

RESOLUTION NO. 25

**A RESOLUTION OF THE CHUCKANUT COMMUNITY FOREST PARK DISTRICT
DISSOLVING THE CHUCKANUT COMMUNITY FOREST PARK DISTRICT**

WHEREAS, the Chuckanut Community Forest Park District (“CCFPD” or “District”) is a metropolitan park district organized pursuant to Chapter 35.61 RCW; and

WHEREAS, in August of 2011, the City of Bellingham (“City”) purchased the 82-acre Chuckanut Community Forest, also known as the Hundred Acre Wood (“Property”); and

WHEREAS, the City purchased the Property from Washington Federal for \$8.2 million using greenways funds, park impact fees, and a Greenways Endowment Fund Loan (“Loan”) of \$3,232,021.60; and

WHEREAS, on February 12, 2013, voters in a southern portion of the City approved a ballot measure to create the Chuckanut Community Forest Park District; and

WHEREAS, the mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in public ownership in perpetuity, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the District, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan; and

WHEREAS, on January 3, 2014, the District and the City entered an Interlocal Agreement for repayment of the Greenways Endowment Fund Loan used to purchase the Chuckanut Community Forest; and

WHEREAS, in the Interlocal Agreement, the City agreed to grant the District a conservation easement that encumbers the Property in consideration for (1) the District paying off the Loan, accrued interest on the Loan, and future interest, and (2) the District formally dissolving in accordance with RCW 35.61.310 after the Loan, accrued interest, and future interest are paid off by the District; and

WHEREAS, the City granted the District a conservation easement that encumbers the Property via an easement recorded on January 6, 2014, at Whatcom County Auditor File No. 2140100259 (“Original Conservation Easement”); and

WHEREAS, the Loan was paid off in full as of June 2022; and

WHEREAS, on September 13, 2022, the Hundred Acre Wood Master Plan was approved by the Bellingham City Council; and

WHEREAS, pursuant to RCW 35.61.310(1), a metropolitan park district may dissolve upon a majority vote of its members when the city the district is located within, through its governing officials, agrees to, and petitions for, dissolution of the district and assumption of the districts assets and liabilities; and

WHEREAS, the Property is located within the City of Bellingham; and

WHEREAS, on September 16, 2022, the City sent the District a Petition to Dissolve Chuckanut Community Forest Park District and to turn over all District assets and liabilities to the City by no later than September 21, 2023; and

WHEREAS, on July 31, 2023, the District and the City executed a First Amended Conservation Easement, which was recorded at Whatcom County Auditor File No. 2023-0702284 (“Amended Conservation Easement”); and

WHEREAS, Section IX of the Amended Conservation Easement and Section 3(c) of the Interlocal Agreement permit the assignment of the District’s interest in the Amended Conservation Easement to another “qualified organization” as that term is defined under Section 170(h) of the Internal Revenue Code of 1954, as amended, RCW 64.04.130, and RCW 84.34.250; and

WHEREAS, the Whatcom Land Trust is a “qualified organization” as that term is defined by these laws, and is authorized under Washington law to hold conservation easements; and

WHEREAS, on July 31, 2023, immediately after executing the Amended Conservation Easement with the City, the District assigned its interest in the Amended Conservation Easement to the Whatcom Land Trust, recorded at Auditor’s File No. 2023-0702285; and

WHEREAS, now that the Loan has been paid in full, the Hundred Acre Wood Master Plan has been approved, the Original Conservation Easement has been amended, and the District’s interest in the Amended Conservation Easement has been assigned to the Whatcom Land Trust, the Board of Commissioners of the CCFPD is prepared to dissolve the District and turn over all District assets and liabilities to the City of Bellingham, pursuant to RCW 35.61.310(1); and

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

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE CHUCKANUT COMMUNITY FOREST PARK DISTRICT, WHATCOM COUNTY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1 – Dissolution of District: The Chuckanut Community Forest Park District is hereby dissolved effective September 21, 2023.

Section 2 – Transfer of District Assets and Liabilities to City of Bellingham: All District assets and liabilities are hereby transferred to the City of Bellingham, pursuant to RCW 35.61.310(1).

The Whatcom County Treasurer is hereby directed to transfer all funds currently held within the District’s account(s) to the City of Bellingham.

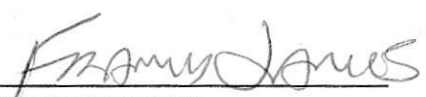
The Whatcom County Treasurer will continue to collect payments on the District’s tax levy. The Whatcom County Treasurer is hereby directed to remit the proceeds of these payments to the City of Bellingham.

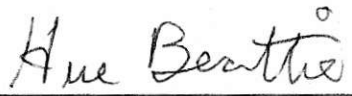
Section 3 – Payment of Final District Expenses: The Board of Commissioners hereby authorizes payment of the District expenses listed in **Exhibit A** (attached hereto and fully incorporated herein by reference), which will come due after the dissolution of the District and be paid by the City of Bellingham. Payment shall not exceed the amount listed in the exhibit for the corresponding expense.


Section 4 – Severability: 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 Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses, or phrases has been declared invalid, or unconstitutional.

Section 5 – Conflicts: Any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this Resolution.

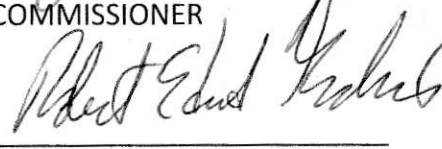
ADOPTED by the Board of Commissioners of Chuckanut Community Forest Park District, Whatcom County, Washington, at a regular meeting held the 13th day of September, 2023 with the following Commissioners being present and voting.


COMMISSIONER


COMMISSIONER


COMMISSIONER

COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 25 of Chuckanut Community Forest Park District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on September 13th, 2023.

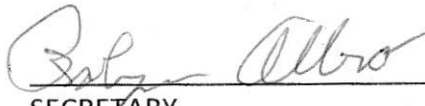

SECRETARY

EXHIBIT A

**Chuckanut Community Forest District Expenses to be Paid by the City of
Bellingham After the District's Dissolution**

Expense:	Maximum Payment Authorized:
District Secretary – Expenses & Mileage	\$300
District Secretary – Payroll Taxes	\$500
Carmichael Clark, P.S.	\$12,000
Richard Hartnell – Meeting Technical Services	\$300
WA. State Auditor's Office – Accountability Audit	\$1,000