

ORDINANCE NO. 1524

AN ORDINANCE OF THE CITY OF LYNDEN, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE LYNDEN TRANSPORTATION BENEFIT DISTRICT (TBD) ON APRIL 1, 2017 AS ALLOWED BY CHAPTER 36.74 REVISED CODE OF WASHINGTON AND ABOLISHING THE TBD GOVERNING BOARD FOLLOWING ITS ASSUMPTION

WHEREAS, the City Council of the City of Lynden adopted Ordinance No. 1423 creating the Lynden Transportation Benefit District with the same boundaries as the City limits, pursuant to its authority under chapter 36.73 RCW; and

WHEREAS, RCW 36.74.010 provides that “[a]ny city or county in which a transportation benefit district has been established pursuant to chapter 36.73 RCW with boundaries coterminous with the boundaries of the city or county may by ordinance or resolution of the city or county legislative authority assume the rights, powers, functions, and obligations of the transportation benefit district in accordance with this chapter”; and

WHEREAS, the City of Lynden adopted Resolution No. 965 which set a public hearing date of March 20, 2017 and notice of said resolution was published in the Lynden Tribune two times during the two weeks preceding the scheduled hearing as required by RCW 36.74.020(1); and

WHEREAS, the City Council held a public hearing and took testimony from all parties on the assumption of the rights, powers, functions and obligations of the transportation benefit district on March 20, 2017 as required by RCW 36.74.020(2); and

WHEREAS, the City Council finds that the public interest and welfare is satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the Lynden Transportation District as required by RCW 36.74.030(1); and

WHEREAS, the City Council desires to continue the work and functions of the TBD as defined in state law and Ordinance No. 1423 without the necessity of maintaining a separate entity;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Findings

The recitals listed herein are incorporated as findings.

SECTION 2. TBD Assumed

The rights, powers, immunities, functions, and obligations of the Lynden Transportation Benefit District are hereby assumed by the City of Lynden which is hereby vested with every right, power, immunity, function, and obligation currently granted to or possessed by the TBD pursuant to chapter 36.74 RCW.

SECTION 3. TBD Governing Body Abolished

Immediately following the assumption of the TBD by the City, the Lynden Transportation Benefit District Board of Directors is abolished as required by RCW 36.74.030(2).

SECTION 4. Effective date

A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five (5) days of the date of publication as provided by law.

SECTION 5. Severability

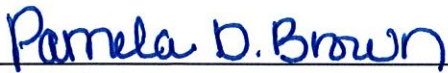
If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, clause or phrase of this ordinance.

PASSED BY THE CITY COUNCIL THIS 20TH DAY OF MARCH, 2017 AND SIGNED BY THE MAYOR ON THE 21 DAY OF MARCH, 2017.



Mayor

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY