

ORDINANCE NO. 09-11

AN ORDINANCE ANNEXING INTO THE CITY OF EPHRATA THE CATLOW ADDITION PROPERTY LOCATED ON THE WEST SIDE OF THE CITY WHICH CONSISTS OF APPROXIMATELY TWENTY-NINE ACRES, AND ZONING SAID PROPERTY AS RESIDENTIAL-1 UPON ANNEXATION

RECITALS:

1. The City of Ephrata received a Notice of Intention to Commence Annexation Proceeding on April 27, 2009, signed by Roger Miller, Jeffrey Marsh, Marie Marsh, Robert Heritage, Randy Boruff, W. Max Knauss, Donna Catlow Knauss and the City of Ephrata/Wes Crago, City Administrator.
2. The signatories of the Notice of Intention to Commence Annexation Proceeding constitute sufficient value to meet the sixty (60%) percent requirement of RCW 35A.14.120 of the assessed value of the property involved.
3. The proposed area for annexation contains approximately 29 acres and is described in the attached Exhibit "A" and depicted on the attached Exhibit "B".
4. The proposed area for annexation is within the City's Urban Growth Area and is consistent with the intent and purpose of the Growth Management Act, which reads in relevant part: "[i]n general, cities are the units of local government most appropriate to provide urban governmental services." RCW 36.70A.110(4).
5. Pursuant to RCW 35A.14.120, the Ephrata City Council met with the property owners/petitioners within sixty days of receipt of the Notice of Intention to Commence Annexation Proceeding, on April 1, 2009, to review the proposed annexation and found said proposed annexation to be a logical extension of the City corporate limits; and that said property should be annexed to the City; and that (1) said property should assume its pro rata share of the City's bonded indebtedness and be assessed and pay taxes at the same rate and on the same basis as other property within the City; and that (2) said property should be assigned the Residential-1 zoning classification as designated in the City's Comprehensive Plan.
6. Following the meeting with the owners/petitioners, the proponents of the annexation circulated the necessary petition which was certified as legally sufficient.
7. Following action by the City Council, a notice of intention was filed by the owners/petitioners with the Boundary Review Board on April 30, 2009, and the City

received a certification of sufficiency of the petition from the County Auditor on April 30, 2009 (attached as Exhibit "C").

8. The City Council held a public hearing at its regular meeting on June 3, 2009 to consider the annexation.
9. Ephrata City utilities, police, fire and other services are adequate and available to support the area upon annexation.
10. The Ephrata City Council finds that it is the best interest of the health, safety, morals and general welfare of the citizens of the City and the proposed area for annexation for the area to be annexed to the City.
11. The proposed annexation is subject to the review of the Grant County Boundary Review Board pursuant to Chapter 36.93 RCW. Over forty five days have elapsed since the filing of the application for review.
12. The Grant County Boundary Review Board, certified expiration of the 45 day review period correspondence of August 13, 2009, declined to invoke jurisdiction with regard to the proposed annexation (letter attached as Exhibit "D").
13. Pursuant to RCW 36.93.100 and Grant County Boundary Review Board local rule D(3), the proposed annexation shall be deemed approved.

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

Section 1. That the real property described in Exhibit "A" attached hereto is hereby annexed into the City of Ephrata; and that the corporate limits of the City of Ephrata shall include the property and territory hereinbefore fully described. Said property shall be assessed and taxed at the same rate and on the same basis as the property of the City of Ephrata is assessed and taxed to pay for the now outstanding indebtedness of the City of Ephrata contracted prior to or existing at the time of annexation.

Section 2. That the zoning of the property upon the effective date of this annexation shall be Residential-1. All such zoning and classification will be subject to the provisions of Title 19 of the Ephrata Municipal Code as enacted or hereafter amended.

Section 3. The City Clerk is hereby directed to provide notice of this annexation to the appropriate entities as provided by law.

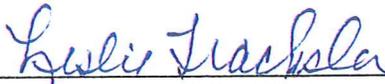
Section 4. This ordinance shall be in full force and effect five days after passage of its summary and publication as provided by law.

PASSED by the City Council of the City of Ephrata, Washington, this 2nd day of September, 2009.



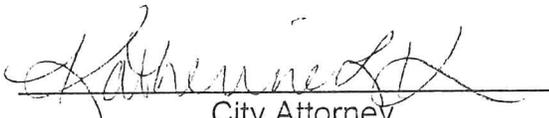
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

PASSED the 2nd day of September, 2009.

APPROVED the 2nd day of September, 2009.

PUBLISHED the 3rd day of September, 2009.

Exhibit A

Parcel Number	Legal Description
13-0140-000	LOTS 1 & 2, BLOCK 1; CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON
13-0141-000	LOT 3, BLOCK 1; CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON
13-0142-000	LOTS 1 TO 9, BLOCK 2; CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON
13-0142-010	LOTS 10 TO 12, BLOCK 2 AND VACATED ROAD ADJACENT; LESS GRANT COUNTY TAX NUMBERS 4455 AND 13974; CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON
13-0143-000	THAT PORTION OF LOTS 10, 11 AND 12, BLOCK 2 OF CATLOW ADDITION AND THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 E.W.M., DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT THE MONUMENT AT ANGLE IN FAIRVIEW STREET; THENCE NORTH 00°15' EAST, A DISTANCE OF 20 FEET; THENCE NORTH 87°48' EAST, A DISTANCE OF 160 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 87°48' EAST, A DISTANCE OF 100 FEET TO THE WEST SIDE OF THE ROAD; THENCE ALONG THE WEST SIDE OF THE ROAD BY THE FOLLOWING TRAVERSE NORTH 28°51'EAST, A DISTANCE OF 100 FEET; THENCE NORTH 41° EAST, A DISTANCE OF 30 FEET; THENCE NORTH 54°17' EAST, A DISTANCE OF 33.50 FEET TO A POINT WHERE THE LINE LEAVES THE ROAD; THENCE NORTH 02°12' WEST, A DISTANCE OF 72 FEET TO THE CENTER OF THE DRAW; THENCE NORTH 79°25' WEST, A DISTANCE OF 104 FEET ALONG THE DRAW; THENCE NORTH 86°08' WEST, A DISTANCE OF 99.20 FEET; THENCE SOUTH 02°12' EAST, A DISTANCE OF 53 FEET TO THE TOP OF THE DRAW; THENCE SOUTH 02°12' EAST, A DISTANCE OF 178.5 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT A

13-0144-000

THAT PORTION OF LOTS 12 & 13 BLK 2, CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., GRANT COUNTY, WASHINGTON DESCRIBED AS FOLLOWS; BEGINNING AT A ONE-HALF INCH SURVEYOR'S ROD AND CAP MARKING THE NORTHWESTRLY END OF FAIRVIEW STREET AS SHOWN ON SAID CATLOW ADDITION, SAID POINT BEARS SOUTH 87°47'30"WEST, 222.60 FEET FROM THE CENTERLINE INTERSECTION OF FAIRVIEW STREET AS SHOWN ON SAID CATLOW ADDITION; THENCE NORTH 87°47'30"EAST, FOLLOWING THE CENTERLINE OF FAIRVIEW PLACE, 123.63 FEET; THENCE NORTH 02°12'30"WEST, 20.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF FAIRVIEW STREET; THENCE NORTH 87°47'30"EAST, FOLLOWING SAID RIGHT-OF-WAY, 79.87 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP AND THE TRUE POINT OF BEGINNING; THENCE NORTH 02°12'30" EAST, 109.07 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP; THENCE NORTH 63°23'15"WEST, 22.68 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP; THENCE SOUTH 87°47'30" WEST, 120.00 FEET; THENCE NORTH 02°12'30" WEST 127.76 FEET; THENCE SOUTH 80°23'20" EAST, 150.00 FEET; THENCE SOUTH 60°56'00"EAST, 99.98 FEET; THENCE SOUTH 29°04'00" WEST 93.75 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP; THENCE SOUTH 00°18'30" WEST, 85.00 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP AND AN INTERSECTION WITH SAID NORTHERLY RIGHT-OF-WAY; THENCE SOUTH 87°47'30" WEST, FOLLOWING SAID RIGHT-OF-WAY, 40.00 FEET TO THE TRUE POINT OF BEGINNING.

13-0145-000

THAT PORTION OF LOTS 12 & 13, BLOCK 2, CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON DESCRIBED AS FOLLOWS; BEGINNING AT A ONE-HALF INCH SURVEYOR'S ROD AND CAP MARKING THE NORTHWESTERLY END OF FAIRVIEW STREET AS SHOWN ON SAID CATLOW ADDITION, SAID POINT BEARS SOUTH 87°47'30" WEST, 222.60 FEET FROM THE CENTERLINE INTERSECTION OF FAIRVIEW STREET AS SHOWN ON SAID CATLOW ADDITION; THENCE NORTH 87°47'30" EAST, FOLLOWING THE CENTERLINE OF FAIRVIEW STREET, 123.63 FEET; THENCE NORTH 02°12'30" WEST, 20.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF FAIRVIEW STREET AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 02°12'30" WEST, 120.00 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP; THENCE NORTH 87°47'30" EAST, 60.00 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP; THENCE SOUTH 63°23'15" EAST, 22.68 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP; THENCE SOUTH 02°12'30" EAST, 109.07 FEET TO A ONE-HALF INCH SURVEYOR'S ROD AND CAP; THENCE SOUTH 87°47'30" WEST FOLLOWING SAID RIGHT-OF-WAY 79.87 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT A

13-0146-000	LOT 14, BLOCK 2; CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON
13-0147-000	LOT 15 AND LOT 16 LESS THE SOUTH 81 FEET OF LOT 16, BLOCK 2; CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON
13-0148-000	THE SOUTH 81 FEET OF LOT 16, BLOCK 2; CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON
13-0149-000	LOT 17 AND 18, BLOCK 2; CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON
16-0820-000 PORTION	THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER LESS TAX NUMBERS IN SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., GRANT COUNTY, WASHINGTON
16-0822-000	BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 9, 10, 15 AND 16, TOWNSHIP 21 NORTH, RANGE 26 E.W.M., WHICH POINT IS MARKED BY A U.S.B.R. BRASS CAPPED MONUMENT; THENCE SOUTH 50°14'50" WEST, 1744.18 FEET; THENCE SOUTH 13°41'00" WEST, 285.85 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16; THENCE SOUTH 87°48'10" WEST, A DISTANCE OF 358.74 FEET ALONG SAID SECTION LINE OF THE EAST SECTION 16 TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87°48'10" WEST, 231.99 FEET ALONG SAID SECTION LINE OF THE EAST 1/2 OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16 TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 00°22'40" EAST, 298.70 FEET ALONG THE WEST LINE OF SAID SUBDIVISION; THENCE NORTH 87°48'10" EAST, 167.67 FEET; THENCE SOUTH 38°07'45" EAST, A DISTANCE OF 103 FEET; THENCE SOUTH 00°20'45" WEST, 215.21 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT A

16-0823-000

A PORTION OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 E.W.M., GRANT COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS; BEGINNING AT THE QUARTER CORNER COMMON TO SECTIONS 9 AND 16; THENCE NORTH 88°06'10" EAST A DISTANCE OF 662.63 FEET ALONG THE SECTION LINE TO THE 1/64 CORNER; THENCE SOUTH 00°25' WEST A DISTANCE OF 345.89 FEET TO THE TRUE POINT OF BEGINNING WHICH IS ON THE SEMI-TANGENT OF A 3°15' CURVE; CONTINUING THENCE SOUTH 00°25' WEST A DISTANCE OF 706.19 FEET; THENCE NORTH 87°45' EAST A DISTANCE OF 165.27 FEET; THENCE SOUTH 38°11' EAST A DISTANCE OF 103.00 FEET; THENCE NORTH 00°18 1/2' EAST A DISTANCE OF 275.27 FEET; THENCE NORTH 87°47 1/2' EAST A DISTANCE OF 410.39 FEET; THENCE SOUTH 69°56' EAST A DISTANCE OF 108.94 FEET; THENCE NORTH 72°43 1/2' EAST A DISTANCE OF 215.32 FEET; THENCE NORTH 49°39' EAST A DISTANCE OF 293.48 FEET TO THE CENTER LINE OF THE COUNTY ROAD #23; THENCE NORTH 61°51' WEST ALONG THE CENTER LINE OF SAID COUNTY ROAD A DISTANCE OF 72.6 FEET TO THE P.C. OF A 6°15' CURVE LEFT; THENCE ALONG THE CENTER LINE OF SAID CURVE A DISTANCE OF 306.4 FEET TO THE P.T.; THENCE NORTH 80°24' WEST A DISTANCE OF 655.74 FEET TO THE P.C. OF A 3°15' CURVE TO THE RIGHT; THENCE CONTINUING NORTH 80°24' WEST ALONG THE SEMI-TANGENT OF SAID CURVE A DISTANCE OF 170.50 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THE RIGHT OF WAY OF COUNTY ROAD #23, CATLOW PLAT AND TX# 4455 Q.C.D. 154-286 TO GRANT COUNTY A PORTION FOR STREET AND UTILITY.

ALL ROADS AS DEDICATED IN THE PLAT OF CATLOW ADDITION TO EPHRATA AS RECORDED IN BOOK 4 OF PLATS, PAGE 6, RECORDS OF GRANT COUNTY, WASHINGTON, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 26 EAST, W.M., EPHRATA, GRANT COUNTY, WASHINGTON

Exhibit L

Catlow Addition Annexation Area

Legend

- Proposed Annexation Boundary
- Parcel Boundary
- Urban Growth Boundary



450 225 0 450 Feet

This map should not be construed to be an offer of service or a guarantee of service. The information on this map is for general informational purposes only, and is not intended to be used for any other purpose. The information on this map is not intended to be used for any other purpose. The information on this map is not intended to be used for any other purpose.



U.S. CELLULAR

Catlow Addition Annexation Sufficiency Petition

Parcel	Owner % vAgree	Owner % Disagree	Value	TxValue	% of Agree AV	% of Tx Agree	% of Disagree AV
130140000	100%		\$18,000	\$18,000	\$18,000	\$18,000	
130141000		100%	\$196,080	\$196,080	\$0	\$0	\$196,080
130142000	100%		\$4,500	Exempt	\$4,500		
130142010	100%		\$116,990	\$116,990	\$116,990	\$116,990	
130143000		100%	\$69,500	\$69,500	\$0	\$0	\$69,500
130144000	100%		\$2,700	\$2,700	\$2,700	\$2,700	
130145000	100%		\$137,075	\$137,075	\$137,075	\$137,075	
130146000		100%	\$80,480	\$80,480	\$0	\$0	\$80,480
130147000	50%	50%	\$240,120	\$240,120	\$120,060	\$120,060	\$120,060
130148000		100%	\$52,735	\$52,735	\$0	\$0	\$52,735
130149000	50%	50%	\$1,000	\$1,000	\$500	\$500	\$500
160820000	100%		\$986,340	Exempt	\$986,340		
160822000	50%	50%	\$7,650	\$7,650	\$3,825	\$3,825	\$3,825
160823000		100%	\$750	\$750	\$0	\$0	\$750
Total Value			\$1,913,920	\$923,080	\$1,389,990	\$399,150	\$523,930
60% of Value			\$1,148,352	\$553,848			

Ron, I used 60% of overall value regardless of tax status. The column in green is the total value of signatures presented in the annexation packet. The Green in the 60% row represents 60 percent of the overall value of the property being annexed, regardless of their exempt status. I did discuss with DOR the annexation of exempt parcels. Here is the recommendation from DOR: (Diann Locke and Kathy Beith)

after much discussion between Kathy, Jim and myself, it is our opinion that you should include the value of property owned by the exempt owner when determining the 60% petition method. We also believe that you would supply a sufficiency certificate if an exempt land owner represent at least 60% of the overall value of the area being annexed.

We are basing on opinion on a court decision, Johnson v. Spokane, 19 Wn. App 722 (1978), which ruled that the City of Spokane (an exempt owner) could sign an annexation petition. Following that ruling, the legislature added language to RCW 35.13.130 stating in part: "That in cities and towns with populations greater than 160,000 located east of the Cascade Mountains, the owner of tax exempt property may sign an annexation petition and have the tax exempt property annexed into the city or town, but the value of the tax exempt property shall not be used in calculating the sufficiency of the required property owner signatures unless only tax exempt property is proposed to be annexed into the city or town". (emphasis added)

Grant County is located east of the Cascade Mountains, but I do not believe there is a city or town with a population greater than 160,000 in the county. Thus the value of the exempt property would be included in calculating the sufficiency certificate.

To our knowledge, RCW 35A.14.120 (code city statute) has not been construed in an appellate court case that deals with this issue. So, applying the reasoning of the Johnson case, we conclude that you should include the value of the exempt owner property in your sufficiency certificate."

WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR GRANT COUNTY

CERTIFICATE OF EXPIRATION OF 45 DAY PERIOD

I hereby certify that more than 45 days have elapsed since the following described Notice of Intention was filed with the Washington State Boundary Review Board for Grant County and that at no time during said period was a Request Filed with the Board. The proposed action is hereby deemed approved as provided in RCW 36.93.100.

FILE NO: 2009-05
INITIATOR(S): City of Ephrata
DATE FILED: June 23, 2009
45-DAY REVIEW PERIOD ENDS: August 13, 2009
LEGAL DESCRIPTION: Attached

TIME LIMIT: The action proposed in this Notice of Intention must be officially consummated on or before August 13, 2012, or the approval, as defined in this document shall be null and void. (Boundary Review Board rules of Practice and Procedure).

Dated at Grant County, Ephrata, Washington this 13th August 2009.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR GRANT COUNTY


James Young, Chairman

ATTEST:


Jill Hammond
Clerk of the Board