

Ordinance No. 732-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERSON, WASHINGTON, ANNEXING APPROXIMATELY 5.48 ACRES OF REAL PROPERTY, COMMONLY REFERRED TO AS THE “MITCHELL ANNEXATION,” TO SAID CITY PURSUANT TO PROPERTY OWNER PETITION, REQUIRING SAID PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN SAID CITY, AND ESTABLISHING RESIDENTIAL ZONING FOR SAID PROPERTY CONSISTENT WITH THE CITY COMPREHENSIVE PLAN

WHEREAS, on February 13, 2013, the City of Everson, Washington (“City”), received a Petition for Annexation of certain real property commonly referred to as the Mitchell Annexation, the legal description of which is set forth on Exhibit “A” attached hereto (hereafter the “Annexation Area”); and

WHEREAS, said petition was signed by the property owners of not less than sixty (60) percent of assessed valuation for general taxation purposes of the properties within the Annexation Area; and

WHEREAS, on February 28, 2013, the Whatcom County Assessor signed a Certificate of Sufficiency pursuant to RCW 35A.01.040 with respect to the subject petition for annexation; and

WHEREAS, on March 20, 2013, the City of Everson provided public notice to neighboring property owners and in the Lynden Tribune as to the holding of a public hearing regarding the proposed annexation on April 9, 2013; and

WHEREAS, a public hearing regarding the Mitchell Annexation was held before the Everson City Council on April 9, 2013 where opportunity for public comment was provided and testimony was received; and

WHEREAS, the City Council having considered the merits of the proposed annexation petition adopted Resolution No. 519-13 resolving to annex the real property within the Annexation Area, referred to as the Mitchell Annexation, subject to approval of the action by the Whatcom County Boundary Review Board, and further subject to final action by ordinance of the City Council of the City of Everson, Washington; and

WHEREAS, the Annexation Area lies within the Urban Growth Area for the City, as established by ordinance of Whatcom County; and

WHEREAS, said proposed annexation was submitted to the Whatcom County Boundary Review Board and was deemed approved by the Board in a letter dated July 5, 2013; and

WHEREAS, the Everson City Council has determined that the City will require the assumption of existing City indebtedness, if any, by the area to be annexed and will require the assignment of zoning consistent with the City comprehensive land use plan; and

WHEREAS, the Everson Comprehensive Plan identifies the future zoning designation for the proposed annexation area as being Residential; and

WHEREAS, on July 10, 2013 the City of Everson provided public notice in the Lynden Tribune regarding the holding of a public hearing regarding the proposed annexation on July 23, 2013; and

WHEREAS, a public hearing regarding the Mitchell Annexation was held before the Everson City Council on July 23, 2013 where opportunity for public comment was provided and testimony was received; and

WHEREAS, subject to the conditions set forth in this Ordinance, the Everson City Council has agreed to accept the annexation as petitioned for;

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

Section 1. The territory commonly known as the “Mitchell Annexation,” legally described on Exhibit “A” (the “Annexation Area”) and graphically represented on Exhibit “B”, is hereby annexed to and incorporated into the City of Everson.

Section 2. All of the Annexation Area was included as part of the property in the petition for annexation as filed, and should be and is hereby made a part of the City of Everson.

Section 3. Pursuant to the terms of the Petition for Annexation, all property within the Annexation Area shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessment or taxes in payment of all or any outstanding indebtedness contracted, incurred prior to, or existing on the date of the annexation.

Section 4. The Annexation Area shall be classified in the Residential Zone pursuant to the Everson Municipal Code, in conformance with the City of Everson Comprehensive Land-Use Plan, and shall be subject to the conditions of this ordinance.

Section 5. Contemporaneous Updates. The City’s Comprehensive Plan, zoning maps and development regulations are hereby amended to conform to the annexation approved in this ordinance and the conditions set forth herein.

Section 6. Construction.

- (1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
- (2) If provisions of this ordinance are found to be inconsistent with other provisions of the Everson Municipal Code, then this ordinance and the provisions herein are deemed to control.

Section 7. This Ordinance shall take effect five days following the date of its publication.

PASSED by the City Council and approved by the Mayor of the City of Everson, Washington, this _____ day of _____, 2013.

CITY OF EVERSON, WASHINGTON

John Perry, Mayor

Attested/Authenticated

Jennifer Bell, Clerk Treasurer

Approved as to Form:

Jonathan Sitkin, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
CITY OF EVERSON
MITCHELL ANNEXATION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 36, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. AND GOVERNMENT LOT 3 IN SECTION 1, TOWNSHIP 39 NORTH, RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON QUARTER CORNER BETWEEN SAID SECTIONS 1 AND 36, THENCE NORTH 89°28'54" WEST ALONG THE COMMON SECTION LINE 16.00 FEET; THENCE NORTH 00°47'57" EAST ALONG THE WEST LINE OF THE "BELLINGHAM LUMBER CO. SHORT PLAT", WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED UNDER AUDITOR'S FILE NUMBER 1523652 OF SAID COUNTY AND STATE, 694.08 FEET MORE OR LESS TO INTERSECT THE SOUTHEASTERLY RIGHT OF WAY MARGIN OF THE EVERSON GOSHEN ROAD; THENCE SOUTH 70°05'54" WEST ALONG SAID MARGIN, 385.47 FEET MORE OR LESS TO INTERSECT THE NORTHEAST CORNER OF THE ACCESS PIPE-STEM OF LOT B OF THE "BROWN'S SHORT PLAT", WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED UNDER AUDITOR'S FILE NUMBER 1230635 OF SAID COUNTY AND STATE; THENCE SOUTH 00°49'58" WEST ALONG THE EAST LINE OF SAID PIPE-STEM, 559.59 FEET MORE OR LESS TO INTERSECT THE COMMON TOWNSHIP LINE BETWEEN SAID TOWNSHIP 39 NORTH AND TOWNSHIP 40 NORTH; THENCE CONTINUING SOUTH 00°10'33" WEST ALONG SAID EAST LINE, 75.00 FEET; THENCE SOUTH 89°28'54" EAST ALONG THE NORTH LINE OF SAID LOT B, 376.90 FEET MORE OR LESS TO INTERSECT THE WEST LINE OF "SABLE TERRACE", WHATCOM COUNTY, WASHINGTON AS PER THE MAP THEREOF, RECORDED IN VOLUME 15 OF PLATS, PAGE 99 OF SAID COUNTY AND STATE; THENCE NORTH 00°11'16" EAST ALONG SAID WEST LINE, 75.00 FEET TO THE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.