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Ordinance CITY OF OKANOGAN
Okanogan County Washington

ORDINANCE NO. 1135

AN ORDINANCE OF THE CITY OF OKANOGAN, WASHINGTON ANNEXING CERTAIN REAL PROPERTY AND RIGHT-OF-WAYS, SPECIFYING THE BOUNDARIES THERETO AND REQUIRING ZONING, CONDITIONS AND ASSUMPTION OF INDEBTEDNESS

WHEREAS, Caribou Trail, LLC together with other holdings did file a Notice of Intent to Commence Annexation Proceedings on August 2, 2013; and

WHEREAS, the City Council did refer the matter to the Planning Commission for a recommendation with respect to the annexation, conditions, zoning and indebtedness on August 6, 2013; and

WHEREAS, the City Council did respond to Caribou Trail, LLC Notice of Intent during their August 20, 2013 meeting; and

WHEREAS, Caribou Trail Limited Liability Company, Cariboo Trail, LLC and the Estate of Doris Jones together known as Caribou Trail, LLC did file a completed annexation petition on August 27, 2013; and

WHEREAS, the County Assessor confirmed the sufficiency of the filed petition in accordance with RCW 35A.01.040(4); and

WHEREAS, on September 3, 2013, the City Council of the City of Okanogan, being desirous of considering this annexation, did set by Resolution No. 2013-07 the exact territories to be considered, and the date and time to conduct an open record public hearing on the matter; and

WHEREAS, all notice regarding the hearing on the annexation petition as required by RCW 35A.14.130 and Chapter 18.100 OMC has satisfactorily been performed; and

WHEREAS, the City Council of the City of Okanogan did conduct an open record hearing on the annexation on September 17, 2013; and

WHEREAS, the City Council of the City of Okanogan finds that the proposed annexation is consistent with the Comprehensive Plan and will allow for future orderly growth.

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

Section 1. The following describing lands and abutting right-of-ways as shown on Exhibit "A" in the County of Okanogan, State of Washington, which property is contiguous to the City of Okanogan, shall be and here is annexed to the City of Okanogan, Washington and made a part of the City of Okanogan, Washington, to wit:

Parcel "A"- 32 Morris Rd., APN 6200010004

The following real estate, situated in the County of Okanogan, State of Washington:

That part of Lot 1 of the Mock tracts, according to the official plat thereof in Volume B of Plats, page 21, of records of Okanogan County Auditor, described as follows:

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Starting at the Northwest corner of Lot 1 of the Mock Tracts and running thence North 89°57' West 15 feet along the North line of said Lot 1 to the True Point of Beginning; thence South 59.73 feet on a line parallel to and 15 feet from the East line of said Lot 1 and to an intersection with the Northwesterly right of way line of State Highway No. 10; thence South 69°27' West 88.02 feet along said right of way line; thence North 4°00' West 96.5 feet to the North line of said Lot 1; thence South 89°57' East 89 fee along said North line to the true point of beginning. TOGETHER WITH that portion of the vacated public road right of way along the east side of said premises as would be attached by law.

EXCEPTING THEREFROM that portion conveyed to the State of Washington for highway purposes as described in Auditor's File No. 485954.

Reference: Quit Claim Deed 3081903

Parcel "B"- 28 Morris Rd., APN 6200010006 & Parcel "C"- 26 Morris Rd., APN 6200020010

The following real estate, situated in the County of Okanogan, State of Washington:

Beginning for description at the northwesterly corner of Lot 2, Plat of the Mock Tract, as recorded in Book "B" of Plats, page 21, of records of Okanogan County, running thence easterly along the northerly boundary line of Lot 2, a distance of 695.3 feet to the true point of beginning; thence continuing easterly along the north boundary 171.8 feet; thence S. 4°00' E. 96.6 feet to the northerly right of way boundary line of the State Highway; thence southwesterly along said right of way line to a point which bears S. 0°35;/w, from the true point of beginning; thence N. 0°36' W. to the true point of beginning.

Reference: Quit Claim Deed 3081902

Parcel "D"- 24 Morris Rd., APN 6200010007

Beginning at the most northwesterly corner of Lot or Tract 2 of the Plat of the Mock Tract, run thence easterly along the northerly line of said Lot 2 a distance of 585.3 feet to the point of beginning; thence run easterly along said northerly line a distance of 100 feet; thence run South 0 degrees 36' West to the Northwesterly right of way line of the now existing State Highway No. 10; thence run South 69 degrees 27' West to a point which lies in said Northwesterly right of way line of said highway distant 196.96 feet South 0 degrees 36' West from the point of beginning; thence run North 0 degrees 36' East 196.96 feet to the point of beginning. Said Lot or Tract 2 being according to the Plat of said Plat of the Mock Tract as per plat thereof recorded in Volume B of plats, page 21, records of the Auditor of Okanogan County, Washington.

Reference: Affidavit 3182875

Parcel "E" - 22 Morris Rd., APN 6200020005

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That portion of Lot 2 of Mock Tract, described as follows: Beginning at the most northwesterly corner of said Lot 2, and run thence easterly along northerly line of said Lot 2, 400 feet to the true point of beginning; thence South 0 degrees 35'30" West 273.2 feet to the northwesterly right of way line of the now existing State Highway No. 10, thence North 69 degrees 27' East 197.65 feet along said right of way line, thence North 0 degree 36' 196.96 feet to the northwesterly line of said Lot 2, thence westerly along northerly line of said Lot 2, 185.3 feet to the true point of beginning. All as per plat of said Mock Tract of record in the office of the Auditor of said County in Book "B" of Plats, page 21, Okanogan County, Washington.

Reference: Affidavit 3182875

Parcel "F" - (address not assigned), APN 6200020012

Part of Lot 2 of the Mock Tracts described as:
Beginning at the Northwesterly corner of Lot 2;
THENCE Easterly along the Northerly boundary line for a distance of 400 feet;
THENCE South 0°35'30" West for a distance of 273.2 feet to the Northwesterly right-of-way line of Primary State Highway;
THENCE Southwesterly along said right-of-way a distance of 676.8 feet to the point of beginning (acquired by deed of record in Book 134 of Deeds, at Page 624).

EXCEPTING THEREFROM that part of Lot 2 beginning at the intersection of the Northwesterly right-of-way line of Primary State Highway and the Northwesterly boundary of Lot 2;
THENCE North 21°18' East along the Northwesterly boundary of Lot 2 a distance of 348.5 feet;
THENCE South 62°13' East a distance of 208.8 feet;
THENCE in a Southeasterly direction perpendicular to the Northwesterly right-of-way of Primary State Highway 10.00 feet to said highway right-of-way;
THENCE Southwesterly to the point of beginning (conveyed by deed of record in Book 145 of Deeds, at Page 415) known as Assessor's Tax No. 12, Okanogan County, Washington.
EXCEPT that portion of said premises lying within right-of-way of O.C. Road No. 2218.

ALSO EXCEPT that portion of said Lot 2 lying northwesterly of the northwesterly right-of-way line of County Road 2218.

Reference: Boundary Line Adjustment 3175424

Together with all of the State Route 20 right-of-way directly abutting Parcels "A", "B", "C", "D", "E" and "F" listed above.

Section 2. The lands of said annexed area shall hereafter be assessed and taxed at the same rate and on the same basis as other property within the

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City of Okanogan, including assessments or taxes in payment of all or any portion of the then outstanding indebtedness of the City contracted, or included prior to, or existing at the date of the annexation.

Section 3. The lands of said annexed area shall, unless modified in the future in accordance with the zoning ordinances of the City of Okanogan, be zoned Residential Three (R-3) with Highway Business Overlay (HBO) as provided by Chapters 18.24 and 18.54 of the Okanogan Municipal Code and the abutting right-of-ways zoned as provided by Section 18.12.060.A of the Okanogan Municipal Code.

Section 4. No new non-municipal wells shall be constructed on the property annexed and the City shall be a party in changes in use of water on the property annexed. In the event that the Owner intends to abandon irrigation or domestic water rights appurtenant to the property, transfer of such rights to the City will be pursued at the City's expense.

Section 5. This ordinance shall become effective from and after its passage by the City Council, approval by the Mayor and five (5) days after publication as required by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF OKANOGAN THIS 17th DAY OF SEPTEMBER, 2013.

APPROVED:

Michael Blake, Mayor

APPROVED:

Scott DeTro, City Attorney

ATTEST:

Craig Attwood, Clerk/Treasurer