

ORDINANCE NO. 2016-1510

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF CHELAN; PROVIDING FOR THE ASSUMPTION OF EXISTING INDEBTEDNESS AND ZONING DESIGNATION; AND APPROVING A PRE-ANNEXATION AGREEMENT

RECITALS

- A. Darrin Dietrich and Shari Dietrich, husband and wife, filed a “Notice of Intent to Commence Annexation Proceedings to the City of Chelan Washington” with the City on June 8, 2015 to annex the property they own be annexed into the City under the “10% petition” method of annexation authorized by RCW 35A.14.020, *et. seq.*
- B. The City Council accepted the Notice of Intent to Annex on September 10, 2015, and required the annexation be expanded to include the property depicted in ***Exhibit A*** and described in ***Exhibit B*** (the “Annexation Area”), the Annexation Area assume its share of the City’s indebtedness and the Annexation Area be zoned as Special Use District, according to the City’s pre-annexation zoning map.
- C. Subsequent to the City Council’s acceptance of the Notice of Intent to Annex, the owners of all properties within the Annexation Area (the “Property Owners”) agreed the Annexation Area be annexed into the City, thereby converting the process of annexation into the “60% Petition Annexation Method” authorized by RCW 35A.14.120, *et. seq.*
- D. The Property Owners and the City’s planning staff negotiated a “Pre-Annexation Agreement”, a copy of which, without exhibits, is attached as ***Exhibit E***, which constitutes the petition by the Property Owners to annex the Annexation Area into the City;
- E. RCW 36.70B.170-.210 and CMC 19.38 authorize the City to enter into development agreements to control the use and development of property as part of a proposed annexation.
- F. On March 24, 2016, the City Council scheduled a public hearing for April 12, 2016 to afford interested persons to appear and voice approval or disapproval of the annexation of the Annexation Area into the City and the Pre-Annexation Agreement and directed the City’s Staff to provide notice of the public hearing;

- G. The City Council held the public hearing on April 12, 2016 and determined Notice of the public hearing was properly given; and
- H. The City Council has carefully reviewed and considered the annexation of the Annexation Area and the Pre-Annexation Agreement, and finds that the best interest of the City will be served and that it is appropriate to good government of the City to annex the Annexation Area into the City based on the terms of the Pre-Annexation Agreement.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHELAN, WASHINGTON,
DOES RESOLVE AS FOLLOWS:

Section 1. The above Recitals and the attached Exhibits are incorporated in and made a part of this Ordinance.

Section 2. The Annexation Area is annexed into the City under the “60% Petition Annexation Method” authorized by RCW 35A.14.120, *et.seq.*.

Section 3. The Pre-Annexation Agreement is approved and the Mayor shall execute the Pre-Annexation Agreement on behalf of the City.

Section 4. Except as provided in the Pre-Annexation Agreement, all water rights appurtenant to properties in the Annexation Area shall be transferred to the City, under Chapter 13.40 of the Chelan Municipal Code.

Section 5. The properties within the Annexation Area shall be assessed and taxed at the same rate and on the same basis as the property within the City is assessed and taxed, to pay for all of the outstanding indebtedness of the City.

Section 6. The Annexation Area shall be zoned Special Use District, as depicted in the official pre-annexation zoning map of the City. The Community Development Director shall insert the appropriate zoning for the Annexation Area on the official zoning map of the City on the effective date of this Ordinance.

Section 7. The title is approved as a summary of this Ordinance.

Section 8. The Clerk shall cause the title of this Ordinance to be published in a newspaper of general circulation in the City and the City’s official newspaper, and shall file a certified copy of this Ordinance with the Board of Commissioners for Chelan County.

Section 9. Upon the effective date of this Ordinance, the Clerk shall record the Pre-Annexation Agreement with the Chelan County Auditor.

Section 10. This Ordinance shall become effective forty-five days after passage, approval and publication.

PASSED at the regular session of the City Council of the City of Chelan, Washington on April 12, 2016.

Mike Cooney, Mayor

ATTEST:

Peri Gallucci, City Clerk

APPROVED AS TO FORM:

Quentin Batjer, City Attorney

FILED WITH THE CITY CLERK: April 5, 2016
PASSED BY THE CITY COUNCIL: April 12, 2016
PUBLISHED: April 20, 2016
EFFECTIVE DATE: May 20, 2016
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