

1 After Recording Return To:
2 Clerk of the Council
3 Snohomish County Council
4 3000 Rockefeller Avenue – M/S 609
5 Everett, WA 98201
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7
8

9 *In the matter of: 152nd St SE*

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11
12 SNOHOMISH COUNTY COUNCIL
13 Snohomish County, Washington
14

15 ORDINANCE NO. 23-129

16
17 AN ORDINANCE VACATING A PORTION OF 152nd STREET SE
18 A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY
19
20

21 WHEREAS, on January 31, 2023, Brian Nichols and Jayne Miler, (the
22 “Petitioners”) submitted a petition, pursuant to Section 36.87.020 of the Revised
23 Code of Washington (RCW) and Section 13.100.030 of the Snohomish County Code
24 (SCC), to vacate and abandon a portion of 152nd Street SE, an unopened
25 Snohomish County road right-of-way (ROW); and
26

27 WHEREAS, the Snohomish County Engineer (the “County Engineer”),
28 pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report examining the
29 unopened road ROW proposed to be vacated and abandoned; and
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31 WHEREAS, the County Engineer has determined that all criteria to vacate
32 and abandon a portion of 152nd Street SE exist and recommends that said unopened
33 road ROW be vacated and abandoned; and
34

35 WHEREAS, on this 6th day of December, 2023, pursuant to RCW 36.87.060
36 and SCC 13.100.060, the Snohomish County Council (the “County Council”) held a
37 public hearing to consider the County Engineer’s report and to hear public testimony.
38

39 NOW, THEREFORE, BE IT ORDAINED:
40

41 **Section 1.** The County Council adopts and incorporates the foregoing recitals
42 as findings as if set forth fully herein.
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44 **Section 2.** The County Council further finds that the unopened road ROW
45 legally described and described in the record of survey attached to this ordinance as
46 Exhibit A and incorporated herein by reference, is not usable for County road
47 purposes and the public will benefit by its vacation.

1
2 **Section 3.** The County Council finds that the portion of the unopened road
3 ROW described and depicted in Exhibit A is vacated upon satisfaction of the terms
4 and conditions contained in this ordinance.
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6 **Section 4.** The vacation of the unopened road ROW granted herein shall not
7 take effect unless within one year of the date this ordinance is passed by the County
8 Council the Petitioners have paid all itemized costs and expenses of the proceedings
9 enumerated by the Department of Public Works (DPW) under SCC 13.100.070.
10

11 **Section 5.** The vacation of the unopened road ROW granted herein shall not
12 take effect unless within one year of the date this ordinance is passed by the County
13 Council the Petitioners have paid the County for the value of the road ROW vacated
14 according to the schedule in SCC 13.100.080. The unopened road ROW is classified
15 as Class B under SCC 13.100.040(7)(b) and Petitioners are required to compensate
16 the County fifty percent of the appraised value (\$17,754.47) in the amount of
17 \$8,877.24.
18

19 **Section 6.** Upon the Clerk of the County Council receiving confirmation from
20 DPW that the Petitioners have made timely and full payments as required by this
21 ordinance, Chapter 36.87 RCW and Chapter 13.100 SCC, this ordinance shall be
22 recorded with the Snohomish County Auditor and become effective. In the event the
23 Petitioners fail to make the required payments within one year of the date this
24 ordinance is passed by the County Council, this ordinance shall automatically
25 become void and have no further force or effect.
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28 Passed this day 6th day of December, 2023.
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33 SNOHOMISH COUNTY COUNCIL
34 Snohomish County, Washington
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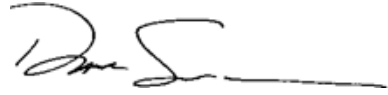
36
37 *Jared Mead*
38 _____
39 Jared Mead, Chairperson
40

41 ATTEST:

42 *M. G. ...*
43 _____
44 Deputy Clerk of the Council
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(X) APPROVED
() EMERGENCY
() VETOED



County Executive

12/11/2023

Date

ATTEST:

Melissa Geraghty

APPROVED AS TO FORM:

[Signature] 08/28/2023

Deputy Prosecuting Attorney

RECORD OF SURVEY

A PORTION OF THE NW 1/4, SW 1/4 & SE 1/4, OF THE NW 1/4 OF SEC 01, TWP. 27N, RGE. 7E, W.M.

LEGEND

- MEASURED SECTION CORNER
- CALCULATED SECTION CORNER
- CALCULATED SECTION QUARTER
- MEASURED SECTION QUARTER CORNER
- FOUND CONCRETE MONUMENT AS NOTED
- FOUND 1/2" REBAR/CAP AS NOTED
- SET LINE STAKE
- DIMENSION PAIR REFERENCE
- CALCULATED DIMENSION
- BARB WIRE FENCE
- ADJOINER BOUNDARY LINE
- RIGHT OF WAY LINE
- SECTION LINE
- PETITIONER'S BOUNDARY LINE
- T.P.O.B. TRUE POINT OF BEGINNING OWNERSHIP TIE

BASIS OF BEARINGS

Held a bearing of North 89°32'20" East between the Northwest corner and the North Quarter corner of Section 1, Township 27 North, Range 7 East, W.M., per Record of Survey recorded under Snohomish County Auditor File No. 201802035004.

REFERENCES

- (R1) SURVEY BY FORD LAND SURVEYING, AFN. 201802035004
- (R2) RECORD OF SURVEY, AFN. 8409285003
- (BLA) SNOHOMISH COUNTY BOUNDARY LINE ADJUSTMENT NO. 15-107718, AFN. 201702160506
- (QCD) QUITCLAIM DEED RECORDED IN VOLUME 257, PAGE 298 OF DEEDS.

ALL RECORDS OF SNOHOMISH COUNTY AUDITOR.

NOTES

1. INSTRUMENTATION FOR THIS SURVEY WAS A SOKKIA SX ROBOTIC TOTAL STATION & SPRCTRA PRECISION SP-60 GPS.
2. PROCEDURES USED WERE FIELD TRAVERSE & REALTIME-KINEMATIC GPS SOLUTIONS, MEETING OR EXCEEDING STANDARDS SET BY WAC 332.130.030.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
4. NO GUARANTEE OF OWNERSHIP IS EXPRESSED OR IMPLIED BY THIS DRAWING. THIS DRAWING PORTRAYS DEEDED LOCATION OF THE PROPERTY LINES, AS CALCULATED BY RECORD OF SURVEY, RECORDED UNDER SNOHOMISH COUNTY AUDITOR FILE NO. 201802035004.
5. THIS RIGHT OF WAY VACATION SURVEY WAS PERFORMED BY ME OR MY CONSTITUENTS DURING JULY, 2021 AS SHOWN HEREON AND IS ONLY REPRESENTATIVE OF OUR FINDINGS DURING THAT TIME FRAME. IT IS EXPRESSLY FOR THE USE OF 2 OUR CLIENT, JAYNE MILLER.

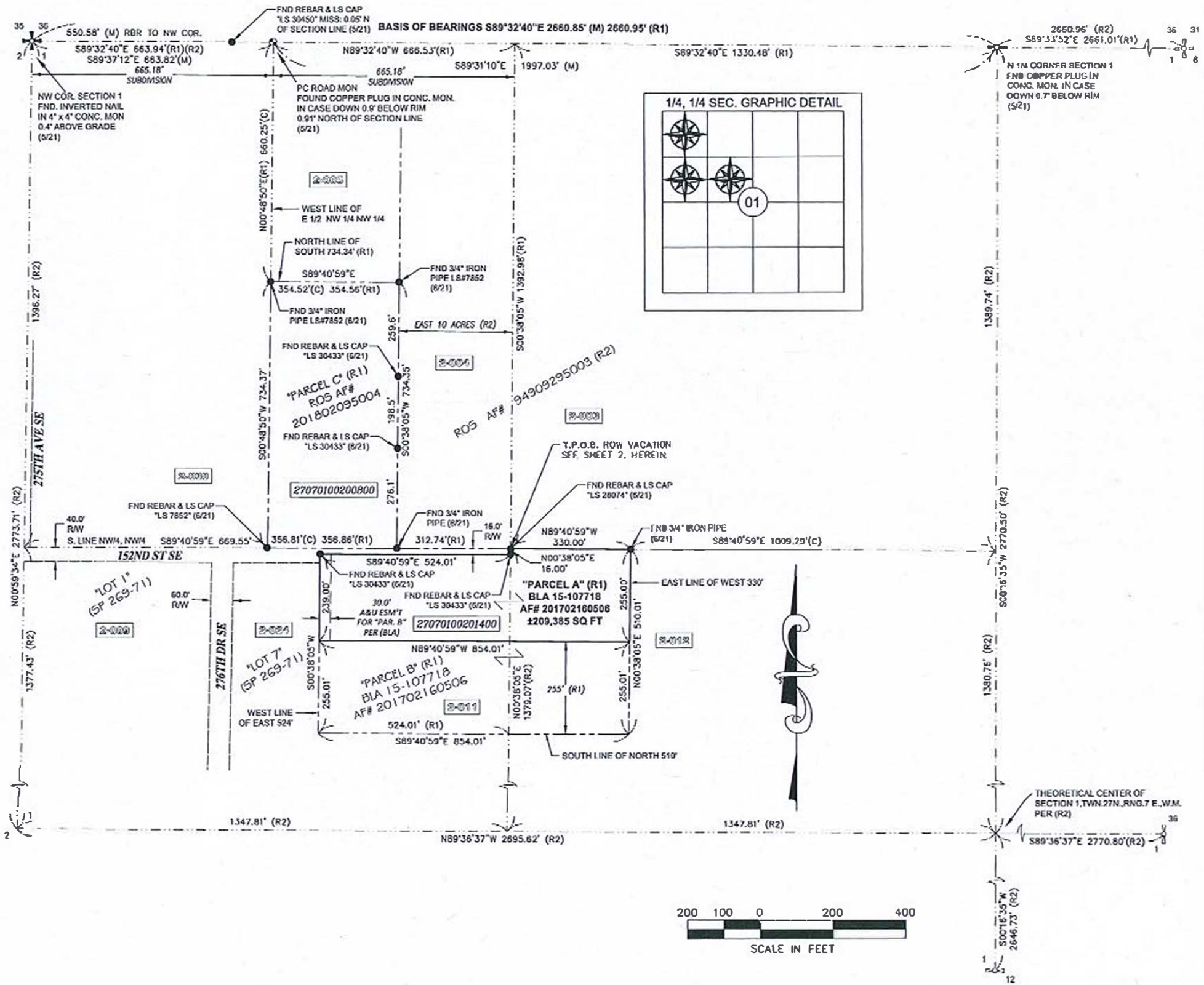


EXHIBIT A

<p>SURVEYOR'S CERTIFICATE</p> <p>THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF JAYNE MILLER IN MARCH, 2023.</p> <p>Certificate No. 50711 JOE W. WILLIS, JR.</p>		<p>RECORD OF SURVEY (RIGHT OF WAY VACATION)</p> <p>FOR</p> <p>JAYNE MILLER</p> <p>27714 152ND ST SE MONROE, WA 98272</p>	<p>ALL Land Surveying, LLC. Professional Land Surveyors</p> <p>1901 Vernon Rd Unit C I PO Box 440 Lako Stevens, WA 98258</p> <p>Phone (360) 588-4031 Email: info@alllandsurveying.com</p>	<p>AUDITORS CERTIFICATE:</p> <p>AUDITOR'S FILE NO. _____</p> <p>FILED FOR RECORD THIS ____ DAY OF _____, 202__</p> <p>AT ____ M. IN BOOK ____ OF SURVEYS AT PAGE ____</p> <p>AT THE REQUEST OF JOE W. WILLIS, JR.</p> <p>COUNTY AUDITOR _____ DEPUTY AUDITOR _____</p> <p>CHK. BY: JWW SCALE: 1"=200' SHEET 1 OF 2</p>
<p>DWN. BY: KAW DATE: 4-14-2023 JOB NO. 21070</p>				

RECORD OF SURVEY

A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SEC 01, TWP. 27N, RGE. 7E, W.M.

LEGEND

- MEASURED SECTION CORNER
- CALCULATED SECTION CORNER
- CALCULATED SECTION QUARTER
- MEASURED SECTION QUARTER CORNER
- FOUND CONCRETE MONUMENT AS NOTED
-
- SET LINE STAKE
- DIMENSION PER REFERENCE
- CALCULATED DIMENSION
- BARB WIRE FENCE
- ADJOINER BOUNDARY LINE
- RIGHT OF WAY LINE
- SECTION LINE
- PETITIONER'S BOUNDARY LINE
- RIGHT OF WAY VACATION AREA
- T.P.O.B. TRUE POINT OF BEGINNING OWNERSHIP
- BUILDING LINE
- GRAVEL

LEGAL DESCRIPTION - PETITIONER

(TPN. 27070100201400)

THE NORTH 510.00 FEET OF THE EAST 524.00 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 7 EAST, W.M., EXCEPT THE NORTH 16.00 FEET THEREOF; ALSO EXCEPT THE SOUTH 255.00 FEET THEREOF;

TOGETHER WITH THE NORTH 510.00 FEET OF THE WEST 330.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 7 EAST, W.M., EXCEPT THE SOUTH 255.00 FEET THEREOF;

ALSO KNOWN AS PARCEL A OF BOUNDARY LINE ADJUSTMENT NO. 15-107718 RECORDED ON FEBRUARY 16, 2017 AS RECORDING NUMBER 201702160506, IN THE OFFICIAL RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

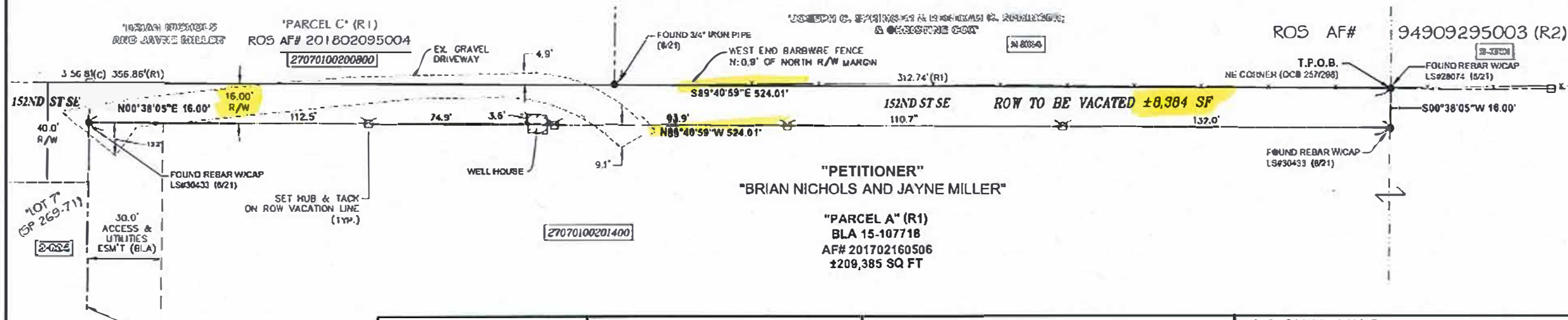
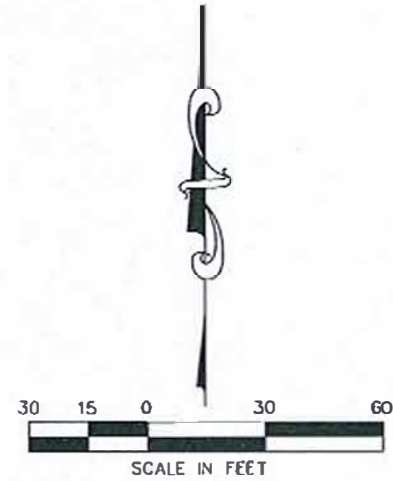
SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON. (PER DEED OF TRUST, AUDITOR FILE NO. 202006170582)

LEGAL DESCRIPTION - ROW VACATION AREA

ALL THAT PORTION OF THE NE 1/4, OF THE SW 1/4, OF THE NW 1/4, OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 7 EAST, W.M., BEING THE EASTERLY 524.01 FEET OF QUITCLAIM DEED, RECORDED IN BOOK 257, PAGE 298 OF DEEDS, RECORDS OF SNOHOMISH COUNTY AUDITOR; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 7 EAST, W.M.; THENCE NORTH 89°32'40" WEST, FOR A DISTANCE OF 1330.48 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 7 EAST, W.M.; THENCE SOUTH 00°38'05" WEST, FOR A DISTANCE OF 1392.98 FEET TO THE NORTHEAST CORNER SAID QUITCLAIM DEED & THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°38'05" WEST ALONG THE EAST LINE OF SAID DEED, FOR A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89°40'59" WEST ALONG THE SOUTH LINE OF SAID DEED, FOR A DISTANCE OF 524.01 FEET; THENCE NORTH 00°38'05" EAST PARALLEL WITH THE EAST LINE OF SAID DEED, FOR A DISTANCE OF 16.00 FEET TO THE NORTH LINE OF SAID DEED; THENCE SOUTH 89°40'59" EAST ALONG THE NORTH LINE OF SAID DEED, FOR A DISTANCE OF 524.01 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN APPROXIMATE AREA OF ±8,384 SQUARE FEET. SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON



	RECORD OF SURVEY (RIGHT OF WAY VACATION)		ALL Land Surveying Professional Land Surveyors		AUDITORS CERTIFICATE: AUDITOR'S FILE NO. _____	
	FOR JAYNE MILLER 27714 152ND ST SE MONROE, WA 98272		1901 Vernon Rd Unit C PO Box 410 Lake Stevens, WA 98258 Phone (360) 558-4031 Email: info@AllLandSurveying.com		FILED FOR RECORD THIS ___ DAY OF _____, 202__ AT _____ M. IN BOOK _____ OF SURVEYS AT PAGE _____ AT THE REQUEST OF JOE W. WILLIS, JR.	
			UWN. BY: KAW	DATE: 4-14-2023	JOB NO. 21070	COUNTY AUDITOR: _____ DEPUTY AUDITOR: _____
			CHK. BY: JWW	SCALE: 1"=30'	SHEET 2 OF 2	2