City of Cheney
609 Second Street
Cheney, Washington 99004

CITY OF CHENEY, WASHINGTON
ORDINANCE NO. V-66

AN ORDINANCE ADOPTING THE ANNEXATION OF CERTAIN REAL PROPERTY KNOWS AS THE 50-ACRE BETZ PARK, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Cheney is a non-charter code city duly organized under the laws of the State of Washington; and

WHEREAS, the City of Cheney is a municipal corporation of the State of Washington, located in Spokane County; and

WHEREAS, the following ordinance by the City of Cheney to amend the existing city municipal limits, to add approximately 50 acres owned by the City to be used for municipal purposes; and

WHEREAS, the area annexed to the City, pursuant to this ordinance, is within the Urban Growth Area (UGA); and

WHEREAS, the property is described in the attached Exhibit "A," is owned by the City and is intended to be used for municipal purposes as a park; and

WHEREAS, RCW 35A.14.300 authorizes the City Council to annex property owned by the City and to be used for municipal purposes at any time by a majority vote of the City Council; and

WHEREAS, RCW 36.93.090(1)(a) provides that a change of boundary of the City is exempt from the County Boundary Review Board review requirements when the property is contiguous to the municipal limits of the City; and

WHEREAS, the City council finds that it is in the best interest of the health, safety, and general welfare of the citizens of the City that this Ordinance be approved and the area proposed for annexation be annexed to the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Annexation. The area consisting of City-owned property that is within the UGA and contiguous and adjacent to the present corporate limits of the City of Cheney and generally located north of Betz Road and the Eagle Point Apartment complex, and east of S. Betz Road, and legally described in Exhibit "A" attached to this Ordinance and depicted on the map on Exhibit "B" attached to this Ordinance (hereinafter the "Annexation Area"), is hereby annexed to and made part of the City of Cheney for municipal purposes.

Section 2. Zoning. Zoning of the Annexation Area shall be R-1 (Single Family Residential). The 2005 Comprehensive Plan designation of the Annexation Area shall be Public. The 2010-2030 Comprehensive Plan designation of the Annexation Area will be Open Space.

Section 3. Notice of Annexation. The proper City officers are hereby directed to provide notice of this annexation to the state Office of Financial Management, as provided by law.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance shall 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 5. Effective Date. This Ordinance shall be effective and the annexation area shall become a part of the City of Cheney, Washington, thirty (30) days following the date of passage of this Ordinance and publication of the Ordinance.

Exhibit A: Legal Description
Exhibit B: Map of Annexation Area with Zoning

Introduced this 22 day of February, 2011.

Passed by the City Council this 22 day of February, 2011.

Approved by the Mayor this 22 day of February, 2011.

Tom Trulove, Mayor

ATTEST:

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

Richard L. Mount

~~Stanley M. Schwartz~~, City Attorney

Richard L. Mount

EXHIBIT A

City of Cheney (Betz Park Annexation)

All of that portion of the South 1711.75 feet of the West Half of the Southwest Quarter of Section 1, Township 23 North, Range 41 E.W.M., lying North and East of Betz Road, situated in the County of Spokane, State of Washington.