



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Report

File Number: AB2024-155

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<b>File ID:</b>	AB2024-155	<b>Version:</b>	1	<b>Status:</b>	Approved
<b>File Created:</b>	02/20/2024	<b>Entered by:</b>	AHester@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Resolution Requiring a Public Hearing		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	04/09/2024
<b>Agenda Date:</b>	04/09/2024			<b>Enactment #:</b>	RES 2024-015
<b>Related Files:</b>					

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Primary Contact Email: sdraper@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Resolution vacating a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The attached resolution vacating a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham is submitted per RCW 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

### HISTORY OF LEGISLATIVE FILE

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
03/05/2024	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler	
		Nay: 0	
04/09/2024	Council	APPROVED	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler	
		Nay: 0	

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**Attachments:** Memo, Proposed Resolution, Substitute Resolution for 04.09.2024, Road Vacation Petition, Market Analysis, Engineer's Report, Aerial Map



**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#2024-0401457; Resolution 2024-015

**GRANTOR(S):** WHATCOM COUNTY

**GRANTEE(S):** KATHRYN NIMS, FRANK HANDY AND LYNN HANDY

**ABBREVIATED LEGAL DESCRIPTION:** A PORTION OF COUNTY ROAD AND AN UNNAMED ALLEY WITHIN THE AMENDED PLAT OF SOUTH WICKERSHAM

**ADDITIONAL LEGAL DESCRIPTION ON PAGE TWO OF DOCUMENT.**

**ASSESSOR'S TAX/PARCEL NUMBER(S):** 370531 392146 0000 & 370531 407152 0000

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IN THE MATTER OF THE VACATION OF A PORTION OF COUNTY ROAD AND AN UNNAMED ALLEY WITHIN THE AMENDED PLAT OF SOUTH WICKERSHAM filed by KATHRYN NIMS, FRANK HANDY AND LYNN HANDY:

**FINAL ORDER OF VACATION**

WHEREAS, the Whatcom County Council did, on April 9, 2024, order the vacation of a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham, petitioned by Kathryn Nims, Frank Handy and Lynn Handy, and entered a preliminary order of vacation, recorded by the County Auditor on April 19, 2024 under reference number 2024-0401457; 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 \$4,873 (including petition fee) were paid by the petitioner on May 8, 2024.

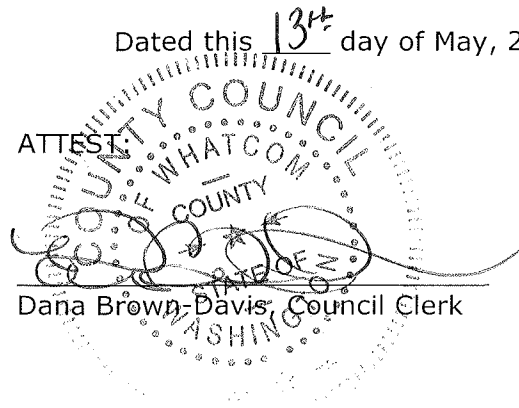
NOW, THEREFORE, THE WHATCOM COUNTY COUNCIL ORDERS that the road(s) or portion(s) thereof, described below, be vacated:

That portion of County Road adjacent to and along the east line of Lots 1 through 5 of Block 1 within the Amended Plat of South Wickersham and that portion of unnamed alley between and adjacent to Lots 1 through 5 and Lots 6 through 9 Block 1 within the Amended Plat of South Wickersham. Situate in Whatcom County, Washington.

PROVIDED that 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 this 13<sup>th</sup> day of May, 2024

ATTEST:

The seal of the Whatcom County Council is circular with a double border. The outer border contains the text "WHATCOM COUNTY COUNCIL" at the top and "WHATCOM COUNTY WASHINGTON" at the bottom. The inner border contains the text "COUNTY COUNCIL" at the top and "WHATCOM COUNTY" at the bottom. In the center of the seal, there is a smaller circle containing the text "STATE OF WASHINGTON". A signature is written across the seal, and a horizontal line is drawn below it.

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

A handwritten signature in black ink, which appears to read "Barry Buchanan", is written over a horizontal line. Below the line, the name "Barry Buchanan, Council Chair" is printed.

Barry Buchanan, Council Chair

SPONSORED BY: \_\_\_\_\_

PROPOSED BY: Public Works

INTRODUCTION DATE: \_\_\_\_\_

RESOLUTION NO. 2024-015

A RESOLUTION VACATING A PORTION OF COUNTY ROAD AND AN UNNAMED ALLEY WITHIN THE AMENDED PLAT OF SOUTH WICKERSHAM

WHEREAS, on June 28, 2023, Kathryn Nims, et. al. submitted a petition for the vacation of a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham 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-2 right-of-way, wherein no public expenditures were made or they are non-ascertainable from records, and part or all lies within a platted subdivision, 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 \$0.30 per square foot for the approximately 12,000 square feet of Right of Way, making the total value of the area to be vacated \$3,600; 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:

That portion of County Road adjacent to and along the east line of Lots 1 through 5 of Block 1 within the Amended Plat of South Wickersham and that portion of unnamed alley between and adjacent to Lots 1 through 5 and Lots 6 through 9 of Block 1 within Amended Plat of South Wickersham.

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

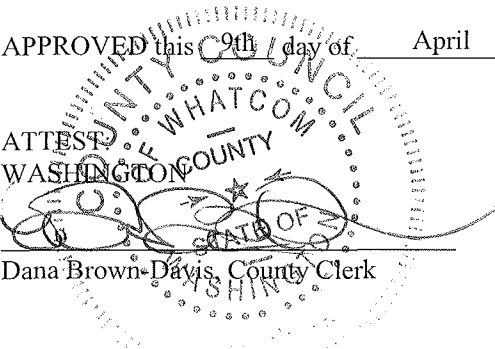
SUBJECT TO an easement retained by the County in respect to the vacated portion of right-of-way for the construction, repair, and maintenance of any and all public utilities and services, now located on or in the vacated portion.

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 9th day of April, 2024

ATTEST  
WASHINGTON COUNTY  
Dana Brown-Davis, County Clerk



WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY,  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:  
Christopher Quinn  
Civil Deputy Prosecutor  
(authorized electronically 2/21/2024)



**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:**

**GRANTOR(S):** WHATCOM COUNTY

**GRANTEE(S):** KATHRYN NIMS, FRANK HANDY AND LYNN HANDY

**ABBREVIATED LEGAL DESCRIPTION:** A PORTION OF COUNTY ROAD and AN UNNAMED ALLEY WITHIN THE AMENDED PLAT OF SOUTH WICKERSHAM

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

**ASSESSOR'S TAX/PARCEL NUMBER(S):** 370531 392146 0000 & 370531 407152 0000

## PRELIMINARY ORDER OF VACATION

IN THE MATTER OF THE PETITION for the vacation of a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham, filed by Kathryn Nims, and Frank Handy and Lynn Handy, the Whatcom County Council finds as follows:

THAT THE PETITION for vacation was filed on June 28, 2023 along with a deposit of \$790.00, and contained the following statement of facts by the petitioner pertinent to the desired vacation: The County has never used, maintained, or relied upon the County Road or Alley. Petitioner Kathryn Nims owns Lots 1-5, which has a single-family residence and associated outbuildings that have existed since at least the 1980's. Petitioners Frank and Lynn Handy own Lots 6-9, which are vacant/unimproved. Petitioner Kathryn Nims and her predecessors have used and maintained the Alley and County Road for decades; and

THAT A PUBLIC HEARING on the Engineer's report in this matter took place before the Whatcom County Council on April 9, 2024, 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:

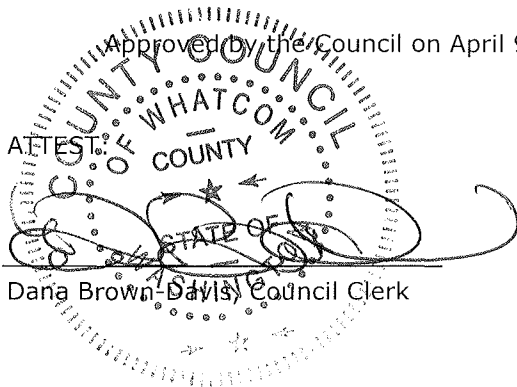
PROVIDED that by six calendar months from the date of passage of the resolution to vacate the petitioner has paid in full all costs and expenses incurred in the proceedings, and payment of the fair market value of the property by the petitioner(s) involved (in this case the amount due is \$3,600.00);

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

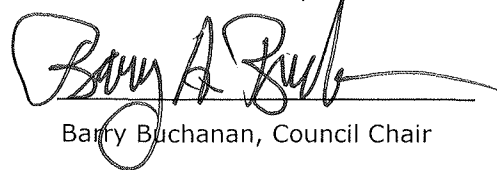
That portion of County Road adjacent to and along the east line of Lots 1 through 5 of Block 1 within the Amended Plat of South Wickersham and that portion of unnamed alley between and adjacent to Lots 1 through 5 and Lots 6 through 9 Block 1 within the Amended Plat of South Wickersham. Situate in Whatcom 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, 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 April 9, 2024 and dated April 19, 2024.

ATTEST:  
The seal of the Whatcom County Council is circular with a double border. The outer border contains the text "WHATCOM COUNTY COUNCIL" at the top and "STATE OF WASHINGTON" at the bottom, separated by stars. The inner border contains "COUNTY OF WHATCOM". In the center, there is a star and the text "COUNTY OF WHATCOM". A signature is written across the seal.  
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

A handwritten signature in black ink, appearing to read "Barry A. Buchanan", written over a horizontal line.  
Barry Buchanan, Council Chair



Whatcom County Auditor  
311 Grand Ave, Suite 103  
Bellingham, WA 98225  
360-778-5100

Receipt #: 246308

Receipt Date: 04/19/2024 01:58 PM

Station: 1

Cashier: MLJOHNSO

Receipt Name: PUBLIC WORKS

Account Name: 1041 - WHATCOM COUNTY PUBLIC WORKS

**Comments:**

RECORDING

Document #	Recording Date	Doc Type	Base Fee	NonStd	Other	Total
2024-0401457	04/19/2024 01:58:58 PM	I-VACA	304.50			\$304.50
<b>Totals:</b>			<b>\$304.50</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$304.50</b>

Thank You  
Retain this receipt for your records

<b>Receipt Total</b>		<b>\$304.50</b>
ACCOUNT	1041 - WHATCOM COUNTY PUBLIC WORKS	\$304.50