Town of LaCrosse
P.O. Box 228
LaCrosse, WA 99143

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ORDINANCE WHITMAN COUNTY

ORDINANCE NO. 327

AN ORDINANCE OF THE TOWN OF LACROSSE, OF WHITMAN COUNTY, WASHINGTON, DECLARING A PROPOSED ANNEXATION INTO THE TOWN OF LACROSSE AND THE SPECIFIC PLANS FOR THE AREA ANNEXED TO BE NON-SIGNIFICANT UNDER THE STATE ENVIRONMENTAL POLICY ACT; DECLARING THE ANNEXATION TO BE IN THE BEST INTEREST OF THE TOWN OF LACROSSE AND ITS RESIDENTS; PROVIDING FOR THE ANNEXATION OF TERRITORY INTO THE TOWN OF LACROSSE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LACROSSE, of Whitman County, Washington, as follows:

WHEREAS, the Town of LaCrosse (the "Town"), Whitman County, Washington, is a fourth class city or town, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, the owner of certain real property adjacent to the Town has petitioned for annexation into the Town; and

WHEREAS, a public hearing was held on this date on this matter, after notice was provided to the Town and the property owners surrounding the proposed annexation and public testimony and comment was taken; and

WHEREAS, the Town Council (the "Council") made a preliminary finding of non-significance for both the annexation of property to the Town and also regarding the proposed use of the property to be annexed; and

WHEREAS, more than fifteen (15) days has elapsed since the notice was mailed and/or published as required by State law and no comments have been received in response to the Declaration of Non-Significance; and

WHEREAS, notice of this Declaration of Non-Significance was published in the official newspaper of the Town and was also sent to other taxing districts and Whitman County (the "County"). No objection to the Declaration of Non-Significance has been received. The Council now wishes to find that the proposed annexation is "non-significant" and that the proposed use of the area annexed into the Town is also "non-significant" under the Washington State Environmental Policy Act ("SEPA") and also approve the annexation of the territory to the Town; and

WHEREAS, the Town communicated by letter with officials of Whitman County, Washington, and other taxing districts seeking their input on this possible annexation; and

WHEREAS, THE Council wishes to make appropriate findings for entry on the record and provide staff and legal counsel further direction;

NOW, THEREFORE, IT IS HEREBY FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LACROSSE, of Whitman County, Washington, as follows:

Section 1: FINDINGS REGARDING NON-SIGNIFICANCE AND ANNEXATION

A. The owner of certain real property adjacent to the Town, and described in Exhibit "A" hereto, which is incorporated herein by reference, petitioned the Council for annexation of property into the Town;

B. The Council, after appropriate notice, conducted a public hearing regarding this proposed annexation;

C. After the hearing, the Council made a declaration of non-significance under SEPA and directed that notice of the same be given under State law;

D. Pursuant to the above finding, a Declaration of Non-Significance was published in the official newspaper of the Town, in accordance with provisions of SEPA and notice was sent to certain taxing districts and departments of Whitman County;

E. The Council believes that the annexation is an event of "non-significance" under SEPA;

F. The continued use of the property as the office, parking lot and related facilities for Martin Oil Company, which has been at this location for several years, also an event of non-significance under the Act;

G. The annexation of this area into the Town is in the best interest of the Town and its residents;

H. The Council hereby makes a finding that the area should be annexed into the Town and hereby determines the same.

Section 2: ANNEXATION IS AN EVENT OF NON-SIGNIFICANCE

The Council hereby finds and affirms that the annexation of the area described in Exhibit "A" is an event of non-significance.

Section 3: PLANS FOR AREA ANNEXED TO TOWN IS AN EVENT OF NON-SIGNIFICANCE

The Council hereby finds that the plans of the proponent of the annexation to continue to operate Martin Oil Company is an event of non-significance.

Section 4: NOTICE TO BE GIVEN

The Council hereby directs the Town Clerk to give notice of annexation to the other taxing districts and appropriate County officials and agencies. Additionally, the Town Clerk is advised to publish in the official newspaper of the Town a notice of this annexation and proposed action, as shown on Exhibit "B".

Section 5: CERTIFIED ORDER FILED WITH COUNTY CLERK

The Council hereby authorizes the filing of a certified copy of this Ordinance with the appropriate officials of Whitman County.

Section 6: EFFECTIVE DATE OF ANNEXATION

This annexation shall be effective as of the date of the filing of a certified copy of this Ordinance with Whitman County, as provided by law.

Section 7: REPEALER

All Resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and shall have no further force or effect.

Section 8: RATIFICATION

All actions (not inconsistent with the provisions of this Resolution) heretofore taken by the Council, and its employees, are hereby in all respects ratified, approved, and confirmed.

Section 9: SEVERABILITY

If any one or more of the covenants or agreements provided in this Ordinance to be performed on the part of the Town shall be declared by any court of competent jurisdiction to be contrary shall be null and void and shall be deemed separable from the remaining covenants and agreements in this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance.

Section 10: EFFECTIVE DATE

This Ordinance shall be in full force and effect five days after publication of a summary of the Ordinance in the form of Exhibit C" in the official newspaper of the Town as required by law.

PASSED by the Town Council this 9th day of December, 2004.

TOWN OF LACROSSE,
Whitman County, Washington

Larry Bergen
Mayor

ATTEST:

Terri L. Kelley
Clerk-Treasurer

(SEAL)

APPROVED AS TO FORM:

Town Attorney

CERTIFICATION

I, the undersigned Clerk-Treasurer of the Town of LaCrosse, of Whitman County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true and correct copy of an Ordinance duly adopted at a regular meeting of the Town Council duly and regularly held at the regular meeting place thereof on December 9th, 2004, of which meeting all members of said Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers: All in Favor

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

I FURTHER CERTIFY that I have carefully compared the same with the original Ordinance on file and of record in my office; that said Ordinance is a full, true and correct copy of the original Ordinance adopted at said meeting; and that said Ordinance has not been amended, modified or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of said Town on December 9, 2004.

Terri L. Koller
Clerk-Treasurer

(SEAL)

Exhibit "A"

Description or map of the property annexed.

Part of the Southwest quarter (SW1/4) of the Northeast quarter (NE1/4) Of Section Two (2) Township Fifteen (15) North, Range Thirty-nine (39) E.W.M., more particularly described as follows:

Beginning at a point on the North and South Subdivision line of said Section 2, South 5 00' West 1987.0 feet from the North quarter corner of said Section 2; Thence South 86 35' East 32.2 feet to a point in the County Road which is the Initial point of beginning; thence North 5 00" east 455.3 feet; thence South 56 28.5' East 217.4 feet to a point in the Northwesterly line of the County Road; thence South 33 31.5' West 400 feet along the Northwesterly line of County Road to place of beginning.

Exhibit "B"

TOWN OF LACROSSE
Whitman County, Washington

NOTICE OF ACTION UNDER SEPA

YOU ARE HEREBY NOTIFIED, pursuant to the State Environmental Policy Act ("SEPA"), that the Town Council (the "Council") of the Town of LaCrosse, (the "Town"), by Ordinance, took the following action at their December 9, 2004 meeting:

1. Determined that the annexation of approximately .75 acres to the Town is an event of non-significance under SEPA (this area is shown on the Exhibit attached hereto);

2. Determined that the proposed use for this land by the proponents of the annexation, its continued operation as the offices for Martin Oil Company, is also an event of non-significance under SEPA; and

3. Annexed the area into the Town.

DATED this 9th day of December, 2004.

TOWN OF LACROSSE,
Whitman County, Washington

Larry Burrows
Mayor

ATTEST:

Terri L. Kelley
Clerk-Treasurer

(SEAL)

Exhibit "C"

TITLE OF
ORDINANCE NO. 327

AN ORDINANCE OF THE TOWN OF LACROSSE, OF WHITMAN COUNTY, WASHINGTON, DECLARING A PROPOSED ANNEXATION INTO THE TOWN OF LACROSSE AND THE SPECIFIC PLANS FOR THE AREA ANNEXED TO BE NON-SIGNIFICANT UNDER THE STATE ENVIRONMENTAL POLICY ACT; DECLARING THE ANNEXATION TO BE IN THE BEST INTEREST OF THE TOWN OF LACROSSE AND ITS RESIDENTS; PROVIDING FOR THE ANNEXATION OF TERRITORY INTO THE TOWN OF LACROSSE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

The above Ordinance Title and the summary below summarize the principal provisions of Ordinance No. 327 of the Town of Lacrosse, Whitman County, Washington, adopted on December 18, 2004. Capitalized terms used herein shall have the meaning given them in Ordinance No. 327.

Section 1. Sets forth numerous factors considered by the Council in finding that it is in the best interests of the Town to annex that property into the Town.

Section 2. Determines that annexation of the area is an event of non-significance.

Section 3. Finds that the continued use of the property is an event of non-significance.

Section 4. Directs the Town Clerk to give notice to other taxing districts and the appropriate County officials and agencies.

Section 5: Authorizes the filing of a certified copy of the Ordinance with the appropriate County officials.

Section 6: Provides that the annexation shall be effective as of the date of the filing, as provided by law.

Section 7: Repeals all resolutions or ordinances in conflict with this ordinance.

Section 8: Ratifies and approves all acts directed toward that annexation.

Section 9: Severs any covenant or agreement of the Ordinance declared by a court of competent jurisdiction to be contrary to law.

Section 10: Provides for the Ordinance to be in full effect five days after publication hereof.

Exhibit "A": Provides a legal description of the property to be annexed.

Exhibit "B": Sets forth a Notice of Annexation to be posted and published.

Exhibit "C": Provides this Ordinance summary for publication.

DATED this 9th day of December, 2004.

TOWN OF LACROSSE,
Whitman County, Washington

Larry Burgess
Mayor

ATTEST:

Terri L. Keller
Town Clerk

(SEAL)

CERTIFICATION OF COUNSEL

I, the undersigned Counsel for the Town of Lacrosse, Whitman County, Washington, hereby certify that I have reviewed the attached Summary of Ordinance No. 327 of the Town, and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated as of this 9th day of December, 2004.

PRESTON GATES & ELLIS LLP

/s/ Michael C. Ormsby
Michael C. Ormsby, Counsel