M., and

recorded in Volume 150 of Deeds

page 86, Records of Snohomish

County, Washington.

Auditor

By J. H. Stangen Deputy

22.5
4195

EXHIBIT 7

Flood Plan Map

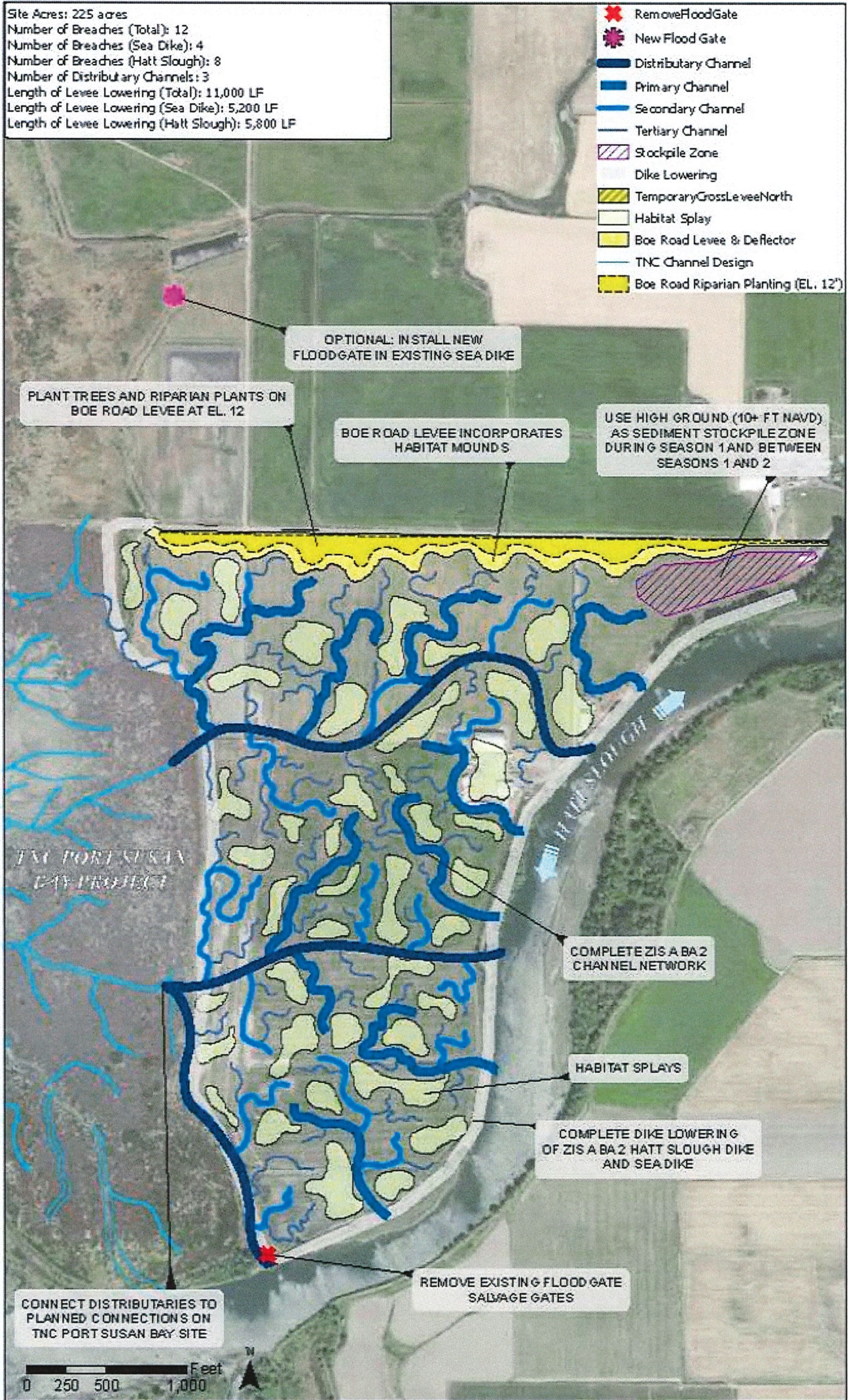
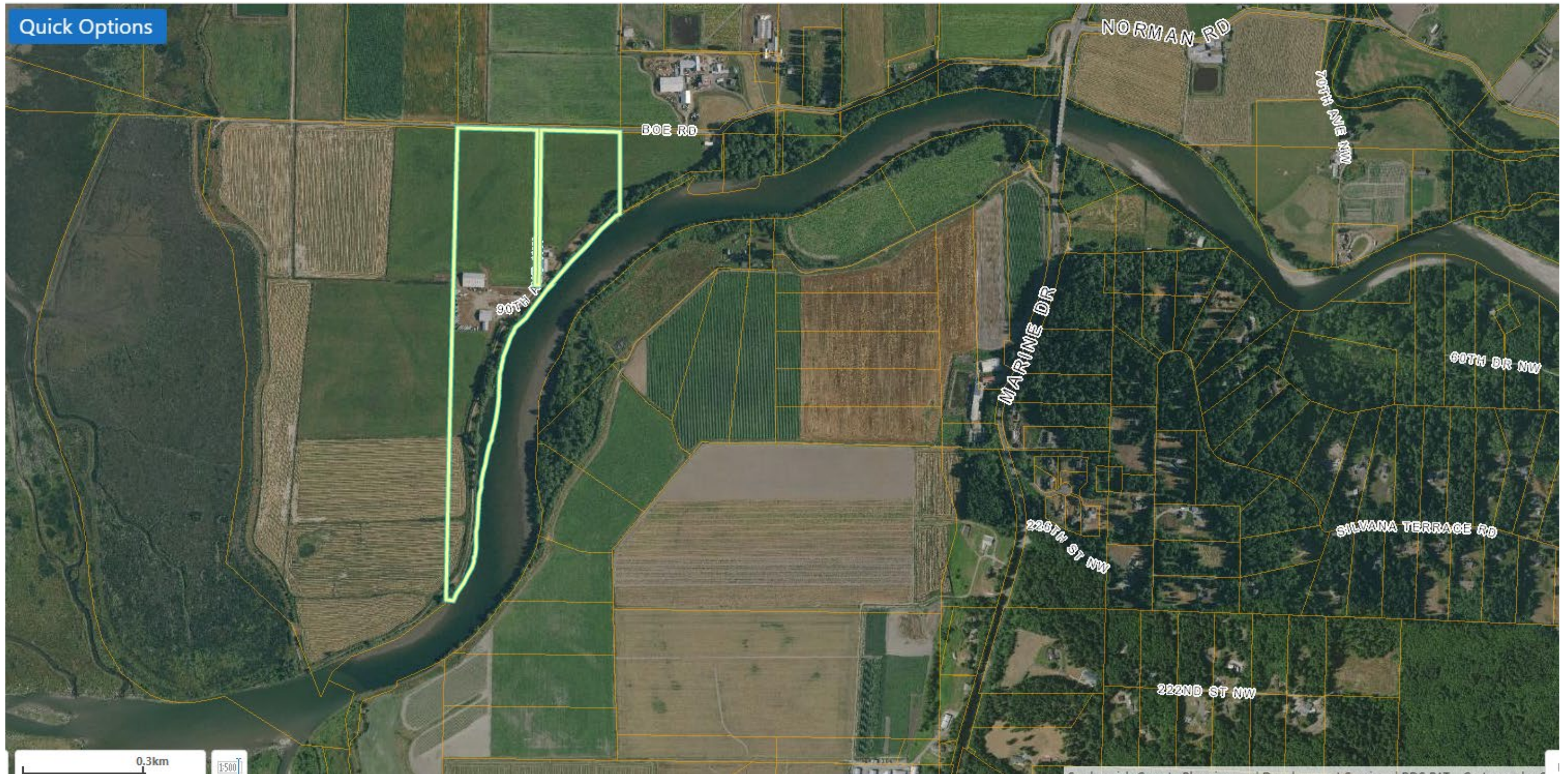


EXHIBIT 8 RCW 36.87.130

RCW 36.87.130 Vacation of roads abutting bodies of water prohibited unless for public purposes or industrial use. No county shall vacate a county road or part thereof which abuts on a body of salt or fresh water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses. [1969 ex.s. c 185 s 7; (2020 c 300 s 1 expired December 31, 2023).]

Expiration date—2020 c 300 s 1: "Section 1 of this act expires December 31, 2023." [2020 c 300 s 2.]

EXHIBIT 9 Aerial Photo





**Snohomish County
Public Works**

Dave Somers
County Executive
3000 Rockefeller Avenue
Mail Stop 607
Everett, WA 98201
(425) 388-3488
Fax (425)388-6449

**STIPULATION TO VALUE DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS AND
AGREEMENT TO WAIVE INDEPENDENT CONSULTANT APPRAISAL
RCW 36.87.120 and SCC 13.100.085**

Date: February 23, 2024

Project Name: 90 Ave NW Vacation Petition by Stillaguamish Tribe of Indians

Project No.: RR 6370

PFN: 23116653

I, Stillaguamish Tribe of Indians, have petitioned Snohomish County Department of Public Works (DPW) to vacate the identified right of way known as 90 Ave NW.

I understand that the per Revised Code of Washington (RCW) 36.87.120 and Snohomish County Code (SCC) 13.100.085 (1) DPW has determined that the subject right-of-way is suitable to vacate and has prepared an appraisal for the current market land value of the right-of-way for the amount of \$ 5862.00

I also understand SCC 13.100.085 (2) allows that I may seek an independent appraisal of the county road and/or right of way subject to the vacation request. The independent appraisal shall be conducted by an appraiser appearing on the current Washington State Department of Transportation approved appraiser list and have experience in vacations. The costs of an independent appraisal are the sole financial responsibility of the petitioner. The engineer may, but is under no obligation to, modify the appraised value determined under 13.100.085 (1) based independent appraisal. Reviews of the independent appraisal shall be considered a cost and expense incurred in the determination of appraised valued under SCC 13.100.020 (4) and included in the permit fee under SCC 13.110.010 (2) (c).

I hereby waive my right to an independent appraisal and county appraisal review and stipulate to the value of the right-of-way as determined by DPW.

I agree that the determined value is an accurate and competent estimate of the Market Land Value and will not challenge the estimate during the vacation process.

I request that the DPW proceed with processing the petition to vacate with the determined value of portion to be vacated as stated above.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed

Petitioner

EXHIBIT 10 pg. 2

Date	Date of calculation	Parcel 1	2/9/2024
Property Owner	Applicant	Stillaguamish Tribe of Indians	
Tax Parcel	full parcel #	31040600200300/01	
PFN	Amanda PFN	23116653	
RR#	Charge code	RR6370	
Assessor use code	See Property Characteristics	Ag	
Assessor Size (gross) acreage	See Property Characteristics	51.60	
Assessed land value	See Market Land Value	672,600.00	
Size (gross) SF	43,560.00	2,247,696.00	
Market Land Value by SF	value/sf	0.30	
Vacation area SF	based on surveyor/survey calcs	39,180.00	
Value of ROW vacated	ROW SF X average SF of parcel	11,724.21	
50% of Total Assessed ROW value (Type B)	.5 of above row	\$ 5,862.11	