ORDINANCE NO. 2009-04

AN ORDINANCE concerning annexation; annexing the Highland Annexation area to the City of Yakima; maintaining the current zoning of the area; providing for notice to the WUTC of the City's intent to provide residential refuse collection and disposal service; assumption of the City's current indebtedness by properties in the Highland Annexation area; and an effective date of March 8, 2009.

WHEREAS, proceedings have been held in accordance with all applicable laws for the annexation to the City of Yakima of the Highland Annexation hereinafter described; and

WHEREAS, the City duly filed a notice of intention with the state Boundary Review Board for Yakima County (BRB) for the Highland Annexation, and this matter was approved by the Board on January 23, 2009, pursuant to the provisions of RCW 36.93.150; and

WHEREAS, garbage and refuse collection within the Highland Annexation area is presently being provided by Yakima Waste Systems, Inc., under authority issued by the Washington Utilities and Transportation Commission (WUTC) to both residential and commercial accounts and the City desires to provide such services to residential accounts only in accordance with RCW 35.13.280; and

WHEREAS, RCW 35.13.280 requires the City to grant Yakima Waste Systems, Inc., as the current WUTC-authorized provider of garbage and refuse collection and disposal service within the Highland Annexation area, a franchise to continue such service to residential properties within the Highland Annexation area for a term of not less than seven years after annexation becomes effective. Such franchise does not apply to garbage and refuse generated by commercial establishments because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Highland Annexation area; and

WHEREAS, RCW 35.13.280 requires the City to provide specific notice to the WUTC regarding the City's intent, pursuant to RCW 81.77.020, and subject to the provisions of RCW 35.13.280, to provide residential refuse collection and disposal service to the Highland Annexation area; and

WHEREAS, pursuant to due and legal notice, the City Council held a public hearing on said annexation on February 3, 2009 and, as a result thereof, finds:

1. The annexation requirements of RCW 35.13.120 have been satisfied through an annexation petition signed by the owners of not less than seventy-five percent in value according to the assessed valuation for general taxation of the Highland Annexation area.

2. The Highland Annexation area should be annexed to the City of Yakima.

3. The Highland Annexation area should retain its current zoning pursuant to the Yakima Urban Area Zoning Map and that such zoning and classification is in

accord with the Yakima Urban Area Comprehensive Plan, the General Plan of the City of Yakima.

4. The owners of the real property within the Highland Annexation area should be required to assume existing indebtedness of the City of Yakima.

5. The needs of the City and community do require the hereinafter set forth zoning classification, and the highest and best use for said property is as hereinafter determined.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YAKIMA, WASHINGTON:

Section 1. The property identified on the map attached hereto as Exhibit "A" and legally described in Exhibit "B", attached hereto and incorporated by reference herein, referred to below as the "Highland Annexation," is hereby annexed to the City of Yakima, Washington.

Section 2. The owners of the real property within the Highland Annexation area shall be required to assume existing indebtedness of the City of Yakima.

Section 3. The Highland Annexation area is hereby zoned as it is currently zoned and depicted on the official zoning map for the unincorporated portion of the Yakima Urban Area which map is maintained in the Yakima County Planning Department and which map is incorporated herein by reference.

Section 4. The next regularly amended Zoning District Map prepared by and for the City of Yakima shall show the Highland Annexation zoned and classified without change of zoning district but within the jurisdiction of the City of Yakima.

Section 5. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the County Auditor of Yakima County and with the Board of County Commissioners of Yakima County, Washington, and to transmit a certified copy of this ordinance to the Washington Utilities and Transportation Commission to notify it of the City's intent, pursuant to § 81.77.020 RCW, and subject to the provisions of § 35.13.280 RCW, to provide residential refuse collection and disposal service to the Highland Annexation area.

Section 6. The City Clerk is hereby authorized and directed to provide, as required by RCW 35.13.270, notification by certified mail that includes a list of the Assessor's Tax Parcel numbers of all properties within the Highland Annexation, to the Yakima County Treasurer and Assessor at least thirty days before the effective date of the annexation.

Section 7. There is hereby granted to Yakima Waste Systems, Inc., in accordance with and for the term provided by RCW 35.13.280, an exclusive franchise to provide garbage and refuse collection and disposal service to residential properties within the Highland Annexation area, in accordance with the specific terms of Ordinance Nos. 3220 and 3445 of the City of Yakima and in accordance with the terms of the Franchise Agreement attached to Ordinance No. 3220 (amended by Ordinance No 3445) of the City of Yakima. Such franchise does not apply to garbage and refuse generated by commercial establishments because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Highland Annexation area.

Section 8. This ordinance shall be in full force and effect thirty days after its passage, approval and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL at a regular meeting and signed and approved this 3rd day of February, 2009.

David Edler, Mayor

ATTEST:

Deborah Moore
City Clerk

Publication Date: 2/6/09

Effective Date: 3/8/09

YAKIMA SEAL WASHINGTON

Section 7 above is accepted by Franchisee this 13Th day of FEBRUARY, 2009.

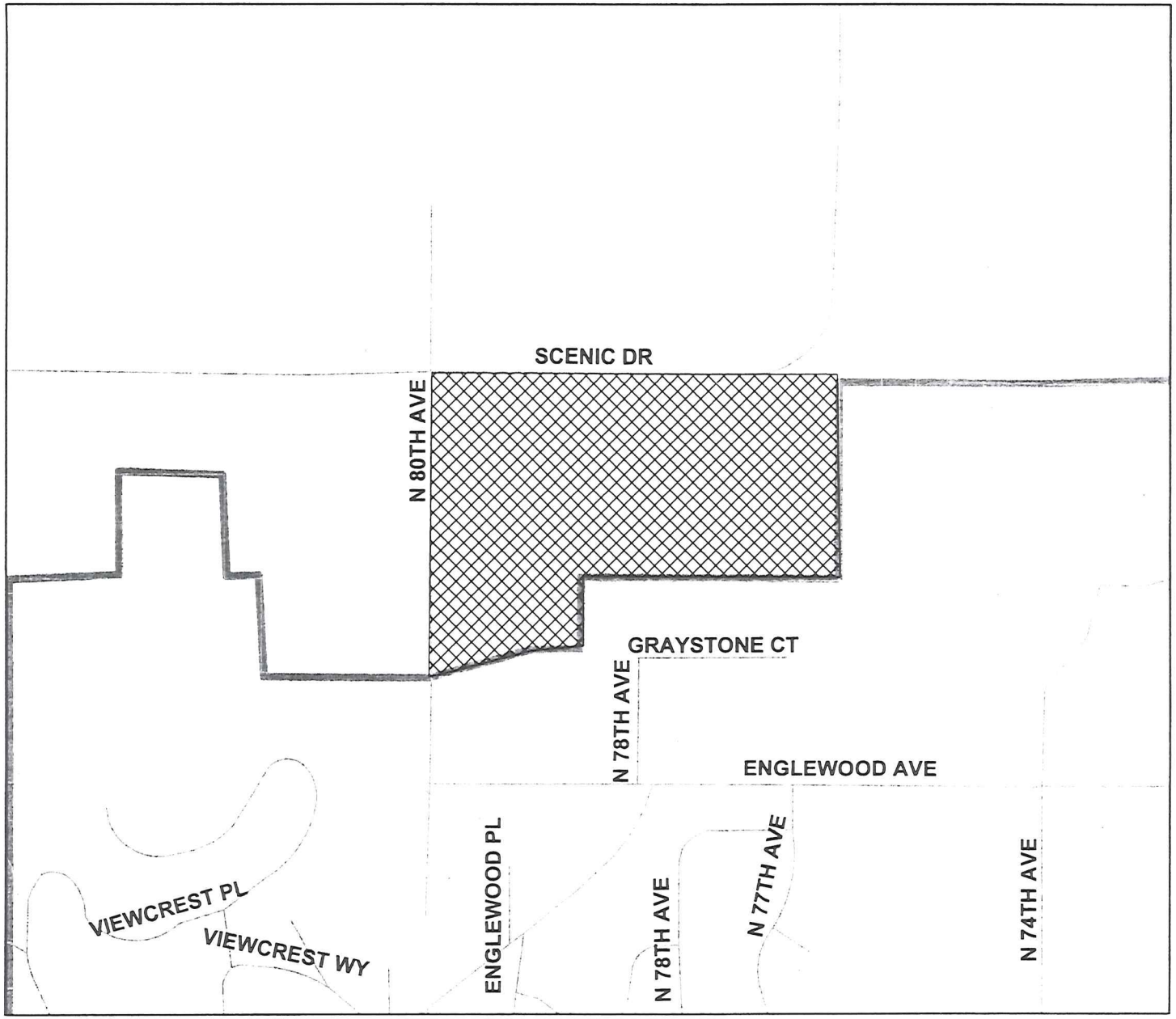
Yakima Waste Systems, Inc.

By: Scott Robertson

Signer's Name Printed: SCOTT ROBERTSON

Signer's Title: GENERAL MANAGER

EXHIBIT "A"



City of Yakima
Annexation
Highland
ORD: 2009-04

Annexation Area

City Limits Boundary

N

1 inch = 500 feet

EXHIBIT "B"

LEGAL DESCRIPTION FOR THE HIGHLAND ANNEXATION

All those portions of Sections 17 and 18, Township 13 North, Range 18 East, W.M. described as follows: Beginning at a point along the city limits of the City of Yakima, said point being the point of intersection of the north right-of-way line of American Lane and the west right-of-way line of N 80th Avenue; thence continuing in a northerly direction along the west right-of-way line of N 80th Avenue and said line extended to the north right-of-way line of Scenic Drive; thence easterly along the north right-of-way line of Scenic Drive and said line extended to the point of intersection with the east right-of-way line of Scenic Drive going to the north; thence southerly along the aforesaid east right-of-way line to the point of intersection with the city limits of Yakima; thence in a generally southerly and westerly direction following along the city limits of Yakima to the point of beginning.

Yakima County Public Works Department
checked for accuracy of legal description only: