

## **ORDINANCE 1818**

**AN ORDINANCE** ANNEXING TO THE CITY OF BURLINGTON A TRACT OF LAND LOCATED WITHIN TRACTS 58 AND 65, PLAT OF BURLINGTON ACREAGE PROPERTY AS PER PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 49, RECORDS OF SKAGIT COUNTY, WASHINGTON (FULLY DESCRIBED AT SECTION 1, HEREIN); AND THE ABUTTING GARDNER ROAD RIGHT-OF-WAY, SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

**WHEREAS**, the Sharon Alder LLC, property owners, have requested the annexation of an unincorporated island of land to the City of Burlington, and

**WHEREAS**, the site of the proposed annexation consists of an unincorporated island of territory containing residential property owners and having at least eighty percent of the boundaries of such area contiguous to the City Limits of Burlington including Assessor's Parcels P62688, P62713, P62736 and the adjacent Gardner Road right-of-way; and

**WHEREAS**, the site is presently zoned Urban Reserve Residential in Skagit County that includes existing farm and processing buildings, a residence, land that is currently being farmed, and land that is classified as special flood risk that is in open space use; and

**WHEREAS**, the process for annexation is regulated by RCW 35A.14.295, RCW 35A.14.297 and RCW 35A.14.299 that authorizes the City Council to resolve to annex the territory, state the number of voters residing therein and set a date for a public hearing on such resolution, notice being provided by publication of the resolution at least once a week for two weeks prior to the date of the hearing in the newspaper; and

**WHEREAS**, the residents or property owners of the area included in the annexation shall be afforded an opportunity to be heard; and

**WHEREAS**, the effective date of the ordinance shall be not less than forty-five days after the passage thereof, which shall also be published once each week for two weeks subsequent to the passage of the ordinance if the ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of such requirements; and

**WHEREAS**, the date for public hearing on the annexation shall be July 23, 2015, and

**WHEREAS**, there are no registered voters residing on the site to be annexed, and

**WHEREAS**, such annexation ordinance shall be subject to referendum for forty-five days after the passage thereof.

**WHEREAS**, pursuant to state law a public hearing was held on said annexation on July 23, 2015 and the City Council voted to approve the annexation, and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** That certain territory situated in Skagit County, Washington lying contiguous to the present boundaries of the City of Burlington and as described below is hereby annexed to the City of Burlington.

**That portion of Tracts 58 and 65, PLAT OF BURLINGTON ACREAGE PROPERTY, as per plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:**

**Beginning at the Northwest corner of East ½ of Tract No. 58, PLAT OF BURLINGTON ACREAGE; thence Southerly along the West line of the said East ½ of said No. 58, PLAT OF BURLINGTON ACREAGE, to the Northeast corner of that certain Tract as conveyed to Dike District No. 12 by deed recorded under Skagit County Auditor's File No. 268258; thence South 89°45'41" West 90.0 feet along the North line of said Dike District No. 12 Tract (Auditor's File No. 268258); thence Southerly parallel with the East line of said Dike District No. 12 Tract (Auditor's File No. 268258), extended, to the South line of Tract 65, PLAT OF BURLINGTON ACREAGE PROPERTY; thence Easterly along the South line of said Tract 65, PLAT OF BURLINGTON ACREAGE PROPERTY, to the West line of that certain Tract of land conveyed to Dike District No. 12 by instrument recorded under Skagit County Auditor's File No. 528515; thence North 26°43'48" East, to a point along the South line of Tract No. 58, PLAT OF BURLINGTON ACREAGE; thence Easterly along the South line of Tract No. 58, PLAT OF BURLINGTON ACREAGE, to the Southeast corner of said Tract 58; thence Northerly along the East line of Tract No. 58, PLAT OF BURLINGTON ACREAGE, to the Northeast corner of said Tract 58; thence Westerly along the North line of Tract No. 58, PLAT OF BURLINGTON ACREAGE, to the point of beginning of this description;**

**TOGETHER WITH the abutting 'Gardner Road Right-of-Way;**

**Situate in the County of Skagit, State of Washington.**

**Section 2.** Pursuant to state law, the described property is hereby annexed to the City of Burlington will be subject to liability for existing indebtedness of the City of Burlington.

**Section 3.** This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

INTRODUCED AND PASSED and approved at a regular meeting of the City Council this \_\_\_\_ day of \_\_\_\_\_, 2015.

THE CITY OF BURLINGTON

BY: \_\_\_\_\_  
Steve Sexton  
Mayor

ATTEST:

\_\_\_\_\_  
Crystil O. Wooldridge, Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Leif Johnson City Attorney

1. Adopt annexation resolution at June 11, setting date for hearing in the resolution.
2. Public notice twice a week apart before the hearing (June 25)
3. Adopt ordinance annexing site on June 25, following opportunity for public hearing, with effective date 45 days from date of hearing, legal notice twice a week apart. (OR on July 23 as Fleek is gone the week after the 4<sup>th</sup>)

RCW 35A.14.295

## Annexation of unincorporated island of territory within code city — Resolution — Notice of hearing.

(1) The legislative body of a code city may resolve to annex territory to the city if there is within the city, unincorporated territory:

(a) Containing less than one hundred seventy-five acres and having all of the boundaries of such area contiguous to the code city; or

(b) Of any size containing residential property owners and having at least eighty percent of the boundaries of such area contiguous to the city. Territory annexed under this subsection (1)(b) must be within the same county and within the same urban growth area designated under RCW [36.70A.110](#), and the city must plan under chapter [36.70A](#) RCW.

(2) The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and set a date for a public hearing on such resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the area to be annexed.

(3) For purposes of subsection (1)(b) of this section, territory bounded by a river, lake, or other body of water is considered contiguous to a city that is also bounded by the same river, lake, or other body of water.

RCW 35A.14.297

## Ordinance providing for annexation of unincorporated island of territory — Referendum.

On the date set for hearing as provided in RCW [35A.14.295](#), residents or property owners of the area included in the resolution for annexation shall be afforded an opportunity to be heard. The legislative body may provide by ordinance for annexation of the territory described in the resolution, but the effective date of the ordinance shall be not less than forty-five days after the passage thereof. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the area to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of such requirements. Such annexation ordinance shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition as provided in RCW [35A.14.299](#) below, a referendum election shall be held as provided in RCW [35A.14.299](#), and the annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from, but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, as provided by RCW [35A.14.299](#) below, the area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation.

RCW 35A.14.299

## Annexation of unincorporated island of territory within code city — Referendum — Effective date if no referendum.

Such annexation ordinance as provided in RCW [35A.14.297](#) shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose according to RCW [29A.04.330](#). Notice of such election shall be given as provided in RCW [35A.14.070](#) and the election shall be conducted as provided in RCW [35A.29.151](#). The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the code city upon the date fixed in the ordinance of

annexation. From and after such date, if the ordinance so provided, property in the annexed area shall be subject to the proposed zoning regulation prepared and filed for such area as provided in RCW [35A.14.330](#) and [35A.14.340](#). If the ordinance so provided, all property within the area annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of such city contracted prior to, or existing at, the date of annexation.

[2006 c 344 § 25; 1967 ex.s. c 119 § [35A.14.299](#).]