ORDINANCE NO. 1415

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

WHEREAS, The City of Lynden, hereinafter called the "Proponents," submitted a complete application for the annexation of approximately 30.11 acres, described in EXHIBIT A, into the City for the purpose of receiving urban services; 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.14.110; and

WHEREAS, the application was endorsed by more than 60% of the assessed valuation in the proposed annexation area; and

WHEREAS, the City notified the Proponents of the application's completeness on May 16, 2011, and the legal notice of application and public hearing was published by the Lynden Tribune on June 1, 2011; and

WHEREAS, the Proponent's plans make appropriate provisions for public health, safety and general welfare; 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

WHERAS, the proposed annexation will make sanitary sewer available to those with failing septic tanks.

WHEREAS, the proposed annexation 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, and

WHEREAS, the proposed annexation area will serve as a desirable location for future community facilities for which the City intends to plan, including without limitation, parks, walkways, and recreational facilities; and

WHEREAS, co-operation between the City's fire department with that of the County's District 3 has been established to serve this area as needed; 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 will concentrate urban development within the city limits and thereby reduce sprawl, consistent with objectives of the Growth Management Act; and

WHEREAS, the irregular boundary of this annexation keeps active farmland from inclusion in the city limits and untimely conversion to urban uses.

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

WHEREAS, the Council has reviewed the report of the Technical Review Committee and has determined that the findings are accurate and that its recommended conditions are appropriate conditions to place upon the annexation; and

WHEREAS, the public interest will be served by this annexation; 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, on July 18, 2011, the City Council held a public hearing and determined that the property could be zoned RS-100, if annexed, and that it would be subject to all bond issues of the City of Lynden; and

WHEREAS, following said hearing the City Council adopted a resolution of intent to approve said annexation (Resolution No. 848); and

WHEREAS, on January 18, 2012, the Whatcom County Boundary Review Board ("Board") notified the City that the time for invoking jurisdiction had passed and therefore the annexation was deemed approved by the Board subject to adoption of a final annexation ordinance by the City.

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 in said petition, is hereby annexed to the City of Lynden, County of Whatcom, State of Washington:

Legal Description

Four parcels of Land within the east half of the east Half of Section 18, Township 40 North, Range 3 East of W.M., being more particularly described as follows:

Parcel 1:
The north 315 feet of the south 470 feet of the east 410 feet of the southeast quarter of the northeast quarter of Section 18, Township 40 North, Range 3 East of W.M Less Road.

Parcel 2:
The north half of the northeast quarter of the southeast quarter of Section 18, Township 40 North, Range 3 East of W.M Less Road.

Parcel 3:
The east 550 feet of the south 125 feet of the north half of the south half of the northeast quarter of the southeast quarter;

The east 550 feet of the south half of the south half of the northeast quarter of the southeast quarter;

The east 550 feet of the north 135 feet of the southeast quarter of the southeast quarter;
All in section 18, Township 40 North, Range 3 East of W.M. Less Road.

Parcel 4:
The north 50 feet of the east 170 feet of the south half of the north half of the south half of the southeast quarter of the southeast quarter of Section 18, Township 40 North, Range 3 East of W.M. Less Road.

Commonly Described as: *8727, 8691, 8683, 8661, 8629, 8617, 8605, 8601, and 8593 Benson Rd, Lynden.*

400318 – 498140	400318 – 477207	400318 – 477225	400318 – 518049
400318 – 476331	400318 – 490155	400318 – 507125	400318 – 529257
400318 – 477250	400318 – 505172	400318 – 520146	400318 – 520155

Section 2: The Property shall become a part of the City of Lynden and shall be subject to all laws, 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 RS-100 zoning, as per City of Lynden Zoning Map for said area, for land 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 and Planning Commission Resolution 11-03.

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 five (5) days after the date of publication.

AFFIRMATIVE VOTE 7 IN FAVOR, AND Ø AGAINST, AND SIGNED BY THE MAYOR THIS 6th DAY OF FEBRUARY 2012.

MAYOR

ATTEST:

WILLIAM VERWOLF, City Clerk

APPROVED AS TO FORM:

ROBERT CARMICHAEL, City Attorney