

City of Airway Heights  
PO Box 969  
Airway Heights, WA 99001

08/29/2011 10:16:09 AM  
Recording Fee \$72.00 Page 1 of 11  
Ordinance CITY OF AIRWAY HEIGHTS  
Spokane County Washington

6023962



Document Title: Ordinance No. C-749

Grantor: City of Airway Heights

Grantee: The Public

Legal Description: Portion of the NW corner of Section 19, Township 25 North, Range 42 E.W.M. Please see Exhibit A for complete legal description.

Assessor's Tax Parcel ID Numbers: 25193.0101; 25193.0102; 25193.0103; 25193.0104; 25193.0105; 25193.0106; 25193.0107; 25193.0108; 25193.0109; 25193.0110; 25193.0111; 25193.0112; 25193.0113; 25193.0114; 25193.0115; 25193.0116; 25193.0117; 25193.0118; 25193.0119; 25193.0120; 25193.0121; 25193.0122; 25193.0123; 25193.0201; 25193.0202; 25193.0203; 25193.0204; 25193.0205; 25193.0206; 25193.0301; 25193.0302; 25193.0303; 25193.0304; 25193.0401; 25193.0402; 25193.0403; 25193.0404; 25193.0405; 25193.0406; 25193.0501; 25193.0502; 25193.0503; 25193.0504; 25193.0505; 25193.0601; 25193.0602; 25193.0603; 25193.0604; 25193.0605; 25193.0606; 25193.0607; 25193.0608; 25193.0609; 25193.0610; 25193.0703; 25193.0704; 25193.0705; 25193.0708; 25193.0709; 25193.0712; 25193.0713; 25193.0714; 25193.0715; 25193.0801; 25193.0802; 25193.0803; 25193.0804; 25193.0805; 25193.0806; 25193.0807; 25193.0808; 25193.0809; 25193.0810; 25193.0811; 25193.0812; 25193.0813; 25193.0814; 25193.0815; 25193.0816; 25193.0817; 25193.0818; 25193.0901; 25193.0902; 25193.0903; 25193.0904; 25193.0905; 25193.0906; 25193.0907; 25193.0908; 25193.0909; 25193.0910; 25193.0911; 25193.0912; 25193.0913; 25193.0914; 25193.0915; 25193.0916; 25193.0917; 25193.0918; 25193.0919; 25193.0920; 25193.0921; 25193.0922; 25193.0923; 25193.0924; 25193.0925; 25193.1001; 25193.1002; 25193.1003; 25193.1004; 25193.1005; 25193.1006; 25193.1007; 25193.1008; 25193.1009; 25193.1010; 25193.1011; 25193.1012; 25193.1013; 25193.1014; 25193.1015; 25193.1016; 25193.1017; 25193.1018; 25193.1019; 25193.1020; 25193.1021; 25193.1022; 25193.1023; 25193.1024; 25193.1025; 25193.1101; 25193.1102; 25193.1103; 25193.1104; 25193.1105; 25193.1106; 25193.1107; 25193.1201; 25193.1202; 25193.1203; 25193.1204; 25193.1205; 25193.1206; 25193.1207; 25193.1301; 25193.1302; 25193.1303; 25193.1304; 25193.1305; 25193.1306; 25193.1307; 25193.1401; 25193.1402; 25193.1403; 25193.1501; 25193.1502; 25193.1503; 25193.1504; 25193.1505; 25193.9010; 25193.9034; 25193.9035; 25193.9050; 25193.9051; 25193.9052; 25193.9053; 25193.9058; 25193.9059; 25302.0103; 25302.0105; 25302.0109; 25302.0110; 25302.0118; 25302.0119; 25302.0120; 25302.0123; 25302.0124; 25302.0130; 25302.0131; 25302.0132; 25302.0134; 25302.0135; 25302.0136; 25302.0137; 25302.0138; 25302.0139; 25302.0140; 25302.0141; 25302.0205; 25302.0209; 25302.0210; 25302.0211; 25302.0212; 25302.0301; 25302.0302; 25303.9021; 25303.9024; 25303.9044; 25303.9045; and 25303.9046.

**CITY OF AIRWAY HEIGHTS  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. C-749**

**AN ORDINANCE OF THE CITY OF AIRWAY HEIGHTS, WASHINGTON,  
PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY,  
ESTABLISHING THE OFFICIAL DATE OF ANNEXATION, ADOPTING ZONING  
REGULATIONS FOR THE PROPERTY AND PROVIDING FOR OTHER MATTERS  
RELATED THERETO**

WHEREAS, the City of Airway Heights, the City of Spokane and Spokane County entered into an Interlocal Agreement Regarding Annexations of Portions of the West Plains Urban Growth Area Between the City of Spokane, the City of Airway Heights and Spokane County on December 3, 2009 pursuant to the "Interlocal Method of Annexation" found at RCW Chapter 35A.14.480;

WHEREAS, the City of Airway Heights, Spokane County Fire Protection District 10 and Spokane County entered into an Interlocal Agreement Regarding Annexations of Portions of the West Plains Urban Growth Area between the City of Airway Heights, Spokane County and Spokane County Fire Protection District 10 with the Agreement being approved by the City on June 20, 2011, the County on June 28, 2011, and the District on June 7, 2011;

WHEREAS, RCW 35A.14.480 provides the annexation may commence by ordinance after entering into an interlocal agreement with Spokane County and Fire Protection District 10;

WHEREAS, pursuant to RCW 43.21C.222 annexation by a city is exempt from compliance with the State Environmental Policy Act; however, the adoption of zoning regulations are subject to compliance with SEPA;

WHEREAS, 35A.14.330 and 35A.14.340 provide that the City, simultaneous with the annexation process, may adopt a zoning ordinance to be effective upon approval of the annexation;

WHEREAS, the City comprehensive plan in Chapter 4 entitled "Land Use" has identified potential annexation areas of the City to include the area subject to this Ordinance;

WHEREAS, until the City conducts additional comprehensive planning with zoning regulations, the City pursuant to RCW 35A.12.140 hereby adopts the presently existing Spokane County zoning and related development code for the annexed property, provided, within 60 days following the annexation, the City planning commission shall hold a public hearing to determine the continued zoning for the property with a report thereafter provided to the City Council for further action;

WHEREAS, the City Council has conducted public hearings in order to receive information and take testimony on the proposed annexation with the City Council determining it is in the best interest of the City to annex the Property; and

WHEREAS, the City Council desires to annex the Property and provide for: (1) the levy of taxes and assumption of indebtedness at the same rate and on the same basis as property

presently located in the City; (2) the application of the general laws of the City; and (3) the adoption of zoning for the Property.

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

**Section 1.** Approval of Annexation. The annexation of the Property is hereby approved and accepted by the City Council of the City of Airway Heights effective on January 1, 2012 ("Effective Date"), pursuant to RCW 35A.14.480.

**Section 2.** Effect of Annexation. From and after the Effective Date, the Property (described in Exhibit A) and all persons thereon are subject to the jurisdiction of the City of Airway Heights with all laws, ordinances, rules and regulations of the City being in full force and effect as now enacted or hereinafter amended. Except for services provided by other jurisdiction, the Property and persons shall receive all available City services in the same manner as other City property. The Property shall have levied thereon the real property tax assessment of the City and shall be assessed for the indebtedness of the City.

**Section 3.** Zoning. The Property shall be developed and used in accord with the County Comprehensive Plan, related Development Code and other land use regulations or policies adopted herein, until modified by further action of the City, not to occur prior to January 1, 2012. The land use, zoning designation and regulations as set forth on the County Comprehensive Plan Map, Zoning Map and Development Code shall apply to and regulate the Property as of the Effective Date. Permit applications for land use shall be made to the City of Airway Heights.

The City Manager, or designee, is hereby authorized to modify the City of Airway Heights Zoning Map to reflect the action taken by the City Council pursuant to this Ordinance. All other maps of the City shall be modified to reflect the expansion of the City corporate limits as set forth herein.

**Section 4.** Duty of City Clerk. The City Clerk is directed to provide: (1) the Spokane County Auditor a certified copy of this ordinance, a map of the Property, related legal description and request that the above be maintained on file in the office of the Auditor; and (2) a certified copy of this Ordinance to the Spokane County Board of County Commissioners, pursuant to RCW 35A.14.140.

**Section 5.** Boundary Review Board. The City Manager, or designee, is authorized, following approval of this Ordinance by the City Council, to file a Notice of Intention with the Spokane County Boundary Review Board stating that the Property is proposed to be annexed to the City of Airway Heights. Thereafter, the City Manager shall monitor the action of the Spokane County Boundary Review Board and shall, within 45 days, or such reasonable time, from the filing of the Notice of Intention, report back to the City Council regarding action taken by the Boundary Review Board. The City Manager is further authorized to take all actions necessary in order to process this annexation through the Spokane County Boundary Review Board.

**Section 6.** Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

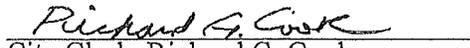
Section 7. Effective Date. This Ordinance shall be in full force and effect on five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

**INTRODUCED** this 5<sup>th</sup> day of July, 2011.

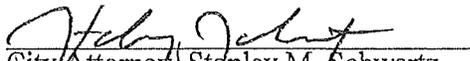
**PASSED AND ADOPTED** by the City Council of the City of Airway Heights this 18<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
Mayor, Patrick D. Rushing

ATTEST:

  
\_\_\_\_\_  
City Clerk, Richard G. Cook

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney, Stanley M. Schwartz

Date of Publication: July 21, 2011

EXHIBIT "A"

LEGAL DESCRIPTION

## EXHIBIT A

### CITY OF AIRWAY HEIGHTS – EAST HAYFORD ANNEXATION AREA LEGAL DESCRIPTION

A parcel of land located in Section 19 and in Section 30, Township 25 North, Range 42 East, W. M., in Spokane County, Washington, being more particularly described as follows:

Commencing at the NW corner of Section 19, T25N, R42E, W.M., thence easterly a distance of 50 feet, more or less, to the NW corner of Spokane County Parcel No. 25192.9023, said point also being a point on the East right-of-way (ROW) line of Hayford Road;

Thence southerly along the east ROW line of Hayford Road, a distance of 2649 feet, more or less, to the SW corner of Parcel No. 25192.9022 as recorded in the Spokane County Auditor's Office, Record of Survey #8012300163, Book 23, Page 83, being the POINT OF BEGINNING;

Thence easterly along the south property line of said parcel, a distance of 968 feet, more or less, to the SE corner of said parcel,

Thence easterly along the south property line of Parcel No. 25192.9023 as recorded in the Spokane County Auditor's Office, Record of Survey #8012300163, Book 23, Page 83, a distance of 1573.84 feet, to the SE corner of said parcel, said point also being the NE corner of the SW ¼ of Section 19;

Thence southerly along the east line of the SW ¼ of Section 19, said line also being the west property line of Parcel No. 25194.9015, parcel No. 25194.9047, and Parcel No. 25194.9041, as recorded in the Spokane County Auditor's Office, Record of Survey #4428346, Book 89, Page 98 a distance of 2542.21, more or less, to the SW corner of Parcel No. 25194.9041, said point also being a point on the north ROW line of State Highway 2;

Thence southerly along the east line of the SW ¼ of Section 19, a distance of 97.5 feet, more or less, to the NE corner of the NW ¼ of Section 30, T25N, R42E, W.M.;

Thence southerly along the east line of said NW 1/4 of Section 30, a distance of 50 feet, more or less, to the NE corner of Parcel No. 25302.0212, said point also being a point on the south ROW line of State Highway 2;

Thence southerly on the east property line of Parcel No. 25302.0212 and Parcel No. 25302.0211, a distance of 805 feet, more or less, to the SE corner of Parcel No. 25302.0211,

Thence southerly along the east line of Parcel No. 25302.0205 and Parcel No. 25302.0209 a distance of 1110 feet, more or less, to the SE corner of Parcel No. 25302.0209;

Thence westerly along the south line of said parcel, a distance of 536 feet, more or less, to SW corner of said parcel, said corner also being a point on the east property line of Spokane County Parcel No. 25302.0124,

Thence south along the east line of Parcel No. 25302.0124, a distance of 58 feet, more or less, to the SE corner of said parcel,

*This legal description is intended to describe the general boundary of the annexation area and was developed from County Assessor information and is not a result of an actual survey. The meets and bounds are not mathematically accurate and should not be used for property transactions. The Engineer assumes no liability for uses of this document other than as a general description of the annexation area boundary.*

Thence westerly along the south property line of said parcel and the north property line of Parcel No. 25305.9043 a distance of 612 feet, more or less, to the NW corner of parcel 25305.9043,

Thence southerly along the west property line of said parcel a distance of 662 feet, more or less, to a point on the north property line Parcel No. 25303.9024,

Thence easterly along the north property line, of said parcel, a distance of 1,269 feet, more or less, to a point on the east line of the SW ¼ of Section 30,

Thence southerly along the east line of the SW ¼ of Section 30, a distance of 662.88 feet, more or less, to the SE corner of Parcel No. 25303.9024, as recorded in the Spokane County Auditor's Office Record of Survey #9506090311, Book 65, Page 35;

Thence southwesterly along the southeast line of said parcel a distance of 1,753.64 feet, more or less, to the NE corner of Spokane County Parcel No. 25303.9046, as recorded in the Spokane County Auditor's Office Record of Survey, #8911090175, Book 44, Page 83;

Thence southerly along the east line of said parcel a distance of 386.43 feet; thence westerly along the south line of said parcel a distance of 493.77 feet to the NE corner of Spokane County Parcel No. 25303.9044, as recorded in the Spokane County Auditor's Office Record of Survey, #8911090175, Book 44, Page 83;

Thence southerly along the east line of said parcel a distance of 100.00 feet; thence westerly along the south line of said parcel a distance of 239.58 feet to the NE corner of Spokane County Parcel No. 25303.9045, as recorded in the Spokane County Auditor's Office, #8911090175, Book 44, Page 83;

Thence southerly along the east line of said parcel a distance of 100.00 feet;

Thence westerly along the south line of said Spokane County Parcel No. 25303.9045 to a point on the east ROW line of Hayford Road, said point also being the SW corner of said parcel;

Thence southerly along the east ROW line of Hayford Road, a distance of 643 feet, more or less, to a point on the west line of Spokane County Parcel No. 25310.9021;

Thence westerly a distance of 60 feet, more or less, to a point on the west ROW line of Hayford Road;

Thence northerly along the west ROW line of Hayford Road to the NE corner of Spokane County Parcel No. 15251.0148, as recorded in the Spokane County Auditor's Office, Hazelwood Irrigated Farms, Plat 2;

Thence westerly along the north property line of parcel number 15251.0148, a distance of 25.00 feet, more or less, to the SE corner of Parcel No. 15251.0305 as documented in BSP 06-01 as recorded in Book 2, page 92 and 93 of Binding Site Plans, Spokane County records;

Thence northerly along the west ROW line of Hayford Road, a distance of 602.59 feet, more or less, to the NE corner of Spokane County Parcel No. 15251.0303 as documented in BSP 06-01, said corner lying on the south ROW line of State Highway 2;

Thence northerly a distance of 188.69 feet, more or less, to the SE corner of Lot 1 SP 06-02 as recorded in Book 21, page 90 and 91 of Short Plats, Spokane County records;

*This legal description is intended to describe the general boundary of the annexation area and was developed from County Assessor information and is not a result of an actual survey. The meets and bounds are not mathematically accurate and should not be used for property transactions. The Engineer assumes no liability for uses of this document other than as a general description of the annexation area boundary.*

Thence northerly along the west ROW line of Hayford Road, a distance of 535.20 feet, more or less, to the NE corner of Lot 4 SP 06-02;

Thence northerly along the west ROW line of Hayford Road, a distance of 76.27 feet, more or less, to the SE corner of Parcel No. 15244.0029,

Thence northerly along the east property line of said parcel, a distance of 571.52, more or less, also being the west ROW line of Hayford Road, to the NE corner of said parcel 15244.0029;

Thence northerly along the west ROW line of Hayford Road, a distance of 60 feet, more or less, to the NE corner of Spokane County Parcel No. 15244.0036,

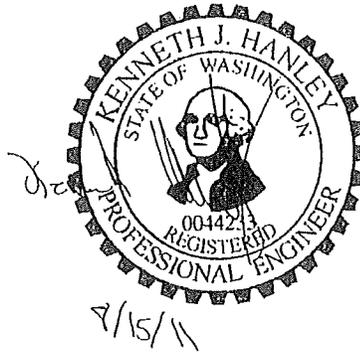
Thence westerly along the north property line of said parcel, a distance of 25 feet, more or less, to the SE corner of Parcel No. 15244.0039,

Thence northerly along the east property line of said parcel a distance of 375 feet, to the NE corner of said parcel;

Thence westerly along the north property line of said parcel a distance of 40 feet, to the SE corner of Parcel No. 15244.0038, said point also being a point on the west ROW line of Hayford Road,

Thence northerly along the west ROW line of Hayford Road, a distance of 919 feet, more or less, to the NE corner of Spokane County Parcel No. 15244.0038,

Thence easterly a distance of 140 feet, more or less, to the POINT OF BEGINNING.



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WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR SPOKANE COUNTY

**CERTIFICATE OF EXPIRATION OF 45-DAY PERIOD**

I hereby certify that more than 45 days have elapsed since the following described Notice of Intention was filed with the Washington State Boundary Review Board for Spokane County and that at no time during said period was a Request for Review filed with the Board. The proposed action is hereby deemed approved as provided in RCW 36.93.100.

FILE NO.: BRB 638-11: Proposed Annexation of 380 Acres to the City of Airway Heights (East of Hayford Rd)

INITIATOR(S): City of Airway Heights

DATE FILED: July 13, 2011

45-DAY REVIEW

PERIOD ENDS: August 26, 2011

LEGAL DESCRIPTION: The following described lands situated in Spokane County, State of Washington, to wit: See attached Exhibit A

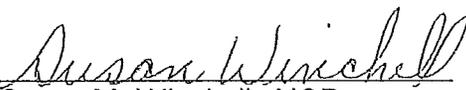
TIME LIMIT: The action proposed in this Notice of Intention must be officially consummated on or before August 26, 2014, or the approval, as defined in this document shall be null and void. (Boundary Review Board Rules of Practice and Procedure)

DATED at Spokane, Washington this twenty-ninth day of August, 2011.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

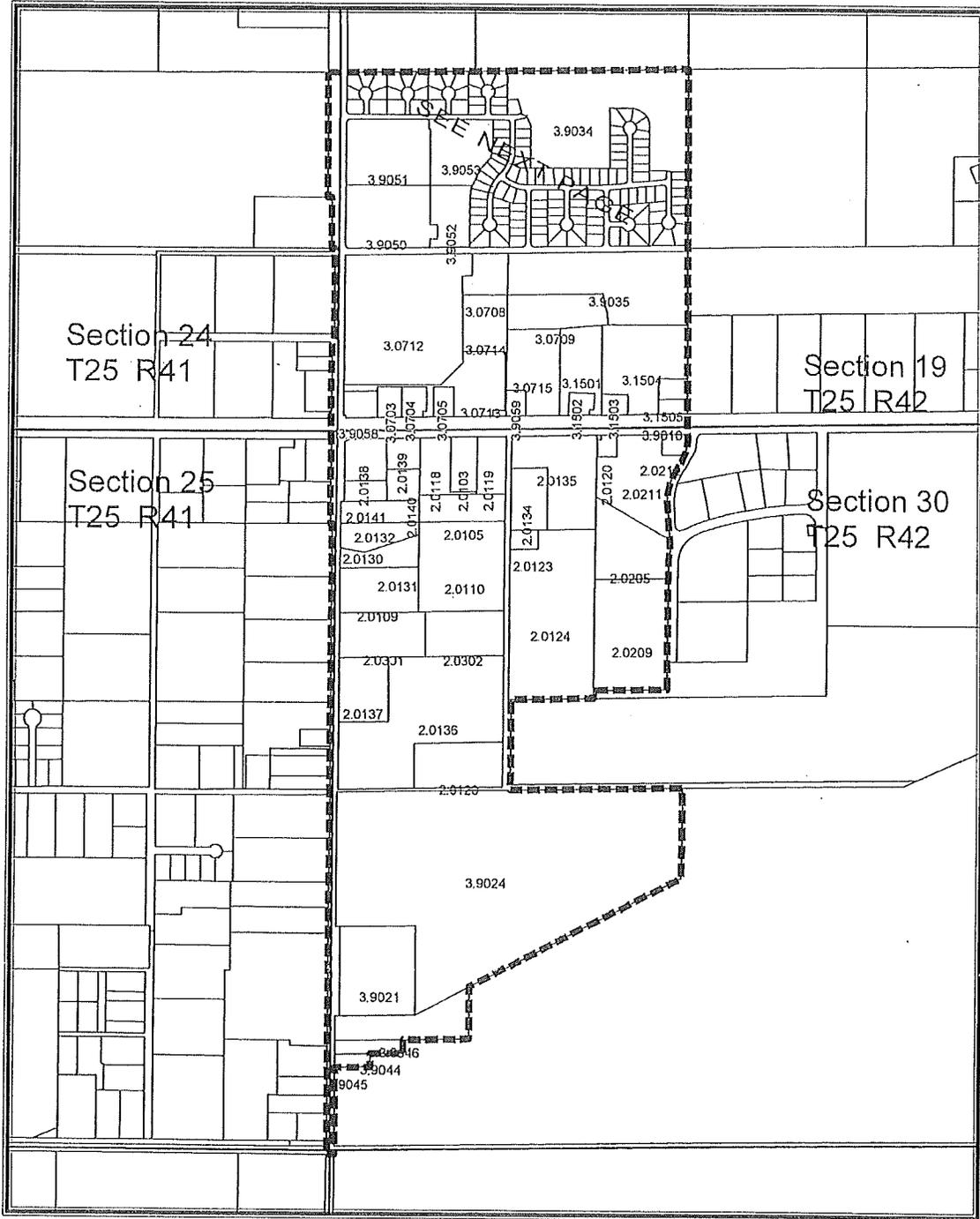
  
James Peck, Chair

ATTEST:

  
Susan M. Winchell, AICP  
Boundary Review Board Director

**Parcel Map**

**Exhibit B**

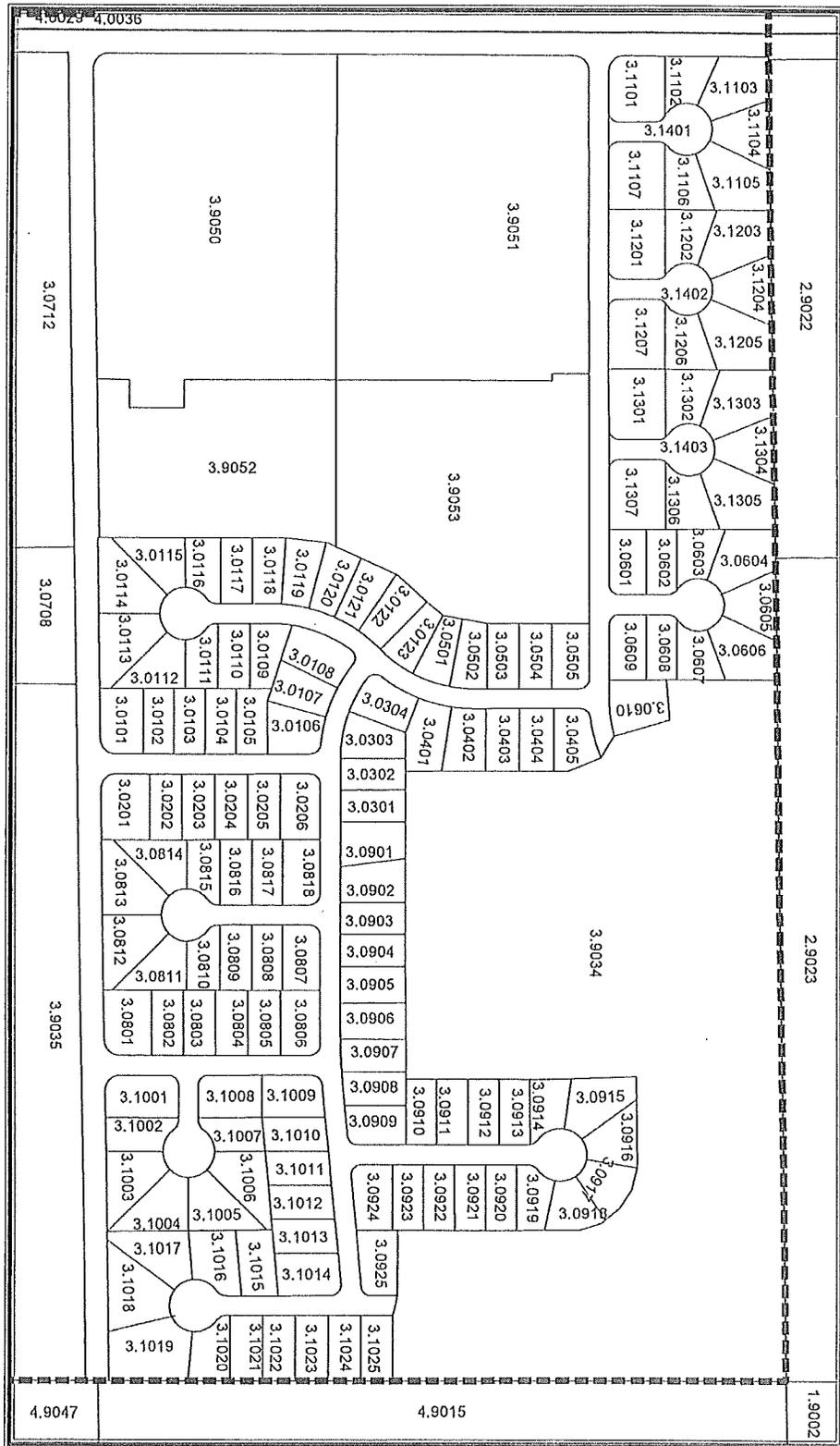


**BRB 638-11: Annexation of 379.47 Acres  
to the City of Airway Heights**  
*Washington State Boundary Review Board For Spokane County*

Parcel Map

Exhibit B

S19, T25, R42



BRB 638-11: Annexation of 379.47 Acres  
to the City of Airway Heights  
Washington State Boundary Review Board For Spokane County

