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YAKIMA COUNTY, WA
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ORDINANCE
PAGES: 8
Recording Fee: 49.00
CITY OF YAKIMA PLANNING

Return To:

Yakima City Clerk
129 North Second Street
Yakima, WA 98901

Document Title: Ordinance No. 2008-51 -- Harris Farms Annexation

Grantor: City of Yakima

Grantee: Public

Legal Description: ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 13 NORTH RANGE 18 EAST, W.M., AND ALL OF LOT 1 OF THAT CERTAIN SHORT PLAT RECORDED UNDER AUDITOR'S FILE NO. 7573298, RECORDS OF YAKIMA COUNTY, WASHINGTON DESCRIBED AS FOLLOWS: (See Attachment "B" for full description)

Parcel Numbers: 181316-42468

ORDINANCE NO. 2008 -51

AN ORDINANCE concerning annexation; annexing the Harris Farms Annexation area to the City of Yakima; maintaining the current zoning of the area; providing for notice to the WUTC of the City's intent to provide residential refuse collection and disposal service; assumption of the City's current indebtedness by properties in the Harris Farms Annexation area; and an effective date of December 21, 2008.

WHEREAS, proceedings have been held in accordance with all applicable laws for the annexation to the City of Yakima of the Harris Farms Annexation hereinafter described; and

WHEREAS, the City duly filed a notice of intention with the state Boundary Review Board for Yakima County (BRB) for the Harris Farms Annexation, and this matter was approved by the Board on November 11, 2008, pursuant to the provisions of RCW 36.93.150; and

WHEREAS, garbage and refuse collection within the Harris Farms Annexation area is presently being provided by Yakima Waste Systems, Inc., under authority issued by the Washington Utilities and Transportation Commission (WUTC) to both residential and commercial accounts and the City desires to provide such services to residential accounts only in accordance with RCW 35.13.280; and

WHEREAS, RCW 35.13.280 requires the City to grant Yakima Waste Systems, Inc., as the current WUTC-authorized provider of garbage and refuse collection and disposal service within the Harris Farms Annexation area, a franchise to continue such service to residential properties within the Harris Farms Annexation area for a term of not less than seven years after annexation becomes effective. Such franchise does not apply to garbage and refuse generated by commercial establishments because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Harris Farms Annexation area; and

WHEREAS, RCW 35.13.280 requires the City to provide specific notice to the WUTC regarding the City's intent, pursuant to RCW 81.77.020, and subject to the provisions of RCW 35.13.280, to provide residential refuse collection and disposal service to the Harris Farms Annexation area; and

WHEREAS, pursuant to due and legal notice, the City Council held a public hearing on said annexation on November 18, 2008 and, as a result thereof, finds:

1. The annexation requirements of RCW 35.13.120 have been satisfied through an annexation petition signed by the owners of not less than seventy-five percent in value according to the assessed valuation for general taxation of the Harris Farms Annexation area.
2. The Harris Farms Annexation area should be annexed to the City of Yakima.
3. The Harris Farms Annexation area should retain its current zoning pursuant to the Yakima Urban Area Zoning Map and that such zoning and classification is in accord

with the Yakima Urban Area Comprehensive Plan, the General Plan of the City of Yakima.

4. The owners of the real property within the Harris Farms Annexation area should be required to assume existing indebtedness of the City of Yakima.

5. The needs of the City and community do require the hereinafter set forth zoning classification, and the highest and best use for said property is as hereinafter determined.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YAKIMA, WASHINGTON:

Section 1. The property identified on the map attached hereto as Exhibit "A" and legally described in Exhibit "B", attached hereto and incorporated by reference herein, referred to below as the "Harris Farms Annexation," is hereby annexed to the City of Yakima, Washington.

Section 2. The owners of the real property within the Harris Farms Annexation area shall be required to assume existing indebtedness of the City of Yakima.

Section 3. The Harris Farms Annexation area is hereby zoned as it is currently zoned and depicted on the official zoning map for the unincorporated portion of the Yakima Urban Area which map is maintained in the Yakima County Planning Department and which map is incorporated herein by reference.

Section 4. The next regularly amended Zoning District Map prepared by and for the City of Yakima shall show the Harris Farms Annexation zoned and classified without change of zoning district but within the jurisdiction of the City of Yakima.

Section 5. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the County Auditor of Yakima County and with the Board of County Commissioners of Yakima County, Washington, and to transmit a certified copy of this ordinance to the Washington Utilities and Transportation Commission to notify it of the City's intent, pursuant to § 81.77.020 RCW, and subject to the provisions of § 35.13.280 RCW, to provide residential refuse collection and disposal service to the Harris Farms Annexation area.

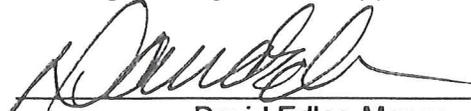
Section 6. The City Clerk is hereby authorized and directed to provide, as required by RCW 35.13.270, notification by certified mail that includes a list of the Assessor's Tax Parcel numbers of all properties within the Harris Farms Annexation, to the Yakima County Treasurer and Assessor at least thirty days before the effective date of the annexation.

Section 7. There is hereby granted to Yakima Waste Systems, Inc., in accordance with and for the term provided by RCW 35.13.280, an exclusive franchise to provide garbage and refuse collection and disposal service to residential properties within the Harris Farms Annexation area, in accordance with the specific terms of Ordinance Nos. 3220 and 3445 of the City of Yakima and in accordance with the terms of the Franchise Agreement attached to Ordinance No. 3220 (amended by Ordinance No 3445) of the City of Yakima. Such franchise does not apply to garbage and refuse generated by commercial establishments because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain

under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Harris Farms Annexation area.

Section 8. This ordinance shall be in full force and effect thirty days after its passage, approval and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL at a regular meeting and signed and approved this 18th day of November, 2008.



David Edler, Mayor

ATTEST:



City Clerk

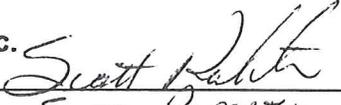


Publication Date: 11/21/08

Effective Date: 12/21/08

Section 7 above is accepted by Franchisee this 15th day of DECEMBER, 2008.

Yakima Waste Systems, Inc.

By: 

Signer's Name Printed: SCOTT ROBERT
Signer's Title: CORPORATE MANAGER

Exhibit "A"

Harris Farm Annexation

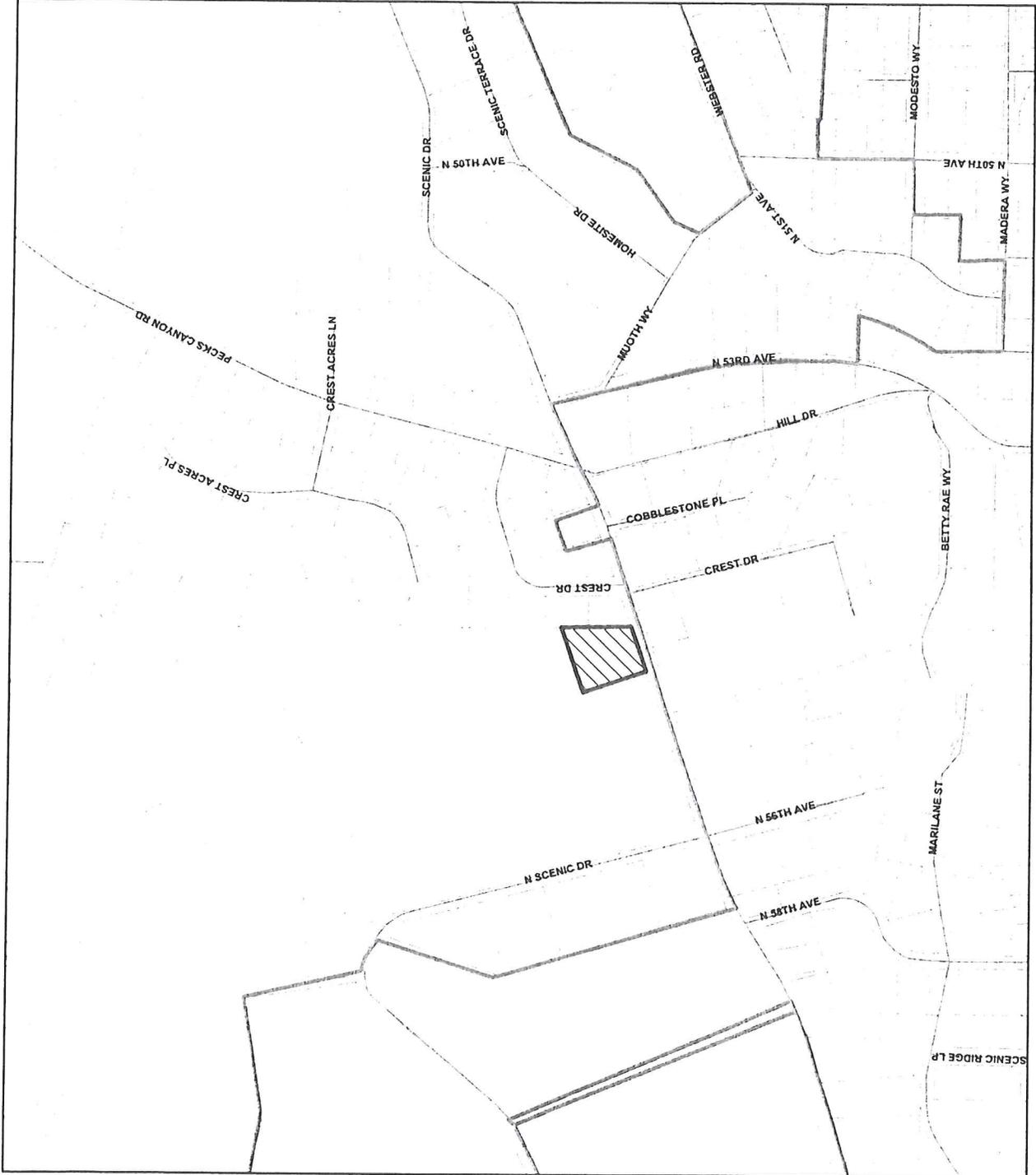
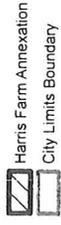


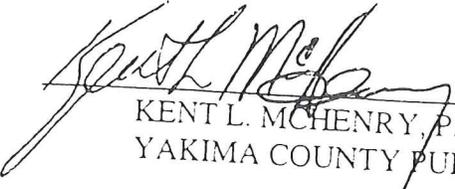
Exhibit "B"

LEGAL DESCRIPTION
HARRIS FARMS ANNEXATION

ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 18 EAST, W.M., AND ALL OF LOT 1 OF THAT CERTAIN SHORT PLAT RECORDED UNDER AUDITOR'S FILE NO. 7573298, RECORDS OF YAKIMA COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF LOT 1 OF SAID SHORT PLAT AND THE CENTERLINE OF SCENIC DRIVE, SAID POINT BEING ON THE CORPORATE LIMITS OF THE CITY OF YAKIMA; THENCE NORTHWESTERLY ALONG SAID EXTENDED WEST LINE TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 1 AND THE SOUTHERLY EXTENSION THEREOF TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF SCENIC DRIVE, SAID POINT BEING ON THE CORPORATE LIMITS OF THE CITY OF YAKIMA; THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SCENIC DRIVE AND THE CORPORATE LIMITS OF THE CITY OF YAKIMA TO THE POINT OF BEGINNING.

YAKIMA COUNTY PUBLIC WORKS DEPARTMENT
CHECKED FOR ACCURACY OF
LEGAL DESCRIPTION ONLY:


KENT L. MCHENRY, P.E.,
YAKIMA COUNTY PUBLIC WORKS