

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Public Works Engineering	ERH	6/97	RECEIVED JUN 25 1997 WHATCOM COUNTY COUNCIL	7/1/97	Introduction
Division Head:				7/15/97	Hearing
Dept. Head:					
Prosecutor:	RAW	6/23/97			
Purchasing/Budget:					
Executive:					

SUBJECT: Proposed Diking Dist No. 3 (Ritter Road vicinity)

- ATTACHMENTS:**
1. Cover letter
 2. Engineer's Report
 3. Resolution for election

SUMMARY STATEMENT: *Please complete sections of box as appropriate & explain the item below.*

Related County contract #:	Should Clerk schedule a hearing? NO / / YES /x / Requested date:
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES /x / NO / / (Please explain below)
Budget line item number(s):	

SUMMARY: At the direction of the County Executive and Council and as provided for in RCW Chapter 85, we reviewed the property boundaries and feasibility of the proposed projects for said Diking District.

ORIGINATOR'S RECOMMENDED ACTION: Approval of report and passage of Resolution

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1997 - 245 A 7/1/97: Introduced
 7/15/97: Approved 6 - 0, Nelson absent. Res. #97-034

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Related File Numbers:

Ordinance or Resolution Number (this item only):

Res. # 97-034

RESOLUTION NO. 97-034

DETERMINING THAT CREATION OF A DIKING DISTRICT IN THE RITTER ROAD AREA IS FEASIBLE AND APPROPRIATE, AND REQUESTING THAT AN ELECTION SEEKING FORMATION OF THE DISTRICT TAKE PLACE

WHEREAS, the Council passed a Resolution July 1, 1997 which: Proposed the creation of a diking district for the purpose of undertaking and maintaining certain flood control improvement projects in the Ritter Road area; directed the County Engineer to investigate the proposed boundaries of said diking district; and directed the Engineer to report the findings of the investigation at a public hearing on July 15, 1997.

WHEREAS, the Engineer's report of feasibility for the proposed Diking District was presented and a public hearing took place at the July 15, 1997 meeting; and

WHEREAS, proposed Ritter Road diking district objects sought and projects proposed are attached and incorporated herein as Exhibit A, and a legal description of the proposed district is attached and incorporated herein as Exhibit B; and

WHEREAS, formation of special districts, including diking districts, is governed by RCW 85.38;

NOW, THEREFORE BE IT RESOLVED, by the Whatcom County Council that the following has been established as a result of the Engineer's report and testimony taken at the public hearing:

Section 1. Findings. As required by RCW 85.38, the Council hereby finds that:

(1) The area to be included in the proposed diking district is as stipulated in the attached legal description (Exhibit B);

(2) Creation of the special district will be conducive to the public health, convenience and welfare;

(3) The creation of the special district will be of special benefit to a majority of the lands included within the special district;

(4) The proposed improvements are feasible and economical, and that the benefits of these improvements exceed costs for the improvements.

Section 2. Special Election. The County Auditor is requested to call a special election on the question of creating Diking District No. 3 (Ritter Road) as follows:

1 (1) An election on the question of creating the special district will take place Tuesday,
2 September 16, 1997 at Meridian High School, 194 W. Laurel Road, Bellingham. Polls will be
3 open from 7:00 a.m. to 8:00 p.m.

4 (2) As required by RCW 85.38.060, the County Auditor shall conduct the election and
5 prepare a list of eligible voters.

6 (3) Notices of the election shall be published and posted as provided in RCW 85.38.040 and
7 85.38.120 by the County Auditor.

8 (4) The special district shall be created if the proposition to create the special district is
9 approved by a simple majority vote of the voters participating in the election and the special
10 district may assume operations whenever the initial members of the governing body are
11 appointed as provided in RCW 85.38.070.

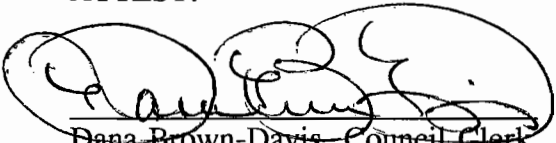
12 (5) The initial members of the governing body of a newly created special district shall be
13 appointed by the County Council, as required in RCW 84.38.070 (3). These initial governing
14 body members shall serve until their successors are elected and qualified at the next special
15 district general election held at least 90 days after the special district is established.

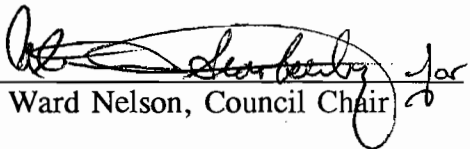
16 (6) If the special district is created, the County may charge the special district for the costs
17 incurred by the County Engineer pursuant to RCW 85.30.030 and the costs of the Auditor
18 related to the election to authorize the creation of the district pursuant to this Section (RCW
19 85.38.060).

20 ADOPTED this 15 day of July, 1997.

21
22 ATTEST:

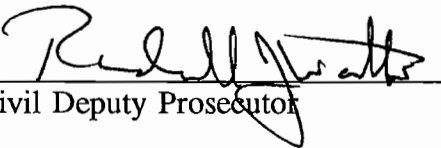
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

23 
24 Dana Brown-Davis, Council Clerk


L. Ward Nelson, Council Chair

25 APPROVED AS TO FORM:

() Approved () Denied

26 
27 Civil Deputy Prosecutor
28
29

Signature not needed

Pete Kremen, Executive

Date: _____

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EXHIBIT 'A'
PROPOSED DIKING DISTRICT NO. 3
OBJECTS SOUGHT AND PROJECTS PROPOSED

1. **Objects sought by creation of Diking District No. 3.**
 - A. To comply with the proposals of the Comprehensive Flood Hazard Management Plan (CFHMP).
 - B. To reduce or prevent erosion and other flood damage along a section of the Nooksack River.

2. **Projects proposed to be completed by Diking District No. 3 that will accomplish the above objects.**
 - A. To complete such projects as are recommended by the CFHMP and the Flood Control Zone District Advisory Committee (FCZDAC).
 - B. To repair and maintain existing flood water control facilities.

EXHIBIT "B"

LEGAL DESCRIPTION FOR DIKING DISTRICT NO. 3 (RITTER ROAD)

This district will comprise portions of Sections 2, 3, 4, 9 and 10 of Township 39 North, Range 2 East of W.M. and portions of Sections 34, 35 and 36 Township 40 North, Range 2 East of W.M., said district more particularly described as follows:

Commencing at the intersection of the South line of said Section 9 and the Easterly or left bank of the Nooksack River and being the true point of beginning; thence Easterly along said South line, 1700 feet, more or less to the Southwest corner of lot 2 of the Zimbra Short Plat as recorded in volume 3 of short plats, Page 43; thence Northerly along the West line of said lot 2, 330 feet; thence Northeasterly, 400 feet, more or less, to the Northeast corner of said lot 2; thence $N74^{\circ}23'14''E$, 403.98 feet to a monument shown as an angle point on the North line of lot 1 of aforesaid Zimbra Short Plat; thence Northwesterly to a point on the South line of the North 67.5 rods of the Southwest quarter of said section 10, 330 feet East of the West line of said Southwest quarter; thence $N16^{\circ}30'16''E$, 1162 feet, more or less, to the Southwest corner of the East half of the Southwest quarter of the Northwest quarter of said Section 10; thence $N14^{\circ}02'10''E$, 1361 feet, more or less, to the Southwest corner of the East half of the East half of the Northwest quarter of the Northwest quarter of Section 10; thence $N51^{\circ}20'25''E$, 2113 feet, more or less to the South quarter corner of aforesaid Section 3; thence Northerly along the North South centerline of Section 3, 330 feet, more or less, to the Northeast corner of the Southeast quarter of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 3; thence $S75^{\circ}57'50''W$, 1361 feet, more or less, to the Southeast corner of the Southwest quarter of the Southwest quarter of Section 3; thence Easterly 330 feet, more or less, to the Southwest corner of the East half of the East half of the Southwest quarter of the Southwest quarter of Section 3; thence $N26^{\circ}33'54''E$, 738 feet, more or less, to the Southwest corner of the North half of the Southeast quarter of the Southwest quarter of Section 3; thence $N71^{\circ}33'54''E$, 1044 feet, more or less, to the Southwest corner of the Northeast quarter of the Northeast quarter of the Southeast quarter of the Southwest quarter of Section 3; thence $N26^{\circ}33'54''E$, 738 feet, more or less, to the Southwest corner of the Northwest quarter of the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 3; thence $N48^{\circ}12'46''E$, 1811 feet, more or less, to the Northwest corner of Lot 1 of the Port Short Plat as recorded in volume 3 of short plats, page 113; thence $N84^{\circ}58'19''E$, 1295 feet, more or less, to the Southwest corner of the Northwest quarter of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 2; thence $N45^{\circ}$ East, 1867 feet, more or less, to the Southwest corner of the Northwest quarter of the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 2;

EXHIBIT "B"
PAGE 2

thence N75°57'50"E, 1361 feet, more or less, to the Northwest corner of the Southeast quarter of the Northwest quarter of the Northeast quarter of Section 2; thence East 660 feet, more or less, to the Southwest corner of the Northeast quarter of the Northwest quarter of the Northeast quarter of Section 2; thence N26°33'54"E, 738 feet, more or less, to the Southwest corner of the East half of the East half of the Southwest quarter of the Southeast quarter of aforesaid Section 35; thence N51°20'25"E, 2113 feet, more or less, to the Southwest corner of the Northwest quarter of the Southwest quarter of aforesaid Section 36; thence N45°E, 1867 feet, more or less, to the Northeast corner of the Northwest quarter the Southwest quarter of Section 36; thence Northerly along the East line of the Southwest quarter of the Northwest quarter, 330 feet, more or less, to the Southerly or left bank of the Nooksack River; thence Southeasterly along said left bank 5 miles, more or less to the South line of Section 9 and the true point of beginning.