

ORDINANCE NO. 1999-04-012

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF SQUALICUM PLATEAU LOCATED ON MT. BAKER HIGHWAY, TO THE CITY'S WATER AND SEWER SERVICE ZONE AS EXTENSION NO. 244 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, T & J Development 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

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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, Squalicum Plateau located on Mt. Baker Highway, the legal description of said parcel being as follows:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 3 EAST, W.M. TO WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE S01°09'32"E ALONG THE EASTERLY LIMITS OF SAID SECTION, A DISTANCE OF 1328.92 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE, N89°13'40"W ALONG THE SOUTHERLY LIMITS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 30.00 FEET TO A POINT OF THE WESTERLY MARGIN OF MAGRATH ROAD AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N89°13'40"W ALONG SAID SOUTHERLY LIMITS A DISTANCE OF 262.41 FEET; THENCE N48°10'02"W A DISTANCE OF 658.75 FEET TO A POINT ON THE SOUTHEASTERLY MARGIN OF MT. BAKER HIGHWAY, 40 FEET DISTANT FROM THE CENTERLINE OF THE SAID HIGHWAY; THENCE N41°49'58"E ALONG SAID MARGIN A DISTANCE OF 280.00 FEET; THENCE S48°10'02"E A

DISTANCE OF 764.12 FEET TO A POINT ON THE WESTERLY MARGIN OF
MAGRATH ROAD AND 30 FEET DISTANT FROM THE EASTERLY LIMITS OF
SAID SECTION; T HENCE S01°09'32"W ALONG SAID MARGIN AND PARALLEL
TO THE EASTERLY LIMITS OF SAID SECTION A DISTANCE OF 141.91 FEET
TO THE **TRUE POINT OF BEGINNING**.

CONTAINING AN AREA OF 5.00 ACRES

SITUATED IN THE COUNTY OF WHATCOM, STATE OF 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:

1. Utility service is granted for up to 22-single family, conventional constructed on site units. The Bellingham City Council must approve any other types or increased number of service connections.
2. Sanitary sewer shall abut each lot. Sanitary mains will be designed in accordance with City of Bellingham Development Standards and Guidelines. Gravity service connections shall be provided to all service connections.
3. A water main shall abut each lot. The 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 developer.

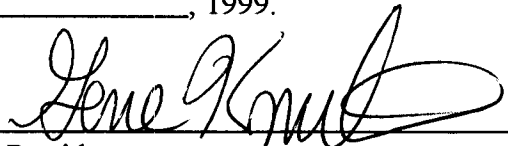
4. Streets within the development shall comply with City of Bellingham Development Standards and Subdivision requirements. This includes positive lot drainage, sidewalks, curbs, and gutters. All positive lot drainage shall include connections to impervious surfaces. A 30 foot pedestrian access and utility easement shall be recorded on the final plat.
5. The applicant will dedicate 15' of right-of-way along the Mt. Baker Highway for the full frontage of the property. This dedication shall be recorded on the final plat.
6. A dedicated transportation corridor shall be provided to the adjacent parcel along the western boundary of the subdivision. The right-of-way shall be 50' wide and shall be recorded on the final plat. The corridor shall remain unimproved until future development to the west requires access.
7. Magrath Rd. will be constructed to 3/4 standard roadway for the full frontage of the property as defined within the Bellingham Development Standards and Guidelines.
8. 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.
9. A Stormwater Management Plan shall be submitted to the Bellingham Public Works Department for review. Stormwater plans shall be consistent with the City of Bellingham and Whatcom County regulations. Where the requirements may be in conflict, the more stringent shall prevail.
10. A stormwater fee shall be assessed 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.

11. 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.

12. Trees located in the rear 25 feet of all lots shall remain for a vegetative buffer.


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 5th day of April, 1999.



Council President

Approved by me this 16th day of April, 1999.



Mayor

Attest: 

Finance Director

Approved as to Form:



Office of the City Attorney

Published: 4/15/99