ORDINANCE NO. 1822-15

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, ANNEXING APPROXIMATELY 230 ACRES COMMONLY KNOWN AS THE NORTHERN STATE 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 PUBLIC (P); AND ZONING THE FIVE OUTLYING PARCELS SINGLE-FAMILY RESIDENTIAL (R-5) CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN.

WHEREAS, on March 19, 2015 the City of Sedro-Woolley received a Notice of Intention to annex certain real property commonly known as the Northern State Campus Annexation; and

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

WHEREAS, on March 25, 2015 the City Council held a public meeting with the initiators of the annexation, with the approval of Resolution 912-15, 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 April 13, 2015. The County Boundary Review Board required 45 day comment period ended on May 27, 2015 without any comment.; and

WHEREAS, petitions for annexation were presented to the City Council of the City of Sedro-Woolley 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 September 9, 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 SEDRO-WOOLLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

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: (URP-OS) Urban Reserve Public Open Space for parcels 38607, 100632, 100646 and 39356 and the five outlying parcels 39359, 39343, 39341, 39340 and 39353. Sedro-Woolley'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 Public (P) for parcels 38607, 100632, 100646, and 39356 and as Single-Family Residential (R-5) for parcels 39359, 39343, 39341, 39340 and 39353.

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

3. The public notice requirements for this annexation have been satisfied. For the September 9, 2015 hearing a notice was published in the Skagit Valley Herald on August 26, 2015 and individual notices were sent to property owners within 500-feet of the proposed annexation area and to all parties of record including governmental agencies on August 25, 2015.

SECTION FOUR. ANNEXATION. That certain approximate 230 acres of property that is legally described on the attached **Exhibit B**, 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 Sedro-Woolley.

SECTION FIVE. ZONING. Zoning for the annexation area shall be Public (P) and Single Family Residential (R-5) in conformance with the Comprehensive Plan designations and pre-annexation zoning for the area, **Exhibit C**.

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. Property tax assessment and bonded indebtedness does not apply to properties under public ownership.

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, B and C**, 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 (Waste Management) is hereby granted a five (5) year permit to collect drop box solid waste and 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 Sedro-Woolley, 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 Sedro-Woolley.

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 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.

PASSED AND ADOPTED this 9th day of September, 2015.

SIGNED AND APPROVED THIS 10th day of September, 2015

MIKE ANDERSON, Mayor

PATSY NELSON, Finance Director

Approved as to form:

ERON BERG, City Attorney

Published: September 14, 2015

EXHIBIT A

Legal Description for State Owned Properties

Below are legal descriptions of the four parcels owned by Washington State which are proposed for annexation into the City of Sedro Woolley. The total acreage of the subject State owned property is approximately 225 acres. The individual parcels, County identification number, and legal description for each individual parcels are described below. Please note that Parcel A (P38607) is divided by an unutilized right of way and therefore is in two portions.

Parcel A
County I.D. No. P38607
Legal Description: The Southeast quarter of Section 7, Township 35 North, Range 5 East W.M., except Fruitdale Road right-of-way; and except those portions conveyed to Skagit County by deeds recorded in Auditor's File Number 57468 and 76047; and except the following described tract:

Beginning at the Northwest corner of the Southeast quarter of said Section 7; thence South 00° 04' 25" East along the West line thereof, a distance of 185.73 feet; thence North 89 ° 15' 09" East parallel with the North line of said Southeast quarter, a distance of 2495.10 feet; thence South 25° 05' 55" East, a distance of 369.74 feet to the East line of said Southeast quarter; thence North 01° 08' 29" East along said East line, a distance of 522.58 feet to the Northeast corner of said Southeast quarter; thence South 89° 15' 09" West along the North line of said Southeast quarter, a distance of 2641.77 feet to the point of beginning.

Parcel B
County I.D. No. P39356
Legal Description: The Northeast quarter of the Northeast quarter of Section 18 Township 35 North, Range 5 East, W.M., except Fruitdale Road right-of-way; and except that portion conveyed to Skagit County by indenture from Wolverine Co. dated December 5, 1905 recorded in Auditor's File Number 57468; and except the following described tract:

Beginning at the Southeast corner of the Northeast quarter of the Northeast quarter of said Section; thence North 02° 08' 34" West along the East line thereof, a distance of 210.91 feet; thence South 52° 41' 23" West, a distance of 362.08 feet to the South line of said subdivision; thence North 88° 18' 58" East along said South line a distance of 296.00 feet to the point of beginning.

Parcel C
County I.D. No. P100646
Legal Description: That portion of the Northwest quarter of the Northwest quarter of Section 17, Township 35 North, Range 5 East, W.M. described as follows:

Beginning at the Northwest corner of said section thence North 88° 48' 38" East along the North line thereof, a distance of 631.25 feet; thence South 26° 40' 32" West a distance of 144.00 feet; thence South 17° 34' 00" West a distance of 820.90 feet; thence South 52° 41'

23" West a distance of 348.52 feet to the West line of said Northwest quarter; thence North 02° 08' 03" West along the West line thereof a distance of 1110.21 feet to the point of beginning.

Parcel D

County I.D. No. P100632

Legal Description: That portion of the Southwest quarter of Section 8, Township 35 North, Range 5 East, W.M., described as follows:

Beginning at the Southwest quarter of said section; thence North 01° 08' 29" West along the West line thereof, a distance of 2050.26 feet; thence South 25° 05' 55" East, a distance of 214.12 feet; thence South 70° 21' 59" East a distance of 736.86 feet; thence South 12° 40' 09" East, distance of 970.53 feet; thence South 26° 40' 32" West a distance of 725.59 feet to the South line of said section 8; thence South 88° 48' 37" West along said South line a distance of 631.15 feet to the Point of Beginning

EXHIBIT A
Northern State Property Map and Legal Description

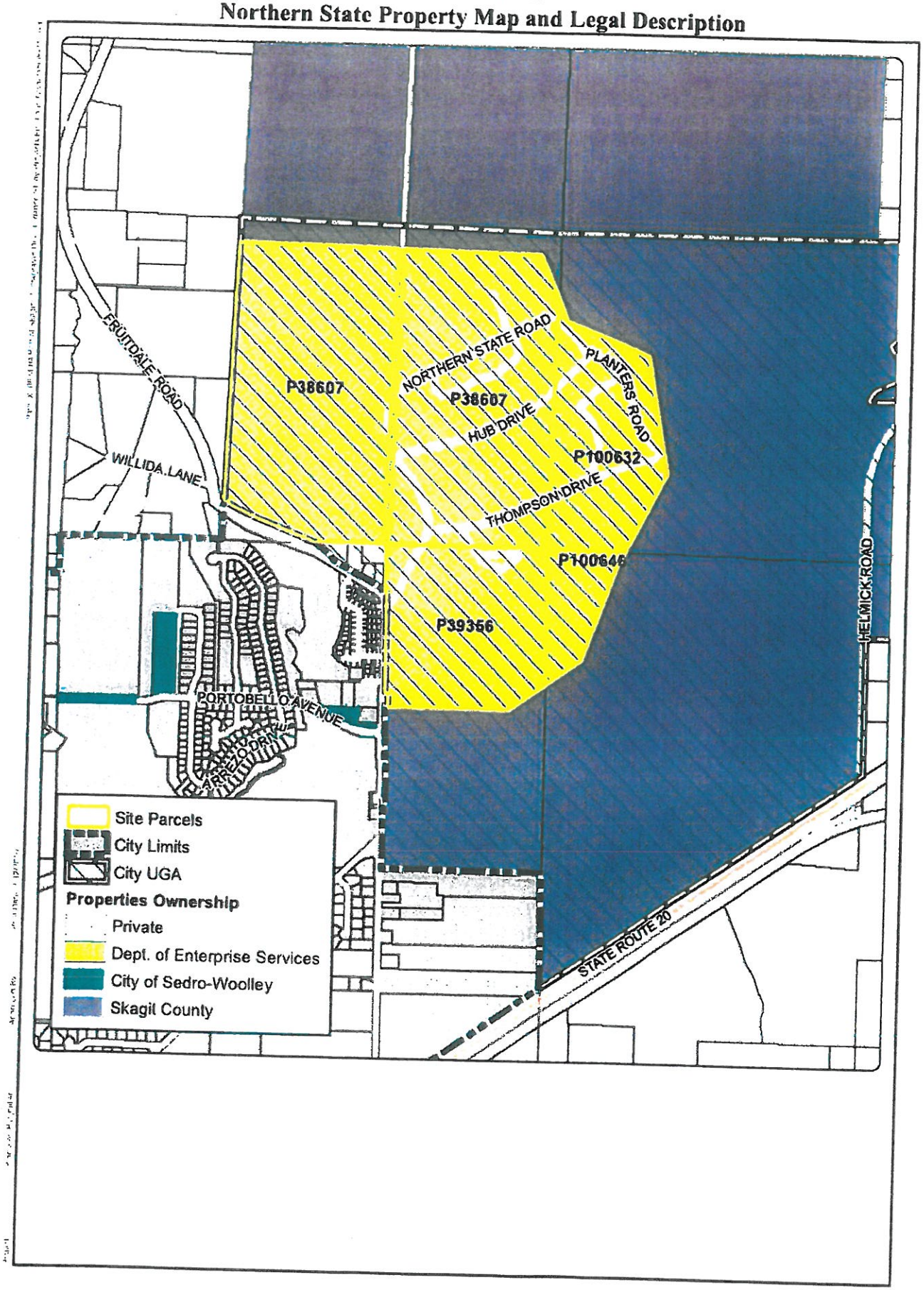


EXHIBIT B
Map and Legal Description of Modified Annexation Area

Skagit Surveyors & Engineers
806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

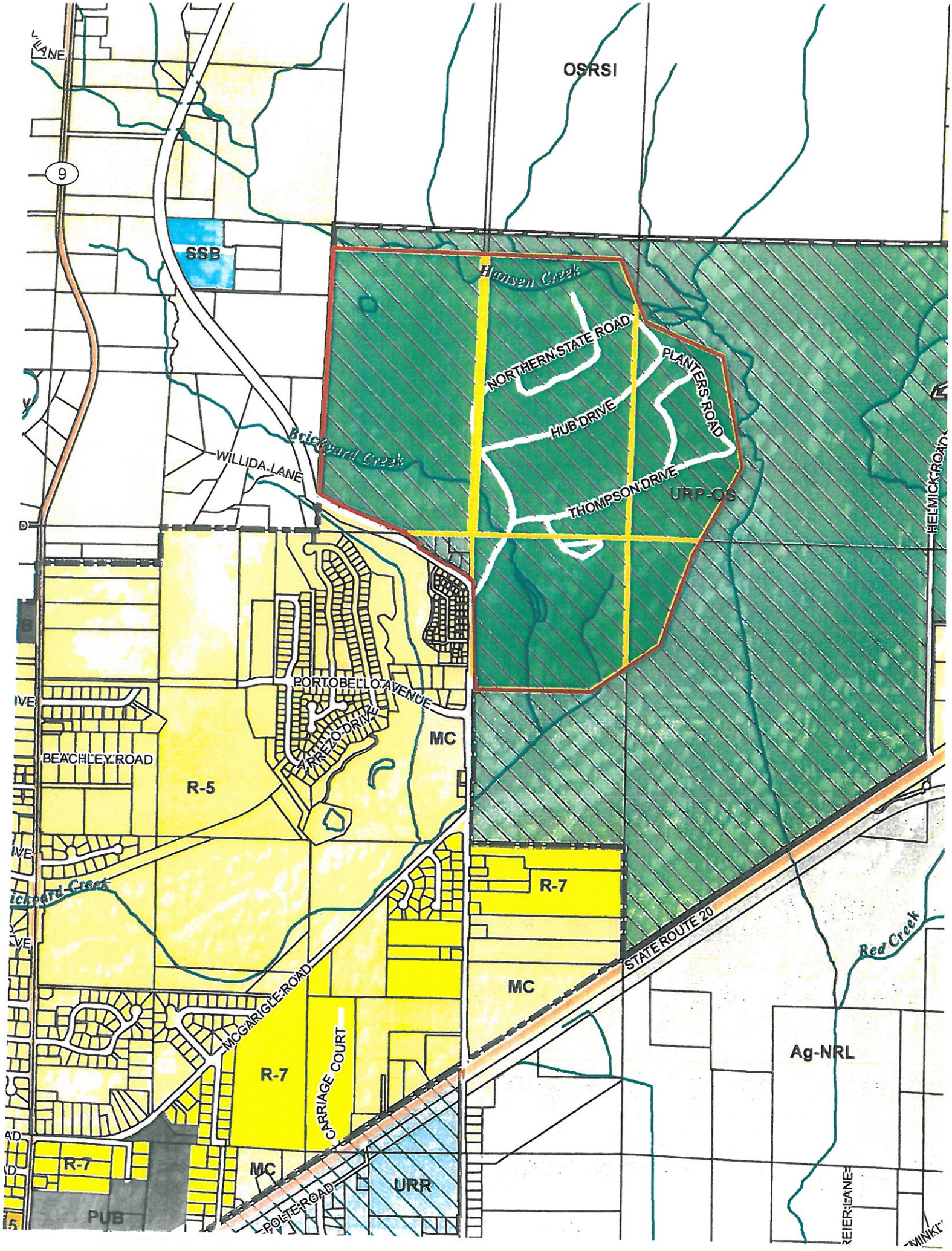
LEGAL DESCRIPTION
FOR
THE CITY OF SEDRO-WOOLLEY OF A
TRACT OF LAND TO BE ANNEXED INTO THE CITY OF SEDRO-WOOLLEY

February 27, 2015

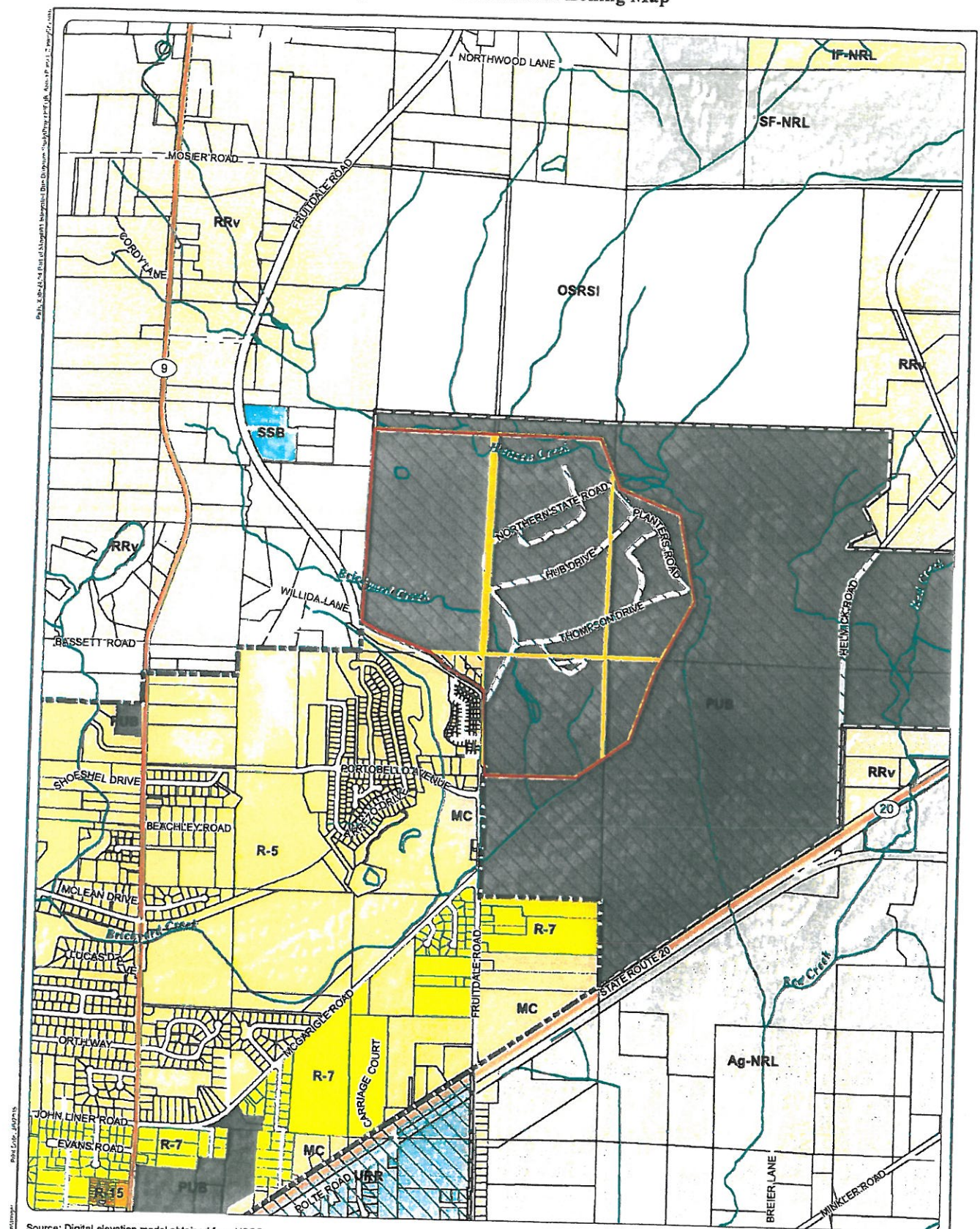
Those portions of the SE1/4 of Section 7; the NE1/4 of Section 18; the NW1/4 of the NW1/4 of Section 17; the SW1/4 of Section 8; all in Township 35 North, Range 5 East, W.M. described as follows:

Commencing at the NW corner of the SE1/4 of said Section 7; thence S 00°04'25"E along the west line thereof, a distance of 185.73 feet to the Point of Beginning of this description; thence N 89°15'09"E parallel with the north line of said SE1/4, a distance of 2495.09 feet; thence S 25°05'55"E, a distance of 583.86 feet; thence S 70°21'59"E, a distance of 736.86 feet; thence S 12°40'09"E, a distance of 970.53 feet; thence S 26°40'32"W, a distance of 869.59 feet; thence S 17°34'00"W, a distance of 820.90 feet; thence S 52°41'23"W, a distance of 710.60 feet; thence S 88°18'58"W, a distance of 1009.82 feet to the east marginal line of Fruitdale Road and the current easterly boundary of the City of Sedro-Woolley; thence N 02°07'14"W along said east marginal line of said road and current city limit line, a distance of 100.86 feet; thence N 48°18'14"W, a distance of 32.43 feet; thence N 02°28'45"W, a distance of 801.11 feet; thence N 61°16'58"W, a distance of 13.49 feet to the west line of the NE1/4 of the NE1/4 of said Section 18, thence in a northwesterly direction along the north marginal line of Fruitdale Road as conveyed to Skagit County by deeds recorded under AF#502499; AF#57468; and that certain ten foot strip as dedicated to Skagit County lying in front of and adjacent to Lots "A" and "B" of Skagit County Short Plat No. 7-80, recorded under AF# 8005020016, records of Skagit County, WA; and also the northwesterly line of the current city limits line of Sedro-Woolley, to an intersection with the south line of said Section 7; thence N 72°51'14"W, a distance of 474.93 feet to a curve to the right having a radius of 1463.82 feet; thence westerly along said curve through a central angle of 11°29'04", an arc distance of 293.41 feet to the west line of the SE1/4 of said Section 7; thence N 00°04'25"W, a distance of 2109.49 feet to the point of beginning of this description.

2-27-2015


OSRSI
SSB
Hansen Creek
NORTHERN STATE ROAD
PLANTERS ROAD
HUB DRIVE
THOMPSON DRIVE
URP-OS
WILLIDA LANE
Brickyard Creek
HELMICK ROAD
PORTOBELLO AVENUE
ARREZZO DRIVE
BEACHLEY ROAD
R-5
MC
R-7
STATE ROUTE 20
Red Creek
MCGARIGLE ROAD
CARRIAGE COURT
Ag-NRL
PUB
URR
POLETE ROAD
REIER LANE

Proposed Annexation Area Zoning Map



Source: Digital elevation model obtained from USGS; parcels, county zoning, and roads obtained from Skagit County; city limits, UGA, and City zoning obtained from City of Sedro-Woolley.

Notes:
UGA = urban growth area

Legend

- Site Parcels
- Proposed Annexation
- Parcel Boundaries
- City Limits
- City UGA

SEDRO-WOOLLEY ZONING

- [R-5] Residential-5
- [R-7] Residential-7
- [R-15] Residential-15
- [PUB] Public
- [MC] Mixed Commercial

SKAGIT COUNTY ZONING

- [OSRSI] Public Open Space of Regional/Statewide Importance
- [RRv] Rural Reserve
- [Ag-NRL] Agricultural - NRL
- [IF-NRL] Industrial Forest - NRL
- [SF-NRL] Secondary Forest - NRL
- [PUB] Public
- [URR] Urban Reserve Residential
- [SSB] Small-Scale Business

0 500 1,000
Feet

Figure B
CITY ZONING

Port of Skagit
Sedro-Woolley, Washington

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p. 971 544 2139 | www.maulfoster.com