

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:** VAC2022-0002

**GRANTOR(S):** *City of Bellingham*

**GRANTEE(S):** *Boiler Works, LLC*

**ASSESSOR'S TAX/PARCEL NUMBER(S):** *The subject right-of-way abuts parcel number 370201-062248.*

**ABBREVIATED LEGAL DESCRIPTION:** *The westerly 10-feet of 10<sup>th</sup> Street abutting lots 1-4, block 1 and lot 1 and the south half of lot 2, block 2, Town of Bellingham 1-16, block 6, Town of Whatcom Supplemental and as described on EXHIBIT A and as shown on EXHIBIT B.*

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE RELATING TO THE VACATION OF THE WESTERLY 10-FEET OF 10<sup>TH</sup> STREET ABUTING LOTS 1-4, BLOCK 1 AND LOT 1 AND THE SOUTH HALF OF LOT 2, BLOCK 2, TOWN OF BELLINGHAM IN BELLINGHAM.**

**WHEREAS**, on May 26, 2021, the City's Technical Review Committee considered the petitioner's initial street vacation petition for a portion of the westerly 10-feet of 10<sup>th</sup> Street and Fillmore Avenue west of 10<sup>th</sup> Street in exchange for portions of the petitioner's privately owned aquatic tidelands; and

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**WEHREAS**, the TRC recommended denial of the portion of the request relating to the vacation of Fillmore Avenue and recommended that compensation for the subject right-of-way be established by an appraisal in order to establish fair market value for the subject right-of-way; and

**WHEREAS**, the TRC also recommended that all of the westerly 10-feet of 10<sup>th</sup> Street abutting the petitioner's property be included in the street vacation petition; and

**WHEREAS**, on December 22, 2022, the petitioner submitted a revised street vacation petition for the westerly 10-feet of 10<sup>th</sup> Street abutting the petitioner's property as directed by the TRC; and

**WHEREAS**, on May 22, 2023, the City Council passed a resolution setting the public hearing date before the Hearing Examiner for June 28, 2023, at 6:00 P.M. in the Council chambers; and

**WHEREAS**, on May 25, 2023, the Hearing Examiner's office circulated notice of the public hearing to property owners within 500-feet of the subject right-of-way, representatives from the Mayor's Neighborhood Advisory Committee and individual neighborhood associations; and

**WHEREAS**, on May 25, 2023, the subject site was posted with public hearing notices at the north and south ends of the subject right-of-way; and

**WHEREAS**, on June 28, 2023, the Hearing Examiner held a hybrid in-person / virtual public hearing on the subject petition; 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;

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

**WHEREAS**, on June XXX, 2023, the petitioner paid the appraised fair market value of \$46,400.00 for 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.** Easements for public utilities such as water, sewer, and stormwater shall not be retained within the subject right-of-way. If private utilities exist within the subject right-of-way, the petitioner shall be responsible for either securing easements for said utilities or relocating them solely at the petitioner's expense.

**Section 3.** No damage shall result to any person or persons or to any property by reason of the vacation of said right-of-way.

**Section 4.** Payment of the appraised fair market value of \$46,400.00 was remitted to the City of Bellingham's Finance Department on June XXX, 2023, to compensate the City for the vacated right-of-way.

**PASSED** by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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\_\_\_\_\_  
Council President

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

As the Finance Director, I acknowledge that the City has received \$46,400.00 as compensation for this right-of-way vacation.

Attest: \_\_\_\_\_  
Finance Director

Approved as to Form:

\_\_\_\_\_  
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

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**VAC2022-0002**

**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.

\_\_\_\_\_  
DATED

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
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