

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 21-3137**

AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBERS 1-3594-200-0014-001 (NO ADDRESS), 1-3594-100-0024-000 (6002 NORTH GAP ROAD), 1-3594-200-0008-000, (8501 NORTH GAP ROAD), 1-3594-200-0009-000 (NO ADDRESS), 1-3594-200-0012-000 (NO ADDRESS), 1-3594-200-0011-000 (NORTH GAP ROAD), 1-3594-200-0010-000 (NORTH GAP ROAD), 1-3594-100-0002-000 (141801 WEST JOHNSON ROAD), 1-3594-100-0008-000 (NO ADDRESS), 1-3594-100-0003-000 (WEST JOHNSON ROAD), AND 1-3594-100-0004-000 (144001 WEST JOHNSON ROAD) AND ANNEXING THAT PORTION OF GAP ROAD LOCATED SOUTH OF WEST JOHNSON ROAD. THOSE PORTIONS OF WAMBA ROAD AND INTERSTATE 82 WHERE BOTH SIDES OF THE RIGHT OF WAY ABOUT THE CITY LIMITS ARE ALSO ANNEXED. 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 Lixsandro Villafan Investments LLC, Hofstad Wooden LLC, the Estate of Mary Ann Ver Mulm, the Prosser Public Hospital District, Rick Murphey, Jane Murphey, the Stephen W. and Mary L. Murphey Trust, and Mary Murphey 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 8, 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 15, 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, the properties having parcel numbers 1-3594-200-0014-001 (No Address), 1-3594-100-0024-000 (6002 North Gap Road), 1-3594-200-0008-000, (8501 North Gap Road), 1-3594-200-0009-000 (No Address), 1-3594-200-0012-000 (No Address), 1-3594-200-0011-000 (North Gap Road), 1-3594-200-0010-000 (North Gap Road), and 1-3594-100-0002-000 (141801 West Johnson Road) were pre-zoned Commercial General District (CG) by Ordinance 18-3079; and

WHEREAS, real property having parcel numbers, 1-3594-100-0008-000 (No Address), 1-3594-100-0003-000 (West Johnson Road), and 1-3594-100-0004-000 (144001 West Johnson Road) were pre-zoned Industrial Light District (IL) 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 half of the Southeast quarter of the Northwest quarter of Section 35, Township 9 North, Range 24 East, W.M.;

EXCEPT State Route 82 right of way;

AND EXCEPT the South 292.70 of the East 275.0 feet thereof;

AND EXCEPT Commencing at the North quarter corner of said Section 35, marked as a brass cap in case;

Thence along the East line of the Northwest quarter of said Section 35, South 0°03'18" East 1984.71 feet to the Easterly projection of the South line of Short Plat No. 2512 as recorded under Auditor's File Number 2000-017649, records of Benton County, Washington;

Thence continuing along said East line South 0°03'18" East 368.87 feet;

Thence North 89°53'57" West 24.99 feet to the Westerly right of way of Wamba Road;

Thence North 89°53'57" West 250.00 feet and the Point of Beginning;

Thence South 0°03'18" East 292.70 feet to the South line of said Northwest quarter of Section 35;

Thence along said South line North 89°53'57" West 47.13 feet;

Thence North 0°02'17" East 292.69 feet to the Westerly projection of the Southerly line of the South 60 feet of the North 374.32 feet of the South 667.02 feet of the East 275.00 feet of the Southeast quarter of said Northwest quarter;

Thence South 89°53'57" East 46.65 feet to the Point of Beginning;

This property is also described as Parcel A as provided for on the attached Exhibit "A".

AND

The South One Half of the North One Half of the Southeast Quarter of the Northeast Quarter, less any portion located in the I-82 right of way, Section 34, Township 9 North, Range 24 EWM.

AND

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

AND

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

AND

The North half of the Southwest quarter of the Northwest quarter of Section 35, Township 9 North, Range 24 East, W.M., Benton County, Washington.

AND

The Southeast quarter of the Southwest quarter of the Northwest quarter of Section 35, Township 9 North, Range 24 East, W.M., Benton County, Washington;

EXCEPT therefrom any portion lying within State Highway I-82 right of way.

AND

AND the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 35, Township 9 North, Range 24 East, W.M., Benton County, Washington;

EXCEPT therefrom any portion lying within State Highway I-82 right of way.

AND

The West One Half of the Northeast Quarter of the Northeast Quarter, less the North 20 Feet thereof, Section 34, Township 9 North, Range 24 EWM.

AND

Those portion of Wamba Road and Interstate 82 that where both sides of the right of way abut 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 South One Half of the Northwest Quarter of the Northeast Quarter, Less the West 392.4 Feet of the South 666 Feet Thereof, Section 34, Township 9 North, Range 24 EWM.

AND

The North One Half of the Northwest Quarter of the Northeast Quarter, Less the West 392.4 Feet Thereof and Less That Portion Defined As Follows: Beginning at the North One Half Monument of Section 34; Thence East 392.4 Feet to the Point of Beginning; Thence East 200 Feet; Thence South 220 Feet; Thence West 200 Feet; Thence North 200 Feet to the Point Of Beginning Except Therefrom The North 20 Feet for road. Less The East 200 Feet of the West 792.40 Feet of the North 220 Feet of The North One Half of the Northwest Quarter of The Northeast Quarter, Except The North 20 Feet For Road, situate in Section 34, Township 9 North, Range 24 EWM.

AND

The East 200 Feet of the West 792.40 Feet of the North 220 Feet of the North One Half of the Northwest Quarter of the Northeast Quarter, EXCEPT the North 20 Feet Thereof for road, situate in Section 34, Township 9 North, Range 24 EWM.

AND

Those portion Interstate 82 that where both sides of the right of way about 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 Number 18-3079, the property described in Section 1 of this Ordinance 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 6. In accordance with Ordinance Number 18-3079, the property described in Section 2 of this Ordinance is zoned Industrial Light District (IL) 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 8. 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 9. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and **APPROVED** by the Mayor this 23rd day of February, 2021.

MAYOR RANDY TAYLOR

ATTEST:

RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM:

HOWARD SAXTON, CITY ATTORNEY

Publication Date: _____

SUMMARY OF ORDINANCE NO. 21-3137

of the City of Prosser, Washington

On the 23rd day of February, 2021, the City of Prosser, Washington, passed Ordinance No. 21-3137. 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 1-3594-200-0014-001 (NO ADDRESS), 1-3594-100-0024-000 (6002 NORTH GAP ROAD), 1-3594-200-0008-000, (8501 NORTH GAP ROAD), 1-3594-200-0009-000 (NO ADDRESS), 1-3594-200-0012-000 (NO ADDRESS), 1-3594-200-0011-000 (NORTH GAP ROAD), 1-3594-200-0010-000 (NORTH GAP ROAD), 1-3594-100-0002-000 (141801 WEST JOHNSON ROAD), 1-3594-100-0008-000 (NO ADDRESS), 1-3594-100-0003-000 (WEST JOHNSON ROAD), AND 1-3594-100-0004-000 (144001 WEST JOHNSON ROAD) AND ANNEXING THAT PORTION OF GAP ROAD LOCATED SOUTH OF WEST JOHNSON ROAD. THOSE PORTIONS OF WAMBA ROAD AND INTERSTATE 82 WHERE BOTH SIDES OF THE RIGHT OF WAY ABUT THE CITY LIMITS ARE ALSO ANNEXED. 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 ____ day of _____, 2021

RACHEL SHAW, CITY CLERK