

RESOLUTION NO. 2016-XX

A RESOLUTION CORRECTING THE LEGAL DESCRIPTION FOR AN ANNEXATION OF APPROXIMATELY 34 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 out of the City of Walla Walla; and

WHEREAS, the Port of Walla Walla 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 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, 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 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 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 Ordinance A-3602 on May 24, 1989 adopted 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 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 Walla Walla City Council finds that the Port of Walla Walla is the owner of the contiguous parcel of land that is partially within and partially outside the boundaries of the City of Walla Walla:

LOCATED IN THE SOUTHEAST ONE-QUARTER(SE1/4) OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN WHICH THE NORTHERLY LINE OF MELROSE STREET INTERSECTS THE WEST LINE OF THE SOUTHEAST ONE-QUARTER(SE1/4) OF SAID SECTION 15, FROM WHICH THE ONE-QUARTER CORNER COMMON TO SECTIONS 15 AND 22 BEARS S.01°43'46"E., 293.86 FEET, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N.01°43'46"W., ALONG SAID WEST LINE A DISTANCE OF 1018.69 FEET, MORE OR LESS, TO THE CENTER-SOUTH ONE-SIXTEENTH CORNER OF SAID SECTION AND AS SHOWN ON THAT SURVEY RECORDED AT BOOK 11, PAGE 291, WALLA WALLA COUNTY AUDITOR RECORDS; THENCE ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER(S1/2SE1/4) OF SAID SECTION 15, N.88°24'48"E., 1715.12 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF PARCEL "A" PER SAID SURVEY; THENCE ALONG THE EAST LINE OF SAID PARCEL "A", S.02°00'13"E., 620.71 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF MELROSE STREET AND SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE S.02°00'13"E., 61.48 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY FOR SAID MELROSE STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY S.75°21'49"W., 1299.30 FEET; THENCE N.01°43'55"W., 61.54 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY FOR SAID MELROSE STREET; THENCE ALONG SAID RIGHT-OF-WAY S.75°21'49"W., 463.62 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

CONTAINING 34.098 ACRES, MORE OR LESS.

BASIS OF BEARING: N.01°43'46"W. ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SAID SECTION 15.

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

Section 3: The boundary of the City of Walla Walla is hereby adjusted to include the land partially within and partially outside the city limit boundaries as follows:

LOCATED IN THE SOUTHEAST ONE-QUARTER(SE1/4) OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN WHICH THE NORTHERLY LINE OF MELROSE STREET INTERSECTS THE WEST LINE OF THE SOUTHEAST ONE-QUARTER(SE1/4) OF SAID SECTION 15, FROM WHICH THE ONE-QUARTER CORNER COMMON TO SECTIONS 15 AND 22 BEARS S.01°43'46"E., 293.86 FEET, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N.01°43'46"W., ALONG SAID WEST LINE A DISTANCE OF 1018.69 FEET, MORE OR LESS, TO THE CENTER-SOUTH ONE-SIXTEENTH CORNER OF SAID SECTION AND AS SHOWN ON THAT SURVEY

RECORDED AT BOOK 11, PAGE 291, WALLA WALLA COUNTY AUDITOR RECORDS; THENCE ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER(S1/2SE1/4) OF SAID SECTION 15, N.88°24'48"E., 1715.12 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF PARCEL "A" PER SAID SURVEY; THENCE ALONG THE EAST LINE OF SAID PARCEL "A", S.02°00'13"E., 620.71 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF MELROSE STREET AND SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE S.02°00'13"E., 61.48 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY FOR SAID MELROSE STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY S.75°21'49"W., 1299.30 FEET; THENCE N.01°43'55"W., 61.54 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY FOR SAID MELROSE STREET; THENCE ALONG SAID RIGHT-OF-WAY S.75°21'49"W., 463.62 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

CONTAINING 34.098 ACRES, MORE OR LESS.

BASIS OF BEARING: N.01°43'46"W. ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SAID SECTION 15.

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 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 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 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, 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 7: 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 8: The Walla Walla Development Services Department is directed to submit certificates of annexation as provided in RCW 35A.14.700.

Section 9: The Walla Walla City Clerk is directed to file, record, and give notice of this resolution in such manner as required by law.

Section 10: 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 11: 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 Council Ordinance to make such approvals.

Section 12: 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 21st day of December, 2016.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney