

ORDINANCE NO. 4680

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON ANNEXING CERTAIN TERRITORY KNOWN AS THE "FENCELINE LLC" ANNEXATION TO THE CITY OF ELLENSBURG, WASHINGTON, ASSIGNING RESIDENTIAL SUBURBAN ZONING CLASSIFICATION, PROVIDING FOR THE ASSUMPTION OF EXISTING CITY INDEBTEDNESS AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

WHEREAS, on March 10, 2014, the City of Ellensburg, Washington, received a notice of intention to commence annexation proceedings pursuant to the "direct petition" method of RCW 35A.14.120 for the area to be known as the "Fenceline LLC" annexation area; and

WHEREAS, on May 5, 2014, the City Council of the City of Ellensburg held a public meeting with the annexation initiators pursuant to RCW 35A.14.120 and determined that the initiators could proceed to acquire a 60% petition for annexation pursuant to RCW 35A.14.120; and

WHEREAS, at its May 5, 2014 public meeting the City Council set the annexation area and further determined that the property subject to annexation would be required to comply with the City's Comprehensive Plan and Zoning Code, be required to assume the annexation area's share of City indebtedness and designated the proposed land use zoning as Residential Suburban (R-S); and

WHEREAS, the owners of not less than 60% in value, according to the assessed valuation for general taxation of the property hereinafter described, signed the petition pursuant to RCW 35A.14.120 for the annexation of said area to the City of Ellensburg; and

WHEREAS, the petition for annexation was certified as sufficient by the Kittitas County Assessor on June 12, 2014, having determined that the petition signatures have a combined total assessed value for general taxation of not less than 60% of the total assessed value for general taxation of all property in the proposed annexation area, in compliance with RCW 35A.01.040; and

WHEREAS, the City provided public notice of the petition for annexation and has provided an opportunity for comment thereon by all interested citizens at a duly called and noticed public meeting.

WHEREAS, on July 21, 2014, pursuant to proper notice given in accordance with RCW 35A.14.130, the City Council received and reviewed all of the documentation associated with this annexation proposal, conducted a public hearing on the proposed annexation in accordance with RCW 35A.14.140, and following such hearing determined to effect the annexation of the territory described in Section 1 of this ordinance, finding that the petition for annexation met the applicable requirements, and that the best interests of the City of Ellensburg will be served by the annexation and that it is appropriate to good government of the City of Ellensburg, and therefore accepted the petition for annexation pursuant to RCW 35A.14.120 and Ch. 15.360 ECC; and

WHEREAS, the territory described in Section 1 of this ordinance is contiguous to the City of Ellensburg and entirely within the City of Ellensburg Urban Growth Area established pursuant to RCW 36.70A.110,

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

Section 1. Annexation. The following described parcels and right-of-ways are hereby annexed to and made a part of the City of Ellensburg, to wit:

The South Half of the Northwest Quarter, the North Half of the Southwest Quarter, and that portion of the South Half of the Southwest Quarter lying Northeasterly of Primary State Highway No. 3 (SR 90) as acquired under Declaration of Taking filed in United States District Court for the Eastern District of Washington, Southern Division, under Case No. 2264, all in Section 12, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington;

TOGETHER WITH the county road right of way along the Easterly boundary thereof;

EXCEPT that portion dedicated to the City of Ellensburg by Dedication Deed recorded under Kittitas County Auditor's File 199605220033 and by Corrected Dedication Deed recorded under Kittitas County Auditor's File No. 199605220034.

AND

That portion of the Southeast Quarter of the Southwest Quarter lying Southwesterly of Primary State Highway No. 3 (SR 90), as acquired under Declaration of Taking filed in United States District Court for the Eastern District of Washington, Southern Division, under Case No. 2264, of Section 12, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington;

TOGETHER WITH the county road right of way along the East and South boundaries thereof.

EXCEPT that portion of the Southeast Quarter of the Southwest Quarter of Section 12, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, described as follows:

Beginning at a point on the West line and 30.0 feet North of the Southwest corner of said Southeast Quarter, and running North 00°35' West along said line, 200.00 feet to the right bank of the creek; thence South 40°54' East along said creek, 165.0 feet; thence South 6°54' East along said creek 75.0 feet to the North line of the county road; thence South 89°36' West along said road, 115.0 feet to the place of beginning;

TOGETHER WITH Parcel B-4 of that certain Survey as recorded August 30, 2002, in Book 28 of Surveys, page 9, under Auditor's File No. 200208300001, records of Kittitas County,

Washington; being a portion of the East Half of Section 12, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

TOGETHER WITH Parcel B-2 of that certain Survey as recorded August 30, 2002, in Book 28 of Surveys, page 9, under Auditor's File No. 200208300001, records of Kittitas County, Washington; being a portion of the East Half of Section 12, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington

TOGETHER WITH that portion of the Southwest $\frac{1}{4}$ of Section 12, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, described as follows:

Commencing at the South $\frac{1}{4}$ corner of said section; thence South $89^{\circ}36'$ West along the South line of said Section, 1426.00 feet; thence North $0^{\circ}15'$ West 30.0 feet to the true point of beginning and the North right of way line of the County Road; thence North $0^{\circ}15'$ West 311.4 feet; thence North $89^{\circ}55'$ East 103 feet to the East line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said section; thence southerly along the East line to a point 230 feet Northerly of the Southeast corner or the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section; thence South $40^{\circ}54'$ East along the bank of said creek 75 feet to the North right of way line of the County Road; thence South $89^{\circ}36'$ West to the true point of beginning.

TOGETHER WITH the county road right of way along the Northerly boundaries thereof.

A depiction of the annexation territory, as illustrated in Exhibit A attached and incorporated herein by this reference, shall be kept on file in the records of the Community Development Department.

Section 2. Assessment and Taxation. All property within the territory so annexed shall be assessed and taxed at the same rate and on the same basis as other property of the City of Ellensburg is assessed and taxed to pay for any outstanding indebtedness of the City contracted prior to or existing at the day hereof.

Section 3. Comprehensive Plan Designation. All property within the territory so annexed shall be subject to and a part of the Comprehensive Plan of the City of Ellensburg as presently adopted or as is hereafter amended.

Section 4. Land Use Designation and Zoning. All property within the territory so annexed shall be known and identified as the Fenceline LLC Annexation and is hereby zoned Residential Suburban (R-S). The comprehensive plan for the annexation territory provides a designation of General Commercial for property in the annexation area west of Bull Road and providing for commercial uses and the comprehensive plan designation of Residential for the property within the annexation area east of Bull Road and providing for residential uses.

Section 5. Transmittal and Filing. The Ellensburg City Clerk is directed to file a certified copy of this ordinance with the Kittitas County Board of County Commissioners.

Section 6. Effective Date. This ordinance shall take effect and be in full force five (5) days after its passage, approval and publication.

Section 5. Corrections by City Clerk or Code Reviser. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on August 18, 2014.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney