

ORDINANCE NO. 2017-08

AN ORDINANCE ANNEXING APPROXIMATELY 69 ACRES OF PROPERTY, BEING GENERALLY LOCATED ADJACENT TO MYRA ROAD AND HIGHWAY 12 AS WELL AS NORTH OF HERITAGE 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 33 acres of property, being generally located adjacent to Highway 12 and Myra Road as well as north of Heritage Road; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2015-43 at its April 13, 2015 regular meeting setting May 13, 2015 as the date for meeting to determine whether the city would accept, reject, or geographically modify the proposed annexation and said date was postponed two weeks to May 11, 2016 through the agenda setting process; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2015-50 at its May 13, 2015 regular meeting determining that it will accept the proposed annexation as geographically modified to include properties with recorded outside utility agreements, properties so as to not leave unincorporated islands, and rights-of-way within the City's Urban Growth Area for a total of 69 acres; 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; and

WHEREAS, the Walla Walla City Council passed Resolution 2016-154A at its December 21, 2016 regular meeting setting a public hearing for March 22, 2017 upon such proposed annexation; and

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

WHEREAS, Walla Walla City Council conducted a public hearing at its March 22, 2017 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 EAST ONE-HALF(E1/2) OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 35 EAST, WILLAMETTE MERIDIAN, CITY AND COUNTY OF WALLA WALLA, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST ONE-QUARTER CORNER TO SAID SECTION 24, THENCE ALONG THE EAST LINE OF SAID SECTION, SAID LINE ALSO BEING THE EAST LINE OF TRACTS "A" AND "B" OF THAT SHORT PLAT RECORDED IN BOOK 2 AT PAGE 80 RECORDS OF WALLA WALLA COUNTY AUDITOR, S.00°10'48"E., 401.59 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 12 PER WSDOT "SR 12 IRELAND TO WALLA WALLA" ROAD PLANS ALSO BEING ON THE EXISTING WALLA WALLA CITY LIMITS LINE PER ANNEXATION ORDINANCE 2000-14; THENCE ALONG SAID CITY LIMITS THE FOLLOWING THREE(3) COURSES, N.83°20'51"W., 334.72 FEET; THENCE S.89°49'13"W., 407.94 FEET; THENCE S.00°24'52"W., 362.89 FEET MORE OR LESS TO THE EXISTING CITY LIMITS ON THE NORTHERLY LINE OF "TRACT E" OF ANNEXATION ORDINANCE 2004-46, THENCE THE FOLLOWING TWO COURSES ALONG SAID CITY LIMITS, N.70°45'49"W., 72.81 FEET; THENCE S.63°35'06"W., 510.42 FEET; THENCE S.05°05'12"E., 126.91 FEET TO THE POINT ON THE NORTH LINE OF EXISTING CITY LIMITS BOUNDARY PER ANNEXATION ORDINANCE 2004-46 AND SOUTHERLY RIGHT-OF-WAY LINE OF OLD HIGHWAY 3; THENCE ALONG SAID EXISTING CITY LIMITS, S.84°54'27"W., 971.16 FEET; THENCE DEPARTING SAID CITY LIMITS AND RUNNING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HERITAGE ROAD(OLD HIGHWAY 3) S.84°54'18"W., 400.00 FEET TO A POINT ON THE MID-SECTION LINE OF SAID SECTION 24, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY FOR DUNCAN LANE; THENCE ALONG SAID DUNCAN LANE AND MID-SECTION LINE N.03°04'42"W., 1099.65 FEET TO A POINT OF NON-TANGENT CURVE ON THE SOUTHERLY RIGHT-OF-WAY OF DELL AVENUE AS DESCRIBED ON THAT SHORT PLAT RECORDED IN BOOK 1, AT PAGE 151, RECORD OF WALLA WALLA COUNTY AUDITOR, SAID POINT HAVING A RADIAL BEARING OF N.08°41'01"W.; THENCE ALONG SAID DELL AVENUE AN ARC DISTANCE OF 91.90 FEET ALONG SAID NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 603.25 FEET AND A DELTA ANGLE OF 8°43'41", TO A POINT OF TANGENT LINE ON SAID DELL AVENUE ; THENCE THE FOLLOWING FIVE(5) COURSES ALONG SAID DELL AVENUE, N.72°35'18"E., 199.26 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF STATE ROUTE 12 PER WSDOT "SR 12 IRELAND TO WALLA WALLA" ROAD PLANS; THENCE CONTINUING ACROSS SAID STATE ROUTE 12 RIGHT-OF WAY THE FOLLOWING THREE(3) COURSES, N.72°35'18" 180.49 FEET TO A POINT OF TANGENT

CURVE; THENCE AN ARC DISTANCE OF 343.09 FEET ALONG SAID TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1402.40 FEET AND A DELTA ANGLE OF 14°01'00" TO A POINT OF TANGENT LINE; THENCE ALONG SAID TANGENT LINE N.86°36'18"E., 82.61 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID STATE ROUTE 12; THENCE N.86°36'18"E., 101.36 FEET; THENCE DEPARTING SAID DELL AVENUE N.00°56'42"W., 60.06 FEET TO THE SOUTHEAST CORNER OF "TRACT 4" OF THAT SAID SHORT PLAT RECORDED IN BOOK 1, PAGE 152; THENCE ALONG THE EAST BOUNDARY OF SAID "TRACT 4" N.00°56'42"W., 363.05 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE WASHINGTON STATE PENITENTIARY BOUNDARY AS SHOWN ON THAT RECORD OF SURVEY RECORDED IN BOOK 3 AT PAGE 25, RECORDS OF WALLA WALLA COUNTY AUDITOR, SAID POINT BEING ON THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE 2007-23; THENCE THE FOLLOWING SEVEN(7) COURSES ALONG SAID CITY LIMITS AND SAID PENITENTIARY BOUNDARY, N.33°01'18"E., 151.29 FEET; THENCE N.67°34'18"E., 110.00 FEET; THENCE N.24°04'18"E., 89.99 FEET; THENCE N.64°10'18"E., 130.11 FEET; THENCE N.41°09'18"E., 169.34 FEET; THENCE N.62°41'18"E., 153.20 FEET; THENCE S.76°04'42"E., 136.48 FEET TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THAT DEED RECORDED AUGUST 8, 2014 UNDER AUDITOR FILE NUMBER 2014-05693, RECORDS OF WALLA WALLA COUNTY; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL S.00°28'42"E., 845.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF DELL AVENUE AS SHOWN ON WSDOT "SR 12 IRELAND TO WALLA WALLA" RIGHT-OF-WAY PLANS; THENCE ALONG THE NORTH RIGHT-OF-WAY OF SAID DELL AVENUE S.81°39'25"E., 1001.02 FEET, MORE OR LESS, TO A POINT IN THE EAST LINE OF SAID SECTION 24; THENCE ALONG SAID EAST LINE S.01°12'55"E., 31.50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 69.5 ACRES, MORE OR LESS.

BASIS OF BEARING FOR THIS DESCRIPTION: S.01°12'55"E. ON THE EAST LINE OF SECTION 24, AS SHOWN ON RECORD OF SURVEY BOOK 10, PAGE 229, FILED ON MARCH 25, 2008, UNDER AUDITOR FILE NUMBER 2008-02853.

PREPARED JULY 6, 2015 BY ANDERSON PERRY & ASSOCIATES INC.

Section 2: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, the following zoning designations consistent with the land use designation identified in the Walla Walla Urban Area Comprehensive Plan:

Parcel String	Site Address	City	State	Zip Code	Zoning Designation
350724420023	1464 Heritage Road	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350724420022	1466 Heritage Road	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)

350724410071	Vacant	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350724410077	Vacant	WALLA WALLA	WA	99362	Highway Commercial
350724130036	1914 Dell Avenue	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350724130037	Vacant (WSDOT)	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350724410063	1491 Dell Avenue	WALLA WALLA	WA	99362	Heavy Industrial
350724410065	1485 Dell Avenue	WALLA WALLA	WA	99362	Heavy Industrial
350724410072	Vacant (WSDOT)	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)
350724130030	Vacant (WSDOT)	WALLA WALLA	WA	99362	R-96 Single Family Residential (Low Density)

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.

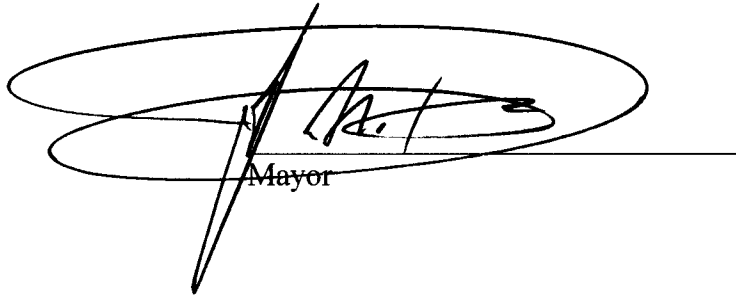
Section 7: The Walla Walla City Clerk is directed to file, record, and give notice of this ordinance in such manner as required by law.

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 May 1, 2017.

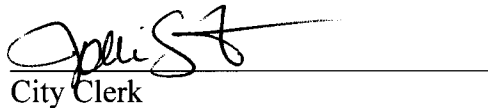
Section 10: If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance and the application of the provision to other persons or circumstances shall not be affected.

PASSED by the City Council of the City of Walla Walla, Washington, this 22nd day of March, 2017.



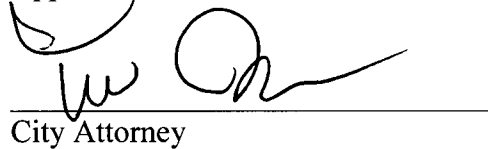
Mayor

Attest:



City Clerk

Approved as to form:



City Attorney