2011-000610 ORD
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City Of Richland
Benton County, Benton County Auditor's Office

A CERTIFIED TRUE COPY
Marcia Hopkins
CITY CLERK

WHEN RECORDED RETURN TO:

Richland City Clerk
P.O. Box 190 MS-05
Richland, WA 99352

ORDINANCE NO. 41-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHLAND, Benton County Washington, annexing approximately 1,878 Acres including the Badger Mountain South Master Planned Community, providing for assumption of existing City indebtedness and amending the Official Zoning Map.

WHEREAS, the City received a notice of intent from the owners of more than ten percent in value of the real property legally described in Exhibit A attached hereto, to commence annexation proceedings for annexation into the City of Richland; and

WHEREAS, a meeting was held on the 17th day of August, 2010, between the initiating parties of this annexation and the Council of the City of Richland, at which time the Council passed Resolution No. 46-10, accepting the notice of intention to commence annexation proceedings for the real property legally described in Exhibit A attached hereto, subject to simultaneous adoption of the Badger Mountain Subarea Plan to serve as the Comprehensive Plan for the proposed annexation area, and the assumption of the appropriate share of all existing city indebtedness; and

WHEREAS, Resolution No 46-10 further authorized and directed the Richland Planning Commission to propose and forward a recommendation to the City Council as to the most appropriate zoning designations for the areas proposed to be annexed; and

WHEREAS, a notice of intention to annex was duly filed with the Boundary Review Board on September 10, 2010; Jurisdiction of the Boundary Review Board was not invoked within 45 days of filing, and thus the proposed annexation was deemed approved by the Boundary Review Board on October 25, 2010; and

WHEREAS, the Richland Planning Commission held a public hearing on October 27, 2010 to consider appropriate zoning designations for the proposed annexation area; and

WHEREAS, on November 2, 2010, the Council passed Resolution No. 73-10, authorizing the circulation of an annexation petition for annexation of the real property legally described in Exhibit A attached hereto; and

WHEREAS, a petition was circulated, filed with Benton County, and certified by the County Assessor as containing signatures of the owners of not less than 60% in value, according to the assessed valuation for general taxation, of the property to be annexed; and

WHEREAS, a City Council held a public hearing to consider the annexation on November 16, 2010, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation in the City and the proposed annexation area, and through posting of a hearing notice in three public places within the territory proposed for annexation, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the matter was duly considered by the City Council of the City of Richland and the Council has determined that the annexation would be of general benefit to the residents of the City of Richland;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1. The real property legally described in Exhibit A attached hereto is hereby annexed to the City of Richland and is hereby declared to be within the corporate limits of City of Richland, Benton County, Washington (the "Annexed Area")

Section 2. The Badger Mountain Subarea Plan, adopted September 7, 2010, by Ordinance No. 25-10, shall serve as the Comprehensive Plan for the Annexed Area.

Section 3. The property within the Annexed Area shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments or taxes in payment for all or of any portion of the outstanding

indebtedness of the City, approved by the voters, contracted, or incurred prior to, or existing at the date of annexation.

Section 4. The zoning for the portion of the Annexed Area within the Badger Mountain South Master Planned Community shall be as set forth in the Master Agreement and associated Land Use and Development Regulation for the Badger Mountain Master Planned area adopted December 7, 2010 by Resolution No. 77-10 ("LUDR").

Section 5. It is hereby found, as an exercise of the City's police power, that the best zoning for the existing Reata Ridge Subdivision residential lots, located in the southeastern portion of the Annexed Area, shall be R-1-12 Single Family Residential zoning, when consideration is given to the interest of the general public.

Section 6. It is hereby found, as an exercise of the City's police power, that the best zoning for the remaining portion of the Annexed Area shall be Agricultural Use zoning, when consideration is given to the interest of the general public.

Section 7. A map identifying the zoning classifications for the Annexed Area is attached hereto as Exhibit B. The Official Zoning Map of the City, as adopted by RMC 23.08.040, is hereby amended by adding the Annexed Area with the zoning designations set forth in Exhibit B. Sectional maps shall be amended and new sectional maps shall be created as necessary to reflect the zoning designations set forth in Exhibit B. Said maps shall bear the number and date of passage of this ordinance, and be made a part of the Official Zoning Map of the City.

Section 8. The City Clerk is directed to file a copy of this annexation with the Board of County Commissioners of Benton County and the State of Washington in the manner required by law. The City Clerk is also directed to file with the Auditor of Benton County, Washington a copy of this ordinance and shall attach amended sectional maps and additional sectional maps as necessary and an amended Annexation Map, duly certified by the Clerk as a true copy.

Section 9. As authorized and required by RCW 35.13.280, the City shall negotiate a new franchise with the solid waste collection service provider currently serving the Annexed Area on terms that are acceptable to the City and that requires compliance with the City's Solid Waste Management Plan.

Section 10. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the 7th day of December, 2010.

JOHN FOX
Mayor

ATTEST:

DEBRA C. BARHAM, CMC
Chief Deputy City Clerk

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

Date Published: December 12, 2010

EXHIBIT A
LEGAL DESCRIPTION OF
ANNEXED AREA

Parcel "A":
The East half of the East half of Section 31, Township 9 North, Range 28 East, W.M., Benton County, Washington;
EXCEPT that portion described as follows:
The Southwest corner of the Southeast quarter of the Southeast quarter being the True Point of Beginning;
Thence East along the South line thereof 360.00 feet;
Thence Northwesterly in a straight line to a point on the West line of said Southeast quarter of the Southeast quarter, a distance of 360.00 feet North of the Southwest corner thereof;
Thence Southerly along said West line 360.00 feet to the True Point of Beginning;
AND EXCEPT that portion thereof lying Southerly and Westerly of the State Highway right-of-way.
AND EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded October 10, 1968, under Auditor's File No. 595151, records of Benton County, Washington;
AND EXCEPT State Highway right-of-ways;
AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

Parcel "B":
All of Section 32, Township 9 North, Range 28 East, W.M., Benton County Washington;
EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded October 10, 1968, under Auditor's File No. 595151, records of Benton County, Washington;
AND EXCEPT that portion thereof lying Southerly and Westerly of the State Highway right-of-way.
AND EXCEPT State Highway right-of-ways;
AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;
AND ALSO EXCEPT any portion lying within Short Plat 2465.

Parcel "C":
Section 33, Township 9 North, Range 28 East, W.M., Benton county, Washington, EXCEPT that portion thereof lying Northerly and Easterly of the following described line:

Beginning at the Northwest corner of said section;
Thence South 02°34'20" West, 1330.20 feet along the West line of said section to the True Point of Beginning;
thence South 77°57'14" East, 2389.11 feet;
thence South 83°23'24" East, 1450.14 feet;
thence South 48°00'49" East, 1013.41 feet;
thence South 28°44'51" East, 566.24 feet;
thence North 88°55'28" East, 380.42 feet to the East line of said section and the terminus of said line, said point bears South 00°45'19" West, 3237.80 feet from the Northeast corner of said section.

(Also known as Tract 4 of Survey recorded August 31, 1998, under Recording No. 1998-025706, records of Benton County, Washington.)

EXCEPT State Highway right-of-way;
AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

Parcel "D":
Section 4, Township 8 North, Range 28 East, W.M., Benton County, Washington,
EXCEPT that portion lying within the plat of EL RANCHO REATA NO. 3, according to the Plat thereof recorded in Volume 12 of Plats, Page 42, records of Benton County, Washington,
ALSO EXCEPT State highway right-of-way conveyed under Recording No. 870597, records of Benton County, Washington;
AND EXCEPT that portion lying southerly of the Reata Road right of way
AND EXCEPT the South 420 feet of the Southeast quarter thereof;
AND ALSO EXCEPT that portion conveyed to Benton County by deed recorded May 1, 2007, under Auditor's File No. 2007-013594, records of Benton County, Washington.

Parcel "E":
That portion of Section 29, Township 9 North, Range 28 East, W.M., Benton County, Washington, lying Southerly and Westerly of the following described line:

Beginning at the Southwest corner of said Section 29;
Thence South 89°23'44" East 1951.66 feet along the South line of said Section to the True Point of Beginning:
Thence North 65°57'03" West, 116.18 feet;
Thence South 89°48'41" West, 641.83 feet;
Thence North 00°38'28" West, 324.30 feet;
Thence South 89°21'30" West, 1154.45 feet to the East line of Dallas Road and the terminus of said line.
EXCEPT the West 40 feet for County Road right-of-way;
AND EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed dated November 20, 1978, recorded February 13, 1979, under Auditor's File No. 783437, records of Benton County, Washington;
AND EXCEPT State Highway right-of-way;
AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778 and 92-16779;
AND ALSO EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00889-6;

Parcel "F":
That portion of Section 34, Township 9 North, Range 28 East, W.M., Benton County, Washington, described as follows:

Beginning at the Northwest corner of said section; thence southerly on the West line of said section to the Northwest corner of the plat of Badger Mountain Plateau, recorded in Volume 15 of Plats, at Page 196, records of the County of Benton, Washington, said corner being coincident with the Southwest corner of Tract 2 as shown on Record of Survey No. 3894, recorded May 29, 2008, under Auditor's File No. 2008-015497, records of Benton County, Washington; thence easterly on the North line of said plat of Badger Mountain Plateau (and its extension thereof), also being the South line of said Tract 2, to the Southeast corner of said Tract 2; thence northerly on the East line of said Tract 2 to its intersection with the extension of the southerly line of New Parcel "C" as described in Quit Claim Deed, recorded April 6, 2009, under Auditor's File No. 2009-009248, records of Benton County, Washington; thence easterly on said southerly line of New Parcel "C" to its southeast corner, said corner being coincident with the City Limits of Richland; thence northerly on the East line of said New Parcel "C" and the East line of New Parcel "B" of same said Quit Claim Deed, both being coincident with said city limits to the Northeast corner of said New Parcel "B", said Northeast corner lying on the North line of said section 34, and coincident with said city limits; thence westerly on said north line and city limits line to the point of beginning.

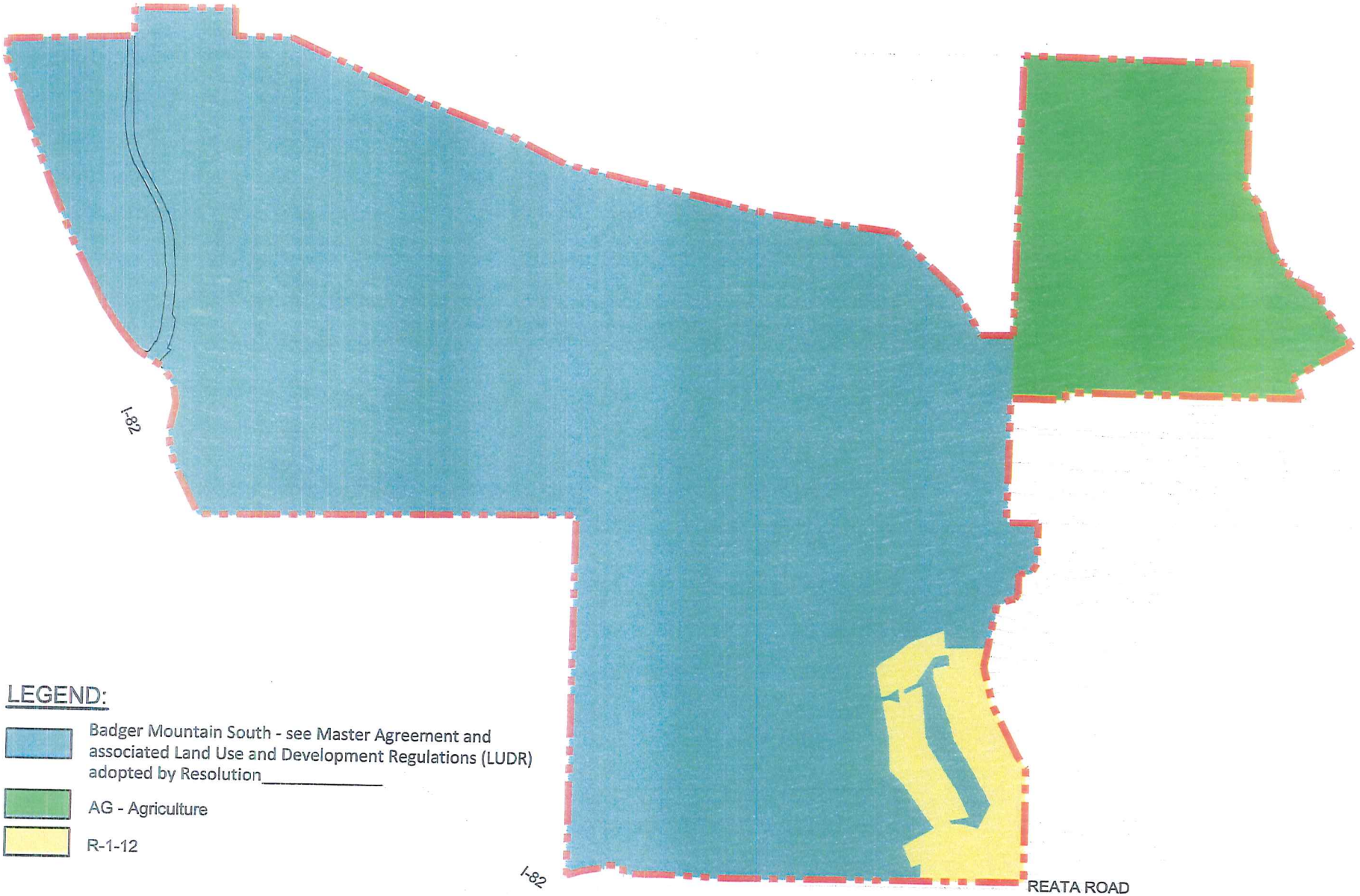

EXHIBIT B
Zoning Designations for Annexation Area