

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Public Engineering	ERH	7/97	RECEIVED JUL 09 1997 WHATCOM COUNTY COUNCIL		
Division Head:	<i>[Signature]</i>			7/15/97	Council.
Dept. Head:					
Prosecutor:	<i>[Signature]</i>	7/3/97			
Purchasing/Budget:					
Executive:	<i>[Signature]</i>	7-8-97			

SUBJECT: Resolution in the matter of creating a diking district in the Bertrand Creek area.

- ATTACHMENTS:**
1. Cover letter
 2. Resolution
 3. Agenda Bill

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

Related County contract #:	Should Clerk schedule a hearing? NO / / YES / / 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: A number of property owners in the area have requested the creation of a Diking District. RCW 85.38.020 provides that the County Council may by resolution propose the creation of said Diking District. RCW 85.38.030 directs the County Engineer to investigate the proposed boundaries of said Diking District and RCW 85.38.040 provides for a public hearing and special election. This Resolution, if passed, will schedule the official hearing for July 29, 1997.

ORIGINATOR'S RECOMMENDED ACTION: Recommend approval

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1997 - 257 7/15/97: Approved 6 - 0, Nelson absent

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Related File Numbers:

Ordinance or Resolution Number (this item only):

Res. # 97-035

1
2
3 SPONSORED BY: Public Works
4 PROPOSED BY: Engineering
5 INTRODUCTION DATE: 7/15/97

1 RESOLUTION NO. 97-035

2 A RESOLUTION PROPOSING THE CREATION OF A
3 DIKING DISTRICT IN THE BERTRAND CREEK AREA

4 WHEREAS, Whatcom County has received a request from a number of property owners to create
5 a Diking District in the Bertrand Creek area, encompassing the right bank flood plain between Interstate
6 5 and the Guide Meridian; and

7 WHEREAS, per RCW 85.38.020, the County Council may by resolution propose the creation
8 of said Diking District; and

9 WHEREAS, the objects sought by the creation of said district, along with the projects proposed
10 to be completed by said district to accomplish these objects, are included in this resolution as attached
11 Exhibit A; and

12 WHEREAS, the boundaries of said proposed Diking District are included in this resolution as
13 attached Exhibit B; and

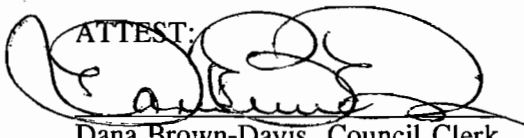
14 WHEREAS, pursuant to RCW 85.38.030, the Council shall direct the County Engineer to
15 investigate the proposed boundaries of said Diking District; and

16 WHEREAS, it is desirable that the public hearing regarding said proposed district, per RCW
17 85.38.040, be held expeditiously to be included on the September 16, 1997 election ballot;

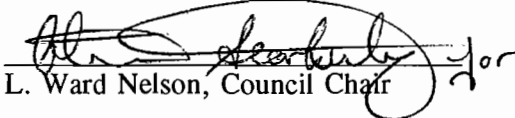
18 NOW, THEREFORE BE IT RESOLVED, that the County Council does hereby propose the
19 creation of a diking district for the purpose of undertaking and maintaining certain flood control
20 improvement projects, and does further direct the County Engineer to investigate the proposed boundaries
21 of said Diking District and the feasibility of said projects per the attached exhibits, and to report
22 regarding the creation of said Diking District at a public hearing hereby scheduled for July 29, 1997.

23 ADOPTED this 15 day of July, 1997.

24
25 ATTEST:

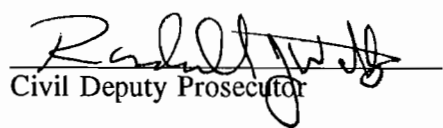
26 
27 Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

28 
L. Ward Nelson, Council Chair

29 APPROVED AS TO FORM:

() Approved () Denied

30 
Civil Deputy Prosecutor

Signature not needed
Pete Kremen, Executive

31 Date: _____

EXHIBIT 'A
PROPOSED DIKING DISTRICT NO. 4
OBJECTS SOUGHT AND PROJECTS PROPOSED

1. **Objects sought by creation of Diking District No. 4.**
 - 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.
 - C. To minimize flood damage in the Bertrand Creek, Fish Trap Creek, and Schneider Ditch drainages.

2. **Projects proposed to be completed by Diking District No. 4 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.
 - C. To construct and maintain bank protection facilities.

EXHIBIT 'B'

A Diking District contained within and being portions of Secs. 25, 26, 27, 33, 34, 35 and 36, Township 40 North, Range 2 East and Secs. 3, 4, 9, 16, 20 and 21, Township 39 North, Range 2 East, Whatcom County, WA and being further described as follows:

Generally following the northern boundary of the F.E.M.A. 100-year flood plain from the Guide Meridian southwestward to Interstate-5.

Detailed legal description to follow.

LEGAL DESCRIPTION FOR DIKING DISTRICT #4

Said District will comprise portions of Sections 3,4,9,16,17,20 and 21 of Township 39 North, Range 2 East of W.M. and portions of Sections 25,26,27,33,34,35, and 36 of Township 40 North, Range 2 East of W.M.. Said District more particularly described as follows:

Commencing at the intersection of the East Line of said section 36 and the Northerly or Right bank of the Nooksack River and being the True Point of Beginning. Thence Northerly along said East line of 36 and continuing along the East line of said section 25, 4500 feet, more or less, to the north line of Bay-Lyn Drive projected; Thence South 82 08'50" West, 440 feet, more or less, to the Northeast corner of that certain parcel granted to Hagerty under Auditors File Number 960304020; Thence South 75 57' 50" West, 907 feet , more or less, to the Southeast corner of that certain parcel granted to Zylstra under Auditors File Number 910523111; Thence West along the south line of aforesaid Zylstra parcel projected, 360 feet, more or less, to the Easterly right of way line of Flynn road; Thence South 47 43' 35" West, 890 feet, more or less, to the Southeast corner of that certain parcel conveyed to the Van Beek trust under Auditors File Number 960625132; Thence West, 730 feet, more or less, to a point on the Easterly boundary of that certain parcel conveyed to Bouma under Auditors file number 940713082, 157 feet south of the Northeast corner thereof; Thence North 32 14'12" East, 1310 feet, more or less, to the Northeast corner of Lot 3 of the D. Vanderyacht Short Plat, as recorded in Volume 2, Page 3 of Short Plats; Thence North 8 07' 50" West, 350 feet, more or less, to the Southeast corner of that certain parcel conveyed to Jensen under Auditors file Number 8402245; Thence South 59 59'27" West, 3307 feet, more or less, to a point on the West line of Said Section 25, 660 feet North of the quarter corner thereof; Thence south 82 01'20" West, 1320, more or less, to a point on the easterly boundary of Lot 4 of the Terpsma Short Plat as recorded in Volume 1, Page 140 of Short Plats, 475 feet north of the southeast corner thereof; Thence South 56 53'19" West, 2750 feet, more or less, to the Southwest corner of that certain parcel conveyed to Boschma under Auditors File Number 960401080; Thence North 32 00'19" West, 1130 feet, more or less to the Southeast corner of Lot 12 of Rathbone Park division 2, as recorded in Volume 11, Page 85 of Plats; Thence South 68 26'50" West, 1151 feet, more or less to the West line of said Section 26, 2150 feet north of the Southwest corner thereof; Thence South along said West line, 1110 feet; Thence South 38 43'30" West, 2717 feet, more or less, to a point on the East line of that certain parcel conveyed to Vanderveen under Auditors File Number 108086, 660 feet South of the Northeast corner thereof; Thence South 75 49'19" West, 567 feet, more or less, to a point on the West line of said Vanderveen parcel; Thence South 61 28'36" West, 3700 feet, more or less, to a point on the East boundary of that certain parcel conveyed to Whipple under Auditors file number 921015229, 160 feet north of the Southeast corner thereof;

Thence North 67 25'05" West, 2320 feet, more or less, to the Southeast corner of Lot 4 of the Bison Ridge Short Plat as recorded in Volume 14, page 42 of Short Plats; Thence North 33 52'45" West, 960 feet, more or less to a point on the West line of said Lot 4, 800 feet North of the Southwest corner thereof; Thence North 61 25'36" West, 2712 feet, more or less, to the Northwest corner of aforesaid Section 33; Thence South along the West line of Section 33, 2050 feet; Thence South 58 37'11" East, 3300 feet, more or less to a point on the East boundary of Lot B of the Amended Meadowmist Short Plat as recorded in Volume 6, Page 11 of Short Plats, 300 feet North of the Southeast corner thereof; Thence South 28 36' East, 1305 feet, more or less to the tributary of the Schneider Ditch; Thence North 74 47'21" East, 790 feet, more or less to a point on the North line of that certain parcel conveyed to Chowning under Auditors file Number 1307091, 470 feet East of the Northwest corner thereof; Thence South 40 58'18" East, 317 feet, more or less to a point on the East line of said Chowning parcel, 240 South of the Northeast corner thereof; Thence South along said East line, 410 feet, more or less to the South line of Section 33; Thence South 22 02'56" West, 11,753 feet, more or less to the Southwest corner of said Section 9; Thence South 9 16'42" West, 2045 feet, more or less, to the Southeast corner of that certain parcel conveyed to Ring under Auditors file number 930819107; Thence South 37 41'23" West, 1619 feet, more or less, to the Southeast corner of the North half of the Northwest quarter of the Southeast Quarter of said Section 17 and being the corporate limits of the city of Ferndale; Thence south along said City Limits line, being the East line of the West half of the Southeast quarter of Section 17, 1500 feet, more or less, to the Northwest corner of that certain parcel conveyed to Roessel under Auditors file number 891211171; Thence East along the North line of said Roessel parcel, 510 feet, more or less to the Northeast corner of said parcel; Thence North along the East line of said Roessel parcel projected, 840 feet, more or less to the North line of the Southeast Quarter of the Southeast quarter of Section 17; Thence North 36 13'23" East, 826 feet, more or less, to a point on the West line of the East 10 acres of the Northeast quarter of the Southeast quarter of section 17, 660 feet south of the Northwest corner thereof; Thence South 25 44'53" East, 740 feet, more or less, to the Northeast corner of the Southeast quarter of the Southeast quarter of Section 17; Thence South Along the East line of Section 17, 420 feet; Thence South 26 11'17" West, 680 feet, more or less, to the Northwest corner of that certain parcel conveyed to Smith under Auditors file number 934792; Thence South along the West line of said Smith parcel, 290 feet, more or less, to the North line of Section 20; Thence West along said North line 77 feet, more or less, to a point 377 feet west of the Northeast corner of said Section 20; Thence South 39 13'48" West, 1491 feet, more or less, to a point on the East line of the Northwest quarter of the Northeast quarter of Section 20, 165 feet North of the Southwest corner thereof; Thence South along said East line, 165 feet to the Southeast corner of aforesaid Northwest quarter of the Northeast quarter; Thence East along the North line of the Southeast Quarter of the Northeast quarter of Section 20, 990 feet; Thence South 400 feet, more or less, to the Northwesterly or Right bank of the Nooksack River; Thence Northeasterly to the Point of Beginning.