



ORDINANCE NO. 4036-24

An ORDINANCE providing for the vacation of Larch, Hemlock, and Fir Streets lying south of 12th Street and north of 14th Street in the plat of Baker Heights.

WHEREAS,

- A. Everett Housing Authority, owner of the Baker Heights Plat (the “Petitioner”), has petitioned for the vacation of certain rights of way in the City of Everett in connection with its redevelopment of the plat (the “Project”).
- B. The City Council, by Resolution No. 7964, established February 7, 2024, at 6:30 p.m. as the date of the public hearing.
- C. After holding the public hearing, the City Council determined that the public interest would best be served by granting the petition and vacating the rights of way as provided for in this ordinance, subject to terms and conditions set forth below.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN

Section 1:

The following described rights-of-way:

THAT PORTION OF LARCH STREET, HEMLOCK STREET, AND FIR STREET ACCORDING TO THE PLAT OF BAKER HEIGHTS, RECORDED IN VOLUME 14 OF PLATS, PAGE 111, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, LYING SOUTHERLY OF 12TH STREET AND NORTHERLY OF 14TH STREET.

CONTAINING 112,587 SQ FT MORE OR LESS

are hereby vacated subject to the following terms and conditions:

- A. The City of Everett shall not be responsible nor liable for storm drainage runoff resulting from existing drainage patterns as established on City rights-of-way that may currently, or in the future, go over, under or across the vacated rights of way.
- B. All City of Everett improvements within the vacated rights-of-way are the property of the Petitioner on a strictly AS-IS basis. With respect to improvements or facilities of other utilities (such as Snohomish County PUD, Puget Sound Energy, Comcast or Ziply) in the vacated rights-of-way, the Petitioner is solely responsible for obtaining any necessary permissions from each utility before any disturbance of that utility’s improvements or facilities.
- C. Compensation to the City of Everett from the Petitioner for the vacated right-of-way shall be in the form of new right-of-way of equivalent value, dedicated during the first Project phase

in accordance with the Project development agreement between the City and Petitioner. Petitioner acknowledges that the City may withhold Project certificates of occupancy until such right-of-way is so dedicated.

Section 2:

The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid

Section 3:

The enactment of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4:

This ordinance shall be recorded within the Snohomish County Auditor's Office.

Section 5:

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



Cassie Franklin, Mayor

ATTEST:



Marista Jorve, City Clerk

PASSED: 7/10/2024

VALID: 07/11/2024

PUBLISHED: 7/13/2024

EFFECTIVE DATE: 7/26/2024

Ordinance 4036-24

Final Audit Report

2024-07-11

Created:	2024-07-11
By:	Marista Jorve (mjorve@everettwa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZwpUq1Hpm6b-jwKmwjdjKLuig6q_FC1bl

"Ordinance 4036-24" History

-  Document created by Marista Jorve (mjorve@everettwa.gov)
2024-07-11 - 4:10:19 PM GMT
-  Document emailed to Cassie Franklin (cfranklin@everettwa.gov) for signature
2024-07-11 - 4:10:57 PM GMT
-  Email viewed by Cassie Franklin (cfranklin@everettwa.gov)
2024-07-11 - 5:04:25 PM GMT
-  Document e-signed by Cassie Franklin (cfranklin@everettwa.gov)
Signature Date: 2024-07-11 - 5:04:33 PM GMT - Time Source: server
-  Document emailed to Marista Jorve (mjorve@everettwa.gov) for signature
2024-07-11 - 5:04:41 PM GMT
-  Document e-signed by Marista Jorve (mjorve@everettwa.gov)
Signature Date: 2024-07-11 - 5:23:08 PM GMT - Time Source: server
-  Agreement completed.
2024-07-11 - 5:23:08 PM GMT