

**BIRCH BAY WATER AND SEWER DISTRICT  
RESOLUTION NO. 787**

A RESOLUTION OF THE COMMISSIONERS OF THE BIRCH BAY WATER AND SEWER DISTRICT,  
WHATCOM COUNTY, WASHINGTON, AUTHORIZING THE SALE OF SURPLUS REAL PROPERTY.

**WHEREAS**, the Birch Bay Water and Sewer District ("District") is the owner of the real property legally described as follows:

Lot 1 and Lot 2, Block 11, Birch Bay Park, according to the Plat thereof, recorded in Volume 6 of Plats, page 8 records of Whatcom County Washington (Whatcom County Auditor File No. 143263).

Situate in Whatcom County, Washington. (Hereafter, "Lot 1 and Lot 2").

**WHEREAS**, Lot 1 and Lot 2 share a common boundary line; and

**WHEREAS**, on information and belief, the District is also the owner in fee of that portion of the unopened Maple Street county right-of-way abutting Lot 1 and Lot 2 to the south ("Maple Street ROW"); and

**WHEREAS**, on information and belief, the Maple Street ROW is held by Whatcom County ("County") as an exclusive perpetual easement for use of the public, pursuant to dedication on the Plat, effectively precluding use thereof for any District purposes; and

**WHEREAS**, the District Board of Commissioners ("Board") may convey property belonging to the District if the Board determines that the property is not and will not be needed for District purposes; and

**WHEREAS**, District staff have advised the Board that the Maple Street ROW is not and will not be needed for District purposes; and

**WHEREAS**, the Board wishes to convey by quit claim deed any existing District interest in the Maple Street ROW, with the exception of the District's franchise right over the County right-of-way; and

**WHEREAS**, pursuant to RCW 39.33.010, the District may convey real property to a municipality or political subdivision of the state such as Whatcom County; and

**WHEREAS**, Lot 1 and Lot 2 are zoned URM6; and