

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

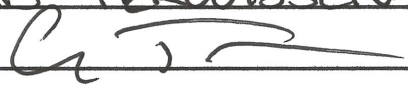
360 363 7000

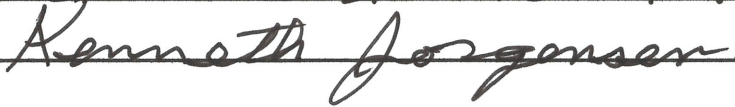
chad542@gmail.com

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.



REPORT OF THE COUNTY ENGINEER

(Whatcom County Code 12.20.050)

IN THE MATTER OF THE VACATION OF A COUNTY ROAD

COUNTY ENGINEER'S REPORT

Portion of Horton Road within plat of "Bakerview Addition to the City of Bellingham"

PETITIONED BY Chad TerWisscha and Ken Jorgensen

I, the undersigned County Engineer of Whatcom County, State of Washington, being duly directed by the Whatcom County Council to examine and report on County Road

Portion of Horton Road within plat of "Bakerview Addition to the City of Bellingham", proposed for vacation by the petition of: Chad TerWisscha and Ken Jorgensen

did examine said road and report as follows:

IN FAVOR X

NOT IN FAVOR

Said road should be vacated.

Said road should not be vacated.


Fair Market Value (12.20.060 E)
0.91ac+- (39,600sf+-) acres @ \$15,840

Said road is now in use as a County road. 1.
It will be advisable to preserve this road.
The public will not be benefited by this vacation.

2. Classification (12.20.060 F)

Class A		Public expenditures made
Class B	X	No public expenditures made or non-ascertainable from records
Class 1		No part thereof lies in any plat
Class 2	X	Part or all lies within a platted subdivision
Class 3		Did not remain unopened for public use for five or more years after the order made or authority granted for opening it.
Class 4		Remained unopened for public use for five or more years after the order made or authority granted for opening it.
Class 5		Is contained within that portion of a plat which is to be replatted
Class 6		Abandoned in fact due to relocation of right-of-way
Class 7		Informalities exist in the records of title which are construed to invalidate and divest the public of any right, title, or interest in the right-of-way.

The public will be benefited by this vacation. yes X no


James P. Karcher, P.E.
Whatcom County Engineer

7-21-2020
Date



COMPARATIVE MARKET ANALYSIS – CHETS ROAD VACATION PETITION

PETITIONER: Chad Terwisscha and Ken Jorgensen
PROPERTY LOCATION: Horton Road Right of Way adjacent to 4592 Aldrich Road and 4610 Aldrich Road
OWNER NAME: Whatcom County
CURRENT USE: Vacant (unopened right-of-way)
AREA ZONING: Rural 1 Unit/5 Acres

BACKGROUND:

Pursuant to Whatcom County Ordinance No. 1-72, dated February 14, 1972, Chad Terwisscha and Ken Jorgensen are petitioning the County to vacate an area of approximately 39,600 square feet, more or less, consisting of the unopened right-of-way of Horton Road.

SALES RELIED ON:

Five comparable land sales were used to prepare this market evaluation of the subject property and they sold between April 2018 to July 2018. Sale prices ranged from \$0.26 to \$0.50 per square foot.

Five property sales were used to compute Fair Market Valuation (FMV), and they sold between November 22, 2019 and April 9, 2019. Sale prices ranged from a high of \$0.85 per square foot to a low of \$0.74 per square foot.

Comparable #1 is located at 859 E 51st Street, approximately 3 ½ miles northeast of the subject property. It is approximately 4.61 acres and is vacant land. It sold on November 22, 2019 for \$169,999 or \$0.85 per square foot. The property is zoned "R5A".

Comparable #2 is located at 5351 Dinkel Road, approximately 6 miles northeast of the subject property. It is approximately 5.21 acres and is vacant land. It sold on November 20, 2019 for \$169,900 or \$0.75 per square foot. The property is zoned "R5A".

Comparable #3 is located at 1420 Marietta Avenue, approximately 1 ½ miles southwest of the subject property. It is approximately 4.78 acres and is vacant land. It sold on June 26, 2019 for \$175,000 or \$0.84 per square foot. The property is zoned "R5A".

Comparable #4 is located at 4950 Yellow Brick Road, approximately 3 miles east of the subject property. It is approximately 4.94 acres and is vacant land. It sold on May 7, 2019 for \$160,000 or \$0.74 per square foot. The property is zoned "R5A".



Comparable #5 is located at 1413 Wynn Ridge Lane, approximately 1 mile southwest of the subject property. It is approximately 5.01 acres and is vacant land. It sold on April 9, 2019 for \$175,000 or \$0.80 per square foot. The property is zoned "R5A".

Averaging those five sales together arrives at \$0.80 per square foot. However, due to the topography and condition of the property and the likely presence of wetlands an adjustment is necessary to establish an estimated Fair Market Value (FMV). It is estimated that the subject property should be valued at 50% of \$0.80 per square foot value, arriving at an estimated FMV of \$0.40.

RECOMMENDED COMPENSATION TO COUNTY for 39,600 net square feet X \$0.40 PSF =
\$15,840.00

Prepared By: Andrew Hester
Andrew Hester, Real Estate Coordinator
Whatcom County Public Works

Date: 6-30-20

This market analysis does not constitute an appraisal as defined by USPAP.