



Whatcom County

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

Agenda Bill Report

File Number: AB2023-575

File ID:	AB2023-575	Version:	1	Status:	Approved
File Created:	08/30/2023	Entered by:	jking@co.whatcom.wa.us		
Department:	Treasurer's Office	File Type:	Resolution Requiring a Public Hearing		
Assigned to:	Council			Final Action:	10/10/2023
Agenda Date:	10/10/2023			Enactment #:	RES 2023-027
Related Files:					

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

TITLE FOR AGENDA ITEM:

Resolution to sell county tax title property by negotiation

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Pursuant to RCW 36.35.150(1)(b), given determination that it is not practical to build on the property, the Whatcom County Property Management Committee has recommended the sale of the following tax title property by negotiation, subject to a restrictive covenant that will limit the use of the property to access and utility purposes, for an amount not less than the principal of the unpaid taxes, interest, penalty, and foreclosure costs of \$562.50.

Tax parcel number 370124 013376 0000 / PID 15126; PLAT OF LUMMI ISLAND SCENIC ESTATES DIVISION NO. 6, TRACT D.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
09/12/2023	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 6 Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner	
		Nay: 1 Elenbaas	
10/10/2023	Council	APPROVED	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner	
		Nay: 0	

Attachments: Proposed Resolution, Parcel Information

PROPOSED BY: Treasurer
INTRODUCTION DATE: 9/12/2023

RESOLUTION NO. 2023 - 027

RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION

1
2 WHEREAS, RCW 36.35.120 allows the County to sell real estate acquired by tax
3 foreclosure where it is found to be in the best interest of Whatcom County to sell the same;
4 and,

5
6 WHEREAS, the County has owned tax title parcel # 370124 013376 0000 (herein
7 "Property"), further described below, since November 18, 1977 and,

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9 WHEREAS, the Whatcom County Property Management Committee recommends that
10 the resolution be passed to effectively meet the legal requirement for the disposal of the
11 Property; and,

12
13 WHEREAS, RCW 36.35.120 requires the Council to establish the minimum price for
14 said unit of property and to determine whether or not a contract will be allowed, or if it will be a
15 cash price; and,

16
17 WHEREAS, the Whatcom County Property Management Committee determined that it
18 is not practical to build on the Property and recommends the property be sold, subject to a
19 restrictive covenant that will limit the use of the Property to access and utility use purposes;
20 and,

21
22 WHEREAS the Whatcom County Property Management Committee recommends that
23 the Property be sold by private negotiation, without a call for bids, as per RCW 36.35.150(1)(b)
24 for not less than the principal of the unpaid taxes, interest, penalty, and foreclosure costs; and,

25
26 WHEREAS, the principal taxes, interest, penalty, and foreclosure costs total \$562.50
27 and,

28
29 WHEREAS, Resolution 95-005 designated the Whatcom County Treasurer as
30 negotiator in such property sales; and

31
32 WHEREAS, the Whatcom County Code as well as the state law allows the County to
33 reserve from the sale coal, oil, gas, gravel, mineral, ores, fossils, timber or other resources if
34 the Council finds that it is in the best interest to reserve these;

35
36 NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the County to
37 sell the Property described herein for a price to be negotiated by the Whatcom County
38 Treasurer in an amount not less than the unpaid taxes, interest, penalty, and foreclosure costs
39 totaling \$562.50:
40

41 Parcel # 370124 013376 0000 / PID 15126

42
43 PLAT OF LUMMI ISLAND SCENIC ESTATES DIVISION NO. 6, TRACT D,
44 ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 9 OF
45 PLATS, PAGE 49, RECORDS OF WHATCOM COUNTY, WASHINGTON.

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47 BE IT FURTHER RESOLVED that said price shall not be allowed under contract and
48 shall be paid in either cash, certified check, or money order to the Whatcom County Treasurer
49 at the time of sale; and,

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51 BE IT FURTHER RESOLVED that the Property shall be sold subject to a restrictive
52 covenant that limits the use of the Property for access and utility purposes; and,

53
54 BE IT FURTHER RESOLVED that the Property shall be sold subject to restrictive
55 covenants allowing for imposition of Community Association fees, if any, as set forth in
56 Whatcom County Resolution No. 88-37; and,

57 BE IT FURTHER RESOLVED that this sale transfer to the owners all coal, oil, gas,
58 gravel, minerals, ores, fossils, timber or other resources on or in said land and the right to mine
59 for and remove the same in conformity with zoning regulations in force and effect; and,

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61 BE IT FURTHER RESOLVED that the Whatcom County Treasurer is hereby authorized
62 and directed to sell such property at not less than a certified price and said sale shall take place
63 in accordance with the duties as established in RCW 36.35.120.

64 BE IT FURTHER RESOLVED by the Whatcom County Council, that a public hearing on
65 the matter of the sale of said property, under said terms, be held on the 10th day of
66 October, 2023, at 6:00 p.m., at 311 Grand Avenue, Bellingham,
67 Whatcom County, Washington; and,

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69 BE IT FURTHER RESOLVED that the Clerk of the Whatcom County Council shall give
70 notice of such hearing in the manner prescribed by law under RCW 36.34.030.


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72
73 APPROVED this 10th day of October, 2023.

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75
76 ATTEST:

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79 
80 Dana Brown-Davis, Council Clerk

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82 APPROVED AS TO FORM:

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84
85 WHATCOM COUNTY COUNCIL
86 WHATCOM COUNTY, WASHINGTON

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88 
89 Barry Buchanan, Chair

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91 /s/Royce Buckingham approved via email on 9/12/2023/MR

92
93 Civil Deputy Prosecuting Attorney