



City Council Agenda Bill

20196

Bill Number

Subject: Consideration of a Motion to Rescind the vote to approve third and final reading of Ordinance 2013-12-087 vacating an unnamed right-of-way (ROW) located north of West Bakerview Rd. between Pacific Hwy. and unimproved Dover Street.

Summary Statement: At the conclusion of a closed record hearing on November 18, 2013, City Council voted to approve the vacation of the unnamed ROW and did a 1st and 2nd reading of the ordinance. On December 2, 2013, Council did a 3rd and final reading of the ordinance. Staff requests that City Council consider a motion to rescind the vote to approve 3rd and final reading of the ordinance. Staff will bring the ordinance forward for 3rd and final reading after the City receives dedication of the new ROW for Arctic Ave. between the subject ROW and Division St./Mahogany Ave. and additional width for Dover Street between West Bakerview Road and the subject ROW.

Previous Council Action: Closed record hearing and 1st and 2nd reading of the ordinance on November 18; 3rd and final reading of the ordinance on December 2.

Fiscal Impact: N/A

Funding Source: N/A

Attachments: Ordinance

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Vote Requested	09-Dec-2013	Vote to Approve	Alan Marriner	5 min.

Council Committee:

Committee of the Whole
Seth Fleetwood, Chair

Agenda Bill Contact:
Alan Marriner

Reviewed By	Initials	Date
Legal	AAM	12/5/13
Mayor	KL/BA	12/15/13

Committee Actions:

Council Action:

AFTER RECORDING RETURN DOCUMENT TO:

City of Bellingham - Planning Department
210 Lottie Street
Bellingham, WA 98225

? Reserved for Recording Purposes Only ?

DOCUMENT TITLE: *Street Vacation Ordinance*

REFERENCE NUMBER OF RELATED DOCUMENT: *VAC2013-00001*

GRANTOR(S): *City of Bellingham*

GRANTEE(S): *Harvey and Dixie Pottle, Richard Gray and Janis Barsetti, Jack and Myrtle Webster, Merrick Estate, Alfred and Elma Brown*

ASSESSOR'S TAX/PARCEL NUMBER(S):

ABBREVIATED LEGAL DESCRIPTION: *Entire portion of an unnamed east west right-of-way lying west of the west line of Dover Street all within the Bakerview Gateway General Binding Site Plan recorded under Whatcom County Auditor File #2050502777.*

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE VACATION OF AN UNNAMED EAST WEST RIGHT-OF-WAY GENERALLY LOCATED NORTH OF WEST BAKERVIEW ROAD BETWEEN ARCTIC AVENUE AND PACIFIC HIGHWAY ALL WITHIN THE CITY OF BELLINGHAM

WHEREAS, the City's Technical Review Committee considered and recommended approval of the petition to vacate the subject right-of-way as shown and described on Attachment 1, which is attached hereto and incorporated herein; and

WHEREAS, the Hearing Examiner has heard this petition and recommends approval of the subject vacation petition with the findings of fact and conclusions of law as attached hereto and incorporated herein as Attachment 2 and that the City Council adopts these findings of fact and conclusions of law, and;

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WHEREAS, an appraisal was not required because there is an equitable exchange of right-of-way with the total square footage of new right-of-way to be dedicated as Arctic Avenue exceeding the square footage of right-of-way petitioned for vacation.

WHEREAS, all the jurisdictional steps preliminary to the vacation have been taken as provided by law.

NOW THEREFORE,

THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The vacation is approved, subject to the dedication of the new rights-of-way for Arctic Avenue between the subject right-of-way and Division Street/Mahogany Avenue and additional width of Dover Street between West Bakerview Road and the subject right-of-way, as proposed and shown in Attachment 1. The Hearing Examiner Findings of Fact, Conclusions of Law and Recommendation shown on Attachment 2 are hereby incorporated herein and adopted.

Section 2. No damage shall result to any person or persons or to any property by reason of the vacation of said right-of-way.

Section 3. Payment for the vacation of the subject right-of-way is not required.

PASSED by the Council this _____ day of _____, 2013.

Council President

APPROVED by me this _____ day of _____, 2013.

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VAC2013-00001

Mayor
Attest: _____
Finance Director

Approved as to Form:

Office of the City Attorney

Published: _____

I CERTIFY that I know or have satisfactory evidence that **KELLI LINVILLE** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Mayor** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED

SIGNATURE OF NOTARY PUBLIC

NAME PRINTED

TITLE

MY APPOINTMENT EXPIRES

STATE OF WASHINGTON)
COUNTY OF WHATCOM)ss

I CERTIFY that I know or have satisfactory evidence that **BRIAN HENSHAW** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Finance Director** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED

SIGNATURE OF NOTARY PUBLIC

Name Printed

TITLE

MY APPOINTMENT EXPIRES

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