

***CITY OF UNION GAP, WASHINGTON***  
***ORDINANCE NO. 2878***

AN ORDINANCE regarding the Borton & Sons, Inc. Petition for Annexation and annexing certain real property to the City of Union Gap, Washington under the provisions of RCW 35A.14.300; Providing for Zoning; Providing for Severability; and Establishing an Effective Date.

**WHEREAS**, a Notice of Intent to Annex was initiated by Borton & Sons, Inc. pursuant to RCW 35A.14.120 (petition method);

**WHEREAS**, the City Council held a public meeting concerning the Notice of Intent to Annex and determined that the City will accept the proposed annexation boundary; determined whether the petition will require the simultaneous adoption of a zoning classification; determined whether the City will require the assumption of all or any portion of the existing City indebtedness by the area to be annexed,;

**WHEREAS**, following the public meeting and acceptance of the Notice of Intent to Annex, the Petitioner's fashioned and circulated for signature a Petition for Annexation which includes:

1. The legal description of the property to be annexed.
2. A map that outlines the boundaries of the property sought to be annexed.
3. A statement that the City has required the assumption of all or any portion of existing City indebtedness and/or the adoption of a zoning classification for the area to be annexed.

**WHEREAS**, the Petition for Annexation with not less than 60 percent of the assessed valuation, according to the assessed valuation for general taxation, of the property for which annexation has been petitioned, has been produced and the City has transmitted the same to the County Assessor for signature verification and a determination of sufficiency;

**WHEREAS**, the County Assessor has determined the Petition for Annexation to be sufficient;

**WHEREAS**, the City has entered into an development agreement by resolution number 15-30 for the annexation, improvements, payment of said improvements, zoning, and vesting;

**WHEREAS**, Notice of Intention for annexation was submitted to the Washington State Boundary Review Board for Yakima County;

**WHEREAS**, the 45-day period for assumption of jurisdiction by the Boundary Review Board lapsed on July 27, 2015;

**WHEREAS**, the City thereafter set a public hearing for August 10, 2015 and duly provided notice and posted and published the same;

**WHEREAS**, having conducted the public hearing and having considered testimony for or against (if any);

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN as follows:**

**Section 1. Annexation Petition.** Filed with the City of Union Gap is a petition in writing signed by the owners of more than 60% of the assessed value of the property. The written petition was accompanied by maps depicting the boundary for the area to annexed and depicting the proposed zoning for the property to be annexed. The written petition also provides that property be zoned as proposed and that it be taxed and assessed at the same general rate as other property within in the City of Union Gap for the purpose of paying outstanding indebtedness of the City which may have been incurred prior to or existing at the time of annexation, among other things.

**Section 2. Legal Description for Area Annexed.** The legal description for the area to be annexed to the City is attached hereto as Attachment A. Said legally described property will be taxed and assessed at the same rate as other property within the City of Union Gap.

**Section 3. Zoning.** The area annexed shall be zoned in conformance with the proposed zoning set forth in the annexation petition. The City of Union Gap Comprehensive Plan and Official Zoning Map shall be and are hereby amended to reflect the zoning for the annexed area.

**Section 4. Severability.** The provisions of this ordinance are declared separate and severable. If any section, paragraph, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each section, paragraph subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs subsections, clauses or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

**Section 5. Effective Date.** This Ordinance shall take effect and be in force five (5) days after final passage by the City Council and publication.

**ORDAINED** this 10th day of August, 2015.

---

Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Karen Clifton, City Clerk

---

Bronson Brown, City Attorney