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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 08-088

CREATING SNOHOMISH COUNTY ROAD IMPROVEMENT DISTRICT NO. 31  
FOR IMPROVEMENT OF THE MONTE CRISTO GRADE ROAD;  
ADDING A NEW CHAPTER TO TITLE 4 OF SNOHOMISH COUNTY CODE

WHEREAS, on May 19, 2008, the Snohomish County Council passed Motion No. 08-291 declaring its intent to create a Snohomish County road improvement district ("RID") for the improvement of Monte Cristo Grade Road, and setting a date and time for a public hearing on the formation of the proposed RID; and

WHEREAS, following mailed and published notice given as provided by law, the Snohomish County Council held that public hearing on July 9, 2008 to consider formation of the proposed RID; and

WHEREAS, testimony was received at that hearing from Public Works staff, property owners and interested parties regarding the formation of said proposed RID; and

WHEREAS, a report of the Director of the Department of Public Works estimating the costs and expenses of the proposed improvements, and containing a description of the boundaries of the proposed district, a statement of the proportion of the costs and expenses of the proposed improvements to be borne by the property within the proposed district, and a diagram showing thereon the lots, tracts and parcels of land and other property to be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each such lot, tract, or parcel of land or other property, and all other papers and information in his possession touching the proposed improvement, has been filed with the Clerk of the County Council;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. It is hereby found that the plan for improvement or construction in RID No. 31 is feasible and that the benefits to be derived therefrom by the property within said district, together with the amount of any Snohomish County Road Fund, FEMA, and State participation, exceed the cost and expense of the formation of said district and the contemplated construction or improvement therein.

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CREATING RID NO. 31 FOR IMPROVEMENT OF  
THE MONTE CRISTO GRADE ROAD, ETC.—Page 1 of 5

Section 2. Snohomish County Road Improvement District No. 31 ("RID No. 31" or the "District") is hereby formed pursuant to Chapters 36.88 RCW and 35.43 RCW. Said District shall include all the territory described as follows:

All that portion of Sections 8, 9, 15, 16, and 17, Township 30 North, Range 8 East, W.M. being more particularly described as follows:

All that portion of the SE Quarter of said Section 8 lying southerly of the South Fork of the Stillaguamish River;

All that portion of the SW Quarter of said Section 9 lying southerly of the South Fork of the Stillaguamish River;

The SE Quarter and the NE Quarter of said Section 17;

The SW Quarter and the SE Quarter of said Section 16;

All that portion of the NW Quarter and the NE Quarter of said Section 16 lying southerly of the South Fork of the Stillaguamish River;

All that portion of the NW Quarter and the SW Quarter of said Section 15 lying southerly of the South Fork of the Stillaguamish River;

Situate in the County of Snohomish, State of Washington.

Section 3. It is hereby found that the boundaries of the District described in Section 2 embrace as nearly as practicable all the property specially benefited by the improvements. It is also hereby found that the improvements as a whole are a special benefit to the entire property within RID No. 31.

Section 4. The improvements (the "Project") shall consist of re-establishing access to Monte Cristo Grade Road by constructing a bridge approximately 260 feet in length across the South Fork of the Stillaguamish River connecting 342<sup>nd</sup> Drive NE to Monte Cristo Grade Road. The improvements shall include other such work as may be incidental thereto. The improvement shall be located as shown on the map attached hereto as Exhibit A and incorporated herein by this reference.

Section 5. The total cost and expense of accomplishing the Project is estimated to be \$2,141,000; and the proportionate cost to be borne by the benefited property with the District shall be equal to twelve and one-half percent (12.5%) of the cost of the improvements identified in Section 3, including all

associated RID costs and expenses, over \$1,000,000. The final amount of said cost and expense to be borne by said benefited property, which amount will be determined after the Project has been completed, will be assessed on the basis of the area or square feet of the benefited properties and will be fixed in a final assessment roll to be approved at a public hearing by the Snohomish County Council.

Assessments may be paid in full without interest or penalty within thirty (30) days of a date to be set by the Council in the ordinance confirming the final assessment roll. Thereafter, the remaining balance may be paid in three equal annual installments of principal and interest. Assessments or installments thereof which are delinquent shall continue to bear interest and, in addition, shall bear a penalty at a rate per annum to be established by the Council in the ordinance confirming the final assessment roll from the date of delinquency until paid. The amount of the final assessment, together with interest and any penalty thereon, shall become a lien upon the property within RID No. 31.

Section 6. The Director of Public Works is hereby authorized and directed to contract with the necessary parties for the construction of such Project. All land, premises, or property necessary for right of way in the construction of the Project shall be acquired by gift, purchase, or condemnation. In the event of any exercise of the power of eminent domain, the procedure shall be the same as is provided by law for the securing of right of way for County roads. When the Project has been completed and all the costs and expenses are known or can be predicted with reasonable accuracy, said Director is further authorized and directed to prepare and file with the Clerk of the Snohomish County Council a final assessment roll setting forth that portion of the total costs and expenses of the Project to be assessed against all the property within RID No. 31 and the amount to be assessed against each lot, tract, or parcel or other property therein.

Section 7. A new chapter is added to Title 4 of the Snohomish County Code to read:

#### **Chapter 4.15**

#### **Road Improvement District 31 Fund**

Sections:	
4.15.010	Creation and purpose.
4.15.020	Source of resources.
4.15.030	Administration of fund.

**4.15.010 Creation and purpose.**

There is hereby created a road improvement district 31 fund (217), which shall be used to account for the revenues and expenditures associated with the improvements constituting the bridge across the South Fork of the Stillaguamish River connecting 342<sup>nd</sup> Drive NE to Monte Cristo Grade Road as established by ordinance 08-088

**4.15.020 Source of resources.**

The road improvement district 31 fund shall contain revenues from interim financing warrants, interfund loans, commercial lending institution loans, special benefit assessments, appropriations, gifts, bequests, bond proceeds or other financing sources relevant to the improvements described in SCC 4.15.010.

**4.15.030 Administration of fund.**

The director of the department of finance or his or her designee shall administer the road improvement district 31 fund within the financial management system provided for in chapter 2.100 SCC, and shall serve as the fund manager. The fund manager shall have the duties set out in SCC 4.05.060.

Section 8. Monies in the Road Improvement District No. 31 Fund created by Section 7 of this ordinance shall be used for no other purpose than the payment of costs and expenses of accomplishing the Project and the payment of the principal of or interest on warrants, notes or bonds issued against said Fund.


Section 9. "Costs and expenses of accomplishing the Project," as used herein and in any subsequent ordinance relating to RID No. 31, shall mean those costs and expenses directed in RCW 36.88.300, as follows: (1) the cost of all of the construction or improvement authorized in RID No. 31 including that portion of the construction or improvement within the limits of any street or road intersection, space, or spaces; (2) the costs and expenses of all engineering and surveying necessary to be done by the County engineer or under his direction or by such other engineer as may be employed by the County Council; (3) the cost of all advertising, mailing, and publishing of all notices; and (4) the cost of legal service and any other expenses incurred by Snohomish County for RID No. 31 or in the formation thereof, or by said District in connection with such construction or improvement and in the financing thereof, including the issuance of bonds, notes or warrants.

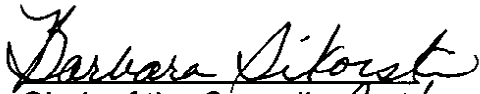
Section 10. The Director of Public Works is hereby directed to identify and seek additional sources of funding prior to the development of the final assessment roll in an effort to reduce the proportionate cost to be borne by the property within the District.

PASSED this 9<sup>th</sup> day of July, 2008.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ATTEST:

  
Chairperson

  
Clerk of the Council, *Asst.*

- APPROVED  
 EMERGENCY  
 VETOED


DATE: 7/14/08

ATTEST:



  
for County Executive  
**MARK SOINE**  
Deputy Executive

Approved as to form only

  
Deputy Prosecuting Attorney

Monte Cristo Grade Road  
Survey 3870, RC 1337  
June 25, 2007

EXHIBIT A  
Monte Cristo Grade Road  
Road Improvement District (R.I.D.)

All that portion of Sections 8, 9, 15, 16, and 17, Township 30 North, Range 8 East, W.M. being more particularly described as follows:

All that portion of the SE Quarter of said Section 8 lying southerly of the South Fork of the Stillaguamish River;

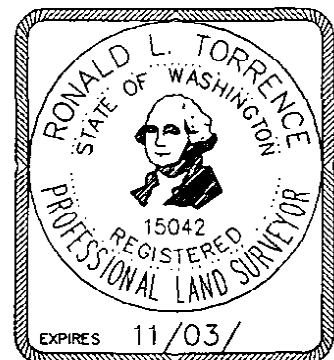
All that portion of the SW Quarter of said Section 9 lying southerly of the South Fork of the Stillaguamish River;

The SE Quarter and the NE Quarter of said Section 17;

The SW Quarter and the SE Quarter of said Section 16;

All that portion of the NW Quarter and the NE Quarter of said Section 16 lying southerly of the South Fork of the Stillaguamish River;

All that portion of the NW Quarter and the SW Quarter of said Section 15 lying southerly of the South Fork of the Stillaguamish River;



SEC. 8, 9, 15, 16, and 17, T.30 N., R. 8 E.

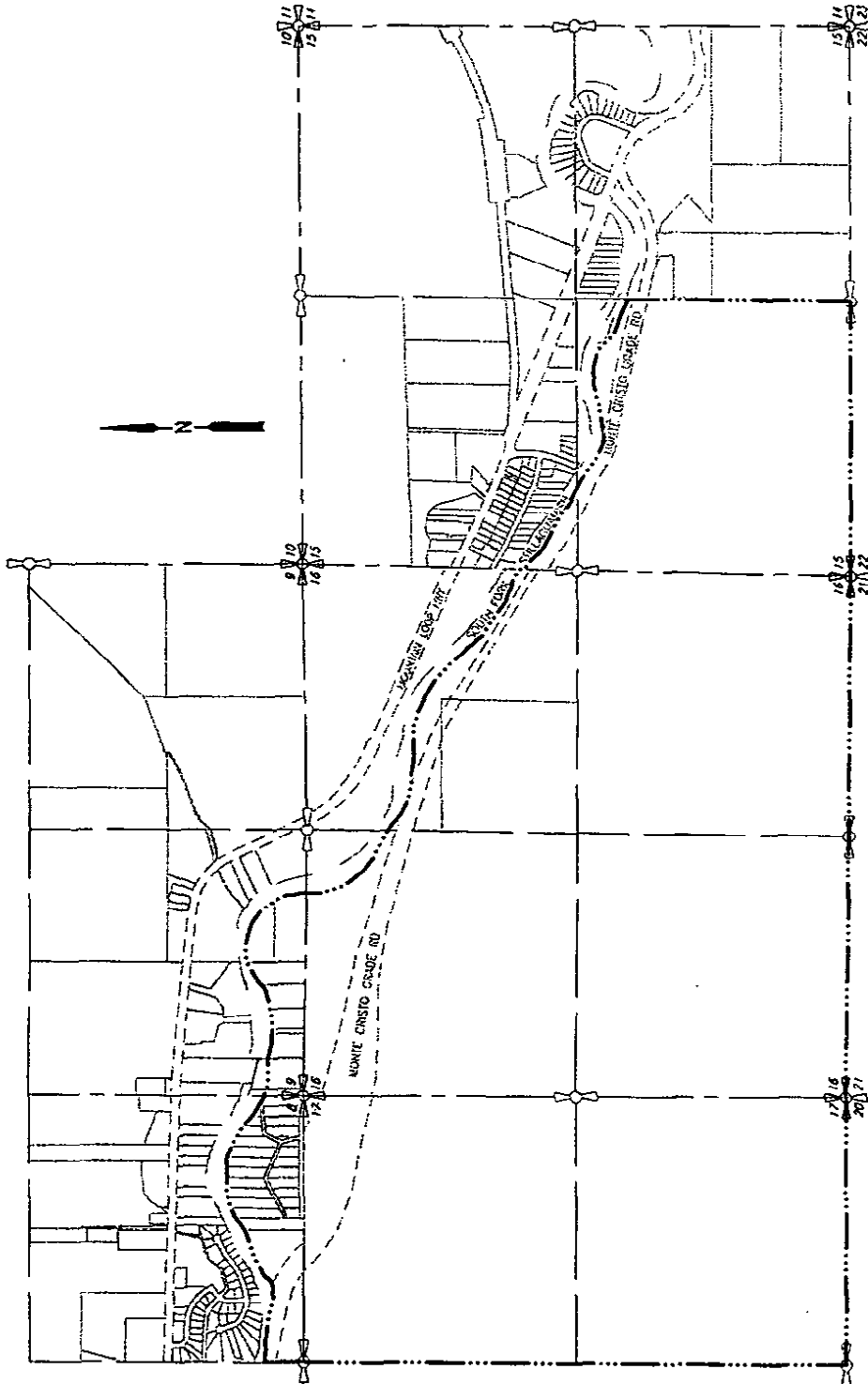


Exhibit B  
Monte Cristo Grade Rd  
Road Improvement District (R.I.D.)  
SN 3870/RC1337

