

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

SUBJECT: Resolution No. 1426-06 Setting a Public Hearing to Consider a Petition to Vacate Portions of the Wilson Avenue and Pike Street Rights-of-Way

SUBMITTING DEPT: Public Works

PREPARED BY: Stephen R. Banham, PE
Director

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

ATTACHMENTS: 1) Petition
2) Plan Map
3) Legal Description Exhibit A
4) Preliminary Findings
5) Resolution No. 1426-06 setting a Public Hearing

ANALYSIS/SUMMARY: The attached Resolution sets a Public Hearing for March 13, 2006 to hear public testimony on the proposed vacation of portions of the Wilson Avenue and Pike Street rights-of-way described in Exhibit A. Ty Mathers initiated the Petition. The signatures on the petition represent more than two-thirds of the ownership of the property abutting the rights-of-way proposed for vacation. The BNSF Railroad abuts the rights-of-way and may have the underlying right to a small triangular portion. The required fees have been paid. Per BMC Section 12.16.010.H, the Public Works Department has prepared the attached Preliminary Findings report. Per BMC 12.16.010, "...staff may forward the petition to council with a written recommendation that council deny the petition, that council set a public hearing to consider the petition, or that the petition be returned to petitioner for modification prior to further action."

RECOMMENDATION: ☒ Waive 2nd Reading: Staff recommends that City Council adopt Resolution No. 1426-06 setting a Public Hearing for March 13, 2006 to consider the Petition to Vacate portions of the Wilson Avenue and Pike Street rights-of-way as described in Exhibit A.

FISCAL ANALYSIS: No fiscal impact.

REVIEWED BY:

City Manager _____ Finance Dir. _____ City Clerk _____

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

Resolution No. 1426-06

A RESOLUTION FIXING THE TIME FOR A PUBLIC HEARING ON THE PETITION TO VACATE 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 SOUTHERLY 25 FEET OF THE NORTHERLY ONE-HALF OF WILSON AVENUE ADJACENT TO THE WEST 5 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 RECORDED IN BOOK 2 OF PLATS, PAGE 82, RECORDS OF WHATCOM COUNTY WASHINGTON.

WHEREAS, the City Council for the City of Blaine has determined that it is in the City's best interest to consider vacating the streets as below described, and

WHEREAS, the City Council will consider the vacation of said streets situated in the City of Blaine, to wit:

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 SOUTHERLY 25 FEET OF THE NORTHERLY ONE-HALF OF WILSON AVENUE ADJACENT TO THE WEST 5 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 RECORDED IN BOOK 2 OF PLATS, PAGE 82, RECORDS OF WHATCOM COUNTY WASHINGTON.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WHATCOM COUNTY, WASHINGTON, that the Petition will be heard at 7:00 p.m. or soon thereafter, on March 13, 2006 at the regular City Council meeting held that night at Blaine City Hall.

All persons who may desire to object to said vacation of said streets above described shall be and appear at said time and place and enter their objection in writing and support the same by oral objection or argument as they may see fit at such time and place.

BE IT FURTHER RESOLVED that legal notice of the pendency of such proposal and said hearing be given as provided by law by the Statutes of the State of Washington.

**PASSED BY THE CITY COUNCIL OF BLAINE, WASHINGTON AND APPROVED
THIS _____ DAY OF _____, 2006.**

CITY OF BLAINE, WASHINGTON

_____,
MAYOR

APPROVED AS TO FORM:

ATTEST/AUTHENTICATED:

_____,
CITY ATTORNEY

_____,
CITY CLERK

City of Blaine

Petition for Right-of-Way Vacation

<p>PRELIMINARY FINDINGS</p>

Prepared: February 2, 2006

By: Rod Smith

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 southerly 25 feet of the northerly one-half of Wilson Avenue adjacent to the West 5 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 recorded in Book 2 of Plats, Page 82, records of Whatcom County Washington.

1. The rights-of-way do not abut a body of fresh water or salt water.
2. The rights-of-way are not contemplated or needed for future public use PROVIDED THAT the Petitioner commits to grant to the City, at no expense to the City, new rights-of-way as an integral element of Petitioner's platting proposal and PROVIDED THAT the Petitioner commits to upgrade or abandon city utilities existing within the rights-of-way proposed for vacation as directed by the City of Blaine Public Works Director.
3. The right-of-way vacation request was not initiated to correct a condition created by the applicant in violation of a City Ordinance.
4. This vacation, if approved, will maintain straight right-of-way lines.

LEGAL DESCRIPTION
EXHIBIT A

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 southerly 25 feet of the northerly one-half of Wilson Avenue adjacent to the West 5 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 recorded in Book 2 of Plats, Page 82, records of Whatcom County Washington.

CONTACTS:

OWNERS:
 MGS FLAT LLC/PEARL JOHN CORPORATION
 100 BOX 20
 WILSON, NC 28693
 (560) 410-0749

ENGINEER:
 MALLINWATER ENGINEERING GROUP, INC.
 1000 W. 12TH ST. SUITE 200
 WILSON, NC 28693
 (560) 354-8141

ARCHITECT:
 CHAD SCHULTEMEYER, P.E.
 1000 W. 12TH ST. SUITE 200
 WILSON, NC 28693
 (560) 354-8141

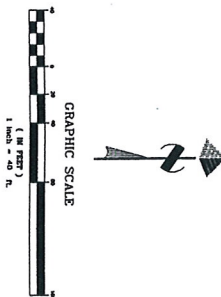
STRUCTURAL:
 HANSEN ENGINEERING & GPS
 1000 W. 12TH ST. SUITE 200
 WILSON, NC 28693
 (560) 354-8141

GENERAL CONTRACTOR:
 407 5TH STREET
 WILSON, NC 28693
 (560) 354-8141

DESIGN CONSULTANT, P.E.

TOTAL PANEL AREA	4.96 AC
ZONING	R-1 (RESIDENTIAL LOW DENSITY)
PERMITTED USE	SHED (RESIDENTIAL) IMPOUNDING ON JULY 7, 2009 35' LOT
TOTAL LOTS PROPOSED	18 SINGLE-FAMILY
AVERAGE SINGLE-FAMILY LOT AREA	9,802 SF
MINIMUM SINGLE-FAMILY LOT AREA	7,422 SF
MAXIMUM SINGLE-FAMILY LOT AREA	13,540 SF
SOURCE OF PORTABLE WATER	CITY OF BLAINE
METHOD OF SEWAGE DISPOSAL	CITY OF BLAINE

1. EXISTING FIELD DATA PER NORTHWEST SURVEYING & GPS
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF BLANK STANDARDS AND CURRENT WSDOT/ARPA STANDARD SPECIFICATIONS FOR ROAD, BRIDGE, AND MUNICIPAL CONSTRUCTION.



PROPOSED STREET VACATION

1-800-424-5555

109-6th ST., PO BOX 137, LYNDEN, WA 98264
PH: (360) 354-8141 FAX: (360) 354-3744

THE PEARL JOHN CORPORATION
1111 N. 1/4, SEC. 07, T40N, R1E, W1A

STATUS	1" = 40'
DATE	12/06/00
OWNER	LLCP
DATE	01/16/00
NO.	1 OF 3
FOR PLUMBING	05026

THE FACE OF THIS DOCUMENT HAS A BLUE BACKGROUND - NOT A WHITE BACKGROUND



City of Blaine

344 H STREET • BLAINE, WA 98230
(360) 332-8311

RECEIPT No. 214885

RECEIVED

***ONE HUNDRED FIFTY DOLLARS & 00 CENTS

RECEIVED FROM

WAYNE MATHERS

DATE

01/09/06

REC NO

214885

AMOUNT

150.00 CHECK

REF NO

5006

BUDGETARY

AMBER

PETITION/APP ST VACATION
WILSON ST

CERTIFICATION

I, Sheri Sanchez, City Clerk for the City of Blaine, Washington, do hereby certify that each petitioner's name on the *Petition for Street or Alley Vacation* is accompanied by a signature, and that the legal descriptions of properties indicated next to each petitioner's name is recorded as the owner on the accompanying *Whatcom County Assessor's Parcel Summary* page.

Petition filed by

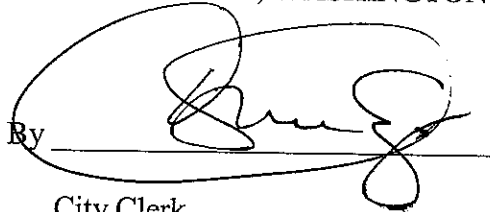
Wayne Mathers /
Ty Mathers

DATED this 10th day of January, 2006

CITY OF BLAINE, WASHINGTON

By

City Clerk

A large, stylized handwritten signature, likely of the City Clerk, is written over a horizontal line.



CITY OF BLAINE
PUBLIC WORKS DEPARTMENT
1200 YEW AVENUE BLAINE, WA 98230
PH (360) 332-8820 FAX (360) 332-7124

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
344 H STREET
BLAINE, WA 98230

PETITION FOR STREET OR ALLEY VACATION

COUNCILORS:

WE, THE OWNERS OF REAL ESTATE ABUTTING THE HEREINAFTER DESCRIBED STREETS AND/OR ALLEYS, DESIRE TO HAVE THE CITY COUNCIL
VACATE THE FOLLOWING STREET, ALLEY OR PORTION THEREOF:

(GIVE LOCATION OF PROPERTY AND ATTACH A PLAT MAP SHOWING AREA OF REQUESTED VACATION AND SURROUNDING PROPERTY)

GARY R. TOMSIC
NAME

2128 Dodd Ave
MAILING ADDRESS

Blaine WA 98230
CITY STATE ZIP CODE

TY MATHERS
NAME

P.O. Box 29
MAILING ADDRESS

BLAINE WA 98231
CITY STATE ZIP CODE

NAME

MAILING ADDRESS

CITY STATE ZIP CODE

NAME

MAILING ADDRESS

CITY STATE ZIP CODE

NAME

MAILING ADDRESS

CITY STATE ZIP CODE

GARY R. TOMSIC
SIGNATURE

W 51 Lot 33 3 HOLLAND & McFARLANDS
LOT BLOCK ADDITION

TAX PARCEL ID NUMBER 400107 347549 0000

TY MATHERS
SIGNATURE

1-18 B HOLLAND & McFARLANDS
LOT BLOCK ADDITION

See Attached 400107 365525 0000
TAX PARCEL ID NUMBER

TY MATHERS
SIGNATURE

LOT BLOCK ADDITION

TAX PARCEL ID NUMBER

SIGNATURE

LOT BLOCK ADDITION

TAX PARCEL ID NUMBER

SIGNATURE

LOT BLOCK ADDITION

TAX PARCEL ID NUMBER

FILED WITH THE BLAINE CITY CLERK ON THIS _____
DATE (MM/DD/YYYY)

FILING FEE OF \$ _____ HAS BEEN PAID TO: _____ RECEIPT NUMBER _____
TREASURER

CITY OF BLAINE

REQUEST FOR STREET VACATION
FEES BILLING

Description of Property to be Vacated:

the North 10' of Lot 1 thru 18 Bl. 6 all of Wilson Lot 19 thru 29 Bl. 3
all of Wilson Lot 15 thru 19 Bl. 6
10' of The South of Lot 24 thru 36 of Bl. 3

PLEASE ATTACH COPY OF CITY COUNCIL MINUTES APPROVING THE ABOVE
VACATION.

Date Appraisal Fee Invoiced to A/P: _____

Person/Company to be Billed/Billing Address: _____

1/2 of Appraised Value of Vacated Land: _____

Appraisal Fee for Vacated Land: _____

Payment Date & Receipt # For Above Fees: _____

Person/Company to be Billed/Billing Address: _____

1/2 of Appraised Value of Vacated Land: _____

Appraisal Fee for Vacated Land: _____

Payment Date & Receipt # For Above Fees: _____

Person/Company to be Billed/Billing Address: _____

1/2 of Appraised Value of Vacated Land: _____

Appraisal Fee for Vacated Land: _____

Payment Date & Receipt # For Above Fees: _____

FEES: Per resolution 1148

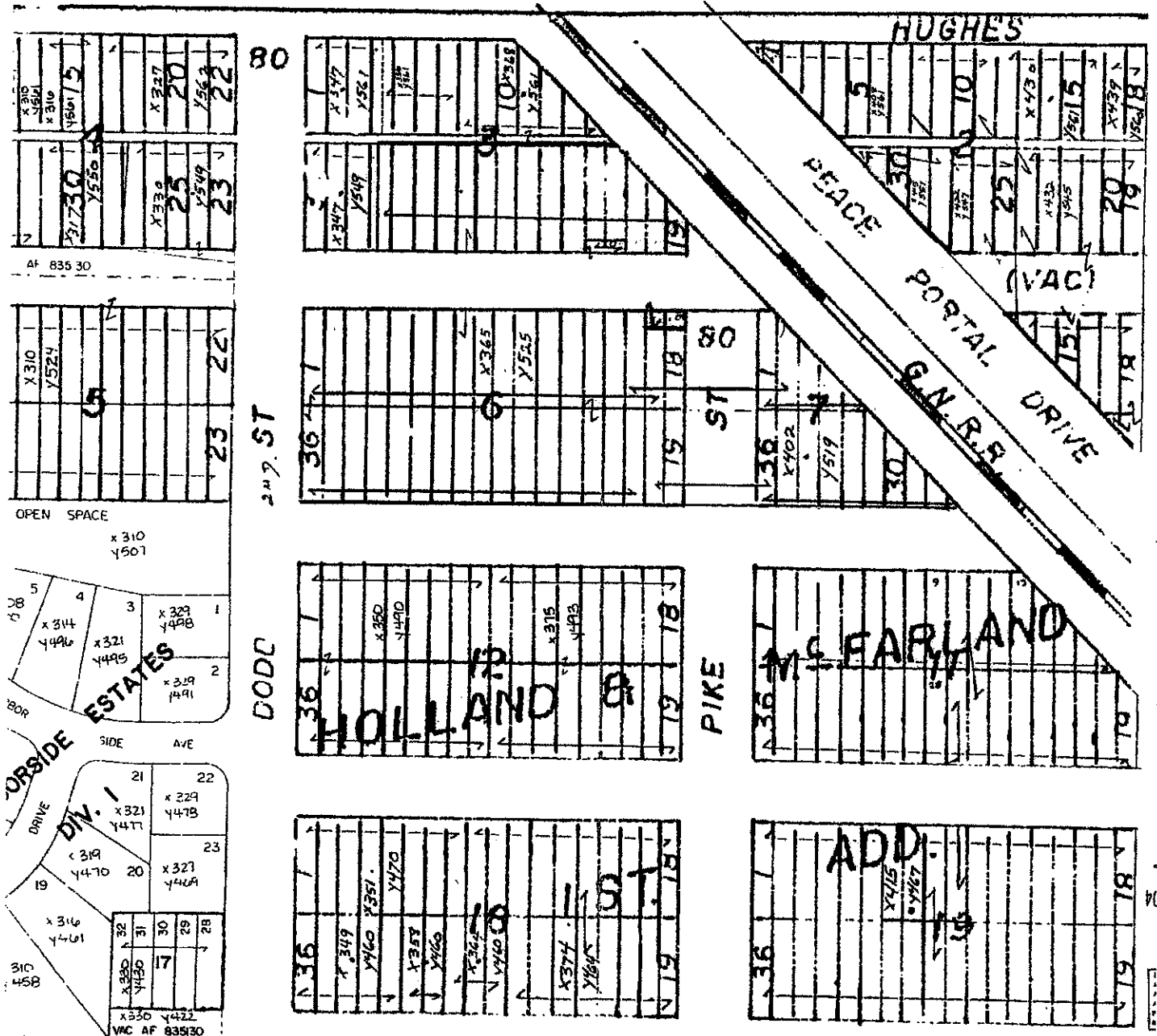
Application Fee - \$150

Staff Research - \$50/hr

Appraisal Fee \$500 – if this is needed it will happen after the City Council approves.



VACATION PORTION



"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon."

CHICAGO TITLE INSURANCE COMPANY


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Assessor

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Parcel Summary	Tax Summary	Tax Detail	Assessment/History	Appeals/Permits/Sales	Building Details	Map List
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400107 347549 0000

Site address: 2128 DODD AVE

Legal HOLLAND-MCFARLAND'S ADD TO BLAINE

Description: W 5 FT OF LOT 33-ALL LOTS 34-35-36 BLK 3

Owner: GARY R & RENATE K TOMSIC
2128 DODD AVE
BLAINE WA 98230-9504

Taxpayer: GARY R & RENATE K TOMSIC

Property Characteristics

	Assessed Value	Total Acres
Land:	27,500	.00
Imp:	151,540	
Total:	179,040	

Land Use: 1113 RESIDENTIAL 3 BEDROOM
Tax Dist: 300 BLAINE 503 F13 NPR L
Zoning: RL DEN 7200SF
Tax Status: TAXABLE

F/P? N
F/P Ac: .00
Exempt Prog:

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Parcel Summary	Tax Summary	Tax Detail	Assessment/History	Appeals/Permits/Sales	Building Details	Map List
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400107 365525 0000

Site address: 0 HUGHES AVE

Legal: HOLLAND-MCFARLAND'S ADD TO BLAINE

Description: THAT PTN OF BLKS 3-7 LY WLY OF RR-ALL
BLK 6-TOG WI PTN OF VAC THIRD ST LY BTWN

Owner: BLKS 6-7-WLY OF RR-EXC N 15 FT OF LOTS
17-18 BLK 6-SLY 15 FT OF LOTS 22-23 BLK
PATSY M WEATHERLY TRUST/TR 1/2
PAC-CAN EXPORTS 1/2
183 C ST
BLAINE WA 98230-2469

Taxpayer: TY C MATHERS

Property Characteristics

	Assessed Value	Total Acres		
Land:	124,500	.00		
Imp:	0			
Total:	124,500			
Land Use:	9110 RESIDENTIAL			
Tax Dist:	300 BLAINE 503 F13 NPR L		F/P?	N
Zoning:	RL DEN 7200SF		F/P Ac:	.00
Tax Status:	TAXABLE		Exempt Prog:	

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Search Engine By



To: Rod Smith / City of Blaine
From: Wayne Mathers
RE: Wilson Ave Vacation

Rod,

**Please accept this letter requesting trade in lieu of compensation of
Property associated with the Wilson Ave Estates project.**

A handwritten signature in black ink, appearing to read "W Mathers". The signature is written in a cursive, flowing style with a large initial "W" and a stylized "M".