

ORDINANCE NO. 2016-XX

AN ORDINANCE ANNEXING APPROXIMATELY 90 ACRES OF PROPERTY, BEING GENERALLY LOCATED SOUTH OF SR 125 AND IN THE VICINITY OF TAUMARSON ROAD AND HIGHLAND ROAD, TO THE CITY OF WALLA WALLA, AND TAKING SUCH OTHER ACTION RELATED THERETO

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, 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 31 acres of property, being generally located south of SR 125 and adjacent to Taumaron Road; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2015-130 at its December 16, 2015 regular meeting setting January 27, 2016 as the date for meeting to determine whether the city would accept, reject, or geographically modify the proposed; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2016-07 revising the date to consider the annexation petition to February 10, 2016; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2016-15 at its February 10, 2016 regular meeting determining that it will accept the proposed annexation as geographically modified to include properties so as to not leave county unincorporated islands and rights-of-way within the City's Urban Growth Area; 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 and submitted to the City on July 15, 2016 and said petition was confirmed by the County Assessor's Office on July 19, 2016; and

WHEREAS, notices as required by RCW 35A.14.880 were sent via certified mail on July 15, 2016 to taxing districts; and

WHEREAS, the Walla Walla City Council passed Resolution 2016-92 at its July 27, 2016 regular meeting setting a public hearing for August 24, 2016 upon such proposed annexation; and

WHEREAS, the public hearing notice was posted in 3 locations within the annexation boundary, published in the Union Bulletin newspaper, posted on the city's website, posted at city hall, and mailed to property owners within the annexation boundary and adjacent to annexation boundary; and

WHEREAS, the Walla Walla City Council conducted a public hearing at its August 24, 2016 regular meeting; 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 of Walla Walla do ordain as follows:

Section 1: The following described property is hereby annexed to the City of Walla Walla:

LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 35 EAST, THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 36 EAST, THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 35 EAST, AND THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE S.86°58'01"W., 752.86 FEET TO THE NORTHWEST CORNER OF VALLEY ACRES SUBDIVISION AS RECORDED IN VOLUME 7 OF PLATS AT PAGE 39, RECORDS OF WALLA WALLA COUNTY AUDITOR, SAID POINT BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY OF TAUMARSON ROAD; THENCE ALONG THE NORTHERLY LINE OF SAID SUBDIVISION AND SOUTHERLY RIGHT-OF-WAY OF SAID ROAD THE FOLLOWING TWO (2) COURSES, N.88°34'01"E., 312.80 FEET TO A POINT OF TANGENT CURVE; THENCE AN ARC DISTANCE OF 473.84 FEET ALONG SAID TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 712.50 FEET AND A DELTA ANGLE OF 38°06'13" TO A POINT OF NON-TANGENT LINE ON THE WEST LINE OF SAID SECTION 31; THENCE ALONG SAID SECTION LINE N.01°29'11"W., 1472.37 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF SR 125; THENCE ALONG SAID SR 125 N.50°23'15"E., 1428.69 FEET, MORE OR LESS, TO THE INTERSECTION OF SAID SR 125 AND THE WESTERLY LINE OF SE MYRA ROAD; THENCE S.39°22'53"E., 210.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID SR 125; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTHERLY LINE OF SAID SR 125, S.50°23'15"W., 19.62 FEET; THENCE N.39°36'45"W., 10.00 FEET; THENCE S.50°21'47"W., 345.86 FEET TO A POINT ON THE WEST BOUNDARY OF THE WALLA WALLA CITY LIMITS PER ORDINANCE NO. 2005-08; THENCE S. 2°59'19"E., 1241.80 FEET ALONG THE WEST BOUNDARY OF SAID CITY LIMITS TO A POINT ON THE NORTH LINE OF HIGHLAND ROAD AND SOUTHWEST CORNER OF SAID CITY LIMITS; THENCE EAST ALONG SAID CITY LIMITS AND NORTH LINE OF HIGHLAND ROAD N. 88°18'25"E., 1001.03 FEET, MORE OR LESS, TO THE NORTHERLY EXTENSION LINE OF THE EAST LINE OF LOT 16 OF THE HIGHLAND HEIGHTS ADDITION RECORDED IN VOLUME 'H' OF PLATS AT PAGE 20, RECORDS OF WALLA WALLA COUNTY AUDITOR; THENCE S.1°22'17"E. 540.50 FEET ALONG SAID EAST LINE OF LOT 16 TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF TAUMARSON ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY S.88°18'25"W., 564.24 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THAT SHORT PLAT RECORDED IN BOOK 2 OF SHORT PLATS AT PAGE 18, RECORDS OF WALLA WALLA COUNTY AUDITOR; THENCE ALONG THE

EASTERLY BOUNDARY OF SAID SHORT PLAT S.2°11'35"E., 817.00 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF SAID SHORT PLAT; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID SHORT PLAT S.87°55'03"W., 270.63 FEET TO THE SOUTHWEST CORNER OF SAID SHORT PLAT, SAID POINT BEING THE SOUTHEAST CORNER OF THAT SHORT PLAT RECORDED IN BOOK 3 OF PLATS AT PAGE 93, RECORDS OF WALLA WALLA COUNTY AUDITOR; THENCE ALONG THE SOUTHERLY LINE OF SAID SHORT PLAT S.88°28'47"W., 276.50 FEET TO THE SOUTHWEST CORNER OF SAID SHORT PLAT, SAID POINT BEING THE SOUTHEAST CORNER OF THAT SHORT PLAT RECORDED IN BOOK 3 OF SHORT PLATS AT PAGE 81, RECORDS OF WALLA WALLA COUNTY AUDITOR; THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID SHORT PLAT; S.88°28'50"W., 213.08 FEET; THENCE S.03°19'20"E., 9.46 FEET; THENCE S.89°00'43"W., 126.60 FEET TO THE SOUTHWEST CORNER OF SAID SHORT PLAT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID VALLEY ACRES SUBDIVISION; THENCE THE FOLLOWING FIVE (5) COURSES ALONG SAID SUBDIVISION; S.88°48'09"W., 340.42 FEET; THENCE S.62°42'53"W., 402.00 FEET; THENCE S.88°47'53"W., 298.67 FEET; THENCE S.88°36'42"W., 290.03 FEET; THENCE S.88°34'05"W., 10.67 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE WESTERLY BOUNDARY OF SAID SUBDIVISION N.1°39'48"W., 658.00 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SUBDIVISION AND TRUE POINT OF BEGINNING. CONTAINING 90.161 ACRES, MORE OR LESS.

BASIS OF BEARING: N.01°29'11"W., ALONG THE WEST LINE OF SAID SECTION 31.

Section 2: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, and R-96 Single Family Residential are hereby adopted as zoning regulations for the 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 October 1, 2016.

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 24th day of August, 2016.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney