Frederick R. Hall, Lot 10, expressed some frustration with the process, and insisted the County purchase the Hall property for $400,000. Mr. Hall is on disability, and his mother 73 years old and he stated neither needed this kind. Everything has been in place for the last 40 years. His father purchased the property. That property was the property where the real estate office had been situated on when the beach lots were first made available for sale. He insisted that he be presented with evidence of a "life estate" – and demanded to see such document referenced.

Larry Kwarsick explained that prior to setting this matter for public hearing, at the Board's request, he and Mr. Allen met with the Deputy Prosecuting Attorney. The Board is in a unique situation of clarifying the intent of the Board by insertion of the words "subject to a boundary line agreement". The County and the Board are familiar in vacation processes that with conditioning vacations; note the words "failure to meet conditions" were not used and it was the intention of the Board at that time was to notify the property owners that because of this occupation of the right of way and the adjacency of the two lots to the right of way that those two individuals should work out an agreement between the two. He confirmed that the lot which contains the Hall home is not subject to a life estate agreement. The license is not subject a life estate agreement, but there are specific conditions on the license that deal with those areas that were used by the Hall family historically. The County in the license agreement maintains the ability to reclaim those areas for public use for right of way purposes. Mr. Kwarsick recommended the Board approve the resolution to clarify the intent as stated.

Ms. Sutherland confirmed no agreement with the Halls on a boundary line agreement. Mr. Hall said he had made an offer for Ms. Sutherland to meet and discuss the matter but had declined to do either.

Commissioner Shelton recalled that one of the things that had been discussed in staff session was the possibility of talking to the Halls about placing their drainfield on the upper part of Lot 10 thereby freeing up that part of the County right-of-way and enable trucks and other emergency vehicles a better access. He believed this was an issue to be that should continue to be worked on, and encouraged that the two individuals work out the boundary line dispute.

Commissioner Shaughnessy saw no reason to try to clarify anything, rather for anything to be clarified would take action by a court of law. He asked what had brought this matter before the Board.

Mr. Kwarsick indicated that what had brought this action to the Board was that the adjoining property owner was looking into potential legal action which would have involved the County. Staff reviewed that matter with the Deputy Prosecuting Attorney who believed that in view of what appeared to be the intent of the prior Board's action that the County could set aside the public involvement of what had become a private boundary line dispute by clarifying the intention of the vacation.

In reviewing the matter and listening to comments, Commissioner Shaughnessy believed that even if the Board adopted the resolution to try to clarify intent it would not help anything.

However, the Chairman believed it did help to the extent that it puts on public record what the Board's intent was and is after review of the facts. The facts to him were quite clear when looking at the words "subject to" as opposed to "conditioned upon". Comments heard from other members of the public have to do more with turn-around and no one has suggested that the Hall house be taken down for purpose of bulldozing a road. While the issues about turn-around are very important to the community but have nothing to do with the matter before the Board at this time. The letter from Mr. Duskin clearly stated as well that the Board has the ability to adopt this resolution.

Commissioner Shaughnessy did not see where in this arena anything would be settled or satisfied and saw no reason for the Board to take any action.

Commissioner Shelton moved that the Board approve Resolution #C-131-98 [R-55-98] in the matter of stating intent of the stipulation contained in the Final Order of Vacation of a portion of Beach Drive adjacent to Lot 10, Division #1, Plat of Tyee Beach, Camano Island.

In absence of Commissioner Shaughnessy's second, the Chairman seconded the motion. Motion carried by majority vote, Commissioner Shaughnessy voting in opposition.

The Board agreed with Commissioner Shelton that the Public Works Director continue to try to find resolution to the problem brought to the Board's attention, although not a part of this public hearing, the issue of the turn-around.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF STATING THE INTENT OF A STIPULATION CONTAINED IN THE FINAL ORDER OF VACATION OF A PORTION OF BEACH DRIVE ADJACENT TO LOT 10, DIVISION 1, PLAT OF TYEE BEACH, CAMANO ISLAND	**RESOLUTION NO. C-131-98 R-55-98**

WHEREAS, Resolution R-125-84, for the final order of vacation of a portion of Beach Drive right of way fronting Lot 10, Plat of Tyee Beach, Division 1 stipulated that ...."This vacation is subject to the owners of Lots 10 and 11 executing a boundary line adjustment....."; and

WHEREAS, the owners of Lots 10 and 11 never executed a boundary line agreement; and

WHEREAS, a question exists whether the lack of a boundary line agreement by the owners of Lots 10 and 11 would render the vacation null and void; NOW, THEREFORE,

BE IT HEREBY RESOLVED, that the intent was not that the right of way vacation would fail or be null and void if the property owners did not enter into a boundary line agreement, but that the sentence was included to put the property owners on notice that they would have to enter into a property line agreement to resolve any conflicting claims that each had about use of the vacated right of way. The County does not administratively adjudicate who owns right of way vacated by the county. That is a matter which competing property owners would have to take to court to resolve between themselves.

REVIEWED this 12th day of October, 1998, and set for public hearing on the 2nd day of November 1998, at 10:15 a.m. Public Hearing held and continued to November 16, 1998 @ 10:15 a.m.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
Wm. L. McDowell, Chairman
Mike Shelton, Member
Tom Shaughnessy, Member

ATTEST: *Margaret Rosenkranz*, Clerk of the Board

Approved this 16th day of November, 1998, following public hearing.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
Wm. L. McDowell, Chairman
Mike Shelton, Member
[Voted "No" - Tom Shaughnessy, Member]

ATTEST: *Margaret Rosenkranz*, Clerk of the Board

HEARING HELD: FRANCHISE #306, MILLENNIUM DIGITAL MEDIA SYSTEMS — TRANSFERS CABLE FRANCHISES #289 & 297 FROM SUMMIT COMMUNICATIONS

A Public Hearing was held as scheduled and advertised to consider Franchise #306, Millennium Digital Media Systems, a transfer of Cable Franchises #289 & 297 from Summit Communications, for an area covering portions of North, Central and & South Whidbey.

The Assistant County Engineer, Lew Legat, by way of a November 5, 1998 memo to the Board, reported his recommendation that the Board grant approval of the franchise from Summit Communications, Inc., to Millennium Digital Media Systems, L.L.S.

Commissioner Shelton recalled he seemed to receive a fair number of complaints about Summit Communications and their ability to deliver reliable service to those they serve. By granting a franchise for work in the County Road right of way, the County does not guarantee the people a level of service.

Steve Snyder, local manager, Summit Communications, advised he had no communication with the County on customer complaints or service issues, and offered to talk with the Commissioner, and he would act pro-actively and was more than happy to resolve same. Summit Communications is based out of Bellevue, Wa., and currently has about 43,000 customers in three states. Millennium Digital Media Systems, based out of St. Louis, acquired 100% of Summit Communications. The management staff will remain in place as Millennium's Northwest Regional Office. The CEO has a long history of building successful cellular businesses. Chief Operating Officer is a cable veteran.

No other comments were made by any members of the public, either for or against granting said franchise.