07/20/2012 09:38:27 AM 3174363
Recording Fee $66.00 Page 1 of 5
Ordinance CITY OF OKANOGAN
Okanogan County Washington

ORDINANCE NO. 1129

AN ORDINANCE OF THE CITY OF OKANOGAN, WASHINGTON ANNEXING CERTAIN REAL PROPERTY, SPECIFYING THE BOUNDARIES THERETO AND REQUIRING ZONING, CONDITIONS AND ASSUMPTION OF INDEBTEDNESS

WHEREAS, Fowler's Properties, LLC did file a Notice of Intent to Commence Annexation Proceedings on May 11, 2012; and

WHEREAS, the City Council did refer the matter to the Planning Commission for a recommendation with respect to the annexation, conditions, zoning and indebtedness on May 15, 2012; and

WHEREAS, the City Council did respond to Fowler's Properties, LLC Notice of Intent during their June 19, 2012 meeting; and

WHEREAS, Fowler's Properties, LLC did file a completed annexation petition on June 20, 2012;

WHEREAS, the County Assessor confirmed the sufficiency of the filed petition in accordance with RCW 35A.01.040(4); and

WHEREAS, on July 3, 2012, the City Council of the City of Okanogan, being desirous of considering this annexation, did set by Resolution No. 2012-4 the exact territories to be considered, and the date and time to conduct an open record public hearing on the matter; and

WHEREAS, all notice regarding the hearing on the annexation petition as required by RCW 35A.14.130 and Chapter 18.100 OMC has satisfactorily been performed; and

WHEREAS, the City Council of the City of Okanogan did conduct an open record hearing on the annexation on July 17, 2012.

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

Section 1. The following describing lands and abutting riverbed as shown on Exhibit "A" in the County of Okanogan, State of Washington, which

07/20/2012 09:38:27 AM 3174363
Recording Fee $66.00 Page 2 of 5
Ordinance CITY OF OKANOGAN
Okanogan County Washington

property is contiguous to the City of Okanogan, shall be and here is annexed to the City of Okanogan, Washington and made a part of the City of Okanogan, Washington, to wit:

Parcel "A"

That portion of Lot 1 of PLAT OF THE MOCK TRACT, Okanogan County, Washington, as per plat thereof recorded in Book B of Plats, page 21, records of the Auditor of Okanogan County, Washington, described as follows: Beginning at a point on the Easterly side line of Lot 1 of said plat, at the intersection of said side line with the Southeasterly side line of State Highway No. 10, also described as U.S. Highway No. 97; thence due South along the Easterly side line of said Lot 1, 163 feet, more or less, to the Okanogan River; thence turning to the right and along bank of Okanogan River, 38 feet; thence turning to the right and running in a general Westerly direction 140 feet, to a point on the Easterly side of State Highway No. 10, also described as U.S. Highway No. 97, being a point 79 feet in a Southwesterly direction from the point of beginning; thence turning to the right and running 79 feet, to the point of beginning.

Reference Warranty Deed recorded 12/08/2005 Auditor's File No. 3097388

Parcel "B"

All that portion of Lot 1, of the PLAT OF THE MOCK TRACT, as per plat thereof recorded in Volume "B" of Plats, at page 21, records of the Auditor of Okanogan County, Washington, lying Southerly of State Road No. 10. EXCEPT that portion of Lot or Tract 1, plat of Mock Tracts, described as follows: Beginning at a point on the Easterly side line of Lot 1, at the intersection of said side line with the Southeasterly sideline of State Highway No. 10, also described as U.S. Highway 97; thence due South along the Easterly side line of Lot 1, 163 feet, more or less to the Okanogan River; thence turning to the right and along the bank of the river, 38 feet; thence turning an angle to the right and running in a general Westerly direction 140 feet, to a point on the Easterly side of State Highway No. 10, being a point 79 feet in a Southwesterly direction from the point of beginning; thence turning to the right and running 79 feet to the Point of Beginning.

Reference Warranty Deed recorded 12/08/2005 Auditor's File No. 3097384

Parcel "C"

That part of Lot 2, PLAT OF THE MOCK TRACT, as per plat thereof, recorded in Volume "B" of Plats, page 21, records of the Auditor of Okanogan County, Washington, lying Southeasterly of the right of way of the State Highway as the same now exists over and across said Lot or Tract 2, SAVE AND EXCEPT the following described parcel: Beginning at a point on the Southeasterly right of way line of aforesaid highway whence Engineer's Station 239+80.83 of said highway bears North 21°23' West 50 feet; thence run North 21°23' West 10 feet; thence North 68°37' East along said Southeasterly right of way line 50 feet; thence South 21°23' East 161 feet; thence South 36°51' West 118.4 feet; thence North 29°57' West to an intersection with the Southeasterly right of way line of said highway; thence Northeasterly along said Southeasterly right of way line to the point of beginning.

Reference Warranty Deed recorded 12/08/2005 Auditor's File No. 3097385

07/20/2012 09:38:27 AM 3174363
Recording Fee $66.00 Page 3 of 5
Ordinance CITY OF OKANOGAN
Okanogan County Washington

Parcel "D"

That part of Lot or Tract 2, PLAT OF THE MOCK TRACT, Okanogan County, Washington, as per plat thereof, recorded in Book "B" of Plats, page 21, records of the Auditor of Okanogan County, Washington, lying Southeasterly of the right of way of the State Highway as the same now exists over and across said Lot or Tract 2, particularly described as follows: Beginning at a point on the Southeasterly right of way line of aforesaid highway whence Engineer's Station 239+80.83 of said highway bears North 21°23' West 50 feet; thence run North 21°23' West 10 feet; thence North 68°37' East along said Southeasterly right of way line 50 feet; thence South 21°23' East 161 feet; thence South 36°51' West 118.4 feet; thence North 29°57' West to an intersection with the Southeasterly right of way line of said highway; thence Northeasterly along said Southeasterly right of way line to the point of beginning.

Reference Warranty Deed recorded 12/08/2005 Auditor's File No. 3097387

Parcel "E"

That portion of Lot 4, of the PLAT OF MOCK TRACTS, according to plat thereof recorded in Volume "B" of Plats, page 21, records of the Auditor of Okanogan County, Washington, described as follows: Beginning at the Northeast corner of said Lot 4, being located on the Westerly bank of the Okanogan River, thence run N 67°37 W along the Northeasterly boundary line of said Lot 4, a distance of 328.2 feet; thence S 21°28' W along a fence line a distance of 408.6 feet; thence S 68°37' E a distance of 268.5 feet, more or less, to the Westerly bank of the Okanogan River; thence in a Northeasterly direction along said Westerly bank of the Okanogan River to the point of beginning.

Reference Warranty Deed recorded 12/08/2005 Auditor's File No. 3097386

Section 2. The lands of said annexed area shall hereafter be assessed and taxed at the same rate and on the same basis as other property within the City of Okanogan, including assessments or taxes in payment of all or any portion of the then outstanding indebtedness of the City contracted, or included prior to, or existing at the date of the annexation.

Section 3. The lands of said annexed area shall, unless modified in the future in accordance with the zoning ordinances of the City of Okanogan, be zoned Residential Three (R-3) with Highway Business Overlay (HBO) as provided by Chapters 18.24 and 18.54 of the Okanogan Municipal Code and the riverbed zoned as provided by Section 18.12.060.F of the Okanogan Municipal Code.

Section 4. No new non-municipal wells shall be constructed on the property annexed and the City shall be a party in changes in use of water on the property annexed.

07/20/2012 09:38:27 AM 3174363
Recording Fee $66.00 Page 4 of 5
Ordinance CITY OF OKANOGAN
Okanogan County Washington

Section 5. This ordinance shall become effective from and after its passage by the City Council as set forth above, approval by the Mayor and five (5) days after publication as required by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF OKANOGAN THIS 17th DAY OF July, 2012.

APPROVED:

Michael Blake, Mayor

APPROVED:

Scott Detro, City Attorney

ATTEST:

Craig Attwood, Clerk/Treasurer

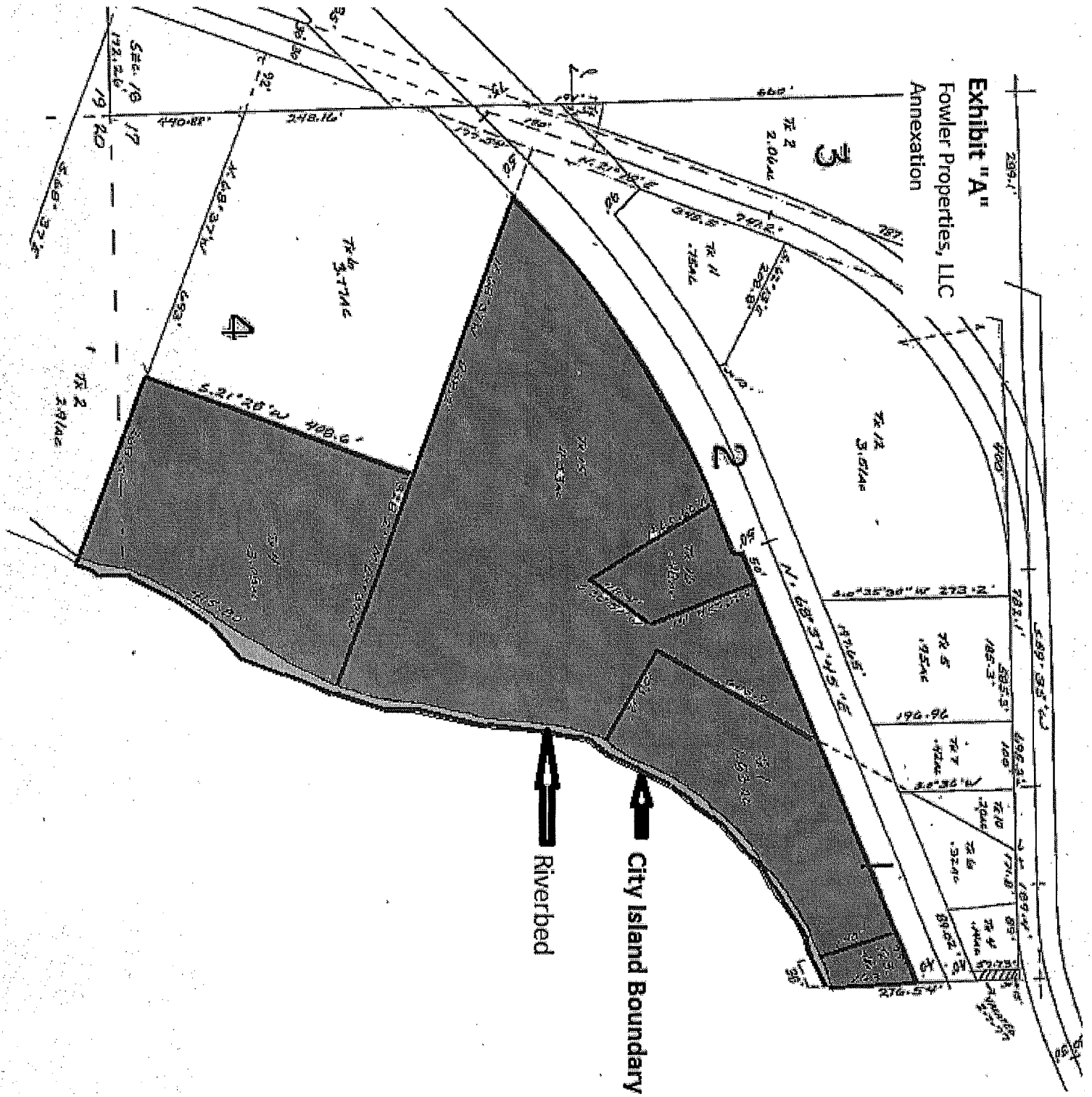
Exhibit "A"
Fowler Properties, LLC
Annexation
City Island Boundary
Riverbed