

LEARANCES	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	Introduction
Dept. Head:				7/29/97	Hearing
Prosecutor:	<i>[Signature]</i>	7/10			
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 / <input checked="" type="checkbox"/> / Requested date: July 29, 1997
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES / <input checked="" type="checkbox"/> / 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 authorize an election September 16 for the owners to vote on the establishment of a Diking District.

ORIGINATOR'S RECOMMENDED ACTION: Recommend approval

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1997 - 257 A 7/15/97: Introduced
 7/29/97: Approved 6 - 0, Sutter absent. Res. #97-039

\\users\mpickens\wpfiles\dik.ab

Related File Numbers:

Ordinance or Resolution Number (this item only):

Res # 97-039

1 RESOLUTION NO. 97-039

2 DETERMINING THAT CREATION OF A DIKING DISTRICT IN THE
3 BERTRAND CREEK AREA IS FEASIBLE AND APPROPRIATE, AND
4 REQUESTING THAT AN ELECTION SEEKING FORMATION OF THE
5 DISTRICT TAKE PLACE

6 WHEREAS, the Council passed a Resolution July 15, 1997 which: Proposed the creation
7 of a diking district for the purpose of undertaking and maintaining certain flood control
8 improvement projects in the Bertrand Creek area, encompassing the right bank flood plain from
9 Guide Meridian to Interstate 5; directed the County Engineer to investigate the proposed
10 boundaries of said diking district; and directed the Engineer to report the findings of the
11 investigation at a public hearing on July 29, 1997.

12 WHEREAS, the Engineer's report of feasibility for the proposed Diking District was
13 presented and a public hearing took place at the July 29, 1997 meeting; and

14 WHEREAS, proposed Bertrand Creek diking district objects sought and projects proposed
15 are attached and incorporated herein as Exhibit A, and a legal description of the proposed
16 district is attached and incorporated herein as Exhibit B; and

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

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

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

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

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

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

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

31 Section 2. Special Election. The County Auditor is requested to call a special election on the
32 question of creating Diking District No. 4 (Bertrand Creek) as follows:

1 (1) An election on the question of creating the special district will take place Tuesday,
2 September 16, 1997 at Ferndale American Legion Hall, 5537 2nd Avenue, Ferndale, and Custer
3 Fire Station, 7625-Custer School Road, Custer, and Delta Fire Station, 8188 Enterprise Road,
4 Ferndale. Polls will be open from 7:00 a.m. to 8:00 p.m.

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

7 (3) Notices of the election shall be published and posted as provided in RCW 85.38.040 and
8 85.38.120 by the County Auditor.

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


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

17 (6) If the special district is created, the County may charge the special district for the costs
18 incurred by the County Engineer pursuant to RCW 85.30.030 and the costs of the Auditor
19 related to the election to authorize the creation of the district pursuant to this Section (RCW
20 85.38.060).

21 ADOPTED this 29 day of July, 1997.

22 WHATCOM COUNTY COUNCIL
23 WHATCOM COUNTY, WASHINGTON

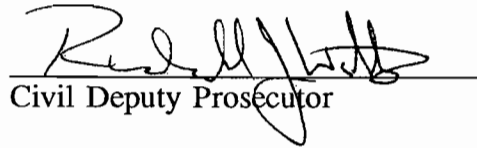
24 ATTEST:

25 
Dana Brown-Davis, Council Clerk

26 
L. Ward Nelson, Council Chair

27 APPROVED AS TO FORM:

() Approved () Denied

28 
Civil Deputy Prosecutor

29 Signature not needed
Pete Kremen, Executive
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
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 South 40 48'55" West, 1744 feet, more or less, to a point on the East-West centerline of said Section 20 and the Northeast right of way line of Interstate 5; Thence southeasterly along said right of way line, 500 feet, more or less, to the Northwesterly or Right bank of the Nooksack River; Thence Northeasterly along said Right Bank, to the Point of Beginning.