

ORDINANCE NO. 1215

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE ANN CHIPMAN PROPERTY AND A PORTION OF SUNSET HIGHWAY RIGHTS-OF-WAY TO THE CITY PURSUANT TO THE PETITION METHOD, SAID ANNEXATION BEING LEGALLY DESCRIBED AS SET FORTH IN EXHIBIT "A" TO THIS ORDINANCE, AND GENERALLY DEPICTED IN THE SURVEY MAP AS SET FORTH IN EXHIBIT "B" TO THIS ORDINANCE; DESIGNATING THE ZONING OF THE ANNEXATION AREA; APPROVING THE TITLE OF THE ORDINANCE; CONTAINING A SEVERABILITY PROVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Petitioner, being the owners as defined in RCW 35A.01.040, of not less than ten percent (10%) in value, according to the assessed valuation of the property for which annexation is petitioned, prior to initiation of her petition, notified the City Council of petitioner's intention to commence annexation proceedings for the area commonly known as the Ann Chipman annexation and a portion of Sunset Highway rights-of-way to the City of Cashmere (City); and

WHEREAS, the City Council met with said initiating owner on May 13, 2013 and determined by Council action that the City would accept the proposed annexation providing that existing City indebtedness shall be assumed by the area to be annexed and further providing that the City's Comprehensive Plan shall be deemed to apply to the area upon such annexation; and

WHEREAS, a sufficient petition for annexation was subsequently filed with the City Council pursuant to RCW 35A.14.120, signed by the owner of not less than 10 percent in value, according to the assessed valuation for general taxation, of the property for which annexation is petitioned, seeking annexation to the City of approximately 5.62 acres as legally described in Exhibit "A"; and

WHEREAS, pursuant to RCW 35A.14.130, the City fixed July 8, 2013, at the hour of 7:00 p.m. as the date and time for a public hearing on said proposed annexation and caused notice of such hearing to be published and posted in accordance with the law, and the hearing having been held on that date and all interested parties appearing at said hearing and desiring to be heard in regard to the proposed annexation having been heard by the Council; and now therefore,

The City Council of the City of Cashmere, Washington do ordain as follows:

Section 1. Annexation. The real property commonly known as the Ann Chipman Property and a portion of Sunset Highway rights-of-way in Chelan County, Washington described below, contiguous to the City of Cashmere, Washington, and within the City of Cashmere Urban Growth Boundary, are hereby annexed to and incorporated in the city limits of the City of Cashmere, Washington, on the terms and conditions set forth in this ordinance. The real property annexed by this ordinance is legally described on the attached Exhibit "A" and survey map on the attached Exhibit "B" incorporated herein by this reference.

Section 2. Zoning. Zoning of the annexation area shall be Multi-Family (MF), the zoning depicted in the "Map of the Cashmere Zoning Ordinance". The City Clerk/Treasurer is directed to insert this zoning for the annexation area on the "Map of the Cashmere Zoning Ordinance" when this Ordinance becomes effective.

Section 3. Comprehensive Plan. The annexed real property shall be subject to the Comprehensive Land Use Plan adopted heretofore by the City of Cashmere, Washington. The annexed real property is hereby zoned in accordance with the Comprehensive Plan as Multi-Family (MF), as set forth in the City of Comprehensive Plan Land Use Designation Map.

Section 4. Taxation. The annexed real property described herein shall be assessed and taxed at the same rate and on the same basis as other properties in the City of Cashmere, Washington to pay for all or any portion of the outstanding indebtedness of the City of Cashmere, approved by the voters, contracted or incurred prior to or existing at the date of annexation.

Section 5. Summary. The title of this Ordinance and Exhibits "A" and "B" to this Ordinance collectively are hereby approved as a summary of this Ordinance.

Section 6. Publication. The City Clerk/Treasurer is hereby directed to cause a summary of this Ordinance to be published in a newspaper of general circulation in the City and the City's official newspaper. The City Clerk/Treasurer is further directed to file certified copies of this ordinance with the Board of Commissioners for Chelan County, Chelan County Auditor and Chelan County Assessor.

Section 7. Severability. If any section, sentence clause or phrase of this Ordinance shall be held invalid or unconstitutional by court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause or phrase of this ordinance.

Section 8. Effective Date. This ordinance shall take effect and be in full force five (5) days after the ordinance or a summary thereof consisting of the title is published.

Passed by the City Council of the City of Cashmere and approved by the Mayor at a regular open public meeting this 22nd day of July, 2013.

CITY OF CASHMERE

By: _____
Jeff Gomes, Mayor

Attest:

Kay Jones, City Clerk-Treasurer

Approved as to form:

By: _____
Charles D. Zimmerman, City Attorney

Passed by the City Council: July 22, 2013
Published in the Cashmere Valley Record:
Effective date: August 4, 2013
Ordinance No: 1215

Exhibit "A"

That portion of the northeast quarter, Section 5, Township 23 North, Range 19 East, Willamette Meridian, Chelan County, Washington more particularly described as follows:

Commencing at the Southeast corner Government Lot 1, a 3" aluminum cap on 2" aluminum pipe, from which the East quarter corner said section 5, a 3" brass cap in monument case bears S 00°31'06" E a distance of 1330.40 feet, reference ALTA / ACSM LAND TITLE SURVEY recorded BOOK 45, Pages 50-52 records of said county; thence N 00°31'06" W along the East line Government Lot 1 a distance of 326.35 feet more or less to the South Right of Way line Burlington Northern Santa Fe Railroad; Thence Northwesterly along said South Right of way line a distance of 2099.6 feet more or less to the intersection with the Northerly right of way line Sunset Highway said point being STA 198+90.76, 30 feet left, CRP# 407 – Sunset Highway, said point being the TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; thence S 54°20'50" W a distance of 60.39 feet more or less to the intersection of the Southerly right of way said Sunset Highway and the Westerly right of way Mill Road (CO. RD NO. 327) thence northwesterly along the Southerly right of way line said Sunset Highway a distance of 389.35 feet more or less to the most northerly corner, parcel # 231905120200, described in book 635, page 332, records of said county; thence southerly along the westerly boundary said parcel S 09°47'37" W a distance of 74.76 feet; thence S 26°06'37" W a distance of 168.28 feet; thence S 20°33'23" E a distance of 84.99 feet; thence S 35°13'23" E a distance of 172.98 feet; thence S 16°43'23" E a distance of 207.78 feet; thence S 06°59'37" W a distance of 72.99 feet; thence N 83°47'37" E a distance of 179.98 feet more or less to the Southwest corner Lot 8 Plat of Willowdale Addition To Cashmere, recorded volume 3, page 53, records of said county; thence S 06°12'23" E along the West line said Plat of Willowdale Addition To Cashmere a distance of 236.14 feet to the intersection with the South line of Parcel B, Boundary Line Adjustment 2011-059, recorded Auditor's File No. 2340760 records of Chelan County, Washington; thence along said South line Parcel B the following courses, S 87°42'40" W a distance of 217.98 feet to a rebar and cap LS 14469; thence S 80°38'44" W a distance of 223.86 feet to a rebar and cap LS 14469; thence S 69°09'14" W a distance of 10.00 feet to the Southwest corner said Parcel B, Boundary Line Adjustment 2011-059; thence northerly the following courses along the Westerly boundary said Parcel B; N 04°38'34" W a distance of 64.98 feet; thence N 06°03'14" W a distance of 171.25 feet; thence N 03°09'10" W a distance of 115.54 feet; thence N 01°20'47" W a distance of 113.97 feet; thence N 06°23'44" E a distance of 136.71 feet; thence N 14°56'24" E a distance of 431.95 feet to a rebar and cap LS 14469, said point being on the southwesterly right of

way Sunset Highway, STA 194+22.96, 30 feet right, CRP# 407 – Sunset Highway, thence N 32°15'22" E a distance of 60.00 feet to the northeasterly right of way Sunset Highway, STA 194+22.96, 30 feet left, CRP# 407 – Sunset Highway, thence southeasterly along the northeasterly right of way CRP# 407 – Sunset Highway to the Point of Beginning and end of this description

AREA of described property 5.62 acres more or less.

Horizontal Datum: NAD 83/91 Washington State Plane, North Zone Grid. Distances Hereon are at Grid. Multiply distances by a combined factor of 1.00004220 to achieve ground distances.



Exhibit "B"

