

*CITY OF COLLEGE PLACE*

**ORDINANCE NO. 1064**

**AN ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT 201 NW EVANS AVE AND ESTABLISHING THE ZONING AND ASSUMPTION OF INDEBTEDNESS.**

**WHEREAS**, the property located at 201 NW Evans is approximately .5 Acres, is contiguous with City boundaries and under RCW 35A.14.120 the City may ordain to annex unincorporated land under certain conditions, and;

**WHEREAS**, the College Place City Council on October 8, 2012 accepted the annexation as proposed, required the adoption of the proposed zoning regulations and required the assumption of all portions of existing city indebtedness, and;

**WHEREAS**, pursuant to proper notice, the College Place City Council held a public hearing on the proposed annexation on October 22, 2012, and;

**WHEREAS**, the annexation is by petition of the owners of at least 60 percent of the property values in the area, and;

**WHEREAS**, the Comprehensive Plan designates the property as Urban Residential, the zoning designation of R-60—Single Family Residential is appropriate for this property, and;

**WHEREAS**, the City Council has determined that there is public need and necessity to require the full 25' half street right of way in front of this property as a condition to this annexation, and

**WHEREAS**, the current street right of way is 10 feet, an additional 15 feet of right of way will be dedicated to the city prior to the issuance of any certificate of occupancy for structures on this lot, and

**WHEREAS**, on January 3, 2012 the Walla Walla County Board of County Commissioners by passage of Ordinance No. 407 disbanded the Boundary Review Board of Walla Walla County, and;

**WHEREAS**, the College Place City Council has considered the proposed annexation during a regularly and duly called public meeting of said Council, has given said annexation careful review and consideration, and finds that the best interest of the City of College Place will be served by the annexation and that it is appropriate to good government of the City of College Place.

**NOW THEREFORE**, the City Council of the City of College Place do ordain as follows:

Section 1: The property illustrated in the attached annexation boundary map (Exhibit A), which is described as follows, is hereby annexed to the City of College Place:

WWC PARCEL # 350726524042

Legal Description:

*TRACT "C" OF A SHORT PLAT RECORDED FEBRUARY 7, 2003 IN VOLUME 4, PAGE 93 OF SHORT PLATS, UNDER AUDITOR'S FILE NO. 2003-01763, RECORDS OF WALLA WALLA COUNTY, WASHINGTON.* Containing 0.5 acres, more or less.

Section 2: Notice is hereby given by this Ordinance to the firm responsible for the collection of garbage that they may apply and receive an extension of their present garbage franchise for a period of 7 years as provided in RCW 35.13.280. Said grant is herein subject to said person, firm, or corporation providing adequate service to said annexed territory at a reasonable price.

Section 3: The conditions of the annexation and the acceptance of said conditions are attached in Exhibit "B".

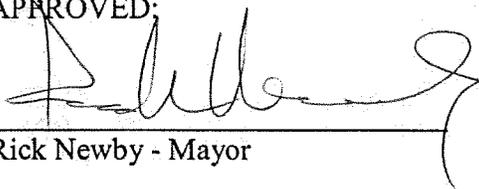
Section 4: The College Place Comprehensive Plan designates this property as Urban Residential. The zoning designation of R-60 Single Family Residential is hereby adopted for said property.

Section 5: The City will require the assumption of past city indebtedness.

Section 6: This ordinance shall become effective five days after passage, approval and publication.

**PASSED** by the City Council of the City of College Place, Washington, this 22<sup>nd</sup> day of October 2012.

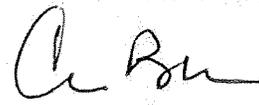
APPROVED:

  
Rick Newby - Mayor

ATTEST:

  
Sarah Scott - City Clerk

APPROVED AS TO FORM:

  
Charles B. Phillips - City Attorney

Ordinance 1064 Exhibit B  
AGREEMENT REGARDING CONDITIONS OF ANNEXATION

This agreement, made and entered into this 26<sup>th</sup> day of October, 2012 by and between the City of College Place, a Washington Municipal Corporation, hereinafter referred to as "City", and:

1. Robert and Virginia Ezell, husband and wife;
  2. Kenneth and Angela Tombarge, husband and wife;
- Hereinafter referred to jointly and severally as "Petitioner",

WHEREAS, the petitioner has requested that the City of College Place annex that real property for the purpose of developing a residential lot and which is legally described as:

TRACT "C" of a short plat recorded February 7, 2003 in Volume 4, Page 93 of Short Plats, under Auditor's File No. 2003-01763, Records of Walla Walla County, Washington. Containing 0.5 acres, more or less.

WHEREAS, said property is contiguous to the College Place city limits and is in the College Place Urban Growth Area, and

WHEREAS, the City determined as a result of the public hearing held on October 22, 2012, that there are certain impacts as a result of this annexation that the City has an obligation to mitigate for the public need and necessity, and

WHEREAS, the City Council, functioning in its legislative capacity, will annex the real property at issue if the Petitioner agrees to dedicate an additional 15 feet of right of way across the frontage of the property and provide a 10 foot public utility easement behind the dedicated right of way also across the frontage of the property, and

WHEREAS, the Petitioner has voluntarily agreed to make such dedications as a condition of annexation, and

WHEREAS, the completion of the dedication shall be completed prior to the issuance of any occupancy permit or within 6 months of the date of the signing of the annexation ordinance, and

WHEREAS, said Petitioner shall bear any cost related to the perfecting of this condition for the annexation, including surveying, preparation of documents, recording and other related costs, and

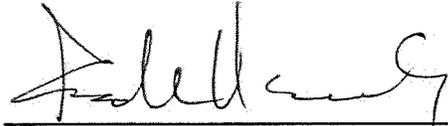
WHEREAS, the Petitioner voluntarily agrees to enter into this agreement to provide for certain improvements as specified herein, all as a condition of annexation to induce the City Council to complete the annexation process.

NOW, THEREFORE, In consideration of the mutual agreements set forth herein, the parties hereby agree as follows:

1. Annexation. The City agrees to conditionally annex said property in exchange for the dedication of 15 feet of right of way and a 10 foot public utility easement.
2. Annexation Ordinance. The City agrees to sign and approve the Annexation Ordinance #1064 upon the signing and execution of this document which will then become Exhibit B to the ordinance.
3. Right of Way Dedication. The Petitioner voluntarily agrees to dedicate 15 feet of right of way across the frontage of the property, providing for a half street right of way of 25 feet.
4. Public Utility Easement Dedication. The Petitioner voluntarily agrees to dedicate a 10' public utility easement behind the dedicated right of way across the frontage of the property.
5. Recording of Dedications. The Petitioner agrees to record said dedications with the Walla Walla County Auditor's Office.
6. Completion of Dedication. The Petitioner agrees to complete and record both dedications prior to occupancy prior to issuance of a certificate of occupancy or within 6 months of the date of the signing of the annexation ordinance, whichever comes first.
7. Building Permit. The Petitioner acknowledges and agrees that conditions placed on this annexation shall be attached as conditions to any building permit issued for this property and these conditions shall be satisfied prior to the finalizing of any certificate of occupancy and ultimate occupancy of the structure.
8. Site Development. The obligations of this agreement are in addition to the requirements of the College Place 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 or 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 other requirements relating to the development allowed by law.

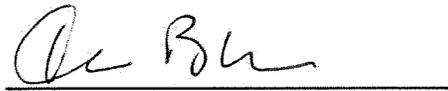
IN WITNESS WHEREOF, the parties have executed this Agreement.

City of College Place,  
A Municipal Corporation

  
\_\_\_\_\_  
Rick Newby, Mayor

Date 10/30/12

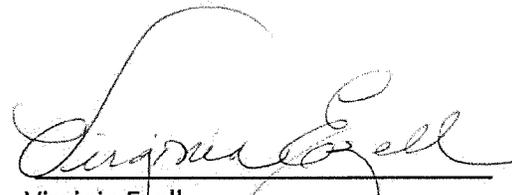
Attest:

  
\_\_\_\_\_  
Charles B. Phillips, City Attorney

Date 10/31/12

Petitioners:

  
\_\_\_\_\_  
Robert Ezell  
Date Oct. 26, 2012

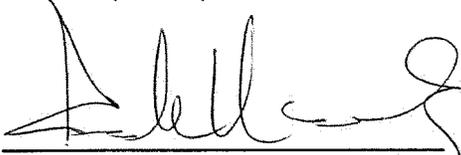
  
\_\_\_\_\_  
Virginia Ezell  
Date Oct 26, 2012

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\_\_\_\_\_  
Kenneth Tombarge  
Date \_\_\_\_\_

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\_\_\_\_\_  
Angela Tombarge  
Date \_\_\_\_\_

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City of College Place,  
A Municipal Corporation

  
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Rick Newby, Mayor

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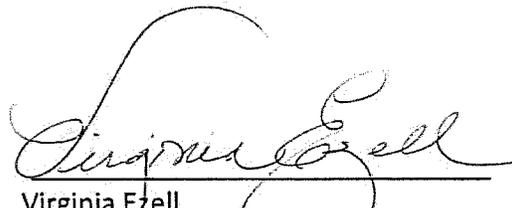
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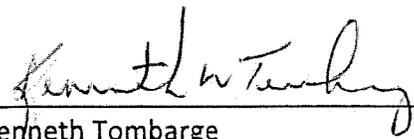
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Charles B. Phillips, City Attorney

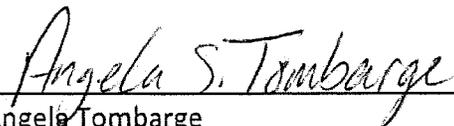
Date \_\_\_\_\_

Petitioners:

  
\_\_\_\_\_  
Robert Ezell  
Date Oct. 26, 2012

  
\_\_\_\_\_  
Virginia Ezell  
Date Oct 26, 2012

  
\_\_\_\_\_  
Kenneth Tombarge  
Date 10/29/12

  
\_\_\_\_\_  
Angela Tombarge  
Date 10/29/12