

After recording return document to:

Whatcom County Public Works
River & Flood Division
322 N. Commercial, Suite 120
Bellingham, WA 98225

Document Title: Flood Control Works Easement
Reference Number of Related Documents:
Grantor: City of Lynden
Grantee: Whatcom County Flood Control Zone District
Legal Description: Ptn of SW ¼ SE ¼ & Ptn of SE ¼ SW ¼, S20, T40N, R3E
Additional Legal Description on Pages 5-7
Assessor's Tax Parcel Number: 400320 337108 0000

FLOOD CONTROL WORKS EASEMENT

This agreement is made this _____ day of _____, 2021, between CITY OF LYNDEN, A WASHINGTON MUNICIPAL CORPORATION, ("Grantor") and WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT ("Grantee") a quasi-municipal corporation of the State of Washington.

The Grantor, for and in consideration of the mutually beneficial flood control works set forth herein, do hereby grant, convey, release and quitclaim, to the Grantee, and its successors, assigns, licensees, and permittees, an easement for the purposes hereinafter stated:

A perpetual and assignable right and easement to construct, reconstruct, maintain, repair, operate, patrol, inspect, monitor and replace a flood protection levee, any bank protection works, including all associated mitigation and restoration, and/or other flood control activities or works of any nature whatsoever and any or all flood relief including all appurtenances thereto, together with any enlargement or reconstruction thereof; to vegetate, plant and nurture protective vegetation; and to trim, cut, fell and remove all such trees, brush and other natural growth and obstructions as necessary to provide adequate clearance and to eliminate interference with, or hazards to, the structures, improvements, or utilities placed on, over or under said land described as follows:

Said lands being situate in Whatcom County, State of Washington, and described as

FLOOD EASEMENT

follows:

For legal description and additional conditions
See Exhibit A attached hereto and made a part hereof.

Reserving, however, to Grantor all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired.

The Grantor agrees not to intentionally compromise the integrity of the project, including the mitigation, restoration and/or revegetation components of the project.

In addition to granting the easement as set forth above, the Grantor hereby releases Whatcom County and the Whatcom County Flood Control Zone District, its successors, assigns, licensees, and permittees from any and all claims of flood damage or any other damage arising from the construction, reconstruction, maintenance and repair of bank protection works and/or other flood control activities herein, and from any and all claims for flood relief.

The Grantor retains the right of use and the possession of all the property, except such use and possession as may be needed or required for the construction, reconstruction, or maintenance of such flood works set forth above or as in the future be determined better or more suitable. Provided, however, that all uses and activities undertaken by the Grantor are complementary to and shall in no way alter, undermine, or demean the purpose or function of the flood control works provided.

This easement and rights as granted herein may be assigned by the Grantee to such other Flood Control/relief authority as may in the future by law be set up.

FLOOD EASEMENT

Approvals required by Whatcom County:

Approved as to form:
Prosecuting Attorney's Office

Christopher Quinn, Senior Deputy
Prosecuting Attorney – Civil Division

Date: _____

Public Works Flood Control Engineer

Paula Harris

Date: _____

**Accepted & Approved for
Whatcom County Flood Control Zone District (FCZD)**

Satpal Singh Sidhu, Acting on behalf
of the FCZD Board of Supervisors

Date: _____

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

Jon Hutchings
Director



James P. Karcher, P. E.
County Engineer
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

EXHIBIT "A"

A PERMANENT EASEMENT LYING OVER, UNDER AND ACROSS A PORTION OF THE FOLLOWING DESCRIBED PARCEL:

(PER WHATCOM LAND TITLE COMPANY, SUBDIVISION GUARANTEE NO. W-175196)

A TRACT OF LAND IN THE SOUTH ONE-HALF OF THE SOUTH ONE-HALF OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY CORPORATION LINE OF THE TOWN OF LYNDEN, 80 FEET SOUTHERLY (AT RIGHT ANGLE TO FRONT STREET), AND 22 FEET EASTERLY (PARALLEL TO FRONT STREET) FROM THE SOUTHEAST CORNER OF LOT 4, BLOCK 2, SUPPLEMENTAL AND CORRECTED PLAT OF LYNDEN, WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 48, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE 32° EAST ALONG THE EASTERLY LINE OF A TRACT OF LAND OWNED BY P. AWYNS AS DESCRIBED IN AUDITOR'S FILE NO. 837243 (MAP 20.1), A DISTANCE OF 609 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20 TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1260 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO NEAL MEEBOER AND MARIE MEEBOER, HUSBAND AND WIFE, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 296254; THENCE SOUTH PARALLEL TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 20, TO THE NORTH BANK OF THE NOOKSACK RIVER; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTH BANK OF THE NOOKSACK RIVER TO THE SOUTHEAST CORNER OF THE ZWYNS TRACT AS DESCRIBED IN AUDITOR'S FILE NO. 837243 (MAP 20.1); THENCE IN A NORTHERLY DIRECTION ALONG THE EASTERLY LINE OF SAID ZWYNS TRACT TO THE POINT OF BEGINNING;

ALONG WITH ANY PORTION OF THAT CERTAIN TRACT OF LAND WITHIN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., DESCRIBED ON STATUTORY WARRANTY DEED RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 940322218 WHICH MAY LIE WESTERLY OF THE FOLLOWING DESCRIBED LINE:

EXHIBIT "A" CONTINUED

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 20; THENCE NORTH 02°00'25" EAST, A DISTANCE OF 1323.49 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 20; THENCE NORTH 86°41'30" WEST, A DISTANCE OF 2000.06 FEET TO A POINT MARKED WITH A 5/8 INCH REBAR WITH A 1 INCH PLASTIC CAP STAMPED "NWS & GPS, 21423 & 32430", SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE SOUTH 02°12'22" WEST, A DISTANCE OF 584.94 FEET TO A 5/8 INCH REBAR WITH A 1 INCH PLASTIC CAP STAMPED "NWS & GPS, 21423 & 32430); THENCE CONTINUING SOUTH 02°12'22" WEST TO THE NORTH BANK OF THE NOOKSACK RIVER AND THE TERMINUS OF THIS LINE DESCRIPTION.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PERMANENT EASEMENT DESCRIPTION

COMMENCING AT A BRASS DISK MARKING THE INTERSECTION OF THE CENTERLINE OF 7TH STREET WITH THE CENTERLINE OF SOUTH 6TH STREET; THENCE ALONG SAID SOUTH 6TH STREET CENTERLINE SOUTH 23°26'12" EAST 173.35 FEET TO A BRASS DISK MONUMENT MARKING THE CENTERLINE OF SAID SOUTH 6TH STREET; THENCE CONTINUING ALONG SAID SOUTH 6TH STREET CENTERLINE SOUTH 23°26'12" EAST 246.19 FEET TO THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL; THENCE ALONG SAID NORTH LINE NORTH 86°40'47" WEST 18.48 FEET TO THE **POINT OF BEGINNING**; THENCE DEPARTING SAID NORTH LINE SOUTH 26°03'10" EAST 36.87 FEET; THENCE SOUTH 58°08'41" WEST 169.21 FEET; THENCE SOUTH 43°39'17" WEST 106.55 FEET; THENCE SOUTH 82°59'15" WEST 133.56 FEET; THENCE SOUTH 85°56'06" WEST 87.06 FEET TO THE WEST LINE OF THE ABOVE DESCRIBED PARCEL; THENCE ALONG SAID WEST LINE NORTH 31°07'14" WEST 298.25 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE NORTH LINE OF SAID PARCEL SOUTH 86°40'47" EAST 575.60 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 93,406 SQUARE FEET, MORE OR LESS.

SITUATE IN WHATCOM COUNTY, WASHINGTON

Jesse Allen
2021.04.19 07:55:53
-07'00'





EXHIBIT

SITUATE IN A PORTION OF SECTION 20, TOWNSHIP 40 NORTH,
RANGE 3 EAST, W.M., WHATCOM COUNTY, WASHINGTON

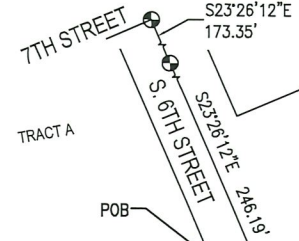
RIVER POINT CONDOMINIUM
AF# 2020503776

RIVER POINT
CONDOMINIUM
400320 201166 0000

CITY OF LYNDEN
400320 215165 0000

JUDSON VILLAGE
AF# 2090201173

LYNDEN REGIONAL
PARK & RECREATION
DISTRICT
400320 242150 0000



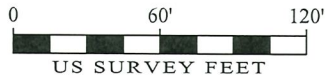
5TH ADDITION CONDOMINIUM
AF# 2040603592

5TH ADDITION
CONDOMINIUM
400320 192143 0000

PERMANENT EASEMENT AREA
93,406 SF

Jesse Allen
2021.04.19 07:56:16 -07'00'

CITY OF LYNDEN
400320 337108 0000



DEPARTMENT OF PUBLIC WORKS 322 N. COMMERCIAL
ST., SUITE 301 BELLINGHAM, WA 98225
(360) 778-6210

CRP: FC1805
DRAWN BY: J. ALLEN
CHECK BY: C. SWAN
DRAWING: FC1805 Esmt.dwg

CITY OF LYNDEN - 400320 337108 0000
PERMANENT EASEMENT
 DATE: 4/19/21 SHEET: 1 OF 1

