

ORDINANCE NO. 3462

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, ANNEXING APPROXIMATELY 26 ACRES COMMONLY KNOWN AS THE WHITE-KENEALY ANNEXATION, AND REQUIRING THE PROEPRTY TO BE ASESED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY, AND ZONING THE PROPERTY GENERAL COMMERCIAL (C-2).

WHEREAS, on January 29, 2009, the City of Mount Vernon received a Notice of Intention to annex certain real property commonly known as the White-Kenealy Annexation; and

WHEREAS, the Notice of Intention was signed by the owners of the property representing at least 10% of the assessed value of the property described in Exhibit A attached hereto; and

WHEREAS, on April 8, 2009 the City Council met with the initiators of the annexation, accepted the Notice of Intention subject to certain conditions and authorized circulation of an annexation petition; and

WHEREAS, the Notice of Intention was filed with the County Boundary Review Board which did not invoke jurisdiction within 45 days of the submittal of the Notice of Intention; and

WHEREAS, petitions for annexation have been presented to the City Council of the City of Mount Vernon in compliance with the provisions of RCW 35A.01.040, where certified as sufficient with signatures by the owners of not less than sixty percent (60%) of the assessed value of the property for which annexation is petitioned and a date was fixed for a public hearing thereon with notice of the hearing caused to be published in one or more issue of a newspaper of general circulation in the City and posted in three or more public places within the territory proposed for annexation; and

WHEREAS, the City Council held a public hearing on the proposed annexation on November 4, 2009, and at the conclusion of said hearing , determined the property should be annexed as proposed, subject to the requirement that the property be assessed and taxed at the same rate as other property within the City; now therefore,

THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Annexation. That certain approximate 26 acres of property that is legally described on the attached Exhibit A and depicted on the map attached hereto as Exhibit B, both of which are incorporated herein by this reference as if set forth in full, is hereby annexed to and made a part of the City of Mount Vernon.

Section 2. Zoning. Zoning for the annexation area shall be General Commercial (C-2) in conformance with the Comprehensive Plan designations and pre-annexation zoning for the area.

Section 3. Indebtedness. Pursuant to the terms of the annexation petition, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

Section 4. Duties of the City Clerk. The City Clerk is hereby directed to file a certified copy of this ordinance, together with the attached Exhibits A and B, with the Skagit County Commissioners. In addition, the Clerk is authorized and directed to file the annexation certificate provided for in RCW 35A.14.700 with the Office of Financial Management within the thirty (30) day of the effective date of the annexation.

Section 5. Sanitation Service. In compliance with the provisions of RCW 35A.14.900 Rural Sanitation is hereby granted a ten (10) year permit to collect the garbage in the area annexed by this ordinance commencing on the effective date of this ordinance at which time the City will provide garbage collection in this area.

Section 6. Challenges to RCW 35A.14.900. In the event that RCW 35A.14.900 is found by a State or Federal Appellant Court to be unconditional or invalid then said permit shall be automatically revoked and the City will assume responsibility for the garbage collection service in this area.

Section 7. Franchises & Public Utilities. Franchises for all other public utilities now existing in the annexed area, being provided by the same firms or municipal corporation as those which provide similar services in the City of Mount Vernon, are hereby extended and granted in common with and under the same terms as the existing franchises with said companies or municipal corporation as they exist within the limits of the City of Mount Vernon.

Section 8. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body shall be deemed annexed to the City (5) five days and after its passage, approval and publication as provided by law.

PASSED AND ADOPTED this 4th day of November, 2009.

SIGNED AND APPROVED THIS _____ day of _____, 2009

BUD NORRIS, Mayor

ALICIA D. HUSCHKA, Finance Director

Approved as to form:

KEVIN ROGERSON, City Attorney

Published _____