

ORDINANCE NO. 24-4013

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON ANNEXING REAL PROPERTY OWNED BY THE CITY OF KELSO AND ASSOCIATED COUNTY RIGHTS-OF-WAY AND INCORPORATING THE SAME WITHIN THE CORPORATE LIMITS OF THE CITY OF KELSO, WASHINGTON

WHEREAS, RCW 35A.14.300 provides the City may, by majority vote of the City Council, annex contiguous or non-contiguous territory outside of its limits for any municipal purpose, if the territory is owned by the City; and

WHEREAS in November 2020, the City and Cowlitz County entered into an interlocal agreement pursuant to Joint Resolution 20-089 (County) and 20-1239 (City); The resolutions and agreement provided that the City and County would collaborate and cooperate in the South Kelso Railroad Overpass Crossing ("SKRRC"), now titled Hazel St. Railroad Grade Separation (HSRGS) Project over the Burlington Northern Sante Fe Railroad right-of-way; and

WHEREAS, said interlocal agreement established the County and the City would jointly acquire necessary rights-of-way, and then plan, design and construct the HSRGS Project in accordance with City of Kelso public rights-of-way and municipal streets standards, all in anticipation of singular ownership of the Project by City; and

WHEREAS, the County and City acquired certain parcels of real property as set forth herein within unincorporated Cowlitz County for the purpose of construction of county roadway for the HSRGS Project, consistent with the agreement, and the City's Capital Facilities Plan and street standards; and

WHEREAS, the construction, operation, maintenance, and repair of City owned HSRGS Project is a municipal purpose under RCW 35A.11.020 and the property that is to be annexed by this Ordinance is necessary for this municipal purpose; and

WHEREAS, the City is currently constructing the HSRGS Project, which is nearing construction, and in accordance with the City's interlocal agreement with Cowlitz County, the City now seeks to initiate annexation of the City owned parcels and the County's portions of Project properties into the City; and

WHEREAS, the current boundary of the City limits surrounds an island of unincorporated Cowlitz County, which includes the property utilized for Project rights-of-way that is contiguous to City owned Project property within this island, and is substantially contiguous to certain other City owned Project property, separated only by County's Project road rights-of-way and BNSF Railroad right-of-way, within the larger island of unincorporated area; and

WHEREAS, the interlocal agreement had provided that the HSRGS Project property, including all public or private property necessarily associated with the Project would be annexed into the City prior to completion; and

WHEREAS, the City and County within the interlocal agreement identified certain agreed public rights-of-way and abutting property that should be transferred to the City because they are a part of or directly impacted by the HSRGS Project and necessary for the City to access and control, and thereafter maintain and regulate the HSRGS Project; and

WHEREAS, County rights-of-way contiguous to annexed property may be included within the annexation area proposed by the City; and

WHEREAS, RCW 35A.21.210 provides that a county and code city may by agreement revise any part of the city boundary that coincides with any portion of a public street by substituting a right-of-way line that fully includes or excludes that segment of the street; and

WHEREAS, the annexation area is within the City's adopted urban growth area; and

WHEREAS, the annexation of property by a code city is exempt from review under the State Environmental Policy Act, pursuant to RCW 43.21C.222; and

WHEREAS, annexation for municipal purposes and annexation revising corporate boundaries to include a segment of a public right-of-way are not subject to review by a boundary review board; and

WHEREAS, all statutory requirements have been complied with and the City will use and maintain the above described real property for municipal purposes;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Public Interest.** The Kelso City Council finds it to be in the public interest and furtherance of the public health, safety, and welfare of the of the citizens of the City of Kelso to adopt this Ordinance annexing property into the City of Kelso for the municipal purpose of the construction, regulation, maintenance and repair of the HSRGS transportation infrastructure.

Section 2. **Recitals Incorporated.** The recitals as set forth above are hereby incorporated by reference.

Section 3. **Property Annexed.** Pursuant to RCW 35A.14.300, that area legally described in Exhibit A and illustrated in Exhibit B, such exhibits attached hereto and incorporated herein fully by this reference, are hereby annexed into and made a part

of the City of Kelso, Washington, such area being a portion of Cowlitz County not previously incorporated, consisting of parcels, owned by the City and associated County rights-of-way and property.

Section 4. **Effect.** This Ordinance shall be binding on the annexed real property and the future owners thereof. From and after the effective date of this ordinance, the above described property shall be subject to all of the laws and ordinances then and thereafter in force and effect of the City of Kelso.

Section 5. **Recording.** The City Clerk is hereby directed to file a certified copy of this Ordinance with the Cowlitz County Council and the Cowlitz County Auditor. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35A.14.700.

Section 6. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. **Severability.** Any provision of this ordinance or its application to any person, legal entity, or circumstance is held invalid or unconstitutional; the remainder of the ordinance or its application to other persons, legal entities, or circumstances is not affected.

Section 8. **Effective Date.** This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2024.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:_____
