

ORDINANCE NO. 534

AN ORDINANCE ANNEXING LANDS ADJOINING THE TOWN OF IONE, WASHINGTON, AFTER DUE COMPLIANCE WITH THE PETITION METHOD AS SET FORTH IN RCW 35.13 AND SETTING FORTH THE DATE OF ANNEXATION AND STATING THE PRECINCT TO WHICH SAID AREA IS TO BE INCLUDED AND DIRECTING THE CLERK OF THE TOWN OF IONE TO FILE A CERTIFIED COPY HEREOF WITH THE BOARD OF COUNTY COMMISSIONERS OF PEND OREILLE COUNTY; PROVIDING FOR PROPER NOTICE TO BE GIVEN; PROVIDING THAT SUCH ACTION IS IN THE PUBLIC INTEREST; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF, EFFECTIVE AS OF THE DATE OF PASSAGE.

WHEREAS, the Ione Town Council approved a Notice of Intent to Commence Annexation submitted by the owners of not less than 10% of the assessed valuation of the territory at a regular Council meeting on April 20, 2011; and

WHEREAS, a sufficient percentage of the owners of the property lying and being within the hereinafter described property have petitioned for the annexation of said territory to the Town of Ione; and

WHEREAS, the proposed annexation is located within the Town of Ione's adopted Urban Growth Area; and

WHEREAS, annexation within the Urban Growth Area is consistent with the policies and requirements of the Washington State Growth Management Act; and

WHEREAS, the Town Council held a public hearing upon notice to consider annexation of the property and favors annexation of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF IONE, WASHINGTON AS FOLLOWS:

SECTION I

That the area and territory lying and being within the following described real estate, situated in Pend Oreille County, Washington, and by this reference incorporated herein, shall be and is hereby annexed to the Town of Ione, Washington, and shall be and become a part of said Town.

Pend Oreille County Assessor's Property ID # 5975, Tax Parcel No. 55A, as per Assessor's Plat of record within Section 6, Township 37, Range 43.

Legal Description: A tract of land in Lot 6, Township 37 North, Range 43EWM, described as follows: Beginning at the East Quarter corner of said Section 6, running thence, West 253 feet; thence North to the high water mark on Pend Oreille River; thence Southerly and Easterly along the high water mark of said River to a point of its intersection with the East Line of said Section 6; thence, South to the place of Beginning.

Subject to assessments and easements of record, as per that certain Statutory Warranty Deed, recorded among the Land Records of Pend Oreille County, Washington, on July 21, 1993, at Volume 105, Pages 261 and 262; being the same Deed conveying the said parcel of land from Fred C. Von Jentzen, William A. Von Jentzen, Rose J. Kempe and Ronald H. Von Jentzen, Grantors, to Samuel H. Nicholas and Nancy J. Nicholas, Husband and Wife; however notwithstanding the existing record utility easements, upon annexation utility easements for water and sewer services shall be granted unto the Town of Ione, Washington.

To be commonly known upon annexation as "125 Riverside Avenue", Ione, Washington.

SECTION II

That upon the effective date of this Ordinance, the corporate limits and boundary lines of the Town of Ione, Washington shall be extended to include the above lands.

SECTION III

That the annexed property shall continue to be assigned to the "Ione East" Election Precinct on the County Election Map.

SECTION IV

That the above-described property which is hereby annexed into the Town of Ione is and shall continue to be zoned residential ("R") which is compatible with the zoning in that area and is consistent with the Comprehensive Plan and urban growth area planning.

SECTION V

That the annexation of the property above has been accomplished pursuant to the Petition Method set forth in RCW 35.13 without the necessity of an election, and that all of the legal requirements have been met.

SECTION VI

That upon publication hereof, and receipt of the affidavit of publication, the Clerk is hereby directed to file such affidavit and a certified copy of this Ordinance with the Commissioners of Pend Oreille County.

SECTION VII

That the above-described property shall be assessed and taxed the same rate and on the same basis as other property within the Town of Ione, Washington, including assessment of taxes of all or any portion of the outstanding indebtedness of the Town contracted or incurred prior to, or existing on, the date of the annexation.

SECTION VIII

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION IX

The Council having found that the foregoing actions are in the public interest, they are adopted in the foregoing particulars, effective as of the date of passage of this Ordinance.

SECTION X

This Ordinance shall be in full force and effect from and after its date of adoption, summarization and posting, and the Clerk is directed to provide all required notices according to law and to file this Ordinance for record in the Office of the Clerk of the Town of Ione.

DATED this 23 day of August, 2011.

TOWN OF IONE


Kevin M. Foy, Mayor

ATTEST:


Sandy Hutchinson,
Clerk-Treasurer

EXHIBIT "A"

Legal Description

The territory proposed to be annexed is within Pend Oreille County, Washington, and is described as follows:

Pend Oreille County Assessor's Property ID # 5975, Tax Parcel No. 55A, as per Assessor's Plat of record within Section 6, Township 37, Range 43.

A tract of land in Lot 6, Township 37 North, Range 43EWM, described as follows: Beginning at the East Quarter corner of said Section 6, running thence, West 253 feet; thence North to the high water mark on Pend Oreille River; thence Southerly and Easterly along the high water mark of said River to a point of its intersection with the East Line of said Section 6; thence, South to the place of Beginning.

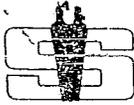
Subject to assessments and easements of record, as per that certain Statutory Warranty Deed, recorded among the Land Records of Pend Oreille County, Washington, on July 21, 1993, at Volume 105, Pages 261 and 262; being the same Deed conveying the said parcel of land from Fred C. Von Jentzen, William A. Von Jentzen, Rose J. Kempe and Ronald H. Von Jentzen, Grantors, to Samual H. Nicholas and Nancy J. Nicholas, Husband and Wife; however notwithstanding the existing record utility easements, upon annexation utility easements for water and sewer services shall be granted unto the Town of Ione, Washington.

To be commonly known upon annexation as "125 Riverside Avenue", Ione, Washington.

EXHIBIT "B"

Extract of Assessor's Plat of record within Section 6, Township 37, Range 43, Parcel 55A

(Map Attached)



STEWART TITLE COMPANY

218161

FILED FOR RECORD AT REQUEST OF THE LAND TITLE COMPANY INC.

THIS SPACE PROVIDED FOR RECORDER'S USE

PEND OREILLE CO. AUDITOR'S OFFICE

93 JUL 21 PM 3:08

VOL. 105 PAGE 261 & 262 REC. NO. 1932 AMT. P.D. 6.00

BY [Signature] DEPUTY

WHEN RECORDED RETURN TO Name: SAMUEL H. NICHOLAS Address: 120 10TH STREET City, State, Zip: ...E, WA 99139

Statutory Warranty Deed

THE GRANTOR FRED C. VON JENTZEN AND WILLIAM A. VON JENTZEN, AND ROSE J. KEMPE AND RONALD H. VON JENTZEN

for and in consideration of Ten Dollars (\$10.00) and other valuable consideration.

in hand paid, conveys and warrants to SAMUAL H. NICHOLAS AND NANCY J. NICHOLAS, HUSBAND AND WIFE

the following described real estate, situated in the County of PEND OREILLE, State of Washington:

A TRACT OF LAND IN LOT 6, SECTION 6, TOWNSHIP 37 NORTH, RANGE 43EWM, DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 6, RUNNING THENCE, WEST 253 FEET; THENCE, NORTH TO THE HIGH WATER MARK ON PEND OREILLE RIVER; THENCE, SOUTHERLY AND EASTERLY ALONG THE HIGH WATER MARK OF SAID RIVER TO A POINT OF ITS INTERSECTION WITH THE EAST LINE OF SAID SECTION 6; THENCE, SOUTH TO THE PLACE OF BEGINNING.

SUBJECT TO:

SEE ATTACHED EXHIBIT "A"

886 1% Excise tax on Real Estate Sale Amount Paid \$ 782.60 Date July 21, 1993 CITY TREASURER, PEND OREILLE COUNTY, WASHINGTON By [Signature] Deputy

Dated JULY 5, 1993

[Signature] FRED C. VON JENTZEN [Signature] ROSE J. KEMPE

[Signature] WILLIAM A. VON JENTZEN [Signature] RONALD H. VON JENTZEN

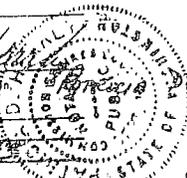
STATE OF WASHINGTON County of Snohomish

STATE OF WASHINGTON County of

I hereby certify that I know or have sufficient evidence that FRED C. AND RONALD H. VON JENTZEN AND ROSE J. KEMPE is the person(s) who appeared before me, and said person(s) acknowledged that (he, she, they) signed this instrument and acknowledged it to be (his, her, their) free and voluntary act for the uses and purposes mentioned in this instrument.

I certify that I know or have satisfactory evidence that [Signature] is the person(s) who appeared before me, and said person(s) acknowledged that (he, she, they) signed this instrument, on oath stated that [Signature] authorized to execute the instrument and acknowledged it as the [Signature] to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated 7-8-93 Notary Public in and for the State of Washington, residing at Seattle My appointment expires 9-15-93



[Signature] Notary Public in and for the State of Washington, residing at My appointment expires

105-261

218161

218161

EXHIBIT "A"

Assessments, if any, by Chippewa Water District.

Assessments, if any, by the Town of Ione, Wa.

Easement including the terms, covenants and provisions thereof as reserved by instrument;

Recorded: December 20, 1949
Recording No: 73633
Records of: Pend Oreille County, Wa.
In favor of: William A. Thompson and Mabel S. Thompson.

For: "--reserving to grantor right to go upon ground herein described to drill for water, and if this right is exercised, a perpetual easement to maintain pumps and equipment, and to take water therefrom--"

Easement including the terms, covenants and provisions thereof as granted by instrument;

Recorded: April 2, 1953
Recording No: 81767
Records of: Pend Oreille County, Wa.
In favor of: Public Utility District No. 1
For: Overflow, flood and submerge together with the right to enter to inspect and improve waterflow conditions and ingress and egress. Reference to the record is hereby made for full particulars.

Easement including the terms, covenants and provisions thereof as granted by instrument;

Recorded: March 20, 1990
Recording No: 203773
Records of: Pend Oreille County, Wa.
In favor of: John E. Middleton and Lila M. Middleton, husband and wife.
For:

Easement including the terms, covenants and provisions thereof as disclosed by instrument;

Recorded: May 1, 1990
Recording No: 204185
Records of: Pend Oreille County, Wa.
For: "--conditions or other servitudes appearing in the chain of title or existing in connection with said premises."

Reservation of mineral rights, coal and iron as set forth in that certain instrument;

Recorded: July 15, 1941
Recording No: 56221
Current ownership does not include mineral rights, coal and iron.

Easement including the terms, covenants and provisions thereof as granted by instrument;

Recorded: March 21, 1979
Recording No: 162539
Records of: Pend Oreille County, Wa.
In favor of: Pend Oreille County, Wa.
For: County Road purposes

218161

105-262

UTILITY EASEMENT IN GROSS FOR WATER & SEWER SERVICES
TO
TOWN OF IONE, WASHINGTON

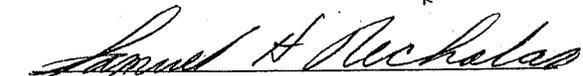
COMES NOW Samuel H. Nicholas, the sole surviving spouse as between Samuel H. Nicholas and Nancy J. Nicholas, Husband and Wife, being now the one hundred per cent record owner of the within described parcel of real property, and does hereby grant unto the Town of Ione, Washington, effective upon annexation, a utility easement in gross for water and sewer services:

Pend Oreille County Assessor's Property ID # 5975, Tax Parcel No. 55A, as per Assessor's Plat of record within Section 6, Township 37, Range 43.

Legal Description: A tract of land in Lot 6, Township 37 North, Range 43EWM, described as follows: Beginning at the East Quarter corner of said Section 6, running thence, West 253 feet; thence North to the high water mark on Pend Oreille River; thence Southerly and Easterly along the high water mark of said River to a point of its intersection with the East Line of said Section 6; thence, South to the place of Beginning.

Subject to assessments and easements of record, as per that certain Statutory Warranty Deed, recorded among the Land Records of Pend Oreille County, Washington, on July 21, 1993, at Volume 105, Pages 261 and 262; being the same Deed conveying the said parcel of land from Fred C. Von Jentzen, William A. Von Jentzen, Rose J. Kempe and Ronald H. Von Jentzen, Grantors, to Samuel H. Nicholas and Nancy J. Nicholas, Husband and Wife. To be commonly known upon annexation as "125 Riverside Avenue", Ione, Washington.

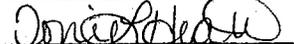
WITNESS the hand and seal of the aforesaid Grantor, this 15 day of August, 2011:

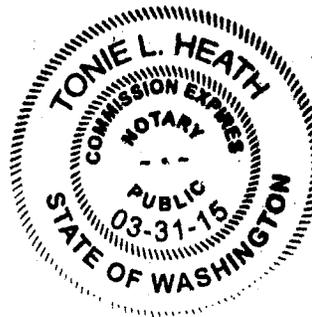

Samuel H. Nicholas

State of Washington
Pend Oreille County

Signed and sworn to (or affirmed) before me on

15.8.2011 by Samuel Nicholas


Notary Public



RETURN ADDRESS

AFN #20110309457
ORDINANCE # PAGES 4

Town of Ione
PO Box 498
Ione, WA 99139

08/26/2011 at 03:45 PM
MARIANNE NICHOLS, AUDITOR
PEND OREILLE COUNTY, WA
FILED BY: TOWN OF IONE

Please Type or Print Neatly & Clearly All Information

Document Title(s)

Ordinance 534 with incorporated Utility Easement in Gross
for Water & Sewer Services to Town of Ione

Reference Number(s) of Related Documents

Grantor(s) (Last Name, First & Middle Initial)

Samuel H. Nicholas

Grantee(s) (Last Name, First & Middle Initial)

Town of Ione

Legal Description (Abbreviated form is acceptable) i.e. Section/Township/Range/1/4 Section

Tract of land in Lot 6, Township 37 North, Range 43EWM,

Assessor's Tax Parcel ID Number: 43A

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the Accuracy or completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$50.

Signature of Requesting Party