

SPONSORED BY: \_\_\_\_\_

PROPOSED BY: Public Works

INTRODUCTION DATE: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

TRANSFERRING A WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT  
PROPERTY TO THE LUMMI NATION

WHEREAS, Whatcom County Flood Control Zone District (FCZD) owns property on Ferndale Road designated as Whatcom County tax parcel number 380208 042156 0000; and

WHEREAS, FCZD acquired property to prevent development in a frequently flooded area; and

WHEREAS, a portion of the property was used for stream buffer mitigation for a Whatcom County Public Works project; and

WHEREAS, the property has been subject to trespassing and dumping; and

WHEREAS, the Lummi Nation requested the property be transferred for fishing access; and

WHEREAS, FCZD is agreeable to the transfer of the property to the Lummi Nation if the mitigation area is protected and property is not developed in the future; and

WHEREAS, FCZD and Lummi Nation have negotiated that consideration for the property will be in the amount of \$17,000 to be applied towards a future wetland mitigation credit transaction; and

WHEREAS, this matter has been reviewed by the Property Management Committee with a recommendation to present to the County Council for approval; and

WHEREAS, after due consideration by the Whatcom County Council acting as the FCZD Board of Supervisors, it appears to the Council that it will be in the best interest of the FCZD to convey to the Lummi Nation a bargain and sale deed subject to deed restrictions and a conservation easement.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council acting as the FCZD Board of Supervisors, that the Executive is authorized to execute a bargain and sale deed transferring Whatcom County tax parcel number 380208 042156 0000 as described in Exhibit A to the Lummi Nation subject to a conservation easement and deed restrictions as set forth in Exhibit B and subject to the transfer of \$17,000 to the FCZD to be applied towards a future wetland mitigation credit transaction.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, County Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Christopher Quinn  
Civil Deputy Prosecutor  
(approved electronically 7/7/2021)

## **EXHIBIT A**

### Legal Description of property to be quitclaimed

The North 100 feet of the South 300 feet of that portion of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 8, Township 38 North, Range 2 East of W.M., lying westerly of the present channel of the Nooksack River, and south of the slough, except right-of-way commonly referred to as Ferndale Road, lying along the Westerly line of said premises, and less River Wash.

Situate in Whatcom County, Washington.

## **EXHIBIT B**

### **Deed Restrictions**

- A. Compatible uses. The property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: outdoor recreational activities, restoration; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved, unpaved parking lots; unpaved access roads; and buffer zones.
- B. No permanent structures or improvements shall be erected on the property. Temporary structures associated with outdoor recreational activities shall be allowed subject to the approval of Grantor. Any improvements on the property shall be in accordance with proper floodplain management policies and practices.
- C. Any grading activities required to construct approved improvements or access roads on the property shall restore the grades to pre-project conditions so as to not affect the conveyance of floodwaters. Proposed grading activities must be approved by the Grantor prior to ground disturbance.
- D. The Grantee is responsible for obtaining all applicable permits for any proposed improvements or grading on the property.