

RECORDERS NOTE:
RECORDED WITHOUT NOTARY
AT CUSTOMER REQUEST

ORDINANCE NO. 1520
CITY OF LEAVENWORTH, WASHINGTON

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTIES DESCRIBED AS LOT B OF BLA 2014-291 TOGETHER WITH THAT PORTION OF PINE STREET RIGHT-OF-WAY JUST SOUTH OF THE PARCEL AND TITUS ROAD FROM PINE STREET TO THE NORTHERN LIMIT OF THE EXISTING CITY LIMITS ON THE EAST SIDE OF TITUS ROAD TO THE CITY OF LEAVENWORTH, WASHINGTON, INCORPORATING THE SAME WITHIN THE CORPORATE LIMITS THEREOF, AND ADOPTING ZONING REGULATIONS FOR THE ANNEXED PROPERTY

Skip Moore, Auditor, Chelan County, WA.
AFN # 2432526
Recorded 01:14 PM 02/12/2016
ORD Page: 1 of 8 \$80.00 CITY OF
LEAVENWORTH

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

Section 1. The real property in Chelan County, Washington, described on Exhibit "A" and shown within Exhibit "B" attached hereto, owned by the Cascade School District located at 12240 Pine Street, Leavenworth, WA, 98826: Section 01, Township 24 N, Range 17 E. and, identified as Chelan County Assessor's Parcel No. 241701320100, contiguous to the City of Leavenworth, within the City of Leavenworth urban growth boundary, further described as Lot B of BLA 2014-291 together with that portion of Pine Street right-of-way just south of the parcel and Titus Road from Pine Street to the northern limit of the existing city limits on the east side of Titus Road, and is hereby annexed to and incorporated in the city limits of the City of Leavenworth, Washington.

Section 2. 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 3. 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 Low Density Residential 6,000 (RL-6).

Section 4. The annexed real property shall be subject to the elements within the Petition for Annexation attached herein as Exhibit "B."

Section 5. 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 6. 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.

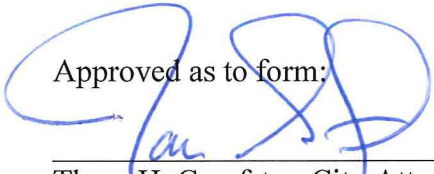
Passed by the City Council of City of Leavenworth, Washington and approved by the Mayor at an open public meeting on the 9th day of February, 2016.

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. 1520 (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 February 9, 2016, 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 9th day of February, 2016.

CITY OF LEAVENWORTH, WASHINGTON



Chantell Steiner, City Clerk

CASCADE SCHOOL DISTRICT ANNEXATION DESCRIPTION

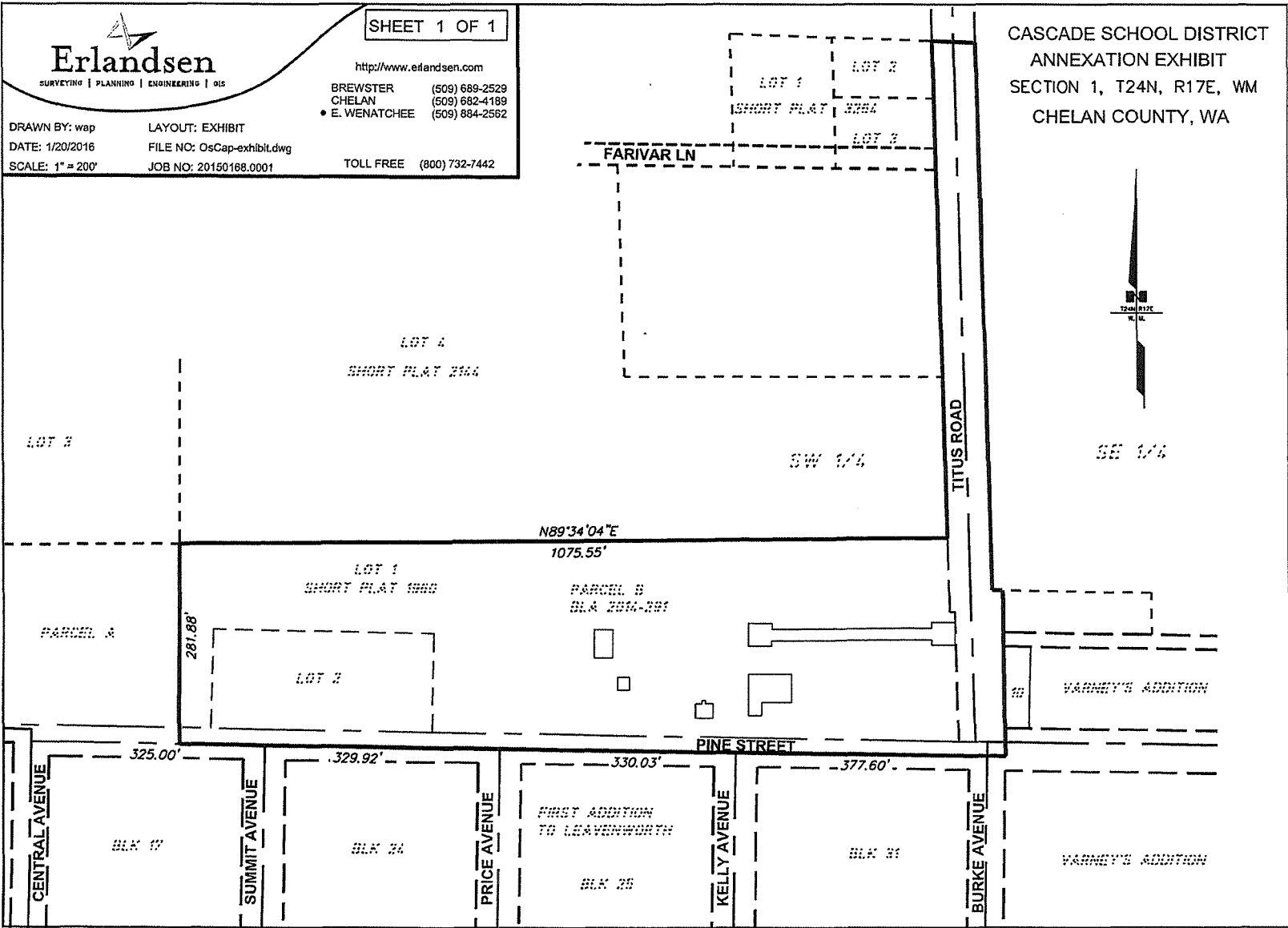
That portion of Lots 1 and 2, as delineated on Scamahorn Short Plat No. 1960, Chelan County, Washington, recorded March 20, 1990, in Book SP-7 of short plats, pages 7 and 8, lying East of the following described line:
Beginning at the Southwest corner of Lot 4 of the Jack Brender Short Plat No. 2144, Chelan County, Washington, recorded November 8, 1990 in Book SP-8 of short plats, page 15; thence extending the West line thereof South 0°10'35" West 243.84 feet to the North line of Pine Street as measured 15.00 feet North of the East-West center line of the Southwest quarter of Section 1, Township 24 North, Range 17 East of the Willamette Meridian,

TOGETHER WITH that portion of a county road known as Pine Street lying North of of those monuments established for the plat of First Addition to Leavenworth as set by Arvid Grant and Associates for the City of Leavenworth, bounded on the West by the Southerly extension of the above described line and bounded on the East by the Southerly extension of the East line of the right of way of a county road known as Titus Road.

ALSO TOGETHER with that portion of the right of way for county road known as Titus Road bounded on the North by the Easterly extension of the North line of Lot 2 of Farzan Farivar Short Plat No. 3264, Chelan County, Washington, recorded November 30, 1995 in Book SP-13 of Short Plats, Page 32 to the East line of said Titus Road and bounded on the South by the North right of way line of a city/county road known as Pine Street.

Excluding any areas already annexed into the City of Leavenworth.

EXHIBIT B



**PETITION FOR ANNEXATION
TO
THE CITY OF LEAVENWORTH, WASHINGTON**



(RCW 35A.14)

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF LEAVENWORTH,
WASHINGTON**

The undersigned, being the owners as defined in RCW 35A.01.040 (9) (a) through (d), of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, do hereby petition that such territory be annexed to and made a part of the City of Leavenworth, Washington, under the provisions of RCW 35A.14 et seq, and any amendments thereto, of the State of Washington.

The territory sought to be annexed is legally described on the attached Exhibit A which is incorporated herein, which legal description complies with RCW 35A.14.410. A map outlining the boundaries of the real property sought to be annexed is attached hereto and marked Exhibit B and is incorporated herein.

The City Council of the City of Leavenworth met with the initiating parties at a regular, open public City Council meeting on the 8th day of September, 2015, and on the 26 day of January, 2016 and determined that the City would accept the proposed annexation on the conditions set forth below:

1. The City would require the assumption of City indebtedness by the area proposed to be annexed.
2. The undersigned have been informed and will be required, in accordance with applicable Leavenworth city ordinances, prior to annexation, to transfer to the City of Leavenworth their present water rights, unless otherwise agreed with the City, as a condition of annexation. The terms and conditions of the transfer of the water rights to the City of Leavenworth pursuant to this annexation shall be set forth in a written agreement or agreements approved by the City Council prior to annexation.
3. The property will be zoned Low Density Residential 6,000 (RL6) and a conditional use permit will be necessary for the Cascade School District to move forward with their project and the development of the property.
4. The initiating petitions agree not to contest that the northern Pine Street Right of Way (ROW) line lies 30 feet north from the 16th Section Line and will convey ROW by means of a Quitclaim Deed to the City to that line without charge if required by City.
5. The City requires the Cascade School District to provide two hundred thousand dollars (\$200,000) as the contribution towards the infrastructure improvements to include, but are not limited to, all street and frontage improvements necessary to support the proposed elementary school; and the completion of the full uninterrupted length of 1/2 street improvements required for Pine Street. Except for ROW as set out in 4 and improvements as set out in 6 below, City shall not require or impose any condition on the Cascade School District to contribute any other

funds or conduct any other improvements through the completion of the currently planned roadway improvements of Pine Street.

- a. These funds will be used by the City of Leavenworth within five (5) years from the date of annexation for the improvements to Pine Street noted above.
6. The School District would be required to complete the following necessary improvements within five (5) years from the date of annexation:
 - a. Any necessary water and/or sewer utility transmission lines necessary to serve the property.
7. The City of Leavenworth agrees to retain and allow the non-conforming status of existing single family residence, and further agrees that the portion of the garage and second floor of existing home may remain in place for the conversion to the Cascade School District administrative office subject to the removal of any part of the structure that is within approximately six (6) feet of the recognized ROW line in item Number 4 of this agreement. The City and School District agree to cooperate as necessary to insure that the Cascade School District property is a legal parcel and the existing single family residence can be used to its fullest potential within the guidelines listed above.
8. The City of Leavenworth agrees to assist the Cascade School District in the development of the proposed elementary school which may include a requirement of off-site wetland mitigation. The City has offered three potential receiver sites for such mitigation. The City would retain ownership and long-term stewardship, and the Cascade School District would be responsible for construction and monitoring for up to five years if required. Upon acceptance of this Petition and its conditions, the parties agree to work on Development Annexation Agreement concerning the conditions set out in this Petition and including the location, development, construction, monitoring and use of the wetland mitigation area described specifically in this paragraph.

The above conditions are disclosed by the minute entry regarding the same in the minutes of the Leavenworth City Council meeting on the 26 day of January 2016.

WHEREFORE, the undersigned petition the City of Leavenworth, Washington as follows:

(a) That appropriate action be taken to entertain this petition, fixing a date for a public hearing, causing a notice of the hearing to be published in one or more issues of the Leavenworth Echo and causing notice of the hearing to be posted in three public places within the territory proposed for annexation, specifying the time and place of such hearing, and inviting interested persons to appear and voice approval or disapproval of such annexation; and

(b) That appropriate action be taken to complete a Development Annexation Agreement; and

(c) That following such hearing, the City Council determine by ordinance that such annexation shall be made, that such property annexed shall become a part of the City of Leavenworth, Washington subject to its laws and ordinances then and thereafter in force, and the terms of the Development Annexation Agreement and the conditions set out in this Petition.

The petitioners subscribing hereto agrees that all property within the territory hereby sought to be

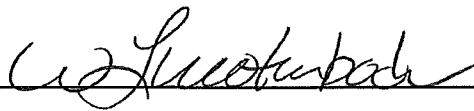
annexed shall be zoned Low Density Residential 6,000 (RL6) and shall be assessed and taxed at the same rate and on the same basis as other property within the City of Leavenworth, Washington, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation.

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

ADDRESS OF PARCELS INCLUDED WITHIN THIS ANNEXATION AGREEMENT:

12240 Pine St.

<u>Date</u>	<u>Signature of Petitioner</u>	<u>Tax Parcel No.</u>
1-29-16		241701320100