



FILE# 7736130
YAKIMA COUNTY, WA
08/11/2011 10:31:31AM
ORDINANCE
PAGES: 8
YAKIMA COUNTY PLANNING DEPARTMENT

WHEN RECORDED RETURN TO:
CITY OF TOPPENISH
21 WEST FIRST AVENUE
TOPPENISH, WA 98948

Recording Fee: 69.00

TITLE OF DOCUMENT: ORDINANCE 2011-11
ORDINANCE ANNEXING PROPERTY INTO
THE CITY OF TOPPENISH

REFERENCE NUMBERS OF RELATED DOCUMENTS: NONE

MUNICIPALITY: 1. CITY OF TOPPENISH

GRANTEE: 1. THE PUBLIC

LEGAL DESCRIPTION: 1. SECTION 04 TOWNSHIP 10 RANGE 20 QUARTER
NE: TH PTN GOV LOT 1 LY E'LY OF W'LY MARGIN
BNSF RR SPUR TRACK EX PLAT OF
ADAMS-RAINIER ADDITION TO TOPPENISH (P-41)
2. SECTION 04 TOWNSHIP 10 RANGE 20 QUARTER
NE: TH PTN GOV LOT 1 LY E'LY OF W'LY MARGIN
BNSF RR SPUR TRACK EX PLAT OF
ADAMS-RAINIER ADDITION TO TOPPENISH (P-41)

ASSESSOR'S PROPERTY TAX PARCEL NUMBERS:

1. 201004-11006
2. 201004-11007

ORDINANCE 2011-11

ORDINANCE ANNEXING PROPERTY INTO THE CITY OF TOPPENISH

WHEREAS Notices of Intent to Commence Annexation Proceedings were filed with the Toppenish City Clerk by the City of Toppenish and NOMU Financial, LLC on February 24, 2011 wherein all of the owners of the two parcels contained within the proposed territory to be annexed (the owners of one-hundred percent of the assessed value of all of the property for which the annexation is sought) gave notice to the Toppenish City Council that they intended to commence proceedings for the annexation of the following real property which is contiguous to the City of Toppenish:

Government Lot 1 of Section 4, Township 10 North, Range 20, E.W.M.; EXCEPT all that part thereof lying Westerly of the Easterly margin of that portion conveyed to Northern Pacific Railroad Company for spur track by instrument recorded under Auditor's File Number 1238218; AND EXCEPT that portion platted as ADAMS-RAINIER ADDITION TO TOPPENISH, according to the official plat thereof, recorded in Volume P of Plats, page 41, records of Yakima County, Washington;

AND WHEREAS the said property is the parent parcel of the two parcels described on Exhibit A attached hereto, Parcel A of which is owned by the NOMU Financial, LLC and Parcel B of which is owned by City of Toppenish;

AND WHEREAS the legal description of the property to be annexed has been approved by the Yakima County Public Works Division;

AND WHEREAS the Toppenish City Council met with the initiating parties on March 17, 2011 and determined that the City would accept the proposed annexation; determined that it would not require the simultaneous adoption of zoning regulations; and determined that there is no existing city indebtedness to be assumed by the area to be annexed;

AND WHEREAS following said meeting and the Council's acceptance of the proposed annexation the initiators thereof filed with the Toppenish City Council a Petition for Annexation of the said property, and the Office of the Yakima County Assessor issued a Determination of Sufficiency of the Annexation Petition;

AND WHEREAS the City Council set the date of April 11, 2011 for a public hearing on the Petition for annexation and duly published and posted notice thereof as required by law;

AND WHEREAS on April 11, 2011 during the said public hearing the City Council gave proponents and opponents the opportunity to speak about the proposed annexation;

AND WHEREAS following the said public hearing the City Council determined that it intended to proceed to annex the property as proposed;

AND WHEREAS on April 25, 2011 the City Council adopted Resolution 2011-8 wherein it gave notice of its intent to proceed with the annexation as proposed,

AND WHEREAS true copies of the Notices of Intent, the Petition for Annexation, the determination of Sufficiency of the Annexation Petition, and the approval of the legal description, all of which are more specifically described and referred to above were filed with the Boundary Review Board along with a copy of said Resolution,

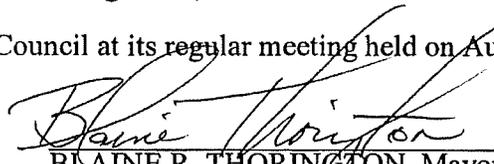
AND WHEREAS the Washington State Boundary Review Board has given written notice that the 45 day filing period for the City's Notice of Intention on the annexation ended on July 25, 2011, without a request for review having been filed,

AND WHEREAS the Boundary Review Board did not invoke jurisdiction and therefore the proposed annexation is deemed approved;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON ORDAINS AS FOLLOWS:

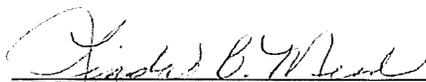
- 1) The real property that is described on Exhibit "A", a map of which is set forth on Exhibit "B", and the approval of the legal description by the Transportation Engineering Manager of the Yakima County Public Services Department is set forth on Exhibit "C" is hereby declared to be annexed into the City of Toppenish, Washington.
- 2) There is no existing city indebtedness to be assumed by the area to be annexed;
- 3) Said property shall be assessed and taxed at the same rate and on the same basis as the property of the City of Toppenish is assessed and taxed to pay the outstanding indebtedness of the City of Toppenish contracted after the effective date of this ordinance, if any.
- 4) There is no simultaneous adoption of zoning regulations for the annexed property.
- 5) The Finance Director/City Clerk is instructed to file the original of this ordinance with the Washington State Boundary Review Board for Yakima County, to be recorded.
- 6) The Finance Director/City Clerk is instructed to issue notice of this annexation to the state Office of Financial Management, to the state Department of Revenue, as required by law.
- 7) The Finance Director/City Clerk is instructed to cause a summary of this ordinance to be published in the City's official newspaper.
- 8) This ordinance shall take effect on August 23, 2011.

PASSED by the Toppenish City Council at its regular meeting held on August 8, 2011.



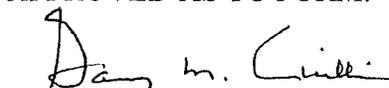
BLAINE R. THORINGTON, Mayor

ATTEST:



LINDA B. MEAD, CMC, Finance Director/City Clerk

APPROVED AS TO FORM:



GARY M. CUILLIER, City Attorney



Exhibit A

Parcel A:

Government Lot 1 of Section 4, Township 10 North, Range 20, E.W.M.;

EXCEPT all that part thereof lying Westerly of the Easterly margin of that portion conveyed to Northern Pacific Railroad Company for spur track by instrument recorded under Auditor's File Number 1238218;

AND EXCEPT that portion platted as ADAMS-RAINIER ADDITION TO TOPPENISH, according to the official plat thereof, recorded in Volume P of Plats, page 41, records of Yakima County, Washington;

AND EXCEPT that portion lying Easterly of the Westerly margin of the BNSF Railway spur track described in instrument recorded January 11, 1949 under Auditor's File Number 1238218, EXCEPT all of the PLAT OF ADAMS-RAINIER ADDITION TO TOPPENISH recorded in Volume P, page 41, records of Yakima County, Washington AND EXCEPT Roads, which is further described as follows: Commencing at the Northeast corner of said Government Lot 1; thence South 04° 20' West 1286.13 feet to the Northeast corner of MOUNTAIN VIEW ADDITION to the Southeast corner of the PLAT OF ADAMS-RAINIER ADDITION TO TOPPENISH; thence North 89° 55' West 330 feet; thence North 0° 51' East 25 feet to the point of beginning; thence South 89° 55' East 131.5 feet along the North line of Idaho Street; thence North 04° 12' East 210.00 feet along the Westerly right of way of the alley; thence North 89° 55' West 210.00 feet; thence South 04 °12' West 210.00' to the North line of Idaho Street extended; thence South 89° 55' East 78.5 feet more or less to the point of beginning.

Situated in Yakima County, State of Washington.

Parcel B:

That portion of Government Lot 1 of Section 4, Township 10 North, Range 20, East, W.M. lying Easterly of the Westerly margin of the BNSF Railway spur track described in instrument recorded January 11, 1949 under Auditor's File Number 1238218, EXCEPT all of the PLAT OF ADAMS-RAINIER ADDITION TO TOPPENISH recorded in Volume P, page 41, records of Yakima County, Washington AND EXCEPT Roads.

Further described as follows: Commencing at the Northeast corner of said Government Lot 1; thence South 04° 20' West 1286.13 feet to the Northeast corner of MOUNTAIN VIEW ADDITION to the Southeast corner of the PLAT OF ADAMS-RAINIER ADDITION TO TOPPENISH; thence North 89° 55' West 330 feet; thence North 0° 51' East 25 feet to the point of beginning; thence South 89° 55' East 131.5 feet along the North line of Idaho Street; thence North 04° 12' East 210.00 feet along the Westerly right of way of the alley; thence North 89° 55' West 210.00 feet; thence South 04 °12' West 210.00' to the North line of Idaho Street extended; thence South 89° 55' East 78.5 feet more or less to the point of beginning.

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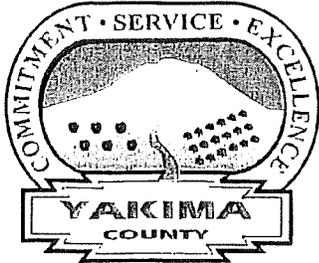
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March 26, 2011

Mr. William Rathbone
City of Toppenish
21 West First Avenue
Toppenish, WA 98948

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

Exhibit C

RECEIVED
MAR 21 2011

RE: NOMI Financial/Well No. 9 Annexation Legal Description

Dear Mr. Rathbone:

We have reviewed the legal description for the above annexation, and have found it to be accurate.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kent L. McHenry".

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

CITY OF TOPPENISH

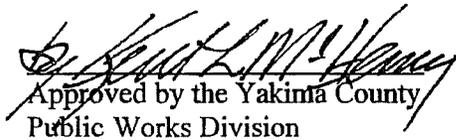
21 West First Avenue
Toppenish, WA 98948

"Where the West Still Lives"

Legal Description of Proposed NUMI Financial/Well No. 9 annexation:

Government Lot 1 of Section 4, Township 10 North, Range 20, E.W.M.; EXCEPT all that part thereof lying Westerly of the Easterly margin of that portion conveyed to Northern Pacific Railroad Company for spur track by instrument recorded under Auditor's File Number 1238218;

AND EXCEPT that portion platted as ADAMS-RAINIER ADDITION TO TOPPENISH, according to the official plat thereof, recorded in Volume P of Plats, page 41, records of Yakima County, Washington;


Approved by the Yakima County
Public Works Division

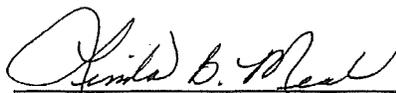
3-16-2011
Date

CLERK'S CERTIFICATION

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Toppenish, Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance 2011-11 (herein called the "Ordinance") is a true and correct copy of an Ordinance of the City, as finally passed at a meeting of the Council held on the 8th day of August, 2011, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Toppenish, Washington, this 10th day of August, 2011.



Linda B. Mead, CMC
Finance Director-City Clerk

PUBLISHED August 17, 2011

