

**ORDINANCE**      **281**

**AN ORDINANCE** ANNEXING TO THE TOWN OF HAMILTON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE TOWN OF HAMILTON ANNEXATION, CONSISTING OF ASSESSOR'S PARCEL NUMBERS P41216, P41204, P41202, P41175, P41174, P41215, P41205, P41208, P41210, P41212, AND P41176, SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON, REQUIRING SAID PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS THE OTHER PROPERTY WITHIN SAID TOWN; AND FIXING THE EFFECTIVE DATE OF SAID ANNEXATION.

**WHEREAS**, a Notice of Intent to Annex, signed by the owners of not less than ten percent (10%) in value, of the property commonly known as the Town of Hamilton Annexation and more particularly described in Exhibit A attached hereto and incorporated by this reference as if fully set forth, was received by the Town of Hamilton; and

**WHEREAS**, the Town Council discussed the annexation of the site on numerous occasions over several years and formally met with the initiators of the annexation on October 14, 2008, within sixty (60) days of receipt of the said Notice of Intent to Annex, and determined that the Town would authorize the initiators to circulate an annexation petition meeting the requirements of RCW 35A.14.120; and

**WHEREAS**, the Town Council received a petition for annexation of the territory described in Exhibit A, signed by the owners of not less than 75% in value of that property described on said Exhibit A, and determined that said petition was sufficient to meet the requirements established by the Council; and

**WHEREAS**, pursuant to property notice as posted and published according to law a public hearing was held on said petition on October 14, 2008 and the Town Council voted to approve the annexation; and

**WHEREAS**, the Notice of Intention was filed on November 4, 2008 with the Boundary Review Board, and the appeal period ended on December 19, 2008, with no appeals filed.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF HAMILTON DO ORDAIN AS FOLLOWS:**

**Section 1.** Annexation. The real property commonly known as the Town of Hamilton Annexation, and more particularly described on "Exhibit A" attached hereto and incorporated herein by this reference as if fully set forth, shall be and hereby is annexed to and made a part of the Town of Hamilton.

**Section 2.** Indebtedness. Pursuant to the petition for Annexation all property within the territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as property within the Town, provided that the territory hereby annexed shall assume the territory's share of the bonded indebtedness of the Town of Hamilton existing as of the effective date of the annexation.

**Section 3.** Zoning. Pursuant to the Comprehensive Plan of the Town of Hamilton, the territory hereby annexed shall be subject to the development regulations adopted by ordinance of even date.

**Section 4.** Duties of the Town Planner. The Planning Director is hereby directed to file a certified copy of this ordinance with the Board of County Commissioners of Skagit County and the County Auditor, and to take the Census and file a Certificate of Annexation with the State Office of Financial Management as set forth in RCS 35.13.260, and to provide notification to affected governmental agencies as may provide services within the area to be annexed; and to such corporations and entities as may have franchises within the area to be annexed, including the effective date of this ordinance.

**Section 6.** Effective Date. This ordinance shall be in full force and effect on the latter of five (5) days after its passage, approval and publication as provided by law, or January 30, 2009.

**Section 7.** Invalidity. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of law, the invalidity shall not affect the validity of any other section, clause, or phrase of this ordinance.

INTRODUCED AND PASSED and approved at a regular meeting of the Town Council this \_\_\_\_ day of \_\_\_\_\_, 2009.

THE TOWN OF HAMILTON

\_\_\_\_\_  
Timothy A. Bates, Mayor

ATTEST:

\_\_\_\_\_  
Delilah Sutton, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Signed by the Mayor:  
Published:  
Effective Date:

**EXHIBIT A**  
**Legal Description**

Assessor's Parcel Numbers P41216, P41204, P41202, P41175, P41174,  
P41215, P41205, P41208, P41210, P41212, P41176

All that portion of the North Half of Section 14, Township 35 North, Range 6 East, of the Willamette Meridian, Skagit County, Washington, being more particularly described and controlled in said section, as lying **SOUTH** of that Abandoned "Puget Sound and Baker River Railroad" being the North 50 feet of said Section 14; lying **SOUTH** of that portion of State Route 20; lying **EAST** of that certain county road currently known as "Cabin Creek Road"; lying **NORTH** of the Lyman Hamilton Highway and that Abandoned Great Northern Railway and all being **WEST** of and **ADJOINING** the present Town of Hamilton municipal boundary as duly established.

**EXCEPT THAT** certain tract of land conveyed to Puget Sound Power and Light Company, a corporation, currently Puget Sound Energy, INC., by Deed dated April 3, 1957, filed April 4, 1957, as recorded under Auditors File Number 549528, records of Skagit County, Washington, to-wit:

**THE SOUTH 100.00 FEET OF THE WEST 100.00 FEET OF THE NORTH 739.62 FEET OF THAT PORTION OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FOURTEEN (14), TOWNSHIP THIRTY-FIVE (35) NORTH, RANGE SIX (6) EAST OF THE WILLAMETTE MERIDIAN, LYING EASTERLY OF THAT CERTAIN COUNTY ROAD KNOWN AS THE ENSLEY ROAD IN HAMILTON, WASHINGTON AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SECTION CORNER COMMON TO SECTION 10,11,14 AND 15, T.35N., R.6E.W.M., WHICH POINT BEARS S.0°18'30"E. A DISTANCE OF 2486.40 FT. FROM THE QUARTER CORNER COMMON TO SAID SECTIONS 10 AND 11; THENCE S 0°00'30"W ALONG A COURSE PARALLELING EXISTING FENCES AND PARALLEL TO AND 7.50 FT. EASTERLY OF THE CENTERLINE OF THAT CERTAIN COUNTY ROAD KNOWN AS THE ENSLEY ROAD A DISTANCE OF 739.62 FT.; THENCE S 89°20'50"EAST PARALLEL TO THE NORTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF SEC. 14 T. 35 N., R.6E.W.M., A DISTANCE OF 12.50 FT., MORE OR LESS, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S 89°20'50" E. ALONG A LINE PARALLEL TO AND 739.62 FT. SOUTH OF SAID NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 100.00 FT; THENCE N 0°00'30"W 100.00 FT.; THENCE N 89°20'50"W 100.00 FT.; THENCE S 0°00'30"W 100.00 FT. TO THE TRUE POINT OF BEGINNING.**

Situate in the County of Skagit, State of Washington

## **ORDINANCE\_\_\_\_\_**

**AN ORDINANCE** ANNEXING TO THE CITY OF BURLINGTON, CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE STATE ROUTE 20 ANNEXATION, CONSISTING OF ASSESSOR'S PARCEL NUMBERS P99149, P99154, P112769, P112770, P112768, P112767, AND P112771 , SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON, REQUIRING SAID PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS THE OTHER PROPERTY WITHIN SAID CITY; AND FIXING THE EFFECTIVE DATE OF SAID ANNEXATION.

**WHEREAS**, a Notice of Intent to Annex, signed by the owners of not less than ten percent (10%) in value, of the property commonly known as the State Route 20 Annexation and more particularly described in Exhibit A attached hereto and incorporated by this reference as if fully set forth, was received by the City of Burlington; and

**WHEREAS**, the City Council met with the initiators of the annexation on September 28, 2006, within sixty (60) days of receipt of the said Notice of Intent to Annex, and determined that the City would authorize the initiators to circulate an annexation petition meeting the requirements of RCW 35A.14.120; and

**WHEREAS**, the City Council subsequently received a petition for annexation of the territory described in Exhibit A, signed by the owners of not less than 60% in value of that property described on said Exhibit A, and determined that said petition was sufficient to meet the requirements established by the Council; and

**WHEREAS**, pursuant to property notice as posted and published according to law a public hearing was held on said petition on January 17, 2007 and the City Council voted to approve the annexation; and

**WHEREAS**, the Notice of Intention was filed on May 21, 2007 with the Boundary Review Board, and a written request was received from the Skagit County Board of Commissioners requesting that jurisdiction be taken and a public hearing be held, and following the public hearing, the decision of the Board is to approve the annexation as submitted.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** Annexation. The real property commonly known as the State Route 20 Annexation, and more particularly described on "Exhibit A" attached hereto

and incorporated herein by this reference as if fully set forth, shall be and hereby is annexed to and made a part of the City of Burlington.

**Section 2.** Indebtedness. Pursuant to the petition for Annexation all property within the territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as property within the City, provided that the territory hereby annexed shall assume the territory's share of the bonded indebtedness of the City of Burlington existing as of the effective date of the annexation.

**Section 3.** Zoning. Pursuant to the Comprehensive Plan of the City of Burlington, the territory hereby annexed shall be subject to the development regulations adopted by ordinance of even date.

**Section 4.** Franchise for Solid Waste Removal. Pursuant to the provisions of RCW 35.13.280, the holder of any franchise or permit for solid waste collection shall herewith be granted a franchise for the collection of such solid waste on the same terms and conditions as are set forth in the franchisee or permit holder's existing franchise or permit.

**Section 5.** Duties of the Planning Director. The Planning Director is hereby directed to file a certified copy of this ordinance with the Board of County Commissioners of Skagit County and the County Auditor, and to take the Census and file a Certificate of Annexation with the State Office of Financial Management as set forth in RCS 35.13.260, and to provide notification to affected governmental agencies as may provide services within the area to be annexed; and to such corporations and entities as may have franchises within the area to be annexed, including the effective date of this ordinance.

**Section 6.** Effective Date. This ordinance shall be in full force and effect on the latter of five (5) days after its passage, approval and publication as provided by law, or November 30, 2007.

**Section 7.** Invalidity. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of law, the invalidity shall not affect the validity of any other section, clause, or phrase of this ordinance.

INTRODUCED AND PASSED and approved at a regular meeting of the City Council this \_\_\_\_ day of \_\_\_\_\_, 2007.

THE CITY OF BURLINGTON

ROGER A. TJEERDSMA  
Mayor

ATTEST:

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Marie Lambert Interim City Clerk/Finance Director

APPROVED AS TO FORM:

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Scott Thomas, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Signed by the Mayor:

Published:

Effective Date:

**EXHIBIT A**  
**LEGAL DESCRIPTION**

Assessor's Parcel Numbers P99149, P99154, P112769, P112770, P112768, P112767, AND P112771

That portion of the Northwest  $\frac{1}{4}$  of Section 33, Township 35 North, Range 4 East, W.M., and of Tract 16 of "PLAT OF THE BURLINGTON ACREAGE PROPERTY," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington described as follows:

Beginning at the Northeast corner of Lot 3, Skagit County Short Plat No. 90-76, approved March 11, 1991, and recorded March 13, 1991, in Volume 9 of Short Plats, pages 327 and 328, under Auditor's File No. 9103130025, records of Skagit County, Washington; being a portion the above subdivision; thence South along the West line of Gardner Road, and said West line produced South, to an intersection with the South line of the right-of-way of the Burlington Northern and Santa Fe Railway; thence southwesterly along South line of said right-of-way to a point due South of the Southwest corner of said Lot 2, Skagit County Short Plat No. 90-76, located on the Northerly boundary of State Route 20; thence North to said Southwest corner of said Lot 2; thence Northwesterly along the common boundary between Lots 1 and 2 of said short plat to a common corner; thence S.  $89^{\circ} 55' 45''$ W along the North line of Lot 1 of said short plat to a point which is 200 feet East of the West line of said subdivision, said point also being a corner in the description of that parcel conveyed by deed to the Western Washington Corporation Seventh Day Adventists recorded on January 3, 2006 under Auditor's file number 200601030004 records of Skagit County; thence North along the West boundary of said Seventh Day Adventists parcel to the most Northwest corner thereof; said point also being on the North line of said short plat, thence follow Easterly along the Northerly line of said Seventh Day Adventists parcel and the North line of said short plat to the Point of Beginning.

Situate in the County of Skagit, State of Washington