

**ORDINANCE NO. 1565
CITY OF LEAVENWORTH, WASHINGTON**

AN ORDINANCE REPEALING ORDINANCE NO. 1560, BUT PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY LOCATED AT 9342 ICICLE ROAD, IDENTIFIED AS PARCEL NO. 241711420100, AND FURTHER DESCRIBED BELOW TO THE CITY OF LEAVENWORTH, WASHINGTON, INCORPORATING THE SAME WITHIN THE CORPORATE LIMITS THEREOF, AND ADOPTING ZONING REGULATIONS FOR THE ANNEXED PROPERTY

Recitals

This ordinance provides for annexation of certain property into the City of Leavenworth under the direct petition method of RCW 35A14.120 to .150.

NOW, THEREFORE, the City Council of the City of Leavenworth, Washington do ordain as follows:

Section 1. Ordinance No. 1560 is hereby repealed.

Section 2. The real property in Chelan County, Washington, described on Exhibit "A" and shown within Exhibit "B" attached hereto, owned by Larry W. Langston located at 9342 Icicle Road, identified as parcel no. 241711420100, and further described as Township 24 North, Range 17 East Willamette Meridian, Section 11 North West South East (quarter) – 10.11 acres (per the Chelan County Assessor's Office), further described as:

All That Part of Government Lot 5, Section 11, Township 24 North, Range 17 East of the Willamette Meridian, Chelan County, Washington, Lying South of The Southerly Right of Way of State Highway No. 2, and West of The Westerly Right of Way of The Icicle Creek County Road;

Except the Following Described Portion:

Beginning at the Southeast Corner of Said Government Lot 5; Thence Running North 89°41'01" West 73.82 Feet Along the South Line of Said Lot 5 To the West Edge of The Icicle Creek County Road Right of Way and The Point of Beginning; Thence Continuing North 89°41'02" West 608.18 Feet to the Southwest Corner of a Parcel Described in

Deed Recorded December 8, 1937, In Book 261, Page 344, Under Auditor's File No. 281145; Thence North 20038'59" East 342.00 Feet Along the West Line of Said Parcel; Thence South 89°41'01" East 282.5 Feet Along the North Line of Said Parcel; Thence North 80°54' 56" East 199.38 Feet to the Westerly Edge of the Icicle Creek County Road Right of Way and a Point of a Curve Whose Radial Line Bears South 79°45'48" West; Thence Southerly Along Said Right of Way Arc for 302.44 Feet Through a Central Angle Of 15°31 '39" to the P.T.; Thence South 5°17'28" West 52.29 Feet to The Point of Beginning; and Except Right of Way 25 Feet Wide

Together with a Portion of The Icicle Road Right of Way in Government Lot 5, Section 11, Township 24 North, Range 17 East, Willamette Meridian, County of Chelan, State of Washington, Said Portion Being More Particularly Described as Follows;

Beginning at The Intersection of the Southerly Right of Way of Washington State Highway No.2 and the Westerly Right of Way of Icicle Road, as Show on Plans for Sheet 22 Of 22 WSDOT State Highway No.2-Merritt to Leavenworth Thence Along the Projected South Line of Washington State Highway No.2 Right of Way, North 58°54'36" East a Distance Of 100.00 Feet to the Easterly Right of Way of Said Icicle Road; Thence Along Said Easterly Right of Way South 30°52'17" East a Distance of 90.55 Feet; Thence with a Curve Turning to the Right with an Arc Length Of 166.60 Feet, a Radius Of 1195.59 Feet, a Chord Bearing of South 26°52'46" East, a Chord Length of 166.47 Feet, a Delta Angle Of 7°59'03"; Thence South 67°06'46" West a Distance of 20.00 Feet; Thence with a Curve Turning to the Right with an Arc Length of 260.77 Feet, A Radius of 1175.59 Feet, a Chord Bearing of South 16°31'58" East, a Chord Length of 260.23 Feet, a Delta Angle of 12°42'33"; Thence Leaving Said Easterly Right of Way, South 80°55'57" West a Distance of 60.01 Feet to the Westerly Right of Way of Said Icicle Road; Thence Along Said Westerly Right of Way with a Curve Turning to the Left with an Arc Length Of 246.30 Feet, a Radius of 1115.59 Feet, a Chord Bearing of North 16°33'45" West, a Chord Length of 245.80 Feet, a Delta Angle of 12°38'58"; Thence South 67°06'46" West a Distance of 20.00 Feet; Thence with a Curve Turning to the Left with an Arc Length Of 152.67 Feet, a Radius of 1095.59 Feet, a Chord Bearing of North 26°52'46" West, a Chord Length of 152.55 Feet, a Delta Angle of 7°59'03"; Thence North 30°52'17" West a Distance of 90.17 Feet to the Point of Beginning;

Containing 10.55 Acres, is hereby annexed to and incorporated in the city limits of the City of Leavenworth, Washington.

Section 3. A certified copy of this ordinance shall be filed with the Board of County Commissioners of Chelan County, Washington in the manner provided by law.

Section 4. The annexed real property shall be subject to the City of Leavenworth Comprehensive Plan and City of Leavenworth zoning regulations and shall retain the existing zoning of Tourist Commercial (TC).

Section 5. The annexed real property also shall be subject to the following:

A. Compliance with the City's Old World Bavarian Alpine Theme regardless of

- public view;
- B. Any water rights, if any, associated with or appurtenant to the annexed real property shall be transferred to the City prior to delivery of a certified copy of this ordinance to the County Commissioners of Chelan County; and
 - C. In development of the annexed real property frontage infrastructure improvements to include, but not limited to, installation of sidewalks per the Leavenworth Municipal Code or installation of sidewalks at mid-block with pedestrian safety analysis shall occur prior to issuance of any certificate of occupancy.

Section 6. This ordinance shall be recorded with the Chelan County Auditor and shall be binding upon the annexed real property and the future owners thereof. This ordinance shall take effect five days after its passage and publication as provided by law.

Section 7. The annexed real property herein shall be assessed and taxed at the same rate and on the same basis as other property in the City of Leavenworth, Washington to pay for all or any portion of the outstanding indebtedness to the City of Leavenworth approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation.

Passed by the City Council of City of Leavenworth, Washington on the 22nd day of May, 2018 at an open public meeting.

CITY OF LEAVENWORTH

By: _____
Cheryl Kelley Farivar, Mayor

Attest:

Chantell Steiner
City Clerk/Finance Director

Approved as to form:

Thom H. Graafstra, City Attorney

CERTIFICATION

I, the undersigned, City Clerk of the City of Leavenworth, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. 1565 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on May 22, 2018, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after publication in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May, 2018.

CITY OF LEAVENWORTH, WASHINGTON



Chantell Steiner, City Clerk