

**ORDINANCE NO. 1553  
CITY OF LEAVENWORTH, WASHINGTON**

**AN ORDINANCE ANNEXING REAL PROPERTY COMMONLY KNOWN AS Hwy 2, AND GENERALLY LOCATED EAST OF THE CITY LIMITS WITHIN HWY 2 RIGHTS-OF-WAY TO THE WESTERN EDGE OF THE CITY'S URBAN GROWTH AREA, FOR MUNICIPAL PURPOSES, INTO THE CITY OF LEAVENWORTH, WASHINGTON. THE PROPERTY IS LOCATED WITHIN LEAVENWORTH'S URBAN GROWTH AREA. THE ORDINANCE MAKES THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES FOR PUBLICATION BY SUMMARY.**

**WHEREAS**, the City of Leavenworth, Washington (City), has an owner interest in the following described Rights-of-Way:

A strip of land being State Highway No. 2 lying within portions of Sections 1 and 2, Township 24 North, Range 17 East and Sections 6 and 7, Township 24 North, Range 18 East of Willamette Meridian, the specific details concerning all of which may be found within those certain maps of definite location now on record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval June 27, 1939 and revised, said strip being of varying width the center line of which is described as follows:

Commencing at the section corner common to said Sections 1, 12, 6 and 7, a brass cap monument; thence North 30°10'22" East 9.31 feet to the center line of said Highway No. 2 at Engineer's Station 76+59.91; thence along said line, North 59°49'38" West 1072.91 feet to Station 65+87 on the West side of the Wenatchee River at Mile Post 100.46 of said highway and the TRUE POINT OF BEGINNING of this described center line; thence South 59°49'38" East 313.00 feet to Station 69+00, having a width of 90 feet on the left and 90.00 feet on the right; thence continue South 59°49'38" East 300.00 feet to Station 72+00, having a width of 50.00 on the left and 50.00 on the right; thence continue South 59°49'38" East 1050.00 feet to Station 82+50, having a width of 50.00 feet on the left and 40.00 feet on the right; thence continue South 59°49'38" East 300.00 feet to Station 85+50, having a width of 60.00 feet on the left and 50.00 feet on the right; thence continue South 59°49'30" East 120.14 feet to Station 86+70.14 and the end of the center line description, having a width of 80.00 feet on the left and 90.00 feet on the right, said strip of land being bounded on the Southeasterly side by running a bearing of North 65°17'53" East 97.81 feet from center line Station 86+70.14 to the most Southerly corner of that Parcel A of Boundary Line Adjustment LE2011-01, recorded under Auditor's File Number 2350958, records of Chelan County, Washington, and South 65°17'53" West 110.04 feet from said Station 86+70.14 to the most Easterly corner that parcel deed to Marson and Marson Lumber Company in Book 695, page 873, records of said county, TTOGETHER WITH that portion of land deeded to the State of Washington under

Auditor's File Number 2213724, records of said county.; and

**WHEREAS**, the City is and has constructed public utilities and infrastructure on, within, above, and under the above described Rights-of-Way; and

**WHEREAS**, pursuant to RCW 35A.14.220 and 35A.14.300 the City may, by majority vote, of the City Council, annex contiguous territory outside of its limits for any municipal purpose, if the territory is owned by the City; and

**WHEREAS**, operation of a domestic water and sanitary sewer mainlines, related water and sewer facilities, and public access (sidewalks / paths) are a municipal purpose; and

**WHEREAS**, the above described Rights-of-Way is within the City's Urban Growth Area as designated by Chelan County; and

**WHEREAS**, review by a boundary review board or by the county annexation review board for code cities is not necessary if the property being annexed for municipal purpose is contiguous to the City per RCW 36.93.110; and

**WHEREAS** the above described Rights-of-Way is contiguous to the City; and

**WHEREAS**, the annexation of property by a Code City is exempt from review under the State Environmental Policy Act pursuant to RCW 43.21C.222; and

**WHEREAS**, all statutory requirements have been complied with, and the City will use and maintain the above described Rights-of-Way for municipal purposes.

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

**Section 1.** The Rights-of-Way in Chelan County, Washington, described on Exhibit "A" and shown within Exhibit "B" attached hereto, controlled by the Washington State Department of Transportation lying within State Highway 2 and generally described as East of the city limits within Hwy 2 rights-of-way to the western edge of the City's Urban Growth Urea, contiguous to the City of Leavenworth, within the City of Leavenworth urban growth boundary, 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 Rights-of-Way shall be subject to the City of Leavenworth Comprehensive Plan and City of Leavenworth zoning regulations and shall retain the existing zoning of General Commercial.

**Section 4.** The annexed Rights-of-Way shall be subject to the limits within the annexation boundary / survey attached herein as Exhibit "B."

**Section 5.** This ordinance shall be recorded with the Chelan County Auditor and shall be binding upon the annexed Rights-of-Way. This ordinance shall take effect five days after its passage and publication as provided by law.

**Section 6.** The above described property shall be used as part of the City's public infrastructure and facilities or for other municipal purposes as determined appropriate by the City Council.

**Section 7. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

Passed by the City Council of City of Leavenworth, Washington and approved by the Mayor at an open public meeting on the 24th day of October, 2017.

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. 1553 (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 October 24, 2017, 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 24<sup>th</sup> day of October, 2017.

CITY OF LEAVENWORTH, WASHINGTON

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Chantell Steiner, City Clerk