

CITY OF COLLEGE PLACE

ORDINANCE NO. 1130

AN ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT 441 NE LAMBERT AVENUE AND ESTABLISHING THE ZONING AND ASSUMPTION OF INDEBTEDNESS.

WHEREAS, the property located at 441 NE Lambert Avenue is approximately 8,712 SF, 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 annexation is by petition of the owners of at least 60 percent of the property values in the area, and;

WHEREAS, the College Place City Council on September 14, 2014 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, the Comprehensive Plan designates the property as Commercial, the zoning designation of CG – General Commercial is appropriate for this property, and;

WHEREAS, the City Council has determined that there is public need and necessity to require the full 25 foot 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 20 feet, an additional 5 feet of right-of-way will be dedicated to the City within 30 days of the date of signing of the annexation ordinance, and;

WHEREAS, pursuant to proper notice, the College Place City Council held a public hearing on the proposed annexation on October 12, 2015, 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 B), which is described as follows, is hereby annexed to the City of College Place:

Legal Description:

APN 35-07-25-52-2410

That tract of land conveyed to Trent R. Tarter and Lynne M. Tarter, husband and wife, by that certain Statutory Warranty Deed, recorded December 29, 2000, in Volume 306, pages 1515 & 1516 of Deeds under Auditor's file number 0012265, records of the Office of the Auditor of Walla Walla County, Washington; said tract of land is located in Section 25, Township 7 North, Range 35 East of the Willamette Meridian, and is more specifically described as follows:

Beginning at a point in the East line of Lot 1 in Block 24 of Blalock Orchards, according to the Official plat thereof of record in the Office of the Auditor of Walla Walla County, Washington, which point is 200.00 feet South, measured along said East line from its intersection with the Southerly line of the right of way of Primary State Highway No. 3, and running thence South, along the East line of said Lot 1, a distance of 46.90 feet; thence West, parallel to the South line of said Lot 1, a distance of 110.50 feet; thence North, parallel to the East line of said Lot 1, a distance of 113.18 feet, more or less, to the Southerly line of that certain property conveyed by Jonnie E. Deccio and wife to Frank Venneri by Deed dated February 4, 1947 and recorded in Book 223 of deeds at Page 356 of the records of Walla Walla County, Washington; thence Southeasterly, along the Southerly line of said Venneri property, a distance of 128.79 feet, more or less, to THE POINT OF BEGINNING.

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 "A".

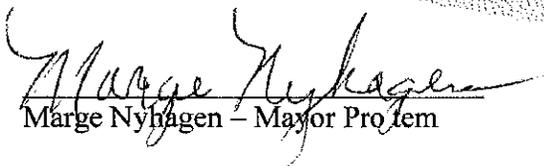
Section 4: The College Place Comprehensive Plan designates this property as Commercial. The zoning designation of CG – General Commercial is hereby adopted for said property.

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

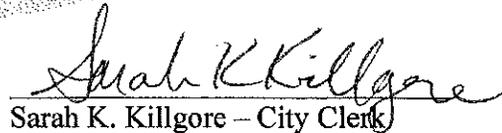
Section 6: This ordinance shall become effective five days after passage, approval and publication.

PASSED by the City Council of the City of College Place, Washington, this 12th day of October 2015.

APPROVED:


Marge Nyhagen – Mayor Pro Tem

ATTEST:


Sarah K. Killgore – City Clerk

APPROVED AS TO FORM:



Charles B. Phillips – City Attorney



ORDINANCE NO. 1130, EXHIBIT A
AGREEMENT REGARDING CONDITIONS OF ANNEXATION

This agreement, made and entered into this 13 day of October 2015 by and between the City of College Place, a Washington Municipal Corporation, hereinafter referred to as "City", and:

Trent R. Tarter and Lynne M. Tarter, 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 which is legally described as:

APN 35-07-25-52-2410

That tract of land conveyed to Trent R. Tarter and Lynne M. Tarter, husband and wife, by that certain Statutory Warranty Deed, recorded December 29, 2000, in Volume 306, pages 1515 & 1516 of Deeds under Auditor's file number 0012265, records of the Office of the Auditor of Walla Walla County, Washington; said tract of land is located in Section 25, Township 7 North, Range 35 East of the Willamette Meridian, and is more specifically described as follows: Beginning at a point in the East line of Lot 1 in Block 24 of Blalock Orchards, according to the Official plat thereof of record in the Office of the Auditor of Walla Walla County, Washington, which point is 200.00 feet South, measured along said East line from its intersection with the Southerly line of the right of way of Primary State Highway No. 3, and running thence South, along the East line of said Lot 1, a distance of 46.90 feet; thence West, parallel to the South line of said Lot 1, a distance of 110.50 feet; thence North, parallel to the East line of said Lot 1, a distance of 113.18 feet, more or less, to the Southerly line of that certain property conveyed by Jonnie E. Deccio and wife to Frank Venneri by Deed dated February 4, 1947 and recorded in Book 223 of deeds at Page 356 of the records of Walla Walla County, Washington; thence Southeasterly, along the Southerly line of said Venneri property, a distance of 128.79 feet, more or less, to THE POINT OF BEGINNING, and:

WHEREAS, the petitioner has connected to the City waste water system after making application and paying all applicable capital facility charges;

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 meeting held on September 14, 2015, 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 5 feet of right of way across the frontage of the property behind the dedicated right of way, which is legally described as:

APN 35-07-25-52-2410

The East 5.00 feet of the following described Tract.

That Tract of land conveyed to Trent R. Tarter and Lynne M. Tarter, husband and wife, by that certain Statutory Warranty Deed, recorded December 29, 2000, in Volume 306, pages 1515 & 1516 of Deeds under Auditor's file number 0012265, records of the Office of the Auditor of Walla Walla County, Washington; said Tract of land is located in Section 25, Township 7 North, Range 35 East of the Willamette Meridian, and is more specifically described as follows: Beginning at a point in the East line of Lot 1 in Block 24 of Blalock Orchards, according to the Official plat thereof of record in the Office of the Auditor of Walla Walla County, Washington, which point is 200.00 feet South, measured along said East line from its intersection with the Southerly line of the right of way of Primary State Highway No. 3, and running thence South, along the East line of said Lot 1, a distance of 46.90 feet; thence West, parallel to the South line of said Lot 1, a distance of 110.50 feet; thence North, parallel to the East line of said Lot 1, a distance of 113.18 feet, more or less, to the Southerly line of that certain property conveyed by Jonnie E. Deccio and wife to Frank Venneri by Deed dated February 4, 1947 and recorded in Book 223 of deeds at Page 356 of the records of Walla Walla County, Washington; thence Southeasterly, along the Southerly line of said Venneri property, a distance of 128.79 feet, more or less, to THE POINT OF BEGINNING, 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 within 30 days of the date of the signing of the annexation ordinance, 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 5 feet of right of way;
2. Annexation Ordinance. The City agrees to sign and approve the Annexation Ordinance No. 1130 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 5 feet of right of way across the frontage of the property, providing for a half street right of way of 25 feet;
4. Completion of Dedication. The Petitioner agrees to complete and record the dedication within 30 days of the date of the signing of the annexation ordinance;
5. 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


Marge Nyhøgen, Mayor Pro Tem

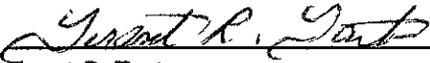
Date 10/13/15

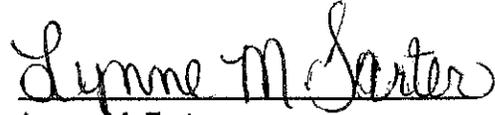
Attest:


Charles B. Phillips, City Attorney

Date 10/13/15

Petitioners:


Trent R. Tarter


Lynne M. Tarter

Date 10-13-15

Date 10-13-15