

ORDINANCE NO. 1587

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

WHEREAS, City of Lynden ("City"), considered the vacation of a portion of the right-of-way easement for the extension of 17th Street ("Right of Way Easement") resulting from the Settlement Agreement between Marina Timmermans ("Timmermans") and the City of Lynden executed on or about October 29, 2013, a copy of which is attached hereto as EXHIBIT A; and

WHEREAS, Timmermans remains the owner of the properties subject to the Settlement Agreement relevant to this ordinance; and

WHEREAS, Timmermans and the City have executed a Real Property Exchange Agreement, which is attached hereto as EXHIBIT B, and the purpose of which is to move the Right of Way Easement approximately eight (8) feet to the West; and

WHEREAS, to accomplish the purpose of the Real Property Exchange Agreement, Timmermans will grant to the City an additional eight (8) foot wide right of way easement on the west side of the existing Right of Way Easement if the City vacates a corresponding eight (8) foot-wide section of the Right of Way Easement on its east side; and

WHEREAS, Timmermans has executed the right of way dedication and deed as required by the Real Property Exchange Agreement, which are attached as EXHIBIT C hereto; and

WHEREAS, the value of the portion of the Right of Way Easement being vacated is equivalent to the value of the right of way easement being dedicated; and

WHEREAS, Chapter 35.79 RCW and LMC 17.21.070 provide the City with the authority to vacate certain rights-of-way by ordinance after a public hearing; 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 portion of the Right of Way Easement described in Section 1 (below) and shown on Exhibit A (attached) will be limited, that the portion of the Right of Way Easement to be vacated is not needed by the City, and that the public is best served with the described portion of the Right of Way Easement in private ownership;

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:

That portion of the Southwest Quarter of the Northeast Quarter, Section 19, Township 40 North, Range 3 East, W.M. in Whatcom County, WA and within Lots B and C of the Timmermans Lot Line Adjustment recorded at Auditor's File Number 2021003073, records of said County, and a portion of Lot 3 of the Timmermans Short Plat recorded at Auditor's File Number 1530446, said records, and described as follows:

Commencing at the northwest corner of said Lot B of Timmermans Lot Line Adjustment; thence coincident with the north line of Lot B North 89°16'44" East with basis of bearing being the City of Lynden Survey Monument Network (North 89°05'32" East per record) a distance of 90.10 feet to the **True Point of Beginning**; thence leaving said boundary southerly on a tangent curve to the right with a radius of 13.00 feet through a central angle of 90°00'00" an arc distance of 20.42 feet to the point of tangency; thence South 00°43'16" West 117.19 feet to a point on the common boundary of said Lots B and C; thence continuing South 00°43'16" East 60.06 feet to the point of tangency of a curve to the left having a radius of 230.00 feet; thence along said curve through a central angle of 43°13'06" an arc length of 173.49 feet to the point of a reverse curve having a radius of 470.00 feet; thence along said curve through a central angle of 4°52'16" an arc length of 39.96 feet to the most southerly of the southeast corners of said Lot C; thence leaving said curve and coincident with the easterly boundary of said Lot C North 1°58'06" East (North 0°20'22" East per record) 90.68 feet to a Point of Curvature of a curve to the right having a radius point North 55°53'32" East 170.00 feet; thence along said curve northwesterly through a central angle of 34°49'44" an arc length of 103.34 feet to the point of tangency; thence North 0°43'16" East 177.25 feet to the point of curvature of a curve to the right having a radius of 13.00 feet; thence through a central angle of 90°00'00" an arc distance of 20.42 feet to a point on said north line of Lot B; thence coincident with said north line South 89°16'44" West 86.00 feet to the true point of beginning.

Commonly Described As: the unimproved right of way easement extending north from the current northern terminus of 17th Street to an intersection with Main Street, Lynden, Washington.

Section 2: That a certified copy of this ordinance be sent to the Auditor of Whatcom County, Washington, and recorded by said Whatcom County Auditor.

Section 3: 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
