

SPONSORED BY: Public Works

PROPOSED BY: Lummi Nation

INTRODUCTION DATE: March 26, 2009

RESOLUTION NO. 2009-035

A RESOLUTION IN THE MATTER OF
VACATING FOR REALIGNMENT 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 Interlocal Agreement 200901001, 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 deemed 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 and all conditions of Interlocal Agreement, Contract #200901001, have been met in full, and

WHEREAS, the County Council voted 7-0 on January 13, 2009, to consider this vacation request and directed the County Engineer's office to report, and

WHEREAS, the County Engineer's office has reviewed the portion of the road which is a Class A-1, right-of-way, wherein public expenditures have been made, and has determined that the public would benefit from said vacation; and

WHEREAS, there are public utilities located within the portion of the right-of-way to be vacated, and per the Interlocal Agreement appropriate easements for utilities along the new alignment will be provided by the petitioner, and

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

WHEREAS, the vacation will become effective only upon approval and acceptance of the new roadway per the Interlocal Agreement, and petitioner will pay any remaining fees to the Whatcom County Council office upon approval and acceptance, which checks shall be made payable to the Whatcom County Treasurer, and

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

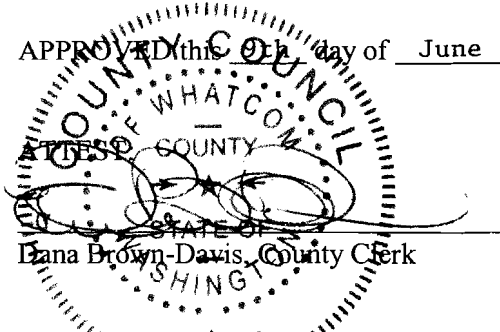
NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council vacate the following described right of way: **Approximately 3,000 lineal feet of right of way, more or less, of existing Saxon Road: being a portion of County Road 566, AKA, Saxon Road across Gov't Lots 2 & 3, Section 27, TWN 37N, R5E. W.M.**

SUBJECT TO and/or together with all easements, covenants, restrictions, and/or agreements of record or otherwise, and

BE IT FURTHER RESOLVED that upon applicant's completion of payment of all fees due to Whatcom County, a Final Order of Vacation shall be prepared by Council Staff, signed by the appropriate parties, and recorded with the County Auditor; and

BE IT FURTHER RESOLVED that if the conditions set forth above are not fulfilled and the new road alignment is not approved and accepted by the County Engineer, the Preliminary Order of Vacation which is hereby authorized shall be withdrawn, and the right-of-way shall not be deemed to have been vacated.

APPROVED this 04 day of June, 2009



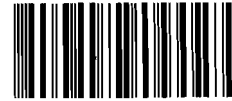
Eana Brown-Davis, County Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Seth Fleetwood, Council Chair

APPROVED AS TO FORM:

Donald J. Lubson
Senior Civil Deputy Prosecuting Attorney



2110802460

Page: 1 of 5
8/24/2011 10:17 AM
VACA \$66.00
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 – AR#2090603056

Right of Way Deed – AR#2110802454

Right of Way Deed – AR#2110802455

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GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): Lummi Nation, Whatcom Land Trust, and Longview Timber

ABBREVIATED LEGAL DESCRIPTION:

Approximately 3,000 lineal feet of right of way, more or less, of existing Saxon Road; being a portion of County Road 566, AKA Saxon Road across Gov't Lost 2 & 3, Section 27, TWN 37N, R5E, W.M.

ADDITIONAL LEGAL DESCRIPTION ON PAGES 2 AND 3 OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S):

370527 266447 0000

370527 347414 0000

370527 350365 0000

370527 462450 0000

IN THE MATTER OF THE VACATION OF a portion of Saxon Road, filed by Lummi Nation, Whatcom Land Trust, and Longview Timber, ET AL:

FINAL ORDER OF VACATION

WHEREAS, the Whatcom County Council did, on June 9, 2009, order the vacation of a portion of Saxon Road, petitioned by Lummi Nation, Whatcom Land Trust, and Longview Timber, et al., and entered a preliminary order of vacation, recorded by the County Auditor on June 17, 2009 under reference number 2090603056; 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 remaining costs and expenses have been waived by Whatcom County; and

WHEREAS, all parties of the Interlocal Agreement, recorded by the County Auditor on March 11, 2009 under reference number 2090301684, have completed all of their responsibilities; and

WHEREAS, the new roadway has been approved and accepted by the County Road Engineer;

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

RIGHT-OF-WAY, (WHATCOM LAND TRUST), PARCEL No. 370527 266447 0000

A 50-FOOT STRIP OF LAND FOR RIGHT-OF-WAY PURPOSES IN THAT PORTION OF GOVERNMENT LOT 2 AND 3 OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 5 EAST, W.M., BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE SOUTH 39°02'09" EAST A DISTANCE OF 681.72 TO A FOUND REBAR AND CAP AS DELINEATED ON THAT CERTAIN RECORD OF SURVEY RECORDED ON WHATCOM COUNTY AUDITOR'S FILE NO. 920224087; THENCE SOUTH 00°13'57" EAST ALONG SAID SURVEY LINE A DISTANCE OF 911.84 FEET TO THE POINT OF BEGINNING; THENCE NORTH 59°27'31" WEST A DISTANCE OF 1318.08 FEET TO A POINT OF CURVATURE OF WHICH THE RADIUS POINT BEARS NORTH 30°32'29" EAST A DISTANCE OF 685.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A DELTA OF 26°36'54" AN ARC DISTANCE OF 318.20 FEET; THENCE NORTH 32°50'37" WEST A DISTANCE OF 52.55 FEET; THENCE SOUTH 57°09'23" WEST A DISTANCE OF 5.00 FEET TO INTERSECT THE NORTH MARGIN OF EXISTING COUNTY ROAD NO. 566, BEING A 40-FOOT WIDE RIGHT-OF-WAY AND 20 FEET FROM AS BUILT CENTERLINE KNOWN AS SAXON ROAD; THENCE SOUTH 32°50'37" EAST ALONG SAID MARGIN A DISTANCE OF 230.21 FEET TO A POINT OF CURVATURE OF WHICH THE RADIUS POINT BEARS NORTH 57°09'23" EAST A DISTANCE OF 1718.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND MARGIN THROUGH A DELTA OF 2°41'29" AN ARC DISTANCE OF 80.70 FEET TO A POINT ON A CURVE OF WHICH THE RADIUS POINT BEARS NORTH 36°34'44" A DISTANCE OF 735.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A DELTA OF 6°02'15" AN ARC DISTANCE OF 77.45 FEET; THENCE SOUTH 59°27'31" EAST A DISTANCE OF 1347.86 FEET; THENCE NORTH 00°13'57" WEST A DISTANCE OF 58.19 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 75,711 SQUARE FEET MORE OR LESS.

SITUATE IN WHATCOM COUNTY, STATE OF WASHINGTON

RIGHT-OF-WAY, (LUMMI NATION), PARCEL Nos. 370527 347414 0000 & 370527 350365 0000

A 50-FOOT STRIP OF LAND FOR RIGHT-OF-WAY PURPOSES IN THAT PORTION OF GOVERNMENT LOT 2 OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 5 EAST, W.M., BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE SOUTH 39°02'09" EAST A DISTANCE OF 681.72 TO A FOUND REBAR AND CAP AS DELINEATED ON THAT CERTAIN RECORD OF SURVEY RECORDED ON WHATCOM COUNTY AUDITOR'S FILE NO. 920224087; THENCE SOUTH 00°13'57" EAST ALONG SAID SURVEY LINE A DISTANCE OF 911.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 59°27'31" EAST A DISTANCE OF

64.51 FEET TO A POINT OF CURVATURE OF WHICH THE RADIUS POINT BEARS NORTH 30°32'29" EAST A DISTANCE OF 800.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A DELTA OF 64°08'02" AN ARC DISTANCE OF 895.48 FEET; THENCE SOUTH 00°13'57" EAST A DISTANCE OF 59.12 FEET TO A POINT ON A CURVE OF WHICH THE RADIUS POINT BEARS NORTH 31°24'02" WEST A DISTANCE OF 850.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A DELTA OF 61°56'31" AN ARC DISTANCE OF 918.93 FEET; THENCE NORTH 59°27'31" WEST A DISTANCE OF 34.73; THENCE NORTH 00°13'57" WEST A DISTANCE OF 58.19 FEET TO THE POINT OF BEGINNING. CONTAINING 47,838 SQUARE FEET MORE OR LESS. SITUATE IN WHATCOM COUNTY, STATE OF WASHINGTON.

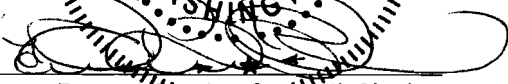
RIGHT-OF-WAY, (LONGVIEW TIMBERLANDS LLC), PARCEL No. 370527 462450 0000

A 50-FOOT STRIP OF LAND FOR RIGHT-OF-WAY PURPOSES IN THAT PORTION OF GOVERNMENT LOT 1 OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 5 EAST, W.M., BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE SOUTH 88°23'43" EAST ALONG THE NORTH LINE THEREOF A DISTANCE OF 1317.33 FEET TO A POINT AS DELINEATED ON THAT CERTAIN RECORD OF SURVEY RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 970130054; THENCE SOUTH 02°15'10" WEST ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 927.23 FEET TO INTERSECT A PROPERTY LINE AS DELINEATED ON THAT CERTAIN RECORD OF SURVEY AND DEED RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. S 920224087 AND 911118128 RESPECTIVELY; THENCE SOUTH 70°47'19" EAST ALONG SAID PROPERTY LINE A DISTANCE OF 52.32 FEET TO A FOUND POINT AS DELINEATED ON SAID SURVEY; THENCE SOUTH 00°13'57" EAST ALONG SAID PROPERTY LINE A DISTANCE OF 475.40 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING A POINT ON A CURVE OF WHICH THE RADIUS POINT BEARS NORTH 33°35'33" WEST A DISTANCE OF 800.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A DELTA OF 21°14'09" AN ARC LENGTH OF 296.51 FEET; THENCE SOUTH 54°49'42" EAST A DISTANCE OF 5.00 FEET TO INTERSECT THE NORTH MARGIN OF EXISTING COUNTY ROAD NO. 566, BEING A 40-FOOT WIDE RIGHT-OF-WAY KNOWN AS SAXON ROAD, SAID POINT ALSO BEING A POINT OF CURVATURE OF WHICH THE RADIUS POINT BEARS SOUTH 54°49'42" EAST A DISTANCE OF 140.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND MARGIN THROUGH A DELTA OF 2°55'47" AN ARC LENGTH OF 7.16 FEET; THENCE SOUTH 32°14'31" WEST A DISTANCE OF 16.47 FEET TO A POINT ON A CURVE OF WHICH THE RADIUS POINT BEARS NORTH 57°45'29" WEST A DISTANCE OF 1090.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A DELTA OF 4°30'01" AN ARC LENGTH OF 85.61 FEET TO A POINT OF CURVATURE OF WHICH THE RADIUS POINT BEARS SOUTH 53°15'29" EAST A DISTANCE OF 865.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A DELTA OF 9°00'15" AN ARC LENGTH OF 135.94 FEET TO A POINT ON A CURVE OF WHICH THE RADIUS POINT BEARS NORTH 38°05'24" WEST A DISTANCE OF 850.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A DELTA OF 6°41'22" AN ARC LENGTH OF 99.24 FEET; THENCE NORTH 00°13'57" WEST A DISTANCE OF 59.12 FEET TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 8,698 SQUARE FEET, MORE OR LESS. SITUATE IN WHATCOM COUNTY, STATE OF WASHINGTON.

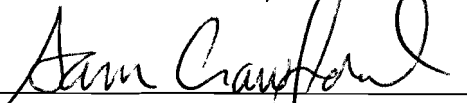
PROVIDED such location shall not, however, prejudice private rights, private easements, prescriptive rights, rights of access, ingress, egress or passage.

Dated August 24, 2011.

ATTEST:


Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Sam Crawford, Council Chair

SPONSORED BY: Public Works

PROPOSED BY: Lummi Nation

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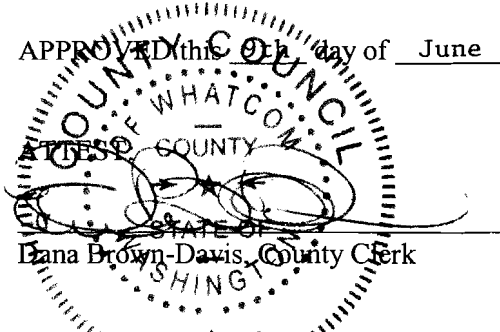
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SUBJECT TO and/or together with all easements, covenants, restrictions, and/or agreements of record or otherwise, and

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APPROVED this 04 day of June, 2009



Eana Brown-Davis, County Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Seth Fleetwood, Council Chair

APPROVED AS TO FORM:

Donald J. Lubson
Senior Civil Deputy Prosecuting Attorney