

**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 7 IN FAVOR, AND 0 AGAINST, AND SIGNED BY THE MAYOR THIS 21<sup>ST</sup> DAY OF JULY, 2025.

  
\_\_\_\_\_  
Scott Korthuis, Mayor

ATTEST:

  
\_\_\_\_\_  
Pamela Brown, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
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.

**EXHIBIT B**  
**DESCRIPTION OF PROPOSED ANNEXATION AREA**

ALL THAT PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40, RANGE 2 EAST OF W.M.,

TOGETHER WITH ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 25, LYING NORTHWESTERLY OF THE SOUTH RIGHT-OF-WAY LINE OF FLYNN ROAD AND WESTERLY OF THE WEST RIGHT-OF-WAY LINE OF BAY LYN ROAD AND SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF BIRCH BAY LYNDEN ROAD;

EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER LYING SOUTHERLY AND EASTERLY OF THE EASTERLY AND SOUTHERLY BANK OF THE UNNAMED CREEK AND LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF WHATCOM COUNTY ROAD NO. 51 AND THE NORTHWESTERLY LINE OF WHATCOM COUNTY ROAD No. 79; THENCE SOUTH 51° 09' WEST ALONG THE NORTHWESTERLY LINE OF COUNTY ROAD No. 79 A DISTANCE OF 672.6 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE NORTH 38°51' WEST A DISTANCE OF 568 FEET MORE OR LESS TO THE SOUTHERLY BANK OF SAID UNNAMED CREEK AND THE TERMINUS OF THIS LINE DESCRIPTION.

TOGETHER WITH THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 2 EAST OF W.M., EXCEPT THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT THE NORTHEAST CORNER OF SAID QUARTER QUARTER; THENCE SOUTH ALONG THE EAST LINE 726 FEET; THENCE WEST 339 FEET, MORE OR LESS, TO THE EAST BANK OF DUFFNER DITCH; THENCE NORTH AND EASTERLY ALONG THE EAST SIDE OF DUFFNER DITCH TO THE NORTH LINE OF SAID QUARTER QUARTER; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER QUARTER 342 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, LESS ROADS AND LESS DITCHES.

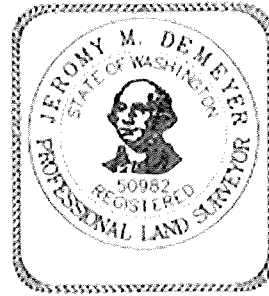
TOGETHER WITH ANY PORTION OF COUNTY ROAD No. 79, COMMONLY KNOWN AS FLYNN ROAD, LYING WITHIN SAID QUARTER QUARTER.

TOGETHER WITH THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 2 EAST OF W.M.; LESS THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER.

TOGETHER WITH THE EAST 18 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 2 EAST OF W.M., EXCEPT THE NORTH HALF OF THE NORTH HALF OF SAID SOUTHEAST QUARTER.

TOGETHER WITH ALL OF COUNTY ROAD No. 79, COMMONLY KNOWN AS FLYNN ROAD, LYING WITHIN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25.

SITUATE IN WHATCOM COUNTY, WASHINGTON.



## EXHIBIT "C"

DEPICTING PROPOSED ANNEXATION AREA  
WITHIN THE CITY OF LYNDEN AND WHATCOM COUNTY, WASHINGTON

