

**ORDINANCE NO. 1613**

AN ORDINANCE VACATING A PORTION OF DIVISION STREET WITHIN THE  
CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

WHEREAS, the City of Lynden heretofore declared its intention to vacate a portion of Bradley Meadows Lane ("the vacation"); and fixed the date of the December 21, 2020 as the date for a public hearing on the vacation; and

WHEREAS, notices were duly mailed on December 2, 2020 and published in the Lynden Tribune on December 2, 2020, and posted in accordance with RCW 35.79.020; and

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

WHEREAS, on December 21, 2020, 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 Bradley Meadows Lane described in Section 1 and shown on Exhibit C will not be extended, or needed to serve as a connector street to other, more widely traveled streets; and

WHEREAS, the City Council has determined that this partial street vacation complies with the requirements of RCW 35.79.035(1)(c);

WHEREAS, the City Council accepts the following: The property was originally dedicated as part of a plat in anticipation of the City needing to construct cul-de-sac on a dead-end road. The property immediately to the north was platted and the road continues north with provision for vehicle return therefore the cul-de-sac was never constructed and will not be needed in the future. Considering these unique circumstances combined with the planned dedication of right of way by the property owner for the needed extension/completion of Foxtail street, it seems unreasonable for the City to charge the applicant for the property previously donated. Therefore, the recommendation to not charge the applicant the assessed value of the property.

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 Bradley Meadows Lane right-of-way is hereby vacated:

DESCRIPTION OF STREET VACATION. PARCEL NO. 400316 442220 0000 BEGINNING AT THE NORTHEAST CORNER OF LOT 1, HATCH LOT LINE ADJUSTMENT, ACCORDING TO THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2060403412, RECORDS OF WHATCOM COUNTY, WASHINGTON, ALSO BEING A POINT ON A CURVE TO THE LEFT HAVING A RADIAL BEARING OF SOUTH 86° 07' 10" EAST; THENCE ALONG SAID CURVE HAVING A RADIUS OF 55.00 FEET, THROUGH A CENTRAL ANGLE OF 49° 44' 17" FOR AN ARC LENGTH OF 47.74 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 46° 34' 03" FOR AN ARC LENGTH OF 20.32 FEET; THENCE NORTH 00° 42' 26" EAST A DISTANCE OF 59.50 FEET; THENCE NORTH 85° 32' 14" WEST A DISTANCE OF 24.97 FEET TO THE POINT OF BEGINNING. SITUATE IN WHATCOM COUNTY, WASHINGTON.

**COMMONLY DESCRIBED AS:** 913 square feet of right-of-way on the west side of Bradley Meadows Lane abutting 1519 Bradley Meadows Lane, Lynden.

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 \_\_\_\_\_, 2020. Signed and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
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  
\_\_\_\_\_

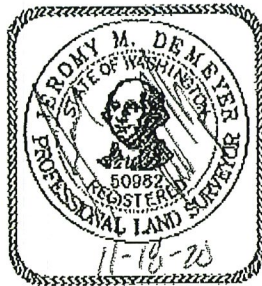
# EXHIBIT "A"

LEGAL DESCRIPTION  
PARCEL NO. 400316 442220 0000

LOT 1, HATCH SHORT PLAT, ACCORDING TO THE MAP THEREOF, RECORDED UNDER  
WHATCOM COUNTY AUDITOR'S FILE NO. 2060403412, RECORDS OF WHATCOM  
COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS  
AND/OR AGREEMENTS OF RECORD, IF ANY.

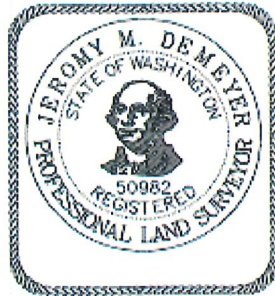


# EXHIBIT "B"

## DESCRIPTION OF STREET VACATION PARCEL No. 400316 442220 0000

**BEGINNING** AT THE NORTHEAST CORNER OF LOT 1, HATCH LOT LINE ADJUSTMENT, ACCORDING TO THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE No. 2060403412, RECORDS OF WHATCOM COUNTY, WASHINGTON, ALSO BEING A POINT ON A CURVE TO THE LEFT HAVING A RADIAL BEARING OF SOUTH 86° 07' 10" EAST; THENCE ALONG SAID CURVE HAVING A RADIUS OF 55.00 FEET, THROUGH A CENTRAL ANGLE OF 49° 44' 17" FOR AN ARC LENGTH OF 47.74 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 46° 34' 03" FOR AN ARC LENGTH OF 20.32 FEET; THENCE NORTH 00° 42' 26" EAST A DISTANCE OF 59.50 FEET; THENCE NORTH 85° 32' 14" WEST A DISTANCE OF 24.97 FEET TO THE **POINT OF BEGINNING**.

SITUATE IN WHATCOM COUNTY, WASHINGTON.



# EXHIBIT "C"

## DEPICTING STREET VACATION

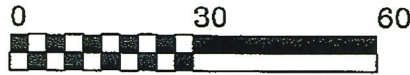
PTN: NE 1/4, SE 1/4 AND NW 1/4, SE 1/4 OF SECTION 16,  
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,  
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON  
NE CORNER  
LOT 1

N 85°32'14"W 338.40'  
313.43'

YARROW COURT

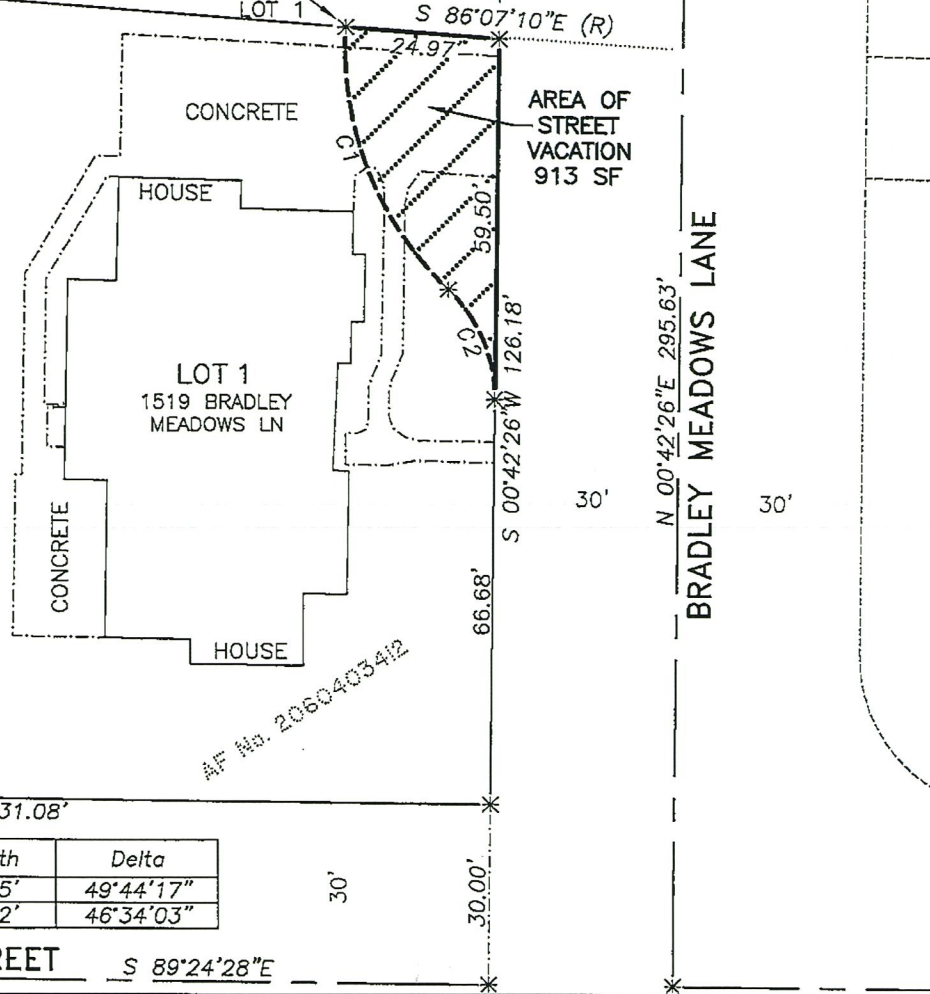


HATCH LOT LINE ADJUSTMENT



SCALE: 1 INCH = 30 FEET

BASIS OF BEARINGS =  
CITY OF LYNDEN SURVEY  
MONUMENT NETWORK



N 89°24'28"W 331.08'

Curve	Radius	Length	Delta
C1	55.00'	47.75'	49°44'17"
C2	25.00'	20.32'	46°34'03"

# CITY OF LYNDEN



## TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	December 14, 2020
Project Name:	Vacate #20-02, Bradley Meadows Lane
Applicant:	City of Lynden
Property Owner:	City of Lynden
Site Address:	Adjacent to 1519 Bradley Meadows Lane
Zoning Designation:	RMD
Application Type:	Street Vacate
Parcel Size:	
Hearing Type:	Quasi-Judicial
Hearing Objective:	To determine whether the City of Lynden should vacate the right-of-way
Date application determined complete:	November 23, 2020
Date of Publication:	December 2, 2020
SEPA Determination:	SEPA Exempt per WAC 197-11-800(i)
Project Description:	The applicant is seeking the vacation along the west side of Bradley Meadows Lane, abutting the 1519 Bradley Meadows Lane parcel.

### Summary:

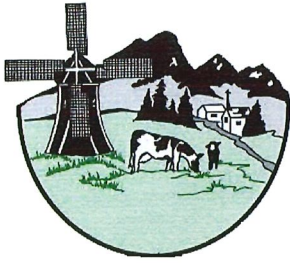
The property in question is located just west of 1519 Bradley Meadows Lane. The property was originally dedicated as part of a plat in anticipation of the City needing a cul-de-sac on a dead-end road. The property immediately to the north was platted subsequently and the road continues north therefore the cul-de-sac was never constructed and will not need to be constructed in the future.

The right-of-way property in question is approximately 913 square feet.

### Review Comments:

1. *Transportation and Circulation:* Staff has determined that at this time, the right-of-way is not necessary for transportation circulation or public safety access.

2. *Utility Easement Required:* To allow future maintenance and access for City and franchise utilities, a 10-foot easement will need to be retained over the area being vacated. This easement will run along the easternmost 10 feet adjacent to the unvacated right of way and will match the utility easement on the property to the north.
  
3. *Appraisal:* As mentioned above, the property was originally dedicated as part of a plat in anticipation of the City needing to construct cul-de-sac on a dead-end road. The property immediately to the north was platted and the road continues north with provision for vehicle return therefore the cul-de-sac was never constructed and will not be needed in the future. Considering these unique circumstances combined with the planned dedication of right of way by the property owner for the needed extension/completion of Foxtail street, it seems unreasonable for the City to charge the applicant for the property previously donated. Therefore, the recommendation to not charge the applicant the assessed value of the property.



# City of Lynden

## APPLICATION FOR VACATION OF CITY RIGHT-OF-WAY

### APPLICANT

Name: City of Lynden, Public Works Department, Steve Banham, Director

Address: 300 4th Street, Lynden WA 98264

Telephone Number: (360) 354-3446 Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Banhams@lyndenwa.org

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner  Applicant

Location of property to be vacated (give brief, common description & attach a complete legal description):

This is an existing City ROW originally intended to provide space for construction of a cul-de-sac in the Hatch Short Plat (See attached exhibit and legal description)

The property is 24.97 x 59.5 = 913 square feet

Provide a brief description of the reason for seeking the vacation (attach additional sheets if necessary):

This property was originally dedicated as part of a plat in anticipation of the City needing a cul-de-sac on a dead end road. The property immediately to the north was platted subsequently and the road continues north therefore the cul-de-sac was never constructed and will not need to be constructed in the future.

Provide a brief summary outlining the effect of the proposed vacation on the surrounding area (attach additional sheets if necessary):

This vacation would remove this unusable remnant of ROW and put the property to beneficial use. This vacation is balanced by a planned dedication of ROW for the extension of Foxtail Street by the same property owner. The vacated property is significantly less than the Foxtail ROW to be dedicated to the City.

*Steve Banham*  
 Applicant's Signature: Steve Banham Digitally signed by Steve Banham Date: 2020.11.23 15:25:25 -08'00' Date: 11/23/20

Property Owner's Signature: Steve Banham Digitally signed by Steve Banham Date: 2020.11.23 15:25:44 -08'00' Date: 11/23/20

Property Owner's Printed Name: Steve Banham, Public Works Director Date: 11/23/20

PRE-APPLICATION MEETING DATE: \_\_\_\_\_ HEARING DATE: \_\_\_\_\_

(APPLICATIONS WILL NOT BE ACCEPTED WITHOUT FIRST HAVING A PRE-APPLICATION MEETING)

FEE'S PAID (\$300.00) : \_\_\_\_\_ DATE PAID: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_



# EXHIBIT "C"

## DEPICTING STREET VACATION

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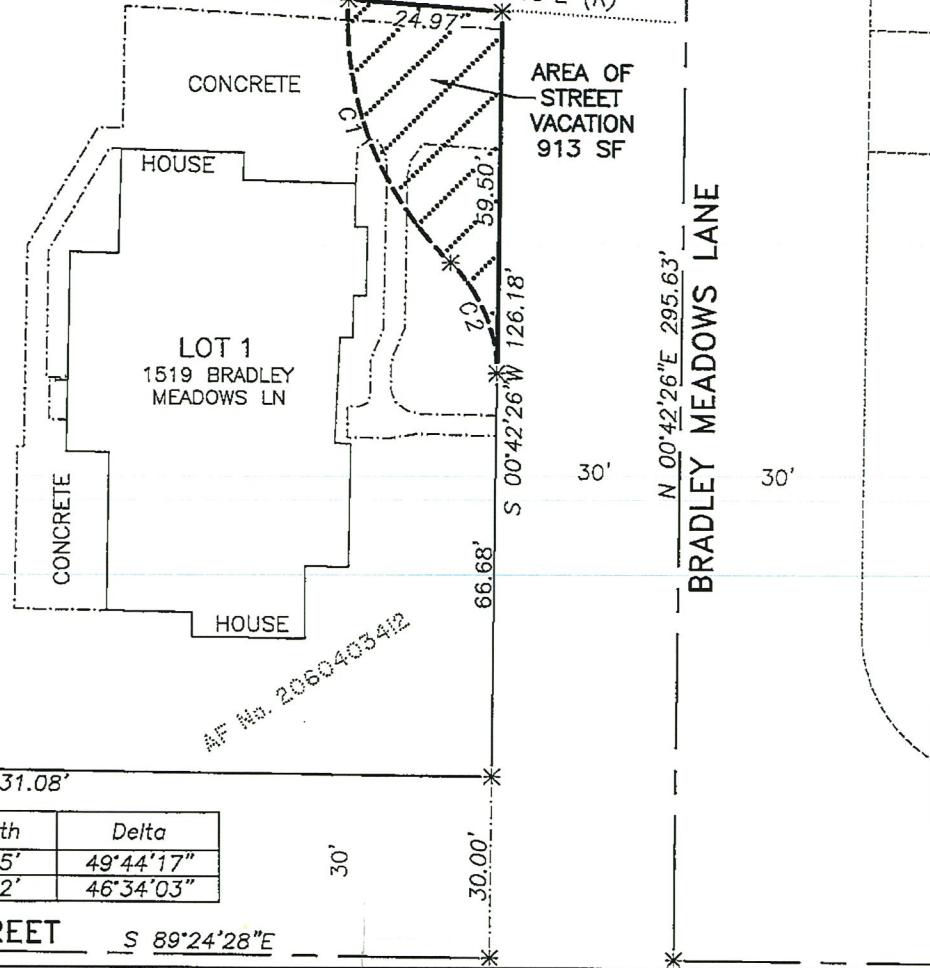
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