



## Snohomish County Council

**Committee:** Committee of the Whole

**Analyst:** Deb Evison Bell

**ECAF:** 2022-0967

**Proposal:** Ord. 22-047

**Date:** October 11, 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, under SCC 13.100.080(1) and SCC 13.100.080(3)(a)<sup>1</sup>.

### **Background:**

On July 2, 2015, the Department of Public Works received an initial petition to vacate 0.12 miles and 12,784 square feet of unopened Right of Way, with an accompanying survey prepared on June 17, 2015, depicting the 12,784 square feet that excluded a 20ft x 20ft area of 60<sup>th</sup> Ave West at the intersection of 136<sup>th</sup> Street SW to be vacated.

A revised Petition for Vacation was prepared on January 14, 2016, which stated the corrected distance of Right of Way to be vacated as 0.12 miles and 13,184 square feet, this revised Petition included a revised survey prepared on January 7, 2016, that included the 20ft x 20ft area of 60<sup>th</sup> Ave West at the intersection of 136<sup>th</sup> Street SW to be vacated.

The original Ordinance inadvertently referenced the initial petition of 12,784 square feet of 60<sup>th</sup> Ave West to be vacated. The intent was to vacate a total of 13,184 square feet, however only 12,784 square was vacated through the adopted [Ordinance 17-029](#) and recorded with the Snohomish County Auditor's Office on September 28, 2017, under AFN 201709280196. The remaining 400 square feet of unopened Right of Way at 60<sup>th</sup> Ave West is currently proposed to be vacated.

### **Current Proposal:**

The County Engineer has initiated this request to vacate the remaining 400 square foot segment of 60<sup>th</sup> Ave West that was not vacated by Ordinance 17-029. 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. DPW received an initial Petition for Vacation of 60<sup>th</sup> Ave West prepared on July 2, 2015, which stated the distance of ROW to be vacated as .12 miles and 12,784 square feet ("Initial Petition").
2. The accompanying survey prepared on June 17, 2015, stated the area to be vacated as 13,184 square feet ("Initial Survey"), however survey depiction excluded the 20' x 20' area of 60<sup>th</sup> Ave West at the intersection of 136<sup>th</sup> St SW, and therefore only depicted 12,784 square feet of 60<sup>th</sup> Ave West to be vacated.

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<sup>1</sup> [ch. 13.100 Vacation | Snohomish County Code](#)

3. DPW received a revised Petition for Vacation of 60<sup>th</sup> Ave West prepared on January 14, 2016, which stated the corrected distance of ROW to be vacated as .12 miles and 13,184 square feet ("Revised Petition"), and a revised survey prepared on January 7, 2016, that accurately depicted the entire 13,184 square feet of 60<sup>th</sup> Ave West to be vacated ("Revised Survey").
4. DPW attached the Revised Survey to the Engineer's Report accompanying Ordinance No. 17-029, however inadvertently based the Engineer's Report on the Initial Petition for only 12,784 square feet on 60<sup>th</sup> Ave West to be vacated.
5. Ordinance No. 17-029 included as incorporated exhibits a legal description matching the Initial Petition as Exhibit A and the Initial Survey as Exhibit B.
6. Ordinance No. 17-029 vacated only 12,784 square feet of 60<sup>th</sup> Ave West and did not include the 400 square feet of unopened ROW at the intersection of 60<sup>th</sup> Ave West and 136<sup>th</sup> St SW.
7. A new vacation ordinance is needed to vacate the remaining 400 square feet of unopened ROW at 60<sup>th</sup> Ave West.
8. The 400 square feet of unopened ROW proposed to be vacated by this ordinance is classified as Class D under SCC 13.100.040(7)(d), as ROW in which the County has an easement interest, and no public expenditures were made.
9. Under SCC13.100.080(2)(c), the compensation for the proposed ROW vacation is zero percent of the appraised value as determined by SCC 13.100.085.
10. Under SCC 13.100.080(3)(a), the County Engineer may recommend that Council waive compensation required under 13.100.080(1) and (2) where a vacation request is independently initiated by the County Engineer.
11. There are no utilities located within the proposed ROW vacation.
12. The portion of ROW proposed to be vacated does not abut a body of salt or fresh water as required by SCC 13.100.090.

## RECOMMENDATIONS

1. Based on the above findings, it has been determined that the original intent was to vacate 13,184 square feet of ROW including the 20' x 20' intersection of vacated 60<sup>th</sup> Ave West and vacated 136<sup>th</sup> St SW and that the public will benefit by the vacation and abandonment of the remaining 400 square feet of unopened ROW, and it should be vacated and abandoned.
2. The County Engineer is independently initiating this vacation request and recommends the County Council waive any compensation required under SCC 13.100.080(1) and (2) under SCC 13.100.080(3)(a).

3. The associated costs for preparing the Engineer's Report and advertising the public hearing will be absorbed by the County Road Fund.

Estimated Public Works Charges	\$700.00
Estimated Advertising Costs	\$300.00
Total	\$1,000.00

*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, County Engineer recommends waiving the associated costs.

*Fiscal Implications:* The County Engineer supports waiving the expense of \$1,000.00.

**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 set a time/date for a Public Hearing (November 30, 2022, is suggested).