

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: *VAC2023-0001*

GRANTOR(S): *City of Bellingham*

GRANTEE(S): *Bellingham School District 501*

ASSESSOR'S TAX/PARCEL NUMBER(S): *The subject right-of-way abuts parcel # 3802244110970000.*

ABBREVIATED LEGAL DESCRIPTION: *Platted alley within Block 299 of the Plat of Supplemental Map of the Town of Whatcom, Whatcom County, Washington and as described on EXHIBIT A and as shown on EXHIBIT B.*

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE VACATION OF THE PLATTED ALLEY WITHIN BLOCK 299, PLAT OF SUPPLEMENTAL MAP OF THE TOWN OF WHATCOM, WHATCOM COUNTY, WASHINGTON.

WHEREAS, on December 1, 2022, 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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210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 778-8270

WHEREAS, on May 22, 2023, the City Council passed Resolution No. 2023-07 setting the public hearing date before the Hearing Examiner for July 12, 2023, at 6:00 P.M. in City Hall Council Chambers; and

WHEREAS, on June 14, 2023, the Hearing Examiner's office circulated notice of the public hearing to the Bellingham Herald, property owners within 500-feet of the subject right-of-way, and the Mayor's Neighborhood Committee and Neighborhood Association Representatives; and

WHEREAS, on June 15, 2023, the subject site was posted with two public hearing notices; and

WHEREAS, on July 12, 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;

WHEREAS, an appraisal was conducted in order to determine the fair market value of 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.

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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. Compensation to the City for the vacated right-of-way is not required because of the public benefit that Columbia Elementary School provides.

PASSED by the Council this _____ day of _____, 2023.

Council President

APPROVED by me this _____ day of _____, 2023.

Mayor

Attest: _____
Finance Director

Approved as to Form:

Office of the City Attorney

Published: _____

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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

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

MY APPOINTMENT EXPIRES

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