


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: July 26, 2021

AGENDA ITEM:	
Wyndham Hills Vacation (PA21027) – Resolution scheduling a Public Hearing for September 13, 2021, for consideration of vacating existing public right-of-way (ROW) dedicated with the recording of the subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2.	
PREPARED BY:	DIRECTOR APPROVAL:
Chris Holland, Planning Manager	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
1. Petition for Vacation of existing public ROW with attachments. 2. Chapter 12.32 MMC, <i>Vacation of Streets and Alleys</i> 3. Resolution	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

The Public Works and Community Development Departments are recommending vacation of existing public ROW that was dedicated with the recording of the subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2 for future extension of 67th Avenue NE, south of 44th Street NE. Following dedication of the public ROW, alignment of the extension of 67th Avenue NE, south of 44th Street NE, has been amended as reflected in the Marysville Comprehensive Plan and the dedicated ROW is no longer a public need.

Keystone Land, LLC, has submitted a subdivision application, known as Wyndham Hills, which will construct the 67th Avenue NE roadway extension, south of 44th Street NE, along the amended alignment and dedicate as public ROW with the recording of said subdivision.

The City Engineer and Community Development Director are also recommending Council waive all compensation of the vacated ROW, based on the following factors:

- a. The right-of-way dedicated is no longer a public need;
- b. The right-of-way proposed to be vacated is approximately 16,170 SF and valued at approximately \$21,182. Dedication of the amended 67th Avenue NE extension, south of 44th Street NE, is approximately 61,000 SF.
- c. The applicant is proposing to construct and dedicate the amended 67th Avenue NE roadway alignment, south of 44th Street NE, at no cost to the public. The cost for constructing the 67th Avenue NE extension is approximately \$775,000.

RECOMMENDED ACTION: Staff recommends City Council consider adopting a Resolution setting a public hearing date of September 13, 2021 to consider the vacation of the existing public right-of-way that was dedicated with the recording of the subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2, and waiving compensation for said vacation.
RECOMMENDED MOTION: I move to adopt Resolution No. _____.



PETITION FOR VACATION OF STREET

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

FOR AGENCY USE	Date:	Permit Number:	Fee: \$500.00
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TO: The City Council of the City of Marysville, Washington

Keystone Land, LLC hereby petitions the City of Marysville for the vacation of a street pursuant to RCW 35.79 and Chapter 12.32 MMC, *Vacation of Streets and Alleys*, and in support of said petition states as follows:

1. See the attached legal description for the portion of 67th Ave NE Right-of-way that is being proposed to be vacated.
2. Keystone Land, LLC, Cornerstone Homes NW, LLC, James Alt, Max T Staples, and Don B Andrews are the owners of 74.87% of all property abutting 67th Ave NE.
3. Vacation of 67th Ave NE will meet the following criteria:
 - a. It will provide a public benefit.

Response: If approved, the land within the proposed vacation of 67th Ave NE will be used for utility connections for the proposed Wyndham Hill subdivision and surrounding future development in the area. Also, the street vacation will allow 67th Ave NE to be extended to reflect City's plan to connect 67th Ave NE to 71st Ave NE. This proposed new road connection to 71st Ave NE will include car and pedestrian facilities to ensure safe accommodation for multiple types of transportation and more direct connectivity though the neighborhood.

- b. It will not adversely affect the street pattern or circulation of the immediate area or of the community as a whole.

Response: The existing street patterns will be preserved. The portion of 67th Ave NE that is being petitioned to be vacated is currently a vacant piece of isolated ROW, with no road built. If the petition is approved, it will allow 67th Ave NE to be

extended to connect to 71st Ave NE as shown in the City's plan for the extension of 67th Ave NE.

c. The public need will not be adversely affected.

Response: The portion of 67th Ave NE that is being petitioned to be vacated, is a vacant piece of land and has no proposed public usage. Also, there is private property between this portion of 67th Ave NE ROW and the constructed portion of 67th Ave NE ROW to the north and 40th St NE ROW to the south, which prevents public access to this portion of ROW.

d. The street is not contemplated or needed for future public use.

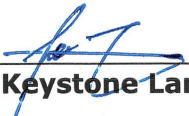
Response: The portion of 67th Ave NE that is being petitioned to be vacated is not part of City extension plan for 67th Ave NE.


e. No abutting owner will become landlocked or have his access substantially impaired.

No owner of land surrounding the proposed 67th Ave NE street vacation will be landlocked due to this vacation.

4. Keystone Land, LLC hereby agrees to pay all fees and charges required by Chapter 12.32 MMC relating to vacation of streets.

DATED this 17 day of May, 2021.

By  Joe Long EVP of Keystone Land, LLC
Keystone Land, LLC

By  Joe Long EVP of Cornerstone Homes NW, LLC
Cornerstone Homes, NW

May 17, 2021

City of Marysville
Community Development Department
80 Columbia Avenue
Marysville, WA 98270

RE: 67th Ave NE Street Vacation Petition

The Purpose of this Street Vacation Petition is to request that a portion of 67th Ave NE be vacated and transferred from the City's ownership to the applicant. The concerned portion of 67th Ave NE is not part of the City's plan to extend 67th Ave NE and is a vacant piece of land that is landlocked on both sides by private property, isolating it from the constructed portion of 67th Ave NE to the north and 40th St NE to the south. Below is a description of the proposed street vacation, how the vacation meets the City's approval criteria for street vacations (MMC12.32.060(2)), and how the applicant proposes to compensate the City for the value of the vacated land.

Reference location	Tax Parcel # 29050200201800
Property Zoning:	R-4.5
Vacated ROW Area:	0.37 acres (16,170 sf)
Legal Description:	See Exhibit A of the Street Vacation Petition
Vacation Map:	See Exhibit B of the Street Vacation Petition

Approval Criteria (MMC12.32.060(2))

(a) It will provide a public benefit.

Response: If approved, the land within the proposed vacation of 67th Ave NE will be used for utility connections for the proposed Wyndham Hill subdivision and surrounding future development in the area. Also, the street vacation will allow 67th Ave NE to be extended to reflect City's plan to connect 67th Ave NE to 71st Ave NE. This proposed new road connection to 71st Ave NE will include car and pedestrian facilities to ensure safe accommodation for multiple types of transportation and more direct connectivity through the neighborhood.

(b) It will not adversely affect the street pattern or circulation of the immediate area or of the community as a whole.

Response: The existing street patterns will be preserved. The portion of 67th Ave NE that is being petitioned to be vacated is currently a vacant piece of isolated ROW, with no road built. If the petition is approved, it will allow 67th Ave NE to be extended to connect to 71st Ave NE as shown in the City's plan for the extension of 67th Ave NE.

(c) The public need will not be adversely affected.

Response: The portion of 67th Ave NE that is being petitioned to be vacated, is a vacant piece of land and has no proposed public usage. Also, there is private property between this portion of 67th Ave NE ROW and the constructed portion of 67th Ave NE ROW to the north and 40th St NE ROW to the south, which prevents public access to this portion of ROW.

(d) The street is not contemplated or needed for future public use.

Response: The portion of 67th Ave NE that is being petitioned to be vacated is not part of City extension plan for 67th Ave NE.

(e) No abutting owner will become landlocked or have his access substantially impaired.

Response: No owner of land surrounding the proposed 67th Ave NE street vacation will be landlocked due to this vacation.

Proposed Compensation

The applicant proposes that in lieu of monetary compensation for the vacated street, the City accepts the construction of a new extension of 67th Ave NE associated with the Wyndham Hills subdivision as payment. The proposed partial extension of 67th Ave NE and dedication of ROW as part of this project will extend approximately 880-feet to the southeast to a dead end, with the intent that future development will further extend 67th Ave NE to connect to 71st Ave NE. This proposed connection is consistent with the City's plans for extending 67th Ave NE.

Submitted with this proposal is a legal description, vacation map exhibit, and a cost estimate of the proposed partial 67th Ave NE extension, which estimates that the proposed extension will cost \$775,000. Also submitted, is an appraisal of the proposed vacated land, which appraises land to be \$21,182. This shows that the construction of the 67th Ave NE will exceed the value of the vacated street and is a fair compensation for the vacated street.

Sincerely,

LDC, Inc.



Tom Abbott, PE
Project Manager
HQ Office

April 28, 2021

Chris Holland
Planning Manager
80 Columbia Ave.
Marysville, WA 98270

Re: Partial road vacate / valuation

Dear Sir:

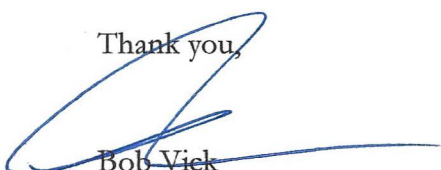
This letter is for the valuation of the proposed vacate of the section of Right-of-Way ("ROW") legally described in the attached Exhibit A. The area to be vacated is approximately 16,170 SF, and is located adjacent to the Wyndham Hills PRD site currently under development by Keystone Land LLC. The Wyndham parcel numbers are listed below:

Parcel No.	29050200201800	7.67 Acres
Parcel No.	29050300100600	2.09 Acres
Parcel No.	01099000099700	<u>3.79 Acres</u>
		13.55 Acres (590,238 SF)

Keystone closed on this site in April of 2020, which included entitlements and approved construction plans. The purchase price was \$775,000 or \$1.31/SF. The entitlements and construction plans added value to this acquisition, which in my professional opinion, off-set the 12 months of appreciation in the market since the property closed last April. The value for this portion of ROW to be vacated is $(\$1.31 \times 16,170 \text{ SF}) = \$21,182.00$.

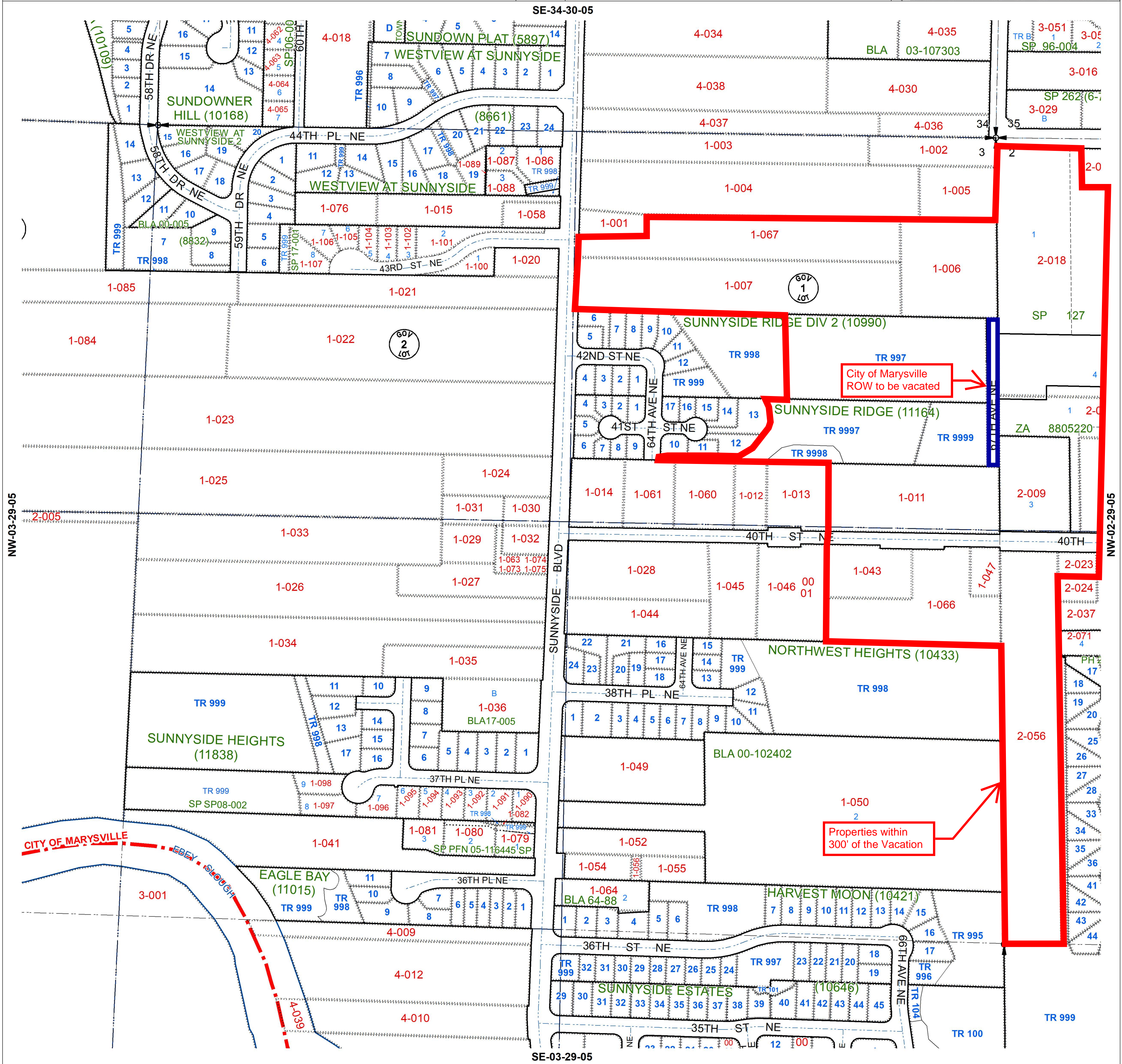
This letter is a Broker Opinion of the property value, and not intended to be an appraisal.

Thank you,



Bob Vick
Managing Broker
John L Scott Real Estate
425-422-9607 or bobvick@johnlscott.com

QUARTER NE	SECTION 3	TOWNSHIP N.W.B.L. 29	RANGE E.W.M. 5	ALL MAPS, DATA, AND INFORMATION SET FORTH HEREIN ("DATA"), ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT TO BE CONSIDERED AN OFFICIAL CITATION TO, OR REPRESENTATION OF, THE SNOHOMISH COUNTY CODE. AMENDMENTS AND UPDATES TO THE DATA, TOGETHER WITH OTHER APPLICABLE COUNTY CODE PROVISIONS, MAY APPLY WHICH ARE NOT DISCLOSED HEREIN. SNOHOMISH COUNTY MAKES NO REPRESENTATION OR WARRANTY CONCERNING THE CONTENT, ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF THE DATA CONTAINED HEREIN AND EXPRESSLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. ALL PERSONS ACCESSING OR OTHERWISE USING THIS DATA ASSUME ALL RESPONSIBILITY FOR USE THEREOF AND AGREE TO HOLD SNOHOMISH COUNTY HARMLESS FROM AND AGAINST ANY DAMAGES, LOSS, CLAIM OR LIABILITY ARISING OUT OF ANY ERROR, DEFECT OR OMISSION CONTAINED WITHIN SAID DATA. WASHINGTON STATE LAW, CH. 42.56 RCW, PROHIBITS STATE AND LOCAL AGENCIES FROM PROVIDING ACCESS TO LISTS OF INDIVIDUALS INTENDED FOR USE FOR COMMERCIAL PURPOSES AND, THUS, NO COMMERCIAL USE MAY BE MADE OF ANY DATA COMPRISING LISTS OF INDIVIDUALS CONTAINED HEREIN.	 Map produced on October 31, 2019	 A product of the Assessor's Office Snohomish County, Washington	
Centerline	Lot	Block	Section	City Limits			
Gov Lot	Subdiv	ROW	Quarter	Tax Acct			
Major Water	Other Lot	Vac ROW	16th	Easement			
Minor Water	Other Subdiv	Vac Lot					



PRD DENSITY/OPEN SPACE CALCULATIONS

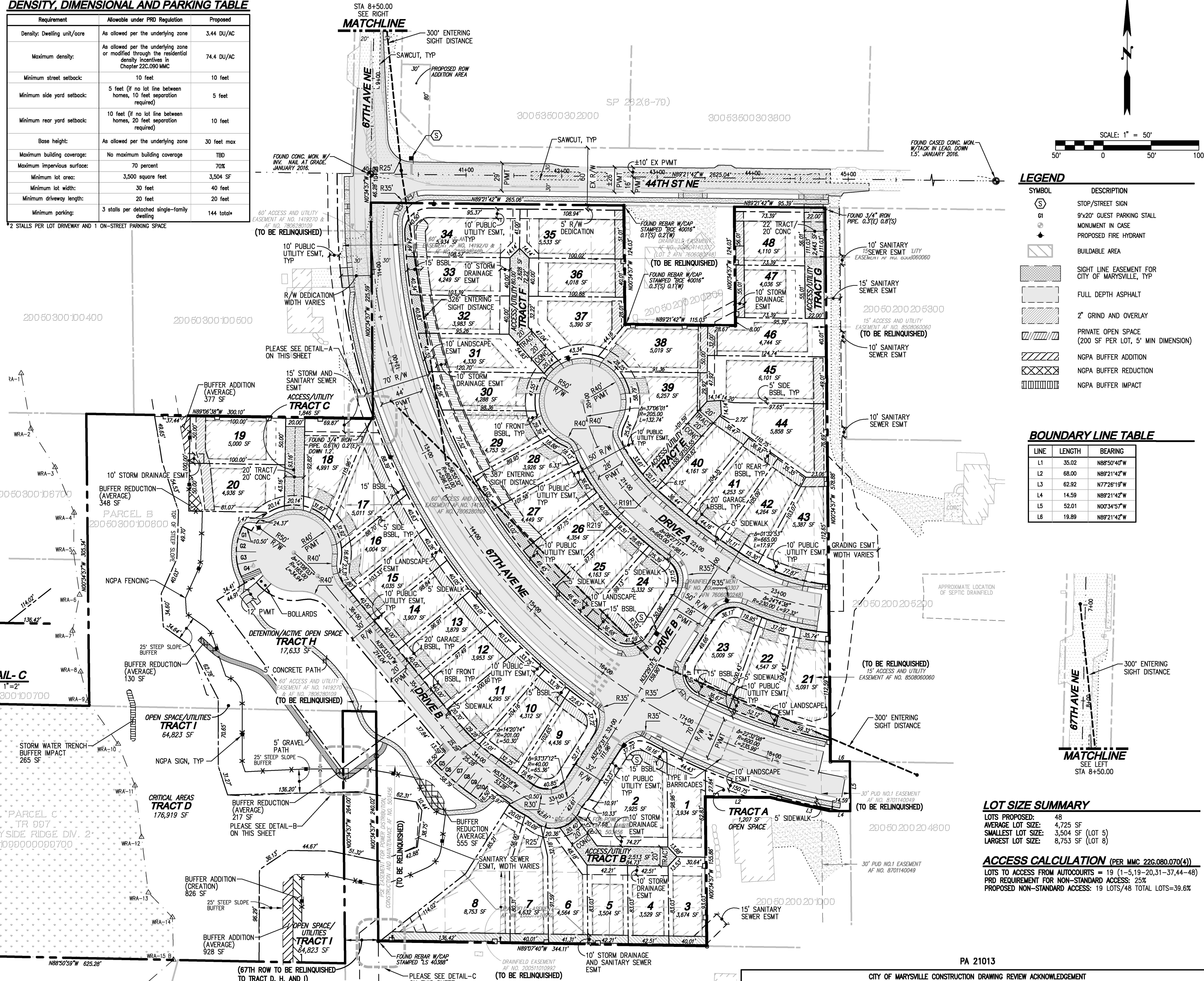
DENSITY/OPEN SPACE CALCULATIONS		
	AC (unless otherwise noted)	SF (unless otherwise noted)
NET AREA: PARCELS ZONED R-4.5 (#29050300100600, #02090000099700)		
GROSS PARCEL AREA	5.90	256,829
ROW DEDICATION	0.24	10,269
TRACT C (PANHANDLE)	0.04	1,846
TOTAL REMOVAL FOR NPA	0.28	12,115
NET PROJECT AREA (NPA)	5.62	244,714
NET PROJECT DENSITY (NPA x 4.5 DU/AC)	25.28	
Net Area: Parcels Zoned R-6.5 (#29050200201800)		
GROSS PARCEL AREA	7.67	334,296
ROW DEDICATION	2.22	96,838
TRACT B, E, F AND G (PANHANDLE)	0.22	9,739
TOTAL REMOVAL FOR NPA	2.45	106,577
NET PROJECT AREA (NPA)	5.23	227,719
NET PROJECT DENSITY (NPA x 6.5 DU/AC)	33.98	
NET AREA: 67TH AVE ROW RELINQUISHMENT (UNDER SEPARATE INSTRUMENT)		
GROSS RELINQUISHMENT AREA	0.37	16,170
TOTAL REMOVAL FOR NPA	0.00	0
NET PROJECT AREA (NPA)	0.37	16,170
NET PROJECT DENSITY (NPA x 4.5 DU/AC)	2.41	
PROJECT ZONING DENSITY CALCULATIONS		
	DU (unless otherwise noted)	SF (unless otherwise noted)
GROSS PROJECT SITE AREA (AC)*	13.94	607,295
NET PROJECT AREA (NPA) (AC)*	11.22	488,603
DENSITY PER R-4.5 PARCEL AREA	27.69	
DENSITY PER R-6.5 PARCEL AREA	33.98	
TOTAL BASE DENSITY (R-4.5 + R-6.5)	61.67	
TOTAL BASE DENSITY (R-4.5 + R-6.5) (ROUNDED)	62.00	
MAX DENSITY (WITH BONUS DENSITY) = 120% x BASE DENSITY	74.4	
DWELLING UNITS PROPOSED	48	
DENSITY PROPOSED (DU/AC)	3.44	
BONUS DENSITY REQUIRED	0	
OPEN SPACE CALCULATIONS		
	AC (unless otherwise noted)	SF (unless otherwise noted)
GROSS PROJECT SITE AREA*	13.94	607,295
NET PROJECT AREA (NPA)*	11.22	488,603
CRITICAL AREAS AND BUFFERS	4.06	176,919
REQ. OPEN SPACE (15% NPA)	1.68	73,290
REQ. OPEN SPACE (65% CRITICAL AREA/BUFFER PORTION)	1.09	47,639
REQ. OPEN SPACE (35% ACTIVE OPEN SPACE PORTION)	0.59	25,652
OPEN SPACE PROVIDED (TRACTS D, H AND I)	5.95	259,375
TOTAL OPEN SPACE PROVIDED	5.95	259,375

DENSITY, DIMENSIONAL AND PARKING TABLE

Requirement	Allowable under PRD Regulation	Proposed
Density: Dwelling unit/acre	As allowed per the underlying zone	3.44 DU/AC
Maximum density:	As allowed per the underlying zone or modified through the residential density incentives in Chapter 22C.090 MMC	74.4 DU/AC
Minimum street setback:	10 feet	10 feet
Minimum side yard setback:	5 feet (if no lot line between homes, 10 feet separation required)	5 feet
Minimum rear yard setback:	10 feet (if no lot line between homes, 20 feet separation required)	10 feet
Base height:	As allowed per the underlying zone	30 feet max
Maximum building coverage:	No maximum building coverage	TBD
Maximum impervious surface:	70 percent	70%
Minimum lot area:	3,500 square feet	3,504 SF
Minimum lot width:	30 feet	40 feet
Minimum driveway length:	20 feet	20 feet
Minimum parking:	3 stalls per detached single-family dwelling	144 total*

* 2 STALLS PER LOT DRIVEWAY AND 1 ON-STREET PARKING SPACE

PORTION OF NW1/4, NW1/4, SEC 2, TWN 29 N, RGE 5 E, W.M., SNOHOMISH COUNTY, WASHINGTON

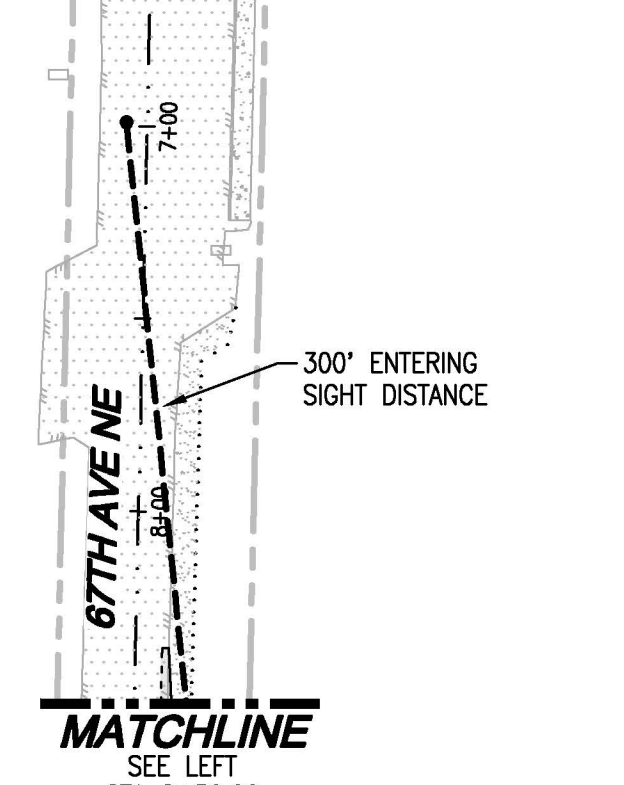
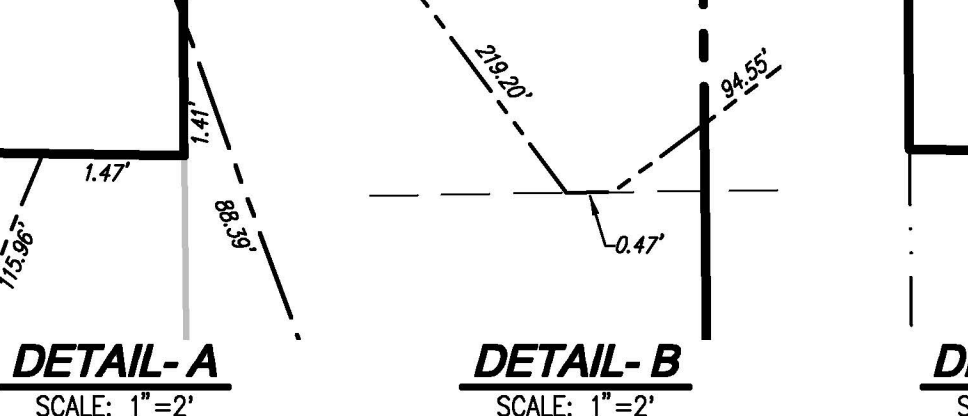


LEGEND

SYMBOL	DESCRIPTION
(S)	STOP/STREET SIGN
G1	9'x20' GUEST PARKING STALL
(M)	MONUMENT IN CASE
(H)	PROPOSED FIRE HYDRANT
(Hatched)	BUILDABLE AREA
(Dashed)	SIGHT LINE EASEMENT FOR CITY OF MARYSVILLE, TYP
(Diagonal)	FULL DEPTH ASPHALT
(Cross-hatched)	2' GRIND AND OVERLAY
(Wavy)	PRIVATE OPEN SPACE (200 SF PER LOT, 5' MIN DIMENSION)
(Stippled)	NGPA BUFFER ADDITION
(Dotted)	NGPA BUFFER REDUCTION
(Vertical)	NGPA BUFFER IMPACT

BOUNDARY LINE TABLE

LINE	LENGTH	BEARING
L1	35.02	N88°50'40\"/>
L2	68.00	N89°21'42\"/>
L3	62.92	N77°26'19\"/>
L4	14.59	N89°21'42\"/>
L5	52.01	N00°34'57\"/>
L6	19.89	N89°21'42\"/>



LOT SIZE SUMMARY

LOTS PROPOSED: 48
 AVERAGE LOT SIZE: 4,725 SF
 SMALLEST LOT SIZE: 3,504 SF (LOT 5)
 LARGEST LOT SIZE: 8,753 SF (LOT 8)

ACCESS CALCULATION (PER MMC 22C.080.070(4))
 LOTS TO ACCESS FROM AUTOCOURTS = 19 (1-5, 19-20, 31-37, 44-48)
 PRD REQUIREMENT FOR NON-STANDARD ACCESS: 25%
 PROPOSED NON-STANDARD ACCESS: 19 LOTS/48 TOTAL LOTS=39.6%

REFERENCE LINE

SEE SHEET PP-02

UTILITY NOTE

THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION. AGENCIES INVOLVED SHALL BE NOTIFIED WITHIN A REASONABLE TIME PRIOR TO THE START OF CONSTRUCTION.

DISCLAIMER

TOPOGRAPHIC SURVEY INFORMATION CONTAINED ON THESE PLANS HAS BEEN PROVIDED BY PACIFIC COAST SURVEYS, INC. LDC, INC. (LAND DEVELOPMENT CONSULTANTS, INC.) ASSUMES NO LIABILITY AS TO THE ACCURACY AND COMPLETENESS OF THIS DATA IN ITS ENTIRETY. ANY DISCREPANCIES FOUND BETWEEN WHAT IS SHOWN ON THE PLANS AND WHAT IS NOTED IN THE FIELD SHOULD BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ENGINEER.



CITY OF MARYSVILLE CONSTRUCTION DRAWING 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. ACKNOWLEDGEMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRE 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, WISDOM HYDRAULIC PROJECT APPROVAL (HPS), WISDOE NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT. THIS DAY OF _____

BY: _____
 KEN MONTYRE, PE, DEVELOPMENT SERVICES MANAGER

DATE: 2-24-21
 SCALE: 1\"/>

KEYSTONE LAND, LLC
WYNDHAM HILLS
PRELIMINARY PLAT

LDC
 Surveying
 Engineering
 Planning

Woodville
 20210 142nd Avenue NE
 Kent, WA 98072
 T 425.806.1869 www.LDCcorp.com

Woodville
 Kent Central Pl S, #101
 Kent, WA 98030
 F 425.482.2893

REVISIONS

NO.	DATE	DESCRIPTION
1	5-27-21	REVISED PER 1ST PRELIMINARY PRD AND CIVIL COMMENTS

JOB NUMBER: C20-159
 DRAWING NAME: C20159PP-PP-PL
 DESIGNER: MEV
 DRAFTING BY: PO
 DATE: 2-24-21
 SCALE: 1\"/>

PP-02

SHEET 2 OF 3

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 SEPTEMBER 13, 2021 AS THE DATE UPON WHICH A PUBLIC HEARING SHALL BE HELD BEFORE THE MARYSVILLE CITY COUNCIL TO CONSIDER VACATION OF AN UNOPENED PUBLIC RIGHT-OF-WAY DEDICATED WITH THE RECORDING OF SUNNYSIDE RIDGE AND SUNNYSIDE RIDGE DIVISION 2, IN THE CITY OF MARYSVILLE, AND TO CONSIDER WAIVING COMPENSATION FOR SAID VACATION.

WHEREAS, Keystone Land, LLC, petitioned the City of Marysville to vacate existing public right-of-way that was dedicated with the recording of the subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2 for future extension of 67th Avenue NE, south of 44th Street NE; and

WHEREAS, following dedication of the public right-of-way, alignment of the extension of 67th Avenue NE, south of 44th Street NE, has been amended as reflected in the Marysville Comprehensive Plan and the dedicated right-of-way is no longer a public need; and

WHEREAS, Keystone Land, LLC, has submitted a subdivision application, known as Wyndham Hills, which will construct the 67th Avenue NE roadway extension, south of 44th Street NE, along the amended alignment, and which will be dedicated as public right-of-way with the recording of said subdivision; and

WHEREAS, upon receiving a petition for vacation, the Council shall by resolution set a time for a hearing on the petition pursuant to MMC 12.32.030 and RCW 35.79.010; and

WHEREAS, MMC 12.32.020 provides that, when a vacation is initiated by the City, 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 that the City would receive from the vacation. At the time the Council initially has the petition before it in order to set the matter for public hearing by resolution, the Council shall consider the reports of the City Engineer and/or the Community Development Director shall determine whether or not it will require that the City be compensated as a condition of the vacation; and

WHEREAS, The City Engineer and Community Development Director have recommended Council waive all compensation of the vacated right-of-way, based on the following factors:

- (a) The right-of-way dedicated with the recording of the subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2 is no longer a public need, as the alignment of the 67th Avenue NE, south of 44th Street NE, has been amended as adopted in the Marysville Comprehensive Plan.
- (b) The right-of-way proposed to be vacated is approximately 16,170 SF and valued at approximately \$21,182. Dedication of the amended 67th Avenue NE extension, south of 44th Street NE, is approximately 61,000 SF.
- (c) The applicant is proposing to construct and dedicate the amended 67th Avenue NE roadway alignment, south of 44th Street NE, to a public standard; including sidewalks, planter strips, street lighting and utilities, at no cost to the public. The cost for constructing the 67th Avenue NE extension is approximately \$775,000.

WHEREAS, the Council desires to initiate vacation procedures for the existing public right-of-way that was dedicated with the recording of the subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2;

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

Section 1. Pursuant to MMC 12.32.020, **September 13, 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 existing public right-of-way dedicated with the recording of the subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2, which is legally described in **Exhibit A** and depicted in **Exhibit B**, attached hereto.

Section 2. The Council, having considered the recommendation of the City Engineer and the Community Development Director, waives all compensation for vacation of the existing public right-of-way.

Section 3. The Council has determined that vacation of the existing public right-of-way would satisfy the criteria contained in MMC 12.32.060, specifically:

- (a) The vacation will provide a public benefit, allowing for construction and dedication of the 67th Avenue NE extension per the City's Comprehensive Plan;
- (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 _____, 2021.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Exhibit "A"

67TH AVE NE

STREET VACATION PETITION LEGAL DESCRIPTION

THE EAST 35.00 FEET OF THE FOLLOWING DESCRIBED PARCEL;

BEGINNING AT A POINT 660.00 FEET NORTH OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 1, SECTION 3, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON;

THENCE WEST 1320.00 FEET, MORE OR LESS, TO THE EAST LINE OF COUNTY ROAD;

THENCE SOUTH 462.00 FEET;

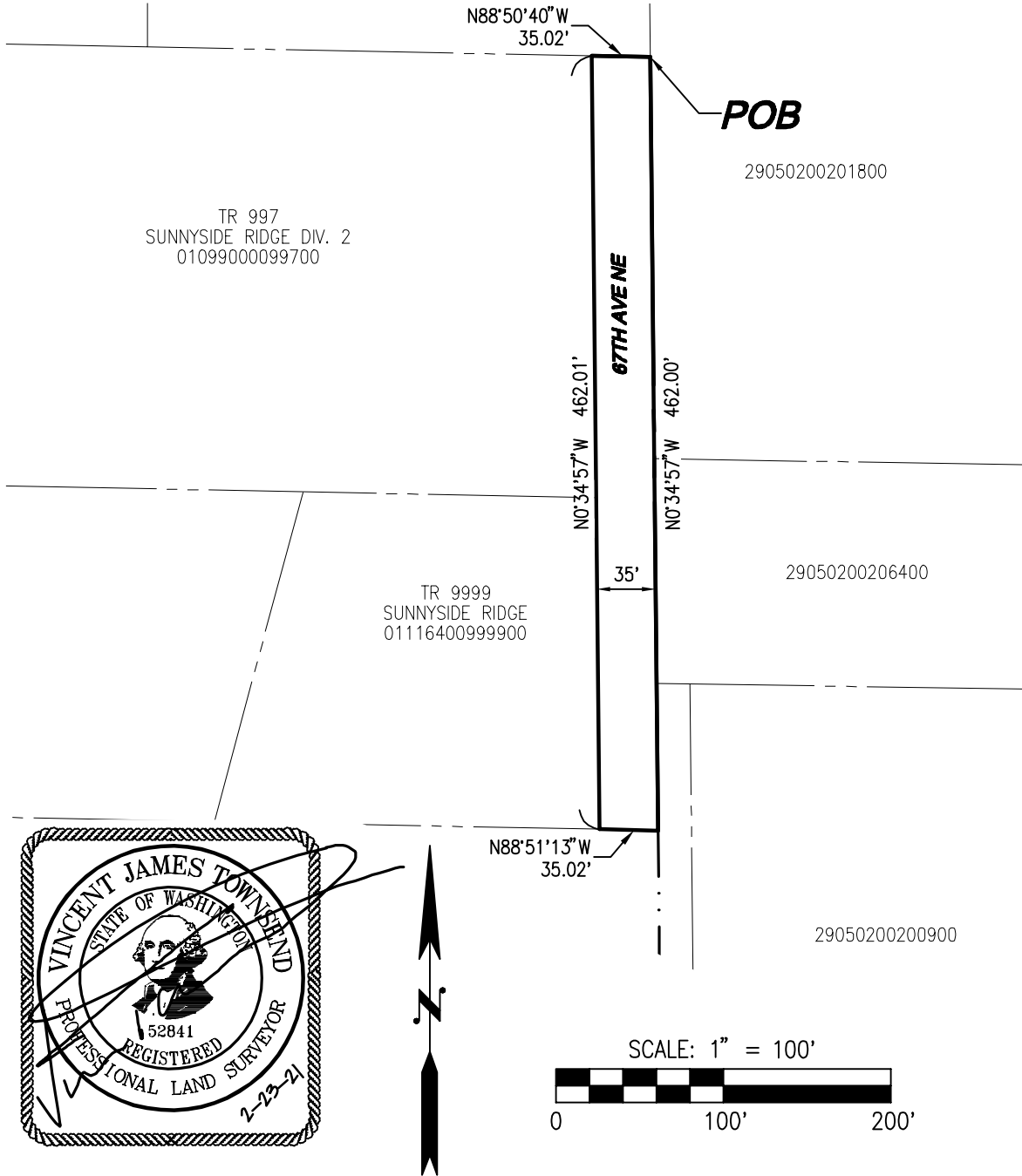
THENCE EAST 1320.00 FEET;

THENCE NORTH 462.00 FEET TO THE POINT OF BEGINNING;

SAID PORTION BEING PREVIOUSLY DEDICATED RIGHT-OF-WAY ON SUNNYSIDE RIDGE AND SUNNYSIDE RIDGE DIVISION 2, AFN NO. 201003025001, 200805155186;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

EXHIBIT "B"



LDC

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Planning
Survey

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67TH AVE NE STREET VACATION PETITION EXHIBIT

A PORTION OF THE NE 1/4 OF SEC 3, TWN 29 N, RGE 5 E,
W.M., SNOHOMISH COUNTY, WASHINGTON

DRAWN BY:	DATE:	DRAWING FILE NAME:	SCALE:	JOB NUMBER:
MAR	2-23-21	C20-159-WYND-EX	1"=100'	C20-159