



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#2019-1001614

GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): BP West Coast Products LLC

ABBREVIATED LEGAL DESCRIPTION: A strip of land 33 feet in width on and
along the west line of the E ½ SW ¼ Section 6, Township 39 North, Range 1 East,
W.M. Situate in Whatcom County, Washington

ADDITIONAL LEGAL DESCRIPTION ON PAGE TWO OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): 3901062112100000

3901061801610000

3901062080760000

IN THE MATTER OF THE VACATION OF Safsten Road, filed by BP West Coast Products
LLC, ET AL:

FINAL ORDER OF VACATION

WHEREAS, the Whatcom County Council did, on September 24, 2019, order
the vacation of Safsten Road, petitioned by BP West Coast Products LLC, et al., and
entered a preliminary order of vacation, recorded by the County Auditor on October
11, 2019 under reference number 2019-1001614; 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 \$29,626.00 were paid by the petitioner on (January 30,
2020);

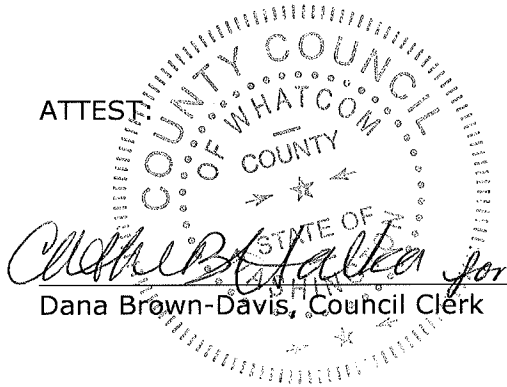
NOW, THEREFORE, THE WHATCOM COUNTY COUNCIL ORDERS that the
road(s) or portion(s) thereof, described below, be vacated:

A strip of land 33 feet in width on and along the west line of the E ½ SW ¼ Section 6, Township 39 North, Range 1 East, W.M. 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. Further, such vacation shall not, however, prejudice private rights, private easements, prescriptive rights, rights of access, ingress, egress or passage, which may exist apart from any interest or rights of the public under the right-of-way that is herein vacated. Other conditions placed on this vacation are included in the preliminary order of vacation (referred to in first paragraph of this document).

Dated February 7, 2020

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

PROPOSED BY: Public Works

INTRODUCTION DATE: 7/9/2019

RESOLUTION NO. 2019-039

A RESOLUTION VACATING SAFSTEN ROAD

WHEREAS, on January 29, 2019, BP West Coast Products LLC submitted a petition for the vacation of Safsten Road lying within the unincorporated area of Whatcom County, accompanied by the penal sum of \$790.00; 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 by resolution its intention to formally consider vacation; and

WHEREAS, the County Council voted 7-0 on May 7, 2019, 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 street which is a Class B-1 right-of-way, wherein no public expenditures were made or they are non-ascertainable from records, and no part thereof lies in any plat, and in the exercise of his judgment has determined that the public will benefit from said vacation; and

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

WHEREAS, the fair market value has been determined to be \$0.33 per square foot for the approximately 87,120 square feet of Safsten Road, making the total value of the area to be vacated \$28,750.00; and

WHEREAS, the County Engineer has reviewed said compensation and determined it to be fair value; 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 applicant has six calendar months from the date of the Preliminary Order of Vacation to pay any remaining fees to the Whatcom County Council office, which checks should be made payable to the Whatcom County Treasurer, prior to the vacation becoming effective, including but not limited to the appraised value of the area sought to be vacated; 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 it is the intention of the Whatcom County Council to vacate the following described right of way:

A strip of land 33 feet in width on and along the west line of the E ½ SW ¼ Section 6, Township 39 North, Range 1 East, W.M. Situate in Whatcom County, Washington.

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


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

BE IT FURTHER RESOLVED that upon applicants' completion of payment for the property and of all other fees, 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 within six months from the date of the passage of this Resolution, 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 24th day of September, 2019

ATTEST:
COUNTY CLERK
WHATCOM COUNTY
WASHINGTON




Dana Brown-Davis, County Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY



Rud Browne, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor