

ORDINANCE NO. 1375

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

WHEREAS, The City of Lynden, on behalf of Philip and Coralie Ross and Terry and Delores Nearing et. al, hereinafter called the “Proponents,” submitted a complete application to the City of Lynden, hereinafter called the “City,” for the annexation of approximately 27.84 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 October 6, 2009, and the legal notice of application and public hearing was published by the Lynden Tribune on October 21, 2009 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

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 21 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, 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 December 21, 2009, the City Council held a public hearing and determined that the property could be zoned CSR and RM-3, 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. 813); and

WHEREAS, on March 11, 2010 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

Tract A

That portion of Government Lot 3 (southwest quarter of the northwest quarter), Section 30, Township 40 North, Range 3 East of W.M. lying northwesterly of the centerline of Fish Trap Creek.

Tract B

All of Government Lot 2 (northwest quarter of the northwest quarter), Section 30, Township 40 North, Range 3 East of W.M. *except* that portion described as follows:

Beginning at the northwest corner of said Government Lot 2, thence South along the west line thereof a distance of 422.16 feet; thence North 85° 19' 55" East parallel to the north line of said Government Lot 2 a distance of 360.20 feet; thence South parallel to the west line of said Government Lot 2 a distance of 237.28 feet; thence East a distance of 64 feet; thence

Southeasterly a distance of 238 feet more or less to the centerline of Fish Trap Creek; thence Northeasterly along the centerline of Fish Trap Creek a distance of 600 feet more or less to the intersection with the west line of the east 330 feet of said Government Lot 2; thence North along said west line a distance of 80 feet more or less to a point where said line again intersects with the centerline of Fish Trap Creek; thence Westerly, Northerly and Easterly along the centerline of Fish Trap Creek a distance of 90 feet more or less to the final intersection of said centerline with the west line of aforesaid east 330 feet; thence North along the west line of the east 330 feet of said Government Lot 2, a distance of 395 feet more or less to the north line of Government Lot 2; thence East along said north line a distance of 895 feet more or less to the **Point of Beginning**.

Tract C

That portion of the Northeast quarter of the Northwest quarter of Section 30, Township 40 North, Range 3 East of W.M., more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Northwest quarter of said Section 30; thence South $01^{\circ}53'52''$ West, along the west line of said Northeast quarter of the Northwest quarter a distance of 250.66 feet; thence North $61^{\circ}26'31''$ East, leaving said west line, a distance of 139.21 feet; thence North $01^{\circ}53'52''$ East a distance of 190.58 feet to north line of said Northeast quarter of the Northwest quarter; thence South $86^{\circ}52'06''$ West along said north line a distance of 120.46 feet to the **Point of Beginning**.

Tract D

That portion of the Guide Meridian Road (State Route 539) Right-of-Way lying within the Northeast quarter of Section 25, Township 40 North, Range 2 East of W.M., not previously within the City limits of Lynden Washington. All situate in Whatcom County, Washington.

Commonly Described as: 7986, 7990, 8022, 8038, and 8064 Guide Meridian Road together with 0, 1899, 1915, 1927, and 1931 Kok Road in Lynden.

400330-030490
400330-029479
400330-032457
400330-028429
400330-061488
400330-066363
400330-081420
400330-119494
400330-115459
400330-113435
400330-114414
400330-130527

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 as CSR and RM-3 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 09-06.

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 _____ IN FAVOR, AND _____ AGAINST, AND SIGNED BY THE MAYOR THIS 15th DAY OF MARCH 2010.

M A Y O R

ATTEST:

WILLIAM VERWOLF, City Clerk

APPROVED AS TO FORM:

ROBERT CARMICHAEL, City Attorney