

RESOLUTION NO. 709

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,  
WASHINGTON, APPROVING ANNEXATION OF THE LOOMIS TRAIL  
AREA TO THE DISTRICT  
("LOOMIS TRAIL" ANNEXATION)

WHEREAS, on June 9, 2011, the Board of Commissioners approved Resolution No. 702, which resolved the District to file a notice of intention application ("NOI") with the Boundary Review Board ("BRB") pursuant to Chapter 36.93 RCW, to annex certain property to the District located in Whatcom County, Washington as described in Exhibit A hereto (the "Property"); and

WHEREAS, said NOI was filed with the BRB, and the 45 day time period for the BRB to assume jurisdiction expired on August 28, 2011; and

WHEREAS, pursuant to Chapter 1.12.040(B) of the District Code, the Board may, in its discretion, approve the annexation by resolution; and

WHEREAS, approval of the annexation for which said NOI was filed with the BRB is in the best interest of the District and the District hereby confirms all recitals in favor thereof set forth in Resolution No. 702; and

WHEREAS, the foregoing recitals are findings of the Board of Commissioners of the Birch Bay Water and Sewer District and are a material part of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: The District hereby resolves to annex the Property described in Exhibit A hereto, to the District.

Section 2: BE IT FURTHER RESOLVED that any resolution or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this Resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Resolution. The Board hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This Resolution shall be in full force and effect retroactive to August 29, 2011.


PASSED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting held the 22 day of September, 2011.

  
COMMISSIONER

\_\_\_\_\_  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. \_\_\_\_\_ of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on \_\_\_\_\_, 2011.

  
SECRETARY  
Jon Alassee

## EXHIBIT A

### LEGAL DESCRIPTION For Loomis Trail Annexation Area

A portion of Section 17 and 18, Township 40 North, Range 1 East, W.M., Whatcom County, Washington, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17;

THENCE northerly along the west line of said Section 17 to its intersection with the centerline of California creek and the TRUE POINT OF BEGINNING;

THENCE southeasterly along said centerline of California creek 1200 feet more or less to a point perpendicular to the centerline of Loomis Trail Road (County Road No. 62);

THENCE northeasterly 100 feet more or less, to the southerly margin of Loomis Trail Road (County Road No. 62) and also point being the southeasterly corner of Tract "I" of the Plat of The Greens at Loomis Trail, according to the plat thereof, recorded under Auditor's file number 2040305824, records of Whatcom County;

THENCE southeasterly along said southerly margin of Loomis Trail Road to the extension of the centerline of a private drive as shown as southeasterly boundary line of the Plat of The Greens at Loomis Trail, Division 2, according to the plat thereof, recorded under Auditor's file number 2050804976, records of Whatcom County;

THENCE N 24°00'00" E, 60.02 Feet to the southeast corner of said Plat;

THENCE along outside boundary of said Plat N 24°00'00" E, 607.09 Feet;

THENCE continuing along said Plat line N 37°10'59" W, 89.60 Feet;

THENCE continuing along said Plat line N 78°24'28" W, 179.76 Feet;

THENCE continuing along said Plat line N 64°56'08" W, 806.48 Feet to a point on the outside boundary of the Plat of The Greens at Loomis Trail, according to the plat thereof, recorded under Auditor's file number 2040305824, records of Whatcom County;

THENCE along outside boundary of said Plat N 02°22'35" E, 940.53 Feet;

THENCE continuing along said Plat line N 87°51'53" W, 157.42 Feet;

THENCE continuing along said Plat line N 02°22'38" E, 39.20 Feet to the southeast corner of Tract "F" of the Plat of The Greens at Loomis Trail, according to the plat thereof, recorded under Auditor's file number 2040305824, records of Whatcom County;

## EXHIBIT A

THENCE along southerly line of said Tract "F" N 63°51'34" W, 358.99 Feet;

THENCE continuing along said line S 01°58'02" W, 175.22 Feet to the northerly margin of Ashbury Court (Private Road) and a point of curvature;

THENCE northwesterly along said margin, 83.94 feet along the arc of a non-tangent curve to the right, having a radius of 182.00 feet, the radius point of which bears N 20°11'18" E, through a central angle of 26°25'30" to a point of reverse curvature;

THENCE northwesterly along said margin, 40.05 feet along the arc of a tangent curve to the left, having a radius of 67.00 feet, through a central angle of 34°14'42";

THENCE along southerly line of said Tract "F" N 15°29'37" E, 44.10 Feet;

THENCE continuing along said line N 58°54'32" W, 247.11 Feet to the outside boundary of said Plat of The Greens at Loomis Trail;

THENCE along outside boundary of said Plat S 02°15'22" W, 235.95 Feet;

THENCE continuing along said Plat line N 87°51'53" W, 648.14 Feet to the west line of said Section 17;

THENCE north along said Section line 726 Feet more or less to the northerly line of a tract of land as recorded in Volume 331 of Deeds, Page 19, recording number 626614, records of Whatcom County;

THENCE along said northerly line N 89°42'00" W, 295 Feet more or less to a point that is 649.10 feet easterly of the east margin of the Ferndale and Blaine Road and also the westerly property line of a tract of land as described under Quit Claim Deed under recording number 2061204233 records of Whatcom County;

THENCE along said property line S 20°03'00" W, 493 Feet more or less to the centerline of a slough;

THENCE along centerline of said slough N 76°07'00" W, 227 Feet;

THENCE continuing northwesterly along said slough N 84°16'00" W, 261 Feet to the easterly margin of the Ferndale and Blaine Road;

THENCE continuing along centerline of said slough to the centerline of California Creek;

THENCE southerly and southeasterly along centerline of said California Creek to its intersection with the West line of said Section 17 and THE TRUE POINT OF BEGINNING.