

**CITY OF BLAINE**  
**REQUEST FOR COUNCIL ACTION**  
**MEETING DATE: February 13, 2006**

**SUBJECT:** Ordinance 06-2633, Amending BMC 12.16.060 to include the Street Ends abutting Peace Portal as view corridors

**SUBMITTING DEPT:** Finance Department

**PREPARED BY:** Meredith Riley, Finance Director

**AGENDA LOCATION:** Comments / Communications , Consent ,  
Public Meeting (Hearing) , Unfinished Business , Council Action Item ,  
Committee Reports

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**ATTACHMENTS:** Ordinance 06-2633.

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**ANALYSIS / SUMMARY:** This ordinance amends BMC 12.16.060 'Criteria for council decision on vacations' to include the street ends abutting Peace Portal to be maintained as view corridors. Ordinance 98-9374 designated these street ends as view corridors but failed to incorporate this into the Blaine Municipal Code.

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**RECOMMENDATION:**  Waive 2<sup>nd</sup> Reading: (Including conditions of approval if applicable)

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**FISCAL ANALYSIS:** There is no fiscal impact.

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**REVIEWED BY:**

City Manager \_\_\_\_\_ Finance Director \_\_\_\_\_ City Clerk  
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**COUNCIL ACTION:** Approved , Denied , Tabled / Deferred ,  
Assigned to: \_\_\_\_\_

**DATE OF NEXT COUNCIL ACTION:** \_\_\_\_\_

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ORDINANCE NO 06-2633

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON,  
AMENDING SECTION 12.16.060 TO INCLUDE STREET ENDS WEST OF PEACE PORTAL  
BETWEEN G STREET AND CHERRY STREET AS PERMANENT PUBLIC ACCESS  
RESERVES TO PRESERVE VIEWS

**Whereas**, On June 30, 1993 the City Council approved the Blaine Urban Waterfront Development Plan, which designated the street ends of G Street, H Street, Martins Street, Clark Street, Boblett Street and Cherry Street as “viewpoint parks”; and,

**Whereas**, on June 3, 1998 the City Council approved Ordinance 98-2374 mandating that the street ends of G Street, H Street, Martin Street, Clark Street, Boblett Street and Cherry Street lying west of Peace Portal Drive be maintained as public access and view corridor reserves; and,

**Whereas** the City of Blaine Comprehensive Plan (1999) policy statement 4.5 in Chapter 7 states, “Street ends west of Peace Portal Drive should be maintained as public view corridors and developed as parklets when funding allows”; and,

**Whereas**, the City of Blaine Comprehensive Parks Plan, approved in October of 2004, identifies these road end parks as critical view and public access parks; and

**Whereas**, it is in the best interest of the City to have Ordinance 98-2374 added to the Blaine Municipal Code,

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

**SECTION 1:** Blaine Municipal Code Section 12.16.060 is hereby is amended to read as follows:

**12.16.60 Criteria for council decision.**

A. The city council shall not vacate any street, alley or parts thereof if any portion thereof abuts any body of salt or fresh water unless the vacation is sought to enable the city or state to acquire the property for port purposes, boat moorage, or launching sites, park, viewpoint, recreational or educational purposes or other public uses.

**B. The street ends of G Street, H Street, Martin Street, Clark Street, Boblett Street and Cherry Street lying west of Peace Portal Drive shall be maintained from this day forward as public access and view corridor reserves.**

C. The city shall not vacate any previously dedicated right-of-way unless, upon all the facts presented in public hearing, it concludes that:

1. Granting the vacation will not conflict with the general purpose and objectives of the city’s comprehensive plans for land use, transportation, utilities, drainage, parks, trails and open space; and

2. The vacation will provide a public benefit or be for a public purpose; and

3. Vacation of the right-of-way will not adversely affect the street pattern or circulation of the immediate area or the community as a whole; and

4. The right-of-way to be vacated is not contemplated or needed for future public use; and

49 5. There is at least one alternate mode of ingress and egress meeting city standards for  
50 emergency services available to all abutting owners, even if less convenient than the existing  
51 right-of-way; and

52 6. Provision has been made for utility easements where needed for the right to construct,  
53 repair and maintain public utilities and services; and

54 7. The request for vacation was not initiated to correct a condition created by the applicant  
55 in violation of city ordinance; and

56 8. The vacation will maintain or create straight and continuous right-of-way lines on at  
57 least one side for the full block.

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59 **SECTION 2:** Should any section, clause or provision of this ordinance be declared by the courts  
60 to be invalid or unconstitutional, the same shall not affect the validity of the ordinance as a whole  
61 or any part thereof, other than the part of the ordinance declared to be invalid.

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63 **SECTION 3:** This Ordinance shall take effect and be in force from and after its passage by the  
64 City Council and approval by the Mayor, if approved, otherwise, as provided by law and five days  
65 after the date of posting for publication.

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68 PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON on this  
69 \_\_\_\_\_ day of \_\_\_\_\_, 2006, and approved by the Mayor on the same day.

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74 MIKE MYERS, Mayor

75 ATTEST:

75 APPROVED AS TO FORM:

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79 SHERI SANCHEZ, City Clerk

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79 JON SITKIN, City Attorney