

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: April 14, 2008

SUBJECT: Ordinance No. 08-2696 vacating a portion of Wilson Avenue and Pike (Third) Street.

SUBMITTING DEPT: Public Works

PREPARED BY: _____
(Digital Signature)

AGENDA LOCATION: ☐ Comments/Communications; ☐ Consent; ☐ Committee Reports
☐ Unfinished Business; ☒ Council Action Items; ☐ Public Hearing; ☐ Standing Committees

ATTACHMENTS: Ordinance No. 08-2696

ANALYSIS / SUMMARY: On March 13, 2006 after conducting the required public hearing, and reviewing the request for Council action submitted by the Public Works Department concerning the Petition for Street or Alley Vacation initiated by Tye Mathers to vacate a portion of Wilson Avenue and Pike (Third) Street, Council unanimously passed a motion to “approve the Mathers vacation and waive the second reading.”

City staff had recommended that Council waive the second reading and pass a motion of intent to vacate the rights-of-way requested by the Petitioner conditioned upon approval of a final plat containing public right-of-way dedication of at least 25,270 square feet, provided in lieu thereof, and payment of other appropriate fees; otherwise, intent to vacate becomes null and void.

The petitioner has since constructed plat streets and infrastructure and requested final plat approval for the plat of Wilson Avenue Estates that will dedicate more than 25,270 square feet of public right-of-way.

RECOMMENDATION: ☒ Waive 2nd Reading: Staff recommends that Council waive the second reading and adopt Ordinance No. 08-2696 vacating a portion of Wilson Avenue and Pike (Third) Street within the plat of Wilson Avenue Estates, subject to payment of recording fees.

FISCAL ANALYSIS: Fixed assets having a value in excess of \$300,000.00 are added to the City’s fixed asset inventory, and 20 fully serviced single family residential lots have been created, augmenting potential property tax revenues.

REVIEWED BY:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

COUNCIL ACTION:
☐ Approved ☐ Denied ☐ Tabled/Deferred ☐ Assigned to: _____

COUNCIL ACTION: _____

ORDINANCE NO. 08-2696

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, VACATING A PORTION OF WILSON AVENUE AND PIKE (THIRD) STREET AS DESCRIBED IN SECTION 1 BELOW.

WHEREAS, adjacent property owners filed a *Petition for Street or Alley Vacation* that proposed to vacate a portion of Wilson Avenue and Pike (Third) Street; and

WHEREAS, on March 13, 2006, the City Council conducted the public hearing required by BMC 12.16; and

WHEREAS, immediately after closing said public hearing, the City Council passed a motion of intent to vacate the portion of Wilson Avenue and Pike (Third) Street in accordance with BMC 12.16.080, conditioned upon approval of a final plat containing public right-of-way dedication of at least 25,270 square feet provided in lieu of thereof, and payment of other appropriate fees; and

WHEREAS, the petitioner constructed road improvements, water system improvements, sanitary sewer improvements, storm system improvements and electrical system improvements, all constructed to City of Blaine Public Works standards and all constructed within a right-of-way exceeding 25,270 square feet in area to be dedicated to the public for road purposes on the face of the final plat of Wilson Avenue Estates; and

WHEREAS, said vacation appears to be of benefit to, and in the best interest of the City of Blaine,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, AS FOLLOWS:

Section 1. Vacation. Subject to the terms and conditions of this Ordinance, the property legally described below and shown on the attached **Exhibit "A"** is hereby vacated:

LEGAL DESCRIPTION:

ALL OF WILSON AVENUE AND PIKE STREET (THIRD STREET) ADJACENT TO BLOCKS 3, 6 AND 7, HOLLAND AND MCFARLAND'S ADDITION TO THE CITY OF BLAINE ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 2 OF PLATS, PAGE 82, RECORDS OF WHATCOM COUNTY, WASHINGTON LYING SOUTHWEST OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY, TOGETHER WITH THE NORTH 15 FEET OF LOTS 17 AND 18, BLOCK 6 AND THE SOUTH 15 FEET OF LOTS 22 AND 23, BLOCK 3, HOLLAND AND MCFARLAND'S ADDITION TO THE CITY OF BLAINE ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 2 OF PLATS, PAGE 82, RECORDS OF WHATCOM COUNTY WASHINGTON

EXCEPT THE NORTHERLY ONE-HALF OF WILSON AVENUE ADJACENT TO THE WEST FIVE FEET OF LOT 33, ALL OF LOTS 34, 35 AND 36, BLOCK 3, HOLLAND AND MCFARLAND'S ADDITION TO THE CITY OF BLAINE ACCORDING TO THE PLAT THEREOF

Section 2. No Easements Reserved.

Section 3. Quit Claim Deed. Upon adoption of this Ordinance, the owner(s) of the abutting property entitled to the vacated street, pursuant to RCW 35.79.040, may present a Quit Claim Deed to the City of Blaine for execution by the City Manager, who is authorized and directed to execute such Quit Claim Deed. Such Quit Claim Deed shall include all reservations, conditions and other qualifications upon the title established by this Ordinance.

Section 3. Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date. This ordinance shall be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise, as provided by law and five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON
on this 14th day of April, 2008, and approved by the Mayor in the same day.

Bonnie Onyon, Mayor

ATTEST:

SHERI SANCHEZ, City Clerk

EXHIBIT "A"

