

ORDINANCE NO. 1196

An ordinance of the City of Cle Elum, Washington, annexing certain real property commonly known as the Bullfrog UGA and as legally described in Exhibit "A" hereto, and depicted on the map at Exhibit "B" hereto and designating the land use and zoning of the annexation area and establishing an effective date of the annexation.

WHEREAS, RCW 35.13.015 authorizes second class cities to utilize the election method of annexation; and

WHEREAS, the City of Cle Elum is a second class municipal corporation organized under the laws of the State of Washington, located in Kittitas County, Washington; and

WHEREAS, the lands lying within the corporate limits of the City are subject by law to assessment and taxation for, among other things, bonded indebtedness of the City, if any; and

WHEREAS, on June 23, 1998 the Cle Elum City Council established, by City of Cle Elum Resolution No. 6-23-98-1 an Urban Growth Area ("UGA") of the City of Cle Elum, which includes the Bullfrog Flats area immediately west of the City; and

WHEREAS, on December 22, 1998, the Kittitas County Board of Commissioners adopted Ordinance 98-24 amending the County Comprehensive Plan to establish the Bullfrog Flats area immediately west of the City as the City's Urban Growth Area; and

WHEREAS, The City has created a Bullfrog subarea plan addressing planning for the proposed annexation area as well as Planned Mixed Use zoning for the area owned by Trendwest Investments, Inc., density-restricted single family zoning for the area known as the Peare property and Public Reserve zoning for property owned by Puget Sound Energy where the existing power substation is located; and

WHEREAS, Puget Sound Energy, the owner of certain property that is the subject of this Resolution, has indicated it does not object to annexation; and

WHEREAS, the Cle Elum City Council determined that it would serve the best interests and general welfare of the City to submit, to the voters, the proposition to annex portions of the Bullfrog Flats UGA as shown and described on Attachment A hereto into the City of Cle Elum subject to adoption of the planning and zoning shown in the Bullfrog subarea upon annexation, and which property shall be assessed and taxed at the same rates and on the same basis as property currently within the City limits; and

WHEREAS, the City submitted a Notice of Intent to Annex with the Kittitas County Boundary Review Board concerning the proposed annexation; and

WHEREAS, a period of forth-five (45) days elapsed without the Kittitas County Boundary Review Board's jurisdiction having been invoked and pursuant to RCW 36.93.100, the annexation was deemed approved insofar as the Kittitas County Boundary Review Board portion of the process was applicable; and

WHEREAS the City of Cle Elum called for an election by the electorate of the annexation area on the questions of whether said unincorporated area should be annexed into the city, with adoption of the planning and zoning specified for the area as Planned Mixed Use, and density-restricted Residential and Public Reserve, and subject to assumption of city indebtedness; and

WHEREAS, on May 20, 2003, the question of the annexation was put to the vote of the six eligible voters residing in the annexation area; and

WHEREAS, Kittitas County certified the results of the election as five votes having been cast, all in favor of the annexation proposal, and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, morals and general welfare of the citizens of the City and the citizens of the annexation area for the annexation area to be annexed to the City, NOW THEREFORE,

The city council of the city of Cle Elum, Washington do ordain as follows:

Section 1. The real property that is contiguous and adjacent to the present corporate limits of the City of Cle Elum as legally described in Exhibit "A" attached hereto and depicted on the Map attached hereto as Exhibit "B", should be and hereby is annexed to the and made a part of the City of Cle Elum.

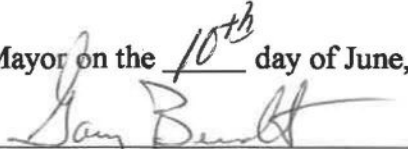
Section 2. Planning and zoning of the annexed area shall be specified as Planned Mixed Use, and density restricted Residential and Public Reserve. The City Planner Director is directed to insert the appropriate zoning for the annexed area on the official zoning map of the City when this Ordinance becomes effective.

Section 3. The real property annexed hereby shall be assessed and taxed at the same rate and upon the same basis as the land now located kin the City of Cle Elum, Washington.

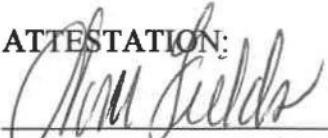
Section 4. The area annexed hereby shall become a part of the City of Cle Elum, Washington, and this Ordinance shall take effect and be in force on June 15, 2003.

Section 5. The City Clerk is hereby directed to cause a summary of this ordinance to be published in a newspaper of general circulation in the City and the City's official newspaper. The City Clerk is further directed to file a certified copy of this ordinance with the Board of Commissioners for Kittitas County.

Passed by the City Council and signed by the Mayor on the 10th day of June, 2003.



Gary Berndt, Mayor

ATTESTATION:


Toni Fields, City Clerk

Approved as to form:

Erin L. Anderson, City Attorney

TRENDWEST UGA LEGAL DESCRIPTION:

SECTION 21:

Lot B3 as described and/or delineated on that certain Survey as recorded May 19, 1999 in Book 24 of Surveys, Page 73, under Auditor's File No. 199905190001, records of Kittitas County, Washington; being a portion of the West Half of the Southwest Quarter of Section 21, Township 20 North, Range 15 East, W.M., in the County of Kittitas, State of Washington.

EXCEPT: That portion lying within the boundary of the County Road known as Bullfrog Road.

Tax Parcel No:
20-15-21030-0041

SECTION 27:

Lot 1 as described and/or delineated on that certain Survey as recorded May 23, 1995 in Book 21 of Surveys, Pages 6 and 7, under Auditor's File No. 581718, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 27, Township 20 North, Range 15 East, W.M., in the County of Kittitas, State of Washington.

Tax Parcel No:
20-15-27020-0016

SECTION 28:

That portion of Lot 1A lying Southerly and Easterly of the Southerly and Easterly boundary of the County Road known as Bullfrog Road, and Lots 3A and 4A, all as described and/or delineated on the face of that certain Survey recorded May 23, 1995 under Auditor's No. 581722 and filed in Book 21 of Surveys, Pages 14, 15 and 16, records of Kittitas County, State of Washington; being a portion of Section 28, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington;

AND

Lot 2A-2, as described and/or delineated on the face of that certain Survey recorded August 13, 1998, under Auditor's No. 199808130020 and filed in Book 23 of Surveys, Page 187, records of Kittitas County, State of Washington; being a portion of Section 28, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington;

EXCEPT a parcel of land lying in the Northeast Quarter of Section 28, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington, more particularly described as follows:

Commencing at the northeast corner of said Section 28;

Thence South $0^{\circ}35'53''$ West, 1107.94 feet, along the East line of said Section 28 to the southwesterly right of way of State Route 903;

Thence North $61^{\circ}39'20''$ West along said right of way, 339.18 feet to the Point of Beginning of this description;

Thence South $28^{\circ}20'40''$ West, 699.06 feet to the beginning of a horizontal curve whose radius point bears North $61^{\circ}39'20''$ West, 200.00 feet;

Thence southwesterly along the arc of said curve through a central angle of $89^{\circ}59'08''$, 314.11 feet;

Thence North $61^{\circ}40'12''$ West, 446.80 feet, to a concrete monument with a brass cap stamped "PSPL PROP COR";

Thence North $73^{\circ}08'36''$ East, 400.02 feet, to a concrete monument with a brass cap stamped "PSPL PROP COR";

Edit Date 10/29/2002.rc

Thence North 16°51'23" West, 650.08 feet, to a concrete monument with a brass cap stamped "PSPL PROP COR";

Thence North 73°08'44" East, 221.64 feet, to the southwesterly right of way of State Route 903, said point being south 73°08'44" West, 1.24 feet of a concrete monument with a brass cap stamped "PSPL PROP COR";

Thence South 61°39'20" East, 670.00 feet along said right of way to the Point of Beginning and the terminus of this description.

Tax Parcel Nos:

20-15-28000-0005 20-15-28000-0015 20-15-28000-0012 20-15-28030-0001
20-15-28040-0005

SECTION 29:

Lots 1B, 2B, 3B and 4B as described and/or delineated on the face of that certain Survey recorded May 23, 1995 under Auditor's File No. 581721 and filed in Book 21 of Surveys, Pages 12 and 13, Records of Kittitas County, State of Washington; being a portion of Section 29, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington.

EXCEPT: That portion lying within the boundary of the County Road known as Bullfrog Road.

Tax Parcel Nos:

20-15-29000-0005 20-15-29000-0006 20-15-29000-0007 20-15-29000-0008

SECTION 30:

Lots 1E and 1F as described and/or delineated on the face of that certain Survey recorded May 23, 1995 under Auditor's File No. 581720 and filed in Book 21 of Surveys, Pages 10 and 11, and as amended by that certain Amended Survey recorded October 11, 1996 under Auditor's File No. 199610110005 and filed in Book 22 of Surveys, Pages 96 and 97, Records of Kittitas County, State of Washington; being a portion of Section 30, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington.

EXCEPT: That portion lying within the boundary of the County Road known as Bullfrog Road.

Tax Parcel Nos:

20-15-30040-0006 20-15-30040-0007 20-15-30040-0010

SECTION 31:

Lots 3 and 4 as described and/or delineated on the face of that certain Survey recorded June 13, 1995 under Auditor's File No. 582256 and filed in Book 21 of Surveys, Pages 46 and 47, Records of Kittitas County, State of Washington; being a portion of the North Half of Section 31, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington;

EXCEPT: That portion lying within the boundary of the County Road known as Bullfrog Road.

Tax Parcel Nos:

20-15-31010-0002 20-15-31010-0003 20-15-31010-0001

SECTION 32:

Lots 3A and 4A, as described and/or delineated on the face of that certain Survey recorded February 21, 1997, under Auditor's File No. 199702210003 and filed in Book 22 of Surveys, Page 178, records of Kittitas County, State of Washington; being a portion of the North Half of Section 32, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington.

AND

Lots 2A and 1C, as described and/or delineated on the face of that certain Survey recorded February 26, 2002, under Auditor's File No. 200202260030 and filed in Book 27 of Surveys, Page 91, records of Kittitas County, State of Washington; being a portion of the North Half of Section 32, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington.

Tax Parcel Nos:

20-15-32010-0001	20-15-32010-0002	20-15-32020-0009	20-15-32020-0011
20-15-32020-0012	20-15-32020-0007	20-15-32020-0010	

SECTION 33:

Lots 1A, as described and/or delineated on the face of that certain Survey recorded February 21, 1997, in Book 22 of Surveys, Page 177 under Auditor's File No. 199702210002, records of Kittitas County, State of Washington; being that portion of the Northwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 15 East, W.M., lying northwesterly of the northwesterly line of Primary State Highway No. 2 (I-90), in the County of Kittitas, State of Washington.

Tax Parcel Nos:

20-15-33020-0006

HOLZ LEGAL DESCRIPTION:

Parcel A, as described and/or delineated on the face of that certain Survey as recorded March 22, 2002, in Book 27 of Surveys, page 115, under Auditor's File No. 200203220009, records of Kittitas County, State of Washington; being a portion of the Northwest Quarter of Section 32, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington.

Tax Parcel Nos:

20-15-32020-0008

O'ROURKE LEGAL DESCRIPTION:

Parcel B, as described and/or delineated on the face of that certain Survey as recorded March 22, 2002, in Book 27 of Surveys, page 115, under Auditor's File No. 200203220009, records of Kittitas County, State of Washington; being a portion of the Northwest Quarter of Section 32, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington.

Tax Parcel Nos:

20-15-32020-0001 20-15-32020-0013

PEARE LEGAL DESCRIPTION:

Parcel C, as described and/or delineated on the face of that certain Survey as recorded March 22, 2002, in Book 27 of Surveys, page 115, under Auditor's File No. 200203220009, records of Kittitas County, State of Washington; being a portion of the Northwest Quarter of Section 32, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington.

Tax Parcel Nos:
20-15-32020-0014

PUGET SOUND ENERGY LEGAL DESCRIPTION:

[Need legal description]

Tax Parcel Nos:
20-15-28000-0002 20-15-28000-0006

**LEGAL DESCRIPTION
FOR
PSE PROPERTY**

THAT portion of the northeast quarter of Section 28, Township 20 North, Range 15 East, W.M., in Kittitas County, Washington, described as follows:

COMMENCING at a point on the west line of said Section 28 that is N 00°44'00" E, a distance of 803.20 feet from the west quarter corner thereof, said point is also on the centerline of the 150 foot wide Bonneville Power Administration Right-of-Way;

THENCE N 73°07'20" E along said Right-of-Way centerline a distance of 4386.37 feet to the southwesterly margin of Secondary State Highway No. 2-E, Cle Elum to Roslyn (S.R. 903);

THENCE S 61°41'23" E along said southwesterly margin a distance of 105.72 feet to the south line of said BPA Right-of-Way and the TRUE POINT OF BEGINNING;

THENCE continuing S 61°41'23" E along said southwesterly margin a distance of 140.96 feet;

THENCE S 73°07'20" W a distance of 222.89 feet;

THENCE S 16°52'40" E a distance of 650.00 feet;

THENCE S 73°07'20" W a distance of 400.00 feet;

THENCE N 61°41'23" W a distance of 1057.20 feet to the south line of said BPA Right-of-Way;

THENCE N 73°07'20" E along said south line a distance of 1268.64 feet to the TRUE POINT OF BEGINNING.