



**After recording return document to:**

WHATCOM COUNTY COUNCIL OFFICE

311 GRAND AVENUE, SUITE 105

BELLINGHAM, WA 98225-4038

**DOCUMENT TITLE:** PRELIMINARY ORDER OF VACATION

**REFERENCE NUMBER OF RELATED DOCUMENT:** Resolution 2020-042 ; AB 2020-308

**GRANTOR(S):** WHATCOM COUNTY

**GRANTEE(S):** CHAD TERWISSCHA AND KEN JORGENSEN

**ABBREVIATED LEGAL DESCRIPTION:** A PORTION OF HORTON ROAD

**ADDITIONAL LEGAL DESCRIPTION ON PAGE(S) TWO OF DOCUMENT.**

**ASSESSOR'S TAX/PARCEL NUMBER(S):** 380201 035150 0000 & 380201 030119 0000

**PRELIMINARY ORDER OF VACATION**

IN THE MATTER OF THE PETITION for the vacation of a portion Horton Road, filed by Chad TerWisscha and Ken Jorgensen, the Whatcom County Council finds as follows:

THAT THE PETITION for vacation was filed on April 26, 2019 along with a deposit of \$790.00, and contained the following statement of facts by the petitioner pertinent to the desired vacation:

The topography of the terrain makes it a non-cost effective option for any type of roadway or access to be built due to the enormous gully/creek and embankment height. This would also create a huge environmental impact and disturbance. The City of Bellingham has confirmed location for Horton Road to be laid from Cordata to Aldrich and is approximately 1500 feet south of said ROW. There is no road access from the East side of this property and does not lock any property owners from access to their land. It is adjacent to City of Bellingham property. The size of this property (approx. 60' x 660') gives no option for building or any other use. Appears to be wetlands and must be preserved; and

THAT A PUBLIC HEARING on the Engineer's report in this matter took place before the Whatcom County Council on October 27, 2020, and having heard and construed all testimony and documentary evidence produced, the Council was satisfied that said road(s) or portion(s)

thereof is useless as part of the County road system and that the public will be benefited by its vacation and abandonment.

IT IS THEREFORE ORDERED by the Whatcom County Council that said road(s) or portion(s) thereof shall be vacated subject to the following conditions:

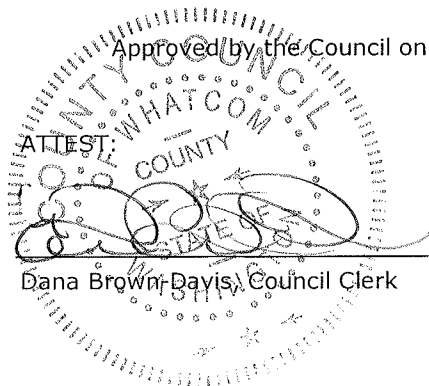
PROVIDED that by April 27, 2021 the petitioner has paid in full all costs and expenses incurred in the proceedings, and payment of the fair market value of the property by the petitioner(s) involved (in this case the amount due is \$15,923.00);

BE IT FURTHER ORDERED that the road, or portion thereof, to be vacated is legally described as follows:

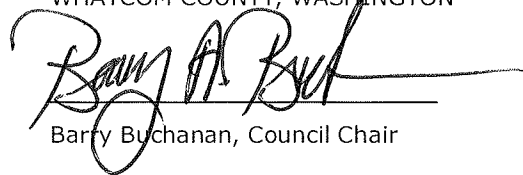
That portion of Horton Road adjacent to Lot 5, Block 73 and Lot 12, Block 72, "Bakerview Addition to the City of Bellingham", recorded in Volume 7 of Plats, Page 40-45, Section 1, Township 38 North, Range 2 East, W.M. Situate in Whatcom County, Washington

BE IT FINALLY ORDERED that the following conditions are placed upon the vacation of this road: The County reserves and retains an easement for construction, repair and maintenance of public utilities and services, including Puget Sound Energy, authorized or physically located therein; further such vacation shall not 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.

Approved by the Council on October 27, 2020 and dated November \_\_\_\_, 2020.



WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



Barry Buchanan, Council Chair

The image shows a handwritten signature in black ink, which appears to be "Barry Buchanan". Below the signature is a horizontal line, and the name "Barry Buchanan, Council Chair" is printed underneath.