

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: December 10, 2007

SUBJECT: Petition # 43.1.074 to Vacate the Rights-of-Way East of Peace Portal Drive, West of Interstate 5 and North of Hughes Avenue to Pinckney Avenue.

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) Petition
2) Preliminary Findings
3) Assessor Map
4) Aerial Map

ANALYSIS/SUMMARY: The signatures on this petition, which was initiated by Doug Connelly, represent all of the ownership of the property abutting the right-of-way proposed for vacation. The required fees have been paid. The vacation request applies to the rights-of-way east of Peace Portal Drive, west of Interstate 5 and north of Hughes Avenue to Pinckney Avenue. (See the attached Preliminary Findings for a complete legal description of the right of way petitioned for vacation.)

Per BMC Section 12.16.010.H, the Public Works Department has prepared the attached Preliminary Findings report. Per BMC 12.16.010, "staff may forward the petition to council with a written recommendation that council deny the petition, that council set a public hearing to consider the petition, or that the petition be returned to petitioner for modification prior to further action."

RECOMMENDATION: Waive 2nd Reading: In consideration of the attached Preliminary Findings, Public Works and Community Development staffs recommend that City Council deny this petition.

FISCAL ANALYSIS: No fiscal impact.

REVIEWED BY:

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

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

COUNCIL ACTION: _____



CITY OF BLAINE
 PUBLIC WORKS DEPARTMENT
 1200 YEW AVENUE BLAINE, WA 98230
 PH (360) 332-8820 FAX (360) 332-7124

PETITION TO VACATE RIGHT-OF-WAY

OFFICE USE ONLY

FILED WITH THE BLAINE CITY CLERK ON THIS 09 26 2007
 DATE (MM/DD/YYYY)

42.1074
 PETITION NUMBER

FILING FEE OF \$ 150 HAS BEEN PAID TO: _____ RECEIPT NUMBER _____
 CASHIER

Honorable Mayor and Members of the City Council:

We, the owners of real estate abutting the hereinafter described right-of-way, desire to have the City Council vacate the right-of-way or portion thereof (Give location of property and attach a plat map showing area of requested vacation and surrounding property):

DOUG CONNELLY
 PETITIONER'S PRINTED OR TYPED NAME

Doug Connelly
 SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

N/A
 STREET ADDRESS OR "N/A"

400106 362052 0000
 TAX PARCEL ID NUMBER

HUGHES FIRST ADDITION TO BLAINE
 LOT / BLOCK / ADDITION OR "N/A" See Attached #1

PETITIONER'S MAILING ADDRESS INFORMATION

8154 COMOX RD.
 MAILING ADDRESS

BLAINE WA 98230
 CITY STATE ZIP CODE

DOUG CONNELLY
 PETITIONER'S PRINTED OR TYPED NAME

Doug Connelly
 SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

N/A
 STREET ADDRESS OR "N/A"

400106 407034 0000
 TAX PARCEL ID NUMBER

PINCKNEY'S ADDITION TO BLAINE
 LOT / BLOCK / ADDITION OR "N/A" See Attached #3

PETITIONER'S MAILING ADDRESS INFORMATION

8154 COMOX RD.
 MAILING ADDRESS

BLAINE WA 98230
 CITY STATE ZIP CODE

DOUG CONNELLY
 PETITIONER'S PRINTED OR TYPED NAME

Doug Connelly
 SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

2078 PEACE PORTAL DRIVE
 STREET ADDRESS OR "N/A"

400106 374025 0000
 TAX PARCEL ID NUMBER

HUGHES FIRST ADDITION
 LOT / BLOCK / ADDITION OR "N/A" See Attached #2

PETITIONER'S MAILING ADDRESS INFORMATION

8154 COMOX RD.
 MAILING ADDRESS

BLAINE WA 98230
 CITY STATE ZIP CODE

DOUG CONNELLY
 PETITIONER'S PRINTED OR TYPED NAME

Doug Connelly
 SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

1416 HUGHES AVE
 STREET ADDRESS OR "N/A"

400106 412040 0000
 TAX PARCEL ID NUMBER

HUGHES FIRST ADDITION TO BLAINE
 LOT / BLOCK / ADDITION OR "N/A" See Attached #4

PETITIONER'S MAILING ADDRESS INFORMATION

8154 COMOX RD.
 MAILING ADDRESS

BLAINE WA 98230
 CITY STATE ZIP CODE

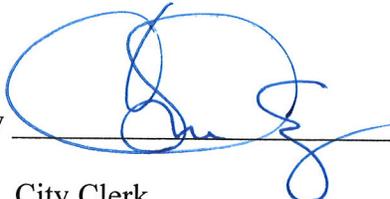
CERTIFICATION

I, Sheri Sanchez, City Clerk for the City of Blaine, Washington, do hereby certify that each petitioner's name on the *Petition for Street or Alley Vacation* is accompanied by a signature, and that the legal descriptions of properties indicated next to each petitioner's name is recorded as the owner on the accompanying *Whatcom County Assessor's Parcel Summary* page.

Petition filed by Doug Connelley

DATED this 26th day of September, 2007

CITY OF BLAINE, WASHINGTON

By 
City Clerk

City of Blaine Public Works

**PETITION FOR RIGHT-OF-WAY VACATION #43-1-074
PRELIMINARY FINDINGS**

Prepared: November 29, 2007

By: Rod Smith

Legal Description:

All of the streets and avenues that would attach pursuant to RCW 35.79.040, adjacent to Blocks 6, 7, 8, 9 and the east half of Second Street as vacated by Ordinance #788, TOGETHER WITH the alleys in Blocks 6, 7 and 8, all within Hughes First Addition to Blaine recorded on Page 39, Book 3, records of Whatcom County, Washington. ALSO The north half of Pinckney Avenue adjacent to Lots 7 thru 20, Block 3, Pinckney's Addition to Blaine, recorded on Page 68, Book 2, records of Whatcom County, Washington.

EXCEPT that portion of Pearl Street adjacent to Lots 7 thru 10 and the west 10 feet of Lot 11, Block 9, Hughes First Addition to Blaine, recorded on Page 39, Book 3, records of Whatcom County, Washington.

Preliminary Findings:

Pursuant to BMC 12.16.010 H, Public Works Department staff has prepared these preliminary findings for the above right-of-way vacation petition certified by the City Clerk on September 26, 2007. The specific evaluation criteria presented in that section of the code, together with staff's response, follow:

Criterion #1: *Whether the street, alley or parts thereof abut any body of salt or fresh water, and if so, whether the vacation is being requested for port purposes, boat moorage or launching sites, viewpoint, recreational or educational purposes or other public use;*

Staff Response: The rights-of-way do not abut a body of fresh water or salt water.

Criterion #2: *Whether the right-of-way is needed or contemplated for future public use*

Staff Response: The rights-of-way, or others to replace them, are contemplated and needed for future public use as a road network and utility corridors for the existing lots of record within this Planned Commercial Zone.

Criterion #3: *Whether the request for vacation was initiated to correct a condition created by the applicant in violation of city ordinance; and*

Staff Response: The applicant is working to correct activities conducted on this site in 2003, 2006, and 2007 that violate BMC Chapters 12.27 Right-of-Way Use, 17.83 Wetland Management, and 17.84 Land Disturbance.

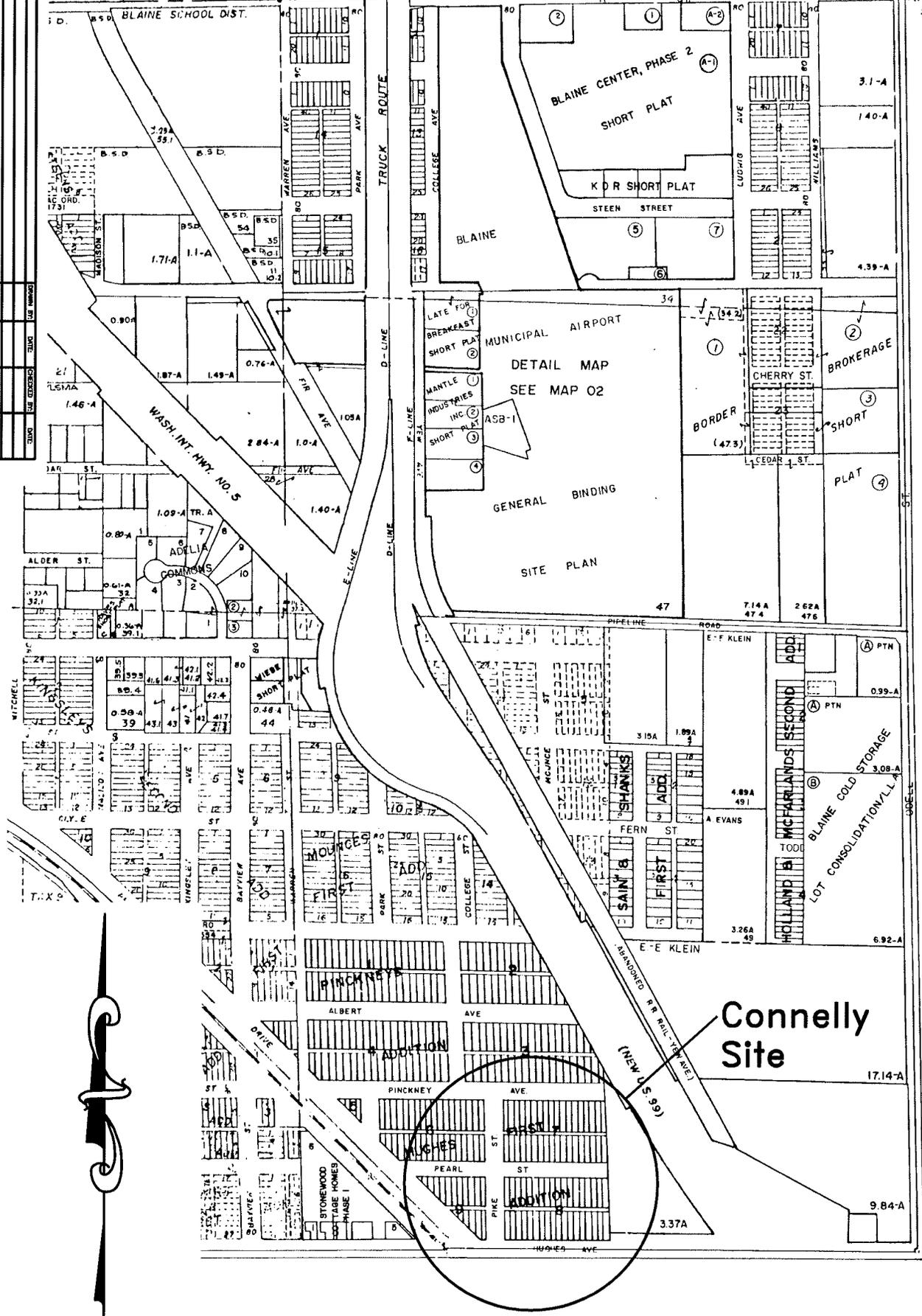
Criterion #4: *Whether the vacation will maintain or create straight and continuous right-of-way lines on at least one side for the full block.*

Staff Response: This vacation, if approved, will not maintain straight right-of-way lines. Pinckney Avenue right-of-way will jog from 70 feet wide to 35 feet wide. Pearl Street will be reduced to a 35 foot-wide right-of-way less than ½ of a block long.

Staff Recommendation

Based on the above criteria, staff may forward the petition to council with a written recommendation that council deny the petition, that council set a public hearing to consider the petition, or that the petition be returned to petitioner for modification prior to further action. (Ord. 2474 § 1, 2000; Ord. 2106 § 1, 1993)

City staff recommends that the City Council deny this petition based on staff's answers to Criteria #2 and 4. Furthermore, staff believes that, without a corresponding development proposal that addresses access to the separate legal lots of record that are included under this single ownership, the vacation of these rights-of-way is premature.



TOWNSHIP
40

RANGE
1E

SECTION
06

MAP NO.
01

SCALE
1" = 400'

DATE
11/17/92

JUN 23 2006

THIS MAP IS FOR ASSISTANCE IN PROPERTY LOCATION AND NOT GUARANTEED FOR ACCURATE MEASUREMENTS

JOB NO.: 95-134A	CLIENT:
ACAD FILE: WETLAND MAP 042407	CONNELLY COMPANY
SHEET:	HUGHES TRUCK STOP
OF:	VICINITY MAP

PROJECT:	CONNELLY COMPANY
TITLE:	HUGHES TRUCK STOP
	VICINITY MAP

HORIZONTAL SCALE:	NTS
VERTICAL SCALE:	DRAWN BY: FAC
DATE:	APPROVED BY:
9-6-07	
NORTH ROTATION & BASE POINT:	



ASSOCIATED PROJECT CONSULTANTS, INC., P.S.
 CIVIL ENGINEERS, PROJECT AND LAND USE MANAGEMENT,
 BUILDING, STRUCTURAL, AND ENVIRONMENTAL SERVICES
 1401 ASTOR STREET, BELLINGHAM, WA. 98225
 PHONE (360) 671-1148 FAX (360) 671-1169