

ORDINANCE NO. 1999-03-006

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF BRITTON LOOP ROAD, LOTS 19 AND LOTS 20 IN THE HUNSICKER'S ADDITION, TO THE CITY'S WATER AND SEWER SERVICE ZONE AS EXTENSION NO. 242 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, Whatcom Fire District #4 have submitted an application for inclusion in the City's water and sewer service zone as prescribed by BMC Chapter 15.36; and

WHEREAS, the City's Public Works Department, in accordance with BMC Section 15.36.100, has prepared a feasibility report in conjunction with the request for inclusion submitted by the applicants, recommending that the application for inclusion within the direct service zone be granted; and

WHEREAS, the City's Department of Planning and Community Development, in accordance with BMC Sections 15.36.100 and 15.36.120, has prepared an impact report recommending that the application for inclusion within the direct service zone be granted subject to certain conditions; and

WHEREAS, the Whatcom County Boundary Review Board has not prohibited the action; and

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 738-1000

WHEREAS, the matter was thereafter considered by the City Council and the said Council hereby finds that the best interests of the City would be served by authorizing such service if certain conditions to development are imposed;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Description of the Parcel. The City of Bellingham hereby annexes into its water and sewer service zone as defined in BMC Section 15.36.030 or 15.36.040, as the case may be, Britton Loop Road, Lots 19 and Lots 20 in the Hunsicker's Addition, the legal description of said parcel being as follows:

THAT PORTION OF LOTS 19 AND 20, INCLUSIVE, "MAP OF J.E. HUNSICKER'S GLENDALE SUB-DIVISION TO NEW WHATCOM, WHATCOM COUNTY, WASHINGTON," AS PER THE MAP THEREOF, RECORDED IN BOOK 3 OF PLATS, PAGE 14, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 20; THENCE NORTH 89 DEGREES 51'19" WEST, ALONG THE SOUTH LINE OF LOT 20, FOR A DISTANCE OF 499.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 130.68 FEET AND A TANGENT OF 133.70 FEET PER QUITCLAIM DEED FILED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 625404 ON JULY 11, 1946; THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 91 DEGREES 18'27" FOR AN ARC DISTANCE OF 208.26 FEET TO A POINT ON THE WEST LINE OF LOT 20; THENCE NORTH 01 DEGREES 27'08" EAST, ALONG THE WEST LINES OF LOTS 19 AND 20, FOR A DISTANCE OF 497.59 FEET TO THE NORTHWEST CORNER OF LOT 19; THENCE SOUTH 89 DEGREES 41'05" EAST, ALONG THE NORTH

LINE OF SAID LOT 19, FOR A DISTANCE OF 231.29 FEET TO THE NORTHEASTERLY LINE OF THAT CERTAIN BPA TRANSMISSION LINE EASEMENT FILED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 629201; THENCE SOUTH 48 DEGREES 33'19" EAST, ALONG SAID NORTHEASTERLY LINE, FOR A DISTANCE OF 524.14 FEET TO THE EAST LINE OF SAID LOT 20; THENCE SOUTH 01 DEGREES 26'33" WEST, ALONG THE SAID EAST LINE OF LOT 20, FOR A DISTANCE OF 284.57 FEET TO THE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

Section 2. Compliance with Conditions by Contract. Prior to the effective date of this ordinance, a contract shall be prepared, setting forth the terms and conditions upon which service is granted, and the Mayor is hereby authorized and directed to execute such contract on behalf of the City, provided that the said contract incorporates the terms and conditions set forth below.

Section 3. Terms to be Included within Contract. The city of Bellingham shall be under no obligation whatsoever to accept into its service zone the system betterments which the applicant intends to install unless the applicant executes a contract which shall constitute a covenant running with the land and which shall include the following conditions:

- A. Sign an agreement to participate in a fair pro-rata share of the construction of the Britton Loop Rd to full standard as described in the Bellingham Development Guidelines and Improvement Standards at the time of annexation to the City of Bellingham.
- B. Water mains will be sized and designed in accordance with City of Bellingham Development Standards and Guidelines. Any improvements necessary off site to provide adequate flow and circulation shall be made by the District. Extension of

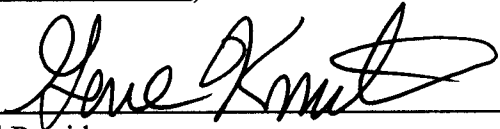
water to the far edge of property is a requirement for any future development beyond the facility.

- C. Sanitary sewer mains shall be designed in accordance with City of Bellingham Development Guidelines and Standards. Sanitary sewer shall be extended to the far edge of property or if determined by the City Public Works Department not to have any clear benefit, the sewer can be terminated at some other location which best serves the remaining property within the Urban Growth Area.
- D. A sanitary sewer lift station and the development of the service area are both subject to approval by the Public Works Department prior to issuance of any sewer permit for the facility.
- E. Transportation impact Fees (TIF) shall be paid to the City in accordance with adopted ordinances within the City of Bellingham. All fees shall be collected at the time of sewer permit issuance from the Public Works Department.
- F. A stormwater fee shall be levied upon the development. The amount and timing of collection shall be the same as is in effect within the City of Bellingham. All fees will be paid at the time of sewer permit issuance.
- G. A Stormwater Management Plan must be submitted to the Bellingham Public Works Department for review. A water quality treatment facility and water quantity control facility shall be designed by the District to comply with the current Bellingham Municipal Code or Whatcom County Guidelines which ever is greater.
- H. The applicant shall sign an annexation agreement. This agreement shall run with the land and is therefore, binding on the applicant and its successors in interest in

the property. However, any annexation that does occur will be subject to the mitigation agreements contained in the Interlocal Agreement between the City and the District dated September 16, 1997.


Section 4. In the event any provision of this ordinance or the agreement referred to in Section 2 hereof is declared unenforceable, the City shall be under no obligation to provide service.

Passed by the Council this 15th day of March, ~~1998~~, 1999.

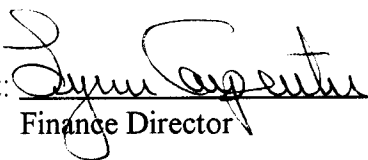


Council President

Approved by me this 24th day of March, ~~1998~~, 1999

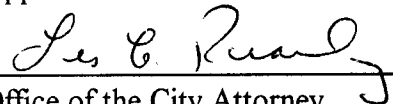


Mayor

Attest: 

Finance Director

Approved as to Form:



Office of the City Attorney

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