

Approved: 3/22/2023

Effective: 4/06/2023

1 SNOHOMISH COUNTY COUNCIL
2 SNOHOMISH COUNTY, WASHINGTON

3
4 ORDINANCE NO. 23-014

5
6 APPROVING AND AUTHORIZING THE SNOHOMISH COUNTY COUNCIL TO
7 RATIFY AND CONFIRM TERMINATION OF ABC AGREEMENTS WITH THE
8 UNITED STATES ARMY CORPS OF ENGINEERS
9

10
11 WHEREAS, Snohomish County (the "County") entered a Resolution to
12 Assume Obligations of Local Participation (ABC agreements) with the Army
13 Corps of Engineers for levees known as Fern Bluff Levee, Crabbs Levee, Robe
14 Hill Levee, Marshland, and Schlamp Levee; and
15

16 WHEREAS, the levees were built before current environmental regulations
17 were enacted including the Federal Clean Water Act, the Endangered Species
18 Act, the State Water Pollution Control Act, the Washington Shoreline
19 Management Act, making levee maintenance permitting more challenging; and
20

21 WHEREAS, the levees were built to protect private property and do not
22 serve a direct public purpose; and
23

24 WHEREAS, the levees have been abandoned with no record of
25 maintenance in over 30 years, except for repairs of the Schlamp levee in 1995;
26 and
27

28 WHEREAS, the County Council held a public hearing on March 23, 2023,
29 to ratify and confirm termination of these ABC agreements attached as Exhibit A
30 and shown on a map attached as Exhibit B to this ordinance on the County's
31 behalf;
32

33 NOW, THEREFORE, BE IT ORDAINED:
34

35 Section 1. The County Council hereby adopts the foregoing recitals as
36 findings of fact and conclusions as if set forth in full herein.
37

38 Section 2. The County Council ratifies and affirms that the ABC
39 Agreements have been abandoned and otherwise terminated due to the lack of
40 any primary public benefit or purpose served by the Agreements and requests
41 that the US Army Corps of Engineers accepts and confirms termination of the
42 ABC of the *ABC Agreements* for Fern Bluff Levee, Crabbs Levee, Robe Hill
43 Levee, Marshland, and Schlamp Levee.
44
45
46

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

PASSED this 22nd day of March, 2023

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Jared Mead

Council Chair

ATTEST:

M. Deunlar

Deputy Clerk of the Council

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

DATE: March 27, 2023

[Signature]

County Executive

ATTEST:

Melissa Geraghty

Approved as to form only:

Deputy Prosecuting Attorney

COUNTY SNOWHOMISH, State of WASHINGTON

PRIVATE LEVEE ON JOHN HUNSAN PROPERTY

AGREEMENT

IN THE MATTER OF FLOOD CONTROL ON SNOWHOMISH CREEK RIVER in SNOWHOMISH COUNTY, WASHINGTON) RESORTION TO) ASSUME OBLIGATIONS) OF LOCAL COOPERATION

WHEREAS, The United States has made available funds for a project for flood control on SNOWHOMISH River, in John Hunsan Property in Snowhomish County, Washington, ~~substantially shown~~ on Drawing No. E-2-6-108, ~~in 1 sheets, dated 19 Dec 59~~ attached hereto and made a part hereof; and

WHEREAS, In accordance with the provisions of the Flood Control Act, approved 22 June 1936, as amended (33 USC Section 701c), and pertinent administrative determinations such funds cannot be used until a responsible local agency has given assurances satisfactory to the Secretary of the Army that it will:

a. Furnish without cost to the United States all lands, easements, **and necessary borrow areas and materials,** rights-of-way, and rights-of-entry, and perform all necessary alterations to utilities;

b. Hold the United States free from any claims for damages arising out of the construction;

c. Maintain and operate the project works, after construction; and

~~and contribute in cash the sum of \$~~

d. **Repair all other areas of levee damaged concurrent with repairs by Corps of Engineers.**

WHEREAS, SNORCHISE COUNTY, is empowered by the laws of the State of WASHINGTON, to furnish the local cooperation above set forth, and to levy taxes in the amounts necessary to fulfill the terms of cooperation.

NOW, THEREFORE, BE IT RESOLVED BY The Board of Commissioners of Snorichish COUNTY, Washington, that said

County does hereby assume and agree to perform the above-named obligations; and there is hereby granted to the United States of America, its agents and its Contractors, the right to enter on and use any lands owned by or under the control of said County for the purpose of constructing the project.

DATED this 28 day of December, 1959

BOARD OF COUNTY COMMISSIONERS

by W. A. Hyatt, Chairman,

ATTEST:

Marcella Strieby
Secretary

O.K.
Earl Samuell
County Eng.

TEMPLE CRABBS & DEVIL'S BUTTE RANCH LEVEE

COUNTY OF SNOHOMISH, STATE OF WASHINGTON

IN THE MATTER OF FLOOD CONTROL ON SNOHOMISH) RESOLUTION TO
RIVER IN SNOHOMISH COUNTY, WASHINGTON) ASSUME OBLIGATIONS
) OF LOCAL COOPERATION

WHEREAS, The United States has made available funds for a project for flood control on the Snohomish River, in Snohomish County, Washington, involving restoration of the levees on Temple Crabbs Farm and on the Devil's Butte Ranch, both of Snohomish County, State of Washington, at the locations designated as Jobs SR-C-1 and SR-DB-1, as shown on Drawing No. E-2-6-306, in 2 sheets dated 2 April 1965, attached hereto and made a part hereof; and

WHEREAS, In accordance with the provisions of the Flood Control Act, approved 22 June 1936, as amended (33 USC Section 701c), and pertinent administrative determinations such funds cannot be used until a responsible person or persons has given assurances satisfactory to the Secretary of the Army that it will:

- a. Furnish without cost to the United States all lands, easements, borrow materials, rights-of-way, and rights-of-entry, and perform all necessary alterations to utilities;
- b. Hold the United States free from any claims for damages arising out of the construction;
- c. Maintain and operate the project works, after construction, in a manner satisfactory to the Chief of Engineers;
- d. Seed the required areas to provide a grass cover for erosion protection; and

e. Prevent any encroachment on the completed work.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners of Snohomish County, Washington, at a regular (special) meeting, that said Board of Commissioners does hereby assume and agree to perform the above-named obligations; and there is hereby granted to the United States of America, its agents and its Contractors, the right to enter on and use any lands owned by or under the control of said County for the purpose of constructing the project.

DATED this _____ day of _____ 1965.

Approved

(exceptions, if any, so noted)

E. J. [Signature]

Snohomish County Engineer

BOARD OF COUNTY COMMISSIONERS
SNOHOMISH COUNTY, WASHINGTON

By

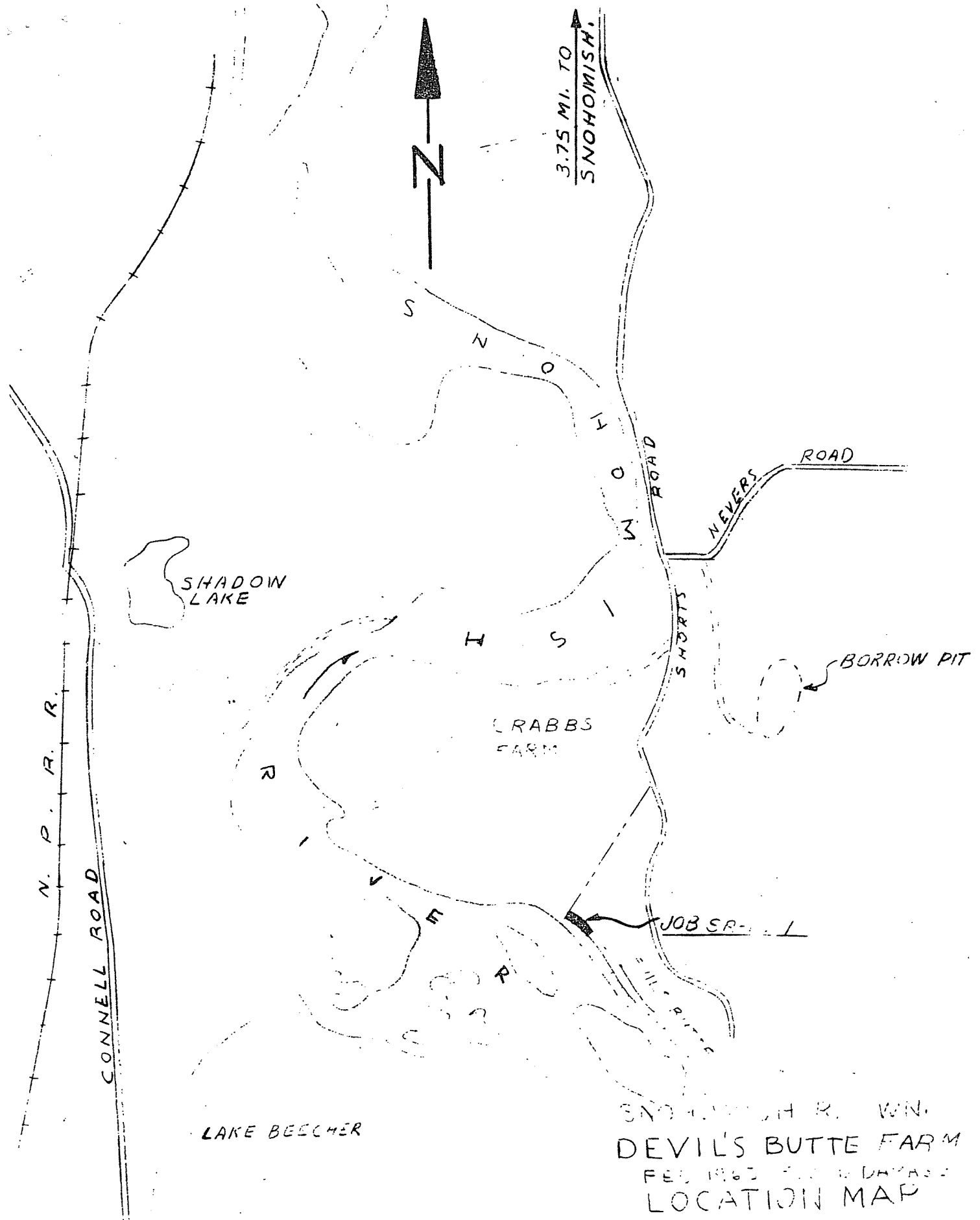
Willard Wyatt
Willard Wyatt, Chairman

J. E. McCollum
J. E. McCollum, Commissioner

Sam Kraetz
Sam Kraetz, Commissioner

ATTEST:

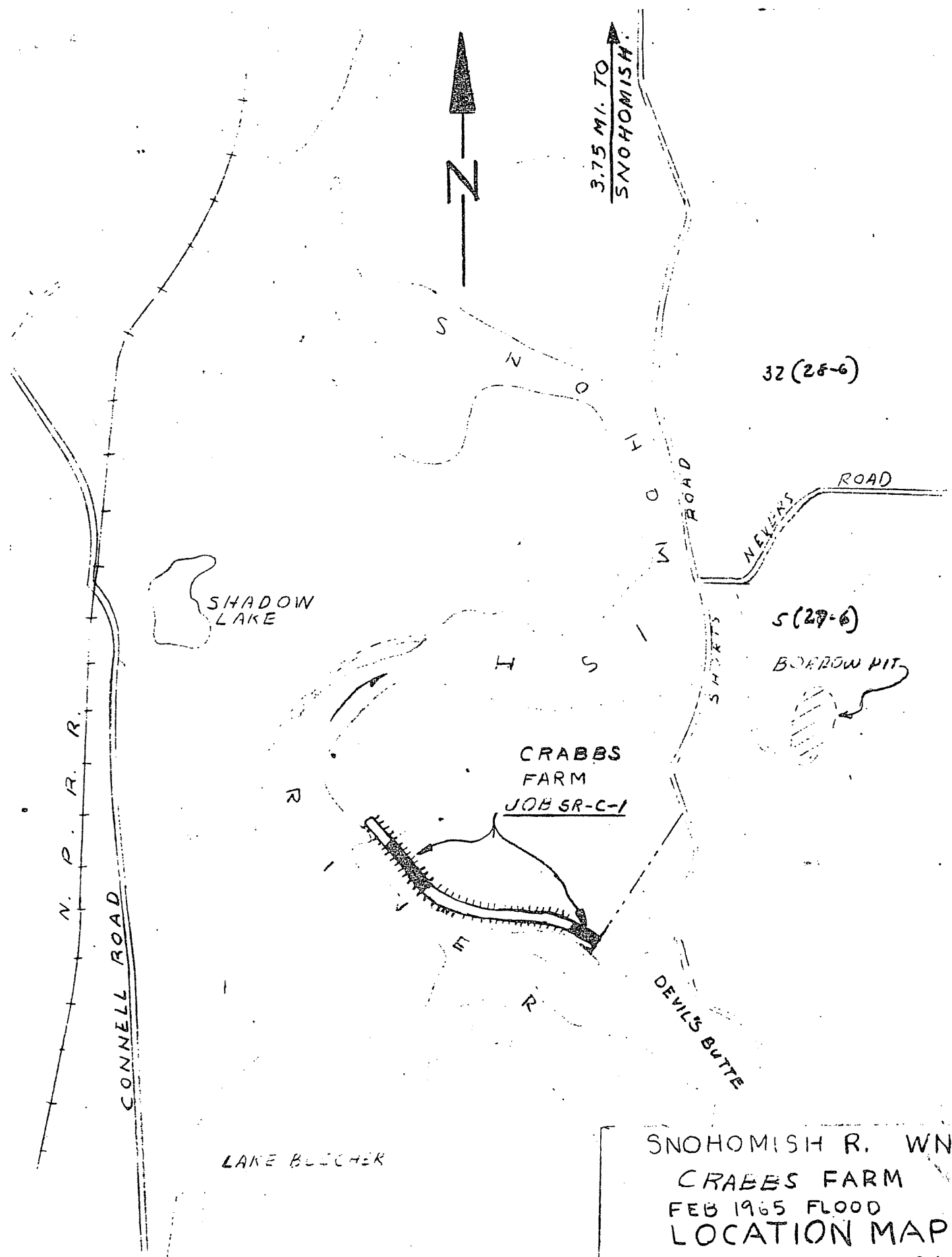
Stanley Dubuque, Auditor
Snohomish County, Wash.



SNOHOMISH R. WIN.
 DEVIL'S BUTTE FARM
 FEB. 1965
 LOCATION MAP

1000 0 1000 2000 3000
 SCALE IN FEET

DWG. NO. E-2-6-306
 2 APRIL 1965
 SHT. 2 of 2



3.75 MI. TO
SNOHOMISH

32 (25-6)

5 (27-6)

BORROW PIT

CRABBS
FARM
JOB SR-C-1

SNOHOMISH R. WN.
CRABBS FARM
FEB 1965 FLOOD
LOCATION MAP

DWG No. E-2-6-306

2 APRIL 1965

SHT. 1 of 2

SCALE IN FEET

RECORD OF THE PROCEEDINGS

Of the Board of County Commissioners of Snohomish County, Washington, DECEMBER 22, 1959. Term, 1959.

on the 16th day of January, 1960, at which time the Board of County Commissioners shall determine whether or not the proposed fire protection district will be conducive to the public safety, welfare and convenience, and will be of special benefit to the land included within the boundaries of the territory proposed to be included within said proposed fire protection district, and at which time the Board of County Commissioners shall further make such changes in the proposed boundaries as they deem proper and shall establish and define the boundaries of the proposed fire protection district, and in event the Board of County Commissioners finds by resolution that the proposed fire protection district will be conducive to the public safety, welfare and convenience, an election will be ordered for the purpose of determining whether or not the district shall be organized and for the purpose of electing three (3) fire commissioners, and,

BE IT FURTHER RESOLVED that copy of said petition, with the names of said petitioners omitted, together with notice by the Clerk of the Board of County Commissioners stating the day, hour and place when and where the hearing on said petition shall take place, shall be published for three weekly, consecutive issues of the Everett Daily Herald and the said Clerk shall also cause a copy of said petition with the names of the petitioners omitted, together with a copy of said notice attached to be posted for not less than fifteen (15) days prior to the day herein designated as the day of said hearing in each of three (3) public places within the boundaries of the proposed district, to be previously designated by said Clerk, and made a matter of record in the proceedings herein on said petition.

COUNTY ROAD PROJECT APPROVED

WHEREAS, it is deemed necessary by the Board of County Commissioners to improve the Benson Creek Bridge #474 located in Section 16, Township 30 North, Range 8 East W. M. on the Mountain Loop Highway, by the installation of double-length, precast concrete panels and treated fir piling and timbers, the new bridge to be 28 feet wide and 40 feet long with seven pile bents,

NOW THEREFORE, BE IT RESOLVED that said improvement be done by the day labor method as provided in Chapter 156, Session Laws of the State of Washington, 1949, and be designated as County Road Project 59-56.

Estimated Cost - \$7,316

This resolution rescinds the resolution initiating County Road Project 59-23, adopted July 20, 1959.

AGREEMENT TO ASSUME OBLIGATIONS FLOOD CONTROL FOR MARSHLAND FLOOD CONTROL DISTRICT

WHEREAS, The United States has made available funds for a project for flood control on Snohomish River, in Snohomish County, Washington, circled in ink on Drawing No. E-2-6-99.8, in 1 sheet, dated 22 December 1959, attached hereto and described below and made a part hereof; and Restore levee section (12' top width) for County Road where top erosion exceeds 1.5 feet; and

WHEREAS, in accordance with the provisions of the Flood Control Act, approved 22 June, 1936, as amended (33 USC Section 701c), and pertinent administrative determination such funds cannot be used until a responsible local agency has given assurances satisfactory to the Secretary of the Army that it will:

- a. Furnish without cost to the United States all lands, easements, rights-of-way, and rights-of-entry, and perform all necessary alterations to utilities;
- b. Hold the United States free from any claims for damages arising out of the construction;
- c. Maintain and operate the project works, after construction; and in addition, will provide borrow areas and borrow materials including rock broken to proper sizes on the quarry floor.

WHEREAS, Snohomish County, is empowered by the laws of the State of Washington to furnish the local cooperation above set forth, and to levy taxes in the amounts necessary to fulfill the terms of cooperation.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Snohomish County, Washington, that said Snohomish County does hereby assume and agree to perform the above-named obligations; and there is hereby granted to the United States of America, its agents and its Contractors, the right to enter on and use any lands owned by or under the control of said County for the purpose of constructing the project.

vol 43
221
RECORD OF THE PROCEEDINGS

Of the Board of County Commissioners of Snohomish County, Washington, AUGUST 8, Term, 1960

G. J. PREECE CO. B-27 43010

CALL FOR BIDS
CORRUGATED METAL PIPE FOR ROAD DEPARTMENT

ON MOTION, the County Auditor is hereby instructed to call for bids for a supply of CORRUGATED METAL PIPE for use by SNOHOMISH COUNTY ROAD DEPARTMENT for a period of one year from date of bid award.

Complete specifications may be obtained from the office of the County Purchasing Agent or the County Engineer, Court House, Everett, Washington.

Bids will be opened on MONDAY, AUGUST 29, 1960, at the hour of 2:00 o'clock p.m. at the County Commissioners' Office, Court House, Everett, Washington.

The bidder must show as separate items on his bid proposal the ADDED amount of the State Sales Tax and the DEDUCTED amount of the Federal Excise Tax (if applicable).

The Board reserves the right to reject any and all bids.

CALL FOR BIDS
RIVER IMPROVEMENT PROJECTS (2)

ON MOTION, the County Auditor is hereby instructed to call for bids to be opened at 10:00 a.m. Monday, August 29, 1960 on River Improvement Projects Numbers 119-60 and 120-60.

Specifications may be obtained at the Soil Conservation District office, 2nd and Union, Snohomish, Washington.

A set of specifications will be on file in the Snohomish County Engineer's office for reference.

ON MOTION, the County Auditor is hereby instructed to call for bids to be opened at 10:00 a.m. Monday, August 29, 1960, on River Improvement Projects Numbers 117-60, 118-60 and 121-60.

Specifications may be obtained at the Soil Conservation District office, 2nd and Union, Snohomish, Washington.

A set of specifications will be on file in the Snohomish County Engineer's office for reference.

Fern Bluff Levee
AGREEMENT TO ASSUME OBLIGATIONS
FLOOD CONTROL PROJECT ON SKYKOMISH RIVER

WHEREAS, the United States has made available funds for a project for flood control on Skykomish River, in Snohomish County, Washington, substantially as shown on Drawing No. E-2-6-130 in 1 sheet dated July 1960, attached hereto and made a part hereof; and

WHEREAS, In accordance with the provisions of the Flood Control Act, approved 22 June 1936, as amended (33 USC Section 701c), and pertinent administrative determinations such funds cannot be used until a responsible local agency has given assurances satisfactory to the Secretary of the Army that it will:

- a. Furnish without cost to the United States all lands, easements, rights-of-way, and rights-of-entry, and perform all necessary alterations to utilities;
- b. Hold the United States free from any claims for damages arising out of the construction;
- c. Maintain and operate the project works, after construction;
- d. In addition, furnish the borrow and bedding material and rock blasted and sized on the quarry floor.

WHEREAS, Snohomish County is empowered by the laws of the State of Washington, to furnish local cooperation above set forth, and to levy taxes in the amounts necessary to fulfill the terms of cooperation.

NOW THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of Snohomish County, Washington, that said County does hereby assume and agree to perform the above-named obligations; and there is hereby granted to the United States of America, its agents and its Contractors, the right to enter on and use any lands owned by or under the control of said county for the purpose of constructing the project.

RESOLUTION APPROVING RIVER IMPROVEMENT PROJECT
SOUTH FORK STILLAGUAMISH RIVER

WHEREAS, The United States has made available funds for a project for protection of Mountain Loop Highway, South Fork, Stillaguamish River near Robe, in Snohomish County, Washington, substantially as shown on Drawing No. E-2-10-95, dated September 1963, attached hereto and made a part hereof; and

WHEREAS, in accordance with the provisions of the 1946 Flood Control Act as amended and supplemented, and pertinent administrative determinations such funds cannot be used until a responsible local agency has given assurances satisfactory to the Secretary of the Army that it will:

- a. Provide without cost to the United States all lands, easements, and rights-of-way, including royalty-free quarries and borrow areas, and all necessary rock blasted to size on quarry floor, required for construction and subsequent maintenance of the project;
- b. Hold and save the United States free from damages that may result from construction and maintenance of the project;
- c. Maintain the project after completion;
- d. Contribute in cash or equivalent construction work all project costs beyond the Federal limitation of \$50,000, such contribution being presently estimated at \$74,000.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, of Snohomish County, Washington, that said Board of County Commissioners does hereby assume and agree to perform the above-named obligations; and hereby grants to the United States of America, its agents and its contractors, the right to enter on and use any land owned by or under the control of said County for the purpose of constructing this project.

INSURANCE POLICY APPROVED

ON MOTION, UNITED PACIFIC INSURANCE COMPANY, POLICY NO. F 88398, in the amount of \$400,500.00, covering County Buildings and Equipment for the period from January 1, 1964, to January 1, 1967.

QUIT CLAIM DEED APPROVED

ON MOTION, the following Quit Claim Deed is hereby APPROVED and ordered placed on file:

R. L. BAYNE, ET UX
Section 17, Township 28 North, Range 5 East, W. M.

DRAINAGE RELEASE OF DAMAGES

ON MOTION, that certain Release of damages given to Snohomish County by EDWIN L. JOHNSON, et ux, concerning the natural flow of drainage from the Plat of Johnson Heights across land owned by said Edwin L. Johnson, in Block 30, Alderwood Manor No. 5, is hereby approved and ordered placed on file.

TREASURERS' DEEDS APPROVED

ON MOTION, the following Treasurer's Deeds are hereby APPROVED and ordered placed on file:

- DEED NO. 4872 Plat of Altamont's Second Addition to Everett, Lot 13, Block 457, North 10 feet, to Magic Springs Development Company, Inc.
- DEED NO. 4873 South Park Addition to Everett, Lots 23 and 24, Block 17, to Magic Springs Development Company, Inc.
- DEED NO. 4874 Section 11, Township 28 North, Range 6 East, W. M., That part of Southeast Quarter (SE $\frac{1}{4}$) Northeast Quarter (NE $\frac{1}{4}$) lying Northeasterly of Wash & West ry R/W, to Magic Springs Development Company, Inc.

U. S. ARMY ENGINEER DISTRICT, SEATTLE
CORPS OF ENGINEERS
1519 SOUTH ALASKAN WAY
SEATTLE 4, WASHINGTON

ADDRESS REPLY TO
DISTRICT ENGINEER
(NOT TO INDIVIDUALS)

REFER TO NPSHS-2

Registered Mail

Office, County Commissioners
Snohomish County
Everett, Washington

27 MAY 1960

ATTENTION: Mr. W. A. Wyatt

Gentlemen:

SKY RIVER

This is to advise you that Emergency Flood Repair, Skykomish River, Project Schalamp SU-7-B, authorized by Public Law 99, 84th Congress, approved 28 June 1955, has been completed.

In accordance with the "Resolution to Assume Obligation of Local Co-operation" by Board of County Commissioners, dated 21 December 1959, responsibility for operation and maintenance of the completed project was to be assumed by you upon completion of the project.

The completion date for this work has been established as of 31 January 1960. Therefore, responsibility for continuance of the facility transferred, by this letter, to you, shall be as of that date.

No operations or maintenance manual will be provided for this work; however, effective annual maintenance is essential to retain the present degree of flood control in the Skykomish River Valley. We propose to make periodic inspections of your levee system for the purpose of assisting you in your maintenance program by furnishing advice on needed levee maintenance and on problems encountered in your program.

The authority under which the Corps of Engineers restored levees damaged by the 1959 flood specifically limited such work to the restoration of levees to their original top height. As experience has shown, levees along the Skykomish River are subject to overtopping and severe erosion in floods comparable to the November 1959 flood. It is imperative that you recognize the limitation of these levee systems and pursue an active maintenance and flood fighting program to obtain the maximum of flood protection.

If there is any question concerning this matter by members of the Board of County Commissioners, feel free to contact me at your convenience.

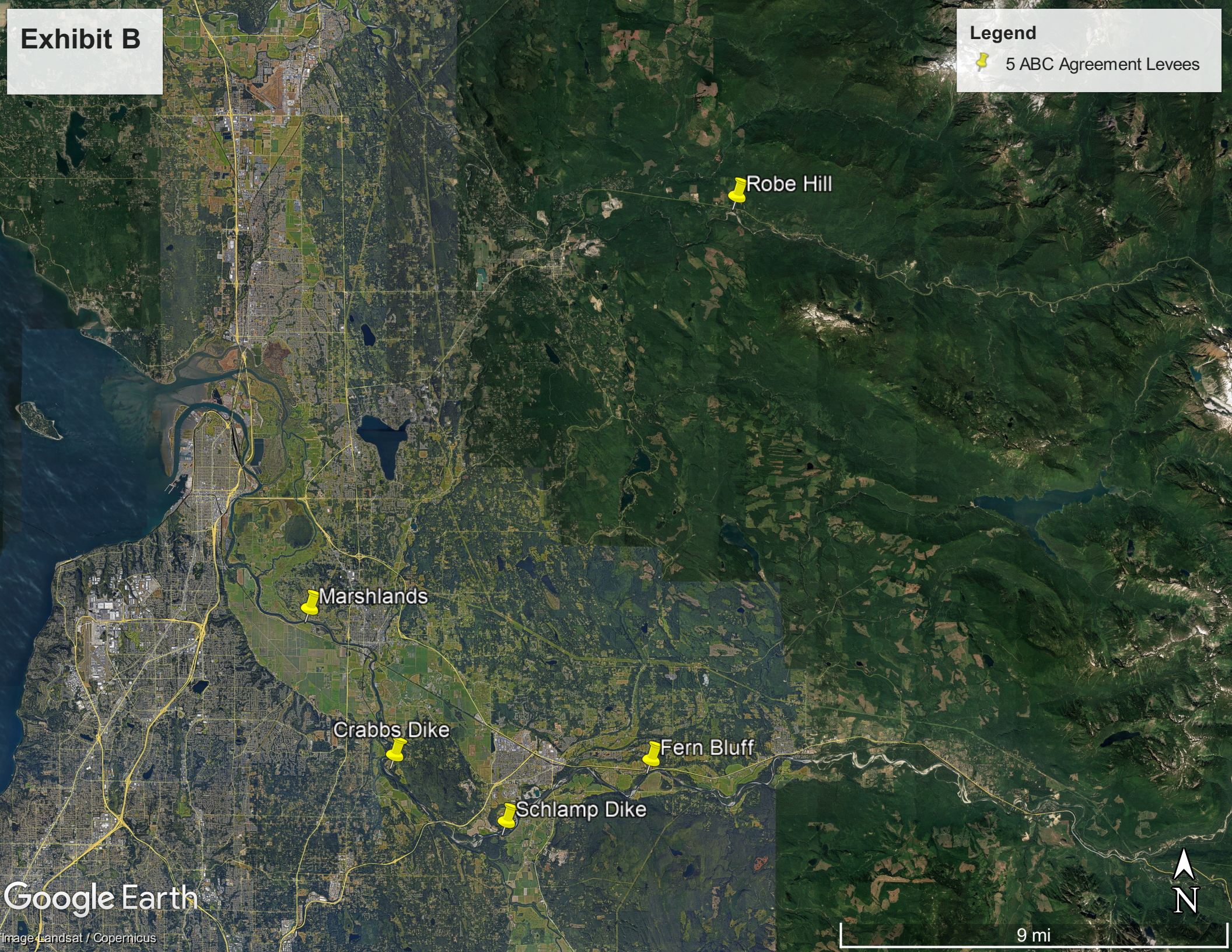
Very truly yours,

R. P. Young
R. P. YOUNG
Colonel, Corps of Engineers
District Engineer

Registered Mail

Exhibit B

Legend
📌 5 ABC Agreement Levees



Google Earth

Image Landsat / Copernicus

9 mi

A north arrow pointing upwards and a scale bar labeled '9 mi' are located in the bottom right corner of the map.