

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2316**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,  
APPROVING THE VACATION OF THAT PORTION OF TENTH  
STREET LOCATED EAST OF AVENUE D, WITHIN THE CITY OF  
SNOHOMISH, WASHINGTON**

**WHEREAS**, the City Council has received a petition from the Snohomish Covenant Group, LLC, and Snohomish Exchange LLC, a Nevada limited liability company, collectively, as tenants in common, requesting that a portion of the Tenth Street public right-of-way as depicted and legally described in Exhibit A, attached hereto and incorporated by this reference be vacated; and

**WHEREAS**, the vacation petition contains the signatures of the owner(s) of more than two-thirds of the property abutting the portion of right-of-way requested to be vacated; and

**WHEREAS**, the action of vacating a street or roadway is categorically exempt from environmental review per WAC 197-11-800(2)(i) and is therefore not subject to SEPA rules and determinations; and

**WHEREAS**, Resolution 1352 calling for a public hearing regarding the vacation of the subject right-of-way was passed by the City Council and approved by the Mayor on September 20, 2016; and

**WHEREAS**, posting and notice requirements of the City of Snohomish Municipal Code 12.48.060 have been met; and

**WHEREAS**, a public hearing was held before the City Council on November 1, 2016 and all persons wishing to be heard on the matter were heard; and

**WHEREAS**, the City Council finds that the street vacation area was deeded to Snohomish County in 1918. In accordance with state law and Snohomish Municipal Code 12.48.040(B), the City can be compensated the full appraised value when the street has been a part of the dedicated right-of-way for twenty-five years or more;

**WHEREAS**, the petitioner has agreed to meet certain conditions as set forth herein;

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

**Section 1. Vacation. Subject to the conditions set forth in Sections 2 and 3 of this ordinance**, that portion of Tenth Street right-of-way located east of Avenue D, as depicted and legally described on attached Exhibit A, which is by this reference incorporated herein, is hereby vacated, and the property lying in said portion of the Tenth Street right-of-way described in Exhibit A, shall be returned and belong to the petitioner who is the adjacent property owner.

**Section 2. Condition of Vacation.** The vacation is contingent on the adjacent property owner/petitioner compensating the City in the amount of \$41,195 which is the full appraised value of the vacation area as determined by the petitioner's appraiser Commercial Realty Consulting, Inc. If the compensation is not paid to the City within one year from adoption of this Ordinance, then this ordinance shall be void unless the one year period is extended by ordinance of the City Council.

**Section 3. Effective Date.** This ordinance shall not be published or become effective until all compensation and fees and costs have been paid in full by the petitioner and all conditions of the City Council have been complied with. This ordinance shall take effect five days after adoption and publication by summary. This vacation and the transfer of title to petitioner shall be effective at such time as this ordinance is recorded in the office of the County Auditor. The City Clerk is directed to record a certified copy of this ordinance with the Snohomish County Auditor's Office upon confirmation from the Public Works Director that all conditions set forth in this ordinance, including, but not limited to payment of compensation in full to the City as set forth herein has been made. Costs of recording shall be the responsibility of the owner/petitioner. Following recording of this ordinance, a certified copy shall be sent to the Snohomish County Treasurer's Office.

**Section 4. Termination of Right-of-Way Use Agreement and Permit.** That certain Right-of-Way Use Agreement and Permit recorded under Snohomish County Auditor file number 201411140655 is hereby terminated on the effective date of this Ordinance.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

**Section 6. Implementation.** The City Manager or his designee is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this location.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 1<sup>st</sup> day of November, 2016.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Karen Guzak, Mayor

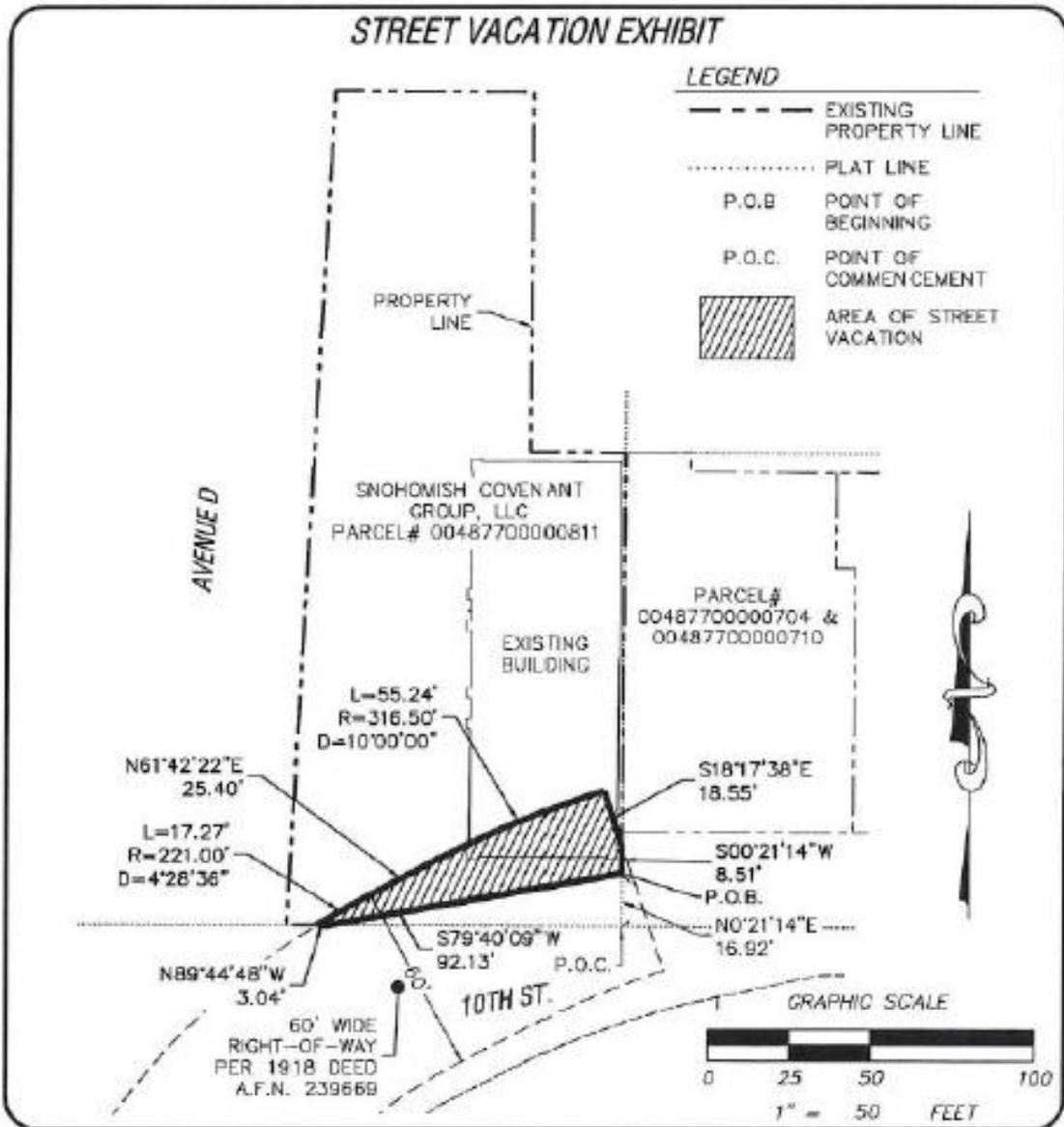
Attest:

By \_\_\_\_\_  
Pat Adams, City Clerk

Approved as to form:

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

EXHIBIT A



DATE: 2-10-16  
 DRAWN: EH  
 DESIGNED:  
 CHECKED: DO  
 PROJ. NO.: R301842.01  
 SHEET: 1 OF 1



**HUITT-ZOLIARS**  
 1102 Broadway, Suite 300  
 Tacoma, Washington 98402  
 Phone (253) 627-9131 Fax (253) 627-4730

CLIENT: SNOHOMISH COVENANT GROUP, LLC  
 SITE ADDRESS: 1001 AVE. D, SNOHOMISH, WA 98290

LEGAL DESCRIPTION:

THAT PORTION OF LOT 8 OF LAKE ADDITION TO SNOHOMISH, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF PLATS, PAGE 10, RECORDS OF SNOHOMISH COUNTY, WASHINGTON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8;  
THENCE NORTH  $0^{\circ}21'14''$  EAST 16.92 FEET TO THE **POINT OF BEGINNING**;  
THENCE SOUTH  $79^{\circ}40'09''$  WEST 92.13 FEET;  
THENCE NORTH  $89^{\circ}44'48''$  WEST 3.04 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WHOSE RADIAL POINT BEARS SOUTH  $32^{\circ}46'14''$  EAST A DISTANCE OF 221.00 FEET;  
THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $4^{\circ}28'36''$ , A DISTANCE OF 17.27 FEET;  
THENCE NORTH  $61^{\circ}42'22''$  EAST 25.40 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT WHOSE RADIAL POINT BEARS SOUTH  $28^{\circ}17'38''$  EAST A DISTANCE OF 316.50 FEET;  
THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $10^{\circ}00'00''$ , A DISTANCE OF 55.24 FEET;  
THENCE SOUTH  $18^{\circ}17'38''$  EAST 18.55 FEET;  
THENCE SOUTH  $00^{\circ}21'14''$  WEST 8.51 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,498 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND CONDITIONS OF RECORD.