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04/04/2019 12:19 PM Pages: 1 of 5 Fees: \$103.00  
Skagit County Auditor

**Return Address**

Oak Street Lofts, LLC  
504 E. Fairhaven Ave.  
Burlington, WA 98233

**WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)**

<b>Document Title(s)</b> (or transactions contained therein): (all areas applicable to your document <b>must</b> be filled in)	
1. <u>City of Burlington Ordinance No.. 1873</u>	2. _____
3. _____	4. _____
<b>Reference Number(s) of Documents assigned or released:</b>	
<input type="checkbox"/> Additional reference #s on page _____ of document(s)	
<b>Grantor(s)</b> Exactly as name(s) appear on document	
1. <u>City of Burlington</u>	_____
2. _____	_____
Additional names on page _____ of document	
<b>Grantee(s)</b> Exactly as name(s) appear on document	
1. <u>Owners of property abutting the vacated street</u>	_____
2. _____	_____
Additional names on page _____ of document	
<b>Legal Description</b> (abbreviated: i.e., lot, block, plat or section, township, range)	
<i>That portion of Hazel Avenue lying west of the west boundary of North Oak Street and east of the east boundary of the Burlington Northern Railroad right-of-way</i>	
Full legal is on page <u>4</u> of document	
<b>Assessor's Property Tax Parcel/Account Number</b>	<input type="checkbox"/> Assessor Tax # not yet assigned
P71451, P71458	
Additional tax parcel number(s) on page _____ of document	
The Auditor/Recorder will rely in the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.	

**ORDINANCE NO. 1873**

**AN ORDINANCE OF THE CITY OF BURLINGTON, WASHINGTON IN THE MATTER OF A PETITION TO VACATE A PORTION OF HAZEL AVENUE**

**WHEREAS**, the City received a petition to vacate a portion of Hazel Avenue on January 3, 2019; and

**WHEREAS**, the same property owner owns the property on both sides of the street subject to the petition; and

**WHEREAS**, the legal description of the right-of-way included in the vacation petition is: All that portion of Hazel Avenue lying south of Lots 11 through 13 of Block 24 and North of Lots 1 and 2 of Block 25, AMENDED PLAT OF BURLINGTON, as per plat recorded in Volume 3 of Plats, page 17, records of Skagit County, lying west of the west boundary of North Oak Street and east of the east boundary of the Burlington Northern Railroad right of way; and

**WHEREAS**, street vacations are governed by Chapter 35.79 RCW; and

**WHEREAS**, RCW 35.79.010 requires that vacation petitions be considered at a public hearing; and

**WHEREAS**, RCW 35.79.010 requires the date of the hearing to be set by resolution; and

**WHEREAS**, on January 24, 2019 the City Council set, by Resolution 02-2019, a date for a hearing on the proposed street vacation; and

**WHEREAS**, the hearing on the proposed street vacation was set for March 28, 2019; and

**WHEREAS**, in accordance with the requirements of RCW 35.79.020 notice of the hearing on the proposed street vacation was posted at the site of the proposed vacation, in three city buildings, and mailed to all adjoining property owners and utility companies; and

**WHEREAS**, in addition to meeting the requirements of RCW 35.79.020 the City published a notice of the hearing in the Skagit Valley Herald; and

**WHEREAS**, following the notice procedures identified above the City provided a fifteen day period for public comment; and

**WHEREAS**, the City did not receive any comments on the proposed street vacation; and

**WHEREAS**, the proposed street vacation has been reviewed by the City Planning Department and the City Public Works Department; and

**WHEREAS**, the Planning Department has concluded the proposed vacation is consistent with all applicable municipal code requirements and comprehensive plan policies; and

**WHEREAS**, the Public Works Department has concluded that the right-of-way proposed for vacation is of little value to the City and cannot be extended due to railroad right of way; and

**WHEREAS**, the Public Works Department reviewed an Appraisal Report prepared by a certified appraiser and concluded the appraisal of \$44,000 was reached using appropriate methods and represents the true fair market value of the right-of-way included in the proposed vacation; and

**WHEREAS**, the Planning Department has documented a shortage of available land for attached housing development and the proposed street vacation may further the city's economic development interests by allowing development of the site and providing additional land for attached housing.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGTON DO ORDAIN AS FOLLOWS:**


**SECTION I.** The portion of Hazel Avenue lying west of the North Oak Street, as shown on attached exhibit "A", is hereby vacated.

**SECTION II.** In accordance with RCW 35.79.040 title to the land within the limits of the vacated street right-of-way shall vest with the owners of property abutting the vacated street.

**SECTION III.** This vacation shall become effective upon the payment of \$44,000 to the City of Burlington

**INTRODUCED AND PASSED** at a regular meeting of the City Council of the City of Burlington on this 28<sup>th</sup> day of March, 2019.

**THE CITY OF BURLINGTON**

  
\_\_\_\_\_  
Steve Sexton, Mayor

ATTEST:

  
\_\_\_\_\_  
Diane Marcotte  
Interim Finance Director

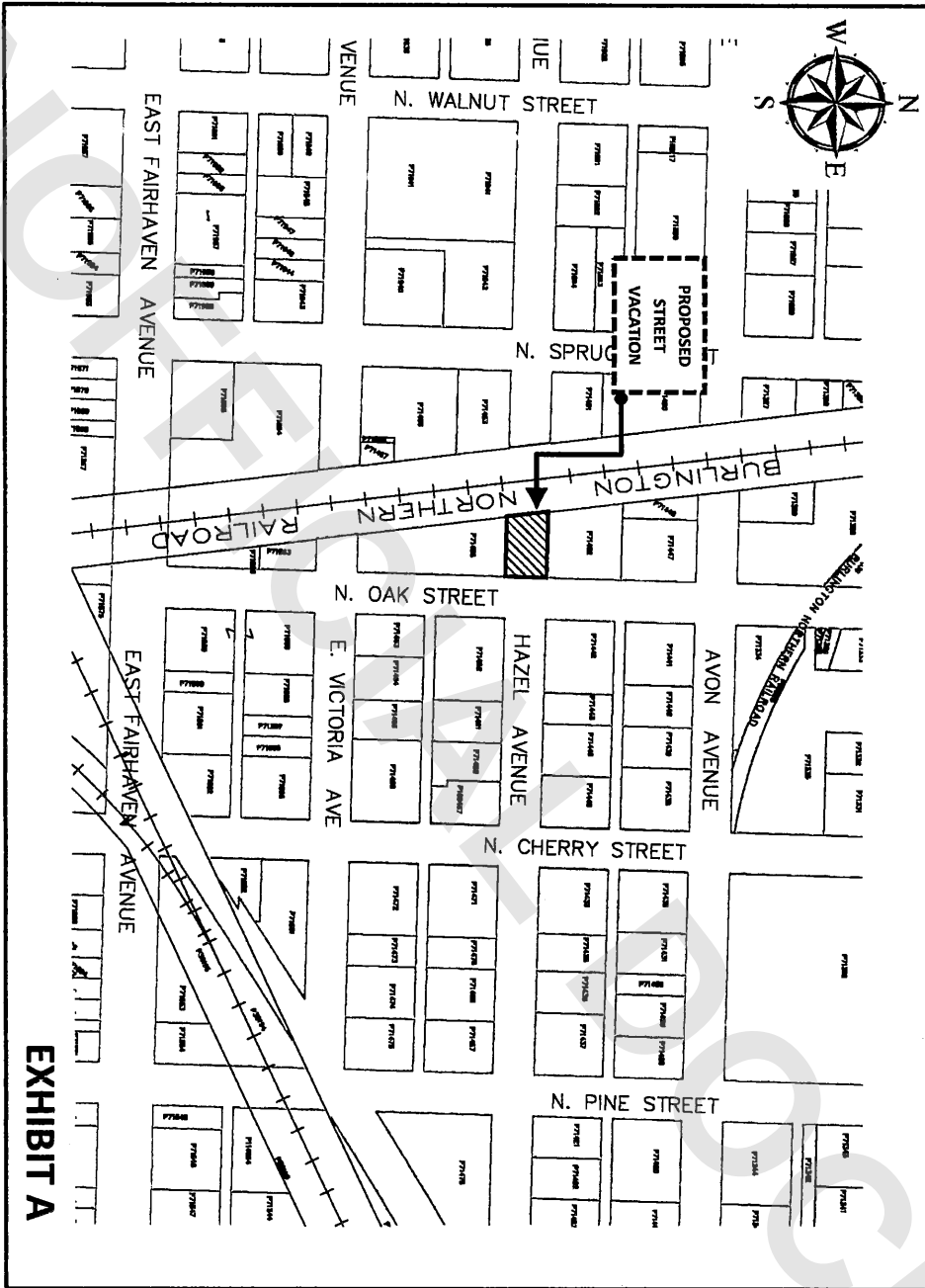
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Leif Johnson, City Attorney

Published: 04/04/2019

Exhibits:

"A" – Map showing location of proposed vacation



DRAFT DOCUMENT

**Legal description for the Vacation of Hazel Avenue.**

All that portion of Hazel Avenue lying south of Lots 11 through 13 of Block 24 and North of lots 1 and 2 of Block 25, AMENDED PLAT OF BURLINGTON, as per plat recorded in volume 3 of Plats, page 17, records of Skagit County, lying west of the west boundary of North Oak Street and east of the east boundary of the Burlington Northern Railroad Right-of-way.

