

ORDINANCE NO. 1365

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON, PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTIES KNOWN AS THE MARINE PARK/AHLES POINT ANNEXATION TO THE CITY OF KALAMA, CLASSIFYING AND ZONING SAID PROPERTIES AND FIXING THE EFFECTIVE DATE OF THE ANNEXATION AS DECEMBER 1, 2015

WHEREAS, the City of Kalama received an intent to annex approximately 66.57 acres to the City from the Port of Kalama on May 8, 2015;

WHEREAS, on the 20th day of May, 2015 the City Council of Kalama at a regular meeting determined the City would accept the intent to annex and would require the assumption by the newly annexing area of the existing outstanding indebtedness of the City of Kalama;

WHEREAS, at the May 20, 2015 meeting the City Council determined that said newly annexing territory would be zoned I-1 Industrial Use District, with a commercial overlay under Kalama Municipal Code 17.28.020.1 upon its annexation into the City;

WHEREAS, pursuant to RCW Chapter 35A.14, on May 27, 2015, the applicants for annexation submitted to the City a petition to annex signed by owners of 60 percent or more of the assessed valuation of the following parcels:

Tax Parcel	Approx. Acreage	Owner
41056*	10.50	Port of Kalama
410560100*	.35	City of Kalama
41063*	.70	Port of Kalama
41061*	.43	Port of Kalama
41060*	.38	Port of Kalama
60057	1.34	Port of Kalama
6005102	.86	Port of Kalama
412640100*	11.65	Port of Kalama
60054	4.03	Port of Kalama
60061	20.03	Burlington Northern Inc ROW N/A
	16.30	Washington DOT ROW N/A

*All or a Portion of this Parcel may already be inside City Limits – included to confirm boundary lines

(SEE ATTACHED EXHIBIT "A" FOR FULL LEGAL DESCRIPTION)

WHEREAS, the submitted Petition was certified sufficient by the Cowlitz County Assessor's Office on June 8, 2015;

WHEREAS, the City Council fixed the date of the public hearing on the Marine Park/Ahles Point Annexation Petition for July 1, 2015 to take testimony and consider the annexation;

WHEREAS, at said hearing the City Council determined the annexation must be referred to the Boundary Review Board of Cowlitz County, for review;

WHEREAS, the Intent to Annex was submitted to the Washington State Boundary Review Board of Cowlitz County, accepted for filing on September 15, 2015 beginning the 45 day review period;

WHEREAS, the City has received notification from the Boundary Review Board that the review period has expired on October 30, 2015 therefore they have deemed the intent to annex approved without modifications as of November 4, 2015.

NOW THEREFORE, the City Council of the City of Kalama do ordain:

Section 1. There has been filed with the City Council of the CITY OF KALAMA an annexation petition signed by owners representing at least 60% of the assessed value, according to the assessed valuation for general taxation of the properties for which annexation was petitioned and said petition set forth the fact that the City Council of the CITY OF KALAMA was required to determine what indebtedness would be assumed by the area to be annexed.

Section 2. That the territory proposed by said petition and approved by the Boundary Review Board to be annexed to said CITY OF KALAMA is situated in the County of Cowlitz, State of Washington, and is contiguous, proximate, and adjacent to the present corporate limits of said city, and is more particularly described in Exhibit "A" attached hereto and shown on the attached map (Exhibit B) and incorporated in full herein by this reference.

Section 3. The territory set forth in Exhibit "A" of this Ordinance, should be and is hereby made a part of the CITY OF KALAMA, and the corporate limits of the CITY OF KALAMA are hereby extended so as to include the property and territory described in Exhibit "A" **with an effective date of December 1, 2015.** That said property be assessed and taxed at the same rate and on the same basis as the property of the CITY OF KALAMA is assessed and taxed to pay for outstanding indebtedness of the CITY OF KALAMA now existing or as hereafter contracted or incurred.

Section 4. That the property described in Exhibit "A" hereto be and the same is hereby classified and zoned as zoned I-1 Industrial Use District, with a commercial overlay under Kalama Municipal Code 17.28.020.1. The CITY OF KALAMA zoning map and Comprehensive Plan shall be amended to reference the property as so designated herein.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 6. This Ordinance shall take effect five (5) days following its passage and publication in the official newspaper of the CITY OF KALAMA, and the Clerk is hereby directed to cause the same to be so published.

PASSED by the City Council and **APPROVED** by the Mayor at a regular meeting of the City Council held on the 4th day of November, 2015.

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Published: _____

Effective: _____

I hereby certify that this is a true and correct copy of Ordinance providing for the annexation of certain properties to the City of Kalama as described in Exhibit A. (5 pages)

Clerk/Treasurer or Notary

Date

Minister & Glaeser Surveying, Inc.

Phone: 360-694-3313

Fax: 360-694-8410

October 12, 2015

EXHIBIT "A"

ANNEXATION TO THE CITY OF KALAMA:

A portion of the Jacob Ahles Donation Land Claim and the John Davenport Donation Land Claim and a portion of Government Lot 1, located in a portion of Section 17 and Section 18, Township 6 North, Range 1 West, Willamette Meridian, Cowlitz County, Washington, described as follows;

BEGINNING at the intersection of the South line of said Section 17 and the Westerly right-of-way line (50 feet Westerly of centerline when measured at right angles) of the Northern Pacific Railway (formerly P & P. S. Railroad Company);

Thence North $88^{\circ}47'30''$ West, along the South line of said Section 17, for a distance of 155.89 feet, more or less to the Meander Corner on the government meander line for the Columbia River, said Meander Corner being at the Southeast corner of Kalama Tideland Tract 9 (1922 Tideland Map);

Thence continuing North $88^{\circ}47'30''$ West, along the South line of said Section 17, for a distance of 77.39 feet, more or less to the Inner Harbor Line as shown on Davis Consulting Group Record of Survey recorded in Volume 22, Pages 147-156, Cowlitz County survey records;

Thence North $27^{\circ}55'08''$ West, along said Inner Harbor Line and the West line of Kalama Tideland Tract 9 (1922 Tideland Map), for a distance of 394.06 feet, more or less, to an angle point therein per Record of Survey recorded in Volume 22, Pages 147-156;

Thence North $08^{\circ}10'08''$ West, continuing along said Inner Harbor Line and the West line of Tideland Tracts 9-10 (1922 Tideland Map), for a distance of 1086.26 feet, more or less, to the Southwest corner of Tideland Tract 11 (1922 Tideland Map) per Record of Survey recorded in Volume 22, Pages 147-156;

Thence North $18^{\circ}17'24''$ West, leaving said inner harbor line (1922 Tideland Map) as shown on Davis Consulting Group Record of Survey recorded in Volume 22, Pages 147-

156 and proceeding along the Relocated Inner Harbor Line as shown on Minister-Glaeser Surveying Record of Survey recorded in Volume 30, Page 73, for a distance of 2123.77 feet to an angle point in said Relocated Inner Harbor Line;

North 71°00'00" East, continuing along said Relocated Inner Harbor Line (as shown on Minister-Glaeser Surveying Record of Survey recorded in Volume 30, Page 73), for a distance of 26.61 feet, more or less, to the Line of Ordinary High Water (12.0' Columbia River Datum per USACE 2014 Report for River Mile 75-76)

Thence along said Line of Ordinary High Water (12.0' Columbia River Datum per USACE 2014 Report for River Mile 75-76) of the bank of the Columbia River (*the City of Kalama jurisdiction in this area will extend to piers, docks, warehouses, wharves and structures that originate on land inside the boundaries of the city and extend beyond the boundaries over the Columbia River*), the following courses:

Thence North 18°37'40" West, for a distance of 1365.26 feet more or less;

Thence North 68°32'21" East, for a distance of 98.22 feet, more or less;

Thence North 74°46'19" East, for a distance of 51.22 feet, more or less;

Thence South 28°58'17" East, for a distance of 44.20 feet, more or less;

Thence South 70°23'11" East, for a distance of 50.03 feet, more or less;

Thence South 15°44'14" East, for a distance of 45.77 feet, more or less;

Thence South 15°23'49" West, for a distance of 45.92 feet, more or less;

Thence South 19°39'45" East, for a distance of 1193.35 feet, more or less;

Thence South 41°00'45" East, for a distance of 15.62 feet, more or less, to said Relocated Inner Harbor Line (as shown on Minister-Glaeser Surveying Record of Survey recorded in Volume 30, Page 73);

Thence North 71°00'00" East, along said Relocated Inner Harbor Line (as shown on Minister-Glaeser Surveying Record of Survey recorded in Volume 30, Page 73), for a distance of 157.40 feet, more or less, to said Inner Harbor Line and the West line of Tideland Tract 14 (1922 Tideland Map);

Thence North 08°10'08" West, along said Inner Harbor Line and the West line of Kalama Tideland Tracts 14 and 15 (1922 Tideland Map), for a distance of 685.28 feet, more or less, to the Northwest corner of said Tideland Tract 15 (1922 Tideland Map);

Thence North 74°15'19" East, along the North line of Kalama Tideland Tract 15 (1922

Tideland Map), for a distance of 121.55 feet, more or less, to the West right-of-way line of Burlington Northern Inc. (formerly P & P.S. Railroad Company), located 50 feet westerly (when measured at right angles) to the centerline thereof;

Thence South 15°41'35" East, along said West right-of-way line of Burlington Northern Inc. (formerly P & P.S. Railroad Company), located 50 feet westerly (when measured at right angles) to the centerline thereof, for a distance of 619.26 feet, more or less, to the beginning of a 5266.71 foot radius tangent curve;

Thence continuing along said West right-of-way line along the arc of a 5266.71 foot radius tangent curve to the right, the long chord of which bears South 11°32'52" East, for a chord distance of 761.43 feet, through a central angle of 08°17'27", for an arc distance of 762.09 feet, more or less;

Thence continuing along said West right-of-way line South 07°24'08" East, for a distance of 51.00 feet, more or less, to the Westerly extension of the radial line to Engineers PC Station 1242+92.39 of the L-line of State Route 5 as shown on WSDOT plans "Town of Kalama" MP 29.31 to MP 30.99 (1965);

Thence North 81°49'36" East, along said radial line and its Westerly extension, for a distance of 388.64 feet, more or less, to the Easterly right-of-way line (135 feet Easterly of centerline) of State Route 5 Engineers PC Station 1242+92.39 of the L-line (WSDOT plans "Town of Kalama" MP 29.31 to MP 30.99 (1965);

Thence South 08°10'24" East, along said Easterly right-of-way line, for a distance of 294.08 feet, more or less, to the intersection with the South line of Government Lot 1;

Thence continuing South 08°10'24" East, along said Easterly right-of-way line, for a distance of 196.88 feet, more or less, to State Route 5 Engineers Station 1238+01.44 of the L-line (135 feet Easterly of centerline), WSDOT plans "Town of Kalama" MP 29.31 to MP 30.99, 1965, and also State Route 5 Engineers Station 1237+32.58 of the LR-line (112 feet Easterly of centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence continuing along said Easterly right-of-way line, along the arc of a 3707.72 foot radius tangent curve to the left, the long chord of which bears South 10°49'44" East, for a chord distance of 343.55 feet, through a central angle of 05°18'39", for an arc distance of 343.67 feet, more or less, to State Route 5 Engineers Station 1233+78.52 of the LR-line (112 feet Easterly of centerline), WSDOT plans "Town of Kalama" MP 29.31 to MP 30.99, 1965;

Thence continuing along said Easterly right-of-way line South 27°23'30" East, for a

distance of 78.13 feet, more or less, to State Route 5 Engineers Station 1233+00 of the LR-line (130 feet Easterly of centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence continuing along said Easterly right-of-way line South $10^{\circ}16'08''$ East, for a distance of 194.72 feet, more or less, to State Route 5 Engineers Station 1231+00 of the LR-line (110 feet Easterly of centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence continuing along said Easterly right-of-way line, along the arc of a 3709.72 foot radius non-tangent curve to the left, the long chord of which bears South $23^{\circ}57'22''$ East, for a chord distance of 813.39 feet, through a central angle of $12^{\circ}35'17''$, for an arc distance of 815.03 feet, more or less, to State Route 5 Engineers Station 1222+60.80 of the LR-line (110 feet Easterly of centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence continuing along said Easterly right-of-way line South $37^{\circ}20'24''$ East, for a distance of 162.04 feet, more or less, to State Route 5 Engineers Station 1221+00 of the LR-line (130 feet Easterly of centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence continuing along said Easterly right-of-way line South $45^{\circ}40'20''$ East, for a distance of 752.08 feet, more or less, to State Route 5 Engineers Station 1213+75 of the LR-line (330 feet Easterly of centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence continuing along said Easterly right-of-way line South $54^{\circ}38'11''$ East, for a distance of 411.73 feet, more or less, to State Route 5 Engineers Station 1210+00 of the LR-line (500 feet Easterly of centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence continuing along said Easterly right-of-way line South $35^{\circ}03'49''$ East, for a distance of 310.83 feet, more or less, to the intersection with the South line of said Section 17 to State Route 5 Engineers Station 1206+90.26 of the LR-line (526.08 feet Easterly of centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence leaving said Easterly right-of-way line and proceeding North $88^{\circ}47'30''$ West along the South line of said Section 17, for a distance of 616.73 feet, more or less, to State Route 5 Engineers Station 1210+12.12 of the LR-line (on centerline), WSDOT plans "Woodland to Kalama" MP 22.01 to MP 29.31, 1967;

Thence continuing North $88^{\circ}47'30''$ West along the South line of said Section 17, for a distance of 921.01 feet, more or less, to the intersection said West right-of-way line of Burlington Northern Inc. (formerly P & P.S. Railroad Company), located 50 feet westerly

(when measured at right angles) to the centerline thereof and the **POINT OF BEGINNING**.

EXCEPTING THEREFROM, any portion that tract of land conveyed to the City of Kalama, a Municipal Corporation by deed recorded under Auditor's File No. 735213, Cowlitz County Deed Records.

EXCEPTING THEREFROM, any portion that tract of land conveyed to the City of Kalama, a Washington Municipal Corporation by deed recorded under Auditor's File No. 3214088 Cowlitz County Deed Records.

EXCEPTING THEREFROM, any property heretofore annexed in the City of Kalama city limits.

Containing 66.57 Acres, more or less.

Basis of Bearings – NAD 83/91, Washington State Plane Coordinate System, South Zone, U.S. Survey Feet.

Note: This legal description was created exclusively for the purpose of the City of Kalama annexation and is not intended to be used for any transfer of title or conveyance of real property.

