

ORDINANCE NO. 561

AN ORDINANCE OF THE CITY OF RAINIER, WASHINGTON, ANNEXING CERTAIN DESCRIBED REAL PROPERTY INTO THE CITY OF RAINIER, WASHINGTON, REQUIRING CONFORMANCE TO MUNICIPAL CODES, PLANS, AND POLICIES, AND ESTABLISHING MUNICIPAL CODE REQUIREMENTS TO SAID CERTAIN DESCRIBED REAL PROPERTY ANNEXED PURSUANT TO CHAPTER 35A.14 OF THE REVISED CODE OF WASHINGTON.

WHEREAS, Mr. and Mrs. Schroder are the owners of 100 percent (100%) of the assessed valuation of the described real estate (hereinafter referred to as "OWNERS") described below, situated in Thurston County, State of Washington, previously notified the City of Rainier that they intended to commence proceedings to annex said property to the City of Rainier, and said City previously agreed to accept said proposed annexation and likewise determined that the City of Rainier would require the assumption of said annexed areas of its fair share of any existing indebtedness of the City of Rainier; and

WHEREAS, the Owners petitioned for annexation to the City of Rainier with a written petition signed by the owners of 100% in value according to the assessed valuation of said property, which was filed with the City of Rainier that request the annexation of said property to the City of Rainier; and

WHEREAS, the Thurston County Boundary Review Board concluded its review requirements of the annexation proposal without objections being filed and returned the annexation proposal to the City for final action; and

WHEREAS, the Planning Commission duly noticed and conducted the required Public Hearing into this matter consistent with RCW 35A.14.130 and has made its recommendation to the City County for final action.

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF RAINIER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Legal Description.

The following described real property is hereby annexed to, and shall become a part of the City of Rainier pursuant to Chapter 35A.14 of the Revised Code of Washington:

THE "AREA" BEING ANNEXED INCLUDES THE LAND OCCUPIED BY TPN 21604310000, TPN 21604310100, AND A 1328.84 FOOT LENGTH OF THE HUBBARD ROAD RIGHT-OF-WAY. THE FOLLOWING PROVIDES A MEETS AND BOUNDS DESCRIPTION OF THE "AREA."

DESCRIPTION OF AREA
TO BE ANNEXED INTO
THE CITY OF RAINIER

THAT PORTION OF THE SOUTHWESTERLY PORTION OF SECTION 4, TOWNSHIP 16 NORTH, RANGE 1 EAST W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 16 NORTH, RANGE 1 EAST W.M.; THENCE N 89° 58' 48" E A DISTANCE OF 2643.69 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE N 0° 23' 06" E A DISTANCE OF 1332.64 FEET TO THE TRUE POINT OF BEGINNING AT THE SOUTHEAST CORNER OF THE AREA; THENCE N 0° 23' 06" E A DISTANCE OF 1332.64 FEET ALONG THE EASTERLY BOUNDARY OF THE AREA; THENCE S 89° 38' 35" W A DISTANCE OF 1328.84 FEET ALONG THE NORTHERLY BOUNDARY OF THE AREA; THENCE S 0° 23' 53" W A DISTANCE OF 1328.84 FEET ALONG THE WESTERLY BOUNDARY OF THE AREA; THENCE N 89° 48' 41" E A DISTANCE OF 1356.58 FEET ALONG THE SOUTHERLY BOUNDARY OF THE AREA TO THE POINT OF BEGINNING FOR THE DESCRIBED AREA.

THIS DESCRIPTION WAS PREPARED BY KENNETH W. MARTIG JR. PE, A LICENSED CIVIL ENGINEER IN THE STATES OF WASHINGTON AND OREGON, FOLLOWING THE RECORDED SURVEY (8708040149, VOL. 22, PAGE 45) BY JAMES E. KEYES PLS.

Section 2. Boundary Map. A map outlining the boundaries of the above described real property is attached and is incorporated herein as Exhibit "A".

Section 3. Indebtedness. The real property hereby annexed shall assume its pro rata share of the City of Rainier's indebtedness as of the date hereof and hereafter.

Section 4. Tax Assessment. That property described in Exhibit "A", which is contiguous to the City of Rainier and made a part of the City of Rainier, is subject to

the laws and ordinances of the City of Rainier now and hereafter in effect; provided, however, that the property within the limits of said annexed area shall be taxed or assessed to pay its share of any bonded indebtedness of the City of Rainier contracted prior to or existing at the date of the annexation; provided further, that said annexed property shall not be released from any taxes or assessments levied against it or from any liability for the payment of any outstanding bonds or warrants issued prior to such annexation.

Section 5. Addressing. That said property hereby annexed shall be subject to addressing of existing street names and/or numbers if they are not consistent with either the established City of Rainier "100 Grid Block" designations or the street naming conventions in the City of Rainier Municipal Code Title 12.

Section 6. Zoning. That said property hereby annexed shall be zoned after the owners submit application zoning, which shall be within 120-days of annexation. Said zoning procedures shall comply with development regulations and the Comprehensive Plan Future Land Use map assignment.

Section 7. Solid Waste. The City of Rainier requires collection of solid waste collection under mandatory contracted services.

Section 8. Municipal Services. The annexed area shall be allowed to apply for City water services; provided further that interim sewage disposal shall be allowed as permitted by the Thurston County Environmental Health Department until such time that the City establishes a wastewater treatment plant and sewage disposal system, at which time, connection to that system shall be required upon any development proposal.

Section 9. Municipal Codes, Plans and Policies. Said annexed property shall hereinafter upon effective date of this Ordinance, be subject to all municipal code, plans, policies and other regulations of the City of Rainier.

Section 10. Filing Annexation. From and after the date of publication of this Ordinance, the area described within Section 1 of this Ordinance shall become a part of the City of Rainier.

Section 11. County Recording. The applicant shall be responsible for, and bear the expense of recording any and all necessary documents with the County and the State to effectuate this annexation within the 60-days of the effective date of this Ordinance.

Section 12. Effective Date. This ordinance shall take effect and be in full force 5 days after date of publication as required by law.

Section 13. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

ADOPTED by the City Council of the City of Rainier, Washington this 26th day of February 2008 at a regularly scheduled public meeting.

Nancy Decker, Mayor

ATTEST:

Charmayne Garrison, City Clerk/Treasurer

Approved as to Form;

William L. Cameron, City Attorney

EXHIBIT "A" - Boundary Map

Date of Publication: _____

Effective Date: _____