

ORDINANCE NO. 1584

AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY WITHIN
THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

WHEREAS, the City of Lynden heretofore declared its intention to vacate a portion of public right-of-way, south of Terrace Drive (“the vacation”); and fixed the date of the July 15, 2019 as the date for a public hearing on the vacation; and

WHEREAS, as required by LMC 17.21.030 and RCW 35.79.020, notices were duly mailed on June 19, 2019, posted in three public places and on the street where the vacate is proposed; and

WHEREAS, no adjoining property owner submitted a protest to the vacation; and

WHEREAS, on July 15, 2019, the City Council of the City of Lynden did convene and hold a public hearing on the vacation and has determined to grant the same; and

WHEREAS, the Lynden City Council has determined that future development to be served by the rights-of-way described in Section 1 (below) and shown on Exhibit A (attached) will be limited, that the portion of the right-of-way to be vacated is not needed by the City, and that the public is best served with the described rights-of-way in private ownership; and

WHEREAS, the City Council has determined that the portion of property located just south of Terrace Drive described in Section 1 and shown on Exhibit A will not be extended, and will not serve as a connector street to other, more widely traveled streets; and

WHEREAS, the City Council has determined that this vacation of public-right-of-way complies with the requirements of RCW 35.79.035(1)(c);

WHEREAS, the City Council accepts the appraised value of \$1500.00 as determined by certified appraiser Peter Suni as of May 24, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, as follows:

Section 1: That the following-described portion of said right-of-way is hereby vacated:

A PORTION OF RIGHT-OF-WAY WITHIN THE PLAT OF MOUNTAIN VIEW TERRACE, AN ADDITION TO THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN WHATCOM COUNTY, WASHINGTON, AFN 940903, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 18 OF SAID PLAT; THENCE SOUTHERLY A DISTANCE OF 88 FEET ALONG THE EAST LINE OF SAID LOT 18 TO A POINT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 17 OF SAID PLAT; THENCE SOUTHERLY ALONG A NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 63.57 FEET, SAID CURVE ALSO BEING THE EAST LINE OF SAID LOT 17, TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE CONTINUING ALONG THE SAME SAID CURVE TO THE RIGHT AN ARC LENGTH OF 32.81 FEET ALONG THE NORTHEAST LINE OF LOT 16 OF SAID PLAT, TO THE NORTHEAST CORNER OF SAID LOT 16, SAID NORTHEAST CORNER ALSO BEING THE **TRUE POINT OF BEGINNING**. CONTINUING FROM THE **TRUE POINT OF BEGINNING**, ALONG SAME SAID RIGHT CURVE PROJECTED EASTERLY FROM SAID NORTHEAST LINE OF LOT 16 TO THE NORTHWEST CORNER OF LOT 15 OF SAID PLAT; THENCE SOUTHERLY A DISTANCE OF 113.09 FEET ALONG WEST LINE OF SAID LOT 15 TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE WESTERLY A DISTANCE OF 24 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE NORTHERLY A DISTANCE OF 113.09 FEET ALONG THE WEST LINE OF SAID LOT 16 TO THE **TRUE POINT OF BEGINNING**.

COMMONLY DESCRIBED AS: The 24-foot-wide right-of-way that runs between 135 and 136 Terrace Drive, Lynden, WA.

Section 2: The City reserves easements for all utility purposes in their present or future "as built locations.", A water utility easement twenty feet (20') wide is reserved over the vacated area, ten (10) feet on each side of the currently-existing water line. A sewer utility easement ten feet (10') wide is reserved over the vacated area, five (5) feet on each side of the currently-existing sewer line.

Section 3: This vacation is conditioned on the owners of Lots 15 and 16 of Mountain Terrace Plat granting an easement for access and private utilities for the benefit of all lots in Van Dragt Short Plat, which easement shall be recorded immediately prior to the recording of this ordinance.

Section 4: That a certified copy of this ordinance be sent to the Auditor of Whatcom County, Washington, and recorded by said Whatcom County Auditor.

Section 5: This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, otherwise as provided by law, five days after the date of its publication.

PASSED by the City Council this _____ day of _____, 2019.

Signed and approved by the Mayor this _____ day of _____, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

State of Washington
County of Whatcom

Signed by Mayor Scott Korthuis and attested by Pam Brown before me on this ___ day of _____, 2019.

NOTARY PUBLIC, in and for the
State of Washington, residing at
