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Return to: **City of Mount Vernon**
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DOCUMENT TITLE: **Ordinance No. 3647**

GRANTORS: **City of Mount Vernon**

GRANTEES: **Public**

ABBREVIATED LEGAL DESCRIPTION: Section 24, Township 34 North, Range 3 East and Section 19, Township 34North, Range 04 East, W.M.

COMPLETE LEGAL DESCRIPTION ON PAGE: 5

ASSESSOR'S PARCEL/TAX ID NUMBER: P22527, P130453, P26321, P26320, P26322, P22522, P22623, P22524, P22525, P130061, and P26316

ORDINANCE NO. 3647

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, ANNEXING APPROXIMATELY 39 ACRES COMMONLY KNOWN AS THE FOOD SERVICES, INC. ANNEXATION AND REQUIRING THE PROEPRTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY, AND ZONING THE PROPERTY COMMERCIAL-LIMITED INDUSTRIAL (C-L) AND SINGLE-FAMILY RESIDENTIAL (R-1, 5.0) AND REQUIRING THAT THE SINGLE-FAMILY RESIDENTIAL INITIAL ZONING BE AMENDED TO COMMERCIAL-LIMITED INDUSTRIAL (C-L) FOLLOWING ITS ANNEXATION SO THAT THE SITE ZONING IS CONSISTENT WITH THE ACTUAL USE OF THE PROPERTY.

WHEREAS, on August 23, 2013 the City of Mount Vernon received a Notice of Intention to annex certain real property commonly known as the Food Services, Inc. Annexation; and

WHEREAS, the Notice of Intention was signed by the owners of the property representing at least 10% of the assessed value of the property described in **Exhibit A** attached hereto; and

WHEREAS, on November 13, 2013 the City Council met with the initiators of the annexation, with the approval of Resolution 864 and accepted the Notice of Intention subject to certain conditions and authorized circulation of an annexation petition; and

WHEREAS, the Notice of Intention was filed with the County Boundary Review Board on June 11, 2014. Within 45 days of the acceptance of the Notice of Intention, Skagit County invoked jurisdiction and a hearing was held before the Boundary Review Board on October 30, 2014. The Boundary Review Board ruled in favor of the City of Mount Vernon on December 10, 2014; and

WHEREAS, petitions for annexation were presented to the City Council of the City of Mount Vernon in compliance with the provisions of RCW 35A.01.040, were certified as sufficient with signatures by the owners of not less than sixty percent (60%) of the assessed value of the property for which annexation is petitioned and a date was fixed for a public hearing thereon with notice of the hearing caused to be published in one or more issue of a newspaper of general circulation in the City; and

WHEREAS, the City Council held a public hearing on the proposed annexation on February 11, 2015 and at the conclusion of said hearing, determined the property should be annexed as proposed, subject to the requirement that the property be assessed and taxed at the same rate as other property within the City; and

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:

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SECTION ONE. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. The City Council also adopts the further findings as outlined below in 'Section Three'.

SECTION THREE. FURTHER FINDINGS.

1. Skagit County's Comprehensive Plan and Zoning Designations for the subject annexation area are: Urban Reserve Commercial-Industrial (URC-I) for all of the parcels except P22522 which is Urban Reserve Residential (URR). Mount Vernon's Comprehensive Plan has the subject annexation area identified as part of the City's Urban Growth Area and the City has pre-designated this area with a Comprehensive Plan designation of Commercial-Limited Industrial (C-L) and Single- Family High Density (SF-HI).

2. The property owners of the annexation area have submitted a request to change the land use designation of the portion of the annexation area that is currently SF-HI to Commercial-Limited Industrial so that the actual use of the site is consistent with its land use designation. Resolution 864 (attached labeled as **Exhibit C**) that the Mount Vernon City Council approved in November of 2013 accepting the proposed annexation petition from the applicant requires that single-family residential land use designation within the annexation area be changed to Commercial-Limited Industrial.

3. Parcel P22522 has an initial zoning designation of residential pursuant to the City's pre-annexation zoning designation. The City shall seek re-designation following annexation following the City's regular land use process seeking a change to Commercial-Limited Industrial.

4. The City finds that the subject annexation is consistent with the City's Comprehensive Plan.

5. The public notice requirements for this annexation have been satisfied. For the February 11, 2015 hearing a notice was published in the Skagit Valley Herald on January 14, 2015 and individual notices were sent to property owners within 300-feet of the proposed annexation area on January 9, 2015.

SECTION FOUR. ANNEXATION. That certain approximate 39 acres of property that is legally described on the attached **Exhibit A**, and depicted on the map attached hereto as **Exhibit B**, both of which are incorporated herein by this reference as if set forth in full, is hereby annexed to and made a part of the City of Mount Vernon.

SECTION FIVE. ZONING. Zoning for the annexation area shall be Commercial-Limited Industrial (C-L) and Single Family Residential (R-1 5.0) in conformance with the Comprehensive Plan designations and pre-annexation zoning for the area. During the Comprehensive Plan Amendment cycle immediately following annexation, the requested Comprehensive Plan Amendment and associated rezone for the residentially designated portion of the Annexation Area to be redesignated as Commercial Limited Industrial (C-L), consistent with the remainder of the Annexation Area, shall be processed.

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SECTION SIX. INDEBTEDNESS. Pursuant to the terms of the annexation petition, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

SECTION SEVEN. DUTIES OF THE CITY CLERK. The City Clerk is hereby directed to file a certified copy of this ordinance, together with the attached **Exhibits A and B**, with the Skagit County Commissioners. In addition, the Clerk is authorized and directed to file the annexation certificate provided for in RCW 35A.14. 700 with the Office of Financial Management within the thirty (30) day of the effective date of the annexation.

SECTION EIGHT. SANITATION SERVICE. In compliance with the provisions of RCW 35A.14.900 Rural Sanitation is hereby granted a ten (10) year permit to collect the garbage in the area annexed by this ordinance commencing on the effective date of this ordinance at which time the City will provide garbage collection in this area.

SECTION NINE. CHALLENGES TO RCW 35A.14.900. In the event that RCW 35A.14.900 is found by a State or Federal Appellant Court to be unconstitutional or invalid then said permit shall be automatically revoked and the City will assume responsibility for the garbage collection service in this area.

SECTION TEN. FRANCHISES & PUBLIC UTILITIES. Franchises for all other public utilities now existing in the annexed area, being provided by the same firms or municipal corporation as those which provide similar services in the City of Mount Vernon, are hereby extended and granted in common with and under the same terms as the existing franchises with said companies or municipal corporation as they exist within the limits of the City of Mount Vernon.

SECTION ELEVEN. EFFECTIVE DATE. This Ordinance, being an exercise of a power specifically delegated to the City legislative body shall be deemed annexed to the City (5) five days and after its passage, approval and publication as provided by law.

SECTION TWELVE. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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PASSED AND ADOPTED this 11th day of February, 2015.

SIGNED AND APPROVED THIS 13th day of February, 2015

JILL BOUDREAU, Mayor

ALICIA D. HUSCHKA, Finance Director

Approved as to form:

KEVIN ROGERSON, City Attorney

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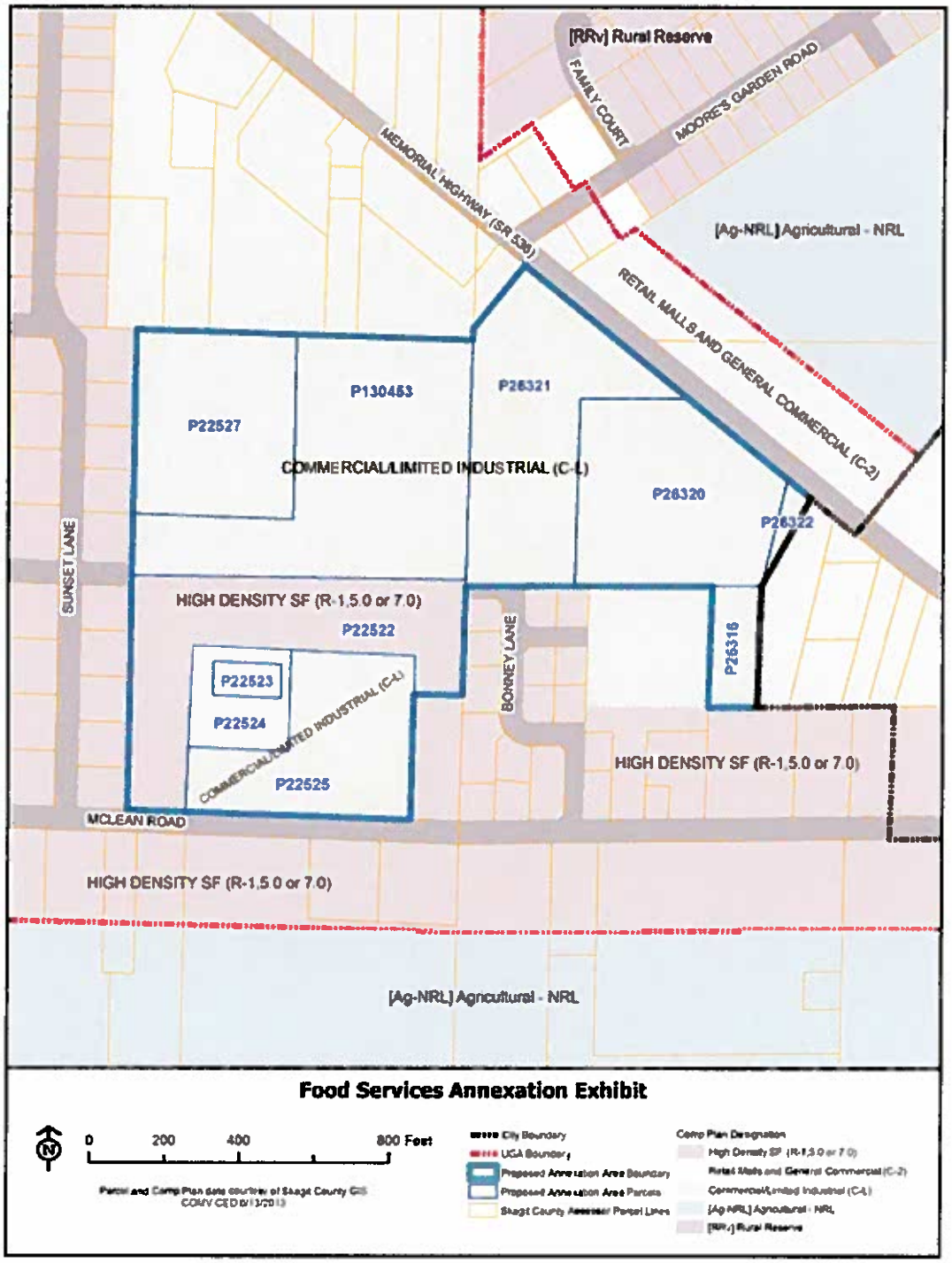
EXHIBIT A
FOOD SERVICES ANNEXATION LEGAL DESCRIPTION

A portion of the Southeast ¼ of the Northeast ¼ of Section 24, Township 34 North, Range 3 East, W.M., and a portion of Government Lots 1 and 2, Section 19, Township 34 North, Range 4 East, W.M., said portions being described as follows:

Beginning at the center of said Section 24; thence South 89°07'05" East 1716.00 feet along the South line of said Southeast ¼ of the Northeast 1/4; thence North 00°09'05" West 30.00 feet to the North line of that certain tract conveyed to Skagit County for road purposes by deed recorded November 10, 1908, under Auditor's File No. 70325, and also the Southwest corner of Tract "B" of Boundary Line Adjustment recorded under Auditor's File No. 201103080055, records of Skagit County, Washington, and also the Southeast corner of "Lind's McLean Tracts", as per plat recorded in Volume 6 of Plats, page 36, records of Skagit County, Washington, said point also being THE TRUE POINT OF BEGINNING for this description; thence continue North 00°09'05" West 1281.95 feet along the West line of said Tract "B" and Tract "C" and along the East line of said "Lind's McLean Tracts", to the North line of said Southeast ¼ of the Northeast 1/4; thence South 89°19'07" East 897.81 feet along said North line to the Northeast corner of said subdivision and the Southwest corner of said Government Lot 1; thence North 00°34'14" East 30.00 feet along the East line of said Section 24 and along the West line of said Government Lot 1 to the Northwesterly line of Parcel "B" as described in Statutory Warranty Deed recorded under Auditor' File No. 9009070020, records of said County; thence North 38°00'14" East 217.79 feet (called North 38° East 212 feet, more or less, in said Statutory Warranty Deed) along said Northwesterly line to the Southwesterly line of the Anacortes-Mount Vernon Highway (State Route 536); thence South 52°02'14" East 987.50 feet along said Southwesterly line to the Northeast corner of "Moores Suburban Tracts", as per plat recorded in Volume 5 of Plats, page 32, records of said County; thence South 28°22'14" West 268.62 feet along the Westerly line of said "Moores Suburban Tracts", to an angle point in said Westerly line; thence South 00°55'21" West 323.61 feet along said Westerly line to the Southwest corner of said "Moores Suburban Tracts"; thence South 88°38'05" West 129.76 feet to a point 660 feet from the West line of said Government Lot 2; thence North 00°34'14" East 333.05 feet along said line to a line described as running due East from a point 660 feet North of the West ¼ corner of said Section 19; thence South 88°20'54" West 660.50 feet along said line to the said West line Government Lot 2; thence South 00°34'14" West 295.00 feet along said West line to the Northeast corner of Tract "A" of said Boundary Line Adjustment recorded under Auditor's File No. 201103080055, records of Skagit County, Washington; thence North 89°07'05" West 130.00 feet along the North line of said Tract "A" to the Northwest corner thereof; thence South 00°34'14" West 335.00 feet along the West line of said Tract "A" to the Southwest corner of said Tract "A" and said North line of that certain tract conveyed to Skagit County for road purposes by deed recorded November 10, 1908, under Auditor's File No. 70325; thence North 89°07'05" West 751.67 feet along said North line to the TRUE POINT OF BEGINNING.

Situated in Skagit County, Washington

EXHIBIT B



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The Mount Vernon City Council adopted Ordinance 3647on February 11, 2015. An Ordinance of the City of Mount Vernon, Washington, annexing approximately 39 acres commonly known as the Food Services, Inc. annexation and requiring the property to be assessed and taxed at the same rate and on the same basis as other property within the City, and zoning the property Commercial-Limited Industrial (C-L) and Single-Family Residential (R-1, 5.0) and requiring that the Single-Family Residential initial zoning be amended to Commercial-Limited Industrial (C-L) following its annexation so that the site zoning is consistent with the actual use of the property. Anyone wishing to view or receive the ordinance in its entirety should contact the Mount Vernon Finance Office, 910 Cleveland, Mount Vernon WA 98273.

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