

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. _____

AN ORDINANCE regarding the Kwik Lok, Inc. Petition for Annexation and annexing certain real property to the City of Union Gap, Washington under the provisions of RCW 35A.14.297; Providing for Zoning; Providing for Severability; and Establishing an Effective Date.

WHEREAS, a Notice of Intent to Annex was initiated by Kwik Lok Corporation and SKM Paxton, LLC.;

WHEREAS, the City Council passed resolution 16-31 stating the council's intent to annex to Union Gap Un-Incorporated Yakima County Territory in accordance with RCW 35A.14.295 , describing the boundaries, stating the number of voters residing in the area, and setting a public hearing on the resolution;

WHEREAS, the City Council held a public meeting concerning resolution 16-31 and determined that the City will accept the proposed annexation boundary; determined whether the petition will require the simultaneous adoption of a zoning classification; determined whether the City will require the assumption of all or any portion of the existing City indebtedness by the area to be annexed,;

WHEREAS, Notice of Intention for annexation was submitted to the Washington State Boundary Review Board for Yakima County;

WHEREAS, the 45-day period for assumption of jurisdiction by the Boundary Review Board lapsed on November 26, 2016;

WHEREAS, the City thereafter set a public hearing for July 11, 2016 and duly provided notice and posted and published the same;

WHEREAS, having conducted the public hearing and having considered testimony for or against (if any);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN as follows:

Section 1. Annexation. Filed with the City of Union Gap is a petition in writing signed by the owners of the property. The written petition was accompanied by maps depicting the boundary for the area to annexed and depicting the proposed zoning for the property to be annexed. The written petition also provides that property be zoned as proposed and that it be taxed and assessed at the same general rate as other property within in the City of Union Gap for the purpose of paying outstanding indebtedness of the City which may have been incurred prior to or existing at the time of annexation, among other things.

Section 2. Legal Description for Area Annexed. The legal description for the area to be annexed to the City is attached hereto as Attachment A. Said legally

described property will be taxed and assessed at the same rate as other property within the City of Union Gap.

Section 3. Zoning. The area annexed shall be zoned in conformance with the proposed zoning set forth in the annexation petition. The City of Union Gap Comprehensive Plan and Official Zoning Map shall be and are hereby amended to reflect the zoning for the annexed area.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. If any section, paragraph, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each section, paragraph subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs subsections, clauses or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall take effect and be in force five (5) days after final passage by the City Council and publication.

ORDAINED this 28th day of November, 2016.

Roger Wentz, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton
City Clerk

Bronson Brown
City Attorney

CITY OF UNION GAP, WASHINGTON
RESOLUTION NO. _____

A **RESOLUTION** to clarify the intent of the City Council regarding the Kwik Lok Annexation Ordinance No. 2911.

WHEREAS, the City Council of Union Gap passed Ordinance No. 2911 on November 28, 2016 annexing certain real property known as the Kwik Lok property; and

WHEREAS, in Section 2 of Ordinance No. 2911 it describes the annexed area as “the area to be annexed to the City”. In Section 3 it states “the City of Union Gap Comprehensive Plan and Official Zoning Map shall be and are hereby amended to reflect the zoning for the annexed area”.

WHEREAS, although sections of the Ordinance No. 2911 contain slightly different language regarding the annexation, the intent and final action of the City Council in the passage of Ordinance No. 2911 is that the property described in the Ordinance is annexed upon the effective date of Ordinance 2911.

NOW, THEREFORE, BE IT RESOLVED BY THE UNION GAP CITY COUNCIL
as follows:

Section 1: The Union Gap City Council clarifies that the intent and final action of Ordinance 2911, dated November 28, 2016 is that the property described in said ordinance and known as the Kwik Lok property is and was annexed upon passage of said Ordinance No. 2911.

Section 2: This resolution shall be effective immediately upon passage and signatures hereto.

PASSED this 23rd day of January, 2017.

City Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Clifton, City Clerk

Bronson Brown, City Attorney