

**OKANOGAN COUNTY
COMMISSIONERS' ORDINANCE NO. 2011-6**

An ordinance adopting a DEVELOPMENT AGREEMENT between Okanogan County, City of Oroville, and Scott Thorndike, applicant for Short Plat 2011-08, establishing conditions for extension of sewer infrastructure and payment of connection fees.

Whereas: Scott Thorndike submitted a short plat application to subdivide property on the east side of Lake Osoyoos along the Eastlake sewer corridor, and

Whereas: The Okanogan Board of County Commissioners has established policy that requires all newly created lots in this area be connected to the Eastlake sewer with all connection fees paid and infrastructure built or bonded prior to final plat approval, and

Whereas: The City of Oroville maintains and operates the Eastlake Sewer System currently owned by Okanogan County; and located within the City's expansion area; and

Whereas: Both Okanogan County and the City of Oroville collect system development fees for repayment of their respective shares of a Public Works Trust Fund loan applicable to the subject sewer system; and

Whereas: The Okanogan Board of County Commissioners and the Oroville City Council recognize that individual projects may require circumstantial flexibility within the above listed policy to facilitate the final objective of connecting all residential and commercial development in this area to the Eastlake sewer, and

Whereas: The Okanogan Board of County Commissioners recognizes the importance of coordinating these decisions with the City of Oroville whenever possible, and

Whereas: The Revised Code of Washington 36.70B.070 and Okanogan County Code 18.05 authorizes the creation of development agreements between the County, Towns and Cities, and private individuals to adopt process and/or conditions of approval for projects involving real property.

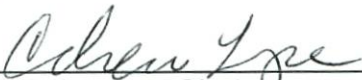
NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Okanogan County, State of Washington that:

1. The attached development agreement between Okanogan County, the City of Oroville, and Scott Thorndike including attachments A, B and C, is hereby adopted.

2. This ordinance shall take effect upon on its passage, approval and recording with the Okanogan County Auditor's Office.

DATED this 8th day of November, 2011, at Okanogan, Washington.

**BOARD OF COUNTY
COMMISSIONERS
OKANOGAN COUNTY,
WASHINGTON**



Andrew Lampe, Chairman

ABSENT

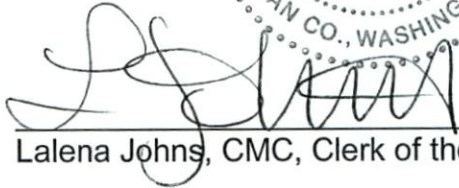
Don (Bud) Hover, Member



Jim Detro, Member

ATTEST:





Lalena Johns, CMC, Clerk of the Board

Filed at the request of,
and after recording return to:
Smith & Derting, PLLC
Attorneys At Law
P.O. Box 845
Okanogan, WA 98840



Document Title: **DEVELOPMENT AGREEMENT**

Parties: **SCOTT THORNDIKE, as his separate property, THE
CITY OF OROVILLE, a municipality, OKANOGAN
COUNTY**

**Abbreviated
Legal Description:** **TAX 46 PT W2; Proposed Thorndike Short Plat**

**Assessor's Property
Tax Parcel No.:** **4027150046**

This cover sheet and the legal description hereon is for recording purposes only and it shall not modify or change in any way the correct legal description of the subject premises, or any other fact as set forth on the attached document of conveyance.



DEVELOPMENT AGREEMENT

This Development Agreement, hereinafter "Agreement" is made and entered into this 28th day of November, 2011, by and between Scott Thorndike, as his separate property, his successors and assigns, hereinafter "Thorndike", The City of Oroville, a Municipality, its successors and assigns, hereinafter "Oroville" and Okanogan County, its successors and assigns, hereinafter "County", and hereinafter collectively referred to as "the Parties".

RECITALS:

A. Thorndike is the record owner of the following described real property situated in Okanogan County, Washington, hereinafter "Thorndike Property": See Exhibit A attached hereto and by this reference incorporated herein as though fully set forth.

B. Thorndike has proposed the Thorndike Short Plat. Said Short Plat shall be located on a portion of the above described real property. See Exhibit B for proposed short plat.

C. For and in consideration of approval of the above Short Plat the Parties do hereby agree to the following:

AGREEMENT:

1. All lots shall be connected to the Eastlake Sewer System in compliance with state and city standards, and must meet final approval of the City of Oroville. The sewer system shall be designed to accommodate, connections of all property within that area bounded by the shoreline of Lake Osoyoos on the west and south, nine mile creek to the north, and Eastlake Road to the west, and as depicted in Exhibit "C" where those portions of the system located within public right of way shall be dedicated to the Eastlake Sewer System.

2. Sewer service will be provided to the lots prior to the issuance of any certificates of occupancy;

3. Sewer connection fees for the three lots of the above Short Plat will be paid at the time of closing of any lot sold and will appear as a lien on the titles of all lots. Upon closing of any lot sold, and payment of both City and County connection fees, the County shall remove the lien against all lots.

4. All other lots newly created within the boundaries of the real property described in Exhibit A will be served by the Eastlake Sewer system prior to the issuance of any building permits. Connection fees shall be paid for each lot newly created prior to final recording.



IN WITNESS WHEREOF, the parties hereto have mutually agreed upon the terms and conditions of this instrument and have caused it to be executed as of the date shown above and as below subscribed:

PARTIES:

Scott J Thorndike
Scott Thorndike

CITY OF OROVILLE, a municipality

[Signature]
By: _____
Title: _____

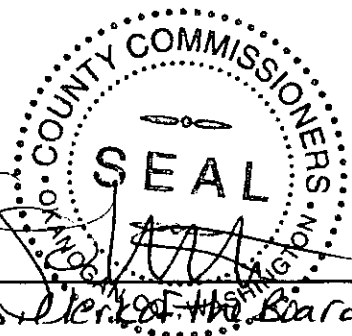
OKANOGAN COUNTY

Andrew Lopez
By: Andrew Lopez
Title: Chair Board

[Signature]
By: Don R. Hoover
Title: COMMISSIONER

[Signature]
By: Jim DeTro
Title: COMMISSIONER

Attest: [Signature]
Laleña Johns, Clerk of the Board





STATE OF WASHINGTON)
) ss.
COUNTY OF OKANOGAN)

I herby certify that I know or have satisfactory evidence that _____ is the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument, on oath stated that _____ authorized to execute the instrument and acknowledged it as the _____ of Okanogan County to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

GIVEN under my hand and official seal this _____ day of _____, 2011.

Notary Public in and for the State of _____
Residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF OKANOGAN)

I herby certify that I know or have satisfactory evidence that _____ is the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument, on oath stated that _____ authorized to execute the instrument and acknowledged it as the _____ of Okanogan County to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

GIVEN under my hand and official seal this _____ day of _____, 2011.

Notary Public in and for the State of _____
Residing at _____
My commission expires _____



STATE OF WASHINGTON)
) ss.
COUNTY OF OKANOGAN)

I hereby certify that I know or have satisfactory evidence that _____ is the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument, on oath stated that _____ authorized to execute the instrument and acknowledged it as the _____ of Okanogan County to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

GIVEN under my hand and official seal this _____ day of _____, 2011.

Notary Public in and for the State of _____
Residing at _____
My commission expires _____



NCW Land Surveying, LLC

Land Use Planning

Legal Description New Lot 2

That portion of Parcel 'A', as described herein, lying South of a line being 650.00 feet South of and parallel to the most Northerly line of said Parcel 'A'.

PARCEL 'A':

That portion of vacated Tract 13 of Okanogan Smith Irrigated Tracts (original map on file in Book 'D' of Plats at page 35 thereof, records of the Auditor of Okanogan County, Washington) as described in a Final Order of Vacation recorded December 19, 2005, as Auditor's File No. 3097834, records of the Auditor of Okanogan County, Washington.

EXCEPT that portion of said vacated Tract 13 lying Southerly and Westerly of the following described line:

BEGINNING at a rebar with a plastic cap stamped "LS 23599" located at the Northeast corner of that parcel of land described in a deed in favor of Ezra Buckmiller, et ux, recorded February 23, 1934 in Book 77 of Deeds, at page 631 thereof, records of the Auditor of Okanogan County Washington. Said rebar bears South 00°25'27" West, a distance of 1924.24 feet from a rebar with a plastic cap stamped "LS 23599" located at the Northeast corner of said vacated Tract 13 of Okanogan Smith Irrigated Tracts;

The following 6 courses being along the Northerly line of those parcels shown on a Record of Survey on file in Book 'A' of Surveys, at page 235-A thereof, and also shown on a Boundary Line Adjustment Plat on file in Book 'I-1' of Plats, at page 94 thereof, both of the records of the Auditor of Okanogan County, Washington:

Thence North 89°00'18" West along the Northerly line of that parcel of land described in said deed in favor of Ezra Buckmiller, et ux, a distance of 133.75 feet to a ¼" iron pipe at the Northwesterly corner thereof;

Thence North 58°23'08" West, a distance of 100.09 feet to a ¼" iron pipe with a plastic cap stamped "LS 14472";

Thence North 58°22'41" West, a distance of 99.93 feet to a ¼" iron pipe with a plastic cap stamped "LS 14472";

Thence North 58°40'51" West, a distance of 100.18 feet to a ¼" iron pipe with a plastic cap stamped "LS 14472";

Thence North 58°30'44" West, a distance of 100.07 feet to a ¼" iron pipe with a plastic cap stamped "LS 14472" at the Northeasterly corner of that parcel of land shown as "TAX LOT 9" on said Boundary Line Adjustment Plat;

Thence North 58°30'48" West along the Northerly line of said TAX LOT 9, a distance of 99.92 feet to a ¼" iron pipe with a plastic cap stamped "LS 14472";

P.O. Box 3157 / 1105 Koala Dr.
Omak, WA. 98841
509.826.1763 / Fax: 509.826.1827



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Recording Fee \$70.00 Page 8 of 9
Agreement NCM LAND SURVEYING
Okanogan County Washington

3168823

Thence continuing along said Northerly line of TAX LOT 9, North 58°30'48" West, a distance of 40.54 feet to a rebar with a plastic cap stamped "LS 23599" located at the Northwesterly corner of said TAX LOT 9;

Thence South 01°11'13" West along the West line of said TAX LOT 9, a distance of 188.25 to a rebar with a plastic cap stamped "LS 23599";

Thence continuing along said West line of TAX LOT 9, South 01°11'13" West to the Shoreline of Osoyoos Lake;

Thence returning along the last 2 described courses, North 01°11'13" East to a rebar with a plastic cap stamped "LS 23599" located at the Northwesterly corner of said TAX LOT 9;

Thence continuing North 01°11'13" East, a distance of 509.78 feet;

Thence South 89°57'50" West to the Shoreline of Osoyoos Lake and the TERMINUS of this line.

ALSO EXCEPT that portion of said vacated Tract 13 as shown on a Boundary Line Adjustment recorded April 25, 2006, as Auditor's File No. 3102304, records of the Auditor of Okanogan County, Washington, lying Northerly and Westerly of the following described line:

BEGINNING at a rebar with a plastic cap stamped "LS 30434" on the North line of said vacated Tract 13 which bears North 89°11'41" East, a distance of 362.09 feet from a rebar and plastic cap per Harris-Jefferts Short Plat No. 1 as shown by a map on file in Book A-2 of Short Plats, at pages 58 through 59 thereof, said records of the Auditor;

The following 4 courses being along the Easterly and Southerly lines of that parcel of land shown on said Record of Survey;

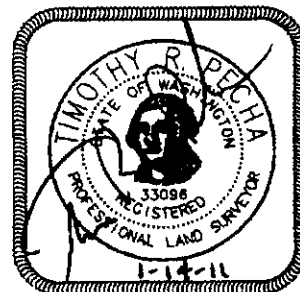
Thence South 06°51'58" East, a distance of 154.76 feet to a rebar with a plastic cap stamped "LS 30434";

Thence South 84°18'54 West, a distance of 71.88 feet to a rebar with a plastic cap stamped "LS 30434";

Thence South 00°48'19" East, a distance of 39.99 feet to a rebar with a plastic cap stamped "LS 30434";

Thence South 89°11'41" West, a distance of 412.81 feet to a rebar with a plastic cap stamped "LS 30434";

Thence continuing South 89°11'41" West to the Shoreline of Osoyoos Lake and the TERMINUS of this line.



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