* 7 6 8 3 0 6 8 8 *

FILE# 7683068
YAKIMA COUNTY, WA
02/22/2010 02:57:28PM
ORDINANCE
PAGES: 8
CITY OF YAKIMA PLANNING

Recording Fee: 69.00

February 21, 2010

Return To:

Yakima City Clerk
129 North Second Street
Yakima, WA 98901

Document Title:	**Ordinance No. 2010-03** **Foursquare Church/Hochrein Annexation**
Grantor:	City of Yakima
Grantee:	The Public

ABBREVIATED LEGAL DESCRIPTION:

All those portions of Section 30, Township 13 North, Range 18 East W.M. being further described as follows: (see Exhibit 'A' of attached Ordinance for complete legal description).

PARCEL NUMBER: 1813301-1005 (See page 8 for balance of parcel numbers)

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 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.

Micah Cawley, Mayor

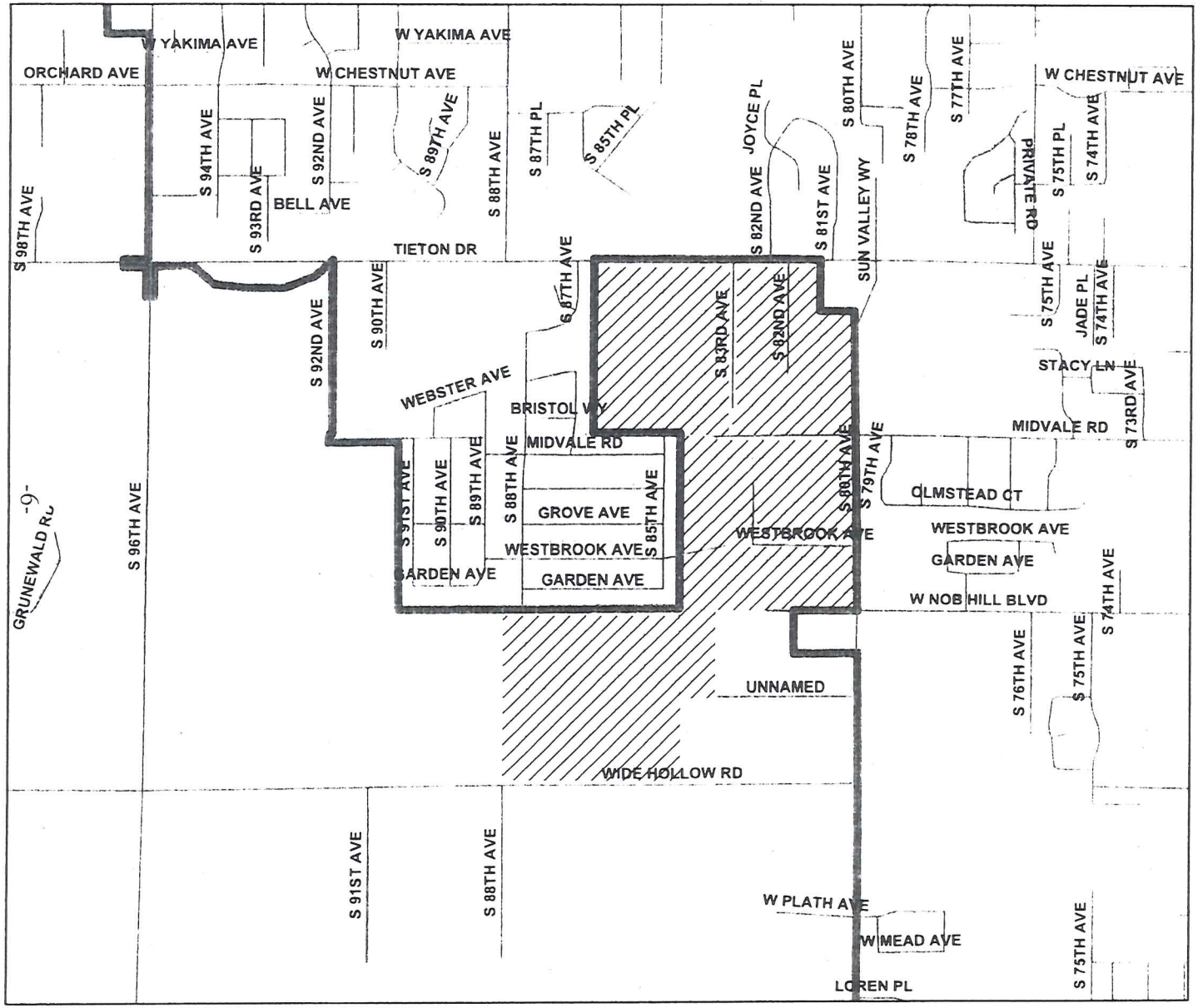
ATTEST:

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: _____



City of Yakima
FOURSQUARE
HOCHREIN
Annexation
Ordinance: 2010-03
Effective Date: 2/21/10
EXHIBIT A

Annexation Area

City Limits Boundary

N

1 inch = 1,200 feet

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.

Foursquare Church/Hochrein Annexation
Parcel Numbers

18133011005
18133011006
18133011008
18133011009
18133011012
18133011015
18133011023
18133011024
18133011026
18133011028
18133011029
18133011030
18133011402
18133011406
18133011407
18133011411
18133011412
18133011413
18133012014
18133012015
18133012403
18133012404
18133014003
18133014005
18133014006
18133014007
18133041011
18133042401
18133042402
18133011002
18133011027
18133011403
18133011414
18133011415
18133011417
18133011418
18133011421
18133011422
18133011423
18133012002
18133012006
18133014013
18133014014
18133014015
18133014405
18133014407
18133014408
18133014410
18133014411
18133014412
18133014420
18133014421
18133014422
18133014423
18133014424
18133014425
18133014426
18133014427
18133014428
18133014429
18133014430
18133014431
18133014432
18133014433
18133014434
18133014435
18133014436
18133014437
18133014438
18133014439
18133014440
18133014441
18133014442
18133014443
18133014444
18133014445
18133014446
18133014447
18133014448
18133014449
18133014450
18133014452
18133014453
18133014455
18133014456
18133011408
18133011401
18133014404
18133014401
18133014409

EXHIBIT A

Corrected Legal Description

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~~ southeast 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.

Re-recorded Foursquare/Hochrein legal description/parcel #'s

04/01/2010 10:21:17AM
CITY OF YAKIMA PLANNING

TRANSACTION # 42089
DEPUTY ID:
VHALZAHN

FILE # 7686917
ORDINANCE
PGS: 11

RECORDING FEE: $72.00
TOTAL: $72.00

TENDER DETAILS:
ON ACCT/CHARGE: $72.00

THANK YOU
CORKY MATTINGLY
AUDITOR
YAKIMA COUNTY, WA