# ORDINANCE NO. 1741

AN ORDINANCE REPEALING KETTLE FALLS ORDINANCE NO. 1700 AND ORDINANCE 1715, PROVIDING FOR THE AMENDMENT OF THE KETTLE FALLS COMPREHENSIVE PLAN AND OFFICIAL ZONING MAP, AND FOR THE DE-ANNEXATION OF CERTAIN REAL PROPERTY LYING CONTIGUOUS TO THE CITY OF KETTLE FALLS IN STEVENS COUNTY, STATE OF WASHINGTON.

WHEREAS, Larry A. and Patricia E. Loew as trustees of the Loew Family Revocable Living Trust dated August 29, 1995 are the Fee Simple Title Owners of the Annexed Parcels #1925400, 1926850 and 1926400, now known as Parcel #'s ~~030328~~ 0380328, 0380327 and 0327070; and

WHEREAS, these parcels were sold to Steven R. Varnell and Renaee E. Oelke in 2007 with the Contract subject to the underlying title retaining Real Estate Contract held by Larry A Loew and Patricia E. Loew, as trustees of the Loew Family Revocable Living Trust; and

WHEREAS, on December 2, 2014, the Loews, as Trustees of the Loew Family Revocable Living Trust, completed a foreclosure on the real property. The Declaration of Forfeiture is recorded under Stevens County Auditor's File No. 2014 0081; and

WHEREAS, the City of Kettle Falls did not notify the Loew's of the Annexation request of Steven R. Varnell and Renaee E. Oelke. As Fee Simple title holders, the Loews were owners of the subject real property at the time of annexation under Ordinance No. 1700 and Ordinance No. 1715.

WHEREAS, the annexation was done without the knowledge or consent of the Loew's, who as Trustees of their Trust were the Fee Simple title holders of the subject property; and

WHEREAS, the City of Kettle Falls did not have the required request or consent of the Fee Simple title holders at the time the annexation was approved under Ordinance No. 1700 in 2011 Ordinance No. 1715 in 2012.

NOW THEREFORE, the City Council of the City of Kettle Falls repeals Ordinance No. 1700 and Ordinance No. 1715.

PASSED by the City Council of the City of Kettle Falls this 3rd day of February, 2015

Approved:

Dorothy Slagle, Mayor

Attest:

Raena L. Hallam, Clerk/Treasurer

Approved as to form:

Charlie Schuerman, City Attorney

The foregoing ordinance was presented for adoption by Council Member _____ and seconded by Council Member_____. Upon a vote, there were___ ayes, and ____ nays and ____ absent.

0380328:
#1, ls esmt tax #23 & inc limits (prior to ordinance no. 1700, afn 20110007087); TAX #113, ls tax #s, inc limits (prior to ordinance no. 1700, afn 20110007087; PIPELINE ESMT TAX #55; TAX #89, ls w 100' (V 77-97)

TAX #1: THE N 300' OF THE NW4 SE4 OF SEC 20 T36N R38 EWM.
TAX #113: LOTS 2, 3, 4, 5 & 6, TOGETHER WITH VAC STS AND ALLEYS OF G.E.M. TRACTS.
TAX #55: A STRIP OF LAND 20' IN WIDTH, SITUATED IN THE E2 OF SEC 20 T36N R38 EWM, BEING 10' ON EACH SIDE OF THE FOLLOWING DESC CENTER LINE: COMMENCING AT THE NE CORNER OF SEC 20; THS 266', ALONG THE E LINE THEREOF; TH ANGLE 88 DEG 12' TO THE RIGHT, 1112.7' TO A PT IN THE CENTER LINE OF MAIN TRACK OF THE GNRR CO, AS NOW CONSTRUCTED & OPERATED; TH ANGLE TO THE LEFT 86 DEG 18', 530' TO THE TPOB; TH CONT SLY, ALONG LAST DESC COURSE, PARALLEL TO & 10' ELY FROM THE 1/4-1/4 LINE OF SAID SEC, 1194.4'; TH ANGLE 22 DEG 30' TO THE RIGHT 52'; TH ANGLE 22 DEG 21' TO THE LEFT, PARALLEL TO AND 10' WLY FROM THE 1/4-1/4 LINE OF SAID SEC, 1500.3'; TH ANGLE 22 DEG 30'TO THE LEFT, 495.4', M/L, TO A PT ON THE NLY BDRY OF COLVILLE RIVER AND END OF CENTER LINE SURVEY.

TAX #89: A PARCEL OF LAND LOCATED IN THE VACATED PORTION OF G.E.M. TRACTS AS FILED IN BOOK B OF PLATS AT PAGE 33, AND LOCATED IN THE SW4 NE4 SECTION 20, T36N, R38E, WM, STEVENS CO, WA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE W LINE OF SAID NE4 LOCATED N 0°22'24" E A DISTANCE OF 874.99' FROM THE CENTER QUARTER CORNER OF SAID SECTION 20; THENCE N 85°44'17" E A DISTANCE OF 568.41' ALONG THE S LINE OF MERLE NELSON ADDITION AS SHOWN AND DESCRIBED IN BOOK C OF PLATS AT PAGE 55 TO THE TRUE POB; THENCE N 85°44'17" E A DISTANCE OF 200 FEET; THENCE S 0°22'24" W A DISTANCE OF 60.16' TO THE TRUE POB.

0380327:
KETTLE FALLS TAX NUMBERS TAX #36

TAX #36: ALL THAT PART OF THE NE4 OF SEC 20 T36N R38 EWM, DAF:BEGINNING AT THE N4 CORNER OF SAID SEC 20; THENCES 0°22'24" W ALONG THE W LINE OF SAID NE4, 540.06'; THENCEN 85°47'44" E, 100'; THENCE S 1°08'52" E, 154.05'; THENCEN 84°54'18" E, 513.58' TO THE TRUE POB; THENCE S 5°05'42" E250'; THENCE N 84°51'15" E 274.51' TO A POINT 50' WLY,MEASURED AT RIGHT ANGLES, OF THE EXISTING WYE TRACKCENTERLINE; THENCE PARALLEL WITH SAID CENTERLINE OF THEFOLLOWING FOUR COURSES: 1) N 5°07'27" W 37.12' TO A POINT OFA CURVE OF A 1478.16' RADIUS CURVE TO THE LEFT; 2) ALONG THEARC OF SAID CURVE 82.12', THROUGH A CENTRAL ANGLE OF 3°11'00TO A POINT OF TANGENCY; 3) N 8°18'27" W 8' TO A POINT OFCURVE OF A 522.93' RADIUS CURVE TO THE LEFT; 4) ALONG THEARC OF SAID CURVE, 124.77' THROUGH A CENTRAL ANGLE OF 13°40'16"; THENCE S 84°54'18" W 250' TO THE TRUE POB.

0327070:
KETTLE FALLS TAX NUMBERS NE4 NE4, ls rr & hwy; SE4 NE4, ls esmt