

ORDINANCE NO. 2019-34

AN ORDINANCE, to fully include the public right of way known as Stella Avenue within the corporate limits of the City of Wenatchee.

WHEREAS, RCW 35A.21.210(1) provides that the governing bodies of a county and any code city located therein may by agreement revise any part of the corporate boundary of the city which coincides with the centerline, edge, or any portion of a public street, road or highway right-of-way by substituting therefor a right-of-way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city; and

WHEREAS, pursuant to RCW 35A.21.210(2) the revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city council and by ordinance or resolution of the county legislative authority. Such a boundary revision is not subject to potential review by a boundary review board; and

WHEREAS, the City of Wenatchee and Chelan County desire to revise the corporate limits of the City of Wenatchee to fully include Stella Avenue within the City.

WHEREAS, the City of Wenatchee and Chelan County have agreed to share in the costs to overlay a segment of Stella Avenue; and

WHEREAS, Chelan County has passed Resolution No. 2019-120 approving both the revision of the corporate boundary regarding a portion of Stella Avenue and approving sharing equally the costs to overlay a segment of Stella Avenue; contingent upon the passage of a corresponding ordinance by the City of Wenatchee.

NOW, THEREFORE, the City Council of the City of Wenatchee do ordain as follows:

SECTION I

That the corporate limits of the City of Wenatchee shall be revised upon joint approval of Chelan County to include the public right of way known as Stella Avenue as described in Exhibit A.

SECTION II

That the Mayor shall be and hereby is authorized to sign an Agreement with the County of Chelan in the same or substantially the same form as set forth in Exhibit B attached hereto providing for the sharing in overlay costs to the described portion of Stella Avenue and for the annexation of a portion of Stella Avenue within the corporate limits of the City of Wenatchee.

SECTION III

The power to revise the corporate boundary of the City having been granted specifically to the City Council, this ordinance shall become effective on the later of five (5) days from the date of publication of this Ordinance and the date Chelan County adopted Resolution 2019-120 approving the revision of the corporate limits of the City of Wenatchee as set forth herein.

SECTION IV

If any section, subsection, sentence, clause or phrase of this Ordinance is declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the remaining portions of this Ordinance which shall be in

full force and effect as if said section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE this 12 day of December, 2019.

CITY OF WENATCHEE, a municipal corporation

By 
FRANK KUNTZ, Mayor

ATTEST:

By 
TAMMY L. STANGER, City Clerk

APPROVED:


By 
STEVE D. SMITH, City Attorney

EXHIBIT A

Boundary Description of the STELLA AVENUE ANNEXATION

October 2, 2019

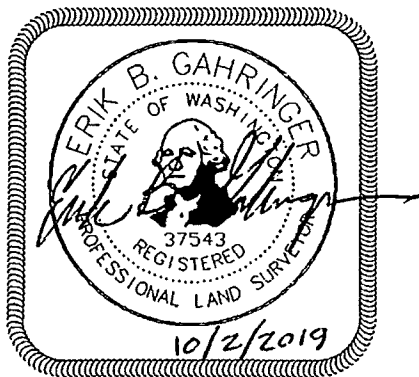
A strip of land 50 feet in width located within a portion of the northwest quarter of Section 33, Township 23 North, Range 20 East of the Willamette Meridian, Chelan County, Washington, being more particularly described as follows:

Stella Avenue right of way, Kiser's Addition to the City of Wenatchee, according to the plat thereof recorded in Volume 4 of Plats, at page 99, records of said County;

TOGETHER WITH that portion of Walnut Street right of way bound on the North by the North right of way boundary of said Walnut Street and bound on the East and West by the East and West boundaries of said strip extended northerly to said North right of way boundary;

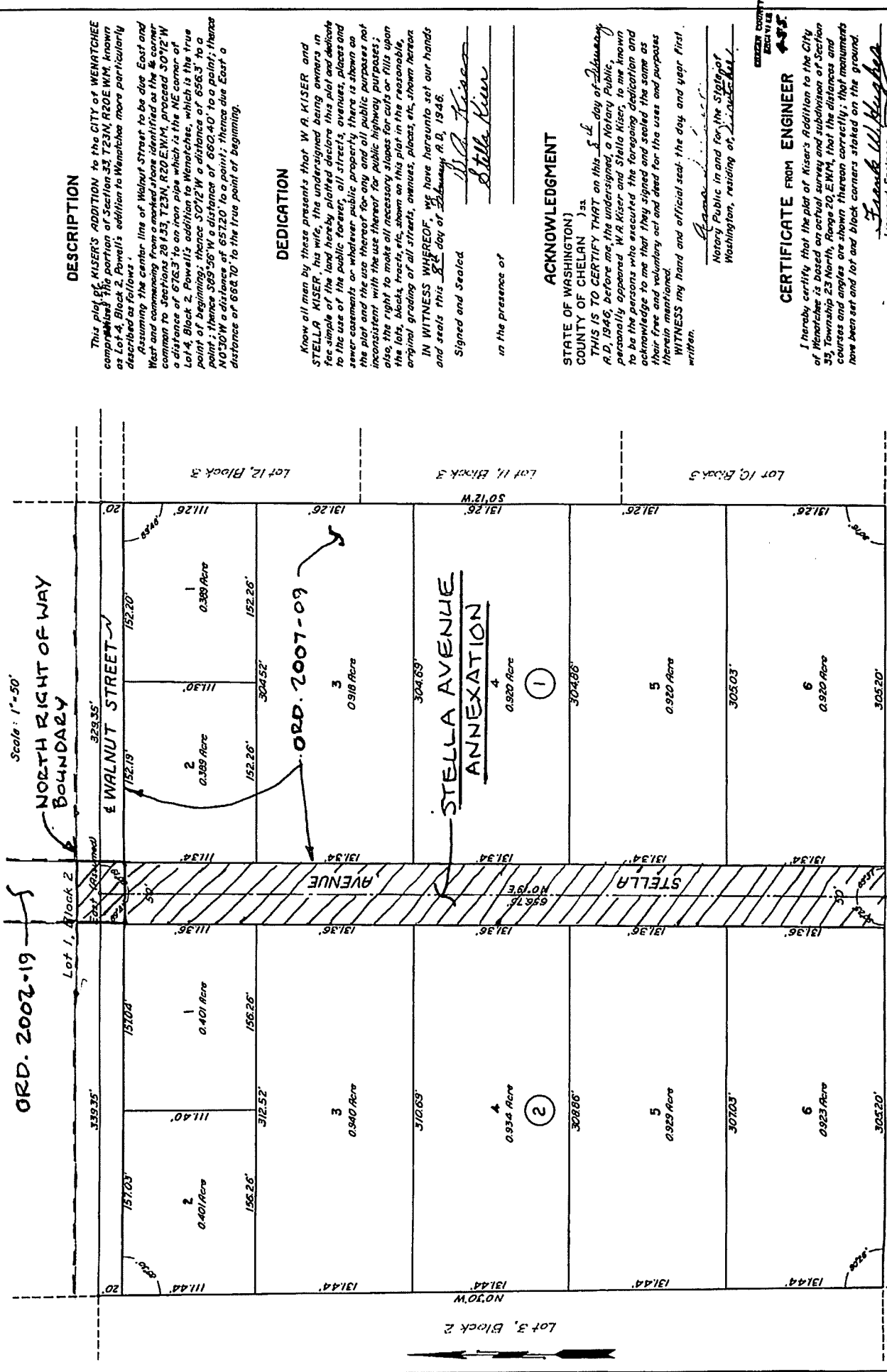
EXCEPT any portion thereof lying within the boundaries described within the City of Wenatchee Annexation Ordinance Numbers 2002-19, on file with the City of Wenatchee (unrecorded), and 2007-09 recorded under Auditor's File Number 225629, records of said County.

Prepared By: Erik B. Gahringer, PLS
48° North
Professional Land Surveying & Land Use Consultants
P.O. Box 4266
Wenatchee, WA 98807-4266
Phone: (509) 436-1640



KISER'S ADDITION TO THE CITY OF WENATCHEE

25(1)



DESCRIPTION

This plat of KISER'S ADDITION to the CITY OF WENATCHEE comprising the portion of Section 33, T23N, R20E W1M, known as Lot 4, Block 2, Powell's addition to Wenatchee more particularly described as follows:

Assuming the center line of Walnut Street to be due East and West and commencing from a marked point identified as the corner common to Sections 20135, T23N, R20E W1M, proceed S072°W a distance of 676.3 to an iron pipe which is the NE corner of Lot 4, Block 2, Powell's addition to Wenatchee, which is the true point of beginning; thence S072°W a distance of 656.3 to a point; thence S69°56'W a distance of 660.40 to a point; thence N0°30'W a distance of 657.20 to a point; thence due East a distance of 668.70 to the true point of beginning.

DEDICATION

Know all men by these presents that W.A. KISER and STELLA KISER, his wife, the undersigned being owners in fee simple of the land hereby platted declare this plat and dedicate to the use of the public forever, all streets, avenues, places and sewer easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes not inconsistent with the use thereof for public highway purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable, original grading of all streets, avenues, places, etc., shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 22nd day of February, A.D. 1946.

Signed and Sealed W.A. Kiser
Stella Kiser

in the presence of

ACKNOWLEDGMENT

STATE OF WASHINGTON) ss.
COUNTY OF CHELAN) ss.

THIS IS TO CERTIFY THAT on this 22nd day of February, A.D. 1946, before me, the undersigned, a Notary Public, personally appeared W.A. Kiser and Stella Kiser, to me known to be the persons who executed the foregoing dedication and acknowledge to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year first written.

James [Signature]
Notary Public in and for the State of Washington, residing at [Address]

CERTIFICATE FROM ENGINEER

I hereby certify that the plat of Kiser's Addition to the City of Wenatchee is based on an actual survey and subdivision of Section 33, Township 23 North, Range 20 East, W1M, that the distances and courses and angles are shown thereon correctly; that monuments have been set and lot and block corners staked on the ground.

Frank W. Hughes
Licensed Engineer

EXAMINED AND APPROVED this 26th day of Feb., A.D. 1946 Donald B. West
Chelan County Board Engineer

EXAMINED AND APPROVED this 24th day of March, A.D. 1946. John Lee Sweeney
Board of County Commissioners, Chelan County, Washington. By John Lee Sweeney Chairman

Attest: John Lee Sweeney Clerk of the Board

Filed for record of the request of the Chelan County Board of Commissioners, A.D. 1946, at 3:11 Minutes past 1 o'clock P.M., and recorded in Volume 4 of plat, on Page 25 of Chelan County, Washington Public Records. John Lee Sweeney Chelan County Auditor

EXHIBIT B

AGREEMENT

BY AND BETWEEN THE CITY OF WENATCHEE AND CHELAN COUNTY
TO REVISE ADJUST MUNICIPAL BOUNDARIES

THIS AGREEMENT is made and entered into this _____ day of _____, 2019, by and between the City of Wenatchee a non-charter code city, hereinafter "City" and Chelan County, a political subdivision of the State of Washington, hereinafter the "County", for the adjustment of the City boundaries to move the boundaries from certain roadway centerlines to the edges of the rights-of-way.

WITNESSETH: That

WHEREAS, RCW 35A.21.210 provides in part that the governing bodies of a County and non-charter code City located therein may by agreement revise any part of the corporate boundary of the City which coincides with the centerline of a road by substituting therefore a right-of-way line of the same road so as to fully include the road segment in the corporate limit of the City; and

WHEREAS, a segment of Stella Avenue is located in the County, the segment of which is legally described as follows:

That portion of Stella Avenue lying southerly of Walnut Street and Northerly of McKittrick Street, in The Northwest quarter of Section 33, Township 23 North, Range 20 East of the Willamette Meridian, Chelan County, Washington.

EXCEPT that portion lying within the City of Wenatchee city limits.

A drawing of the segment of Stella Avenue to be revised is attached hereto as **Exhibit A** and incorporated herein by reference.

WHEREAS, the County and the City wish to revise the City's corporate boundary so as to include the segment of Stella Avenue legally described herein within the corporate limits of the City; and

WHEREAS, the County and City agree to share to the costs to overlay the segment of Stella Avenue legally described herein; and

WHEREAS, the Board of Chelan County Commissioners, has by Resolution No. _____ dated _____, authorized the County to enter into an agreement with the City to adjust the City's corporate boundaries pursuant to RCW 35A.21.120 and further authorized the County to share equally in the costs to overlay the segment of Stella Avenue legally described herein; and

WHEREAS, the City Council, has by Ordinance No. _____ dated _____, authorized the Mayor to enter into an agreement with the County to adjust the City's corporate boundaries pursuant to RCW 35A.21.120 and further authorized the City to share equally in the costs to overlay the segment of Stella Avenue legally described herein.

NOW, THEREFORE,

The County and City do hereby agree that the City Corporate boundaries should be and by this agreement are revised to fully include the rights-of-way of a segment of Stella Avenue legally described herein and as depicted on attached **Exhibit A** which is incorporated herein by reference; and

The County and City further agree to share equally in the costs to overlay the segment of Stella Avenue legally described herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the dates set forth below:

CITY OF WENATCHEE

Chelan County

BY _____
Frank Kuntz, Mayor

By _____
Kevin Overbay, Chair

By _____
Doug England, Commissioner

By _____
Bob Bugert, Commissioner

ATTEST:

ATTEST:

By _____
City Clerk

By _____
Carlye Baity, Clerk of the Board

APPROVED AS TO FORM:

By _____
Steve Smith, City Attorney

By _____
Robert W. Sealby,
Deputy Prosecuting Attorney