

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 12-2795**

AN ORDINANCE ANNEXING REAL PROPERTY WITH PARCEL NUMBERS 1-0284-200-0020-000 and 1-0284-200-0035-000 COMMONLY KNOWN AS THE PROPERTY OWNED BY CATHOLIC CHARITIES HOUSING SERVICES, THE CHURCH OF PROSSER, AND THE ENTIRE BENTON COUNTY RIGHT-OF-WAY TO THE WESTERN EDGE OF THE PROPERTY OWNED BY CATHOLIC CHARITIES HOUSING SERVICES, GENERALLY LOCATED ON THE WESTERN EDGE OF THE CITY LIMITS ON NORTH RIVER ROAD; MAKING THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; PROVIDING FOR ZONING; SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDING FOR PUBLICATION BY SUMMARY.

WHEREAS, Petitioner Catholic Charities Housing Services being the owner of property constituting not less than 10 percent in assessed value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, met with the City Council of the City of Prosser, Washington, on February 23, 2010, which date was prior to circulating their petition for annexation; and

WHEREAS, at the initial meeting the City Council determined that the City would accept the proposed annexation provided that property owned by the Church of Prosser and the right-of-way for North River Road to the western edge of the property owned by Catholic Charities Housing Services be included in the petition for annexation and provided that existing City indebtedness was assumed by the area to be annexed; and

WHEREAS, on April 13, 2012, a sufficient petition for annexation was submitted to the Benton County Assessor and filed with the City Council pursuant to RCW 35A.14.120, signed by owners of not less than 60 percent of assessed valuation for general taxation of the property for which annexation is petitioned, seeking annexation to the City of Prosser of contiguous

property commonly known as the Catholic Charities Housing Services, the Church of Prosser, and the right-of-way for North River Road to the western edge of property owned by Catholic Charities Housing Services properties; and

WHEREAS, the Benton County Assessor issued a determination of sufficiency for the Petition for Annexation on April 19, 2012; and

WHEREAS, the City Council fixed the date of June 12, 2012, at the hour of 7:00 p.m. or soon thereafter as may be held, as the date of the Public Hearing on the proposed annexation and caused notice of such hearing to be published and posted in accordance with RCW 35A.14.130, and the Public Hearing having been held on that date and all interested parties appearing at the hearing and desiring to be heard in regard to the proposed annexation; and

WHEREAS, on July 10, 2012, the City Council passed Resolution Number 12-1398 which determined that it is in the best interest of the City to annex the Catholic Charities Housing Services, the Church of Prosser, and the North River Road right-of-way to the western edge of the Catholic Charities Housing Services properties and the annexation of the properties benefits the general welfare of the City's citizens by increasing the tax base of the City and incorporating property which already receives City services; and

WHEREAS, the annexation of property by a Code City is exempt from review under the State Environmental Policy Act pursuant to RCW 43.21C.222; and

WHEREAS, all statutory requirements having been complied with, a notice of intent to annex was accepted for review by the Benton County Boundary Review Board on August 13, 2012; and

WHEREAS, on October 2, 2012, the Benton County Boundary Review Board notified the City that since no action was taken on the City's notice of intent to annex and that no petition for review was filed with the Board, the City could proceed to annex the property;

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

Section 1. The following described real property is hereby annexed into and made a part of the City of Prosser, Washington:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

Section 2. All property within the territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as 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 3. From and after the effective date of this ordinance, the above described property shall be subject to all of the laws and ordinances then and thereafter in force and effect of the City of Prosser.

Section 4. All property zoned by Ordinance Number 12-2784 is hereby zoned Residential High Density District (RH); notwithstanding any Ordinance to the contrary, the Planning Department shall ensure all other property annexed by this ordinance is zoned within one hundred and twenty days from the passage of this Ordinance.

Section 5. City Staff is hereby authorized to negotiate with Waste Management a buy-out of their franchise rights to the area annexed. City Staff shall bring the amount of the buy-out back to the City Council for approval prior signing any agreement with Waste Management.

Section 6. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

Section 7. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and **APPROVED** by the Mayor this 30th day of October 2012.

Attest:

Rachel M. Shaw
Rachel Shaw, City Clerk

APPROVED AS TO FORM:

Howard Saxton
Howard Saxton, City Attorney

Publication Date: 10/31/2012

Paul Wanda
Mayor/Police Warden



EXHIBIT "A"
LEGAL DESCRIPTIONS

CCHS Parcel, Parcel No. 1-0284-200-0020-000:

That portion of Government Lot 5, Section 2, Township 8 N, Range 24 EWM described as follows:

Beginning at the Southwest corner of said subdivision; thence North along the West line thereof 364.5 feet; thence East 907.6 feet to the West line of the County Road; Thence North $19^{\circ}19'$ East along said County Road 151.9 feet to the True Point of Beginning; Thence West 958.3 feet more or less to the West line of said Government Lot; Thence North along said West line to a point 305.3 feet South of the Northwest corner thereof; Thence East to the West line of said County Road; Thence South along said West line to the True point of Beginning;

EXCEPT that portion conveyed to the City of Prosser by deed recorded October 29, 2002, under Recording No. 2002-042146;

AND ALSO EXCEPT that portion conveyed to Benton County by deed recorded March 28, 2003, under Recording No. 2003-014204, records of Benton County, Washington

The Church in Prosser Parcel, Parcel No. 1-0284-200-0035-000:

That portion of Government Lot 5, Section 2, Township 8 North, Range 24 East, W.M., Benton County, Washington, lying Northeasterly of a line 300 feet Southwesterly of and parallel to the Southwesterly margin of state highway, known as Sixth Street, and Southeasterly of the Easterly margin of county road, known as North River Road

EXCEPT that portion thereof deeded to Benton County for road right-of-way by deed recorded on February 26, 2003, under recording Benton County Auditor's recording number. 2003-008805.

Situated in Benton County, Washington.

That portion of North River Road, as described below, abutting Parcel No. 1-0284-200-0020-000 located at 480 North River Road in Prosser, Washington.

A strip of land forty feet in width, being twenty feet on either side of a center line, commencing at a point 764.75 feet $S 89^{\circ} 35' E$ of the south west corner of Lot five (5) Section Two (2), 8 North Range 24, E.W.M., thence running North $26^{\circ} 43' E$ 605.8 feet and ending at a point where the center line of Hemlock Avenue intersects the center line of

Riverside Avenue. Also all of the south forty feet of Riverside Ave, commencing at its intersection with Hemlock Avenue on the above described Lot 5, and ending at its intersection with Sixth Street as the same is now laid out and constructed over said Lot 5.

SUMMARY OF ORDINANCE NO. 12-2795

of the City of Prosser, Washington

On the 23rd day of October, 2012, the City of Prosser, Washington, passed Ordinance No. 12-2795. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ANNEXING REAL PROPERTY WITH PARCEL NUMBERS 1-0284-200-0020-000 and 1-0284-200-0035-000 COMMONLY KNOWN AS THE PROPERTY OWNED BY CATHOLIC CHARITIES HOUSING SERVICES, THE CHURCH OF PROSSER, AND THE ENTIRE BENTON COUNTY RIGHT-OF-WAY TO THE WESTERN EDGE OF THE PROPERTY OWNED BY CATHOLIC CHARITIES HOUSING SERVICES, GENERALLY LOCATED ON THE WESTERN EDGE OF THE CITY LIMITS ON NORTH RIVER ROAD; MAKING THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; PROVIDING FOR ZONING; SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDING FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this 24th day of October, 2012



CITY CLERK, RACHEL SHAW