

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	JP		RECEIVED NOV 04 2008 WHATCOM COUNTY COUNCIL	11/12/08	Introduction
Division Head:				1/13/2009	Hearing
Dept. Head:	<i>MA</i>	10/29/08			
Prosecutor:	<i>D</i>	10/30/08			
Purchasing/Budget:	<i>AK</i>				
Executive:	<i>AK</i>	11-04-08			

TITLE OF DOCUMENT: *A Resolution in the Matter of Vacating a Portion of Johnson Road: "The North 20 feet of the West 10 acres of Government Lot 1, Section 3, Township 40 North, Range 3 West of W.M. Whatcom County, Washington. EXCEPT the east 30 feet thereof."*

- ATTACHMENTS:**
1. Cover Memo
 2. Resolution
 3. Neighboring Land Owner's Petition
 4. Engineer's Report
 5. Map of Site
 6. Comparative Market Analysis

SEPA review required?	() Yes	(X) NO	Should Clerk schedule a hearing?	(X) 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.)*

The attached Resolution in the Matter of Vacating a Portion of Johnson Road is submitted per RCW 58.17 & 36.87 and WCC 12-20.

The County Engineer's report has been prepared and is being submitted in favor of this road vacation. A public hearing will need to be scheduled.

COMMITTEE ACTION:

COUNCIL ACTION:

11/12/2008: Introduced
 1/13/2009: Council Approved 7-0
 Res. 2009-001

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Res. 2009-001

AB 2008 322 / Res 2008-061

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.*

2090302780

Page: 1 of 2
3/18/2009 11:46 AM
VACA \$43.00
Whatcom County, WA

Request of: WHATCOM COUNTY COUNCIL



2090303082

Page: 1 of 4
3/20/2009 9:22 AM
VACA \$45.00
Whatcom County, WA

Request of: WHATCOM COUNTY COUNCIL

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 -
#2090102555 *Re-record to include Resolution 2009-001.*

GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): Galen Wood, et al.

ABBREVIATED LEGAL DESCRIPTION: The North 20 feet of the West 10 Acres of Government Lot 1, Section 3, Township 40 North, Range 3 West of W.M., Whatcom County, Wa Except the east 30 feet thereof.

ADDITIONAL LEGAL DESCRIPTION ON PAGE TWO OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): None (right-of-way)

IN THE MATTER OF THE VACATION OF a portion of Johnson Road #567,
filed by Galen Wood, et al., c/o Lynne Kinney:

FINAL ORDER OF VACATION

WHEREAS, the Whatcom County Council did, on January 13, 2009, order the vacation of a portion of Johnson Road #567, petitioned by Galen Wood, et al., c/o Lynne Kinney, and entered a preliminary order of vacation, recorded by the County Auditor on January 27, 2009 under reference number 2090102555; 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 \$4,675.00 were paid by the petitioner on March 9, 2009;
NOW, THEREFORE, THE WHATCOM COUNTY COUNCIL ORDERS that the road(s)

or portion(s) thereof, described below, be vacated:

The North 20 feet of the West 10 Acres of Government Lot 1, Section 3, Township 40 North, Range 3 West of W.M., Whatcom County, WA, EXCEPT the East 30 feet thereof, containing approximately 6,008 square feet.

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: March 17, 2009.

ATTEST



WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Seth Fleetwood, Council Chair

1 SPONSORED BY: Public Works

2 PROPOSED BY: Public Works

3 INTRODUCTION DATE: 11/12/2008

4 RESOLUTION NO. 2009-001

5
6 A RESOLUTION IN THE MATTER OF
7 VACATING A PORTION OF JOHNSON ROAD
8

9 WHEREAS, on April 23, 2008; Galen Wood, submitted a petition for the vacation of a
10 portion of Johnson Road lying within the unincorporated area of Whatcom County, accompanied by
11 the penal sum of \$682.00, and,

12 WHEREAS, as described in RCW 36.87.010, when a county road or any part thereof is
13 deemed useless the Whatcom County Council may declare its intention to formally consider vacation,
14 by resolution, and,

15 WHEREAS, the County Council voted 7-0 on September 9, 2008, to consider this vacation
16 request and directed the County Engineer's office to report, and

17 WHEREAS, the County Engineer's office has reviewed the portion of the street which is a
18 Class B-1, 6 right-of-way, wherein no public expenditures were made or are non-ascertainable from
19 records, no part thereof lies in any plat, and said street was abandoned in fact due to relocation of
20 right-of-way, and has determined that the public would benefit from said vacation; and

21 WHEREAS, it's unknown if there are public utilities located within the portion of the right-
22 of-way to be vacated, but an easement for said utilities will be retained by the County, and

23 WHEREAS, the fair market value has been determined to be \$0.63 per square foot for 6008
24 square feet included within this portion of Johnson Road, making the total value of the area to be
25 vacated \$3,785.00; and

26 WHEREAS, the County Real Estate Manager and County Engineer have reviewed said
27 compensation and determined it to be fair value; and

28 WHEREAS, the petitioner has met all of the petition requirements, as set forth by Chapter
29 12.20, Whatcom County Code, and all other applicable laws; and

30 WHEREAS, the applicant has six calendar months from the date of the Preliminary Order of
31 Vacation to pay any remaining fees to the Whatcom County Council office, which checks made
32 payable to the Whatcom County Treasurer, prior to the vacation becoming effective, including but not
33 limited to the appraised value of the area sought to be vacated; and

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

36

37

1 NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council vacate
2 the following described right of way:
3

4 The North 20 feet of the West 10 Acres of Government Lot 1, Section 3, Township
5 40 North, Range 3 West of W.M., Whatcom County, WA,
6 EXCEPT the East 30 feet thereof, containing 6,008 square feet.
7

8 SUBJECT TO and/or together will all easements, covenants, restrictions,
9 and/or agreements of record or otherwise, and
10 SUBJECT TO an easement retained by the County in respect to the vacated portion of right-of-way for
11 the construction, repair, and maintenance of any and all public utilities and services, now located on or
12 in the vacated portion, or planned for the future.

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

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

19 APPROVED this 15th day of January, 2009

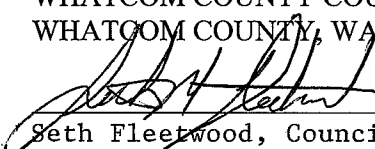
20
21 ATTEST:

22
23
24 Dana Brown Davis, County Clerk

25
26
27 APPROVED AS TO FORM:

28
29 Daniel L. Libron
Senior Civil Deputy Prosecuting Attorney

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Seth Fleetwood, Council Chair