

ORDINANCE NO. 11-2786

**AN ORDINANCE OF THE CITY OF BLAINE, WASHINGTON,
ORDERING CERTAIN LOCAL WASTEWATER IMPROVEMENTS TO
PROPERTIES ALONG PORTIONS OF H STREET, ALLAN STREET,
VISTA AVENUE, VISTA TERRACE DRIVE, TERRACE AVENUE, AND
LINCOLN LANE BY CREATING LOCAL IMPROVEMENT DISTRICT
NO. 35; PROVIDING FOR THE PAYMENT OF THE COST OF SUCH
IMPROVEMENTS BY SPECIAL ASSESSMENTS; AND AUTHORIZING
PAYMENT OF SUCH ASSESSMENTS INTO THE LOCAL
IMPROVEMENT DISTRICT BOND FUND OF THE CITY.**

WHEREAS, on December 13, 2010, the City Council of the City of Blaine, Washington (the "City") adopted Resolution No. 1568-10 declaring its intention to order certain local improvements within the City and to create a local improvement district; and

WHEREAS, the City confirmed with the Whatcom Environmental Health Department that many of the lots within the ULID do not meet the current code for drain field sizing or setbacks to property lines due to site limitations and available area on the properties (WAC 24.05.210), that repairs to existing septic systems have been granted as non-conforming on-site septic repairs, and that one property has been flagged for non occupancy until sewer service is available; and

WHEREAS, City Staff held two public Open House sessions on January 13 and 20, 2011; and

WHEREAS, the following items have been filed with the City Clerk and certified to the City Council:

- Estimates of the costs and expenses of the proposed improvements
- A description of the boundaries of the district
- A statement of what portion of the costs and expenses of the improvements would be borne by the property within the proposed district
- A statement of the local improvement assessments outstanding and unpaid against property in the proposed district and a diagram showing the lots, tracts and parcels to be benefited; and

WHEREAS, a hearing was held on January 24, 2011, and continued on February 14, 2011, after notice as provided by law, and after discussion of the proposed improvements and due consideration thereof and of all objections thereto, the City Council determined to order the local improvements to the wastewater collection system described below and to create a local improvement district;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City shall acquire, construct and install the following improvements within the following described areas of the City:

“Construction of a public wastewater collection system for properties along H Street, Allan Street, Lincoln Lane, Vista Avenue, Terrace Avenue, and Vista Terrace Drive.”

The foregoing improvements are hereafter referred to as the “Improvements.”

Section 2. The preliminary plans and specifications for the Improvements, now on file in the Department of Public Works, are hereby adopted and approved. The Improvements, when completed, shall be in accordance with said plans, the provisions of this ordinance and any other ordinances as may hereafter be adopted in connection herewith; provided, however, that changes in detail of such plans that do not significantly alter the scope or costs of the Improvements will not require further approval.

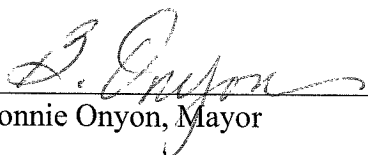
Section 3. There is hereby established a local improvement district to be called the Allen/Vista Terrace Area Sewer Utility Local Improvement District #35 of the City of Blaine, Washington (the “District”), the boundaries or territorial extent of the District being more particularly described in Exhibit A and shown on the map provided as Exhibit B attached hereto and by this reference incorporated herein. It is hereby found that the above-described boundaries embrace as nearly as practicable all property specially benefited by such Improvements.

Section 4. The total estimated cost and expense of the Improvements and all work necessary in connection therewith and incidental thereto is estimated to be \$685,000. The entire cost and expense shall be borne by and assessed against the property specially benefited by such Improvements.

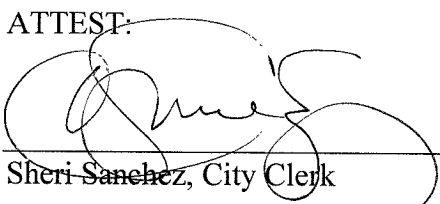
Section 5. Upon completion of the Improvements, an assessment roll shall be prepared and, after notice and hearing in the manner provided by law, an assessment roll shall be confirmed. Assessments not paid within the 30-day prepayment period provided by law shall be payable in installments and the City shall issue local improvement district bonds payable from such unpaid installments. The number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid installments shall bear shall be as hereafter fixed by ordinance. Such assessments shall be paid into the local improvement district bond fund by the City and shall be used solely for the payment of the local improvement district bonds hereafter to be issued to defray the cost of the Improvements to be constructed in the District.

Section 6. This ordinance shall be effective five days from and after its passage, approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Blaine, Washington, at a regular open public meeting thereof, this 14th day of February, 2011.



Bonnie Onyon, Mayor

ATTEST:


Sheri Sanchez, City Clerk

CERTIFICATION

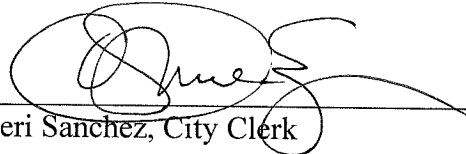
I, the undersigned, City Clerk of the City of Blaine, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. 11-2786 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at the February 14, 2011, regular meeting of the City Council of Blaine held at the regular meeting place, as that ordinance appears in the minutes of the City; and the Ordinance will be in full force and effect five days after the publication of its summary in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of February, 2011.

CITY OF BLAINE, WASHINGTON

A handwritten signature in black ink, appearing to read "Sheri Sanchez", is written over a horizontal line. The signature is stylized and cursive.

Sheri Sanchez, City Clerk