

ORDINANCE NO. 1155
AN ORDINANCE AMENDING ORDINANCE NO. 1132
(“LINE ROAD ANNEXATION”).

WHEREAS, on February 20, 2002, the City Council approved Ordinance No. 1132 and thereby annexed property into the City of Lynden legally described in Section 1 of said ordinance and commonly described as the property extending west of the east right-of-way line of Line Road and south of Bradley Road 1320 feet, 1320 feet east of the north right-of-way line of Kamm Road and approximately 1320 feet south of the north right-of-way (“Line Road Annexation”); and

WHEREAS, under Ordinance No. 1132, the Line Road Annexation is subject to the conditions outlined in the Technical Review Committee Report and Planning Commission Resolution No. 99-07; and

WHEREAS, it has come to the attention of the City that further clarification of one of the conditions of the Line Road Annexation is needed to achieve the original intent of the Council; and

WHEREAS, this change does not affect the legal description of the Line Road Annexation; and

WHEREAS, except for clarification of one condition, this amendment does not result in a material change in Ordinance No. 1132.

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

Section 1: Section 4 of Ordinance No. 1132 is hereby deleted and replaced with the following new Section 4:

IT IS FURTHER PROVIDED that the annexation of 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 No. 99-07; except that, the Technical Review Committee condition identified in Section 16 of Planning Commission Resolution No. 99-07 shall be amended to require as follows:

In order to provide sanitary sewer service to the area, significant downstream improvements are required. This includes Drayton Street sewer line, Grover Street sewer improvements and Riverview Street Sewer Improvements. Grover Street and Riverview Street improvements are not included in the capital facilities plan at this time. For development to occur, these improvements must be designed and installed. For purposes of this condition, the term “development” shall not include building permits or other permits or actions that do not require sewer service or do not create additional legal lots of record. Any building permit resulting in the installation or expansion of a septic system shall be conditioned upon first obtaining a recordable agreement signed by the property owner not to protest participation of said property in funding engineering, design, construction, and installation of sanitary sewer improvements, including without limitation, formation of a local utility improvement district established for that purpose.

Section 2: All provisions of Ordinance No. 1132 not specifically amended hereby remain in full force and effect.

Section 3: 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.

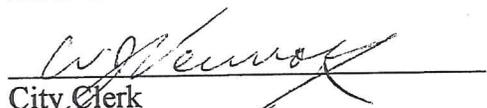
Section 4: This ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise as provided by law and takes effect five days after publication.

PASSED by the City Council this 16th day of September, 2002, and signed by the Mayor on the 19th day of September, 2002.

MAYOR



ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney