

CITY OF LYNDEN
CITY COUNCIL RESOLUTION NO. 23-1079

**A resolution of the Council of the City of Lynden, Washington,
to approve a Lot Line Adjustment of City Property and Accept a Right of Dedication
for a Portion of Pepin Creek Parkway facilitating the alignment of Pepin Parkway
with Sunrise Drive**

WHEREAS, the City owns the following-described parcel of real property, both situated in Whatcom County, Washington, Tax Assessor Parcel No. 400318 461331 0000, commonly known as the Benson Park property, herein referred to together as the “City Property;” and

WHEREAS, the Owner owns one parcel of real property, situated in Whatcom County, Washington, Tax Parcel No. 400318 477250 0000, addressed as 8683 Benson Road, herein referred to as the “Owner Property”; and

WHEREAS, the Owner Property is located in such as way as to facilitate the alignment of Pepin Creek Parkway with Sunrise Drive; and

WHEREAS, the Owner Property is also south of and directly abutting the City Property; and

WHEREAS, the Parties intend that as a condition of development, and at no cost to the City, the Owner will grant an exclusive right-of-way easement, eighty (80) feet in width, curving through and bisecting part of the Owner Property and occupying approximately 1.21 acres of the Owner Property, for the future construction of a new street called Pepin Parkway including city utilities and franchise utilities; and

WHEREAS, the specific design and associated square footage need for the Pepin Parkway right-of-way has been determined by the City Engineer consistent with the long-range transportation plan for this area; and

WHEREAS, the Owner Property, being approximately 332 feet wide from north to south, is significantly impacted by the right-of-way grant due to its width and location within the Owner Property; and

WHEREAS, to maintain the development opportunities of the Owner Property while facilitating access and the expansion of the City’s transportation network, the City will exchange, in return for said right-of-way grant, an approximately equal-sized portion of the City Property; and

WHEREAS, the Owner shall complete a Lot Line Adjustment (“LLA”) in which the north boundary of the Owner Property (also the south boundary of the City Property) will be shifted north approximately 48feet such that approximately 1.21 acres of land will be added to the Owner Property as a fair and equitable equal exchange of land; and

WHEREAS, the LLA must depict the dedication of right-of-way; and

WHEREAS, city Planning Staff shall file an application for a site-specific rezone of the portion of City Property that is added to the Owner property, shifting it from a Public Use (PU) designation to a Residential Multi-family 3 (RM-3) designation to match that of the Owner Property, within six (6) months of the recordation of the LLA; and

WHEREAS, pursuant to the terms of the Development Agreement, any major modification of the terms of the Agreement must be processed in the manner in which the Agreement was processed and approved, and

WHEREAS, on August 21, 2023, the City Council held a public hearing regarding this agreement which was duly noticed.

NOW THEREFORE, BE IT RESOLVED by the Lynden City Council to approve the Lot Line Adjustment and Right of Way Dedication Agreement as attached, hereto.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF _____ IN FAVOR, _____ AGAINST, SIGNED THIS 21ST DAY OF AUGUST 2023.

MAYOR

Scott Korthuis

ATTEST:

Pam Brown, City Clerk

APPROVED AS TO FORM:

Bob Carmichael, City Attorney