

ORDINANCE NO. 4909

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLensburg, WASHINGTON ANNEXING PARCELS 744134, 474134, 513634, 503634 TO THE CITY OF ELLensburg, WASHINGTON, ASSIGNING RESIDENTIAL-LOW ZONING CLASSIFICATION, PROVIDING FOR THE ASSUMPTION OF EXISTING CITY INDEBTEDNESS AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

WHEREAS, on July 26, 2022, 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 744134, 474134, 513634, and 503634, as more fully described in Section 1 of this Ordinance and depicted in Exhibit A, attached hereto; and

WHEREAS, on September 6, 2022, 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 September 6, 2022 public meeting the City Council set the annexation area and further determined that the property subject to annexation would be zoned Residential-Low, and 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 October 10, 2022, having 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, on November 10, 2022, pursuant to proper notice given in accordance with RCW 35A.14.130, the Planning Commission conducted a public hearing on the proposed annexation, and following such hearing recommended City Council approve the annexation request; and

WHEREAS, on January 3, 2023 and April 17, 2023, May 15, 2023 (continued from the April 17, 2023 hearing), pursuant to proper notice given in accordance with RCW 35A.14.130, 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 and rights-of-ways are hereby annexed to and made a part of the City of Ellensburg, Washington, to wit:

Tract 1:

Lots 1,2,3 and 4 of that certain survey as recorded May 15, 2018, in Book 41 of Surveys, page 134, under Auditors File No. 201805150007, records of Kittitas County, Washington; being a portion of the State Addition and part of the Northeast Quarter of Section 36, Township 18 Nort, Range 18 East, W.M., in the County of Kittitas, State of Washington.

Tract 2:

That portion of Tracts 76 and 77, State Addition to the City of Ellensburg No. 1, as per plat thereof recorded in Book 2, page 48, records of Kittitas County, and more particularly being described as that portion of Southeast Quarter of the Northeast Quarter of Section 36, Township 18 North, Range 18 East, W.M., County of Kittitas, State of Washington, as shown and described in the Record of Survey drawing prepared for Western Pacific Engineering, Inc., dated December 1983, described as follows:

Commencing at a found railroad spike monument marking the Southeast corner of the Northeast Quarter of said Section; thence North  $00^{\circ}25'17''$  West on the easterly boundary line of the Northeast Quarter of said Section a distance of 331.98 feet to the Southeast corner of the north half of the Southeast Quarter of the Northeast Quarter of said Section, Said point bears South  $00^{\circ}25'17''$  East on the easterly boundary line of the Northeast Quarter of said Section a distance of  $23^{\circ}23.85$  feet from a found brass cap monument marking the Northeast corner of the Northeast Quarter of said Section; thence South  $89^{\circ}23'39''$  West on the Southerly boundary line of the North half of the South half of the Southeast Quarter of the Northeast Quarter of said Section and the Southerly boundary line of Tracts 96 and 77 of said Addition a distance of 847.63feet to the true point of beginning, said point bears  $89^{\circ}23'39''$  East on the Southerly boundary line of the North half of the South half of the Southeast Quarter of the Northeast Quarter of said Section a

distance of 474.52 feet from the Southeast corner of the North half of the South half of the Southeast Quarter of the Northeast Quarter of said Section and North 89°23'39" East on the Southerly boundary line of Tract 77 of said Addition a distance of 414.52 feet from the Southwest corner of Tract 77 of said Addition; thence continuing South 89°23'39" West on the Southerly boundary line of the North half of the South half of the Southeast Quarter on the Northeast Quarter of said Section and the Southerly boundary line of Tract 77 of said Addition a distance of 30 feet; thence North 00°27'41" West a distance of 623.50 feet; thence North 89°26'27" East a distance of 30.02 feet; thence South 00°27'41" East a distance of 624.52 feet to the Southerly boundary line of the North half of the South half of the Southeast Quarter of the Northeast Quarter of said Section and to the Southerly boundary of Tract 77 of said Addition and to the true point of beginning. Including all rights-of-way adjacent to said parcels.

**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 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 744134, 474134, 513634, & 503634 shall be zoned Residential-Low (R-L).

**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 or 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 15<sup>th</sup> day of May, 2023.

ATTEST:

M. Beth Leader  
MAYOR  
Beth Leader  
CITY CLERK

Approved as to form:

G. J. S.  
CITY ATTORNEY

Publish: 5-18-23

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4909 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4909 was published as required by law.

Beth Leader

## EXHIBIT A: ANNEXATION PARCELS

