

**CITY OF NAPAVINE, WASHINGTON**  
**RESOLUTION NO. 2025-08-163**

**A RESOLUTION APPROVING ADJUSTMENT OF THE MUNICIPAL BOUNDARY LINE BETWEEN THE CITY OF NAPAVINE AND LEWIS COUNTY, PURSUANT TO RCW 35.13.340, AS SUBMITTED BY PROPERTY OWNER BREEN ACRES, LLC, FOR PARCEL NO. 017904002002, 259 HAMILTON RD., NAPAVINE, WA; ADOPTING A PROPOSED LAND USE ZONING REGULATION FOR THE REAL PROPERTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**RECITALS:**

**WHEREAS**, the City of Napavine, Washington (the “City”) is a Code City under the laws of the State of Washington;

**WHEREAS**, RCW 35.13.340 (emphasis added):

“The boundaries of a city *shall* be adjusted to include or exclude the remaining portion of a parcel of land located partially within and partially without of the boundaries of that city upon the governing body of the city adopting a resolution approving such an adjustment that was requested in a petition signed by the owner of the parcel.”

**WHEREAS**, RCW 35.13.340 further states (emphasis added):

“A boundary adjustment made pursuant to this section *shall not* be subject to potential review by the boundary review board of the county within which the parcel is located *if* the remaining portion of the parcel to be included or excluded from the city is located in the unincorporated area of the county and the adjustment is approved by resolution of the county legislative authority of in writing by a county official of employee of the county who is designated by ordinance of the county to make such approvals.”

**WHEREAS**, the property located at 259 Hamilton Road, Napavine, WA (the “Parcel”), Lewis County Parcel No. 017904002002, legally described in Exhibit A attached hereto, is located partially within the boundaries of the City of Napavine, and is located partially within the unincorporated area of Lewis County;

**WHEREAS**, the owner of the Parcel, Breen Acres, LLC, has requested the City of Napavine, via signed Petition attached hereto as Exhibit B, to adjust the boundaries of the City of Napavine to include the remaining portions of the Parcel within the boundaries of the City of Napavine;

**WHEREAS**, the City of Napavine adopted a Resolution approving said Owner’s signed Petition for boundary adjustment at a regularly scheduled council meeting held on April 22, 2025;

**WHEREAS**, said Resolution (Section 5) made approval of the boundary adjustment contingent upon approval of said boundary adjustment by Lewis County;

**WHEREAS**, pursuant to RCW 35.13.340 and RCW 36.93.105, the approval of Lewis County is not necessary for boundary adjustment to be effective;

**WHEREAS**, RCW 35.13.340 was adopted by the State Legislature in 1989 and states a boundary adjustment is subject to potential review by the Boundary Review Board unless the Board of County Commissioners, or other designated County authority, approves of the boundary adjustment;

**WHEREAS**, RCW 36.93.105 (Actions not subject to review by boundary review board) was adopted by the State Legislature in 1999 and states:

“The following actions shall not be subject to potential review by a boundary review board:  
(3) Adjustments to city or town boundaries pursuant to RCW 35.13.340.”

**WHEREAS**, because the boundary adjustment is not subject to potential review by the Boundary Review Board, it is not necessary to obtain the approval of Lewis County to avoid potential review by the Boundary Review Board;

**WHEREAS**, following the City of Napavine’s adoption of a Resolution approving Breen Acres, LLC’s signed Petition on April 22, 2025, the City of Napavine sent a copy of said Resolution and a letter to Lewis County requesting the matter to be heard before the Board of County Commissioners;

**WHEREAS**, Lewis County failed and/or refused to put this matter before the Board of County Commissioners and instead sent a letter denying the City of Napavine’s resolution;

**WHEREAS**, the City of Napavine responded via letter requesting Lewis County to recognize the Resolution and direct the appropriate County departments to do the same;

**WHEREAS**, Lewis County replied denying the City of Napavine’s request;

**WHEREAS**, the purpose of this Amended Resolution is to be clear that the City of Napavine approves the signed Petition of Breen Acres, LLC and that the permission of Lewis County is not necessary for the effectiveness of the Resolution;

**WHEREAS**, the City Council of the City of Napavine has determined that approving Breen Acres, LLC petition and adjustment of the boundary line between the City of Napavine and Lewis County pursuant to RCW 35.13.340 and RCW 36.93.105 is in the best interests of the residents of the City of Napavine and will promote the general health, safety, and welfare; and

**WHEREAS**, boundary line adjustments under RCW 35.13.340 are not subject to potential review by the boundary review board;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NAPAVINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1. Recitals Incorporated.** The recitals set forth above are adopted and incorporated by this reference as though fully set forth herein.

**Section 2. Petition Approved.** The City Council approves the petition of Breen Acres, LLC, to adjust the boundary lines between the City of Napavine and Lewis County pursuant to RCW 35.13.340 so as to include within the corporate boundaries of the City of Napavine the remainder of the parcel of land depicted as Lewis County Parcel No. 017904002002, and more particularly described in Exhibit A attached hereto and incorporated herein.

**Section 3. Exhibits Incorporated.** The following Exhibits attached hereto, are incorporated by this reference as though fully set forth herein:

- Exhibit A: Legal Description of Lewis County Parcel No. 017904002002
- Exhibit B: Signed Petition by property owners of the Parcel
- Exhibit C: Map of Parcel with current City Limits and Proposed City Limits
- Exhibit D: Map of Parcel with detail of property line within City Limits

**Section 4. Mayor Authorization.** The City Mayor, or designee, is hereby authorized to take and execute any additional measures or documents that may be necessary to complete this transaction which are consistent with the approved form of documents referenced by this Resolution, and the intent of this Resolution.

**Section 5. Zoning Map and Land Use Designation.** The official zoning map of the City of Napavine shall be modified to include Lewis County Parcel No. 017904002002 with a zoning and land use designation of R-3 and Commercial.

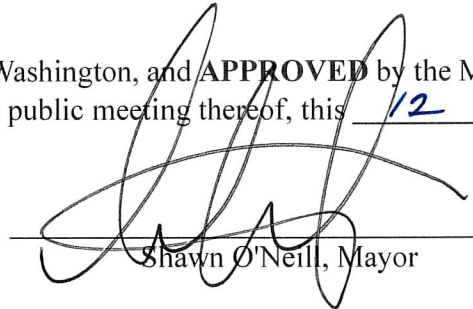
**Section 6. OFM Filings.** The City Treasurer is directed to file all necessary documents with the Washington State Office of Financial Management.

**Section 7. Severability.** If any section, sentence, clause, or phrase of this Resolution should be held to be unconstitutional or unlawful by a 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 Resolution.


**Section 8. Effective Date.** This Resolution shall take effect immediately, or as otherwise provided by law, and the City Clerk is directed to file a certified copy of the Resolution with the offices of the Lewis County Auditor and Assessor.

**Section 9. Corrections.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbers, section/subsection numbers, and any references thereto.

**PASSED** by the Council of the City of Napavine, Washington, and **APPROVED** by the Mayor of the City of Napavine at a regularly scheduled open public meeting thereof, this 12 day of August, 2025.

  
Shawn O'Neill, Mayor

Attest:

  
Rachelle Denham, City Clerk

Approved as to form:

  
James M.B. Buzzard, WSBA # 33555  
City Attorney

Approved Reading:

Effective Date:

8/12/2025  
8/12/2025

Exhibit "A"

The Southeast Quarter of the Southwest Quarter of Section 15, Township 13 North, Range 2 West, W.M., Lewis County, lying northerly of the thread of the Newaukum River.

Also the West Half of the Southeast Quarter of said Section 15, lying southerly of the southwesterly margin of Hamilton Road and northerly of the thread of the Newaukum River.

Also the West 10.00 feet of even width of Parcel "A" of City of Napavine Boundary Line Adjustment No. 07-11-2022, recorded on August 4, 2022 under Auditor's File No. 3581283 and that portion of said Parcel "A" lying Southwesterly of the thread of the Newaukum River in said Section 15.

Exhibit "B" Pg. 1.

PETITION FOR ANNEXATION  
TO THE CITY OF NAPAVINE

	DATE STAMP
RCVD BY	

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF NAPAVINE

We, the undersigned, being the owners of not less than one hundred percent (100%) in value of the real property herein described, do hereby petition that such territory be annexed to and made a part of the City of Napavine.

The territory proposed to be annexed is within Lewis County, Washington, and the boundaries are outlined on the survey map accompanying petition. The property is described as follows: (See Attachment)

The City Council of the City of Napavine met with the initiating parties at a Council meeting on: \_\_\_\_\_ and did determine that the City would accept the proposed annexation. At said meeting, the City Council did also determine that:

It would require the simultaneous adoption of a comprehensive plan for the area to be annexed; and

It would require the assumption of existing City indebtedness by the area to be annexed, as disclosed by the minute entry regarding the same in the minutes of said Council meeting.

Petition for Annexation to the City of Napavine

This page contains all signatures of the owners seeking the annexation of territory to the City of Napavine, Washington, as above stated.

The petitioners subscribing hereto agree that all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Napavine, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation.

*(Names of the petitioners should be in identical form as the same appear of record in the chain of title to the real estate. All owners must sign.)*

Sterling D. Breen  
OWNER'S SIGNATURE

Sterling D. Breen  
PRINTED NAME

ADDRESS: 259 Hamilton

ASSESSOR'S PARCEL #: 017904002002

DATE: 2-28-25

APPROXIMATE # OF ACRES: 110.88

Nicola S Ely  
OWNER'S SIGNATURE

Nicola S Ely  
PRINTED NAME

ADDRESS: 259 Hamilton

ASSESSOR'S PARCEL #: 017904002002

DATE: 2-28-25

APPROXIMATE # OF ACRES: 110.88

Exhibit "B", Pg. 2

## NOTICE TO COMMENCE ANNEXATION PROCEEDINGS 100% Petition

CITY OF NAPAVINE, WASHINGTON TO:

Napavine City Council

The undersigned, being the owners of not less than 100 percent (100%) in value, according to the assessed valuation of general taxation of the property for which annexation is sought, hereby notify the City Council of the City of Napavine of our intentions to commence annexation proceedings to the City of Napavine of the following described property (See Attached). We hereby further request of the City Council to set a date, within sixty (60) days following the City's receipt of this notice, for a meeting with the undersigned parties to determine whether the City of Napavine will accept the proposed annexation, whether it shall require the simultaneous adoption of zoning regulations, and whether it shall require the assumption of existing City indebtedness by the area to be annexed. The property in question is partially within the existing city limits with the balance of the property lying contiguous to the present corporate limits of the City of Napavine, and said property is situated in the County of Lewis, State of Washington, and is legally described as follows (attach separate sheet).

Dated this 28<sup>th</sup> day of February, 2025

Address, Phone #, and Email	Number of Housing Units	Number of persons in Household	Name of Each Person Residing in Household	Property Owner/Contract Buyer Signature
259 Hamilton Rd. 360-508-1149, <a href="mailto:sterling@sterlingbreenenergy.com">sterling@sterlingbreenenergy.com</a>	0	1	Rental	Sterling D. Breen
				Nicola S. Ely

Required Documents:

- Legal Description of Property including the tax parcel numbers
- Vicinity Map showing the proposed annexation boundary

Lewis County GIS Web Map

Hamilton Rd

Proposed City Limits

See detail A only

Existing City Limits

Rush Rd

Hamilton Rd

Kirkland Dr

1:9.02

4/16/2025, 2:55:45 PM

 Parcels

1:9,028

0 412.5 825 1,650 ft  
NAD 1983 StatePlane Washington South FIPS 4602 Feet



Lewis County does not guarantee the accuracy of the information shown on this map and is not responsible for any use or misuse by others regarding this material. It is provided for general informational purposes only. This map does not meet legal, engineering, or survey standards. Please practice due diligence and consult with licensed experts before making decisions.

© Lewis County GIS

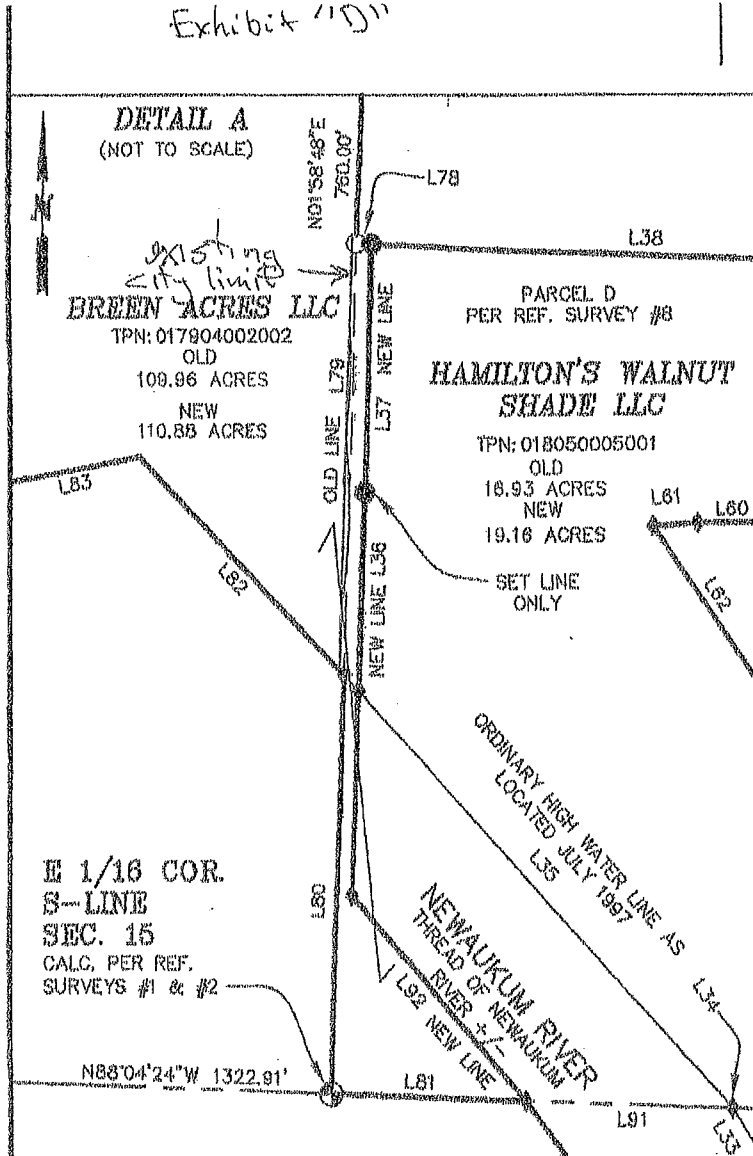


3619332 E: 38 P: 264 SUR  
 02/25/2025 03:20:49 PM Total Pages: 1 Fees: 423  
 Larry E Groves, CG, Lewis County Auditor, Chablis, Wash

REVIEWED FOR APPLICABLE TAXES  
 APPROVED FOR RECORDING  
 LEWIS COUNTY TREASURER  
 BY                      DATE 2/25/25

REVIEWED FOR COMPLIANCE  
 WITH RECORDING FOR LEWIS COUNTY ENGINEERING  
 BY                      DATE 2-20-25

Exhibit "D"



**CONVEY**  
 HAMILTON'S WALNUT  
 THE WEST 10.00 F  
 OF NAPAVALINE BOU  
 RECORDED ON AU  
 3581283 AND THA  
 SOUTHWESTERLY C  
 LYING IN THE SOU  
 QUARTER OF SEC1  
 W.M., LEWIS COUN

**NARA**  
 THE PURPOSE OF  
 MONUMENT THE A  
 AS SHOWN IN DE

**CURV**

CURVE	RADIUS
C1	1000.00'
C2	999.30'
C3	1079.30'
C4	1079.30'

BLUHM & ASSOCIAT  
 MAKES NO WARRANT  
 UNWRITTEN TITLE SI  
 ESTOPPEL, ADVERSI  
 NO ATTEMPT WAS I  
 AND/OR ALL EASES  
 ASSOCIATED WITH 1

**AUDITOR'S CERTIFICATE**  
 FILED FOR RECORD THIS 25 DAY OF Feb, 2025 AT  
3:20 P.M. IN BOOK 316 OF SUR AT PAGE 204  
 AT THE REQUEST OF BLUHM & ASSOCIATES LAND SURVEYORS, INC.  
 DEPUTY COUNTY AUDITOR Nicol E. Hansen

**SU**  
 THIS MAP CORRE  
 OR UNDER MY  
 REQUIREMENTS  
 REQUEST OF 9  
 IN DECEMBER