

ORDINANCE NO. 1058

AN ORDINANCE OF THE CITY OF NEWPORT, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO SAID CITY, DESIGNATING THE VARIOUS ZONES OF THE ANNEXED PROPERTY, DIRECTING MODIFICATION OF THE OFFICIAL ZONING MAP AND FIXING THE EFFECTIVE DATE OF ANNEXATION.

WHEREAS, Wes Mendenhall has provided notice to the City of his desire to commence annexation proceedings and has presented a Petition for Annexation which includes requested zoning classifications within the property proposed to be annexed, said property is more particularly described in Exhibit A, which is attached hereto and incorporated herein by this reference, and

WHEREAS, following legal notice as required by law, Mr. Mendenhall presented his proposal to the City Planning Commission which forwarded the Petition and related documents to the City Council with the recommendation that the Council generally approve the annexation request, provided various identified issues could be resolved, and

WHEREAS, after notification as required by law, Mr. Mendenhall presented his request for annexation to the City Council, and the City Council indicated that it would look favorably upon the request if an acceptable Annexation Agreement could be reached with Mr. Mendenhall, and

WHEREAS, Mr. Mendenhall and the City of Newport have completed negotiations and executed an Annexation Agreement dated \_\_\_\_\_, 2009 which is attached hereto as Exhibit B and incorporated herein by this reference, and

WHEREAS, the Annexation Agreement, including the proposed zoning classifications within the property, addresses the issues raised by the Planning Commission and the City Council and is acceptable to all parties,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT, WASHINGTON DO ORDAIN AS FOLLOWS:

SECTION 1: DESCRIPTION OF ANNEXED PROPERTY:

The real property described in Exhibit A, situated in Pend Oreille County, Washington, is hereby annexed to the City of Newport subject to the specific terms and conditions contained in the Annexation Agreement between Wes Mendenhall and the City of Newport which is attached hereto as Exhibit B and incorporated herein in its entirety.

SECTION 2: ZONING:

The annexed property shall be zoned R-1 Single-Family Residential Zone, R-3 Multifamily Residential Zone, C-2 Highway Commercial Zone, I Industrial Zone and OS Open Space Zone as set forth in Exhibit C, a map, which is attached hereto and incorporated herein by this reference.

SECTION 3: MODIFICATION OF TEXT AND OFFICIAL MAP:

Pursuant to the City of Newport Development Regulations, Chapter 17.02, the text and official map of the City of Newport will be amended to include the property described above which has been annexed into the city, and in accordance with that Chapter, the Mayor and City Clerk shall promptly add the area annexed to the official map, designate the zoning as shown on Exhibit C and sign the amended map.

SECTION 4: DUTY OF CITY CLERK: The City Clerk is directed to provide: (1) the Pend Oreille County Auditor a certified copy of this ordinance, a map of the Property, related legal description including designated zoning, and request that the above be maintained on file in the office of the Auditor; and (2) a certified copy of this Ordinance to the Pend Oreille County Board of County Commissioners, pursuant to RCW 35A.14.140.

SECTION 5: SEVERABILITY:

If any part of this Ordinance is held by a court of competent jurisdiction to be unconstitutional or otherwise unenforceable, such finding shall not invalidate any other part of this Ordinance.

SECTION 6: EFFECTIVE DATE:

Pursuant to the City of Newport Development Regulations, Chapter 17.06.039(H), this annexation shall be final and conclusive 21 days following publication of the Notice of Decision, unless the original applicant or a party adversely affected by the decision

makes proper application to a court of competent jurisdiction seeking to reverse or modify the annexation.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2009.

By: \_\_\_\_\_  
Fred Anderson  
Mayor

ATTEST:

\_\_\_\_\_  
Nickole Schutte  
City Clerk/Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Tom Metzger  
City Attorney