

ORDINANCE NO. 2020-28

AN ORDINANCE ANNEXING APPROXIMATELY 38 ACRES BEING GENERALLY LOCATED ADJACENT TO AIRPORT ROAD AND MELROSE STREET, 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 adjacent to Airport Road and Melrose Street and approximately 17 acres; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2018-103 at its regular meeting on October 10, 2018 setting November 28, 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. 2018-123 at its November 28, 2018 regular meeting determining that it will geographically modify the area for annexation to include an additional 21 acres for a total of 38 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 on February 18, 2020 and May 7, 2020; and

WHEREAS, the Walla Walla City Council passed Resolution 2020-73 at its regular meeting on July 8, 2020 setting August 12, 2020 as the public hearing date to consider the annexation;

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 August 12, 2020 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 SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 14 AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 14, SAID POINT BEING A 3" BRASS CAP IN MONUMENT CASE HAVING A WASHINGTON STATE PLANE COORDINATES, SOUTH ZONE VALUE OF N:279,647.88 E:2,202,771.56 AND DESIGNATED AS POINT NUMBER OF 2116 ACCORDING TO THE CITY OF WALLA WALLA'S GPS CONTROL NETWORK AS SHOWN ON THAT RECORD OF SURVEY RECORDED IN BOOK 6, AT PAGE 263, RECORDS OF WALLA WALLA COUNTY.

THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST ONE-QUARTER (SW1/4) N.01°59'35"W., 1324.29 FEET MORE OR LESS, TO A POINT ON THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-3470, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE DEPARTING SAID WESTERLY LINE AND CONTINUING ALONG SAID CITY LIMITS N.88°24'48"E., 30.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF AIRPORT WAY; **THENCE** CONTINUING ALONG SAID CITY LIMITS AND SAID EASTERLY RIGHT-OF-WAY S.01°59'35"E., 431.87 FEET TO POINT ON THE CENTERLINE OF VACATED MILL CREEK ROAD AS DESCRIBED IN VACATION ORDINANCE NUMBER 438, RECORDED ON APRIL 30, 1947; **THENCE** DEPARTING SAID CITY LIMITS AND EASTERLY RIGHT-OF-WAY AND ALONG THE CENTERLINE OF SAID VACATED MILL CREEK ROAD N.75°06'20"E., 713.98 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THAT QUIT CLAIM DEED RECORDED APRIL 30, 2013, UNDER AUDITOR FILE NUMBER 2013-04251, RECORDS OF WALLA WALLA COUNTY;

THENCE DEPARTING SAID CENTERLINE AND ALONG THE EAST BOUNDARY OF SAID PARCEL N.01°59'35"W., 295.85 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF PARCEL 7 AS SHOWN ON THAT RECORD OF SURVEY RECORDED IN BOOK 13 OF SURVEYS, AT PAGE 80 UNDER AUDITOR FILE NUMBER 2018-03378, RECORDS OF WALLA WALLA COUNTY; **THENCE** DEPARTING SAID PARCEL THE FOLLOWING FOUR (4) COURSES ALONG PARCELS 7, 8, 9, 10 AND 5 OF SAID RECORD OF SURVEY RECORDED UNDER AUDITOR FILE NUMBER 2018-03378, N88°23'12E., 24.10 FEET; **THENCE** N.01°36'50"W., 65.00 FEET; **THENCE** N.88°20'10"E., 859.80 FEET; **THENCE** N.01°59'34"W., 569.69 FEET TO A POINT OF NON-TANGENT CURVE ON THE SOUTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 12, SAID POINT HAVING A RADIAL BEARING OF N.12°42'27"W.; **THENCE** ALONG SAID PARCEL 5 AND ALONG SAID RIGHT-OF-WAY AN ARC DISTANCE OF 471.51 FEET

ALONG SAID NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 3120.00 FEET AND A DELTA ANGLE OF 08°39'32" TO A POINT OF NON-TANGENT LINE AT THE NORTHWEST CORNER OF SAID PARCEL 5; **THENCE** DEPARTING SAID PARCEL 5, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY AND ALONG PARCEL 4 AND PARCEL 3 OF SAID RECORD OF SURVEY RECORDED UNDER AUDITOR FILE NUMBER 2018-03378, S.85°57'25"W., 414.42 FEET TO THE NORTHEAST CORNER OF PARCEL 2 OF SAID RECORD OF SURVEY;

THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY AND ALONG SAID PARCEL 2 THE FOLLOWING SIX (6) COURSES, S.01°59'35"E., 224.49 FEET; **THENCE** S.88°23'12"W., 450.84 FEET; **THENCE** N.01°33'23"W., 144.62 FEET TO A POINT OF NON-TANGENT CURVE, SAID POINT HAVING A RADIAL BEARING OF S.89°59'02"E.; **THENCE** AN ARC DISTANCE OF 25.16 FEET ALONG SAID NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 19.80 FEET AND A DELTA ANGLE OF 72°48'08" TO A POINT OF NON-TANGENT LINE; **THENCE** ALONG SAID NON-TANGENT LINE N.69°37'25"E., 43.28; **THENCE** N.01°59'35"W., 30.58 FEET TO A POINT OF NON-TANGENT CURVE ON SOUTHERLY RIGHT-OF-WAY OF SAID U.S. HIGHWAY NUMBER 12, SAID POINT BEING THE NORTHEAST CORNER OF PARCEL 1 OF SAID RECORD OF SURVEY RECORDED UNDER AUDITOR FILE NUMBER 2018-03378, SAID POINT ALSO HAVING A RADIAL BEARING OF S.04°31'39"E.; **THENCE** CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY AND SAID PARCEL 1 THE FOLLOWING THREE (3) COURSES, AN ARC DISTANCE OF 252.34 FEET ALONG SAID NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3877.70 FEET AND A DELTA ANGLE OF 03°43'42" TO A POINT OF NON-TANGENT LINE; **THENCE** ALONG SAID NON-TANGENT LINE S.40°07'03"W., 48.29 FEET; **THENCE** S.01°59'35"E., 79.89 FEET; **THENCE** DEPARTING SAID RECORD OF SURVEY RECORDED UNDER AUDITOR FILE NUMBER 2018-03378 AND CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY S.88°01'58" 133.07 FEET TO A POINT ON THE NORTH LINE OF THAT RECORD OF SURVEY RECORDED IN BOOK 1, PAGE 46 UNDER AUDITOR FILE NUMBER 534426; **THENCE** THE FOLLOWING FIVE (5) COURSES ALONG SAID SOUTHERLY RIGHT-OF WAY, S.88°01'58" 85.09 FEET TO A POINT OF TANGENT CURVE; **THENCE** AN ARCE DISTANCE OF 388.76 FEETALONG SAID TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1925.00 FEET AND A DELTA ANGLE OF 11°34'16" TO A POINT OF NON-TANGENT LINE; **THENCE** ALONG SAID NON-TANGENT LINE S.76°27'42"W. 359.96 FEET; **THENCE** S.84°40'26"W., 143.15 FEET; **THENCE** S.72°38'42"W., 799.07 FEET TO POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE NORTHERN PACIFIC RAILWAY COMPANY; **THENCE** DEPARTING SAID SOUTHERLY RIGHT-OF-WAY OF U.S HIGHWAY NUMBER 12 AND ALONG SAID NORTHERLY RAILROAD RIGHT-OF-WAY N.88°24'50"E., 902.17 FEET; **THENCE** DEPARTING SAID NORTHERLY RAILROAD RIGHT-OF-WAY S.01°59'35"E., 92.43 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY FOR SAID RAILROAD,

SAID POINT BEING THE NORTHEAST CORNER OF PARCEL ‘A’ OF THAT RECORD OF SURVEY RECORDED IN BOOK 11 OF SURVEYS, AT PAGE 291 UNDER AUDITOR FILE NUMBER 2011-08535, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE 2013-48; **THENCE** DEPARTING SAID SOUTHERLY RAILROAD RIGHT-OF-WAY AND ALONG SAID CITY LIMITS S.01°59’35”E., 651.45 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF MELROSE STREET, SAID POINT BEING THE SOUTHEASTERLY CORNER OF SAID ANNEXATION ORDINANCE 2013-48, SAID POINT ALSO BEING ON THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-2779; **THENCE** ALONG SAID SOUTHERLY RIGHT-OF-WAY OF MELROSE STREET AND CITY LIMITS N.75°22’27”E., 305.26 FEET TO THE TO THE SOUTHWESTERLY CORNER OF THE EXISTING CITY LIMITS AS DESCRIBED IN ANNEXATION ORDINANCE A-3470; **THENCE** DEPARTING SAID SOUTHERLY RIGHT-OF-WAY OF MELROSE STREET AND ALONG SAID CITY LIMITS N.01°59’35”W., 582.58 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF THE NORTHERN PACIFIC RAILWAY COMPANY, SAID POINT BEING THE NORTHWESTERLY CORNER OF SAID CITY LIMITS; **THENCE** ALONG SAID SOUTHERLY RAILROAD RIGHT-OF-WAY AND CITY LIMITS N.88°24’48”E., 620.40 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 38.636 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: N.01°59’35”W. ON THE SOUTHWEST LINE OF SECTION 14, AS SHOWN ON RECORD OF SURVEY BOOK 13, PAGE 80, FILED ON APRIL 30, 2008, UNDER AUDITOR FILE NUMBER 2018-03378.

PREPARED BY ANDERSON PERRY & ASSOCIATES INC.

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 |
|----------------------|-----------------------------|
| 360715410025 | Light Industrial/Commercial |
| 360715420001 | Light Industrial/Commercial |
| 360715440060 | Heavy Industrial |
| 360714320040 | Light Industrial/Commercial |
| 360714320042 | Light Industrial/Commercial |
| 360714320043 | Light Industrial/Commercial |
| 360714320044 | Light Industrial/Commercial |
| 360714320045 | Light Industrial/Commercial |

| | |
|--------------|-----------------------------|
| 360714320046 | Light Industrial/Commercial |
| 360714310054 | Light Industrial/Commercial |
| 360714310053 | Light Industrial/Commercial |
| 360714310052 | Light Industrial/Commercial |
| 360714330033 | Light Industrial/Commercial |

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: Certificates of annexation shall be submitted 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 September 1, 2020.

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 12th day of August, 2020.

Mayor

Attest:

Approved as to form:

City Clerk

City Attorney

ORDINANCE SUMMARY 2020-XX

AN ORDINANCE ANNEXING APPROXIMATELY 38 ACRES BEING GENERALLY LOCATED ADJACENT TO AIRPORT ROAD AND MELROSE STREET, TO THE CITY OF WALLA WALLA AND TAKING SUCH OTHER ACTION RELATED THERETO

The Walla Walla City Council passed Municipal Ordinance 2020-XX at its August 12, 2020 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 SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 14 AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 38.636 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: N.01°59'35"W. ON THE SOUTHWEST LINE OF SECTION 14, AS SHOWN ON RECORD OF SURVEY BOOK 13, PAGE 80, FILED ON APRIL 30, 2008, UNDER AUDITOR FILE NUMBER 2018-03378.

PREPARED BY ANDERSON PERRY & ASSOCIATES INC.

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: Certificates of annexation shall be submitted 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 September 1, 2020.

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 2020-XX 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