

ORDINANCE NO. 2010-03

AN ORDINANCE concerning annexation; annexing the Foursquare Church/Hochrein Annexation area to the City of Yakima; maintaining the current zoning of the area lying northerly of the center section line for Section 30. Township 13 North, Range 20 East W.M. and changing the Comprehensive Plan designation to Low Density Residential and the zoning to R-1, Single-family Residential for that portion lying southerly of the center section line; 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 Foursquare Church/Hochrein Annexation area; and an effective date of February 21, 2010.

WHEREAS, proceedings have been held in accordance with all applicable laws for the annexation to the City of Yakima of the Foursquare Church/Hochrein 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 Foursquare Church/Hochrein Annexation, and this matter came before the Board on December 11, 2010 for a public hearing and on January 8, 2010 the Board issued their findings and decision to approve this annexation; and

WHEREAS, garbage and refuse collection within the Foursquare Church/Hochrein 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 Foursquare Church/Hochrein Annexation area, a franchise to continue such service to residential properties within the Foursquare Church/Hochrein 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 Foursquare Church/Hochrein 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 Foursquare Church/Hochrein Annexation area; and

WHEREAS, pursuant to due and legal notice, the City Council held a public hearing on said annexation on January 19, 2010 and, as a result thereof, finds:

1. The annexation petition requirements of RCW 35.13.120 have been satisfied through a combination of annexation petitions and outside utility agreement annexation

covenants signed by the owners of not less than sixty percent in value according to the assessed valuation for general taxation of the Foursquare Church/Hochrein Annexation area.

2. The Foursquare Church/Hochrein Annexation area should be annexed to the City of Yakima.

3. That portion of the Foursquare Church/Hochrein Annexation area lying northerly of the east/west center section line for Section 30, Township 13 North, Range 18 East W.M. 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. For that portion lying southerly of the east/west center section line the Comprehensive Plan designation shall be changed to Low Density Residential and the zoning to R-1, Single-family Residential.

4. The owners of the real property within the Foursquare Church/Hochrein Annexation area should be required to assume their pro rata share of the 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 "Foursquare Church/Hochrein Annexation," is hereby annexed to the City of Yakima, Washington.

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

Section 3. The Foursquare Church/Hochrein Annexation area lying northerly of the east/west center section line for Section 30, Township 13 North, Range 18 East W.M. 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. For that portion lying southerly of the east/west center section line the Comprehensive Plan designation shall be changed to Low Density Residential and the zoning to R-1, Single-family Residential.

Section 4. The next regularly amended Zoning District Map prepared by and for the City of Yakima shall show the Foursquare Church/Hochrein Annexation zoned and classified as set forth in Section 3 above and located 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 Foursquare Church/Hochrein 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 Foursquare Church/Hochrein 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 Foursquare Church/Hochrein

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 Foursquare Church/Hochrein 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 19th day of January, 2010.

/s/ Micah Cawley
Micah Cawley, Mayor

ATTEST:

/s/ Deborah Kloster
City Clerk

Publication Date: January 22, 2010
Effective Date: February 21, 2010

Section 7 above is accepted by Franchisee this _____ day of _____, 2010.

Yakima Waste Systems, Inc.

By: _____

Signer's Name Printed: _____

Signer's Title: _____

EXHIBIT B

LEGAL DESCRIPTION FOR THE FOURSQUARE CHURCH / HOCHREIN ANNEXATION

All those portions of Section 30, Township 13 North, Range 18 East W.M. being further described as follows: Beginning at a point along the city limits of the city of Yakima, said point being the intersection of the east / west centerline of said section and the westerly right-of-way line of South 80th Avenue; thence westerly along the east / west centerline to a point 265 feet east of the northwest corner of the northeast quarter of the southeast quarter; thence south parallel with the subdivision line to the south line of the north half of the of the northeast of the southwest quarter; thence west parallel with the subdivision line to the east line of the northwest quarter of the southeast quarter; thence south along said east line to the north right-of-way line of Wide Hollow Road; thence westerly following along said north right-of-way line to the west line of the northwest quarter of the southeast quarter; thence north to the east / west centerline of said section; thence east to the northeast corner of the northwest of the southeast quarter; thence northerly to the northeast corner of the northwest quarter of the northeast quarter; thence westerly to the southwest corner of Lot B of Short Plat J-44; thence north along the west line of the aforesaid Lot B and said line continued to the south right-of-way line of Tieton Drive; thence east along the aforesaid south right-of-way line to the west line of Lot 1 of Short Plat 79-181; thence southerly to the south line of said Lot 1; thence easterly along the south line of said Lot 1 to the west right-of-way line of South 80th Avenue; thence southerly along said west right-of-way line to the point of beginning. and TOGETHER WITH all existing public right-of-way centered about the Section 30 east / west quarter section subdivision line.