

RESOLUTION NO. 2009-22

**A RESOLUTION FIXING THE TIME FOR A PUBLIC HEARING ON THE PROPOSED VACATION OF THE NORTHERN HALF OF COWGILL AVENUE ABUTTING BLOCK 147, PLAT OF FAIRHAVEN LAND COMPANY'S SECOND ADDITION TO FAIRHAVEN, GENERALLY BETWEEN 19<sup>TH</sup> AND 20<sup>TH</sup> STREETS, AS SHOWN ON EXHIBIT A.**

**WHEREAS**, the Planning and Community Development Department and the Technical Review Committee have considered the petition of Dan Parcher, Kevin Moore, and the City of Bellingham for the vacation of a portion of Cowgill Avenue associated with Block 147, Fairhaven Land Company's Second Addition to Fairhaven, generally between 19<sup>th</sup> and 20<sup>th</sup> Streets as shown on Exhibit A and legally described on Exhibit B;

**WHEREAS**, following a public hearing on February 10, 2009, the Hearing Examiner recommended approval to vacate the alley within the same block;

**WHEREAS**, the street and alley vacations are being coordinated with a preliminary plat application and future daylighting of Padden Creek.

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

That a public hearing be held before the Hearing Examiner in the Council Chambers of the City of Bellingham, Washington, located at 210 Lottie Street on the **12<sup>th</sup> of August, 2009 at the hour of 6:00 P.M.**, and that any protests in writing or oral to the proposed vacation be considered at said time and place.

**BE IT FURTHER RESOLVED** that the City Council delegates the duty of conducting the public hearing on the street vacation petition to the Hearing Examiner, who shall forward findings of fact, conclusions of law, and a recommendation to the City Council for final action. The Hearing Examiner shall also make available to the Council a transcript of the hearing together with exhibits.


**BE IT FURTHER RESOLVED** that the Finance Director shall post notices of said hearing as required by law.

**PASSED** by Council this 13th day of July, 2009.

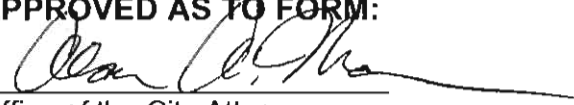
  
Council President

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

APPROVED by me this 20<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
Finance Director

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Office of the City Attorney

Published: July 17, 2009

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the **CITY OF BELLINGHAM HEARING EXAMINER** will hold a public hearing on **August 12, 2009**, at 6:00 P.M., or as soon thereafter as possible, in the City Council Chambers, City Hall, 210 Lottie Street, Bellingham, Washington, where a street vacation petition shall be heard for the following:

**VACATION OF THE NORTHERN HALF OF COWGILL AVENUE  
ABUTTING BLOCK 147, PLAT OF FAIRHAVEN LAND COMPANY'S  
SECOND ADDITION TO FAIRHAVEN, GENERALLY BETWEEN 19<sup>TH</sup>  
AND 20<sup>TH</sup> STREETS, AS SHOWN ON EXHIBIT A.**

Anyone wishing to comment in favor of, or in objection to the proposal, is invited to attend the hearing, or if unable to attend, to present your comments in writing to the Finance Director, Finance Department, 210 Lottie Street, prior to the hearing date.

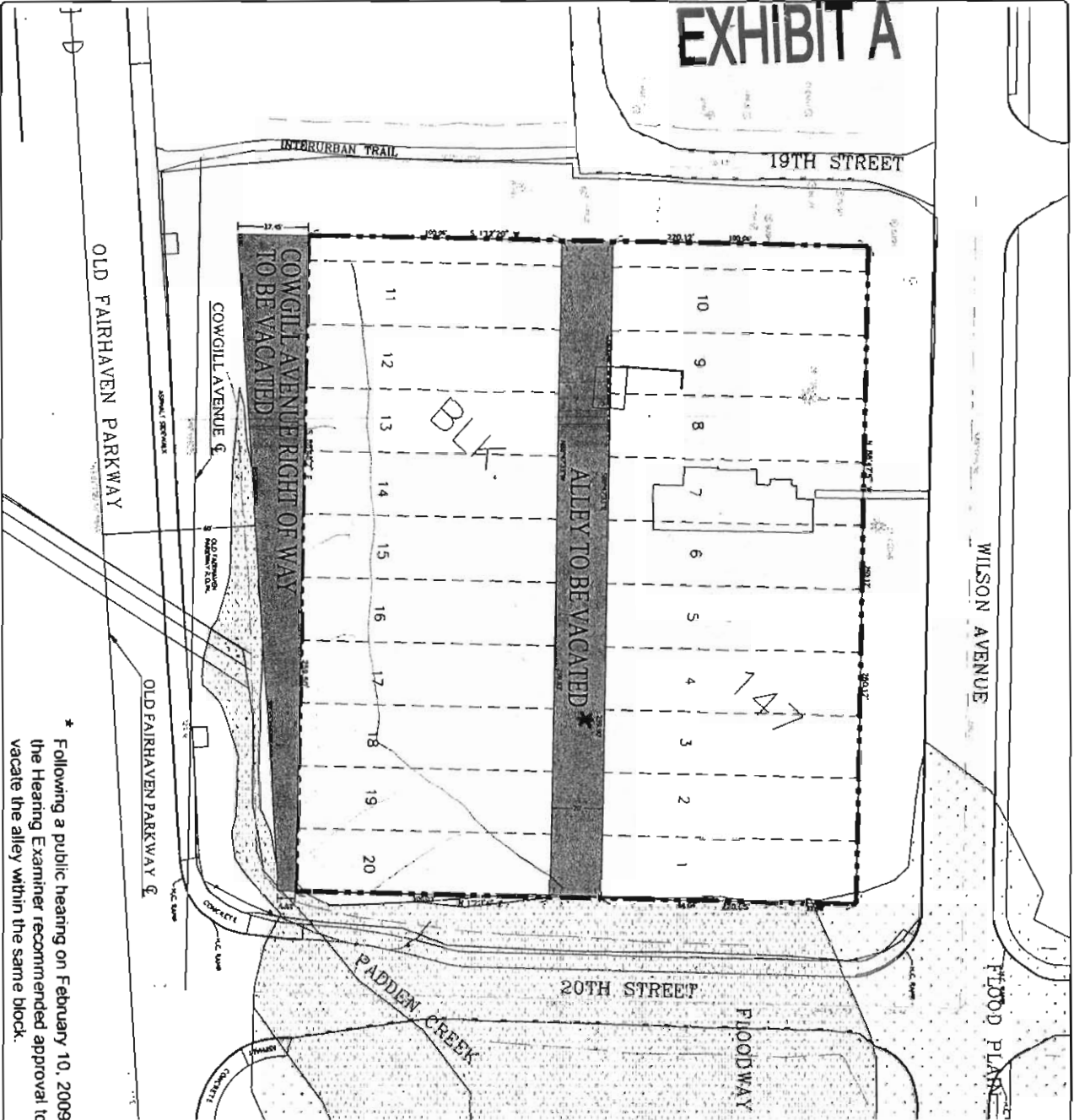
For additional information, contact Chris Koch of the Planning Department at 360-778-8349.

That this notice is given pursuant to the statutes of the State of Washington and by order of the City Council of the City of Bellingham.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the City of Bellingham, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

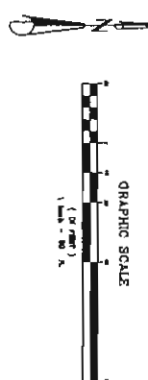
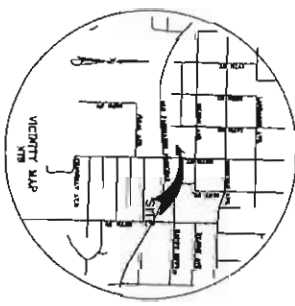
City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

# EXHIBIT A



\* Following a public hearing on February 10, 2009, the Hearing Examiner recommended approval to vacate the alley within the same block.

## PARKWAY GARDENS AMENDED ALLEY & RIGHT OF WAY VACATION



### LEGAL DESCRIPTION FOR ALLEY VACATION

THE ALLEY LYING WITHIN BLOCK 147, "PLAT OF FAIRHAVEN LAND COMPANY'S SECOND ADDITION TO FAIRHAVEN WASHINGTON," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 2 OF PLATS, PAGE 31, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, BOUNDED BY THE FOLLOWING: ON THE NORTH BY LOTS 1 THROUGH 10 ABUTTING; ON THE SOUTH BY LOTS 11 THROUGH 20 ABUTTING; ON THE EAST BY THE WEST RIGHT OF WAY MARGIN OF 20th STREET AND ON THE WEST BY THE EAST RIGHT OF WAY MARGIN OF 19th STREET AFTER VACATION ORDINANCE NO. 6817

### LEGAL DESCRIPTION FOR COWGILL AVENUE R.O.W. VACATION

CONCERNING AT THE SOUTHEAST CORNER OF LOT 20, BLOCK 147, "PLAT OF FAIRHAVEN LAND COMPANY'S SECOND ADDITION TO FAIRHAVEN, WASHINGTON," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 2 OF PLATS, PAGE 31, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, THENCE SOUTH 01°23'41" WEST ALONG THE EAST LINE OF BLOCK 147 PROJECTED 4.82 FEET TO INTERSECT THE NORTHERLY RIGHT OF WAY MARGIN OF STATE ROUTE 11 (COMMONLY KNOWN AS OLD FAIRHAVEN PARKWAY), THENCE SOUTH 86°39'17" WEST ALONG SAID MARGIN, 260.30 FEET TO INTERSECT THE PROJECTION OF THE EASTERLY RIGHT OF WAY MARGIN OF 19TH STREET AS NOW Laid OUT BY VACATION ORDINANCE NUMBER 6817, THENCE NORTH 01°12'07" EAST ALONG SAID PROJECTION, 274.57 FEET; THENCE SOUTH 89°48'07" EAST ALONG THE SOUTH LINE OF BLOCK 147 AND ITS PROJECTION, 299.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.66 SQUARE FEET MORE OR LESS  
CASCADE LAND DEV. 2401003

**PARKWAY GARDENS**  
Cascade Land Development  
Bellingham, WA

Amended Alley & Right of Way Vacation

September 23, 2008  
1 OF 1

No.	Revised by	Comments	Date

PROJECT NO. 10410

CONFIDENTIALITY AND COPYRIGHT NOTICE  
UNAUTHORIZED DISCLOSURE OR COPYING OF THE CONTENTS OF THIS DOCUMENT IS PROHIBITED.  
COPYRIGHT 2008

**WEDEN ENGINEERING, LLC**  
Civil Engineering • Planning • Project Management

2636 Halsey Street, Bellingham, WA 98226  
(360) 240-1341 (360) 240-2415 Fax  
www.wedenengineering.com



NOT APPROVED FOR CONSTRUCTION

## Exhibit B

### COWGILL AVENUE AND ALLEY RIGHTS OF WAY TO BE VACATED

COMMENCING AT THE SOUTHEAST CORNER OF LOT 20, BLOCK 147, "PLAT OF FAIRHAVEN LAND COMPANY'S SECOND ADDITION TO FAIRHAVEN, WASHINGTON," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 2 OF PLATS, PAGE 32, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE; THENCE SOUTH  $01^{\circ}23'43''$  WEST ALONG THE EAST LINE OF BLOCK 147 PROJECTED, 6.82 FEET TO INTERSECT THE NORTHERLY RIGHT OF WAY MARGIN OF STATE ROUTE 11 (COMMONLY KNOWN AS OLD FAIRHAVEN PARKWAY); THENCE SOUTH  $86^{\circ}39'17''$  WEST ALONG SAID MARGIN, 260.30 FEET TO INTERSECT THE PROJECTION OF THE EASTERLY RIGHT OF WAY MARGIN OF 19TH STREET AS NOW LAID OUT BY VACATION ORDINANCE NUMBER 6817; THENCE NORTH  $01^{\circ}12'20''$  EAST ALONG SAID PROJECTION, 27.45 FEET; THENCE SOUTH  $88^{\circ}48'02''$  EAST ALONG THE SOUTH LINE OF BLOCK 147 AND ITS PROJECTION, 259.50 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE ENTIRE ALLEY WITHIN BLOCK 147, "PLAT OF FAIRHAVEN LAND COMPANY'S SECOND ADDITION TO FAIRHAVEN, WASHINGTON," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 2 OF PLATS, PAGE 32, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

CASCADE LAND DEV. 2401003