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07/30/2021 09:50 AM Pages: 1 of 3 Fees: \$205.50  
Skagit County Auditor

Return Address:  
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Document Title: MOUNT VERNON LETTER

Reference Number (if applicable): \_\_\_\_\_

Grantor(s): \_\_\_\_\_  additional grantor names on page \_\_\_\_.

- 1) CITY OF MOUNT VERNON
- 2) \_\_\_\_\_

Grantee(s): \_\_\_\_\_  additional grantor names on page \_\_\_\_.

- 1) ~~MR + MR~~ WILLIAM + NANCY THOMAS
- 2) \_\_\_\_\_

Abbreviated Legal Description: \_\_\_\_\_  full legal on page(s) \_\_\_\_.

Lot 37 Johnson Add to mt. Vernon  
vac 30' strip

Assessor Parcel /Tax ID Number: \_\_\_\_\_  additional parcel numbers on page \_\_\_\_.

P 53313

REVISED  
26 FEB 2021



Mr. and Mrs. Bill Thomas ·  
2130 East Parkland Dr.  
Mount Vernon, WA 98273

February 10, 2021

Dear Mr. and Mrs. Thomas,

This is the City response to your email dated January 14, 2021, you assert that the land adjacent to your property at 2130 E. Parkway Dr. is a right of way. You also assert that the land is a muddy mess and erroneously conclude that the City has responsibility to fix it.

The City does not own the land that sits between your and your neighbor's properties. The dedication in the plat for Johnson's Addition to Mount Vernon merely created an easement for a public right of way. This means that the City does not own the fee title to the property underlying the right of way. Fee title to the land under the easement is in the hands of you and your neighbor, subject only to the easement for the public's use as a right of way.

The original dedication simply gives the City the property right to construct a street within the easement. It does not require the City to do so, and does not obligate the City to maintain your property.

Your email also makes a valid point about the procedure for vacating an unopened right of way. The vacation process set out in chapter 12.40 MVMC authorizes the City council to initiate the vacation process through a resolution. The resolution process, however, follows a legal process and does not absolve the abutting property owners from paying for certain costs or being the applicant for the process.

The City Council has indicated their willingness to authorize a vacation of the unopened easement for the right of way, giving you and the adjoining property owner the legal pathway to obtain all property rights. Because of the costs involved, you should learn whether your neighbor wants to join in your request, or allow you to proceed in purchase of all property rights.

Attached is the process outlined for a vacation of unopened right of way. The City will not give legal advice.

I understand that a City garbage truck backed into your driveway to collect garbage on December 15, 2020, and in doing so caused minor damage to the grass. Since that time, however, you constructed a fence over a portion of your driveway and have been driving over the grassy area to park your personal vehicle adjacent to your residence. This activity has chewed up the grass between W. Parkway and the fence fronting on Vintage Lane such that the damage caused by the City's garbage truck is no longer evident.



Under these circumstances, it is impossible to discern the damage caused by the City on December 15, 2020, and the City has no obligation to repair the overwhelming damage you have caused to your own property.

Further, because the easement has not been utilized, your existing driveway, which is a lawful use of the unopened right of way, extends to the corner intersection of West Parkway Drive and East Parkway Drive. Given your recent construction of a fence, which apparently restricts the use of your paved driveway and forces vehicles, including your own, to drive on the grass adjacent to your paved driveway, further damage – similar to that caused by the use of your family’s vehicle – would be unavoidable should the City drive a garbage truck onto your property.

MVMC 8.12.050 requires carts to “be kept in a place accessible to the collector of garbage and refuse.” “Accessible” is used in the sense of access that does not require causing damage. The prospect of damage clearly restricts truck access to your property; so, you need to place your garbage and recycling carts adjacent to the opened roadways as previously directed by Public Works staff.

The next steps to obtaining property rights would be to schedule a pre-application meeting for the street vacation process with Development Services. You may call 360-336-6214 and ask for Alan Danforth who will be your contact.

Sincerely,

A handwritten signature in black ink, appearing to read "Esco Bell", written over a large, faint watermark that says "UNOFFICIAL DOCUMENT".

Esco Bell, Public Works Director  
City of Mount Vernon