

**AN ORDINANCE RELATING TO UTILITY SERVICE ZONE EXTENSION, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36, AND PROVIDING FOR THE EXPANSION OF SEWER SERVICE ZONE #223 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, Mr. Uman Ewart has submitted an application for inclusion of Lots 19 and 20, Plat of Noble's Acre Tracts, in the City's sewer service zone as prescribed by BMC Chapter 15.36; and

**WHEREAS**, the owner of Lot 19, Plat of Noble's Acre Tracts, already has a contract with the City for sewer service; and

**WHEREAS**, Mr. Ewart is the owner of Lot 20, Plat of Noble's Acre Tracts; and

**WHEREAS**, Mr. Ewart's application for inclusion in the City's sewer service zone meets two exceptions for approving the application listed in the June 14, 2004 Adopted Revisions to City Council Policy Regarding Utility Service Zone Extensions. This request meets "Exception 1" (located in the Lake Whatcom watershed and the sewer replaces a failing septic system) and "Exception 3" (the property was previously assessed a latecomers). Therefore, Mr. Ewart has the right to request sewer service from City Council; 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 applicant, 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 Section 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 matter was thereafter considered by the City Council and the said Council hereby finds that the best interest 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 Parcels. The City hereby annexes into its sewer service zone #223 as described in Ordinance 10685 two additional parcels, the legal description of said parcels being as follows:

Lots 19 and 20, Plat of Noble's Acre Tracts

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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 sewer service is granted to Lot 20, Plat of Noble's Acre Tracts, 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 septage from Lot 20, Plat of Noble's Acre Tracts, until the applicant executes a contract which shall constitute a covenant running with the land and which shall include the following conditions:


1. Water shall be from Water District #7, and shall meet minimum standards of the City for fire flow and domestic usage.
2. The property owner shall sign a no protest annexation agreement. This agreement shall run with the land and it's therefore, binding on the applicant and its successors in interest in the property.
3. The property owner shall pay the City all outstanding sewer fees, including monthly sewer usage fees since June 2009, a sewer system development charge of \$11,455.50, and a permit fee of \$35.

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 28th day of March, 2011.

  
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Council President

**APPROVED** by me this 1st day of April, 2011.

  
\_\_\_\_\_  
Mayor

**ATTEST:**   
\_\_\_\_\_  
Finance Director

City of Bellingham  
City Attorney  
210 Lottie Street  
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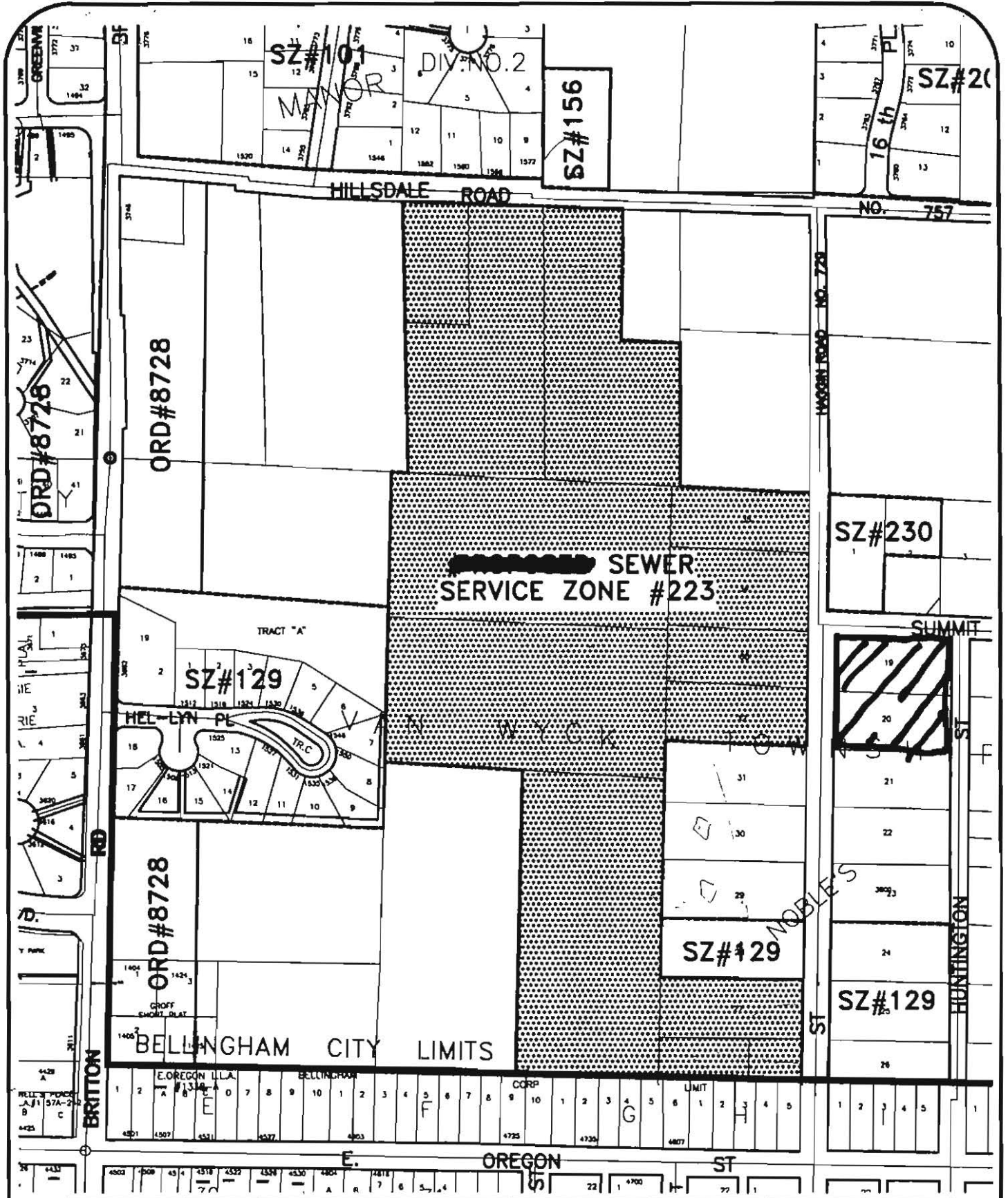
**APPROVED AS TO FORM:**

  
Office of the City Attorney

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# SERVICE ZONE - SEWER #223

