



200605090044

Skagit County Auditor

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16 11:08AM

RETURN TO:

P. Hayden
City of Sedro-Woolley
720 Murdock Street
Sedro-Woolley, WA 98284

DOCUMENT TITLE(S) (or transactions contained herein):

City of Sedro-Woolley Ordinance No. 1547-06, "An Ordinance of the City of Sedro-Woolley, Washington Annexing real Property Contiguous to the Western Portion of the City, and Adopting a Proposed Land Use Zoning Regulation for the Real Property, and Subjecting the Property to Its Pro-rata Share of City Indebtedness.", dated April 26, 2006.

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

GRANTOR(S) (Last name, first name and initials);

ORIGINAL

- 1. CITY OF SEDRO-WOOLLEY, a Washington municipal corporation**
- 2. KOOZER, HOWARD AND BARBARA, HUSBAND AND WIFE**

GRANTEE(S) (Last name, first name and initials):

- 1. PUBLIC**
- 2. CITY OF SEDRO-WOOLLEY, a Washington municipal corporation**
- 3. KOOZER, HOWARD AND BARBARA, HUSBAND AND WIFE**

LEGAL DESCRIPTION (Abbreviated: i.e., lot, block, plat or quarter, quarter, section, township and range).

**Portion of the East ½ of the SE ¼ of the SW ¼ of Section 23, Township 35 North, Range 4 East W.M.
Situate in the County of Skagit, State of Washington.**

ASSESSOR'S PARCEL/TAX I.D. NUMBER:

P37206 and P37331

CITY OF SEDRO-WOOLLEY
CERTIFICATE FOR ORDINANCE

I, Patsy K. Nelson, the undersigned City Clerk-Treasurer of the City of Sedro-Woolley, Washington, (the "City"), DO HEREBY CERTIFY:

1. That the attached Ordinance numbered 1547-06 ("Ordinance") is a true and correct copy of an ordinance of the City, as finally passed at a Public Meeting of the City Council held on April 26, 2006, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with the law and, to the extent required by law, due and proper notice of such meeting was given, that a legal quorum was present throughout the meeting and a legally sufficient number of the members of the City Council voted in the proper manner for adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 26th day of April , 2006.

Patsy K. Nelson

Patsy K. Nelson
City Clerk-Treasurer



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ORDINANCE NO. 1547-06

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, ANNEXING REAL PROPERTY CONTIGUOUS TO THE WESTERN PORTION OF THE CITY, AND ADOPTING A PROPOSED LAND USE ZONING REGULATION FOR THE REAL PROPERTY, AND SUBJECTING THE PROPERTY TO ITS PRO-RATA SHARE OF CITY INDEBTEDNESS.

WHEREAS, Howard and Barbara Koozer own real property that is contiguous to the City and within the urban growth area; and

WHEREAS, Howard and Barbara Koozer initiated proceeding to annex the real property to the City by filing a notice of intention to begin annexation proceedings; and

WHEREAS, the City held a meeting with the property owner as required by RCW 35A.14.120; and

WHEREAS, the City Council approved an Annexation Petition between the property owner and the City; and

WHEREAS, the property owner filed a Petition for Annexation with the City; and

WHEREAS, pursuant to notice required by law, the City Council held a public hearing on the proposed annexation; and

WHEREAS, the City Council determined that the Petition for Annexation meets the requirements of RCW Chapter 35.13.125-.150 and is sufficient according to the requirements of RCW 35.13.130; and

WHEREAS, at the public hearings, the City Council heard and considered comments regarding the annexation and the proposed zoning regulation; and

WHEREAS, the City Council determined that the best interests and general welfare of the City and of the real property will be served by the annexation; and

WHEREAS, the Boundary Review Board declined to invoke jurisdiction; and

WHEREAS, the City and Howard and Barbara Koozer have entered into an agreement to resolve issues related to transportation improvements; now, therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1: Intention to Annex Territory. The unincorporated territory legally described on Exhibit A and depicted on Exhibit B, both attached hereto and made a part hereof ("annexation area"), are hereby annexed into the corporate limits of the City of Sedro-Woolley.



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Section 2: Zoning and Comprehensive Plan Designations. The Comprehensive Plan and zoning classifications of Mixed Commercial (MC) as currently designated on the most recently approved zoning and land use map are hereby adopted for the annexed area described above.

Section 3. Taxation and Indebtedness. Pursuant to the terms of the annexation petition, 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 4. Solid Waste Franchise. The City hereby gives notice of its intent, pursuant to written agreement, to assume from Waste Management of Washington, Inc. d/b/a Waste Management of Skagit County, a Delaware corporation:

a. Solid Waste collection from residential and commercial Customers within territory to be annexed ten (10) years from the Date of Annexation; and

b. Solid Waste collection for commercial Drop Box Customers located in the City limits of Sedro-Woolley, as now existing or hereafter annexed, for a period of five (5) years from the Date of Annexation.

Section 5. Agreement regarding Road ROW. The Agreement attached hereto as Exhibit C is hereby approved by the City Council.

Section 6. Authority and Duties of Mayor and City Clerk. Pursuant to RCW 35A.14.700, the Mayor and City Clerk are hereby authorized and directed to execute and file the required annexation certificates and required attachments with the Office of Financial Management, the Board of Commissioners for Skagit County, the Skagit County Auditor, and the Washington Boundary Review Board.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8: Effective Date: This ordinance shall take effect five days after its passage and publication as provided by law.



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PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON APRIL
26th, 2006.

Sharon D. Willen
MAYOR

ATTEST:

Fateji K. Nelson
CITY CLERK

APPROVED AT TO FORM:

PM Hayd
CITY ATTORNEY



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UNOFFICIAL DOCUMENT

Exhibit A: Legal Description



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**PERIMETER LEGAL DESCRIPTION
HOWARD AND BABARA KOOZER PROPERTY
CITY OF SEDRO-WOOLLEY
RESOLUTION NO. 719-05**

**SKAGIT COUNTY ASSESSOR'S
PARCEL NOS. P37206 AND P37331**

That portion of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 23, Township 35 North, Range 4 East, W.M. described as follows:

Begin at a point on the East line of said subdivision that is the Northeast corner of the South 6 acres of that portion of said subdivision lying Northerly and Westerly of the State Highway right-of-way; thence West along the North line of said South 6 acres to the West line of said subdivision; thence North along the West line of said subdivision to the Northwest corner thereof; thence East along the North line of said subdivision to the Northeast corner thereof; thence South along the East line of said subdivision to the point of beginning.

Exhibit A



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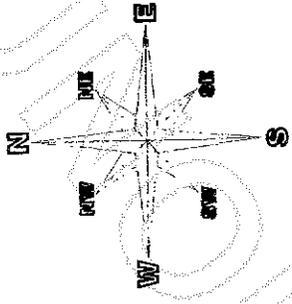
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Exhibit B: Map



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Scale in feet

These maps were created from available public records and existing map sources, not from field surveys. Map features from all sources have been adjusted to achieve a "best fit" registration to the Ownership Parcels map. While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. The relative positioning of map features to one another results from combining different map sources without field "ground truthing".

* THIS MAP IS NOT A SUBSTITUTE FOR FIELD SURVEY *

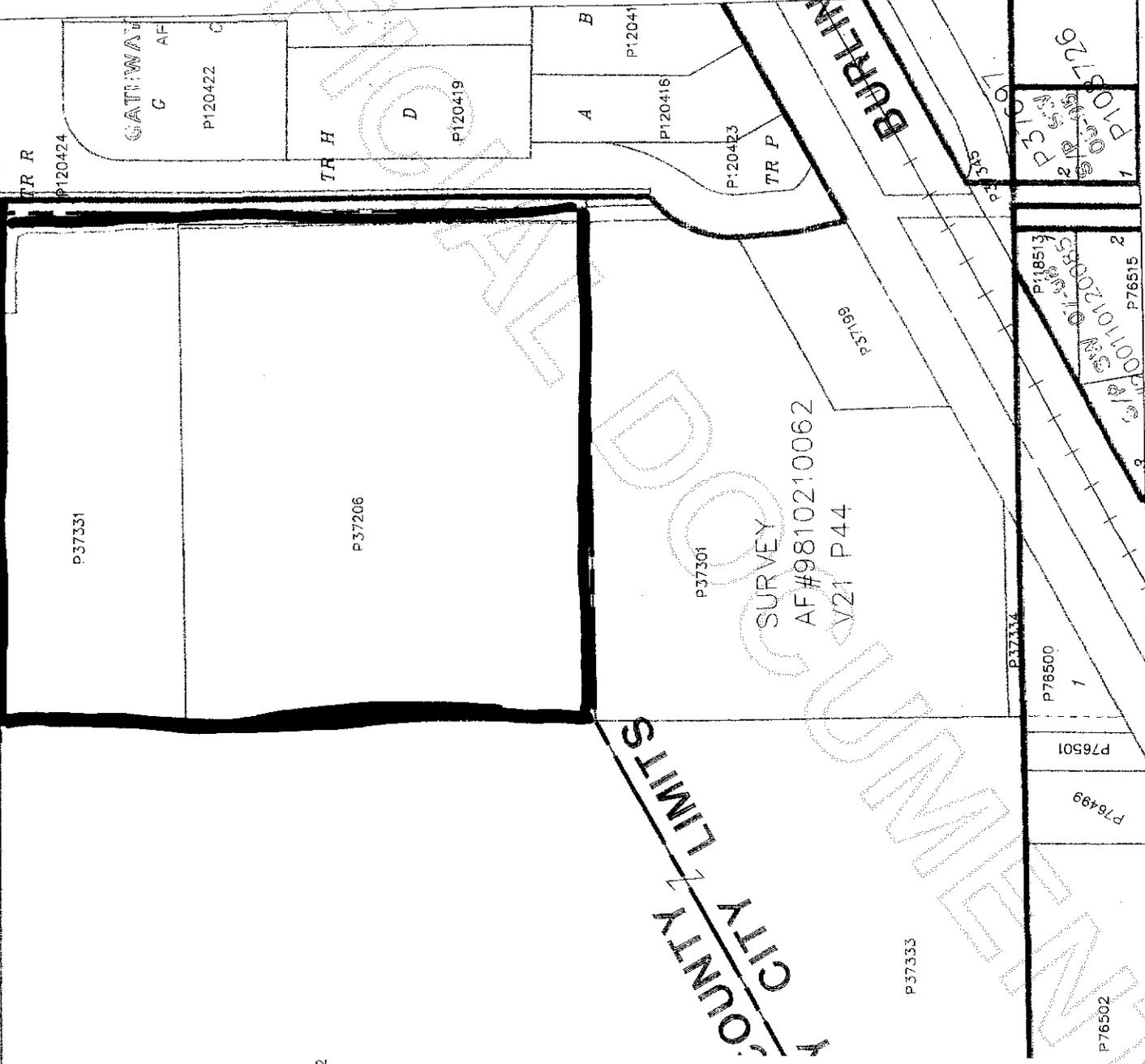
DATE	INIT.
DRAWN BY: 10/24/96	AF
REVISED 07/31/03	RS
PLOTTED 07/31/03	RS

MAP PRODUCED BY SKAGIT COUNTY MAPPING SERVICES

SW 1/4

Section 23

T 35 N R 04 E



P37332

Exhibit B



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UNOFFICIAL DOCUMENT

Exhibit C: Agreement



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AGREEMENT REGARDING CONDITIONS OF ANNEXATION

THIS AGREEMENT, made and entered into this 15 day of August, 2005 by and between the **CITY OF SEDRO-WOOLLEY, a Washington Municipal Corporation**, hereinafter referred to as "City", and **Howard D. Koozer and Barbara J. Koozer, husband and wife**, hereinafter referred to jointly and severally as "Petitioner",

WITNESSETH:

WHEREAS, the Petitioner has requested that the City of Sedro-Woolley annex that real property legally described on the attached Exhibit A, shown on the map attached as Exhibit B for illustrative purposes, and has plans and intentions of developing a portion of the annexed property for residential development; and

WHEREAS, said property is presently contiguous to the City of Sedro-Woolley, but presently not a part thereof; and

WHEREAS, it is the intent of the Petitioner to complete annexation proceedings and for incorporation of said area into the City of Sedro-Woolley; and

WHEREAS, the City has determined that there are certain impacts as a result of this annexation, apart from whether the development is completed, and that the City has an obligation to ensure that the property is developed as required by the Growth Management Act, related decisions of the Western Washington Growth Management Hearing Board (WWGMHB), and the Sedro-Woolley Comprehensive Plan; and

WHEREAS, if the City Council, functioning in its legislative capacity, annexes the real property at issue, then the Petitioner agrees to dedicate certain right of way, regardless of future development of the property being annexed; and

WHEREAS, the Petitioner has agreed to make such dedication as a condition of annexations, to induce the City Council to approve the annexation process; and

WHEREAS, the Petitioner voluntarily agrees to enter into this agreement to provide for certain improvements as specified herein, all as a condition of annexation, to induce the City Council to complete the annexation process,

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Completion of Annexation Process. The Petitioner will file with the City all documents necessary to complete the annexation process, as required by Chapter 35.13 RCW,



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including the annexation of other lands as deemed necessary by the City Council and Washington State Boundary Review Board.

2. Conveyance of Right of Way. The Petitioner agrees as a condition of annexation to convey to the City a right of way for roads, streets and utilities over, across and under the North Sixty (60) feet of the property subject to annexation described on the attached Exhibit A, together with (a) sufficient additional right-of-way to accommodate the radius of the intersection with existing Hodgkin Street as the road shall be designed by the City of Sedro-Woolley, and the right to make necessary cuts and slopes on adjacent property.

3. Successors Bound. This agreement shall be a covenant running with the above-described property owned by Petitioners or in which Petitioners have an interest, and shall bind the heirs, executors, assigns and successors in interest of the undersigned to the real property described herein, and shall constitute an obligation which may be specifically enforced against the parties and their successor's in interest, in addition to any other remedy allowed by law. The obligations of the Petitioner set forth in this agreement are cumulative and in addition all other obligations and regulations, and not in lieu thereof.

The obligations of this agreement are in addition to the requirements of the Sedro-Woolley development code, environmental regulations, and other statutes and regulations, and not in lieu thereof. Nothing in this agreement shall relieve or excuse the Petitioner from performing any obligation or condition of subdivision and development of the annexed property in effect at the time of application for development activity or land use action. In the development process, the Petitioner shall comply with all statutes, ordinances, regulations, and discretionary requirements relating to the development allowed by law.

4. Litigation. Should any court action be brought to enforce any terms of this agreement, to defend the rights of either party hereto or in the event of any controversial claim or dispute arising out of, or relating to this agreement or the method and manner of performance thereof or the breach thereof, the prevailing party shall be entitled, in addition to any other relief, a reasonable sum as litigation expenses. In the event neither party wholly prevails, the party that substantially prevails shall be awarded a reasonable sum as litigation expenses. Venue of an action to enforce the terms and conditions of this agreement shall be in Skagit County, Washington.



5. **In Contemplation of Annexation.** This agreement is conditioned upon annexation of all or substantially all of the real property described on the attached Exhibit A. It shall be void and of no effect if the City shall fail or refuse to annex said property. Provided further, nothing in this agreement shall bind the City Council of the City to annex said property, nor obligate the City to approve the subdivision and development of this property described herein, nor to impose or not impose any particular conditions or requirements for said development or land use actions.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

**CITY OF SEDRO-WOOLLEY,
a Washington Municipal Corporation:**

Sharon Dillon
MAYOR

Attest:

Patsy K. Nelson
CITY CLERK

Approved as to Form:

W. Hays
CITY ATTORNEY

Howard D. Koozer
HOWARD D. KOOZER

Barbara J. Koozer
BARBARA J. KOOZER



STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

I, the undersigned Notary Public, in and for the State and County, do hereby certify that on this day personal appeared before me Sharon Dillon, to me know to be the Mayor of the City of Sedro-Woolley, who executed the within instrument and acknowledged that they signed and sealed the same as the free and voluntary act and deed of said City for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this 15 day of August, 2005.



Patrick M. Hayden

Notary Public in and for the State of Washington, residing at Sedro-Woolley
My Commission Expires: 4-28-09
Print Name Patrick M. Hayden

STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

I, the undersigned Notary Public, in and for the State and County, do hereby certify that on this date, personal appeared before me Howard D. Koozer and Barbara J. Koozer, to me known to be the individual(s) described in and who executed the within instrument and acknowledged that he/she signed and sealed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 15 day of August, 2005.



Patrick M. Hayden

Notary Public in and for the State of Washington, residing at Sedro-Woolley
My Commission Expires: 4/28/09
Print Name Patrick M. Hayden



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PERIMETER LEGAL DESCRIPTION
HOWARD AND BABARA KOOZER PROPERTY
CITY OF SEDRO-WOOLLEY
RESOLUTION NO. 719-05

SKAGIT COUNTY ASSESSOR'S
PARCEL NOS. P37206 AND P37331

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Exhibit A



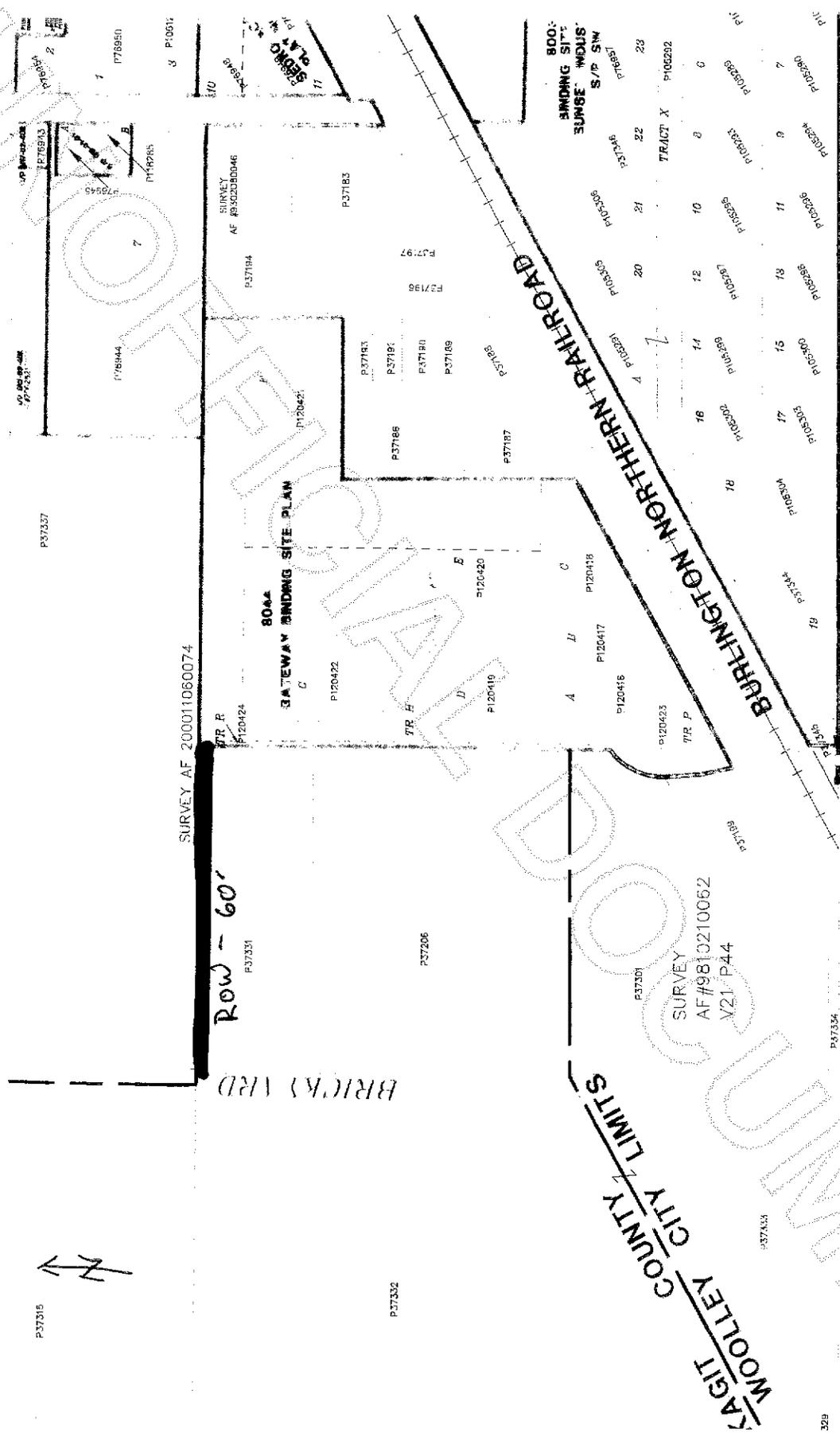
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800' BINDING SITE 'SUNBE' INDUS. TRACT X P102292

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
P102292																							

ROW - 60'

BRICKS RD

WOLLEY CITY LIMITS
SKAGIT COUNTY LIMITS

SURVEY
AF #9810210052
V21 P44

Exhibit B



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