

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Petitioners / Engineering			April 24, 1996	April 30, 1996	Council - Intro
Division Head:				June 11, 1996	Council - Hearing
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

SUBJECT:

Resolution regarding the petition for the vacation of a portion of portion of Sumas Road, filed by Herbert and Grace Killam

ATTACHMENTS:

- Resolution
- Petition
- Various documents, on file

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #: N/A	Should Clerk schedule a hearing? NO / / YES /XX/ (see date above)
Amount budgeted for this item/project: \$ N/A	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s): N/A	

The road proposed to be vacated is described as follows: "The east 20 feet of the southwest quarter of the northeast quarter of Section 11, Township 40 North, Range 4 East W.M., Whatcom County, Washington". The petitioner offers the following pertinent facts in support of the petition: "A portion of Sumas Road was Quit Claimed to Whatcom County by a predecessor in interest to Herbert and Grace Killam. This Quit Claim Deed was never filed. The portion of the undeveloped Sumas Road runs north to south through the center of the Killam property. The road dead ends at the Killam's South property line."

ORIGINATOR'S RECOMMENDED ACTION:

See Engineer's report (due prior to the hearing date)

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

6/11/96: Approved 6-0

Related File Numbers:

Ordinance or Resolution Number (this item only): RES#96-030

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Public Works - Engineering	ERH	4/96	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold;">APR 24 1996</div> <div style="font-size: 1.2em; font-weight: bold;">WHATCOM COUNTY COUNCIL</div>	4/30/96	INTRODUCTION
Division Head:					
Dept. Head:	Jm	4/19/96			
Prosecutor:	Rdw	4/15/96			
Purchasing/Budget:					
Executive:	PK	4-22			

SUBJECT: Resolution regarding the vacation of a portion of Sumas Road located in Section 11, Township 40 North, Range 4 East, W.M.

- ATTACHMENTS:**
1. Cover letter
 2. Resolution
 3. Agenda Bill

SUMMARY STATEMENT: *Please complete sections of box as appropriate & explain the item below.*

Related County contract #:	Should Clerk schedule a hearing? NO / / YES /x / Requested date:
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES /x / NO / / (Please explain below)
Budget line item number(s):	

BACKGROUND: The road was originally acquired in 1912 by Quit Claim Deed, which was never recorded. The road was not built and the right-of-way runs across an active gravel mining operation. The right-of-way has never been reflected in the chain of title for the Killams who are not the original grantors. Informalities exist in the records of title which are construed to invalidate and divest the public of any right, title or interest in the right-of-way.

ORIGINATOR'S RECOMMENDED ACTION: Recommend approval

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

4/30/96:

Related File Numbers:

Ordinance or Resolution Number (this item only):

SPONSORED BY: Public Works

PROPOSED BY: County Engineer

INTRODUCTION DATE: 4/30/96

1 RESOLUTION NO. 96-030

2 IN THE MATTER OF VACATING A PORTION OF SUMAS ROAD

3 WHEREAS, on March 21, 1996, Lesa Starkenburg-Kroontje, Attorney at Law,
4 authorized representative for Herbert and Grace Killam, et al, 115 Front Street,
5 Lynden, WA 98264, submitted a petition, accompanied by the penal sum of \$682.00,
6 to Public Works Engineering for the vacation of the following legally described roads:

7 The east 20 feet of the southwest quarter of the northeast quarter of Section
8 11, Township 40 North, Range 4 East W.M., Whatcom County, Washington.

9 WHEREAS, The petitioners submitted pertinent facts stating that the road was
10 originally acquired in 1912 by Quit Claim Deed, which was never recorded. The road
11 was not built and the right-of-way runs across an active gravel mining operation. The
12 right-of-way accordingly has never been reflected in the chain of title for the Killams
13 who are not the original grantors, and

14 WHEREAS, informalities exist in the records of title which are construed to
15 invalidate and divest the public of any right, title or interest in the right-of-way, and
16

17 WHEREAS, the County Engineers office has reviewed the above named portions
18 of roadway, which are Class B roads with record of title irregularities wherein no
19 public expenditures were made, and concurs with the proposed vacation.
20 Accordingly, there is no need to have an appraisal made as to the value of the
21 property and the \$200.00 appraisal fee portion of the \$682.00 that has been paid
22 should be refunded to the applicant, and

23 WHEREAS, the County Engineer recommends approval of this vacation to
24 clarify the title.

25 NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the
26 above described portion of Sumas Road, as petitioned for by Herbert and Grace
27 Killam, et al, be hereby vacated.

1 APPROVED this 11 day of June, 1996.

2 WHATCOM COUNTY COUNCIL
3 ATTEST: WHATCOM COUNTY, WASHINGTON

4 Marina Mason
5 Dana Brown-Davis, Council Clerk

John E. Ward Nelson
John E. Ward Nelson, Council Chair

6 APPROVED AS TO FORM AND CONTENT:

7 Reddy
8 Civil Deputy Prosecuting Atty.