

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: April 10, 2006

SUBJECT: Ordinance 06-2637 Vacating a Portion of the 4th Street Right-of-Way

SUBMITTING DEPT: Public Works

PREPARED BY: Stephen R. Banham, Director

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

ATTACHMENTS: 1. Ordinance No. 06-2637

SUMMARY/BACKGROUND: On January 09, 2006, after conducting the required Public Hearing, Council passed a motion of intent, with conditions, to vacate a portion of the western edge of 4th Street right-of-way between Alder Street and Peace Portal Drive. The petitioner has since satisfied all conditions of that motion of intent.

RECOMMENDATION: Waive 2nd Reading: Staff recommends that Council waive the second reading and adopt Ordinance No. 06-2637 to vacate a portion of the western edge of 4th Street right-of-way between Alder Street and Peace Portal Drive.

FISCAL ANALYSIS: Through conversion of right-of-way to private property ownership, the City will receive a nominal amount of additional property tax revenues.

REVIEWED BY: City Manager _____ Finance Dir. _____ City Clerk _____

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

COUNCIL ACTION: _____

ORDINANCE NO. 06-2637

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE,
WASHINGTON, VACATING A PORTION OF THE
WESTERN EDGE OF THE 4TH STREET RIGHT-OF-WAY
BETWEEN ALDER STREET AND PEACE PORTAL DRIVE**

WHEREAS, Harbor Lands Co filed a *Petition for Street or Alley Vacation* that proposed to vacate a portion of the western edge of the 4th Street right-of-way between Alder Street and Peace Portal Drive; and

WHEREAS, petitioner owns all the property that abuts said right-of-way; and

WHEREAS, on January 09, 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 said right-of-way in accordance with BMC 12.16.080, provided that petitioner pays all net fees in the amount of \$18,583.92, and that petitioner dedicates to the City as additional right-of-way a triangular area of property that lies at the southeastern corner of petitioner's property; and

WHEREAS, petitioner has since satisfied both aforementioned conditions; 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 Attachment No 1 Statutory Warranty Deed and Attachment No 2 map is hereby vacated:

The northerly 230.00 feet of the westerly 9.00 feet of "Portion Number 1: 4th Street Right of Way" as described in Exhibit "A" of Statutory Warranty Deed filed April 21, 2005 under Whatcom County Auditor's File Number 2050403572.

SECTION 2: Easements Reserved. None.

SECTION 3. Quit Claim Deed. After adoption of this Ordinance, the owner 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 4: 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 5: 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 BLAINE, WASHINGTON on the _____ day of April, 2006, and approved by the Mayor on the same day.

CITY OF BLAINE, WASHINGTON

By: _____
Mike Myers, Mayor

ATTEST:

APPROVED AS TO FORM:

Sheri Sanchez, City Clerk

Jon Sitkin, City Attorney

ATTACHMENT 1

04/21/2005 12:33 FAX 37 002 0000

CITY OF BLAINE

001/004

COPY



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Page: 1 of 3
4/21/2005 9:27 AM
DEED \$21.00
Whatcom County, WA
Request of: BLAINE CITY OF

Return to:

**City of Blaine
344 H Street
Blaine, WA 98230**

Document Title: Statutory Warranty Deed
Grantor(s): Joel Douglas et al/Harbor Lands LP
Grantee: The City of Blaine
Legal Description: Ptn Gov L2 1-40N-1W
Additional Legal Description is on: Page 2 Attached Exhibit "A"
Assessor's Tax Parcel Numbers: 405101560321

STATUTORY WARRANTY DEED

IN THE MATTER OF: Parcel No. 405101 5603210000
CITY OF BLAINE, WASHINGTON

THE GRANTORS, Joel Douglas/Harbor Lands LP, under threat of condemnation, and for consideration of Twenty Dollars (\$20.00) and mutual benefits, receipt of hereby acknowledged, convey(s) and warrant(s) to the GRANTEE, the **CITY OF BLAINE, WASHINGTON**, the following described real property:

Legal Description: Ptn Gov L2 1-40N-1W; See Page 2

All situate in the City of Blaine, Whatcom County, Washington

304189 108080 4/21/2005 2.00 ***

EXHIBIT "A"

LEGAL DESCRIPTION

Two portions of the following described parcel

A TRIANGULAR PARCEL OF LAND IN GOVERNMENT LOT 2, SECTION 1, TOWNSHIP 40 NORTH, RANGE 1 WEST OF W.M., SAID PARCEL BEING BOUNDED ON THE EAST BY THE EASTERLY BOUNDARY OF SAID LOT 2, ON THE NORTH BY THE SOUTHERLY MARGIN OF ALDER STREET, AS SHOWN ON PLAT OF MILLERS PARK ADDITION TO BLAINE, FILED FOR RECORD APRIL 8, 1890, AND ON THE SOUTHWEST BY THE NORTHEASTERLY BOUNDARY OF THE RIGHT-OF-WAY FOR A HIGHWAY WHICH WAS GRANTED BY THE GREAT NORTHERLY RAILWAY COMPANY, UNDER DATE OF FEBRUARY 28, 1924, TO THE CITY OF BLAINE, WASHINGTON, AND BEING A LINE DRAWN PARALLEL TO AND DISTANT 41.0 FEET NORTHEASTERLY FROM THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE CENTER LINE OF BLAINE AVENUE IN THE SAID CITY OF BLAINE, DISTANT 55.0 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE RAILWAY OF SAID RAILWAY COMPANY AS NOW LOCATED AND CONSTRUCTED; THENCE NORTH $71^{\circ}00'00''$ WEST, 268.1 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 955.0 FEET AND TANGENT TO THE LAST DESCRIBED COURSE 441.1 FEET TO A POINT; THENCE NORTH $44^{\circ}57'00''$ WEST, 2068.1 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1146.0 FEET AND TANGENT TO THE LAST DESCRIBED COURSE 286.0 FEET TO A POINT; THENCE NORTH $58^{\circ}57'00''$ WEST, 346.1 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 818.6 FEET, AND TANGENT TO THE LAST DESCRIBED COURSE 843.6 FEET TO A POINT IN THE CENTER LINE OF WASHINGTON AVENUE, IN SAID CITY OF BLAINE, THENCE NOSHTERLY ALONG SAID CENTER LINE OF WASHINGTON AVENUE 194.0 FEET TO THE INTERSECTION THEREOF BY THE CENTER LINE OF CHERRY STREET, BEING THE END OF THIS DESCRIPTION. ALL ACCORDING TO THE PLAT OR PLATS OF SAID CITY OF BLAINE ON FILE AND OF RECORD IN THE OFFICE OF THE AUDITOR OF WHATCOM COUNTY, WASHINGTON, EXCEPT THAT PORTION OF THE PROPERTY HEREIN DESCRIBED, IF ANY, LYING WITHIN FOURTH STREET, ALDER STREET OR PEACE PORTAL DRIVE.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

More particularly described as follows:

Portion Number 1: Fourth Street Right of Way

All of the above described parcel lying east of a line thirty feet (30') west of and parallel to the centerline of Fourth Street as shown on Record of Survey filed January 8, 1993 under Auditor's File No. 930108148, records of Whatcom County, Washington.

ALSO:

Portion Number 2: Third Street Right of Way

A triangular parcel being the westerly fifty-nine feet (59'), more or less, of the Parcel described above. The east boundary of this parcel is the easterly right-of-way line of Third Street as shown on the plat of Miller's Park Addition to Blaine, filed for record April 8, 1890, extended south to the northeasterly right-of-way line of State Route 548 (Peace Portal Drive).

Also, the Grantors requests the Assessor and Treasurer of said County to set over to the remainder of the hereinabove described the lien, of all unpaid taxes, if any, affecting the real estate herein conveyed, as provided for by RCW 84.60.070.

Dated this 30 day of March, 2005.

GRANTOR:

By: Harbor Lands Co. Jonck

Name: By Joe Douglas

STATE OF WASHINGTON)
) §
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that Joe Douglas Harbor Lands Co. LP signed this instrument, on oath stated that (he/she/they) (was/were) authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 30 March 05 (2005)



Notary Signature: Marlene J. Forester

Notary Public in and for the State of Washington

Notary (print name): MARLENE J. FORESTER

Residing at: Buckingham

My appointment expires: 8-22-06

CITY OF BLAINE
Gary R. Tomasic
Gary R. Tomasic
City Manager

Attest:
Meredith Riley
Meredith Riley
Finance Director

Approved to form:
Jon Saccin
Jon Saccin
City Attorney

