

ORDINANCE NO. 4828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, ANNEXING PARCELS 322733, 20998, and 20999 TO THE CITY OF ELLENSBURG, WASHINGTON, ASSIGNING RESIDENTIAL SUBURBAN ZONING CLASSIFICATION, PROVIDING FOR THE ASSUMPTION OF EXISTING CITY INDEBTEDNESS AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

WHEREAS, on January 22, 2019, the City of Ellensburg, Washington received a notice of intention to commence annexation proceedings pursuant to the “direct petition” method of RCW 35A.14.120 for parcels 322733, 20998, and 20999; and

WHEREAS, on February 19, 2019, the City Council of the City of Ellensburg, Washington held a public meeting with the annexation initiators pursuant to RCW 35A.14.120 and determined that the initiators could proceed to acquire a 60% petition for annexation pursuant to RCW 35A.14.120; and

WHEREAS, at its February 19, 2019 public meeting the City Council set the annexation area and further determined that the property subject to annexation would be zoned Residential Suburban, and assume the annexation area’s share of City indebtedness; and

WHEREAS, the owners of not less than 60% in value, according to the assessed valuation for general taxation of the property hereinafter described, signed the petition pursuant to RCW 35A.14.120 for the annexation of said area to the City of Ellensburg, Washington; and

WHEREAS, the petition for annexation was certified as sufficient by the Kittitas County Assessor, on February 26, 2019, having determined that the petition signatures have a combined total assessed value for general taxation of not less than 60% of the total assessed value for general taxation of all property in the proposed annexation area, in compliance with RCW 35A.01.040; and

WHEREAS, the City provided public notice of the petition for annexation and has provided an opportunity for comment thereon by all interested citizens; and

WHEREAS, on April 11, 2019, pursuant to proper notice given in accordance with RCW 35A.14.130, the Planning Commission conducted a public hearing on the proposed annexation , and following such hearing recommended City Council approve the annexation request and upon annexation recommended the property be zoned Residential-Suburban; and

WHEREAS, on June 3 and December 16, 2019, pursuant to proper notice given in accordance with RCW 35A.14.130, the City Council received and reviewed all of the documentation associated with this annexation proposal, conducted public hearings on the proposed annexation in accordance with RCW 35A.14.140 and RCW 35A.14.330-.340, and following such hearings determined to effect the annexation of the territory described in Section

1 of this ordinance, finding that the petition for annexation met the applicable requirements, and that the best interests of the City of Ellensburg, Washington will be served by the annexation and that it is appropriate to good government of the City of Ellensburg, Washington and therefore accepted the petition for annexation pursuant to RCW 35A.14.120 and Chapter 15.360 of the Ellensburg City Code; and

WHEREAS, the annexation applicant, CWH LLC, has entered into a pre-annexation development agreement with the City setting forth the terms and conditions for development of the parcels subject to annexation in this Ordinance; and

WHEREAS, the territory described in Section 1 of this ordinance is contiguous to the City of Ellensburg, Washington and entirely within the City of Ellensburg Urban Growth Area established pursuant to RCW 36.70A.110,

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

**Section 1. Annexation.** The following described parcels and rights-of-ways are hereby annexed to and made a part of the City of Ellensburg, Washington, to wit:

Parcels B, C, and D of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.

**Section 2. Assessment and Taxation.** All property within the territory so annexed shall be assessed and taxed at the same rate and on the same basis as other property of the City of Ellensburg, Washington is assessed and taxed to pay for any outstanding indebtedness of the City of Ellensburg, Washington as presently adopted or as is hereafter amended.

**Section 3. Comprehensive Plan Designation.** All property within the territory so annexed shall be subject to and a part of the Comprehensive Plan of the City of Ellensburg, Washington as presently adopted or as is hereinafter amended.

**Section 4. Land Use Designation and Zoning.** Pursuant to authority of RCW 35A.14.330, all property within the territory so annexed, and as depicted in Exhibit A, attached hereto, shall be hereby zoned as follows: Kittitas County Assessor Parcel Number 322733, 20998, and 20999 shall be zoned Residential Suburban (R-S).

**Section 5. Pre-Annexation Development Agreement.** This Ordinance is subject to the terms and conditions of that certain pre-annexation development agreement between CWH LLC and the City of Ellensburg, filed with the Kittitas County Auditor as No. \_\_\_\_\_.

**Section 6. Transmittal and Filing.** The Ellensburg City Clerk is directed to file a certified copy of this ordinance with the Kittitas County Board of County Commissioners.

**Section 7. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

**Section 8. Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, sections/subsections numbers and any references thereto.

**Section 9. Effective Date.** This ordinance shall take effect and be in full force after filing of the pre-annexation development agreement between CWH LLC and the City of Ellensburg or five (5) days after its passage, approval and publication, whichever occurs later.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 16<sup>th</sup> day of December, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to form:

\_\_\_\_\_  
CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4828 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4828 was published as required by law.

EXHIBIT A

