

RETURN TO:

ROBERT A. CARMICHAEL
CARMICHAEL CLARK, PS
P.O. BOX 5226
BELLINGHAM, WA 98227
PHONE: (360) 647-1500

DOCUMENT TITLE:

NOTICE OF ASSESSMENT FOR CITY WATER AND SEWER IMPROVEMENTS

REFERENCE NUMBER OF RELATED DOCUMENT:

N/A

GRANTOR:

CITY OF LYNDEN, a Washington municipal corporation

GRANTEES:

BENEFITED PROPERTY OWNER
PUBLIC

ABBREVIATED LEGAL DESCRIPTION:

Lot A, Timmermans LLA, AF. No. 2021003073

ASSESSOR'S TAX PARCEL NUMBERS:

400319 384418 0000

NOTICE OF ASSESSMENT FOR CITY WATER AND SEWER IMPROVEMENTS

NOTICE IS HEREBY GIVEN, pursuant to Section 13.28.180 Lynden Municipal Code (hereinafter "LMC") and Chapter 35.91 Revised Code of Washington (hereinafter "RCW"), by the CITY OF LYNDEN, a Washington municipal corporation (hereinafter "City") of the assessment of costs for city water and sewer improvements which benefit Whatcom County Parcel Number 4003193844180000 (hereinafter "Benefited Property") and which were completed with the construction of an extension to 17th Street as of the 26th day of January, 2021.

RECITALS

WHEREAS, City is a Washington municipal corporation under the laws of the State of Washington, and is empowered to furnish water, sewer, and stormwater utility services, and street system improvements, among other things, to property owners within and without the City in the manner provided by law; and

WHEREAS, City is authorized, pursuant to LMC 13.28.180 and RCW 35.91.060, to recover costs associated with water and sewer facility improvements through the creation of an assessment reimbursement area of which City is the sole beneficiary; and

WHEREAS, City has completed water and sewer improvements as part of the construction of an extension to 17th Street (hereinafter "Utility Improvements") and has created a corresponding assessment reimbursement area (hereinafter "17th Street ARA") which is depicted on **Exhibit A** attached hereto and incorporated herein by this reference; and

WHEREAS, the Benefited Property (labelled as "Lot D" on Exhibit A) is one of three (3) parcels which are benefited by the Utility Improvements and which fall within the 17th Street ARA; and

WHEREAS, City is entitled to reimbursement from the owner(s) of the Benefited Property for their share of the cost to City incurred to construct the Utility Improvements at such time as they seek connection to or use said improvements; and

WHEREAS, these recitals are a material part of this Notice,

NOW, THEREFORE, the terms of this Notice of Assessment for City Water and Sewer Improvements (hereinafter "Notice") are as follows:

1. **Assessment.** The total Assessment amount for sewer improvements is **\$17,888.32**. The total Assessment amount for water improvements is **\$22,296.98**. These amounts reflect the actual costs to City for the Utility Improvements constructed within the 17th Street ARA. The City Public Works Director reviewed and approved the costs upon which the Assessment is based as eligible for reimbursement.

2. **Assessment Share.** The Benefited Property shall be assessed the amount of **\$3,193.44** for sewer improvements and **\$5,149.28** for water improvements (both amounts hereinafter collectively "Assessment Share"). The Assessment Share is the Benefited Property's equitable share of the Assessment as based on the Benefited Property's square footage.

3. **Collection of Assessment Share.** City shall collect the Assessment Share from the

owner(s) of the Benefited Property as a condition of approval of an application to connect to or use the Utility Improvements. The Assessment Share shall be collected in addition to all other City charges in effect at the time of utility service application, including without limitation utility general facilities fees and impact fees. Upon application by the owner(s) of the Benefited Property, City may further segregate the Assessment Share based on square footage. All fees and costs of such segregation shall be borne by the owner(s) requesting such segregation.

4. City Authority; Effective Date; Assessment Duration. City is authorized to collect the Assessment by virtue of the provisions of LMC 13.28.180 and RCW 35.91. The obligation of the property owner(s) of the Benefited Property to pay the Assessment Share of the Assessment shall become effective upon recording of this Notice, shall run with the land, and shall remain in full force and effect in perpetuity until paid in full.

5. Recording. This Notice shall be recorded in the Whatcom County Auditor's Office, Whatcom County, Washington, immediately upon execution by City.

IN WITNESS WHEREOF, City has approved and executed this Notice on this ____ day of _____, 2021.

CITY OF LYNDEN

By: Scott Korthuis
Its: Mayor

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this ____ day of _____, 20____, before me a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, the ____ of the **CITY OF LYNDEN**, a Washington municipal corporation, who acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and stated on oath that he/she was authorized to execute this instrument on behalf of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first written above.

Notary Public in and for the State of Washington
Residing at: _____
My commission expires: _____

Exhibit A: Depiction of 17th Street Assessment Reimbursement Area

