

ORDINANCE NO. 1645

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

WHEREAS, the City of Lynden, hereinafter called "City" or the "Proponent," is proposing the annexation of approximately 36.35 acres ("Proposed Annexation Area" or "PAA"), into the City for the purpose of receiving urban services and for the fulfillment of the Pepin Creek Sub Area Plan; and

WHEREAS, the Proposed Annexation Area is within the City's Urban Growth Boundary, identified in the Lynden Comprehensive Plan (i.e., the Urban Growth Area designated by Whatcom County), as required for annexation under RCW 35A.14.005; and

WHEREAS, RCW 35A.14.300 provides for the annexation of territory outside of City limits, whether contiguous or non-contiguous, for any municipal purpose by a majority vote of the City Council so long as such territory is owned by the City; and

WHEREAS, the City is the legal owner of the PAA, having purchased the PAA in 2014, acquiring ownership by a statutory warranty deed recorded November 17, 2014 under Auditor's File No. 2141101345; and

WHEREAS, the PAA is contiguous to the City limits and therefore, pursuant to the exemption set out in RCW 36.93.090, review and approval of the proposed annexation by the Whatcom County Boundary Review Board is not required; 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 PAA is being annexed for municipal purposes and the public interest will be served by this annexation as said annexation is necessary for the fulfillment of the Pepin Creek Sub Area Plan and 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, 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, 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, on June 6, 2022, the City Council determined that the property could be zoned Public Use (PU), if annexed, and that it would be subject to all bond issues of the City of Lynden; and

NOW, THEREFORE, the Mayor and the City Council of the City of Lynden, does ordain as follows:

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

Commonly Described As: 0 Benson Road, Lynden, Washington 98264

Assessor's Tax Parcel No.: 400318 461331 0000

Legal Description:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., WHATCOM COUNTY, WASHINGTON. EXCEPT THAT TRACT DESCRIBED AS FOLLOWS:

THE NORTH 315 FEET OF THE SOUTH 470 FEET OF THE EAST 410 FEET THEREOF. EXCEPT BENSON ROAD.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

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 Public Use (PU) 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: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: 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 6: 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 20th DAY OF June 2022.

MAYOR, Scott Korthuis

ATTEST:

CITY CLERK Pamela D. Brown

APPROVED AS TO FORM:

CITY ATTORNEY Robert A. Carmichael