RESOLUTION NO. 2015-53

A RESOLUTION ANNEXING APPROXIMATELY 32.88 ACRES OF PROPERTY COMMONLY LOCATED AT 2863 AND 2915 MELROSE STREET AS PART OF THE CITY OF WALLA WALLA

WHEREAS, the Port of Walla Walla is the owner of certain property located between Melrose Street and U.S. 12 described in Section 1 herein that is partially within and partially without of the City of Walla Walla; and

WHEREAS, the Port of Walla Walla has petitioned to adjust the boundary of the City of Walla Walla to include all of its property within the City of Walla Walla; and

WHEREAS, the property is all within the City of Walla Walla Urban Growth Area; 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 Title 35A of the Revised Code Washington (RCW); 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, RCW 35.13.340 authorizes the adjustment of the boundary of a city to include the remaining portions of a parcel of property partially within a city upon a petition signed by the owner of the property; and

WHEREAS, the property described above is subject to the City of Walla Walla's Urban Area Comprehensive Plan; and

WHEREAS, the area described in section 3 herein has been designated as industrial land by the future land use map in the Walla Walla Urban Area Comprehensive Plan adopted by City Ordinance 2008-25 on November 5, 2008; and

WHEREAS, the Walla Walla City Council conducted public hearings on April 12, 1989 and May 24, 1989, and, thereafter passed Municipal Ordinance A-3602 on May 24, 1989 adopting an Urbanizable Area Prezone Map; and

WHEREAS, the area described in section 3 herein has been pre-zoned to light industrial; and

WHEREAS, the Walla Walla City Council has considered the proposed annexation during a regularly and duly called public meeting of said Council, has given said annexation careful review and consideration, finds that the best interests of the City of Walla Walla will be served by the annexation of the property owned by Port of Walla Walla described above which is within the City of Walla Walla Urban Growth Area, and that such annexation is appropriate to good government of the City of Walla Walla;

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

Section 1: The Walla Walla City Council finds that the Port of Walla Walla is the owner of the following described contiguous parcel of land that is partially within and partially without the boundaries of the City of Walla Walla:

All that part of the South half of the Southwest Quarter of Section 15 in Township 7 North, of Range 36 East of the Willamette Meridian, lying South and East of the Southerly and Easterly lines of the right of way of the Walla Walla Airbase Drainage Ditch and North of the Northerly line of the right of way of the Mill Creek County Road.

EXCEPTING THEREFROM the following described tract, to-wit:

Beginning at the Southwest corner of Section 15 in Township 7 North, of Range 36 East of the Willamette Meridian, and running thence South 89° 57' East, along the South line of said Section 15, which is also the center line of the Mill Creek Road, a distance of 1503.0 feet; thence North 76° 54' East along the center line of said Mill Creek Road, a distance of 1164.7 feet, more or less, to a point in the East line of the Southwest Quarter of said Section 15, which is 269.2 feet North of the Southeast corner of said Southwest Quarter; thence along the East line of said Southwest Quarter, North 0° 14' West 30.8 feet to a point in the North right of way line of said Mill Creek Road, which point is the true point of beginning for this description; thence from the true point of beginning thus ascertained continue North 0° 14' West 879.0 feet along the East line of said Southwest Quarter to a point in the South right of way line of the Walla Walla Airbase Ditch; thence along the South right of way line of said Ditch North 87° 53' West 463.36 feet; thence leaving said Ditch right of way line South 0° 14' East, parallel to the East line of said Southwest Quarter, a distance of 1003.36 feet, more or less, to a point in the North right of way line of the Mill Creek Road; thence along the right of way line of said road, North 76° 54' East 475.0 feet, more or less, to the true point of beginning. All situate in the County of Walla Walla, State of Washington.

(Assessor's identification # 36-07-15-34-0001)

AND ALSO

All of the following described lands situated in Section 15 and 22, Township 7 North, Range 36 East of the Willamette Meridian.

Beginning at a point on the East line of the Southwest quarter of Section 15 of said Township and Range, from which point the quarter corner common to sections 15 and 22 bears Southerly 1172.89 feet; thence North 86° 52' 40" West, 445.18 feet; thence Westerly from a tangent which bears North 89° 26' 30" West on a curve to the left having a radius of 1846.86 feet through a central angle of 22° 52', a distance of 737.08 feet; thence South 67°

41' 30" West, 412.85 feet; thence South 15° 07' West, 152.22 feet; thence Southerly from a tangent which bears South 22° 16' 30" West, on a curve to the left having a radius of 298.09 feet through a central angle of 29° 16', a distance of 152.27 feet; thence South 83° 00' 30" West, a distance of 10 feet; thence South 6° 59' 30" East, 376.87 feet; thence South 51° 59' 30" East, 42.43 feet; thence South 6° 59' 30" East, 144.72 feet; thence North 89° 21' 20" West, 30.27 feet; thence South 6° 59' 30" East, 35.43 feet to the South line of said Section 15; thence West on the South line of Section 15, a distance of 100.76 feet; thence North 6° 59' 30" West, 36.57 feet; thence North 89° 21' 20" West, 30.27 feet; thence North 6° 59' 30" West, 123.28 feet; thence North 38° 00' 30" East, 42.43 feet; thence North 6° 59' 30" West, 376.87 feet; thence Northerly on a curve to the right, having a radius of 408.09 feet, through a central angle of 29° 16', a distance of 199.77 feet; thence North 4° 42' 13" East, 158.42 feet to a point on the Southerly right of way line of the Tracy Branch of the Northern Pacific Railway, said point being 50 feet Southeasterly measured at right angles from the center line of the railway track; thence following the Southerly right of way line of the said Railway North 67° 41' 30" East parallel with, and 50 feet Southeasterly from the center line of the railway track, a distance of 622.95 feet'; thence continuing along said Southerly right of way on a curve to the right, having a radius of 1382.69 feet concentric with and 50 feet Southerly from the center line of said Tracy Branch, through a central angle of 22° 52', a distance of 552.13 feet; thence continuing along said right of way South 89° 26' 30" East, a distance of 562.35 feet, to the East line of the Southwest quarter of said Section 15; thence North on the East line of the Southwest quarter of said Section 15, a distance of 40 feet to the Northwest corner of the Southwest quarter of the Southeast quarter of Section 15; thence East on the North line of the Southwest quarter of the Southeast quarter of Section 15, a distance of 113.12 feet; thence South 0° 33' 30" West, 123.91 feet; thence South 55° 34' West, 49.35 feet; thence North 86° 52' 40" West, 71.31 feet to the point of beginning.

(Identification # 36-07-15-52-PORT)

AND ALSO

Beginning at the Northwest corner of the South Half of the Southeast Quarter of Section 15 in Township 7 North of Range 36 East of the Willamette Meridian, thence South to the Southwest corner of said South Half; thence East 6.78 chains; thence North to the North line of the said South Half; thence West 6.78 chains to the point of beginning; less that part of South of Mill Creek County Road; and less Government Airbase Ditch; situate in the County of Walla Walla, State of Washington. Excepting therefrom the property described as follows:

> A tract of land in the Southwest quarter of the Southeast quarter of Section 15 Township 7 North, Range 36 East of the Willamette Meridian, Walla Walla County, Washington. Being more particularly described as follows:

Commencing at the Basalt Stone with "+" at the Southwest corner of the Southeast quarter of said Section 15; thence North 00° 15' 23" West along the West line of said Southeast quarter a distance of 1286.39 feet to a 5/8" iron pin on the South line of the railroad right of way as it runs through the Southwest quarter of said section 15; thence continuing North 00° 15' 23" West along the West line of said Southeast quarter of Section 15 to the Northwest corner of the Southwest quarter of said Southeast quarter of Section 15, said corner being the TRUE POINT OF BEGINNING for this legal description.
Thence North 89° 53' 28" East along the North line of said Southwest quarter of the Southeast quarter of Section 15 a distance of 447.48 feet;
Thence departing said line and running South 00° 15' 23" East a distance of 438.51 feet;
Thence South 76° 46' 19" West a distance of 459.20 feet to a point on said West line of the Southwest quarter of the Southeast quarter of Section 15;
Thence N 00° 15' 23" West along said West line a distance of 542.74 feet to the TRUE POINT OF BEGINNING for this legal description.
EXCEPTING THEREFROM the government Airbase Ditch.
SUBJECT TO any and all easements, reservations, agreements, restrictions, assessments, rights of way, conditions, or other servitudes appearing in the chain of title or existing in connection with said premises.

(Assessor's identification # 36-07-15-43-0033)

AND ALSO

A parcel of land located in the South half of the Southeast Quarter of Section 15 of Township 7 North in Range 36 East of the Willamette Meridian, County of Walla Walla, Washington, described more particularly as follows:

Commencing at the Northeast corner of the South Half of the Southeast Quarter of said Section 15, thence S 88° 24' 48" W along the North line of said South Half of the Southeast Quarter of Section 15 a distance of 30.00' to a point on the West right of way line of Airport Way; thence S 02° 00' 13" E along said right of way line a distance of 415.17' to the intersection of the Airport Way right of way line with the Northerly right of way line of Melrose Street; thence S 75° 21' 49" W along the Northerly right of way line of Melrose Street a distance of 910.29' to the true point of beginning for this legal description;
Thence continuing S 75° 21' 49" W along said right of way line a distance of 1299.00' to the Southeast corner of those lands deeded to the Port of Walla Walla by Deed filed at Auditor's file no. 9813756; thence along the perimeter of said lands as follows:
Thence N 01° 43' 55" W a distance of 475.29';
Thence S 75° 19' 04" W a distance of 459.14' to a point on the West line of the Southeast Quarter of said Section 15;
Thence N 01° 43' 46" W along the West line of said Southeast Quarter of Section 15 a

distance of 394.79' to the boundary of the Airbase ditch right of way; thence along the airbase ditch right of way as follows:
Thence S 88° 27' 52" E a distance of 70.95';
Thence N 53° 58' 48" E a distance of 49.35';
Thence N 01° 01' 42" W a distance of 123.91' to a point on the North line of the South Half of the Southeast Quarter of Section 15;
Thence N 88° 24' 48" E along said North line of the South Half of the Southeast Quarter of Section 15 a distance of 1597.57';
Thence S 02° 00' 13" E a distance of 620.71' to the true point of beginning, having an area of 1173942 square feet, 26.950 acres.

(Assessor's identification # 36-07-15-43-0039)

Section 2: The Port of Walla Walla has petitioned the City of Walla Walla to adjust its boundary to include all of the property described in Section 1 herein.

Section 3: The boundary of the City of Walla Walla is hereby adjusted and the property described in following legal description is annexed to the City of Walla Walla:

Beginning at the Northwest corner of the South Half of the Southeast Quarter of Section 15 in Township 7 North of Range 36 East of the Willamette Meridian, thence South to the Southwest corner of said South Half; thence East 6.78 chains; thence North to the North line of the said South Half; thence West 6.78 chains to the point of beginning; less that part of South of Mill Creek County Road; situate in the County of Walla Walla, State of Washington. Excepting therefrom the property described as follows:

> A tract of land in the Southwest quarter of the Southeast quarter of Section 15 Township 7 North, Range 36 East of the Willamette Meridian, Walla Walla County, Washington. Being more particularly described as follows:
>
> Commencing at the Basalt Stone with "+" at the Southwest corner of the Southeast quarter of said Section 15; thence North 00° 15' 23" West along the West line of said Southeast quarter a distance of 1286.39 feet to a 5/8" iron pin on the South line of the railroad right of way as it runs through the Southwest quarter of said section 15; thence continuing North 00° 15' 23" West along the West line of said Southeast quarter of Section 15 to the Northwest corner of the Southwest quarter of said Southeast quarter of Section 15, said corner being the TRUE POINT OF BEGINNING for this legal description.
> Thence North 89° 53' 28" East along the North line of said Southwest quarter of the Southeast quarter of Section 15 a distance of 447.48 feet;
> Thence departing said line and running South 00° 15' 23" East a distance of 438.51 feet;
> Thence South 76° 46' 19" West a distance of 459.20 feet to a point on said West line

of the Southwest quarter of the Southeast quarter of Section 15;
Thence N 00° 15' 23" West along said West line a distance of 542.74 feet to the TRUE POINT OF BEGINNING for this legal description.
SUBJECT TO any and all easements, reservations, agreements, restrictions, assessments, rights of way, conditions, or other servitudes appearing in the chain of title or existing in connection with said premises.

(Assessor's identification # 36-07-15-43-0033)

AND ALSO

A parcel of land located in the South half of the Southeast Quarter of Section 15 of Township 7 North in Range 36 East of the Willamette Meridian, County of Walla Walla, Washington, described more particularly as follows:

Commencing at the Northeast corner of the South Half of the Southeast Quarter of said Section 15, thence S 88° 24' 48" W along the North line of said South Half of the Southeast Quarter of Section 15 a distance of 30.00' to a point on the West right of way line of Airport Way; thence S 02° 00' 13" E along said right of way line a distance of 415.17' to the intersection of the Airport Way right of way line with the Northerly right of way line of Melrose Street; thence S 75° 21' 49" W along the Northerly right of way line of Melrose Street a distance of 910.29' to the true point of beginning for this legal description;
Thence continuing S 75° 21' 49" W along said right of way line a distance of 1299.00' to the Southeast corner of those lands deeded to the Port of Walla Walla by Deed filed at Auditor's file no. 9813756; thence along the perimeter of said lands as follows:
Thence N 01° 43' 55" W a distance of 475.29';
Thence S 75° 19' 04" W a distance of 459.14' to a point on the West line of the Southeast Quarter of said Section 15;
Thence N 01° 43' 46" W along the West line of said Southeast Quarter of Section 15 a distance of 394.79' to the boundary of the Airbase ditch right of way; thence along the airbase ditch right of way as follows:
Thence S 88° 27' 52" E a distance of 70.95';
Thence N 53° 58' 48" E a distance of 49.35';
Thence N 01° 01' 42" W a distance of 123.91' to a point on the North line of the South Half of the Southeast Quarter of Section 15;
Thence N 88° 24' 48" E along said North line of the South Half of the Southeast Quarter of Section 15 a distance of 1597.57';
Thence S 02° 00' 13" E a distance of 620.71' to the true point of beginning, having an area of 1173942 square feet, 26.950 acres.

(Assessor's identification # 36-07-15-43-0039)

AND ALSO

The Melrose Street right-of-way adjacent to the property described above.

Section 4: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, and the prezoning designation of light industrial/ commercial (IL/C), stated in the Urbanizable Area Prezone Map approved by Municipal Ordinance A-3602, as amended, are hereby adopted as zoning regulations for the property described in section 3 herein upon the effective date of annexation.

Section 5: Subject to any applicable exemptions, all property within the area described in section 3 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 3 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 6: The annexation of the territory described in section 3 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, 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 terms 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 7: The Walla Walla City Clerk is directed to file a certified copy of this resolution with the Board of Commissioners for Walla Walla County as provided in RCW 35A.14.140.

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

Section 7: The Walla Walla City Clerk is directed to file, record, and give notice of this resolution in such manner as required by law.

Section 8: The boundary adjustment authorized by Section 3 herein shall become effective upon passage of a resolution approving such adjustment by the Board of Commissioners of Walla Walla County or written approval by such county official or employee designated by County Ordinance to make such approvals.

Section 9: If any provision of this resolution or its application to any person or circumstance is held invalid, the remainder of the resolution 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 27th day of May, 2015.

Mayor

Attest:

City Clerk

Approved as to form

City Attorney