

**RETURN TO:**

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**DOCUMENT TITLE:**

NOTICE OF ASSESSMENT FOR CITY WATER, SEWER, AND SIDEWALK 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 C, Timmermans LLA, AF. No. 2021003073

**ASSESSOR'S TAX PARCEL NUMBERS:**

400319 396411 0000

**NOTICE OF ASSESSMENT FOR CITY WATER, SEWER,  
AND SIDEWALK IMPROVEMENTS**

NOTICE IS HEREBY GIVEN, pursuant to Section 13.28.180 Lynden Municipal Code (hereinafter “LMC”) and Chapters 35.72 and 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, sewer, and sidewalk improvements which benefit Whatcom County Parcel Number 4003193964110000 (hereinafter “Benefited Property”) and which were completed with the construction of an extension to 17th Street as of the 26<sup>th</sup> 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, RCW 35.72.040 and RCW 35.91.060, to recover costs associated with water and sewer facility improvements and street system improvements through the creation of an assessment reimbursement area of which City is the sole beneficiary; and

**WHEREAS**, City has completed water, sewer, and sidewalk improvements as part of the construction of an extension to 17th Street (hereinafter “Utility and Sidewalk 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 B” and “Lot C” on Exhibit A) is one of three (3) parcels which are benefited by the Utility and Sidewalk 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 and Sidewalk Improvements at such time as they seek connection to or use said improvements (for water and sewer improvements) and/or make application for a building permit (for sidewalk improvements); and

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

**NOW, THEREFORE**, the terms of this Notice of Assessment for City Water, Sewer, and Sidewalk 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**. The total Assessment amount for sidewalk improvements is **\$31,818.20**. 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 an equitable share of the

Assessment (hereinafter "Assessment Share") as follows:

a) Sidewalk Improvements

- i. Lot B: **\$11,008.10** as based on 178 feet of street frontage, including one driveway entrance, along the east side of 17th Street.
- ii. Lot C: **\$16,827.50** as based on 274 feet of street frontage, including two driveway entrances, along the west side of 17th Street.

b) Sewer Improvements:

- i. Lot B: **\$6,381.96** as based on square footage.
- ii. Lot C: **\$8,312.92** as based on square footage.

c) Water Improvements:

- i. Lot B: **\$3,743.50** as based on square footage.
- ii. Lot C: **\$13,404.20** as based on 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 water improvements and/or sewer improvements, and/or as a condition of approval of an application for a building permit to construct on the Benefited Property. The Assessment Share shall be collected in addition to all other City charges in effect at the time of utility service or building permit 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 (for water or sewer improvements) or street frontage (for sidewalk improvements). 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, RCW 35.72, 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 \_\_\_\_\_, 2021, before me a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Scott Korthuis, the Mayor 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

