

ORDINANCE NO. 1148

**AN ORDINANCE ANNEXING CERTAIN
PROPERTIES; CONFIRMING THE ZONING
CLASSIFICATIONS THEREOF; AND PROVIDING FOR
AN EFFECTIVE DATE.**

R E C I T A L S:

1. The City has received petitions from property owners requesting annexation to the City of certain real property situate in the County of Grays Harbor, the abbreviated legal descriptions of which are attached as Exhibit #1. The total acreage covered by the petitions is approximately two hundred twelve (212) acres with a total assessed value of approximately \$14,787,138.00.

2. The application was reviewed by the Council, which has determined it satisfactory and conditioned any annexation upon assumption of the pro rata share of any outstanding indebtedness of the City and acceptance of the zoning classification set forth below. By submission of executed joint petitions, the Applicants have acknowledged acceptance of those conditions.

3. The Council has been informed by City Staff as follows:

A. That the joint petitions were executed by the owners of property representing more than sixty percent of the assessed valuation of the property covered by the petition.

B. That a duly executed combined petition was filed with the City, of which all of the individual petitions contained within the combined declaration had been executed within six months of May 16, 2016.

C. That the City has given all necessary notices and held all necessary public hearings upon the annexation. That included a hearing held before the City Council on May 16, 2016, after the giving of the required public notice.

4. It is the desire and intention of the City to grant the petition and to utilize the authority granted pursuant to the provisions of Title 17 of the Municipal Code in relation to the establishment of zoning classifications.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF ELMA:

SECTION I: On and after the effective date set forth in Section IV, those certain properties more fully

described upon Exhibit #1 shall be and are to be deemed annexed to the City of Elma upon the first day allowed by law.

SECTION II: Pursuant to authorization granted under the Zoning Code of the City, it is the intention of the City to establish a zoning classification for each parcel within the area annexed which is consistent with the provisions of the City's zoning code, as required pursuant to the provisions of Ordinance 1141. Thus, upon annexation to the City, the classifications under the zoning code shall be the zoning class most similar to the classification applied to them prior to their annexation. The Zoning Control Map of the City shall be so noted.

SECTION III: The annexed land shall specifically assume and be subject to its pro rata portion of any outstanding indebtedness of the City.

SECTION IV: Effectiveness: Completion of Boundary Review Process: In recognition of applicable law, the annexation authorized hereunder shall become effective upon the first date allowed by law whether that date be [a] upon the completion of any review which may be required to be carried out by the Grays Harbor County Boundary Review Board granting approval of the request or any appeal taken from a

decision issued by the Board, [b] upon the waiver of any such review by the Chair of the Board, or [c] upon the passage of such time as is established by the provisions of RCW 36.93 without action by the Board.

SECTION V: The Office of the Clerk-treasurer shall:

A. File such documents with the Boundary Review Board and any other agency or entity as may be required by law; and

B. Upon its becoming effective, notify the Offices of the County Assessor and Treasurer and any necessary state agency of the annexation of the property following its date of final approval.

To the extent required by law or any agency having jurisdiction over these matters, the Clerk-treasurer shall have the authority to provide the full legal descriptions of the properties described in Exhibit #1 which are subject to annexation pursuant to this ordinance.

SECTION VI: 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 affect 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, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION VII: This Ordinance shall take effect upon the fifth day following date of publication: PROVIDED THAT, it is recognized that the date of actual annexation of the properties shall be as set forth in Section IV.

SECTION VIII: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS 17th DAY OF MAY, 2016, by the City Council of the City of Elma and signed in approval therewith this _____ day of _____, 2016.

CITY OF ELMA:

JAMES SORENSEN, Mayor

ATTEST:

DIANA EASTON, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, DIANA EASTON, being the duly appointed Clerk-Treasurer of the City of Elma, do certify that I caused to have published in a newspaper of general circulation in the City of Elma a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of Elma.

DIANA EASTON
SIGNED AND SWORN to before me this _____ day of _____, 2016, by DIANA EASTON.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at:
My appointment expires: