

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	Α

APPROVAL WITH CONDITIONS

VACATION REQUEST 23 116653 RWE ENGINEER'S REPORT 90th Ave NW ROW Vacation A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY

RECOMMENDATIONS

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 breech 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

- 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

 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 +/

Compensation of ROW value (at 50% of ROW Land Value) \$ 5862.00

2. The Petitioner shall be responsible for the advertising costs and recording fees which are listed as follows:

Estimated Advertising Cost \$300.00

(Notices of Introduction & Enactment)

Estimated Recording Fees \$306.50

(Ordinance)

3.	Failure to make payments required under SCC 13.100.070 and SCC 13.100 within one year of the date the Ordinance is approved by the County Councresult 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).					
Approv	ved by:					
Dougla	glas W McCormick as W. McCormick P.E. v Director/County Engineer	7/30/2025 Date				
Prepar	red By:					
'	ther Noble er Noble	07/18/2025 Date				
ROW I	nvestigator III					

EXHIBIT 1Estuary Restoration Plan

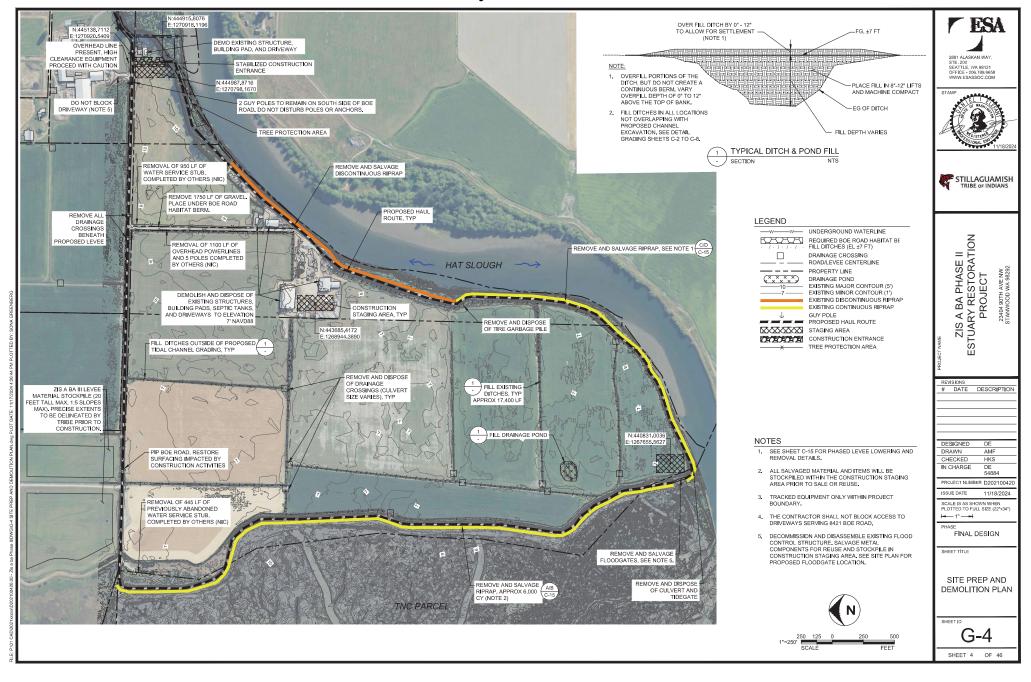


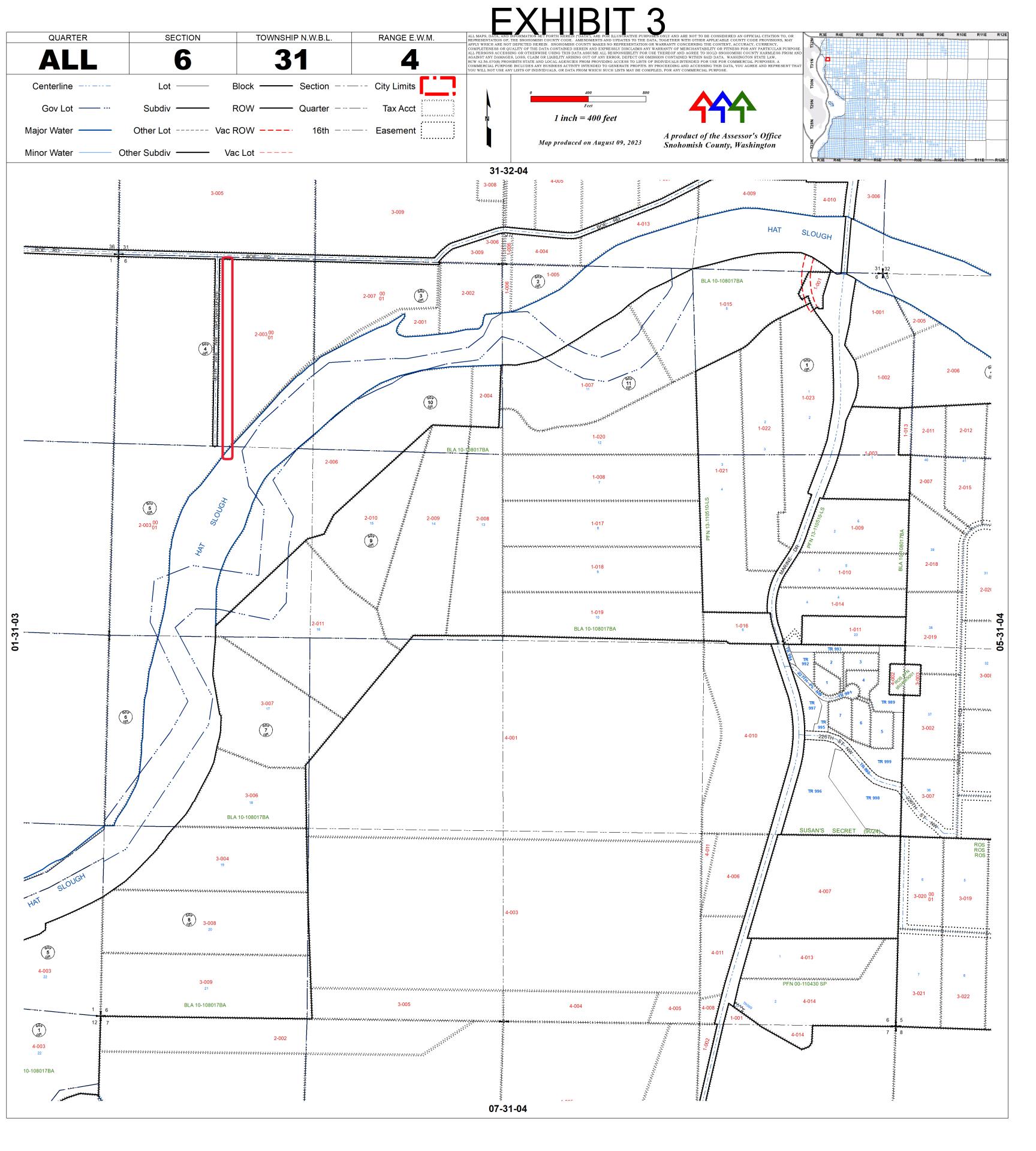
Exhibit 2 pg. 1

Petition for Vacation of a County Road

N THE MATTER OF THE PETITION OF	
The Stillaguamish Tribe of Indians	
and others for the Vacation of PETIT	ION
90th Ave. NW (AKA Sponheim Road)	
(Road Name or Number)	
TO THE SNOHOMISH COUNTY COUNCIL OF SNOH	IOMISH COUNTY, WASHINGTON
We, the undersigned freeholders of Snohomish County, following described County Road be vacated:	State of Washington do petition that the
(FILL IN EXACT LEGAL DESCRIPTION OF PORTION OF PORTION OF PORTION OF PREPARED BY A PROFESSIONAL LAND SURVEYOR	
A STRIP OF LAND 30.00 FEET IN WIDTH BEING IN SE	CTION 6, TOWNSHIP 31 NORTH,
RANGE 4 EAST, W.M., IN SNOHOMI <mark>SH COUNTY, WA</mark> S	SHINGTON, LYING 15.00 FEET ON
EACH SIDE OF THE FOLLOWING DESCRIBED CENTE	ERLINE.
COMMENCING AT THE NORTH QUARTER CORNER O	OF SAID SECTION 6;
THENCE NORTH 88°07'15" WEST 1976.00 FEET ALON	IG 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 F	EET 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, R	ECORDS OF SNOHOMISH COUNTY,
WASHINGTON.	AUTHORITINA NATIONAL DE LA CONTRACTOR DE
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SITUATE IN THE COUNTY OF SNOHOMISH,	POWAL LAND
STATE OF WASHINGTON.	
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	ONAL LAND
	Communication of the second
	PREPARER'S STAMP & SIGNATURE
0.05	
the whole distance being about 0.25 miles and	39,479 total square footage.
Your petitioners respectfully represent and allege that the roa and the public will be benefited by its vacation, and that all of your pe	-
in the vicinity of the road; and therefore the petitioners request the v	
	•

Exhibit 2 pg. 2

Petition must be signed by the owner of record for a majority of frontage of said road. Snohomish County policy requires approval and signatures of all adjacent or abutting owners whose property may be affected by this proposed road vacation or benefitted by the vacation as a secondary Petitioner. Principle Petitioners' Signatures Prop. Tax Acc't, No. Print Name Print Mailing Address 3322 236 St NE 31040600200300 Eric White Arlington WA 98223 IF ADDITIONAL SPACE IS REQUIRED, USE SUPPLEMENTARY SHEET. Section 1. When a county road or part thereof is considered useless, the owners of the majority of the frontage on suld county road or portion thereof may petition the Snohomish County Corneil to vacate the same. Such petitions shall show the lard owned by each petitioner, and shall also set forth that such road will be useless as a part of the general road system and that the public will be benefited by its vacation. Such petition shall be accompanied by a bond in the penal sum of five hundred dollars, payable to the County, executed by one or more of such petitioners as principal or principals with two or more surefies, and conditioned that the petitioners will pay into the County Treasury the amount of all costs and expenses incurred in the examination, report, and all other proceedings pertaining to such petition or vacation. and others for the vacation of a In the Matter of the Petition of COUNTY ROAD PETITION Vacation of Road No.;



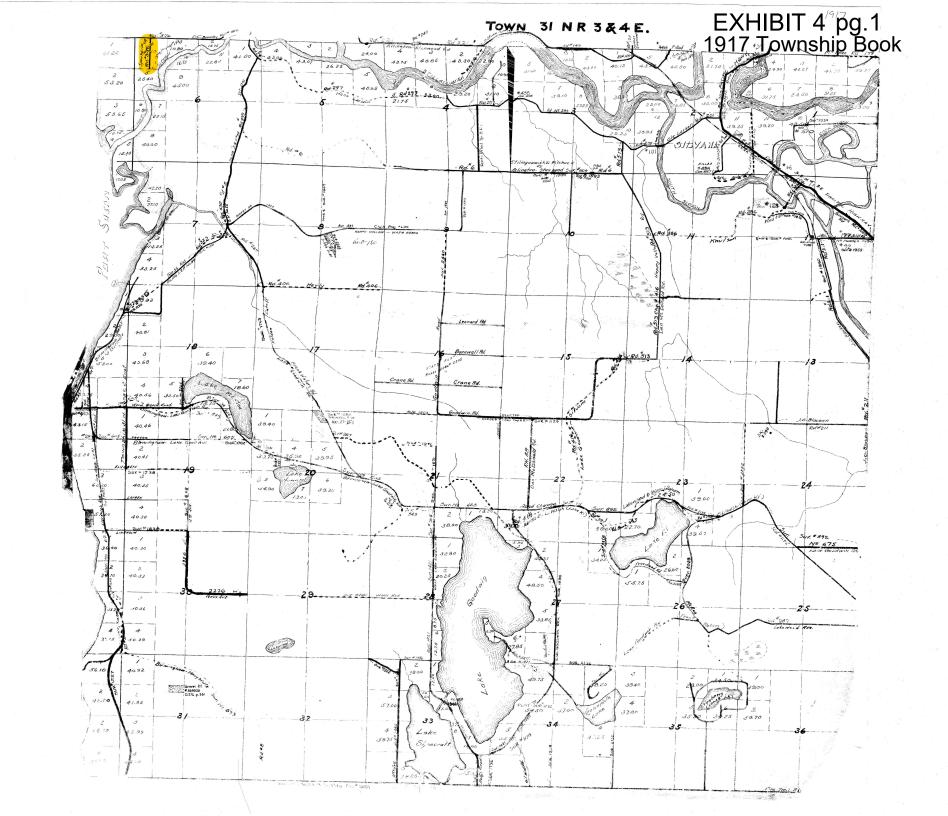


EXHIBIT 4 pg. 2 Sponheim Rd # 376

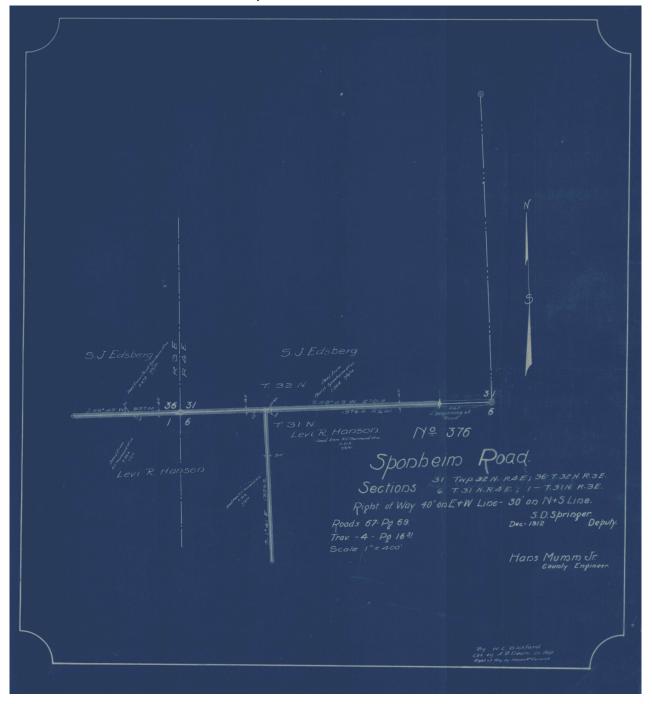


EXHIBIT 5 Pg. 1

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.

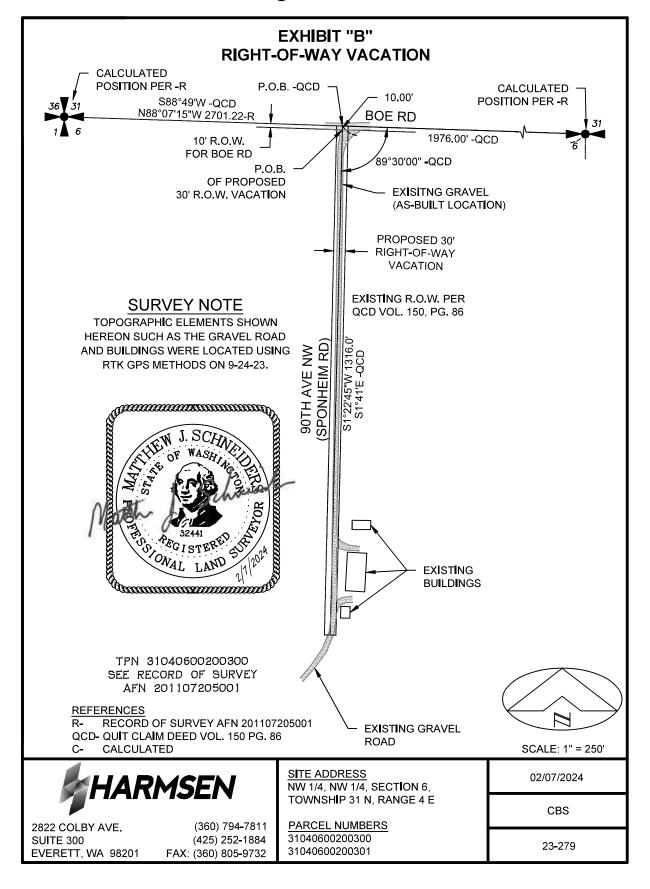
ALSO KNOWN AS SPONHEIM ROAD (90TH AVE NW) AS DESCRIBED IN A QUIT CLAIM DEED RECORDED UNDER VOLUME 150, PAGE 86, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

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

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



EXHIBIT 5 Pg. 2



QUIT-CLAIM DEED

The Crantor hereing le Thurmond and Otic L A his well for the consideration of and also of benefits to accrue to There. by reason of laying out and establishing a public road through the 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. S88049 w. Containing.0.22 Acres. All in Sec. 1. T. 31. N. R. 3. E. 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. MSS 49 E. Containing 0.51 acres. 2239.8 ft. All in Sec.6-31-4. Also a strip of land 15 ft. wide on each side of a center line des.as follow Beg.at a point on N.line Sec.6. S 88049 W.1976.0 ft.from & cor.bet.Sec's 6 and 31. running th. 8.1041 18.132600 ft. Containing 0.91 Acres. All in Sec. 6. T. 31. N. R. 4. E.

He sign this in consideration of the relinguishment of The old road leading S. C. Thurmond

EXHIBIT 6 pg. 1

situated in the County of Snohomish, State of Washington.

Dated this

day of Granch A.D. 191

EXHIBIT 6 pg. 2

State	(Washington				_
County of Co	rohowigh "	of Ossau	oh 191 3 bet	ore me, a Notary Public	
in and for the	State of Mashington, duly co	Hum	worn, personally came	I le. Sheet a sur to	
thather	signed and sealed the same therein mentioned.	e as there is	ree and voluntary ac	at and deed for the uses	
(/	ss my hend and official seal th	e day and year firs	above written.	us	
	Notary Pu	blic in and for the State	of Washington, residing at	Hamor	1
EED	HSIM (C)	1 43	. M. and of Deeds	Auditor Auditor	Deputy
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CONTROL FOR SPECIAL PROPERTY.	The second secon		4 7	1111 000	a. 1.111

EXHIBIT 7

Flood Plan Map

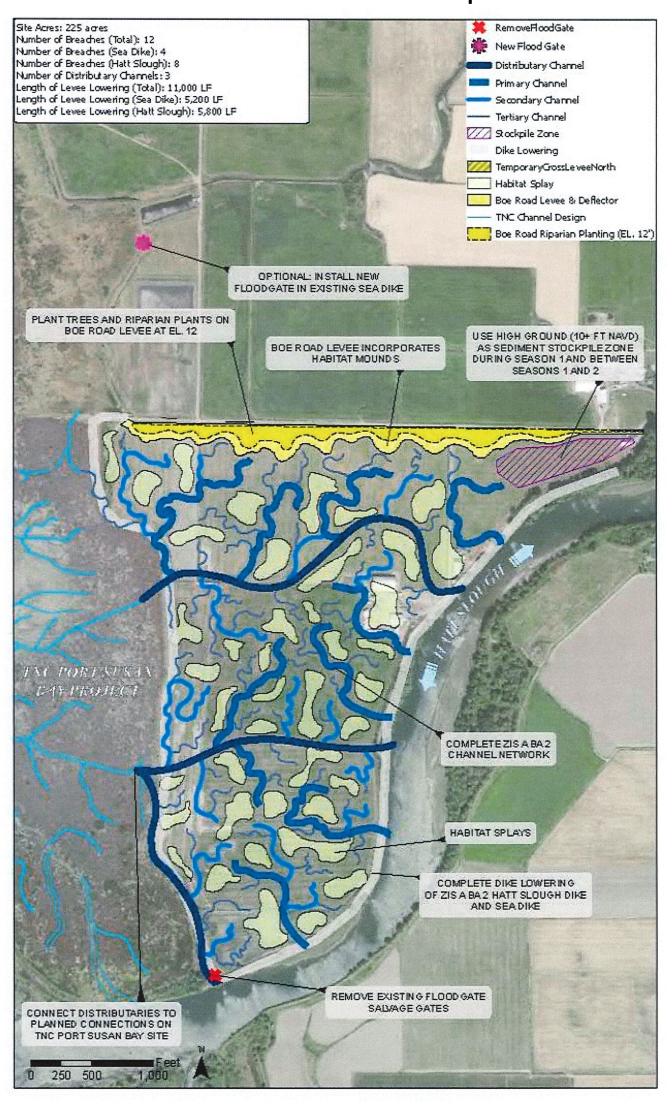


EXHIBIT 8 RCW 36.87.130

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

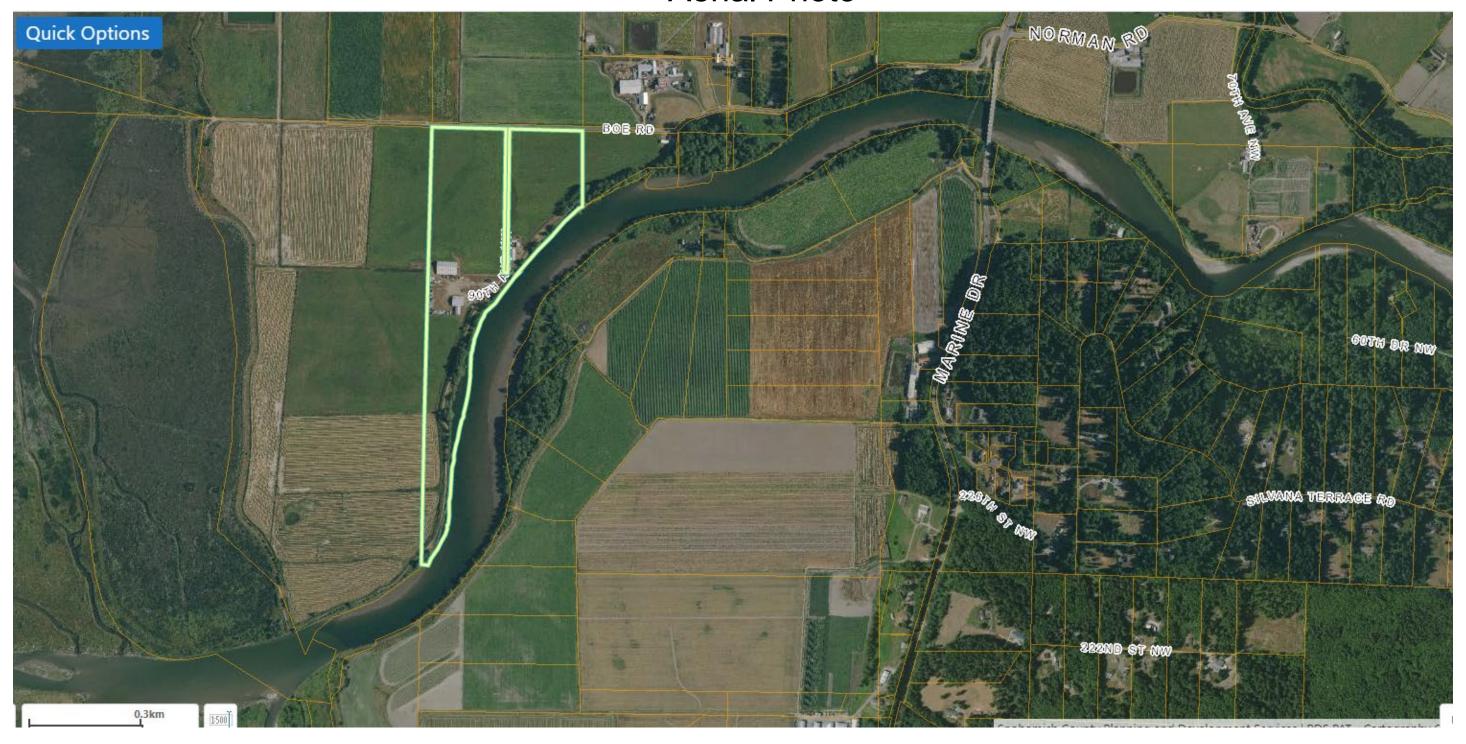


EXHIBIT 10 pg. 1



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

Parcel 1

\$

39,180.00

11,724.21

5,862.11

Date of calculation 2/9/2024 Date **Property Owner Applicant** Stillaguamish Tribe of Indians 31040600200300/01 **Tax Parcel** full parcel # PFN Amanda PFN 23116653 RR# RR6370 Charge code Assessor use code See Property Characterics Ag Assessor Size (gross) acreage **See Property Characterics** 51.60 672,600.00 Assessed land value See Market Land Value 43,560.00 2,247,696.00 Size (gross) SF Market Land Value by SF value/sf 0.30

based on surveyor/Survey calcs

ROW SF X average SF of parcel

.5 of above row

Value of ROW vacated 50% of Total Assessed ROW value (Type B)

Vacation area SF