

ORDINANCE NO. 3187

An ordinance adjusting the corporate boundary of the City of Port Angeles to include a portion of Mt. Angeles Road, and a portion of US 101 between Doyle Road and Valley Street.

The City of Port Angeles, Washington, does hereby ordain as follows:

WHEREAS, the City of Port Angeles and the County of Clallam each have jurisdiction over various portions of Mt. Angeles Road and of US 101; and

WHEREAS, current annexation law would have provided that all or none of a portion of a road bordering an annexation to a city would become part of the city; and

WHEREAS, RCW 35A.21.210 authorizes a county and a code city located within the county, by agreement, to revise the corporate boundary of the city with respect to roads on the edge of the city boundary, and

WHEREAS, the City and County mutually desire to have the corporate boundary of the City revised such that a portion of Mt. Angeles Road will be fully included within the corporate limits and boundary of the City as set forth in the attached Exhibit A;

WHEREAS, the City and County mutually desire to have the corporate boundary of the City revised such that a portion of US 101 between Doyle Road and Valley Street will be fully included within the corporate limits and boundary of the City as set forth in the attached Exhibit B;

NOW, THEREFORE,

Section 1. IT IS HEREBY ORDAINED by the City Council of the City of Port Angeles that the corporate boundary of the City of Port Angeles is hereby revised to incorporate into the City of Port Angeles, for all purposes and with the same legal right, liabilities, and obligations as if said road portions were being annexed into the City, that portion of Mt. Angeles Road as described in the attached Exhibit A; and

Section 2. IT IS HEREBY ORDAINED by the City Council of the City of Port Angeles that the corporate boundary of the City of Port Angeles is hereby revised to incorporate into the City of Port Angeles, for all purposes and with the same legal right, liabilities, and obligations as if said road portions were being annexed into the City, that portion of US 101 between Doyle Road and Valley Street, as described in the attached Exhibit B; and

Section 3 - Effective Date.

IT IS FURTHER ORDAINED that this ordinance shall be effective when a similar ordinance or resolution is approved by the legislative body of Clallam County, unless such ordinance or resolution has already been adopted by Clallam County, in which case the ordinance shall be effective upon the adoption of this ordinance.

Section 4 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 5 - Publication. This Ordinance shall be published as required by law.

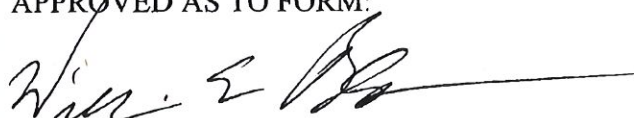
PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 15th day of February, 2005.


MAYOR

ATTEST:


Becky J. Upton, City Clerk

APPROVED AS TO FORM:


William E. Bloor, City Attorney

PUBLISHED: February 20, 2005
By Summary

G:\Legal_Backup\ORDINANCES&RESOLUTIONS\2005-01.Annex.Mt Angeles Rd & 101

City Clerk's Note: On February 1, 2005, the Port Angeles City Council adopted Ordinance No. 3187, adjusting the corporate boundary of the City of Port Angeles. The Ordinance required a correction to the legal description; therefore, the City Council re-adopted the Ordinance on February 15, 2005, incorporating the necessary changes.

Mt. Angeles Road Right-of-Way Acquisition (Exhibit A)

All of Mount Angeles Road right-of-way, County Road No. 34310, lying within the northeast quarter of the southwest quarter of Section 14, Township 30 North, Range 6 West of the Willamette Meridian, Clallam County, Washington, as shown on attached Exhibit B containing 1.07 acres more or less.

Adjustment of City/County boundary

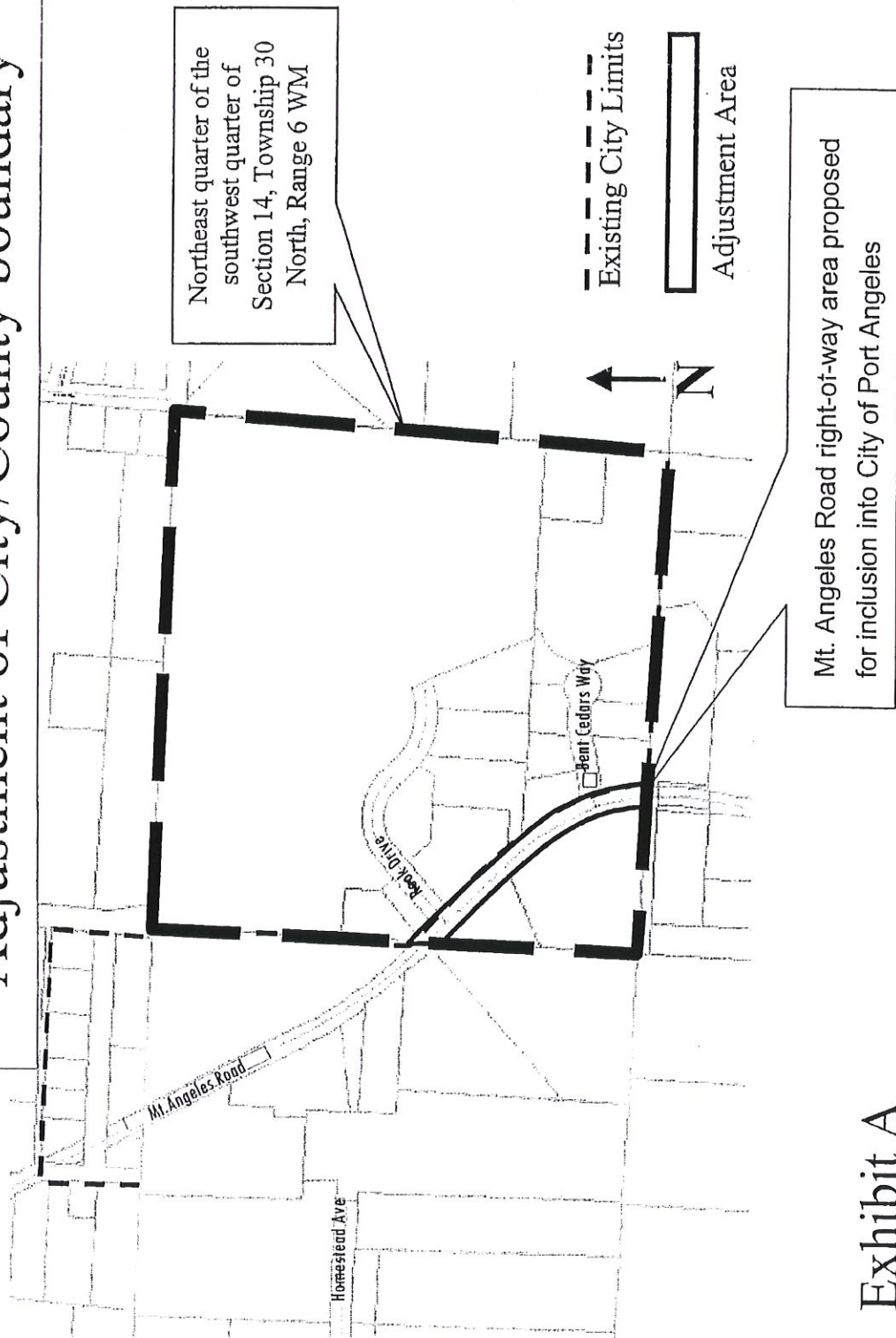


Exhibit A

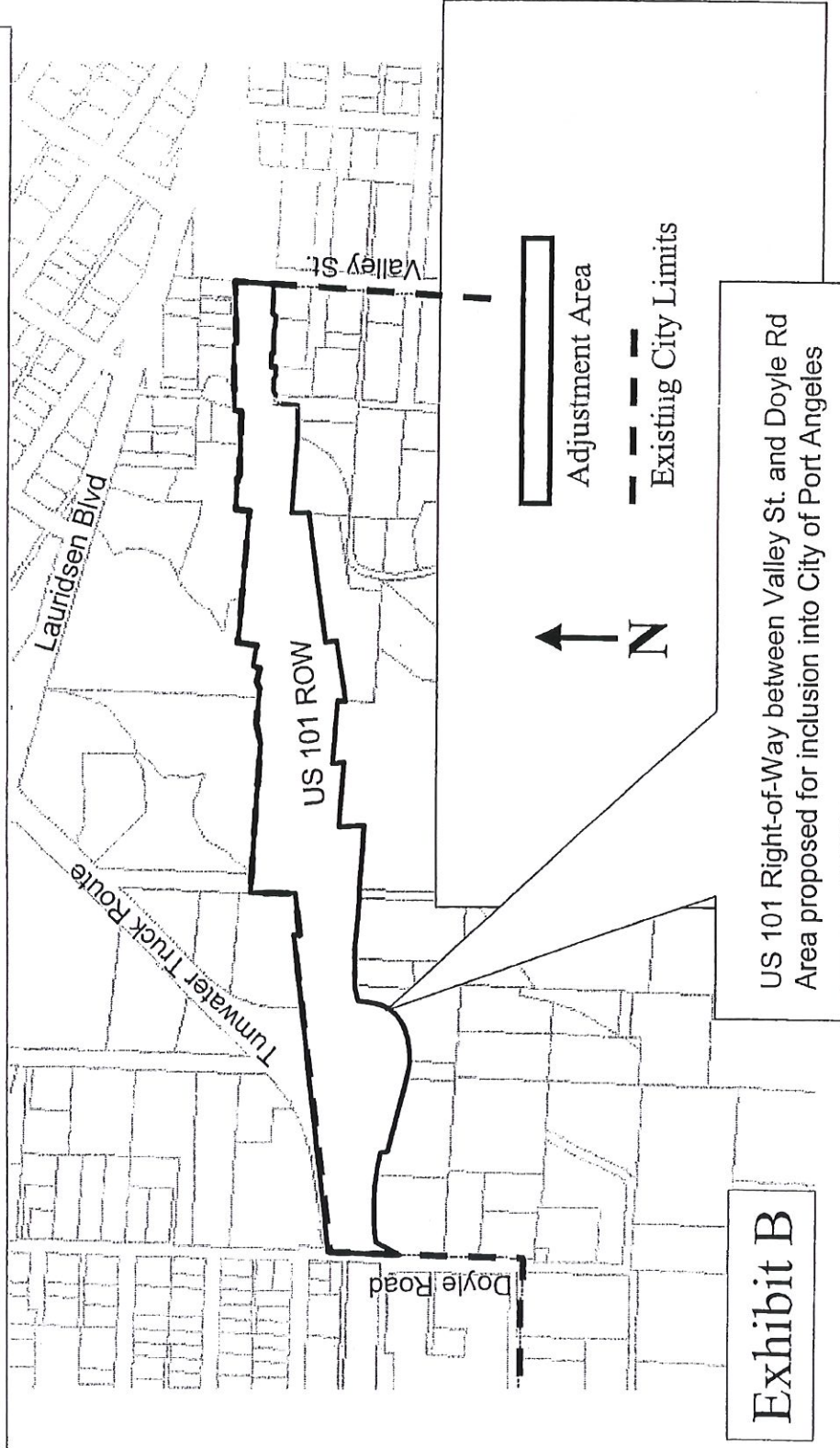
Western UGA Right-of-Way Acquisition -- Doyle Road West (Exhibit B)

Area 1

A portion of the south half of Section 9, Township 30 North, Range 6 West of the Willamette Meridian, Clallam County, Washington, described as follows:

Beginning at the intersection of the west margin of Valley Street and the south margin of U.S. Highway 101; thence west along said south margin to the east margin of Doyle Road; thence northerly along said east margin, and a prolongation thereof, to the north margin of U.S. Highway 101 and the limits of the City of Port Angeles; thence east along said north margin and said limits to the west margin of Valley Street; thence southerly to the Point of Beginning. Containing 19.05 acres more or less.

Adjustment of City/County boundary



CR RESOLUTION N^o 06, 2005

**BOUNDARY ADJUSTMENT OF A PORTION OF US 101 RIGHT OF WAY WITHIN THE
WESTERN UGA TO BE WITHIN THE CORPORATE BOUNDARY OF THE CITY OF PORT
ANGELES, WASHINGTON**

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. An area within Section 9, Township 30 North, Range 6 West falls within the jurisdiction Clallam County, and has also been identified as within the Western Urban Growth Area.
2. The City of Port Angeles has annexed property to the north US 101 between Valley Street and Doyle Road, but did not annex the highway right of way.
3. RCW 35A.21.210 authorizes a county and a code city located within the county, by agreement, to revise the corporate boundary of the city with respect to a road on the edge of that boundary.
4. The County of Clallam and the City of Port Angeles mutually desire to have the corporate boundary of the city revised such that the right-of-way of US 101 will be fully included within the corporate limits and boundary of the City of Port Angeles as set forth in the attached following two pages: 1) "EXHIBIT A: WESTERN UGA RIGHT OF WAY FOR CITY OF PORT ANGELES"; 2) "EXHIBIT B: ADJUSTMENT OF CITY/ COUNTY BOUNDARY".

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. That the Board hereby declares its intent, by mutual agreement, to revise the corporate boundary of the City of Port Angeles pursuant to RCW 35A.21.210.
2. That the boundary of the City of Port Angeles is hereby revised to incorporate into the City of Port Angeles, for all purposes and with the same legal right, liabilities, and obligations as if said road portions were being annexed into the City, all of US 101 as described in the attached Exhibit A, this being a segment lying within the S ½ of S9, T30N, R6W, W.M., situate in the County of Clallam, State of Washington.
3. That the boundary of the County of Clallam is hereby also revised to exclude that portion of US 101 as described in Exhibit A and above.

PASSED AND ADOPTED this 15th day of February 2005

BOARD OF CLALLAM COUNTY COMMISSIONERS

M.C. Chapman
Michael C. Chapman, Chair

Howard V. Doherty, Jr.
Howard V. Doherty, Jr.

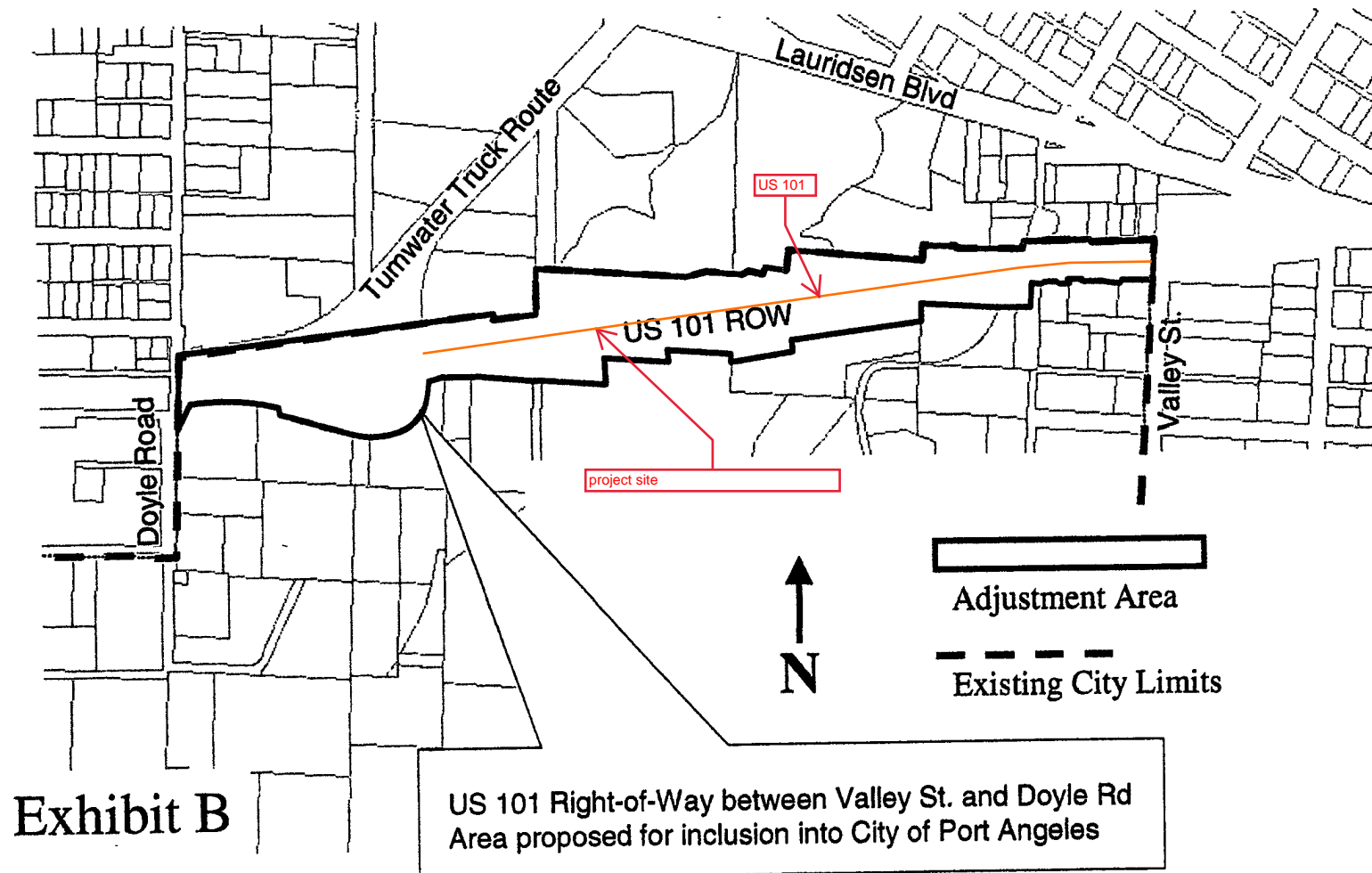
Stephen P. Tharinger
Stephen P. Tharinger

ATTEST:

Trish Perrott
Trish Perrott, CMC, Clerk of the Board

CR RESOLUTION NO. 06, 2005

Adjustment of City/County boundary



**Inter-local Agreement between Clallam County and the
City of Port Angeles Concerning Annexation within the City's Western
Urban Growth Area**

This Agreement, made pursuant to Chapter 39.34 RCW, is between CLALLAM COUNTY (hereinafter, the County), a political subdivision of the State of Washington, and the CITY OF PORT ANGELES, (hereinafter, the City), municipal subdivisions of the State of Washington.

WHEREAS, the City has proposed annexation of an area in the Port Angeles West Urban Growth Area (WUGA) including the right of way for SR101 and all property south of SR101 from the current west city limits to the western boundary of the WUGA; and

WHEREAS, the County and City both intend to address issues of concern that provide for orderly annexation of the WUGA. Those concerns include future annexation boundaries, transition of services, addressing, and provision of utilities; and

WHEREAS, the County and City desire to continue working together to reach agreement on other cooperative management issues within the WUGA;

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties agree as follows:

- 1. Future Annexations.** The City agrees that any future annexations of the WUGA will be according to the boundaries depicted and in the order depicted in Attachment A. Upon agreement of both the City and County, the City may utilize alternative annexation boundaries. Future annexations in the WUGA shall include the entire right of way of all public roadways along the annexation border.
- 2. Utilities.** The City agrees to develop a phased plan for the construction and implementation of City utilities to the annexed area. Phase one, depicted in Attachment B, will be completed within 12 months of the date of execution of this agreement.
- 3. Addressing.** The City and County agree to maintain the current addressing for any area annexed, pursuant to an existing agreement dated 15 October 1992 between the City and County.
- 4. Coordinated Development.** The County and City will continue to address coordinated development within the WUGA, including mutual agreement on standards for infrastructure and capital improvement funding.
- 5. Boundary Review.** The County agrees that, upon execution of this agreement, it will not oppose the proposed annexation of property within the WUGA on and south of SR101 or invite the Boundary Review Board to invoke jurisdiction on this proposal.
- 6. Duration.** This Agreement will remain in effect until the terms of the Agreement are fulfilled. There are no other terms agreed to by the parties.
- 7. Filing.** When fully executed, this Agreement shall be filed with the Clallam County

Auditor.

8. Notices. Any notices required by this Agreement shall be delivered, or mailed postage prepaid, and addressed to:

Clallam County

Clerk of the Board

Clallam County Commissioners

223 E. 4th Street, Suite 4

Port Angeles, WA 98362

City of Port Angeles

City Manager

City of Port Angeles

321 E. 5th Street

Port Angeles, WA 98362

9. Administration. Each party shall administer the Agreement as to its own responsibilities under the Agreement.

10. Addendums. Both parties have identified other topics related to management of the City's designated WUGA where the development of management principles may best serve the parties and their citizens. Both parties intend to continue discussions, and may reach agreements on other revenue and management topics. Addendums may be added to this agreement with the same force and effect, and subject to the same terms and conditions as contained within this Agreement.

11. Waiver. Failure by the County or City to enforce any term or condition of this Agreement shall not be construed to constitute a waiver of any other term or condition, or of any subsequent breach of any provision of this Agreement.

12. Entire Agreement. This Agreement includes the entire Agreement of the parties with respect to any matter addressed in this Agreement.

13. Amendment. This Agreement may be amended only upon the written agreement of the parties made with the same formalities as those required for its original execution.

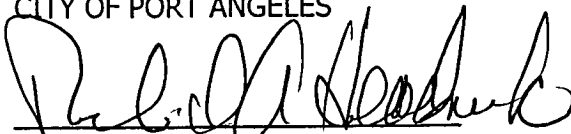
14. County-wide Planning Policy. To the extent that anything in this Agreement may be found to be inconsistent with any part of the adopted Clallam County-wide Planning Policies, the County and City will review the applicable parts of the County-wide Planning Policy and revise them in accordance with this Agreement as part of the City/County update of their respective Comprehensive Plans.

15. Disputes. Disputes over interpretation of this agreement that are un-resolvable between the parties shall be referred to the Clallam County Superior Court.

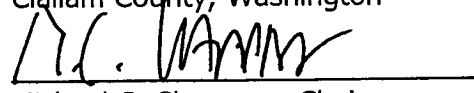
16. Effective Date. This Agreement shall take effect upon execution by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this 22nd day of February, 2005.

CITY OF PORT ANGELES


Richard Headrick, Mayor


BOARD OF COUNTY COMMISSIONERS
Clallam County, Washington


Michael C. Chapman, Chair

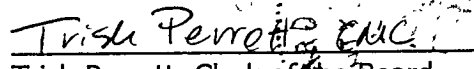
ATTEST:


Becky Upton, City Clerk


APPROVED AS TO FORM:


William Bloor
City Attorney

ATTEST:

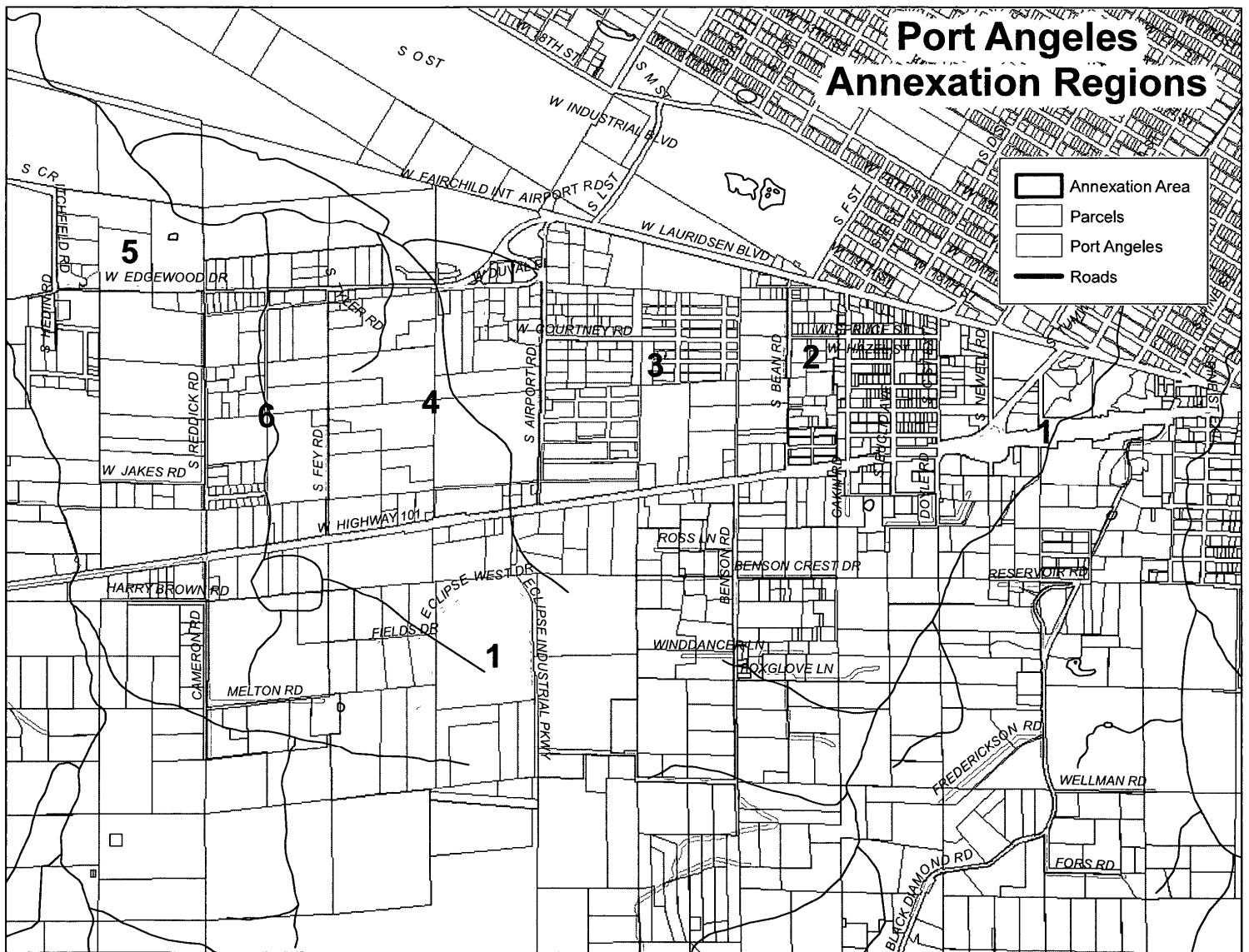

Trish Perrott, Clerk of the Board

APPROVED AS TO FORM:


Chris Melly
Deputy Prosecuting Attorney



Port Angeles Annexation Regions



7a
02/15/05



CR RESOLUTION N^o 05, 2005

BOUNDARY ADJUSTMENT OF A PORTION OF MOUNT ANGELES ROAD TO BE WITHIN
THE CORPORATE BOUNDARY OF THE CITY OF PORT ANGELES, WASHINGTON

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

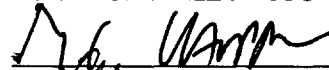
1. The County of Clallam has jurisdiction of a portion of Mount Angeles Road, Road Number 34310.
2. The City of Port Angeles previously annexed property to the northeasterly side of a portion of Mount Angeles Road, and now desires to annex the road to mitigate county concerns over road impacts from a housing development inside the city.
3. RCW 35A.21.210 authorizes a county and a code city located within the county, by agreement, to revise the corporate boundary of the city with respect to a road on the edge of that boundary.
4. The County of Clallam and the City of Port Angeles mutually desire to have the corporate boundary of the city revised such that the right-of-way of Mount Angeles Road will be fully included within the corporate limits and boundary of the City of Port Angeles as set forth in the attached following two pages: 1) "EXHIBIT A: MOUNT ANGELES ROAD RIGHT OF WAY FOR CITY OF PORT ANGELES"; 2) "EXHIBIT B: ADJUSTMENT OF CITY/ COUNTY BOUNDARY".


NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. That the Board hereby declares its intent, by mutual agreement, to revise the corporate boundary of the City of Port Angeles pursuant to RCW 35A.21.210.
2. That the boundary of the City of Port Angeles is hereby revised to incorporate into the City of Port Angeles, for all purposes and with the same legal right, liabilities, and obligations as if said road portions were being annexed into the City, all of Mount Angeles Road right of way as described in the attached Exhibit A, this being a segment lying within the NE 1/4 of SW 1/4 of S14, T30N, R6W, W.M., situate in the County of Clallam, State of Washington.
3. That the boundary of the County of Clallam is hereby also revised to exclude that portion of Mount Angeles Road as described in Exhibit A and above.
4. That the County Public Works Department pursue an agreement with the City of Port Angeles for the City to take responsibility for liability and maintenance for the County's section of Mount Angeles Road lying northwesterly of the newly annexed road portion.

PASSED AND ADOPTED this 15th day of February 2005


BOARD OF CLALLAM COUNTY COMMISSIONERS


Michael C. Chapman, Chair


Howard V. Doherty, Jr.


Stephen P. Tharinger

ATTEST:


Trish Perrott, CMC, Clerk of the Board

CR RESOLUTION NO. 05, 2005

EXHIBIT A

Mount Angeles Road Right-of-Way for City of Port Angeles

All of Mount Angeles Road right-of-way, County Road No. 34310, lying within the northeast quarter of the southwest quarter of Section 14, Township 30 North, Range 6 West of the Willamette Meridian, Clallam County, Washington, as shown on attached Exhibit B containing 1.07 acres more or less.

Adjustment of City/County boundary

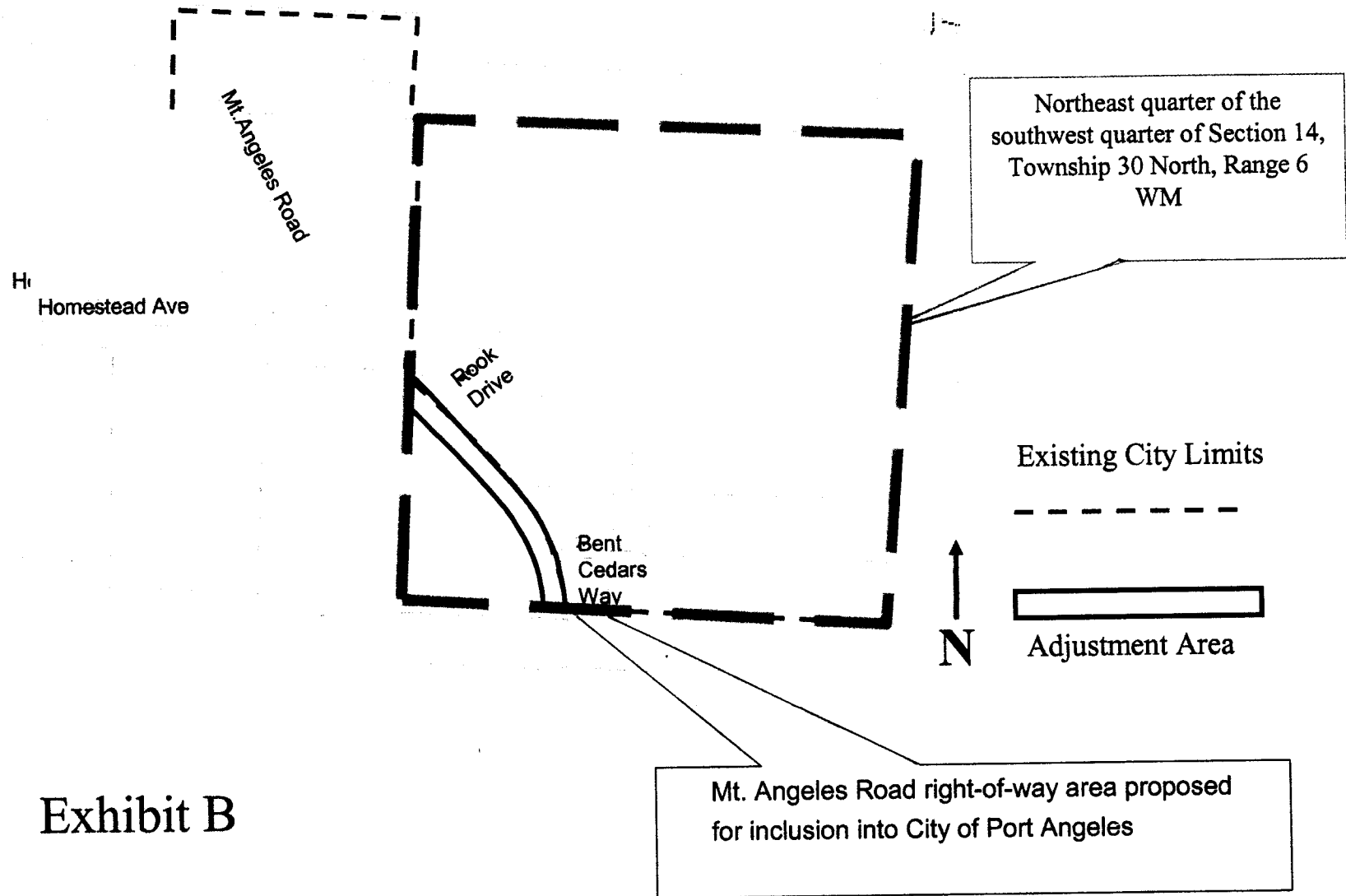


Exhibit B