ORDINANCE NO. 1557

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY AND STATE RIGHT-OF-WAY TO THE CITY OF OAK HARBOR AND ASSIGNING ZONING FOR THE ANNEXED PROPERTY CONSISTENT WITH THE OAK HARBOR COMPREHENSIVE PLAN

WHEREAS, a property owner filed a petition on April 23, 2009 with the City of Oak Harbor requesting the annexation of real property within the Oak Harbor Urban Growth Area and contiguous to the municipal boundary of the City of Oak Harbor, Island County, Washington, pursuant to RCW 35A.14.120 now in effect; and

WHEREAS, the Island County Auditor determined on July 27, 2009 that the petition is sufficient as required by RCW 35A.01.040; and

WHEREAS, the City Council did set September 1, 2009 as the date for public hearing and require that notice of the hearing be published in one or more issues of the City's official newspaper and that notice shall also be posted in three public places within the territory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the; and

WHEREAS, said notice of the public hearing was published in the August 22, 2009 edition of the Whidbey News Times; and

WHEREAS, notice was also posted in three public places within the territory proposed for annexation on August 14, 2009; and

WHEREAS, a public hearing was held before the City Council of Oak Harbor on September 1, 2009; and

WHEREAS, the City Council of the City of Oak Harbor, following due deliberation and careful consideration of the issues germane to the annexation petition, finds that the proposal is consistent with state and local laws pertaining to the annexation of property to the City of Oak Harbor and with the Urban Growth Area goals and policies in the Oak Harbor Comprehensive Plan;

NOW THEREFORE, the City Council of the City of Oak Harbor do ORDAIN as follows:

Section 1. That the following described property, situated in the County of Island, State of Washington and contiguous to the City of Oak Harbor, is hereby annexed to and incorporated into the City of Oak Harbor, Washington:

Tracts of land lying within the South ½ of the Northwest ¼ and within the South ½ of the Northeast ¼ of Section 10, Township 32 North, Range 1 East of the Willamette Meridian Parcels within the South ½ of the Northwest ¼ have the following Parcel Numbers:

R13210-298-1650, R13210-298-2300, R13210-324-2530, R13210-364-2330, R13210-364-1900 and R13210-364-1730. The exterior perimeter boundary of this Land Annexation is further described as follows:

LEGAL DESCRIPTION FOR THE
ANNEXATION OF LAND, INCLUDING
ADJACENT ROAD RIGHTS OF WAY, INTO
THE CITY OF OAK HARBOR,
ISLAND COUNTY, WASHINGTON

THOSE PORTIONS OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, COUNTY OF ISLAND, STATE OF WASHINGTON, COLLECTIVELY DESCRIBED HEREINAFTER AS PARCELS 3 THROUGH 8, AND THAT PORTION OF GOVERNMENT LOT 2 IN SAID SECTION 10, HEREINAFTER DESCRIBED AS PARCEL 11:

PARCEL 3
THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE I EAST, WILLAMETTE MERIDIAN.

ALSO THE EAST HALF OF THE EAST HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SUBDIVISION, AS PER BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 4125909, RECORDS OF SAID COUNTY OF ISLAND, STATE OF WASHINGTON.

PARCEL 4
THE EAST 666.97 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, COUNTY OF ISLAND, STATE OF WASHINGTON;

TOGETHER WITH THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL LYING SOUTH OF THE CERTAIN FENCE LINE AS IT WAS ESTABLISHED IN ISLAND COUNTY SUPERIOR COURT CAUSE NO. SC-I4966:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, ISLAND COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SUBDIVISION, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTH HALF, 250 FEET; THENCE SOUTH 135 FEET; THENCE EAST 250 FEET; THENCE NORTH 135 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF SAID SUBDIVISION LYING EAST OF THE STATE ROUTE 20 RIGHT-OF-WAY, AS PER PLAT OF EAGLE CREST, DIVISION 1, RECORDED UNDER AUDITOR'S FILE NUMBER 93005106, AND PER PLAT OF EAGLE CREST, DIVISION 2, RECORDED UNDER AUDITOR'S FILE NUMBER 94011633, RECORDS OF ISLAND COUNTY WASHINGTON.

PARCEL 5

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, COUNTY OF ISLAND, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTH HALF OF SAID SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE WEST, ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER, 250 FEET; THENCE SOUTH 135 FEET; THENCE EAST 250 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE NORTH 135 FEET TO THE POINT OF BEGINNING.

PARCEL 6

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, COUNTY OF ISLAND, STATE OF WASHINGTON;

EXCEPT THAT PORTION LYING SOUTH OF THE CERTAIN FENCE LINE AS IT WAS ESTABLISHED IN ISLAND COUNTY SUPERIOR COURT CASE NUMBER SC-I4966;

PARCEL 7
THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, COUNTY OF ISLAND, STATE OF WASHINGTON, ALSO KNOWN AS PARCEL "A", OF SHORT PLAT 76/55, FILED UNDER AUDITOR'S FILE NUMBER 301894, RECORDS OF ISLAND COUNTY, STATE OF WASHINGTON;

PARCEL 8
THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, COUNTY OF ISLAND, STATE OF WASHINGTON, ALSO KNOWN AS PARCEL "B", OF SHORT PLAT 76/55, FILED UNDER AUDITOR'S FILE NUMBER 301894, RECORDS OF ISLAND COUNTY, STATE OF WASHINGTON.

PARCEL 11
THAT PORTION OF GOVERNMENT LOT 2 IN SECTION 10, TOWNSHIP 32 NORTH, RANGE I EAST, WILLAMETTE MERIDIAN, LYING WEST OF TRACTS A AND B, AS PER PLAT OF EAGLE CREST, DIVISION 1, RECORDED UNDER AUDITOR'S FILE NUMBER 93005106, TOGETHER WITH THAT PORTION OF SAID GOVERNMENT LOT 2, LYING WEST OF TRACT D, AS PER PLAT OF EAGLE CREST, DIVISION 2, RECORDED UNDER AUDITOR'S FILE NUMBER 94011633, RECORDS OF ISLAND COUNTY WASHINGTON.

Situated in Island County, Washington

Total area for said Parcels 3 through 8, and Parcel 11, is 41.251 acres.

Section 2. An annexation agreement will be entered into by the City and Haga, LLC., Brian Gentry, Manager and Homeplace at Burlington, LLC., Kendra Decker, Manager (owners of parcel R13210-298-1650, R13210-298-2300, R13210-324-2530, R13210-364-2330, R13210-364-1900 and R13210-364-1730). This agreement shall be recorded with the Island County Auditor and shall run with the land.

Section 3. All said real property in the annexed area described in Section 1 shall be assessed and taxed at the same rate and on the same basis as other property in the City of Oak Harbor is assessed and taxed, assume existing City indebtedness and be subject to the comprehensive plan as presently adopted or as hereafter amended.

Section 4. The annexed area described in Section 1 is hereby assigned zoning of R-1, Single Family Residential in accordance with the Oak Harbor Comprehensive Plan Land Use Map. The zoning provisions of the Oak Harbor Municipal Code shall be in full force and effect in the annexed area in accordance with this assignment.

Section 5. This ordinance and the annexation provided herein, shall be in full force and effect five days after its publication as required by law.

PASSED by the City Council and APPROVED by the Mayor this 1st day of September, 2009.

THE CITY OF OAK HARBOR

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Published: September 9, 2009