

ORDINANCE NO. 1594

**AN ORDINANCE PROVIDING FOR THE ANNEXATION
OF CERTAIN PROPERTIES; ESTABLISHING THE
ZONING CLASSIFICATION THEREFORE; AND
PROVIDING FOR AN EFFECTIVE DATE.**

R E C I T A L S:

1. The City has received an application from Paul Willis in his capacity as managing member of Woods at Sylvia Creek, LLC, a Washington limited liability company, requesting annexation to the City of certain real property situated in the County of Grays Harbor, the full legal description of which is attached hereto as Exhibit A. The total acreage covered by the petition is approximately 19.36 acres with a total assessed value of \$48,400.

2. The application was reviewed by the Council which has determined it satisfactory and conditioned any annexation upon assumption of the pro rata share of any outstanding indebtedness of the City and acceptance of the zoning classification set forth below. By submission of an executed petition, the Applicant has acknowledged acceptance of those conditions.

3. The Council has been informed by City Staff that the petition was executed by the owners of all property covered by the petition and that a duly executed petition was filed. Further, the City has given all necessary notices, conducted all necessary environmental

evaluations, and held all necessary public hearings upon the annexation. That included a hearing held before the City Council on September 13, 2016.

4. It is the desire and intention of the City to grant the petition and to utilize the authority granted pursuant to the provisions of Title 17 of the Municipal Code in relation to the establishment of zoning classifications.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF MONTESANO:

SECTION I: On and after the effective date set forth in Section IV, those certain properties the full legal description of which is attached as Exhibit A shall be and are to be deemed annexed to the City of Montesano:

SECTION II: Pursuant to authorization granted under the Zoning Code of the City, it being the intention of the City to establish zoning classifications consistent with the provisions of the City's zoning code, upon annexation to the City, the land shall bear the zoning classification of R1, Low Density Residential. The Zoning Control Map of the City shall be so noted.

SECTION III: The annexed land shall specifically assume and be subject to its pro rata portion of any outstanding indebtedness of the City.

SECTION IV: Effectiveness:

4.1. This Ordinance shall take effect upon the fifth day following date of publication.

4.2. The annexation authorized hereunder shall become effective upon the first date allowed, to wit, the earlier occurring of [a] the completion of any review which may be required

to be carried by the Grays Harbor County Boundary Review Board granting approval of the request, [b] the waiver of any such review by the Chair or the Board, or [c] the passage of such time as is established by the provisions of RCW 36.93 without action by the Board: PROVIDED THAT, such time shall be extended to the completion of any appeal taken of any decision.

SECTION V: The Office of the CFO/City Clerk shall take such steps as may be necessary to notify the Offices of the County Assessor and Treasurer and any necessary state agency of the annexation of the property following its date of final approval.

SECTION VI: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION VII: Corrections by the Clerk-Controller or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-Controller and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS _____ DAY OF _____, 2016, by the City Council
of the City of Montesano, and signed in approval therewith this _____ day of
_____, 2016.

CITY OF MONTESANO:

VINI E. SAMUEL, Mayor

ATTEST:

DOUG STREETER, CFO/City Clerk

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

PUBLISHED: _____

EXHIBIT “A”

The Southwest Quarter of the Northwest Quarter of Section 4,
Township 17 North, Range 7 West of the Willamette Meridian;

EXCEPT any portion of said premises lying within the Plat of Alder Lake,
as per plat recorded in Volume 8 of Plats, page 179, records of Grays

Harbor County; ALSO EXCEPT the following described portion :

Beginning at the Southeast corner of Lot 43 of Alder Lake, as per plat
recorded in Volume 8 of Plats, page 179 and 180, under Auditor's File No.
175102, records of Grays Harbor County; Thence South 50 feet along the
East line of said Southwest Quarter of the Northwest Quarter; Thence West
parallel with the South line of said Lot 43 to the Easterly right-of-way line
of Lake Drive; Thence Northerly along the Easterly right-of-way line of
Lake Drive to the Southwest corner of said Lot 43; Thence East along the
South line of said Lot 43 to the point of beginning;

Situate in the County of Grays Harbor, State of Washington.