

ORDINANCE NO. 741

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOOKSACK, WASHINGTON, ANNEXING CERTAIN PROPERTY, REFERRED TO AS THE SYTSMA ANNEXATION, INTO THE CITY OF NOOKSACK, WASHINGTON.

Whereas, on March 1, 2019 the City of Nooksack received a Notice of Intent to Commence Annexation from Alan and Kimberly Sytsma with respect to their properties and one other property proposed for annexation to the City of Nooksack; and

Whereas, said Notice of Intent to Commence Annexation was signed by owners of not less than ten percent of the properties proposed for annexation based on assessed valuation for general taxation purposes; and

Whereas, the area within the proposed annexation includes three parcels located to the northwest of the intersection of Tom Road and State Route 9 and comprises one hundred percent of the City's northern urban growth area as established by ordinance of the Whatcom County Council; and

Whereas, the area included in the annexation is more specifically described in Exhibit "A", attached hereto; and

Whereas, the area included in the annexation includes approximately 32.5 acres and is generally depicted in attached Exhibit "B"; and

Whereas, on April 15, 2019 the Nooksack City Council accepted the Notice of Intent to Commence Annexation with a required change to the geographic extent of the area proposed for annexation to include the full widths of the adjacent rights-of-way and authorized the circulation and submission of a formal petition for annexation; and

Whereas, the City Council motion accepting the Notice of Intent to Commence Annexation also established that the petition for annexation should state that the properties included in the proposed annexation area would, upon annexation, be assigned zoning designations consistent with the future zoning designations set forth in the City of Nooksack Comprehensive Land Use Plan; and

Whereas, the City Council motion accepting the Notice of Intent to Commence Annexation further established that the petition for annexation should state that the properties within the proposed annexation area would, upon annexation, assume their share of the general indebtedness of the City of Nooksack; and

Whereas, on December 2, 2022 the City received a properly completed petition for annexation pursuant to RCW 35A.14.120 et seq. addressing the area described in Exhibit "A" (the "Sytsma Annexation") and signed by the property owners of not less than sixty (60) percent of assessed valuation for general taxation purposes of the properties described in Exhibit "A"; and

Whereas, on December 27, 2022 the Whatcom County Assessor signed a Certificate of Sufficiency pursuant to RCW 35A.01.040 with respect to the subject petition for annexation; and

Whereas, on January 4, 2023 the City of Nooksack provided public notice in the Lynden Tribune and through posting on the site as to the holding of a public hearing regarding the proposed annexation on January 17, 2023; and

Whereas, two comments were received by the City prior to the public hearing; and

Whereas, a duly advertised public hearing regarding the Sytsma Annexation was held before the Nooksack City Council on January 17, 2023 where opportunity for public comment was provided and testimony was received; and

Whereas, on February 6, 2023, the City Council adopted Resolution No. 322 resolving to annex the properties within the Sytsma Annexation, as legally described in Exhibit "A", subject to approval of the action by the Whatcom County Boundary Review Board, and further subject to final action by ordinance of the City Council of the City of Nooksack; and

Whereas, the City Council has determined that the City will require the assumption of existing City indebtedness, if any, by the area to be annexed and will require the assignment of zoning designations consistent with the City comprehensive land use plan; and

Whereas, on May 12, 2023, the City submitted a Notice of Intention to the Whatcom County Boundary Review Board with respect to the proposed Sytsma Annexation; and

Whereas, on June 29, 2023, the Whatcom County Boundary Review Board approved the Sytsma Annexation under BRB file # 2023-01, subject to final action by the City; and

Whereas, on August 23, 2023, the City of Nooksack provided public notice in the Lynden Tribune and through posting on the site as to the holding of a public hearing regarding the proposed annexation on September 5, 2023; and

Whereas, a public hearing regarding the proposed Sytsma Annexation was held before the Nooksack City Council on September 5, 2023 where opportunity for public comment was provided and testimony was received; and

Whereas, the City Council having considered the merits of the proposed annexation has determined that approval of the Sytsma Annexation is in the public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NOOKSACK, WASHINGTON, DO HEREBY ORDAIN as follows:

SECTION 1. The property described in Exhibit "A", attached hereto, referred to as the Sytsma Annexation, and as generally depicted on attached Exhibit "B", is hereby annexed into the City of Nooksack, Washington.

SECTION 2. Upon the effective date of this Ordinance, the properties thus annexed shall be assigned zoning designations consistent with the designations shown on the Future Zoning map from the City of Nooksack Comprehensive Land Use Plan adopted in June 2016. These designations include Light Industrial and Residential and are more specifically

shown on the duly revised City of Nooksack Official Zoning Map dated September 5, 2023 and attached hereto as Exhibit "C".

SECTION 3. Upon the effective date of this Ordinance, the properties thus annexed shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessment or taxes in payment of all or any outstanding indebtedness contracted, incurred prior to, or existing on the date of the annexation.

SECTION 4. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, or unconstitutional, such decision shall not effect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, separately and independently and, in the event that any one or more sections, subsections, sentences, clauses or phrases may later be declared invalid or unconstitutional, then any ordinance or ordinances, or parts thereof, amended or repealed by such portion of this Ordinance shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect and be in force from after its passage by the City Council and approval by the Mayor, if approved, or otherwise as provided for by law and five (5) days after publication.

Passed by a majority of the whole membership of the City Council of the City of Nooksack, Washington, and Signed and Approved by its Mayor, at a regular meeting of said Council held this 5th day of September, 2023.

ATTESTED/AUTHENTICATED:

By:

VIRGINIA ARNASON, Clerk-Treasurer
City of Nooksack, Washington

APPROVED AS TO FORM:

APPROVED:

ROBERTY CARMICHAEL, City Attorney

KEVIN HESTER, Mayor
City of Nooksack, Washington

WHEREAS, the real property to be annexed consists of multiple tax parcels and the right-of-way adjoined on both sides by property proposed to be annexed, more particularly described as:

Parcel No.: 453113-43-0004

A tract of land in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, Township 31 North, Range 45 East Willamette Meridian, Pend Oreille County, Washington. More particularly described as follows:

Commencing at 1 $\frac{1}{2}$ Aluminum Cap Monument marking the South $\frac{1}{4}$ corner of said Section 13 from which a 1 $\frac{1}{2}$ Aluminum Cap Monument marking the SE corner of said Section 13 bears North 89°51'14" East 2677.45;

Thence along the South line of said Section 13 North 89°51'14" East 669.36 Feet;

Thence departing said South line North 00°35'15" East 661.35 feet to a 5/8 Rebar Stamped PLS 15026 which marks the SW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

Thence along the south line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ North 89°50'41" East 304.19 feet to a 5/8 Rebar Stamped PLS 15026;

Thence departing said South line North 00°34'36" East 10.00 feet to a 5/8 Rebar Stamped PLS 15026. Said point being the TRUE POINT OF BEGINNING of the tract of land hereinafter described;

Thence continuing along said line North 00°34'36" East 233.61 feet to a 5/8 Rebar with Plastic Cap Stamped PLS 15026;

Thence South 89°05'23" East 204.85 feet to a 5/8 Rebar with Plastic Cap Stamped PLS 15026;

Thence South 00°33'58" West 229.79 feet, more or less, to a point bearing North 89°50'41" East 204.91 feet from the true point of the beginning;

Thence South 89°50'41" West 204.91 feet to the TRUE POINT OF BEGINNING.

Also known as Tax 106 on the Assessor's rolls.

Parcel No.: 453113-43-0002

A tract of land in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, Township 31 North, Range 45 East E.W.M., Pend Oreille County, Washington, more particularly described as follows:

Commencing and 1 $\frac{1}{2}$ Aluminum Cap Marking the South $\frac{1}{4}$ of Section 13, from which at a 1 $\frac{1}{2}$ Aluminum Cap Monument Marking the SE corner of said Section 13 bears North 89°51'14" East 2677.45 feet.

Thence North 89°51'14" East 669.36 Feet to a point on the South line of said Section 13;

Thence departing said South line North 00°35'15" East 661.35 feet to a 5/8 Rebar with Plastic Cap Stamped PLS 15026 which marks the SW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$;

Thence departing said SW corner North 00°35'15" East 10.00 feet to a 5/8 Rebar Stamped PLS 15026. Said point marks the TRUE POINT OF BEGINNING of the tract and land hereinafter described:

Thence along the West line of said NE ¼ of the SW ¼ of the SE ¼ North 00°35'15" East 651.35 Feet to a 5/8 rebar with Plastic cap stamped PLS 15026, said point marks the NW corner of the NE ¼ of the SW ¼ if the SE ¼;

Thence along the North line of said NE ¼ of the SW ¼ of the SE ¼ North 89°50'09" East 304.07 Feet to a 5/8 Rebar with Plastic Cap Stamped PLS 15026, said point marks the NW corner of the NE ¼ of the SW ¼ of the SE ¼ ;

Thence departing said North line South 00°34'36" West 651.39 feet to a 5/8 inch Rebar with Plastic Cap Stamped PLS 15026;

Thence South 89°50'41" West 188.57 Feet to the SE corner of Tax 19 which is marked by a 5/8 inch Rebar stamped PLS 15026;

Thence North 01°19'42" East 144.67 Feet to a ¾ Rebar which marks the NE corner of said Tax 19;

Thence North 89°53'56" West 74.94 Feet to a ¾ Rebar which marks the NW corner of said Tax 19;

Thence South 01°19'42" West 145.01 Feet to a 5/8 inch Rebar Stamped PLS 15026 which marks the corner of said Tax 19;

Thence South 89°50'41" West 40.68 Feet to the TRUE POINT OF BEGINNING.

Containing 187,234 Square Feet (4.30 acres) more or less.

Also subject to easements of record.

Also known as Parcel 1 of RS #905 on the assessor's rolls.

Parcel No.: 453113-51-0055

The East half of Lot 7, Block 1 of Halford's Addition, Plat Book 1, page 16, records of the Auditor of Pend Oreille, Washington, TOGETHER WITH that easement as set forth in Instrument #273863 recorded March 1, 2004, records of Pend Oreille County, Washington.

Parcel No.: 453113-51-0054

Lot 6 and the West Half of Lot 7, Block 1 of Halford's Addition, Plat Book 1, page 16, records of the Auditor of Pend Oreille County, Washington

Parcel No.: 453113-51-0053

Lots 3, 4 and 5 in Block 1, as shown on the official plat of Halford's Addition to Newport, filed in the office of the County Auditor of Pend Oreille County, Washington, in Book 1 of Plats, page 16.

Parcel No.: 453113-51-0051

The East half of the North Half of Lot 2 Block 1 of Halford's Addition, Plat Book 1, page 16, records of the Auditor of Pend Oreille, Washington.

Parcel No.: 453113-51-0052

The West half of the North half of Lot 2, Block 1 of Halford's Addition to the Town of Newport, Washington according to the recorded plat thereof. Situate in the County of Pend Oreille, State of Washington.

Parcel No.: 453113-62-0057

The East Half of the North Half of Lot 3 in Block 6 of Halford's Addition to Newport, Washington, Plat Book 1, page 16, records of the Auditor of Pend Oreille County, Washington. Also known as Tract B of MacArthur's Division, and unrecorded Short Plat.

Parcel No.: 453113-62-0056

The West Half of the North Half of Lot 3 in Block 6 of Halford's Addition to Newport, Washington, Plat Book 1, page 16, records of the Auditor of Pend Oreille County, Washington. Also known as Tract A of MacArthur's Division, an unrecorded Short Plat.

Those parts of Lots 2 and 3 in Block 6 of Halford's Addition to the Town of Newport, according to the recorded plat thereof, described as follows: Beginning at the Northeast corner of Lot 3; thence Southerly along the East line of Lot 3 and Lot 2, a distance of 187.5 feet; thence South 89°09' West to an intersection of the west line of Lot 2 and the True Point of Beginning; thence North 89°09' East, a distance of 100 feet; thence North 1°18' West, a distance of 112.5 feet to a point in Lot 3; thence South 89°09' West to an intersection with the West line of Lot 3; thence South along the West lines of Lots 3 and 2 to the true point of Beginning;

TOGETHER WITH that portion of vacated Garden Avenue that attaches by operation of law.

Parcel No.: 453113-51-0060

East ½ of the South ½ of Lot 4, Block 6 of Halford's Addition in the city of Newport, Pend Oreille County, Washington, as shown by the recorded Plat thereof.

Parcel No.: 453113-51-0059

The West ½ of the South ½ of Lot 4, Block 6 of Halford's Addition in the city of Newport, Pend Oreille County, Washington, as shown by the recorded Plat thereof.

Parcel No.: 453113-51-0058

The North ½ of Lot 4, Block 6 of Halford's Addition in the city of Newport, Pend Oreille County, Washington, as shown by the recorded Plat thereof.

Parcel No.: 453113-51-0061

Lot 5 in Block 6 of Halford's Addition to Newport, together with that portion of vacated Garden Avenue that attaches by operation of law.

Parcel No.: 453113-51-0062

Lot 6 in Block 6 of Halford's Addition to Newport, Pend Oreille County, Washington, as shown by the recorded Plat thereof.

Also known as Tax 31 on the Assessor's rolls.

Parcel No.: 453113-42-0001; 453113-42-0002; 453113-51-0044; 453113-51-0064

Parcel 1:

A tract of land in the NW ¼ of the SE ¼ of Section 13, Township 31 North, Range 45, EWM, Pend Oreille County, Washington, more particularly described as follows: Beginning at a point on the West line of said NW ¼ of the SE ¼ at a point which is 360.0 feet North along said West line from the SW corner of said NW ¼ of the SE ¼ of said Section 13; thence Northerly along said West boundary approximately 200 feet to its intersection with the Southerly right of way line of the County Road; thence Southeasterly along said right of way line to a point which is North 88°15' East (parallel to the South line of said Northwest ¼ of the SE ¼), approximately 240 feet from the point of beginning; thence South 88°15' West to the point of Beginning.

Parcel 2:

That part of the NW ¼ of the SE ¼ of Section 13, Township 31 North, Range 45, EWM, Pend Oreille County, Washington, lying 30 feet South and West of the center line of the Jones County Road, which said centerline is described as follows: Commencing at a point on the South line of the NW ¼ of the SE ¼ of said Section 13 and on the North line of Halford's Addition to the Town of Newport, Washington, 302.0 feet, more or less, West of the NW corner of Lot 9 in Block 1 of said Halford's Addition; thence on a tangent bearing North 24°55' West, a distance of 477.1 feet to Engineer's Station P.C. 4+77.1; thence on the arc of a curve to the left having a radius 249.1 feet, and arc distance of 244.0 feet to Engineer's Station P.T. 7+21.1; thence on a tangent bearing North 81°02' West, a distance of 48.6 feet, more or less, to Engineer's Station P.O.T. 7+82.0, said point being on the West line of the NW ¼ of the SE ¼ of said Section 13 and 595 feet, more or less, North of the SW corner of the NW ¼ of the SE ¼ of said Section 13, EXCEPT that part conveyed to Merle W. Jones and wife by deed recorded in Book 51, Deeds, Page 257, Auditor's File No. 130677. Subject to Easement for telephone line as granted to the United States of America by instrument recorded in Book 23, Deeds, Page 344, Auditor's File No. 55458.

Parcel 3

Lots 8 and 9, in Block 6, of Halford's Addition to the City of Newport, Pend Oreille County, Washington according to the recorded plat thereof. TOGETHER WITH the following: Beginning at the SW corner of Lot 8, Block 6, Halford's Addition to Newport, Plat Book 1, Page 16, Pend Oreille County, Washington; thence Westerly along the extended South line of Lot 8 to its intersection with the West line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, Township 31 North, Range 45 East Willamette Meridian; thence North along said West line to its intersection with the extended North line of Lot 9; thence East along said extended North line to the NW corner of Lot 9; thence South along the West line of said Lots 8 and 9 to the point of beginning.

Together with that portion of the N. Quail Avenue right-of-way that is bounded on both sides by the proposed annexation property being situated East of Parcels 453113-51-0062, 453113-51-0061, 453113-51-0058, 453113-51-0060, and 453113-51-0057 and situated West of Parcels 453113-51-0054 and 453113-51-0053, for a distance totaling approximately 504 feet.