

**ORDINANCE NO. 25-1710**

**AN ORDINANCE OF THE CITY OF LYNDEN  
TO AMEND THE ANNEXATION AREA AND ORDINANCE (NO. 24-1692) OF THE  
SOUTHWEST URBAN GROWTH AREA KNOWN AS THE SW LYNDEN ANNEXATION TO  
THE CITY OF LYNDEN**

**WHEREAS**, on October 7<sup>th</sup>, 2024, the City Council of the City of Lynden (“City”) approved Ordinance No. 24-1692, annexing into the City of Lynden approximately 279 acres (“Property”), referred to as the Southwest Lynden Annexation; and

**WHEREAS**, a 43,419 square foot portion of the Flynn Road Right-of-Way (“Flynn Road ROW”), legally described in **Exhibit A**, was not included in the Southwest Lynden Annexation because it was believed to have been previously incorporated through prior annexation in 2018 (Ord #1561); and

**WHEREAS**, the Washington State Office of Financial Management (“OFM”) and the Washington State Department of Transportation (“WSDOT”) requested the City amend the SW Lynden Annexation Ordinance to include the omitted portion of Flynn Rd. and incorporate requested language; and

**WHEREAS**, RCW 35A.21.210 authorizes the governing bodies of a county and a code city located within that county to revise the city’s corporate boundary to fully include or exclude a portion of public street or road right-of-way, and provides that such revision becomes effective upon approval by ordinance of the city and by either ordinance or resolution of the county; and

**WHEREAS**, the Flynn Road ROW was inadvertently omitted from the legal description in the City’s prior annexation ordinance; and

**WHEREAS**, the City desires to amend its corporate boundary to fully include the Flynn Road ROW in accordance with RCW 35A.21.210; and

**WHEREAS**, Whatcom County has agreed to approve, by resolution, the revision of the City’s corporate boundaries to include the Flynn Road ROW;

**NOW THEREFORE**, the City Council of the City of Lynden hereby amends Ordinance No.24-1692 and ordains as follows:

**SECTION 1:** The following language is hereby added to Ordinance No. 24-1692, immediately preceding Section 3 thereof:

**“NOW THEREFORE**, the City Council of the City of Lynden ordains as follows:”

**SECTION 2:** The Flynn Road ROW shall become 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.

**SECTION 3:** The Property boundaries are adjusted to include the Flynn Road ROW. Exhibits A and B to Ordinance No. 24-1692 are hereby replaced in their entirety with **Exhibit B** and **Exhibit C** attached hereto. From and after the effective date of this amendment, all references to Exhibits A and B in Ordinance No. 24-1692 shall be deemed to refer to Exhibits B and C attached hereto, which shall constitute the official legal description and depiction of the Property.

**SECTION 4:** The Flynn Road ROW and the Property as its boundaries have been herein adjusted are subject to all conditions of Ordinance No. 24-1692.

**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 upon the adoption of a resolution by Whatcom County approving the adjustment to the City's corporate boundaries as set forth herein.

AFFIRMATIVE VOTE \_\_\_\_ IN FAVOR, AND \_\_\_\_ AGAINST, AND SIGNED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.

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Scott Korthuis, Mayor

ATTEST:

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Pamela Brown, City Clerk

APPROVED AS TO FORM:

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Robert Carmichael, Attorney

## **EXHIBIT A**

TOGETHER WITH THAT PORTION OF COUNTY ROAD No. 79, COMMONLY KNOWN AS FLYNN ROAD, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT A, STUIT FAMILY SHORT PLAT, RECORDED UNDER AUDITOR'S FILE No. 2021-0803986; THENCE RUNNING NORTHWESTERLY PERPENDICULAR TO THE SOUTH RIGHT-OF-WAY LINE OF SAID FLYNN ROAD TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID FLYNN ROAD; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE TO THE WEST RIGHT-OF-WAY LINE OF BAY LYN ROAD; THENCE SOUTHERLY AND EASTERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID FLYNN ROAD; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.