

ORDINANCE NO. 1462

AN ORDINANCE adopting an agreement with San Juan County to relocate the Town of Friday Harbor's corporate boundary line.

WHEREAS, on August 5, 2010, the Town Council adopted Ordinance No. 1435, authorizing the annexation of certain real property contiguous to the Town, located at 1049 San Juan Valley Road, Tax Parcel No. 351491801000 ("the Property") for the development of the PeaceHealth medical center; and

WHEREAS, the annexation of the Property moved the Town's corporate boundary line to the southeasterly edge of the street right-of-way running along San Juan Valley Road No. 1; and

WHEREAS, RCW 35.21.790 authorizes the Town of Friday Harbor and San Juan County to revise their municipal boundaries by agreement when the Town's boundary coincides with the edge of the County's public street right-of-way; and

WHEREAS, on March 8, 2011, the Town Council and the County Council met to discuss the Agreement and expressed a desire to move forward with the Agreement, and the County Council set for hearing on March 22, 2011, its ordinance adopting the Agreement; and

WHEREAS, the Town Council desires to relocate the Town's corporate boundary line to the other side of San Juan Valley Road, as set forth in the Agreement and its attachments; and

WHEREAS, after the passage of this ordinance, the Agreement shall become effective upon the effective date of the County's ordinance approving the Agreement, and after the Agreement is duly executed by the parties.


NOW THEREFORE, be it ordained by the Council of the Town of Friday Harbor, as follows:

SECTION 1. The Agreement attached as Exhibit 1, relocating the corporate boundary line between the Town of Friday Harbor and San Juan County and conveying to the Town of Friday Harbor the County's easement interest in said street right-of-way, is hereby adopted pursuant to RCW 35.21.790.

SECTION 2. This Ordinance shall become effective upon its passage and publication in accordance with state law.

ADOPTED this 17th day of March, 2011.

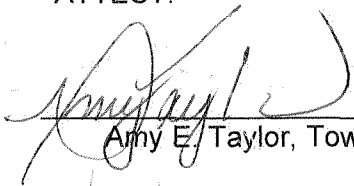
TOWN OF FRIDAY HARBOR



Carrie Lacher, Mayor

SEAL of the
Town of Friday Harbor

ATTEST:



Amy E. Taylor, Town Clerk

When recorded, return to: Council Members

San Juan County Council

San Juan County, WA
F. Milene Henley, Auditor
ILAGR
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2011-0413015

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Total: \$0.00



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Recorded at the request of:

SAN JUAN COUNTY COUNCIL

Document Titles(s): **Agreement by and between the Town of Friday Harbor and San Juan County to adjust Municipal Boundaries**

Grantors: San Juan County

By and between: The Town of Friday Harbor and San Juan County

San Juan County Agreement
No. 11CC.001

Legal Description: See Attached

CONFORMED COPY

**AGREEMENT
BY AND BETWEEN THE TOWN OF FRIDAY HARBOR
AND SAN JUAN COUNTY
TO ADJUST MUNICIPAL BOUNDARIES**

THIS AGREEMENT is made and entered into this 4th day of April 2011, by and between the Town of Friday Harbor, a Washington municipal corporation ("the Town") and San Juan County, a political subdivision of the state of Washington ("the County"), to adjust the corporate boundary between the Town and the County.

RECITALS

A. RCW 35.21.790 authorizes a town and a county to revise their boundaries by agreement when a town's corporate (municipal) boundaries coincide with the centerline, edge, or any portion of a public street right-of-way so that the town's corporate boundaries may fully include or fully exclude the public street from the corporate limits of the town.

B. On August 5, 2010, the Town Council adopted Ordinance No. 1435, authorizing the annexation of certain real property contiguous to the Town located at 1049 San Juan Valley Road, Tax Parcel No. 351491801000 ("the Property"), which annexation moved the Town's municipal boundaries to the southeasterly edge of the street right-of-way running along San Juan Valley Road No. 1, as described in Attachment A ("Town Boundary").

C. As a result of the annexation the boundary between the Town and the County follows the San Juan Valley Road No. 1 right-of-way. The existing boundary is legally described in Attachment A.

D. For administrative efficiencies and to avoid duplication of efforts between the Town and the County, the Town desires to expand its municipal boundary so that such boundary is relocated to the northwesterly side of the road right-of-way, as described in Attachment B.

E. The County agrees to convey the County's easement interest in the public right-of-way in the road, within the area described in Attachment C to the Town.

B. AGREEMENT

NOW, THEREFORE, the Town and the County hereby agree:

1. **Purpose.** The purpose of this Agreement is to move the Town's municipal boundary line from the southeasterly edge of San Juan Valley Road to the northwesterly edge of San Juan Valley Road, and to transfer the County's easement interest in the public road right-of-way in said road to the Town, which easement will be owned and maintained by the Town from the effective date of this Agreement, in perpetuity.

2. **Revised Boundary Line.** The boundary between the Town and the County established through this Agreement shall be relocated to the northwest side of San Juan Valley Road, along the line legally described in Attachment B. Attachment D is a map depicting the change in boundary lines and the area of road right-of-way being conveyed from the County to the Town.

3. **Transfer of easement interest.** Through this Agreement and accompanying ordinance and resolution passed by the Town and the County, and under the authority granted in RCW 35. 21.790, the County grants and conveys its easement for public road right-of-way over the land legally described in Exhibit C to the Town. The effect of this conveyance of the County's right-of-way easement is to transfer all of the rights and powers associated with the County's right-of-way interest in the road to the Town as a public street for public passage, utilities, street purposes, and such other rights, powers and privileges implied from the grant of such easement in perpetuity.

4. **Franchises** For that portion of the public street right-of-way transferred to the Town under this Agreement:

a. The existing franchise between Orcas Power and Light Company (OPALCO) and San Juan County shall be transferred to the Town under the same terms and conditions as the Town's current franchise agreement with OPALCO, Town Ordinance Nos. 1318 and 1261; and

b. Any other franchise providing a utility shall be transferred to the Town.

5. **Severability.** If any term or provision of this Agreement is held by any court or tribunal to be illegal or in conflict with any law of the state of Washington, the remaining parts of the Agreement shall not be affected, and the remainder of the Agreement shall continue in full force and effect.

6. **Governing law.** The laws of the state of Washington shall govern this Agreement.

7. **Entire Agreement.** This document contains the entire agreement between the parties and statements, promises or inducements made by the parties that are not contained in this Agreement shall not be valid or binding.

8. **Modification.** This Agreement may not be modified or altered except by written agreement of both parties.

9. **Effective Date.** The effective date of this Agreement is the date it is executed as set out in the introduction to this Agreement. The executed Agreement shall be recorded with the San Juan County Auditor.

CARRIE LACHER, MAYOR
TOWN OF FRIDAY HARBOR

DONALD D. ROSE
COUNTY ADMINISTRATOR
SAN JUAN COUNTY

Carrie Lacher 3-17-11 Donald D. Rose
Date 4 April 2011 Date

APPROVED AS TO FORM

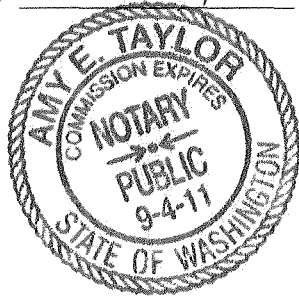
**San Juan County Prosecuting Attorney
Randall K. Gaylord**

By: Karen Vedder 3/14/11
Date

[illegible]

I certify that I know or have satisfactory evidence that Carrie Lacher is the person who appeared before me and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Mayor of the Town of Friday Harbor to be the free and voluntary act of the Town for the uses and purposes mentioned in the instrument.

Dated: 3-17-11



(Signature)

Amy E. Taylor
Printed Name

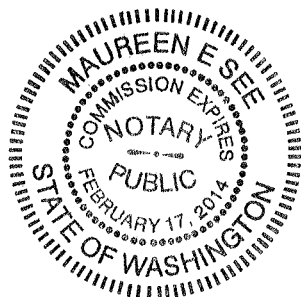
Notary Public
Title

My appointment expires 9-4-11

[illegible]

I certify that I know or have satisfactory evidence that Donald D. Rose is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the County Administrator of San Juan County to be the free and voluntary act of the County for the uses and purposes mentioned in the instrument.

Dated: 4-4-11



Maureen See
(Signature)

MAUREEN SEE
Printed Name

Printed Name _____
Title Deputy Clerk

My appointment expires 2-17-14

ATTACHMENT A

LEGAL DESCRIPTION

Existing Corporate Boundary between Town of Friday Harbor and San Juan County

A line described as the southeasterly limits of the County Road right-of-way in the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter, Section 14, Township 35 North, Range 3 West, W.M., San Juan County, Washington, said line being 30 feet southeasterly of the County Road right of way centerline of San Juan Valley County Road Number 9 (actually County Road Number 1) being described and shown in Record of Survey, Book 12, Page 110 and 110 A, Auditor's File Number 94042009, records of San Juan County, Washington.

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ATTACHMENT B

LEGAL DESCRIPTION

SAN JUAN VALLEY COUNTY ROAD

Proposed Corporate Boundary between Town of Friday Harbor and San Juan County

A line described as the northwesterly limits of the County Road right-of-way in the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter, Section 14, Township 35 North, Range 3 West, W.M., San Juan County, Washington, said line being 30 feet northwesterly of the County Road right-of-way centerline of San Juan Valley Road County Road Number 9 (actually County Road Number 1) being described and shown in Record of Survey, Book 12, Page 110 and 110 A, Auditor's File Number 94042009, records of San Juan County, Washington.

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_COPY TO ASSETS\San Juan\3 W_35 N\Sec 14\SJV Road Legalproposed boundary line.docx

ATTACHMENT C

LEGAL DESCRIPTION

SAN JUAN VALLEY ROAD NUMBER 1 RIGHT OF WAY

A strip of land 60 feet in width, 30 feet each side of the centerline of the County Road right-of-way in the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter, Section 14, Township 35 North, Range 3 West, W.M., San Juan County, Washington, said County Road right-of-way center line of San Juan Valley Road Number 9 (actually County Road Number 1) being described and shown in Record of Survey, Book 12, Page 110 and 110 A, Auditor's File Number 94042009, records of San Juan County, Washington.

Together with slope rights.

I:\Programs_Operations_Services\County Surveyor\In House Research and Survey\Archived
_COPY TO ASSETS\San Juan\3 W_35 N\Sec 14\SV Road Legal.docx

ATTACHMENT D

SW-NW

SE-NW

SW-NE

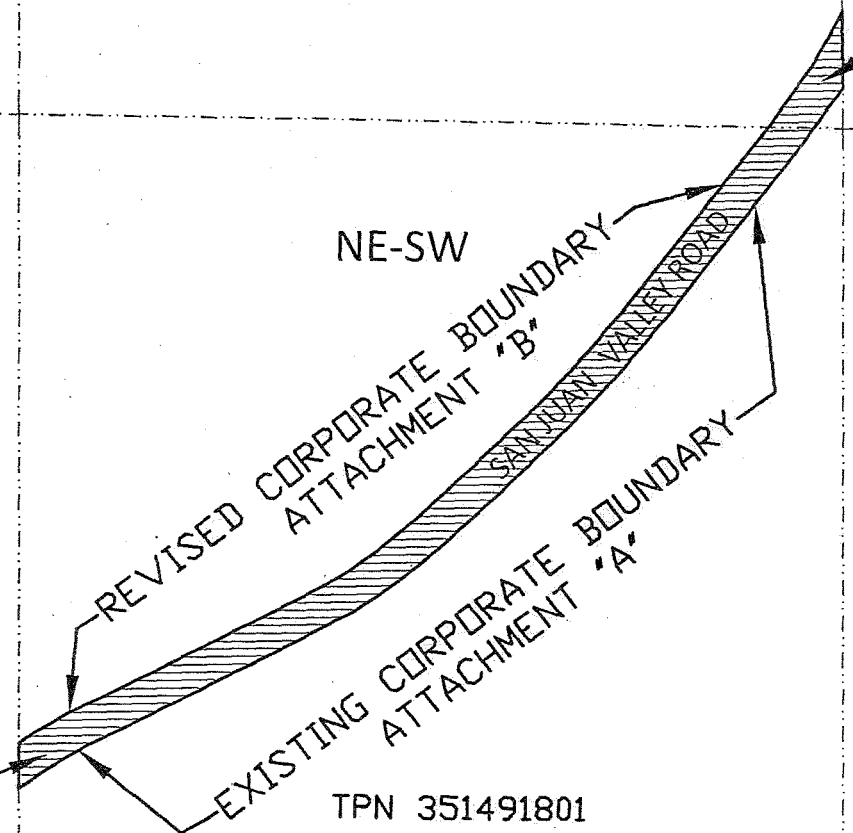
SECTION 14, TOWNSHIP 35 N, RANGE 3 W

NW-SW

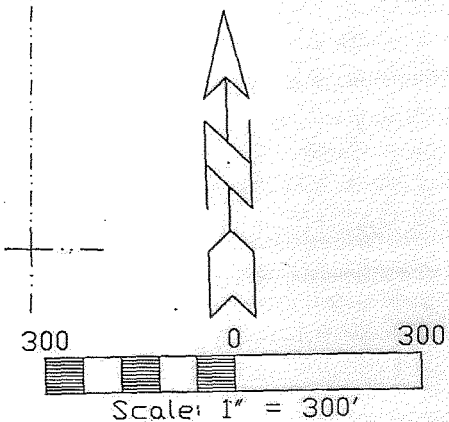
NE-SW

NW-SE

ROAD RIGHT OF
WAY TRANSFERED
FROM SAN JUAN
COUNTY TO TOWN
OF FRIDAY
HARBOR
ATTACHMENT "C"



TPN 351491801



ORDINANCE NO. 1462

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WHEREAS, the annexation of the Property moved the Town's corporate boundary line to the southeasterly edge of the street right-of-way running along San Juan Valley Road No. 1; and

WHEREAS, RCW 35.21.790 authorizes the Town of Friday Harbor and San Juan County to revise their municipal boundaries by agreement when the Town's boundary coincides with the edge of the County's public street right-of-way; and

WHEREAS, on March 8, 2011, the Town Council and the County Council met to discuss the Agreement and expressed a desire to move forward with the Agreement, and the County Council set for hearing on March 22, 2011, its ordinance adopting the Agreement; and

WHEREAS, the Town Council desires to relocate the Town's corporate boundary line to the other side of San Juan Valley Road, as set forth in the Agreement and its attachments; and

WHEREAS, after the passage of this ordinance, the Agreement shall become effective upon the effective date of the County's ordinance approving the Agreement, and after the Agreement is duly executed by the parties.

NOW THEREFORE, be it ordained by the Council of the Town of Friday Harbor, as follows:

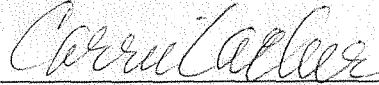
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COPY

SECTION 2. This Ordinance shall become effective upon its passage and publication in accordance with state law.

ADOPTED this 17th day of March, 2011.

TOWN OF FRIDAY HARBOR

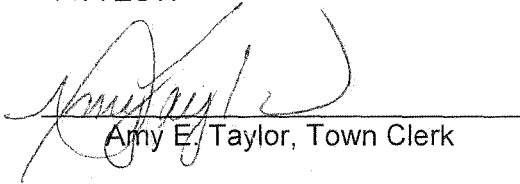


Carrie Lacher, Mayor

SEAL of the

Town of Friday Harbor

ATTEST:


Amy E. Taylor, Town Clerk

COPY

ORDINANCE 9 -2011

AN ORDINANCE ADOPTING AN AGREEMENT REVISING
THE MUNICIPAL BOUNDARY
BETWEEN THE TOWN OF FRIDAY HARBOR
AND SAN JUAN COUNTY

BACKGROUND

A. The Town of Friday Harbor ("Town") adopted Ordinance No. 1435 approving the annexation of real property within San Juan County ("County") located at 1049 San Juan Valley Road (TPN 351431004).

B. A certificate of annexation was filed with the State of Washington Office of Financial Management.

C. The County and the Town of Friday Harbor desire to execute an agreement pursuant to RCW 35.21.790 to revise the corporate (municipal) boundary between the Town and the County moving the boundary in the vicinity of 1049 San Juan Valley Road No. 1 from the southeasterly side of the road to the northwesterly side of the road.

D. RCW 35.21.790 provides that an agreement to revise the corporate boundary between the Town and the County is effective when approved by an ordinance of the Town Council and by an ordinance or resolution of the County legislative authority.

E. The County Engineer recommends approval of the revision to the boundary between the County and the Town.

E. The boundary revision will not be complete until both the Town and the County enter into an agreement and take legislative action approving the relocation of the boundary.

F. The County Council has held a duly advertised public hearing to consider this revision of corporate boundaries and conveyance of the accompanying road right-of-way as described in the attached Agreement between the Town and the County.

NOW, THEREFORE, BE IT ORDAINED, by the San Juan County Council that:

Sec. 1. The Agreement, attached as Exhibit 1, relocating the corporate boundary between the Town of Friday Harbor and San Juan County to include a portion of San Juan Valley Road No. 1 within the Town of Friday Harbor; and conveying the affected road right-of-way to the Town of Friday Harbor shall be adopted.

Sec. 2. This ordinance shall become effective ten days after its adoption.

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