

**CITY OF MONROE**  
**ORDINANCE NO. 005/2024**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING ORDINANCE NO. 1161; CLARIFYING THE INTENT AND EFFECT OF THE MOUNTAIN VIEW ROAD PUBLIC RIGHT-OF-WAY VACATION EFFECTUATED THEREUNDER; ADOPTING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City Council vacated a portion of the Mountain View Road public right-of-way through the adoption of Ordinance No. 1161 on April 14, 1999, which ordinance was filed with the Snohomish County Auditor under Recording No. 9905050628; and

WHEREAS, consistent with the operation of applicable state law, including without limitation RCW 35.79.040, the City Council's legislative intent and understanding in adopting Ordinance No. 1161 was for title to the vacated right-of-way area to revert exclusively to the owner of Assessor's Parcel Number (APN) 27060200402800, as the abutting landowner in relation to the vacated right-of-way area; and

WHEREAS, such intent is reflected and reaffirmed by the City's legislative record for Ordinance No. 1161, and by the Snohomish County Assessor's office, the official records of which recognize that APN 27060200402800 now includes the vacated right-of-way area; and

WHEREAS, it has been brought to the City's attention that Ordinance No. 1161 contains an apparent scrivener's error suggesting that title to the vacated right-of-way area would revert to the owner of a different parcel; and

WHEREAS, the City Council desires to amend Ordinance No. 1161 in order to correct such error and to clarify the City's intent and understanding that title to the vacated right-of-way area be vested exclusively in the owner of APN 27060200402800 as provided by the operation of applicable state law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals as findings in support of this ordinance. The Council further enters the following additional findings:

A. The City Council is authorized by state law, including without limitation RCW 35A.11.020, RCW 35A.12.130, RCW 35A.47.020, and Chapter 35.79 RCW, respectively, to vacate public rights-of-way and to amend previously adopted ordinances.

B. The right-of-way area identified for vacation pursuant to Ordinance No. 1161, as amended hereunder, was and continues to be surplus to the City's needs. The City has no current plans to further improve or otherwise utilize said area for public purposes.

C. The right-of-way vacation effectuated pursuant to Ordinance No. 1161, as amended hereunder, does not impair access to any property or otherwise impinge upon the legally recognized property rights of any landowner.

D. In accordance with Resolution No. 2024-012, the City Council held a public hearing on this ordinance on July 9th, 2024. In advance of said hearing, public notice was posted in three of the most public places in the City and in a conspicuous place within the vacated right-of-way area, and was further sent by mail to all of the owners of property abutting the vacated right-of-way area. No written objections were received.

E. The right-of-way vacation effectuated pursuant to Ordinance No. 1161, as amended hereunder, does not violate any applicable City regulations or Comprehensive Plan provisions.

F. The right-of-way vacation effectuated pursuant to Ordinance No. 1161, as amended hereunder, is categorically exempt from SEPA review pursuant to WAC 197-11-800(2)(i).

G. The adoption of this ordinance will serve the public interest by helping to eliminate any potential confusion, uncertainty, or dispute regarding title to the right-of-way area vacated by Ordinance No. 1161, thereby facilitating the future use, development, and/or conveyance of the affected property.

Section 2. Amendment of Ordinance No. 1161. The ordaining clause and associated text of Ordinance No. 1161 are hereby amended as follows:

That portion of the NW quarter of the SE quarter of section 2, Township 27 North, range 6 East, W.M., described as follows:

Commencing at the SE corner of new Lot B., City of Monroe boundary line adjustment NO. BA 197006, recorded under auditor's file No. 9801215015, records of Snohomish County, WA; thence S89°50'48"W 3.46 feet to the true point of beginning; thence S00°59'57":E5.74 feet to a point which is 30 feet north of the centerline of Mountain View Road SE; thence S89°50'48" west 70.37 feet, parallel with said centerline, to a point of curve; thence 17.28 feet along a curve to the right, having a radius of 25.00 feet, through a central angle of 39°36'37", to a point which is 35.74 feet north of said centerline; thence N89°50'48"E86.23 feet, parallel with said centerline, to the point of beginning. Containing 466 square feet, more or less. Situate in the County of Snohomish, State of Washington.

be and the same is hereby vacated; ~~and PROVIDED FURTHER, that said title to said vacated right of way shall revert to the property owner located easterly of the vacated right of way.~~

The City has determined that there will be no compensation required to be paid to the City and no easements have been retained or obtained.

This ordinance shall be in full force and effect thirty (30) days after its passage.

Section 3. Certification; Recording. Following the effective date of this ordinance, the City Clerk shall record a certified copy of this ordinance in the office of the Snohomish County Auditor.

Section 4. 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 or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 9<sup>th</sup> day of July, 2024.

First Reading: 07/09/2024  
Adoption: 07/09/2024  
Published: 07/12/2024  
Effective: 07/17/2024

CITY OF MONROE, WASHINGTON:

  
[Geoffrey Thomas \(Jul 11, 2024 07:22 GMT+9\)](#)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

  
[Jodi Wycoff \(Jul 11, 2024 09:45 PDT\)](#)  
Jodi Wycoff, City Clerk

  
[Zach Lell \(Jul 10, 2024 10:29 PDT\)](#)  
J. Zachary Lell, City Attorney

# ORD 005\_2024 ROW Vacation Correction Mountain View Rd

Final Audit Report

2024-07-11

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By:	Jodi Wycoff (jwycoff@monroewa.gov)
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