

City of Cle Elum

119 West First Street
Cle Elum, Washington 98922



Telephone: 509 674-2262

Fax: 509 674-4097

CERTIFICATE

11/14/2011 11:42:58 AM

201111140007

\$69.00
Ordinance CITY CLE ELUM
Kittitas County Auditor

Page 1 of 8



STATE OF WASHINGTON)

SS

AUDITORS NOTE Portions of this document poor quality for imaging

COUNTY OF KITTITAS)

I, the undersigned, Toni Fields, the duly appointed, qualified and acting City Clerk of the City of Cle Elum, County of Kittitas, State of Washington, do hereby certify that the ORDINANCE hereto attached is a full, true and correct copy of ORDINANCE NO. 1352 of the City of Cle Elum, Washington, entitled as follows:

AN ORDINANCE ANNEXING UNINCORPORATED TERRITORY
COMMONLY KNOWN AS CITY HEIGHTS

I further certify that said ordinance was passed by the Council of said City at a meeting held 8th day of November 2011 at which time a quorum was in attendance.

Dated this 10th day of November 2011.

Toni Fields, City Clerk
Cle Elum, Washington

ORDINANCE NO. 1351

AN ORDINANCE OF THE CITY OF CLE ELUM, WASHINGTON, ANNEXING PURSUANT TO RCW 35A.14.120, ET SEQ. APPROXIMATELY 330 ACRES OF UNINCORPORATED TERRITORY DESCRIBED HEREINAFTER, COMMONLY KNOWN AS THE CITY HEIGHTS ANNEXATION; PROVIDING FOR THE ASSUMPTION OF INDEBTEDNESS; AND ZONING SAID TERRITORY AS PLANNED MIXED USE DEVELOPMENT IN ACCORDANCE WITH CLE ELUM MUNICIPAL CODE CHAPTER 17.45 AND CONSISTENT WITH THE COMPREHENSIVE PLAN.

WHEREAS, in 2008, a Petition for Annexation of approximately 330 acres into the City of Cle Elum for development under a planned mixed-use (PMU) site plan of a 358-acre project known as City Heights, of which 28 acres are already within the City limits and adjacent to the area proposed for annexation, signed by Northland Resources, LLC, the authorized agent of property owners Cooper Pass, LLC; Highmark Resources, LLC; and Green Canyon, LLC, who collectively own all the property in the City Heights Annexation area, was filed with the City of Cle Elum; and

WHEREAS, in 2004, the parcels proposed for annexation were added to Cle Elum's Urban Growth Area boundary; and

WHEREAS, on January 8, 2008, the City Council held a duly noticed public hearing at which the City Council passed a resolution stating their intent to annex the City Heights Annexation area and set the public hearing date; and

WHEREAS, on January 9, 2008, the City of Cle Elum accepted the Petition for Annexation, and thereafter forwarded the Petition to the Kittitas County Assessor for a sufficiency determination pursuant to RCW 35.21.005; and

WHEREAS, a Notice of Intent to Annex was thereafter filed with the Kittitas County Boundary Review Board, which did not invoke jurisdiction; and

WHEREAS, by authority contained in RCW 36.93.230, the Board of Kittitas County Commissioners disbanded the Kittitas County Boundary Review Board effective January 21, 2009; and

WHEREAS, in 2009, the City of Cle Elum issued a Notice of Action and commenced environmental review for PMU land use designation and zoning proposed for said annexation properties; and in January, 2010, the City issued a determination of non-significance (DNS) for the PMU land use designation and zoning, using the optional DNS process of WAC 197-11-355; and

WHEREAS, the Cle Elum City Council conducted two duly noticed public hearings on January 26, 2010, and March 9, 2010, and determined that such PMU designation and zoning would become effective immediately upon annexation; and

WHEREAS, the City of Cle Elum, formerly a second-class city, adopted classification as a non-charter code city by the passage of Ordinance No. 1330 on July 13, 2010, and as such is subject to the requirements in RCW 35A.14 for annexation by code cities; and

WHEREAS, notice of the proposed annexation open record public hearing was provided, as required by RCW 35A.14.130, and was published in the Northern Kittitas County Tribune newspaper on Thursday, July 28, 2011, and notice was posted in three public places within the territory proposed for annexation starting July 27, 2011, up to the date of the hearing, which specified the time and place of the open record public hearing and invited interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, on September 13, 2011, pursuant to RCW 35A.14.120 et seq., the Cle Elum City Council conducted an open record public hearing on the proposal for the City Heights Annexation of approximately 330 acres, where live testimony was presented by citizens Howard Carlin and Louis Musso, after which the open record portion of the hearing was closed. Additional written comments were submitted to the City via email by Catherine Clerf at 4:14 p.m. on September 13, 2011; these comments were not discovered until after the September 13th open record public hearing was closed but were nonetheless timely received and as such were orally read aloud and a copy physically placed into the record when the record was re-opened at the public hearing on November 8, 2011 for the limited purpose of entering the Clerf comments; and

WHEREAS, notice of the continued closed record public hearing on the proposed annexation was provided, as required by RCW 35A.14.130, and was published in the Northern Kittitas County Tribune on Thursday, October 20, 2011, and notice was posted in three public places within the territory proposed for annexation starting October 20, 2011, up to the date of the hearing, which specified the time and place of the continued closed record public hearing; and

WHEREAS, the Cle Elum City Council continued its review of the proposed annexation at the closed record public hearing on November 8, 2011, and at the conclusion of said hearing, determined that the property should be annexed, subject to a requirement that the property be assessed and taxed at the same rate as other property within the City, and further subject to the contemporaneous approval by the City of a Development Agreement for City Heights, adoption of a Planned Action Ordinance, and approval of the Applicant's concomitant request to rezone the 28 acres of the City Heights project that already lie within the City limits to the PMU zone.

NOW, THEREFORE, the City Council of the City of Cle Elum does hereby ordain as follows:

Section 1. Annexation. That certain 330.36 acres of property situated north of and adjacent to the City of Cle Elum, commonly known as the City Heights Annexation, legally

described on the attached Exhibit A, and depicted on the map attached hereto as Exhibit B, both of which exhibits are incorporated herein by this reference as if set forth in full, is hereby annexed to and made a part of the City of Cle Elum.

Section 2. Comprehensive Plan. The City Heights Annexation properties shall be designated Planned Mixed Use for land use designation purposes under the City of Cle Elum Comprehensive Plan.

Section 3. Zoning. The City Heights Annexation properties shall be zoned as a PMU land use designation in accordance with CEMC 17.45.

Section 4. Indebtedness. Pursuant to the annexation resolution, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

Section 5. Duties of City Clerk. The City Clerk is hereby directed to file a certified copy of this ordinance, together with the attached Exhibits A and B, with the Board of Kittitas County Commissioners. In addition, the Clerk is authorized and directed to file the annexation certificate provided for in RCW 35A.14.700 with the Office of Financial Management within thirty (30) days of the effective date of the annexation.

Section 6. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with the other provisions of the Cle Elum Municipal Code, this ordinance is deemed to control.

Section 7. Contemporaneous Updates. The City's Comprehensive Plan and zoning map are hereby amended to conform to the annexation approved in this ordinance.

Section 8. Effective Date. This ordinance and annexation shall become effective only upon the contemporaneous approval by the City of Cle Elum of a Development Agreement for City Heights, adoption of a Planned Action Ordinance, and approval of the Applicant's concomitant request to rezone the 28 acres of the City Heights project that already lie within the City limits to the PMU zone.

PASSED by the City Council of the City of Cle Elum, Washington, at a regular meeting thereof, held this 8th day of November, 2011.


Charles J. Glondo, Mayor

Approved as to form:



Erin Anderson, City Land Use Counsel

Attestation:



Toni Fields, City Clerk

EXHIBIT A**LEGAL DESCRIPTION
CLE ELUM CITY HEIGHTS ANNEXATION**

LOT 15 OF THAT CERTAIN SURVEY RECORDED IN BOOK 28 OF SURVEYS AT PAGES 177 AND 178, UNDER AUDITOR'S FILE NUMBER 200302030013; LOTS A-1, A-2 AND A-3 OF THAT CERTAIN SURVEY RECORDED IN BOOK 10 OF PLATS AT PAGES 222 AND 223, UNDER AUDITOR'S FILE NUMBER 200706060020; LOTS B-1 AND B-2 OF THAT CERTAIN SURVEY RECORDED IN BOOK H OF SHORT PLATS AT PAGES 187 AND 188, UNDER AUDITOR'S FILE NUMBER 200601260040; A PORTION OF LOT 11-C OF THAT CERTAIN SURVEY RECORDED IN BOOK 31 OF SURVEYS AT PAGES 136 AND 137, UNDER AUDITOR'S FILE NUMBER 200507280018; LOTS C-1, C-2 AND C-3 OF THAT CERTAIN SURVEY RECORDED IN BOOK 10 OF PLATS AT PAGES 206 AND 207, UNDER AUDITOR'S FILE NUMBER 200704060001, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON WHICH IS BOUNDED BY A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 15 OF SAID SURVEY WHICH IS THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE NORTH 70°33'50" EAST, 265.95 FEET; THENCE NORTH 88°25'37" EAST, 39.10 FEET; THENCE NORTH 88°25'37" EAST, 480.20 FEET; THENCE NORTH 39°30'18" WEST, 51.97 FEET; THENCE SOUTH 88°42'02" EAST, 55.45 FEET; THENCE CONTINUING ALONG SAID BEARING, 2123.80 FEET; THENCE SOUTH 88°38'40" EAST, 2650.73 FEET; THENCE SOUTH 89°27'57" EAST, 1696.72 FEET; THENCE CONTINUING ALONG SAID BEARING, 960.22 FEET; THENCE SOUTH 88°38'56" EAST, 72.95 FEET; THENCE SOUTH 01°21'04" WEST, 29.66 FEET TO THE POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 100.00 FEET (RADIUS BEARING SOUTH 01°21'04" WEST), A LENGTH OF 159.34 FEET, THROUGH A CENTRAL ANGLE OF 91°17'39"; THENCE SOUTH 00°03'25" WEST, 147.26 FEET TO THE POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 100.00 FEET (RADIUS BEARING SOUTH 89°56'35" EAST), A LENGTH OF 107.54 FEET, THROUGH A CENTRAL ANGLE OF 61°36'54"; THENCE SOUTH 61°33'29" EAST, 283.39 FEET; THENCE SOUTH 38°45'20" EAST, 804.11 FEET; THENCE SOUTH 73°18'17" EAST, 569.17 FEET; THENCE SOUTH 00°25'27" WEST, 40.64 FEET; THENCE SOUTH 00°25'27" WEST, 23.23 FEET; THENCE SOUTH 73°18'17" EAST, 788.37 FEET; THENCE NORTH 00°47'37" EAST, 497.30 FEET; THENCE SOUTH 89°26'24" EAST, 2214.93 FEET; THENCE SOUTH 31°14'36" EAST, 810.33 FEET; THENCE SOUTH 56°56'11" WEST, 74.55 FEET TO THE POINT OF CURVATURE OF THE LEFT HAVING A RADIUS OF 99.05 FEET (RADIUS BEARING SOUTH 33°03'49" EAST), A LENGTH OF 159.14 FEET, THROUGH A CENTRAL ANGLE OF 92°03'42"; THENCE NORTH 86°48'10" WEST, 660.31 FEET; THENCE SOUTH 00°37'10" WEST, 530.06 FEET; THENCE NORTH 57°56'11" WEST, 196.85 FEET; THENCE NORTH 50°06'55" WEST, 161.08 FEET TO THE POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 50.42 FEET (RADIUS BEARING SOUTH 39°53'05" WEST), A LENGTH OF 102.10 FEET, THROUGH A CENTRAL ANGLE OF 116°01'38"; THENCE SOUTH 13°51'27" WEST, 186.64 FEET TO THE POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 74.00 FEET (RADIUS BEARING NORTH 76°08'33" WEST), A LENGTH OF 89.26 FEET, THROUGH A CENTRAL ANGLE

OF 69°06'54"; THENCE SOUTH 82°58'21" WEST, 326.41 FEET; THENCE SOUTH 78°10'46" WEST, 228.39 FEET TO THE POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 108.93 FEET (RADIUS BEARING SOUTH 11°49'14" EAST), A LENGTH OF 102.18 FEET, THROUGH A CENTRAL ANGLE OF 53°44'43"; THENCE NORTH 89°12'00" WEST, 236.35 FEET; THENCE NORTH 89°01'06" WEST, 835.04 FEET; THENCE NORTH 00°58'54" EAST, 659.24 FEET; THENCE NORTH 89°01'06" WEST, 859.49 FEET; THENCE SOUTH 01°37'14" WEST, 280.25 FEET; THENCE NORTH 89°01'44" WEST, 153.66 FEET; THENCE SOUTH 00°58'16" WEST, 139.48 FEET; THENCE NORTH 89°01'08" WEST, 274.97 FEET; THENCE SOUTH 00°58'52" WEST, 160.00 FEET; THENCE NORTH 86°50'06" WEST, 446.37 FEET; THENCE SOUTH 02°50'31" WEST, 96.55 FEET; THENCE NORTH 89°01'06" WEST, 49.72 FEET; THENCE NORTH 00°03'25" EAST, 1314.63 FEET; THENCE NORTH 89°27'57" WEST, 217.05 FEET; THENCE SOUTH 01°37'14" WEST, 14.17 FEET; THENCE NORTH 89°27'57" WEST, 2432.25 FEET; THENCE NORTH 00°15'29" WEST, 24.09 FEET; THENCE NORTH 88°50'40" WEST, 206.96; THENCE NORTH 14°27'03" EAST, 590.45 FEET; THENCE NORTH 88°45'34" WEST, 399.57 FEET; THENCE SOUTH 01°14'26" WEST, 575.22 FEET; THENCE NORTH 88°50'40" WEST, 1046.44 FEET; THENCE NORTH 12°05'29" WEST, 205.47 FEET; THENCE NORTH 88°50'41" WEST, 738.92 FEET; THENCE SOUTH 01°09'19" WEST, 83.72 FEET; THENCE NORTH 79°42'25" WEST, 369.15 FEET; THENCE NORTH 79°42'25" WEST, 280.72 FEET; THENCE NORTH 53°22'30" WEST, 340.47 FEET; THENCE NORTH 78°56'35" WEST, 275.86 FEET; THENCE NORTH 60°34'20" WEST, 240.49 FEET; THENCE NORTH 48°41'30" WEST, 185.31 FEET; THENCE NORTH 16°51'48" WEST, 233.52 FEET; THENCE NORTH 88°41'57" WEST, 70.91 FEET; THENCE SOUTH 00°30'48" WEST, 464.30 FEET; THENCE NORTH 75°41'50" WEST, 611.82 FEET TO THE POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 1860.08 FEET (RADIUS BEARING NORTH 14°18'10" EAST), A LENGTH OF 779.04 FEET, THROUGH A CENTRAL ANGLE OF 23°59'48"; THENCE NORTH 51°42'02" WEST, 28.75 FEET; THENCE NORTH 51°42'28" WEST, 365.15 FEET TO THE TRUE POINT OF BEGINNING AND TERMINUS OF SAID LINE.

SITUATED IN SECTIONS 25, 26, 27 AND 28, TOWNSHIP 20 NORTH, RANGE 15 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON.

CONTAINING 330.36 ACRES MORE OR LESS



