



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#2022-0403072; Resolution #2022-016

GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): CITY OF BELLINGHAM AND NWROAD PROPERTIES, LLC

ABBREVIATED LEGAL DESCRIPTION: *A portion of Horton Road on Bakerview Addition to City of Bellingham*

ADDITIONAL LEGAL DESCRIPTION ON PAGE TWO OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): *380202 065211 0000 & 380202 064077 0000*

IN THE MATTER OF THE VACATION OF a portion of Horton Road filed by the CITY OF BELLINGHAM and NWROAD PROPERTIES, LLC:

FINAL ORDER OF VACATION

WHEREAS, the Whatcom County Council did, on April 12, 2022, order the vacation of a portion of Horton Road, petitioned by the CITY OF BELLINGHAM and NWROAD PROPERTIES, LLC, and entered a preliminary order of vacation, recorded by the County Auditor on April 28, 2022 under reference number 2022-0403072; 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 \$14,048 (including petition fee) were paid by the petitioner on June 1, 2022.

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

All that portion of Horton Road as dedicated on Bakerview Addition to the City of Bellingham, filed for record February 26, 1938, and recorded in Volume 7 of Plats, Pages 40 through 45, records of Whatcom County, Washington, more particularly described as follows: All that portion of said Horton Road lying between the east right of way margin of Boxwood Road, as dedicated on said Bakerview Addition Plat and the east line of Blocks 86 and 87 extended of, said Bakerview Addition Plat. 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 10th day of June, 2022.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Todd Donovan, Council Chair

SPONSORED BY: _____

PROPOSED BY: Public Works

INTRODUCTION DATE: 2/22/2022

RESOLUTION NO. 2022-016

A RESOLUTION VACATING A PORTION OF HORTON ROAD

WHEREAS, on May 5, 2021, the City of Bellingham, et. al. (“Applicant”) submitted a petition for the vacation of a portion of Horton 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 August 10, 2021, 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 \$7,500.00 per acre for the approximately 1.73 acres of Horton Road Right of Way, making the total value of the area to be vacated \$12,975.00; and

WHEREAS, the County Engineer has reviewed said compensation and determined it to be fair value; and

WHEREAS, the Applicant 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 portion of Horton Road as dedicated on Bakerview Addition to the City of Bellingham, filed for record February 26, 1938, and recorded in Volume 7 of Plats, Pages 40 through 45, records of Whatcom County, Washington, more particularly described as follows: All that portion of said Horton Road lying between the east right of way margin of Boxwood Road, as dedicated on said Bakerview Addition Plat and the east line of Blocks 86 and 87 extended of, said Bakerview Addition Plat. Situate in Whatcom County, Washington.

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

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 12th day of April, 2022

ATTEST:
WASHINGTON



Dana Brown-Davis, County Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY,



Todd Donovan, Council Chair

APPROVED AS TO FORM:

Christopher Quinn

Civil Deputy Prosecutor
(authorized via email 2/9/2022)