

RESOLUTION NO. 1007

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS
NECESSARY TO ACCOMPLISH THE GLENNING STREET PLAYGROUND
PROPERTY PURCHASE ON BEHALF OF THE CITY OF LYNDEN**

WHEREAS, on June 17, 2019, at its regular meeting, the Lynden City Council approved the Real Property Purchase and Sale Agreement ("PSA") of a 4-acre lot owned by the Lynden School District, known as Glenning Street Playground, and described in Exhibit A (hereafter "Property"); and

WHEREAS, on June 18, 2019, the Mayor of the City of Lynden ("City") signed the PSA on behalf of the City; and

WHEREAS, the intent of this resolution is to clearly authorize the Mayor to sign all documents related to the purchase of the Property by the City as necessary to close the transaction and to authorize the Mayor to sign an extension of closing the transaction to September 20, 2019; and

WHEREAS, the foregoing recitals are a material part of this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lynden as follows:

Section 1: The Lynden City Council does hereby affirm that the Mayor had the authority to sign the PSA and all exhibits thereto for purchase of the Property on behalf of the City and further hereby authorizes the Mayor to sign all documents necessary to close the sale of the Property including without limitation, the deed, the Declaration Covenant to Hold Property for Park Purposes (PSA Exhibit B), the Agreement to Remit Increase in Value in Event of Subsequent Sale (PSA Exhibit C), and the Real Estate Excise Tax Affidavit.

Section 2: The Lynden City Council does hereby approve entry of the First Addendum to Real Property Exchange Agreement extending the closing date on the Property to September 20, 2019 ("First Addendum"), and authorizes the Mayor to sign said First Addendum.

Section 2: 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 this Resolution. The Council 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 has been declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 3: This Resolution shall be in full force and effect immediately.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, 7 IN FAVOR 0
_____ AGAINST, AND SIGNED BY THE MAYOR THIS 16 DAY OF SEPTEMBER 2019.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

EXHIBIT A
Legal Description of the
Property

LOTS 1 THROUGH 10, BLOCK 32, AND LOTS 1 THROUGH 10, BLOCK 33, SUPPLEMENTAL AND CORRECTED PLAT OF LYNDEN, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 48, RECORDS OF WHATCOM COUNTY, WASHINGTON.

TOGETHER WITH THOSE PORTIONS OF SEVENTH STREET, AND OF ALLEYS WITHIN SAID BLOCKS AS VACATED UNDER TOWN OF LYNDEN ORDINANCE NO. 208, RECORDED AUGUST 3, 1925 UNDER AUDITOR'S FILE NO. 295877.

SITUATE IN WHATCOM COUNTY, WASHINGTON.