

After Recording Return To:

City of Mountlake Terrace
City Hall, ATTN: CED Dept.
23204 58th Avenue W
Mountlake Terrace, WA 98043

ORDINANCE

GRANTOR/:	CITY OF MOUNTLAKE TERRACE, A municipal corporation of the State of Washington
GRANTEE:	SOUND TRANSIT
Abbr. Legal Description:	Portion of 222 nd Street Southwest in the Northeast quarter of the Southeast quarter of Section 29, Township 27 North, Range 4 East, W.M.
Assessor's Property Tax Parcel Account Number:	000000000000100 . (right of way)
Reference Number of Related Documents:	Ordinance No. 2781, City of Mountlake Terrace

**CHICAGO TITLE INSURANCE COMPANY HAS PLACED THE DOCUMENT OF
RECORD AS A CUSTOMER COURTESY AND ACCEPTS NO LIABILITY FOR THE
ACCURACY OR VALIDITY OF THE DOCUMENT.**

I hereby certify this is to be a true and correct copy of the original on file in my office as part of the official records of the City of Mountlake Terrace.


City Clerk

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. 2781

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, VACATING A PORTION OF THE 222ND STREET SW
RIGHT-OF-WAY AT 62ND AVENUE WEST, LOCATED IN THE CITY OF
MOUNTLAKE TERRACE (PSV-20-0001, 6205 222ND STREET SW)**

WHEREAS, the City Council received a street vacation application, PSV-20-0001, from Sound Transit to vacate 6,071 feet of the 222nd Street SW right of way, located east of the intersection of 222nd Street SW and 62nd Avenue W, and abutting properties addressed as 6502 222nd Street SW and 22201 62nd Avenue W; and

WHEREAS, the purpose of the vacation request is to facilitate construction of the light rail system on the subject land, eliminate a land-locked remnant of 222nd right-of-way between the guideway and west margin of I-5, and provide for the necessary access and maintenance of the guideway by Sound Transit; and

WHEREAS, a street vacation must be signed by more than two-thirds of the land owners abutting the subject street vacation and Sound Transit, the owner of 100 percent of the abutting properties, signed the petition and Certificate of Sufficiency was issued October 1, 2020; and

WHEREAS, said street vacation is subject to consideration and a decision by the City pursuant to Chapter 17.08 of the Mountlake Terrace Municipal Code (MTMC) and Chapter 35.79 RCW; and

WHEREAS, the City Council adopted Resolution No. 835 on November 2, 2020, to set a public hearing date on the street vacation application for December 7, 2020; and

WHEREAS, the City Council opened a public hearing on December 7, 2020 and continued it to December 21, 2020; and

WHEREAS, proper notice of the public hearing, and mailing and posting requirements were provided in accordance with MTMC 18.05.420 and RCW 35.79.020 to include notice to all property owners within 300 feet of the both the subject site and any other abutting properties owned by the property owner (Sound Transit); and

WHEREAS, pursuant to MTMC 18.05.500(C) the City Council heard and considered public comments or testimony germane to the matter at a public hearing on December 21, 2020; and

WHEREAS, the proposed street vacation does not affect the ability of any abutting property to have direct access to a public right-of-way; and

222nd Street Vacation Ordinance (PSV-20-0001)

Page 2 of 4

WHEREAS, the City Council determined a public utility easement for an existing city water main should be retained over a portion of the vacated public right-of-way; and

WHEREAS, 222nd Street SW has been a dedicated public right-of-way for twenty-five years or more and, pursuant to RCW 35.79.030, the City may require the abutting property owners to compensate the City in an amount that does not exceed the full appraised value of the land; and

WHEREAS, pursuant to RCW 35.79.030, the City Council determined compensation for the vacated public right-of-way shall be provided in the full amount of the appraised value of \$160,000; and

WHEREAS, when a street or alley is vacated, the vacated property shall belong to the abutting property owners, one-half to each, and since the abutting property owners are the same, shall go to such property owner in full; and

WHEREAS, the vacation is consistent with the applicable requirements for approval of a vacation per MTMC 17.08.050; 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 determination; and

WHEREAS, the City Council finds that the City has no future need for the public right-of-way to be used as a street for vehicle travel; and

WHEREAS, the City Council finds that the public use, benefit and welfare will best be served by the vacation of said portion of the 222nd Street SW public right-of-way; and

WHEREAS, the City Council finds it is in the public interest that the right-of-way as described herein should be vacated subject to conditions; and

WHEREAS, the City Council finds the street vacation, as conditioned, to be consistent with the criteria for a street vacation and is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council pursuant to the requirements of Mountlake Terrace Municipal Code 17.08.050(A)(2) and Chapter 35.79 RCW. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the City Council.

Section 2. Public Right-of-Way Vacated. Subject to the conditions set forth in Sections 3, 4 and 5 of this Ordinance, the portion of the 222nd Street SW public right-of-way, as depicted

222nd Street Vacation Ordinance (PSV-20-0001)

Page 3 of 4

on Exhibit A attached hereto and incorporated by reference and which is legally described as follows, is hereby vacated.

That portion of 222nd Street Southwest in the Northeast quarter of the Southeast quarter of Section 29, Township 27 North, Range 4 East, W.M. described as follows:

Commencing at the centerline intersection of 222nd Street Southwest and 62nd Avenue West according to the Plat of the Mountlake Terrace Division Number 34 recorded in Volume 14 of Plats, pages 92 and 93, records of Snohomish County, Washington;

Thence S87°56'52"E along the centerline of 222nd Street Southwest a distance of 47.19 feet to the Point of Beginning;

Thence, leaving said centerline, N00°35'57"E a distance of 30.01 feet to the North margin of 222nd Street Southwest;

Thence S87°56'52" E along said margin a distance of 107.46 feet to a point on the West margin of SR-5;

Thence, S12°29'19"W along said margin, a distance of 61.01 feet to the South margin of 222nd Street Southwest;

Thence N87°56'52" W along said margin a distance of 94.88 feet;

Thence, leaving said margin, N00°35'57" E a distance of 30.01 feet to the Point of Beginning.

Containing 6,071 square feet, more or less.

Section 3. Easement Reserved and Retained. Pursuant to RCW 35.79.030, the City of Mountlake Terrace hereby reserves and retains a permanent easement over, across and through the right-of-way described herein for construction, repair and maintenance of public utilities and services of the City including, but not limited to, a water main easement.

Section 4. Compensation Required. As a condition of vacating the public right-of-way, the Petitioner(s) shall remit to the City of Mountlake Terrace, prior to the Effective Date of this Ordinance, the sum of one hundred sixty thousand and 00/100 dollars (\$160,000.00), payment for the full amount of the appraised value of the public right-of-way vacation.

Section 5. Conditions Precedent. Before this Ordinance and the vacation of the public right-of-way shall be effective, the Petitioner(s) shall, within six (6) months of the date of adoption of this Ordinance, provide the City with an easement for the city water main, and remit to the City payment the full amount of the appraised value of the public right-of-way vacation, in the sum of one hundred sixty thousand and 00/100 dollars (\$160,000.00). If the easement and remittance are not received within six (6) months of the date of adoption of this Ordinance unless extended by future ordinance of City Council, this Ordinance and the vacation of the public right-of-way shall be null and void and shall have no force or effect.

Section 6. Certified Copy of Ordinance. Only upon the satisfaction of each and every condition set forth in Section 5 of this Ordinance is the City Clerk hereby directed to record a certified copy of this Ordinance with the office of the Snohomish County Auditor. This vacation and the transfer of title to Petitioner(s) shall be effective at such time as this Ordinance is

222nd Street Vacation Ordinance (PSV-20-0001)

Page 4 of 4

properly published and recorded in the office of the County Auditor. Cost of recording shall be the responsibility of the Owner(s)/Petitioner(s). Following recording of this Ordinance, a certified copy shall be sent to Snohomish County Treasurer's Office.

Section 7. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.


Section 8. Conflicts. All ordinances or parts of ordinances of the City of Mountlake Terrace in conflict herewith, be and the same, are hereby repealed.

Section 9. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity and unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 10. Publication/Summary and Effective Date. This Ordinance shall not be published or become effective until each and every condition set forth and required in Section 5 of this Ordinance has been satisfied. This Ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City, upon satisfaction of each and every condition set forth and required in Section 5 and then, in that event, this Ordinance shall take effect five (5) days after the date of publication.

PASSED by the City Council of the City of Mountlake Terrace this 21st day of December, 2020, and signed in authentication of its passage this 21st day of December, 2020.


Mayor Kyoko Matsumoto Wright

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
Gregory G. Schrag, City Attorney

