

AUG 3 1 2010

RECEIVED

CITY OF PROSSER, WASHINGTON  
ORDINANCE NO. 10-2695

AN ORDINANCE ANNEXING REAL PROPERTY WITH PARCEL NUMBERS 1-3295-300-0005-000 and 1-3295-300-0003-001 COMMONLY KNOWN AS THE CONIFER PACIFIC PROPERTY AND GENERALLY LOCATED NORTH OF INTERSTATE 82 AND SOUTH OF THE BNSF RAILROAD TRACKS AND EXTENDING TO THE EASTERNMOST PORTION OF THE CITY'S URBAN GROWTH AREA INTO THE CITY OF PROSSER, WASHINGTON; 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, being 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 May 26, 2009, 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 existing City indebtedness was assumed by the area to be annexed; and

WHEREAS, on November 18, 2009 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 known as the Conifer Pacific Property; and

WHEREAS, the Benton County Assessor issued a determination of sufficiency for the Petition for Annexation on December 17, 2009; and

**WHEREAS**, the City Council fixed the date of March 9, 2010, 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**, the City Council having determined on March 9, 2010 that it is in the best interest of the City to annex the Conifer Pacific property and the annexation of the property benefits the general welfare of the City's citizens by increasing the tax base of the City and incorporating property which already receives City services by passing Resolution Number 10-1313, 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 have been complied with and the City has filed a notice of intent to annex with the Benton County Boundary Review Board and the jurisdiction of that Board having not been invoked;

**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 "A" 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.

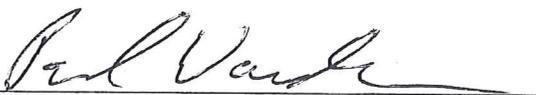
**Section 3.** From and after the effective date of this ordinance, the above described property shall be subject to all of the laws and ordinances then and thereafter in force and effect of the City of Prosser.

**Section 4. 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 5.** 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 10<sup>th</sup> day of August 2010.

Attest:

  
\_\_\_\_\_  
Mayor Paul Warden

  
\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
City Attorney

Publication Date: August 18, 2010

**SUMMARY OF ORDINANCE NO. 10-2695**

of the City of Prosser, Washington

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On the 10<sup>th</sup> day of August, 2010, the City of Prosser, Washington, passed Ordinance No. 10-2695. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ANNEXING REAL PROPERTY WITH PARCEL NUMBERS 1-3295-300-0005-000 and 1-3295-300-0003-001 COMMONLY KNOWN AS THE CONIFER PACIFIC PROPERTY AND GENERALLY LOCATED NORTH OF INTERSTATE 82 AND SOUTH OF THE BNSF RAILROAD TRACKS AND EXTENDING TO THE EASTERMOST PORTION OF THE CITY'S URBAN GROWTH AREA INTO THE CITY OF PROSSER, WASHINGTON; MAKING THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDING FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this 10<sup>th</sup> day of August, 2010

Kendall Murphy  
for CITY CLERK SHERRY BIGGS

## EXHIBIT "A"

### PARCEL A:

That portion of the Southeast quarter of the Southwest quarter and Government Lots 6, 7 and 8, Section 32, Township 9 North, Range 25 East, W.M., described as follows:

Beginning at a point opposite HES LE 76+54.80 on the LE line Survey of State Highway Route No. 82, Prosser vicinity; Albro Road to MP 84.27, and 188.66 feet Northwesterly therefrom; thence Northerly to a point opposite HES WR 86+38.30 on the WR line Survey of said Highway and 30 feet Southeasterly therefrom; thence Southeasterly to a point opposite said HES and 60 feet Southeasterly therefrom; thence Northerly, parallel with said WR line survey, to intersect the Southerly right-of-way line of the Burlington Northern, Inc. Railroad; thence Northeasterly, along said Southerly right-of-way line, to intersect that line drawn parallel with and 75 feet Northerly, when measured at right angles, from the LW line survey of said former State Highway Route No. 12; thence Northeasterly, parallel with said LW line survey to a point opposite HES LW 1270+00 thereon; thence Southerly to a point opposite said HES and 55 feet Northerly therefrom; thence Easterly, parallel with said survey line, to a point opposite HES LW 1266+21.5 T.S. thereon; thence Southerly to a point opposite HES C 1266+21.5 T.S. on the C line survey of said SR 12 and 60 feet Northerly therefrom; thence Easterly, parallel with said C line survey, to intersect that right-of-way line drawn parallel with and 200 feet Northerly, when measured radially, from the LE line survey of said SR 82; thence Southwesterly, parallel with said LE line survey, to a point opposite HES LE 102+00 thereon; thence Southwesterly to a point opposite HES LE 100+00 on said survey line and 190 feet Northwesterly therefrom; thence Southwesterly, parallel with said survey line, to a point opposite HES 94+00 thereof; thence Southwesterly to a point opposite HES LE 92+00 on said survey line and 175 feet Northwesterly therefrom; thence Southwesterly, parallel with said survey line, to a point opposite HES LE 85+00 thereon; thence Southwesterly to a point opposite HES LE 83+00 on said survey line and 210 feet Northwesterly therefrom; thence Southwesterly, parallel with said survey line, to a point opposite HES LE 81+00 thereof; thence Southwesterly to a point opposite HES LE 79+00 on said Survey line and 175 feet Northwesterly therefrom; thence Southwesterly to the point of beginning.

### PARCEL B:

That portion of Section 32, Township 9 North, Range 25 East, W.M. records of Benton County, Washington described as follows:

The West half of the Southwest quarter lying Southerly of Northern Pacific Railway Company's right of way and North of County Road extended as said road existed on November 1, 1945, and the West 125 feet of the East half of the Southwest quarter lying North of canal right of way and South of Northern Pacific Railway Company's right of way, EXCEPT portion thereof conveyed to State of Washington for highway purposes by deed recorded under Auditor's File No. 371795 AND EXCEPT any portion thereof taken by the State of Washington under Superior Court Cause No. 33215.

AND ALSO EXCEPT that portion of Government Lots 5 AND 6 (AND) of the Southwest quarter of the Southwest quarter of said Section 32, described as follows:

Beginning at a point 30 feet North of the center line of the irrigation canal in the Southeast quarter of the Southeast quarter of Section 31, Township 9 North, Range 25 which point is 233 feet West of the Easterly line of said Section 31; thence Northerly, parallel with said Easterly line, 1090 feet, more

## EXHIBIT "A"

or less, to the Southerly line of the Burlington Northern Railroad Company, formerly Northern Pacific Railroad, right of way; thence Westerly, along said Southerly line, 165 feet to the True Point of Beginning; thence South to intersect that line drawn parallel with and 75 feet Southeasterly, when measured at right angles, from the LE line survey of State Highway Route No. 12, Prosser to Klona Irrigation District; thence Northeasterly along said parallel line, to intersect that right of way line drawn parallel with and 30 feet Westerly, when measured at right angles, from the WR line survey of State Highway Route No. 82, Prosser vicinity: Albro Road to MP 84.27, according to the plan thereof now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval November 28, 1975; thence Northerly, along said right of way line, to intersect the Southerly line of said Railroad right of way; thence Southwesterly, along said Railroad right of way line, to the True Point of Beginning.

That portion of Government 6, Section 32, Township 9 North, Range 25 East, W.M. described as follows:

Beginning at the northwest corner of Tract 2, as shown on that Survey recorded in Volume 1 of Surveys, Page 3465, Records of Benton County, Washington;

Thence southerly along the west line thereof to the northerly right of way line of Wittkopf Loop, also know as Wine County Road;

Thence westerly along said right of way line to the southeast corner of Tract 1 of said survey;

Thence northerly along the east line of said Tract 1 to the southerly right of way line of the Burlington Northern Inc. Railroad;

Thence easterly along said right of way line to the Point of Beginning.

Situate in Benton, County, Washington.

City of Prosser, Washington  
\*Legal Publication\*  
Ordinance Summaries

**Ordinance 10-2695**

An Ordinance annexing real property with parcel numbers 1-3295-300-0005-000 and 1-3295-300-0003-001 commonly known as the Conifer Pacific Property and generally located North of Interstate 82 and South of the BNSF railroad tracks and extending to the easternmost portion of the city's urban growth area into the City of Prosser, Washington; making the provisions of the ordinance severable from one another; setting forth the effective date of the ordinance and providing for publication by summary.

**Ordinance 10-2696**

An Ordinance amending the zoning map for the City of Prosser, Washington, by zoning certain property upon its annexation into the city as described in this ordinance and having Benton County tax parcel numbers 1-3295-300-0005-000 and 1-3295-300-0003-001 as Industrial Light District (IL) and determining that this ordinance is a minor action and has a non-significant effect on the environment. The ordinance adopts the March 16, 2010 Planning Commission findings except for an additional finding that all or a portion of the property is in the city limits and there has been a substantial change in circumstances justifying a re-zone of the property. The ordinance also changes the zoning designation for a portion of the property which is currently in the city limits from Public Facility District (PF) to Industrial Light District (IL). The ordinance also sets forth the effective date of the ordinance and provides that its provisions are severable from one another and provides for publication by summary.

**Ordinance 10-2697**

An Ordinance creating the position of Deputy City Administrator as an overlay to another appointed office and setting forth the duties of the position. The ordinance also sets forth the effective date of the ordinance and provides that its provisions are severable from one another and provides for publication by summary.

A copy of the full text of these Ordinances will be mailed upon request at no cost and is available at no cost during normal business hours at the Prosser City Hall, located at 601 Seventh Street, Prosser, Washington.

  
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Sherry Biggs, MMC  
City Clerk

\*Legal Publication Date: - 08/18/2010