

RESOLUTION NO. 2023-04

A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON AUTHORIZING THE RELINQUISHMENT OF A PUBLIC UTILITY EASEMENT LOCATED WITHIN A PORTION OF VACATED SOUTH STATE STREET THAT IS SURPLUS TO THE CITY'S NEEDS

WHEREAS, the City of Bellingham, under Ordinance No. 2019-05-011, vacated the easterly 25-feet of South State Street (now known as 10th Street) abutting Lots 1-5, Block 4, Town of Bellingham Plat and a 10-foot wide by 25-foot portion of Easton Avenue abutting the aforementioned portion of South State Street ("**Vacated Street**"), subject to the City's retention of an easement for future utilities within the Vacated Street as authorized by RCW 35.79.030 ("Retained Utility Easement"); and

WHEREAS, Dalmatia, LLC (the "Property Owner") owns certain real property commonly known as 622 11th Street, Bellingham, Washington, legally described in Exhibit A hereto (the "Subject Property"), a portion of which is encumbered by the City's Retained Utility Easement; and

WHEREAS, the portion of the Subject Property that is encumbered by the Retained Utility Easement is legally described in Exhibit B hereto and depicted in Exhibit C hereto (the "Relinquishment Area"); and

WHEREAS, the Property Owner has asked the City to relinquish that portion of the Retained Utility Easement that encumbers the Relinquishment Area in order to facilitate private development and construction on the Subject Property; and

WHEREAS, RCW 35.94.040 authorizes cities to lease, sell or convey property originally acquired for utility purposes if, following a public hearing, the legislative authority for the city determines by resolution that such property is surplus to the city's needs and is not needed for providing continued public utility service; and

WHEREAS, the City's Public Works Department has determined that the portion of the Retained Utility Easement that encumbers the Relinquishment Area is not needed for public utility service and is, therefore, surplus; and

WHEREAS, City Council held a public hearing on May 8, 2023 to accept public comment upon and consider the proposed relinquishment.

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

1. The City has no present or foreseeable need to use that portion of the Retained Utility Easement that encumbers the Relinquishment Area for public utilities.
2. The Mayor is authorized to execute all documents necessary to relinquish that portion of the Retained Utility Easement that encumbers the Relinquishment Area.

PASSED by the Council this 8th day of May, 2023.




Council President

APPROVED by me this 18th day of May, 2023.



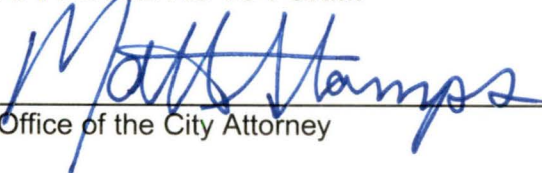
Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
OF THE
BURDENED PROPERTY

Parcel "A" According To
Whatcom Land Title Subdivision Guarantee No. 81030-220806946

Lots 1 through 4, Block 4, Plat of Town of Bellingham, Whatcom County, W.T., a part of the consolidated City of Bellingham, Whatcom County, Washington, according to the plat thereof, recorded in Volume 1 of Plats, Page 16, records of Whatcom County, Washington; Together with the North 10 feet of vacated Easton Avenue abutting Lot 1, as would attach by operation of law pursuant to City of Bellingham Ordinance No. 6871, and together with those portions of Easton Avenue and South State Street as vacated by City of Bellingham Ordinance No. VAC2017-0001, recorded under Auditor's File no. 2019-0801472.

Situate in Whatcom County, Washington.



Prepared by Larry Steele & Associates, Inc.
Land Surveyors
1334 King Street, Ste. 1
Bellingham WA 98229
360-676-9350
Job #13316.3
April 06, 2023

EXHIBIT “B”
LEGAL DESCRIPTION
OF THE
RELINQUISHED UTILITY EASEMENT AREA

The West and Northwest 10.00 feet of that portion of Easton Avenue and 10th Street (formerly recognized as South State Street) as Vacated by City of Bellingham Ordinance No. 2019-05-011 and recorded under Whatcom County Auditor’s File No. 2019-0801472, lying within the Southwest Quarter of the Northwest Quarter of Section 1, Township 38 North, Range 2 East, W. M., being more particularly described as follows:

Commencing at the Brass Disk Monument marking the centerline intersection of 11th Street and Easton Avenue; Thence North 88°47’58” West along the centerline of said Easton Avenue for a distance of 194.33 feet; Thence North 01°12’02” East for a distance of 30.00 feet to the **Point of Beginning**. Thence North 88°47’58” West for a distance of 10.83 feet; Thence North 1°12’02” East for a distance of 17.31 feet; Thence North 38°21’47” East, parallel with and 25.00 feet distant Southeasterly from the centerline of said 10th Street, for a distance of 116.39 feet to the North line of Lot 4 of Block 4 of the “Map of the Town of Bellingham, Whatcom County, W.T.,” now a part of the consolidated City of Bellingham, Whatcom County, Washington, according to the map thereof, recorded in Volume 1 of Plats, Page 16, in the Auditor’s office of said County and State, extended West to the Northwesternly limit of the above referenced Street Vacation; Thence South 88°48’18” East along the said extended North line of Lot 4 for a distance of 12.55 feet; Thence South 38°21’47” West for a distance of 119.24 feet; Thence South 01°12’02” West for a distance of 15.04 feet to the **Point of Beginning**.

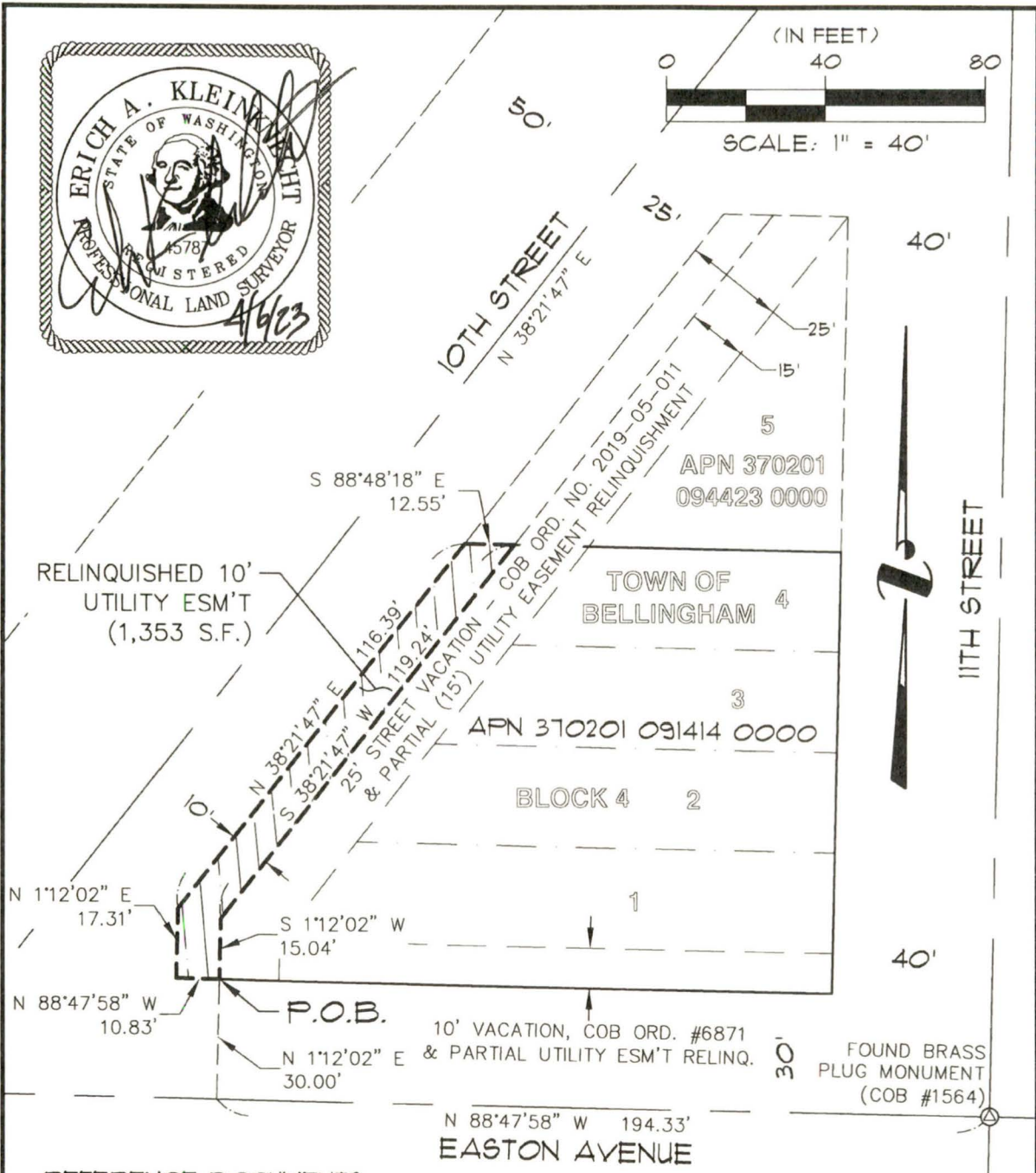
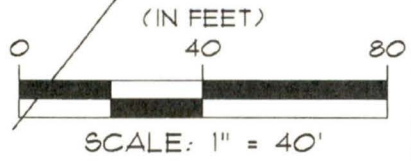
Containing an area of 1,353 square feet, more or less.

The Basis of Bearing of this description is derived from the 1973 City of Bellingham Cadastral Survey according to the Survey Control Worksheet for the South State & 11th Street Improvement Project, drawing no. RS 3062, records of the City of Bellingham, and that particular Record of Survey recorded under Whatcom County Auditor’s File No. 2017-0100976.

Situate in Whatcom County, Washington.

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REFERENCE DOCUMENTS:

- ROS AF #2017-0100976
- AF #2019-0801472
- AF #2020-1205794
- AF #2021-0503937



LARRY STEELE & ASSOCIATES
LAND SURVEYORS

SUITE 1
1334 KING ST.
BELLINGHAM, WA 98229
360-676-9350

EXHIBIT "C"

**RELINQUISHED UTILITY EASEMENT
EXHIBIT MAP**

SCALE: 1" = 40'	APPROVED BY: EAK	DRAWN BY: CBN
DATE: 4/6/2023		REVISED:
FOR DALMATIA, LLC		
BEING A PTN. OF THE SW 1/4 OF THE NW 1/4, SEC. 1, TOWNSHIP 31 NORTH, RANGE 2 EAST, W.M. CITY OF BELLINGHAM, WHATCOM COUNTY, WA		JOB NUMBER: 13316.3

13316.3 3RD REL EX C.DWG