

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: June 26, 2006

SUBJECT: Adopt Ordinance 06-2644 which amends Ordinance 06-2642
Right-of-Way Vacation – Stonewood Cottages

SUBMITTING DEPT: Public Works

PREPARED BY: _____
(Digital Signature)

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

ATTACHMENTS: 1. Ordinance No. 06-2644

SUMMARY/BACKGROUND: On June 26, 2006, Council approved Ordinance 06-2642 to vacate an alley and a portion of Pearl Street that both lie totally within the property boundaries of petitioner's planned Stonewood Cottages Planned Unit Development (PUD). Subsequent to approval of that ordinance it was determined that there was an additional small section of the alley between the railroad tracks and the previously vacated Dodd St. (See attachment) that was not included in the legal description. The ordinance corrects that oversight.

The legal description and the Assessor's parcel identification number of the property adjacent to the proposed street and alley vacation changed on June 14, 2006 when plat of "Stonewood Cottage Homes Phase I" was recorded. The ordinance corrects the legal description of the Street Vacation that will appear on the Quit Claim Deed.

RECOMMENDATION: ☒ Waive 2nd Reading: Staff recommends that Council waive the second reading and adopt Corrected Ordinance No. 06-2642 to vacate the alley and a portion of Pearl Street that both lie totally within the property boundaries of petitioner's Stonewood Cottages Planned Unit Development (PUD).

FISCAL ANALYSIS: In addition to petitioner's payment of one-half the appraised value for the vacated property, the City will receive a nominal amount of additional property tax revenues through conversion of right-of-way to private property ownership.

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. 06-2644

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, AMENDING ORDINANCE NO. 06-2642 AND VACATING A PORTION OF PEARL STREET AND ALLEY WITHIN LOT 6, PLAT OF STONEWOOD COTTAGES HOMES, PHASE I.

WHEREAS, on June 26, 2006, the City Council of the City of Blaine adopted Ordinance No. 06-2642 vacating a portion of Pearl Street and alley using the legal description as petitioned by Stonewood Construction LLC on July 13, 2005; and

WHEREAS, the legal description of this property changed on June 14, 2006, when petitioners Stonewood Construction LLC recorded the approved plat of Stonewood Cottage Homes Phase I; and

WHEREAS, the legal description used in Ordinance No. 06-2642 was the original legal description submitted by petition in 2005, and not the revised legal description recorded by Stonewood Construction LLC on June 14, 2006;

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

Section 1. Ordinance No. 06-2642 is hereby amended as follows:

Section 2. 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:

THAT PORTION OF PEARL STREET THAT LIES WESTWARD OF THE BURLINGTON NORTHERN RAILROAD (BNRR) RIGHT-OF-WAY AND ALL OF THE ALLEY THAT LIES WESTWARD OF THE BURLINGTON NORTHERN RAILROAD (BNRR), ALL WITHIN LOT 6, PLAT OF STONEWOOD COTTAGE HOMES PHASE I, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 2006, UNDER AUDITOR'S FILE NUMBER 2060602339, RECORDS OF WHATCOM COUNTY WASHINGTON.

Section 3. Easements Reserved. Pursuant to RCW 35.79.030, the City of Blaine hereby retains NO permanent and temporary utility easements:

Section 4. 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 5. 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 6. 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 10th day of July, 2006, and approved by the Mayor on the same day.

Mike Meyers, Mayor

ATTEST:

APPROVED AS TO FORM:

SHERI SANCHEZ, City Clerk

JON SITKIN, City Attorney

EXHIBIT A MAP

