

ORDINANCE 2022-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TOPPENISH, WASHINGTON, ANNEXING PROPERTY INTO THE
CITY LIMITS OF CITY OF TOPPENISH; PROVIDING FOR
SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS Notice of Intent to Commence Annexation Proceedings were filed with the Toppenish City Clerk by the City Manager of the City of Toppenish on February 11, 2022, wherein the owner of the two parcels contained within the proposed territory to be annexed (the owner of one-hundred percent of the assessed value of all of the property for which the annexation is sought) gave notice to the Toppenish City Council of the intent to commence proceedings for the annexation of the following real property which is not contiguous to the City of Toppenish:

The Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 9, Township 10 North, Range 20 E.W.M.

AND

The Southwest Quarter of the Northwest Quarter of the Southwest Quarter and the West Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter EXCEPT the South 15 feet; all in Section 9, Township 10 North, Range 20, E.W.M., EXCEPTING ALSO, right of way for a roadway 15 feet wide along the North end of said tract;

WHEREAS the legal description of the property to be annexed has been approved by the Yakima County Public Services Division; and

WHEREAS the annexation of City-owned property for municipal purposes pursuant to RCW 35A.14.300 does not require a public hearing by the City Council; and

WHEREAS the annexation by a City of property with an existing City zoning classification is exempt from SEPA review pursuant to RCW 43.21C.222 and WAC 197-11-800(6)(c) where, as here, it is within an Urban Growth Area and does not require an amendment to the Comprehensive Plan; and

WHEREAS on March 14, 2022, the City Council adopted Resolution 2022-10 wherein it gave notice of its intent to proceed with the annexation as proposed; and

WHEREAS, the Yakima County Assessor issued a Determination of Sufficiency of the Annexation Petition; and

WHEREAS the Planning Commission held a public hearing on April 19, 2022, and having received and considered all evidence and testimony made a recommendation to the City Council to annex said property simultaneously assigning the SP Public and Semipublic zoning district; and

WHEREAS all procedural requirements within Titles 2, 14, and 17 of the Toppenish Municipal Code have been met and are satisfied; and

WHEREAS true copies of the Notices of Intent, the Petition for Annexation, the determination of Sufficiency of the Annexation Petition, and the approval of the legal description, all of which is more specifically described and referred to above were filed with the Boundary Review Board along with a copy of said Resolution; and

WHEREAS the Washington State Boundary Review Board has given written notice that the 45 day filing period for the City's Notice of Intention on the annexation ended on May 29, 2022, without a request for review having been filed; and

WHEREAS the Boundary Review Board did not invoke jurisdiction and therefore the proposed annexation is deemed approved;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The real property that is described in Exhibit "A", a map of which is outlined in Exhibit "B", and the approval of the legal description by the Yakima County Engineer of the Yakima Roads Department as outlined in Exhibit "C" is hereby declared to be annexed into the City of Toppenish, Washington.

Section 2. There is no existing city indebtedness to be assumed by the area to be annexed. Said property shall be assessed and taxed at the same rate and on the same basis as the property of the City of Toppenish is assessed and taxed to pay the outstanding indebtedness of the City of Toppenish contracted after the effective date of this ordinance, if any.

Section 3. The annexed property shall be simultaneously assigned as the SP Public and Semipublic zoning district as defined in Chapter 17 TMC.

Section 4. The City Clerk is instructed to record the original of this ordinance with the Yakima County Auditor, as required by law.

Section 5. The City Clerk is instructed to issue a notice of this annexation to the state Office of Financial Management, to the state Department of Revenue, as required by law.

Section 6. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. This Ordinance shall take effect five days after publication of a summary hereof.

PASSED by the Toppenish City Council at its regular meeting held on June 13, 2022.

CLARA R. JIMÉNEZ, Mayor Pro Tem

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM

GARY M. CUILLIER, City Attorney