

**CITY OF PROSSER, WASHINGTON  
ORDINANCE NO. 21-3136**

**AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBERS 1-3594-200-0007-000 (7402 NORTH WAMBA ROAD), 1-3594-101-1939-003 (5105 NORTH WAMBA ROAD), 1-3594-200-0006-000, (7438 NORTH WAMBA ROAD), 1-3594-201-2512-003 (NO ADDRESS), 1-3594-200-0005-000 (7446 NORTH WAMBA ROAD), 1-3594-201-2447-001 (136505 JOHNSON ROAD), 1-3594-100-0014-000 (7001 NORTH WAMBA ROAD), 1-3594-300-0018-000 (120 NORTH WAMBA ROAD), 1-3594-300-0002-002 (NO ADDRESS), AND 1-3594-300-0002-001 (NO ADDRESS) AND ANNEXING THOSE PORTIONS OF WAMBA ROAD AND INTERSTATE 82 WHERE BOTH SIDES OF THE ROAD OR INTERSTATE ABUT PROPERTY IN THE CITY LIMITS. THE ORDINANCE ALSO MAKES THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDES FOR PUBLICATION BY SUMMARY.**

**WHEREAS,** Petitioners Edward E. Blackburn, Maria Guadalupe Hurtado, Alberto Fernandez, Maria Fernandez, Efren Garcia, Malissa Garcia, Lixandro Villafan Investments LLC, Roy Reeves, Pamela Reeves, Niel Van Wyk, Nancy Van Wyk, Jeffery J. Ammerman, Shari L. Ammerman, and the Port of Benton 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 October 13, 2020, 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 be subject to the existing City indebtedness and be assumed by the area to be annexed; and

**WHEREAS,** on December 16, 2020, 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 Sections 1 and 2 of the Ordinance; and

**WHEREAS**, the Benton County Assessor issued a determination of sufficiency for the Petition for Annexation on January 4, 2021; and

**WHEREAS**, the City fixed the date of February 23, 2021, 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**, Benton County does not have a Boundary Review Board; 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**, real property having parcel numbers 1-3594-200-0007-000 (7402 North Wamba Road), 1-3594-101-1939-003 (5105 North Wamba Road), 1-3594-200-0006-000, (7438 North Wamba Road), 1-3594201-2512-003 (No Address), 1-3594-200-0005-000 (7446 North Wamba Road), 1-3594-201-2447-001 (136505 Johnson Road), and 1-3594-100-0014-000 (7001 North Wamba Road), were pre-zoned Residential, Medium Density District (RM) by Ordinance 18-3079;

**WHEREAS**, the properties having parcel number 1-3594-300-0018-000 (120 North Wamba Road), 1-3594-300-0002-002 (No address), and 1-3594-300-0002-001 (No address) were pre-zoned Commercial General District (CG) 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:

The South One/Half of the Northeast Quarter Of The Northwest Quarter, Section 35 Township 9 North, Range 24 EWM Less Portion Defined As Follows: Beginning At The Northeast Corner Of The Above Described Tract; Thence North 89 Degrees 57'17" West Along The North Line Thereof 314 Feet; Thence South 00 Degrees 03'33" East a Distance Of 277.50 Feet; Thence North 86 Degrees 10'06" East a Distance of 314.72 Feet to the East Line of Said Tract; Thence North 00 Degrees 03'33" West a Distance of 256.22 Feet to the Point of Beginning: Except County Road; Also Less The Southwest Quarter Of The Northeast Quarter Of The Northwest Quarter.

AND

Lot 3 Short Plat 1939, According to the Plat Thereof, Records of Benton County, State of Washington.

AND

The South One/Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter Section 35, Township 9 North, Range 24 EWM

AND

Lot 3, Short Plat 2512, According to the Plat Thereof, Records of Benton County, State of Washington.

AND

The North One/Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter Section 35, Township 9 North, Range 24 EWM.

AND

Lot 1, Short Plat 2447, According to the Plat Thereof, Records of Benton County, State of Washington.

AND

The Southwest Quarter of the Northwest Quarter of the Northeast Quarter Except the North 328.4 Feet Thereof, Section 35, Township 9 North, Range 24 EWM.

AND

Those portions of Wamba Road and Interstate 82 where both sides of the Road or Interstate abut property in the City limits.

**Section 2.** The following described real property is hereby annexed into and made a part of the City of Prosser, Washington:

The East One/Half of the Southeast Quarter of the Southwest Quarter, Section 35, Township 9 North, Range 24, EWM.

AND

The South One/Half of the Southeast Quarter, of the Northeast Quarter of the Southwest Quarter, Section 35, Township 9 North, Range 24, EWM, Less the North 190.45 Feet of the East 228.14 Feet thereof.

AND

The North 190.45 Feet of the East 228.14 Feet of the Follow Described Parcel Of Land: the South One/Half of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter, Section 35, Township 9 North, Range 24 EWM.

AND

Those portions of Wamba Road and Interstate 82 where both sides of the Road or Interstate abut property in the City limits.

**Section 3.** 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 4.** 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 5.** In accordance with Ordinance 18-3079, the property described in section 1 is zoned Residential Medium Density District (RM) upon its annexation into the City. The City Council hereby adopts the recitals set forth above as additional findings.

**Section 6.** In accordance with Ordinance 18-3079, the property described in section 2 is zoned Commercial General District (CG) upon its annexation into the City. The City Council hereby adopts the recitals set forth above as additional findings.

**Section 7.** 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 9. 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 10.** 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 \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Attest:

\_\_\_\_\_  
Mayor Randy Taylor

\_\_\_\_\_  
Rachel Shaw, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Howard Saxton, City Attorney

Publication Date: \_\_\_\_\_

**SUMMARY OF ORDINANCE NO. 21-3136**

of the City of Prosser, Washington

---

On the 23<sup>rd</sup> day of February, 2021, the City of Prosser, Washington, passed Ordinance No. 21-3136. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBERS 1-3594-200-0007-000 (7402 NORTH WAMBA ROAD), 1-3594-101-1939-003 (5105 NORTH WAMBA ROAD), 1-3594-200-0006-000, (7438 NORTH WAMBA ROAD), 1-3594-201-2512-003 (NO ADDRESS), 1-3594-200-0005-000 (7446 NORTH WAMBA ROAD), 1-3594-201-2447-001 (136505 JOHNSON ROAD), 1-3594-100-0014-000 (7001 NORTH WAMBA ROAD), 1-3594-300-0018-000 (120 NORTH WAMBA ROAD), 1-3594-300-0002-002 (NO ADDRESS), AND 1-3594-300-0002-001 (NO ADDRESS) AND ANNEXING THOSE PORTIONS OF WAMBA ROAD AND INTERSTATE 82 WHERE BOTH SIDES OF THE ROAD OR INTERSTATE ABUT PROPERTY IN THE CITY LIMITS. THE ORDINANCE ALSO MAKES THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

DATED this 24<sup>th</sup>, day of February, 2021

---

CITY CLERK, RACHEL SHAW