

| CLEARANCES | | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to |
|--------------------|----------------------|---------|----------|--|-------------|--------------|
| Originator | Ty Whitcomb, P.L.S. | SyW | 6/2 | RECEIVED JUL 18 2006 WHATCOM COUNTY COUNCIL | 7/25/06 | Introduction |
| Division Head: | Joseph P. Rutan P.E. | JR | 6/2 | | 9/26/06 | Council |
| Dept. Head: | Jeffrey Monsen P.E. | Jm | 7/12 | | | |
| Prosecutor | | DA | 07/06/06 | | | |
| Purchasing/Budget: | | | | | | |
| Executive: | | PK | 7-18-06 | | | |

SUBJECT: *Petition to vacate a portion of county Right of Way in Willey's Lake Terrace No. 2 as filed by VanderMeulen et al*

ATTACHMENTS:

1. Resolution for approval of Vacation
2. Map of area proposed for Vacation
3. County Engineers Report and Memo
4. Copy of original petition

| | | |
|--------------------------------------|---------------------------------------|---|
| SEPA review required? () Yes (X) No | SEPA review completed? () Yes () No | Should Clerk schedule a hearing: (X) YES () NO |
| Related County Contract #: | | Requested Date: |

SUMMARY STATEMENT: *A petition to vacate County Road right of way described as follows*

A portion of County Road right of way situate in the Northwest quarter of the Northeast quarter of Section 33, Township 40 North, Range 2 East of W.M., said portion more particularly described as follows: All that part of Crestview Road lying between Block 3 and Block 5 and lying Easterly of the Easterly right of way line of Terrace Street projected. All as platted in Willey's Lake Terrace Division No. 2, as recorded in Book 12, Page 13 and 14 of Plats, Whatcom County, Washington

County Engineer has examined said petition and determined the right of way is useless and the Public will benefit from approval of aid petition.

| <u>Ordinance & Resolution Distribution Request</u> <i>To keep down our copying costs, indicate only those who must receive a copy after Council action. List names to the right.</i> | |
|---|--|
| ADS Facilities Management | |
| ADS Finance | |
| ADS Human Resources | |
| ADS Info Services | |
| Assessor | |
| Auditor | |
| Cooperative Extension | |
| District Court | |
| Executive | |
| Health | |
| Hearing Examiner | |
| Jail | |
| Juvenile | |
| Parks | |
| Planning | |
| Prosecutor | |
| Public Works | |
| Sheriff | |
| Superior Court | |
| Treasurer | |

RECOMMENDED ACTION:
Approval upon payment

COUNCIL ACTION TAKEN:
7/25/06: Introduced
9/26/06: Council Approved 6-0, Nelson absent
Res. 2006-057

1 SPONSORED BY: Public Works

2 PROPOSED BY: VanderMeulen et al.

3 INTRODUCTION DATE: July 25, 2006

4
5 RESOLUTION NO. 2006-057

6
7 IN THE MATTER OF THE PETITION TO VACATE A PORTION OF CRESTVIEW ROAD, A
8 PLATTED UNOPENED ROAD IN WHATCOM COUNTY
9

10 WHEREAS, on May 17, 2004, applicants Wade and Julie Vander Meulen, 7664 Terrace Road,
11 Ferndale, WA 98248, initiated a petition for the vacation of a portion of Crestview Road, and submitted
12 said petition with the requisite number of signatures for consideration of the petition, accompanied by a
13 penal sum of \$682.00, to Public Works Engineering for the vacation of the following legally described
14 road:

15
16 **A portion of County Road right of way situate in the Northwest quarter of the**
17 **Northeast quarter of Section 33, Township 40 North, Range 2 East of W.M., said portion more**
18 **particularly described as follows: All that part of Crestview Road lying between Block 3 and**
19 **Block 5 and lying Easterly of the Easterly right of way line of Terrace Street projected. All as**
20 **platted in Willey's Lake Terrace Division No. 2, as recorded in Book 12, Page 13 and 14 of**
21 **Plats, Whatcom County, Washington; and**

22 WHEREAS, the County Engineer's office has reviewed the portion of the platted street
23 which is a Class B-2 right-of-way, wherein public expenditures were not made or are not
24 ascertainable, and part or all lies within the platted subdivision, and has determined that the public
25 would benefit from said vacation; and

26 WHEREAS, the fair market value has been determined to be \$1.25 per square foot for 7,372
27 square feet included within this portion of Crestview Road, making the total value of the area to be
28 vacated \$9215.00; and

29 WHEREAS, the County Engineer has reviewed said compensation and determined it to be
30 fair value; and

31 WHEREAS, the applicants have met all of the petition requirements, as set forth by Chapter
32 12.20 Whatcom County Code, Chapter 36.87 RCW, and all other applicable laws; and

33 WHEREAS, the applicants have six calendar months from the date the Resolution is passed
34 to pay all compensation and remaining fees to the Whatcom County Council office, with checks
35 made payable to the Whatcom County Treasurer, prior to the vacation becoming effective; and

36 WHEREAS, this vacation does not become effective until the fees are paid, and the Final
37 Order and Resolution are recorded with the County Auditor, and

38 NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the right-of-
39 way described above, as petitioned for by applicants VanderMeulen, et al., be hereby vacated upon
40 fulfillment of the following conditions: 1) payment by applicants to the County of \$9215.00 (7372
41 sq. ft. x \$1.25/sq. ft.); 2) payment to the County by applicants of all other required fees; and that a

1 Preliminary Order of Vacation to this effect be prepared by Council staff, signed, and recorded with
2 the County Auditor; and

3 BE IT FURTHER RESOLVED that upon applicants' completion of payment for the property
4 and of all other fees, a Final Order of Vacation shall be prepared by Council Staff, signed by the
5 appropriate parties, and recorded with the County Auditor; and

6 BE IT FURTHER RESOLVED that if the conditions set forth above are not fulfilled within
7 six months from the date of the passage of this Resolution, the Preliminary Order of Vacation which
8 is hereby authorized shall be withdrawn[wc2], and the right-of-way shall not be deemed to have been
9 vacated.

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11 APPROVED this 26 day of September, 2006.

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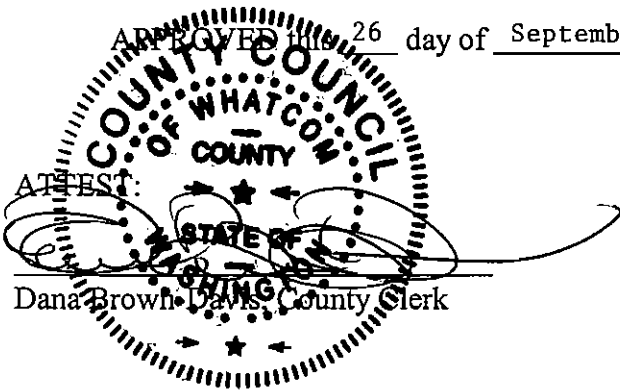
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Dana Brown-Davis, County Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Laurie Caskey-Schreiber
Laurie Caskey-Schreiber, Council Chair

APPROVED AS TO FORM:

Daniel Z. Gibson
Senior Civil Deputy Prosecuting Attorney



After recording return document to:

WHATCOM COUNTY COUNCIL OFFICE

311 GRAND AVENUE, SUITE 105

BELLINGHAM, WA 98225-4038

DOCUMENT TITLE: FINAL ORDER OF VACATION

REFERENCE NUMBER OF RELATED DOCUMENT: Preliminary Order of Vacation - 2061000519

GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): Wade and Julie Vander Meulen

ABBREVIATED LEGAL DESCRIPTION: Portion of Crestview Road

ADDITIONAL LEGAL DESCRIPTION ON PAGE(S) TWO OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): N/A

IN THE MATTER OF THE VACATION OF a portion of Crestview Road, filed by Wade and Julie Vander Meulen, ET AL:

FINAL ORDER OF VACATION

WHEREAS, the Whatcom County Council did, on September 26, 2006, order the vacation of portion of Crestview Road, petitioned by Wade and Julie Vander Meulen, et al., and entered a preliminary order of vacation, recorded by the County Auditor on October 4, 2006 under reference number 2061000519; and

WHEREAS, the vacation was subject to payment by petitioner of all costs and expenses incurred in the proceedings of this vacation, and other conditions, and said costs and expenses totaling \$10,101.00 were paid by the petitioner on October 23, 2006;

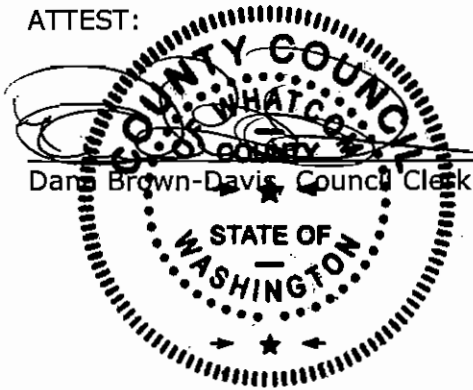
NOW, THEREFORE, THE WHATCOM COUNTY COUNCIL ORDERS that the road(s) or portion(s) thereof, described below, be vacated:

A portion of County Road right of way situate in the Northwest quarter of the Northeast quarter of Section 33, Township 40 North, Range 2 East of W.M., said portion more particularly described as follows: All that part of Crestview Road lying between Block 3 and Block 5 and lying Easterly of the Easterly right of way line of Terrace Street projected. All as platted in Willey's Lake Terrace Division No. 2, as recorded in Book 12, Page 13 and 14 of Plats, Whatcom County, Washington.


PROVIDED that the County reserves and retains an easement for construction, repair and maintenance of public utilities and services authorized or physically located therein. Such vacation shall not, however, prejudice private rights, private easements, prescriptive rights, rights of access, ingress, egress or passage. Other conditions placed on this vacation are included in the preliminary order of vacation (referred to in first paragraph of this document).

Dated October 27, 2006

ATTEST:



WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Laurie Caskey-Schreiber, Council Chair