ORDINANCE NO. 22-009
APPROVING AND AUTHORIZING THE VACATION AND ABANDONMENT OF A PORTION OF RICHMOND ROAD AND A PORTION OF 208TH ST SE, SNOHOMISH COUNTY ROAD RIGHTS-OF-WAY

WHEREAS, under Chapter 36.87 RCW and Chapter 13.100 Snohomish County Code (SCC), Snohomish County (the “County”) has the authority to vacate and abandon County rights-of-way determined to be useless; and

WHEREAS, on August 10, 2020, Prospect Development LLC submitted a petition pursuant to RCW 36.87.020 and SCC 13.100.030 to vacate and abandon a portion of Richmond Road and a portion of 208th St SE, both Snohomish County road rights-of-way; and

WHEREAS, on February 19, 2021, Prospect Development LLC, conveyed property known as the Camberfield SFDU to Pacific Ridge-DRH LLC, via bargain and sale deed recorded under Snohomish County Auditor’s File Number 202102190908; and

WHEREAS, with the transfer of the Camberfield SFDU, Pacific Ridge-DRH LLC became the vacation and abandonment petitioner (“Petitioner”); and

WHEREAS, the Camberfield SFDU abuts the portions of rights-of-way petitioned to be vacated and abandoned; and

WHEREAS, on February 7, 2022, the Snohomish County Road Engineer (“County Engineer”), pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report examining the road rights-of-way proposed to be vacated and abandoned; and
WHEREAS, the Snohomish County Council ("County Council"), considered the County Engineer’s report and the exhibits attached to the report supporting his recommendation; and

WHEREAS, the County Engineer has determined that all criteria to vacate and abandon a portion of Richmond Road and a portion of 208th St SE exists and recommends that said County road rights-of-way be vacated and abandoned; and

WHEREAS, on this 23rd day of March, 2022, pursuant to RCW 36.87.060 and SCC 13.100.060, the County Council held a public hearing to consider the County Engineer’s report and to receive public testimony;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

Section 2. The County road rights-of-way described in Exhibits A and Exhibit B and depicted on Exhibits A1 and B1, both attached to this ordinance and incorporated herein by reference, are useless for County road purposes and the public will be benefited by their vacation.

Section 3. The County road rights-of-way described and depicted in the attached exhibits are vacated upon satisfaction of the terms and conditions contained in this ordinance.

Section 4. Under Chapter 36.87 RCW and Chapter 13.100 SCC, the vacation of the County road rights-of-way granted herein shall not take effect unless within one year of the date this ordinance is passed by the County Council the Department of Public Works (DPW) files a certification with the Clerk of the Council stating the Petitioner has paid the itemized costs and expenses of the proceedings enumerated by DPW under SCC 13.100.070 and identified in the Engineer’s Report.

Section 5. Generally, under Chapter 36.87 RCW and Chapter 13.100 SCC the vacation of a County road right-of-way shall not take effect unless within one year of the date this ordinance passed by the County Council the Petitioner has paid the County the value of the road rights-of-way vacated according to the schedule set forth in SCC 13.100.080. The road rights-of-way petitioned to be vacated and abandoned here are classified as Class C under SCC 13.100.040(7)(d) and, therefore generally under SCC 13.100.085, the Petitioner is required to compensate the County 50 percent of the appraised value of $57,619.62 which equals $28,809.81, unless such requirement is waived by the County Council under SCC 13.100.080(3). Here, the County Engineer
ORDINANCE NO. 22-009
APPROVING AND AUTHORIZING THE VACATION AND ABANDONMENT OF A PORTION OF RICHMOND ROAD AND A PORTION OF 208th STREET SE, SNOHOMISH COUNTY ROAD RIGHTS-OF-WAY - 3

Section 6. The County retains an easement in respect to the vacated land for the construction, repair and maintenance of utilities and services within the vacated portions of the rights-of-way vacated by this ordinance as allowed under RCW 36.87.140 and SCC 13.100.100.

Section 7. Upon the Clerk of the County Council receiving confirmation from DPW that the Petitioner has made timely and full payment as required by Chapter 36.87 RCW and Chapter 13.100 SCC, this ordinance shall be recorded and become effective. In the event the Petitioner fails to make payment of the compensation required within one year of the date this ordinance is passed by the County Council, this ordinance shall automatically become void and have no further force or effect.

Section 8. This ordinance shall not be recorded, and the vacation of the rights-of-way shall not be effective until the new Richmond Road extension identified as “Road A” in the May 4, 2021, administrative site plan approval for the Camberfield SFDU (File Number 19 113061 SPA) is constructed and accepted by the County and established as a County road.

Passed this day 23rd day of March, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

[Signature]
Chairperson
ORDINANCE NO. 22-009
APPROVING AND AUTHORIZING THE VACATION AND ABANDONMENT OF A PORTION OF RICHMOND ROAD AND A PORTION OF 208th STREET SE, SNOHOMISH COUNTY ROAD RIGHTS-OF-WAY

ATTEST:

____________________________
M. L. A. u
Asst. Clerk of the Council

(X) APPROVED

____________________________
County Executive

( ) EMERGENCY

____________________________
Date

( ) VETOED

ATTEST:

Melissa Jeraghty

APPROVED AS TO FORM:

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Deputy Prosecuting Attorney

3/24/2022

2/3/22
Exhibit A

LEGAL DESCRIPTION ROAD RIGHT-OF-WAY VACATION

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M., BEING A PORTION OF LOTS 9, BLOCK 19, ALDERWOOD MANOR NO. 5, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGES 79-83, INCLUSIVE, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 9;
THENCE NORTH 89°45'09" WEST, ALONG THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 364.85 FEET TO A POINT ON THE EASTERLY MARGIN OF THAT PORTION OF CUL-DE-SAC AREA DEEDED TO SNOHOMISH COUNTY PER QUIT CLAIM DEED RECORDED UNDER AFN. 8007300168, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING A PORTION OF RICHMOND ROAD AND THE TRUE POINT OF BEGINNING;
THENCE ALONG SAID EASTERLY MARGIN SOUTH 7°03'03" EAST A DISTANCE OF 35.40 FEET TO THE SOUTHEAST CORNER OF SAID AREA DEEDED TO SNOHOMISH COUNTY;
THENCE CONTINUING ALONG THE SOUTHERLY MARGIN OF SAID AREA DEEDED TO SNOHOMISH COUNTY SOUTH 42°35'04" WEST A DISTANCE OF 61.78 FEET;
THENCE NORTH 18°21'38" WEST A DISTANCE OF 11.39 FEET TO A POINT OF CURVATURE TO THE RIGHT WHOSE RADIUS IS 143.50 FEET;
THENCE ALONG SAID CURVE AN ARC LENGTH OF 70.91 FEET THROUGH A CENTRAL ANGLE OF 28°18'47";
THENCE SOUTH 89°45'09" EAST A DISTANCE OF 46.19 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

SAID PARCEL HAVING 3,001 SQUARE FEET.

18159

7/13/2021
Exhibit B

LEGAL DESCRIPTION ROAD RIGHT-OF-WAY VACATION

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M., BEING A PORTION OF LOT 8, BLOCK 19, ALDERWOOD MANOR NO. 5, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGES 79-83, INCLUSIVE, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8;
THENCE NORTH 0°14'51" EAST ALONG THE EAST LINE OF SAID LOT 8 A DISTANCE OF 10.00 FEET TO THE NORTH LINE OF AREA DEEDED TO SNOHOMISH COUNTY BY INSTRUMENT RECORDED UNDER AUDITORS FILE NUMBER 223804, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
THENCE NORTH 89°45'09" WEST, ALONG SAID NORTH LINE A DISTANCE OF 245.36 FEET TO A POINT ON THE EASTERLY LINE OF CULC-DE-SAC AREA DEEEDED TO SNOHOMISH COUNTRY BY QUIT CLAIM DEED RECORDED UNDER AFN. 8007300168, RECORDS OF SNOHOMISH COUNTY WASHINGTON, AND THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 89°45'09" WEST A DISTANCE OF 21.23 FEET TO A NON-TANGENT CURVE TO THE RIGHT WHOSE RADIUS BEARS NORTH 24°37'54" EAST AND WHOSE RADIUS IS 106.50 FEET;
THENCE ALONG THE CURVE AN ARC DISTANCE OF 52.39 FEET THROUGH A CENTRAL ANGLE OF 28°11'08" TO A POINT ON THE NORTH MARGIN OF SAID AREA DEEDED TO SNOHOMISH COUNTY;
THENCE NORTH 87°09'47" EAST ALONG THE NORTH MARGIN OF SAID AREA DEEDED TO SNOHOMISH COUNTY A DISTANCE OF 50.14 FEET TO THE NORTHEAST CORNER OF SAID AREA;
THENCE SOUTH 18°21'38" EAST ALONG THE EASTERLY MARGIN OF SAID AREA DEEDED TO SNOHOMISH COUNTY A DISTANCE OF 36.90 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

SAID PARCEL HAVING 1,345 SQUARE FEET.

18159 7/13/2021
Exhibit B1