

ORDINANCE NO. 2000-12-087

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF YEW ST. RD. SANITARY SEWER (NORTH), TO THE CITY'S SEWER SERVICE ZONE AS EXTENSION NO. 252 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, City of Bellingham 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

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

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, Yew St. Rd. Sanitary Sewer (North), the legal description of said parcel being as follows:

The following parcels as shown in Exhibit A and Exhibit B all situated within Section 4 and 5, Township 37 North, Range 3 East, WM, Whatcom County.

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 The property owner(s) 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.

2. The new sewer service is for all abutting properties as defined by Exhibit A and Exhibit B. Whenever possible gravity service shall be provided to all service connections.

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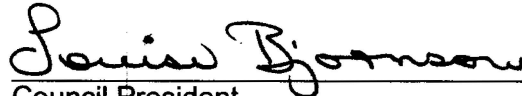
3. In the event of new development by a building permit or a subdivision of land the following conditions shall:
- a) The applicant shall pay stormwater fees equivalent to that which would be collected within the City of Bellingham. Fees shall be collected prior to connection or utilization of City water/sewer service.
 - b) A Stormwater Management Plan shall be submitted to the Bellingham Public Works and Planning and Community Development Departments for review. If necessary, a water quality treatment facility and water quantity control facility shall be designed and constructed to meet or exceed current Bellingham Municipal Code.
 - c) 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.
 - d) The applicant shall comply with the Bellingham Development Guidelines and Improvement Standards for all streets and utilities as well as following the Bellingham Municipal Code Title 18 for subdivision of land.
 - e) All lots shall abut on a public water main and a public sewer main. The water and sewer mains will be sized and designed in accordance with City of Bellingham Development Guidelines and Improvement Standards.

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4. Any additional service requests or uses that are greater than the existing single family residential structures or existing Whatcom County zoning shall require a review and approval by the Bellingham City Council. Any service requests that require a County PUD or Subdivision application shall require additional review and approval by the Bellingham City Council.

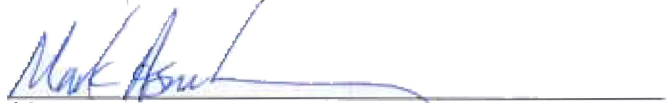
Section 4. In the event any provision of this ordinance or the agreement referred to in Section 2 hereof is declared unenforceable, the City shall be under no obligation to provide service.

Passed by the Council this 11TH day of DECEMBER, 2000.

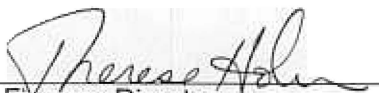


Council President

Approved by me this 19th day of December, 2000.



Mayor

Attest: 

Finance Director

Approved as to Form:



Office of the City Attorney

Published: 12/15/00

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.



December 19, 2000
DATED

A.M. Bowers
SIGNATURE OF NOTARY PUBLIC

ALISON M. BOWERS
Name Printed

Notary Public
TITLE

7/19/2002
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 _____

SIGNATURE OF NOTARY PUBLIC _____

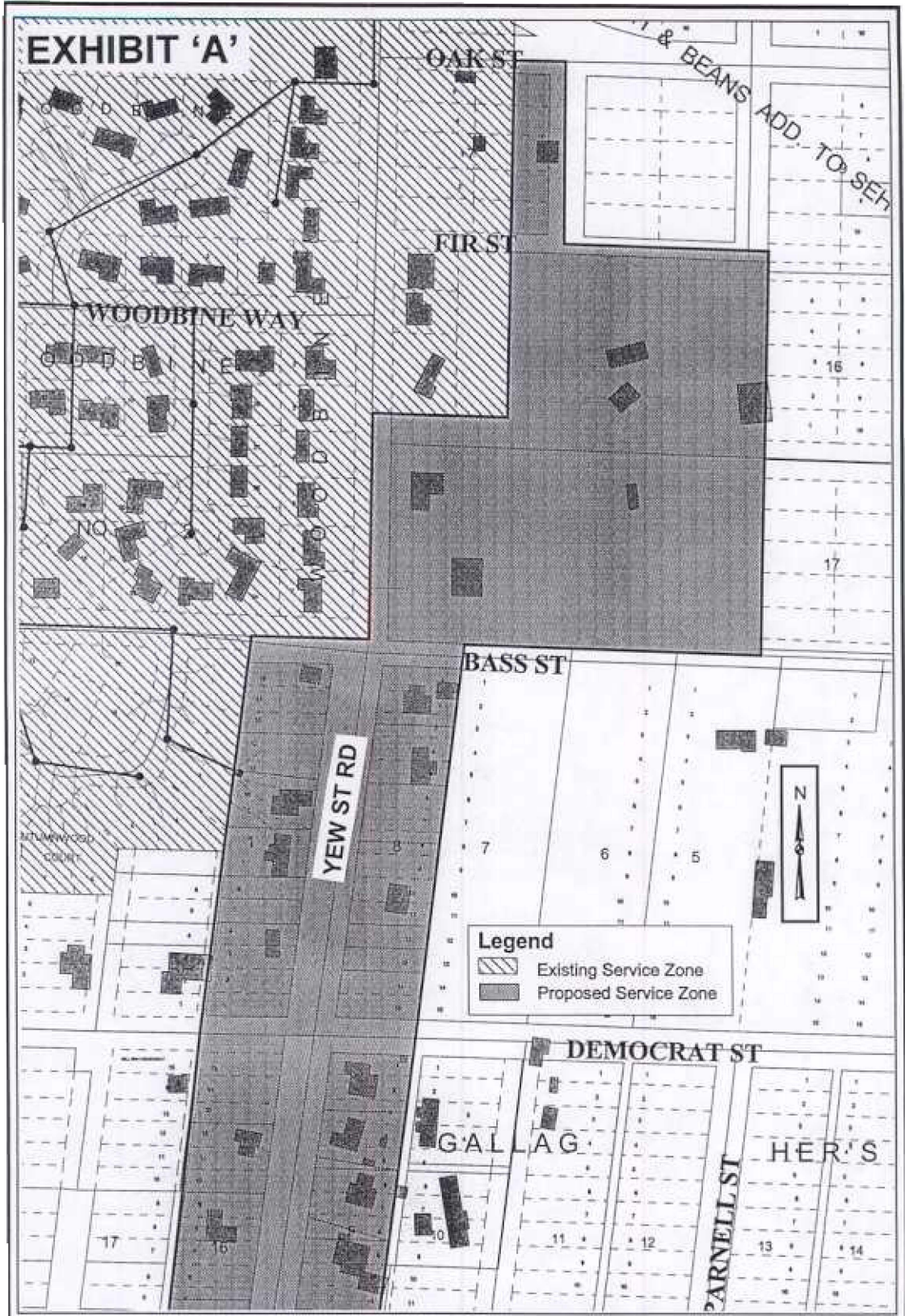
Name Printed _____

TITLE _____

MY APPOINTMENT EXPIRES _____

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EXHIBIT 'A'



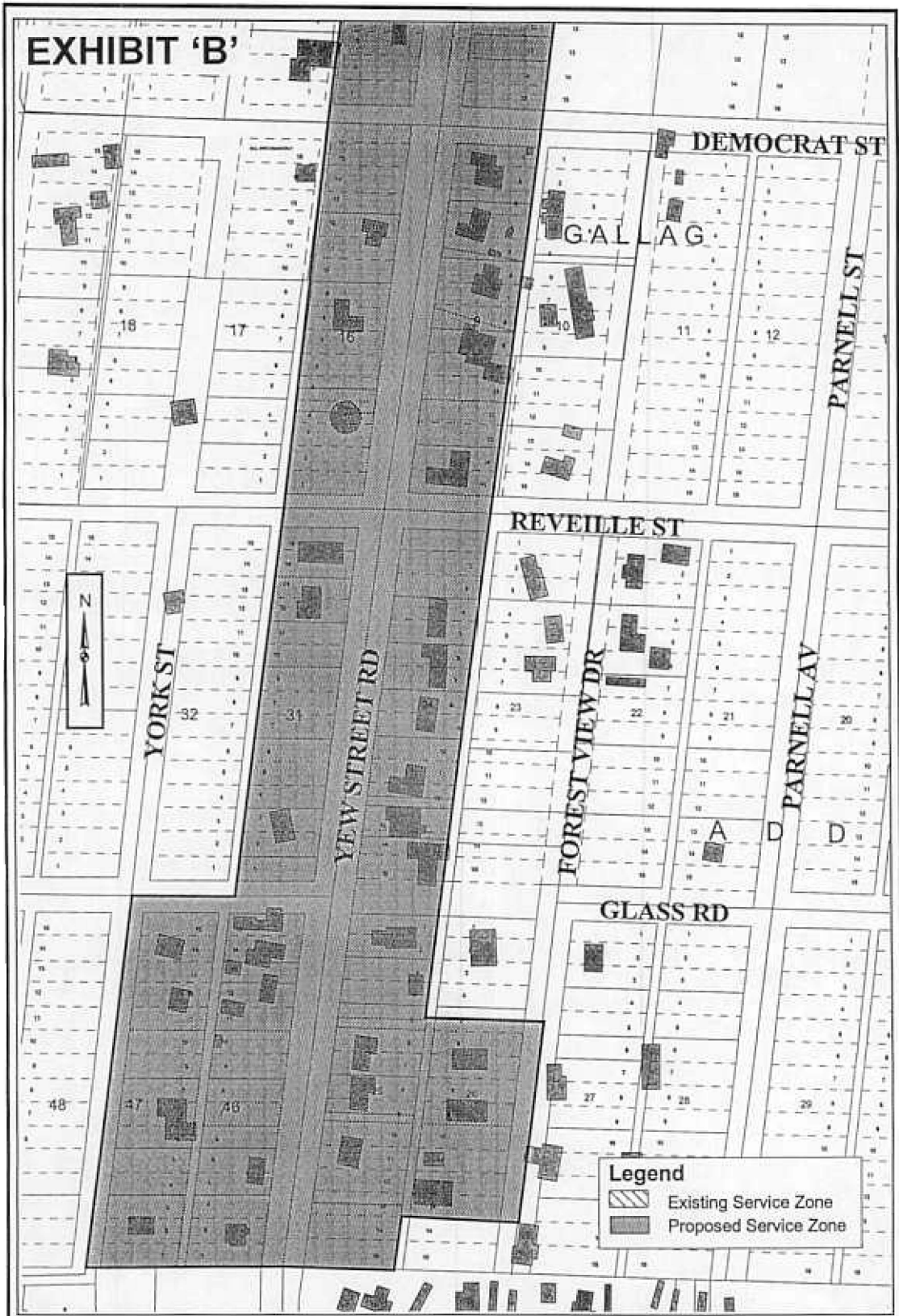
City of Bellingham
BELLINGHAM, WASHINGTON

YEW ST RD
Utility Service Zone

Project No.
Eng: G.M.S
Date: 8/31/00
Drawn By: J.P.B

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EXHIBIT 'B'



City of Bellingham
BELLINGHAM, WASHINGTON

YEW ST RD
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Project No.
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