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## ENGINEER'S REPORT

### RIGHT OF WAY VACATION REQUEST # 22-108743 RWE VACATING A PORTION OF 60<sup>th</sup> AVE WEST

#### INTRODUCTION

Vacation Request # 22- 108743 RWE for the vacation of a portion of county road right-of-way (ROW) is requested by Deputy Director/County Engineer, Douglas W. McCormick, P.E.

SCC 13.100.010 provides that the County Engineer may independently initiate a ROW vacation procedure when a county road or ROW or any part thereof is considered useless. The County Engineer has determined a small portion of unopened ROW remains unintentionally unvacated following the vacation of a portion of 60<sup>th</sup> Avenue West through Ordinance. No. 17-029. The County Engineer has prepared an Ordinance for the vacation of that remaining portion of unopened ROW and makes the following findings and recommendations:

#### FACTS/BACKGROUND

1. On October 16, 2015, Frognal Holdings LLC petitioned the County to vacate portions of 58<sup>th</sup> PI West, 60<sup>th</sup> Ave West, and 136<sup>th</sup> St SE, all unopened and dedicated County ROW, in connection with the Frognal Estates development project, a 112-lot planned residential site plan and preliminary subdivision on 22.24 acres.
2. On February 13, 2017, the County Engineer prepared a report examining the unopened County ROW and determined that the public would benefit by their vacation and abandonment as proposed.
3. On July 5, 2017, the County Council held a public hearing to consider the proposed vacation and adopted Ordinance No. 17-029.
4. On September 28, 2017, Ordinance No. 17-029 was recorded under Auditor's File Number (AFN) 201709280196.
5. Frognal Estates is now known as Bexley Ridge and owned by Lennar Northwest, Inc. While making changes to the internal lot lines of the plat, Lennar Northwest discovered that a 20' x 20' portion of 60<sup>th</sup> Ave W was not vacated according to the recorded Ordinance No. 17-029 and remains as unopened County ROW.

6. The 400 square foot segment of 60<sup>th</sup> Ave West is located just east of vacated 136<sup>th</sup> St SW, located in the NE ¼ of Section 32 Township 28 Range 4.
7. On March 29, 2022, Lennar Northwest's consultant Land Technologies contacted the Department of Public Works (DPW) regarding the 20' x 20' unvacated portion of 60<sup>th</sup> Ave West and met with DPW staff on April 13, 2022, to discuss the discrepancy between what was vacated by Ordinance No. 17-029 and what the original petitioners intended to have been vacated.

## **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.
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 of 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 SCC 13.100.080(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 SCC 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 freshwater 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 Administrative Charges	\$ 700.00
Estimated Advertising Cost for Ordinance Notice	\$ 300.00

Approved By:

Douglas W  
McCormick

Digitally signed by Douglas W  
McCormick  
Date: 2022.09.15 09:37:50 -07'00'

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

9/15/2022

Date

Prepared By:

Maria Acuario

Digitally signed by Maria Acuario  
Date: 2022.09.14 15:11:36  
-07'00'

Maria Acuario  
ROW Investigator III

9/14/2022

Date

## Petition for Vacation of a County Road

IN THE MATTER OF THE PETITION OF )

Frognal Holdings, LLC )

and others for the Vacation of )

PETITION )

60th Ave. West (Interurban Boulevard) )

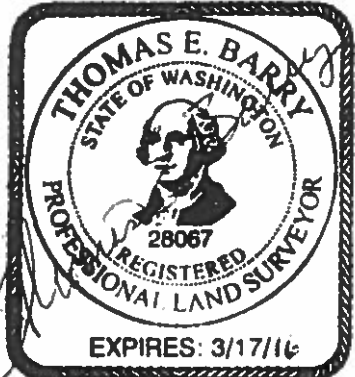
(Road Name or Number) )

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

That portion of Interurban Boulevard, according to the Plat of Hillman's North Seattle-Puget Sound Front  
Meadowdale addition, as recorded in Volume 5 of Plats, at page 39, records of Snohomish County, Washington,  
being 20.00 feet wide and adjoining the East line of Tract 28 of said plat.  
Containing 12,784 square feet.

	 <b>PREPARER'S STAMP &amp; SIGNATURE</b>

the whole distance being about 0.12 miles and 12,784 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.

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.

[illegible]

**IF ADDITIONAL SPACE IS REQUIRED, USE SUPPLEMENTARY SHEET.**

Vacation of Road No. 1

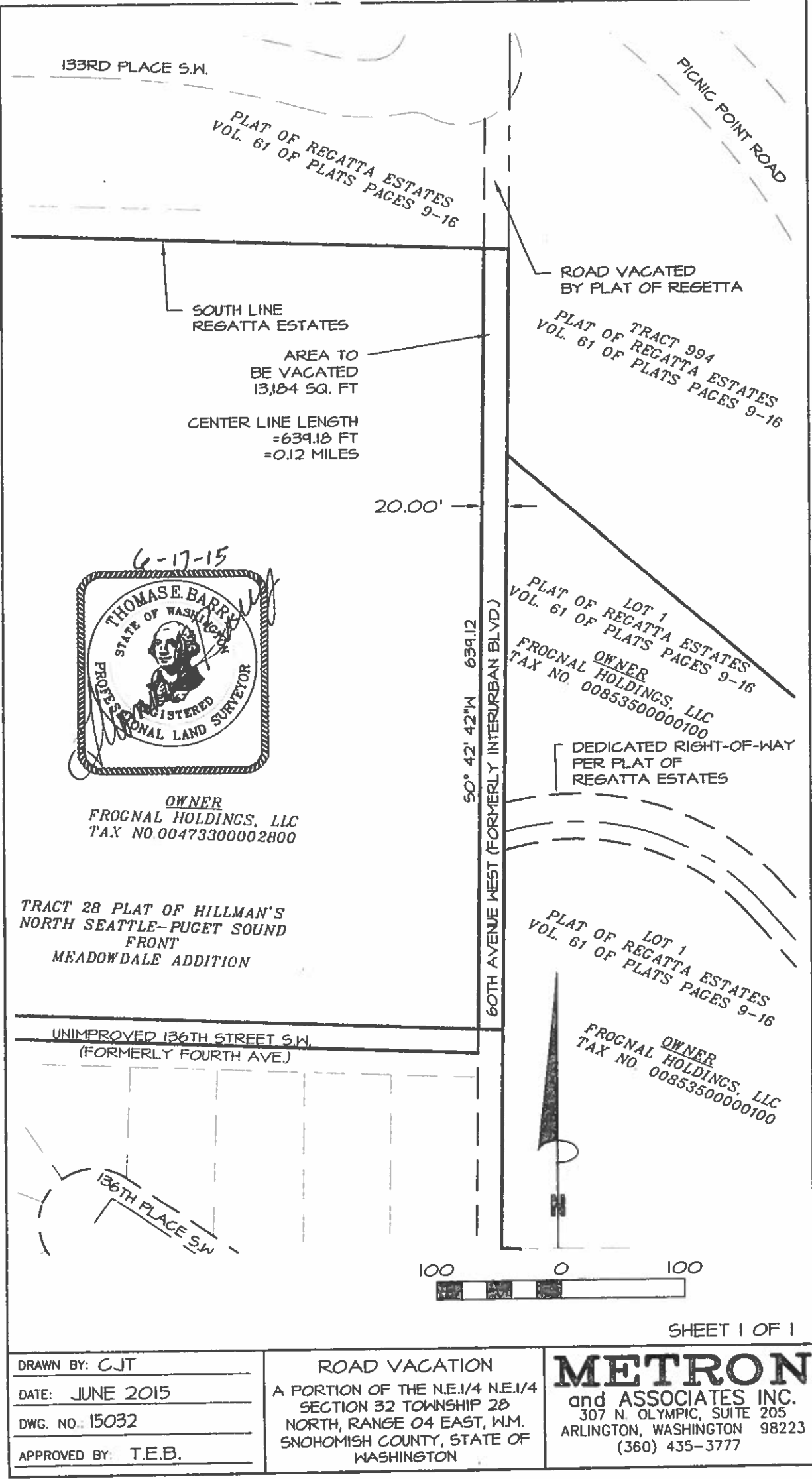
# PETITION

**In the Matter of the Petition of  
Frognal Holdings, LLC**

**and others for the vacation of a**

COUNTY ROAD

Section 1. When a county road or part thereof is considered useless, the owners of the majority of the frontage on said county road or portion thereof may petition the Snohomish County Council to vacate the same. Such petition shall show the land 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 sureties, 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.



DRAWN BY: C.J.T.

DATE: JUNE 2015

DWG. NO.: 15032

APPROVED BY: T.E.B.

ROAD VACATION

A PORTION OF THE N.E.1/4 N.E.1/4  
SECTION 32 TOWNSHIP 28  
NORTH, RANGE 04 EAST, W.M.  
SNOHOMISH COUNTY, STATE OF  
WASHINGTON

**METRON**  
and ASSOCIATES INC.  
307 N. OLYMPIC, SUITE 205  
ARLINGTON, WASHINGTON 98223  
(360) 435-3777

## Petition for Vacation of a County Road

IN THE MATTER OF THE PETITION OF )

Frogna! Holdings, LLC )

and others for the Vacation of )

PETITION

60th Ave. West (Interurban Boulevard) )

(Road Name or Number) )

TO THE SNOHOMISH COUNTY COUNCIL OF SNOHOMISH COUNTY, WASHINGTON

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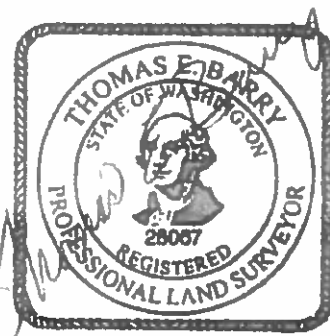
(FILL IN EXACT LEGAL DESCRIPTION OF PORTION OF ROAD TO BE VACATED)  
PREPARED BY A PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL ENGINEER

That portion of Interurban Boulevard, according to the Plat of Hillman's North Seattle-Puget Sound Front  
Meadowdale Addition, as recorded in Volume 5 of Plats, at page 39, records of Snohomish County, Washington,  
being 20.00 feet wide and adjoining the East line of Tract 28 of said plat.

Together with that portion of Interurban Boulevard, according to the Plat of Hillman's North Seattle-Puget Sound  
Front Meadowdale Addition, as recorded in Volume 5 of Plats, at page 39, records of Snohomish County,  
Washington, described as follows:

Beginning at the southeast corner of Tract 28 of said plat; thence south, along the west margin of said Interurban  
Boulevard, a distance of 20.00 feet to the centerline of Fourth Ave. as shown on said plat; thence east, along the  
easterly extension of said Fourth Ave, a distance of 20.00 feet to the east margin of said Interurban Boulevard;  
thence north, along said east margin, a distance of 20.00 feet to a point on the east extension of the south line of  
said Tract 28, thence west, along said extension, a distance of 20.00 feet to said southeast corner of Tract 28  
and the Point of Beginning.

containing 13,184 square feet.





1-14-16

PREPARER'S STAMP & SIGNATURE

the whole distance being about 0.12 miles and 13,184 total square footage.

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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
FROGNAL HOLDINGS, LLC By: <u>Integral Northwest Corporation</u> (Its Manager)	004733-000-028-00	A. Latif Lakhani (Pres) of Integral Northwest Corporation (Manager of Frognal Holdings, LLC)	8115 Broadway, Suite 204 Everett, WA 98203
By: 			
A. LATIF LAKHANI (Its President)			
FROGNAL HOLDINGS, LLC By: <u>Integral Northwest Corporation</u> (Its Manager)	008535-000-001-00	A. Latif Lakhani (Pres) of Integral Northwest Corporation (Manager of Frognal Holdings, LLC)	8115 Broadway, Suite 204 Everett, WA 98203
By: 			
A. LATIF LAKHANI (Its President)			

IF ADDITIONAL SPACE IS REQUIRED, USE SUPPLEMENTARY SHEET.

**Vacation of Road No.**

# PETITION

### In the Matter of the Petition of

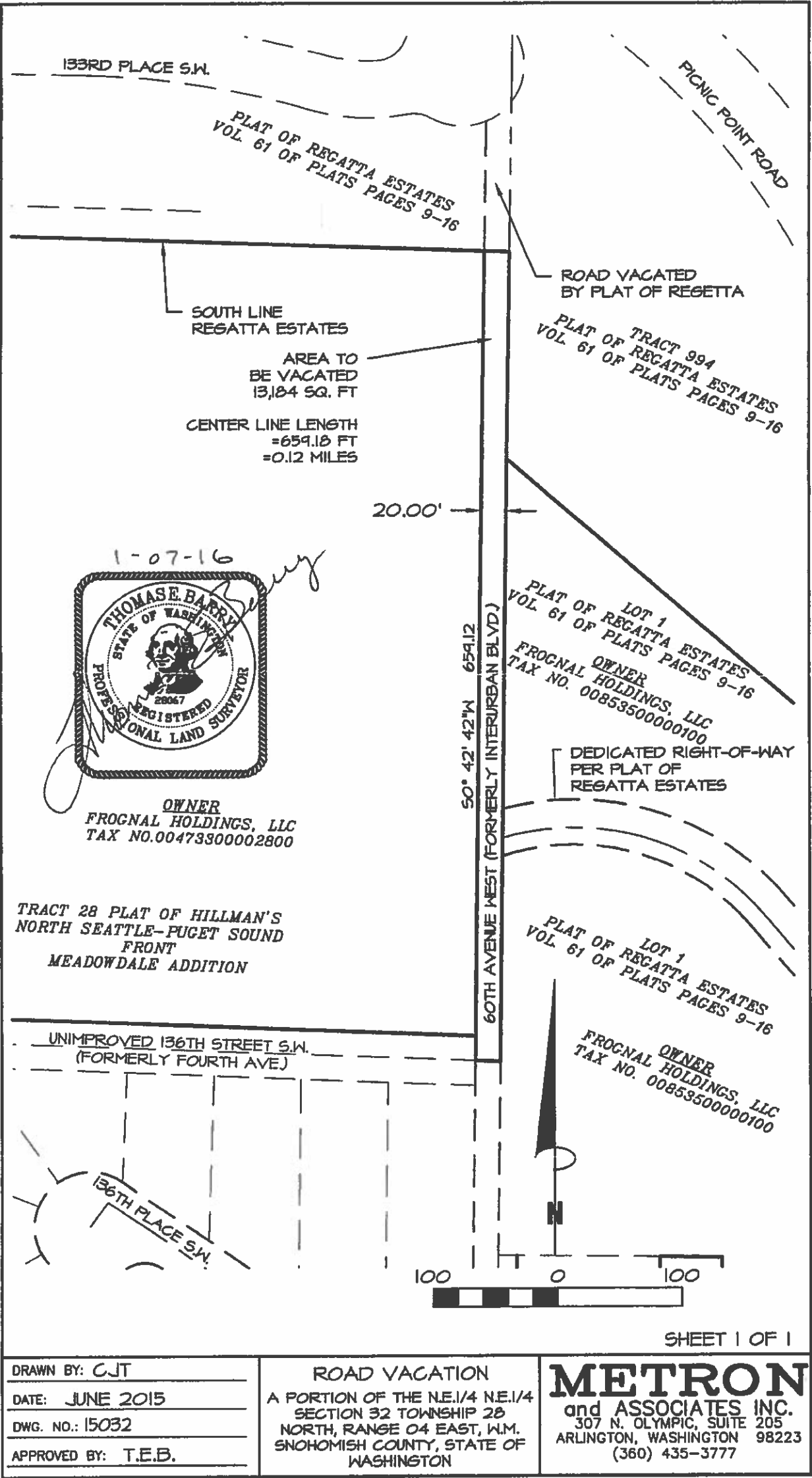
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Finding # 3 - Revised Survey