

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2009-093A

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	JP <i>[Signature]</i>	3/30/09	RECEIVED APR - 7 2009 WHATCOM COUNTY COUNCIL	4/14/09	Introduction
Division Head:				6/09/2009	Hearing
Dept. Head:	<i>[Signature]</i>	3/30/09			
Prosecutor:	<i>[Signature]</i>	03/30/09			
Purchasing/Budget:					
Executive:	<i>[Signature]</i>	4-7-09			

TITLE OF DOCUMENT: A Resolution Vacating a Portion of Grandview Road

- ATTACHMENTS:**
1. Cover Memo
 2. Resolution
 3. Neighboring Land Owner's Petition
 4. Map of Site
 5. Engineer's Report
 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 Vacating a Portion of Grandview 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:

4/14/2009: Introduced
 6/09/2009: Council Approved 7-0
 Res. 2009-036

Related County Contract #:

Related File Numbers:

Ordinance or Resolution

Number: Res. 2009-036

AB 2009-093

Res 2009-011

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.



2091201977

Page: 1 of 3
12/16/2009 9:23 AM
RES \$64.00
Whatcom County, WA

Request of: WHATCOM COUNTY COUNCIL

RETURN DOCUMENT TO:

MARINA ENGELS
WHATCOM COUNTY
COUNCIL OFFICE

DOCUMENT TITLE(S):

RESOLUTION TO VACATE A PORTION OF GRANDVIEW ROAD

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

Resolution Number: 2009-036
Preliminary Order of Vacation AR # 2090603055
Final Order of Vacation AR #2091201976

Additional reference numbers found on page _____ of document.

GRANTOR(S):

Whatcom County

Additional grantors found on page _____ of document.

GRANTEE(S):

Ron Bennett

Additional grantees found on page _____ of document.

ABBREVIATED LEGAL DESCRIPTION (Lot, block, plat, or section, township, range)

Portion of County Road #32 AKA Grandview Road, comprising the North 30 feet of the West 332 feet of the Northwest Quarter of the Northwest Quarter of Section 8, Township 39 North, Range 2 East of W.M. Whatcom County, WA.

Additional legal description can be found on page 2 of document.

ASSESSOR'S PARCEL NUMBER:

390208 028510 0000

1 SPONSORED BY: Public Works

2 PROPOSED BY: Ron Bennett

3 INTRODUCTION DATE: April 14, 2009

4 RESOLUTION NO. 2009-036

5
6 A RESOLUTION TO VACATE A PORTION OF GRANDVIEW ROAD

7
8 WHEREAS, on October 31, 2008; Ron Bennett, submitted a petition for the vacation of a portion of
9 Grandview Road lying within the unincorporated area of Whatcom County, accompanied by the
10 penal sum of \$682.00, and,

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

14 WHEREAS, the County Council voted 7-0 on January 27, 2009, to consider this vacation request and
15 directed the County Engineer's office to report, and

16 WHEREAS, the County Engineer's office has reviewed the portion of the street which is a Class A-6
17 right-of-way, wherein public expenditures were made, and said street was abandoned in fact due to
18 relocation of right-of-way, and has determined that the public would benefit from said vacation; and

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

21 WHEREAS, the fair market value has been determined to be \$3.34 per square foot for 9,960 square
22 feet included within this portion of Grandview Road, making the total value of the area to be vacated
23 \$33,266.00; and

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

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

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

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

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1 NOW, THEREFORE, BE IT RESOLVED that it is the intention of Whatcom County
2 Council to consider vacation of the following described right of way:
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4 That portion of County Road #32 AKA Grandview Road, comprising of the North 30
5 feet of the West 332 feet of the Northwest Quarter of the Northwest Quarter of
6 Section 8, Township 39 North, Range 2 East of W.M. Whatcom County,
7 Washington.
8

9 Basis of description: ROS AF # 2080202410.
10

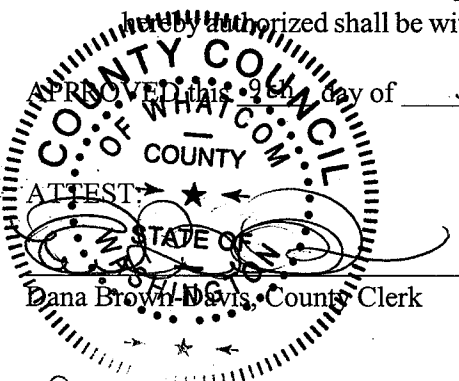
11 SUBJECT TO and/or together will all easements, covenants, restrictions,
12 and/or agreements of record or otherwise, and
13

14 SUBJECT TO an easement retained by the County in respect to the vacated portion of right-of-way for
15 the construction, repair, and maintenance of any and all public utilities and services, now located on or
16 in the vacated portion, or planned for the future.

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

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

23 APPROVED this 9th day of June, 2009



24 ATTEST:

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27
28 Dana Brown Davis, County Clerk

24 WHATCOM COUNTY COUNCIL
25 WHATCOM COUNTY, WASHINGTON

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27
28 Seth Fleetwood, Council Chair

31 APPROVED AS TO FORM:

32
33 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 -
AR#2090603055

GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): Ron Bennett

ABBREVIATED LEGAL DESCRIPTION: Portion of County Road #32 AKA Grandview Road, comprising the North 30 feet of the West 332 feet of the Northwest Quarter of the Northwest Quarter of Section 8, Township 39 North, Range 2 East of W.M. Whatcom County, WA.

ADDITIONAL LEGAL DESCRIPTION ON PAGE ONE OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): 390208 028510 0000

IN THE MATTER OF THE VACATION OF a portion of Grandview Road, filed by Ron Bennett, ET AL:

FINAL ORDER OF VACATION

WHEREAS, the Whatcom County Council did, on June 9, 2009, order the vacation of portion of Grandview Road, petitioned by Ron Bennett, et al., and entered a preliminary order of vacation, recorded by the County Auditor June 16, 2009, under reference number AR# 2090603055; and

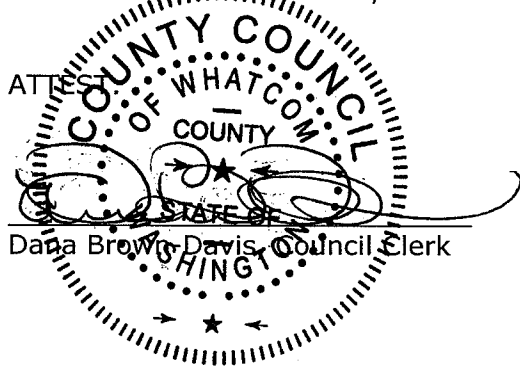
WHEREAS, the vacation was subject to payment by petitioner of all costs and expenses incurred in the proceedings of this vacation, and other conditions, and said costs and expenses totaling \$34,244.08 were paid by the petitioner on December 14, 2009;

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

Portion of County Road #32 AKA Grandview Road, comprising the North 30 feet of the West 332 feet of the Northwest Quarter of the Northwest Quarter of Section 8, Township 39 North, Range 2 East of W.M. Whatcom County, WA. Basis of Description: ROS AF# 2080202410.

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 December 16, 2009



Dana Brown Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Seth Fleetwood, Council Chair