

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON DECLARING AS A PUBLIC USE AND NECESSITY THE LAYING OUT, ESTABLISHMENT, AND CONSTRUCTION OF FLOOD CONTROL IMPROVEMENTS TO THE SQUALICUM CREEK FLOODPLAIN BETWEEN MERIDIAN STREET AND INTERSTATE 5 IN THE CITY OF BELLINGHAM; AUTHORIZING CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND AND OTHER PROPERTY RIGHTS NECESSARY THEREFOR; AND, PROVIDING PAYMENT THEREFOR.**

**WHEREAS**, the Squalicum Creek floodplain between Meridian Street and Interstate 5 may be subject to periodic severe flooding that could adversely affect the public health, safety and general welfare; and,

**WHEREAS**, the City has previously undertaken and commissioned hydraulic analysis of the flooding conditions in the Squalicum Creek floodplain; and,

**WHEREAS**, the hydraulic analysis contained in the Squalicum Creek Floodplain Management Plan recommends constructing certain improvements in the floodplain to reduce the potential flooding; and,

**WHEREAS**, the City Council approved Resolution No. 53-94, A Resolution Authorizing Flood Control Improvements to Squalicum Creek, in order to take action necessary to protect the public health, safety and general welfare; and,

**WHEREAS**, the floodplain improvements require obtaining ownership of, and other rights to, certain properties in the floodplain, as legally described hereinbelow, which are not presently owned by the City and which are privately owned; and,

**WHEREAS**, the City has contacted the owner of these parcels on multiple occasions in an attempt to negotiate the parcels' purchase and the owner has rejected the City's good faith offers to purchase the parcels; and,

**WHEREAS**, it is in the public interest to exercise the City's power of eminent domain and condemn the affected parcels for the purposes of laying out, establishing, and constructing said Squalicum Creek floodplain improvements;

**City of Bellingham**  
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210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

**NOW, THEREFORE, THE CITY OF BELLINGHAM, WASHINGTON, DOES ORDAIN  
AS FOLLOWS:**

**Section 1:** The laying out, establishment, and construction of floodplain improvements, including any related and incidental improvements, to and in the Squalicum Creek floodplain, is hereby expressly declared to be a public use, that the public interest requires the proposed public use and the property to be acquired hereunder is necessary to facilitate said public use.

**Section 2:** The City Attorney for the City of Bellingham is hereby authorized to take all necessary action to commence and prosecute as necessary a condemnation action, including authority to stipulate to mitigate damages, against the property located north of Bug Lake, north and east of the intersection of Birchwood Avenue and Squalicum Parkway, south of the former Burlington Northern Railroad ownership and west of Interstate 5 within the City of Bellingham and to obtain, for the City, ownership and other rights thereto.

**Section 3:** The property is legally described as:

Lot C, as delineated on Allsop-Myers Short Plat, according to the plat thereof, recorded in Volume 6 of Short Plats, Page 44, under Auditor's File No. 1388615, records of Whatcom County, Washington, excepting any portion thereof lying within the Southwest Quarter (SW/4) of Section 18, Township 38 North, Range 3 East, Willamet Meridian (W.M.).

The South 30 feet of the north 1/2 of the Southwest Quarter of the Southeast Quarter (SW/4 SE/4), Section 18, Township 38 North, Range 3 East, W.M., except that portion lying east of a line running parallel with and 1,704 feet west of the west line of James Street Road (County Road No. 384) as conveyed by warranty deed No. 842366.

Lot 9, as delineated on Lakeview Associates Short Plat, according to the plat thereof, recorded in Volume 20 of Short Plats, Page 10, under Auditor's File No. 891122089, records of Whatcom County, Washington.

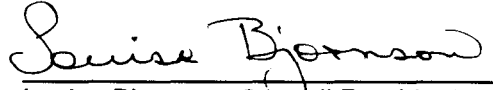
All located within the city limits of the City of Bellingham, Situate in Whatcom County, Washington.

**Section 4:** The City shall condemn all of the above-described property or those portions thereof that are reasonably necessary to accomplish the laying out, establishment, and construction of floodplain improvements in and to the Squalicum Creek floodplain, including related and incidental improvements.

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**Section 5:** Compensation for the property condemned shall be made from the City Surface and Stormwater Fund or such other funds as the City may make available for this purpose.

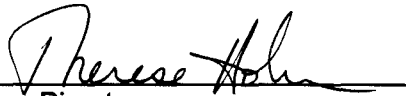
PASSED BY THE COUNCIL this 7th day of February, 2000.

  
Louise Bjornson, Council President

APPROVED BY ME this 14th day of February, 2000.

  
Mark Asmundson, Mayor

Attest:

  
Finance Director

Approved as to Form:

  
Office of the City Attorney

Published: 2/11/00

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