

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE DECLARING PUBLIC NECESSITY FOR AND THE AUTHORIZATION TO ACQUIRE CERTAIN PROPERTY RIGHTS BY EMINENT DOMAIN FOR THE BIRCH BAY LYNDEN RD. & BLAINE RD. INTERSECTION IMPROVEMENTS PROJECT**

**WHEREAS**, Whatcom County is a charter county, under the laws of the State of Washington, and is authorized to acquire title to real property for public purposes pursuant to Revised Code of Washington 8.08; and

**WHEREAS**, in the interest of providing the public safe and sufficient roadways within Whatcom County, Whatcom County identified a road project known as "Birch Bay Lynden Rd. & Blaine Rd. Intersection Improvements" (the "Project") in compliance with the 2026 Annual Construction Program and the 2026-2031 Six Year Transportation Improvement Program; and

**WHEREAS**, the Project will reconstruct the signalized intersection at Birch Bay Lynden Road and Blaine Road with a multi-lane roundabout; and

**WHEREAS**, the Project is also on the Washington State STIP, as the County has \$1,230,000 in federal STBG funds granted to the Project that are administered through Washington State Department of Transportation Local Programs; and

**WHEREAS**, for this Project, the County determined that the acquisition of certain rights and interests from real property identified as portions of Whatcom County Tax Parcel No. 4001290135170000 ("Parcel"), as legally described in Exhibit A hereto (collectively, the "Property Rights"), is necessary to accomplish and construct the Project; and

**WHEREAS**, the County appraised the fair market value of said Property Rights; and

**WHEREAS**, the County has attempted to negotiate in good faith with the owners of the Parcel for the voluntary acquisition of the Property Rights but has been unable to get all of the owners to respond and negotiate with the County; and

**WHEREAS**, the County has complied with the notice requirements set forth in RCW 8.25.290 by providing notice to the owners of the Parcel of the planned final action adopting this Ordinance, and through publication once per week for two weeks, prior to the passage of this Ordinance; and

**WHEREAS**, the County Council is exercising its independent discretion to authorize eminent domain proceedings in order to secure such property for a public purpose and to settle the amount of compensation, if any, owing the property owners; and

**NOW, THEREFORE, BE IT ORDAINED** that the Whatcom County Council adopts the following:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted and incorporated herein as if set forth in full.

Section 2. Public Use and Necessity Declared. The Whatcom County Council finds

and declares that: i) the Project is for public use ii) the acquisition of the Property Rights is necessary for the construction of the Project; and iii) the acquisition of the Property Rights and the construction of the Project are in the best interests of the residents of Whatcom County.

Section 3. Acquisition. The Whatcom County Council authorizes the acquisition, condemnation and taking of the Property Rights. The County Council authorizes the acquisition of the Property Rights under threat of condemnation or by initiation of legal action for condemnation to acquire the Property Rights as necessary for the commencement and completion of the Project, subject to making or paying of just compensation to the owners thereof in the manner provided by law.

Section 4. Reservation of Rights. Nothing in this ordinance limits the County in its identification and acquisition of property and property rights necessary for this public purpose. The County reserves the right to acquire additional or different properties as needed for the Project.

Section 5. Authority of County Executive. The County Executive, by and through his designees, is authorized and directed to continue negotiations for the acquisition of property rights and prosecute actions and proceedings in the manner provided by law to condemn, take, damage and appropriate the Property Rights necessary to carry out the provisions of this Ordinance. In conducting said negotiations and condemnation proceedings, the Whatcom County Prosecuting Attorney, by and through their designee, is hereby authorized to enter into stipulations for the Property Rights. Settlement of any actions by the County Executive shall be made only upon the recommendation of legal counsel.

Section 6. Compensation. The compensation to be paid to the owners of the Property Rights acquired through this condemnation action shall be paid from the County's Road Fund or from such other monies that the County may have available or attain for the acquisition.

Section 7. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Ordinance shall be in full force and effect fifteen days after its final passage, except as otherwise provided in the Whatcom County Charter.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Cathy Halka, Clerk of the Council

\_\_\_\_\_  
Kaylee Galloway, Council Chair

APPROVED AS TO FORM:

Christopher Quinn  
Civil Deputy Prosecutor  
(authorized via email 6/29/2026)

Exhibit A

A RIGHT OF WAY ACQUISITION AREA LYING OVER, UNDER AND ACROSS A PORTION OF THE FOLLOWING DESCRIBED PARCEL:

(PER WHATCOM LAND TITLE COMPANY, SUBDIVISION GUARANTEE NO. W-204262)

LOT 1, AS DELINEATED ON SEMIAHMOO CENTER SHORT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 33 OF SHORT PLATS, PAGE 82, UNDER AUDITOR'S FILE NO. 960112112, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

RIGHT OF WAY ACQUISITION AREA DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 1 EAST W.M; THENCE ALONG THE WEST LINE OF SAID SECTION SOUTH  $01^{\circ}56'53''$  WEST 35.09 FEET; THENCE DEPARTING SAID WEST LINE SOUTH  $88^{\circ}03'07''$  EAST 35.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY MARGIN OF BIRCH BAY LYNDEN ROAD (CO. RD. NO. 39) WITH THE EASTERLY RIGHT OF WAY MARGIN OF BLAINE ROAD (SR548) AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY MARGIN SOUTH  $87^{\circ}54'11''$  EAST 50.00 FEET; THENCE NORTH  $01^{\circ}56'53''$  EAST 5.00 FEET; THENCE SOUTH  $87^{\circ}54'11''$  EAST 29.89 FEET; THENCE DEPARTING SAID MARGIN SOUTH  $74^{\circ}50'43''$  WEST 59.97 FEET; THENCE SOUTH  $44^{\circ}37'32''$  EAST 33.29 FEET TO SAID EASTERLY MARGIN OF BLAINE ROAD; THENCE ALONG SAID EASTERLY MARGIN NORTH  $01^{\circ}56'53''$  EAST 37.32 FEET TO THE POINT OF BEGINNING

CONTAINING 938 SQUARE FEET, MORE OR LESS. SITUATE IN WHATCOM COUNTY, WASHINGTON

Exhibit A Continued

TEMPORARY CONSTRUCTION EASEMENTS LYING OVER, UNDER AND ACROSS A PORTION OF THE FOLLOWING DESCRIBED PARCEL:

(PER WHATCOM LAND TITLE COMPANY, SUBDIVISION GUARANTEE NO. W-204262)  
LOT 1, AS DELINEATED ON SEMIAHMOO CENTER SHORT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 33 OF SHORT PLATS, PAGE 82, UNDER AUDITOR'S FILE NO. 960112112, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 1 EAST W.M; THENCE ALONG THE WEST LINE OF SAID SECTION SOUTH 01°56'53" WEST 72.41 FEET; THENCE DEPARTING SAID WEST LINE SOUTH 88°03'07" EAST 35.00 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF BLAINE ROAD (SR548) AND THE POINT OF BEGINNING; THENCE NORTH 44°37'32" EAST 33.29 FEET; THENCE NORTH 74°50'43" EAST 59.97 FEET TO THE SOUTHERLY RIGHT OF WAY MARGIN OF BIRCH BAY LYNDEN ROAD (CO. RD. NO. 39); THENCE ALONG SAID MARGIN SOUTH 87°54'11" EAST 95.02 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1 SOUTH 01°56'53" WEST 10.00 FEET; THENCE DEPARTING SAID EAST LINE NORTH 87°54'11" WEST 110.39 FEET; THENCE SOUTH 74°50'43" WEST 21.14 FEET; THENCE SOUTH 44°37'32" WEST 72.75 FEET TO SAID EASTERLY MARGIN; THENCE ALONG SAID EASTERLY MARGIN NORTH 01°56'53" EAST 14.88 FEET; THENCE SOUTH 87°54'11" EAST 5.00 FEET; THENCE NORTH 01°56'53" EAST 12.68 FEET TO THE POINT OF BEGINNING

CONTAINING 2,031 SQUARE FEET, MORE OR LESS. SITUATE IN WHATCOM COUNTY, WASHINGTON