

ORDINANCE 2169

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE,
WASHINGTON, ANNEXING CERTAIN PROPERTY TO THE CITY OF SUNNYSIDE,
AMENDING COMPREHENSIVE PLAN, AND SETTING HEARING BEFORE
HEARING EXAMINER FOR RECOMMENDATION FOR ZONING
“Padelford Annexation”**

WHEREAS, the City of Sunnyside has received a Petition for Annexation of property into the City of Sunnyside, identified as the “Padelford Annexation;” and

WHEREAS, the documentation filed is in proper form and a Notice of Intention has been submitted to and approved by the state Boundary Review Board for Yakima County, which approval was granted by Order of the Board on July 17, 2007, and which approval included Yakima County Assessor’s Parcel Numbers 231029-22007, 231029-12002, 231029-12003, 231029-11010, and 231029-11002; and

WHEREAS, the Planning Commission has held public hearing pursuant to published notice on and has recommended approval of the annexation, but was unable to recommend any zoning designation; and

WHEREAS, the City Council has held a closed record hearing pursuant to Title 19 of the Sunnyside Municipal Code on August 27, 2007 considering the record herein and the recommendation of the Sunnyside Planning Commission concerning the proposed annexation; and

WHEREAS, the City Council finds and determines as follows:

- (a) The City Council has jurisdiction to determine all matters and issues herein.
- (b) All procedures and requirements of law and the Sunnyside Municipal Code have been performed and satisfied regarding such proposed annexation.
- (c) The annexation of the proposed property into the City of Sunnyside is in the best interests of residents of the City of Sunnyside.
- (d) The zoning of the property will be by the following procedure: (a) The file will be set for Open Record Hearing regarding zoning before the Hearing Examiner; (b) The Hearing Examiner shall conduct such hearing and prepare a

- recommendation regarding zoning; and (c) The recommendation of the Hearing Examiner and the record thereof shall be presented to the City Council for final action and adoption of appropriate zoning.
- (e) Approval of such annexation, and the procedure for determination of zoning as set forth above, will promote the general health, safety and welfare; and

WHEREAS, the City Council, having made the above findings, determines that such property should be annexed to the City of Sunnyside, with a determination of zoning reserved for future determination and action as provided above.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. That the property of the "Padelford Annexation," consisting of five parcels totaling 123.08 acres, commonly known as Yakima County Assessor's Parcel Nos. 231019-22007, 231019-12002, 231019-12003, 231019-11010, and 231019-11002, and legally described in Exhibit "A" and shown on the map attached hereto as Exhibit "B," both incorporated herein by this reference, is hereby annexed to the City of Sunnyside.

Section 2. That all of the property within the territory herein annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Sunnyside for any outstanding indebtedness of the City of Sunnyside, including assessments and taxes in payment of any bonds issued or debts contracted prior to or existing on the date hereof.

Section 3. That the zoning of the property subject to this annexation shall be referred to the Hearing Examiner of the City of Sunnyside, who shall hold and conduct an Open record Hearing on the issue of appropriate zoning, and shall report the record thereof with his recommendation to the City Council, for consideration and adoption of zoning for such property subject to this annexation.

Section 4. The Zoning Map of the City of Sunnyside shall be amended to reflect the annexation approved herein, together with appropriate designation and amendment of the City of Sunnyside Comprehensive Plan as necessary. The action approved in this Ordinance is annexation only, and is subject to final determination of zoning prior before any land use development permit may be accepted or processed concerning the subject property.

Section 5. This Ordinance shall be effective five days after passage, approval and publication as required by law, whichever later occurs.

PASSED this 27th day of August, 2007.


ED PRILUCIK, MAYOR

ATTEST.


DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:


MARK A. KUNKLER, CITY ATTORNEY

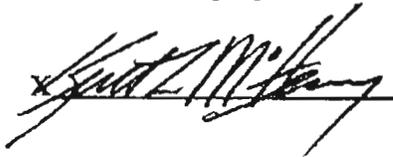
EXHIBIT A

Padelford
Property Description

Parcel Numbers: 231029-22007, -12002, -12003, -11010, & -11002

The North 1/2 of the North 1/2 of Section 29 Township 10 North Range 23 East W.M.
Except: That portion lying east of The Sunnyside Irrigation District Canal #17, and
Except that portion Lying North and Westerly of the following described line.
Beginning at the Southwest corner of the North 1/2 of the Northwest 1/4 of the Northwest 1/4
of Section 29 Township 10 North Range 23 East thence easterly along the south line of
Lots 1 and 3 of Short Plat 96-241 records of Yakima County and along the south line of
lots 2, 3, and 4 of Short Plat Q-60 Records Yakima County, Thence North along the east
line of Lot 4 to the Northeast corner of said lot 4 and terminus of said line.

Description certified and approved by Yakima County Traffic Engineering Department
for annexation purposes.



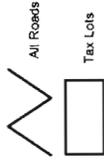
Date 4/19/2007

EXHIBIT B

SUNNYSIDE

GEOGRAPHIC INFORMATION SERVICES

Padelford Annexation



Cities



Parcel Lot lines are for visual display only. Do not use for legal purposes.



SUNNYSIDE

Copyright (C) 2008 Yakima County
This map was derived from several databases. The
County cannot accept responsibility for any errors.
Therefore, there are no warranties for this product.

SUMMARY OF ORDINANCE 2169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, ANNEXING CERTAIN PROPERTY TO THE CITY OF SUNNYSIDE, AMENDING COMPREHENSIVE PLAN, AND SETTING HEARING BEFORE HEARING EXAMINER FOR RECOMMENDATION FOR ZONING (“Padelford Annexation”)

Section 1. Section 1 of the Ordinance provides that the property in the “Padelford Annexation,” consisting of five parcels totaling 123.08 acres, is annexed into the City of Sunnyside. The subject property lies north of the Sunnyside Municipal Airport, south of Sheller Road, and east of State Route 241, and includes Yakima County Assessor’s Parcel Nos. 231029-22007, 231029-12002, 231029-12003, 231029-11010, and 231029-11002.

Section 2. Section 2 of the Ordinance provides that the subject property shall be taxed and assessed on the basis and the same rate as other property within the City of Sunnyside for any outstanding indebtedness of the City, and subject to bonds and debts issued or contracted previously existing as of the effective date of annexation.

Section 3. Section 3 of the Ordinance provides that the zoning of the property shall be referred to the Hearing Examiner of the City of Sunnyside who shall hold and conduct an Open Record Hearing on the issue of zoning, and shall report the record thereof with his recommendation to the City Council, for consideration and adoption of zoning for the subject property.

Section 4. Section 4 of the Ordinance provides that the Zoning Map and Comprehensive Plan of the City of Sunnyside shall be amended to reflect the action of this Ordinance. This Ordinance accomplishes the annexation of the subject property, but any acceptance or issuance of land use permit is dependent on final determination of zoning for the subject property.

Section 5. Section 5 of the Ordinance provides that this Ordinance shall be effective five days after passage, approval and publication as required by law.

Date Approved: August 27, 2007

Signatories: Ed Prilucik, Mayor
Deborah A. Estrada, City Clerk
Mark A. Kunkler, City Attorney

Publish: August 29, 2007 *Daily Sun News*

A complete copy of the full text of this Ordinance is available upon request to the City Clerk, Sunnyside City Hall, 818 East Edison Avenue, Sunnyside, Washington 98944.