

ORDINANCE NO. 534

AN ORDINANCE ANNEXING LANDS ADJOINING THE TOWN OF IONE, WASHINGTON, AFTER DUE COMPLIANCE WITH THE PETITION METHOD AS SET FORTH IN RCW 35.13 AND SETTING FORTH THE DATE OF ANNEXATION AND STATING THE PRECINCT TO WHICH SAID AREA IS TO BE INCLUDED AND DIRECTING THE CLERK OF THE TOWN OF IONE TO FILE A CERTIFIED COPY HEREOF WITH THE BOARD OF COUNTY COMMISSIONERS OF PEND OREILLE COUNTY; PROVIDING FOR PROPER NOTICE TO BE GIVEN; PROVIDING THAT SUCH ACTION IS IN THE PUBLIC INTEREST; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF, EFFECTIVE AS OF THE DATE OF PASSAGE.

WHEREAS, the Ione Town Council approved a Notice of Intent to Commence Annexation submitted by the owners of not less than 10% of the assessed valuation of the territory at a regular Council meeting on April 20, 2011; and

WHEREAS, a sufficient percentage of the owners of the property lying and being within the hereinafter described property have petitioned for the annexation of said territory to the Town of Ione; and

WHEREAS, the proposed annexation is located within the Town of Ione's adopted Urban Growth Area; and

WHEREAS, annexation within the Urban Growth Area is consistent with the policies and requirements of the Washington State Growth Management Act; and

WHEREAS, the Town Council held a public hearing upon notice to consider annexation of the property and favors annexation of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF IONE, WASHINGTON AS FOLLOWS:

SECTION I

That the area and territory lying and being within the following described real estate, situated in Pend Oreille County, Washington, and by this reference incorporated herein, shall be and is hereby annexed to the Town of Ione, Washington, and shall be and become a part of said Town.

Pend Oreille County Assessor's Property ID # 5975, Tax Parcel No. 55A, as per Assessor's Plat of record within Section 6, Township 37, Range 43.

Legal Description: A tract of land in Lot 6, Township 37 North, Range 43EWM, described as follows: Beginning at the East Quarter corner of said Section 6, running thence, West 253 feet; thence North to the high water mark on Pend Oreille River; thence Southerly and Easterly along the high water mark of said River to a point of its intersection with the East Line of said Section 6; thence, South to the place of Beginning.

Subject to assessments and easements of record, as per that certain Statutory Warranty Deed, recorded among the Land Records of Pend Oreille County, Washington, on July 21, 1993, at Volume 105, Pages 261 and 262; being the same Deed conveying the said parcel of land from Fred C. Von Jentzen, William A. Von Jentzen, Rose J. Kempe and Ronald H. Von Jentzen, Grantors, to Samuel H. Nicholas and Nancy J. Nicholas, Husband and Wife; however notwithstanding the existing record utility easements, upon annexation utility easements for water and sewer services shall be granted unto the Town of Ione, Washington.

To be commonly known upon annexation as “125 Riverside Avenue”, Ione, Washington.

SECTION II

That upon the effective date of this Ordinance, the corporate limits and boundary lines of the Town of Ione, Washington shall be extended to include the above lands.

SECTION III

That the annexed property shall continue to be assigned to the “Ione East” Election Precinct on the County Election Map.

SECTION IV

That the above-described property which is hereby annexed into the Town of Ione is and shall continue to be zoned residential (“R”) which is compatible with the zoning in that area and is consistent with the Comprehensive Plan and urban growth area planning.

SECTION V

That the annexation of the property above has been accomplished pursuant to the Petition Method set forth in RCW 35.13 without the necessity of an election, and that all of the legal requirements have been met.

SECTION VI

That upon publication hereof, and receipt of the affidavit of publication, the Clerk is hereby directed to file such affidavit and a certified copy of this Ordinance with the Commissioners of Pend Oreille County.

SECTION VII

That the above-described property shall be assessed and taxed the same rate and on the same basis as other property within the Town of Ione, Washington, including assessment of taxes of all or any portion of the outstanding indebtedness of the Town contracted or incurred prior to, or existing on, the date of the annexation.

SECTION VIII

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION IX

The Council having found that the foregoing actions are in the public interest, they are adopted in the foregoing particulars, effective as of the date of passage of this Ordinance.

SECTION X

This Ordinance shall be in full force and effect from and after its date of adoption, summarization and posting, and the Clerk is directed to provide all required notices according to law and to file this Ordinance for record in the Office of the Clerk of the Town of Ione.

DATED this ____ day of _____, 2011.

TOWN OF IONE

Kevin M. Foy, Mayor

ATTEST:

Sandy Hutchinson,
Clerk-Treasurer