

RESOLUTION NO. 2009-44

**A RESOLUTION OF THE CITY OF BELLINGHAM SEGREGATING A LOCAL IMPROVEMENT DISTRICT ASSESSMENT, IN THE TELEGRAPH ROAD AREA SEWER LID NO. 1107 FOR THE PLAT OF EMERALD COTTAGES.**

**WHEREAS**, the City Council has the authority pursuant to RCW 35.44.410 to order segregation of a local improvement district assessment against land which is sold or subdivided; and

**WHEREAS**, the party named below has duly applied for such segregation and the Public Works Department, upon consideration, recommends that it be approved; and,

**WHEREAS**, such segregation will be made as nearly as possible on the same basis as the original assessment was levied, and the total of segregated part of the assessment equal the assessment before segregation; and,

**WHEREAS**, such segregation will not jeopardize the security of outstanding local improvement district obligations payable from the original assessment,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM:**

**As authorized by state law under RCW Chapter 35.44, the City Council hereby approves the proposed local improvement district assessment segregation as follows:**


**Section 1: The name of the applicant and information concerning the LID number, original assessment(s), the tract to be segregated, and the boundaries of divided parts and amounts chargeable thereto are indicated on Exhibit A, attached hereto and incorporated by this reference. Exhibits B and C, attached hereto, are also incorporated herein by this reference to reflect the adjusted legal descriptions and a map of the effected areas.**

**Section 2: The engineering and clerical fee incident to making this segregation in the amount of \$160.00 is hereby approved as reasonable.**

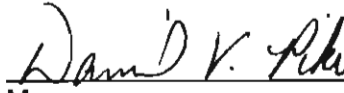
**Section 3: A certified copy of this resolution shall be delivered to the Finance Director, who, upon being tendered a fee of \$10.00 plus an applicable recording fees for each tract of land for which a segregation is to be made, shall make within segregation(s) on the assessment roll.**

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-778-8270

PASSED by the Council this 14th day of December, 2009.

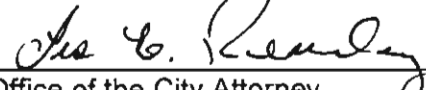
  
\_\_\_\_\_  
Council President

APPROVED by me this 23rd day of December, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney

Published: December 18, 2009

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RESOLUTION LID seg of telegraph final (3)

TELEGRAPH ROAD. AREA SEWER L.I.D. No. 1107  
 Final Cost = \$520,740.87

NO.	PROPERTY OWNER	TAX PARCEL	AREA SQ. FT.	L.I.D. ASSESSMENT	EXTRA DEPTH ASSESSMENT	TOTAL ASSESSMENT
1	BENARD W. & SANDRA BENGEN	380318197378	76,880	\$9,854.37	\$5,895.72	\$15,750.09
2	BENARD W. & SANDRA BENGEN	380318177369	59,150	\$7,581.76	\$4,536.06	\$12,117.82
3	S. & S. RIETMAN / G. & D. WASEL	380318250426	30,056	\$3,852.54		\$3,852.54
4	DOUGLAS T. & SHERRY A. GRAY	380318215354	193,962	\$24,861.78		\$24,861.78
5	GEORGE & DOROTHY W. OLIVEIRA	380318193423	67,954	\$8,710.25		\$8,710.25
6	PAUL W. & KAREN A. KREIDER	380318327403	44,873	\$5,751.76		\$5,751.76
7	PAUL W. & KAREN A. KREIDER	380318331378	106,077	\$13,596.80		\$13,596.80
8	WAYNE A. SNOWDON JR.	380318305384	37,897	\$4,857.58		\$4,857.58
9	RICHARD N. FALK	380318247332	202,554	\$25,963.09		\$25,963.09
10	MILLIE M. & LOREN M. WARDROP	380318231393	13,443	\$1,723.10		\$1,723.10
11	PERRY NEUMANN	380318241425	30,492	\$3,908.42		\$3,908.42
12	PERRY A. & KARLA K. NEUMANN	380318231425	30,982	\$3,971.23		\$3,971.23
14	MARK T. JOHNSON & JULYNN PAGE JT	380318239393	13,679	\$1,753.36		\$1,753.36
15	THOMAS M. & JULIE M. CARNEY	380318237378	45,690	\$5,856.48		\$5,856.48
16	WILLIAM H. SLYKE	380318258395	13,914	\$1,783.48		\$1,783.48
17	WILLIAM H. SLYKE	380318257377	12,900	\$1,653.50		\$1,653.50
18	CATHERINE OBERG	380318259425	27,443	\$3,517.61		\$3,517.61
19	HAROLD K. WHITE	380318358391	84,506	\$10,831.86		\$10,831.86
20	JOE W. RAZORE	380318399398	358,499	\$45,951.90		\$45,951.90
21	JOE W. RAZORE	380318453397	260,053	\$33,333.23		\$33,333.23
22	DARRELL J. & CLAUDIA C. ALWOOD	380318316422	71,874	\$9,212.71		\$9,212.71
23	KENNETH V. GATES	380318440465	119,921	\$15,371.31		\$15,371.31
24	EDWARD C. & GLORIA J. ISAACSON	380318461466	119,921	\$15,371.31	\$5,046.38	\$20,417.69
25	EDWARD C. & GLORIA J. ISAACSON	380318490466	80,586	\$10,329.40	\$3,391.13	\$13,720.53
26	EDWARD C. & GLORIA J. ISAACSON	380318477466	79,889	\$10,240.06	\$3,361.79	\$13,601.85
27	VERNON H. ANNETTE	380318502465	80,586	\$10,329.40		\$10,329.40
28	ABNER F. BREAKY	380318518465	121,968	\$15,633.69		\$15,633.69
29	LONNIE L. WORKMAN	380318540408	40,946	\$5,248.40		\$5,248.40
30	EUGENE A. & BILLIE A. WELCH	380318248394	13,714	\$1,757.84		\$1,757.84
31	ERWIN W. ROMMEL	380318553408	59,677	\$7,649.31		\$7,649.31
32	WILLIAM D. RICHARDSON	380318215423	91,476	\$11,725.27		\$11,725.27
33	W. VANN / LOIS A. SMITH & JOHN	380318544466	202,118	\$25,907.20		\$25,907.20

EXHIBIT A  
 Original LID Roll and Costs

TELEGRAPH ROAD. AREA SEMER L.I.D. No.1107  
Final Cost = \$520,740.87

NO.	PROPERTY OWNER	TAX PARCEL	AREA SQ. FT.	L.I.D. ASSESSMENT	EXTRA DEPTH ASSESSMENT	TOTAL ASSESSMENT
34	HOLTZHEIMER	380318155408	242,194	\$31,044.09		\$31,044.09
36	OTTO E. BOUMA REVOCABLE TRUST	380318519407	36,590	\$4,690.06		\$4,690.06
37	JAY A. & LYNN P. VAN HORN	380318484413	64,033	\$8,207.66		\$8,207.66
38	UNITY CHURCH OF TRUTH	380318503414	64,033	\$8,207.66		\$8,207.66
40	UNITY CHURCH OF TRUTH	380318529408	37,026	\$4,745.94		\$4,745.94
41	ROBERT A. CHERVENOCK	380318225343	13,079	\$1,676.45		\$1,676.45
42	RICHARD N. FALK	380318384481	638,546	\$81,847.93		\$81,847.93
	LAWRENCE J. & TONI CLARK					
Grand Total			3,689,181	\$498,509.79	\$22,231.08	\$520,740.87

EXHIBIT A (continued)

05/30/1997

EXHIBIT A (continued)

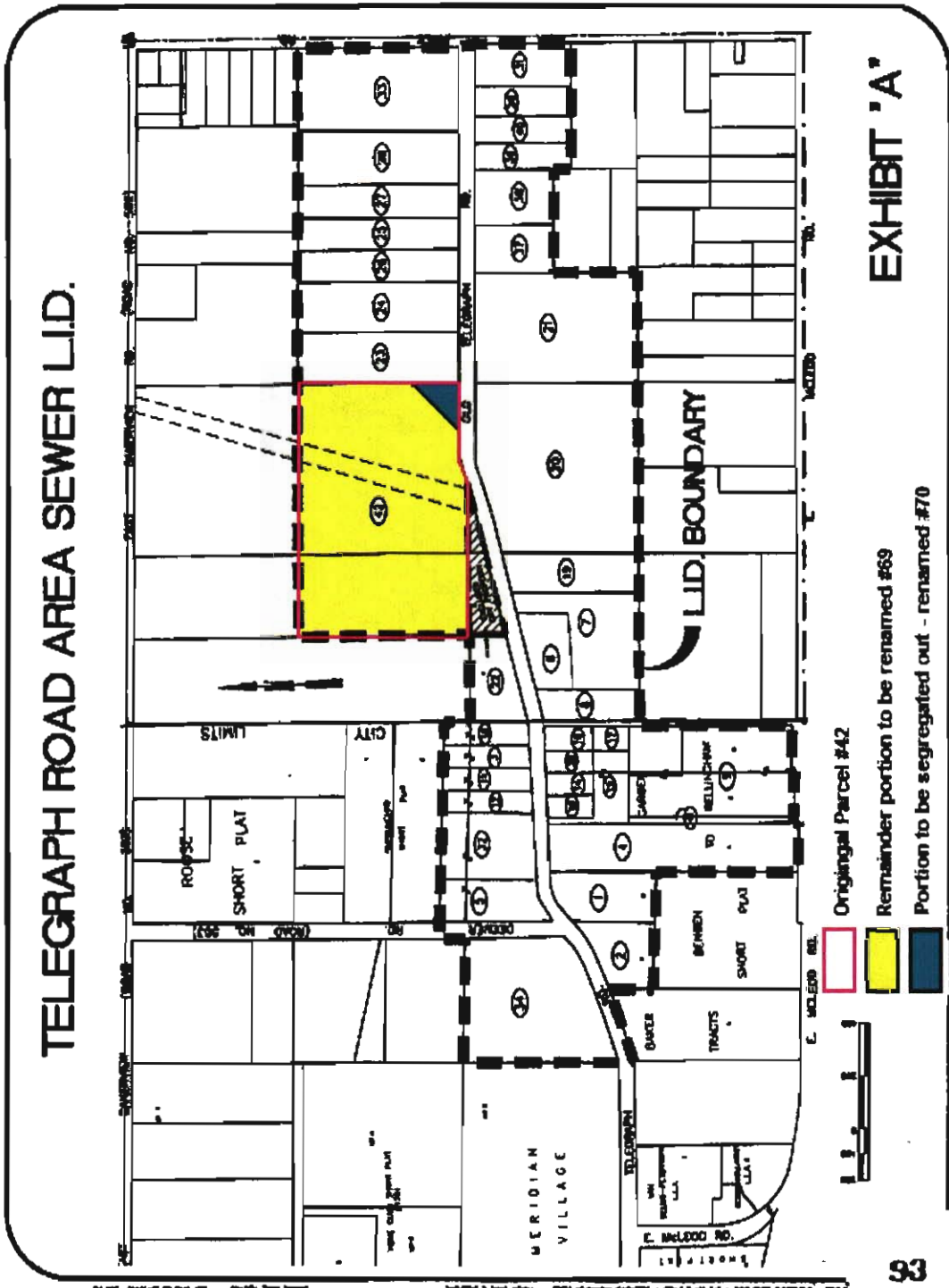


EXHIBIT "A"

- Original Parcel #42
- Remainder portion to be renamed #69
- Portion to be segregated out - renamed #70

City of Bellingham  
 City Attorney  
 210 Lottie Street  
 Bellingham, Washington 98225  
 360-778-8270

EXHIBIT A (continued)  
**TELEGRAPH ROAD AREA SEWER LID NO. 1107**  
**ORIGINAL PARCEL 42 AND ITS PROPOSED SEGREGATION**

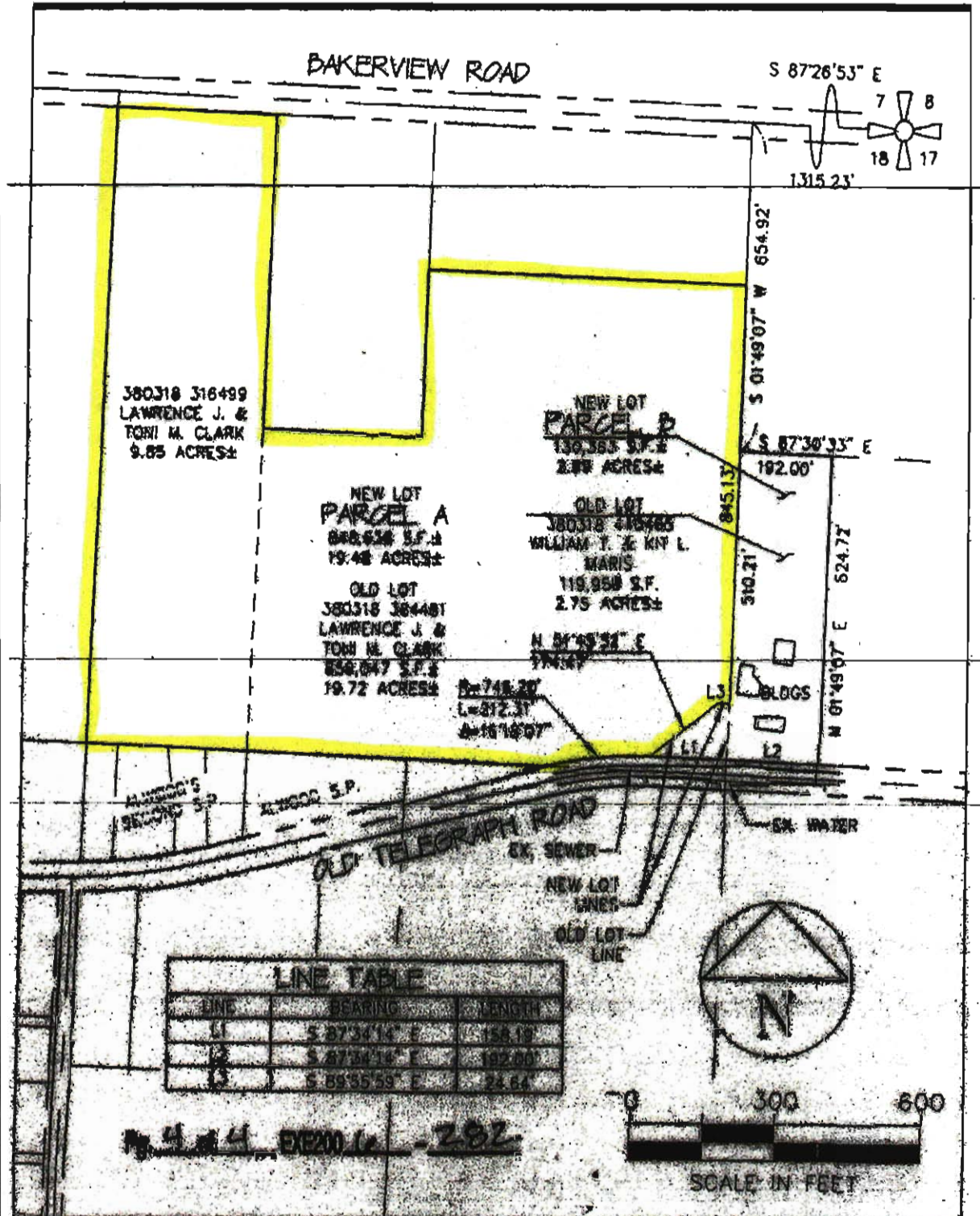
Old LID Parcel #	Owner's Name	Legal Description	Tax Parcel Number (Original ID Number)	Square Footage	Principal Balance*
<b>#42</b>	<b>Lawrence J. Clark Toni Clark</b>	<b>See Attached Exhibit A Map</b>	<b>380318 384481 0000</b>	<b>638,546</b>	<b>\$16,849.69</b>
<b>Address</b>	<b>945 East Bakerview Road, Bellingham, WA 98226 9126</b>				

New LID Parcel #	Owner's Name	Legal Description	Tax Parcel Number (New ID Numbers)	Square Footage	Principal Balance*
<b>#69</b>	<b>Lawrence J. Clark Toni Clark</b>	<b>See Attached Exhibit B</b>	<b>380318 366480 0000</b>	<b>628,146</b>	<b>\$16,575.26</b>
<b>Address</b>	<b>945 East Bakerview Road, Bellingham, WA 98226 9126</b>				
<b>#70</b>	<b>Emerald Cottages LLC</b>	<b>See Attached Exhibit C</b>	<b>380318 440465 0000</b>	<b>10,400</b>	<b>\$274.43</b>
<b>Address</b>	<b>2200 Division St. #E, Bellingham, WA 98226 7149</b>				

**\*Additional interest due will be added by the Finance Department**

City of Bellingham  
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**EXHIBIT B**  
New Parcel 69



**EXHIBIT B**

DATE: 04/18/06

BY: MARSDEN / eha/20040012.dwg SLG



**CABOCHON CONSTRUCTION**  
LOT LINE ADJUSTMENT  
PROPOSED LOT LAYOUT

**EXHIBIT B**  
**New Parcel 69**

**LEGAL DESCRIPTION**

WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LESS ROADS, SECTION 18, TOWNSHIP 38 NORTH, RANGE 3 EAST, W.M., TOTAL PLOT AMOUNTING TO 9.85 ACRES. TOGETHER WITH THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 18, TOWNSHIP 38 NORTH, RANGE 3 EAST, W.M., EXCEPT THE NORTH 320 FEET THEREOF, ALSO THE EAST 1/2 OF THE WEST 1/2 OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 EXCEPT THE NORTH 1/2 THEREOF. EXCEPT WHATCOM COUNTY ROAD #592, AND EXCEPT THAT PORTION CONVEYED TO WHATCOM COUNTY BY DEED IN AUDITORS FILE # 936796, TOGETHER WITH VACATED ROAD #63 (COMMISSIONER'S PROCEEDINGS SEPT. 14, 1970), TOGETHER WITH AND SUBJECT TO ALL EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

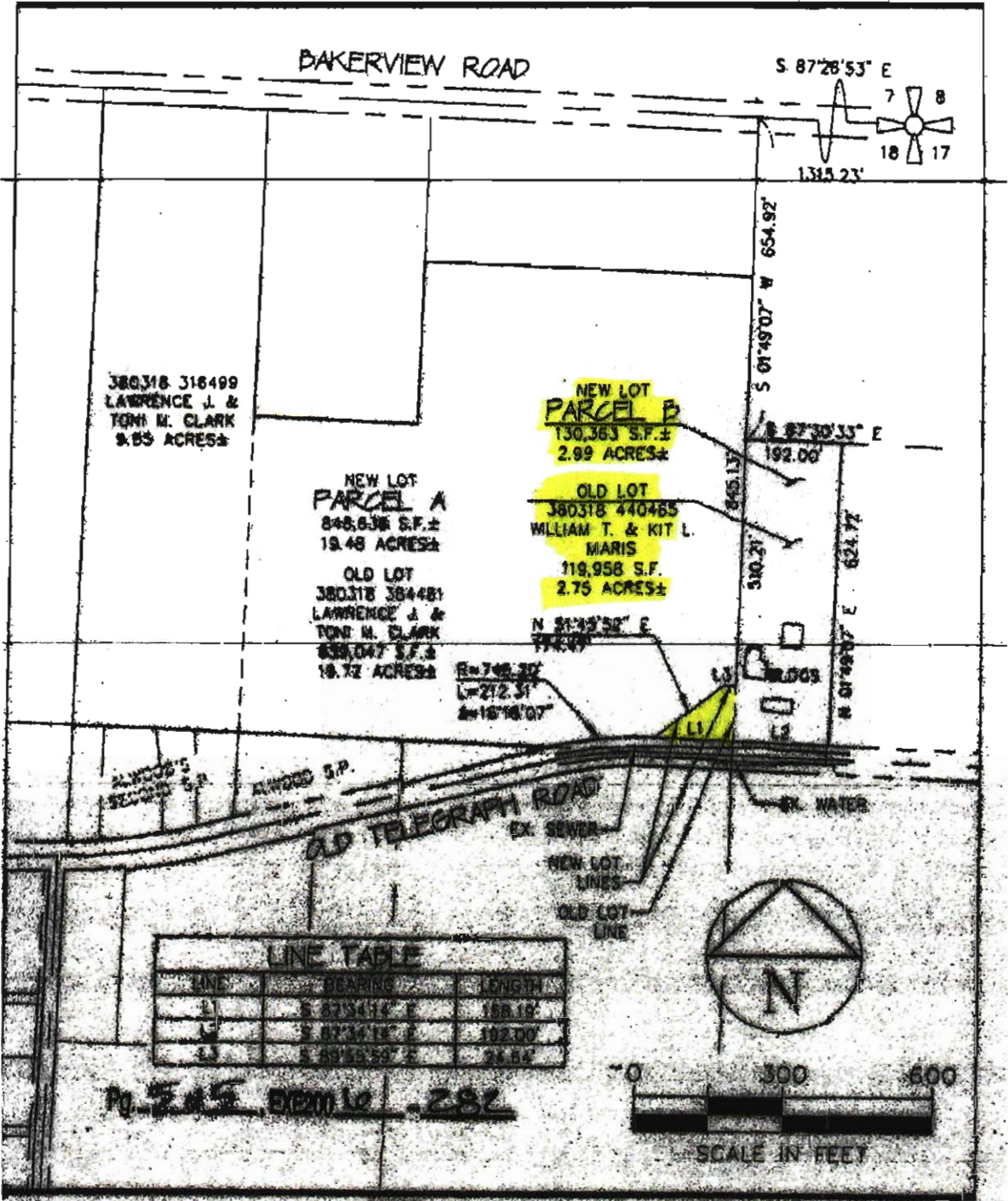
**EXCEPT:**

THAT PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M. EXCEPT THE NORTH 320 FEET THEREOF; LESS ROADS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNERS OF SAID PROPERTY THENCE N 87° 34' 14" W ALONG THE SOUTH LINE OF SAID PROPERTY AND THE NORTHERLY MARGIN OF TELEGRAPH ROAD FOR A DISTANCE OF 198.19 FEET; THENCE N 51° 45' 52" E FOR A DISTANCE OF 174.47 FEET; THENCE S 89° 55' 59" E FOR A DISTANCE OF 24.64 FEET TO A POINT ON THE EAST LINE OF SAID PROPERTY; THENCE S 01° 49' 07" W ALONG SAID EAST LINE FOR A DISTANCE OF 114.71 FEET TO THE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY WASHINGTON

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
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**EXHIBIT C**  
Segregated Parcel 70



**= 10,400**

**EXHIBIT C**  
**Segregated Parcel 70**

**LEGAL DESCRIPTION**

**THAT PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., EXCEPT THE NORTH 320 FEET THEREOF; LESS ROADS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNERS OF SAID PROPERTY THENCE N 87° 34' 14" W ALONG THE SOUTH LINE OF SAID PROPERTY AND THE NORTHERLY MARGIN OF TELEGRAPH ROAD FOR A DISTANCE OF 168.19 FEET; THENCE N 51° 45' 52" E FOR A DISTANCE OF 174.47 FEET; THENCE S 89° 55' 59" E FOR A DISTANCE OF 24.84 FEET TO A POINT ON THE EAST LINE OF SAID PROPERTY; THENCE S 01° 49' 07" W ALONG SAID EAST LINE FOR A DISTANCE OF 114.71 FEET TO THE POINT OF BEGINNING.**

**SITUATE IN WHATCOM COUNTY WASHINGTON**

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## **TELEGRAPH ROAD SEWER LID # 1107**

**What was the purpose of LID #1107, and LIDs in general** - This was a sewer LID. LIDs are financing tools that assist private properties in funding needed capital improvements through the formation of special assessment districts which are then administered by the applicable governing body.

**What percent of the benefit parcels must support the LID for it to go forward** - 60% may stop the project, 51% will bring it forward

**When was this LID created** - August 2, 1995

**What was the finance period and how long are they usually** – This one was 15 years. generally they are 10 years for Utility, 20 for Road. Currently there are 2 active 20 year LIDs and one 15

**# of parcels** - 39 original parcels/participants, now 65 participants (due to segregations)

**# of acres** – 90 acres

**Original total assessment \$** - 520,740.

**How many parcels are left** – 10 participants are still owing on this LID

**What is the current total balance** – \$42,545.

**What is the interest rate** – 5.8%

**What is a guaranty fund and how much is it in this case** - The guaranty fund is a City maintained fund or pool that exists to insure that payments on individual LID's will be made on time if collections from any district property holders are insufficient. Property in arrears can be foreclosed on and the proceeds deposited to the guaranty fund. The balance in the guaranty fund is maintained at twelve percent of the combined outstanding assessments in the LID funds. The LID guaranty fund was established by Ordinance 4764. (m)

**What are the City's costs** - staff time, appraisals, Legal, mailings, etc.

**How much does the City make on an LID** – \$0, usually there are only expenses as shown above

**What is a segregation** - When a sale occurs on a portion of a piece of property within an LID, it is required that the corresponding outstanding balance be attached to the new and remaining parcels, or the entire amount be paid off.

Original Lid #1107

Property Parcel #42

Total square feet	638,546.00
Square foot charge *	X <u>\$ 0.28178</u>

*Original total lid charge on lot 42* ..... \$81,847.93

\*Original per square foot fee (for non extra depth adjusted lot) was:

\$0.128178 per square foot.

*The remaining outstanding balance of lot 42 is: \$16,849.69\*\**

New segregation Parcel 70

Square Footage = 10,400.

10,400 is 1.628% of (original parcel size) 638,546

The proportionate balance relative to newly segregated parcel 70 is:

1.628 % of \$16,849.69\*\*

or

$.0162870 \times \$16,849.69 = \mathbf{\$274.43}$

New segregation Parcel 69

The Principle Balance of lot 42 minus the prorated balance of new lot 70 leaves a remainder balance on new lot 69 of \$16,575.26\*\* which will continue to be paid on by the Clarks.

$\$16,849.69 - \$274.43 = \$16,575.26$

\*\*Any additional interest due will be need to be added by the Finance Department and the latest installment on the original lot 42 will need to have been paid.

**RCW 35.44.410****Segregation of assessments.**

Whenever any land against which there has been levied any special assessment by any city or town shall have been sold in part or subdivided, the legislative authority of that city or town shall have the power to order a segregation of the assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the city or town which levied the assessment. If the legislative authority thereof determines that a segregation should be made, it shall by resolution order the city or town treasurer to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the city or town treasurer who shall proceed to make the segregation ordered upon being tendered a fee of ten dollars for each tract of land for which a segregation is to be made. In addition to such charge the legislative authority of the city or town may require as a condition to the order of segregation that the person seeking it pay the city or town the reasonable engineering and clerical costs incident to making the segregation. No segregation need be made if the legislative authority of the city or town shall find that by such segregation the security of the lien for such assessment will be so jeopardized as to reduce the security for any outstanding local improvement district obligations payable from such assessment.

[1969 ex.s. c 258 § 10.]