

ORDINANCE NO. 1822-15

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, ANNEXING APPROXIMATELY 230 ACRES COMMONLY KNOWN AS THE NORTHERN STATE ANNEXATION AND REQUIRING THE PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY, AND ZONING THE PROPERTY PUBLIC (P); AND ZONING THE FIVE OUTLYING PARCELS SINGLE-FAMILY RESIDENTIAL (R-5) CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN.

WHEREAS, on March 19, 2015 the City of Sedro-Woolley received a Notice of Intention to annex certain real property commonly known as the Northern State Campus Annexation; and

WHEREAS, the Notice of Intention was signed by the Washington State Department of Enterprise Services representing at least 10% of the assessed value of the property described in **Exhibit A** attached hereto; and

WHEREAS, on March 25, 2015 the City Council held a public meeting with the initiators of the annexation, with the approval of Resolution 912-15, and accepted the Notice of Intention subject to certain conditions and authorized circulation of an annexation petition; and

WHEREAS, the Notice of Intention was filed with the County Boundary Review Board on April 13, 2015. The County Boundary Review Board required 45 day comment period ended on May 27, 2015 without any comment.; and

WHEREAS, petitions for annexation were presented to the City Council of the City of Sedro-Woolley in compliance with the provisions of RCW 35A.01.040, were certified as sufficient with signatures by the owners of not less than sixty percent (60%) of the assessed value of the property for which annexation is petitioned and a date was fixed for a public hearing thereon with notice of the hearing caused to be published in one or more issue of a newspaper of general circulation in the City; and

WHEREAS, the City Council held a public hearing on the proposed annexation on September 9, 2015 and at the conclusion of said hearing, determined the property should be annexed as proposed, subject to the requirement that the property be assessed and taxed at the same rate as other property within the City; and

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION ONE. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. The City Council also adopts the further findings as outlined below in ‘Section Three’.

SECTION THREE. FURTHER FINDINGS.

1. Skagit County’s Comprehensive Plan and Zoning Designations for the subject annexation area are: (URP-OS) Urban Reserve Public Open Space for parcels 38607, 100632, 100646 and 39356 and the five outlying parcels 39359, 39343, 39341, 39340 and 39353. Sedro-Woolley’s Comprehensive Plan has the subject annexation area identified as part of the City’s Urban Growth Area and the City has pre-designated this area with a Comprehensive Plan designation of Public (P) for parcels 38607, 100632, 100646, and 39356 and as Single-Family Residential (R-5) for parcels 39359, 39343, 39341, 39340 and 39353.
2. The City finds that the subject annexation is consistent with the City’s Comprehensive Plan.
3. The public notice requirements for this annexation have been satisfied. For the September 9, 2015 hearing a notice was published in the Skagit Valley Herald on August 26, 2015 and individual notices were sent to property owners within 500-feet of the proposed annexation area and to all parties of record including governmental agencies on August 25, 2015.

SECTION FOUR. ANNEXATION. That certain approximate 230 acres of property that is legally described on the attached **Exhibit B**, and depicted on the map attached hereto as **Exhibit B**, both of which are incorporated herein by this reference as if set forth in full, is hereby annexed to and made a part of the City of Sedro-Woolley.

SECTION FIVE. ZONING. Zoning for the annexation area shall be Public (P) and Single Family Residential (R-5) in conformance with the Comprehensive Plan designations and pre-annexation zoning for the area, **Exhibit C**.

SECTION SIX. INDEBTEDNESS. Pursuant to the terms of the annexation petition, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation. Property tax assessment and bonded indebtedness does not apply to properties under public ownership.

SECTION SEVEN. DUTIES OF THE CITY CLERK. The City Clerk is hereby directed to file a certified copy of this ordinance, together with the attached **Exhibits A, B and C**, with the Skagit County Commissioners. In addition, the Clerk is authorized and directed to file the annexation certificate provided for in RCW 35A.14.700 with the Office of Financial Management within the thirty (30) day of the effective date of the annexation.

SECTION EIGHT. SANITATION SERVICE. In compliance with the provisions of RCW 35A.14.900 Rural Sanitation (Waste Management) is hereby granted a five (5) year permit to collect drop box solid waste and a ten (10) year permit to collect the garbage in the area annexed by this ordinance commencing on the effective date of this ordinance at which time the City will provide garbage collection in this area.

SECTION NINE. CHALLENGES TO RCW 35A.14.900. In the event that RCW 35A.14.900 is found by a State or Federal Appellant Court to be unconstitutional or invalid then said permit shall be automatically revoked and the City will assume responsibility for the garbage collection service in this area.

SECTION TEN. FRANCHISES & PUBLIC UTILITIES. Franchises for all other public utilities now existing in the annexed area, being provided by the same firms or municipal corporation as those which provide similar services in the City of Sedro-Woolley, are hereby extended and granted in common with and under the same terms as the existing franchises with said companies or municipal corporation as they exist within the limits of the City of Sedro-Woolley.

SECTION ELEVEN. EFFECTIVE DATE. This Ordinance, being an exercise of a power specifically delegated to the City legislative body shall be deemed annexed to the City (5) five days after its passage, approval and publication as provided by law.

SECTION TWELVE. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

PASSED AND ADOPTED this ___th day of ___, 2015.

SIGNED AND APPROVED THIS _____ day of _____, 2015

MIKE ANDERSON, Mayor

PATSY NELSON, Finance Director

Approved as to form:

ERON BERG, City Attorney

Published _____