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WHATCOM COUNTY COUNCIL OFFICE

311 GRAND AVENUE, SUITE 105

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DOCUMENT TITLE: PRELIMINARY ORDER OF VACATION

REFERENCE NUMBER OF RELATED DOCUMENT: AB2022-431, Resolution 2022-037

GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): Patrick Timothy McEvoy and Marcia L. McEvoy

ABBREVIATED LEGAL DESCRIPTION: An unnamed alley within the plat of Lummi Park on Lummi Island (sometimes referred to as Baker Drive)

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

ASSESSOR'S TAX/PARCEL NUMBER(S): 380133 375007 0000

PRELIMINARY ORDER OF VACATION

IN THE MATTER OF THE PETITION for the vacation of an unnamed alley within the plat of Lummi Park on Lummi Island (sometimes referred to as Baker Drive), filed by Patrick Timothy McEvoy and Marcia L. McEvoy, the Whatcom County Council finds as follows:

THAT THE PETITION for vacation was filed on August 8, 2021 along with a deposit of \$790.00, and contained the following statement of facts by the petitioner pertinent to the desired vacation: The unvacated 15-foot alleyway serves no function or utility for Whatcom County or the public, particularly since the remainder of the right-of-way to which it would have connected (which were 15 foot wide alleys in the 1910 Plat and which were referred to as Cedar Road and Baker Drive in the 1946 Plat) were previously vacated. Further, all the properties that use the private road located far west of the dedicated strip are parties to a recorded easement agreement governing its use; and

THAT A PUBLIC HEARING on the Engineer's report in this matter took place before the Whatcom County Council on September 13, 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 \$2,100.00);

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

That 15-foot right of way immediately west of and abutting Lot 7, Block 1, Lummi Park on Lummi Island according to the Plat thereof recorded in Volume 6 of Plats, Page 5, records of Whatcom County, Washington (which is unnamed but is sometimes referred to as Baker Drive).

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 any and all stormwater and drainage facilities, and 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 September 13, 2022 and dated September 20, 2022.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Todd Donovan, Council Chair