

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 21-3141**

AN ORDINANCE OF THE CITY OF PROSSER, WASHINGTON AMENDING THE WHEREAS SECTION OF ORDINANCE 21-3137, AMENDING SECTION ONE OF ORDINANCE NUMBER 21-3137 TO ADD PARCEL NUMBERS 1-3494-100-0023-000 (NO ADDRESS) and 1-3494-100-009-000 (NO ADDRESS) TO THE LIST OF ANNEXED PARCELS, AND AMENDING SECTION FIVE OF ORDINANCE NUMBER 21-3137 TO ZONE PARCELS IN AMENDED SECTION ONE OF ORDINANCE NUMBER 21-3137 AS COMMERCIAL GENERAL DISTRICT (CG) UPON ANNEXATION. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. The WHEREAS Section of Ordinance Number 21-3137 is hereby amended to read as follows:

WHEREAS, Petitioners Lixsandro Villafan Investments LLC, Hofstad Wooden LLC, Robert H Hofstad, Diana L. Hofstad, 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 Benton County Assessor issued a revised determination of sufficiency for the Petition for Annexation on April 13, 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), 1-3594-100-0002-000 (141801 West Johnson Road), 1-3494-100-0023-000 (No Address), and 1-3494-100-009-000 (No Address) 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;

Section 2. Section one of Ordinance Number 21-3137 is hereby amended to read as follows:

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.

AND

The North One Half of the North One Half of the Southeast Quarter of the Northeast Quarter, Section 34, Township 9 N, Range 24 EWM, Less Portion for State Route 82.

AND

The North One/Half of the Southwest Quarter of the Northeast Quarter of Section 34 Township 9 North Range 24, Northeast of Highway

EXCEPT the West 560 Feet thereof

ALSO EXCEPT that Portion Defined As Follows: That Portion of the North One/Half of the Southwest Quarter of the Northeast Quarter, Lying Northeasterly of State Highway SR-12 And Southwesterly of the Following Described Line: Beginning At A Point Opposite HES LE 1160-39.72 on the LE Line Centerline of Said Highway and 100 Feet Southwest therefrom: thence Southeasterly Parallel with Said LE Line Centerline to a Point Opposite HES LE 1170+00: thence Southeasterly in a Straight Line to a Point Opposite HES WG 0+00 on the WG Line Centerline of Said Highway and 80 Feet Southwesterly therefrom: thence South- Easterly in a Straight Line to a Point Opposite HES WG 2+63.65 P.C. and 100 Feet Southwesterly therefrom and the End of Said Description, Except the West 560 Feet thereof. Less State Route 82

Section 3. Section five of Ordinance Number 21-3137 is hereby amended to read as follows:

In accordance with Ordinance Number 18-3079, the property described in Section 1 of Ordinance 21-3137, as amended by Section 2 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 4. 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 5. 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 27th day of April, 2021.

MAYOR RANDY TAYLOR

ATTEST:

RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM:

HOWARD SAXTON, CITY ATTORNEY

Publication Date: _____

SUMMARY OF ORDINANCE NO. 21-3141

of the City of Prosser, Washington

On the 27th day of April, 2021, the City of Prosser, Washington, passed Ordinance No. 21-3141. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF PROSSER, WASHINGTON AMENDING THE WHEREAS SECTION OF ORDINANCE 21-3137, AMENDING SECTION ONE OF ORDINANCE NUMBER 21-3137 TO ADD PARCEL NUMBERS 1-3494-100-0023-000 (NO ADDRESS) and 1-3494-100-009-000 (NO ADDRESS) TO THE LIST OF ANNEXED PARCELS, AND AMENDING SECTION FIVE OF ORDINANCE NUMBER 21-3137 TO ZONE PARCELS IN AMENDED SECTION ONE OF ORDINANCE NUMBER 21-3137 AS COMMERCIAL GENERAL DISTRICT (CG) UPON ANNEXATION. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER 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