

SPONSORED BY: _____

PROPOSED BY: Public Works

INTRODUCTION DATE: _____

RESOLUTION NO. _____

A RESOLUTION VACATING A PORTION OF CAMP 2 ROAD

WHEREAS, on June 27, 2023, Karen Atkinson, et. al. submitted a petition for the vacation of a portion of Camp 2 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 September 12, 2023, 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 \$3.71 per square foot for the approximately 1,662 square feet of Right of Way, making the total value of the area to be vacated \$6,166; 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:

All that certain portion of County Road Number 281, Camp 2 Road, lying in front of and adjoining Lot 36 and 37 Block 1, "Plat of Cain's Lake" according to the plat thereof, recorded in Volume 7 of Plats Pages 61 and 62, records of Whatcom County, Washington.

Excepting therefrom: The Southwesterly 5 feet of said Lot 37, Block 1 as measured by a line drawn 5 feet Northeasterly from and parallel to the Southwesterly line of said Lot 37, Block 1. Being more particularly described as follows:

Beginning at the Southeasterly corner of said Lot 36 Block 1; thence along the Southeasterly line of said Lot 36 and the Northwesterly right-of-way line of said County Road 281, Camp 2 Road. South $46^{\circ}25'00''$ West for a distance of 20.64 feet; thence continuing along said right-of-way line South $28^{\circ}22'00''$ West for a distance of 48.40 feet; to the Southwesterly corner of said Lot 36 and the Northeasterly corner of said Lot 37; thence continuing along said Northwesterly right-of-way line and Southeasterly line of said Lot 37 South $28^{\circ}22'00''$ West for a distance of 7.07 feet; thence continuing along said Northwesterly right-of-way line South $06^{\circ}50'00''$ West for a distance of 78.21 feet to a point of intersection with said right-of-way line and a line being 5 feet Northeasterly from and parallel to the Southwesterly line of said Lot 37; thence leaving said right of way line extending said parallel line South $31^{\circ}54'00''$ East for a distance of 2.98 feet; thence North $18^{\circ}54'04''$ East for a distance of 151.38 feet to the Point of Beginning.

Containing 1,662.26 square feet. All 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 ____ day of _____, 2025

ATTEST:
WASHINGTON

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY,

Cathy Halka, County Clerk

Kaylee Galloway, Council Chair

APPROVED AS TO FORM:

Christopher Quinn
Civil Deputy Prosecutor
(authorized electronically 1/28/2025)