

After Recording Return To:
Clerk of the Council
Snohomish County Council
3000 Rockefeller Avenue – M/S 609
Everett, WA 98201

In the matter of: 119th St SW Right of Way Vacation

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 21-022

AN ORDINANCE VACATING A PORTION OF 119th St SW
A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY

WHEREAS, on July 18, 2018, Solstice Management LLC and JERD Investments LLC (the Petitioners) submitted a petition pursuant to RCW 36.87.020 and SCC 13.100.030, to vacate and abandon a portion of 119th St SW, a Snohomish County road right-of-way; and

WHEREAS, the County Road Engineer, pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report examining the road right-of-way proposed to be vacated and abandoned; and

WHEREAS, the County Road Engineer has determined that all criteria to vacate and abandon a portion of 119th St SW exist and recommends that said county road right-of-way be vacated and abandoned; and

WHEREAS, on this 19th day of May, 2021, pursuant to RCW 36.87.060 and SCC 13.100.060, the County Council held a public hearing to consider the County Road Engineer's report and to hear public testimony;

NOW, THEREFORE, BE IT ORDAINED:

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

Section 2. The County Council further finds that the County road right-of-way described in Exhibit A and depicted in Exhibit B, both attached to this ordinance and incorporated herein by reference, is useless for County road purposes and the public will be benefited by its vacation.

Section 3. The County Council finds that the portion of the County road right-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 right-of-way granted herein shall not take effect unless within one year of the date this ordinance is passed by the County Council, DPW files a certification with the Clerk of the Council stating the Petitioners have paid all itemized costs and expenses of the proceedings enumerated by the Department of Public Works under SCC 13.100.070 and this Ordinance has been recorded

Section 5. Under Chapter 36.87 RCW and Chapter 13.100 SCC, the vacation of the County road right-of-way granted herein shall not take effect unless within one year of the date this ordinance is passed by the County Council the Petitioners have paid the County for the value of the road right-of-way vacated according to the schedule set forth in SCC 13.100.080. The road right-of-way is classified as Class C under SCC13.100.040(7)(d), and therefore under SCC 13.100.085 the Petitioners are required to compensate the County 50-percent of the appraised value (\$58,093.00) which equals \$29,046.50.

Section 6. The Petitioners shall grant and record an easement to the County over the vacated road right-of-way for utilities and for the benefit of the County for the construction, repair and maintenance of public utilities and services within the road right-of-way as provided in RCW 36.87.40 and SCC 13.100.100.

Section 7. The Petitioner, JERD Investments, LLC, shall grant and record an access easement to Lot 126 of the Plat of Paine Field No. 3 (PPF3) over the north 20 feet of the south half of the vacated ROW and Lot 125PPF over the north 20 feet of the south half of the vacated ROW adjacent to Lot 124 PPF3

Section 8. Upon the Clerk of the County Council receiving confirmation from the Department of Public Works that the Petitioners have 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 Petitioners fail 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.

Passed this day 19th day of May, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Stephanie Wright

Stephanie Wright, Chairperson

ATTEST:

Melua Ras

Assistant Clerk of the Council

- (X) APPROVED
- () EMERGENCY
- () VETOED

[Signature]

County Executive

5/20/2021

Date

ATTEST:

Melissa Geraghty

APPROVED AS TO FORM:

Deputy Prosecuting Attorney

EXHIBIT 'A'

LEGAL DESCRIPTION OF SUBJECT PROPERTY

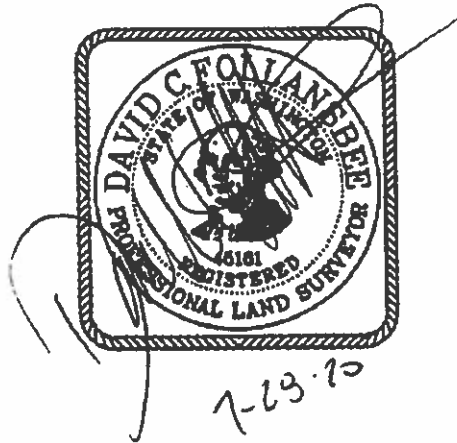
THAT PORTION OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 28 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF 119TH STREET SOUTHWEST LYING SOUTH OF TRACTS 126 AND 127, PAINE FIELD NUMBER 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGES 110 AND 111, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

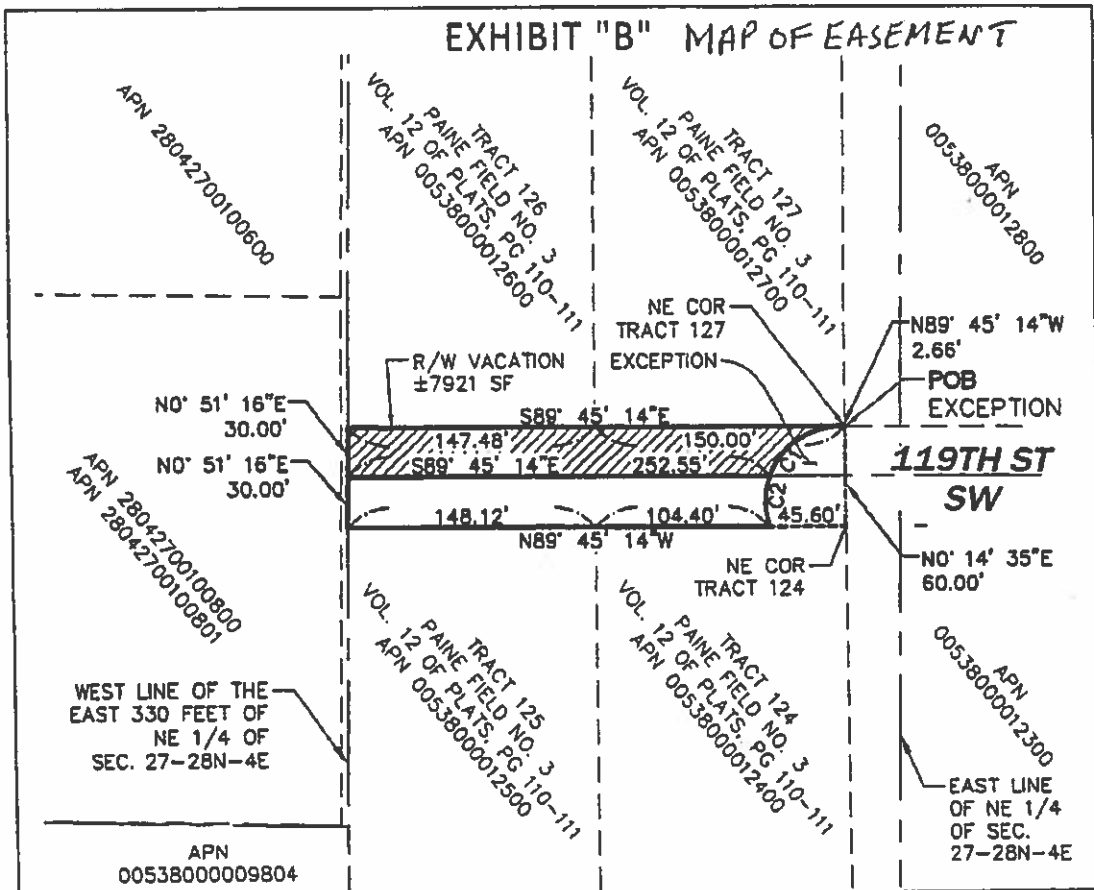
BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 127,
THENCE ALONG THE SOUTH LINE OF SAID TRACT 127 NORTH 89°45'14" WEST 2.66 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 45.50 FEET;
THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 108°20'16", A DISTANCE OF 86.03 FEET TO THE NORTH LINE OF SAID TRACT 124 AND A POINT OF NON-TANGENCY;
THENCE ALONG SAID NORTH LINE SOUTH 89°45'14" EAST 45.60 FEET TO THE NORTHEAST CORNER OF SAID TRACT 124;
THENCE NORTH 00°14'35" EAST 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7921 SQUARE FEET, OR 0.18 ACRES, MORE OR LESS.



AWWD UTILITY EASEMENT ON-SITE
PAGE 4 OF 5

EXHIBIT "B" MAP OF EASEMENT



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	55.46	45.50	69°50'15"	S55° 04' 53"W	52.09
C2	30.57	45.50	38°30'01"	S0° 54' 45"W	30.00

SEE EXHIBIT A FOR LEGAL DESCRIPTION



JOB NO. 2120788 7/20/20
 RIGHT-OF-WAY VACATION
 LEGAL BY: SAR EXHIBIT BY: SAR
 NE 1/4, NE 1/4, S27, T28N, R04E
 w:\edakpro\2012\2120788\2120788 rw vacation.dwg



2215 North 30th Street,
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 Tacoma, WA 98403
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 253.383.2572 FAX

THIS EXHIBIT HAS BEEN PREPARED TO ASSIST IN THE INTERPRETATION OF THE ACCOMPANYING LEGAL DESCRIPTION. IF THERE IS A CONFLICT BETWEEN THE WRITTEN LEGAL DESCRIPTION AND THIS SKETCH, THE LEGAL DESCRIPTION SHALL PREVAIL.