

An ordinance amending Ordinance #1145 -annexation of sewer plant property.

THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DO ORDAIN AS FOLLOWS:

Pursuant to RCW 35.13.180 there is hereby annexed to the City of Cle Elum for municipal purposes the following described real property:

All that portion of the East Half of the Northeast Quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$ ) Section 36, Township 20 North, Range 15 East, W.M., lying between two lines parallel with and distant respectively two hundred (200 ) feet and five hundred (500) feet southwesterly from the center line of the operating right of way of Burlington Northern Inc. and westerly of that tract of land described as Tract VI and conveyed in that certain deed filed for record in Kittitas County, Washington in Volume 120 at page 85.

Also that portion of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 36, Township 20 North, Range 15 East, W.M. lying southerly of a line parallel with and two hundred (200) feet southwesterly of the center line of the operating right of way of Burlington Northern Inc., EXCEPTING therefrom that tract of land described as Tract V and conveyed in that certain deed filed for record in Kittitas County, Washington in Volume 120 at page 85.

The tract of land hereby conveyed contains 36.30 acres more or less and is subject to an easement in the public for any public roads heretofore laid out or established and now existing over and across any part of the premises.

AND

That portion of the East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty six Township Twenty North, Range Fifteen East W.M., in the County of Kittitas, State of Washington, which is described as follows:

A tract of land bounded by a line beginning at the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section, and running thence North 89°25' West, along the South boundary line of said Quarter Section, 1,336.5 feet, more or less, to the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section; thence North, along the West boundary line of the Southeast Quarter(SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section, 1,672.9 feet, more or less, to a point 500 feet from the center line of the Burlington Northern Railroad right of way; thence South 67°17' East, parallel with and 500 feet from the center line of said right of way, 500 feet, more or less, to a point 462.2 feet East of the West boundary line of said Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section; thence South, parallel with and 462.2 feet East of the West boundary line of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and of the Southeast Quarter(SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section to a point which is 162.9 feet North of the South boundary line of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section; thence East, parallel with and 162.9 feet North of the South boundary line of said Quarter Section, 874.1 feet to the East boundary line of said Quarter Section; and thence South along the East boundary line of said Quarter Section 162.9 feet to the point of beginning.

**Except** That portion conveyed to the State of Washington by Warrant Deed recorded May 15, 1964, under Auditor's File No. 312643, in Volume 115, page 208.

**And** that portion conveyed to the State of Washington by Warranty Deed recorded May 25, 1964 under Auditor's File No. 312860, in Volume 115, page 275.

Subject to restrictions, reservations, easements and rights of way apparent or of record, if any. ALSO SUBJECT TO Yakima County Court Cause No. 77-2-01484-5, State of Washington vs. Acquavella, as the same pertains to water rights.

AND

The Southwest Quarter of the Northeast Quarter of Section 36, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington;

**Except** right of way of primary State Highway No. 2 (SR90) as conveyed to the State of Washington by warranty deed recorded August 17, 1964 under Auditor's File No

314772;

**Except** all that portion of the Southwest Quarter of the Northeast Quarter of said Section 36 lying northeasterly of the Yakima River and Southwesterly of primary State Highway No. 2 Cle Elum to Yakima River, as conveyed to the State of Washington by Warranty deed recorded August 20, 1964 under Auditor's File No. 314773; and

**Except** right of way of Yakima River.

INCLUDING the improvements and appurtenances; but subject to restrictions, reservations,

AND

That part of the east six hundred ninety-five (695) feet of the north five hundred eighty (580) feet of the northeast quarter of northwest quarter (NE¼ of NW¼) of Section thirty-six (36) in Township twenty (20) North of Range fifteen (15) East of the Willamette Meridian, lying south of a line parallel with and distant two hundred (200) feet southerly measured at right angles from the center line of the main track of the railway of the Northern Pacific Railway Company as now constructed and operated over and across said premises and adjoining lands, subject, however, to an easement for an irrigation ditch and flume as now located and maintained on said premises. The land hereby conveyed contains eight and sixty-nine hundredths (8.69) acres, more or less.

AND

Beginning at a stake, which stake bears South Thirty-two degrees thirty-five minutes twelve seconds East twenty-four hundred fifty-five and ninety-seven hundredths (2455.97) feet from the Northeast Corner of Section thirty-six, (36), Township twenty (20) North, Range fifteen (15) East, W.M.; thence South three hundred nineteen and five hundredths (319.05) feet to the North Bank of the Yakima river; thence along the north bank of said river in a southwesterly direction about nineteen hundred twenty (1920) feet, more or less, to a point in the east line of Section thirty-six (36), township twenty (20) North, Range fifteen (15) East; thence along the east line of said Section thirty-six (36), North no degrees forty-seven minutes East (N 00o 47'E) nine hundred fifty-seven (957) feet more or less, to the East Quarter Corner of said Section thirty-six (36); thence along the east and west center line of said Section thirty-six (36), North eighty-nine degrees twenty-six minutes West (N 89o 26' W) thirteen hundred thirty-six and thirty-six hundredths (1136.36) feet to the Southwest Corner of the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼) of Section thirty-six (36); thence along the north and south center line of the Northeast Quarter (NW¼) of Section thirty-six (36) North no degrees seven minutes and fourteen seconds East (N 00o 07' 14" E) sixteen hundred seventy-six and thirty-one hundredths (1676.31) feet to a stake; thence South sixty-seven degrees seventeen minutes East (S 67o 17' E), twenty-eight hundred seventy-three and nine hundredths (2874.09) feet, parallel to and five hundred (500) feet south of the center line of the Northern Pacific Railway Company's track, as now located, to the place of beginning, contain seventy-seven and 50/100 (77.50) acres, more or less, and situate as follows: Thirty-nine and forty-nine hundredths (39.49) acres in the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼) and three and fifty-one hundredths (3.51) acres in the Northeast Quarter of the Northeast Quarter (N¼ of NE¼) of Section thirty-six (36) Township twenty (20) North, Range fifteen (15) East; and twenty-six and twenty-four hundredths (26.24) acres in the Southwest Quarter of the northwest Quarter (SW¼ of NW¼) and eight and twenty-six hundredths (8.26) acres in the Northwest Quarter of the Southwest Quarter (NW¼ of SW¼) of Section thirty-one (31), Township twenty (20) North, Range sixteen (16) East, W.M.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 28<sup>th</sup> Day of May, 2002.

Gary Berhdt  
Gary Berhdt, MAYOR

ATTEST:  
DeLiela Bannister  
DeLiela Bannister, City Clerk

APPROVED AS TO FORM:

Erin Anderson, City Attorney

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May 30, 2002

RECEIVED  
JUN 03 2002  
OFM FORECASTING

# CERTIFICATE

State of Washington )

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County of Kittitas )

I, the undersigned, DeLiela Bannister, the duly appointed, qualified and acting City Clerk of the City of Cle Elum, County of Kittitas, State of Washington, do hereby certify that the ORDINANCE hereto attached is a full, true and correct copy of ORDINANCE NO 1173 of the City of Cle Elum, Washington, entitled as follows:

An Ordinance amending Ordinance #1145-annexation of sewer plant property.

I further certify that said ORDINANCE was passed by the council of said City at a meeting held 5/28/02 at which time a quorum was in attendance and that said ORDINANCE was duly published in the official newspaper of said City on the 30th day of May, 2002

DATED this 29th day of May, 2002

  
DeLiela Bannister, City Clerk  
Cle Elum, Washington