

ORDINANCE NO. 1072

AN ORDINANCE OF THE CITY OF NEWPORT, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO SAID CITY, DESIGNATING THE ZONE OF THE ANNEXED PROPERTY, DIRECTING MODIFICATION OF THE OFFICIAL ZONING MAP AND FIXING THE EFFECTIVE DATE OF ANNEXATION.

WHEREAS, BNSF has provided notice to the City of its desire to commence annexation proceedings and has presented a Petition for Annexation and said property is more particularly described in Exhibit 1, which is attached hereto and incorporated herein by this reference, and

WHEREAS, following legal notice as required by law, BNSF's request was presented to the City Planning Commission which forwarded the Petition and related documents to the City Council with the recommendation that the Council approve the annexation request, and

WHEREAS, after notification as required by law, BNSF presented its request for annexation to the City Council, and the City Council indicated that it would look favorably upon the request, and

WHEREAS, BNSF and the City of Newport have executed an Annexation Agreement dated February 22, 2011 which is attached hereto as Exhibit 2 and incorporated herein by this reference, and

WHEREAS, the Annexation Agreement, including the proposed zoning classification within the property is acceptable to all parties,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT, WASHINGTON DO ORDAIN AS FOLLOWS:

SECTION 1: DESCRIPTION OF ANNEXED PROPERTY:

The real property described in Exhibit 1, situated in Pend Oreille County, Washington, is hereby annexed to the City of Newport subject to the specific terms and conditions contained in the Annexation Agreement between BNSF and the City of Newport which is attached hereto as Exhibit 2 and incorporated herein in its entirety.

SECTION 2: ZONING:

The annexed property shall retain its present zoning, Industrial.

SECTION 3: MODIFICATION OF TEXT AND OFFICIAL MAP:

Pursuant to the City of Newport Development Regulations, Chapter 17.02, the text and official map of the City of Newport will be amended to include the property described above which has been annexed into the city, and in accordance with that Chapter, the Mayor and City Clerk shall promptly add the area annexed to the official map, designate the zoning Industrial and sign the amended map.

SECTION 4: DUTY OF CITY CLERK: The City Clerk is directed to provide: (1) the Pend Oreille County Auditor a certified copy of this ordinance, a map of the Property, related legal description including designated zoning, and request that the above be maintained on file in the office of the Auditor; and (2) a certified copy of this Ordinance to the Pend Oreille County Board of County Commissioners, pursuant to RCW 35A.14.140.

SECTION 5: SEVERABILITY:

If any part of this Ordinance is held by a court of competent jurisdiction to be unconstitutional or otherwise unenforceable, such finding shall not invalidate any other part of this Ordinance.

SECTION 6: EFFECTIVE DATE:

Pursuant to the City of Newport Development Regulations, Chapter 17.06.039(H), this annexation shall be final and conclusive 21 days following publication of the Notice of Decision, unless the original applicant or a party adversely affected by the decision makes proper application to a court of competent jurisdiction seeking to reverse or modify the annexation.

PASSED AND ADOPTED THIS ____DAY OF _____ 2011.

By: _____
Shirley Sands
Mayor

ATTEST:

Nickole Schutte
City Clerk/Treasurer

APPROVED AS TO FORM:

Tom Metzger
City Attorney