

ORDINANCE NO. 1027-2014

AN ORDINANCE RELATING TO THE ANNEXATION OF APPROXIMATELY 13.28 ACRES OF UNINCORPORATED PROPERTY OWNED BY THE CITY AND NON-CONTIGUOUS WITH THE CITY AND COMMONLY KNOWN AS THE WATER TREATMENT FACILITY AND CITY CEMETARY ANNEXATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Mabton owns certain real property located outside of the Mabton city limits (the Annexation Area”). The legal description of the Annexation Area is attached hereto as **Exhibit “A”** and a map of the Annexation Area is attached hereto as **Exhibit “B”**; and

WHEREAS, the Annexation Area is used or intended to be used for a municipal purpose, to wit: a cemetery and municipal water treatment facility; and

WHEREAS, on December 10, 2013, the City of Mabton City Council approved Resolution No. 2013-9, thereby declaring its intent to annex the Annexation Area and request Boundary Review Board approval pursuant to RCW 36.93; and

WHEREAS, on December 16, 2013, the City of Mabton forwarded a Notice of Intention to the Yakima County Boundary Review Board for its 45-day review of the annexation proposal; and

WHEREAS, on January 29, 2014, the Yakima County Boundary Review Board deemed the Notice of Intention to annex the Annexation Area as described in BRB file No. 2013-004 approved.

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

Section 1. Findings of Fact. That each and every of the recitals contained in the preamble to this ordinance are hereby adopted as findings of fact and incorporated herein by reference supporting the action taken in this ordinance.

Section 2. Annexation. That the City Council of the City of Mabton does hereby determine that the Annexation Area is intended to be used for municipal purposes as a cemetery and municipal waste water treatment facility, and, pursuant to such determination, the Annexation Area legally described on **Exhibit “A”** and depicted on **Exhibit “B”** is hereby annexed to the City of Mabton as allowed by Section 35A.14.300 of the Revised Code of Washington.

Section 3. Zoning. That the annexed territory is presently subject to Yakima County’s zoning designation, and that the matter of zoning designation of the annexed territory be referred to the appropriate City of Mabton authority for examination of the

existing Yakima County zoning and for recommendations as to the proper City of Mabton zoning that should be applied.

Section 4. **Notice.** That the proper officers of the City of Mabton are hereby directed to provide notice of this annexation to the state Office of Financial Management, the Department of Revenue, and other State, County, and City, and other offices as provided by law and as may be appropriate.

Section 5. **Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. **Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. **Effective Date.** The ordinance shall be effective immediately upon final approval.

PASSED BY THE CITY COUNCIL OF CITY OF MABTON, WASHINGTON, AT A REGULAR MEETING THEREOF THIS _____ DAY OF FEBRUARY, 2014.

Mario Martinez, Mayor

APPROVED AS TO FORM:

James C. Carmody, City Attorney

ATTEST:

Tanya Gaston, City Clerk/Treasurer