

WHATCOM COUNTY COUNCIL AGENDA BILL

2017-091

NO. _____

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	MGM	2/17/17	<div>RECEIVED</div> <div>FEB 28 2017</div> <div>WHATCOM COUNTY COUNCIL</div>	3/7/17	Natural Resources
Division Head:				3/7/17	Council
Dept. Head:	MGM	2/17/17			
Prosecutor:	Lg	2/21/17			
Purchasing/Budget:					
Executive:	TM	2/28/17			

TITLE OF DOCUMENT:*Washington Department of Fish & Wildlife Lake Whatcom Hatchery Easement***ATTACHMENTS:***Easement and exhibits*

SEPA review required? () Yes (X) NO
SEPA review completed? () Yes () NO

Should Clerk schedule a hearing? () Yes (X) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Request authorization to grant the Washington Department of Fish & Wildlife an easement on park property located on the South Bay Lake Whatcom for the purpose of construction and maintenance of a fish hatchery and stream bank on Brannian Creek.

COMMITTEE ACTION:**COUNCIL ACTION:****Related County Contract #:****Related File Numbers:****Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

WHATCOM COUNTY
Parks & Recreation
3373 Mount Baker Highway
Bellingham, WA 98226-9097



Michael G. McFarlane, Director
Christ Thomsen, Operations Manager

RECEIVED

FEB 21 2017

MEMORANDUM

JACK LOUWS
COUNTY EXECUTIVE

TO: Honorable Council Members and County Executive Louws
FROM: Michael McFarlane, Director 
DATE: February 17th, 2017
RE: WDFW Easement Request

Attached is an easement for your signature which allows the Washington Department of Fish & Wildlife access on and across park property located on the south end of Lake Whatcom. This easement is being requested to allow for construction and maintenance of the stream and fish collection structures required for their hatchery operation on Brannian Creek.

The hatchery shares a common border with the parks property and access is required on both sides of the stream to properly maintain improvements. This easement is not anticipated to have any adverse effect upon the park property or future use.

This easement request was reviewed by the Parks & Recreation Commission at their February 16th meeting and approval is recommended.

Please contact me at 5855 if you have any questions or require additional information.

After Recording Return To:
Washington Department of Fish and Wildlife
Real Estate Services
600 Capitol Way North
Olympia, WA 98501-1091
Attn: Elyse Kane

Document Title: Easement
Grantor: Whatcom County
Grantee: The State of Washington, The Department of Fish and Wildlife.
Legal Description: Ptn NE ¼ Sec. 27, Twp 37 N, Rge 04, E W.M.
Assessor's Parcel No.: 3704273703800000 Parcel ID No: 34419
County: Whatcom

EASEMENT

WHATCOM COUNTY, a political subdivision of the State, whose address is 311 Grand Avenue, Bellingham, owner of record of the following described property, for and in consideration of the desire to improve the Lake Whatcom Hatchery, hereby grants and conveys to THE STATE OF WASHINGTON, THE DEPARTMENT OF FISH AND WILDLIFE, Grantee, an easement on, over and across lands hereinafter described, so that the Department of Fish and Wildlife may, at its discretion, enter upon and utilize said lands for the purposes of replacing, constructing, installing, and maintaining such wooden or concrete walls, revetments, or structures as necessary for the taking of fish spawn, operation of fish hatchery, creek stabilization, and creek bank protection. The Grantee's rights are not transferrable. The term of this easement shall be for the period of use. If said structures are removed, or Grantee ceases its use for a period of 5 consecutive years, or if the Grantee's property is sold, all rights and interest hereby granted shall revert to and revest in Grantor without notice or declaration of forfeiture. Upon such reversion, Grantee shall, at its sole cost, execute and deliver such instruments and documents as Grantor may deem reasonably necessary to confirm the complete release of this easement. The real estate referenced being located in Whatcom County, State of Washington, as more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference:

Whatcom County

By: _____
Jack Louws, County Executive

Date: _____

STATE OF WASHINGTON)
) ss
County of Whatcom)

I certify that I know or have satisfactory evidence that Jack Louws is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Whatcom County Executive to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal this _____ day of _____, 2017.

Notary Public in and for the State of Washington,
residing at _____.
My appointment expires _____.

EXHIBIT A

EASEMENT DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 2, LOCATED IN SECTION 27, TOWNSHIP 37 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

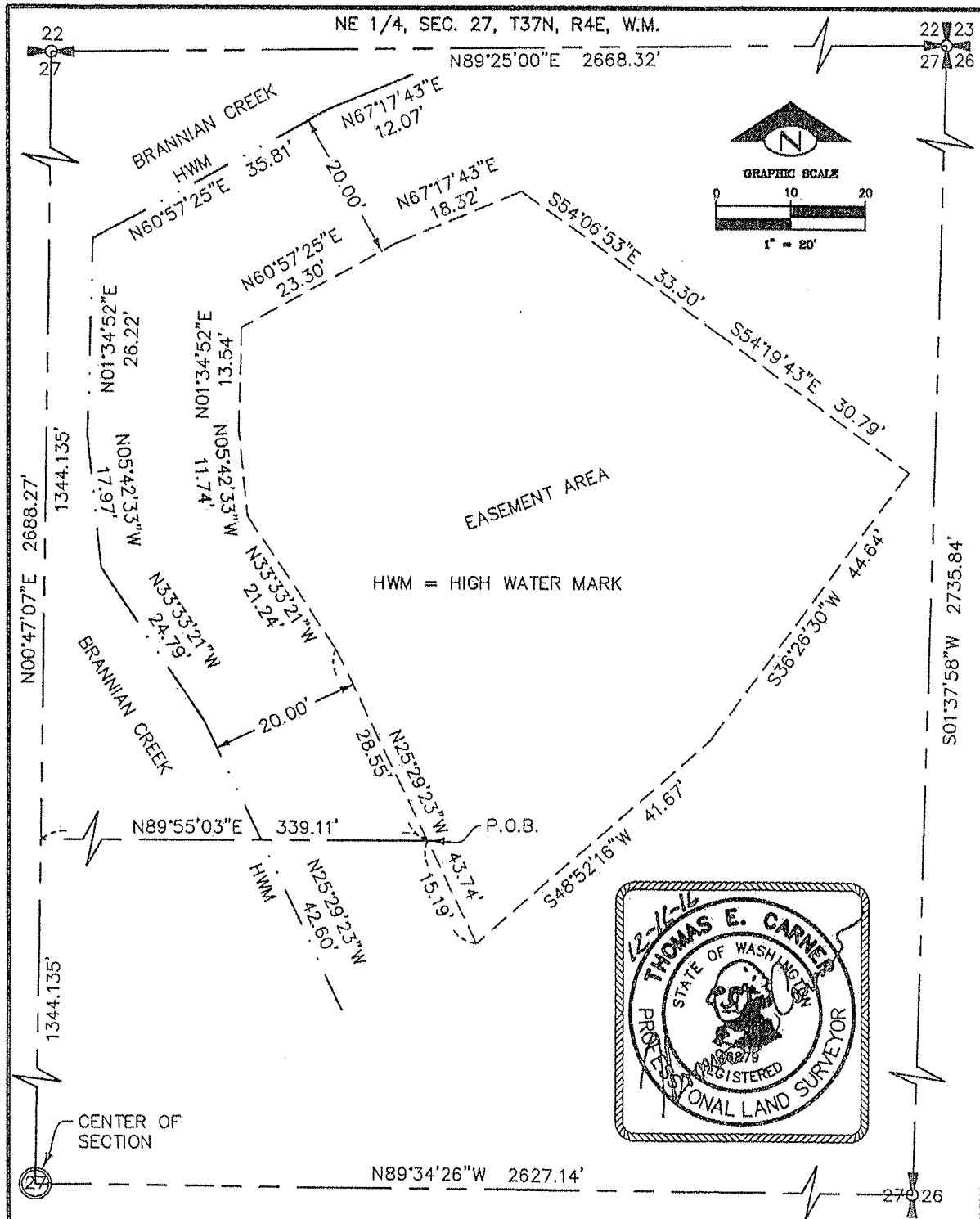
COMMENCING AT THE CENTER OF SECTION OF SAID SECTION 27;
THENCE NORTH 00°47'07" EAST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 1344.135 FEET;
THENCE NORTH 89°55'03" EAST, A DISTANCE OF 339.11 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 25°29'23" WEST, ALONG A LINE THAT IS PARALLEL TO AND 20.00 FEET EASTERLY OF THE HIGH WATER MARK ON THE EASTERLY SIDE BRANNIAN CREEK, A DISTANCE OF 28.55 FEET;
THENCE NORTH 33°33'21" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 21.24 FEET;
THENCE NORTH 05°42'33" WEST, A DISTANCE OF 11.74 FEET;
THENCE NORTH 01°34'52" EAST, A DISTANCE OF 13.54 FEET;
THENCE NORTH 60°57'25" EAST, A DISTANCE OF 23.30 FEET;
THENCE NORTH 67°17'43" EAST, A DISTANCE OF 18.32 FEET;
THENCE SOUTH 54°06'53" EAST, LEAVING SAID PARALLEL LINE, A DISTANCE OF 33.30 FEET;
THENCE SOUTH 54°19'43" EAST, A DISTANCE OF 30.79 FEET;
THENCE SOUTH 36°26'30" WEST, A DISTANCE OF 44.64 FEET;
THENCE SOUTH 48°52'16" WEST, A DISTANCE OF 41.67 FEET TO A POINT THAT IS 20.00 FEET EASTERLY OF THE HIGH WATER MARK ON THE EASTERLY SIDE OF SAID BRANNIAN CREEK;
THENCE NORTH 25°29'23" WEST, ALONG A LINE THAT IS PARALLEL TO AND 20.00 FEET EASTERLY OF THE HIGH WATER MARK OF SAID BRANNIAN CREEK, A DISTANCE OF 15.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,084 SQUARE FEET, OR 0.1167 ACRES, MORE OR LESS.



THOMAS E. CARNER, P.L.S.
BRH JOB NO. 2016225.00
DECEMBER 16, 2016

BUSH, ROED & HITCHINGS, Inc.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144



JOB NO: 2016225.00 DATE: 12/16/16 DRAWN: TEC
 BUSH, ROED & HITCHINGS, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 2009 MINOR AVE. EAST. SEATTLE, WA 98102

EASEMENT EXHIBIT
 DEPARTMENT OF FISH & WILDLIFE
 LAKE WHATCOM FISH HATCHERY