

ORDINANCE NO. 2016-XX

AN ORDINANCE ANNEXING APPROXIMATELY 78 ACRES OF PROPERTY, BEING GENERALLY LOCATED SOUTH OF MILL CREEK AND IN THE VICINITY OF MYRA ROAD, TO THE CITY OF WALLA WALLA, AND TAKING SUCH OTHER ACTION RELATED THERETO

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 an May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the Walla Walla County Board of Commissioners passed County Resolution number 90-449 on October 30, 1990 opting into planning activities under the Washington Growth Management Act, RCW Ch. 36.70A; and

WHEREAS, RCW Ch. 35A.14 provides for annexation by direct petition initiated by the filing of notification by owners of property in the territory proposed for annexation which is not less than ten percent (10%) of the assessed value of the property to be annexed; and

WHEREAS, the City of Walla Walla has received sufficient notification from property owners of intent to annex territory consisting of approximately 52 acres of property, being generally located south of Mill Creek and adjacent to Myra Road; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2016-046 at its March 23, 2016 regular meeting setting April 27, 2016 as the date for meeting to determine whether the city would accept, reject, or geographically modify the proposed annexation and said date was postponed two weeks to May 11, 2016 through the agenda setting process; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2016-064 at its May 11, 2016 regular meeting determining that it will accept the proposed annexation as geographically modified to include properties with recorded outside utility agreements, properties so as to not leave unincorporated islands, and rights-of-way within the City's Urban Growth Area; and

WHEREAS, the owners of property in the area which is not less than sixty percent (60%) of the assessed value of the property to be annexed have signed a petition for annexation and submitted to the City on June 10, 2016; and

WHEREAS, the Walla Walla City Council passed Resolution 2016-087 at its July 13, 2016 regular meeting setting a public hearing for August 10, 2016 upon such proposed annexation; and

WHEREAS, the Walla Walla City Council conducted a public hearing at its August 10, 2016 regular meeting; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by annexation of the area described in Section 1 hereto and taking such other action related thereto.

NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:

Section 1: The following described property is hereby annexed to the City of Walla Walla:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 36 EAST OF THE WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, SAID POINT OF BEGINNING ALSO BEING A POINT ON THE WESTERLY LINE OF THE WALLA WALLA CITY LIMITS AS ESTABLISHED BY ANNEXATION ORDINANCE NUMBER 2006-30, AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 30, AND THE EAST LINE OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 35 EAST OF THE WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, AND SAID WALLA WALLA CITY LIMITS LINE, A DISTANCE OF 107.9 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE OFFNER ROAD RIGHT-OF-WAY; THENCE, DEPARTING THE WEST LINE OF SAID SECTION 30 AND CONTINUING ALONG SAID CITY LIMITS, EASTERLY ALONG THE NORTH LINE OF SAID OFFNER ROAD RIGHT-OF-WAY 30.0 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID OFFNER ROAD RIGHT-OF-WAY, THENCE CONTINUING ALONG SAID CITY LIMITS LINE, AND THE EASTERLY RIGHT-OF-WAY OF SAID OFFNER ROAD, A DISTANCE OF 906.8 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE ABANDONED WALLA WALLA VALLEY RAILWAY COMPANY, WHICH IS ALSO A POINT ON THE NORTH LINE OF THE CITY OF WALLA WALLA ANNEXATION ORDINANCE 2005-13; THENCE WESTERLY, ALONG SAID SOUTHERLY ABANDONED RAILROAD RIGHT-OF-WAY AND SAID ANNEXATION ORDINANCE 2005-13, A DISTANCE OF 55 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY OF SAID OFFNER ROAD; THENCE SOUTH, ALONG THE WESTERLY RIGHT-OF-WAY OF OFFNER ROAD AND THE WESTERLY LINE OF ANNEXATION ORDINANCE 2005-13, 2004-19 AND A-3285 A DISTANCE OF 790 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF THE CITY OF WALLA WALLA ANNEXATION ORDINANCE A-2659, SAID POINT BEING 20 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 14 IN BLOCK 6 OF BLALOCK ADDITION TO WALLA WALLA ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN BOOK D OF PLATS AT PAGE 40; THENCE, SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID ANNEXATION ORDINANCE A-2659, A DISTANCE OF 100 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF LOT 12 IN SAID BLOCK 6 WHICH IS 49.5 FEET SOUTH, WHEN MEASURED ALONG THE EAST LINE OF SAID LOT 12, FROM THE CENTERLINE OF THE ALLEY RUNNING THROUGH SAID BLOCK 6; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 12 AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 49.5 FEET TO THE CENTERLINE OF THE ALLEY RUNNING THROUGH SAID BLOCK 6; THENCE, WEST ALONG THE CENTERLINE OF SAID ALLEY, A DISTANCE OF 150 FEET, MORE OR LESS, TO THE EAST LINE OF THE CITY OF WALLA WALLA ANNEXATION ORDINANCE A-3304; THENCE NORTH, ALONG SAID ANNEXATION ORDINANCE A-3304 AND ALONG THE EAST LINE OF LOT 6 IN BLOCK 6 OF SAID BLALOCK ADDITION AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 137.5 FEET, MORE OR LESS,

TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE WEST ALONG THE SOUTH RIGHT-OF-WAY OF A DISTANCE OF 100 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY OF WILDWOOD STREET, WHICH IS ALSO THE EAST LINE OF CITY OF WALLA WALLA ANNEXATION ORDINANCE A-3017; THENCE NORTH, ALONG THE EAST RIGHT-OF-WAY OF WILDWOOD STREET, THE EAST LINE OF SAID ANNEXATION ORDINANCE A-3017 AND THE EAST LINE OF THE CITY OF WALLA WALLA ANNEXATION ORDINANCE A-3479, A DISTANCE OF 305 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF LOT 7 IN BLOCK 5 OF SAID BLALOCK ADDITION WHICH IS ALSO A POINT ON THE SOUTH RIGHT-OF-WAY OF ARTESIA AVENUE; THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY OF ARTESIA AVENUE AND THE NORTH LINE OF ANNEXATION ORDINANCE A-3479 AND ANNEXATION ORDINANCE A-3036 TO THE NORTHWEST CORNER OF SAID ANNEXATION ORDINANCE A-3036 WHICH IS ALSO THE NORTHWEST CORNER OF LOT 4 IN BLOCK 4 OF SAID BLALOCK ADDITION; THENCE SOUTH ALONG THE WEST LINE OF SAID ANNEXATION ORDINANCE A-3036 A DISTANCE OF 135 FEET, MORE OR LESS, TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 4 WITH THE NORTH LINE OF THE ALLEY RUNNING THROUGH SAID BLOCK 4, SAID INTERSECTION ALSO BEING A POINT ON THE NORTH LINE OF THE CITY OF WALLA WALLA ANNEXATION ORDINANCE A-3017; THENCE WEST ALONG THE NORTH LINE OF SAID ANNEXATION ORDINANCE A-3017 AND THE SOUTH LINE OF SAID ALLEY AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 200 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY OF KENWOOD AVENUE; THENCE NORTH ALONG THE WEST RIGHT-OF-WAY OF SAID KENWOOD AVENUE A DISTANCE OF 431.5 FEET, MORE OR LESS, TO THE SOUTH RIGHT-OF-WAY OF ELECTRIC AVENUE; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY OF SAID ELECTRIC AVENUE TO ITS INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE CITY OF WALLA WALLA ANNEXATION ORDINANCE A-2497, SAID POINT BEARS SOUTHERLY A DISTANCE OF 1051.7 FEET, MORE OR LESS, FROM A POINT ON THE SOUTH LINE OF SAID SECTION 24, TOWNSHIP 7 NORTH, RANGE 35 EAST OF THE WILLAMETTE MERIDIAN WHICH IS 1309.50 WEST, WHEN MEASURED ALONG THE SOUTH LINE THEREOF, FROM THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE NORTHERLY, ALONG SAID SOUTHERLY PROLONGATION AND EAST LINE OF SAID ANNEXATION ORDER A-2497, A DISTANCE OF 1051.7 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID SECTION 24 WHICH IS 1309.50 WEST, WHEN MEASURED ALONG THE SOUTH LINE THEREOF, FROM THE SOUTHEAST CORNER OF SAID SECTION 24;; THENCE CONTINUING NORTHERLY, ALONG SAID EAST LINE OF SAID ANNEXATION ORDER A-2497 A DISTANCE OF 593.3 FEET, MORE OR LESS, TO THE CENTERLINE OF MILL CREEK AND THE SOUTH LINE OF THE CITY OF WALLA WALLA ANNEXATION ORDINANCE 2004-46; THENCE ALONG SAID

CENTERLINE AND THE SOUTHERLY LINE SAID ANNEXATION ORDINANCE 2004-46 AND THE SOUTHERLY LINE OF THE CITY OF WALLA WALLA ANNEXATION ORDINANCE 2000-14 TO THE WESTERLY LINE OF A PARCEL OF LAND DEEDED TO THE CITY OF WALLA WALLA BY THAT CERTAIN DEED FILED APRIL 5, 1900, IN VOLUME 73 OF DEEDS, PAGE 352, RECORDS OF WALLA WALLA COUNTY, WASHINGTON; THENCE ALONG THE WESTERLY LINE OF SAID CITY-OWNED PARCEL AND SAID ANNEXATION ORDINANCE 2000-14, S30°14'01"E A DISTANCE OF 189.65 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID CITY-OWNED PARCEL, THE SOUTH LINE SAID ANNEXATION ORDINANCE 2000-14 AND THE NORTHERLY LINE OF THAT PROPERTY DESCRIBED AS PARCEL B IN THE BOUNDARY ADJUSTMENT FILED FOR RECORDED DECEMBER 29, 1998 AS AUDITOR'S FILE NUMBER 9815058, WALLA WALLA COUNTY RECORDS, A DISTANCE OF 465 FEET, MORE OR LESS, TO THE NORTH-SOUTH CENTER LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 7 NORTH, RANGE 36 EAST OF THE WILLAMETTE MERIDIAN; THENCE SOUTHERLY ALONG SAID NORTH-SOUTH CENTER LINE, A DISTANCE OF 830 FEET, MORE OR LESS, TO THE EASTERLY RIGHT-OF-WAY OF LINE OF WOODLAND AVENUE, WHICH IS ALSO THE EASTERLY LINE TO THE CITY OF WALLA WALLA ANNEXATION ORDINANCE 2006-30; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT-OF-WAY OF SAID WOODLAND AVENUE AND SAID ANNEXATION ORDINANCE 2006-30, A DISTANCE OF 890 FEET, MORE OR LESS, TO A POINT THAT IS 15.0 FEET AS MEASURED ALONG A PERPENDICULAR LINE TO SAID EASTERLY RIGHT-OF-WAY LINE OF WOODLAND AVENUE FROM THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN THAT WARRANTY DEED TO MARIO DALTOSO FILED FOR RECORD DECEMBER 16, 1938 IN BOOK 199 AT PAGE 308, WALLA WALLA COUNTY RECORDS; THENCE, CONTINUING ALONG SAID ANNEXATION ORDINANCE 2006-30, SOUTHWESTERLY, 15.0 FEET, MORE OR LESS TO SAID NORTHEAST CORNER OF THE DALTOSO PARCEL; THENCE CONTINUING SOUTHWESTERLY, ALONG SAID ANNEXATION ORDINANCE 2006-30 AND ALONG THE NORTHERLY LINE OF SAID DALTOSO PARCEL 337.8 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID DALTOSO PARCEL; THENCE CONTINUING ALONG SAID ANNEXATION ORDINANCE 2006-30, SOUTHERLY ALONG THE WESTERLY LINE OF SAID DALTOSO PARCEL, 210.8 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN THAT QUIT CLAIM DEED TO ELAINE LOCATI, FILED FOR RECORD JULY 24, 1989 IN VOLUME 177 AT PAGE 1481-1483. WALLA WALLA COUNTY RECORDS; THENCE CONTINUING ALONG SAID ANNEXATION ORDINANCE 2006-30 WESTERLY ALONG THE NORTHERLY LINE OF SAID LOCATI PARCEL, 756.5 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOCATI PARCEL AND THE WEST LINE OF SAID SECTION 19; THENCE CONTINUING ALONG SAID ANNEXATION ORDINANCE 2006-

30 SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 19 A DISTANCE OF 593.2 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

Section 2: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, the following zoning designations consistent with the land use designation identified in the Walla Walla Urban Area Comprehensive Plan:

Parcel String	Site Address	City	State	Zip Code	Zoning Designation
350725140032	411 OFFNER RD	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725510615	229 OFFNER RD	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510604	123 DRUMHELLER	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510603	113 DRUMHELLER	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510601	235 OFFNER RD	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510508	132 DRUMHELLER	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510509	124 DRUMHELLER	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510513	104 DRUMHELLER ST	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510416	318 KENWOOD ST	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510415	324 KENWOOD ST	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510405	223 ARTESIA AVE	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510516	376 WILDWOOD ST	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510514	113 ARTESIA AVE	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510503	113 ARTESIA AVE (garage)	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725510501	149 OFFNER RD	WALLA WALLA	WA	99362	R-60 Single Family Residential (High Density)
350725140037	N/A VACANT				R-96 Single Family Residential (Low Density)
350725140035	122 ARTESIA AVE	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725140034	108 ARTESIA AVE	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725140033	405 OFFNER RD	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725510108	232 ARTESIA AVE	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725510110	226 ARTESIA AVE	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725510116	VACANT	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725510115	208 ARTESIA AVE	WALLA WALLA	WA	99362	R-96 Single Family

					Residential (Low Density)
350725510114	202 ARTESIA AVE	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725140036	114 ARTESIA AVE	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725140030	427 OFFNER RD	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725140031	417 OFFNER RD	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725110034	N/A VACANT				CH (Highway Commercial)
360719330009	552 WOODLAND AVE	WALLA WALLA	WA	99362	IH (Heavy Industrial)
360719330018	VACANT	WALLA WALLA	WA	99362	R-72 Single Family Residential (Medium Density)
360719330008	532 WOODLAND AVE	WALLA WALLA	WA	99362	R-72 Single Family Residential (Medium Density)
360719330013	544 WOODLAND AVE	WALLA WALLA	WA	99362	IH (Heavy Industrial)
350725510119	N/A VACANT				R-72 Single Family Residential (Medium Density)
350725510118	12 ELECTRIC AVE	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725510117	418 KENWOOD ST	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725110035	N/A VACANT				
350725110031	575 OFFNER RD	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350724440024	N/A VACANT				R-96 Single Family Residential (Low Density)
360719330020	530 WOODLAND AVE	WALLA WALLA	WA	99362	R-72 Single Family Residential (Medium Density)
360719330024	518 WOODLAND	WALLA WALLA	WA	99362	R-72 Single Family Residential (Medium Density)
360719330002	334 WOODLAND	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350725110028	N/A VACANT				R-96 Single Family Residential (Low Density)
350724440025	N/A VACANT				CH (Highway Commercial)

Section 3: Subject to any applicable exemptions, all property within the area described in Section 1 herein shall be assessed and taxed at the same rate and on the same basis as other property in the City of Walla Walla is assessed and taxed subject to any applicable exemptions. Subject to any applicable exemptions, all property within the area described in Section 1 herein shall be assessed and taxed at such rate and basis to pay for any outstanding indebtedness of the City of Walla Walla contracted prior to, or existing at, the date of annexation.

Section 4: The annexation of the territory described in Section 1 herein shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such territory, authorizing or otherwise permitting the operation of any public utility, including but not limited

to, public electric, water, transportation, garbage disposal, solid waste collection, or other similar public service business or facility within the limits of the annexed territory.

A. The holder of any such franchise or permit canceled pursuant to this section is forthwith granted by the City of Walla Walla a franchise to continue such business within the annexed territory for a term which shall expire upon the earliest of either (a) the purchase by the City of Walla Walla of said franchise, business, or facilities at an agreed or negotiated price, (b) the expiration of the remaining term of the original franchise or permit, or (c) the expiration of one hundred thirty-eight (138) months following the effective date of annexation. This franchise shall be exclusive except nothing herein shall prevent the City of Walla Walla from extending similar or competing services to the annexed territory by franchise, permit or public operation upon a proper showing of the inability or refusal of the franchisee to adequately service said annexed territory at a reasonable price.

B. The City of Walla Walla hereby decides to contract for solid waste collection or provide solid waste collection itself pursuant to RCW 81.77.020 as of the effective date of annexation. The Walla Walla City Clerk is hereby directed to notify the State of Washington Utilities and Transportation Commission, in writing, of the City of Walla Walla's decision to contract for solid waste collection or provide solid waste collection itself pursuant to RCW 81.77.020 as of the effective date of annexation and to attach a copy of this ordinance to such notification.

C. Terms and conditions of solid waste collection franchises. The following terms and conditions apply to solid waste collection franchises:

1. Franchisees must notify the City of Walla Walla in writing of any change in physical business address, business mailing address, or business telephone number. The notice must be filed at least ten days before the effective date of the change.

2. Franchisees must keep and maintain records as provided in Washington Administrative Code Section (WAC) 480-70-061. Franchisees must adhere to accounting requirements of WAC 480-70-066. Franchisees must file with the City of Walla Walla, by no later than May 1 of each year, a complete, accurate, annual report showing an end-of-the-year summary of financial and operational activity of franchisee in the annexed territory. Each franchisee shall make its records available for inspection by the City of Walla Walla.

3. Franchisees shall maintain insurance in a form and amount as provided in WAC 480-70-181 which covers each motor vehicle it operates in the annexed territory.

4. Franchisees shall comply with WAC 480-70-191, WAC 480-70-196, WAC 480-70-201, WAC 480-70-206 and WAC 480-211 with respect to their equipment and drivers.

5. Franchisees shall comply with biomedical waste and hazardous waste rules and regulations promulgated by the State of Washington Utilities and Transportation Commission.

6. Customers in the annexed territory shall be subject to the same rates, charges, customer notice requirements, and consumer rules which apply to the franchisee's customers in unincorporated areas of Walla Walla County.

7. Franchisees shall pay a franchise fee to the City of Walla Walla at a rate of one percent of the franchisee's annual gross operating revenue for the annexed territory. Franchise fees must be paid to the City of Walla Walla by April 1 of each year. The franchise fees shall be used to cover the costs of regulating franchisee.

8. Franchisees shall comply with all federal, state, and local rules and regulations. The terms and conditions of this franchise do not relieve any franchisee from any of its duties or obligations under the laws of the United States, the State of Washington, Walla Walla County, or the City of Walla Walla. The City of Walla Walla reserves and retains the authority to impose additional or different requirements on any solid waste collection company in appropriate circumstances, consistent with the requirements of law.

9. WAC 480-70-041 is hereby incorporated for the definition of terms used in the Washington Administrative Code, and the City of Walla Walla adopts by reference the regulations and standards identified in WAC 480-70-999.

10. Any amendment of the rules and regulations referenced in this franchise grant shall be deemed to amend the tenors hereof in conformity therewith.

11. Noncompliance with any of the terms or conditions of this franchise shall be deemed to be an inability or refusal of the franchisee to adequately service the annexed territory at a reasonable price.

Section 5: The Walla Walla City Clerk is directed to file a certified copy of this ordinance with the Board of Commissioners for Walla Walla County as provided in RCW 35A.14.140.

Section 6: The Walla Walla Development Services Department is directed to submit certificates of annexation as provided in RCW 35A.14.700.

Section 7: The Walla Walla City Clerk is directed to file, record, and give notice of this ordinance in such manner as required by law.

Section 8: The Walla Walla City Clerk is directed to publish a summary of this ordinance as permitted by RCW 35A.13.200 and 35A.12.160.

Section 9: The surcharge for sewer service imposed by Walla Walla Municipal Code § 13.03.620 and the surcharge for water service imposed by Walla Walla Municipal Code § 13.04.360 shall be discontinued in the area annexed by Section 1 herein by September 1, 2016.

Section 10: If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance and the application of the provision to other persons or circumstances shall not be affected.

PASSED by the City Council of the City of Walla Walla, Washington, this 10th day of August, 2016.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney