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YAKIMA COUNTY, WA
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ORDINANCE
PAGES: 6
CITY OF YAKIMA PLANNING

Recording Fee: 67.00

May 27, 2010

Return To:

Yakima City Clerk
129 North Second Street
Yakima, WA 98901

Document Title:	**Ordinance No. 2010-24** **Shewmaker Annexation**
Grantor:	City of Yakima
Grantee:	The Public

ABBREVIATED LEGAL DESCRIPTION:
All that portion of the southwest quarter of the northeast quarter of Section 5, Township 12 North, Range 18 East, W.M. being further described as follows: (see Exhibit 'B' of attached Ordinance for complete legal description).

PARCEL NUMBER: 181205-13013

ORDINANCE NO. 2010-24

AN ORDINANCE concerning annexation; annexing the Shewmaker Annexation area to the City of Yakima; maintaining the current zoning of the area; providing for notice to the WUTC of the City's intent to provide residential refuse collection and disposal service; assumption of the City's current indebtedness by properties in the Shewmaker Annexation area; and an effective date of June 20, 2010

WHEREAS, proceedings have been held in accordance with all applicable laws for the annexation to the City of Yakima of the Shewmaker Annexation hereinafter described; and

WHEREAS, the City duly filed a notice of intention with the state Boundary Review Board for Yakima County (BRB) for the Shewmaker Annexation. No request was submitted invoking BRB jurisdiction, therefore on March 3, 2010 the Shewmaker Annexation was deemed approved by the Board; and

WHEREAS, garbage and refuse collection within the Shewmaker Annexation area is presently being provided by Yakima Waste Systems, Inc., under authority issued by the Washington Utilities and Transportation Commission (WUTC) to both residential and commercial accounts and the City desires to provide such services to residential accounts only in accordance with RCW 35.13.280; and

WHEREAS, RCW 35.13.280 requires the City to grant Yakima Waste Systems, Inc., as the current WUTC-authorized provider of garbage and refuse collection and disposal service within the Shewmaker Annexation area, a franchise to continue such service to residential properties within the Shewmaker Annexation area for a term of not less than seven years after annexation becomes effective. Such franchise does not apply to garbage and refuse generated by commercial establishments because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Shewmaker Annexation area; and

WHEREAS, RCW 35.13.280 requires the City to provide specific notice to the WUTC regarding the City's intent, pursuant to RCW 81.77.020, and subject to the provisions of RCW 35.13.280, to provide residential refuse collection and disposal service to the Shewmaker Annexation area; and

WHEREAS, pursuant to due and legal notice, the City Council held a public hearing on said annexation on May 18, 2010 and, as a result thereof, finds:

1. The annexation petition requirements of RCW 35.13.120 have been satisfied in that the owners of not less than sixty percent in value, according to the assessed valuation for general taxation of the Shewmaker Annexation area, have signed the petition.
2. The Shewmaker Annexation area should be annexed to the City of Yakima.
3. The Comprehensive Plan designation for Shewmaker Annexation area should be changed to Low Density Residential, to conform to the Yakima Urban Area Comprehensive Plan, the General Plan of the City of Yakima and the zoning should be

changed to R-1, Single-Family Residential to conform to the Yakima Urban Area Zoning Ordinance.

4. The owners of the real property within the Shewmaker Annexation area should be required to assume their pro rata share of the existing indebtedness of the City of Yakima.

5. The needs of the City and community do require the hereinafter set forth zoning classification, and the highest and best use for said property is as hereinafter determined.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YAKIMA, WASHINGTON:

Section 1. The property identified on the map attached hereto as Exhibit "A" and legally described in Exhibit "B", attached hereto and incorporated by reference herein, referred to below as the "Shewmaker Annexation," is hereby annexed to the City of Yakima, Washington.

Section 2. The owners of the real property within the Shewmaker Annexation area shall be required to assume existing indebtedness of the City of Yakima.

Section 3. The Urban Area Comprehensive Plan designation for the Shewmaker Annexation area is hereby changed to Low Density Residential

Section 4. The next regularly amended Zoning District Map prepared by and for the City of Yakima shall show the Shewmaker Annexation zoned and classified R-1, Single-Family Residential.

Section 5. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the County Auditor of Yakima County and with the Board of County Commissioners of Yakima County, Washington, and to transmit a certified copy of this ordinance to the Washington Utilities and Transportation Commission to notify it of the City's intent, pursuant to § 81.77.020 RCW, and subject to the provisions of § 35.13.280 RCW, to provide residential refuse collection and disposal service to the Shewmaker Annexation area.

Section 6. The City Clerk is hereby authorized and directed to provide, as required by RCW 35.13.270, notification by certified mail that includes a list of the Assessor's Tax Parcel numbers of all properties within the Shewmaker Annexation, to the Yakima County Treasurer and Assessor at least thirty days before the effective date of the annexation.

Section 7. There is hereby granted to Yakima Waste Systems, Inc., in accordance with and for the term provided by RCW 35.13.280, an exclusive franchise to provide garbage and refuse collection and disposal service to residential properties within the Shewmaker Annexation area, in accordance with the specific terms of Ordinance Nos. 3220 and 3445 of the City of Yakima and in accordance with the terms of the Franchise Agreement attached to Ordinance No. 3220 (amended by Ordinance No 3445) of the City of Yakima. Such franchise does not apply to garbage and refuse generated by commercial establishments because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Shewmaker Annexation area.

Section 8. This ordinance shall be in full force and effect thirty days after its passage, approval and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL at a regular meeting and signed and approved this 18th day of May, 2010.

Micah Cawley, Mayor

ATTEST:

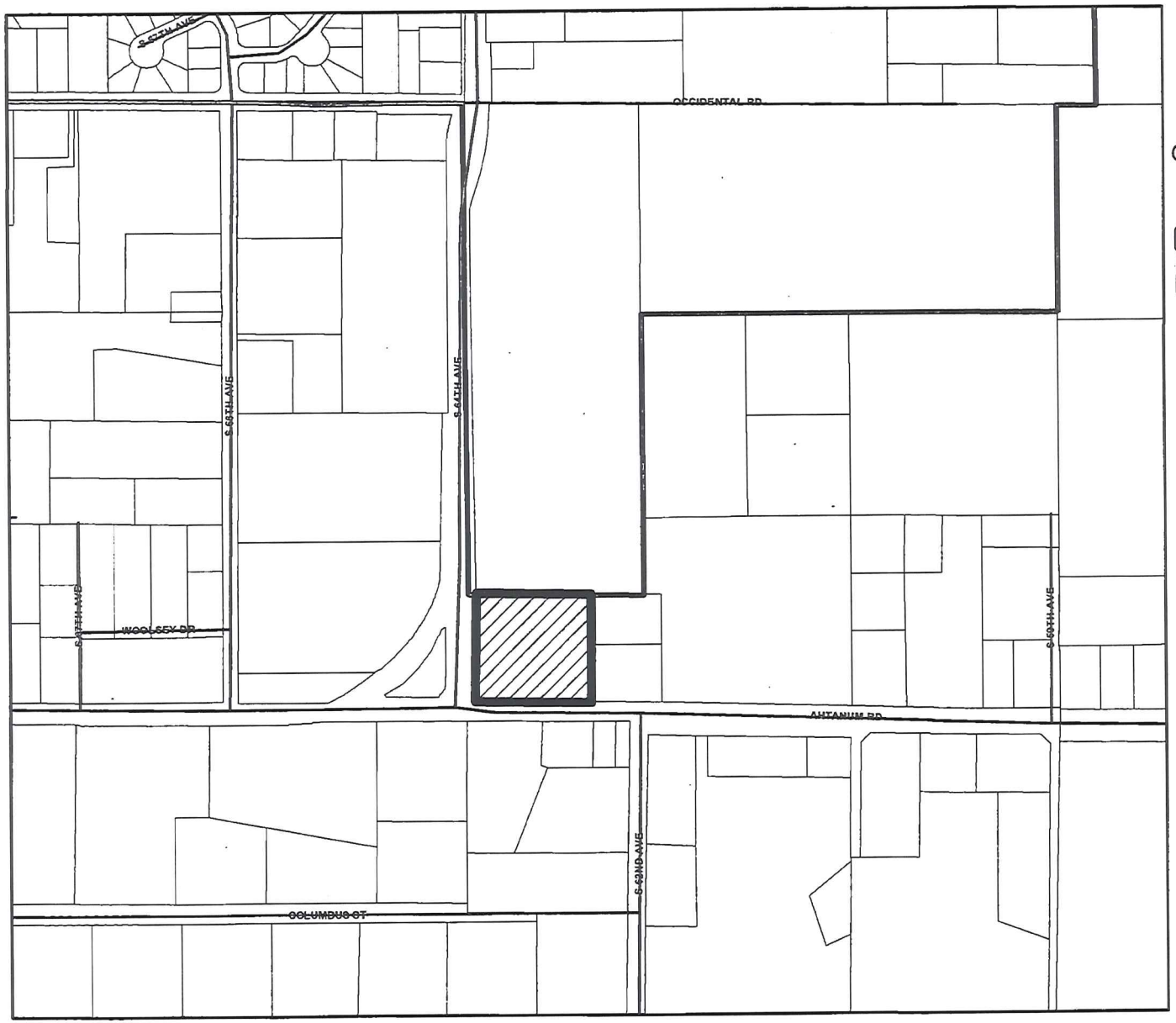
City Clerk

Publication Date: May 21, 2010

Effective Date: June 20, 2010

Section 6 above is accepted by Franchisee this ___ day of _____, 2010.

Yakima Waste Systems, Inc.
By: _____
Signer's Name Printed: _____
Signer's Title: _____



Shewmaker Annexation

Ordinance # 2010-24

Exhibit A

Annexations
Assessor.DBO.Parcels
City Limits Boundary

200 100 0 200 Feet

EXHIBIT B

LEGAL DESCRIPTION FOR THE SHEWMAKER ANNEXATION

All that portion of the southwest quarter of the northeast quarter of Section 5, Township 12 North, Range 18 East, W.M. being further described as follows: Beginning at a point on the city limits of the City of Yakima, said point being the northwest corner of Lot 2 of short plat recorded under Yakima County Auditor's File Number 7141841, thence southerly along the west line of said short plat to the point of intersection with the south right-of-way line of Ahtanum Road; thence westerly following along said right-of-way line to the point of intersection with the west right-of-way line of South 64th Avenue; thence northerly following along said west right-of-way line to a point South 89° 44' 30" West of the point of beginning; thence North 89° 44' 30" East to the point of beginning.

Yakima County Public Works Department
checked for accuracy of legal description only:

Kent L. McHenry, P.E.
Transportation Engineering manager