ORDINANCE NO. 2015-20

AN ORDINANCE ANNEXING APPROXIMATELY 4.5 ACRES OF PROPERTY, BEING GENERALLY LOCATED WEST OF SOUTH 3RD AVENUE AND NORTH OF WHITNEY ROAD, REVISING THE LEGAL DESCRIPTION, AND TAKING SUCH OTHER ACTION RELATED THERETO

WHEREAS, the City of Walla Walla passed Municipal OrdinanceA-2405 an 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 4.5 acres of property, being generally located generally west of South 3rd Avenue and north of Whitney Road; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2015-14 at its February 11, 2015 regular meeting setting March 25, 2015 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 25, 2015 regular meeting and passed Resolution No. 2015-37 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 received by the City on April 27, 2015; and

WHEREAS, the Development Services Department emailed a 60-day notice to agencies as required by RCW 35A.14.801 on May 26, 2015; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2015-67 at its May 26, 2015 regular meeting setting a public hearing for July 22, 2015 to consider the proposed annexation; and

WHEREAS, the Walla Walla City Council conducted a public hearing at its July 22, 2015 regular meeting; and

WHEREAS, the Walla Walla City Council passed Ordinance No. 2015-19 at their July 22, 2015; and

WHEREAS, it came to the City's attention that the legal description identified in Ordinance No. 2015-19 included area already within the city limits and needs to be revised; 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 ofWalla Walla do ordain as follows:

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

Beginning at a point which is 2,078.02 feet South and 30 feet West of the Northeast corner of the Northwest Quarter of Section 32, Township 7 North, Range 36 East of the Willamette Meridian, and run thence South 81°45' West 191.55 feet; thence South 41°11' West 73.67 feet; thence North 24°15'20" West 139.70 feet; thence North 33°17' East 141.00 feet; thence North 80°25' East 221.30 feet to a point in the West line of Third Avenue South; thence South, along the said West line, 200.00 feet to THE POINT OF BEGINNING.

ALSO
Beginning at a point which is 2,078.02 feet South and 30 feet West of the Northeast corner of the Northwest Quarter of Section 32 Township 7 North, Range 36 East of the Willamette Meridian, and run thence South 81°45' West 191.55 feet; thence South 41°11' West 73.67 feet to THE TRUE POINT OF BEGINNING for this legal description, and from this TRUE POINT OF BEGINNING run thence South 41°11' West 412.18 feet; thence North 8°14' West 92.36 feet; thence North 33°17' East 414.10 feet; thence South 24°15'20" East 139.70 feet to THE TRUE POINT OF BEGINNING.

ALSO
Beginning at a point which is 2,078.02 feet South and 30 feet West of the Northeast corner of the Northwest Quarter of Section 32, Township 7 North, Range 36 East of the Willamette Meridian, and run thence South 81°45' West 191.55 feet; thence South 41°11' West 73.67 feet; thence South 24°15'20" East 219.90 feet to a point in the Northerly line of the Tract conveyed to Bert Eugene Manley and wife by Deed recorded in Book 213 of Deeds at Page 511, and by Deed recorded in Book 222 of Deeds at Page 459, of the records of Walla Walla County, Washington; thence North 60°07' East, along the Northerly line of said Manley Tract, 170.39 feet to a point in the West line of Third Avenue South; thence North, along the said West line, 198.53 feet to THE POINT OF BEGINNING.

ALSO
Beginning at a point which is 2,078.02 feet South and 30 feet West of the Northeast corner of the Northwest Quarter of Section 32 Township 7 North, Range 36 East of the Willamette Meridian and run thence South 81°45' West 191.55 feet; thence South 41°11' West 73.67 feet to THE POINT OF BEGINNING for this description, and from this TRUE POINT OF BEGINNING run thence South 41°11' West 412.18 feet; thence South 8°14' East 91.56 feet to a point in the Northerly line of the Tract conveyed to Bert Eugene Manley and wife, by
Deed recorded in Book 213 of Deeds at Page 511, and by Deed recorded in Book 222 of Deeds at Page 459 of the records of Walla Walla County, Washington; thence North 60°07' East along the Northerly line of said Manley Tract, 402.10 feet; thence North 24°15'20" West 219.90 feet to THE TRUE POINT OF BEGINNING.

Situated in the County of Walla Walla, State of Washington.

Section 2: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, and R-72 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: 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 6: The Walla Walla Development Services Department 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 ordinance in such manner as required by law.

Section 8: 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 9: 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 26, 2015.

Section 10: 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 12th day of August, 2015.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney