

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2007-114

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	dlg	01/26/07	RECEIVED FEB 06 2007 WHATCOM COUNTY COUNCIL	February 13, 2007	Introduction
Division Head:				2/27/2007	Hearing
Dept. Head:	D.J.	1-31-07			
Prosecutor:	dlg	01/26/07			
Purchasing/Budget:					
Executive:	PK	2-6-07			

TITLE OF DOCUMENT: Resolution Approving Grant of Easement for Access and Utilities On Long-established Trail Across County Property

ATTACHMENTS: Resolution Approving Grant of Easement; Map and Survey of County Property and Surrounding Area Where Easement Would Apply

SEPA review required? () Yes () NO	Should Clerk schedule a hearing? () Yes () NO
SEPA review completed? () Yes () NO	Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Hearing on proposed resolution to grant easement for access and utilities to Wayne Sherwood and his successors, owner(s) of Assessor's Parcel No. 390532 335474 0000, across a portion of County property located adjacent to Marshall Hill Road and identified as Assessor's Parcel No. 390532 354216 0000.

<p>COMMITTEE ACTION:</p>	<p>COUNCIL ACTION: 2/13/2007: Introduced 2/27/2007: Council Approved 6-1, McShane opposed Res. 2007-010</p>
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Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number: Res. 2007-010
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

1
2 SPONSORED BY: Consent

3
4 PROPOSED BY: Public Works

5
6 INTRODUCTION DATE: 01/30/07

7
8
9 **RESOLUTION NO. 2007-010**

10
11 **APPROVING THE GRANT OF EASEMENT FOR ACCESS AND UTILITIES OVER LONG-**
12 **ESTABLISHED TRAIL ACROSS CORNER OF COUNTY-OWNED PROPERTY ADJACENT**
13 **TO MARSHALL HILL ROAD**
14

15
16 **WHEREAS**, the County presently owns a small parcel of property which historically was
17 a gravel pit adjacent to Marshall Hill Road northeast of Deming, designated by Assessor's Parcel
18 No. 390532 354216 0000; and
19

20 **WHEREAS**, for many years, apparently also prior to the County's acquisition of said
21 property, adjoining property owners have accessed their property via a trail that crosses a
22 corner of the County's property immediately upon leaving the County road; and
23

24 **WHEREAS**, the property owners using this corner of the County's property for access to
25 their own parcels have never obtained a formal written grant of easement or license to so use
26 the County's property; and
27

28 **WHEREAS**, access to these various parcels is practically limited to the access route
29 through the County property; and
30

31 **WHEREAS**, the County has neither interest nor obligation to maintain the trail in
32 question, hereby disclaims any interest or responsibility in construction or maintenance of the
33 same, and declares that the responsibility for construction and or maintenance of the same lies
34 with those who are benefited thereby; and
35

36 **WHEREAS**, the burden upon the County from continued use by others of the trail for
37 access and utility purposes under a formal grant of easement appears to impose no greater
38 practical encumbrance upon the County than has existed since the County's acquisition of its
39 parcel; and
40

41 **WHEREAS**, the particular landowner who has submitted the request for a formal grant
42 of easement in this instance is Wayne Sherwood, owner of a parcel designated as Assessor's
43 Parcel No. 390532 335474 0000, who accesses his property via the afore-mentioned trail across
44 the County property; and
45

46 **WHEREAS**, Mr. Sherwood has obtained, through a surveyor, a precise legal description
47 of the trail as it crosses County property, which is attached hereto as Exhibit A; and
48

49 **WHEREAS**, the Property Management Committee for Whatcom County on January 24,
50 2007, reviewed Mr. Sherwood's application for a formal grant of easement across the County
51 property and is recommending to this Council that a formal grant of a non-exclusive easement

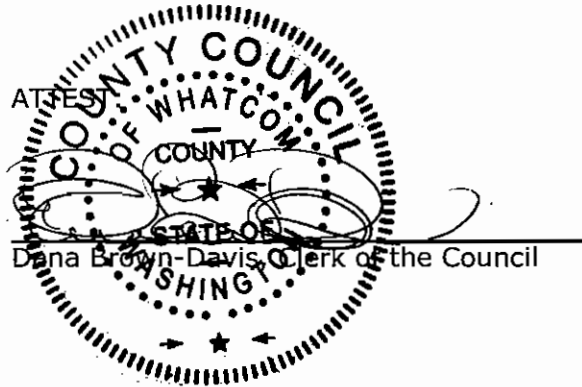
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be made to Mr. Sherwood and his successors in interest by the County's execution of a quit claim deed of such easement in favor of Mr. Sherwood; and

WHEREAS, this Council has been fully advised in regard to this matter, and having determined that the requested and recommended conveyance of a formal non-exclusive easement for lawful access and utilities is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the County Executive and staff working at his direction are hereby requested to effectuate by quit claim deed the granting of a non-exclusive easement to the requesting party for purposes of lawful access and placement of utilities across that portion of County property as described in the attached Exhibit A.

ADOPTED this 27 day of February, 2007.



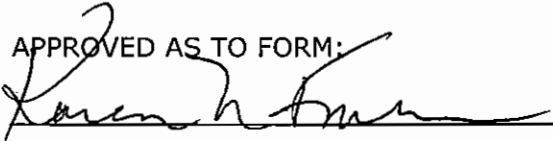
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON



Pete Kremen, County Executive

() Approved () Denied

Date Signed: 2-28-07

EXHIBIT A
Legal Description
Access & Utilities Easement
(WHATCOM COUNTY TO SHERWOOD, ET AL;)

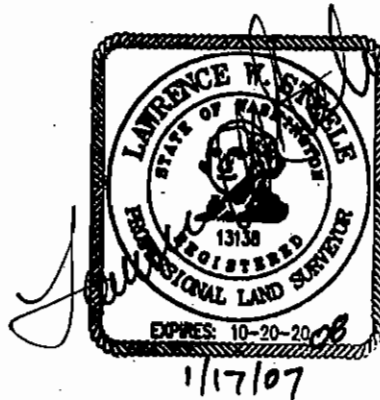
A thirty foot (30') wide easement for Ingress, Egress & Utilities lying over under and across a portion of an existing road as shown on that Record of Survey Map for Carol E. Metzger recorded under auditor's file number 2010304040, records of Whatcom County, Washington, within the Northwest Quarter of the Southeast Quarter of Section 32, Township 39 North, Range 5 East, W.M., The Centerline of said 30' wide easement described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 32; Thence North 88°51'57" West along the North line of said Southeast Quarter, for a distance of 1,527.71 feet to an iron pipe (PLS#9947) on the westerly line of "Parcel A" as shown on said Record of Survey Map; Thence South 02°38'00" West along said westerly line of "Parcel A" for a distance 67.79 feet to the Northerly line of the "Owen/Raper Gravel Pit" (Parcel #390532 387245) currently owned by Whatcom County; Thence North 79°16'53" East along said Northerly line of the "Owen/Raper Gravel Pit" for a distance of 30.37 feet to the Northeast corner of said "Owen/Raper Gravel Pit"; Thence South 10°43'07" East along the Easterly line of said "Owen/Raper Gravel Pit" for a distance of 50 feet more or less to the centerline of an existing road, being the **Point of Beginning** for the centerline of herein described Easement; Thence Southwest along said road centerline for a distance of 120 feet more or less to a point on the Northerly right-of-way of Marshall Hill Rd. (County Rd. #289) said point being the terminus of above described centerline. Sidelines of said easement being lengthened or shortened as necessary.

Situate in Whatcom County, Washington.

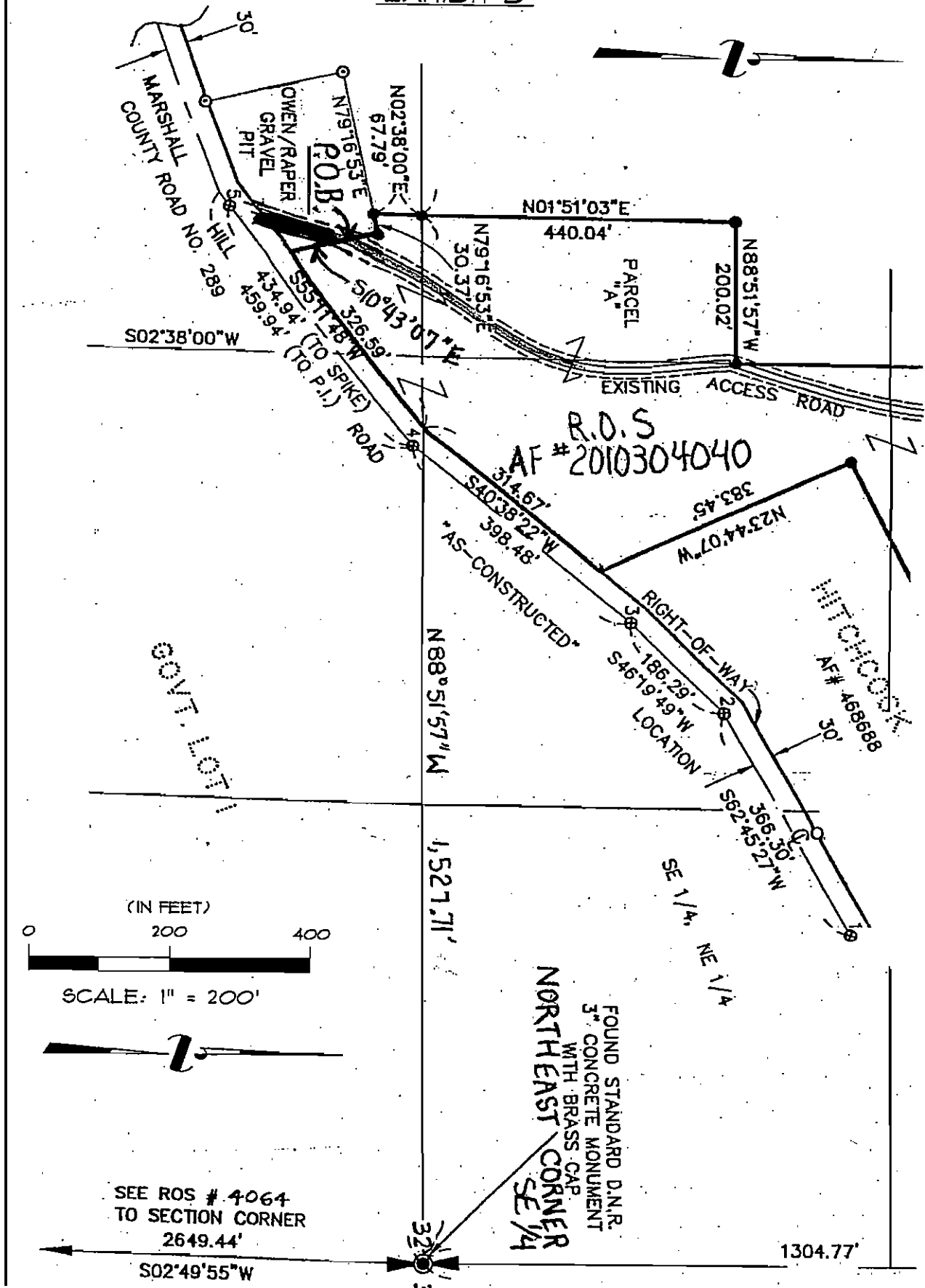
SEE ATTACHED EXHIBIT B - SKETCH

Basis for above Easement: Record of Survey AF# 2010304040



Prepared by Larry Steele & Associates, Inc.
Land Surveyors.
1323 Lincoln St.
Bellingham WA 98229
360-676-9350
Job #10306
January 15, 2007
Z:\pcfiles\sherry/legal\10306 Sherwood Access Easement (011507).doc

"EXHIBIT B"



(IN FEET)
 0 200 400

SCALE: 1" = 200'

SEE ROS # 4064
 TO SECTION CORNER

2649.44'
 S02°49'55"W

FOUND STANDARD D.N.R.
 3" CONCRETE MONUMENT
 WITH BRASS CAP
 NORTH EAST CORNER
 SE 1/4

1304.77'

