

RESOLUTION NO. 2023-29

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

WHEREAS, the City of Bellingham, under Ordinance No. 6995, vacated a portion of McKenzie Street between 12th Street and 13th 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, Peoples Bank (the "Property Owner") owns certain real property commonly known as 1315 12th 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 December 11, 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:

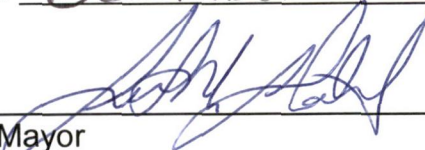
1. The City has no present or foreseeable need to use that portion of the Retained Utility Easement that encumbers the Relinquishment Area for public utilities.
2. The Mayor is authorized to execute all documents necessary to relinquish that portion of the Retained Utility Easement that encumbers the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

PASSED by the Council this 11th day of December, 2023.



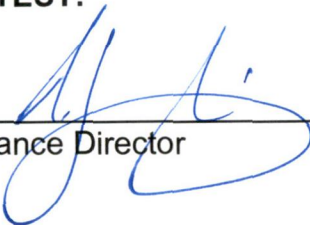
Council President

APPROVED by me this 21 day of December, 2023.




Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney



Pacific Surveying & Engineering, Inc

land surveying • civil engineering • consulting • environmental
909 Squalicum Way #111, Bellingham, WA 98225
Phone 360.671.7387 Facsimile 360.671.4685 Email info@pseurvey.com

EXHIBIT 'A'

PROPERTY BURDENED BY EASEMENT

LOTS 9, 10, 11 AND 12, BLOCK 36, "AMENDED PLAT OF FAIRHAVEN, WHATCOM CO., WASHINGTON", ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 2 OF PLATS, PAGE 11, RECORDS OF THE AUDITOR'S OFFICE OF WHATCOM COUNTY, WASHINGTON; TOGETHER WITH THE VACATED NORTH 10 FEET OF MCKENZIE AVENUE ABUTTING ON SAID LOTS, PURSUANT TO ORDINANCE NO. 6995; ALSO TOGETHER WITH THE VACATED SOUTH 40 FEET OF THE NORTH 50 FEET OF MCKENZIE AVENUE ABUTTING ON SAID LOTS, PURSUANT TO ORDINANCE NO. 9177, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.





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EXHIBIT 'B'

PROPOSED RELINQUISHMENT AREA LEGAL DESCRIPTION

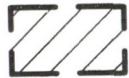
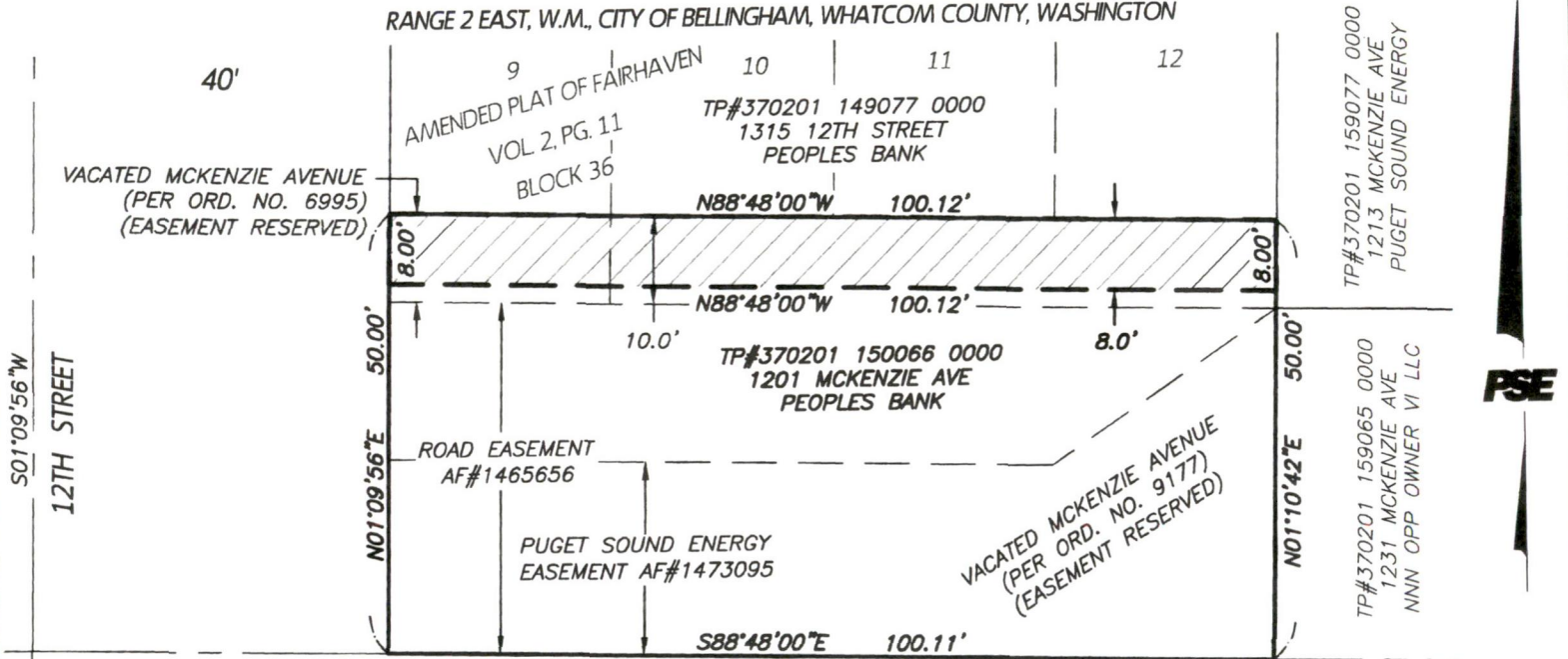
THE NORTH 8.00 FEET OF THAT CERTAIN 10.00-FOOT WIDE PORTION OF VACATED MCKENZIE AVENUE, AS VACATED UNDER CITY OF BELLINGHAM ORDINANCE NO. 6995, ABUTTING LOTS 9, 10, 11 AND 12, BLOCK 36, AMENDED PLAT OF FAIRHAVEN, WHATCOM CO., WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 2 OF PLATS, PAGE 11, RECORDS OF THE AUDITOR'S OFFICE OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN THE CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.



EXHIBIT 'C'

SITUATE IN A PORTION OF THE SE 1/4 F THE SW 1/4 OF SECTION 1, TOWNSHIP 37 NORTH,
RANGE 2 EAST, W.M., CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON



= EASEMENT EXTINGUISHMENT AREA

TP#370201 154057 0000
1401 12TH STREET
NNN OPP OWNER VI LLC

BLOCK 60



**PACIFIC SURVEYING
& ENGINEERING, INC.**

909 Squallcum Way, Suite 111 | BELLINGHAM, WA 98225
T: 360.671.7387 | F: 360.671.4685
WWW.PSESURVEY.COM | INFO@PSESURVEY.COM

