

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: December 12, 2016

SUBJECT: Setting Public Hearing for Vacation Petition –Original Request 2009 No. 43.1.077

DEPARTMENT: Public Works

PREPARED BY: _____
(Digital Signature)

AGENDA LOCATION: Consent Agenda Council Action Unfinished Business

ATTACHMENTS:

1. Resolution No. 1696-16
2. New Exhibit Map with Requested Modifications
3. Draft Binding Site Plan – Blaine Industrial Park
4. Petition to Vacate Right-of-way
5. Request for Council Action Dated March 23, 2009 with Public Works Recommendation
6. Excerpt (Page 4) of City Council Minutes from March 23, 2009
7. Staff Preliminary Findings from 2009

BACKGROUND/SUMMARY:

Eugen and Edith Klein originally filed a petition to vacate certain street rights-of-way located on their Pipeline Road\Yew Avenue property on January 21, 2009 to facilitate their General Binding Site Plan application. Public works reviewed the petition and determined that the fees, signatures and the location/legal description for the vacation were accurate. The previous application was returned by Council action for two modifications as represented in the attached minutes from 3/23/2009. Public Works has determined that the required modifications have been completed, as demonstrated in the attached revised exhibit map. In addition, as shown in the attached draft Binding Site Plan, the applicant plans to dedicate rights of way to the city for access to Odell Road for the adjacent city parcel (Option 2). Accordingly, Public Works is recommending a public hearing be established on 1/23/17 to further discuss the merits of the petition.

BUDGET IMPLICATIONS: No financial impact.

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 1696-16 fixing the time for a public hearing on January 23, 2017 on the petition to vacate certain rights-of-way per the attached exhibit.

REVIEWED BY:

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

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to: _____

ADDITIONAL INFORMATION: _____

Resolution No. 1696-16

A RESOLUTION FIXING THE TIME FOR A PUBLIC HEARING ON THE PETITION TO VACATE CERTAIN RIGHTS-OF-WAY NO. 43.1.077 AS FURTHER DESCRIBED HEREIN.

WHEREAS, on March 23, 2009, Public Works provided a report of preliminary findings for the proposed right of way vacation; and

WHEREAS, those findings recommended that additional information be provided on the vacation exhibit; and

WHEREAS, Public Works has received the requested information and now finds the petition complete; and

WHEREAS, on December 12, 2016, Public Works reviewed the revised information for the proposed right of way vacation with the City Council; and

WHEREAS, the City Council for the City of Blaine has determined that it is appropriate to consider the petition requesting the vacation of a portion of right of way as described below; and

WHEREAS, the City Council will consider the vacation of said streets situated in the City of Blaine, to wit:

ALL OF FOREST STREET AND FERN STREET, CONTAINED WITHIN THE PLAT OF SAIN AND SHANKS FIRST ADDITION TO BLAINE, AND 5-FOOT ALLEY IN THE PLAT OF HOLLAND AND MCFARLAND'S SECOND ADDITION TO BLAINE, RECORDS OF WHATCOM COUNTY WASHINGTON AS FURTHER SHOWN ON THE ATTACHED EXHIBIT.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WHATCOM COUNTY, WASHINGTON, that the Petition will be heard at 6:00 p.m. or soon thereafter, January 23, 2017, at the regular City Council Meeting held that night at Blaine City Hall.

All persons who may desire to object to said vacation of said street above described shall be and appear at said time and place and enter their objection in writing and support the same by oral objection or argument as they may see fit at such time and place.

BE IT FURTHER RESOLVED that legal notice of the pendency of such proposal and said hearing be given as provided by law by the Statutes of the State of Washington.

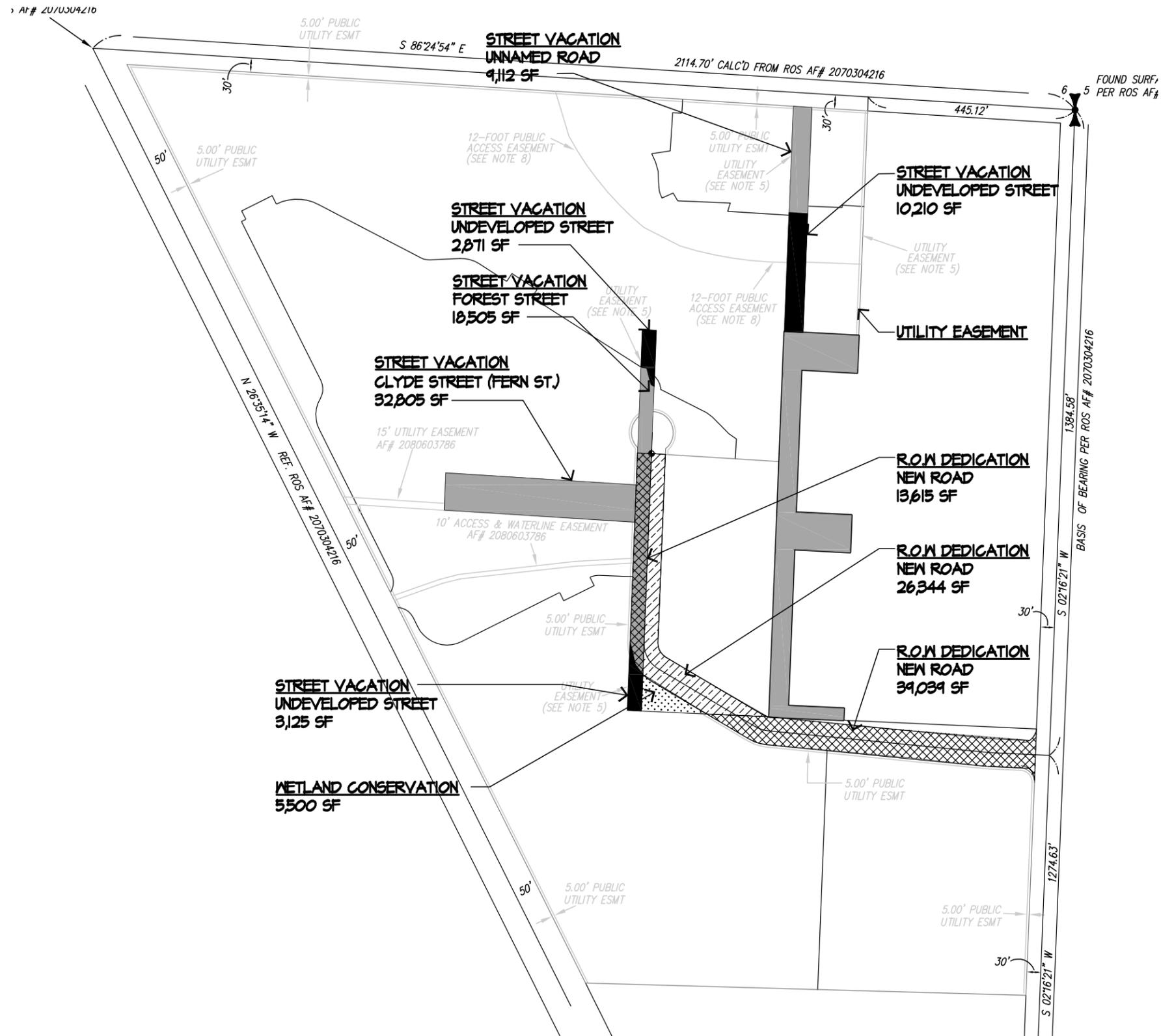
PASSED BY THE CITY COUNCIL OF BLAINE, WASHINGTON AND APPROVED THIS 12th DAY OF DECEMBER, 2016.

CITY OF BLAINE, WASHINGTON

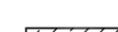
MAYOR

ATTEST/AUTHENTICATED:

CITY CLERK



LEGEND

	STREET VACATION (ON KLEIN'S PROPERTY)
	UNNAMED ROAD = 9,112 SF
	FOREST STREET = 18,505 SF
	CLYDE STREET (FERN STREET) = 32,805 SF
	TOTAL = 60,422 SF
	STREET VACATION (UNDEVELOPED STREET - WETLAND)
	UNNAMED ROAD = 10,210 SF
	FOREST STREET (SOUTH) = 3,125 SF
	FOREST STREET (NORTH) = 2,871 SF
	TOTAL = 16,206 SF
	R.O.W DEDICATION (ON KLEIN'S PROPERTY)
	NEW ROAD (NORTH OF PARCEL 4) = 39,039 SF
	NEW ROAD (EAST OF PARCEL 3) = 13,615 SF
	TOTAL = 52,654 SF
	R.O.W DEDICATION (ON CITY OF BLAINE'S PROPERTY)
	NEW ROAD (EAST OF PARCEL 3) = 26,344 SF
	WETLAND CONSERVATION (ON CITY OF BLAINE'S PROPERTY)
	FOREST STREET (SOUTH) = 5,500 SF

STREET VACATION & R.O.W DEDICATION

SCALE: 1" = 250'-0"



BLAINE DEVELOPMENT
GENERAL BINDING SITE PLAN
SE 1/4 OF SECTION 6, TWP. 40N., RNG 1E., W.M.
WHATCOM COUNTY, WASHINGTON.

PROJECT INFORMATION:

<p>APPLICANT: FREIHEIT & HO ARCHITECTS 5209 LAKE WASHINGTON BLVD NE, SUITE 200 KIRKLAND, WA 98033 PHONE: (425) 827-2100 JPALMQUIST@FHARCH.COM</p> <p>OWNER: EUGEN E. & EDITH KLEIN 4070 DELBROOK AVE N VANCOUVER, BC CANADA V7N 4A1</p>	<p>SURVEYOR: DAVID R. DOWNING & ASSOCIATES 4229 -- 76th ST. N.E., SUITE 202 MARYSVILLE, WA 98270 PHONE: (360) 653-5385 DAVE@DOWNINGSURVEYING.COM</p> <p>ENGINEER: PATRICK HARRON ENGINEERING 14900 INTERURBAN AVE. SOUTH, SUITE 279 SEATTLE, WA 98168 PHONE: (206) 674-4659 BRIAN@PATRICKHARRON.COM</p>
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LEGAL DESCRIPTION

PARCEL A
 THE SOUTH 5 FEET OF LOT 1 AND ALL OF LOT 2, BLOCK 1, PLAT OF HOLLAND AND MCFARLAND'S SECOND ADDITION TO BLAINE, WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 2 OF PLATS, PAGE 83, RECORDS OF WHATCOM COUNTY, WASHINGTON, EXCEPT SUCH PORTION, IF ANY, THEREOF, AS TAKEN FOR ROAD. TOGETHER WITH VACATED ADELIA STREET ABUTTING AS VACATED BY ORDINANCE NO. 1779, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1525418.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL B

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 53 1/3 RODS WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE; THENCE WEST 10 RODS; THENCE SOUTH 32 RODS; THENCE EAST 10 RODS; THENCE NORTH 32 RODS TO THE POINT OF BEGINNING, EXCEPT THE RIGHT-OF-WAY FOR PIPELINE ROAD LYING ALONG THE NORTH LINE THEREOF.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 36 2/3 RODS WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE; THENCE WEST 16 2/3 RODS; THENCE SOUTH 48 RODS; THENCE EAST 16 2/3 RODS; THENCE NORTH 48 RODS TO THE POINT OF BEGINNING, EXCEPT THE RIGHT-OF-WAY FOR PIPELINE ROAD LYING ALONG THE NORTH LINE THEREOF.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL D

LOTS 1 TO 8, INCLUSIVE, BLOCK 1, LOTS 1 TO 18 INCLUSIVE, BLOCK 2, LOTS 1 TO 10, INCLUSIVE, BLOCK 3, LOTS 1 TO 20, INCLUSIVE, BLOCK 4, PLAT OF SAIN AND SHANK'S FIRST ADDITION TO BLAINE, WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 2 OF PLATS, PAGE 91, RECORDS OF WHATCOM COUNTY, WASHINGTON, TOGETHER WITH VACATED GEORGIA STREET, MARY AVENUE, BUCKEYE STREET AND VACATED ALLEYS IN BLOCKS 2 AND 4 AS VACATED BY ORDINANCE NO. 433, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 171237.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL E

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 63 1/3 RODS WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 6; THENCE WEST 16 2/3 RODS; THENCE SOUTH 32 RODS; THENCE EAST 16 2/3 RODS; THENCE NORTH 32 RODS; TO THE POINT OF BEGINNING, EXCEPT THE RIGHT-OF-WAY FOR PIPELINE ROAD LYING ALONG THE NORTH LINE THEREOF.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL F

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., LYING EAST OF THE GREAT NORTHERN RAILWAY COMPANY'S RIGHT-OF-WAY, ALSO THE FOLLOWING DESCRIBED TRACT OF LAND:

COMMENCING AT A POINT 47 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE IN A SOUTHERLY DIRECTION ON A LINE WHICH PRODUCED SOUTH WOULD INTERSECT THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 6 AT A POINT 25 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER TO THE EAST LINE OF THE RIGHT-OF-WAY OF THE GREAT NORTHERN RAILWAY; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE EASTERLY LINE OF SAID RAILWAY RIGHT-OF-WAY TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION SECTION; THENCE NORTH ALONG SAID EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER TO THE NORTHEAST CORNER THEREOF; THENCE EAST 47 FEET TO THE POINT OF BEGINNING. SAID PROPERTY BEING FORMERLY KNOWN AS BLOCKS 3, 4 AND 5, AND THAT PART OF BLOCKS 6, 11, 12 AND 13 THAT LIES NORTHEASTERLY OF THE RIGHT-OF-WAY OF THE GREAT NORTHERN RAILWAY CO. OF MOUNCE'S FIRST ADDITION TO BLAINE, WHICH HAVE BEEN VACATED, TOGETHER WITH VACATED ADELIA, GEORGIA, AND CLYDE STREET AND MOUNCE AND COLLEGE AVENUE AND VACATED ALLEYS IN SAID BLOCK OF MOUNCE'S FIRST ADDITION TO BLAINE, AS VACATED BY ORDINANCE NO. 433, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 171237.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL G

ALL THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., LYING EAST OF THE OLD GREAT NORTHERN RAILWAY COMPANY'S RIGHT-OF-WAY, EXCEPT THAT PORTION DEEDED TO THE STATE OF WASHINGTON FOR HIGHWAY UNDER AUDITOR'S FILE NO. 864132, RECORDS OF WHATCOM COUNTY, WASHINGTON, ALSO EXCEPT THE SOUTH 10 ACRES THEREOF, AND EXCEPT RIGHT-OF-WAY LYING ALONG THE EASTERLY LINE THEREOF, COMMONLY REFERRED TO AS ODELL STREET, ALSO EXCEPT RIGHT-OF-WAY LYING ALONG THE WESTERLY LINE THEREOF, COMMONLY REFERRED TO AS YEW AVENUE, EXCEPT ALSO THAT PORTION CONDEMNED BY CAUSE NO. 98-2-01556-4, BEING THE WEST 10 FEET OF THE EAST 30 FEET OF THE ABOVE DESCRIBED TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, AND EXCEPT PORTION DEEDED TO THE CITY OF BLAINE, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2050102587.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL H

LOTS 3 AND 4, BLOCK 1, PLAT OF HOLLAND AND MCFARLAND'S SECOND ADDITION TO BLAINE, WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 2 OF PLATS, PAGE 83, RECORDS OF WHATCOM COUNTY, WASHINGTON, EXCEPT SUCH PORTION, IF ANY, THEREOF, AS TAKEN FOR ROAD. TOGETHER WITH VACATED ADELIA STREET ABUTTING AS VACATED BY ORDINANCE NO. 1779, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1525418.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL I

LOT 5, BLOCK 1, AND LOTS 1 THROUGH 12, BLOCK 2, ALL IN PLAT OF HOLLAND AND MCFARLAND'S SECOND ADDITION TO BLAINE, WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 2 OF PLATS, PAGE 83, RECORDS OF WHATCOM COUNTY, WASHINGTON, EXCEPT THAT PORTION, IF ANY, THEREOF, AS TAKEN FOR ROAD. TOGETHER WITH VACATED ADELIA STREET ABUTTING AS VACATED BY ORDINANCE NO. 1779, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1525418.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL J

ALL OF THE RIGHT OF WAY VACATED UNDER AUDITOR'S FILE NUMBER _____; SAID VACATION BEING APPROXIMATELY DESCRIBED AS FOLLOWS:

ALL OF FOREST STREET AND CLYDE STREET (NOW KNOWN AS FERN STREET) CONTAINED WITHIN THE PLAT OF SAIN AND SHANK'S FIRST ADDITION TO BLAINE, RECORDED IN VOLUME 2 OF PLATS, PAGE 91;

TOGETHER WITH A PORTION OF THE 40.00 FOOT WIDE UNNAMED STREET SHOWN ON HOLLAND AND MCFARLAND'S SECOND ADDITION TO THE CITY OF BLAINE AS RECORDED IN VOLUME 2 OF PLATS, PAGE 83, SAID PORTION LYING NORTH OF THE PROJECTION OF THE SOUTH LINE OF SAID BLOCK 2 AND LYING SOUTH OF THE PROJECTION OF THE NORTH LINE OF THE SOUTH 5.00 FEET OF LOT 1 OF SAID BLOCK 1;

SITUATE IN THE COUNTY OF WHATCOM, STATE OF WASHINGTON.

DECLARATION AND DEDICATION

I (WE) THE UNDERSIGNED BEING THE OWNER(S) OF THE PROPERTY HEREIN BEING SUBDIVIDED HEREBY DECLARE AND ACKNOWLEDGE THIS BINDING SITE PLAN OF BLAINE DEVELOPMENT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, RIGHTS-OF-WAY, PARKS, PLAYGROUNDS, EASEMENTS, RESERVATIONS, AND ANY AREAS TO BE DEDICATED TO PUBLIC USE, TOGETHER WITH ANY RESTRICTIONS OR LIMITATIONS THEREON; ALSO THE RIGHT TO MAKE THE NECESSARY SLOPES FOR CUTS AND FILLS ON LOTS AND TRACTS IN ANY REASONABLE GRADING OF SAID ROADS, RIGHTS-OF-WAY AND EASEMENTS, AND HEREBY WAIVE ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO PERIODICALLY ENTER SAID ADJACENT LAND FOR ESTABLISHED CONSTRUCTION, MAINTENANCE, AND DRAINAGE OF SAID DEDICATED FACILITIES AND LANDS.

 EUGEN E. KLEIN

 EDITH MARIA KLEIN

COMMUNITY DEVELOPMENT DIRECTOR

I HEREBY CERTIFY THAT THIS BINDING SITE PLAN HAS BEEN EXAMINED AND THAT ALL THE REQUIREMENTS OF THE CITY OF BLAINE HAVE BEEN PROVIDED FOR AND SAID DOCUMENT IS HEREBY APPROVED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT THIS ____ DAY OF _____, 20____.

 COMMUNITY DEVELOPMENT DIRECTOR

MAYOR

EXAMINED AND APPROVED BY THE BLAINE CITY COUNCIL IN CONFORMANCE WITH THE BLAINE SUBDIVISION CODE THIS ____ DAY OF _____, 20____.

 MAYOR

SURVEYOR'S CERTIFICATE:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY ACT.

REGISTERED LAND SURVEYOR _____ L.S. NO. 17068

SITE PLAN REVIEW
BLAINE DEVELOPMENT
 YEW AVE. & PIPELINE RD.
 BLAINE, WA 98230

10230 NE Points Drive | Ste 300 | Kirkland, WA 98033 www.FHARCH.COM TEL. 425 827 2100

Freiheit & Ho
 architects

DAVID R. DOWNING
 & ASSOCIATES
 4229 -- 76th ST. N.E. #202, MARYSVILLE, WA
 Phone : 360-652-5385 / Fax: 360-658-9053
 Email: dave@downingsurveying.com

REV	DESCRIPTION	DATE
1	PREPARE GSP	4/18/2014

BLAINE DEVELOPMENT
 GENERAL
 BINDING SITE PLAN

PROJECT NUMBER: A07-671
 FREIHEIT & HO ARCHITECTS,
 INC., P.S.

BLAINE DEVELOPMENT
 GENERAL BINDING SITE PLAN
 SE 1/4 OF SECTION 6, TWP. 40N., RNG 1E., W.M.
 WHATCOM COUNTY, WASHINGTON.

SITE PLAN REVIEW
BLAINE DEVELOPMENT
 YEW AVE. & PIPELINE RD.
 BLAINE, WA 98230

EASEMENTS

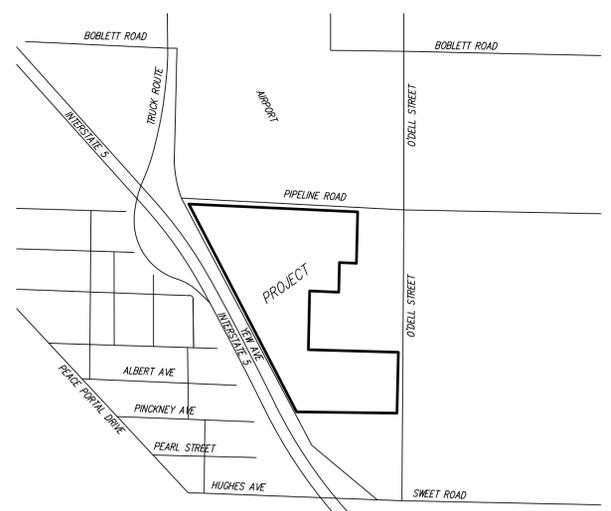
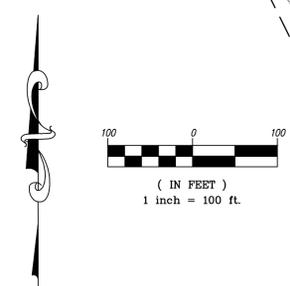
1. THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY EASEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 326111 IS BLANKET IN NATURE AND CAN NOT BE LOCATED.
2. THE 20.00' WHATCOM COUNTY DRAINAGE DITCH EASEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 525562 IS UNSURVEYABLE AND IS NOT SHOWN HEREON.
3. THE ROAD VACATION DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 171237 IS NOT LEGIBLE AND MAY CONTAIN RESERVATIONS FOR EASEMENTS NOT SHOWN HEREON.

WATER/SEWER/ZONING

ZONING OF THE PROJECT AND ALL ADJOINING PARCELS IS MANUFACTURING SUBZONE B.
 WATER AND SEWER PURVEYOR IS THE CITY OF BLAINE.
 STORM WATER WILL BE HANDLE WITH ONSITE FACILITIES.

SURVEYOR'S NOTE:

THE BOUNDARIES SHOWN HEREON WERE CREATED BY THE SURVEY RECORDED UNDER AUDITOR'S FILE NUMBER 2070304216. SEE SAID SURVEY FOR ALL THE CONTROLLING ELEMENTS USED TO ESTABLISH THE BOUNDARY SHOWN HEREON.



Freiheit & Ho architects
 10230 NE Points Drive | Ste 300 | Kirkland | WA | 98033 www.FREIHEITANDHO.COM TEL. 425 827 2100

DAVID R. DOWNING
 & ASSOCIATES
 4229 - 76th ST. N.E. #202, MAPESVILLE, WA
 Phone : 360-652-5385 / Fax: 360-658-9053
 Email: david@downingsurveying.com

REV	DESCRIPTION	DATE
1	PREPARE GBSP	4/18/2014

BLAINE DEVELOPMENT
 GENERAL
 BINDING SITE PLAN

PROJECT NUMBER: A07-671
FREIHEIT & HO ARCHITECTS,
 P.C., P.S.
 PAGE 2 OF 2



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 Rec'd by cashier 1/21/09 DATE (MM/DD/YYYY) 431.077 PETITION NUMBER
 FILING FEE OF \$ 150⁰⁰ HAS BEEN PAID TO: Amber RECEIPT NUMBER 287203
 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):

ALL OF FOREST STREET AND CLYDE STREET (NOW KNOWN AS FERN STREET) CONTAINED WITHIN THE PLAT OF SAIN AND SHARK'S FIRST ADDITION TO BLAINE, RECORDED IN VOLUME 2 OF PLATS, PAGE 91, RECORDS OF WHATCOM COUNTY, WASHINGTON.

Eugen E. & Edith Klein
 PETITIONER'S PRINTED OR TYPED NAME

Eugen E. Klein
Edith Klein
 SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

N/A
 STREET ADDRESS OR "N/A"
 400106 430178 0000
 TAX PARCEL ID NUMBER
 BLOCKS 1-4 / SAIN & SHANK'S FIRST ADDITION
 LOT / BLOCK / ADDITION OR "N/A"

PETITIONER'S MAILING ADDRESS INFORMATION

4070 DELBROOK AVE
 MAILING ADDRESS
 N VANCOUVER BC, CANADA V7N 4A1
 CITY STATE ZIP CODE

PETITIONER'S PRINTED OR TYPED NAME

SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

STREET ADDRESS OR "N/A"
 TAX PARCEL ID NUMBER
 LOT / BLOCK / ADDITION OR "N/A"

PETITIONER'S MAILING ADDRESS INFORMATION

MAILING ADDRESS
 CITY STATE ZIP CODE

PETITIONER'S PRINTED OR TYPED NAME

SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

STREET ADDRESS OR "N/A"
 TAX PARCEL ID NUMBER
 LOT / BLOCK / ADDITION OR "N/A"

PETITIONER'S MAILING ADDRESS INFORMATION

MAILING ADDRESS
 CITY STATE ZIP CODE

PETITIONER'S PRINTED OR TYPED NAME

SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

STREET ADDRESS OR "N/A"
 TAX PARCEL ID NUMBER
 LOT / BLOCK / ADDITION OR "N/A"

PETITIONER'S MAILING ADDRESS INFORMATION

MAILING ADDRESS
 CITY STATE ZIP CODE

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: March 23, 2009

SUBJECT: Klein Petition to Vacate Right-of-Way No. 43.1.077.

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 No. 43.1.077
2) Preliminary Findings
3) Landlocked Property Exhibit

ANALYSIS / SUMMARY: Eugen and Edith Klein filed a petition to vacate certain street rights-of-way located on their Pipeline Road\Yew Avenue property on January 21, 2009. The petition was submitted along with a SEPA review, Site Plan Review application and a General Binding Site Plan application for staff review. Only the street vacation petition is addressed here.

Staff forwards this petition and preliminary findings with the recommendation that the petition be returned for modification prior to further action because the petition as filed landlocks an adjacent City parcel and street right-of-way. Two potential modifications have been discussed with the petitioner:

1. Remove the unnamed street right-of-way from the petition to avoid landlocking the adjacent City parcel and street rights-of-way. The petitioners' site plan would also need to be revised; or
2. Add to the petition the remaining streets and the five foot-wide alley in the Plat of Holland and McFarland's Second Addition to Blaine and resubmit with a development plan that includes dedication of public right-of-way to provide access, preferably from Odell Road, to the adjacent City parcel.

RECOMMENDATION: Waive 2nd Reading: Staff recommends that City Council return the petition to the petitioner for modification prior to further action.

FISCAL ANALYSIS: NA

REVIEWED BY:

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

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

COUNCIL ACTION: _____

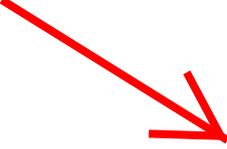
INDUSTRIAL PAINTING IN THE AMOUNT OF \$203,710 INCLUDING SALES TAX AND WAIVE THE SECOND READING, SECONDED BY CHARLIE HAWKINS AND APPROVED 7 – 0.

3. Amendment No. 1 to CHS Agreement for Water Project Management – presented by Steve Banham.

MOTION WAS MADE BY PAUL GREENOUGH TO AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CHS ENGINEERS, LLC NOT TO EXCEED \$30,000 AND WAIVE THE SECOND READING, SECONDED BY JOHN LIEBERT AND APPROVED 7 – 0.

4. Bid Award for Cut-Away Van – presented by Steve Banham which included discussion on the van and the bid process.

MOTION WAS MADE BY JOHN LIEBERT TO AWARD THE PURCHASE OF THE 2007 CHEVROLET 1-TON CUTAWAY VAN FROM HINTON'S IN THE AMOUNT OF \$31,196.90 INCLUDING WASHINGTON SALES TAX, SECONDED BY CHARLIE HAWKINS AND APPROVED 7 – 0.

- 
5. Klein Street Vacation Petition – presented by Steve Banham. The petitioner, Eugene Klein, added that he will work with the architect to make the changes based on option 2, adding to the petition the remaining streets and the 5 foot wide alley in the Plat of Holland and McFarland's Second Addition to Blaine and resubmit with a development plan that includes dedication of public right-of-way to provide access, preferably from Odell Road to the adjacent City parcel.

MOTION MADE BY HARRY ROBINSON THAT THE COUNCIL RETURN THE PETITION TO THE PETITIONER (EUGENE AND EDITH KLEIN) FOR MODIFICATION PRIOR TO FURTHER ACTION AND SECONDED BY SCOTT DODD.

Council asked questions of the staff regarding the petition process.

THE MOTION WAS APPROVED 7 – 0.

- K.** Council convened to **EXECUTIVE SESSION** at 8:23pm for 30 minutes, extended to 60 minutes, to discuss the sale of certain real estate pursuant to RCW 42.30.110(1)(c) and Potential Litigation pursuant to RCW 42.30.110(1)(i) with potential action to be taken.

Council reconvened from executive session at 9:34pm with no action taken.

- L.** **UNFINISHED BUSINESS - None**

BMC 12.16

**PRELIMINARY FINDINGS FOR
PETITION TO VACATE RIGHT OF WAY
NO. 43.1.077**

12.16.010 Petitions- Initiation -Survey requirements -Preliminary findings.

H. Preliminary Findings. Upon confirmation that the petition meets criteria in BMC 12.16.010(E) and (F), or on receipt of a council-initiated vacation proposal, public works director shall, in cooperation with the community development director, prepare preliminary findings on the following:

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 COMMENTS:

PW Fern and Forest Streets do not abut on any body of fresh or salt water. The unnamed street in Holland and McFarland's Second Addition to Blaine does cross Cain Creek. This vacation is not being requested for any public use.

CDS Cain Creek is an important waterway because it is the freshwater source for tidal mud flats north of Marine Park. The potential for the vacation to reduce future impacts to the creek and the adjacent wetlands should be considered.

2. *Whether the right-of-way is needed or contemplated for future public use;*

STAFF COMMENTS:

PW The Fern and Forest Street right of way is disconnected from the street grid and the majority of it is surrounded by the petitioner's property. It is not needed for a public road and the majority of the right-of-way is not affected by wetlands located on the surrounding property. The contemplated use is for negotiating access from Odell Road to this site and the adjacent City property.

The unnamed street in Holland and McFarland's Second Addition to Blaine is connected to the street grid and does provide an access route to the City parcel that is otherwise served by a narrow easement adequate for residential use only. This right-of-way is needed for future public use unless an alternant full-width public access is dedicated by the petitioner to serve the City parcel.

CDS Community Development Services concurs that there is not significant public benefit associated with the sections of Fern and Forest Street that are disconnected from the street grid. Conversely, the unnamed street is significant in that it provides the only access to an otherwise landlocked parcel. Dedicating an alternative access point, in conjunction with a vacation of the unnamed street, may be able to avoid future impacts to the Cain Creek stream corridor as discussed above.

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

STAFF COMMENTS:

PW This vacation is not initiated to correct a condition created by the applicant in violation of city ordinance

CDS CDS concurs.

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 COMMENTS:

PW The petition will not create jogs in the right-of-way lines; however, if granted, the vacation will disconnect the remaining street rights-of-way in Holland and McFarland's Second Addition to Blaine from the street grid.

CDS CDS concurs.

Based on the above criteria, staff may forward the petition to council with one of the three following written recommendations:

1. Deny the petition;
2. Set a public hearing to consider the petition, or ;
3. Return the petition to petitioner for modification prior to further action.

STAFF RECOMENDATION:

PW Return the petition to petitioner for one of the two following modifications to be made:

- Remove the unnamed street right-of-way in the Plat of Holland and McFarland's Second Addition from the petition in order to avoid land locking the adjacent City parcel and street rights-of-way, or
- Add the remaining streets and the five foot-wide alley in the Plat of Holland and McFarland's Second Addition to Blaine to the petition for street vacation and resubmit the petition with a development plan that includes dedication of a full width public right-of-way that will provide access from Odell Road or Pipeline Road to the adjacent City parcel. The petition would be processed concurrently with the development plan.

CDS Community Development Services is processing a General Binding Site Plan for the applicant, and has been working with the applicant to find an alternative for access that uses a new cul-de-sac to be dedicated and provide commercial access to most of the property from Odell Road. This would provide a direct link for the property to a truck route, and would provide a point of access for the parcel which would otherwise become landlocked. The applicant is exploring this possibility.

12.16.020 Hearing time Fixed, petition and resolution methods.

Upon receipt of a petition meeting minimum requirements for signatures and property ownership described in BMC 12.16.010(E) and (F), as well as preliminary findings listed at BMC 12.16.010(H), the [public works director](#) shall forward the petition and findings to city council for consideration at its next regular meeting. For both petition and council-initiated vacations proposed for public hearing, council shall adopt a resolution setting a time for the hearing which is not less than 20 nor more than 60 days from the date of passage of the resolution.