# ORDINANCE 14-131

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE PORT ANNEXATION AREA TO THE CITY PURSUANT TO THE PETITION METHOD, SAID ANNEXATION BEING LEGALLY DESCRIBED AS SET FORTH IN EXHIBIT "A" TO THIS ORDINANCE, AND GENERALLY DEPICTED IN THE MAP, EXHIBIT "B" TO THIS ORDINANCE; DESIGNATING THE ZONING OF THE ANNEXATION AREA; APPROVING THE TITLE AND EXHIBIT "A" AS THE SUMMARY OF THE ORDINANCE; CONTAINING A SEVERABI LITY PROVISION; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS,** petitioner, the owner of property constituting not less than 10 percent in assessed value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, prior to initiation of their petition, notified the City Council of petitioner's intention to commence annexation proceedings for the area commonly known as the Port Annexation Area to the City of Rock Island ("City"); and

**WHEREAS,** the City Council met with said initiating owner and determined by Council action that the City would accept the proposed annexation providing that existing City indebtedness (if any) shall be assumed by the area to be annexed and further providing that the zoning for the area shall be as designated by the City in the official pre-annexation zoning map of the City; and

**WHEREAS,** a sufficient petition for annexation was subsequently filed with the City Council pursuant to RCW 35A.14.120, signed by the owners of not less than 60 percent in value, according to the assessed valuation for general taxation, of the property for which annexation is petitioned, seeking annexation to the City of an approximately 49 acre area Northwest and contiguous to the City; and

**WHEREAS,** a Certificate of Sufficiency was completed by Jim Ruud, Douglas County Assessor, thereby certifying the petition for annexation; and

**WHEREAS,** pursuant to RCW 35A.14.130, the City fixed June 13, 2013, at the hour of 7:00 p.m. as the date and time for a public hearing on the proposed annexation, and caused notice of such hearing to be published and posted in accordance with the law; and

**WHEREAS,** pursuant to the aforementioned notice, the City conducted a public hearing on June 13, 2013, wherein all interested parties appearing at said hearing and desiring to be heard in regard to the proposed annexation were heard by the Council; and

**WHEREAS,** having considered the foregoing matters, the City Council determined that the best interest and general welfare of the City and adjacent territory would be served by annexing the Port Annexation Area to the City; and

**WHEREAS,** on June 13, 2013, the City Council passed Resolution No. 13-119, which declared the City's intention to annex the Port Annexation Area properties subject to the Boundary Review Board process set forth in Chapter 39.93 RCW; and

**WHEREAS,** following the action of the City Council, a notice of intention was filed by the City with the Douglas County Boundary Review Board ("BRB") on June 19, 2013, proposing to annex the Port Annexation Area to the City; and

**WHEREAS,** on July 11, 2013, pursuant to the notice of intention, the BRB conducted a preliminary review of the annexation petition in an open public meeting of the BRB; and

**WHEREAS,** pursuant to RCW 36.93.100, the BRB's jurisdiction was subsequently invoked by letter from the Douglas County Commissioners, dated July 23, 2013; and

**WHEREAS,** due to the BRB's jurisdiction having been invoked, pursuant to RCW 36.93.160, the BRB conducted a public hearing on September 26, 2013, wherein the BRB heard public comments and considered the factors set forth in RCW 36.93.170 and the objectives set forth in RCW 36.93.180; and

**WHEREAS,** following consideration of the public comment and the factors in RCW 36.93.170 and the objectives in RCW 36.93.180, the BRB elected, pursuant to RCW 36.93.150(2), to modify the proposed annexation territory to include an additional 42 acres of real property, resulting in the modified annexation area described in Exhibit "A" and generally depicted in Exhibit "B"; and

**WHEREAS,** having modified the annexation territory, as required by RCW 36.93.150, the BRB conducted a second public hearing on November 14, 2013, wherein the BRB heard public comments and considered the factors set forth in RCW 36.93.170 and the objectives set forth in RCW 36.93.180, and elected to approve the modified annexation territory as described in Exhibit "A" and as generally depicted in Exhibit "B" (the Original Proposal - 49 acres, plus areas A - 7 acres, B - 10 acres, and C - 25 acres); and

**WHEREAS,** having approved the modified annexation territory, the BRB on December 12, 2013, at an Open Public Meeting, adopted its Index of Record, Findings of Fact, and Conclusions of Law, thereby completing the annexation approval process required by law; and

**WHEREAS,** the City Council continues to find that it is in the best interest of the health, safety, morals, and general welfare of the citizens of the City and the citizens of the annexation area for the Port Annexation Area, as modified by the BRB, to be annexed to the City; now, therefore

**THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Annexation.** The territory that is contiguous and adjacent to the present corporate limits of the City of Rock Island and is commonly known as the Port Annexation Area and is legally described in Exhibit "A" attached hereto and generally depicted on the map, Exhibit "B", attached hereto (hereinafter the "Annexation Area"), should be and hereby is annexed to and made a part of the City of Rock Island.

**Section 2. Zoning.** Zoning of the Annexation Area shall be Residential, the zoning depicted in the official pre-annexation zoning map of the City. The City Planner is directed to insert this zoning for the Annexation area on the official zoning map of the City when this Ordinance becomes effective.

**Section 3. Taxation.** The territory annexed by this Ordinance shall be assessed and taxed at the same rate and upon the same basis as the land now located in the City of Rock Island, Washington.

**Section 4. City Indebtedness.** The territory annexed by this Ordinance shall be subject to and assume all current City indebtedness on the same basis as other land located in the City.

**Section 5. Summary.** The title of this Ordinance and Exhibits "A" and "B" to this

Ordinance collectively are hereby approved as a summary of this Ordinance.

**Section 6. Publication.** The City Clerk is hereby directed to cause a summary of this Ordinance (the title and Exhibit "A") to be published in a newspaper of general circulation in the City and the City's official newspaper. The City Clerk is further directed to file certified copies of this ordinance with the Board of Commissioners for Douglas County, the Douglas County Boundary Review Board, the Douglas County Auditor, and the Douglas County Assessor.

**Section 7. Severability.** If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

*[The remainder of this page left blank intentionally]*

**SUMMARY ORDINANCE 14-131**

**of the City of Rock Island, Washington**

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On the 30th day of January, 2014, the City Council of the City of Rock Island, passed Ordinance No. 14-131. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE PORT ANNEXATION AREA TO THE CITY PURSUANT TO THE PETITION METHOD, SAID ANNEXATION BEING LEGALLY DESCRIBED AS SET FORTH IN EXHIBIT "A" TO THIS ORDINANCE, AND GENERALLY DEPICTED IN THE MAP, EXHIBIT "B" TO THIS ORDINANCE; DESIGNATING THE ZONING OF THE ANNEXATION AREA; APPROVING THE TITLE AND EXHIBIT "A" AS THE SUMMARY OF THE ORDINANCE; CONTAINING A SEVERABILITY PROVISION; AND PROVIDING AN EFFECTIVE DATE.**

The full text of this Ordinance will be mailed upon request.

DATED this 30th day of January, 2014.

Michelle Brooks

MICHELLE BROOKS
CLERK/TREASURER

**Section 8**. **Effective date.** This Ordinance shall take effect and be in full force five (5) days after publication of a summary of this Ordinance.

APPROVED:

RUSSELL CLARK, MAYOR

ATTEST:

MICHELLE BROOKS, CLERK/TREASURER

APPROVED AS TO FORM: OFFICE OF THE CITY ATTORNEY

By: CHARLES D. ZIMMERMAN

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| FILED WITH THE CITY CLERK : | January 15, 2014 |
| PASSED BY THE CITY COUNCIL | 1/30/14 |
| PUBLISHED | 2/6/14 |
| EFFECTIVE DATE | 2/11/14 |
| ORDINANCE NO. | 14-131 |

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**MUNSON ENGINEERS, INC.**

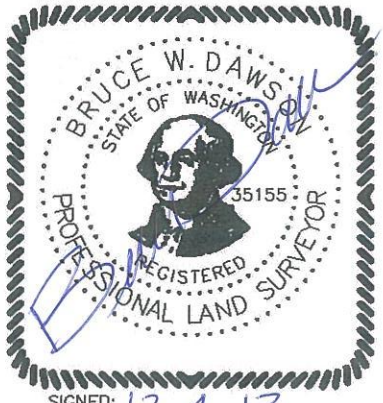
CIVIL ENGINEERS and LAND SURVEYORS

www.munsonengineers.com

# CITY OF ROCK ISLAND
# ANNEXATION DESCRIPTION
# EXTERIOR BOUNDARY

December 4, 2013

Commencing at the northeast corner of the West Half of Lot 59, East Wenatchee Land Company's Plat of part of Section 24 and 25, Township 22 North, Range 21, E.W.M., according to the Plat thereof recorded in Volume A of Plats, page 228, said point being the TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; thence southerly along the east line of said West Half of Lot 59 to the southeast corner of the West Half of said Lot 59; thence on a southerly extension of the east line of said West Half of Lot 59 to the southerly right of way of Rock Island Drive; thence westerly along said southerly right of way of Rock Island Drive and Rock Island Road and it's extensions through intersecting roads to an intersection with a southerly extension of the east line of the West 68.1 feet of the West Half of Lot 64, East Wenatchee Land Company's Plat of part of Sections 23 and 26, Township 22 North, Range 21, E.W.M., according to the plat thereof recorded in Volume "A" of Plats, Page 230; thence northerly across Rock Island Road along said southerly extension to the southeast corner of the West 68.1 feet of the West Half of said Lot 64; thence northerly along the east line of the West 68.1 feet of the West Half of said Lot 64 to the northeast corner thereof; thence easterly along the north line of said Lot 64 to the southwest corner of De-Mar Lakeview Estates as recorded under Auditor's File Number 185931; thence northerly along the west line of said De-Mar Lakeview Estates to the southeast corner of the East 100 feet of the West 260 feet of the North 100 feet of Lot 49, said East Wenatchee Land Company's Plat of part of Section 23 and 26, Township 22 North, Range 21, E.W.M.; thence westerly along the south line of said East 100 feet of the West 260 feet of the North 100 feet of Lot 49 to the southwest corner thereof; thence northerly along the west line of said East 100 feet of the West 260 feet of the North 100 feet of Lot 49 to the southerly right of way of Penn Avenue; thence continuing northerly across Penn Avenue to a point on the south line of Lot 48, said East Wenatchee Land Company's Plat of part of Section 23 and 26, Township 22 North, Range 21, E.W.M., said point being 491.03 feet west of the southeast corner of said Lot 48; thence North 0°3'10" East 465.12 feet, more or less, to a point on the north line of said Lot 48 that is North 89°54'00" West along the north line of said lot a distance of 488.55 feet from the northeast corner of said Lot 48; thence South 89°54'00" East along the north line of said lot a distance of 488.55 feet to said northeast corner of said Lot 48; thence easterly across Center Street to the northwest corner of Lot 41, said East Wenatchee Land Company's Plat of part of Section 24 and 25; thence easterly along the north line of said Lot 41 to the northeast corner of said Lot 41, said point being also the northwest corner of Lot 42, said East Wenatchee Land Company Plat; thence continuing easterly along the north line of said Lot 42 to the northeast corner of the West Half of said Lot 42; thence southerly along the east line of said West Half of Lot 42 to the northerly right of way of Penn Avenue; thence easterly along said northerly right of way and it's extensions through intersecting roads, to a point that is northerly of the northeast corner of the West Half of Lot 54, said East Wenatchee Land Company's Plat of part of Section 24 and 25; thence southerly across Penn Avenue on a line perpendicular to the southerly right of way of Penn Avenue to said northeast corner of the West Half of Lot 54; thence southerly along the east line of said West Half of Lot 54 to the TRUE POINT OF BEGINNING.




SIGNED: 12-4-13

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