

| 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 Tacoma Avenue, filed by Glenda E. Henifin and Curtis Byrnes c/o Glenn Newton

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: "All of that portion of Tacoma Avenue lying between and abutting Blocks 7 and 10, as platted on the map of Richard Fenton's Subdivision, as recorded in Volume 1 of Plats, Page 45, Records of Whatcom County, Washington.". The petitioner offers the following pertinent facts in support of the petition: "Plat recorded in 1888 and the road was not constructed within five years. Therefore, road is vacated by operation of law, pursuant to section 32, Ch.19 laws of 1889-1890."

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 96-031

SPONSORED BY: Public Works
PROPOSED BY: County Engineer
INTRODUCTION DATE: 4/30/96

1 RESOLUTION NO. 96-031

2 IN THE MATTER OF VACATING A PORTION OF TACOMA AVENUE/RICHARD
3 FENTON'S SUBDIVISION

4 WHEREAS, on March 22, 1996, Glenn Newton, authorized representative for Glenda
5 E. Henifin and Curtis Byrnes, et al, 3857 Hannegan Road, Bellingham, WA 98225, submitted
6 a petition, accompanied by the penal sum of \$682.00, to Public Works Engineering for the
7 vacation of the following legally described roads:

8 All of that portion of Tacoma Avenue lying between and abutting Blocks 7 and 10, as
9 platted on the map of Richard Fenton's Subdivision, as recorded in Volume 1 of Plats,
10 Page 45, Records of Whatcom County, Washington.

11 PROVIDED, such vacation shall not prejudice private rights, private easements,
12 prescriptive rights, rights of access, ingress, egress or passage.

13 WHEREAS, The petitioners submitted pertinent facts stating that the roads were platted
14 prior to 1905 and were never opened for public usage; that they are useless for the County road
15 system and the public would benefit from the vacation, and

16 WHEREAS, the County Engineers office has reviewed the above named portions of
17 roadway which are Class B roads wherein no public expenditures were made; and concurs with
18 the petitioner in that being subject to the Territorial Laws of 1890, the vacation is accordingly
19 a formality as far as public access rights are concerned and accordingly, no remuneration should
20 be made to Whatcom County for the value of the land being vacated. There is no need to have
21 an appraisal made as to the value of the property and the \$200.00 appraisal fee portion of the
22 \$682.00 that has been paid should be refunded to the applicant, and

23 WHEREAS, the County Engineer recommends approval of this vacation.

24 NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the
25 above described portion of Tacoma Avenue in Richard Fenton's Subdivision, as petitioned for
26 by Henifin and Byrnes, 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 for Dana Brown-Davis, Council Clerk

L. Ward Nelson
for L. Ward Nelson, Council Chair

6 APPROVED AS TO FORM AND CONTENT:

7 R. J. [Signature]
8 Civil Deputy Prosecuting Atty.