

# **ORDINANCE # 1803**

## **JOHNSON-SNODGRASS ANNEXATION**

**ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY BY THE CITY OF SELAH, WASHINGTON, AND INCORPORATING THE SAME WITHIN THE CORPORATE LIMITS THEREOF AND ZONING SAID REAL PROPERTY ONE-FAMILY RESIDENTIAL (R-1).**

WHEREAS, pursuant to RCW 35A.14.120, there was filed with the City of Selah two petitions of intent for annexation signed by the owners of not less than ten (10) percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought; said petition of intent was accepted by the City Council of the City of Selah, and thereafter, owners representing seventy-two and one half (72.5) percent in value, according to the assessed valuation for general taxation of the property for which annexation is being petitioned, have signed petitions seeking annexation to incorporate the described property within the corporate limits of the City of Selah; and,

WHEREAS, said petitions set forth the fact that the City Council of the City of Selah, Washington, would require the assumption of a pro-rata share of existing City indebtedness by the area requesting to be annexed; if ultimately annexed the property would be zoned One-Family Residential (R-1) on the date of annexation, and, the annexation petition is to be conditioned in that petitioners covenant themselves granting the City of Selah a “right of first refusal” to secure ownership of any irrigation and/or domestic water rights appurtenant to the land; and,

WHEREAS, garbage, refuse collection and disposal service within the Johnson-Snodgrass Annexation area is presently provided to properties by Yakima Waste Systems, Inc. under authority issued by the Washington Utilities and Transportation Commission (WUTC) and the City desires to provide such services 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, refuse collection and disposal service within the Johnson-Snodgrass Annexation area, a franchise to continue to provide such garbage, refuse collection and disposal service to properties within the Johnson-Snodgrass Annexation area for a term of ten (10) years from the effective date of the annexation; and,

WHEREAS, RCW 35.13.280 requires the City to provide specific notice to the WUTC regarding the City’s intent, pursuant to RCW 35.13.280, to provide garbage, refuse collection and disposal service within the Johnson-Snodgrass Annexation area, a franchise to Yakima Waste Systems, Inc. to continue to provide such garbage, refuse collection and disposal service to properties within the Johnson-Snodgrass Annexation area for a term of ten (10) years from the effective date of the annexation; and,

WHEREAS, the City Council fixed the date of January 13, 2009 as the date for public hearing thereon and caused due and proper notice of said hearing to be published and posted pursuant to RCW 35A.14.130; and

WHEREAS, the public hearing has been held as scheduled, and the City Council considers that the best interests of the City and the property legally described in "Exhibit A" (pages 1 through 3) would be best served by annexing the area into the City of Selah; and,

WHEREAS, the City Council has determined that One-Family Residential (R-1) zoning is the appropriate zoning designation for the property to be annexed;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON does ordain as follows:

SECTION 1. That the property legally described in "Exhibit A" (pages 1 through 3) as approved by the Yakima County Public Works Department, being contiguous to the City of Selah, be and the same is annexed to the City of Selah, and incorporated therein.

SECTION 2. All property within the territory so annexed shall be assessed and taxed at the same rate and on the same basis as property within the City is assessed and taxed to pay for the now outstanding indebtedness of the City of Selah contracted prior to or existing at the date of annexation.

SECTION 3. The property described in "Exhibit A" (pages 1 through 3) is exempt from the City of Selah Fire Station Bond Levy.

SECTION 4. The property described in "Exhibit A" (pages 1 through 3) is hereby classified and zoned as One-Family Residential (R-1).

SECTION 5. The area hereby annexed shall become a part of the City of Selah, Washington, and this ordinance shall take effect and be in force at 12:01 a.m., September 1, 2010.

SECTION 6. The City Clerk/Treasurer is directed to file a certified copy of this ordinance with the Washington Utilities and Transportation Commission to notify it of the City's intent, pursuant to RCW 81.77.020 and subject to the provisions of RCW 35.13.280, to provide refuse collection and disposal service to the Johnson-Snodgrass Annexation area.

SECTION 7. There is herein granted a franchise to Yakima Waste Systems, Inc., in accordance with RCW 35.13.280, an exclusive franchise agreement to provide garbage, refuse collection and disposal services, including residential curbside recycling and curbside yard waste collection, to properties within the Johnson-Snodgrass Annexation area for a term of ten (10)

years from the effective date of the annexation in accordance with the terms of the franchise agreement attached to Resolution # 1284 of the City of Selah.

SECTION 8. The City of Selah Urban Growth Area Comprehensive Plan is hereby amended to incorporate the provisions of this ordinance.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON, this 10<sup>th</sup> day of August, 2010.

/s/

Robert Jones, Mayor

ATTEST:

/s/

Dale Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

/s/

Bob Noe, City Attorney

ORDINANCE NO.:# 1803

Adoption Date: August 10, 2010

Effective Date: September 1, 2010