

RESOLUTION NO. 2006-0112

A RESOLUTION OF THE CITY OF SPOKANE INDICATING THE CITY'S INTENT TO CHANGE THE BOUNDARY OF THE CITY TO INCLUDE A PORTION OF A PARCEL OF LAND LOCATED PARTIALLY WITHIN AND PARTIALLY WITHOUT THE BOUNDARIES OF THE CITY, COMMONLY REFERRED TO AS THE BREITHAUPT ANNEXATION.

WHEREAS, Mark P. Breithaupt ("Owners") is the owner of certain real property legally described as follows ("Property"):

[See Attached Exhibit "A"]

WHEREAS, the Property is located partially within and partially without the boundaries of the City of Spokane with those portions lying outside of the City's corporate limits being located in unincorporated Spokane County.

WHEREAS, Owner has submitted a signed petition to the City asking the City to include within the City's corporate boundaries those portions of the Property that are presently situated in unincorporated Spokane County ("Boundary Line Adjustment").

WHEREAS, RCW 35.13.340 provides that, upon its receipt of a signed petition from an owner, the corporate boundaries of the City shall be adjusted to include or exclude the remaining portion of a parcel of land located partially within and partially without the boundaries of the City upon adoption of a resolution approving such adjustment.

WHEREAS, having considered the foregoing matters, the City Council has determined that the best interest and general welfare of the City and adjacent territory would be served by adjusting the City's corporate boundaries to include those portions of the Property currently situated outside the City's corporate boundaries.

WHEREAS, pursuant to Chapter 36.93 RCW, the City is required to notify the Boundary Review Board of any action proposing to change the corporate boundaries of the City.

NOW, THEREFORE, be it resolved by the City Council for the City of Spokane that:

1. The City of Spokane hereby finds that the best interest and general welfare of the City and adjacent territory would be served by adjusting the City's corporate limits to include those portions of the

Property that are presently situated outside the City's corporate limits in unincorporated Spokane County.

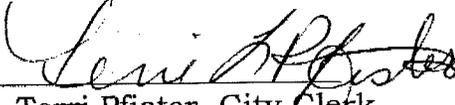
2. A Notice of Intent shall be filed with the Boundary Review Board pursuant to RCW 36.93.

3. Proper City of Spokane zoning and land use designation shall be established for those portions of the Property currently situated outside the City's corporate limits by ordinance concurrent with City Council's subsequent adoption of a resolution approving the Boundary Line Adjustment consistent with the City's Comprehensive Plan.

4. Upon adoption of a subsequent resolution approving the Boundary Line Adjustment, the Property shall be assessed and taxed at the same rate and on the same basis as other property within the City is assessed and taxed to pay for any of the outstanding indebtedness of the City which indebtedness was approved by the voters, contracted, or incurred prior to, or existing at, the date of this resolution, and the City's Comprehensive Plan shall be deemed to apply to such Property.

5. The Mayor is authorized to prepare and execute all documents and to take all actions necessary to further the purpose and intent of this resolution.

Adopted by the City Council on October 9, 2006


Terri Pfister, City Clerk

Approved as to form:

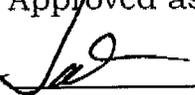

Assistant City Attorney

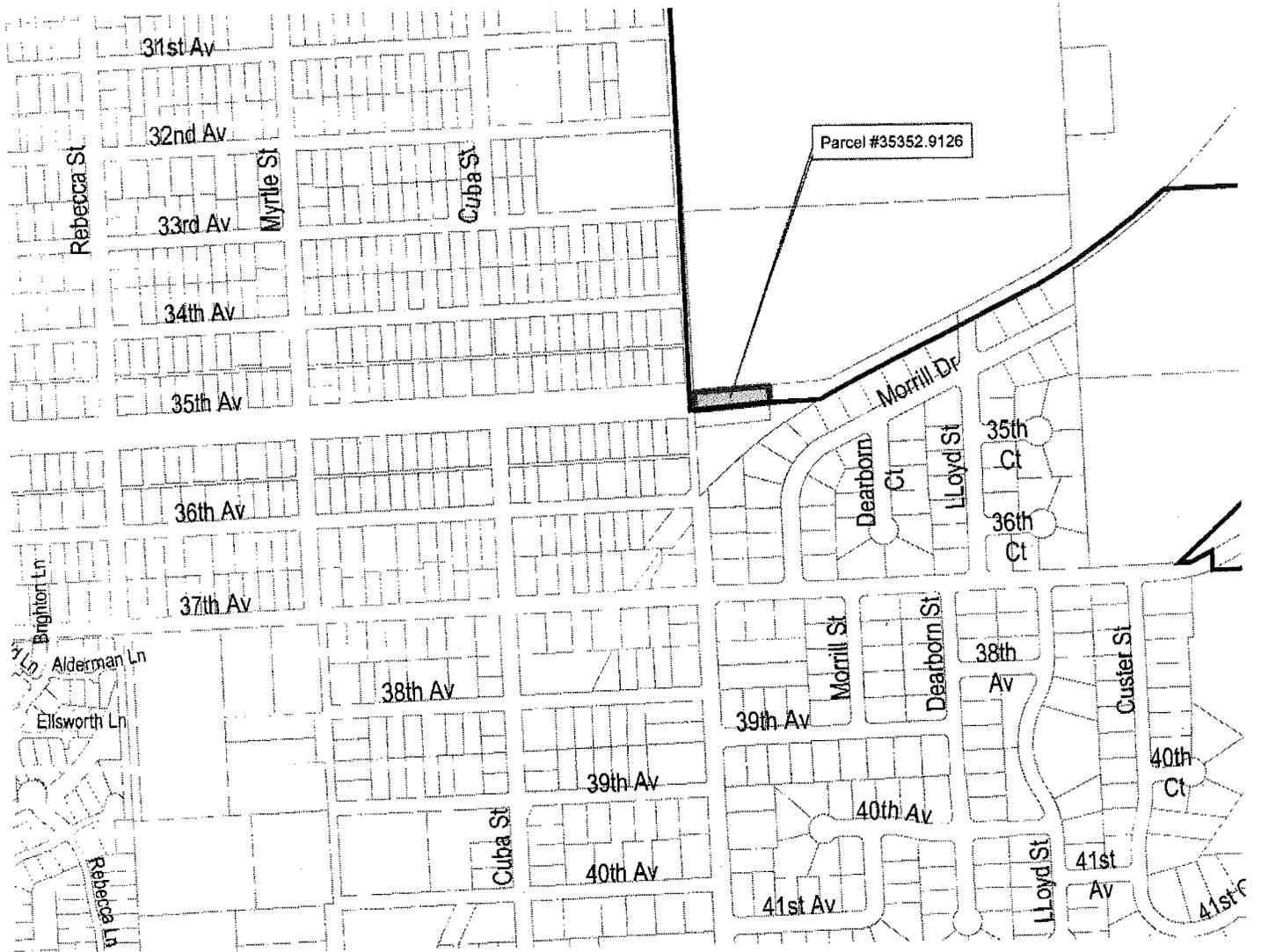


EXHIBIT 'A'

That portion of the vacated railroad lying within the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 35, Township 25 North, Range 43 East of the Willamette Meridian, described as follows;

Beginning at the Northwest corner of Lot 11, Block 1, Glenrose Park Addition, as per plat recorded in Volume 16, Page 99, County of Spokane, Washington; Thence Southwesterly along the Northerly Line of plat 62 feet; Thence North to a point on the Southerly line of the Spokane, Coeur d'Alene and Palouse Railroad Spur and the True Point of Beginning; Thence North to the Northerly line of railroad right of way; Thence West along Northerly line to West line of said Section; Thence South along Westerly line to a point 60 feet South of Southerly line of vacated railroad right of way; Thence East to a point 60 feet South of Southerly line of railroad right of way and the True Point of Beginning.

Annexation Area



1st Dist.
2nd Dist.
3rd Dist.



PUBLIC WORKS & UTILITIES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3334
(509) 625-6270
FAX (509) 625-6274

October 16, 2006

Spokane County Commissioners' Office
Spokane County Courthouse
1116 West Broadway Avenue
Spokane, WA 99260

RECEIVED
OCT 17 2006
COUNTY COMMISSIONERS

Re: Single Parcel Boundary Line Adjustment Annexation
Parcel Number: 35352.9126

6 0896

Dear Commissioners,

In an effort to honor a citizen request and clean up a small tax parcel overlap along Spokane's Southeast border, the Spokane City Council has passed a resolution annexing that portion of parcel 35352.9126 that currently lies within the County.

The City of Spokane hereby requests that you pass a companion resolution for this parcel as soon as is feasible to complete this adjustment.

Sincerely,

Dave Steele
Public Works & Utilities

Enclosed: Copy of Adopted Resolution
Copy of Annexation Request
Map of Parcel

NO. _____ . **6 0896**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING A)
RESOLUTION SUPPORTING)
ADJUSTING THE CITY OF SPOKANE'S)
BOUNDARIES AT THE REQUEST OF)
THE PROPERTY OWNER)
)
Parcel No: 35352.9126)
Owner: Mark Breithaupt)

RESOLUTION

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County (hereinafter sometimes referred to as the "Board") has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of RCW 35.13.340, the boundaries of a city shall be adjusted to include or exclude the remaining portion of a parcel of land located partially within and partially without of the boundaries of that city upon the governing body of the city adopting a resolution approving such an adjustment that was requested in a petition signed by the owner of the parcel. A boundary adjustment made pursuant to this section shall not be subject to potential review by the boundary review board of the county within which the parcel is located if the remaining portion of the parcel to be included or excluded from the city is located in the unincorporated area of the county and the adjustment is approved by resolution of the county legislative authority; and

WHEREAS, pursuant to the provisions of RCW 35.13.340, Mark Breithaupt, owner of Spokane County Assessor Parcel No. 35352.9126, requested that the City of Spokane include within its corporate boundaries those portions of Parcel No. 35352.9126 which are located in the unincorporated areas of Spokane County; and

WHEREAS, the City Council for the City of Spokane passed Resolution No. 2006-0112 on October 9, 2006. Under that Resolution, the City agreed to adjust its corporate boundaries to include those portions of Parcel No. 35352.9126 as requested by its owner Mark Breithaupt and as authorized under RCW 35.13.340. City of Spokane staff forwarded Resolution No. 2006-0112 to the Board of County Commissioners with a request that the Board of County Commissioners by Resolution approve the boundary adjustments provided for in RCW 35.13.340.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Spokane County, as authorized under RCW 35.13.340 and based on the request of the property owner of Parcel No. 35352.9126, that the Board of County Commissioners does hereby approve that adjustment to the City of Spokane boundaries as set forth in City of Spokane

6 0896

Resolution No. 2006-0112, a copy of which is attached hereto as Attachment "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Spokane County that the Clerk of the Board is hereby requested to transmit a certified copy of this Resolution to the City Clerk.

PASSED AND ADOPTED this 24th day of October, 2006.



BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

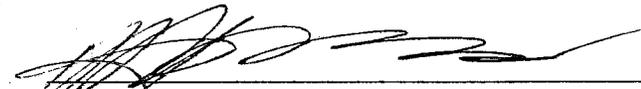
ATTEST:



Daniela Erickson
Clerk of the Board


TODD MIELKE, Chair


MARK RICHARD, Vice Chair


PHILLIP D. HARRIS, Commissioner