

RETURN TO: City of Zillah
Attn: Sharon Bounds, City Clerk/Treasurer
P.O. Box 475
Zillah, WA 98953

DOCUMENT TITLE: Ordinance No. 1304 - BRB 2012-002
(Nugent Annexation)

GRANTOR: City of Zillah

GRANTEE: The Public

LEGAL DESCRIPTION ABBREVIATED FORM:

A portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 11 North, Range 20 East, W.M.

(See attached Exhibit A for complete legal description)

ASSESSOR'S PARCEL NO'S.: 201125-24408, 24409, and -24010

AF # 7763894 5/24/12

ORDINANCE NO. 1304

AN ORDINANCE ANNEXING LAND AREA INTO THE CITY OF ZILLAH, WASHINGTON, KNOWN AS THE NUGENT 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 2012-04 and issued a Notice of Intent to Annex and presented said notice to Yakima County Boundary Review and said board declined jurisdiction and the forty-five day limit set for the Board decision having expired on the 11th day of May, 2012; and

WHEREAS, on February 6, 2012, the City Council held a public hearing on the proposed annexation and considered all offered comments and the recommendations to zone the property as Residential (R-1) for parcels 201125-24408, 201125-24409, 201125-24009, and 201125-24010 upon annexation; and

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

Legal Description of Annexation Area

Yakima County Parcels: 201125-24408, 24409, 24009, and -24010

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

Beginning at the Northeast corner of Lot 1 of that Short Plat recorded in Book 96 of

Short Plats, page 45, records of Yakima County, Washington;

Thence westerly along the north line of said Lot 1 and the north lot of Lot 2 of said Short Plat to the Northwest corner of said Lot 2;

Thence southerly along the west line of said lot 2 to the southwest corner of said lot 2, said point being 132.1 feet north of the south line of said Southeast Quarter;

Thence easterly to the northeast corner of the West 164.9 feet of the South 132.1 feet of the East Half of said Southeast Quarter;

Thence southerly parallel with the west line of said East Half of the Southeast Quarter to the northerly right of way line of Cutler Way;

Thence easterly along said northerly right of way line to the westerly right of way line of Roza Drive;

Thence northerly along said westerly right of way line to the Point of Beginning.

Situate in Yakima County, Washington.

Sections 2. That the real property set for in Attachment "1" is hereby annexed into the City of Zillah, and that the corporate limits of the City of Zillah shall include said property and territory herein

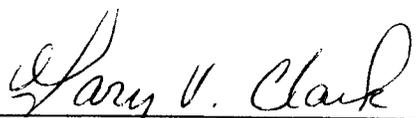
above described. Said property shall be assessed and taxed to pay for the outstanding indebtedness of the City of Zillah contracted prior to, or existing, or at the time of annexation.

Section 3. That the zoning of the property upon the effective date of this annexation shall be designated as Residential (R-1) for parcels 201125-24408, 201125-24409, 201125-24009, and 201125-24010 be subject to the district requirements pursuant to Title 17 of the Zillah Municipal Code now and as amended.

Section 4. That 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 21st day of May, 2012.**



Gary Clark, Mayor

ATTEST:



Sharon Bounds, City Clerk/Treasurer

APPROVED AS TO FORM:



James Carmody, City Attorney

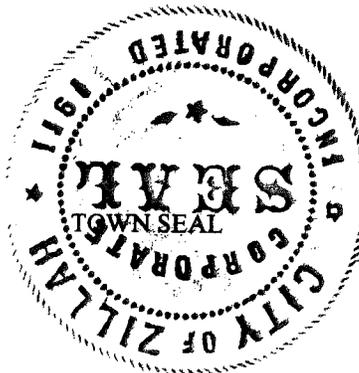
Date Published: 5/23/2012

Effective Date: 5/28/2012

I certify that this is a true and accurate document.



Sharon Bounds, City Clerk/Treasurer



Attachment "1"

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

FILE NUMBER: AX2011-18

1) FEES:

Date paid: 10/24/2011

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 2 acres of property on parcel 201125-24408 into the City of Zillah and to start annexation proceedings.

201125-24409
You may contact me at 961-1047 if you need additional information or have any questions.

Sincerely,

Philip Don Nugent
Property Owner

Shirley A. Kiston
Property Owner

1901 Cutler Way
Mailing Address

Zillah, WA, 98953
City, State, Zip

509-961-1047
Phone #

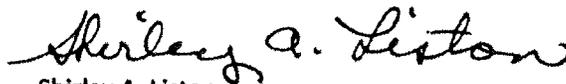
To: The City Council
City of Zillah
Zillah, Washington

10-24-11

We the owners of real property described herein , petition to be annexed into The City of Zillah.

And to petition to adjust property line between Lot 1 and Lot 2.


Philip Don Nugent


Shirley A. Liston

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 ^{Ordinance} Resolution 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.

IMPORTANT - Please Read

The notice of intent shall specify on an attached piece of paper any issues which the City Council or Planning Commission may be asked to consider on this application and shall specifically state all grounds for such consideration. Issues or grounds which are not identified may not be considered by the City Council.

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. All provisions of laws and ordinances governing the application will be complied with whether specified herein or not.

DECLARATION: I/WE DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I/WE HAVE PROVIDED ON THIS APPLICATION FOR ANNEXATION PETITION IS TRUE, CORRECT AND COMPLETE.

OWNER'S SIGNATURE Philip D. Nugent DATE 10/24/11

OWNER'S SIGNATURE Shirley A. Linton DATE 10/24/11

PRINTED NAME(S) Philip D. Nugent, Shirley A. Linton

MAILING ADDRESS 1901 Cutler Way, Zillah, WA, 98953

PARCEL NO. 201125-24408 & 201125-24409

PROPERTY LEGAL DESCRIPTION:

Date Received:	<u>10-24-2011</u>	Fee's Paid:	<u>10-24-2011</u>	Receipt Number:	<u>93</u>
Application Approved for completion Date:	<u>10-8-2011</u>				
Public Hearing before the Planning Commission held on:	<u>1-18-2012</u>				
Public Hearing before City Council held on:	<u>2-6-2012</u>				
Final Decision Date:	<u>2-6-2012</u>	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approved	w/ Conditions	<input type="checkbox"/> Denied



GSE

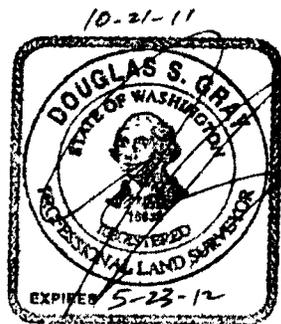
Gray Surveying & Engineering, Inc.

- * Land Surveying
- * Civil Engineering
- * Land Use Planning
- * Geotechnical Engineering
- * Project Management
- * Construction Inspection
- * Construction Staking
- * Materials Testing

City of Zillah

**Annexation Description
Phillip Nugent**

That portion of the Southeast Quarter of Section 25, Township 11 North, Range 20 East, W.M., described as follows:
Beginning at the northeast corner of Lot 1 of that certain short plat recorded in Book 96 of Short Plats, page 45, records of Yakima County, Washington;
Thence southerly, along the easterly line of said Lot 1, to the south line thereof;
Thence westerly and northerly, along the south and west lines of Lots 1 and 2 of said short plat, to the northwest corner of Lot 2 of said short plat;
Thence easterly, along the north line of said Lot 2, to the northeast corner of said Lot 1 and the point of beginning.



2706 River Road P.O. Box 510
Yakima, Washington, USA 98907
Voice (509) 575-6434 Fax (509) 575-1294
www.grayse.com

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

FILE NUMBER: AX 2011-18

1) FEES:

Date paid: 11/9/2011

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 0.21 acres of property on parcel 201135-24009 into the City of Zillah and to start annexation proceedings.

You may contact me at 829-6305 if you need additional information or have any questions.

Sincerely,

Walter A. Gonzalez
Property Owner

Margery C. Davidson
Property Owner

PO Box 1529
Mailing Address

Zillah, Wash. 98943
City, State, Zip

509-829-6305
Phone #

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 ^{Ordinance} Resolution No. 118 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-1, consistent with the City of Zillah Comprehensive Plan.

IMPORTANT - Please Read

The notice of intent shall specify on an attached piece of paper any issues which the City Council or Planning Commission may be asked to consider on this application and shall specifically state all grounds for such consideration. Issues or grounds which are not identified may not be considered by the City Council.

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. All provisions of laws and ordinances governing the application will be complied with whether specified herein or not.

DECLARATION: I/WE DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I/WE HAVE PROVIDED ON THIS APPLICATION FOR ANNEXATION PETITION IS TRUE, CORRECT AND COMPLETE.

OWNER'S SIGNATURE Wallace A. Donaldson DATE 11/8/2011

OWNER'S SIGNATURE Margery C. Donaldson DATE 11/8/2011

PRINTED NAME(S) Wallace A. & Margery C. Donaldson

MAILING ADDRESS 1735 Cutler Way, Zillah, Wash. 98953

PARCEL NO. 201125-24009

PROPERTY LEGAL DESCRIPTION:

1841 Cutler Way.

S 132.1 ft of W 329.8 ft of E 1/2.

Date Received:	<u>11-8-2011</u>	Fee's Paid:	<u>N/A</u>	Receipt Number:	<u> </u>
Application Approved for completion Date:	<u>12/8/2011</u>				
Public Hearing before the Planning Commission held on:	<u>1/18/2012</u>				
Public Hearing before City Council held on:	<u>2-6-2012</u>				
Final Decision Date:	<u>2-6-2012</u>	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approved	w/ Conditions	<input type="checkbox"/> Denied

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.

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- 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-1, consistent with the City of Zillah Comprehensive Plan.



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

December 12, 2011

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

RE: Proposed annexation of Parcel Nos. 201125-24408, 201125-24409, 201125-24101 & 201125-24009

Dear Ms. Steele:

The attached legal description for the proposed annexations were 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

