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WHATCOM COUNTY COUNCIL OFFICE

311 GRAND AVENUE, SUITE 105

BELLINGHAM, WA 98225-4038

DOCUMENT TITLE: PRELIMINARY ORDER OF VACATION

REFERENCE NUMBER OF RELATED DOCUMENT: AB2022-239; Resolution 2022-026

GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): Jody and Alan Kennedy, and Steven and Pamela Guyer

ABBREVIATED LEGAL DESCRIPTION: A PORTION OF WYNN ROAD

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

ASSESSOR'S TAX/PARCEL NUMBER(S): 380204 470032 0000 & 380204 434048 0000

PRELIMINARY ORDER OF VACATION

IN THE MATTER OF THE PETITION for the vacation of a portion Wynn Road, filed by Jody and Alan Kennedy, and Steven and Pamela Guyer, the Whatcom County Council finds as follows:

THAT THE PETITION for vacation was filed on April 6, 2021 along with a deposit of \$790.00, and contained the following statement of facts by the petitioner pertinent to the desired vacation: The subject portions of Wynn Road terminates in wetlands and has no prospect of future use. This section of road has a history of vehicles missing the corner and driving into it. Vacation would remove the county from any future liability. This section of road has been used as a dumping ground with no local enforcement. Vacating it would allow us to maintain a visible presence and better discourage roadside dumping; and

THAT A PUBLIC HEARING on the Engineer's report in this matter took place before the Whatcom County Council on May 24, 2022, 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 \$11,500.00); and

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

That portion of Wynn Road adjacent to Lot 23, and Lot 24, Plat of Alder Grove, recorded in Volume 2 of Plats, Page 91, Section 4, Township 38 North, Range 2 East, W.M. as described within Whatcom County Auditor's File Number 172865. 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.

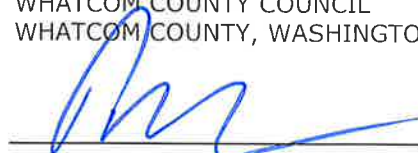
Approved by the Council on May 24, 2022 and dated September 20, 2022.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Todd Donovan, Council Chair