

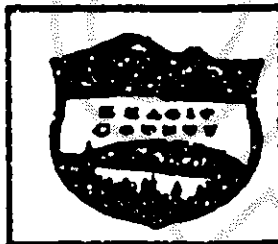
KATHY HILL  
SKAGIT COUNTY CLERK

STATE OF WASHINGTON,  
County of Skagit

9601230032

'96 JAN 23 AM 21

RECORDED FILED  
REQUEST OF Public Works



**ORDER VACATING COUNTY ROAD**

In the matter of the request by  
SKAGIT COUNTY PUBLIC WORKS DEPARTMENT, ET, AL.,

For the vacation of a County road known as:  
BENBENS-KILLITT ROAD #45820

In the matter of the vacation of a County road requested by Skagit County  
Public Works Department, the Board finds as follows:

FIRST. That the request therefor was filed on the 18th day of December  
1995,.....and.....

SECOND. That.....

THIRD. That on the 18th day of September, 1995, the County Engineer was  
duly directed to examine said right-of-way and make a report in writing on the  
same.

FOURTH. That on the 8th day of January, 1996, the County Engineer filed  
in the office of the Board his/her report in  
writing.....  
....., as provided by law.

FIFTH. That by an order duly passed by this Board on the 18th day of  
December, 1995, the 8th day of January, 1996, was set for hearing the report of  
the Engineer, and the consideration thereof, and that notice of the time and  
place where said hearing would be held was given by publication and posting as  
provided by law.

SIXTH. That said report of the County Engineer shows:  
That in his/her opinion said road should be vacated.  
That said right-of-way is not of any use to the general public.  
That it will not be advisable to preserve the same for  
a road system in the future.  
That the public will be benefitted by its vacation.

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
JAN 28 1996  
Amount Paid to  
Skagit Co. Treasurer  
by  
Deputy

**That:**

1. The road is used as part of the dike levee system along the bank of the Skagit River.
2. Dike District #1 has a dike easement along the full length of the road and has requested the road be vacated so they can repair and maintain the dike.
3. Dike District #1 has agreed to provide access to property owners who live along the road and to assure access for services to those residents via the road.
4. A portion of the existing roadway and dike are annexed into the city limits and the city has expressed the desire to have the remaining portion of this road vacated.

and;

the Board having examined the report of the Engineer, and all other papers on file in the proceedings, and heard and considered all testimony and documentary evidence produced for and against the vacation of the road, and the Board being satisfied that said right-of-way will not be useful as a part of a general road system, and that the public will be benefitted by its vacation, did unanimously vote to vacate said road right-of-way described as follows:

In Southeast 1/4 of Section 24, Township 34 North, Range 3 East, W.M., and the Southwest 1/4 of Section 19, Township 34 North, Range 4 East, W.M.;

that portion of the Behrens-Millet Road as it exist to date, beginning at milepost .54 on the Penn Road # 4581, a County road, thence running in a northeasterly direction along the top of the levee for approximately .77 miles to the current Mount Vernon city limits. Said right-of-way to be vacated to the ownership of Dike District 1, a Municipal Corporation, for a total distance of 4065 feet, more or less and a width of 40 feet; also,

that portion of right-of-way, if any, owned by Skagit County as described in the original petition for the Behrens-Millet Road #4582 dated February 24, 1891, which may, all or in part, lie within the Skagit River and which shall be vacated back to the abutting property owners of record.

**Less any franchises and easements of record.**

It is Ordered by the Board, all the members concurring, that the County road requested to be vacated by SKAGIT COUNTY PUBLIC WORKS DEPARTMENT, ET, AL., be vacated upon payment of all costs, if any, and the Clerk of the Board is directed to make a statement in writing of all costs and expenses incurred in the same proceedings and file the same with the County Treasurer, who shall proceed to collect the same as follows below if directed to do so by the Board:

Estimated Cost Bill

Auditor's Fee	\$ 15.00
Engineer's Costs	20.00
Publication Costs	35.00
Total Cost	\$ 70.00

Assessed Value of right-of-way to be vacated: 162,600 sq.ft.  
@ .05 per sq. ft.  
\$ 8,130.00

Cost of public hearing: \$ 70.00

Total Costs: \$ 8200.00

Less any easements or franchises of records.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
Ted W. Anderson  
TED ANDERSON, Chairman

Harvey Wolden  
HARVEY WOLDEN, Commissioner

Robert Hart  
ROBERT HART, Commissioner

ATTEST: Debby Sims  
DEBBY SIMS, Clerk of the Board

In the Matter of the request of  
**SKAGIT COUNTY PUBLIC WORKS ET. AL.,**  
for the vacation of County  
road known as:

***FINAL ORDER OF VACATION***

**BEHRENS-MILLETT ROAD #45820**

The Board having on the 8th of January, 1996, ordered the vacation of said right-of-way upon payment by the principal petitioner of all costs and expenses incurred in the proceedings, as directed by the Board and said costs and expenses, if any, amounting to the sum of \$ 0.00 having been paid to the Treasurer of this County;

It is Ordered by the Board, all the members concurring, that the County right-of-way requested to be vacated by **SKAGIT COUNTY PUBLIC WORKS, ET. AL.**, be vacated as follows:

In Southeast 1/4 of Section 24, Township 34 North, Range 3 East, W.M., and the Southwest 1/4 of Section 19, Township 34 North, Range 4 East, W.M.;

that portion of the Behrens-Millett Road as it exist to date, beginning at milepost .54 on the Penn Road # 4581, a County road, thence running in a northeasterly direction along the top of the levee for approximately .77 miles to the current Mount Vernon city limits. Said right-of-way to be vacated to the ownership of Dike District 1, a Municipal Corporation, for a total distance of 4065 feet, more or less and a width of 40 feet; also,

that portion of right-of-way, if any, owned by Skagit County as described in the original petition for the Behrens-Millett Road #4582 dated February 24, 1891, which may, all or in part, lie within the Skagit River and which shall be vacated back to the abutting property owners of record.

Less any franchises and easements of record.

Done this 16 day of January, 1996.



BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson  
TED ANDERSON, Chairman

Harvey Wolden  
HARVEY WOLDEN, Commissioner

Robert Hart  
ROBERT HART, Commissioner

ATTEST: Debby Sins  
DEBBY/SINS, Clerk of the Board