

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: December 27, 2016

SUBJECT: Setting Public Hearing for Vacation Petition - 700 Block Georgia Street

DEPARTMENT: Public Works

PREPARED BY: _____
(Digital Signature)

AGENDA LOCATION: Consent Agenda Council Action Unfinished Business

ATTACHMENTS:

1. Resolution No. 1695a-16
2. Amended preliminary findings - Petition for vacation of a Right-of-Way, 700 Block Georgia Street
3. Petitions to Vacate Right-of-way
4. Letter from Petitioner Requesting Amendment to the original petition

BACKGROUND/SUMMARY:

On November 28, 2016, the City Council passed Resolution 1695-16, setting a public hearing on January 9, 2017 for the Northwest Land Company's petition to vacate 20 feet of Georgia Street right-of-way. Public works and CDS reviewed the petition and submitted Preliminary Findings recommending a public hearing be scheduled to review the merits of the petition.

Since the passage of the resolution, the City received a request from an abutting property owner (Friend) to join the petition. The City also received a request from the petitioner (Matichuk) to amend the petition to include 20 feet of ROW along the full block including the portion adjacent to the Friend property, and one additional parcel. Per the allowances of BMC 12.16.010 (H)(4)), the addition of the Friends' participation allows a request to vacate the full block length.

The attached resolution 1695-16a sets a public hearing for Monday, January 23, 2017 to consider the amended petition.

The signatures on the petition represent greater than two thirds of lineal street frontage requested for vacation. The fees for the public hearing have been paid.

BUDGET IMPLICATIONS: No financial impact.

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 1695a-16 fixing the time for a public hearing on the petition to vacate certain rights-of-way on the south side of Georgia Street, between Mitchel Avenue and Garfield Avenue.

REVIEWED BY:

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



CITY OF BLAINE PUBLIC WORKS DEPARTMENT

1200 YEW AVENUE • BLAINE, WA • 98230

PHONE: 360.332.8820 • FAX: 360.332.7124 • WEBSITE: www.cityofblaine.com

December 23, 2016

STAFF REPORT BMC 12.16.010

Petition for vacation of a Right-of-Way, 700 Block Georgia Street.

Preliminary Findings

Petitioner – NW Land Company Blaine LLP

Northwest Land Company has petitioned the City to vacate the southern 20 feet of the Georgia Street Right-of-Way in front of parcel 400106158222, 400106130207, and 400106123207 (approximately 6000 square feet). The criteria within BMC 12.16.050 is listed below and was used to determine preliminary findings and make a recommendation to Council.

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;
 - **This Right-of-Way (ROW) does not abut any known waterbody.**
 - **Does not apply**
2. Whether the right-of-way is needed or contemplated for future public use;
 - **The likely use of this Right-of-Way would be for future utilities and pedestrian facilities. This portion of ROW could also be used for stormwater detention and retention facilities, public parking, and meeting clear zone requirements. Generally, the utility easement should be sufficient for this portion of ROW proposed for vacation. The remaining ROW appears to be sufficient for pedestrian facilities.**

If the ROW was vacated, the remaining portion of ROW would be 60 feet wide. A 60 foot wide ROW is typical for local streets. Additionally, the existing roadway is located on the northern side of the existing ROW, vacating the southern portion of this ROW does not appear to require a realignment of the existing roadway.

 - **Recommend setting a public hearing to consider the petition.**
3. Whether the request for vacation was initiated to correct a condition created by the applicant in violation of city ordinance; and
 - **The original petitioner has no current encroachments or encumbrances known that create a cloud of title that can only be corrected by a vacation. The second petitioner, who joined after receiving a public notice, may have a portion of a permanent structure in the ROW. The modified petition may resolve this ROW encroachment.**
 - **Recommend setting a public hearing to consider the petition.**

4. Whether the vacation will maintain or create straight and continuous right-of-way lines on at least one side for the full block.
 - **The right-of-way is currently a straight and contiguous line with a standard 80 width, and there are no other portions of this street vacated in the vicinity. The requested vacation has been revised to provide a straight and continuous for the full block.**
 - **Recommend setting a public hearing to consider the petition**

After review of the request, it is the recommendation of the Public Works Department that this request be forwarded to a public hearing for further consideration.



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 _____
 DATE (MM/DD/YYYY)

43.1.082
 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):

The south 20 feet of the 700 block of Georgia Street abutting Parcel #4001061582220000. Legal Description: Kingleys's first addition to Blaine

Lots 1 through 6 Blk 9 Exc-S 70 ft thereof-TOG w/ vac alley.

NW Land Company Blaine LLP

CHAN BUN SAMUTH & CHANTA SOK
 PETITIONER'S PRINTED OR TYPED NAME

PETITIONER'S PRINTED OR TYPED NAME

SIGNATURE

SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

700 Block Georgia Street

1544 PEACE PORTAL DRIVE
 STREET ADDRESS OR "N/A"

STREET ADDRESS OR "N/A"

4001061582220000

400106 130207
 TAX PARCEL ID NUMBER

TAX PARCEL ID NUMBER

Lots 1 through 6 Blk 9.

LOT 7-8 BLK 9
 LOT / BLOCK / ADDITION OR "N/A"

LOT / BLOCK / ADDITION OR "N/A"

PETITIONER'S MAILING ADDRESS INFORMATION

PETITIONER'S MAILING ADDRESS INFORMATION

Box 856

MAILING ADDRESS

MAILING ADDRESS

Blaine

WA 98231
 STATE ZIP CODE

CITY

CITY

STATE ZIP CODE

PETITIONER'S PRINTED OR TYPED NAME

PETITIONER'S PRINTED OR TYPED NAME

SIGNATURE

SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

STREET ADDRESS OR "N/A"

STREET ADDRESS OR "N/A"

TAX PARCEL ID NUMBER

TAX PARCEL ID NUMBER

LOT / BLOCK / ADDITION OR "N/A"

LOT / BLOCK / ADDITION OR "N/A"

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CITY

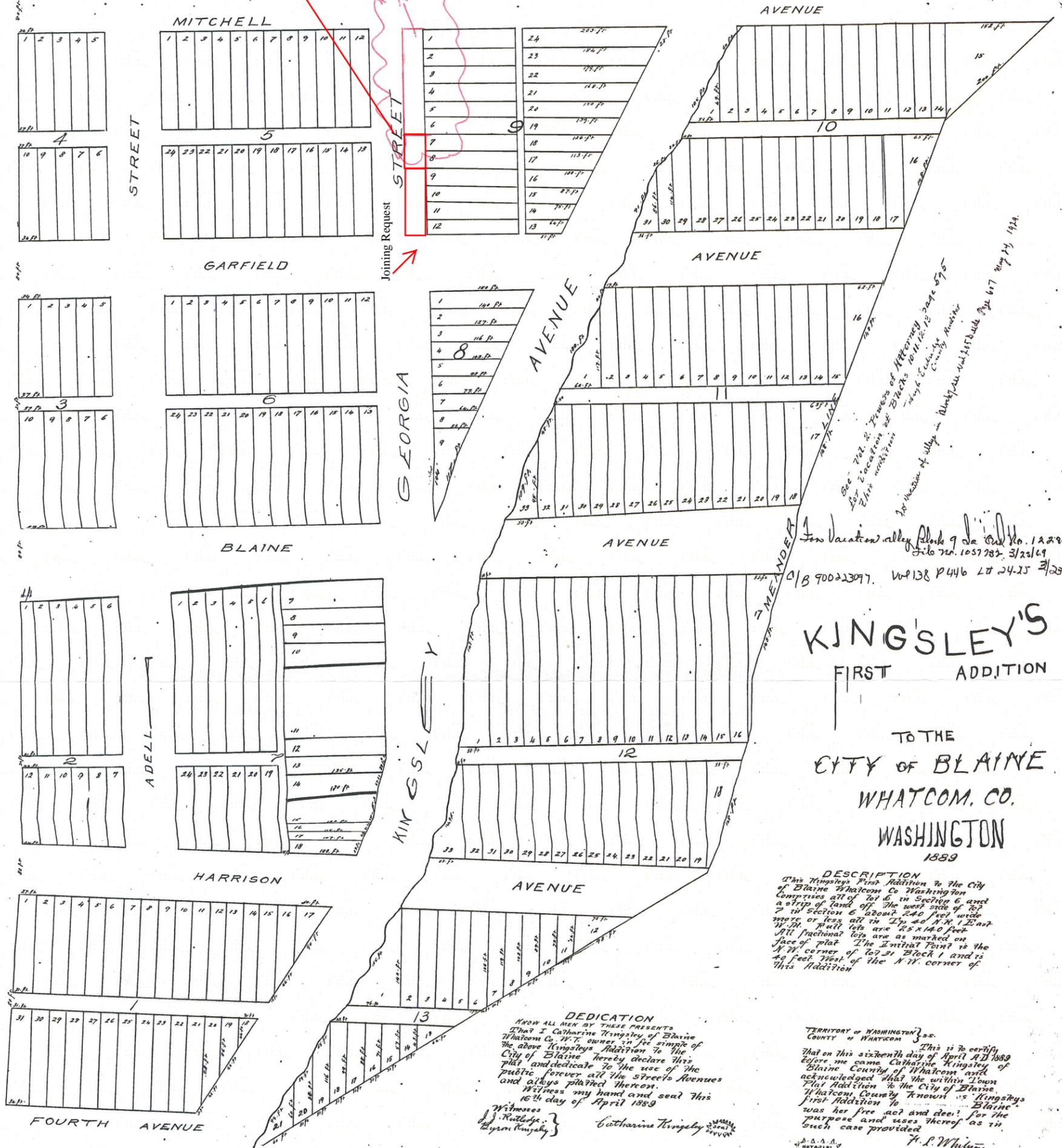
STATE ZIP CODE

CITY

STATE ZIP CODE

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TO BE VACATED



See Plat & Powers of Attorney page 575
 Lot location of Blocks 10, 11, 12, 13 page 575
 This addition
 in Masses of Blaine in Kingsley's Plat No. 617 May 24, 1889

For Variation alley Block 9 See Plat No. 1229
 File No. 1057282 3/25/69
 O/B 900223077. W-138 P 446 L 24-25 3/25/90

**KING'SLEY'S
 FIRST ADDITION**

TO THE
CITY OF BLAINE
WHATCOM. CO.
WASHINGTON
1889

DESCRIPTION
 This King'sley's First Addition to the City of Blaine Whatcom Co Washington comprises all of lot 6, in Section 6 and a strip of land off the west side of lot 7 in Section 6 about 240 feet wide more or less all to the 40' N.W. 1/4 East W.M. full lots are 80' x 140 feet. All fractional lots are as marked on face of plat. The Initial Point is the N.W. corner of lot 31 Block 1 and is 40 feet West of the N.W. corner of this Addition.

DEDICATION
 KNOW ALL MEN BY THESE PRESENTS That I Catharine Kingsley of Blaine Whatcom Co. W.T. owner in fee simple of the above Kingsley's Addition to the City of Blaine hereby declare this plat and dedicate to the use of the public forever all the streets, Avenues and alleys platted thereon.
 Witness my hand and seal this 16th day of April 1889
 Catharine Kingsley
 Witnesses: }
 Byron Kingsley }

TERRITORY OF WASHINGTON }
 COUNTY OF WHATCOM }
 This is to certify that on this sixteenth day of April A.D. 1889 before me came Catharine Kingsley of Blaine County of Whatcom and acknowledged that the within Town Plat Addition to the City of Blaine Whatcom County known as Kingsley's First Addition to Blaine was her free act and deed for the purpose and uses thereof as in such case provided.
 H. L. Whitney
 Notary Public in and for Washington Territory

Received for Record at 2 P.M.
 May 3rd A.D. 1889 and recorded
 at the request of E.S. Hincks
 Hugh Edwidge
 County Auditor



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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 12 15 2016 DATE (MM/DD/YYYY) 43.1.082 PETITION NUMBER

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

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NW Land Company Blaine LLP
 PETITIONER'S PRINTED OR TYPED NAME

PETITIONER'S PRINTED OR TYPED NAME

SIGNATURE

SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

700 Block Georgia Street

STREET ADDRESS OR "N/A"

STREET ADDRESS OR "N/A"

4001061582220000

TAX PARCEL ID NUMBER

TAX PARCEL ID NUMBER

Lots 1 through 6 Blk 9.

LOT / BLOCK / ADDITION OR "N/A"

LOT / BLOCK / ADDITION OR "N/A"

PETITIONER'S MAILING ADDRESS INFORMATION

PETITIONER'S MAILING ADDRESS INFORMATION

Box 856

MAILING ADDRESS

MAILING ADDRESS

Blaine WA

CITY STATE ZIP CODE

CITY STATE ZIP CODE

Jason and Laura Friend
 PETITIONER'S PRINTED OR TYPED NAME

PETITIONER'S PRINTED OR TYPED NAME

Jason Friend
 SIGNATURE

SIGNATURE

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

RIGHT-OF-WAY ABUTTING PROPERTY INFORMATION

1526 Peace Portal Dr
 STREET ADDRESS OR "N/A"

STREET ADDRESS OR "N/A"

~~40010612~~ 40010612 3207 0000

TAX PARCEL ID NUMBER

TAX PARCEL ID NUMBER

Lots 9-12 Block 9

LOT / BLOCK / ADDITION OR "N/A"

LOT / BLOCK / ADDITION OR "N/A"

PETITIONER'S MAILING ADDRESS INFORMATION

PETITIONER'S MAILING ADDRESS INFORMATION

1526 Peace Portal Dr
 MAILING ADDRESS

MAILING ADDRESS

Blaine WA 98230

CITY STATE ZIP CODE

CITY STATE ZIP CODE

Dec 22, 2016

To: Michael Jones, AICP
Community Development Director
City of Blaine, 435 Martin Street, Suite 3000, Blaine, WA 98230
360-543-9981

From: Robert Matichuk
Box 856
Blaine WA 98231
360-201-0408
Rmatichuk.trc@gmail.com

Dear Mr Jones:

As you are aware I have started a petition to vacate a portion of 700 Block of Georgia Street. As additional interest in participating in this vacation, from a neighboring adjacent property has come to light, I request that my original petition be amended as follows.

Please amend my petition to include Lots 7-8, and 9-12, as I have a written request form owners of Lots 9-12. With this request from the adjoining neighbors we have 2/3 participation in the vacation request.

Additionally I would request that council set a public hearing on this matter as soon as possible.

Sincerely

A handwritten signature in black ink, appearing to read 'R. Matichuk', written in a cursive style.

Robert Matichuk