

ORDINANCE NO. 2019-09

AN ORDINANCE ANNEXING APPROXIMATELY 75 ACRES BEING GENERALLY LOCATED SOUTH OF WEST REES AVENUE, WEST OF IRENE STREET, EAST OF MYRA ROAD AND ADJACENT TO DELL AVENUE, TO THE CITY OF WALLA WALLA AND TAKING SUCH OTHER ACTION RELATED THERETO

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 an May 13, 1970 which classified the City of Walla Walla as a non-chartered 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 property, being generally located south of west Rees Avenue, west of Irene Street, east of Myra Road and adjacent to Dell Avenue; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2018-104 at its regular meeting on October 10, 2018 setting October 24, 2018 as the date for meeting to determine whether the city would accept, reject, or geographically modify the proposed annexation; and

WHEREAS, Walla Walla City Council passed Resolution No. 2018-110 at its October 24 ,2018 regular meeting determining that it will accept the proposed annexation as submitted with the 10% petition, including the geographically modifying the area for annexation to include 75 acres of land south of West Rees Avenue and adjacent to Dell Avenue; 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 on January 9, 2019; and

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

WHEREAS, the Walla Walla City Council conducted a public hearing at its April 10, 2019 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:

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 35 EAST, AND THE WEST ONE-HALF

(W 1/2) OF SECTION 19, TOWNSHIP 7 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST ONE-QUARTER CORNER TO SAID SECTION 24, SAID POINT BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION, SAID POINT ALSO BEING ON THE ON THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE 2017-08; THENCE ALONG SAID SECTION LINE AND CITY LIMITS N.01°13'02"W., 31.51 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY FOR DELL AVENUE AS SHOWN ON WSDOT "SR 12 IRELAND TO WALLA WALLA" RIGHT-OF-WAY PLANS; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND CONTINUING ALONG SAID CITY LIMITS N.81°39'25"W., 1001.02 FEET TO THE SOUTHEASTERLY CORNER OF THAT PARCEL DESCRIBED IN THAT DEED RECORDED AUGUST 8, 2014 UNDER AUDITOR FILE NUMBER 2014-05693, RECORDS OF WALLA WALLA COUNTY AUDITOR; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL AND CONTINUING ALONG SAID CITY LIMITS N.00°28'42"W., 845.89 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 EIGHT (8) COURSES ALONG SAID PENITENTIARY BOUNDARY AND CITY LIMITS S.76°04'42"E., 181.47 FEET; THENCE N.81°09'18"E., 212.69 FEET; THENCE N.37°17'18"E., 185.00 FEET; THENCE N.44°07'18"E., 187.93 FEET; THENCE N.27°22'18"E., 204.45 FEET; THENCE N.06°41'18"E., 109.09 FEET; THENCE N.35°43'42"W., 206.44 FEET; TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY FOR BNSF RAILWAY COMPANY; THENCE ALONG SAID RIGHT-OF-WAY S.88°29'25"E., 345.92 FEET MORE OR LESS TO A POINT ON THE WESTERLY BOUNDARY OF SAID SECTION 19, SAID POINT ALSO BEING ON THE ON THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-1138; THENCE ALONG SAID SECTION LINE AND CITY LIMITS S.01°12'59"E., 419.63 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SW1/4NW1/4) OF SAID SECTION 19; THENCE ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SW1/4NW1/4) AND CONTINUING ALONG SAID CITY LIMITS, N.87°48'54"E., 1364.41 FEET; THENCE DEPARTING SAID NORTH BOUNDARY AND CONTINUING ALONG SAID CITY LIMITS S.01°26'23"E., 639.64 FEET MORE OR LESS TO THE NORTHEAST CORNER OF THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-1315; THENCE THE FOLLOWING TWO(2) COURSES ALONG SAID CITY LIMITS S.87°41'19"W., 309.27 FEET; THENCE S.01°26'23"E., 710.13 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY FOR DELL AVENUE; THENCE ALONG SAID RIGHT-OF-WAY AND CONTINUING ALONG SAID CITY LIMITS N.87°41'16"E., 168.43 FEET MORE OR LESS TO A POINT ON THE WESTERLY BOUNDARY OF MEADOW BROOK ADDITION TO THE CITY OF WALLA WALLA, RECORDS OF WALLA WALLA COUNTY AUDITOR, SAID POINT ALSO BEING THE NORTHWEST CORNER OF

THE CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-1326; THENCE ALONG SAID MEADOW BROOK ADDITION AND CITY LIMITS S.00°15'42"E., 415.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF STATE ROUTE 12 AS SHOWN ON WSDOT "SR 12 IRELAND TO WALLA WALLA" ROAD PLANS, SAID POINT ALSO BEING THE NORTHEAST CORNER OF CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE 2000-14; THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID RIGHT-OF-WAY AND CITY LIMITS S.88°36'20"W., 924.76 FEET; THENCE N.87°28'23"W., 251.61 FEET; THENCE N.83°20'51"W., 53.67 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SECTION 19, SAID POINT ALSO BEING ON THE EASTERLY CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE 2017-08; THENCE ALONG SAID SECTION LINE AND CITY LIMITS N.00°10'48"W., 401.59 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 75.029 ACRES MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS OR RESTRICTIONS EXISTING, OF RECORD OR IN VIEW.

BASIS OF BEARING FOR THIS DESCRIPTION: S.01°12'55"E. ON THE EASE 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.

Section 2: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, are hereby adopted and the following zoning designation applied pursuant to the Walla Walla 2040 - Comprehensive Plan Future Land Map:

Parcel Number	Zoning Designation
350724140021	Heavy Industrial
360719200002	Heavy Industrial
360719200003	Heavy Industrial
360719200008	Heavy Industrial
360719230007	Heavy Industrial
360719230013	Heavy Industrial
360719230017	Heavy Industrial
360719230018	Heavy Industrial
360719320016	Heavy Industrial
360719320020	Light Industrial / Commercial
360719320021	Light Industrial / Commercial
360719320030	Heavy Industrial
360719320031	Heavy Industrial
360719320038	Heavy Industrial
360719320039	Heavy Industrial
360719320040	Heavy Industrial

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, 2019.

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 10th day of April, 2019.

Mayor

Attest:

Approved as to form:

City Clerk

City Attorney

ORDINANCE SUMMARY 2019-09

AN ORDINANCE ANNEXING APPROXIMATELY 75 ACRES BEING GENERALLY LOCATED SOUTH OF WEST REES AVENUE, WEST OF IRENE STREET, EAST OF MYRA ROAD AND ADJACENT TO DELL AVENUE, TO THE CITY OF WALLA WALLA AND TAKING SUCH OTHER ACTION RELATED THERETO

The Walla Walla City Council passed Municipal Ordinance 2019-09 at its April 10, 2019 regular meeting which in summary provides as follows:

Section 1: Annexes property to the City of Walla Walla legally described as follows:

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 35 EAST, AND THE WEST ONE-HALF (W 1/2) OF SECTION 19, TOWNSHIP 7 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST ONE-QUARTER CORNER TO SAID SECTION 24, SAID POINT BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION, SAID POINT ALSO BEING ON THE ON THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE 2017-08; THENCE ALONG SAID SECTION LINE AND CITY LIMITS N.01°13'02"W., 31.51 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY FOR DELL AVENUE AS SHOWN ON WSDOT "SR 12 IRELAND TO WALLA WALLA" RIGHT-OF-WAY PLANS; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND CONTINUING ALONG SAID CITY LIMITS N.81°39'25"W., 1001.02 FEET TO THE SOUTHEASTERLY CORNER OF THAT PARCEL DESCRIBED IN THAT DEED RECORDED AUGUST 8, 2014 UNDER AUDITOR FILE NUMBER 2014-05693, RECORDS OF WALLA WALLA COUNTY AUDITOR; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL AND CONTINUING ALONG SAID CITY LIMITS N.00°28'42"W., 845.89 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 EIGHT (8) COURSES ALONG SAID PENITENTIARY BOUNDARY AND CITY LIMITS S.76°04'42"E., 181.47 FEET; THENCE N.81°09'18"E., 212.69 FEET; THENCE N.37°17'18"E., 185.00 FEET; THENCE N.44°07'18"E., 187.93 FEET; THENCE N.27°22'18"E., 204.45 FEET; THENCE N.06°41'18"E., 109.09 FEET; THENCE N.35°43'42"W., 206.44 FEET; TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY FOR BNSF RAILWAY COMPANY; THENCE ALONG SAID RIGHT-OF-WAY S.88°29'25"E., 345.92 FEET MORE OR LESS TO A POINT ON THE WESTERLY BOUNDARY OF SAID SECTION 19, SAID POINT ALSO BEING ON THE ON THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-1138;

THENCE ALONG SAID SECTION LINE AND CITY LIMITS S.01°12'59"E., 419.63 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SW1/4NW1/4) OF SAID SECTION 19; THENCE ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SW1/4NW1/4) AND CONTINUING ALONG SAID CITY LIMITS, N.87°48'54"E., 1364.41 FEET; THENCE DEPARTING SAID NORTH BOUNDARY AND CONTINUING ALONG SAID CITY LIMITS S.01°26'23"E., 639.64 FEET MORE OR LESS TO THE NORTHEAST CORNER OF THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-1315; THENCE THE FOLLOWING TWO(2) COURSES ALONG SAID CITY LIMITS S.87°41'19"W., 309.27 FEET; THENCE S.01°26'23"E., 710.13 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY FOR DELL AVENUE; THENCE ALONG SAID RIGHT-OF-WAY AND CONTINUING ALONG SAID CITY LIMITS N.87°41'16"E., 168.43 FEET MORE OR LESS TO A POINT ON THE WESTERLY BOUNDARY OF MEADOW BROOK ADDITION TO THE CITY OF WALLA WALLA, RECORDS OF WALLA WALLA COUNTY AUDITOR, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-1326; THENCE ALONG SAID MEADOW BROOK ADDITION AND CITY LIMITS S.00°15'42"E., 415.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF STATE ROUTE 12 AS SHOWN ON WSDOT "SR 12 IRELAND TO WALLA WALLA" ROAD PLANS, SAID POINT ALSO BEING THE NORTHEAST CORNER OF CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE 2000-14; THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID RIGHT-OF-WAY AND CITY LIMITS S.88°36'20"W., 924.76 FEET; THENCE N.87°28'23"W., 251.61 FEET; THENCE N.83°20'51"W., 53.67 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SECTION 19, SAID POINT ALSO BEING ON THE EASTERLY CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE 2017-08; THENCE ALONG SAID SECTION LINE AND CITY LIMITS N.00°10'48"W., 401.59 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 75.029 ACRES MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS OR RESTRICTIONS EXISTING, OF RECORD OR IN VIEW. BASIS OF BEARING FOR THIS DESCRIPTION: S.01°12'55"E. ON THE EASE 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.

Section 2: Adopts various zoning designations consistent with the land use designation identified in the Walla Walla 2040 Comprehensive Plan and provides that the property is subject to City zoning regulations.

Section 3: Provides that the annexed property shall be assessed and taxed at the same rate and on the same basis and subject to municipal indebtedness as other property in the City of Walla Walla is assessed and taxed subject to any applicable exemptions.

Section 4: Cancels and grants franchises in the annexed area upon certain terms and conditions.

Section 5: Directs the Walla Walla City Clerk 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: Directs the Development Services Department to submit certificates of annexation as provided in RCW 35A.14.700.

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

Section 8: Directs the Walla Walla City Clerk 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, 2019.

Section 10: Provides for severability if any provision of this ordinance or its application to any person or circumstances is held invalid.

The full text of Municipal Ordinance 2019-09 will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. 3rd Avenue, Walla Walla, WA 99362

Summary approved as to form:

City Attorney