



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-308

File ID:	AB2020-308	Version:	1	Status:	Substitute Approved
File Created:	07/21/2020	Entered by:	AHester@co.whatcom.wa.us		
Department:	Public Works Department	File Type:	Resolution Requiring a Public Hearing		
Assigned to:	Council			Final Action:	10/27/2020
Agenda Date:	10/27/2020			Enactment #:	RES 2020-042

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

TITLE FOR AGENDA ITEM:

Resolution vacating a portion of Horton Road

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The attached resolution vacating a portion of Horton Road 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

Date:	Acting Body:	Action:	Sent To:
08/05/2020	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 6 Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas	
		Nay: 1 Kershner	
		Absent: 0	
10/27/2020	Council	SUBSTITUTE APPROVED	
		Aye: 7 Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner	
		Nay: 0	
		Absent: 0	

Attachments: Memo, Proposed Resolution, Affidavit of Posting, Substitute Resolution for 10-27 - Strike.pdf,
Substitute Resolution for 10-27.pdf



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#2020-1102975

GRANTOR(S): WHATCOM COUNTY

GRANTEE(S): Chad TerWisscha and Ken Jorgensen

ABBREVIATED LEGAL DESCRIPTION: A portion of Horton Road

ADDITIONAL LEGAL DESCRIPTION ON PAGE TWO OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): 380201 035150 0000 & 380201 030119 0000

IN THE MATTER OF THE VACATION OF a portion of Horton Road filed by Chad TerWisscha and Ken Jorgensen:

FINAL ORDER OF VACATION

WHEREAS, the Whatcom County Council did, on October 27, 2020, order the vacation of a portion of Horton Road, petitioned by Chad TerWisscha and Ken Jorgensen, and entered a preliminary order of vacation, recorded by the County Auditor on November 17, 2020 under reference number 2020-1102975; 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 \$16,713 (including application fee) were paid by the petitioner on December 9, 2020.

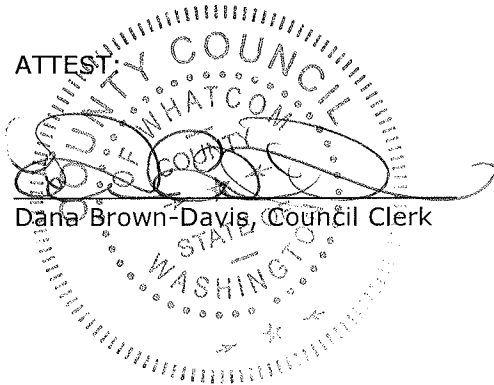
NOW, THEREFORE, THE WHATCOM COUNTY COUNCIL ORDERS that the road(s) or portion(s) thereof, described below, be vacated:

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

PROVIDED that the County reserves and retains an easement for construction, repair and maintenance of public utilities and services, including Puget Sound Energy, authorized or physically located therein. 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 December 18 , 2020

ATTEST



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. 2020-042

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, including Puget Sound Energy, 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 27th day of October, 2020

ATTEST:
WASHINGTON



Dana Brown-Davis, County Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY,



Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Christopher Quinn
Civil Deputy Prosecutor
(authorized via email 10/26/2020)