

ORDINANCE NO. 1777

AN ORDINANCE OF THE CITY OF KETTLE FALLS, WASHINGTON, PROVIDING FOR ANNEXATION TO KETTLE FALLS OF UNINCORPORATED STEVENS COUNTY TERRITORIES KNOWN AS LAKE VIEW ISLAND AND SINGER'S ISLAND; SETTING AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR PUBLICATION OF SAID EFFECTIVE DATE AT LEAST ONCE A WEEK FOR TWO WEEKS SUBSEQUENT TO PASSAGE; AND ESTABLISHING A REFERENDUM PROCESS APPLICABLE TO THE ANNEXATION

WHEREAS, the Kettle Falls City Council on January 15, 2019, passed Resolution 1901, attached hereto as Exhibit A, which resolution stated the Council's intent to annex to Kettle Falls via the island annexation method established in RCW 35A.14.295, .297 and .299 the unincorporated Stevens County territories known as Lake View Island and Singer's Island; and

WHEREAS, Stevens County does not have a boundary review board, but the county planning department, the Stevens County Commissioners, and the Stevens County Auditor's office were given copies of the resolution, and no objections to this Island Annexation were raised and it is consistent with all applicable state laws; and

WHEREAS, in accordance with Resolution 1901 and the above-cited state laws, the City has scheduled a hearing on the proposed annexation for February 5, 2019, and, pursuant to state law, has given notice of such hearing by publication in the Statesman Examiner of said Resolution on January 23 and 30, 2019; and has further given notice, beyond the requirements of state law, by putting it on the local radio station, and by posting on a display board at city hall and at the post office; and

WHEREAS, the Kettle Falls City Council has determined that the interests of the citizens of Kettle Falls and of Lake View Island and Singer's Island would be served by annexation to Kettle Falls;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KETTLE FALLS, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The unincorporated Stevens County territory known as Lake View Island and Singer's Island, depicted and described in Resolution 1901, attached hereto as Exhibit A, is hereby annexed to the City of Kettle Falls.

Section 2. The recitals and provisions of Resolution 1901 are affirmed.

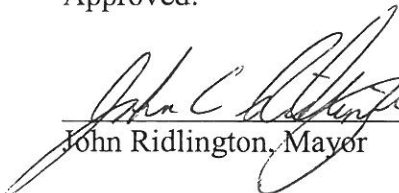
Section 3. The effective date of annexation shall be April 30, 2019. Pursuant to state law, notice of said effective date of annexation, together with a description of the annexation, shall be published at least once each week for two weeks subsequent to passage of this ordinance in The Statesman Examiner, which is the official newspaper of record of the City of Kettle Falls.

Section 4. This annexation ordinance shall be subject to referendum for 45 days after its passage. Pursuant to RCW 35A.14.299, upon the filing of a timely referendum petition signed by qualified electors in number equal to not less than 10 percent of the votes cast in the last general state election in the Lake View Island and/or the Singer's Island, the question of annexation shall be submitted to the voters of the Lake View Island and/or the Singer's Island in a general election if one is to be held within 90 days or at a special election called for that purpose according to RCW 29A.04.330. Notice of such election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in RCW 35A.29.151. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the 45th day from but excluding the date of passage of this annexation ordinance, which 45th day is April 5, 2019, if no timely and sufficient referendum petition has been filed, Lake View Island and/or Singer's Island shall become a part of Kettle Falls on the effective date of April 30, 2019.

Section 5. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid 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.

**PASSED** by vote of the Council present this 19<sup>th</sup> day of February, 2019.

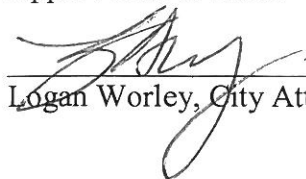
Approved:

  
John Ridlington, Mayor

Attest:

  
Raena L. Hallam, Clerk/Treasurer

Approved as to form:

  
Logan Worley, City Attorney

The foregoing ordinance was presented for adoption by Council Member Michael Weatherman and seconded by Council Member Dale Drake. Upon vote, there were 5 YEA; 0 NAY; 0 ABSTAIN; 0 ABSENT

Blocks 6, 7, 11 and 12 in Kettle Falls on the Columbia River Addition to the Town of Kettle Falls, Washington, together with vacated alleys in said blocks, the South one-half of vacated 2<sup>nd</sup> Street and all of vacated 3<sup>rd</sup> Street and 4<sup>th</sup> Street, C and D Avenue abutting thereon, EXCEPT all that portion thereof lying West of the Easterly right of way line for former Primary State Highway No. 3, now County Road. All that portion of Lot 1 of Section 23, Township 36 North, Range 37, E.W.M., lying and being East of Primary State Highway No. 3 (now County Road), formerly known as all of Blocks 1, 2, 5, 6, 7 and 8 of Broadway Addition to the Town of Kettle Falls, Washington, now vacated, together with vacated streets and alleys in said Addition lying East of said highway. All that portion of the SE1/4 of the SW1/4 of Section 14, Township 36 North, Range 37, E.W.M., lying and being East of Primary State Highway No. 3 (now County Road). All of Lots 16, 17, 18, 19, 35, 36, 37 and 38 in Block 47 of Central Addition to the Town of Kettle Falls, Washington, together with the East one-half of vacated Broadway Avenue and the West one-half of vacated Genesee Avenue abutting thereon, EXCEPT that portion of vacated Broadway Avenue included in the right of way for Primary State Highway No. 3, (now County Road). All of Block 48 of Central Addition to Kettle Falls, Washington, EXCEPT Lot 1, together with the East half of vacated Genesee Street and the North-half of vacated Euclid Avenue abutting thereon.

EXCEPT all that portion of the above described lands lying and being West of the Easterly right of way line for Primary State Highway No. 3, now County Road.

EXCEPT that portion thereof conveyed by Pine Forest Lumber Company, a corporation, to Great Northern Railway Company, by deed dated January 19, 1944, recorded in Book 113 of Deeds, page 496, and by Town of Kettle Falls to Great Northern Railway Company, a corporation, by deed dated January 25, 1944, recorded in Book 113 of Deeds, page 498.

EXCEPT all that portion thereof conveyed by Columbia Lumber Company, a corporation, to Great Northern Railway Company, a corporation, dated December 22, 1948, recorded in Book 137 of Deeds, page 121.

EXCEPT the right of way of the Great Northern Railway Company.

The following described real estate situated in the County of Stevens, State of Washington:

That portion of the SW1/4 of the SE1/4 of Section 14, Township 36 North, Range 37, E.W.M., described as follows:

Beginning at a point which is 958 feet West of the Southeast corner of the SW1/4 SE1/4 said Section 14; thence West to the Southwest corner of the SW1/4 SE1/4; thence North to Northwest corner SW1/4 SE1/4; thence East along the North line SW1/4 SE1/4 to the West right of way line of the Great Northern Railway Company; thence Southeasterly along said railroad right of way to a point which is 432 feet directly North of the point of beginning; thence South to the point of beginning, EXCEPT right of way of the Great Northern Railway Company.

That portion of the W1/2 of the NW1/4 of the SE1/4 of Section 14, Township 36 North, Range 37, E.W.M., lying and being West of the railroad right of way of Great Northern Railway Company (main line), EXCEPT right of way for spur track of said Railway Company.

Lots 1 and 2, Block 4, KETTLE FALLS ADDITION, according to the official plat thereof, recorded in the office of the Stevens County Auditor, Stevens County, Washington.

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Government Lot 3 of Section 19, Township 36 North, Range 38 East, W.M., in Stevens County, Washington.  
EXCEPTING therefrom a strip of land 100 feet in width across said property, conveyed by Arthur W. Schenk, a bachelor, to the United States, by deed dated August 20, 1941, recorded in Book 111 of Deeds, page 96; 1919400;

Lots 2, 3, and 4, of Section 30, Township 36 North, Range 38 N.W.M. That part of the SE1/4 of the NW1/4; the NE1/4 of the SW1/4; and the SE1/4 of the SW1/4 of said Section 30 Township 36 North, Range 38, lying West of State Highway 22; EXCEPTING THEREFROM that part of the Southwest quarter of Section 30, Township 36 North, Range 38 East, Willamette Meridian, in Stevens County, Washington, described as follows:

Beginning at the Southwest corner of said Section 30; thence North 2°15'56" West, along the West line thereof, for 667.79 feet; thence North 89°14'34" East for 624.11 feet; thence South 2°13'03" East for 668.49 feet to the South line of said Section 30; thence South 89°18'31" East, along said South line, for 623.57 feet to the point of beginning; 1942500;

That portion of Government Lot 1 of Section 31, Township 36 North, Range 38 East, W.M., in Stevens County, Washington, lying North of Primary State Highway No. 22; EXCEPTING THEREFROM that portion of the NW1/2 NW1/4 NW1/4 of Section 31, Township 36 North, Range 38 East, W.M., lying Northwesterly of a line drawn between the North 1/16 corner of the Western boundary of said Section 31 and a point on the North boundary of said Section 31 that lies 623.57 feet North 89°18'31" East of the Northwest corner of said Section 31, situated in the County of Stevens, State of Washington; 1942600; 1942800;

All in Township 36 North, Range 38 East, W.M., in Stevens County, Washington.

The NW1/4 of the SE1/4 and the SW1/2 of the SE1/4 less Lots 1 and 2, Block 6, Kettle Falls Addition to the Town of Kettle Falls, Washington, Roadway, and Tax No. 1 described as follows:  
Beginning 431.7 feet South and 180 feet East of the Northwest corner of the SW1/4 of the SE1/4 of Section 25, Township 36 North, Range 37, thence South 50 feet; thence East 125 feet; thence North 50 feet; thence West 125 feet to point of beginning. ALSO less Tax No. 2 described as follows: Beginning 583.7 feet South and 40 feet East of the Northwest corner of the SW1/4 of the SE1/4 of Section 25, Township 36 North, Range 37, thence South 75 feet; thence East 125 feet; thence North 75 feet; thence West 125 feet to point of beginning. All in Section 25, Township 36 North Range 37, N.W.M.; 1787600;

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RESOLUTION NO. 1901

A RESOLUTION OF THE CITY COUNCIL OF KETTLE FALLS, WASHINGTON, STATING THE COUNCIL'S INTENT TO ANNEX TO KETTLE FALLS UNINCORPORATED STEVENS COUNTY TERRITORY; DESCRIBING THE BOUNDARIES OF THE AREA TO BE ANNEXED; STATING THE NUMBER OF VOTERS RESIDING THEREIN, AS NEARLY AS MAY BE; SETTING A DATE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION; AND PROVIDING FOR ASSUMPTION OF BONDED INDEBTEDNESS AND ADOPTION OF PROPOSED ZONING REGULATION

**WHEREAS**, RCW 35A.14.295, .297, and .299 establish a process by which legislative bodies of code cities such as Kettle Falls may by resolution and subsequent ordinance annex unincorporated territory containing less than 100 acres of residential property and having at least 80 percent of the boundaries of such territory contiguous to the code city;

**WHEREAS**, the property proposed to be annexed is in two separate islands, one completely surrounded by incorporated property, and commonly referred to as the Lake View Island, and the other having more than eighty percent of its boundaries contiguous to the City, and commonly referred to as the Singers Island; and

**WHEREAS**, the City of Kettle Falls wishes to annex these properties into the city;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KETTLE FALLS, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Kettle Falls City Council hereby states its intent to annex the unincorporated Stevens County Territory via the process established in RCW 35A.14.295, .297, and .299. In order to qualify for annexation under this method, an area must comprise residential property owners, contain less than 100 acres and be contiguous to the annexing code city on at least eighty percent of its boundaries. Each area to be annexed contains less than 100 acres, and is contiguous to the City of Kettle Falls on more than eighty percent of its boundaries.

**Section 2.** The boundaries of the proposed Annexations are depicted and described in Exhibit A and Exhibit B to this resolution, respectively, which exhibits are attached hereto and incorporated herein by this reference as if set forth in full.

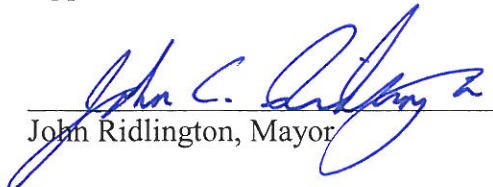
**Section 3.** Approximately 8 voters reside within the proposed Lake View Island annexation, and Approximately 13 voters reside within the proposed Singer's Island annexation.

**Section 4.** The Kettle Falls City Council hereby schedules a public hearing concerning the proposed Lake View Island Annexation and the Singers Island Annexation, for the City Council meeting of February 5<sup>th</sup>, 2019, starting at 7 p.m., in the Kettle Falls City Hall located at 580 Meyers St., Kettle Falls, WA. Notice of the hearing will be given by publication of this resolution at least once a week for two weeks prior to the date of the hearing.

**Section 5.** At the February 5<sup>th</sup> hearing, residents or property owners of the area included in this resolution for annexation shall be afforded an opportunity to be heard. Following the hearing, the City Council may adopt an ordinance approving the proposed Annexation, but the effective date of the ordinance shall be not less than 45 days after the passage thereof.

**PASSED** by vote of the Council present this 15<sup>th</sup> day of January, 2019.

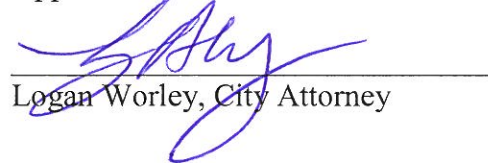
Approved:

  
John Ridlington, Mayor

Attest:

  
Raena L. Hallam, Clerk/Treasurer

Approved as to form:

  
Logan Worley, City Attorney



Kettle Falls  
Zoning

EXHIBIT A

## **EXHIBIT B**

### **TO KETTLE FALLS RESOLUTION 1901 RE: ANNEXATION**

#### **Lake View Island Annexation Parcels**

Parcel No: 1921300

That part of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of Section 19, Township 36 North, Range 38 East, W.M., in Stevens County, Washington, described as follows:

Beginning at a point 445 feet South of the Northeast corner of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of said Section 19; thence South a distance of 75 feet; thence West a distance 135 feet; thence North a distance of 75 feet; thence East a distance of 135 feet to the Point of Beginning.

Parcel No.: 1921200

A tract of land in the E1/2 of the W1/2 of the NW1/4 of NE1/4 of Section 19, Township 36 North, Range 38, E.W.M., described as follows:

Beginning at a point 370 feet South of the Northeast corner of said E1/2 of W1/2 of NW1/4 of NE1/4, of said Section 19, thence South 75 feet; thence West 135 feet; thence North 75 feet; thence East 135 feet to the point of beginning.

Parcel No.: 1921400

A tract of land in the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of Section 19, Township 36 North, Range 38 East, W.M., in Stevens County, Washington, described as follows:

Beginning at a point 300 feet South of the Northwest corner of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of said Section 19; running thence South a distance of 130 feet; thence East a distance of 155 feet; thence North a distance of 130 feet; thence West a distance of 155 feet to the point of beginning.

Parcel No.: 1923000

That part of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of Section 19, Township 36 North, Range 38 East, W.M. in Stevens County, Washington described as follows:

Commencing at the Northeast corner of the W1/2 of the NW1/4 of the NE1/4 of said Section 19; thence South 370 feet; thence West 185 feet to the West right of way of the Nailor County Road; thence North along said West right of way 70 feet to the point of beginning; thence along said right of way North 225.00 feet; thence along a curve to the left having an angle of 87 degrees 16', a radius of 75.00 feet and a tangent of 100.00 feet to the North boundary of said Section 19; thence North 87 degrees 16' West along said North boundary 60 feet, more or less, to the Northwest corner of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of said Section 19; thence along the West boundary 300 feet; thence East 135 feet to the point of beginning.



Parcel No.: 1921000

That part of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of Section 19, Township 36 North, Range 38 East, W.M., in Stevens County, Washington, described as follows:

Beginning at a point 520.00 feet South of the Northeast corner of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of said Section 19; thence South 60.00 feet; thence West 135.00 feet; thence North 60.00 feet; thence East 135.00 feet to the Point of Beginning.

That part of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of Section 19, Township 36 North, Range 38 East, W.M., in Stevens County, Washington described as follows:

Beginning at a point 580.00 feet South of the Northeast corner of said description; thence South 90.00 feet; thence West 135.00 feet; thence North 90.00 feet; thence East 135.00 feet to the Point of Beginning.

### **Singer's Island Annexation Parcels**

Parcel No.: 374300

Lot 8, Block 1, SINGER SUBDIVISION, according to plat recorded under Auditor's File No. 410345, in Stevens County, Washington.

Parcel No.: 375500

Lot 2, Block 2, SINGER'S SUBDIVISION, according to plat thereof recorded December 23, 1971, under Auditor's File No. 410345, in Stevens County, Washington.

Parcel No.: 0374500

Lot 10, Block 1, SINGER SUBDIVISION, according to Plat recorded under Auditor's File No. 410345, in Stevens County, Washington.

Parcel No.: 0376000

Lot 7, Block 2, SINGER SUBDIVISION, according to plat recorded under Auditor's File No. 410345, in Stevens County, Washington.

Parcel No.: 0375600

Lot 3, Block 2, SINGER'S SUBDIVISION, according to plat recorded under Auditor's File No. 410345, in Stevens County, Washington.

Parcel No.: 0374400

Lot 9, Block 1, SINGER SUBDIVISION, according to plat recorded under Auditor's File No. 410345, in Stevens County, Washington.

Parcel No.: 0374200

Lot 7, Block 1, SINGER SUBDIVISION, according to plat recorded under Auditor's File No. 410345, in Stevens County, Washington.