

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2009-051

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	<i>[Signature]</i>	12/22/08	RECEIVED JAN 06 2009 WHATCOM COUNTY COUNCIL	1/13/09	Public Works/ Council
Division Head:					
Dept. Head:	<i>[Signature]</i>	12/30/08			
Prosecutor:	<i>[Signature]</i>	12/30/08			
Purchasing/Budget:					
Executive:	<i>[Signature]</i>	1-6-09			

TITLE OF DOCUMENT: *Interlocal Agreement Between Whatcom County, The Lummi Nation, and Whatcom Land Trust For The Saxon Road Re-Alignment Project and a road vacation petition County Council to consider.*

- ATTACHMENTS:**
1. Memorandum
 2. Interlocal Agreement
 3. Road Vacation Petition & Resolution
 4. Maps & accompanying exhibits

SEPA review required?	() Yes	(X) NO	Should Clerk schedule a hearing?	() Yes	(X) 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 County, the Lummi Nation, and the Whatcom Land Trust agree to relocation of a portion of Saxon Road to provide habitat enhancement. The purpose of this Agreement is to provide a legal framework wherein the three parties to this Agreement support improvements to public safety, water quality and fisheries habitat by relocating a portion of Saxon Road to a new right of way located further away from the banks of the South Fork Nooksack. The Nation intends to accomplish both road abandonment of the current roadbed and the reconstruction of a replacement segment of Saxon Road. When the County Engineer accepts the new roadway construction, the County will formally adopt the newly constructed segment as a County Road, receive title to the newly developed right-of-way and vacate the existing right-of-way. Portions of the vacated right-of-way along the banks of the South Fork will be restored to natural topographic condition, replanted with native vegetation and made available for the construction of large woody in-stream habitat structures.

COMMITTEE ACTION:
1/13/2009: Forwarded to Council for approval with amendments from Councilmember Brenner

COUNCIL ACTION:
1/13/2009: Council Amended & Approved 7-0
Res. 2009-003

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:
Res. 2009-003

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.*

SPONSORED BY: Public Works

PROPOSED BY: Lummi Nation

INTRODUCTION DATE: January, 13, 2009

RESOLUTION NO. 2009-003

A RESOLUTION IN THE MATTER OF CONSIDERING
A VACATION FOR REALIGNMENT OF A PORTION OF SAXON ROAD

WHEREAS, on December 15, 2008; Lummi Nation and others, submitted a petition for the vacation of a portion of Saxon Road lying within the unincorporated area of Whatcom County, accompanied by the penal sum of \$682.00 and an Interlocal Agreement, and in exchange for replacement of vacated portion, with a new realignment of equal or greater value; and

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

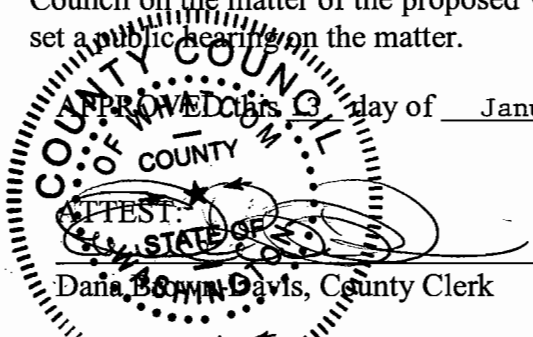
Whereas the Lummi Nation agrees that no vacation will occur until or unless realignment has been performed.

NOW, THEREFORE, BE IT RESOLVED that it is the intention of Whatcom County Council to consider vacation of the following described right of way: A 40.00 foot strip of land for roadway right-of-way, over, under, upon and across portions of Gov't Lots 2 & 3, Section 27, Township 37 North, Range 5 East, Washington Meridian, the following right-of-way being 20.00 feet on each side the centerline described as follows: (see attached Exhibit #1). Basis of description: Drawing of proposed new right-of-way area submitted by Land Development Engineering & Surveying Inc. (Attachment "A")

Subject to and/or together with all easements, covenants, restrictions and/or agreements of record or otherwise.

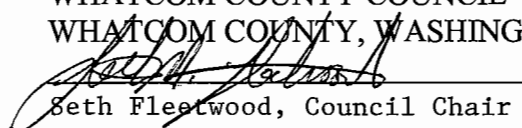
AND BE IT FURTHER RESOLVED that the County Engineer investigate and report to the County Council on the matter of the proposed vacation of said portion of Saxon Road so that the Council may set a public hearing on the matter.

APPROVED this 13 day of January, 2009

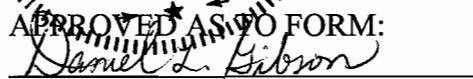
The seal of Whatcom County Council is circular with a double border. The outer border contains the text "COUNTY COUNCIL" at the top and "WHATCOM COUNTY" at the bottom. The inner border contains the text "STATE OF WASHINGTON". In the center of the seal, there is a star and the text "COUNTY CLERK". A signature is written across the seal, and the name "Dana Boynton Davis, County Clerk" is printed below it.

TEST: _____
Dana Boynton Davis, County Clerk

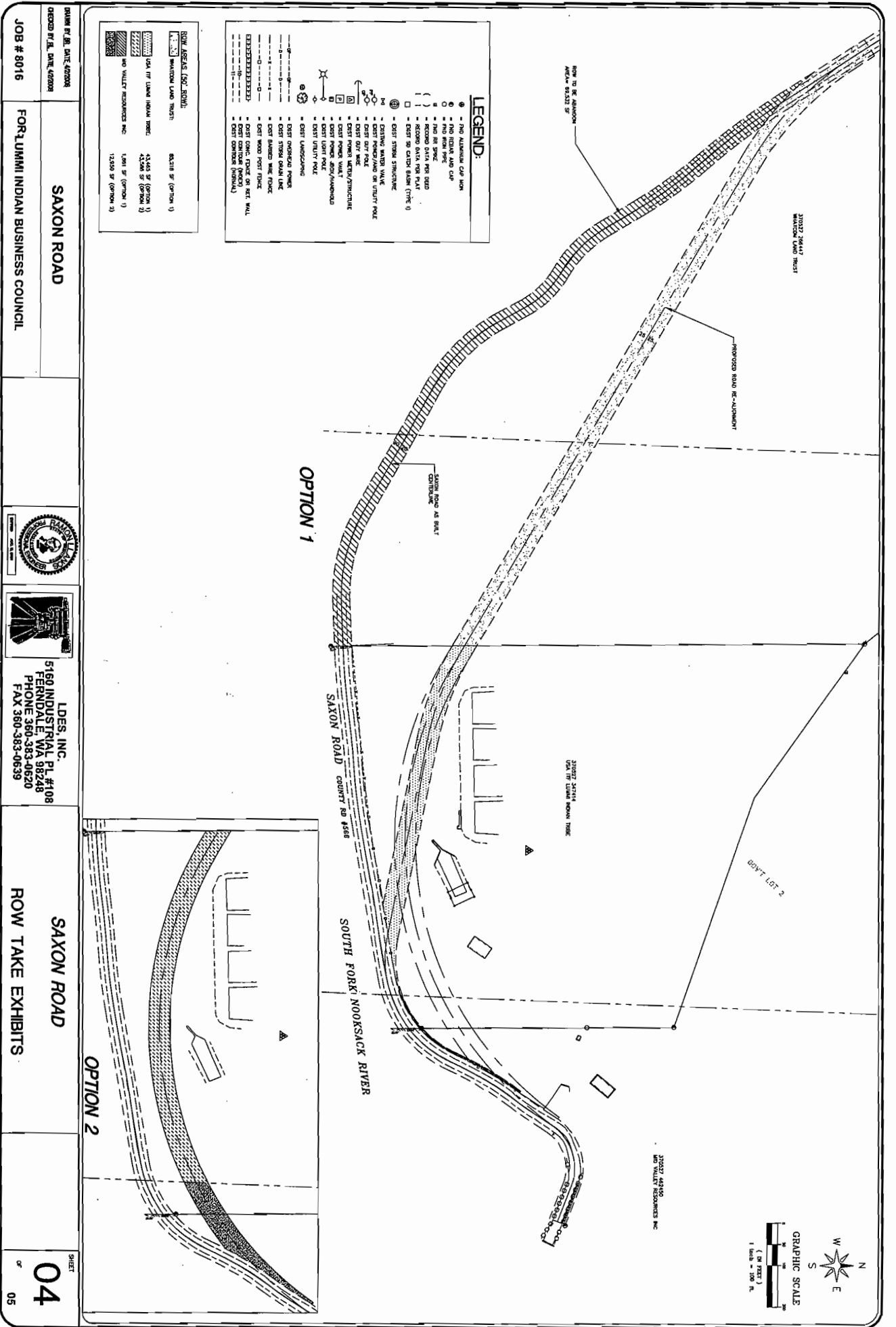
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

A handwritten signature in black ink, appearing to read "Seth Fleetwood", is written over a horizontal line.
Seth Fleetwood, Council Chair

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Daniel L. Gibson", is written over a horizontal line.
Senior Civil Deputy Prosecuting Attorney

Attachment 'A'



LEGEND:

- - NO ALTERNATE CUR SIGN
- - NO SIGN AND CUR
- - NO SIGN
- - NO SIGN
- - RECORD DATA FOR ROAD
- - RECORD DATA FOR PLAT
- - EXIST. ST. CATCH BASIN (TYPE 1)
- - EXIST. ST. STRUCTURE
- - EXISTING WATER VALVE
- - EXIST. POWER/FASE ON UTILITY POLE
- - EXIST. GAS POLE
- - EXIST. POWER METER/STRUCTURE
- - EXIST. POWER WALK
- - EXIST. POWER JBOX/MANHOLE
- - EXIST. UTILITY POLE
- - EXIST. UTILITY POLE
- - EXIST. UNDERPASS
- - EXIST. OVERPASS POWER
- - EXIST. STREET LIGHT POLE
- - EXIST. STREET LIGHT POLE
- - EXIST. WOOD POST FENCE
- - EXIST. CONCRETE POLE ON UTILITY WALL
- - EXIST. CONCRETE POLE ON UTILITY WALL
- - EXIST. CONCRETE POLE ON UTILITY WALL
- - EXIST. CONCRETE POLE ON UTILITY WALL

ROW AREAS (SEE ROWS):

- 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

DESIGNED BY: DATE: 4/20/08
 CHECKED BY: DATE: 4/20/08

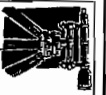
SAXON ROAD

FOR LUMMI INDIAN BUSINESS COUNCIL

ROW TAKE EXHIBITS

04

SHIRT 05



LD&S, INC.
 5160 INDUSTRIAL PL #108
 FERRIDALE, WA 98248
 PHONE 360-383-0620
 FAX 360-383-0639

Exhibit #1

Legal Description of Saxon Road Right of Way
Through Parcels 370527347414 and 370527350365

A 40.00 foot strip of land for roadway right of way, over, upon and across portions of Gov't Lots 2 & 3, section 27, Township 37 North, Range 5 East, Washington Meridian, the following right of way being 20.00 feet on each side the centerline described as follows:

Commencing at the north quarter corner of said Section 27; thence South $40^{\circ}13'10''$ East a distance of 2063.33 feet to a found rebar & cap marked "Steel", as described on the certain Record of Survey on file in Whatcom County as AF# 920224087; thence South $00^{\circ}13'57''$ East a distance of 30.29 feet to a point on a curve being the point of beginning of which the radius point bears North $37^{\circ}33'23''$ West a distance of 270.00 feet; thence southwesterly along said curve through a delta angle of $27^{\circ}49'05''$ an arc distance of 131.09 feet; thence south $80^{\circ}15'43''$ West a distance of 372.74 feet to a point of curvature of which the radius point bears North $09^{\circ}44'17''$ West a distance of 1314.00 feet; thence westerly along said curve through a delta angle of $05^{\circ}42'52''$ an arc distance 131.05 feet to a point of reverse curvature of which the radius point bears South $04^{\circ}01'25''$ East a distance of 2076.00 feet; thence westerly along said curve through a delta angle of $03^{\circ}21'17''$ an arc distance of 121.56 feet to a point of reverse curvature of which the radius point bears North $07^{\circ}22'43''$ West a distance of 1737.00 feet; thence along said curve through a delta angle of $04^{\circ}49'53''$ an arc distance of 146.47 feet; thence South $87^{\circ}27'11''$ West a distance of 123.74 feet to a point of curvature of which the radius point bears North $02^{\circ}32'49''$ West a distance of 400.00 feet; thence northwesterly along said curve through a delta angle of $32^{\circ}18'15''$ an arc distance of 225.52 feet; thence North $60^{\circ}14'35''$ West a distance of 200.36 feet to a point of curvature of which the radius point bears South $29^{\circ}45'25''$ West a distance of 4560.00 feet; thence southwesterly along said curve through a delta angle of $01^{\circ}36'15''$ an arc distance of 127.67 feet to a point of reverse curvature of which the radius point bears North $28^{\circ}09'11''$ East a distance of 400.00 feet; thence northwesterly along said curve through a delta angle of $33^{\circ}31'46''$ an arc distance of 234.08 feet; thence North $28^{\circ}19'03''$ West a distance of 62.50 feet to a point of curvature of which the radius point bears South $61^{\circ}40'57''$ West a distance of 221.00 feet; thence northwesterly along said curve through a delta angle of $31^{\circ}20'05''$ an arc distance of 120.86 feet to a point of reverse curvature of which the radius point bears north $30^{\circ}20'52''$ east a distance of 295.00 feet; thence northwesterly along said curve through a delta angle of $28^{\circ}32'21''$ an arc distance of 146.94 feet; thence North $31^{\circ}06'47''$ West a distance of 100.87 feet to a point of curvature of which the radius point bears South $58^{\circ}53'13''$ West a distance of 1031.00 feet; thence northwesterly along said curve through a delta angle of $9^{\circ}51'44''$ an arc distance of 177.46 feet to a point of reverse curvature of which the radius point bear North $49^{\circ}01'29''$ East a distance of 1738.00 feet; thence northwesterly along said curve through a delta angle of $7^{\circ}43'02''$ an arc distance of 234.09 feet to the southerly right of way line of a proposed 50.00 foot right of way, and said centerline there terminating.

The side lines of the described 40 foot strip are prolonged or shortened to terminate on a line bearing North $00^{\circ}13'57''$ West from the found rebar & cap marked "Steel" and on the southerly right of way line of a proposed 50.00 foot right of way.

