

ORDINANCE NO. 1999-05-024

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF THE BOUMA WILDWOOD APARTMENT COMPLEX, LOCATED AT 256 PRINCE AVENUE, TO THE CITY'S SEWER SERVICE ZONE AS EXTENSION NO. 243 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, Gene Bouma Development, Inc. have submitted an application for inclusion in the City's 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

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 sewer service zone as defined in BMC Section 15.36.030 or 15.36.040, as the case may be, The Bouma Wildwood Apartment Complex, located at 256 Prince Avenue, the legal description of said parcel being as follows:

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:

PARCEL A:

THE WEST HALF OF LOT 10, "D. KELLOGG'S ADDITION TO WHATCOM COUNTY, WASHINGTON," ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 30, RECORDS OF WHATCOM COUNTY, INCLUDING THAT PORTION OF THE EAST HALF OF POLLOCK AVENUE ADJACENT TO SAID LOT, LYING SOUTH

OF THE SOUTH LINE OF DIVISION STREET AND NORTH OF THE NORTH LINE OF PRINCE AVENUE. SITUATE IN WHATCOM COUNTY, WASHINGTON

PARCEL B:

THE EAST HALF OF LOT 10, "D. KELLOGG'S ADDITION TO WHATCOM," WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 1 OF PLATS, PAGE 30 IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE. SITUATE IN WHATCOM COUNTY, WASHINGTON.

Assessor's Property Tax Parcel/Account Number: 380307 223101 & 211100

Conditions:

Staff recommends approval of the utility service request subject to the following conditions:

1. Extend Prince Ave. easterly for approximately 300 feet from Cory St. to the vacated Pollock St. with a City of Bellingham minimum standard. 20' wide street improvements as specified in the Bellingham Municipal Code.
2. Extend Prince Ave. along the full frontage of the development from Pollock St. to Landon Ave. with a 3/4 street improvement as specified in the Bellingham Municipal Code. This includes 30' of pavement with a sidewalk, curb, and gutter, enclosed drainage system and streetlights along the development frontage .
3. The connection of Deemer Road between E. Bakerview Road and the intersection of Cory St. and Prince Ave. shall be a prerequisite for development. The Public Works Department shall issue no sewer or water permits until a minimum standard, 20" wide street

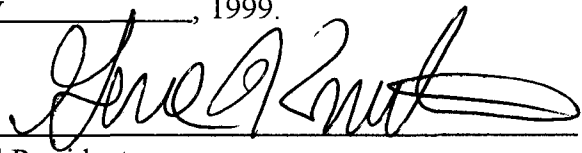
improvement is constructed along the Deemer Road connector and a 60' ROW is dedicated for the full road improvement.

4. 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. Extension of water to the far edge of property is a requirement for any future development beyond the apartment complex.
5. Sanitary mains will be designed in accordance with City of Bellingham Development Standards and Guidelines. Sanitary sewer shall be extended to the far edge of the property to service other property within the Urban Growth Area.
6. Sewer service under this service zone if for one 90-unit apartment complex. A private on-site gravity sewer system shall be installed to service the development. The Bellingham City Council must approve any other types or increased number of service connections.
7. 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.
8. A Stormwater Management Plan shall 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 developer to comply with the current Bellingham Municipal Code or Whatcom County Guidelines which ever is greater.

9. 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.
10. 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.
11. The applicant is required to submit a site plan to the City of Bellingham for approval and incorporation into the utility service contract.


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 10th day of May, 1999.



Council President

Approved by me this 20th day of MARCH, 1999.

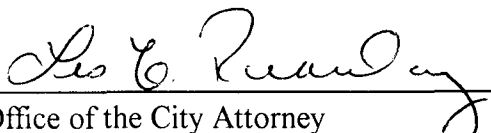


Mayor

Attest: 

Finance Director

Approved as to Form:



Office of the City Attorney

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