

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 24, 2021

AGENDA ITEM:	
Resolution scheduling a Public Hearing for June 14, 2021, for consideration of vacating an unopened public road recorded under AFN 530970, located over the south 30 feet of APN 29050200200300.	
PREPARED BY:	DIRECTOR APPROVAL:
Angela Gemmer, Senior Planner	
DEPARTMENT:	
Public Works/Community Development	
ATTACHMENTS:	
<ol style="list-style-type: none"> 1. AFN 530970 2. Maplewood Crossing preliminary plat map 3. Chapter 12.32 MMC, <i>Vacation of Streets and Alleys</i> 4. Resolution <ul style="list-style-type: none"> · Exhibit A – Legal description of right-of-way vacation area · Exhibit B – BLA map showing vacation area · Exhibit C – aerial photo showing vacation area 	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

The Public Works and Community Development Departments are recommending vacation of an unopened public road, dedicated in 1931 by a deed recorded under Auditor’s File Number (AFN) 530970, that is located over the south 30 feet of Assessor’s Parcel Number (APN) 29050200200300. Staff became aware of this unopened public road during project review of a proposed development of APN 29050200200300, and have no evidence that this dedication was ever used for public road purposes. The City owns the property to the south of the unopened public road (where the Sunnyside Well Treatment Facility is located), which has an existing access onto 71st Avenue NE that parallels and directly abuts the unopened road, rendering said unopened road both unneeded and unable to be opened due to City access spacing requirements. The Sunnyside Well Treatment Facility also has frontage along 44th Street NE; critical areas encumbrances limit its development potential.

Since this unopened public road is not needed (and is unable to be utilized due to the nearby access at the Sunnyside Well Treatment Facility), and because it limits the usability of APN 29050200200300, city staff recommends vacating the unopened public road and waiving compensation.

RECOMMENDED ACTION:
Staff recommends that the City Council consider adopting the Resolution setting a public hearing date of June 14, 2021 to consider the vacation of the unopened public road that was dedicated by the deed recorded under AFN 530970, and waiving compensation for said vacation.
RECOMMENDED MOTION: I move to adopt Resolution No. _____.

RECORDED 1933

does make the following declaration of homestead for the joint benefit of herself and said Otto Boettner; the said Otto Boettner has not made a declaration of homestead as to the premises hereinafter described or at all and the said Gertrude Stephens Boettner does therefore make this declaration for the joint benefit of herself and her said husband as aforesaid; that the following described premises are and for more than one year last past have been the home and residence of the undersigned and her said husband, Otto Boettner, as aforesaid, and the minor child of the undersigned; that the undersigned and said Otto Boettner and said minor child are now residing on said premises and intend to reside thereon and have been residing thereon for more than one year last past and the undersigned does hereby claim same as a homestead; said premises are situate in Snohomish County, Washington and are described as follows, to-wit:

Block Three (3), Plat of Silver Lake as the same appears of record in the Office of the Auditor of Snohomish County, Washington.

That said premises are encumbered and that the actual cash value of said premises above the encumbrance thereon is Two Thousand (\$2,000.00) Dollars.

DATED July 10, 1933.

Gertrude Stephens Boettner (SEAL)

STATE OF WASHINGTON }
County of Snohomish } SS

I, the undersigned, a Notary Public, in and for the State of Washington, do hereby certify that on this 10th day of July, 1933, personally appeared before me GERTRUDE STEPHENS BOETTNER, personally known to me to be the individual described in and who executed the foregoing instrument, and acknowledged to me that she signed and executed the same as and for her free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 10th day of July, 1933.

{ J. L. Rucker
N. P. Seal
Com. Exp. Jan. 20, 1937 }

J. L. Rucker
Notary Public in and for the State of Washington, residing at Everett.

Filed for record at request of Jasper Rucker on Jul 10 1933 at 4:20 P.M.

John Haugen

County Auditor By

A. J. Evans

Deputy Auditor

530870
Christen Frederik Christensen
to
Tom Voie et ux

WARRANTY DEED

The grantor, CHRISTEN FREDERIK CHRISTENSEN, a widower, for and in consideration of One (\$1.00) Dollar and other valuable consideration conveys and warrants unto the grantee, TOM VOIE and THERESA VOIE, husband and wife, the following real property situated in Snohomish County, Washington, to-wit:

Beginning at the Northwest Corner of the South half of government Lot Three (3) of Section Two (2), Township Twenty-nine (29), North Range Five (5) E.W.M., thence North 89 Degrees, 35' 2", East, along the North line of said South half of said Lot Three (3), 686.12 ft; thence South 1 Degree, 58' 24", East, 30 ft; thence South 89 Degrees, 35' 02", West, 686.12 ft; thence Northerly 30 ft. to true point of beginning, all in Section Two (2), Township Twenty-nine (29), North Range Five (5), E.W.M.

The grantee-, as a part of the consideration hereof, agrees to build a lawful fence along the South side of said tract herein conveyed to be completed on or before March 14, 1932 and to maintain said fence.

It is also expressly agreed that this strip of land is to be for the use of the public for the purpose of a road.

DATED this 8th day of December, 1931.

Christen Frederik Christensen

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } SS:

This is to certify that before me, the undersigned a Notary Public in and for the State of Washington, duly commissioned and sworn, on this 8th day of December, 1931 personally appeared before me, CHRISTEN FREDERIK CHRISTENSEN, to me known to be the individual named in, and who executed the foregoing instrument and acknowledged to me that he signed and sealed the same as his voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 8th day of December, 1931.

{ Joseph H. Smith
N. P. Seal
Com. Exp. Aug. 4, 1934 }

Joseph H. Smith
Notary Public in and for the State of Washington, residing at Everett.

Filed for record at request of Snohomish County Abstract Company on Jul 10 1933 at 4:35 P.M.

John Haugen

County Auditor By

A. J. Evans

Deputy Auditor

A PORTION OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.

LEGEND

- PROJECT BOUNDARY
- PROPOSED R/W LINE
- PROPOSED TRACT LINE
- PROPOSED LOT LINE
- EXIST. R/W LINE
- EXIST. PARCEL LINE
- BUILDING SETBACK
- PROPOSED 6' BOARD FENCE
- PROPOSED CONTOUR MAJOR
- PROPOSED CONTOUR MINOR
- EXIST. CONTOUR MAJOR
- EXIST. CONTOUR MINOR
- EXIST. EDGE OF PAVEMENT
- EXIST. POWERLINE
- PROPOSED PAVED AREA
- "NO PARKING" FIRE LANE
- ACTIVE OPEN SPACE
- OPEN SPACE

SITE AREA ANALYSIS

Gross Site Area	300,446.46 sf (6.90 ac)
Area to be deeded as ROW	53,323 sf (1.22 ac)
Area in Lots	169,294 sf (3.89 ac)
Area in Critical Area and Buffer	37,093 sf (0.85 ac)
Area in Open Space	44,799 sf (1.13 ac)
Road Pavement	42,306 sf (0.88 ac)

OPEN SPACE ANALYSIS

Net Project Area	240,357 sf (5.52 ac)
Min. Open Space Required	36,053 sf (0.83 ac)
Min. Active OS Required (35% of Total OS)	12,619 sf (0.29 ac)

Passive Open Space Provided

Tract 999 (allow 65% of OS Required)	24,110 sf (0.55 ac)
Tract 998	7,555 sf (0.17 ac)
Total Passive Recreation	31,665 sf (0.72 ac)

Tract 995 Open Space 3,544 sf (0.08 ac)
Tract 994 Open Space 9,590 sf (0.22 ac)
Total Active Recreation **13,134 sf (0.30 ac)**

Total Open Space Provided **19%** **44,799 sf (1.03 ac)**

BONUS YIELD

Marysville Municipal Code - 22C.090.030 Public Benefits and density incentives

Benefit	Density Incentive	Provided	Bonus Yield
6. Storm Drainage Facilities Dual use retention/detention facilities. a. Developments that incorporate active recreation facilities that utilize the storm water facility tract.	5 bonus units per acre of the storm water facility tract used for active recreation	13,134 sf	1.51
6. Storm Drainage Facilities Dual use retention/detention facilities. b. Developments that incorporate passive recreation facilities that utilize the storm water facility tract.	2 bonus units per acre of the storm water facility tract used for passive recreation.	7,555 sf	0.35
7. Project Design c. Installation of perimeter fencing or landscaping in order to improve design or compatibility between neighboring land uses.	1 bonus unit per 500 linear feet of perimeter fencing or landscaping installed (when not otherwise required by code).	2,028 lf	4.06
9. Low Impact Development (LID) a. Integration of LID measures in project design and storm water facility construction.	5-10 Impact increase over base density (range dependent on degree of LID integration in project design and construction)	10.0%	3.60
	Total Bonus	9.51	
	Base Density	36	
	Maximum Yield (20%)	43	

TRACT DESIGNATION

Tract 999	Open Space Passive, Critical Area	37,093 sf
Tract 998	Open Space Passive, SWM and Buffer	7,555 sf
Tract 997	Buffer Landscape	4,706 sf
Tract 996	Buffer Landscape	1,338 sf
Tract 995	Open Space Active Recreation, SWM	3,544 sf
Tract 994	Open Space Active Recreation, SWM	9,590 sf

Setback and dimensional requirements (setbacks measured from property line)

Street setback	10 feet
Porch setback	7 feet
Driveway length	20 feet
Side yard setback	5 feet
Side yard setback from arterial (71st Avenue NE)	15 feet
Side yard setback adjacent to street	10 feet
Rear yard setback	10 feet
Critical areas setback	15 feet
Maximum impervious coverage	70 percent

VEGETATION ANALYSIS

EXISTING:

Forested areas=	300,446.46 sf (6.90 ac)	100.0%
Building & Gravel areas=	0 sf (0.00 ac)	0.0%
Total=	300,446.46 sf (6.90 ac)	100.0%

PROPOSED:

Landscaped areas=	214,306 sf (4.92 ac)
Building & Driveway areas=	86,140 sf (1.98 ac)
Total=	300,446.46 sf (6.90 ac)

SLOPE ANALYSIS

Slopes vary across the site, with the steepest slopes (up to 39%) in the southern portion of the site. Slopes typically range from flat to 5%. Average slope is 4.39%. Site slopes generally downward from the southwest to east.

There are no indications of unstable slopes on the site.

Slope analysis based on T.I.N. triangle slopes of the LIDAR surface:

Range	Area[sf]
0% - 15%	253,078 sf
15% - 20%	19,251 sf
20% - 25%	10,811 sf
25% - 33%	5,024 sf
33% +	2,280 sf
Total =	300,446.46 sf (6.90 ac)

ROAD HORIZONTAL CURVE TABLE

Curve #	P.I.	Radius	Arch Length	Delta	P.C.	P.T.	Tangent
C1	14+16.95	165.00	92.00	N74° 42' 25.12"E	13+69.72	14+61.72	47.231
C2	23+14.54	165.00	92.16	N16° 36' 42.17"W	22+67.22	23+59.38	47.319

AQUIFER RECHARGE/ WELL HEAD PROTECTION

Low, Over 100 ft.

SOILS

Takul Gravelly Medial Loam:
Hydrologic Soil Group: B
Compact Fill Area to 95% Modified Proctor

GENERAL NOTE:
 It is the responsibility of the contractor and construction manager to ensure that all conflicts between plan sets are identified and resolved prior to construction activities. The contractor shall verify the location of all existing utilities prior to any construction. Agencies shall be notified within a reasonable time prior to the start of construction.

LOT YIELD ANALYSIS

Marysville School Property	Square Feet	Acres
Gross Site Area (Per Survey)	300,446	6.90
-Right of Way	53,323	1.22
-Private Roads	10,887	0.25
-Panhandles	0	0.00
Total Road Deduction (Total Actual Roads)	64,210	1.47
Total Deduction Option @ 20%	60,089	1.38
-Stormwater Facility Tracts (underground and usable for recreation)	0	0.00
-Stream Beds	0	0.00
-Community Facilities	0	0.00
-Flood Plains	0	0.00
Total Deduction (Using 20% deduct for roads)	60,089	1.38
Net Project Area	240,357	5.52
Zoning Multiplier		6.5
	80%	
Base Density		36
Max Lots (36 x 1.2)		43.2

*MMC 22A.020.120 (5) Stormwater Detention Facility Tracts or Easements (unless underground and usable for recreation). If Stormwater Detention areas are designed and constructed to meet low impact development standards, 50% of the area used for detention may be counted as net project area;

IMPERVIOUS AREAS

Existing road area	0 sf (0.00 ac)
Existing driveway area	0 sf (0.00 ac)
Existing roof area	0 sf (0.00 ac)
New road, Driveway, Walk	120,800 sf (2.77 ac)
New roof area	87,534 sf (1.51 ac)
Total impervious area	220,794 sf (4.28 ac) 62%

TRACT 999 Open Space Passive, Critical Area 37,093 sf
TRACT 998 Open Space Passive, SWM and Buffer 7,555 sf
TRACT 997 Buffer Landscape 4,706 sf
TRACT 996 Buffer Landscape 1,338 sf
TRACT 995 Open Space Active Recreation, SWM 3,544 sf
TRACT 994 Open Space Active Recreation, SWM 9,590 sf

TRACT 993 Autocourt 2,511 sf
TRACT 992 Autocourt 3,214 sf
TRACT 991 Autocourt 2,504 sf
TRACT 990 Private Access Shared Driveway 1,207 sf
TRACT 989 Private Access Shared Driveway 1,451 sf

Total Tract Area **74,713 sf**

- NOTES:**
- Lots are not eligible for Duplexes or Accessory Dwelling Units. No direct access onto 44th St. NE and 71st Ave NE is allowed for any individual lot.
 - Autocourts shall be constructed with colored and/or scored concrete, pavers, bricks or other durable ornamental pavers. See Construction Plans.
 - All lots under 5,000 sf are subject to 22C.010.310, Small Lot single family dwelling development standards.

ROAD HORIZONTAL CURVE TABLE

Curve #	P.I.	Radius	Arch Length	Delta	P.C.	P.T.	Tangent
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AQUIFER RECHARGE/ WELL HEAD PROTECTION

Low, Over 100 ft.

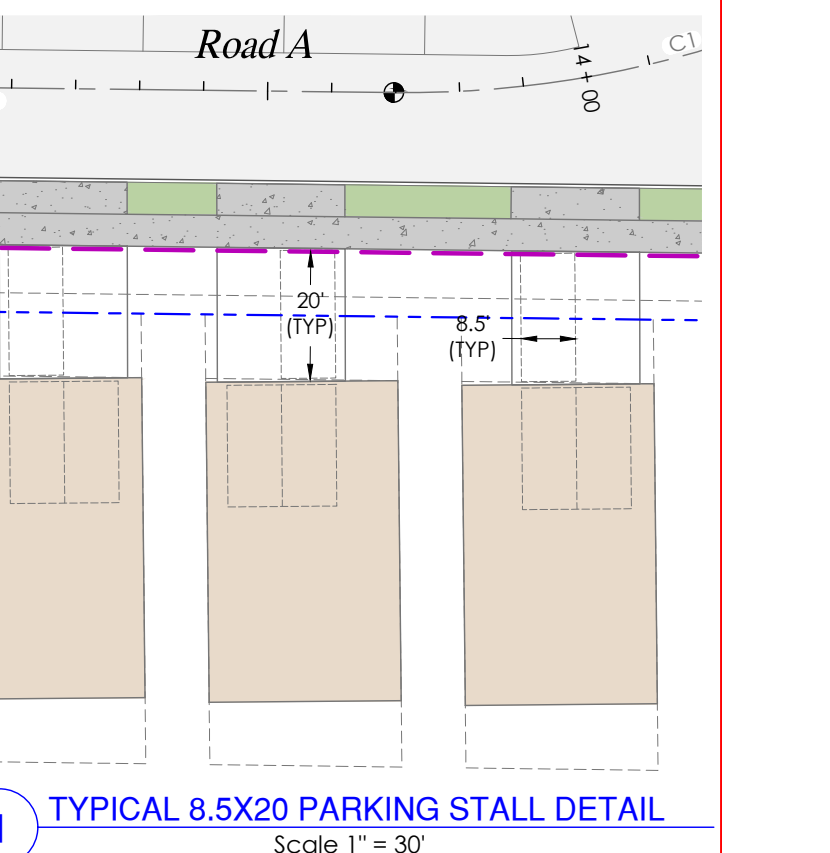
SOILS

Takul Gravelly Medial Loam:
Hydrologic Soil Group: B
Compact Fill Area to 95% Modified Proctor

GENERAL NOTE:
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PRD - BINDING SITE PLAN



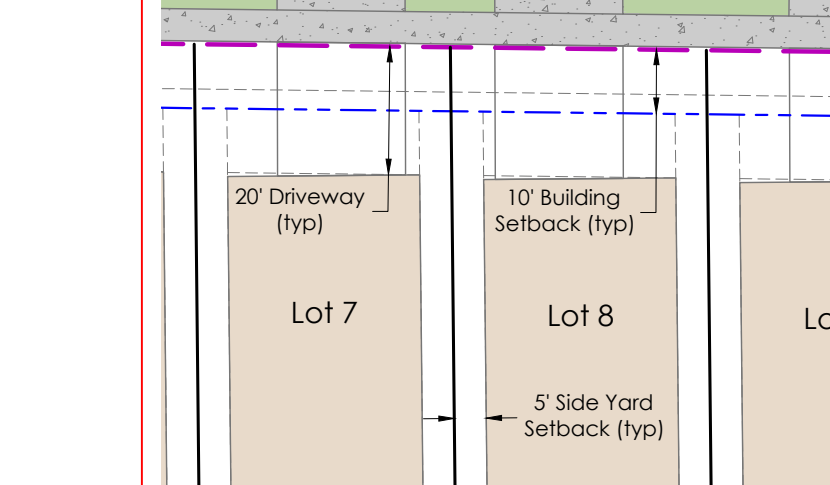
GENERAL DEVELOPMENT STANDARDS - PARKING
 NUMBER OF SPACES REQUIRED (MMC 22C.130.030)

Description	Required	Provided
Units Proposed 43	86 spaces	86 spaces
Guest Spaces	1 per 1 du	1 per 1 du
Units 43/1	43 spaces	58 spaces (15 on street and 43 in driveways for 58 total)

STATEMENT OF INTENT

It is the Applicant's intent to Subdivide the property into Fee Simple lots for Detached Single Family homes

HOUSING MIX RATIO
 Proposal - 100% Single Family Detached Homes
 300-Foot Radius - 100% Single Family Detached Homes



NOTE: SPRINKLER
 All homes will require NFPA Fire Suppression (more than 30 homes on a "no outlet" street system). Minimum 1" water meter services required.

Sheet List Table

Sheet Number	Sheet Title
C1	Civil Site Plan
C2	Construction Notes
C3	Clearing & TESC Plan
C4	Grading Plan
C5	Grading & TESC Details
C6	Frontage Improvements Plan - 71st Avenue NE
C7	Frontage Improvements Plan - 44th Street NE
C8	Road A Plan and Profile
C9	Road B Plan and Profile
C10	Autocourt Shared Court Details
C11	Curb Ramp Details
C12	Road Details
C13	Stormwater Management Overview Plan
C14	Stormwater Management Plan and Profile
C15	Stormwater Management Plan and Profile
C16	Stormwater Management Plan and Profile
C17	Stormwater Management Details
C18	Storm Control Structure Details
C19	Sewer and Water Overview
C20	Road A Sewer Plan and Profile
C21	Road B Sewer Plan and Profile
C22	Offsite Sewer Connection
C23	Offsite Sewer Plan and Profile
C24	Signage & Channelization Plan
C25	Lighting Plan
C26	Mailbox Plan

Line Table

Line #	Length	Direction
L5	29.75	S89° 19' 09"E
L6	30.00	S00° 52' 35"E

Sheet List Table

Sheet Number	Sheet Title
P1	PRD - Binding Site Plan
P2	Open Space & Landscape Concept Plan

CONSTRUCTION PERSON

Land Technologies Inc.
 Merle Ash
 18820 3rd Ave. NE
 Arlington, WA 98223
 360.652.9727
 merle@landtechway.com

ENGINEER
 Land Technologies, Inc.
 Tyler Foster, P.E.
 18820 3rd Ave. NE
 Arlington, WA 98223
 360.652.9727
 Tyler@landtechway.com

SURVEYOR
 Pacific Coast Surveys, Inc.
 Doreen J. Riddle, PLS
 P.O. Box 13619
 Mill Creek, WA 98082
 425.512.7099

CONTACT PERSON

Land Technologies Inc.
 Merle Ash
 18820 3rd Ave. NE
 Arlington, WA 98223
 360.652.9727
 merle@landtechway.com

SITE ADDRESS

xxxx 71st Ave NE
 Marysville, WA 98270

APPLICANT

Keystone Land, LLC
 13805 Smokey Point Blvd, Ste 102
 Marysville, WA 98271

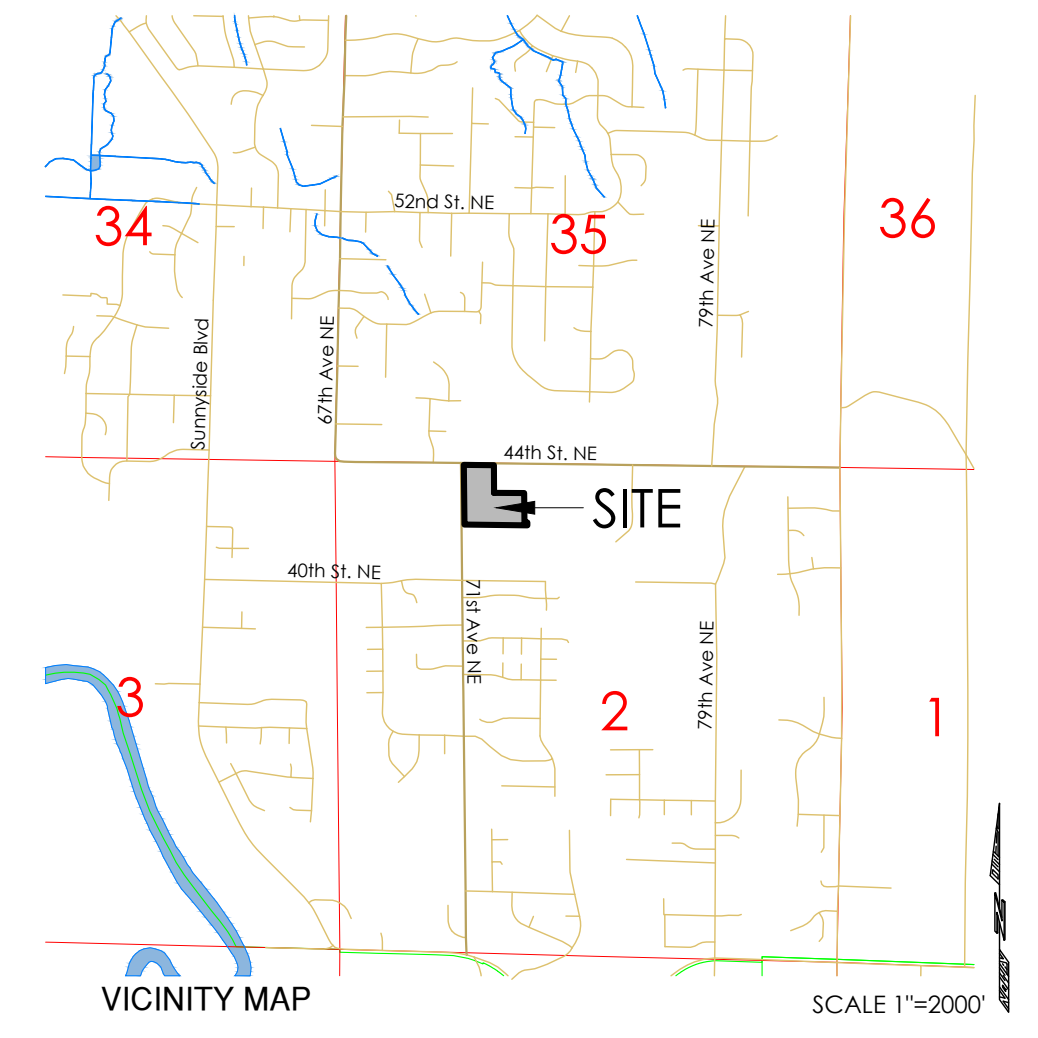
CERTIFIED EROSION CONTROL SPECIALIST

Ken McInyre, P.E., DEVELOPMENT SERVICES MANAGER - LAND DEVELOPMENT

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT

THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE BUT ARE NOT LIMITED TO: WSDOW HYDRAULIC PROJECT APPROVAL (HPA), WSDOE NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT. THIS ____ DAY OF ____, 201__.

THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 90 MONTHS FROM THE DATE SHOWN ABOVE OR UPON EXPIRATION OF PRELIMINARY PLAT OR SITE PLAN APPROVAL. PER MMC 22A.040.020 & 22A.040.030.



LEGAL DESCRIPTION

PARCEL A:
 THE SOUTH HALF OF THE NORTHWEST QUARTER OF GOVERNMENT LOT 3 IN SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON.

EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1071265, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL B:
 BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF GOVERNMENT LOT 3 IN SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON;
 THENCE NORTH 89°35'02" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF 686.12 FEET;
 THENCE SOUTH 01°58'24" EAST 30 FEET;
 THENCE SOUTH 89°35'02" WEST 686.12 FEET;
 THENCE NORTHERLY 30 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1071265;

PARCEL C:
 THE NORTH HALF OF THE NORTHWEST QUARTER OF GOVERNMENT LOT 3 SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;

EXCEPT THE EAST 315 FEET THEREOF;

AND EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBERS 1071262 AND 540626, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

DATUM & BENCHMARK

DATUM:
 NAVD 88 (NGVD 29 = NAVD 88-3.71)

BENCHMARK:
 FOUND CASE CONC. MON AT THE INTERSECTION OF 71ST AVE N.E. & 44TH ST. NE.
 Elev = 224.76

SURVEY NOTES

- THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PARTIES WHOSE NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY UNNAMED THIRD PARTIES WITHOUT EXPRESS RECERIFICATION BY THE LAND SURVEYOR OF RECORD.
- BOUNDARY LINES SHOWN AND CORNERS SET REPRESENT DEED LOCATIONS; OWNERSHIP LINES MAY VARY. NO GUARANTEE OF OWNERSHIP IS EXPRESSED OR IMPLIED. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO SHOW ALL EASEMENTS, RESTRICTIONS, AND OCCUPATION WHICH MAY ENCUMBER TITLE OR USE OF SUBJECT PROPERTY.

PROJECT INFORMATION

Tax Parcel Numbers	290502-002-003-00, 290502-002-002-00
Total Area	300,446.46 sf (6.90 ac)
GPP Designation	R6.5 Single Family High
Existing Zoning	R6.5 Single Family High
Existing Land Use	Single Family Residential
Proposed Land Use	Single Family Residential
Number of Lots	43
Average Lot Size	3,958 sf
Smallest Lot	3,602 sf
Net Lot Density	8.14 du/ac

LOCAL SERVICES

Sewage Disposal:	City of Marysville
Water District:	City of Marysville
School District:	Marysville #25
Fire District:	Marysville #66
Post Office:	City of Marysville
Electric:	Snohomish County PUD
Phone:	Frontier
Cable:	Comcast
Gas:	Comcast

LAND TECHNOLOGIES
 18820 Third Avenue, N.E.
 Arlington, WA 98223
 360-652-9727

PROJECT LEAD: Merle Ash
 CHECKED BY: Tyler Foster
 DRAWN BY: Tyler Foster
 DATE: December 15, 2020
 REVISION 1: -
 REVISION 2: -
 REVISION 3: -
 AS-BUILT: -

Maplewood Crossing
 71st Ave NE, Marysville, WA 98270

A PORTION OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.

Keystone Land, LLC.
 13805 Smokey Point Blvd, Ste 102, Marysville, WA 98271

PRD - BINDING SITE PLAN

SHEET P1 of P2

24x36

Chapter 12.32
VACATION OF STREETS AND ALLEYS

Sections:

- 12.32.010** Petition – Filing.
- 12.32.020** Petition – Scheduling for public hearing – Compensation for vacated area.
- 12.32.030** Notice of public hearing.
- 12.32.040** Survey requirements.
- 12.32.050** Appraisal.
- 12.32.060** Criteria for council decision.
- 12.32.070** Authorized by ordinance.
- 12.32.080** Notice to auditor and assessor.
- 12.32.090** Use of proceeds of vacation.

12.32.010 Petition – Filing. 

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the city council for the vacation of such street or alley, or any part thereof, in the manner provided in this chapter and pursuant to Chapter [35.79](#) RCW, or the city council may itself initiate, by resolution, such vacation procedure. The petition shall be on such form as may be prescribed by the city and shall contain a full and correct description of the property sought to be vacated. A petition shall be signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated.

The petition shall be filed with the city clerk, and the petitioners shall pay fees as set forth in MMC [14.07.005](#). (Ord. 2106 § 9, 1996; Ord. 1271, 1983; Ord. 948 § 1, 1977).

12.32.020 Petition – Scheduling for public hearing – Compensation for vacated area. 

(1) Upon receiving a petition or the vacation of a city street or alley, the city clerk shall place the matter upon the agenda of the city council at a regular meeting to be held not fewer than 10, nor more than 30 days, from the date the petition is filed with the city clerk. The city clerk shall notify the petitioners in writing of the date the matter shall come before the city council. The city clerk shall then notify the city engineer and the compliance officer/ planner of the petition and the date when the matter will be before the city council, and said officials shall prepare reports relating to the same.

(2) The city council may require the petitioners to compensate the city of Marysville:

- (a) Where the street or alley has been part of a dedicated public right-of-way for 25 years or more, an amount that does not exceed the full appraised value of the area vacated;
- (b) Where the street or alley has not been part of a dedicated public right-of-way for 25 years or more an amount which equals one-half of the appraised value of the area vacated.

When the vacation is initiated by the city of Marysville, or the city council deems it in the best interest of the city of Marysville, the council may waive all or any portion

of such compensation. At the time the city council initially has the petition before it in order to set the matter for public hearing by resolution, the city council shall consider the reports of the city engineer and/or the city planner shall determine whether or not it will require that the city be compensated as a condition of the vacation.

(3) The city council shall, by resolution, fix the time for the hearing of such petition, which time shall not be more than 60 days, nor fewer than 20 days after the passage of such resolution. (Ord. 2396 § 1, 2001; Ord. 948 § 2, 1977).

12.32.030 Notice of public hearing.

(1) On the passage of the resolution provided for in MMC [12.32.020](#), the city clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city and a like notice in conspicuous place on the street or alley sought to be vacated. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

(2) In all cases where the proceeding is initiated by resolution of the city without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to notice required in subsection (1) of this section, there shall be given by mail, at least 15 days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley, or any part thereof, sought to be vacated, as shown on the rolls of the county treasurer, directed to the addresses thereon shown. Failure to send notice by mail to any such property owner where the current address of such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation. (Ord. 948 § 3, 1977).

12.32.040 Survey requirements.

It shall be the duty of the city engineer to determine whether or not the location and legal description of the street or alley proposed for vacation are sufficiently known to the city so that an accurate legal description of the proposed vacation can be known with certainty. If the city engineer determines that these matters are not known or are not accurately known, then the city shall notify the petitioners of the necessity of having an accurate, professional survey of the property proposed for vacation within the boundaries of the proposed vacation marked upon the ground with an accurate legal description of the proposed vacation to be furnished to the city. The city shall not proceed further upon the vacation petition until such a survey has been done and legal description has been received. (Ord. 948 § 4, 1977).

12.32.050 Appraisal.

In all cases where the city council requires compensation for the vacated right-of-way, an appraisal of the right-of-way proposed for vacation shall be made by one or more of the following methods:

- (1) The assessed value of comparable abutting property shall be obtained from the records of the Snohomish County assessor. The average of said values, on a square foot basis, shall be applied to the right-of-way which is proposed for vacation.
- (2) The petitioner shall be required to submit a report of a professional appraiser to the city, stating the fair market value of the right-of-way proposed for vacation.
- (3) The city shall obtain a report from one or more professional appraisers stating the fair market value of the right-of-way proposed for vacation. The cost of said report or reports shall be paid by the petitioner prior to the time of the public hearing. (Ord. 2321 § 1, 2000; Ord. 1170, 1981; Ord. 948 § 5, 1977).

12.32.060 Criteria for council decision.

- (1) The city council shall not vacate any street, alley or any parts thereof if any portion thereof abuts any body of salt or fresh water unless such vacation is sought to enable the city or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational or educational purposes or other public uses. This provision shall not apply to industrial-zoned property.
- (2) The city council shall use the following criteria for deciding upon the petition:
 - (a) The vacation will provide a public benefit, and/or will be for a public purpose;
 - (b) The right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;
 - (c) The public need shall not be adversely affected;
 - (d) The right-of-way is not contemplated or needed for future public use;
 - (e) No abutting owner will become landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient; provided that the city council may, at the time of its public hearing, determine that the city may retain an easement or right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.
- (3) The city council will, at the time of the public hearing, determine the amount of compensation to be paid to the city by the petitioners as a condition of the vacation, which amount shall not exceed one-half of the appraised value of the area to be vacated; except, that in the event the subject property or portions thereof were acquired at public expense, the city may require compensation in an amount equal to the full appraised value of the area to be vacated. (Ord. 1452, 1986; Ord. 948 § 6, 1977).

12.32.070 Authorized by ordinance.

If the city council determines to grant the petition provided for in MMC [12.32.010](#), or any part thereof, the council shall authorize by ordinance the vacation of such street or alley, or any part thereof. Such ordinance may provide for the retention by the city of all easements or rights in respect to the vacated land for the construction or repair and maintenance of public utilities and services. If the city council determines that compensation shall be paid as a condition of the vacation, then the ordinance shall not be published or become effective until the compensation has been paid by the petitioners. (Ord. 948 § 7, 1977).

12.32.080 Notice to auditor and assessor. 

A certified copy of the ordinance vacating any street or alley, or part thereof, shall be filed by the city clerk with the Snohomish County auditor's office and with the Snohomish County assessor's office. (Ord. 948 § 8, 1977).

12.32.090 Use of proceeds of vacation. 

One-half of the revenue received by the city as compensation for area vacated, under this chapter, shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city. (Ord. 2396 § 2, 2001).

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, ESTABLISHING JUNE 14, 2021 AS THE DATE UPON WHICH A PUBLIC HEARING SHALL BE HELD BEFORE THE MARYSVILLE CITY COUNCIL TO CONSIDER VACATION OF AN UNOPENED PUBLIC ROAD OVER THE SOUTH 30 FEET OF ASSESSOR PARCEL NUMBER 29050200200300 (4205 71ST AVENUE NE), IN THE CITY OF MARYSVILLE, AND TO CONSIDER WAIVING COMPENSATION FOR SAID VACATION.

WHEREAS, during review of a formal land use application encompassing two parcels of land (Assessor's Parcel Numbers 29050200200300 and 29050200200200, commonly known as 4205 and 4315 71st Avenue NE, respectively), the City of Marysville became aware of a public road dedication from 1931 recorded under Auditor's File Number (AFN) 530970, that is located over the south 30 feet of Assessor's Parcel Number (APN) 29050200200300 (4205 71st Avenue NE); and

WHEREAS, to the best that City staff can determine, the public road dedication recorded under AFN 530970 was never opened for public road purposes; and

WHEREAS, the City owns the Sunnyside Well Treatment Facility located at 4123 71st Avenue NE (APN [29050200206500](#)) which is directly to the south of 4205 71st Avenue NE and the associated unopened public road dedication; and

WHEREAS, the Sunnyside Well Treatment Facility has an existing access onto 71st Avenue NE which parallels and directly abuts the unopened public road dedication recorded under AFN 530970, rendering said public road dedication both unneeded by the City, and unable to be opened due to the inability to meet Engineering Design and Development Standards access spacing requirements;

WHEREAS, the Sunnyside Well Treatment Facility property also has frontage along 44th Street NE, and has critical areas encumbrances that limit its development potential;

WHEREAS, MMC 12.32.010 and RCW 35.79.010 authorize the Council to initiate vacation procedures by resolution; and

WHEREAS, MMC 12.32.020 provides that, when a vacation is initiated by the City, the Council may waive all or any portion of compensation that the City would receive from the vacation; and

WHEREAS, MMC 12.32.020 furthermore provides that the Council will consider the reports of the City Engineer and the City Planner in determining whether compensation will be required as a condition of the vacation; and

WHEREAS, the City Engineer and the Community Development Director have recommended that the Council waive all compensation for the vacation of the unopened public road that was dedicated by the deed recorded under AFN 530970; and

WHEREAS, the Council desires to initiate vacation procedures for the unopened public road that was dedicated by the deed recorded under AFN 530970;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, AS FOLLOWS.

Section 1. Pursuant to MMC 12.32.020, **June 14, 2021 at 7:00 PM** is established as the time at which the City Council of the City of Marysville will hold a public hearing to consider the vacation of the unopened public road that was dedicated by the deed recorded under Auditor's File Number 530970, and that is located over the south 30 feet of the property located at 4205 71st Avenue NE (APN 29050200200300), which is legally described in **Exhibit A** and depicted in **Exhibits B & C**, attached hereto (the "Unopened Road").

Section 2. The Council, having considered the recommendation of the City Engineer and the Community Development Director, waives all compensation for vacation of the Unopened Road.

Section 3. The Council has determined that vacation of the Unopened Road would satisfy the criteria contained in MMC 12.32.060, specifically:

- (a) The vacation will provide a public benefit, allowing for development of the property located at 4205 71st Avenue NE (APN 29050200200300) to be unimpaired by an unopened and unnecessary road;
- (b) The vacation will not adversely affect the street pattern or circulation of the immediate area of the community as a whole;
- (c) The public need will not be adversely affected;
- (d) The Unopened Road is not contemplated or needed for future public use; and
- (e) No abutting owner will become landlocked or have their access substantially impaired.

ADOPTED by the City Council at an open public meeting this _____ day of _____, 20____.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

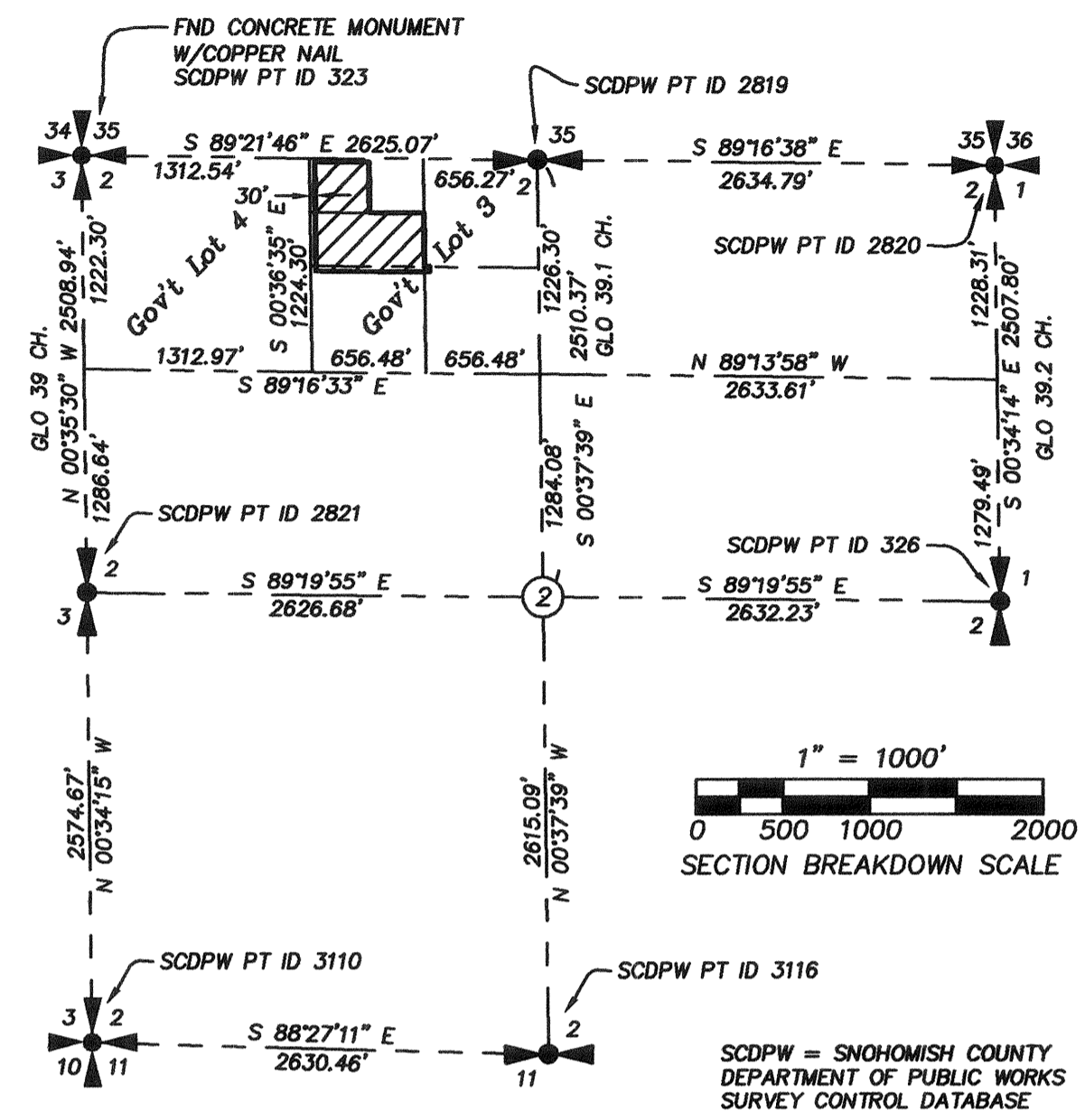
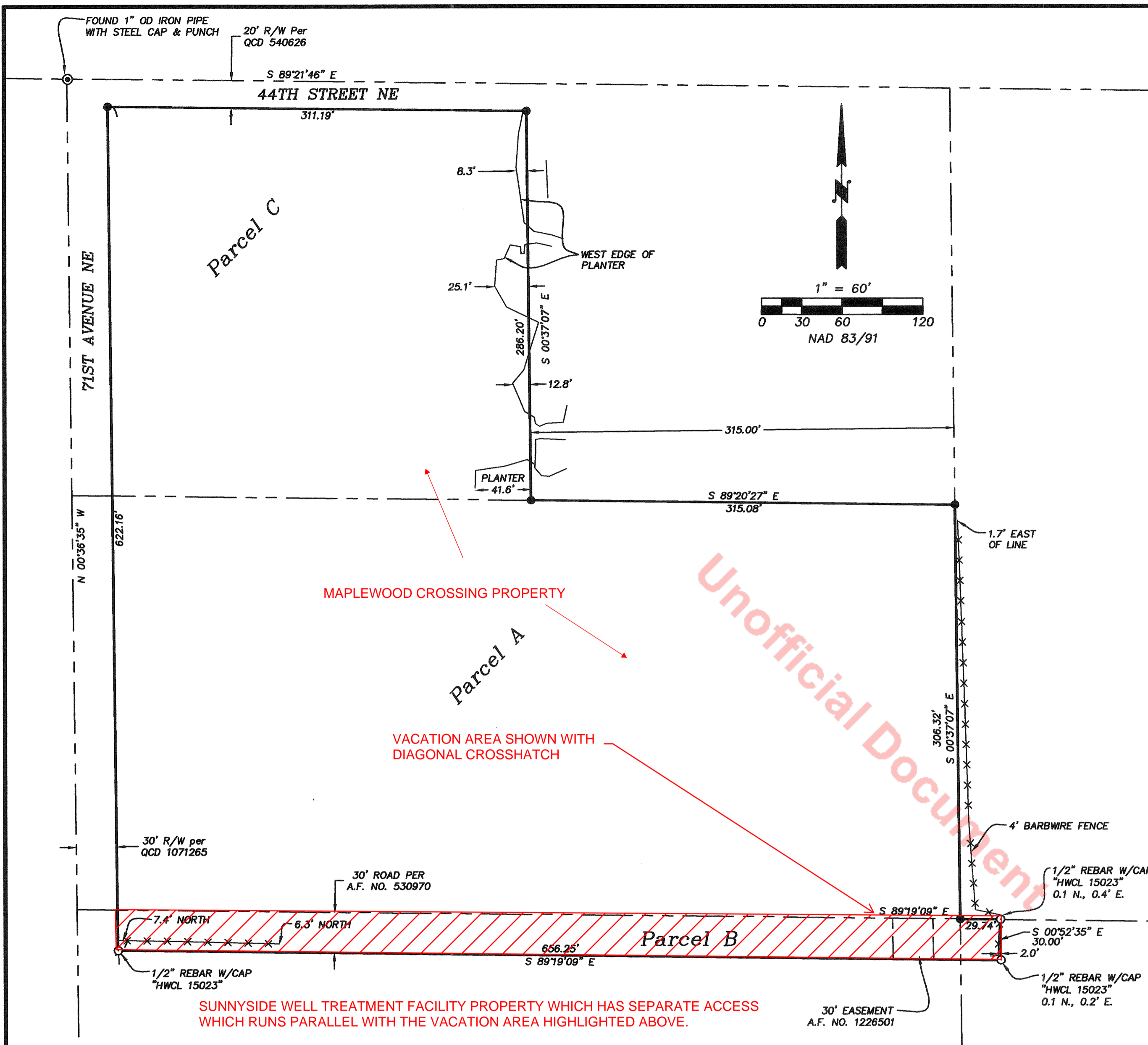
Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

EXHIBIT A

Beginning at the northwest corner of the south half of government lot 3, Section 2, Township 29 North, Range 5 East, W.M., in Snohomish County, Washington; thence north $89^{\circ}35'02''$ east along the north line of said south half 686.12 feet; thence south $1^{\circ}58'24''$ east 30 feet; thence south $89^{\circ}35'02''$ west 686.12 feet; thence northerly 30 feet to the point of beginning; except that portion conveyed to Snohomish County for road purposes by deed recorded under Auditor's File Number 1071265.

MARYSVILLE SCHOOL DIST. #25
SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.
NE 1/4, NW 1/4



MAPLEWOOD CROSSING PROPERTY

VACATION AREA SHOWN WITH DIAGONAL CROSSHATCH

SUNNYSIDE WELL TREATMENT FACILITY PROPERTY WHICH HAS SEPARATE ACCESS WHICH RUNS PARALLEL WITH THE VACATION AREA HIGHLIGHTED ABOVE.

Unofficial Document

Legal Description:

(Per Chicago Title Insurance Company Policy #5302074, second report, dated August 19, 2005)

PARCEL A:
THE SOUTH HALF OF THE NORTHWEST QUARTER OF GOVERNMENT LOT 3 IN SECTION 2 TOWNSHIP 29 NORTH RANGE 5 EAST, W.M., SNOHOMISH COUNTY WASHINGTON; EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1071265, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL B:
BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF GOVERNMENT LOT 3, SECTION 2 TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON; THENCE NORTH 89°35'02" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF 686.12 FEET; THENCE SOUTH 1°58'24" EAST 30 FEET; THENCE SOUTH 89°35'02" WEST 686.12 FEET; THENCE NORTHERLY 30 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1071265;

PARCEL C:
THE NORTH HALF OF THE NORTHWEST QUARTER OF GOVERNMENT LOT 3 SECTION 2 TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.; EXCEPT THE EAST 315 FEET THEREOF; AND EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBERS 1071262 AND 540626, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

SURVEY NOTES:

- 1) SURVEY PROCEDURES & EQUIPMENT: FIELD TRAVERSE & 10" TOTAL STATION.
- 2) THE FIELD TRAVERSES USED IN THIS SURVEY MEET OR EXCEED THOSE STANDARDS CONTAINED IN WAC 332-130-090.
- 3) DISTANCES ARE IN FEET AND DECIMALS THEREOF.
- 4) ALL CONTROLLING MONUMENTS SHOWN ARE OF RECORD, ARE LOCALLY ACCEPTED AS REPRESENTATIVE OF THEIR PURPORTED POSITIONS, AND WERE VISITED DURING THE COURSE OF THIS SURVEY UNLESS OTHERWISE NOTED.
- 5) THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF MARYSVILLE SCHOOL DISTRICT NO. 25 IN DECEMBER 2005.

Douglas R. Slager
DOUGLAS R. SLAGER
PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 28074
DATE: 12-23-2005

LEGEND

- SET 3/4" X 24" IRON PIPE W/CAP "HAI 28074"
- FOUND REBAR AS NOTED
- *** FENCE LINE



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 28 DAY OF December, 2005
AT 12:37 P.M. IN BOOK _____ OF SURVEYS AT PAGE _____
AT THE REQUEST OF HARMSEN & ASSOCIATES, INC.

BOB TERWILLIGER COUNTY AUDITOR
BY *Chelley Roe* DEPUTY COUNTY AUDITOR

AF# 200512285003

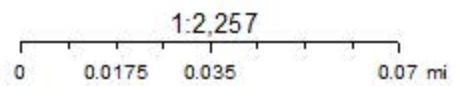
MARYSVILLE SCHOOL DIST. #25		
RECORD OF SURVEY		
ELEMENTARY SITE #11		
SCALE: 1" = 60' DRAWN BY: TLR 12-22-05	HARMSEN & ASSOC. INC 17614 WEST MAIN STREET POST OFFICE BOX 516 MONROE, WA. 98272 PH: (360)794-7811 / (206)343-5903	SHEET 1 OF 1 DWG: ELEM 11 S.T.R. INDEX 2-29 N-5 E NE 1/4, NW 1/4
REVISED: F/B: 872 JOB#: 05-280		

Marysville School District Elementary #11 Survey 05-2805 Eagle Point Elementary 1105-0801-DWG, REB-1, 122285003-2-14-15-PAL, Doug, 11



City of Marysville

- | | | |
|------------------|---------------------|------------------------------------|
| Parcels | STATE OF WASHINGTON | Tributary |
| Railroad | Streets | Intermittent stream |
| ROWs | Trails | Swale |
| MUNICIPALITY | Arlington airport | Intermittent stream, not regulated |
| PRIVATE | Water bodies | Piped Stream |
| RAILROAD | Streams | |
| SNOHOMISH COUNTY | Stream | |



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