

**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

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**ATTACHMENTS:** 1. Ordinance No. 06-2644

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**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.

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**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).

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**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.

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**REVIEWED BY:**  
City Manager \_\_\_\_\_ Finance Director \_\_\_\_\_ City Clerk \_\_\_\_\_  
(Digital Signature) (Digital Signature) (Digital Signature)

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**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.

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Mike Meyers, Mayor

ATTEST:

APPROVED AS TO FORM:

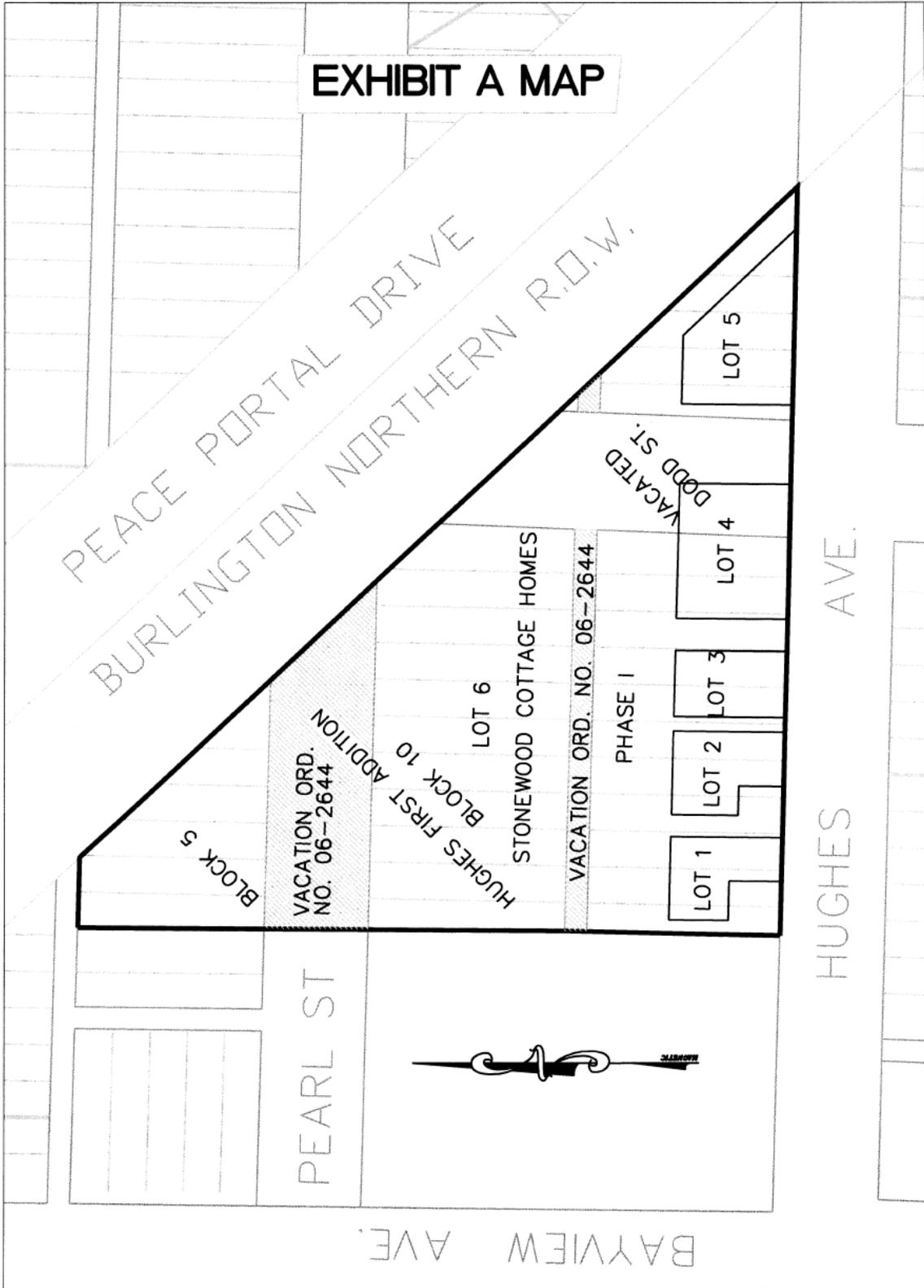
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SHERI SANCHEZ, City Clerk

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JON SITKIN, City Attorney

**EXHIBIT A MAP**



PEACE PORTAL DRIVE

BURLINGTON NORTHERN R.O.W.

BLOCK 5

VACATION ORD. NO. 06-2644

HUGHES FIRST ADDITION

BLOCK 10

LOT 6

STONEWOOD COTTAGE HOMES

VACATION ORD. NO. 06-2644

PHASE 1

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

VACATED DODD ST.

PEARL ST

BAYVIEW AVE.

HUGHES AVE.

