

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: June 11, 2007

SUBJECT: Finalize Amendment to May 1, 2007 Memorandum of Understanding (MOU) and Approve Ordinance No. 07-2665, GSA Vacating C Street West of 2nd to GSA.

SUBMITTING DEPT: Public Works

PREPARED BY: _____

(Digital Signature)

AGENDA LOCATION: ☐ Comments/Communications; ☐ Consent; ☐ Committee Reports
☐ Unfinished Business; ☒ Council Action Items; ☐ Public Hearing; ☐ Standing Committees.

ATTACHMENTS: 1) Amendment to May 1, 2007 Memorandum of Understanding, City of Blaine and GSA
2) Ordinance No. 07-2665

ANALYSIS/SUMMARY:

To facilitate redevelopment of about six acres of residential properties for the new Peace Arch Port of Entry, the General Services Administration (GSA) has petitioned the City for a no-cost vacation of a portion of C Street west of Second Street. Following public hearing on May 14, 2007, Council authorized staff to move forward with development of a separate agreement to mitigate project impacts and safeguard city utilities in the area proposed for vacation. The attached amendment will be incorporated into the original MOU between GSA and the City as executed May 1, 2007.

The attached amendment provides for the following to be completed at the GSA's sole expense, subject to passage of Ordinance No. 07-2665 vacating a portion of C Street west of Second Street:

1. Demolition of the existing C Street cul-de-sac.
2. Construction of a new cul-de-sac west of Second Street, south of GSA property.
3. Restoration of the demolition area within the right-of-way.
4. Installation of regulatory and directional signage within the Second Street right-of-way.

RECOMMENDATION: ☒ Waive 2nd Reading: Staff recommends that the City Council 1) authorize the City Manager to sign the amendment to the Memorandum of Understanding with GSA, and 2) adopt Ordinance No. 07-2665 vacating portions of C Street west of Second Street, as identified in *Right-of-Way Vacation Petition No. 43.1.068*, at no additional charge to the Petitioner.

FISCAL ANALYSIS: Small reduction in cost of street maintenance with no increase in property tax revenues.

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. 07-2665

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, VACATING: THE NORTH HALF OF C STREET ADJACENT TO LOTS 21 THRU 28, BLOCK 11, EXCEPT ANY PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES, AS PER THE MAP OF THE CITY OF BLAINE, WHATCOM COUNTY, W.T., RECORDED IN BOOK 1 OF PLATS, PAGE 35, RECORDS OF WHATCOM COUNTY WASHINGTON

WHEREAS, U.S. General Services Administration (GSA) filed *Petition No. 43.1.070 for Street or Alley Vacation* that proposed to vacate portions of C Street of the City of Blaine to facilitate redevelopment of the Peace Arch Port of Entry; and

WHEREAS, the U.S. General Services Administration owns the land that abuts said street right-of-way; and

WHEREAS, per RCW 35.79.040, if the City Council decides to vacate a right-of-way, the property within the vacated limits shall accrete to the owner(s) of the abutting property(s), one-half to each; and

WHEREAS, per BMC 12.16.100(A), said rights-of-way are classified as Class II; and

WHEREAS, per BMC 12.16.130, the City Council may waive the required compensation (except filing fees) if the abutting property owner is: "...a nonprofit entity or another governmental agency..." provided that: "...the city shall be compensated at current fair market value at the time of any future sale or lease of the subject property by such other governmental agency, entity or jurisdiction"; and

WHEREAS, the U.S. General Services Administration is a qualified governmental agency under BMC 12.16.130; and

WHEREAS, the City Council desires to waive the right-of-way compensation due from the U.S. General Services Administration; and

WHEREAS, on May 14, 2007, 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 this right of way in accordance with BMC 12.16.080, provided

that the petitioner paid all fees and satisfied all other stated conditions within a specified time period and any other conditions; and

WHEREAS, petitioners U.S. General Services Administration have committed to provide all easements and WSDOT-approved franchises, and committed to mitigation in the form of reconstruction of 2nd Street, demolition of the C street cul-de-sac and reconstruction of a new relocated cul-de-sac within the C Street right-of-way, installation of City-approved regulatory and directional signage along Second Street, pedestrian and bicycle access improvements, and landscaping improvements to the proposed border station required by City Council, as evidenced by the Memorandum of Understanding between the U.S. General Services Administration and the City Council executed May 1, 2007 and amended this day; 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 the attached **Exhibit “A”** is hereby vacated:

The north half of C Street adjacent to LOTS 21 thru 28, Block 11, EXCEPT any portion thereof conveyed to the State of Washington for highway purposes, as per the Map of the City of Blaine, Whatcom County, W.T., recorded in Book 1 of Plats, Page 35, records of Whatcom County Washington

Section 2. Easements Reserved. Pursuant to RCW 35.79.030, the City of Blaine hereby retains permanent and temporary utility easements as provided for in the Memorandum of Understanding between the U.S. General Services Administration and the City Council executed May 07, 2007 and amended this day.

Section 3. 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 3. 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 4. 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 11th day of June, 2007, and approved by the Mayor the same day.

MIKE MYERS, Mayor

ATTEST:

APPROVED AS TO FORM:

SHERI SANCHEZ, City Clerk

JON SITKIN, City Attorney

EXHIBIT "A"

