

SNOHOMISH COUNTY COUNCIL
PUBLIC HEARING PACKET

MOTION 21-379

**AUTHORIZING THE PROSECUTING ATTORNEY TO
COMMENCE CONDEMNATION PROCEEDINGS ON THE
43RD AVE SE (SR524 TO SUNSET RD AT 180TH
STREET SE) PROJECT**

ECAF: 2021-0838

Date/Time: Wednesday, November 3, 2021, at 10:30 a.m.

Staff Person: Deb Bell

DPA: Joe Bennett, Special Deputy Prosecuting Attorney

EXHIBIT LIST

Click on Exhibit # to view document.

Exhibit #	Date	Exhibit Description
1	10/04/21	Council Staff Report
2	10/01/21	ECAF
3	10/04/21	Motion Assignment Slip
4	09/16/21	Condemnation Memo

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 21-379

AUTHORIZING THE PROSECUTING ATTORNEY TO
COMMENCE CONDEMNATION PROCEEDINGS ON THE
43RD AVE SE (SR524 TO SUNSET RD AT 180TH STREET SE) PROJECT

WHEREAS, it is a necessary and proper governmental purpose for Snohomish County to make certain road improvements to an existing County road, namely, 43rd Ave SE (SR 524 – Sunset Rd at 180th St SE) and;

WHEREAS, the County Council previously approved the right-of-way plan and funding plan for 43rd Ave SE (SR 524 – Sunset Rd at 180th St SE) and;

WHEREAS, the legal description of the parcel of real property to be acquired and a description of all persons having an interest of record so far as is known to the council or appearing of record, are shown on Exhibits “A” through “E” attached hereto and made a part hereof; and

WHEREAS, the property to be acquired is in accordance with the Council approved Right-of-Way Plan dated, 10/25/2019 on file with the Snohomish County Department of Public Works and consistent with the project prospectus as approved by the Washington State Department of Transportation; and

WHEREAS, the owners and/or all persons having an interest in said real properties are unable to agree upon compensation to be paid by Snohomish County for such properties;

NOW, THEREFORE, ON MOTION, The County Council finds and determines that the acquisition of the real property described in Exhibits “D” through “E” are necessary for County purposes for certain road improvements to 43rd Ave SE (SR 524 – Sunset Rd at 180th St SE) and the Prosecuting Attorney of Snohomish County is hereby authorized and directed to commence condemnation proceedings and make all litigation decisions, including settlement, for said real properties

PASSED this _____ day of _____, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

EXHIBIT "A"
Parties of Interest:

Legal Representative: None

Vestee: Miles D. Savage Jr. & Lindsay Savage

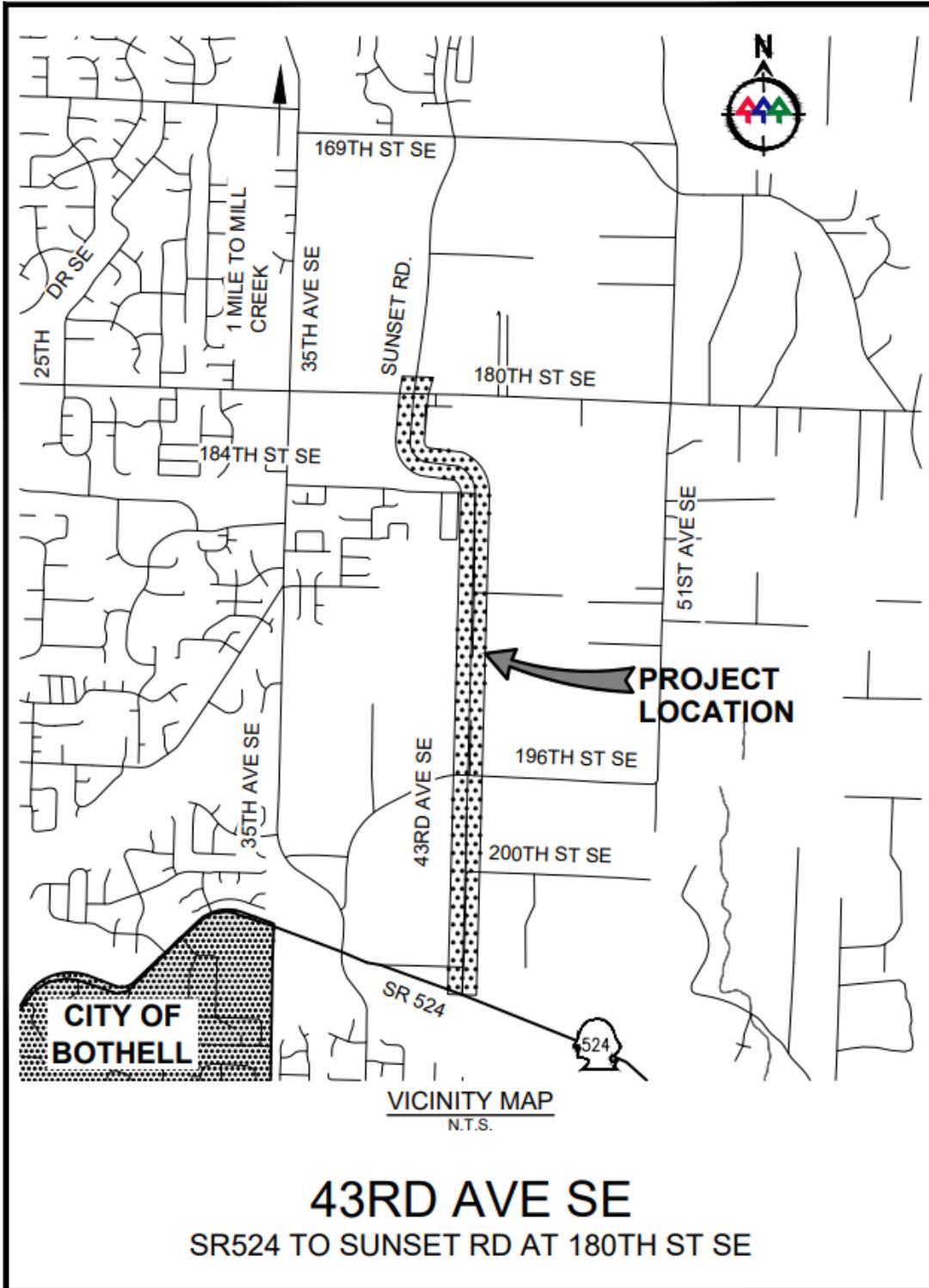
Mailing Address: Miles Savage: 3019 168th Ave NE, Bellevue, WA 98008
Lindsay Savage: 261 SE Craig RD #11, Shelton, WA 98584

Site Address: 17927 Sunset Road, Bothell, WA 98012

Other Parties of Interest:

1. Beneficiary: Mortgage Electronic Registration System, Inc., acting solely as nominee for Sydion Financial, LLC / Wells Fargo, and as assigned
2. Internal Revenue Service
3. Washington State Department of Revenue
4. ABP II / Williams, Kastner & Gibbs, PLLC
5. State of Washington

EXHIBIT "B"
Vicinity Map



43RD AVE SE
SR524 TO SUNSET RD AT 180TH ST SE

EXHIBIT "C"
Site Plan

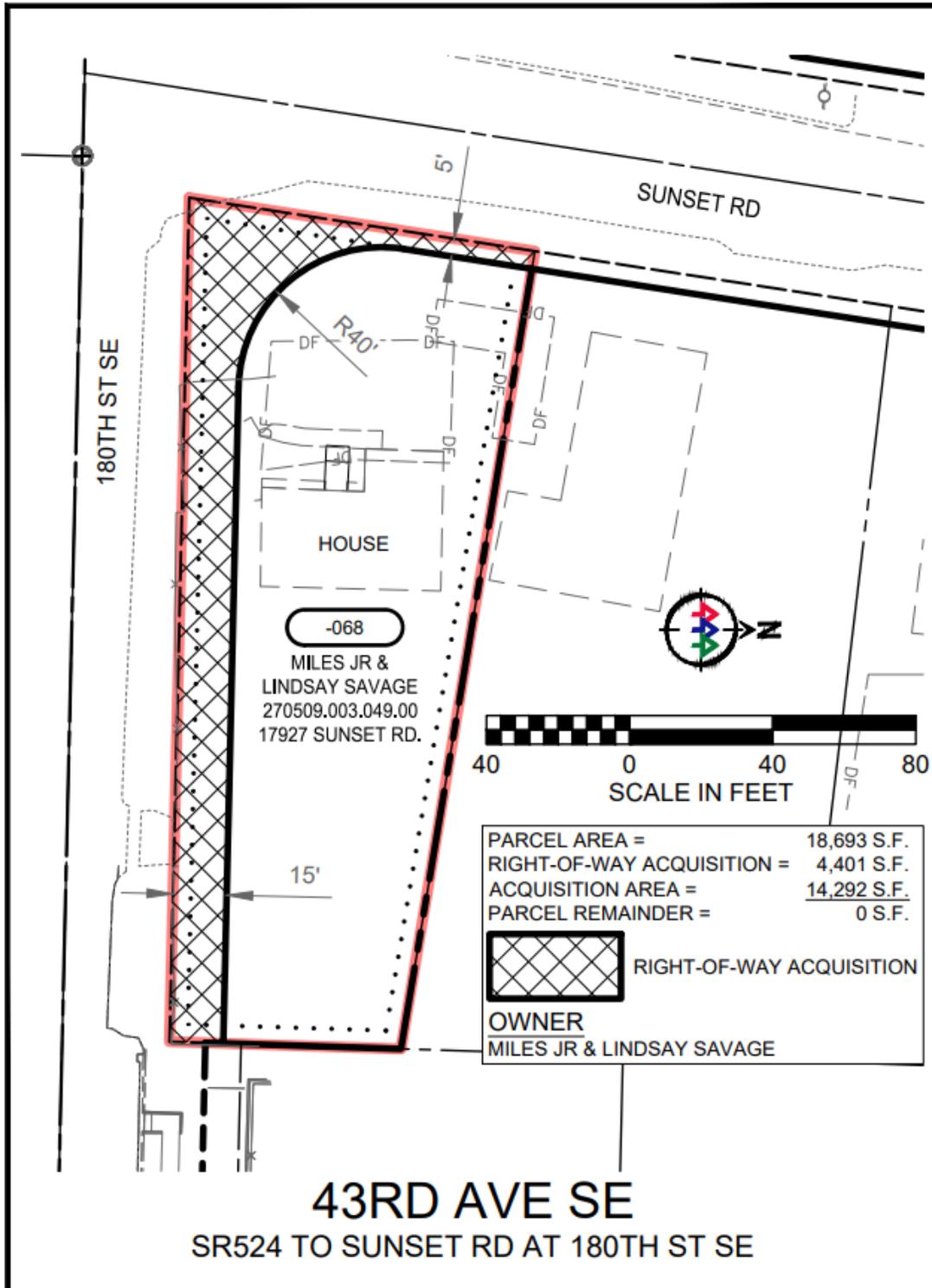


EXHIBIT “D”
Legal Description for Fee Acquisition

43RD Avenue SE (SR 524 to Sunset Road at 180th Street SE)
Survey 4659, RC 1592, UPI 16-0040
(Savage) -068
June 10, 2021

EXHIBIT ‘A’

Acquisition (see Exhibit ‘B’):

All that real property in the southwest quarter of section 9, township 27 north, range 5 east, Willamette Meridian, in the County of Snohomish, State of Washington, more particularly described as follows:

That parcel conveyed by deed recorded at Auditor’s File No. 201007150484, records of said county.

Designated Right of Way (see Exhibit ‘B’):

That portion of the above described parcel designated as public right-of-way lies southerly and westerly of the following described line:

BEGINNING at a point on the easterly line of said parcel, said point lying 45.00 feet northerly, measured at right angles, of the line common to said section 9 and section 16, said township, range, and meridian, said section line being the right-of-way alignment of 180th St SE.

Thence, parallel with said section line and right-of-way alignment, North 88°40’04” West a distance of 183.64 feet, more or less, to the beginning of a tangent curve to the right.

Thence, along said curve, having a radius of 40.00 feet, to a point of tangency lying 35.00 feet easterly, measured at right angles, of the right-of-way alignment of Sunset Road.

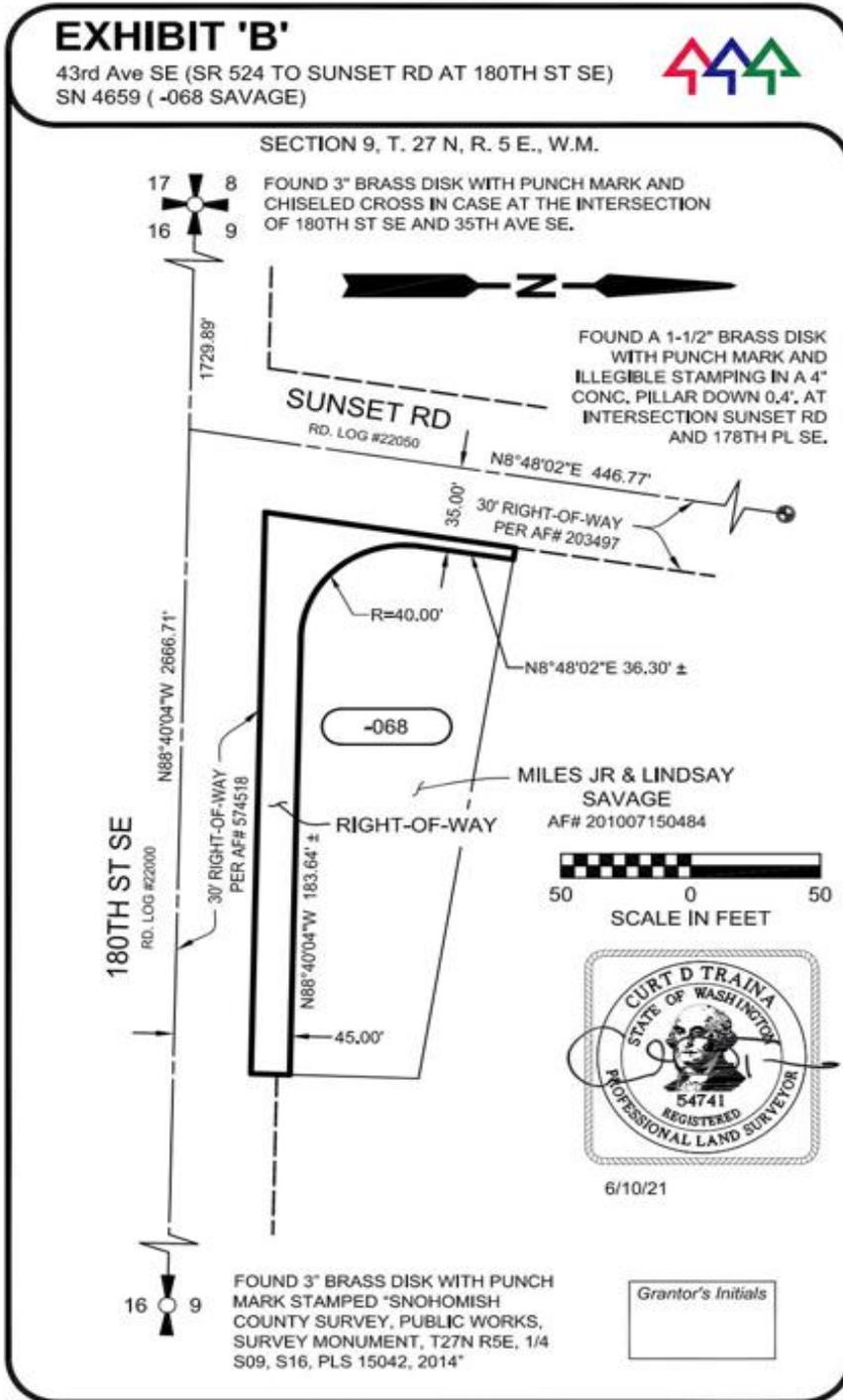
Thence, parallel with said right-of-way alignment, North 8°48’02” East a distance of 36.30 feet, more or less, to the northerly line of said parcel and the **TERMINUS** of the herein described line.

Containing an area of 18,693 square feet, more or less, in aggregate.

6/10/21



EXHIBIT "E"
Parcel Map for Fee Acquisition





Snohomish County Council

Committee: Committee of the Whole

Analyst: Deb Evison Bell

ECAF: 2021-0838

Proposal: Motion 21-0379

Date: October 4, 2021

Consideration:

Motion authorizing the prosecuting attorney to commence condemnation proceedings necessary for certain road improvements to 43rd Ave SE (SR524 to Sunset Rd at 180th St SE).

Background:

The project involves improving 43rd Ave SE/Sunset Rd to arterial road standards from SR 524 (Maltby Rd) to 180th ST SE. The project includes adding bike lanes, sidewalks, shoulders and drainage facilities. New single-lane roundabouts will be constructed at the intersection of 43rd Ave at SR 524 and 43rd Ave at 196th St SE. A new traffic signal with turn pockets will also be constructed at the intersection of Sunset Rd at 180th St SE. County Council previously approved the right-of way plan and funding for 43rd Ave SE (SR 524-Sunset Road at 180th St SE) road improvement project.

Current Proposal:

Scope: The County needs to purchase a parcel of real property (Tax Parcel Number: 27050900304900) which is in accordance with the Council approved Right-of-Way Plan. The County and the owners are unable to agree upon compensation.

The proposed motion would authorize and direct the prosecuting attorney of Snohomish County to commence condemnation proceedings¹ and make all litigation decisions including settlement for the real property of interest.

Fiscal Implications: This project is included in the 2021-2026 Transportation Improvement Plan (TIP) and the adopted 2021 Annual Construction Program (ACP) as Item E.59.

2021 Budget: Contingent on condemnation proceedings.

Handling: NA

Approved-as-to-form: N/A as the set standard is prepared by licensed professionals.

Risk Management: N/A as the set standard is prepared by licensed professionals.

Executive Recommendation: APPROVE

Requests: Council to set time and day for Public Hearing.

¹ [Chapter 36.85 RCW: ROADS AND BRIDGES—RIGHTS-OF-WAY](#)



Snohomish County Council

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 2

FILE MOT 21-379

Legislation Text

File #: 2021-0838, Version: 1

Executive/Council Action Form (ECAAF)

ITEM TITLE:

..Title

Motion 21-379, authorizing the Prosecuting Attorney to commence condemnation proceedings on the 43rd Ave SE (SR524 to Sunset Rd at 180th Street SE) project

..body

DEPARTMENT: Public Works

ORIGINATOR: Lori White

EXECUTIVE RECOMMENDATION: Click or tap here to enter text.

PURPOSE: Approval of Commencement of Condemnation Proceedings - 43rd Ave SE (SR524 to Sunset Rd at 180th St SE)

BACKGROUND: The project involves improving 43rd Ave SE/Sunset Rd to arterial road standards from SR 524 (Maltby Rd) to 180th St SE. The project includes adding bike lanes, sidewalks, shoulders and drainage facilities. New single-lane roadways will be constructed at the intersection of 43rd Ave at SR 524 and 43rd Ave at 196th St SE. A new traffic signal with turn pockets will also be constructed at the intersection of Sunset Rd at 180th St SE. County Council previously approved the right-of way plan and funding for 43rd Ave SE (SR 524-Sunset Road at 180th St SE) road improvement project. The County needs to purchase a parcel of real property (Tax Parcel Number: 27050900304900) which is in accordance with the Council approved Right-of-Way Plan dated 10/25/2019. The County and the owners are unable to agree upon compensation. Public works is requesting Council authorize the Prosecuting Attorney begin condemnation proceedings.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU

CURRENT YR

2ND YR

1ST 6 YRS

TOTAL

REVENUE: FUND, AGY, ORG, REV, SOURCE
CURRENT YR
2ND YR
1ST 6 YRS

TOTAL

DEPARTMENT FISCAL IMPACT NOTES: This project is included in the 2021-2026 Transportation Improvement Plan (TIP) and also the adopted 2021 Annual Construction Program (ACP) as Item E.59 and the 2021 ACP.

CONTRACT INFORMATION:
ORIGINAL

CONTRACT#

AMOUNT

AMENDMENT

CONTRACT#

AMOUNT

Contract Period
ORIGINAL
START

END

AMENDMENT
START

END

OTHER DEPARTMENTAL REVIEW/COMMENTS: [Click or tap here to enter text.](#)



C O N D E M N A T I O N M E M O R A N D U M

TO: **DEBBIE ECO**, Clerk of the Council

ELECTRONIC COPIES TO: **DEBBIE ECO**, Clerk of the Council; **ELENA LAO**, Assistant to the Clerk of the Council; **GEOFFREY THOMAS**, Chief of Staff; **KELLY SNYDER**, Public Works Director; **DOUGLAS W. MCCORMICK**, Public Works Engineering Services County Engineer; **JANICE FAHNING**, Public Works Engineering Services Director; **JASON CUMMINGS**, Chief Civil Deputy Prosecuting Attorney; and **M. JANE ANDERSON**, Public Works Right-of- Way Supervisor

FROM: *JB* **JOSEPH P. BENNETT**, Special Deputy Prosecuting Attorney

VIA: JF **JANICE FAHNING**, Public Works Engineering Services Director

DATE: September 16, 2021

CONFIRMATION OF EMAIL: SENT ON 09/17/2021

RE: **REQUEST FOR AUTHORIZATION TO PROCEED WITH CONDEMNATION**

We are requesting that the Snohomish County Council authorize the attached motion to proceed with condemnation for the following property:

Project Title: 43rd Ave SE (SR524 – Sunset RD at 180th St SE)
Project Number: RC1592 UPI# 16-0040
Parcel Number: 068

Owner Names: Miles D Savage Jr & Lindsay Savage
Site Address: 17927 Sunset RD, Bothell, WA 98012

Mailing Address: Miles D Savage Jr – 3019 168th Ave Ne, Bellevue, WA 98008
Mailing Address: Lindsay Savage – 261 SE Craig RD #11, Shelton, WA 98584

Tax Parcel Number: 27050900304900

Please notify Jane Anderson Public Works Right-of-Way Supervisor, at jane.anderson@snoco.org when the Council staff has scheduled an Executive Session for this item.