

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: November 13, 2007

SUBJECT: Ordinance 07-2685 Vacating a Portion of Steaubli Avenue, Bennett Avenue and Pike Street within the plat of Drayton Reach

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. Ordinance No. 07-2685

SUMMARY/BACKGROUND: On October 10, 2005 after conducting the required Public Hearing, Council passed a motion of intent to vacate Steaubli Avenue, Bennett Avenue and Haws Street within the plat of Drayton Reach Phase 1. The petitioner has since constructed the plat streets and infrastructure and requested final plat approval.

RECOMMENDATION: ☒ Waive 2nd Reading: Staff recommends that Council waive the second reading and adopt Ordinance No. 07-2685 to vacate Steaubli Avenue, Bennett Avenue and Haws Street within the plat of Drayton Reach Phase 1.

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 Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

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

ORDINANCE NO. 07-2685

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, VACATING STEAUBLI AVENUE AND BENNETT AVENUE FROM THE EASTERLY EDGE OF PIKE STREET TO THE WESTERLY EDGE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY AND HAWS STREET FROM THE SOUTHERLY EDGE OF STEAUBLI AVENUE TO THE WESTERLY EDGE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY AS DESCRIBED IN EXHIBIT A

WHEREAS, adjacent property owners filed a *Petition for Street or Alley Vacation* that proposed to vacate Steaubli Avenue and Bennett Avenue from the easterly edge of Pike Street to the westerly edge of the Burlington Northern Railroad right-of-way and Haws Street from the southerly edge of Steaubli Avenue to the westerly edge of the Burlington Northern Railroad right-of-way; and

WHEREAS, on Monday September 12, 2005, the City Council for the City of Blaine conducted the public hearing required by BMC 12.16; and

WHEREAS, on Monday October 10, 2005, the City Council for the City of Blaine passed Resolution No.1415-05 which accepted the petitioner's request for a proposed right-of-way vacation "trade in lieu of compensation" as provided for in Chapter 12.16.120 of the Blaine Municipal Code, said vacation to be made effective by ordinance and conditioned upon final approval of the plat of Dodd Street Station.

WHEREAS, at the request of the property owner and with the approval of the Community Development Department, the plat of "Dodd Street Station" was subsequently renamed "Drayton Reach"

WHEREAS, the plat of Drayton Reach has received final approval subject to "The Final Plat Conditions of Approval"

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:
STEAUBLI AVENUE AND BENNETT AVENUE FROM THE EASTERLY EDGE OF PIKE STREET TO THE WESTERLY EDGE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY AND HAWS STREET FROM THE

**SOUTHERLY EDGE OF STEAUBLI AVENUE TO THE WESTERLY EDGE OF
THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY**

Section 2. Easements Reserved. Pursuant to RCW 35.79.030, the City of Blaine hereby retains the following described permanent and temporary utility easements:

NO EASEMENTS RESERVED

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 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 THE CITY OF BLAINE, WASHINGTON
on this 13 th day of November, 2007, and approved by the Mayor on the same day.

Mike Myers, Mayor

ATTEST:

SHERI SANCHEZ, City Clerk

EXHIBIT "A"

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