

First Reading: _____

Second Reading: _____

ORDINANCE NO. 1032

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO THE CITY OF BENTON CITY, WASHINGTON, LOCATED WITHIN SECTION 7, TOWNSHIP 9 NORTH, RANGE 27 EAST, WILLAMETTE MERIDIAN AND FOR SIMULTANEOUS ADOPTION OF A ZONING CLASSIFICATION (GEREND).

WHEREAS, on July 8, 2021, Benton City received a Notice of Intent to Annex signed by the owners of not less than ten (10) percent in value, according to the assessed valuation for general taxation, of certain real property referred to as the “Gerend” annexation pursuant to RCW 35A.14.120 (“Direct Petition Method”), as well as a request for R-2 Residential Medium Density District zoning; and

WHEREAS, on August 17, 2021 the City Council held a public meeting with the initiator pursuant to RCW 35A.14.120; and

WHEREAS, on August 17, 2021 the City Council passed Resolution 2021-33, with which the Council accepted the Notice of Intent and authorized the circulation an annexation petition pursuant to RCW 35A.14.120, accepting the boundaries of the annexation area as proposed, requiring the assumption of an appropriate share of all existing City indebtedness, and require a zoning designation to be reviewed and assigned simultaneously; and

WHEREAS, a good and sufficient petition has been filed for the annexation of this territory which complies with the requirements of law, having been signed by the owners of not less than 60% in value according to the assessed valuation for general taxation of the property hereinafter described pursuant to RCW 35A.14.120 for the annexation of said area to the City of Benton City; and

WHEREAS, the Benton County Assessor certified the petition for annexation as sufficient on August 30, 2021 having determined that the petition signatures have a combined total assessed value for general taxation of not less than 60% of the total assessed value for general taxation of all property in the proposed annexation area; and

WHEREAS, the on September 21, 2021 the City Council passed Resolution 2021-40 setting dates for public hearings on the petition and zoning; and

WHEREAS, the City provided notice of application, notice of the SEPA Determination for the zoning, and notice of the public hearings pursuant to BCMC 2.70 and RCW 35A.14.130; and

WHEREAS, on November 22, 2021 the Planning Commission conducted a duly noticed public hearing on the proposed annexation and zoning assignment, and subsequently recommended the City Council approve the annexation and zoning as

proposed; and

WHEREAS, on December 7, 2021, the City Council conducted a public hearing on the proposed annexation and zoning assignment and first reading of this ordinance; and

WHEREAS, the proposal is consistent with the City's Comprehensive Plan and annexation of the property is found to be in the public interest;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Annexation of Real Property. The real property known as the "Gerend" annexation as legally described in **Exhibit A** and depicted on **Exhibit B**, attached hereto and incorporated herein by reference as though fully set forth herein, is hereby annexed to the City of Benton City, Washington and is hereby declared to be within the corporate limits of the City of Benton City. Said property is located within Benton County, Washington.

Section 2. Assumption of Prior Indebtedness and Taxation. All property within annexed described above shall be assessed and taxed at the same rate and on the same basis as other property of the City of Benton City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of such annexation.

Section 3. Zoning Designation. All property within the territory so annexed shall be zoned as R-2 Residential Medium Density District, which is established to be consistent with the Comprehensive Plan classification of "Residential" as established in the most current version of the City's Comprehensive Plan as adopted by Ordinance No. 1027, dated September 7, 2021.

Section 4. Filing and Recording. The City Clerk is directed to file a recorded copy of this annexation with the Board of Commissioners of Benton County and the State of Washington in the manner required by law. The City Clerk is also directed to file with the Auditor of Benton County, Washington a copy of this ordinance.

Section 5. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication, as required by law.

PASSED this ____ day of _____ 2021, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this ____ day of _____, 2021.

