

ORDINANCE NO. 1318

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE CHRIST CENTER & SPEARS ANNEXATION TO THE CITY PURSUANT TO THE PETITION METHOD, SAID ANNEXATION BEING LEGALLY DESCRIBED AS SET FORTH IN EXHIBIT "A" TO THIS ORDINANCE, AND GENERALLY DEPICTED IN THE MAP ATTACHED AS EXHIBIT "B" TO THIS ORDINANCE; DESIGNATING THE ZONING OF THE ANNEXATION AREA, AS SINGLE-FAMILY (SF); APPROVING THE TITLE OF THE ORDINANCE; CONTAINING A SEVERABILITY PROVISION; AND PROVIDING AN EFFECTIVE DATE AS A SUMMARY OF THIS ORDINANCE.

WHEREAS, Petitioners, being the owners as defined in RCW 35A.01.040, of not less than ten percent (10%) in value, according to the assessed valuation of the property for which annexation is petitioned, prior to initiation of the petition, notified the City Council of Petitioners' intention to commence annexation proceedings for the area commonly known as the Christ Center and Spears land area annexation to the City of Cashmere (City); and

WHEREAS, the City Council met with the initiators on Monday, November 28, 2022 and determined by Council action that the City would accept the proposed annexation providing that existing City indebtedness shall be assumed by the area to be annexed and further providing that the City's Comprehensive Plan (which includes a Single Family (SF) zoning designation for the proposed annexation area), shall be deemed to apply to the area upon such annexation; and

WHEREAS, a sufficient petition for annexation was subsequently filed with the City Council pursuant to RCW 35A.14.120, signed by the owners of not less than 60 percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, seeking annexation to the City, of the land as legally described in Exhibit "A"; and

WHEREAS, pursuant to RCW 35A.14.130, the City fixed Monday, March 13, 2023, at the hour of 6:00 p.m. as the date and time for a public hearing on said proposed annexation and caused notice of such hearing to be published and posted in accordance with the law, and the hearing having been held on that date and all interested parties appearing at said hearing and desiring to be heard in regard to the proposed annexation having been heard by the Council; and

WHEREAS, following the aforesaid hearing, a Notice of Intent to annex the real property identified in Exhibit "A" to this ordinance was filed with the Chelan County Boundary Review Board, and

WHEREAS, the Boundary Review Board approved the proposed annexation at its June 28, 2023 meeting. and as a result, the area identified in the petition and legally described in Exhibit "A" to this Ordinance is ready to be annexed, now therefore

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

Section 1. Annexation. The real property commonly known as the Christ Center and Spears Annexation in Chelan County, Washington which is legally described in Exhibit "A" and depicted in Exhibit "B" and those portions of the Kimber Road and Evergreen Drive right of ways that abut the annexation areas which are legally describe in Exhibit "A" and depicted in Exhibit "B" to the Ordinance and is contiguous to the City of Cashmere, Washington, and within the City of Cashmere Urban Growth Boundary, is hereby annexed to and incorporated in the city limits of the City of Cashmere, Washington, on the terms and conditions set forth in this ordinance.

Section 2. Zoning and Comprehensive Plan. Zoning of the annexation area consistent with the City Comprehensive Land Use Plan shall be Single-Family (SF), the zoning depicted for the annexation in the "Map of the Cashmere Zoning Ordinance". That's a part of the City Comprehensive Land Use Plan, which plan shall apply to the annexed lands. The City Clerk/Treasurer is directed to insert this zoning for the annexation area on the official zoning map of the city, when this Ordinance becomes effective.

Section 3. Taxation. The annexed real property described herein shall be assessed and taxed at the same rate and on the same basis as other properties in the City of Cashmere, Washington to pay for all or any portion of the outstanding indebtedness of the City of Cashmere, approved by the voters, contracted or incurred prior to or existing at the date of annexation.

Section 4. Publication. The City Clerk/Treasurer is hereby directed to cause a summary of this Ordinance to be published in a newspaper of general circulation in the City and the City's official newspaper. The City Clerk/Treasurer is further directed to file certified copies of this Ordinance with the Board of Commissioners for Chelan County, Chelan County Auditor and Chelan County Assessor.

Section 5. Severability. If any section, sentence clause or phrase of this Ordinance shall be held invalid or unconstitutional by 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.

Section 6. Effective Date. This Ordinance shall take effect and be in full force five (5) days after the Ordinance or a summary thereof consisting of the title is published.

Passed by the City Council of the City of Cashmere at a Regular Open Public Meeting
the _____ day of _____ 2023.

CITY OF CASHMERE

By: _____
James Fletcher, Mayor

Attest:

Kay Jones, City Clerk-Treasurer

Approved as to form:

By: _____
Charles D. Zimmerman, City Attorney

Passed by the City Council: 7/24/2023
Published in the Cashmere Valley Record: 8/2/2023
Effective date: 8/7/2023
Ordinance No: 1318

LOT 1 – Chelan County Parcel # 23.19.05.210.750

The Southeast quarter of Government Lot 3, EXCEPT the East 323 feet of even width thereof; East half of Southwest quarter of Government **Lot** 3, all in Section 3, Township 23 North, Range 19, East of the Willamette Meridian, Chelan County, Washington, EXCEPT the South 30 feet of the East 970 feet of Government Lot 3 conveyed to Chelan County for road right of way, recorded August 20, 1958, under Auditor's File No. 539324.

Together with the South 360 feet of the East half of the Northwest quarter of Government Lot 3, Section 5, Township 23 North, Range 19, East of the Willamette Meridian, Chelan County,

And together with the West half of the West half of Government lot 3 iii Section 5, Township 23 North, Range 19, East of the Willamette Meridian, Chelan County. Washington, EXCEPT the North 430 feet of the last 158 feet thereof; EXCEPT the county road along the North side thereof, AND **EXCEPT** right of way for county road as set forth under Auditor's File No. 533703.

LOT 2 – Chelan County Parcel # 23.19.05.210.850

The East 323 feet of the southeast quarter of Government Lot 3, Section 5, T. 23 N., R. 19 E.W.M. EXCEPT the North 145 feet thereof,

AND EXCEPT the South 30 feet thereof for County Road,

AND EXCEPT that portion thereof conveyed to Chelan County for road purposes by deed recorded February 5, 1953 under Auditor's No. 468481. TOGETHER WITH the North 145 feet of the West 144 Feet of the East 323 Feet of the southeast quarter of Government Lot 3, Section 5, T. 23 N., R. 19 E.W.M., Chelan County, Washington.

TOGETHER WITH the North 145 feet of the West 144 Feet of the East 323 Feet of the southeast quarter of Government Lot 3, Section 5, T. 23 N., R. 19 E.W.M., Chelan County, Washington.

Right of way

Those portions of Kimber Rd and Evergreen Drive that abut Lot 1 and Lot 2 as legally described above.