ORDINANCE NO. 1316

AN ORDINANCE OF THE CITY OF LYNDEN TO PROVIDE ANNEXATION TO THE CITY OF LYNDEN, WASHINGTON

WHEREAS, City of Lynden, is proposing to annex a portion of land as described in Section 1, into the City for the purpose of creating a uniform city boundary; and

WHEREAS, the subject property is within the City's Urban Growth Boundary, identified in the Lynden Comprehensive Plan, and may be annexed under RCW 35A.14.295; and

WHEREAS, RCW 35A.14.295 provides the City the authority to annex property by resolution with a public hearing when at least 80 percent of the boundary of such area is contiguous to the City, and

WHEREAS, the City notified all property owners within the subject area of the public hearing on June 11, 2007, and the legal notice of public hearing was published by the *Lynden Tribune* on both June 13, 2007 and June 20, 2007; and

WHEREAS, the City Council of the City of Lynden held a public hearing on the proposed annexation on July 2, 2007, and that hearing was duly recorded; and

WHEREAS, the annexation makes appropriate provisions for public health, safety and general welfare; and

WHEREAS, the annexed area does have existing sufficient utilities to serve the proposed area; and

WHEREAS, the proposed annexation will not have an adverse effect on the finances, debt structure, or contractual obligations and rights of other governmental units, except for a small reduction in the Whatcom County tax base; and

WHEREAS, the City of Lynden will provide adequate police protection to the proposed annexation area on a twenty-four (24) hour basis and can more efficiently and effectively provide such service to the area than the Whatcom County Sheriff's Office; and

WHEREAS, the proposed annexation is logically served by the City of Lynden and will therefore preserve logical service areas; and

WHEREAS, the proposed annexation area has logical physical boundaries as follows: South – current city limits; North – Front Street; West – South BC Avenue; East – west of South 10th Street; and

WHEREAS, the proposed annexation will not create any abnormal or irregular boundaries, in fact it will create a more regular border; and

WHEREAS, the public interest will be served by this annexation; and

WHEREAS, no voters reside within the property area sought to be annexed; and

WHEREAS, adequate governmental services and controls in the proposed annexation area can be most efficiently provided by the City of Lynden; and

WHEREAS, the above recitals are hereby adopted as findings of fact by the Lynden City Council in support of the proposed annexation; and

WHEREAS, the City Council reviewed the report of the Technical Review Committee dated August 28, 2007, and has determined that the findings are accurate and that its recommended conditions are appropriate conditions to place upon the annexation.

WHEREAS, on September 4, 2007 the City Council held a public hearing and adopted a resolution of intent to approve said annexation (Resolution No. 772); and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Lynden, as follows:

Section 1: The real property described as follows (hereafter "Property"), being all of the property described below, is hereby annexed to the City of Lynden, County of Whatcom, State of Washington:

Legal Description

The property proposed for annexation is legally described as follows:

A tract of land within the Northwest quarter of the southwest quarter of Section 20, Township 40 North, Range 3 East of W.M., being more particularly described as follows:

Beginning at the northeast corner of Lot A of "AM. New Hope Center Lot Line Adjustment" as per the map thereof recorded in the Auditor's Office of Whatcom County Washington under Auditor's File Number 2040701987; thence westerly along the north line of said Lot A, and it's extension westerly a distance of 780 feet more or less to its intersection with the existing City Limits line; thence Northeasterly, leave said north line of Lot A, and running with Front Street along the existing City Limits line a distance of 750 feet more or less to an existing angle point in the City Limits line; thence southeasterly along the existing City Limits line a distance of 200 feet more or less to an intersection with the South line of Judson Street, as originally platted, extended southwesterly; thence Northeasterly along the extension of said original south line a distance of 10 feet more or less to the northwesterly corner of Tax Parcel Number 4003020 119151; thence Southeasterly along the west line of said Tax Parcel a distance of 200 feet more or less to an intersection with the north line of aforesaid Lot A of "AM. New Hope Center Lot Line Adjustment" extended easterly; thence westerly along said extended line a distance of 65 feet more or less to the **True Point of Beginning.**

COMMONLY DESCRIBED AS: The southern portion of properties south of Front Street between 1019 Front and 1225 Front Street, Lynden.

Section 2: The Property shall become a part of the City of Lynden and shall be subject to all laws, applicable fees, ordinances and resolutions of the City including any part of the comprehensive plan of said City hereinafter to be adopted with reference to Property, and shall be therein designated as RM-2 and RM-4, as per City of Lynden Zoning Map for said area, for land use purposes, until otherwise classified.

Section 3: IT IS FURTHER PROVIDED that the Property shall be taxed or assessed to pay its share of any indebtedness of the City of Lynden, Washington, contracted prior to or existing at the date of this annexation.

Section 4: IT IS FURTHER PROVIDED that the annexation of the Property described in SECTION 1 above, being all of the property described in said petition, is subject to the conditions outlined in the Technical Review Committee Report.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7: This ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise as provided by law and forty-five (45) days after the date of publication.

AFFIRMATIVE VOTE 6 IN FAVOR, AND 0 AGAINST, AND SIGNED BY THE MAYOR THIS 17TH DAY OF MARCH 2008.

MAYOR

ATTEST:

WILLIAM VERWOLF, City Clerk

APPROVED AS TO FORM:

ROBERT CARMICHAEL, City Attorney