

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 21-3139**

AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBERS 1-0284-200-0015-001 (365 SOUTH NUNN ROAD), 1-0284-201-0426-001 (137904 WEST NORTH RIVER ROAD), 1-0284-200-0016-001 (139404 WEST NORTH RIVER ROAD), 1-0284-201-1702-002 (138308 WEST NORTH RIVER ROAD), AND 1-0284-201-1702-001 (138904 WEST NORTH RIVER ROAD) EXCLUDING ANY ABUTTING ROADS. 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 Rogelio V. Magana, Maria Magana, Jason Rocky Mieirs, Elizabeth Mieirs, William Pleake III, Michelle Pleake, Randy J. Ripplinger, Kathleen J. Ripplinger, and Scott Simard 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 November 23, 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 Section 1 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, the properties having parcel numbers 1-0284-200-0015-001 (365 South Nunn Road), 1-0284-201-0426-001 (137904 West North River Road), 1-0284-200-0016-001 (139404 West North River Road), 1-0284-201-1702-002 (138308 West North River Road), AND 1-0284-201-1702-001 (138904 West North River Road) were pre-zoned Residential Medium Density District (RM);

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 Northwest Quarter of the Southwest Quarter of the Northwest Quarter Less the East 389.79 Feet Thereof; Section 2, Township 8 North, Range 24 EWM excluding roads that abut such property.
AND

Lot 1 Short Plat Number 426, According to the Plat Thereof, Records of Benton County, Washington; excluding roads that abut such property.

AND

The East 389.79 Feet of the South Half of the Northwest quarter of the Southwest

Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter, all in Section 2, Township 8 North, Range 24 East of the Willamette Meridian, records of Benton County, Washington (also known as Parcel B of Survey No. 1377, Recorded December 24, 1990 under Auditor's File No. 90-21694.) excluding roads that abut such property.

AND

Lots 1 and 2, Short Plat 1702, According to the Plat Thereof, Records of Benton County, Washington; excluding roads that abut such property.

Section 2. 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 3. 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 4. 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 5. 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 6. 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 7. 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. 21-3139

of the City of Prosser, Washington

On the 23rd day of February, 2021, the City of Prosser, Washington, passed Ordinance No. 21-3139. 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 1-0284-200-0015-001 (365 SOUTH NUNN ROAD), 1-0284-201-0426-001 (137904 WEST NORTH RIVER ROAD), 1-0284-200-0016-001 (139404 WEST NORTH RIVER ROAD), 1-0284-201-1702-002 (138308 WEST NORTH RIVER ROAD), AND 1-0284-201-1702-001 (138904 WEST NORTH RIVER ROAD) EXCLUDING ANY ABUTTING ROADS. 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