

ORDINANCE # 1647

AN ORDINANCE ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY AND THE SLATER ROAD RIGHT OF WAY, LOCATED SOUTH OF THE EXISTING FERNDALE CITY LIMITS, AT THE SOUTHEAST INTERSECTION OF SLATER ROAD AND THE BURLINGTON NORTHERN SANTA FE RAILWAY

WHEREAS, on August 18, 2008, the Ferndale City Council accepted a Notice of Intent to initiate annexation proceedings from various involved property owners who are the owners of parcels consisting of forty-five gross acres of property proposed for annexation.

WHEREAS, at that August 18, 2008, meeting, the Ferndale City Council determined that an initial petition would be accepted; that the City would require the annexed property to assume its pro rata share of the existing city indebtedness; and that simultaneous adoption of zoning regulations would be required; and

WHEREAS, the Ferndale Planning Commission reviewed a Petition to Annex at a public hearing during their regular meeting of December 16, 2009, and voted to recommend approval by the City Council, with a zoning designation of General Light Industrial for the entire annexation area, to take effect upon annexation of the area; and

WHEREAS, the proposed annexation area is located within the Urban Growth Area as identified in the City's Comprehensive Plan; and the Short Term Planning Area as identified in the Whatcom County Comprehensive Plan; and

WHEREAS, the City Council voted to approve the proposed annexation at a public hearing during their regular meeting of February 16, 2010, with a zoning designation of Light Industrial for the entire annexation area, to take effect upon annexation of the area; and

WHEREAS, a mandatory Boundary Review Board of Whatcom County review concluded on April 30, 2010, without any party invoking jurisdiction; and

WHEREAS, Whatcom County Fire District 8 has requested that a three year period following annexation, during which District 8 would continue to receive tax revenues from the properties; and

WHEREAS, the City and Whatcom County Fire District 7 share an interlocal agreement in which District 7 provides fire protection services to all areas within the City limits; and

WHEREAS, the City, Whatcom County Fire District 7, and Whatcom County Fire District 8 have ratified an interlocal agreement to transfer jurisdictional authority from District 8 to District 7 within three years of the effective date of the annexation; and

WHEREAS, a portion of Slater Road, a County Road, and its right of way is located between the proponents properties and the existing City limits, and shall therefore be included in this annexation, with jurisdiction for maintenance, repair, and enforcement transferring from Whatcom County to the City of Ferndale upon annexation;

WHEREAS, the West Slater Annexation ordinance 1617 was adopted on December 6, 2010, and became effective on January 1, 2011;

WHEREAS, the Washington State Department of Transportation informed the Community Development Department that the legal description did not include the entire Slater Road right-of-way;

WHEREAS, a revised legal description has been submitted and approved by the Washington State Department of Transportation and is included herein as Attachment A.

NOW, THEREFORE, the City Council of the City of Ferndale does ordain as follows:

Section 1: The zoning designation for these properties shall be LI, Light Industrial.

Section 2: The annexed property shall assume its pro rata share of existing city indebtedness.

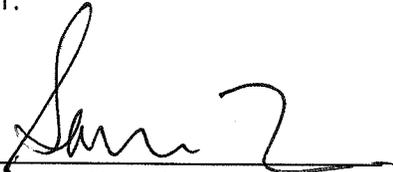
Section 3: The Ferndale City Council hereby annexes that property described and illustrated in Attachments A and B.

Section 4: The annexation shall take effect May 4, 2011, or six days after publication, whichever is later, as set forth by state law.

Approved by City Council and signed by the Mayor this 2nd day of May, 2011.

Gary Jensen, Mayor

ATTEST:



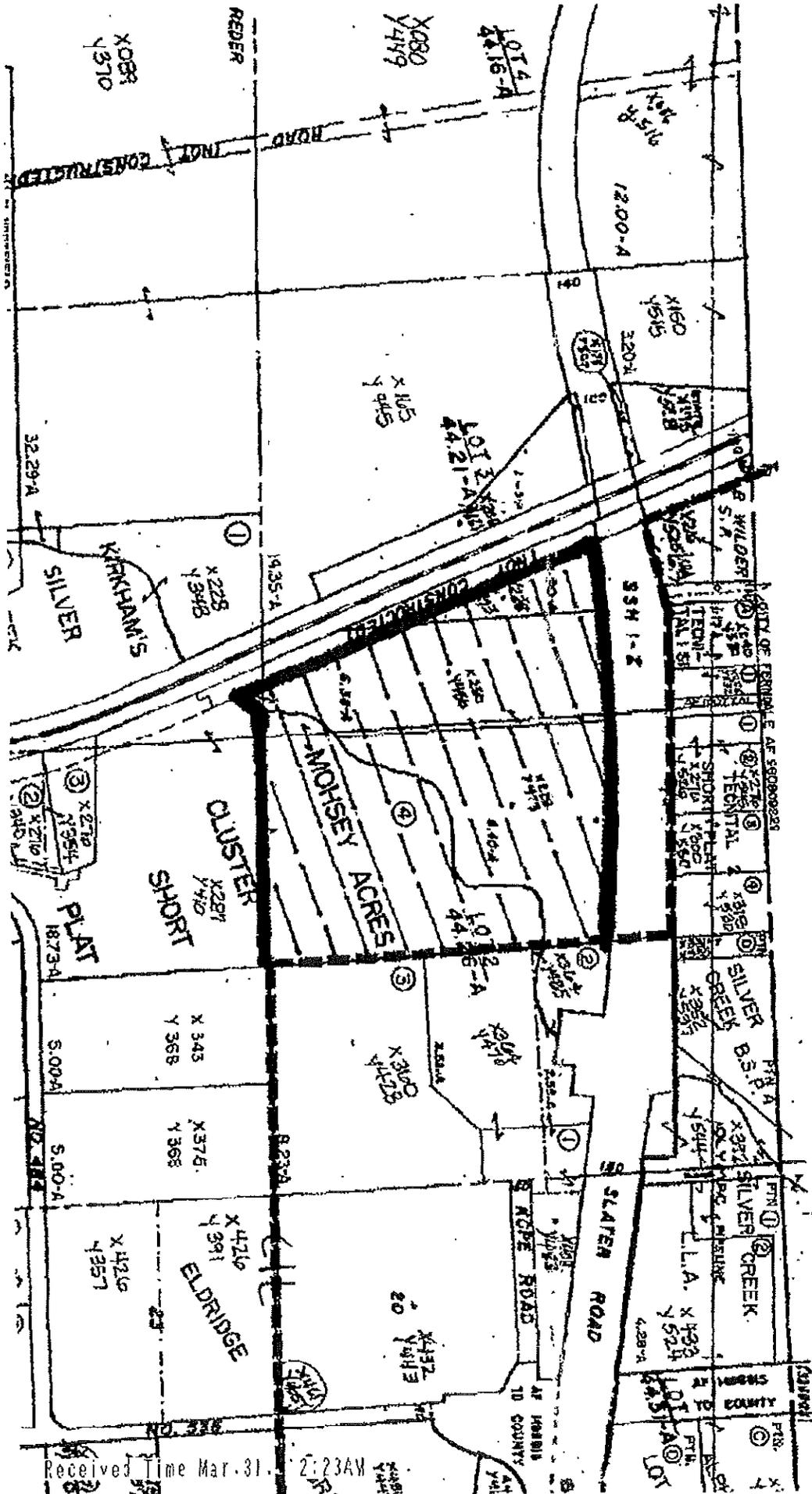
Sam Taylor, City Clerk

Publication Date

LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOTS 2, 3 AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER ALL WITHIN SECTION 4, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE WEST HALF OF SAID GOVERNMENT LOT 2 AND THE NORTH RIGHT OF WAY LINE OF STATE ROUTE 540 (COMMONLY KNOWN AS SLATER ROAD); THENCE SOUTHERLY ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID GOVERNMENT LOT 2; THENCE WESTERLY ALONG SAID SOUTH LINE AND THE SOUTH LINE OF SAID GOVERNMENT LOT 3 TO INTERSECT THE THREAD OF SUNSET CREEK; THENCE SOUTHWESTERLY ALONG THE THREAD OF SUNSET CREEK TO THE EASTERLY LINE OF COUNTY ROAD NO. 574; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE OF SAID ROAD TO INTERSECT THE NORTH RIGHT OF WAY LINE OF STATE ROUTE 540; THENCE EASTERLY ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.



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