

**RESOLUTION NO. 2021-24**

**A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON  
AUTHORIZING THE RELINQUISHMENT OF A SURPLUS CONSERVATION  
EASEMENT RETAINED IN VACATED DUMAS AVENUE BY STREET VACATION  
ORDINANCE NO. 10792**

**WHEREAS**, on December 9, 1996, the Bellingham City Council passed Ordinance No. 10792 vacating a portion of Dumas Avenue ("Street Vacation Ordinance"), subject to the City's purported retention of a conservation easement within a portion of vacated Dumas Avenue described in Exhibit A thereto ("Retained Conservation Easement"); and

**WHEREAS**, the Street Vacation Ordinance is recorded under Whatcom County Auditor's File No. 970116095; and

**WHEREAS**, the Retained Conservation Easement encumbers portions of real property identified by Whatcom County Assessor's Parcel Numbers 380331-524020-0000, 380331-552031-0000, 370306-523552-0000, and 370306-513551-0000 ("Burdened Parcels"); and

**WHEREAS**, the owner of the real property identified by APN 370306-523552-0000, and 370306-513551-0000 ("Development Parcels") has requested that the City relinquish the Retained Conservation Easement to facilitate development of the parcel; and

**WHEREAS**, in 2017 a qualified professional conducted a wetland delineation on (and within 150 feet of) the Development Parcel ("Wetland Delineation") and determined that (1) the Retained Conservation Easement area did not contain any wetlands and (2) that a Category IV wetland was present in a different location on the Development Parcels ("Category IV Wetland"); and

**WHEREAS**, the Army Corps of Engineers and the city of Bellingham authorized the fill of the Category IV Wetland pursuant to applicable law after approving a mitigation plan that fully replaced wetland functions offsite and on condition that the wetland mitigation area be protected in perpetuity by a recorded conservation easement; and

**WHEREAS**, a conservation easement was granted to the city for the approved offsite wetland mitigation area, recorded under Whatcom County Auditor's File Number 2020-0400524; and

**WHEREAS**, city staff have determined, based on the foregoing facts, that the Retained Conservation Easement is not needed for conservation of a wetland given there is no wetland to conserve and has recommended to City Council that it be relinquished; and

**WHEREAS**, a public meeting was held on August 30, 2021, by the Bellingham City Council to consider the proposed relinquishment; and

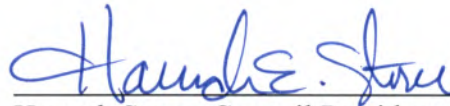
**WHEREAS**, there was no objection from the Owners of the Burdened Parcels after being notified in writing of the City's intent to relinquish the Retained Conservation Easement; and

**WHEREAS**, City Council finds that the Retained Conservation Easement is surplus to the City's needs, is not needed for continued conservation purposes, and may be relinquished.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM THAT:**

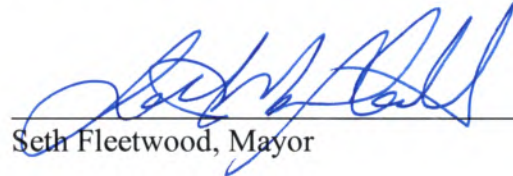
The mayor is authorized to execute all documents necessary to relinquish the Retained Conservation Easement. The relinquishment instrument shall be in a form approved by the Office of the City Attorney.

**PASSED** by the Council this 30<sup>th</sup> day of August, 2021.



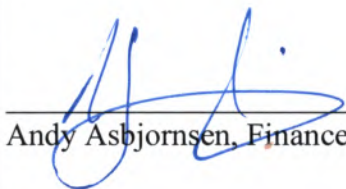
Hannah Stone, Council President

**APPROVED** by me this 10 day of September, 2021.



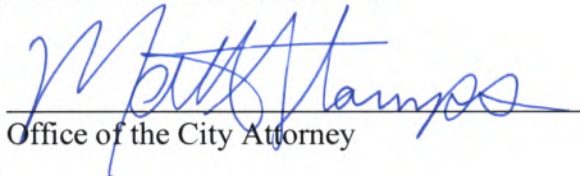
Seth Fleetwood, Mayor

**ATTEST:**



Andy Asbjornsen, Finance Director

**APPROVED AS TO FORM:**



Office of the City Attorney