

RETURN TO:

City of Anacortes
P.O. Box 547
Anacortes, WA 98221

ORDINANCE NO. 3087

**AN ORDINANCE VACATING RIGHT-OF-WAY OF A PTN. OF 11TH STREET
ADJACENT TO BLOCKS 242 AND 243, "MAP OF THE CITY OF ANACORTES"**

**THE CITY COUNCIL OF THE CITY OF ANACORTES DOES HEREBY ORDAIN AS
FOLLOWS:**

WHEREAS, per AMC Chapter 12.50 Street and Alley Vacation the City Council, a hearing on the petition or proposal held before the City Council shall be upon the day fixed by resolution or at the time to which a hearing may be adjourned; and

WHEREAS, at the March 1, 2021, City Council meeting a resolution was passed to set a hearing date for April 5, 2021, to consider a petition to vacate right-of-way on 11th Street; and

WHEREAS, the City Council opened the public hearing on said proposal on April 5, 2021 fixed by Resolution 3017 and continued the public hearing to April 19, 2021, and again to May 3, 2021, and agreed to approve the proposal as set-forth below; and

WHEREAS, the City and property owners have entered into a certain Property Agreement, dated December 21, 2020, which provides that, in exchange for the vacation of certain portions of unopened City right-of-way, the City will obtain easements for a public trail along the Guemes Channel waterfront; and

WHEREAS, the City hereby finds that a vacation of the end of 11th Street will provide a significant benefit to the public in the form of increased access to trail easements for the future Guemes Channel Trail; and

WHEREAS, the City hereby finds the end of 11th Street is neither currently required for public use or public access nor anticipated to be needed for public use or access in the future; and

WHEREAS, the City hereby concludes that the substitution of a new and different public way along the Guemes Channel Trail in the future would be more useful to the public; and

WHEREAS, the City hereby finds no possible future public uses to 11th Street which may require this right-of-way; and;

WHEREAS, the City has considered all objections to the proposed vacation; and

WHEREAS, the City hereby finds that Section 12.50.070 AMC, which was adopted in 2020, prohibits the vacation of the proposed strip of right-of-way along B Avenue because the criteria for an exception to the general prohibition against partial vacations provided in Section 12.50.070(B) AMC have not been met, specifically because the vacation of the entire width of B Avenue is possible and the requested partial vacation does not adequately addresses all factors in AMC 12.50.060; and

WHEREAS, the City hereby finds that the proposed compensation meets the requirements of AMC Chapter 12.50; now, therefore

THE CITY COUNCIL OF THE CITY OF ANACORTES, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings of Fact and Conclusions of Law.

All of the recitals are hereby adopted as findings and conclusions.

SECTION 2. Vacations.

The street and alley right-of-way areas within the City of Anacortes described in Exhibit A should be and are hereby vacated.

SECTION 2. Compensation.

Compensation for the vacation shall be in the form of an easement from the Wynn Family Trust for trail purposes. The easement area to be conveyed to the City as compensation are described in Exhibit B.

SECTION 4. Effective Date: This ordinance shall take effect 5 (five) days after execution and recording of the easement described in Section 2 above and publication as required by law.

PASSED AND APPROVED this 10th day of May 2021.

CITY OF ANACORTES:

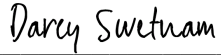
BY: Laurie Gere
Laurie Gere, Mayor

ATTEST:



Steven D. Hoglund, City Clerk Treasurer

APPROVED AS TO FORM:



Darcy J. Swetnam, WSBA #40530
City Attorney

Exhibit A: Vacated Areas

LEGAL DESCRIPTION VACATION #2

TO P56379 WYNN FAMILY TRUST

That portion of Government Lot 5, Section 13, and the Northwest $\frac{1}{4}$ of Section 24, Township 35 North, Range 01 East of the Willamette Meridian more particularly described as follows:

The North $\frac{1}{2}$ of 11th Street lying southerly of Block 242, MAP OF THE CITY OF ANACORTES, per plat recorded in Volume 2 of Plats, pages 4 through 7 inclusive, records of Skagit County, Washington and lying Northerly of Parcel D as described and shown on Record of Survey recorded on July 02, 2013, under Auditors file number 201307020094 records of Skagit County, Washington, and lying Easterly of Parcel B and Parcel C as described and shown on said Record of Survey recorded on July 02, 2013 and lying Westerly of a line beginning at the Southeast corner of said Block 242 and extending to the Northeast corner of Parcel D as described and shown on said Record of Survey recorded on July 02, 2013.

LEGAL DESCRIPTION VACATION #3

TO P56380 ANACORTES 3 LLC

That portion of Government Lot 5, Section 13, and the Northwest $\frac{1}{4}$ of Section 24, Township 35 North, Range 01 East of the Willamette Meridian more particularly described as follows:

The South $\frac{1}{2}$ of 11th Street lying southerly of Block 242, MAP OF THE CITY OF ANACORTES, per plat recorded in Volume 2 of Plats, pages 4 through 7 inclusive, records of Skagit County, Washington and lying Northerly of Parcel D as described and shown on Record of Survey recorded on July 02, 2013, under Auditors file number 201307020094 records of Skagit County, Washington, and lying Easterly of Parcel B and Parcel C as described and shown on said Record of Survey recorded on July 02, 2013 and lying Westerly of a line beginning at the Southeast corner of said Block 242 and extending to the Northeast corner of Parcel D as described and shown on said Record of Survey recorded on July 02, 2013.

Exhibit B: Easement Area

That portion of the Burlington Northern Railroad designated as reserve right-of-way for the Seattle and Northern Railroad as shown on the "MAP OF THE CITY OF ANACORTES, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 2 of Plats, page 4, records of Skagit County, Washington.

TOGETHER WITH a portion of Tract 14 of Plate No. 8 of the tide and shoreline of Section 13, Township 35 North, Range 1 East, W.M., Anacortes Harbor, all being more particularly described as follows:

Beginning at the intersection of 11th Street and "B" Avenue of said Plat; thence North 0°33'35" East along the Northerly projection of the centerline of "B" Avenue, a distance of 217.06 feet to the true point of beginning being an intersection with a curve having a radius point bearing North 20°46'49" West, a radial distance of 985.37 feet; thence Southwesterly along the arc of said curve to the right through a central angle of 2°58'54", an arc distance of 51.28 feet; thence South 72°12'05" West, a distance of 13.20 feet to the beginning of a curve to the left having a radius of 925.36 feet; thence along the arc of said curve through a central angle of 5° an arc distance of 81.88 feet; thence North 8°56'58" West, a distance of 70.47 feet; thence North 62°14'00" East, a distance of 169.11 feet to the intersection with the Northerly projection of the centerline of "B" Avenue; thence South 0°33'35" West, a distance of 98.99 feet to the true point of beginning.

EXCEPT the South 10 feet thereof.

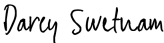
Certificate Of Completion

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Source Envelope:	
Document Pages: 5	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	City Clerk
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	PO Box 547
	904 6th St
	Anacortes, WA 98221
	cityclerk@cityofanacortes.org
	IP Address: 23.90.91.2

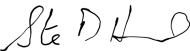
Record Tracking

Status: Original	Holder: City Clerk	Location: DocuSign
5/10/2021 7:12:26 PM	cityclerk@cityofanacortes.org	

Signer Events

Signer Events	Signature	Timestamp
Darcy Swetnam darcys@cityofanacortes.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.90.91.2	Sent: 5/10/2021 7:13:34 PM Viewed: 5/11/2021 9:25:29 AM Signed: 5/11/2021 9:25:38 AM

Electronic Record and Signature Disclosure:
Accepted: 5/11/2021 9:25:29 AM
ID: 005867f9-4a02-4eb6-a756-d19a40e811cd

Steve Hoglund steveh@cityofanacortes.org City Clerk/Treasurer City of Anacortes Security Level: Email, Account Authentication (None)	 Signature Adoption: Drawn on Device Using IP Address: 23.90.91.2	Sent: 5/10/2021 7:13:34 PM Viewed: 5/11/2021 9:24:46 AM Signed: 5/11/2021 9:26:15 AM
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Electronic Record and Signature Disclosure:
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Laurie Gere laurieg@cityofanacortes.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.90.91.2	Sent: 5/10/2021 7:13:34 PM Viewed: 5/11/2021 12:33:52 PM Signed: 5/11/2021 12:34:02 PM
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	5/11/2021 12:34:02 PM
Completed	Security Checked	5/11/2021 12:34:02 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

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Screen Resolution:	800 x 600 minimum
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