

ENGINEER'S REPORT

AUTHORIZING THE COUNTY EXECUTIVE TO SIGN A QUITCLAIM DEED TO THE STATE OF WASHINGTON, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION

*In the matter of Interstate 5 /88th St N.E. Intersection Right-of-Way Acquisition
CRP No. 93-455/ Federal Aid No. I-5-(50)200
Parcels 1-15001A, I-15001B*

FACTS/BACKGROUND/FINDINGS

1. In 1991, the Federal Government appropriated the 1991 Appropriation Act and funds under the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA). The Tulalip Tribes of Washington, a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 as amended, hereinafter referred to as "TRIBES" was appropriated funding for the 88th St NE Interchange on Interstate -5 (I-5) Project.
2. On September 11, 1993, by virtue of RCW 47.28.140, the State of Washington, Department of Transportation, hereinafter called the "STATE," and the "TRIBES," entered into an agreement under GC 9584. (See Exhibit 1, GC 9584)
3. Agreement GC 9584, requires that the "TRIBES" and Snohomish County, hereinafter called the "COUNTY", a political subdivision of the State of Washington, enter into an Interlocal Agreement to engage the "COUNTY'S" Property Management Division to perform right-of-way appraisal, acquisition, and relocation in accordance with Federal Aid Regulations for the 88th Street N.E. Interchange. (See Page 2 of Exhibit 1)
4. On September 15, 1993, Snohomish County Council passed Motion 93-315, approving an Interlocal Agreement and authorizing signature by the County Executive. (See Exhibit 2, Motion and Agreement)
5. On September 22, 1993, the Interlocal Agreement between the "TRIBES" and the "COUNTY" was signed by both parties and recorded with the County under Auditor's File Number (AFN) 9309220594. (See Exhibit 3, Recorded Interlocal Agreement)
6. Article III: County Responsibility Section 3.1 of the Interlocal Agreement, requires that the "COUNTY" acquire Right-of-Way and Access Control documents and deeds necessary for the I-5 - 88th St NE Interchange in the name of Washington State Department of

Transportation (WSDOT) as an agent of the "STATE." (See page 4 of Recorded Agreement)

7. On February 14, 1995, the "TRIBES" conveyed to the "COUNTY" that portion of the east half of the northeast quarter of Section 20, Township 30, Range 5 East W. M., parcels 1-10051A and 1-15001B, lying northerly and easterly of a line described in the Statutory Warranty Deed recorded under AFN 9502210604. The right of way was not acquired in the name of WSDOT (See Exhibit 4, Recorded Statutory Warranty Deed)

8. To remedy this oversight during the acquisition process, the "COUNTY" intends to convey and quit claim to the "STATE," acting by and through its Department of Transportation the property described on Exhibit A of the Quit Claim Deed. (See Exhibit 5, Quit Claim Deed)

RECOMMENDATION

Based on the foregoing Facts, Backgrounds and Findings, the County Engineer recommends that the County Council approve a motion authorizing the County Executive to sign a Quit Claim Deed to the "STATE".

Approved by:

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

Date

Prepared by:

Maria Acuario
ROW Investigator III

Date