

ORDINANCE NO. 1160

**AN ORDINANCE CONFIRMING ANNEXATION
BOUNDARIES AS MODIFIED BY ACTION OF THE GRAYS
HARBOR COUNTY BOUNDARY REVIEW BOARD,
PROVIDING FOR SEVERABILITY & AN EFFECTIVE DATE.**

RECITALS:

1. After full consideration of the matter, the Council has previously adopted Ordinance 1148 annexing an area containing certain real properties, the legal description of which is attached as Exhibit #1, said exhibit being incorporated herein by this reference.

2. Thereafter, the County appealed to the Boundary Review Board, that action seeking either rejection of the annexation or its expansion by inclusion of certain public rights of way.

3. The Board assumed jurisdiction and considered the appeal in multiple hearings. Thereafter, it approved the annexation, but with the limited modifications of inclusion of the public rights of way abutting the annexed area on the west and the north and a parcel on the easterly boundary of the original area, said rights of way and property being described in Exhibit #2, said exhibit being incorporated herein by this reference. No

properties other than the referenced the public rights of way and single parcel were added to the boundaries established previously through the adoption of Ordinance 1148.

4. No appeal was taken from that decision. Thereafter the City received a recommendation from the Board's staff that an affirmatory ordinance be adopted. Therefore, for clarification purposes, the Council finds it appropriate to adopt this ordinance confirming the limited expansion of the boundaries resulting from the addition of the referenced area.

5. The City has received confirmation from the office of the County Assessor that the annexation into the City of the properties described are being recognized by that office for tax assessment purposes.

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

SECTION I: On and after the first date allowed by law, those certain properties more fully described upon Exhibits #1 and #2 respectively, shall be deemed to have been annexed to the City of Elma.

SECTION II: As stated in Ordinance 1148, pursuant to authorization granted under the Zoning Code of the City, it was 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 the referenced ordinance. Thus, upon finalization of the annexation to the City, the classifications under the zoning code became the zoning classification 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: As provided by Ordinance #1148, the annexed privately owned properties assumed and became subject to their pro rata portion of any outstanding indebtedness of the City.

SECTION IV: 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 V: This Ordinance shall take effect upon the fifth day following date of publication.

SECTION VI: 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 _____ DAY OF _____, 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: