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

PROPOSED BY: Public Works

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

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

A RESOLUTION DECLARING THE WHATCOM COUNTY FLOOD CONTROL  
ZONE DISTRICT INTENTION TO LEASE PROPERTY ON DAHLBERG ROAD

WHEREAS, the Whatcom County Flood Control Zone District (FCZD) owns property located on Dahlberg Road, which was purchased in 2020; and

WHEREAS, the property has historically been leased for agricultural purposes; and

WHEREAS, Whatcom County Public Works is supportive of continuing to lease the property for agricultural purposes; and

WHEREAS, in accordance with RCW 86.15.080, a FCZD may lease surplus lands in a manner consistent with RCW 36.34; and

WHEREAS, it has been determined that the fair market rental value of the property should not be less than \$2,610 per year, plus applicable leasehold tax; and

NOW, THEREFORE, BE IT RESOLVED that it is the intention of the FCZD Board of Supervisors to lease the following property described in Exhibit A for a minimum of \$2,610 per year, plus leasehold tax,

SUBJECT TO the conditions described in Exhibit B.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the Whatcom County Finance Department to lease this property by sealed bid to the highest and best bidder; at a location and time determined by the Finance Department.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Executive to act on its behalf in executing a lease agreement with the highest responsible bidder that can demonstrate his/her ability to comply with the conditions set forth in Exhibit B.

1 BE IT FURTHER RESOLVED that if no lease is fully executed within six months from  
2 the date of the passage of this Resolution, the authorization to lease shall be withdrawn.

3

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

5

6 ATTEST:

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

7

8

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

\_\_\_\_\_   
Barry Buchanan, Board of Supervisors Chair

10

11

12 APPROVED AS TO FORM:

13

14 Christopher Quinn

15 Civil Deputy Prosecutor

16 (approved electronically 3/10/2021)

17

**EXHIBIT A**

Whatcom County Tax Parcel Numbers 390204 463218 0000 & 390203  
097272 0000

Government Lot 5, except the northerly portion thereof heretofore conveyed to Arthur Dewitt by deed recorded June 21, 1910, and recorded under Auditor's File No. 141392, in Volume 113 of Deeds, Page 151, records of Whatcom County, Washington; also Government Lot 8; all in Section 3, Township 39 North, Range 2 East, of W.M.;

Also, Government Lot 5 and the North 16.5 feet of the Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southwest Quarter, all in Section 4, Township 39 North, Range 2 East of W.M.;

Excepting from the above-described real property a tract of land located in said Section 3 and 4, Township 39 North, Range 2 East of W.M., described as follows, to-wit:

Beginning at a point on the east and west centerline of the south half of Section 4 aforesaid, 2783.6 feet east of the point of intersection of said line with the north and south centerline of the west half of said Section 4, as said lines are now located, said Point of Beginning being marked by a King Bolt; thence North, at right angles to said east and west centerline, 320 feet to a gas pipe; thence East, parallel to said east and west centerline, 1470 feet, more or less, to the west bank of the Nooksack River; thence Southwesterly along said bank of Nooksack River to said east and west centerline; thence West along said centerline, as the same is now located and fenced, 1180 feet, more or less, to the Point of Beginning.

Also, one square rod in the extreme northwest corner of the Southeast Quarter of the Southeast Quarter of Section 4, Township 39 North, Range 2 East of W.M., for road purposes .

Except Right-of-Way for Dahlberg Road.

Situate in Whatcom County, Washington.

**EXHIBIT B**

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**LIMITATIONS ON AND REQUIREMENTS FOR USE:**

1. No fill can be brought into the property. Minor land grading of the property to make it level and farmable is permissible.
2. No structures can be constructed on the property.
3. Only grasses or annual crops are allowed, with winter cover crop required if annual crop is used. Grazing of animals on the property is not allowed.
4. Application of commercial fertilizer and manure are allowed only if they are included in the farm plan and application methods and timing are in accordance with that plan.
5. All activities, including application of manure, must be done in accordance with all applicable federal, state and local rules and regulations.
6. Tenant shall agree to keep in good repair all terraces, open ditches, inlets and outlets of tile drains; preserve all established watercourses or ditches including grassed waterways, and refrain from any operations or practice that will injure such structures.
7. Tenant must have a current farm plan following current NRCS standards and specifications. If an approved farm plan has not already been established, then within 30 days of the commencement of the lease the Tenant must contact the Whatcom Conservation District to create an approved farm plan for the property. The implementation of such plan must begin within 120 days of the commencement of the lease and be followed during the term of the lease.
8. Prior to the commencement of the lease the County shall commission a comprehensive soil chemistry analysis (“First Test”) comparable to those typically used by knowledgeable buyers as part of their typical pre-purchase inspections of agricultural land. A copy shall be retained by the County and copy shall be provided to the tenant.
9. No sooner than 90 days and no later than 30 days prior to the termination of the lease term the County shall commission a new comprehensive soil chemistry analysis (“Second Test”) substantially identical to the First Test. A copy shall be retained by the County and copy shall be provided to the tenant.
10. If the Second Test establishes that the soil has equal or greater nutrient value and health than the First Test then the Tenant shall have no further obligation to improve the soil once the lease term expires.
11. If the Second Test establishes that the soil has been depleted or its health is has otherwise been impaired since the First Test then it shall be the Tenant’s obligation to

1 immediately repair and replenish the land as soon as weather permits. Should the  
2 Tenant fail to do this within 90 days of the weather permitting, the County may elect to  
3 employ others repair the land and bill the Tenant for all associated costs.

4 12. The Tenant shall provide security to guarantee payment of costs referred to in item #8  
5 and item #9 above, in a form and amount approved by the Prosecuting Attorney's  
6 Office.

7 Lease Term: The maximum term of the lease is 3 years.

8 Bid Response: Bidders should submit the following information as part of their bid response:

9 1. Bid amount for annual rental of land. Do not include leasehold tax in your bid amount,  
10 as it will be calculated and applied separately upon the successful bid amount.

11 2. A statement of your understanding of the scope of the lease and the steps necessary to  
12 farm the land.

13 3. A brief outline of how you propose to manage the farmland if awarded the lease and a  
14 timetable for your farm plan.

15 4. Describe your ability to obtain insurance for your leasing for this project. Proof of  
16 insurance must be provided prior to final execution of the lease agreement. Insurance  
17 must include the following minimum coverages:

18 a. General liability coverage \$1,000,000 per occurrence

19 b. Workers Compensation Coverage as required by the Industrial Insurance laws of the  
20 State of Washington.