

ATTACHMENT M

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: *VAC2024-0001*

GRANTOR(S): *City of Bellingham*

GRANTEE(S): *Sender Properties LLC, Waterfront Alley LLC C/O Martha Bray, Holly Street Bl LLC*

ASSESSOR'S TAX/PARCEL NUMBER(S): *The subject right-of-way abuts parcel numbers: 3803300901800000, 3803300862010000 and 3803300751940000*

ABBREVIATED LEGAL DESCRIPTION: *Platted Army Street Abutting Blocks 6 and 8, Town of New Whatcom, Except Those Portions Abutting the Railroad Right-of-way and Lot 175, New Whatcom Tidelands, 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 ARMY STREET ABUTTING BLOCKS 6 AND 8, TOWN OF NEW WHATCOM, EXCEPT THOSE PORTIONS ABUTTING THE RAILROAD RIGHT-OF-WAY AND LOT 175, NEW WHATCOM TIDELANDSS, WHATCOM COUNTY, WASHINGTON AND AS DESCRIBED ON EXHIBIT A AND AS SHOWN ON EXHIBIT B.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 778-8270

WHEREAS, on June 25, 2024, the City’s Technical Review Committee considered and recommended approval, with conditions, 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

WHEREAS, on January 13, 2025, the City Council passed Resolution No. 2025-03 setting the hybrid public hearing date before the Hearing Examiner for February 26, 2025, at 6:00 P.M. in City Hall Council Chambers; and

WHEREAS, on January 21, 2025, the Hearing Examiner’s office circulated notice of the public hearing to the Cascadia Daily, property owners within 500-feet of the subject right-of-way, and the Mayor’s Neighborhood Committee and Neighborhood Association Representatives; and

WHEREAS, on January 22, 2025, the subject site was posted with public hearing notices on Roeder Avenue and W. Holly Street, and

WHEREAS, on February 26, 2025, 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, the petitioner submitted payment for the subject right-of-way on _____, 2025, and;

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 778-8270

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 existing and/or or relocated or reconfigured public sewer and stormwater mains within the subject right-of-way shall be retained in coordination with the Public Works Department. If said public utilities are to be relocated and/or reconfigured, they shall be done so solely at the petitioner's expense.

Section 3. A view easement within the subject right-of-way shall be established in coordination with the Planning and Community Development Department.

Section 4. Easements for private utilities shall be retained in coordination with private utility companies. If private utilities are to be relocated and/or reconfigured they be done so solely at the petitioner's expense.

Section 5. No damage shall result to any person or persons or to any property by reason of the vacation of said right-of-way.

Section 6. Compensation for vacating the subject right-of-way shall be \$83,000.00, which petitioner has already remitted to the City of Bellingham.

PASSED by the Council this _____ day of _____, 2025.

Council President

APPROVED by me this _____ day of _____, 2025.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 778-8270

Mayor

Attest: _____
Finance Director

Approved as to Form:

Office of the City Attorney

Published: _____

I **CERTIFY** that I know or have satisfactory evidence that **KIM LUND** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she 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.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 778-8270

VAC2024-0001

DATED

SIGNATURE OF NOTARY PUBLIC

Name Printed

TITLE

MY APPOINTMENT EXPIRES