

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2009-260A

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	JP	8/27/09	RECEIVED SEP 08 2009 WHATCOM COUNTY COUNCIL	9/15/09	Introduction
Division Head:				11-10-09	Hearing
Dept. Head:	MAH	8/26/09		11/24/2009	Introduction
Prosecutor:	D	08/26/09		1/12/2010	Hearing
Purchasing/Budget:					
Executive:	R	9-3-09			

TITLE OF DOCUMENT: *A Resolution Vacating a Portion of Edwards Drive*

- 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 Edwards Drive 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:

9/15/2009: Introduced
 11/10/2009: Council Approved 7-0
 Res. 2009-064
 11/24/2009: Introduced substitute resolution tonight and will hold public hearing at a later date. Bellingham Herald did not run public notice for 11/10/09 meeting so need a second public hearing.
 01/12/2010: Council Approved 7-0
 Res. 2010-001 replaced Res. 2009-064
 Note: Effective pending completion of process
 2/2/2010: Process Complete

Related County Contract #:

Related File Numbers:

Ordinance or Resolution

AB2009-260, Res 2009-032

Number: Res. 2010-001

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 SPONSORED BY: Consent

2 PROPOSED BY: Public Works

3 INTRODUCTION DATE: 11/24/09

4 RESOLUTION NO. 2010-001

5
6 A RESOLUTION VACATING A PORTION OF EDWARDS DRIVE

7
8 WHEREAS, on July 15, 2003; David Duncan, submitted a petition for the vacation of a portion of
9 Edwards Drive lying within the unincorporated area of Whatcom County, accompanied by the penal
10 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; and

14 WHEREAS, the County Council voted 7-0 on May 26, 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-2
17 right-of-way, wherein public expenditures were made, and part or all lies within a platted
18 subdivision, and has determined that the public would benefit from said vacation; and

19 WHEREAS, the County Council voted 7-0 on November 10, 2009, to approve this vacation request;
20 and

21 WHEREAS, it was discovered that the public hearing notice was not published pursuant to RCW
22 36.87.050; and

23 WHEREAS, a new public hearing with proper public notice requirements was held; and

24 WHEREAS, it is unknown if there are public utilities located within the portion of the right-of-way
25 to be vacated, but an easement for said utilities will be retained by the County; and

26 WHEREAS, the fair market value has been determined to be \$11.11 per square foot for 1,213 square
27 feet included within this portion of Edwards Drive, making the total value of the area to be vacated
28 \$13,476.43; and

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

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

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

37 WHEREAS, this vacation does not become effective until the fees are paid and the Final Order and

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

3
4 NOW, THEREFORE, BE IT RESOLVED that it is the intention of Whatcom County
5 Council to vacate the following described right of way:
6

7 Beginning at the Northeast corner of Lot 7, "Largaud's Island Vista," Point Roberts,
8 Whatcom County, Washington, as per the plat thereof, recorded in Book 8 of Plats,
9 page 75, in the Auditor's office of said county and state; thence North along the East
10 line of said plat to a line 30.00 feet Southerly and parallel to the centerline of
11 Edwards Drive; thence S.76°35'W. along said parallel line to the Northerly
12 prolongation of the West line of said Lot 7; thence South, along said Northerly
13 prolongation to the Northwest corner of said Lot 7; thence N.76°35'E. along the
14 Northerly line of said Lot 7 to the Point of Beginning. Containing 1,213 square feet,
15 more or less. Situate in Whatcom County, Washington.
16

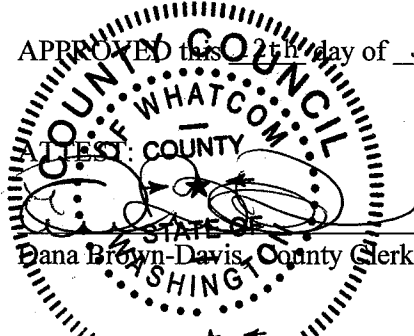
17 SUBJECT TO and/or together will all easements, covenants, restrictions,
18 and/or agreements of record or otherwise, and
19

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

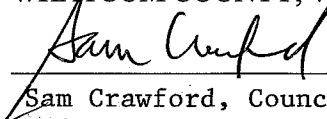
23 BE IT FURTHER RESOLVED that upon applicants' completion of payment for the property and of
24 all other fees, a Final Order of Vacation shall be prepared by Council Staff, signed by the appropriate
25 parties, and recorded with the County Auditor; and

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

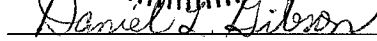
29 APPROVED this 27th day of January, 2010.



WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Sam Crawford, Council Chair

37 APPROVED AS TO FORM:
38


39 Senior Civil Deputy Prosecuting Attorney
40



2100200290

Page: 1 of 5
2/02/2010 1:49 PM
VACA \$116.00
Whatcom County, WA

Request of: WHATCOM COUNTY COUNCIL

RETURN DOCUMENT TO:

WHATCOM COUNTY COUNCIL OFFICE

311 GRAND AVENUE, SUITE 105

BELLINGHAM, WA 98225-4038

Use dark black ink and print legibly. Documents not legible will be rejected per RCW

DOCUMENT TITLE(S):

FINAL ORDER OF VACATION

AUDITOR FILE NUMBER (and VOL. & PG. NUMBERS) OF DOCUMENT(S) BEING ASSIGNED OR RELEASED:

PRELIMINARY ORDER OF VACATION- AR #2100101885

Additional reference numbers can be found on page ____ of document.

GRANTOR(S):

WHATCOM COUNTY

Additional grantor(s) can be found on page ____ of document.

GRANTEE(S):

DAVID DUNCAN

Additional grantee(s) can be found on page ____ of document.

ABBREVIATED LEGAL DESCRIPTION: (Lot, block, plat name OR; qtr/qtr, section, township & range OR; unit, building and condo name). Beginning at the Northeast corner of Lot 7, "Largaud's Island Vista, "Point Roberts, Whatcom County, Washington, as per the plat therof, recorded in Book 8 of Plats, page 75, in the Auditor's Office of said county and state.

Additional legal(s) can be found on page 2 of document.

ASSESSOR'S PARCEL NUMBER:

None; right-of-way

The Auditor/Recorder will rely on the information provided on this form. The responsibility for the accuracy of the indexing information is that of the document preparer.

NOTICE: RCW 65.04.047. Section 14: eff. 8/1/99

"I AM REQUESTING AN EMERGENCY NONSTANDARD RECORDING FOR AN ADDITIONAL FEE AS PROVIDED IN RCW 36.18.010. I UNDERSTAND THAT THE RECORDING PROCESSING REQUIREMENTS MAY COVER UP OR OTHERWISE OBSCURE SOME PART OF THE TEXT OF THE ORIGINAL DOCUMENT."

SIGNED BY:

Marina Engels

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#2100101885*

GRANTOR(S): *WHATCOM COUNTY*

GRANTEE(S): *David Duncan*

ABBREVIATED LEGAL DESCRIPTION: *Beginning at the Northeast corner of Lot 7, "Largaud's Island Vista," Point Roberts, Whatcom County, Washington, as per the plat thereof, recorded in Book 8 of Plats, page 75, in the Auditor's Office of said county and state.*

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 portion of Edwards Drive, filed by David Duncan, ET AL:

FINAL ORDER OF VACATION

WHEREAS, the Whatcom County Council did, on January 12, 2010, order the vacation of portion of Edwards Drive, petitioned by David Duncan, et al., and entered a preliminary order of vacation, recorded by the County Auditor on January 20, 2010 under reference number 2100101885; 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 \$14,526.77 were paid by the petitioner on February 1, 2010;

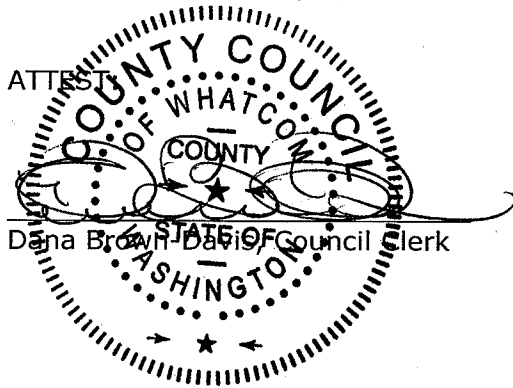
NOW, THEREFORE, THE WHATCOM COUNTY COUNCIL ORDERS that the road(s) or portion(s) thereof, described below, be vacated:

Beginning at the Northeast corner of Lot 7, "Largaud's Island Vista," Point Roberts, Whatcom County, Washington, as per the plat thereof, recorded in Book 8 of Plats, page 75, in the Auditor's Office of said county and state: thence North along the East line of said plat to a


line 30.00 feet Southerly and parallel to the centerline of Edwards Drive; thence S. 76°35 'W. along said parallel line to the Northerly prolongation of the West line of said Lot 7; thence South, along said Northerly prolongation to the Northwest corner of said Lot 7; thence N. 76°35' E. along the Northerly line of said Lot 7 to the Point of Beginning. Containing 1,213 square feet, more or less. Situate in Whatcom County, Washington.

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 February 2, 2010



WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Sam Crawford, Council Chair