

**ORDINANCE NO. 1410
CITY OF LEAVENWORTH, WASHINGTON**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN
REAL PROPERTY OWNED BY THE UPPER VALLEY MEND, TITUS
LLC, AGNEW/HEBERT, AND DUNCAN TO THE CITY OF
LEAVENWORTH, WASHINGTON, INCORPORATING THE SAME
WITHIN THE CORPORATE LIMITS THEREOF, AND ADOPTING
ZONING REGULATIONS FOR THE ANNEXED PROPERTY**

The City Council of the City of Leavenworth, Washington do ordain as follows:

Section 1. The real property in Chelan County, Washington, described on Exhibit "A" attached hereto, owned by the Upper Valley MEND, Titus LLC, Agnew/Hebert, and Duncan property described as (abbreviated) herein as: Parcel # 241701550135 - EMIG PARKs LOT 22s & 23s with 14 acres. Parcel # 241701550153 - EMIG PARKs LOT 26s L B BA06-104, L B BA05-133s with 5.5000 acres. Parcel # 241701550111 - EMIG PARKs PT LOT C BLA 2008-111 (TAX CODE/ANNEXED); LC BA06-122 LESS ANNEXED STRIPs with 0.3600 acres. Parcel # 241701550155 - EMIG PARKs LOT 26s BA# 2005-133 LOT As with 3.9000 acres, contiguous to the City of Leavenworth, and within the City of Leavenworth urban growth boundary, is hereby annexed to and incorporated in the city limits of the City of Leavenworth, Washington.

Section 2. A certified copy of this ordinance shall be filed with the Board of County Commissioners of Chelan County, Washington in the manner provided by law.

Section 3. The annexed real property shall be subject to the City of Leavenworth Comprehensive Plan and City of Leavenworth zoning regulations and shall retain the existing zoning of Residential Multi-family.

Section 4. This ordinance shall be recorded with the Chelan County Auditor and shall be binding upon the annexed real property and the future owners thereof. This ordinance shall take effect five days after its passage and publication as provided by law.

Section 5. The annexed real property herein shall be assessed and taxed at the same rate and on the same basis as other property in the City of Leavenworth, Washington to pay for all or any portion of the outstanding indebtedness to the City of Leavenworth approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation.

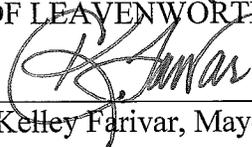
Section 6. This annexation requires, prior to its effectiveness, transfer to the City of Leavenworth of any domestic water rights as a condition of annexation.

Section 7. On January 10th, 2012, the City Council met with the annexation initiating parties and accepted the annexation with necessary conditions. On January 24, 2012, City

Council conducted a public hearing to accept and consider public testimony.

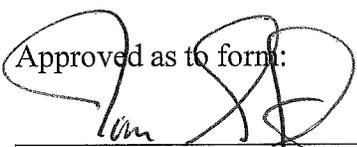
Passed by the City Council of City of Leavenworth, Washington and approved by the Mayor at an open public meeting on the 27th day of March, 2012.

CITY OF LEAVENWORTH

By: 
Cheryl Kelley Farivar, Mayor

Attest:


Chantell Steiner
City Clerk/Finance Director

Approved as to form:

Thom H. Graafstra, City Attorney

CERTIFICATION

I, the undersigned, City Clerk of the City of Leavenworth, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. 1410 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on March 27, 2012, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after publication in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of March, 2012.

CITY OF LEAVENWORTH, WASHINGTON



Chantell Steiner, City Clerk

Exhibit A

Legal Descriptions

Parcel # 241701550135 – (map # 1)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHELAN, STATE OF WASHINGTON, AND IS DESCRIBED AS FOLLOWS:

LOTS 22 AND 23, EMIG PARK, CHELAN COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 55, EXCEPT THEREFROM THAT PORTION LYING NORTHERLY OF THE SOUTH LINE OF LOT 20 EXTENDED EASTERLY AND PARALLELING THE NORTH LINE OF SAID LOTS 22 AND 23.

Parcel # 241701550153 - (map # 2)

THAT PORTION OF LOT 24 AND 26, PLAT OF EMIG PARK, CHELAN COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 55, AND THAT PORTION OF GOVERNMENT LOT 9 IN SECTION 1, TOWNSHIP 24 NORTH, RANGE 17 EAST OF THE WILLAMETIE MERIDIAN, CHELAN COUNTY, WASHINGTON, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 26, A BRASS CAP SET ON AN IRON PIPE; THENCE NORTH 0°17'23" WEST, ALONG THE WEST LINE OF SAID LOT 26, 318.39 FEET TO A 5/8 INCH IRON PIN AS SHOWN ON SURVEY RECORDED IN BOOK 20 OF SURVEYS AT PAGE 52 RECORDS OF SAID COUNTY; THENCE CONTINUE NORTH 0°17'23" WEST 415.54 FEET TO THE TRUE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE SOUTH 83°57'27" EAST 524.19 FEET, MORE OR LESS TO THE WEST RIGHT OF WAY OF CHUMSTICK HIGHWAY AND END OF SAID DESCRIBED LINE,

EXCEPT THAT PORTION LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 26, A BRASS CAP SET ON AN IRON PIPE; THENCE NORTH 0°17'23" WEST, ALONG THE WEST LINE OF SAID LOT 26, 318.39 FEET TO A 5/8 INCH IRON PIN AS SHOWN ON SURVEY RECORDED IN BOOK 20 OF SURVEYS AT PAGE 52 RECORDS OF SAID COUNTY; TO THE TRUE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE SOUTH 78°22'40" EAST 131.23 FEET; THENCE SOUTH 67°12'21" EAST 94.68 FEET; THENCE NORTH 75°48'49" EAST 60.71 FEET; THENCE SOUTH 86°26'02" EAST 349.44 FEET, MORE OR LESS TO THE WEST RIGHT OF WAY OF CHUMSTICK HIGHWAY,

AND EXCEPT THAT PORTION LYING EAST OF THE WEST RIGHT OF WAY OF CHUMSTICK HIGHWAY.

Parcel # 241701550111 - (map # 5)

THAT PORTION OF PARCEL "C" AS DESCRIBED IN AND DELINEATED ON BOUNDARY LINE ADJUSTMENT NO. 2006-122, CHELAN COUNTY, WASHINGTON, RECORDED OCTOBER 26, 2006, UNDER AUDITOR'S FILE NO. 2240974, BEING A PORTION OF LOT I OF BURNETT SHORT PLAT NO. 1982 AND LOT I OF SHORT PLAT NO. 1570, LYING SOUTHERLY OF THE SOUTH LINE OF LOT

1, CHELAN COUNTY SHORT PLAT NO. 1982, RECORDED IN BOOK SP-8, PAGE 61, EXTENDED EASTERLY TO THE EAST LINE OF SAID PARCEL "C".

Parcel # 241701550155 -- (map #14)

THAT PORTION OF LOT 26, PLAT OF EMIG PARK CHELAN COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 55, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 26, A BRASS CAP SET ON AN IRON PIPE; THENCE NORTH $0^{\circ}17'23''$ WEST, ALONG THE WEST LINE OF SAID LOT 26, 318.39 FEET TO A $\frac{5}{8}$ " IRON PIN AS SHOWN ON SURVEY RECORDED IN BOOK 20 OF SURVEYS AT PAGE 52 RECORDS OF SAID COUNTY; TO THE TRUE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE SOUTH $78^{\circ}22'40''$ EAST 131.23 FEET; THENCE SOUTH $67^{\circ}12'21''$ EAST 94.68 FEET; THENCE NORTH $75^{\circ}48'49''$ EAST 60.71 FEET; THENCE SOUTH $86^{\circ}26'02''$ EAST 349.44 FEET, MORE OR LESS TO THE WEST RIGHT OF WAY OF CHUMSTICK HIGHWAY. EXCEPT RIGHT OF WAY OF CHUMSTICK HIGHWAY. ALSO KNOWN AS NEW TRACT A OF CHELAN COUNTY BOUNDARY LINE ADJUSTMENT 2005-133 RECORDED UNDER CHELAN COUNTY AUDITOR'S FILE NO. 2220399.