

Adopted: 1/08/2020
Effective: 1/19/2020

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 19-082

APPROVING AND AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF EVERETT AND SNOHOMISH COUNTY RELATING TO THE ANNEXATION OF CERTAIN UNINCORPORATED PUBLIC RIGHTS-OF-WAY UNDER RCW 35.21.790 ASSOCIATED WITH AIRPORT ROAD; APPROVING THE SURPLUS AND DISPOSITION OF COUNTY-OWNED REAL PROPERTY TO THE CITY OF EVERETT FOR PUBLIC RIGHT-OF-WAY; AND APPROVING SNOHOMISH COUNTY ACCEPTANCE OF REAL PROPERTY FROM THE CITY OF EVERETT FOR PUBLIC RIGHT-OF-WAY

WHEREAS, on August 18, 2000, pursuant to the election method of annexation set forth in chapter 35.13 RCW, the City of Everett (“City”) annexed an area of unincorporated Snohomish County commonly known as the Airport Road Annexation; and

WHEREAS, on October 1, 2005, pursuant to the petition method of annexation set forth in chapter 35.13 RCW, the City annexed an area of unincorporated Snohomish County commonly known as the Kenny Annexation; and

WHEREAS, through the Airport Road and Kenny Annexations the City annexed territory east of and adjacent to Airport Road from State Route 99 to a point north of 103rd Street SW; and

WHEREAS, at the time of the Airport Road and Kenny Annexations there was ambiguity as to whether certain stormwater management facilities and a retaining wall were part of the designated right-of-way for Airport Road; and

WHEREAS, the real property upon which the stormwater management facilities and retaining wall are located were acquired by the County on June 10, 1997, as part of a road improvement project associated with Airport Road; and

WHEREAS, as a result of the ambiguity certain stormwater management facilities and a retaining wall that serve and support Airport Road right-of-way were not included in the Airport Road and Kenny Annexations and were not annexed into the City; and

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1 WHEREAS, in order to promote a practical and logical service area the City and County
2 both support revising the corporate boundary so as to include within the City’s corporate boundary
3 the stormwater management facilities and retaining wall that support Airport Road; and
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5 WHEREAS, RCW 35.21.790 provides authority for the County and the City to revise the
6 corporate boundary to fully include a segment of public street, road, or highway within the
7 corporate boundary of a city; and
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9 WHEREAS, under RCW 35.21.790 the County and the City have negotiated the terms of
10 an Interlocal Agreement that provides for revision of the corporate boundary, transfer of real
11 property associated with the revised boundary, and the execution of a declaration of protective
12 covenants, conditions and restrictions associated with right-of-way mitigation site improvements
13 for Airport Road; and
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15 WHEREAS, transfer of the real property associated with the revised boundary will be
16 exchanged between the City and County by quitclaim deeds; and
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18 WHEREAS, the Property Management Division of the Department of Facilities and Fleet
19 recommends the surplus and disposition of the County-owned real property to the City for right-
20 of-way and also recommends the County’s acceptance of public right-of-way property from the
21 City; and
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23 WHEREAS, the Everett City Council approved the Interlocal Agreement on October 9,
24 2019; and
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26 WHEREAS, on January 8, 2020, the County Council held a public hearing to consider
27 approving the Interlocal Agreement and authorizing the Snohomish County Executive to sign the
28 Interlocal Agreement on behalf of the County;
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30 NOW, THEREFORE BE IT ORDAINED:
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32 Section 1: The Snohomish County Council adopts the foregoing recitals as findings of
33 fact and conclusions as if set forth in full herein.
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35 Section 2: The Snohomish County Council hereby approves and authorizes the County
36 Executive to sign, in substantially the same form as attached hereto as Exhibit A, the “Interlocal
37 Agreement Between the City of Everett and Snohomish County Relating to the Annexation of
38 Certain Unincorporated Public Rights-of-Way under RCW 35.21.790” (the “Interlocal
39 Agreement”).
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1 Section 3: The Snohomish County Council hereby accepts and approves the revision
2 of the corporate boundary of the City of Everett as described and depicted in Attachment A to the
3 Interlocal Agreement.
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5 Section 4: The Snohomish County Council hereby authorizes the surplus and transfer
6 of the County-owned real property to the City of Everett for public right-of-way that will be located
7 within the City's revised corporate boundary described in Attachment C to the Interlocal
8 Agreement and furthermore authorizes the Property Officer of the Department of Facilities and
9 Fleet to sign all documents necessary to effectuate the surplus and transfer in accordance with
10 chapter 4.46 SCC.
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12 Section 5: The Snohomish County Council hereby approves and authorizes the
13 Property Officer of the Department of Facilities and Fleet to accept and acknowledge on behalf of
14 the County a quitclaim deed from the City for public right-of-way described in Attachment B to
15 the Interlocal Agreement that will remain in unincorporated Snohomish County.
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17 Section 6: The Snohomish County Council hereby approves and authorizes the
18 Property Officer of the Department of Facilities and Fleet to execute and record the declaration of
19 protective covenants, conditions and restrictions associated with right-of-way mitigation site
20 improvements, in substantially the same form as Attachment D to the Interlocal Agreement.
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24 PASSED this 8th day of January, 2020.
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26

27 SNOHOMISH COUNTY COUNCIL
28 Snohomish County, Washington
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31 _____
32 Council Chair
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35 ATTEST:
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37 _____
38 Asst. Clerk of the Council
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- 1 () APPROVED
- 2 () EMERGENCY
- 3 () VETOED

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DATE: _____

Snohomish County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney