

ORDINANCE NO. 1818

Exhibit "5"

AN ORDINANCE ANNEXING TO THE CITY OF BURLINGTON A TRACT OF LAND LOCATED WITHIN TRACTS 58 AND 65, PLAT OF BURLINGTON ACREAGE PROPERTY AS PER PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 49, RECORDS OF SKAGIT COUNTY, WASHINGTON (FULLY DESCRIBED AT SECTION 1, HEREIN); AND THE ABUTTING GARDNER ROAD RIGHT-OF-WAY, SITUATED IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

WHEREAS, the Sharon Alder LLC, property owners, have requested the annexation of an unincorporated island of land to the City of Burlington; and

WHEREAS, the subject property is located within the Burlington Urban Growth Area; and

WHEREAS, the site of the proposed annexation consists of an unincorporated island of territory containing residential property owners and having at least eighty percent of the boundaries of such area contiguous to the City Limits of Burlington including Assessor's Parcels P62688, P62713, P62736 and the adjacent Gardner Road right-of-way; and

WHEREAS, the site is presently zoned Urban Reserve Residential in Skagit County that includes existing farm and processing buildings, a residence, land that is currently being farmed, and land that is classified as special flood risk that is in open space use; and

WHEREAS, the process for annexation is regulated by RCW 35A.14.295, RCW 35A.14.297 and RCW 35A.14.299 that authorizes the City Council to resolve to annex the territory, state the number of voters residing therein and set a date for a public hearing on such resolution, notice being provided by publication of the resolution at least once a week for two weeks prior to the date of the hearing in the newspaper; and

WHEREAS, the residents or property owners of the area included in the annexation shall be afforded an opportunity to be heard; and

WHEREAS, the effective date of the ordinance shall be not less than forty-five days after the passage thereof, which shall also be published once each week for two weeks subsequent to the passage of the ordinance if the ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of such requirements; and

WHEREAS, the date for public hearing on the annexation shall be July 23, 2015; and

WHEREAS, there are no registered voters residing on the site to be annexed; and

WHEREAS, such annexation ordinance shall be subject to referendum for forty-five days after the passage thereof.

WHEREAS, pursuant to state law a public hearing was held on said annexation on July 23, 2015 and the City Council voted to approve the annexation; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGTON DO ORDAIN AS FOLLOWS:

Section 1. That certain territory situated in Skagit County, Washington lying contiguous to the present boundaries of the City of Burlington and as described below is hereby annexed to the City of Burlington.

That portion of Tracts 58 and 65, PLAT OF BURLINGTON ACREAGE PROPERTY, as per plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:

Beginning at the Northwest corner of East ½ of Tract No. 58, PLAT OF BURLINGTON ACREAGE; thence Southerly along the West line of the said East ½ of said No. 58, PLAT OF BURLINGTON ACREAGE, to the Northeast corner of that certain Tract as conveyed to Dike District No. 12 by deed recorded under Skagit

County Auditor's File No. 268258; thence South 89°45'41" West 90.0 feet along the North line of said Dike District No. 12 Tract (Auditor's File No. 268258); thence Southerly parallel with the East line of said Dike District No. 12 Tract (Auditor's File No. 268258), extended, to the South line of Tract 65, PLAT OF BURLINGTON ACREAGE PROPERTY; thence Easterly along the South line of said Tract 65, PLAT OF BURLINGTON ACREAGE PROPERTY, to the West line of that certain Tract of land conveyed to Dike District No. 12 by instrument recorded under Skagit County Auditor's File No. 528515; thence North 26°43'48" East, to a point along the South line of Tract No. 58, PLAT OF BURLINGTON ACREAGE; thence Easterly along the South line of Tract No. 58, PLAT OF BURLINGTON ACREAGE, to the Southeast corner of said Tract 58; thence Northerly along the East line of Tract No. 58, PLAT OF BURLINGTON ACREAGE, to the Northeast corner of said Tract 58; thence Westerly along the North line of Tract No. 58, PLAT OF BURLINGTON ACREAGE, to the point of beginning of this description;

TOGETHER WITH the abutting Gardner Road Right-of-Way;

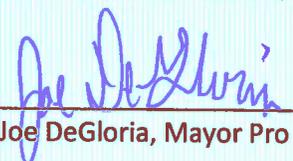
Situate in the County of Skagit, State of Washington.

Section 2. Pursuant to state law, the described property is hereby annexed to the City of Burlington will be subject to liability for existing indebtedness of the City of Burlington.

Section 3. This ordinance shall be in full force and effect forty-five (45) days after its passage, approval and publication as provided by law.

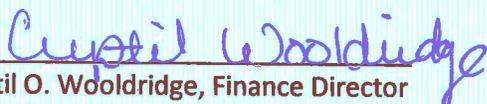
INTRODUCED AND PASSED and approved at a regular meeting of the City Council this 23rd day of July, 2015.

THE CITY OF BURLINGTON



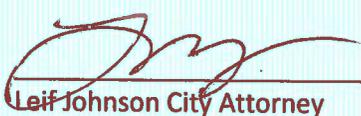
 Joe DeGloria, Mayor Pro Tem

ATTEST:



 Crystil O. Wooldridge, Finance Director

APPROVED AS TO FORM:



 Leif Johnson City Attorney

FILED WITH THE CITY CLERK: 07/13/2015
 PASSED BY THE CITY COUNCIL: 07/23/2015
 SIGNED BY THE MAYOR: 07/24/2015
 PUBLISHED: 07/27/2015