

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR THE ANNEXATION
OF CERTAIN PROPERTY; ESTABLISHING THE
ZONING CLASSIFICATION THEREFORE; AND
PROVIDING FOR AN EFFECTIVE DATE.**

R E C I T A L S:

1. The City has received an application from Mike Warjone, Owner of Port Blakely Tree Farms, a Washington Limited Partnership, requesting annexation to the City of certain real property situated in the County of Grays Harbor, the full legal description of which is attached hereto as Exhibit A. The total acreage covered by the petition is approximately 42.65 acres with a total assessed value of \$7,933.

2. The application was reviewed by the Council which has determined it satisfactory and conditioned any annexation upon assumption of the pro rata share of any outstanding indebtedness of the City and acceptance of the zoning classification set forth below. By submission of an executed petition, the Applicant has acknowledged acceptance of those conditions.

3. The Council has been informed by City Staff that the petition was executed by the owners of all property covered by the petition and that a duly executed petition was filed. Further, the City has given all necessary notices, conducted all necessary environmental

**ORDINANCE - 1
8-8-22
CJC**

**CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557**

evaluations, and held all necessary public hearings upon the annexation. That included a hearing held before the City Council on August 11, 2021 and September 8, 2021.

4. It is the desire and intention of the City to grant the petition and to utilize the authority granted pursuant to the provisions of Title 17 of the Municipal Code in relation to the establishment of zoning classifications.

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

SECTION I: On and after the effective date set forth in Section IV, the certain property, the full legal description of which is attached as Exhibit A, shall be and is to be deemed annexed to the City of McCleary:

SECTION II: Pursuant to authorization granted under the Zoning Code of the City, it being the intention of the City to establish zoning classifications consistent with the provisions of the City's zoning code, upon annexation to the City, the land shall bear the zoning classification of R-1. The Zoning Control Map of the City shall be so noted.

SECTION III: The annexed land shall specifically assume and be subject to its pro rata portion of any outstanding indebtedness of the City.

SECTION IV: Effectiveness:

4.1. This Ordinance shall take effect upon the fifth day following date of publication.

4.2. The annexation authorized hereunder shall become effective upon the first date allowed, to wit, the earlier occurring of [a] the completion of any review which may be required to be carried by the Grays Harbor County Boundary Review Board granting approval of the

request, [b] the waiver of any such review by the Chair or the Board, or [c] the passage of such time as is established by the provisions of RCW 36.93 without action by the Board: PROVIDED THAT, such time shall be extended to the completion of any appeal taken of any decision.

SECTION V: The Office of the City Clerk-Treasurer shall take such steps as may be necessary to notify the Offices of the County Assessor and Treasurer and any necessary state agency of the annexation of the property following its date of final approval.

SECTION VI: 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 VII: Corrections by the City Clerk-Treasurer. Upon approval of the Mayor and City Attorney, the City Clerk-Treasurer is 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 _____, 2022, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2022.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

ANN-MARIE ZUNIGA, City Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

PUBLISHED: _____

EXHIBIT "A"

Proposal: The proposed application is for annexation of 42.65 acres by 60 percent petition. The annexation area would be zoned as Single-Family Residential (R-1) per McCleary Municipal Code 17.16.070, provided on page 8 of this report.

Location: The 42.65-acre annexation area consists of a triangular shape parcel. The western boarder is the Summit Place 2 Plat and the eastern border is Puget Sound and Pacific Railroad and SR 108.

Property Identification Number: A portion of Parcel 180501110000.

Legal Description: THE NORTH HALF OF THE SOUTHWEST QUARTER LYING WESTERLY OF STATE HIGHWAY 108 IN SECTION 1, TOWNSHIP 18 NORTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN; EXCEPT THAT PORTION CONVEYED TO PUGET SOUND AND GRAYS HARBOR RAILROAD AND TRANSPORTATION COMPANY BY RIGHT-OF-WAY DEED RECORDED OCTOBER 14, 1890, IN VOLUME 22, PAGE 496, RECORDS OF GRAYS HARBOR COUNTY; SITUATE IN THE COUNTY OF GRAYS HARBOR, STATE OF WASHINGTON.

Applicable Standards: RCW 35A.14, McCleary Municipal Code (MMC) Title 17.