

**CITY OF LYNNWOOD  
ORDINANCE NO. 3418**

AN ORDINANCE VACATING 64<sup>TH</sup> AVENUE WEST BETWEEN  
200<sup>TH</sup> STREET SW AND HWY 99, IN THE CITY OF LYNNWOOD,  
SNOHOMISH COUNTY, WASHINGTON, HERETOFORE DEDICATED  
FOR STREET PURPOSES; AND PROVIDING FOR SEVERABILITY,  
AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the City of Lynnwood has the power and authority pursuant to  
Chapter 35.79 and Chapter 12.16 of the Lynnwood Municipal Code to vacate streets and  
alleys; and

WHEREAS, the City Council of the City of Lynnwood, on April 25, 2022, did  
by Resolution 2022-07 duly adopt the date of May 23, 2022, at 6:00 p.m. in the  
Lynnwood Council Chambers, as the date, time, and place for hearing on the proposed  
vacation of right-of-way that is the subject of this ordinance; and

WHEREAS, due and legal notice of the date, time, and place of the hearing and  
the determination on the petition to vacate has been duly given by the City Clerk as  
required by law; and

WHEREAS, the City Council of the City of Lynnwood, on April 25, 2022, did by  
Ordinance 3414 duly adopt a development agreement with Harris Ford, Inc for the Harris  
Ford Lincoln expansion project that will allow Harris Ford to credit the value of the  
property they would dedicate toward the cost of the proposed street vacation as provided  
by city code.

WHEREAS, the City Council heard from staff and other parties of interest and  
considered any objections to the proposed vacation and further considered the criteria for  
vacation set forth in LMC 12.16.080; and

WHEREAS, it appears to the City Council upon the hearing on the proposed  
street vacation, that it is in the public interest to vacate the right-of-way described herein,  
subject to the terms of this ordinance; and

WHEREAS, the City finds it in the public interest to maintain control of certain  
existing and future infrastructure, including but not limited to facilities such as utilities,  
vehicle turnarounds and access easements; now, therefore

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS  
FOLLOWS:

Section 1. Conditional Vacation of Right-of-Way. The property described in

46 **Exhibit 1A and 1B** attached hereto and incorporated herein by this reference, which  
47 property is in the City of Lynnwood, County of Snohomish, State of Washington, is  
48 no longer required for public use or access and that the substitution of a new and  
49 different public way will be more useful to the public.

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51 Having determined that it is in the best interest of the public, the City hereby  
52 vacates the property described in **Exhibit 1A and 1B**, and the title to the vacated land  
53 is hereby declared to vest in the owners of the abutting properties as provided by law,  
54 provided that the conditions set forth in Sections 2, 3 and 4 of these ordinances are  
55 satisfied.

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57 Section 2. Required Dedication and Property Transfer. As a condition of this  
58 vacation, Harris Ford, Inc, shall be required to dedicate by warranty deed the  
59 property described in **Exhibit 1C and 1D** attached hereto and incorporated herein  
60 by this reference, for right of way purposes. The property described in **Exhibit 1C**  
61 **and 1D** will allow for a free right hand turn at 200<sup>th</sup> Street SW and HWY 99 to this  
62 improve the intersection.

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64 Section 3. Payments and other Consideration Relating to Vacation.

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- 66 a) The Council has taken into consideration the value of the dedication for the future  
67 addition of a dedicated right hand turn lane on 200<sup>th</sup> St SW The value of the  
68 4,433 square foot dedication area (**Exhibit 1C, 1D**) is approximately \$27.50 per  
69 square foot (one-half of the \$55.00 per square foot appraised value as allowed  
70 by Lynnwood Municipal Code 12.16) for a total of \$121,907.
  - 71
  - 72 b) The value of the vacated street to Harris Ford, Inc as the abutting property owner  
73 of both sides of the vacated street is \$27.50 per square foot ((one-half of the  
74 \$55.00 per square foot of appraised value as allowed by Lynnwood Municipal  
75 Code 12.16) for 25,383 square feet for a total of \$698,032.
  - 76
  - 77 c) The dedication and transfer of land required by this ordinance is in lieu of  
78 payment for this vacation. The value of the dedication area shall be deducted  
79 from the value of the vacated street which leaves a total compensation difference  
80 to the City of \$576,125. The remaining balance of \$576,125 shall be paid to  
81 the City by Harris Ford, Inc.
  - 82
  - 83 d) Harris Ford, Inc. shall be required to post a construction bond with the City for  
84 the construction of any future development.

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86 Section 4. Recording. A certified copy of this ordinance shall be recorded by the  
87 City Clerk and in the office of the auditor of Snohomish County only upon satisfaction of  
88 the above conditions.

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90 Section 5. Severability. If any section, sentence, clause, or phrase of this  
91 ordinance should be held to be invalid or unconstitutional by a court of competent

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jurisdiction, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication. Provided, however, the vacation authorized by this ordinance shall not take effect until such time as all conditions have been satisfied and a certified copy of this ordinance has been recorded with the Snohomish County Auditor.

PASSED BY THE CITY COUNCIL, the 23<sup>rd</sup> day of May 2022.

APPROVED:

DocuSigned by:  
*Christine Frizzell* 6/2/2022  
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Christine Frizzell, Mayor

ATTEST/AUTHENTICATED:

DocuSigned by:  
*Karen Fitzthum*  
549561C7EC99433...  
Karen Fitzthum  
City Clerk

APPROVED AS TO FORM:

DocuSigned by:  
*Lisa Marshall*  
0C9DE54C77524E7...  
Lisa Marshall  
City Attorney

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On the 23<sup>rd</sup> day of May 2022, the City Council of the City of Lynnwood, Washington passed Ordinance No. 3418. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE VACATING 64<sup>TH</sup> AVENUE WEST BETWEEN 200<sup>TH</sup> STREET SW AND HWY 99 IN THE CITY OF LYNNWOOD, SNOHOMISH COUNTY, WASHINGTON, HERETOFORE DEDICATED FOR STREET PURPOSES AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DocuSigned by:  
 6/3/2022  
54956107EC09143  
KAREN FITZTHUM  
City Clerk

**EXHIBIT 1**

**[Legal Descriptions and Depictions of Property 1 and Property 2]**

**Ex. 1 - Exhibit "A" Right of Way Vacation Legal Descriptions**

**Ex. 1 - Exhibit "B" Right of Way Vacation Depiction**

**Ex. 1 - Exhibit "C" Right of Way Dedication Legal Descriptions**

**Ex. 1 - Exhibit "D" Right of Way Dedication Depiction**

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**Exhibit "A"**

**Harris Ford Properties, LLC**

**Legal Description**

Right of Way Vacation

That portion of 64th Avenue west, City of Lynnwood, County of Snohomish, lying North of State Road 99 and South of the following described line:

BEGINNING at the centerline intersection of State Road 99 and 200th Street Southwest.

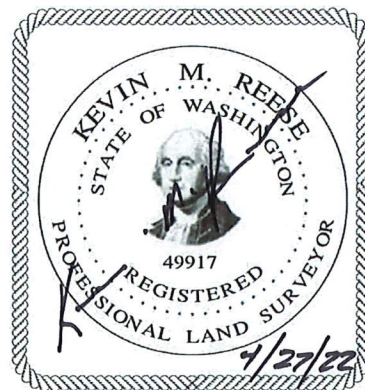
Thence N 87°21'50" W along the centerline of 200th Street Southwest a distance of 381.95 feet;

Thence S 03°38'49" E departing said centerline, a distance of 30.18 feet to the intersection of the Southerly right of way of 200th Street Southwest and the Westerly right of way of 64th Avenue West;

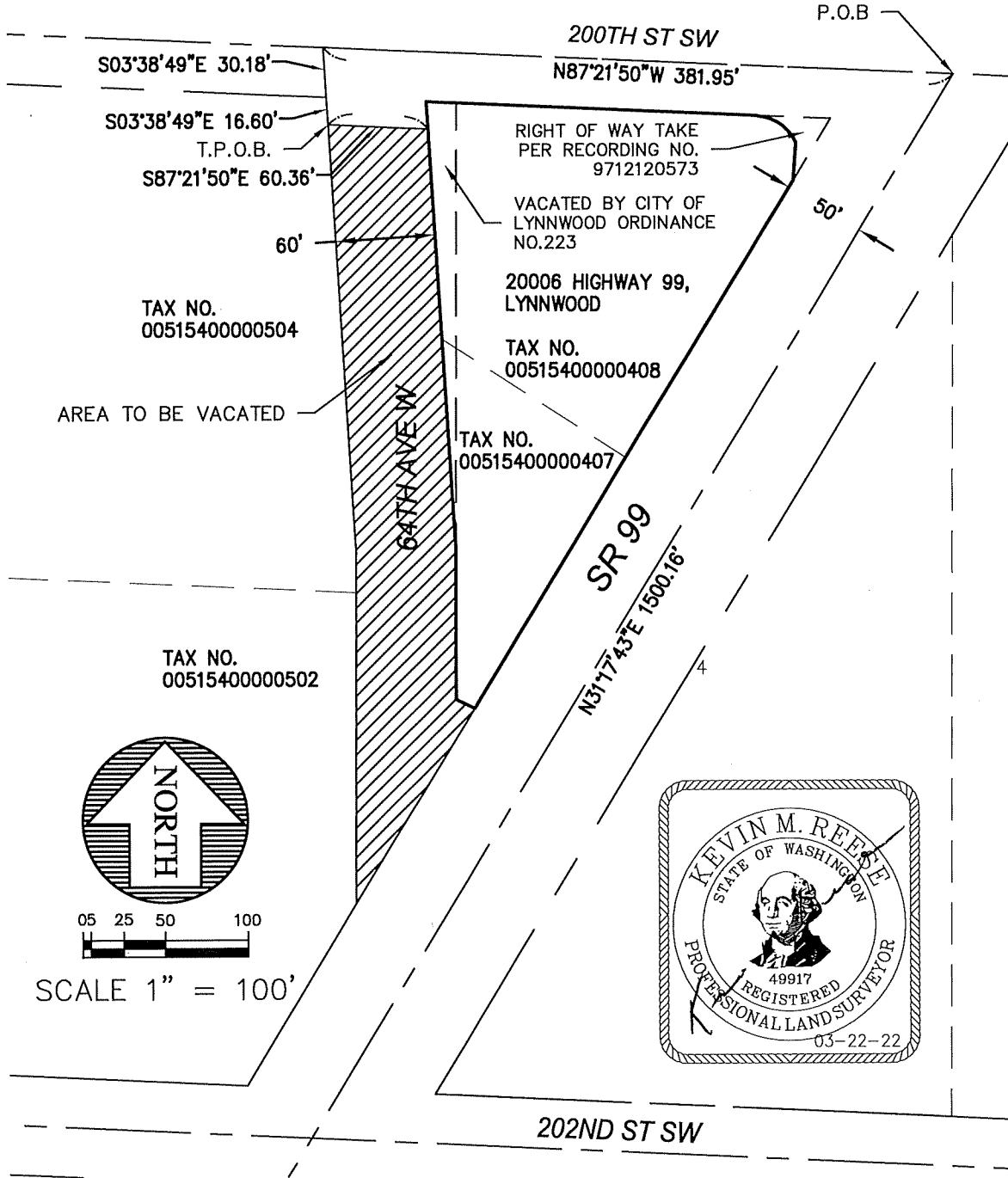
Thence continuing S 3°38' 49" E along said Westerly right of way, a distance of 16.60 feet to the TRUE POINT OF BEGINNING;

Thence S 87°21'50" E departing said right of way, a distance of 60.36 feet to a point on the Westerly line of that portion of 64th Avenue West vacated by City of Lynnwood Ordinance No. 223, said point being and S 3°38'49" E 16.62 feet from the Northwest corner of said vacated portion and the terminus of this line.

The described vacation area contains 25,383 square feet or 0.583 acres more or less



**EXHIBIT "B"**



**Encompass**  
ENGINEERING & SURVEYING

Western Washington Division  
165 NE Juniper Street, Suite 201 • Issaquah, WA 98027 • Phone: (425) 392-0250 • Fax: (425) 391-3055  
Eastern Washington Division  
407 Swiftwater Blvd. • Cle Elum, WA 98922 • Phone: (509) 674-7433 • Fax: (509) 674-7419

HARRIS FORD  
RIGHT OF WAY VACATION

SNOHOMISH COUNTY WASHINGTON

JOB NO. 21666	01 OF 01
DATE: 03/22/22	
SCALE: 1"=100'	



**Exhibit "C"**

**Harris Ford Properties, LLC**

**Legal Description**

Right of Way Dedication

A right of way dedication over and across the following described parcel;

All that portion of Tract 4 of Midway Five Acre Tracts, according to the plat recorded in volume 8 of plats, page 44, in Snohomish County, Washington, lying Northwesterly of the Northwesterly right of way line of Primary State Highway No.1;

Together with that portion of vacated 64th Avenue West Adjoining or abutting thereon, which upon vacation, attached to said premises by operation of law, vacated by City of Lynnwood ordinance No. 223, recorded under recording Nos. 171750 and 1870014;  
Except from all of the above those portions thereof conveyed to the City of Lynnwood for road purposes by deed recorded under recording No. 97121220573.

Said right of way dedication described as follows:

That portion of the above describe parcel lying Northerly and Northeasterly of the following described line:

BEGINNING at the centerline intersection of Primary State High No.1 (SR 99) and 200th Street Southwest.

Thence N 87°21'50" W along the centerline of 200th Street Southwest a distance of 321.59 feet;

Thence S 03°38'49" E departing said centerline, a distance of 30.16 feet to the Northwest corner of said parcel;

Thence continuing S 03°38'49" E along the Westerly line of said parcel, a distance of 16.62 feet to the TRUE POINT OF BEGINNING;

Thence S 87°21'50" E departing said Westerly line, a distance of 182.93 feet to a point on a non-tangent curve, the center of which bears S 37°22'54" W;

Thence Southeasterly along an arc of curve to the right, said curve having a radius of 59.00 feet, through a central angle of 53°59'30, a distance of 55.60 feet to the Easterly line of said parcel, also being the Northwesterly margin of Primary State High No.1, (SR 99) and the terminus of this described line.

The described area contains 4,433 square feet or 0.102 acres, more or less.

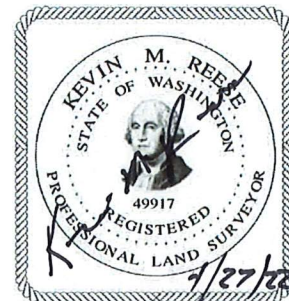
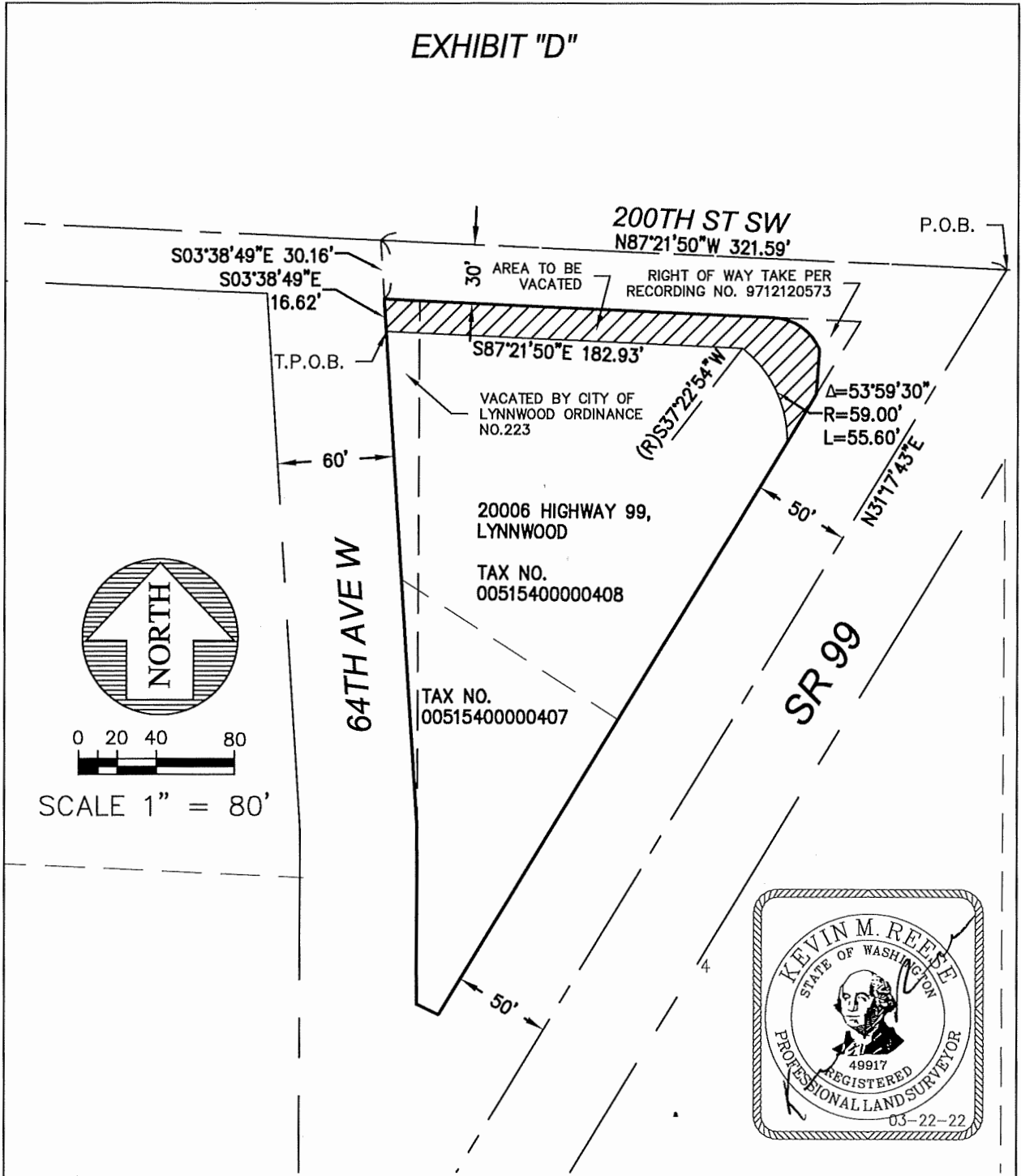




EXHIBIT "D"



**Encompass**  
ENGINEERING & SURVEYING

Western Washington Division  
165 NE Juniper Street, Suite 201 • Issaquah, WA 98027 • Phone: (425) 392-0250 • Fax: (425) 391-3055  
Eastern Washington Division  
407 Swiftwater Blvd. • Cle Elum, WA 98922 • Phone: (509) 674-7433 • Fax: (509) 674-7419

HARRIS FORD PROPERTIES, LLC  
RIGHT OF WAY DEDICATION  
SNOHOMISH COUNTY WASHINGTON

JOB NO. 21666	01 OF 01
DATE: 03/22/22	
SCALE: 1"=80'	