Commissioner McDowell stated that as far as the bond issue, several items were included in the sale of bonds, not just the purchase of the Greenbank Farm property, that are not completely resolved Given that, and should those items not be resolved soon, wondered if there would be a problem getting the bonds for this purchase sold by the end of November. He did not believe that the Board committed yet when to begin Courthouse Expansion and should the Board decide it is too much at this point in time, asked what effect would that have on the sale of the bond.

Mr. Kwarsick thought the County could look at bond anticipation notes and other forms of internal financing if necessary. There are some economies of scale: higher than or much lower than $10 million the whole refinancing of existing debt - advantages of doing that - go away. The bottom line is there is interim financing available to pursue the Greenbank farm purchase.

Chairman Shelton stated that the relationship with TPL and Island County had again proven to be a very beneficial one and expressed appreciation of all the work TPL had done not only in relation to this purchase but other purchases they had been involved in for the county. Commissioner McDowell echoed those comments and noted TPL worked very well with Island County on this issue and in fact had not charged any costs incurred.

Mr. Scholes mentioned that TPL continued to work with The Nature Conservancy (TNC) who are interested potentially in purchasing a portion of the property, about 50 acres working out at about $190,000. TNC is having their own appraisal done and if there is an agreement on fair purchase price of that portion, then TPL proposes to come back to the County and amend the Agreement so that TNC can buy that 50 acres.

By unanimous motion, the Board approved and signed the Agreement for Sale of Real Property between Island County and The Trust for Public Land.

HEARING HELD: FRANCHISE #289 - TRANSFER OWNERSHIP FROM NETWORK CABLE TO SUMMIT COMMUNICATIONS, INC. (SOUTH WHIDBEY)

A Public Hearing was held at 10:25 a.m. as scheduled and advertised, to consider Application for Franchise, consolidating #248 and #248(1) and transferring ownership of franchise from Network Cable, Monroe, Wa., to Summit Communications, Inc., Bellevue, Wa. The owner was present in the audience at the time of hearing in support of the transfer.

Roy L. Allen, Island County Engineer, reviewed the application for transfer of ownership for cable television communications system, and recommended approval of the franchise. The franchise agreement includes a provision regarding fiber optic cable, the only change to the existing franchise, and he received no objection to same from the owner.

No comments from members of the public were received at this time. By unanimous motion, the Board approved Franchise #289 as presented.

HEARING HELD: RESOLUTION # R-32-97, ORDER VACATING COUNTY ROAD PETITION FOR VACATION OF 20' STRIP OF R/W ADJACENT TO LOTS 132 AND 133, PLAT OF BEVERLY BEACH #1; PETITIONER CHARLES AND JOAN SIENKIEWICZ

A Public Hearing as advertised was held for the purpose of considering Resolution #R-32-97, Order Vacating County Road, in response to Petition for Vacation of a 20' strip of right-of-way adjacent to Lots 132 and 133, Plat of Beverly Beach Division #1, South Whidbey, by Petitioners Charles and Joan Sienkiewicz, et.al. Mr. Sienkiewicz was present at the time of hearing.

The County Engineer's report, dated May 27, 1997, was in favor of the vacation in that the public would be benefited by the vacation *provided* the County is reimbursed for the estimated cost to acquire additional right-of-way from adjacent properties across the road. The fair market value of the right-of-way proposed to be vacated has no value when added to Lots 132 and 133 since the assessed value is based on waterfront footage assessed value, but if the County had to acquire the right-of-way the cost would be approximately $12,537.00. There is no public benefit unless Petitioner reimburses the County for the estimated value of acquiring an equal 20' wide strip from Lots 123 and 124 located directly across the road from the Sienkiewiez property. The estimated value of said 20' wide strip 108.8' long is ± $5,100. The County Engineer's costs relative to this vacation are itemized in attachment Exhibit A and total $484.97. Total

reimbursement recommended: $484.97 and relative costs to appraise and negotiate acquisition of $5,144.00, for a total of $5,628.97. The present roadway is partially located outside the dedicated right-of-way and this vacation may trigger the need to acquire further right-of-way in the future.

Mr. Allen confirmed he had not talked to the owners of Lots 123 and 124 about willingness to sell the right-of-way, because the only time that would be pursued is if all the rights-of-way were vacated on the Sienkiwiczs' side. Widening of the road is not presently planned, though the road is located outside the right-of-way on those lots already. If the County in the future, as a result of more dense development in that area needs to acquire more right-of-way, this would be a way of getting that value now. What the cost might be in the future could be different. The as built road and deeded right-of-way is different, and the County already has prescriptive right-of-way for Lots 123 and 124. There was a vacation that occurred some years' ago (Bravenders, 1982) and that property owner exchanged right-of-way from the lots he owned across the road.

Charles Sienkiewicz, owner of the property in question, explained his purpose for the vacation was to build a garage 20' from where the real road is, which is 20' further to the east than the right-of-way would suggest. This approach was suggested by the Bravender vacation. Approximately 50' to the north is a jog in the right-of-way that goes away from Mr. Sienkiewicz's property by 20' and therefore difficult to see what use the County could make of that property because of the Bravender vacation. The benefit of the vacation to the County is that he can build his garage and it will go on the tax rolls. Fair compensation would follow the County Engineer's recommendation except the fact there is an easement on the property, and normal practice to divide the value of the property by a factor of two because of that easement on his side for public utilities which means the property has less value. If the County requires the compensation recommended by the County Engineer, Mr. Sienkiewicz would view that as an excessive amount and withdraw the request. It is his understanding that Mr. Allen first calculated what the value of the strip of land would be based on the properties sold on the other side and added 20% representing the cost incurred by the County in actually trying to acquire that property on the other side. Mr. Sienkiewicz requested that the County reconsider the amount of compensation, the number he recommends is $1,932.

Mr. Allen explained when he did the first calculation for the 20' strip on the Sienkiewicz side of the road, he did cut that figure in half in recognition of retaining the utility easement for public purposes.

To be consistent with the previous Bravender vacation where the owner provided the County with title to the other 20', Commissioner McDowell inquired if Mr. Sienkiewicz was interested in talking to his neighbors to negotiate a price to sell the property and Mr. Sienkiewicz provide that to the County.

Mr. Sienkiewicz stated he would not be interested in doing that, aware already that the owner was not interested in selling.

Chairman Shelton, having been involved with enough of the County rights-of-ways and difficulties created by the vacation of right-of-way, thought the previous vacation though the property owner was able to provide right-of-way on the opposite side of the road, created a jog in the right-of-way which creates other problems. The situation now is that if the County vacates this right-of-way, there still is a lot in-between with a jog. The property owner across the street from the Gaunt property has already indicated his opposition to vacation and taking any of his property. The Chairman failed to see the public benefit, and given the statement by the applicant, was not sure it would be wide to vacate the County right-of-way.

Mr. Allen, in response to a question from Commissioner McDowell, verified the County had a prescriptive right to that portion of the outside of the right-of-way that the County maintains.

Mr. Sienkiewicz believed that the actual road across from him is entirely on the County right-of-way at this time; the difficulty is if the County wants to widen the road. Alternate request: 10' vacation.

In Commissioner McDowell's view, the long term issue is if the road were ever to be widened, the County would need the right-of-way, and he thought it was fully appropriate since County-owned property would be given up in this vacation to ask for funds to accommodate right-of-way for widening the road at some time in the future. He moved approval of the vacation as