

ORDINANCE NO. 1529

AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF THE AGREEMENT WITH THE COUNTY OF GRAYS HARBOR PROVIDING FOR THE TRANSFER OF CERTAIN PUBLIC RIGHT-OF-WAY AND THE ANNEXATION THEREOF.

R E C I T A L S:

1. The City is organized under the provisions of Title 35A, Revised Code of Washington.
2. Pursuant to RCW 35A.21.210, the City is authorized, pursuant to agreement between itself and the County of Grays Harbor, to effectuate certain boundary changes which involve the transfer of public rights-of-way.
3. The City, during the course of an annexation procedure, annexed certain real property. Thereafter, as the result of the submission and approval of a short subdivision, it has been deemed appropriate to annex the public right-of-way described upon Exhibit #1 and currently within the jurisdiction of the County of Grays Harbor so as to insure consistency of regulation and development.
4. The Director of Community Development has discussed this matter with the appropriate Supervisory Staff of the County who have indicated their concurrence. However, it is recognized the County of Grays Harbor, acting by and through its County

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Commissioners, must also indicate agreement to such an annexation through the adoption of an appropriate resolution.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF MONTESANO:

SECTION I: Pursuant to the authority granted by the cited statute and subject to the concurrence of the County of Grays Harbor, acting by and through its Board of County Commissioners, through an enactment satisfactory to the City, acting by and through this Council and Mayor, that certain public right-of-way more fully described upon Exhibit #1 shall be and (1) is hereby accepted from the County of Grays Harbor in its current condition, (2) the boundary line between the unincorporated area within the County and the incorporated area of the City adjusted thereby, and (3) the land deemed annexed to the City of Montesano.

SECTION II: On and after the effective date of this Ordinance, the right-of-way transferred and annexed hereby shall be the responsibility of the City in all respects, including by way of representation and not by way of limitation, maintenance and policing.

SECTION III: This Ordinance shall take effect upon the later occurring of five days following date of publication or the effective date of an Ordinance or Resolution adopted by the Board of County Commissioners of the County of Grays containing terms

concurrent with by the City Council confirming the annexation/transfer of right-of-way covered by this Ordinance.

SECTION IV: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

PASSED THIS 11 DAY OF August, 2009, by the City Council of the City of Montesano, and signed in approval therewith this 11 day of August, 2009.

CITY OF MONTESANO:

Ronald W. Schillinger
RONALD SCHILLINGER, Mayor

ATTEST:

Kristy Powell
KRISTY POWELL, Clerk-Treasurer

APPROVED AS TO FORM:

Dan Glenn
DANIEL O. GLENN, City Attorney

PUBLISHED: August 20, 2009
The Vidette

DESCRIPTION OF A PORTION OF EAST BEACON AVENUE

That portion of the Northeast Quarter of the Southeast Quarter of Section 5, Township 17 North, Range 7 West,

of the Willamette Meridian, described as follows:

All that portion of East Beacon Avenue right of way lying East of the Westerly right of way of Camp Creek Road extended southerly to the Southerly right of way of East Beacon Drive and West of the Westerly right of way of Owen Drive extended southerly to the Southerly right of way of East Beacon Drive.

Situated in Grays Harbor County, State of Washington.

