



MEMORANDUM

TO: Satpal Sidhu, County Executive
FROM: Cathy Halka, Legislative Analyst
DATE: September 23, 2020
RE: Petition to Vacate a Portion of Horton Road

The Whatcom County Council received a petition requesting the vacation of Horton Road filed by Chad Terwisscha and Ken Jorgensen. Our file number for this matter is AB2020-308.

We will schedule a hearing on the Engineer's report for October 27, 2020. The attached hearing notice needs to be posted by Public Works Engineering Services on the site where the road is proposed to be vacated on or before October 7, 2020. Please have Public Works return the original affidavit of posting to the Council Office.

Also, please ask Planning & Development Services to review the enclosed petition and submit a recommendation to the Council Office by October 20, 2020.

If you, or your staff, have any objections to the vacation of this road, please let us know as soon as possible before the hearing date. Any written materials submitted to our office relating to this petition should reference file number AB2020-308 in order to ease processing.

Thank you for your assistance.

Enc.: Hearing notice
Affidavit of posting
Resolution
Petition and map

c: Jon Hutchings, Public Works Director
Elizabeth Kosa, Assistant Director of Public Works
Andrew Hester, Real Estate, Public Works
Mark Personius, Planning & Development Services Director
John Gargett, Emergency Management Deputy Director
AB2020-308

**PUBLIC HEARING NOTICE
(Virtual Meeting)**

The Whatcom County Council, on October 27, 2020, 6 PM meeting, or at a later date, will have a hearing on the Engineer's report regarding the following:

RESOLUTION REGARDING A PETITION FOR THE VACATION OF A PORTION OF HORTON ROAD, FILED BY CHAD TERWISSCHA AND KEN JORGENSEN (AB2020-308): The petitioners seek to vacate the county's legal rights to open the road or portion of a road 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. Council introduced the above at its August 5, 2020 meeting.

Any taxpayer may speak for or against the proposal at the hearing, which will be held during the regular Council meeting which begins at 6:00 p.m., unless otherwise announced. The Council is currently holding all meetings remotely. View meeting schedules, agendas, minutes, videos, documents and archives at www.whatcom.legistar.com. For instructions on how to watch or participate in this meeting, please visit us at www.whatcomcounty.us/joinvirtualcouncil or contact the Council Office at 360-778-5010.

Due to the COVID-19 outbreak, public documents are currently unavailable for review in the Council Office. Please call (360) 778-5010 if you have questions, or visit <http://www.co.whatcom.wa.us/268/County-Council> for more information.

Dated September 23

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
Council and FCZDBOS Chair Barry Buchanan
Clerk of the Council Dana Brown-Davis

Publish October 11 and October 18



AFFIDAVIT OF POSTING

IN THE MATTER OF VACATING A WHATCOM COUNTY ROAD KNOWN AS A PORTION OF HORTON ROAD, filed in the Whatcom County Council Office under AB2020-308:

I, _____, on the _____ day of _____, 20____, posted two notices of hearing concerning the proposal to vacate a road as described above.

The notices were posted at the following locations:

1.

2.

Signature: _____

****Please return original to the Council Office when completed.***

SPONSORED BY: _____

PROPOSED BY: Public Works

INTRODUCTION DATE: _____

RESOLUTION NO. _____

A RESOLUTION VACATING A PORTION OF HORTON ROAD

WHEREAS, on April 26, 2019, Chad TerWisscha and Ken Jorgensen 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 October 8, 2019, 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 \$0.40 per square foot for the approximately 39,600 square feet of Horton Road, making the total value of the area to be vacated \$15,840.00; 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 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.

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 _____, 2020

ATTEST:
WASHINGTON

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY,

Dana Brown-Davis, County Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Christopher Quinn
Civil Deputy Prosecutor
(authorized via email 7/21/2020)

BEFORE THE WHATCOM COUNTY COUNCIL

IN THE MATTER OF VACATION OF
THE COUNTY ROAD KNOWN AS

HORTON RD

Petitioned for by:

CHAD TERWISSCHA }
et.al. KEN JORGENSEN

)
)
) **PETITION FOR VACATION
OF PLATTED ROAD**

)
) **(RCW 58.17 AND 36.87)**
)
)
)

Pursuant to Whatcom County Ordinance No. 1-72, dated February 14, 1972, the undersigned and those signing attached petition, which bears signatures and property descriptions of five land owners residing in the vicinity of said road, request vacation of the county road hereinafter described, and agree with the statements below:

1. Petitioners are residents of Whatcom County and owners of real property in the vicinity of the road sought to be vacated.
2. The road sought to be vacated is legally described as follows:
PORTION OF HORTON RD. ADJACENT TO
LOT 5 BLK 73 }
LOT 12 BLK 72
3. The pertinent facts in support of this petition are:
4. The road to be vacated is useless as a part of the County road system and the public will benefit by its vacation and abandonment.
5. Petitioners will pay all costs and expenses incurred by the Count in examination, report, notice and proceedings pertaining to this petition.
6. A bond in the penal sum of \$790.00, payable to Whatcom County Treasurer, accompanies this petition.
7. The application fee accompanies this petition.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and that an order be entered vacating and abandoning said road.

CONTACT PERSON:

CHAD TERWISSCHA

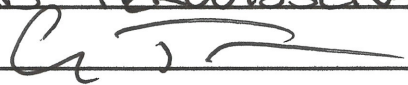
360 363 7000

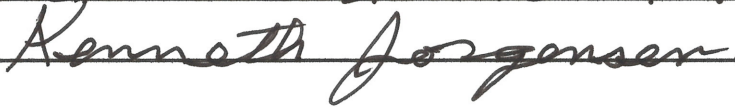
chad542@gmail.com

Signed this 26th day of April, 2019.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):

CHAD TERWISSCHA 4610 ALDRICH RD
 380201035150 0000

KEN JORGENSEN 4592 ALDRICH RD
 380201030119 0000

A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.

HORTON RD VACATION

Darin Peterson 2-22-19
Dai ~~Peterson~~ 3802010322540000
4686 Aldrich Rd.
Bellingham, VA 98226

Brandon Osgoodby 2/23/19 ~~Brett Wiltse~~
~~3802024481710000~~ Brett Wiltse
568 Wiltse Ln 4581 Aldrich Rd
Bham WA 98226
3802024971130000

Frank R Wiltse

FRANK R WILTSE 3-23-19
505 WILTSE LANE 3802024951280000
BELLINGHAM WASH

DUSTIN MASTERS 3/23/19 3802024921450000
~~Dustin Masters~~
Rebecca Masters 3/23/19
R Masters
4607 Aldrich RD 98226

Horton Rd. vacation South of 4610 Aldrich Rd. and North of 4592 Aldrich Rd.

Chad TerWisscha and Keneth Jorgensen would like to vacate this ROW because it has no value to Whatcom County for numerous reasons.

-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 a 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.

TOWNSHIP

38

RANGE

2E

SECTION

01

MAP NO.

04

SCALE

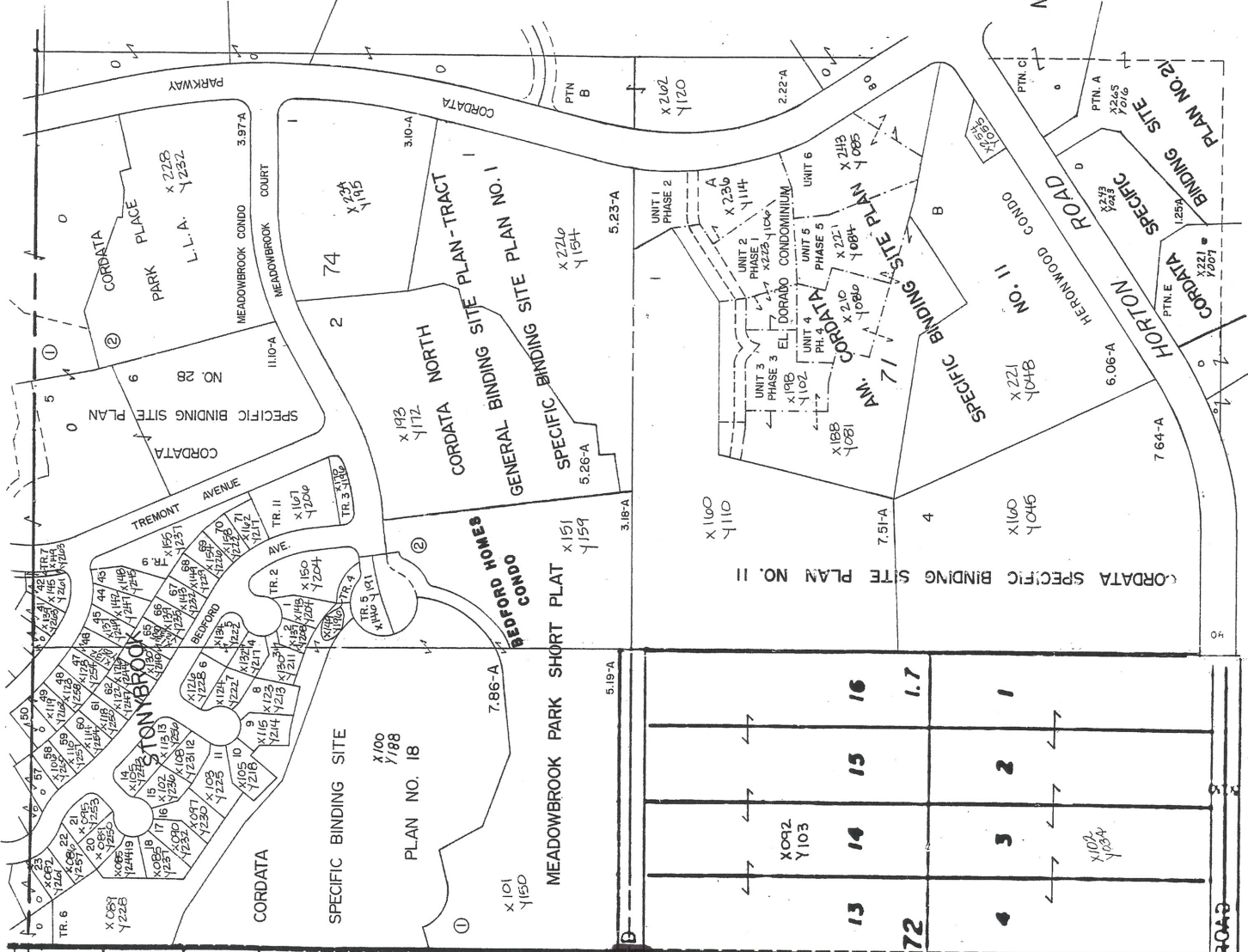
1"=200'

DATE

02/10/09

NOV 08 2011

THIS MAP IS FOR ASSISTANCE IN PROPERTY LOCATION AND IS NOT TO BE USED FOR ACCURATE MEASUREMENTS



12	X032 Y154	J-M PETERSON
11	X037 Y231	L MARKHART
10	X032 Y089	A-K DOWNS
9	X030 Y057	F-J ALBEE
8	X033 Y023	T-C STEWART
7	X032 Y040	T-C STEWART
6	X033 Y023	T-C STEWART
5	X037 Y027	T-C STEWART
4	X100 Y084	T-C STEWART
3	X092 Y103	T-C STEWART
2	X100 Y188	T-C STEWART
1	X100 Y188	T-C STEWART