



1980602389
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 6/15/1998 12:50 PM
 ORD \$11.00
 Whatcom County, WA

Request of: BELLINGHAM CITY OF

AFTER RECORDING RETURN DOCUMENT TO:

City of Bellingham - Planning and Community Development
 210 Lottie Street
 Bellingham, WA 98225

↑ *Reserved for Recording Purposes Only* ↑

DOCUMENT TITLE: *Ordinance: Fifth Street Vacation*

GRANTOR(S): *City of Bellingham*

GRANTEE(S): *Port of Bellingham*

ABBREVIATED LEGAL DESCRIPTION: *A portion of Fifth Street north of the north line of Harris Avenue and south of the Government Meander Line,*

ASSESSOR'S TAX/PARCEL NUMBER(S): *N/A*

ORDINANCE NO. 1998-05-031

AN ORDINANCE RELATING TO THE VACATION OF A PORTION OF FIFTH STREET NORTH OF THE NORTH LINE OF HARRIS AVENUE AND SOUTH OF THE GOVERNMENT MEANDER LINE, AS SHOWN IN EXHIBIT A, ALL SITUATED WITHIN THE CITY OF BELLINGHAM; FINDING AND ADJUDGING THAT NO DAMAGE ACCRUE TO ANY PERSON OR PROPERTY BY REASON THEREOF, AND UTILITIES MOVED SHALL BE MOVED AT THE EXPENSE OF THE PETITIONER.

WHEREAS, the Technical Review Committee has considered the petition of The Port of Bellingham for the vacation of a portion of Fifth Street North of Harris Avenue,

WHEREAS, this Street Vacation shall provide for the public good by enhancing Marine Park

WHEREAS, Fifth Street is not needed presently or in the future for public access (including vehicular, pedestrian, or visual),

WHEREAS, Fifth Street does not lead to a park, open space, view, natural area, or any other natural or man-made attraction. The compensatory improvements to Marine Park shall improve access to a park, open space, view, and a natural area,

WHEREAS, all the jurisdictional steps preliminary to the vacation have been taken as provided by law,

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. That a portion of Fifth Street north of the north line of Harris Avenue and south of the Government Meander Line, as shown in Exhibit A, is hereby vacated.

Section 2. That said vacation is not subject to reservation of rights to the City of Bellingham for easements. Any utility to be moved shall be moved at the expense of the petitioner.

Section 3. That no damage will result to any person or persons or to any property by reason of the vacation of said property.

Section 4. That the Petitioner's fees have been waived for the vacation of the property described in Section 1 as part of and in consideration of the improvements to Marine Park within two years of the date of signature of this ordinance. The improvements shall consist of a road (separate from the industrial parking area), sidewalk, street trees and landscaping, drainage improvements, and a parking plan with a greater number of parking spaces for the public. The cost of the Park improvements, exclusive of costs attributable to the industrial area, shall be greater than the full amount of the appraised value of the vacated right of way. Final Plans shall require the approval of the Park and Recreation Director consistent with the requirements of this section.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

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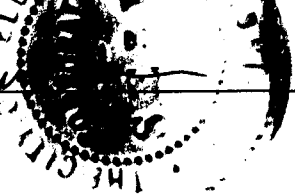
PASSED by the Council this 26TH day of MAY, 1998

Bob Ryan
Council President

APPROVED by me this 10th day of JUNE, 1998

Attest: Diana Carpenter
Finance Director

Mark A. ...
Mayor



Approved as to Form:

[Signature]
Office of the City Attorney

Published: 6-13-98

I, **BYRON ELMENDORF**, Parks and Recreation Director of the City of Bellingham, do hereby certify that Marine Park either has been improved as per Section 4 of this Ordinance, or that the City has received sufficient sureties or proofs that the Park will be improved. Such improvement shall be completed within two years of the signature date of this ordinance.

Byron Elmendorf
Byron Elmendorf, Parks & Recreation Director

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
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Directions to site:

- Take I-5 to Exit 250.
- Go west/downhill on old Fairhaven Parkway.
- Follow Old Fairhaven Parkway for several blocks. Continue on it as it bends to the right and changes its name to 10th Street. At Harris Avenue and 10th, turn left.
- After crossing Padden Creek and 6th Street, note the driveway to your right which is access to Padden Lagoon Park and Alaska Ferry parking.
- Approximately 120' after this driveway, note two small industrial buildings on your right. The street to be vacated is between/below them.

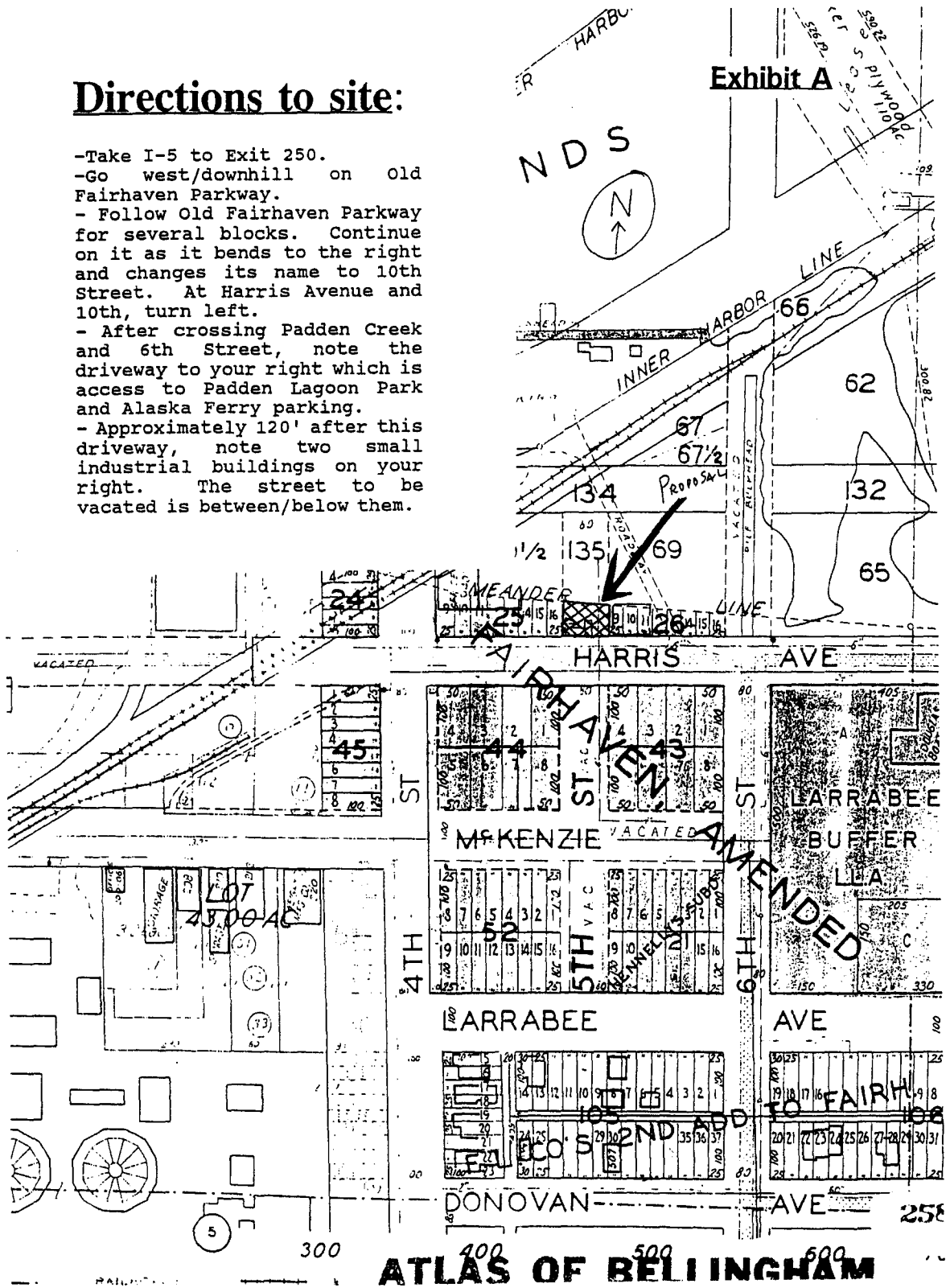


Exhibit A

1980602389

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ORD \$11.00

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PORT OF BELLINGHAM
Washington State

June 12, 1998

Byron Elmendorf, Director
Parks and Recreation Dept.
3424 Meridian
Bellingham, WA 98225

Re: 5th Street Vacation Ordinance

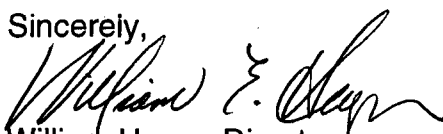
Dear Mr. Elmendorf,

Ordinance 1998-05-031, vacating 5th Street, provides for a waiver in funds provided the Port make certain improvements to Marine Park. Following is the status of those improvements.

1. Construction plans are being finalized consistent with those presented to the City. If for any reason they change we will resubmit them to you for approval prior to any construction.
2. We have submitted these plans to B.N. & S.F. for their review and approval as a small portion of the improvements are on leased R/W. These had been verbally approved and we expect their written approval shortly upon the return from vacation of a key personnel.
3. The project is expected to be put out to bid within the next 30-45 days and thereafter awarded.
4. Construction is expected to proceed this year.

If you have any further questions please do not hesitate to give me a call.

Sincerely,


William Hager, Director
Properties and Planning

Darling
Seeger
Forrest
Shipman

Shirley Forslof
Whatcom
County Auditor

OFFICIALS

06/15/98 12:51:26

Receipt # 18012
Wrkstn ID RCRDR2G0
From Doc #1980602389
To Doc # 1980602389

BELLINGHAM CITY OF

1980602389 ORD
Fee \$11.00

Fees \$11.00
Taxes 0.00
Other 0.00

** TOTAL 11.00

Cash 11.00

PLEASE KEEP

CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NUMBER: 1998-05-031

COUNCIL BILL NUMBER: 12381

AGENDA BILL NUMBER: 13550

AGENDA BILL INTRODUCED: 5/18/98

FIRST & SECOND READINGS: //

THIRD & FINAL READING: 5/26/98

PUBLISHED: in full 6-13-98

Record \$1000

cc: Leg Coord

Leg Sec

Hicks

PCD