

AFTER RECORDING RETURN DOCUMENT TO:

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

DOCUMENT TITLE: *Street Vacation Ordinance*

REFERENCE NUMBER OF RELATED DOCUMENT: VAC2020-0001

GRANTOR(S): *City of Bellingham*

GRANTEE(S): *21st And Taylor, LLC*

ASSESSOR'S TAX/PARCEL NUMBER(S): *The subject right-of-way abuts parcel #'s 370201
455247 and 453225.*

ABBREVIATED LEGAL DESCRIPTION: *The full width of Douglas Avenue abutting Lot 19,
Block 8, Lysle's 1st Add to Fairhaven and Lot 2, Block 101, Fairhaven Land Co's 1st Add to
Fairhaven, Bellingham, Washington and as described on EXHIBIT A and as shown on EXHIBIT
B.*

ORDINANCE NO. DRAFT

**AN ORDINANCE RELATING TO THE VACATION OF THE FULL WIDTH OF DOUGLAS
AVENUE ABUTTING LOT 19, BLOCK 8, LYSLE'S 1ST ADD TO FAIRHAVEN AND LOT 2,
BLOCK 101, FAIRHAVEN LAND COMPANY'S 1ST ADD TO FAIRHAVEN, WITHIN THE
CITY OF BELLINGHAM.**

WHEREAS, on November 6, 2019 the City's Technical Review Committee considered and
recommended approval of the petition to vacate the subject right-of-way as described on
EXHIBIT A and shown on EXHIBIT B, which are attached hereto and incorporated herein;
and

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WHEREAS, the Hearing Examiner held a public hearing on the subject petition on July 8, 2020 at 6:00 PM in the City Council chambers at 210 Lottie Street in Bellingham; and

WHEREAS, the Hearing Examiner recommended approval of the subject vacation petition with the findings of fact and conclusions of law as attached hereto and incorporated herein as EXHIBIT C, and the City Council adopts these findings of fact and conclusions of law, and;

WHEREAS, an appraisal was conducted in order to determine the amount of compensation necessary to vacate the subject right-of-way, and;

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 subject right-of-way as described on EXHIBIT A and shown on EXHIBIT B is hereby vacated and the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation as provided on EXHIBIT C, is hereby incorporated herein and adopted.

Section 2. The full width of the subject right-of-way shall be reserved for public utility easements. Private easements between ~~the subject~~ private utility provider(s) and the petitioner shall be fully executed and recorded prior to the passage of this ordinance.

Section 3. An easement for public access shall be retained within the southern portion of the subject right-of-way to be vacated, the exact dimensions of which, shall be determined by the Planning, Parks and Public Works Departments and in coordination with the petitioner. The

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purpose of this easement is to retain a public access function for future construction of a public connection between 21st Street and the alleyway directly to the west.

Section 34. No damage shall result to any person or persons or to any property by reason of the vacation of said right-of-way. If reconfiguration of existing utilities is necessary it shall be at the sole expense of the petitioner.

Section 4. Payment of the appraised fair market value of \$18,000 has been remitted to the City of Bellingham's Finance Department on _____, 2020 to compensate the City for the vacated right-of-way.

PASSED by the Council this _____ day of _____, 2020.

Council President

APPROVED by me this _____ day of _____, 2020.

Mayor

As the Finance Director, I acknowledge that the City has received \$18,000 as compensation for this right-of-way vacation.

Attest: _____
Finance Director

Approved as to Form:

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Office of the City Attorney

Published: _____

I CERTIFY that I know or have satisfactory evidence that **SETH FLEETWOOD** 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 **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 **ANDY ASBJORNSON** 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.

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DATED

SIGNATURE OF NOTARY PUBLIC

Name Printed

TITLE

MY APPOINTMENT EXPIRES