

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2017-285

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	AH AH	9-8-17	RECEIVED SEP 19 2017 WHATCOM COUNTY COUNCIL	10/10/17	Council Introduction
Division Head:	JH	9/13/17		10/24/17	Hearing
Dept. Head:	JH	9/13/17			
Prosecutor:	DL	09/15/17			
Purchasing/Budget:					
Executive:	TLS	9.18.17			

TITLE OF DOCUMENT: Resolution Approving the Sale of a Portion of Surplus Real Property

- ATTACHMENTS:**
1. Cover Memo
 2. Resolution
 3. Map of Site

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

Should Clerk schedule a hearing? (X) Yes () 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.)

Per RCW and Whatcom County Code, the Whatcom County Property Management Committee has recommended the sale of a portion of Whatcom County real property known as Y Road Landfill, tax parcel number 380419 214168 0000, subject to the completion of a boundary line adjustment, as surplus property. The property is approximately 4.624 acres, and is to be sold by sealed bid with the minimum sale price of \$32,368 (thirty two thousand three hundred sixty eight 00/100 dollars)

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.



MEMORANDUM

To: The Honorable County Executive Jack Louws and Honorable Members of the
County Council

Through: Jon Hutchings, Director

From: Andrew Hester, Real Estate Coordinator AH

Date: September 6, 2017

Re: Resolution Approving the Sale of a Portion of Surplus Real Property

Enclosed is a resolution requesting the approval of the sale of a 4.624 acre portion of surplus Whatcom County real property.

Requested Action

Public Works respectfully requests that the Whatcom County Council hold a public hearing and take action on the proposed resolution to approve the sale of surplus Whatcom County real property.

Background and Purpose

Per RCW and Whatcom County Code, the Whatcom County Property Management Committee has recommended the sale of a portion of Whatcom County real property known as Y Road Landfill, tax parcel number 380419 214168 0000, subject to the completion of a boundary line adjustment, as surplus property. The property is approximately 4.624 acres, and is to be sold by sealed bid with the minimum sale price of \$32,368 (thirty two thousand three hundred sixty eight 00/100 dollars).

Funding Amount and Source

The successful bidder is responsible for paying all costs associated with the sale of property.

Please contact me at extension 6216 if you have any questions or concerns regarding this resolution.

Encl.

SPONSORED BY: _____

PROPOSED BY: Public Works

INTRODUCTION DATE: _____

RESOLUTION NO. _____

APPROVING THE SALE OF A PORTION OF SURPLUS REAL PROPERTY

WHEREAS, RCW 36.34.005 authorizes counties to establish comprehensive procedures for the management of county property, including the sale of surplus real estate where it is found to be in the best interest of a county to sell same; and

WHEREAS, in Whatcom County Code (WCC), Chapter 1.10, Whatcom County has established those procedures; and

WHEREAS, the Whatcom County Property Management Committee has recommended the sale of a 4.624 acre portion of Whatcom County real property known as Y Road Landfill, tax parcel number 380419 214168 0000, subject to the conditions listed in Exhibit B, and subject to the completion of a boundary line adjustment to the highest bidder who could legally purchase the property, by sealed bid, for not less than the appraisal amount as listed below, plus costs; and

WHEREAS, WCC 1.10.310 authorizes the Council, after receipt of estimated market values from the Property Management Committee, to establish limitations and conditions upon sale of property, such as the minimum price for said property and whether or not a contract will be allowed, or if it will be a cash price; and

WHEREAS, WCC 1.10.310, as well as state law, allows the County to reserve from the sale oil, gas, timber, mineral aggregates and other resources if the Council finds that it is the best interest of the public to reserve these;

NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the County to sell a 4.624 acre portion of the Y Road Landfill, tax parcel number 380419 214168 0000, as depicted on Exhibit A, subject to the conditions listed in Exhibit B, and subject to the completion of a boundary line adjustment to the highest bidder who can legally purchase the property by sealed bid; and

BE IT FURTHER RESOLVED that the minimum bid for the property listed above shall be no less than the appraised value of \$32,368.00 (thirty two thousand three hundred sixty eight 00/100 dollars) and that Buyer will pay all costs associated with the boundary line adjustment and any additional Buyer closing costs normally associated with such a real property transaction; and

BE IT FURTHER RESOLVED that transfer of said real property be by quitclaim deed and that Buyer will represent and warrant in writing to Seller Whatcom County, that Buyer has thoroughly inspected and evaluated the properties for sale, to Buyer's complete satisfaction and Buyer accepts the properties AS IS with full knowledge of potential liability the Buyer could incur for any environmental hazards or conditions affecting the properties. Buyer agrees that the purchase price of the properties reflects the agreed upon value of the properties AS IS, taking into account the aforementioned disclosures; and

1 BE IT FURTHER RESOLVED that said purchase of said real property shall not be allowed under contract
2 and shall be paid either in cash, certified check or money order to the Whatcom County Treasurer at the
3 completion of the boundary line adjustment process; and
4

5 BE IT FURTHER RESOLVED that the Whatcom County Treasurer being hereby directed to sell said
6 property at no less than the appraised value of \$32,368.00 (thirty two thousand three hundred sixty eight
7 00/100 dollars), that said sale shall take place in accordance with the duties as established in WCC
8 1.10.290-1.10.390 and that if the minimum bid is not reached, the properties shall not be sold; and
9

10 BE IT FURTHER RESOLVED that the sale will not be completed until Buyer has completed the
11 boundary line adjustment process and paid all fees and costs associated with it and has paid the Whatcom
12 County Treasurer the bid award amount.
13
14
15

16 APPROVED this _____ day of _____, 2017

17
18 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

19
20 _____
21 Dana Brown-Davis, County Clerk

Barry Buchanan, Council Chair

22
23 APPROVED AS TO FORM:
24

25 _____
26 Chief Civil Deputy Prosecutor

APN: 380419
078215 0000

APN: 380419 168220 0000

APN: 380419 215232 0000

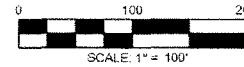
APN: 380419 215232 0000

Surplus Property 4.624 Acres

APN: 380419
100150 0000

APN: 380419 159162 0000
4.908 ACRES

APN: 380419 214168 0000



SCALE: 1" = 100'

PER ROS #2040102801

(CO. RD. NO. 673)

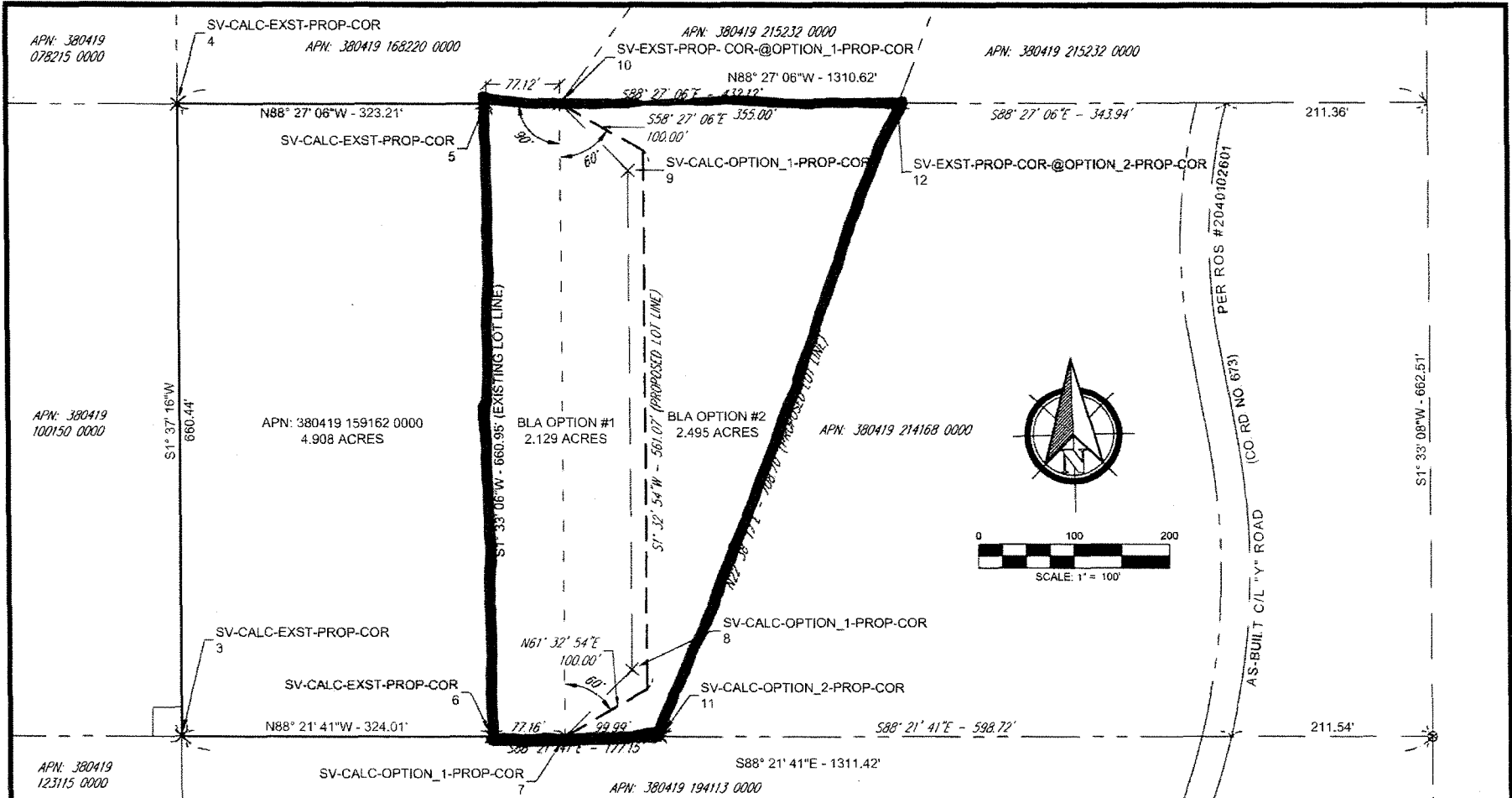
AS-BUILT C/L 14' ROAD

Exhibit A

APN: 380419
123115 0000

APN: 380419 194113 0000

Exhibit A cont.



RONALD T. JEPSON & ASSOC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 222 GRAND AVENUE, SUITE C, BELLINGHAM, WASHINGTON 98225
 PH: 360-733-5760 EMAIL: RJEPSON@JEPSONENGINEERING.COM

REVISIONS	
ID	DESCRIPTION
1	05/01/2017 170501-17022-Boundary-Calc-DRM.txt
2	05/01/2017 Points [1 - 12]
3	05/01/2017 170501-17022-Boundary-Calc.dxf

BOUNDARY STAKING
 2588 BURNHAVEN LANE
 WHATCOM COUNTY, WASHINGTON

PROJECT ID: 17022
 ISSUE DATE: 05/02/2017
 SHEET ID:
STK-1

Exhibit B

Notice Language

Subject property is within or near a former landfill site on which a variety of activities may occur that are not compatible with residential development or other land uses. You may be subject to inconveniences or discomforts arising from such operations including but not limited to noise, odors, fumes, dust, smoke, and the operation of machinery. Whatcom County will not consider the continued or future use of the site to be a nuisance for those inconveniences or discomforts arising from operations, if such operations are consistent with commonly accepted good management practices and otherwise comply with local, state, and federal laws.

Hold Harmless Language

Grantee is purchasing the property on an "as-is with all faults" basis with any and all patent and latent defects, including those relating to the environmental condition of the property, and is not relying on any representation or warranties, express or implied, of any kind whatsoever from Grantor as to any matters concerning the property, including, but not limited to the physical condition of the property; zoning status; operating history or projections or valuation; compliance by the property with Environmental Laws (defined below) or other laws, statutes, ordinances, decrees, regulations and other requirements applicable to the property; the presence of any Hazardous Substances (defined below), wetlands, asbestos, lead, lead-based paint or other lead-containing structures, urea formaldehyde, or other environmentally sensitive building materials in, on, under, or in proximity to the property; the condition or existence of any of the above-ground or underground structures or improvements, including tanks and transformers in, on or under the property; the condition of title to the property, and the leases, easements, permits, orders, licenses, or other agreements, affecting the Property (collectively, the "**Condition of the Property**"). Grantee represents and warrants to Grantor that Grantee has not relied and will not rely on, and Grantor is not liable for or bound by, any warranties, guaranties, statements, representations or information pertaining to the property or relating thereto (including specifically, without limitation, property information packages distributed with respect to the property) made or furnished by Grantor, the manager of the property, or any real estate broker or agent representing or purporting to represent Grantor, to whomever made or given, directly or indirectly, orally or in writing. Grantee assumes the risk that Hazardous Substances or other adverse matters may affect the property that were not revealed by Grantee's inspection. The term "**Environmental Law**" means any federal, state or local statute, regulation, code, rule, ordinance, order, judgment, decree, injunction or common law relating in any way to human health, occupational safety, natural resources, plant or animal life or the environment, including without limitation, principles of common law and equity, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Toxic Substances Control Act, and any similar or comparable state or local law. The term "**Hazardous Substance**" means any hazardous, toxic, radioactive or infectious substance, material or waste as defined, listed or regulated under any Environmental Law, and includes without limitation petroleum oil and any of its fractions.

The covenants and agreements set forth in the paragraphs above, shall be binding upon Grantee and Grantee's heirs, successors and assigns, and shall be covenants running with the land benefiting Grantor and its heirs, successors and assigns.