

ORDINANCE NO. 2010-27

A REMEDIAL ORDINANCE CORRECTING WALLA WALLA CITY ORDINANCE A-2372 ANNEXING UNINCORPORATED LAND TO THE CITY OF WALLA WALLA, AND TAKING SUCH OTHER ACTION RELATED THERETO

WHEREAS, the City of Walla Walla was incorporated in 1862 and reincorporated in 1883 by the Legislative Assembly of the State of Washington; and

WHEREAS, the City of Walla Walla was authorized in 1969 to annex property by sections 35.13.125-170 of the Revised Code Washington (RCW); and

WHEREAS, the City of Walla Walla annexed certain property by City Ordinance A-2372 passed on October 8, 1969; and

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under RCW Title 35A; and

WHEREAS, RCW 35A.11.020 provides in pertinent part that “[t]he legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law;” and

WHEREAS, Walla Walla has “all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities” pursuant to RCW 35A.21.160; and

WHEREAS, an error in the legal description contained in City Ordinance A-2372 passed on October 8, 1969 has been discovered which requires remedy; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served passage of this ordinance;

**NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:**

**Section 1:** Section 1 of Walla Walla City Ordinance A-2372 (10/8/1969) is hereby amended to read:

From and after the effective date of this ordinance, the following described real property, situated in the County of Walla Walla, State of Washington, to wit:

Commencing at a point which is the intersection of the centerlines of Donald Street and South Fourth Avenue in the City of Walla Walla, County of Walla Walla, in the State of Washington, thence south along the centerline of South Fourth Avenue a

distance of 96.5 feet to the true point of beginning, thence south 79.00 feet along said centerline of South Fourth Avenue, thence south 89°36' west a distance of 133.00 feet, thence north parallel to said centerline of South Fourth Avenue a distance of 79.00 feet, thence north 89°36' east a distance of 133.00 feet to the point of beginning,

shall be, and is hereby annexed to and becomes a part of the incorporated limits of the City of Walla Walla.

**Section 2:** This ordinance is corrective and remedial.

**Section 3:** The Walla Walla City Clerk is directed to file a certified copy of this ordinance with the Board of Commissioners for Walla Walla County as provided in RCW 35A.14.140.

**Section 4:** The Walla Walla City Clerk is directed to submit certificates of annexation as provided in RCW 35A.14.700.

**Section 5:** The Walla Walla City Clerk is directed to file, record, and give notice of this ordinance in such manner as required by law.

**Section 6:** The Walla Walla City Clerk is directed to publish a summary of this ordinance as permitted by RCW 35A.13.200 and 35A.12.160 in the form attached hereto.

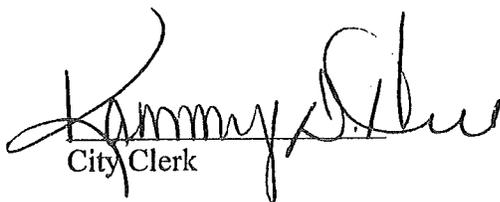
**Section 7:** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance and the application of the provision to other persons or circumstances is not affected.

**PASSED** by the City Council of the City of Walla Walla, Washington, this 9th

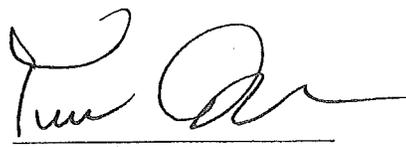
day of June, 2010.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to form

  
\_\_\_\_\_  
City Attorney



**SUMMARY OF ORDINANCE NO. 2010-27**

A REMEDIAL ORDINANCE CORRECTING WALLA WALLA CITY ORDINANCE A-2372 ANNEXING UNINCORPORATED LAND TO THE CITY OF WALLA WALLA, AND TAKING SUCH OTHER ACTION RELATED THERETO

The Walla Walla City Council passed corrected Municipal Ordinance 2010- 27 at its June 9, 2010 regular meeting which in summary provides as follows:

**Section 1:** Corrects the legal description of property annexed to the City of Walla Walla by City Ordinance A-2372 to read as follows:

Commencing at a point which is the intersection of the centerlines of Donald Street and South Fourth Avenue in the City of Walla Walla, County of Walla Walla, in the State of Washington, thence south along the centerline of South Fourth Avenue a distance of 96.5 feet to the true point of beginning, thence south 79.00 feet along said centerline of South Fourth Avenue, thence south 89°36' west a distance of 133.00 feet, thence north parallel to said centerline of South Fourth Avenue a distance of 79.00 feet, thence north 89°36' east a distance of 133.00 feet to the point of beginning,

**Section 2:** Provides that the ordinance is corrective and remedial.

**Section 3:** Directs the Walla Walla City Clerk to file a certified copy of the ordinance with the Board of Commissioners for Walla Walla County as provided in RCW 35A.14.140.

**Section 4:** Directs the Walla Walla City Clerk to submit certificates of annexation as provided in RCW 35A.14.700.

**Section 5:** Directs the Walla Walla City Clerk to file, record, and give notice of this ordinance in such manner as required by law.

**Section 6:** Directs the Walla Walla City Clerk to publish this summary.

**Section 7:** Provides for severability if any provision of this ordinance or its application to any person or circumstance is held invalid.

The full text of corrected Municipal Ordinance 2010- 27 will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Summary approved as to form

City Attorney

C I T Y O F W A L L A W A L L A  
CITY COUNCIL MEETING  
AGENDA ITEM HISTORY/COMMENTARY

<p>ITEM TITLE</p> <p>A RESOLUTION ADJUSTING THE BOUNDARY OF THE CITY OF WALLA WALLA TO EXCLUDE THREE AREAS CONTIGUOUS TO THE FAIRGROUNDS PROPERTY OWNED BY WALLA WALLA COUNTY FROM THE WALLA WALLA CITY LIMITS</p> <p>and</p> <p>A REMEDIAL ORDINANCE CORRECTING WALLA WALLA CITY ORDINANCE A-2372 ANNEXING UNINCORPORATED LAND TO THE CITY OF WALLA WALLA, AND TAKING SUCH OTHER ACTION RELATED THERETO</p>	<p>Agenda No. <u>V - C</u></p> <p>Agenda Date</p> <p>June 9, 2010</p>
<p>Originating Source</p> <p>Walla Walla City Attorney</p>	<p>Funding Certification (Fin. Director) (if applicable)</p> <p><i>None</i></p>
<p>Division Manager Review (if applicable)</p>	<p>Department Director Review</p>
<p>City Manager <i>[Signature]</i></p>	<p>Resol: 2010-45 "Adjusting"</p> <p>Ord: 2010-27 "Correcting Ord."</p>

ITEM HISTORY (Previous Council Reviews, Action Related to this Item, Other Pertinent History)

Most of the County Fairgrounds property is in the County, however, small portions are within the City limits. Over the years, the City has assisted the County to correct boundaries when discrepancies have been found. For example, the City Council passed City Resolution 5136 on October 25, 1989 de-annexing a strip of land along Orchard and the County maintenance property.

ITEM COMMENTARY (Background, discussion, Key Points, Recommendations, Etc.) Please identify any or all impacts this proposed action would have on the City budget and/or personnel resources.

Additional boundary discrepancies were found last year. For example, it was discovered that a triangular portion of the City limits protruded into the eastern portion of the Fairgrounds race track. In addition, the County has attempted to acquire property adjacent to the Fairgrounds over the years to consolidate ownership. As a result of pre-existing discrepancies and property acquisition, the County and City jointly embarked on a project around Fair time last year to identify and correct existing boundary lines. During the course of the investigation, it was discovered that one of the City's annexation ordinances from 1969 contained a typographical error which created a discrepancy.

There are currently three principal areas where County owned Fairgrounds property is located within the City limits. (Attached are aerial photos which show the areas). Each of these discrepancies may be cured through a boundary adjustment under RCW 35.13.340. (This is the same process used for purposes of City Resolution 5136 in 1989). (A copy of my April 12, 2010 memo re: the process is attached). The typographical error in the 1969 annexation ordinance may be corrected by a remedial ordinance.

The County Commissioners passed County Resolution 10-125 on May 24, 2010 authorizing a petition to the City Council to correct the City limit boundaries in the vicinity of the Fairgrounds. Attached is a copy of the May 25 transmittal memo from the County Commissioners, the petition for de-annexation (with maps), and County Resolution 10-125.

The irregular City Limit boundaries in the Fairgrounds area has created problems over the years especially when it comes to law enforcement. Since the areas are not clearly marked, there have

been occasions where a citation has been issued only to later find that it was written in the wrong jurisdiction. In addition, it creates difficulties for Fair operations to deal with two different sets of regulations for the same piece of property. These problems may be solved by de-annexing those portions of the Fairgrounds property which are currently within the City limits.

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ACTION PROPOSED

1. Passage of the resolution de-annexing portions of the County Fairgrounds property currently within the City limits.
2. Passage of the ordinance correcting the typographical error in the 1969 annexation ordinance: City Ordinance A-2372.

Initial 10/92

Agenda 1



ORDINANCE NO. A-2372

AN ORDINANCE PROVIDING FOR THE ANNEXATION TO THE CITY OF WALLA WALLA OF CERTAIN LAND CONTIGUOUS TO THE CITY OF WALLA WALLA LOCATED ON THE WEST SIDE OF SOUTH FOURTH AVENUE, SOUTH OF DONALD STREET, OWNED BY WARREN C. AND HELEN STOCKTON.

WHEREAS, a written petition having been filed with the City Council of the City of Walla Walla, Washington, signed by the owners of more than 75% in value according to the assessed valuation for general taxation of the property described in said petition, and it having been determined that the area proposed for annexation is less than ten acres and less than \$200,000 in assessed valuation, the Mayor of the City of Walla Walla, the Chairman of the Board of County Commissioners of the County of Walla Walla, and the County Superintendent of Schools having determined in writing that a review proceeding shall be dispensed with, and said written waiver of review proceedings having been filed with the City Council, and after notice and hearing and the taking of proof as required by law, it appears that the said territory is within the County of Walla Walla and contiguous to the City of Walla Walla, Washington, and it is for the best interests of the City that all of the territory described in said petition should be annexed to and become a part of the City of Walla Walla, effective immediately upon the passing of this ordinance, and

WHEREAS, said petition stated that upon annexation the property be assessed and taxed at the same rate and on the same basis as that property within the City of Walla Walla designated on the official records of the Walla Walla County Assessor as "Walla Walla Old Limits, "

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WALLA WALLA DOES ORDAIN:

Section 1. From and after the effective date of this ordinance, the following described real property, situated in the County of Walla Walla, State of Washington, to-wit:

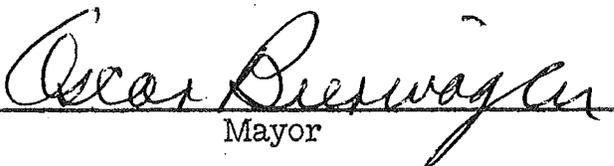
Commencing at a point which is the intersection of the centerlines of Donald Street and South Fourth Avenue in the City of Walla Walla, County of Walla Walla, in the State of Washington, thence south along the centerline of South Fourth Avenue a distance of 168 feet to the true point of beginning, thence south 79.00 feet along said centerline of South Fourth Avenue, thence south 89° 36' west a distance of 133.00 feet, thence north parallel to said centerline of South Fourth Avenue a distance of 79.00 feet, thence north 89° 36' east a distance of 133.00 feet to the point of beginning,

shall be, and is hereby, annexed to and becomes a part of the incorporated limits of the City of Walla Walla.

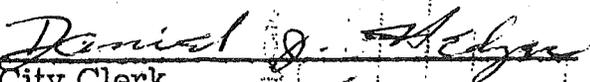
Section 2. The property annexed by Section 1 of this ordinance shall be assessed and taxed at the same rate and on the same basis as that property within the City of Walla Walla designated on the official records of the Walla Walla County Assessor as "Walla Walla Old Limits."

Section 3. This ordinance shall be in full force and effect upon its passage and publication as provided by law.

PASSED by the City Council of the City of Walla Walla, Washington, this 8th day of October, 1969.

  
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Mayor

Attest:

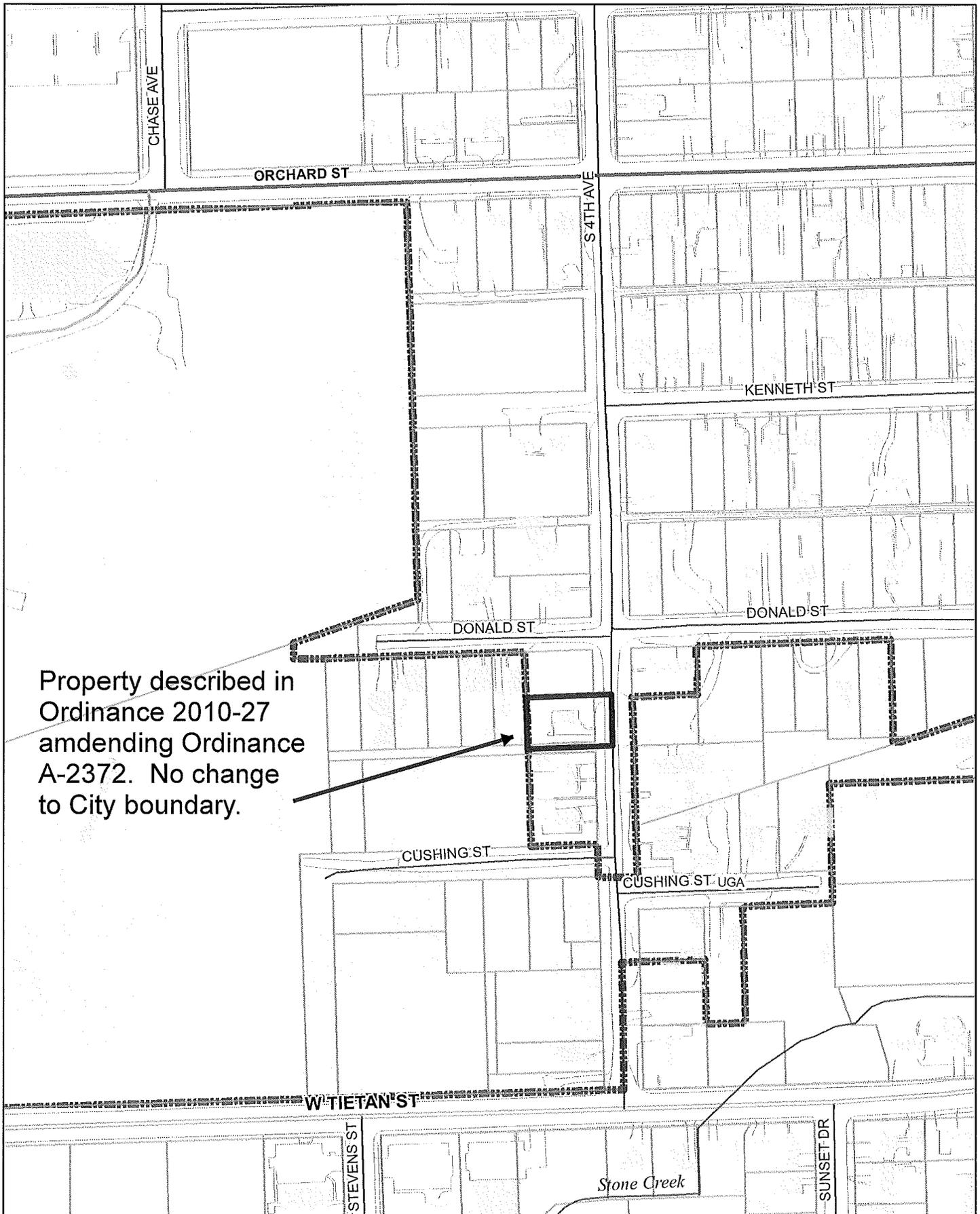
  
\_\_\_\_\_  
City Clerk

Approved as to Form:

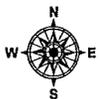
  
\_\_\_\_\_  
City Attorney

**1. See Ordinance No. 2010-27 adopted 6/9/2010 for corrected legal description.**

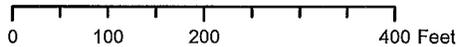
# Amendment of 1969 Ordinance A-2372



Property described in Ordinance 2010-27 amending Ordinance A-2372. No change to City boundary.



Print Date: 1-11-11



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