

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 14-2091**

AN ORDINANCE CORRECTING ERRORS IN THE LEGAL DESCRIPTIONS OF THE ANNEXATION ORDINANCES ANNEXING THE CITY'S PROPERTY COMMONLY KNOWN AS THE SPRAYFIELD BY: AMENDING SECTION 3 OF ORDINANCE 1298, AND SECTION 1 OF ORDINANCE NUMBER 1471 AND REPEALING ORDINANCE 1485. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

WHEREAS, Ordinance 1298 passed by Council on December 11, 1984, annexed the following described real property:

PARCEL J:

The Southwest Quarter of the Southwest Quarter of Section 36, Township 9 North, Range 24 East, W.M., EXCEPT the North 15 acres thereof, AND EXCEPT canal right of way, AND EXCEPT portions conveyed to Kennewick Irrigation District, described as follows:

Beginning at the Southwest corner of said Southwest Quarter of Southwest Quarter; thence East 100 feet; thence Northwesterly 110 feet, more or less, to a point on the West line of said Southwest Quarter of Southwest Quarter distance 45 feet North of point of beginning; thence South 45 feet to point of beginning; AND EXCEPT

Beginning at the Southeast corner of said Southwest Quarter of Southwest Quarter; thence West 440 feet; thence Northeasterly to a point on the East line of said Southwest Quarter of Southwest Quarter distant 150 feet North of Southeast corner thereof; thence South 150 feet to point of beginning, AND EXCEPT that portion of the South 282.00 feet of the Southwest Quarter of said Section 36, lying North of the Kennewick Irrigation District Canal right of way and West of Grande Road right of way, AND EXCEPT Old Inland Empire Highway AND EXCEPT said Grande Road, AND EXCEPT the South 12 feet for roadway.

TOGETHER WITH the West half of the Southeast Quarter of the Southwest Quarter of Section 36, Township 9 North, Range 24 East, W.M., EXCEPT portion South of Kennewick Power Canal.

AND WHEREAS, Ordinance 1471 amended and replaced Ordinance 1462 and also annexed the property described in 1471 as Parcels "B" and "J;" and

WHEREAS, Ordinance 1485 amended Ordinance Number 1471 to correct the legal description of Parcel J described above but did not amend the entire section of that Ordinance; and

WHEREAS, the above ordinances must be corrected in order for the State of Washington to properly determine which parcels are part of the City and when they became part of the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Ordinance Number 1471 repealed Ordinance Number 1462.

Section 2. Section 1 of Ordinance Number 1471 is hereby amended to read as follows:

The aforesaid findings, recitals and determinations are hereby found to be true, and correct in all respects; full compliance has been made with all requirements of the law in respect to annexation as per RCW 35A.14.300.

It is further determined that the below described property, owned by the City of Prosser, is being annexed into the City of Prosser for municipal purposes, to—wit, continued spray irrigation of wastewater from the sewerage treatment plant of the City of Prosser, and such annexation to be effective on and after the approval, passage and publication of this Ordinance; and on and after said date, said property shall be and constitute a part of the City of Prosser and shall be subject to all its laws and ordinances then and thereafter in force and effect; said property being situated in the County of Benton, State of Washington, and particularly described as follows:

PARCEL A:

That portion of the South half of the Northwest quarter of the southwest quarter of Section 36, Township 9 North, Range 24 East, W.M., lying Easterly and Southerly of the Following Described line:

Beginning at the Highway Engineer's Station 703+00 on the HR Line Survey of State Highway SR-82; thence Easterly to a point 40 feet Easterly, when measured at right angles, from said HR Line at Station 703+00; thence Northeasterly to a point 75 feet easterly from and opposite 708+35 on said HR Line; thence Northeasterly to a point 50 feet Southeasterly from and opposite Station 42+00 on the HC Line of said Highway; thence Northeasterly Parallel with said HC Line to a point opposite Station 46+25.16; thence Northeasterly to a point 30 feet Southeasterly from and opposite station 48+00 on said HC Line; thence Northeasterly and Easterly, parallel with said HC Line, 1500.0 feet to the terminus of said line.

AND

The North 15 acres of the Southwest quarter of the Southwest quarter of said Section 36;

EXCEPT the West 290.0 feet of the South 175.0 feet of the North 235.0 feet of the North 15 acres thereof and EXCEPT that portion lying north of the South right of way line of Bettinson Road.

PARCEL C:

Tracts 25, 26 and 27 Inclusive, State Addition to Prosser No. 1, according to the plat thereof recorded in volume 2 of Plats, page 56, records of Benton County, Washington, EXCEPT Portion of Tract 25 lying North of the Northerly right of way of SR 82 and EXCEPT portion deeded for highway purposes.

PARCEL D:

Tracts 28, 29 and 53, State Addition to Prosser No. 1, according to the plat thereof recorded in Volume 2 of Plats, page 56, records of Benton County, Washington, EXCEPT that portion of Tract 53 lying North of the Northerly right of way of SR 82, and EXCEPT Kennewick Irrigation District Canal right of way AND EXCEPT portions deeded for Highway and EXCEPT Portion deeded to United States of America under Auditor's file No. 86-3727.

PARCEL E:

Tracts 36, 37, and that portion of 38 lying south of I-82, State Addition to Prosser No. 1; according to the plat thereof recorded in Volume 2 of plats, page 56, records of Benton County, Washington EXCEPT Kennewick Irrigation District canal right of way, and EXCEPT Portion of Tract 39 lying North of the Northerly right of way of SR 82 and EXCEPT Portion deeded for Highway purposes.

PARCEL H:

That portion of Tract 54, lying south of I-82, State Addition to Prosser No. 1, according to the plat thereof recorded in Volume 2 of plats, page 56, records of Benton County, Washington, EXCEPT Kennewick Irrigation District Canal right of way and EXCEPT Portion deeded for highway purposes.

ALL OF THE FOREGOING PARCELS, TOGETHER WITH ALL APPURTENANCES, HEREDITAMENTS AND RIGHTS THEREUNTO BELONGING AND BENEFITTING; TOGETHER WITH ALL ROADWAYS, EASEMENTS, RIGHTS OF WAY.

PARCEL I:

TOGETHER WITH roads and rights of way shown in State Addition to Prosser No. 1, lying south of the southerly right of way of SR 82, and North of Kennewick Irrigation District Canal right of way, according to the plat thereof recorded in Volume 2 of Plats, page 56, records of Benton County, Washington.

PARCEL K:

That portion of Bettinson Road lying in the Northeast Quarter of the Southwest Quarter, and lying in the Southeast Quarter, all in Section 36, Township 9 North, Range 24 East W.M.

Section 3. Ordinance Number 1485 is hereby repealed.

Section 4. Section 3 of Ordinance Number 1298 is amended to read as follows:

The Southwest Quarter of the Southwest Quarter of Section 36, Township 9 North, Range 24 East, W.M., EXCEPT the North 15 acres thereof, AND EXCEPT canal right of way, AND EXCEPT portions conveyed to Kennewick Irrigation District, described as follows:

Beginning at the Southwest corner of said Southwest Quarter of Southwest Quarter; thence East 100 feet; thence Northwesterly 110 feet, more or less, to a point on the West line of said Southwest Quarter of Southwest Quarter distance 45 feet North of point of beginning; thence South 45 feet to point of beginning; AND EXCEPT

Beginning at the Southeast corner of said Southwest Quarter of Southwest Quarter; thence West 440 feet; thence Northeasterly to a point on the East line of said Southwest Quarter of Southwest Quarter distant 150 feet North of Southeast corner thereof; thence South 150 feet to point of beginning, AND EXCEPT that portion of the South 282.00 feet of the Southwest Quarter of said Section 36, lying North of the Kennewick Irrigation District Canal right of way and West of Grande Road right of way, AND EXCEPT Old Inland Empire Highway AND EXCEPT said Grande Road, AND EXCEPT the South 12 feet for roadway.

TOGETHER WITH the West half of the Southeast Quarter of the Southwest Quarter of Section 36, Township 9 North, Range 24 East, W.M., EXCEPT portion South of Kennewick Power Canal.

Section 5. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be

held unconstitutional or invalid.

Section 6. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and **APPROVED** by the Mayor, this ____ day of _____, 2014.

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:

CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 14-_____

of the City of Prosser, Washington

On the ____ day of _____, 2014, the City of Prosser, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE CORRECTING ERRORS IN THE LEGAL DESCRIPTIONS OF THE ANNEXATION ORDINANCES ANNEXING THE CITY'S PROPERTY COMMONLY KNOWN AS THE SPRAYFIELD BY: AMENDING SECTION 3 OF ORDINANCE 1298, AND SECTION 1 OF ORDINANCE NUMBER 1471 AND REPEALING ORDINANCE 1485. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2014

CITY CLERK, RACHEL SHAW