



**Project title:** Public Hearing for the proposed vacation of a portion of Lot 19, Block 727 and 32nd Street, Stanford Land Company Addition to Everett.

### City Council Agenda Item Cover Sheet

**Council Bill #**  
.....  
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**Consideration:** Approval of Vacation

**Project:** Right of Way Vacation

**Agenda dates requested:**  
10/30/2019

**Partner/Supplier :** James Hoagland, Petitioner

**Location:** 32<sup>nd</sup> Street and Tulalip Ave.

- Briefing
- Proposed action
- Consent
- Action
- Ordinance
- Public hearing
- X Yes                      No

**Preceding action:** 10/2/2019 City Council passed Resolution setting 10/30/2019 as the date for the public hearing

**Fund:** 145

**Fiscal summary statement:**

*None*

**Budget amendment:**  
Yes                      x      No

**Project summary statement:**

On October 2, 2019, City Council adopted Resolution No. 7433 accepting the petition and setting the date of October 30, 2019, at 6:30 pm in the City Council Chambers at 3002 Wetmore Avenue as the public hearing date for the proposed vacation of a portion of Lot 19, Block 727 and 32nd Street, Stanford Land Company Addition to Everett.

**PowerPoint presentation:**  
Yes                      x      No

**Attachments:**

1. Staff Report
2. Notice of Hearing
3. Map Exhibit

The requirements set forth by law have been met and notice of the public hearing has been timely provided as required by RCW 35.79.

**Department(s) involved:**

Real Property

The attached staff report provides findings and recommendations regarding the proposed vacation.

**Contact person:**

Darcie Byrd

**Recommendation (exact action requested of Council):**

Approve the vacation of a portion of Lot 19, Block 727 and 32nd Street, Stanford Land Company Addition to Everett and direct staff to prepare an ordinance subject to the conditions as contained in the staff report.

**Phone number:**

425-257-7294

**Email:**

dbyrd@everettwa.gov

**Initialed by:**

.....  
Department head

.....  
Administration

.....  
Council President

**STAFF REPORT TO CITY COUNCIL  
ON THE PROPOSED VACATION OF**

a portion of Lot 19, Block 727 and 32nd Street, Stanford Land Company Addition to Everett.

**October 22, 2019**

The proposed vacation area is legally described as:

THAT PORTION OF LOT 19, BLOCK 727, AND 32ND STREET, STANFORD LAND COMPANY ADDITION TO EVERETT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF PLATS, PAGE 23, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY MARGIN OF 32ND STREET AND THE EASTERLY RIGHT-OF-WAY MARGIN OF TULALIP AVENUE;  
THENCE SOUTH 30°06'54" EAST, PARALLEL WITH THE CENTERLINE OF SAID TULALIP AVENUE, A DISTANCE OF 3.50 FEET TO THE BEGINNING OF A 20.00-FOOT RADIUS TANGENT CURVE TO THE LEFT;  
THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°58'50", AN ARC DISTANCE OF 15.00 FEET;  
THENCE SOUTH 73°05'44" EAST, A DISTANCE OF 37.70 FEET TO THE BEGINNING OF A 90.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°36'43", AN ARC DISTANCE OF 32.38 FEET TO A POINT 5.00 FEET NORTH OF THE CENTERLINE OF SAID 32ND STREET;  
THENCE SOUTH 87°56'54" EAST, PARALLEL WITH SAID CENTERLINE, A DISTANCE OF 92.04 FEET TO A POINT 35.00 FEET SOUTH OF THE SOUTHEASTERLY CORNER OF SAID LOT 19, AS MEASURED AT A RIGHT ANGLE FROM SAID CENTERLINE;  
THENCE NORTH 02°03'06" EAST, A DISTANCE OF 35.00 FEET TO SAID SOUTHEASTERLY CORNER;  
THENCE NORTH 30°06'54" WEST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 19, A DISTANCE OF 29.53 FEET TO THE NORTH LINE OF THE SOUTH 25.00 FEET OF SAID LOT 19;  
THENCE NORTH 87°56'54" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 103.48 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 19; THENCE SOUTH 59°53'06" WEST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 46.96 FEET TO SAID NORTHERLY RIGHT-OF-WAY MARGIN OF 32ND STREET;  
THENCE NORTH 87°56'54" WEST, ALONG SAID NORTHERLY MARGIN, A DISTANCE OF 12.34 FEET TO THE POINT OF BEGINNING;  
SAID AREA CONTAINS 7,994 SQUARE FEET OR 0.1835 ACRES, MORE OR LESS;  
SITUATE IN THE CITY OF EVERETT, SNOHOMISH COUNTY, WASHINGTON.

The proposed vacation area contains a total area of approximately 8,000 square feet that is zoned R-1 Residential. The proposed use is to provide adequate square footage for the construction footprint of a single family residence or develop the property as zoning permits.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

FINDING: R.C.W. 35.79.010 allows property owners abutting a public right-of-way to petition for the vacation of said right of way, and if said petition represents more than two-thirds of the property abutting said right of way, the legislative authority shall fix a time and date for said petition to be heard.

CONCLUSION: A valid petition representing more than two-thirds of the abutting property owners was received, and 6:30 P.M. on October 30, 2019, was set as the time and date for said petition to be heard.

FINDING: R.C.W. 35.79.020 requires the City Clerk to give a minimum of twenty (20) days notice of the pendency of said hearing on the petition by written notice posted in three (3) of the most public places in the City, and a like notice to be posted in a conspicuous place on the right of way proposed to be vacated.

CONCLUSION: Said notices were posted as required.

FINDING: R.C.W. 35.79.030, in part, allows the City the right to retain an easement, or to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

CONCLUSION: An easement is being retained for utility purposes within the right of way area being vacated. Also, Petitioner has agreed to allow the Port Gardner Neighborhood Association access to the steep slope area on the east side of the right of way to be vacated for maintenance of the Forgotten Creek Natural Area.

FINDING: R.C.W. 35.79.030, in part, also allows the City to be compensated up to the full current appraised value for vacated right of way if the right of way has been dedicated for at least twenty-five years. Resolution 3147, as amended by Resolution 5083, mandates that compensation of the full current appraised value can be paid, or land of equal value and suitable alignment be exchanged, in accordance with R.C.W. 35.79030 for applications received after August 1, 2001.

CONCLUSION: The right of way has been dedicated for more than twenty-five years. The application and fee was received after August 1, 2001. Payment of the full appraised value of the right of way is required.

## **RECOMMENDATION:**

It is recommended that City Council approve the requested vacation and direct staff to draft an ordinance providing for said vacation subject to the following:

- 1) Payment for an independent appraisal;
- 2) Payment of the full appraised value;

- 3) An easement be retained for utilities within that portion of the right of way area being vacated; and
- 4) Access shall be allowed to the Port Gardner Neighborhood Association to maintain the Forgotten Creek Natural Area.

**ADDITIONAL INFORMATION:**

Phone calls were received by City staff from five neighborhood residents during the notice period. Of those inquiries, three residents indicated that they were generally curious about the vacation process and had no actual concerns.

Resident Beth Selander expressed concern that if a multi-family unit or “Mega Mansion” were built at the site, it could have negative impact on the neighborhood.

Resident Bob Jackson, who is actively involved with the Port Gardner Neighborhood Association, met with City staff to discuss concerns about possible negative impacts to the Forgotten Creek Natural Area if access for maintenance of the Forgotten Creek Trail and surrounding vegetation is restricted. To address this concern, the Petitioner has agreed to allow access to the Port Gardner Neighborhood Association for maintenance of the Forgotten Creek Natural Area.

## NOTICE OF HEARING

**WHEREAS**, there has been filed with the City Clerk of the City of Everett and with the City Council, a petition for the vacation of a portion of Lot 19, Block 727 and 32<sup>nd</sup> Street, Stanford Land Company Addition to Everett, as legally described as follows:

THAT PORTION OF LOT 19, BLOCK 727, AND 32ND STREET, STANFORD LAND COMPANY ADDITION TO EVERETT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF PLATS, PAGE 23, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID AREA CONTAINS 7,994 SQUARE FEET OR 0.1835 ACRES, MORE OR LESS;  
SITUATE IN THE CITY OF EVERETT, SNOHOMISH COUNTY, WASHINGTON.

**WHEREAS**, the City Council of the City of Everett did, by resolution fix the **30<sup>th</sup> day of October, 2019, at 6:30 P.M.** in the City Council Chambers at 3002 Wetmore Ave in the City of Everett as the time and place for the hearing of said petition and the City Clerk of the City of Everett was directed to give notice of said hearing in the manner prescribed by law.

**NOTICE IS HEREBY GIVEN THAT a hearing will be held on said petition on the 30<sup>th</sup> day of October, 2019, at 6:30 P.M. in the City Council Chambers at 3002 Wetmore Ave in the City of Everett, and**

NOTICE IS FURTHER GIVEN THAT any person or persons desiring to be heard with reference thereto may appear at such time and place and may be heard at said time.

Dated this 4 day of October, 2019.

  
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Marista Lane, Deputy City Clerk



