

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 19-3083**

AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBER 1-0284-301-2463-004 COMMONLY KNOWN AS 8815 S 1366 PR SW; MAKING THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDING FOR PUBLICATION BY SUMMARY.

WHEREAS, Petitioner David Stockdale and Teresa Stockdale being the owners of property constituting not less than 10 percent in assessed value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, met with the City Council of the City of Prosser, Washington, on April 24, 2018, which date was prior to circulating their petition for annexation; and

WHEREAS, at the initial meeting the City Council determined that the City would accept the proposed annexation provided that property owned by David Stockdale and Teresa Stockdale be included in the petition for annexation and provided that existing City indebtedness was assumed by the area to be annexed; and

WHEREAS, on June 15, 2018, a sufficient petition for annexation was submitted to the Benton County Assessor and filed with the City Council pursuant to RCW 35A.14.120, signed by owners of not less than 60 percent of assessed valuation for general taxation of the property for which annexation is petitioned, seeking annexation to the City of Prosser of contiguous property commonly described in the attached exhibit "A"; and

WHEREAS, the Benton County Assessor issued a determination of sufficiency for the Petition for Annexation on August 22, 2018; and

WHEREAS, the City Council fixed the date of October 23, 2018, at the hour of 7:00 p.m. or soon thereafter as may be held, as the date of the Public Hearing on the proposed annexation

and caused notice of such hearing to be published and posted in accordance with RCW 35A.14.130, and the Public Hearing having been held on that date and all interested parties appearing at the hearing and desiring to be heard in regard to the proposed annexation; and

WHEREAS, on November 13, 2018, the City Council passed Resolution Number 18-1597 which determined that it is in the best interest of the City to annex the properties described on exhibit “A” and the annexation of the properties benefits the general welfare of the City’s citizens by increasing the tax base of the City; and

WHEREAS, the annexation of property by a Code City is exempt from review under the State Environmental Policy Act pursuant to RCW 43.21C.222; and

WHEREAS, all statutory requirements having been complied with, a notice of intent to annex was accepted for review by the Benton County Boundary Review Board on January 17, 2019; and

WHEREAS, on February 12, 2019, the Benton County Boundary Review Board notified the City that per RCW 36.93.110, review by the Boundary Review board was not necessary, the City could proceed to annex the property; and

WHEREAS, the property was pre-zoned Residential Low Density District (RL) by Ordinance 18-3079;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following described real property is hereby annexed into and made a part of the City of Prosser, Washington:

SEE EXHIBIT AA@ ATTACHED HERETO AND INCORPORATED HEREIN

Section 2. All property within the territory annexed hereby shall be assessed and taxed at

the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

Section 3. From and after the effective date of this ordinance, the above described property shall be subject to all of the laws and ordinances then and thereafter in force and effect of the City of Prosser.

Section 4. The City Council hereby zones the property described in section 1 Residential Low Density District (RL). The City Council hereby adopts the recitals set forth above as additional findings.

Section 5. City Staff is hereby authorized to negotiate with any solid waste provider a buy-out of their franchise rights to the area annexed. City Staff shall bring the amount of the buy-out back to the City Council for approval prior signing any agreement with such a provider, if any.

Section 6. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

Section 7. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and **APPROVED** by the Mayor this 12th day of March, 2019.

Attest:

Mayor Randy Taylor

Rachel Shaw, City Clerk

APPROVED AS TO FORM:

Howard Saxton, City Attorney

Publication Date: _____