

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2048**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON  
VACATING A PORTION OF MILL AVENUE RIGHT-OF-WAYS TO  
SNOHOMISH AND REQUIRING COMPENSATION.**

**WHEREAS**, the owners of 67 percent of the property abutting the right-of-ways to be vacated signed the street vacation petition; and

**WHEREAS**, by Resolution 1091, the City Council did call for a public hearing on the vacation of the unimproved right-of-ways; and

**WHEREAS**, the City Clerk did give notice of the public hearing as required by law; and

**WHEREAS**, a public hearing was held on the 6th day of April 2004 to consider the vacation of the right-of-ways and as a result of all evidence provided at the hearing, the City Council makes the following findings and conclusions:

1. These right-of-ways are not needed for public purposes; and
2. It is in the public interest to require compensation from abutting property owners for the vacation of the right-of-ways; and
3. Vacation of these right-of-ways will not adversely affect the street pattern or circulation of the immediate area of the community; and
4. The public need is not adversely affected; and
5. No abutting property owners will become landlocked and access will not be substantially impaired; and

**WHEREAS**, the properties have been in the public right-of-way for over 25 years; and

**WHEREAS**, based upon assessed value, these properties are valued at \$8,117.50, the northernmost parcel of 1,829 square feet at \$7,773.25 and the southernmost parcel of 81 square feet at \$344.25;

**NOW THEREFORE**, the City Council of the City of Snohomish, Washington do ordain as follows:

Section 1. The properties, which are vacated by this ordinance, are legally described as:

That portion of the Northeast quarter of the Southeast quarter of Section 7, Township 28 North, Range 6 East, W.M. in Snohomish County, Washington, described as follows:

Commencing at the Northeast corner of Lot 1, Block 1, England and Elwell's First Addition to Snohomish, W.T., according to the Plat thereof recorded in Volume 1 of Plats, page 49, records of Snohomish County, Washington; thence  $S88^{\circ}58'25''E$ , along the Easterly extension of the North line of said Lot 1, for a distance of 159.27 feet to intersect the West line of Mill Street as shown on said Plat, said point of intersection being the TRUE POINT OF BEGINNING of this legal description; thence  $S01^{\circ}12'00''W$ , along the West line of Mill Street, for a distance of 100.00 feet to the Northeast corner of that parcel described in the Statutory Warranty Deed recorded under Auditor's File No. 200304291618, Records of Snohomish County, Washington; thence  $S88^{\circ}58'25''E$ , along the Easterly extension of the North line of said parcel, for a distance of 6.17 feet; thence  $N14^{\circ}20'00''E$  for a distance of 53.84 feet; thence  $N16^{\circ}39'22''E$  for a distance of 43.51 feet to intersect the East line of said Mill Street; thence  $N01^{\circ}12'00''E$ , along said East line for a distance of 5.70 feet to intersect the Easterly extension of the North line of aforementioned Lot 1; thence  $N88^{\circ}58'25''W$ , along the Easterly extension for a distance of 30.00 feet to the POINT OF BEGINNING;

Contains 1829 square feet.

Situate in the county of Snohomish State of Washington.

That portion of the Northeast quarter of the Southeast quarter of Section 7, Township 28 North, Range 6 East, W.M. in Snohomish County, Washington, described as follows:

Commencing at the Northeast corner of Lot 1, Block 1, England and Elwell's First Addition to Snohomish, W.T., according to the Plat thereof recorded in Volume 1 of Plats, page 49, records of Snohomish County, Washington; thence  $S88^{\circ}58'25''E$ , along the Easterly extension of the North line of said Lot 1, for a distance of 159.27 feet to intersect the West line of Mill Street as shown on said Plat; thence  $S01^{\circ}12'00''W$ , along the West line of Mill Street, for a distance of 100.00 feet to the Northeast corner of that parcel described in the Statutory Warranty Deed recorded under Auditor's File No. 200304291618, Records of Snohomish County, Washington said point of intersection being the TRUE POINT OF BEGINNING of this legal description; thence  $S88^{\circ}58'25''E$ , along the Easterly extension of the North line of said parcel, for a distance of 6.17 feet; thence  $S14^{\circ}20'00''W$  for a distance of 27.16 feet to intersect the West line of Mill Street at the most Northerly corner of that property deeded and dedicated to the City of Snohomish by instrument recorded under Auditor's File No. 8002280238, Records of Snohomish County, Washington; thence  $N01^{\circ}12'00''E$ , along the West line of Mill Street for a distance of 26.43 feet to the POINT OF BEGINNING;

Contains 81 square feet.

Situate in the county of Snohomish State of Washington.

Section 2. In consideration for the vacation, the City shall be compensated 50% of the assessed value of the properties, which about the right-of-ways being vacated.

Section 3. This ordinance shall not be published or recorded until payment of compensation in the amount of \$4,058.76 is received by the City. This ordinance and the vacation referred to herein shall become effective five days after the publication of this ordinance and the recording of a certified copy of the same in the records of the Snohomish County Auditor.

Section 4. The City shall reserve an easement for all public improvements in the area described in Section 1.

In consideration of vacation of the above-described portion of a public street per this ordinance, the City reserves the perpetual right, privilege and authority to grant easements in the vacated land for public utilities and services and to construct, alter, improve, repair, operate and maintain utilities for all public improvements including but not limited to storm sewer and sanitary sewer lines, and/or water lines, pipes and appurtenances, over, under, through, and across the above-described property.

Together with the right of ingress to and egress from said lands across adjacent lands of the Owner, for the purpose of constructing, reconstructing, repairing, renewing, altering, changing, patrolling and operating said lines, and the right at anytime to remove said lines and appurtenances from said lands.

The Owner reserves the right to use the surface of the above-described easement in a manner not inconsistent with the City's use of the easement.

Section 5. - Sunset Clause. This ordinance shall not be effective and recorded until compensation in the sum of \$4,058.76 is paid. If said compensation is not paid within one year of adoption, this ordinance shall be null and void, and the portion of the street to be vacated shall not be vacated.

ADOPTED by the City Council and APPROVED by the Mayor this 6<sup>th</sup> day of April 2004.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Liz Loomis, Mayor

ATTEST:

By \_\_\_\_\_  
Torchie Corey, City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
Grant Weed, City Attorney

Date of Publication: April 19, 2004

Effective Date (5 days after publication): April 24, 2004

# HUTCHINS/DAVIS/HOVI STREET VACATION

