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FILE# 7670171
YAKIMA COUNTY, WA
10/13/2009 03:08:55PM

ORDINANCE

PAGES: 13

YAKIMA COUNTY PLANNING DEPARTMENT

Return Address

City of Zillah
P.O. Box 475
Zillah, WA 98953

Recording Fee: 74.00

Expedite Fee: 50.00

Document 1 Title: Ordinance No. 1208 - Brown Annexation

Reference #'s: _____
Additional reference #'s on page _____

Grantors: City of Zillah

Grantees: The Public

Additional grantors on page _____

additional grantees on page _____

Document 2 Title: _____

Reference #'s: _____
Additional reference #'s on page _____

Grantors: _____

Grantees: _____

Additional grantors on page _____

additional grantees on page _____

Legal Description (abbreviated form: i.e. lot, lbk, plat or S,T,R quarter/quarter)

NW 1/4 of Section 25, Township 11 North, Range 20 East, W.M.
Additional legal is on page 2

Assessor's Property Tax Parcel/Account Number

201125-23003 201125-23004 201125-23005

Emergency nonstandard document recording: I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature: _____

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

ORDINANCE NO. 1208

AN ORDINANCE ANNEXING LAND AREA INTO THE CITY OF ZILLAH, WASHINGTON, KNOWN AS THE BROWN ANNEXATION.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON, AS FOLLOWS:

WHEREAS, the Zillah City Council was presented with a petition to annex a portion of land adjoining the City and located within the Urban Growth Boundary from no less than sixty percent of owners of real property as described in Attachment "1" attached to and made a part of this ordinance by reference; and

WHEREAS, the Zillah City Council adopted Resolution 2009-12 which issued a Notice of Intent to Annex and presented said notice to Yakima County Boundary Review Board. Said Board declined jurisdiction and the forty-five day limit set for the Board decision expired on the 21st day of September, 2009; and

WHEREAS, on July 20, 2009, the City Council held a public hearing on the proposed annexation and considered all public comment and the recommendations to zone the property as (R-2) Residential for parcels 201125-23003, 201125-23004, and 201125-23005 upon annexation; and

NOW, THEREFORE, BE IT ORDAINED, by the Zillah City Council, that

Sections 1. The legal description for real property set forth in Attachment "1" is as follows:

That portion of the Southwest Quarter of the Northwest Quarter of Section 25, Township 11 North, Range 20 East, W.M. Described as follows:

Beginning at a point on the North line of the South 150 feet of the North half of said Southwest Quarter, said point being 40 feet East of the West line of said Southwest Quarter as measured perpendicular thereto and on the Easterly right of way line of Cheyne Road;
Thence Easterly along said North line to a point being 260 feet East of said West line of said Southwest Quarter as measured perpendicular thereto;
Thence Southerly parallel with said West line of said Southwest Quarter to the South line of said North half of said Southwest Quarter;
Thence Westerly along said South line to a point being 208.7 feet East of the Northwest corner of the Southwest Quarter of said Southwest Quarter as measured along the North line of said Southwest Quarter, said point being the Northeast corner of Parcel B as described in that quit claim deed recorded in Volume 1162 of Deeds, page 524, under Auditor's file number 2736078, records of Yakima County, Washington;
Thence Southerly Parallel with the West line of said Southwest Quarter 417.4 feet to the Southeast corner of Parcel A as described in said quit claim deed;
Thence West to the easterly right of way line of said Cheyne Road said point being 35 feet Easterly of said West line of said Southwest Quarter;
Thence Northerly along said Easterly right of way line 417.4 to the North line of said Southwest Quarter of said Southwest Quarter;
Thence Easterly along said North line 5 feet;

Thence Northerly parallel with said West line of said Southwest Quarter to the Point of Beginning.

Situated in Yakima County, Washington

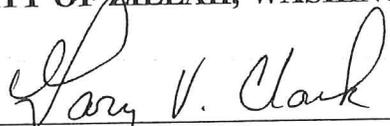
Section 2. The real property set forth in Attachment "1" is hereby annexed into the City of Zillah, and the corporate limits of the City of Zillah shall include said property and territory herein above described. Said property shall be assessed and taxed to pay for the outstanding indebtedness of the City of Zillah contracted prior to, existing, or at the time of annexation.

Section 3. The zoning of the property upon the effective date of this annexation shall be (R-2) Residential, such property consisting of parcels 201125-23003, 201125-23004 and 201125-23005. The properties shall be further subject to the requirements of the Zillah Municipal Code as now adopted or hereafter amended.

Section 4. The City Clerk/Treasurer is directed to file a certified copy of this Ordinance with the Yakima County Auditor, and shall file a certification of population with the Office of Financial Management.

Section 5. This Ordinance shall be in full force and effect from and after its passage, upon approval and five days after the date of its publication as provided by law.

PASSED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON, this 5th day of October, 2009.



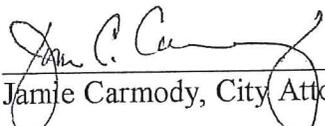
Gary Clark, Mayor

ATTEST:



Sharon Bounds, City Clerk/Treasurer

APPROVED AS TO FORM:

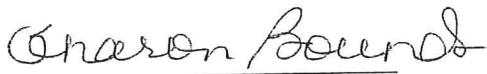


Jamie Carmody, City Attorney

Date Published: 10-7-09

Effective Date: 10-12-09

I certify that this is a true and accurate document.



Sharon Bounds, City Clerk/Treasurer



**APPLICATION FOR ANNEXATION PETITION
(Pursuant to ZMC Chapter 17)
CITY OF ZILLAH, WASHINGTON**

FILE NUMBER: 2009-07

Date paid: 4-30-09

1) FEES:

Annexation Petition Fee: \$975.00 plus Staff, consultant & Professional Fee's if over the initial fee.
 Staff, Consultant and Professional Fees. Application and processing fees for land use matters are subject to additional costs incurred by City in excess of filing fee related to staff, consultant and professional time and charges related to the review and processing of the land use or permit application. Such charges shall be calculated as follows:

(a) Staff Review and Charges. The fee schedule contemplates routine time requirements for staff review and processing of a land use or permit application. Some applications will require additional staff time and cost. If, in the opinion of the City Clerk, a particular application will require staff time in excess of what the fee anticipates, the City may require payment for staff time at the specified rate.

(b) Consultant and Professional Review. In the event that a project requires professional services beyond that which is included in the base fee, the applicant shall reimburse the City for the actual cost of said professional services. In addition to the application fee (including staff review charges), any applicant for land use or permit approval shall reimburse the City for costs, including but not limited to, professional engineers, mailing fees, advertisement fees and other consultants and/or professionals contracted or retained by the City to review, evaluate and/or inspect applicant's proposal when the City is unable to do so with existing staff resources. By way of illustration and not limitation, these professional services may include engineering and technical review, legal review, planning review, environmental review, critical areas review, financial and accounting review, soils review, and mechanical and structural engineering review.

(c) Deposit. City may require the applicant to deposit an amount determined by City as reasonable estimate for anticipated excess costs and charges related to review and processing of the application. Such estimate may be revised periodically based on the judgment of City staff. Such deposit shall be made as a condition to further processing of the land use or permit application.

SUBJECT: Notice of Intent

Dear Mayor and City Council:

The purpose of this letter is to notify you of our intent to annex 0.87 acres of property on parcel 20112523003 into the City of Zillah and to start annexation proceeding.

You may contact me at 509-829-5207 if you need any additional information or have any questions. 509-840-4696

Sincerely,

Jack F. Brown
Property Owner

Property Owner

531 Cheyne Rd
Mailing Address

Zillah WA 98953
City, State, Zip

509-840-4696
Phone # 509-829-5207

contact person Pragna Patel

Date Received: 4-30-09 Fee's Paid: 4-30-09 Receipt Number: 816431
 Application Approved for completion Date: ~~5-27-09~~ 6-10-09
 Public Hearing before the Planning Commission held on: 7-7-09
 Public Hearing before City Council held on: 7-20-09
 Final Decision Date: 7-20-09 Ordinance Date: 10-5-09

To: The City Council
City of Zillah
Zillah, Washington

We, the undersigned, being owners of not less than 60 percent, in value (according to the assess valuation for general taxation), and registered voters of not less than 60 percent of the real property described herein below, lying contiguous to the City of Zillah, Washington do hereby petition that such territory be annexed to and made a part of the City of Zillah under the provisions of R.C.W. 35A.14.120 et.seq., and any amendments hereto, of the State of Washington.

The territory proposed to be annexed is within Yakima County, Washington, and is legally described as follows: (Attach map outlining the boundaries of the property sought to be annexed).

WHEREFORE, the undersigned respectively petition the Honorable City Council and asked:

- A. That appropriate action be taken to entertain this petition, fixing a date for public hearing, causing notice to be published and posted, specifying the time and place of such hearing and inviting all persons interested to appear and voice approval or disapproval of such annexation; and,
- B. That following such hearing, and subsequent to approval of the Yakima County Boundary Review Board is such is convened, the City Council determine by Ordinance that such annexation shall be effective; and that property to be annexed shall become part of the City of Zillah, Washington, subject to its laws and ordinances then and after in force.

The Petitioners subscribing hereto agree "...that all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as property within the City of Zillah for any now outstanding indebtedness of said City, including assessments or taxes in payment of any bonds issued or debts contracted, prior to or existing at the date of annexation, and that simultaneous adoption of proposed zoning regulations be required" in accordance with the requirements of the City Council of said City, and as quoted herein from the minute entry of records of said City Council meeting. It is further understood that the zoning of said area proposed of annexation is shown in the Comprehensive Plan as adopted by ~~Resolution~~ Ordinance No. 1118 is Residential

This petition is accompanied and has attached hereto as Exhibit "A" a diagram which outlines the boundaries of the property sought to be annexed.

PRAYER OF PETITION

1. Annexation of area described herein and on Exhibit "A"; and,
2. Assumption of indebtedness of the City of Zillah; and
3. Zoning of R-2, consistent with the City of Zillah Comprehensive Plan.

WARNING: Every person who signs this petition with any other than his/her true name, or who knowingly signs a petition when he/she is otherwise not qualified to sign, or who makes any false statements, shall be guilty of a misdemeanor.

OWNER'S SIGNATURE Jack F Brown DATE Apr 29, 09

OWNER'S SIGNATURE _____ DATE _____

PRINTED NAME Jack Brown

MAILING ADDRESS 531 Cheyne Rd Zillah WA 98953

PARCEL NO. 20112523003

PROPERTY LEGAL DESCRIPTION:

S 150 FT of W 260 FT of N 1/2 SW 1/4 NW 1/4 EX W-
40 ft Co. rd R/W MH > Real (2000NC) 1998 Redman 28x44
SER # 1182 5636 AB

APPLICATION FOR ANNEXATION PETITION
(Pursuant to ZMC Chapter 17)
CITY OF ZILLAH, WASHINGTON

FILE NUMBER: part of 2009-07

Date paid: _____

1) FEES:

Annexation Petition Fee: \$975.00 plus Staff, consultant & Professional Fee's if over the initial fee.
Staff, Consultant and Professional Fees. Application and processing fees for land use matters are subject to additional costs incurred by City in excess of filing fee related to staff, consultant and professional time and charges related to the review and processing of the land use or permit application. Such charges shall be calculated as follows:
(a) **Staff Review and Charges.** The fee schedule contemplates routine time requirements for staff review and processing of a land use or permit application. Some applications will require additional staff time and cost. If, in the opinion of the City Clerk, a particular application will require staff time in excess of what the fee anticipates, the City may require payment for staff time at the specified rate.
(b) **Consultant and Professional Review.** In the event that a project requires professional services beyond that which is included in the base fee, the applicant shall reimburse the City for the actual cost of said professional services. In addition to the application fee (including staff review charges), any applicant for land use or permit approval shall reimburse the City for costs, including but not limited to, professional engineers, mailing fees, advertisement fees and other consultants and/or professionals contracted or retained by the City to review, evaluate and/or inspect applicant's proposal when the City is unable to do so with existing staff resources. By way of illustration and not limitation, these professional services may include engineering and technical review, legal review, planning review, environmental review, critical areas review, financial and accounting review, soils review, and mechanical and structural engineering review.
(c) **Deposit.** City may require the applicant to deposit an amount determined by City as reasonable estimate for anticipated excess costs and charges related to review and processing of the application. Such estimate may be revised periodically based on the judgment of City staff. Such deposit shall be made as a condition to further processing of the land use or permit application.

SUBJECT: Notice of Intent

Dear Mayor and City Council:

The purpose of this letter is to notify you of our intent to annex 0.83 acres of property on parcel 20112523004 into the City of Zillah and to start annexation proceeding.

You may contact me at 509-829-5489 if you need any additional information or have any questions.

Sincerely,

Ex of the Estate

Murray J. Loungue
Property Owner

Property Owner

471 Cheyne Rd.
Mailing Address

Zillah, Wa 98953
City, State, Zip

509) 829-5489
Phone #

Date Received: 4-30-09 Fee's Paid: 4-30-09 Receipt Number: 816431
Application Approved for completion Date: ~~5-27-09~~ 6-10-09
Public Hearing before the Planning Commission held on: 7-7-09
Public Hearing before City Council held on: 7-20-09
Final Decision Date: 7-20-09

To: The City Council
City of Zillah
Zillah, Washington

We, the undersigned, being owners of not less than 60 percent, in value (according to the assess valuation for general taxation), and registered voters of not less than 60 percent of the real property described herein below, lying contiguous to the City of Zillah, Washington do hereby petition that such territory be annexed to and made a part of the City of Zillah under the provisions of R.C.W. 35A.14.120 et.seq., and any amendments hereto, of the State of Washington.

The territory proposed to be annexed is within Yakima County, Washington, and is legally described as follows: (Attach map outlining the boundaries of the property sought to be annexed).

WHEREFORE, the undersigned respectively petition the Honorable City Council and asked:

- A. That appropriate action be taken to entertain this petition, fixing a date for public hearing, causing notice to be published and posted, specifying the time and place of such hearing and inviting all persons interested to appear and voice approval or disapproval of such annexation; and,
- B. That following such hearing, and subsequent to approval of the Yakima County Boundary Review Board is such is convened, the City Council determine by Ordinance that such annexation shall be effective; and that property to be annexed shall become part of the City of Zillah, Washington, subject to its laws and ordinances then and after in force.

The Petitioners subscribing hereto agree "...that all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as property within the City of Zillah for any now outstanding indebtedness of said City, including assessments or taxes in payment of any bonds issued or debts contracted, prior to or existing at the date of annexation, and that simultaneous adoption of proposed zoning regulations be required" in accordance with the requirements of the City Council of said City, and as quoted herein from the minute entry of records of said City Council meeting. It is further understood that the zoning of said area proposed of annexation is shown in the Comprehensive Plan as adopted by ~~Resolution~~ ^{Ordinance} No. 1118 is Residential

This petition is accompanied and has attached hereto as Exhibit "A" a diagram which outlines the boundaries of the property sought to be annexed.

PRAYER OF PETITION

1. Annexation of area described herein and on Exhibit "A"; and,
2. Assumption of indebtedness of the City of Zillah; and
3. Zoning of R-2, consistent with the City of Zillah Comprehensive Plan.

WARNING: Every person who signs this petition with any other than his/her true name, or who knowingly signs a petition when he/she is otherwise not qualified to sign, or who makes any false statements, shall be guilty of a misdemeanor.

OWNER'S SIGNATURE Nancy J. Younger DATE 3-11-09

OWNER'S SIGNATURE _____ DATE _____

PRINTED NAME Nancy J. Younger

MAILING ADDRESS 471 Cheyke Rd. Zillah, wa, 98953

PARCEL NO. 20112523004

PROPERTY LEGAL DESCRIPTION:

N 208.7 FT OF W. 208.7 FT. OF SW 1/4 NW 1/4 EX W

35 FT city rd R/W 90 Berkshire 40x28 Serial

ORFL48A 1175BS

2736078

2736078

FILED FOR RECORD AT REQUEST OF

COUNTY EXCISE TAX

DATE 6-11-85
PAID \$ None
REC. NO. 212950
BY Dee Seader
DALE A. GRAY, Yakima County Treasurer

RECEIVED BY
JUL 11 2 48 PM '85

BETTIE INGRAM
AUDITOR

30
3-

WHEN RECORDED RETURN TO
Name R. P. Reid
Address P. O. Box 6
City, State, Zip Toppenish, WA 98948

Quit Claim Deed

THE GRANTOR R. P. REID, Executor of the estate of BOYD Q. NEWTON, deceased,
for and in consideration of One Dollar
conveys and quit claims to MABLE NEWTON, all right title and interest in and to
the following described real estate, situated in the County of Yakima State of Washington,
together with all after acquired title of the grantor(s) therein:

PARCEL A: Beginning in the extreme Northwest corner of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 25, Township 11 North, Range 20, E.W.M., thence due South along the property line 208.7 feet; the true point of beginning; thence due East 208.7 feet; thence due South 208.7 feet; thence due West 208.7 feet; thence due North 208.7 feet, to the point of beginning; the same being in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 25, Township 11 North, Range 20, E.W.M. (Parcel No. 201125-23005)

PARCEL B: Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 25, Township 11 North, Range 20, E.W.M.; thence South along the Section line a distance of 208.7 feet; thence East parallel with the North line of said subdivision a distance of 208.7 feet; thence North parallel with the West line of said subdivision a distance of 208.7 feet; thence West along the North line of said subdivision a distance of 208.7 feet to the point of beginning, LESS roads together with appurtenances and water rights thereunto belonging. (Parcel No. 201125-23004)

SUBJECT TO water and water right, rights of way and easements, reservations and exceptions of record or appearing upon the premises; and, SUBJECT TO any pending legal action concerning water rights.

This deed is given to release the interest of the estate of Boyd Q. Newton, pursuant to
Dated May 10, 1985, an order entered in said estate on April 26, 1985,
Superior Court for Yakima County, Court No: 81 4
00226 6 to Mable Newton, the co-tenant, as a dis-
tribution and division of the real property in
said estate.

By R. P. Reid (Individual) (President)
By _____ (Secretary)

STATE OF WASHINGTON }
COUNTY OF YAKIMA } ss.

On this day personally appeared before me
R. P. REID
to me known to be the individual described in and
who executed the within and foregoing instrument,
and acknowledged that he signed the same
as a free and voluntary act and deed,
for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS
10th day of May, 1985
Shirley S. Jarre
Notary Public in and for the State of Wash-
ington, residing at Toppenish



STATE OF WASHINGTON }
COUNTY OF _____ } ss.

On this _____ day of _____, 19____
before me, the undersigned, a Notary Public in and for the State of Wash-
ington, duly commissioned and sworn, personally appeared _____
and _____
to me known to be the _____ President and _____ Secretary,
respectively, of _____
the corporation that executed the foregoing instrument, and acknowledged
the said instrument to be the free and voluntary act and deed of said corpora-
tion, for the uses and purposes therein mentioned, and on oath stated that
_____ authorized to execute the said instrument and that the seal
affixed is the corporate seal of said corporation.

Witness my hand and official seal hereon affixed this day and year first
above written.

Notary Public in and for the State of Washington,
residing at _____



Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

VERN M. REDIFER, P.E. - Director

June 17, 2009

RECEIVED JUN 19 2009

Ardele Steele
Associate Planner
City of Zillah
P.O. Box 475
Zillah, Washington 98953

RE: Proposed Marble Newton Estate Annexation

Dear Ms. Steele:

The attached legal description for the proposed annexation was prepared by a licensed surveyor; therefore the legal description appears to be correct and accurate.

If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,

Kent L. McHenry, P.E.
Transportation Engineering Manager

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.

City of Zillah Brown Annexation
HLA Project No. 09011
June 10, 2009

That portion of the Southwest Quarter of the Northwest Quarter of Section 25, Township 11 North, Range 20 East, W.M. Described as follows:

Beginning at a point on the North line of the South 150 feet of the North half of said Southwest Quarter, said point being 40 feet East of the West line of said Southwest Quarter as measured perpendicular thereto and on the Easterly right of way line of Cheyne Road;
Thence Easterly along said North line to a point being 260 feet East of said West line of said Southwest Quarter as measured perpendicular thereto;
Thence Southerly parallel with said West line of said Southwest Quarter to the South line of said North half of said Southwest Quarter;
Thence Westerly along said South line to a point being 208.7 feet East of the Northwest corner of the Southwest Quarter of said Southwest Quarter as measured along the North line of said Southwest Quarter, said point being the Northeast corner of Parcel B as described in that quit claim deed recorded in Volume 1162 of Deeds, page 524, under Auditor's file number 2736078, records of Yakima County, Washington;
Thence Southerly Parallel with the West line of said Southwest Quarter 417.4 feet to the Southeast corner of Parcel A as described in said quit claim deed;
Thence West to the easterly right of way line of said Cheyne Road said point being 35 feet Easterly of said West line of said Southwest Quarter;
Thence Northerly along said Easterly right of way line 417.4 to the North line of said Southwest Quarter of said Southwest Quarter;
Thence Easterly along said North line 5 feet;
Thence Northerly parallel with said West line of said Southwest Quarter to the Point of Beginning.

Situate in Yakima County, Washington

