

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. 2878

AN ORDINANCE regarding the Borton & Sons, Inc. Petition for Annexation and annexing certain real property to the City of Union Gap, Washington under the provisions of RCW 35A.14.300; Providing for Zoning; Providing for Severability; and Establishing an Effective Date.

WHEREAS, a Notice of Intent to Annex was initiated by Borton & Sons, Inc. pursuant to RCW 35A.14.120 (petition method);

WHEREAS, the City Council held a public meeting concerning the Notice of Intent to Annex and determined that the City will accept the proposed annexation boundary; determined whether the petition will require the simultaneous adoption of a zoning classification; determined whether the City will require the assumption of all or any portion of the existing City indebtedness by the area to be annexed,;

WHEREAS, following the public meeting and acceptance of the Notice of Intent to Annex, the Petitioner's fashioned and circulated for signature a Petition for Annexation which includes:

1. The legal description of the property to be annexed.
2. A map that outlines the boundaries of the property sought to be annexed.
3. A statement that the City has required the assumption of all or any portion of existing City indebtedness and/or the adoption of a zoning classification for the area to be annexed.

WHEREAS, the Petition for Annexation with not less than 60 percent of the assessed valuation, according to the assessed valuation for general taxation, of the property for which annexation has been petitioned, has been produced and the City has transmitted the same to the County Assessor for signature verification and a determination of sufficiency;

WHEREAS, the County Assessor has determined the Petition for Annexation to be sufficient;

WHEREAS, the City has entered into an development agreement by resolution number 15-30 for the annexation, improvements, payment of said improvements, zoning, and vesting;

WHEREAS, Notice of Intention for annexation was submitted to the Washington State Boundary Review Board for Yakima County;

City of Union Gap, Washington
Ordinance – Annexation of Borton Fruit & Neighboring Property
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WHEREAS, the 45-day period for assumption of jurisdiction by the Boundary Review Board lapsed on July 27, 2015;

WHEREAS, the City thereafter set a public hearing for August 10, 2015 and duly provided notice and posted and published the same;

WHEREAS, having conducted the public hearing and having considered testimony for or against (if any);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN as follows:

Section 1. Annexation Petition. Filed with the City of Union Gap is a petition in writing signed by the owners of more than 60% of the assessed value of the property. The written petition was accompanied by maps depicting the boundary for the area to annexed and depicting the proposed zoning for the property to be annexed. The written petition also provides that property be zoned as proposed and that it be taxed and assessed at the same general rate as other property within in the City of Union Gap for the purpose of paying outstanding indebtedness of the City which may have been incurred prior to or existing at the time of annexation, among other things.

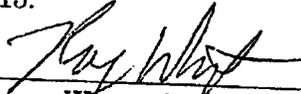
Section 2. Legal Description for Area Annexed. The legal description for the area to be annexed to the City is attached hereto as Attachment A. Said legally described property will be taxed and assessed at the same rate as other property within the City of Union Gap.

Section 3. Zoning. The area annexed shall be zoned in conformance with the proposed zoning set forth in the annexation petition. The City of Union Gap Comprehensive Plan and Official Zoning Map shall be and are hereby amended to reflect the zoning for the annexed area.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. If any section, paragraph, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each section, paragraph subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs subsections, clauses or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall take effect and be in force five (5) days after final passage by the City Council and publication.

ORDAINED this 10th day of August, 2015.



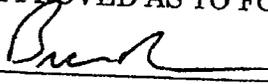
Roger Wentz, Mayor

ATTEST:



Karen Clifton, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney

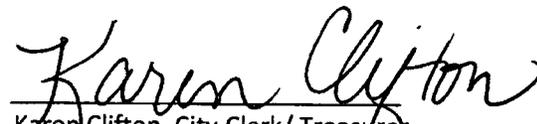
CERTIFICATE

I, the undersigned, Karen Clifton, the duly appointed, qualified and acting City Clerk of the City of Union Gap, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 2878, of the City of Union Gap, Washington, entitled as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON, ANNEXING CERTAIN PROPERTY TO THE CITY OF UNION GAP, IDENTIFIED AS "BORTON ANNEXATION"

That said Ordinance was passed by the City Council of said City of Union Gap on the 10th day of August, 2015, with a vote in favor, and published and posted according to the law; and that said Ordinance was duly published in the newspaper, Yakima Herald Republic on the 19th day of August, 2015.

DATED this 16th day of September, 2015


Karen Clifton, City Clerk/ Treasurer
City of Union Gap, Washington

**CITY OF UNION GAP
ANNEXATION
HLA PROJECT #15012
FEBRUARY 9, 2015**

PROPOSED ANNEXATION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 2, AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 12 NORTH, RANGE 18 EAST, W.M. BOUNDED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 12 OF ASSESSOR'S PLAT NO. 2 OF DETLOFF ADDITION, DATED OCTOBER 11, 1960, AND THE EASTERLY RIGHT OF WAY LINE OF SOUTH 16th AVENUE;
THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE CENTERLINE OF AHTANUM CREEK;
THENCE WESTERLY ALONG SAID CENTERLINE OF SAID CREEK TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH 16th AVENUE;
THENCE NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 16 OF SAID DETLOFF ADDITION;
THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 16 TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WESTERLY LINE OF LOTS 13 THRU 16 OF SAID PLAT TO THE SOUTHERLY LINE OF LOT 11 OF SAID PLAT;
THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOTS 1 THRU 11 OF SAID PLAT TO THE SOUTHWEST CORNER OF LOT 1 OF SAID PLAT, SAID CORNER BEING ON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2;
THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID SUBDIVISION TO THE SOUTHEAST CORNER THEREOF;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE EASTERLY LINE OF THE HEREINAFTER DESCRIBED PARCEL 'A';
THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL 'A' TO THE CENTERLINE OF AHTANUM CREEK;
THENCE WESTERLY ALONG SAID CENTERLINE OF SAID CREEK TO THE SOUTHWEST CORNER OF LOT 4 OF THAT SHORT PLAT RECORDED IN BOOK 85 OF SHORT PLATS, PAGE 135, RECORDS OF YAKIMA COUNTY, WASHINGTON;
THENCE NORTHERLY ALONG THE WEST LINE OF LOTS 1 THRU 4 OF SAID SHORT PLAT TO THE SOUTH LINE OF THE HEREINAFTER DESCRIBED PARCEL 'B';
THENCE WESTERLY ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID PARCEL 'B';
THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL 'B' TO THE SOUTHERLY RIGHT OF WAY LINE OF AHTANUM ROAD;

THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE WESTERLY RIGHT OF WAY LINE OF SAID SOUTH 16TH AVENUE; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 12 OF SAID DETLOFF SUBDIVISION; THENCE EASTERLY ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 12 TO THE POINT OF BEGINNING;

PARCEL 'A'

THE WEST 200 FEET OF GOVERNMENT LOT 6, SECTION 2, TOWNSHIP 12 NORTH, RANGE 18 EAST, W.M.;

AND THAT PORTION OF GOVERNMENT LOT 6, SECTION 2, TOWNSHIP 12 NORTH, RANGE 18 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 6, SAID POINT BEING 200.00 FEET EAST OF THE WEST LINE OF SAID LOT 6, MEASURED PERPENDICULAR THERETO;
THENCE NORTH 89°45'46" EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 6 A DISTANCE OF 91.00 FEET;
THENCE SOUTH 00°18'28" EAST 1211 FEET, MORE OR LESS, TO THE CENTERLINE OF AHTANUM CREEK;
THENCE WESTERLY ALONG SAID CENTERLINE TO A POINT THAT IS 200.00 FEET EAST OF THE WEST LINE OF SAID LOT 6, MEASURED PERPENDICULAR THERETO;
THENCE NORTH 00°04'25" EAST PARALLEL WITH SAID WEST LINE 1278 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SITUATE IN YAKIMA COUNTY, WASHINGTON.

PARCEL 'B'

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 12 NORTH, RANGE 18 EAST, W.M.;
EXCEPT THE WESTERLY 594 FEET THEREOF;
AND EXCEPT THAT PORTION LYING EAST OF THE FOLLOWING DESCRIBED LINE:
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3;
THENCE WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, 1364.90 FEET TO THE POINT OF BEGINNING OF SAID DESCRIBED BOUNDARY LINE;
THENCE SOUTH 00°35' EAST 1320.07 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3 AND THE TERMINUS OF SAID DESCRIBED LINE.

SITUATE IN YAKIMA COUNTY, WASHINGTON

EXHIBIT A

Parcel Owner	Parcel #
BORTON PACKING CENTER LLC	181202-34002
BORTON PACKING CENTER LLC	181202-33403
BORTON PACKING CENTER LLC	181203-43409
JACK E & MARY J COPELAND	181202-33401
BORTON PACKING CENTER LLC	181203-44004
BORTON PACKING CENTER LLC	181203-43401
BORTON PACKING CENTER LLC	181203-43402
BORTON PACKING CENTER LLC	181203-43404
BORTON PACKING CENTER LLC	181203-43408
BORTON PACKING CENTER LLC	181203-43407
BORTON PACKING CENTER LLC	181203-43406
BORTON PACKING CENTER LLC	181203-43405
BORTON PACKING CENTER LLC	181203-41010
ROSA MARTHA FLORES	181203-41007
ALVIN W WOOLEM	181203-41003
BORTON & SONS INC	181203-41009
CHRIS A & DORIS BARNEY	181203-41006
BORTON & SONS INC	181202-32003
KATHLEEN M TUCKER	181202-31003
BORTON & SONS INC	181202-31002
ROY C. HULL	181202-42400
DUANE BERGER	181202-42417
DUANE R & CAROL A BERGER	181202-42418
DONALD L & SHIRLEY M HILL	181202-42402
DONALD L & SHIRLEY M HILL	181202-42403
DONALD L & SHIRLEY M HILL	181202-42404
WAYNE & KIT M LOU HAWVER	181202-42405
JUAN NUNEZ	181202-42406
CHARLES T RINKER JR	181202-42407
RALEIGH HEITZMAN	181202-42408
SHIRLEY CLARK	181202-42409
BRUCE L & RHEA D BAKER	181202-42410
JAMES D & TINA FULMER	181202-42411
RAFAEL & JAIME DELEON	181202-42412
PHILLIP E. MANUEL	181202-42413
DELLA WALDBAUER TRUSTEE	181202-42414
KAREN DEXTER	181202-42415
JON & SHELLY CRAWFORD	181202-42416



Return Address

Yakima County Public Services
4th Floor
128 N 2nd St.
Yakima WA 98901

FILE# 7886885
YAKIMA COUNTY, WA
09/22/2015 03:03:25PM
ORDINANCE
PAGES: 9
VALUED CUSTOMER
YAKIMA COUNTY PUBLIC SERVICES
Recording Fee: 80.00

Document 1 Title: Ordinance

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

Grantors:
City of Union Gap

Additional grantors on page _____

Grantees:
the public

additional grantees on page _____

Document 2 Title: _____

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

Grantors:

Additional grantors on page _____

Grantees:

additional grantees on page _____

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

SW 1/4 Sec 2 T5 12 R18

Additional legal is on page _____

Assessor's Property Tax Parcel/Account Number

181202.34002 _____

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.