



## **ORDINANCE NO. 4037-24**

**An ORDINANCE** providing for the vacation of the remaining alleys in the block bounded by Rockefeller Avenue on the west, Oakes Avenue on the east, Pacific Avenue on the north, and 32nd Street on the south.

### **WHEREAS,**

- A.** The abutting landowners (the "Petitioners") have petitioned for the vacation of certain rights of way in the City.
- B.** The City Council, by Resolution No. 7881, established May 31, 2023, 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 the terms and conditions set forth below.

### **NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

#### **Section 1.**

The following described rights of way:

All that portion of the east/west alley lying northerly of Lot 20 and southerly of Lots 21 through 26 inclusive, in Block 739 of Everett Land Company's First Addition to Everett, according to the plat thereof recorded in Volume 3 of Plats, pages 20 through 20A, records of Snohomish County, Washington, more particularly described as follows;

Together with all that portion of the north/south alley lying easterly of Lots 1 through 10 and lying westerly of Lots 11 through 20, inclusive, in said Block 739 of Everett Land Company's First Addition to Everett. All situate in the City of Everett, County of Snohomish, State of Washington.

are hereby vacated as of the effective date of this Ordinance, subject to the following terms and conditions:

- A.** The City 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 improvements within the vacated rights-of-way are the property of the Petitioner(s) on a strictly AS-IS basis.

## **Section 2.**

The Petitioners must compensate the City an amount equal to one hundred percent the appraised value determined by the City of the entire area described in Section 1 to be vacated by this Ordinance. The Petitioners shall have one-hundred eighty (180) days following the date this Ordinance becomes valid under the City Charter to pay this amount in full. The effective date of this Ordinance is governed as follows:

- A. If the Petitioners make payment-in-full by the end of the one-hundred eighty (180) days, then this Ordinance shall become effective (1) fifteen days after the date the Ordinance become valid or (2) the date of payment-in-full, whichever of (1) and (2) is later.
- B. If the Petitioners fail to make payment-in-full by the end of the one-hundred eighty (180) days, then this Ordinance and vacation hereunder shall be null and void and shall never become effective.

## **Section 3.**

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 internal references.

## **Section 4.**

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 5.**

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 6.**



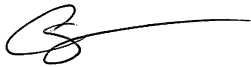
It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

**Section 7.**

After this Ordinance becomes effective, a certified copy shall be recorded within the Snohomish County Auditor's Office.

**Section 8.**

All moneys derived from the vacation of the herein described rights of way shall be deposited into the Real Property Acquisition Fund 145 and any use of such moneys shall be consistent with Resolution No. 7397.



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Cassie Franklin, Mayor

ATTEST:



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Marista Jorve, City Clerk

PASSED: 7/24/2024

VALID: 07/25/2024

PUBLISHED: 7/27/2024

EFFECTIVE DATE: \*                     

\*governed by Section 2 above

Pacific Ave

NORTH

Jackson House  
Senior Community

Previously Vacated  
Alley

Rockefeller Ave

Oakes Ave

Consolidated  
Development Site  
Approx. 1.95 Acres

Proposed Alley  
Vacation  
Approx. 9445 SF

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Final Audit Report

2024-07-25

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