

ORDINANCE NO. 2014-16

A CORRECTED ORDINANCE ANNEXING APPROXIMATELY 183 ACRES OF PROPERTY, BEING GENERALLY LOCATED ON THE SOUTH SIDE OF ABBOTT AND EAST OF HOWARD STREET AND COTTONWOOD ROAD TO THE SOUTH BOUNDARY OF TABLEROCK SUBDIVISION, AND TAKING SUCH OTHER ACTION RELATED THERETO

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 Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the Walla Walla County Board of Commissioners passed County Resolution number 90-449 on October 30, 1990 opting into planning activities under the Washington Growth Management Act, RCW Ch. 36.70A; and

WHEREAS, RCW Ch. 35A.14 provides for annexation by direct petition initiated by the filing of notification by owners of property in the territory proposed for annexation which is not less than ten percent (10%) of the assessed value of the property to be annexed; and

WHEREAS, the City of Walla Walla has received sufficient notification from property owners of intent to annex territory consisting of approximately 183 acres of property, being generally located generally south of Abbott Road and east of Howard Street and Cottonwood Road to the south boundary of Tablerock Subdivision; and

WHEREAS, the Walla Walla City Council passed Municipal Resolution 2014-15 at its February 12, 2014 regular meeting setting March 26, 2014 as the date for meeting to determine whether the city would accept, reject, or geographically modify the proposed annexation; and

WHEREAS, the Walla Walla City Council considered this matter at its March 26, 2014 regular meeting and passed Municipal Resolution 2014-31 determining certain matters with respect to the proposed annexation; and

WHEREAS, the owners of property in the area which is not less than sixty percent (60%) of the assessed value of the property to be annexed have signed a petition for annexation; and

WHEREAS, the Walla Walla City Council passed Municipal Resolution 2014-43 at its March 26, 2014 regular meeting setting a public hearing for June 11, 2014 upon such proposed annexation; and

WHEREAS, the Walla Walla City Council conducted a public hearing at its June 11, 2014 regular meeting; 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 by annexation of the area described in section 1 hereto and taking such other action related thereto;

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

Section 1: The following described property is hereby annexed to the City of Walla Walla:

A tract of land located in the Southwest quarter of the Northwest quarter, the Northwest quarter of the Southeast quarter, and the Southwest quarter of Section 33 of Township 7 North, Range 36

East, W.M., and the Northwest quarter and the West half of the Northeast quarter of Section 4 of Township 6 North, Range 36 East, W.M., all within Walla Walla County, State of Washington, described more particularly as follows:

Commencing at the Northeast corner of the Southwest quarter of said Section 33, thence S 01°33'09" E along the East line of said Southwest quarter of Section 33 a distance of 29.74 feet to a point on the Southerly right of way line of Reser Road and the True Point of Beginning; thence N 88°26'01" E along said South right of way line of Reser Road a distance of 103.83 feet to the Northeast corner of those lands known as Parcel B of that survey recorded in Volume 5 of the Walla Walla County Book of Surveys at Page 24;

thence S 01°36'50" E along the East line of said Parcel B of that Survey recorded in Volume 5 of Surveys at Page 24 a distance of 861.02 feet to the Southeast corner thereof;

thence S 88°24'00" W along the South line of said Parcel B a distance of 104.35 feet to a point on the East line of the Southwest quarter of aforementioned Section 33;

thence S 01°32'42" E along said East line of the Southwest quarter of Section 33 a distance of 892.15 feet;

thence S 88°25'20" W a distance of 330.45 feet to the Southeast corner of Lot One of the Agresti Short Plat, as shown on the recorded copy of said Short Plat on file in Volume 4 of Short Plats at Page 231 under Auditor's File no. 2006-11626, Records of the Walla Walla County Auditor;

thence S 60°31'28" W a distance of 90.00 feet along the South line of said Lot One to the Southwest corner thereof, being also the Southeast corner of Block 3 of the Plat of Triple Creek Meadows Phase 2, as recorded in Book 7 of Plats at Page 30, records of the Walla Walla County Auditor; thence along the South line of said Block 3 as follows:

thence S 61°10'12" W along a distance of 87.01 feet;

thence S 58°49'15" W a distance of 75.01 feet;

thence S 60°14'25" W a distance of 43.96 feet;

thence S 68°14'41" W a distance of 73.34 feet;

thence S 46°26'07" W a distance of 96.42 feet;

thence S 42°33'18" W a distance of 75.24 feet;

thence S 53°00'18" W a distance of 75.16 feet;

thence S 52°49'54" W a distance of 300.49 feet;

thence S 84°19'14" W a distance of 412.46 feet;

thence S 64°15'46" W a distance of 93.08 feet;

thence leaving said South line of Block 3 of Triple Creek Meadows Phase 2, and running S 13°00'11" E a distance of 119.48 feet to the Northwest corner of Lot 9 of the Plat of Eagle Crest Meadows, Phase 1, as shown on the Plat thereof filed in Volume 4 of Short Plats at Page 208, Auditor's File no. 006-01602, Records of the Walla Walla County Auditor; thence along the boundary of said Plat of Eagle Crest Meadows as follows:

thence N 34°26'25" E a distance of 9.77 feet;

thence N 82°52'31" E a distance of 184.07 feet;

thence S 83°50'55" E a distance of 122.00 feet;

thence N 86°38'44" E a distance of 24.01 feet;

thence S 13°02'55" E a distance of 479.66 feet to the Northwest corner of a parcel owned by Konen, as described in that Deed recorded in Book 12 of Deed Records at Page 295, under Auditor's File Number 534563; thence along said Konen parcel as follows:

thence N 76°57'05" E a distance of 230.00 feet;

thence S 13°02'55" E a distance of 320.00 feet;

thence S 76°57'05" W a distance of 210.00 feet;
thence S 13°02'55" E a distance of 337.66 feet to a point on the North right of way line of Eagle Crest Drive;
thence N 57°54'16" E along the North right of way line of Eagle Crest Drive a distance of 541.15 feet to the Southwest corner of those lands owned by Worden, as depicted on that Survey recorded in Volume 12 of Surveys at Page 15, under Auditor's File no. 2012-04094, Records of the Walla Walla County Auditor; thence along the boundary of said Worden lands as depicted and monumented by said Survey as follows:
thence N 12°46'55" W a distance of 219.16 feet;
thence N 58°43'35" E a distance of 542.65 feet;
thence S 27°24'49" E a distance of 199.93 feet;
thence S 58°09'59" W a distance of 221.81 feet to the Northeast corner of the Plat of Tablerock Subdivision II, as shown the Plat thereof filed in Book 7 of Plats at Page 11, under Auditor's File No. 2005-11852, Records of the Walla Walla County Auditor; thence along the boundary of Tablerock Subdivision Phase II as follows:
thence S 41°27'54" E a distance of 450.80 feet;
thence S 38°22'22" E a distance of 588.37 feet;
thence S 52°55'27" W a distance of 657.55 feet;
thence S 68°14'56" W along the South line of Tablerock Subdivision II, and the Westerly extension thereof a distance of 1009.17 feet to a point on the West right of way line of Cottonwood Road; thence along the West right of way line of Cottonwood road as follows:
thence N 41°27'32" W a distance of 38.84 feet to the Northeast corner of Lot 1 of Pflugrad's Subdivision Phase 1, as shown on the Plat thereof recorded in Roll File 4, Page E4, Records of the Walla Walla County Auditor; thence continuing along the West right of way line of Cottonwood Road as follows:
thence N 74°53'27" E a distance of 4.57 feet;
thence N 41°20'59" W a distance of 337.45 feet;
thence S 86°04'13" W a distance of 6.30 feet to the Southeast corner of Parcel "C" of the Amended Kerns Short Plat, as shown in Volume 2 of Short Plats at Page 284, and recorded at Auditor's File Number 9407201; thence continuing along said West right of way line of Cottonwood as follows:
thence N 40°58'11" W a distance of 430.75 feet;
thence with a curve turning to the right with an arc length of 364.44', with a radius of 5764.99', with a chord bearing of N 38°52'05" W, with a chord length of 364.38';
thence N 37°03'25" W a distance of 881.42 feet to the intersection of the South right of way line of Canberra Drive with said West right of way line of Cottonwood Road;
thence N 17°54'39" W a distance of 50.37 feet to the intersection of the North right of way line of Canberra Drive with the West right of way line of Cottonwood Road, as depicted on the 2009 right of way plan for Cottonwood Road, filed in the Offices of the Walla Walla County Engineer at File Number 4-J at Pages 407, 408, and 409; thence along the revised West right of way line of Cottonwood Road as depicted in said right of way plan as follows:
thence with a curve turning to the right with an arc length of 162.33', with a radius of 412.01', with a chord bearing of N 12°04'26" W, with a chord length of 161.28';
thence N 00°47'13" W a distance of 13.48 feet;
thence S 89°12'47" W a distance of 40.00 feet;
thence N 00°47'13" W a distance of 100.01 feet;

thence N 89°12'47" E a distance of 35.00 feet;
thence N 00°43'25" W a distance of 228.07 feet;
thence S 89°12'48" W a distance of 45.00 feet;
thence N 00°47'14" W a distance of 260.21 feet;
thence N 89°12'23" E a distance of 15.00 feet;
thence N 00°47'37" W a distance of 450.04 feet;
thence N 89°12'23" E a distance of 30.00 feet;
thence N 00°47'37" W a distance of 144.70 feet;
thence S 89°11'18" W a distance of 44.99 feet;
thence N 00°49'47" W a distance of 35.00 feet;
thence N 89°11'18" E a distance of 45.00 feet;
thence N 00°49'47" W a distance of 9.77 feet;
thence with a curve turning to the left with an arc length of 190.77 feet, having a radius of 1392.53 feet, with a chord bearing of N 04°45'16" W, with a chord length of 190.62';
thence N 08°33'50" W a distance of 414.68 feet;
thence S 81°25'41" W a distance of 30.00 feet;
thence N 08°34'19" W a distance of 43.15 feet to the intersection of the amended West right of way line of Cottonwood road with the South right of way line of Ransom Road;
thence N 11°58'40" E a distance of 85.44 feet to the intersection of the amended West right of way line of Cottonwood Road with the North right of way line of Ransom Road; thence continuing along the amended West right of way line of Cottonwood Road as follows:
thence N 08°36'28" W a distance of 127.64 feet;
thence N 61°30'59" E a distance of 5.32 feet;
thence N 08°36'28" W a distance of 111.61 feet;
thence S 61°30'59" W a distance of 5.32 feet;
thence N 08°36'28" W a distance of 142.62 feet to the intersection of the West right of way line of Cottonwood Road with the South right of way line of Prospect Road;
thence N 09°42'45" W a distance of 111.02 feet to the intersection of the West right of way line of Cottonwood Road with the North right of way line of Prospect Road;
thence N 62°30'11" E a distance of 60.77 feet to the intersection of the East right of way line of Howard Street with the North right of way line of Reser Road; thence along the East right of way line of Howard Street as follows:
thence with a curve turning to the left with an arc length of 175.11', with a radius of 603.00', with a chord bearing of N 27°11'28" W, with a chord length of 174.50';
thence N 35°30'38" W a distance of 115.70 feet;
thence with a curve turning to the right with an arc length of 324.27', with a radius of 543.00', with a chord bearing of N 18°24'08" W, with a chord length of 319.48';
thence N 01°22'17" W a distance of 434.72 feet to the Southwest corner of the Rose Shaw Short Plat, as shown in Volume 2 of Short Plats at Page 280, and recorded under Auditor's File No. 9408755, Records of the Walla Walla County Auditor;
thence N 88°25'19" E along the South line of the Rose Shaw Short Plat a distance of 320.82 feet to the Southeast corner thereof, said corner being also the Southeast corner of Tract 25 of Abbott Acre Tracts, as shown on the Plat thereof filed in Book "D" of Plats at Page 21, Records of the Walla Walla County Auditor ;

thence N 01°44'49" W along the East line of said Rose Shaw Short Plat, and the Northerly extension thereof, a distance of 692.74 feet to a point on the North right of way line of Abbott Road;

thence N 88°28'22" E along the North line of Abbott Road a distance of 495.35 feet to the intersection of the Northerly extension of the North – South centerline of Tract 27 of Abbott Acre Tracts with the North right of way line of Abbott Road;

thence S 01°41'37" E along the North- South centerline of said Tract 27 a distance of 692.30 feet to the Southeast corner of the West half of said Tract 27;

thence S 88°25'19" W along the South line of Tract 27 a distance of 164.85 feet to the Southwest corner thereof;

thence S 01°40'08" E along the East line of Tract 38 and the Southerly extension thereof a distance of 681.64 feet to the North right of way line of Reser Road as depicted on the Right of Way Plan thereof filed in the Office of the Walla Walla County Engineer at File 5-D, Pages 102, 103, and 104;

thence along the North right of way line of Reser Road with a curve turning to the right with an arc length of 266.19', with a radius of 597.53', with a chord bearing of N 75°54'22" E, with a chord length of 263.99';

thence N 88°40'06" E along said North right of way line of Reser Road a distance of 224.72 feet;

thence N 01°19'54" W a distance of 3.50 feet;

thence N 88°40'06" E a distance of 130.04 feet to the intersection of said North right of way line with the Northerly extension of the East boundary of Costello Addition, as shown on the Plat thereof recorded in Book 7 of Plats at Page 4, under Auditor's File no. 2004-14362, records of the Walla Walla County Auditor;

thence S 01°34'34" E along the East line of Costello Addition and the Northerly extension thereof a distance of 930.45 feet to the Southeast corner thereof, being the Northeast corner of those lands owned by Kellogg and described in Book 43 at Page 486, Walla Walla County Deed Records;

thence S 16°12'17" W along the East line of those lands owned by Kellogg a distance of 426.81 feet to 1" iron pipe marking the Southeast corner thereof;

thence S 88°33'43" W along the South line of said Kellogg lands a distance of 124.78 feet to the Northwest corner of those lands owned by Davidson, as described at Deed recorded in Book 17, Page 40, Deed Records;

thence S 01°25'54" E along said Davidson lands a distance of 288.02 feet to the Southwest corner thereof;

thence N 88°05'54" E along the South line of Davidson' lands a distance of 32.42 feet, said line also being the North right of way line of Whistling Duck Road; thence continuing along said right of way line as follows:

thence N 88°05'54" E a distance of 38.76 feet;

thence with a curve turning to the left with an arc length of 23.50', with a radius of 20.00', with a chord bearing of N 54°26'13" E, with a chord length of 22.17';

thence with a reverse curve turning to the right with an arc length of 48.17', with a radius of 70.01', with a chord bearing of N 40°28'38" E, with a chord length of 47.22';

thence N 60°10'45" E a distance of 165.30 feet ;

thence N 84°26'20" E a distance of 494.79 feet to the Southwest corner of that Short Plat recorded in Volume 5 of Short Plats, Page 48, under Auditor's file no. 2012-0602, Records of the Walla Walla County Auditor;

thence N 01°39'17" W along the West line of said Short Plat a distance of 533.75 feet to the Northwest corner thereof;
thence N 88°27'09" E along the North line of said Short Plat a distance of 575.06 to the Southeast corner of Lot Two of the Gelhausen Short Plat, recorded in Volume 5 of Short Plats at Page 58, under Auditor's File no. 2012-10523, records of the Walla Walla County Auditor;
thence N 01°36'56" W along the East line of the Gelhausen Short Plat and the Northerly extension thereof a distance of 550.08 feet to a point on the West line of those lands depicted in Survey Volume 5, Page 24, records of the Walla Walla County Auditor; thence continuing along the boundary of said Survey as follows:
thence N 88°24'21" E a distance of 140.05 feet;
thence N 01°37'10" W a distance of 311.82 feet to a point on the South right of way line of Reser Road;
thence N 88°35'19" E along the South right of way line of Reser Road a distance of 145.67 feet to the True Point of Beginning,
having an area of 7986052.4 square feet, 183.335 acres.

Section 2: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, and the zoning designation of Public Reserve are hereby adopted for Prospect Point School property contained within the property described in section 1. The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, and R-96 Single-Family Residential are hereby adopted as zoning regulation for the remaining property described in section 1 herein.

Section 3: Subject to any applicable exemptions, all property within the area described in section 1 herein shall be assessed and taxed at the same rate and on the same basis as other property in the City of Walla Walla is assessed and taxed subject to any applicable exemptions. Subject to any applicable exemptions, all property within the area described in section 1 herein shall be assessed and taxed at such rate and basis to pay for any outstanding indebtedness of the City of Walla Walla contracted prior to, or existing at, the date of annexation.

Section 4: The annexation of the territory described in section 1 herein shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such territory, authorizing or otherwise permitting the operation of any public utility, including but not limited to, public electric, water, transportation, garbage disposal, solid waste collection, or other similar public service business or facility within the limits of the annexed territory.

A. The holder of any such franchise or permit canceled pursuant to this section is forthwith granted by the City of Walla Walla a franchise to continue such business within the annexed territory for a term which shall expire upon the earliest of either (a) the purchase by the City of Walla Walla of said franchise, business, or facilities at an agreed or negotiated price, (b) the expiration of the remaining term of the original franchise or permit, or (c) the expiration of one hundred thirty-eight (138) months following the effective date of annexation. This franchise shall be exclusive except nothing herein shall prevent the City of Walla Walla from extending similar or competing services to the annexed territory by franchise, permit or public operation upon a proper showing of the inability or refusal of the franchisee to adequately service said annexed territory at a reasonable price.

B. The City of Walla Walla hereby decides to contract for solid waste collection or provide solid waste collection itself pursuant to RCW 81.77.020 as of the effective date of annexation. The Walla Walla City Clerk is hereby directed to notify the State of Washington Utilities and Transportation Commission, in writing, of the City of Walla Walla's decision to contract for solid waste collection or provide solid waste collection itself pursuant to RCW 81.77.020 as of the effective date of annexation and to attach a copy of this ordinance to such notification.

C. Terms and conditions of solid waste collection franchises. The following terms and conditions apply to solid waste collection franchises:

1. Franchisees must notify the City of Walla Walla in writing of any change in physical business address, business mailing address, or business telephone number. The notice must be filed at least ten days before the effective date of the change.

2. Franchisees must keep and maintain records as provided in Washington Administrative Code Section (WAC) 480-70-061. Franchisees must adhere to accounting requirements of WAC 480-70-066. Franchisees must file with the City of Walla Walla, by no later than May 1 of each year, a complete, accurate, annual report showing an end-of-the-year summary of financial and operational activity of franchisee in the annexed territory. Each franchisee shall make its records available for inspection by the City of Walla Walla.

3. Franchisees shall maintain insurance in a form and amount as provided in WAC 480-70-181 which covers each motor vehicle it operates in the annexed territory.

4. Franchisees shall comply with WAC 480-70-191, WAC 480-70-196, WAC 480-70-201, WAC 480-70-206 and WAC 480-211 with respect to their equipment and drivers.

5. Franchisees shall comply with biomedical waste and hazardous waste rules and regulations promulgated by the State of Washington Utilities and Transportation Commission.

6. Customers in the annexed territory shall be subject to the same rates, charges, customer notice requirements, and consumer rules which apply to the franchisee's customers in unincorporated areas of Walla Walla County.

7. Franchisees shall pay a franchise fee to the City of Walla Walla at a rate of one percent of the franchisee's annual gross operating revenue for the annexed territory. Franchise fees must be paid to the City of Walla Walla by April 1 of each year. The franchise fees shall be used to cover the costs of regulating franchisee.

8. Franchisees shall comply with all federal, state, and local rules and regulations. The terms and conditions of this franchise do not relieve any franchisee from any of its duties or obligations under the laws of the United States, the State of Washington, Walla Walla County, or the City of Walla Walla. The City of Walla Walla reserves and retains the authority to impose additional or different requirements on any solid waste collection company in appropriate circumstances, consistent with the requirements of law.

9. WAC 480-70-041 is hereby incorporated for the definition of terms used in the Washington Administrative Code, and the City of Walla Walla adopts by reference the regulations and standards identified in WAC 480-70-999.

10. Any amendment of the rules and regulations referenced in this franchise grant shall be deemed to amend the tenors hereof in conformity therewith.

11. Noncompliance with any of the terms or conditions of this franchise shall be deemed to be an inability or refusal of the franchisee to adequately service the annexed territory at a reasonable price.

Section 5: This ordinance is remedial to correct a scrivener's error in the legal description of the annexed area contained in Walla Walla City Ordinance 2014-11 (6/11/2014).

Section 6: 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 7: The Walla Walla City Clerk is directed to submit certificates of annexation as provided in RCW 35A.14.700.

Section 8: The Walla Walla City Clerk is directed to file, record, and give notice of this ordinance in such manner as required by law.

Section 9: 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.

Section 10: The surcharge for sewer service imposed by Walla Walla Municipal Code § 13.03.620 and the surcharge for water service imposed by Walla Walla Municipal Code § 13.04.360 shall be discontinued in the area annexed by section 1 herein by August 1, 2014.

Section 11: 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 shall not be affected.

PASSED by the City Council of the City of Walla Walla, Washington, this 9th day of July, 2014.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney