

ORDINANCE NO. 4941

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON ANNEXING PARCELS 166133, 118133, 118836, 278836, 108836, 288133, 850836, 278133, 919333, and 639333 TO THE CITY OF ELLENSBURG, WASHINGTON, ASSIGNING COMMERCIAL HIGHWAY ZONING CLASSIFICATION TO PARCELS 919333 AND 639333 AND LIGHT INDUSTRIAL ZONING TO THE REMAINING PACELS, PROVIDING FOR THE PROPORTIONAL ASSUMPTION OF EXISTING CITY INDEBTEDNESS AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

WHEREAS, on January 24, 2024, the City of Ellensburg, Washington received a notice of intention to commence annexation proceedings pursuant to the “direct petition” method of RCW 35A.14.120 for parcels 166133, 118133, 118836, 278836, 108836, 288133, 850836, and 278133, as more fully described in Section 1 of this Ordinance and depicted in Exhibit A, attached hereto; and

WHEREAS, to eliminate an adjacent unincorporated island within the City of Ellensburg’s Urban Growth Area, Community Development Staff added two (2) adjacent parcels to the proposal. These parcel numbers include 919333 and 639333; and

WHEREAS, on February 5, 2024, the City Council of the City of Ellensburg, Washington held a public meeting with the annexation initiators pursuant to RCW 35A.14.120 and determined that the initiators could proceed to acquire a 60% petition for annexation pursuant to RCW 35A.14.120; and

WHEREAS, at its February 5, 2024, public meeting, the City Council set the annexation area by adding two (2) additional parcels, 919333 and 639333 to the annexation area to eliminate an adjacent unincorporated island with the City’s Urban Growth Area (UGA); and

WHEREAS, City Council further determined at the February 5, 2024, meeting that the two (2) added parcels, 919333 and 639333, would receive a Commercial Highway zoning designation, the remaining eight (8) parcels subject to annexation would be zoned Light Industrial, and all ten (10) parcels would assume the annexation area’s proportional share of City indebtedness; and

WHEREAS, the owners of not less than 60% in value, according to the assessed valuation for general taxation of the property hereinafter described, signed the petition pursuant to RCW 35A.14.120 for the annexation of said area to the City of Ellensburg, Washington; and

WHEREAS, the petition for annexation was certified as sufficient by the Kittitas County Assessor, on February 23, 2024. City staff determined that the petition signatures have a combined total assessed value for general taxation of not less than 60% of the total assessed value for general taxation of all property in the proposed annexation area, in compliance with RCW 35A.01.040; and

WHEREAS, the City provided public notice of the petition for annexation and has provided an opportunity for comment thereon by all interested citizens at a duly called and noticed public hearing; and

WHEREAS, on March 14, 2024, pursuant to proper notice given in accordance with RCW 35A.14.130 and ECC 15.220, the Planning Commission conducted a public hearing on the proposed annexation, and following such hearing recommended City Council approve the annexation request as presented by staff; and

WHEREAS, on April 1, 2024 and May 6, 2024, pursuant to proper notice given in accordance with RCW 35A.14.130 and ECC 15.220, the City Council received and reviewed all of the documentation associated with this annexation proposal, conducted public hearings on the proposed annexation in accordance with RCW 35A. 14.140 and RCW 35A.14.330-.340, and following such hearings determined to effect the annexation of the territory described in Section 1 of this ordinance, finding that the petition for annexation met the applicable requirements, and that the best interests of the City of Ellensburg, Washington, will be served by the annexation and that it is appropriate to good government of the City of Ellensburg, Washington, and therefore accepted the petition for annexation pursuant to RCW 35A.14.120 and Chapter 15.360 of the Ellensburg City Code; and

WHEREAS, the territory described in Section 1 of this ordinance is contiguous to the City of Ellensburg, Washington and entirely within the City of Ellensburg Urban Growth Area established pursuant to RCW 36.70A.110,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Annexation. The following described parcels are hereby annexed to and made a part of the City of Ellensburg, Washington, to wit:

1. Parcel # 166133

That portion of the Southwest Quarter of the Southwest Quarter of Section 34, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, lying South and West of the County Road running through said Quarter of Quarter Section; EXCEPT a tract of land bounded by a line beginning at the Southwest corner of said Quarter of Quarter Section, and running thence North along the West boundary line of said Quarter of Quarter Section 630 feet; thence East 100 feet; thence South 630 feet to the South boundary line of said Quarter of Quarter Section; and thence West along the South boundary line of said Quarter of Quarter Section 100 feet to the Point of Beginning;

AND EXCEPT beginning at the Southwest corner of said subdivision; thence North 89°54'11" East, along the South line thereof, 100.02 feet to the True Point of Beginning;

thence North 1°19'14" West, parallel with the West line of said subdivision, 75.00 feet; thence North 38°37' East 268.00 feet; thence South 72°15' East 288.00 feet; thence North 86°16'22" East 44.00 feet; thence South 75°59' East 342.00 feet; thence South 73° 12" East 396.44 feet to the South line of said subdivision; thence South 89°54'11" West, along said South line, 1195.07 feet to the True Point of Beginning;

Together with that portion of Government Lots 3 and 4, Section 3, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, described as follows: Beginning at the Northwest corner of said Government Lot 4; thence North 89°54'11" East, along the North line of said Government Lot 4, 1295.09 feet to the True Point of Beginning; thence South 73°12' East 93.56 feet; thence South 74°50' East 179.42 feet; thence North 13°27' 31" West 76.50 feet to the North line of said Government Lot 3; thence South 89°54'11" West, along the North lines of said Government Lots 3 and 4, 244.93 feet to the True Point of Beginning;

Together with that portion of the Southeast Quarter of the Southwest Quarter of Section 34, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, bounded by a line described as follows: Beginning at the Southwest corner of said subdivision; thence N 89°54'11" East, along the South line of said subdivision, 219.32 feet to the Westerly line of Parcel A of that certain Survey as recorded the 8th day of July, 1988, in the Book 15 of Surveys, page 165, under Auditor's File No. 513568, records of Kittitas County, Washington; thence N 13°27'31" West, along said Westerly line, 137.12 feet; thence North 36°03' West 264.03 feet; thence North 12°02' East 129.56 feet, more or less, to the Southerly right of way line of West Dolarway Road; thence Northwesterly along said Southerly right of way line to the West line of said subdivision; thence South along said West subdivision line to the True Point of Beginning.

2. Parcels #118133 and #278133

Area 1:

Tract 2 of that certain Survey as recorded December 12, 2023, in Book 46 of Surveys, pages 27 through 29, under Auditor's File No. 202312120030, records of Kittitas County, Washington; being a portion of the Southwest Quarter of Section 34, Township 18 North, Range 18 East, W.M., and the Northwest Quarter of Section 3, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

Area 2:

A tract of land located in Government Lots 3 and 4, Section 3, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, described as:

Beginning at a point 474.6 feet South and 106.9 feet East of the northwest corner of Government Lot 3, Section 3, Township 17 North, Range 18 East of the Willamette Meridian; thence South 19°26' West, 135 feet; thence South 54°20' West, 437 feet; thence West to the West line of Government Lot 4; thence North on the West line of Government Lot 4, 382.1 feet; thence East to the place of beginning;

EXCEPT that portion of Government Lots 3 and 4 conveyed to the State of Washington for Primary State Highway No. 3 (SR 90), by Warranty Deed dated September 21, 1965,

and recorded October 29, 1965, in Book 120 of Deeds, page 552, under Kittitas County Auditor's File No. 325204.

Area 3:

A tract of land located in Government Lots 3 and 4, Section 3, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, described as follows: Beginning at the Northwest corner of said Government Lot 3, as shown on that certain survey recorded July 8, 1988 in Book 15 of Surveys at page 165, under Auditor's File No. 513568, records of said county; thence East, along the North line of said Government Lot 3, 274.40 feet; thence South 19°26'00" West, 503.40 feet to the Northerly boundary of the parcel described by deed recorded July 11, 2002 under Auditor's File No. 200207110019, records of said county; thence West along said Northerly parcel boundary, 778.65 feet to an existing Southwest-Northeast fence and the true point of beginning for the herein described parcel; thence continuing West along said Northerly parcel boundary, 322.07 feet to the Northeasterly right of way boundary of SR 90; thence South 39°38'55" East, along said SR 90 right of way boundary, 157.34 feet to an existing Nelson pin and cap (LS 18092); thence North 61°20'36" East, along and existing Southwest-Northeast fence, 252.62 feet to the true point of beginning. EXCEPT that portion, if any, lying within above Areas 1 & 2.

Area 4:

A tract of land located in Government Lots 3 and 4, Section 3, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, described as follows:

Beginning at the Northwest corner of said Government Lot 3, as shown on that certain survey recorded July 8, 1988 in Book 15 of Surveys at page 165, under Auditor's File No. 513568, records of said county; thence East, along the North line of said Government Lot 3, 274.40 feet; thence South 19°26'00" West, 439.77 feet to an existing Nelson pin and cap (LS 18092) and the true point of beginning for the herein described parcel; thence continuing South 19°26'00" West, 63.63 feet to the Northerly boundary of the parcel described by deed recorded July 11, 2002 under Auditor's File No. 200207110019, records of said County; thence West along said Northerly parcel boundary, 778.65 feet to an existing Southwest-Northeast fence; thence North 61°20'36" East, along said fence, 224.95 feet to an existing Nelson pin and cap (LS 18092); thence South 85°27'23" East, along an existing East-West fence, 604.32 feet to the true point of beginning. EXCEPT that portion, if any, lying within above Areas 1 & 2.

3. Parcel # 288133

ACRES 35.56, CD. 7944-A; SEC. 3; TWP. 17; RGE. 18; PTN. NW1/4, PTN. SW1/4;

A portion of Government Lots 3 and 4, and of the South Half of the Northwest Quarter and of the Northeast Quarter of the Southwest Quarter, Section 3, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is described as follows:

A tract of land bounded by a line beginning at the Northwest corner of said Government Lot 3; thence East along the North line of said Lot 3, 274.4 feet; thence South 19°26' West, 164.9 feet to a point which is the true point of beginning; thence South 19°26' West 473.50 feet; thence South 54°20' West, 437.00 feet; thence West 393.57 feet to a point on the Northeasterly boundary of the Interstate Highway 90 right of way; thence South 40°42'30" East along said boundary, 2884.95 feet; thence North 17°10' West, 3018.20 feet; thence North 86°59' West, 84.75 feet to the true point of beginning.

EXCEPT:

1. Any portion thereof that lies within that portion acquired by the State of Washington by Decree of Appropriation entered November 25, 1966 in Kittitas County Superior Court Cause No. 16555.
2. That portion of the above described property that is contained in PARCEL B of that certain survey as recorded the 8th day of July, 1988, in Book 15 of Surveys at page 165, under Auditor's File No. 513568, records of Kittitas County, Washington, being a portion of Government Lots 3 and 4, Section 3, Township 17 North, Range 18 East, W.M., Kittitas County, Washington.

4. Parcel # 118836

Parcel A of that certain Survey as recorded the 8th day of July, 1988, in Book 15 of Surveys, page 165, under Auditor's File No. 513568, records of Kittitas County, Washington; being a portion of the Southeast Quarter of the Southwest Quarter of Section 34, Township 18 North, Range 18 East, W.M., and a portion of Government Lot 3, Section 3, Township 17 North, Range 18 East, W.M., all in the County of Kittitas, State of Washington;

Together with that portion of the Southeast Quarter of the Southwest Quarter of Section 34, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, lying Southerly of the Southerly right of way line of West Dolarway Road, Westerly of the Westerly of said Parcel A and Easterly of a line described as follows: Beginning at the Southwest corner of said subdivision; thence N 89°54'11" East, along the South line of said subdivision, 219.32 feet to the Westerly line of Parcel A of that certain Survey as recorded the 8th day of July, 1988, in the Book 15 of Surveys, page 165, under Auditor's File No. 513568, records of Kittitas County, Washington; thence N 13°27'31" West, along said Westerly line, 137.12 feet to the True Point of Beginning; thence North 36°03' West 264.03 feet; thence North 12°02' East 129.56 feet, more or less, to the Southerly right of way line of West Dolarway Road and the Terminus Point of the herein described line

5. Parcels # 278836 and #108836

Parcel C of that certain survey as recorded July 8th, 1988 in Book 15 of Surveys at page 165 under Auditor's File No. 513568, records of Kittitas County, Washington; being a portion of the Southeast Quarter of the Southwest Quarter of Section 34, Township 18 North, Range 18 East, and a portion of Government Lot 3, Section 3, Township 17 North, Range 18 East, W.M., all in Kittitas County, Washington.

6. Parcel # 850836

Parcel B of that certain survey as recorded July 8th, 1988 in Book 15 of Surveys at page 165 under Auditor's File No. 513568, records of Kittitas County, Washington; being a portion of Government Lots 3 and 4, Section 3, Township 17 North, Range 18 East, W.M., all in Kittitas County, Washington.

7. Parcel # 919333

That portion of the Southeast Quarter of the Southeast Quarter of Section 33, Township 18 North, Range 18 East, W.M., Kittitas County, State of Washington, which is described as follows:

A tract of land beginning at a point 64.2 feet West of a point 980.0 feet North of the Southeast corner of said quarter of quarter section; and running thence West, 177.45 feet; Thence North 0°38' East, 220.01 feet;

Thence East, 177.9 feet; and

Thence South 0°45' West, 220.1 feet to the point of beginning;

Except that portion, if any, lying West of the following described line:

Beginning at a point on the North boundary line of said quarter of quarter section which is 239 feet West of the Northeast corner of said quarter of quarter section; and running Thence South and parallel with and 239 feet distant from the East boundary line of said section 910 feet, more or less, to the low water line of the Yakima River and the terminus of said line;

Except the right of way of roads known as Cascade Road and Hibbs Road.

Kittitas County Assessor's Tax Parcel No. 18-18-33040-0012 (919333).

8. Parcel # 639333

That portion of the Southeast Quarter of the Southeast Quarter of Section 33, Township 18 North, Range 18 East, W.M., Kittitas County, State of Washington, described as follows:

Commencing 61.3 feet West of a point 1,200.1 feet North of the Southeast corner of Section 33, Township 18 North, Range 18 East, W.M., and running West 177.9 feet;

Thence North 0°38' East, 25.0 feet;

Thence East 178.0 feet;

Thence South 0° 45' West, 25.0 feet to the place of beginning. Except that portion, if any, lying West of the following described line;

Beginning at a point on the North boundary line of said Quarter of Quarter Section which is 239 feet West of the Northeast corner of said Quarter of Quarter Section; and running; Thence South and parallel with and 239 feet distant from the East boundary line of said Section, 910 feet, more or less, to the low water line of the Yakima River and the terminus of said line.

And Except that portion, if any, lying within Cascade Road, and Hibbs Road.

Section 2. Assessment and Taxation. All property within the territory so annexed shall be assessed and taxed at the same rate and on the same basis as other property of the City of Ellensburg, Washington is assessed and taxed to pay for any outstanding indebtedness of the City of Ellensburg, Washington as presently adopted or as is hereafter amended.

Section 3. Comprehensive Plan Designation. All property within the territory so annexed shall be subject to and a part of the Comprehensive Plan of the City of Ellensburg, Washington as presently adopted or as is hereinafter amended.

Section 4. Land Use Designation and Zoning. All property within the territory so annexed shall be hereby zoned as follows: Kittitas County Assessor Parcel Numbers 166133, 118133, 118836, 278836, 108836, 288133, 850836, and 278133 shall be zoned Light Industrial (I-L). Kittitas County Assessor Parcel Numbers 919333 and 639333 shall be zoned Commercial Highway (C-H).

Section 5. Transmittal and Filing. The Ellensburg City Clerk is directed to file a certified copy of this ordinance with the Kittitas County Board of County Commissioners.

Section 6. Severability. If any portion of this ordinance is declared invalid of unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 7. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, sections/subsections numbers and any references thereto.

Section 8. Effective Date. This ordinance shall take effect and be in full force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 6th day of May 2024.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4941 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4941 was published as required by law.