

Ordinance No. 7029

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ANNEXING TO THE CITY OF OLYMPIA 8.5 ACRES LOCATED AT 4920 HENDERSON BOULEVARD SE, 1611 YELM HIGHWAY SE, 1705 YELM HIGHWAY SE, AND 1707 YELM HIGHWAY SE, LYING CONTIGUOUS TO OLYMPIA CITY LIMITS AND WITHIN THE OLYMPIA URBAN GROWTH AREA.

WHEREAS, the owners of over sixty percent (60%) of the assessed valuation of the real property described in Exhibit A attached hereto and incorporated herein, have previously notified the City of Olympia that they intended to commence proceedings to annex said property to the City of Olympia, and said city has previously agreed to accept said proposed annexation and likewise determined that the City of Olympia would require the assumption of said annexed areas of its fair share of any existing indebtedness of the City of Olympia; and

WHEREAS, a written petition signed by the Applicant representing over 60% in value according to the assessed valuation of said property was filed requesting annexation of said property to the City of Olympia; and

WHEREAS, a date for a public hearing on said petition was fixed by the City Council of the City of Olympia and notice of said hearing was published in a newspaper of general circulation in the City of Olympia and was likewise posted in the area proposed to be annexed in the manner required by law and affidavits of publications and posting of said notice have been filed with the City Clerk; and

WHEREAS, the notice so published and posted provided said hearing to be held on February 23, 2016, at 7:00 p.m. at the Council Chambers of Olympia City Hall; and

WHEREAS, said hearing was held in accordance with the provisions of RCW 35A.14.130; the City Council found that said petition was signed by the party representing more than 60% in value according to the assessed valuation of the property described therein; said area proposed to be annexed is contiguous to the City of Olympia; and the petition and hearing thereon were in all things regular and notice thereof was given as provided by law.

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Annexation. The property described in Exhibit A contiguous to the City of Olympia annexed to and made a part of the City of Olympia and is subject to the laws and ordinances now and hereafter in effect; provided, however, that the property within the limits of said annexed area shall be taxed or assessed to pay its share of any bonded indebtedness of the City of Olympia contracted prior to or released from any taxes of assessments levied against it or from any liability for the payment of any outstanding bonds or warrants issued prior to such annexations; provided further, that said property hereby annexed shall be subject to readdressing of existing street names and/or numbers if they are not consistent with either the established City of Olympia "100 Block" Grid Designation or the street naming conventions in Olympia Municipal Code Title 12, Section 48; and provided further, that said property hereby annexed shall be and hereby is given the zoning designations of Single-Family Residential (R4-8) consistent with pre-annexation zoning.

Section 2. Cancellation, acquisition of franchise or permit for operation of public service business in territory annexed. Pursuant to RCW 35A.14.900 and any other applicable law, on the effective date of this Ordinance any franchise or permit theretofore granted to any person, firm or corporation by the State of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public utility, including but not limited to, public electric, water, transportation, or other similar public service business or facility within the limits of the annexed territory is canceled. The holder of any such franchise or permit canceled pursuant to the section and RCW 35A.14.900 is hereby granted a franchise to continue such business within the annexed territory for a term of not less than seven (7) years from the effective date of this Ordinance, unless mutually agree between the City and the franchisee. The City shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price. Notwithstanding the foregoing seven (year) reference in the proceeding portion of this Section 2, the City of Olympia intends to assume solid waste collection in the area here annexed in ten (10) years after the effective date of this ordinance, pursuant to an agreement between the City and LeMay, unless mutually agreed by the City and LeMay or a mutually agreed successor.

Section 3. Effective Date. This Ordinance shall be in effect thirty (30) days after its passage and publication. Thereafter, the area described herein shall become part of the City of Olympia.

Section 4. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: