

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF 4000 BLOCK OF BRITTON LOOP RD., TO THE CITY'S WATER AND SEWER SERVICE ZONE AS EXTENSION NO. 249 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, Carey Brothers Construction 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

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 it's water and sewer service zone as defined in BMC Section 15.36.030 or 15.36.040, as the case may be, 4000 Block of Britton Loop Rd., the legal description of said parcel being as follows:

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That portion of the Northeast Quarter of the Northwest Quarter Section 15, Township 38 North, Range 3 East of W.M. Whatcom County being more particularly described as follows, to wit:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N89°51'19"W ALONG THE NORTHERLY LIMITS OF SAID QUARTER A DISTANCE OF 446.03 FEET; THENCE S00°45'49"W A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY MARGIN OF BRITTON LOOP ROAD AND THE **TRUE POINT OF BEGINNING**; THENCE N89°51'19"W ALONG SAID MARGIN A DISTANCE OF 880.12 FEET TO A POINT ON THE WESTERLY LIMITS OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S00°57'37"W ALONG SAID LIMITS A DISTANCE 920.10 FEET TO A POINT ON THE SOUTHERLY LIMITS OF THE NORTH 950 FEET OF NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S89°51'19"E ALONG SAID LIMITS A DISTANCE OF 883.28 FEET; THENCE N00°45'49"E, PARALLEL TO THE EASTERLY LIMITS OF THE NORTHWEST QUARTER OF SAID SECTION A DISTANCE OF 86.50 FEET; THENCE N89°14'11"W A DISTANCE OF 66.01 FEET; THENCE N00°45'49"E PARALLEL TO SAID LIMITS A DISTANCE OF 129.73; THENCE S89°14'11"E A DISTANCE OF 66.01 FEET; THENCE N00°45'49"E PARALLEL TO SAID LIMITS A DISTANCE OF 703.83 TO THE TRUE POINT OF BEGINNING.

Containing an area of 18.425 acres.

Situate in Whatcom County, State of Washington.

Except easements of record.

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

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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:

General Conditions

1. Sanitary sewer shall abut each lot. Sanitary mains will be sized and designed in accordance with City of Bellingham Development Guidelines and Improvement Standards. Gravity service shall be provided to all service connections. An overall sewer utility plan shall be submitted to the Public Works Department for review and approval.
2. A public water main shall abut each lot. The water mains will be sized and designed in accordance with City of Bellingham Development Guidelines and Improvement Standards. Any off site improvements needed to provide adequate flow and circulation of water for domestic and/or fireflow purposes shall be made by the developer and become part of the basic requirement for service.
3. Street improvements shall comply with City of Bellingham Development Guidelines and Improvement Standards. Residential streets include 28' of paving for through streets and 24' of paving for cul-de-sacs. All streets shall include sidewalks, curbs, gutters (on both sides), and streetlights. Positive lot drainage shall serve all lots. All impervious surfaces must be routed to a formal drainage system. No landscape islands shall be allowed in a cul-de-sac.
4. Lots created by this development shall pay stormwater fees equivalent to that which would be collected within the City of Bellingham. Fees shall be collected prior to connection or utilization of City water/sewer service.

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5. A Stormwater Management Plan shall be submitted to the Bellingham Public Works and Planning and Community Development Departments for review. All water quality treatment facility and water quantity control facility shall be designed and constructed to meet or exceed current Bellingham Municipal Code.
6. All rights-of-way in the plat shall be 60' wide for through streets and 50' wide for cul-de-sacs. All rights-of-way shall be recorded on the final plat.
7. An amount equivalent to the Transportation Impact Fees (TIF) that would be required if the property were inside the City shall be paid to the City in accordance with adopted ordinances of the City of Bellingham. All fees shall be collected at the time of sewer permit issuance from the Public Works Department.
8. 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.
9. The preliminary plat shall comply with the intent of Bellingham's Subdivision Ordinance and shall be reviewed and approved by the City Planning and Community Development Department.

Specific Conditions

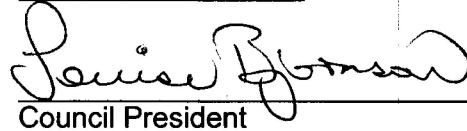
10. Britton Road Loop will be constructed to ¾ standard for the entire frontage of the subdivision.
11. The subdivision will have one consolidated access point to Britton Road Loop. Single family lots will not have direct access to Britton Road Loop.
12. All rights-of-way shall be developed to the City of Bellingham Fire Department standards.
13. A complete wetland mitigation plan shall be submitted to the City Planning and Community Development Department for review and approval prior to any site clearing or construction.

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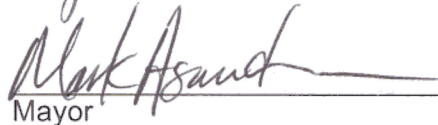
14. A copy of the Army Corps and Department of Ecology permits / approvals shall be submitted to the City Planning and Community Development Department for review prior to any site clearing or construction.

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 26TH day of JUNE, 2000.


Council President

Approved by me this 17th day of July, 2000.


Mayor

Attest:


Finance Director

Approved as to Form:

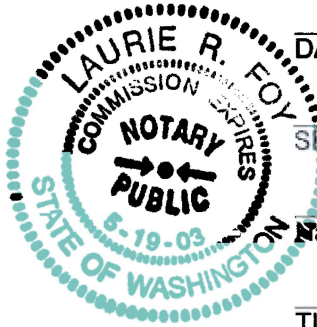

Office of the City Attorney

Published: 07/01/00

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STATE OF WASHINGTON
COUNTY OF WHATCOM)ss

I CERTIFY that I know or have satisfactory evidence that **MARK ASMUNDSON** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Mayor** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



DATED

7.24.00

SIGNATURE OF NOTARY PUBLIC

Laurie R. Foy

Name Printed

Laurie R. Foy

TITLE

5-19-03

MY APPOINTMENT EXPIRES

STATE OF WASHINGTON
COUNTY OF WHATCOM)ss

I CERTIFY that I know or have satisfactory evidence that **THERESE HOLM** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Finance Director** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



DATED

7.24.00

SIGNATURE OF NOTARY PUBLIC

Laurie R. Foy

Name Printed

Laurie R. Foy

TITLE

5-19-03

MY APPOINTMENT EXPIRES

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