

ORDINANCE NO. 2021-026

AN ORDINANCE annexing the Anderson Park Annexation area to the City of Yakima, contingent on Yakima County Boundary Review Board approval.

WHEREAS, on March 11, 2021, the owners of not less than ten percent (10%) of the acreage in property within the proposed Anderson Park Annexation submitted a Notice of Intent to Commence Annexation, pursuant to the alternative direct petition method form of annexation found in RCW 35.13.410 through RCW 35.13.460; and

WHEREAS, on April 20, 2021, the City Council, at an open public meeting, accepted the Notice of Intent to Commence Annexation as presented, including the information that the current zoning of the property is consistent with the City's comprehensive plan, that the properties will be taxed at the same rate and on the same basis as other parcels in the City, and that the properties would be subject to any outstanding indebtedness to the City, and directed staff to draft the petition and collect signatures from property owners; and

WHEREAS, following acceptance of the Notice of Intent, Petition number 21-01, was drafted and circulated for signature; and

WHEREAS, the proponents presented the City with a signed petition, consistent with RCW 35.13.420, reflecting the signatures of parties who own a majority of the acreage and a majority of the registered voters in the proposed Anderson Park Annexation area, and on June 14, 2021 the Yakima County Assessor issued a Determination of Sufficiency which identifies that the owners of a majority of the assessed value of the property signed the petition, consistent with RCW 35.13.420 and 35.21.005; and on July 22, 2021 the Yakima County Auditor issued a Certificate of Sufficiency which identifies that a majority of registered voters signed the petition, consistent with RCW 35.13.420; and

WHEREAS, the Anderson Park Annexation area is approximately 34.7 acres of unincorporated Yakima County, contiguous to and generally located South of Occidental Road and North of Ahtanum Road, in the vicinity of S 59th Ave; and

WHEREAS, the assessed value of the annexation area is approximately \$1.43 Million which is expected to generate approximately \$3,625 in property tax revenue to the City of Yakima. In addition, expected development in the area will be processed by the City of Yakima, which will generate permit connection fee revenue along with increased property tax revenues as development occurs; and

WHEREAS, garbage and refuse collection within the Anderson Park Annexation area is presently capable of being served by Yakima Waste Systems, Inc., under authority issued by the Washington Utilities and Transportation Commission (WUTC) to both residential and commercial accounts and the City desires to provide such services to residential accounts only in accordance with RCW 35.13.280; and

WHEREAS, RCW 35.13.280 requires the City to grant Yakima Waste Systems, Inc., as the current WUTC-authorized provider of garbage and refuse collection and disposal service within the Anderson Park Annexation area, a franchise to continue such service to residential properties within the Anderson Park Annexation area for a term of not less than seven years after annexation becomes effective, such franchise does not apply to garbage and refuse

generated by commercial establishments because the City does not provide or contract for such service.

WHEREAS, pursuant to due and legal notice, the City Council held a public hearing on said annexation on October 5, 2021 and;

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order and accomplish the proposed annexation, and that it is in the best interest of the City and its residents to annex said property; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Findings

1. The annexation petition requirements of RCW 35.13.420 have been satisfied by annexation petitions signed by the owners of a majority of the acreage and by a majority of registered voters of the Anderson Park Annexation area.
2. The Anderson Park Annexation should be annexed to the City of Yakima.
3. The Anderson Park Annexation property shall be assessed and taxed at the same rate and basis as other property within the City of Yakima to pay for all or of any portion of the outstanding indebtedness of the City as incurred before, or existing at, the date of the annexation.
4. The Anderson Park Annexation area's Comprehensive Plan Designations of Mixed Residential and Low Density Residential shall be in effect.
5. The City of Yakima shall file a completed Notice of Intention to the Yakima County Boundary Review Board.

Section 2. The real property identified on the map attached hereto as Exhibit "A" and legally described in Exhibit "B" attached hereto and incorporated by reference herein, referred to as the "Anderson Park Annexation," is hereby annexed into the City of Yakima, Washington, pending approval of the Yakima County Boundary Review Board of the proposed annexation as presented to it.

Section 3. The Anderson Park Annexation area's Comprehensive Plan designation shall be Mixed Residential and Low Density Residential, and the zoning shall be Two-Family Residential (R-2) and Single-Family Residential as outlined in Exhibit "C."

Section 4. The next regularly amended Zoning District Map prepared by the City of Yakima shall show the Anderson Park Annexation area zoned and classified as set forth in Section 3 above.

Section 5. The City Clerk is hereby authorized and directed to file, pending approval of the Yakima County Boundary Review Board to the proposal as specifically outlined herein, a certified copy of this ordinance with the Yakima County Auditor and with the Board of County Commissioners of Yakima County, Washington, and to transmit a certified copy of this ordinance to the Washington Utilities and Transportation Commission to notify it of the City's intent to annex and to provide residential refuse collection and disposal service to the Anderson Park Annexation area.

Section 6. As required by RCW 35.13.270, the City Clerk is hereby authorized and directed to provide, pending approval of the Yakima County Boundary Review Board, notification by certified mail that includes a list of the Assessor's tax parcel numbers of all

properties within the Anderson Park Annexation area to the Yakima County Treasurer and Assessor at least sixty days before the effective date of the annexation.

Section 7. There is hereby granted to Yakima Waste Systems, Inc., in accordance with and for the term provided by RCW 35.13.280, an exclusive franchise to provide garbage and refuse collection and disposal service to residential properties in the Anderson Park Annexation area for a record of seven years from the effective date of the annexation. Such franchise does not apply to garbage and refuse generated by commercial establishments.

Section 8. This ordinance shall be in full force and effect 60 days after consideration and approval of the Yakima County Boundary Review Board, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 5th day of October, 2021.

ATTEST: /s/ Patricia Byers
Patricia Byers, Mayor

/s/ Sonya Claar Tee
Sonya Claar Tee, City Clerk

Publication Date: January 21, 2022

Effective Date: March 22, 2022

Section 7 above is accepted by Franchisee this 2nd day of November, 2021.

Yakima Waste Systems, Inc.

By: /s/ Mark Lanter

Signer's Name Printed: Mark Lanter

Signer's Title: District Manager

EXHIBIT "A" Annexation Map

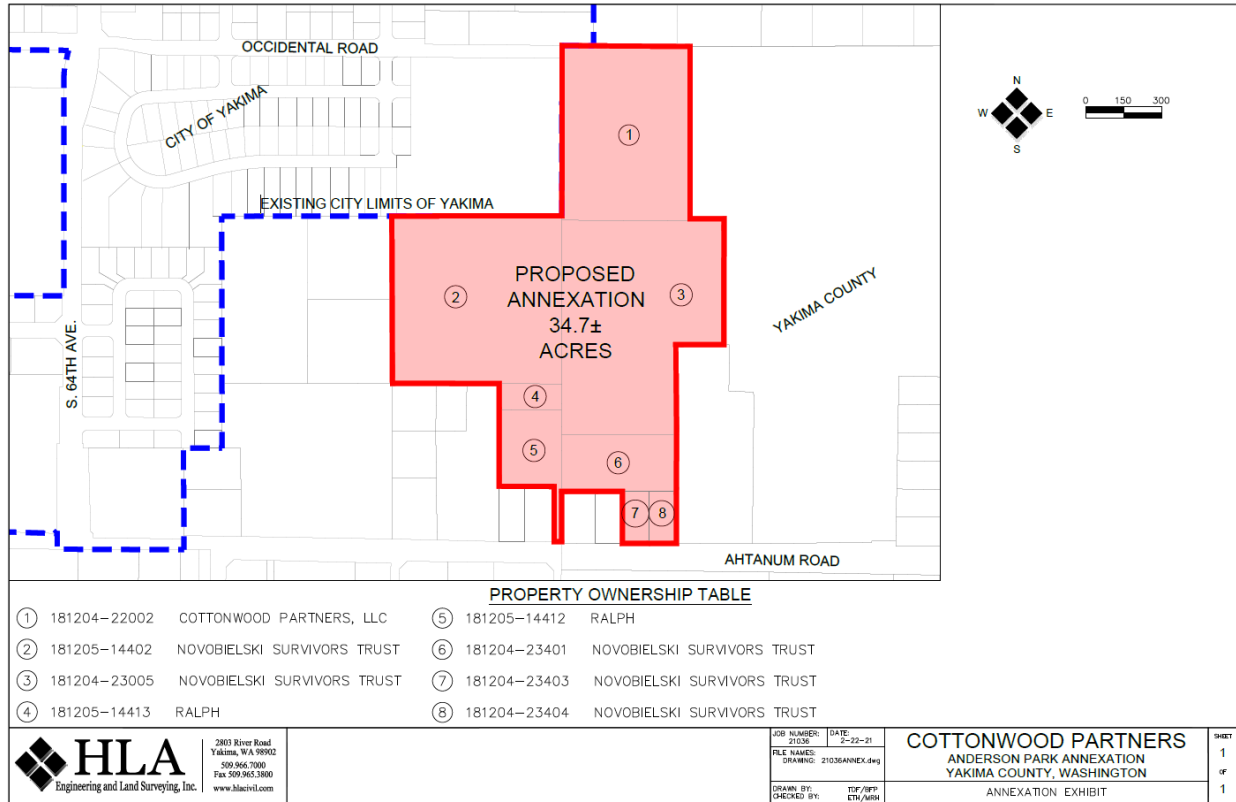


EXHIBIT "B"
Legal Description

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 4 AND THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 12 NORTH, RANGE 18 EAST, W.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4;
THENCE EASTERLY ALONG THE NORTH LINE THEREOF TO THE NORTHEAST CORNER OF THE WEST 505.86 FEET OF GOVERNMENT LOT 4 OF SAID SETION 4;
THENCE SOUTHERLY ALONG THE EAST LINE OF SAID WEST 505.86 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT 4;
THENCE SOUTH 89°43'30" EAST 148.14 FEET TO THE NORTHEAST CORNER OF PARCEL "B" AS SHOWN ON THAT RECORD OF SURVEY FILED UNDER AUDITOR'S FILE NUMBER 8055964, RECORDS OF YAKIMA COUNTY, WASHINGTON;
THENCE SOUTH 00°57'29" EAST ALONG THE EAST LINE OF SAID PARCEL "B" 517.10 FEET;
THENCE NORTH 89°59'58" WEST 186.46 FEET;
THENCE SOUTH 00°57'29" EAST 349.41 FEET TO THE NORTHEAST CORNER OF LOT 1 OF THAT SHORT PLAT RECORDED IN BOOK 86 OF SHORT PLATS, PAGE 21, RECORDS OF YAKIMA COUNTY, WASHINGTON.
THENCE SOUTHERLY ALONG THE EAST LINE OF LOTS 1 AND 4 OF SAID SHORT PLAT TO THE SOUTHEAST CORNER OF SAID LOT 4;
THENCE WESTERLY ALONG THE SOUTH LINE OF LOTS 3 AND 4 OF SAID SHORT PLAT TO THE SOUTHWEST CORNER OF SAID LOT 3;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 3 TO THE NORTHWEST CORNER OF SAID LOT 3;
THENCE WESTERLY TO THE NORTHEAST CORNER OF LOT 4 OF THAT SHORT PLAT RECORDED IN BOOK 86 OF SHORT PLATS, PAGE 20, RECORDS OF YAKIMA COUNTY, WASHINGTON;
THENCE WESTERLY TO THE NORTHWEST CORNER OF SAID LOT 4;
THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF SAID LOT 4;
THENCE WESTRLY TO THE SOUTHEAST CORNER OF LOT 3 OF SAID SHORT PLAT RECORDED IN BOOK 86 OF SHORT PLATS, PAGE 20, RECORDS OF YAKIMA COUNTY, WASHINGTON;
THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 3 TO THE NORTHEAST CORNER THEREOF;
THENCE WESTERLY ALONG THE NORTH LINE OF LOT 3 AND LOT 2 OF SAID SHORT PLAT TO THE NORTHWEST CORNER OF SAID LOT 2;
THENCE NORTHERLY ALONG THE WEST LINE OF LOT 1 OF SAID SHORT PLAT RECORDED IN BOOK 86 OF SHORT PLATS PAGE 20, RECORDS OF YAKIMA COUNTY, WASHINGTON, TO THE NORTHWEST CORNER OF LOT 1 OF SAID SHORT PLAT, SAID POINT BEING ON THE SOUTH LINE OF PARCEL "B" OF THAT

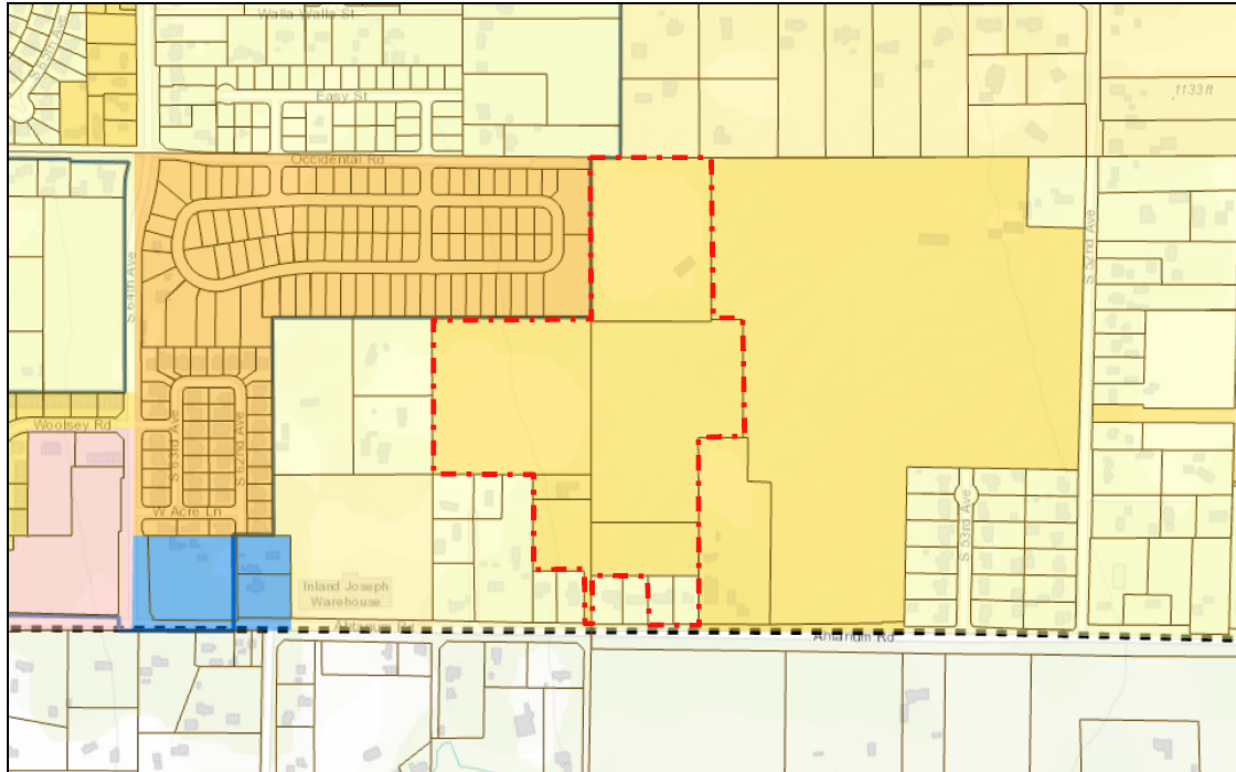
SHORT PLAT RECORDED IN BOOK "J" OF SHORT PLATS, PAGE 6, RECORDS OF
YAKIMA COUNTY, WASHINGTON;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID PARCEL "B" TO THE
SOUTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL "B" TO THE
NORTHWEST CORNER THEREOF;
THENCE EASTERLY TO THE NORTHEAST CORNER OF SAID PARCEL "B";
THENCE NORTHERLY TO THE POINT OF BEGINNING.

SITUATE IN YAKIMA COUNTY, WASHINGTON.

EXHIBIT "C"

Zoning and Future Land Use

Anderson Park Annexation - City Zoning



September 22, 2021

Parcels	R-1 Single Family	B-1 Professional Business	SCC Small Convenience Center
Yakima Urban Area Zoning	R-2 Two Family	B-2 Local Business	LCC Large Convenience Center
SR Suburban Residential	R-3 Multi-Family	HB Historical Business	CBD Central Business District

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Yakima GIS, City of Yakima GIS, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, City of Yakima, Washington
City of Yakima, Washington - 2017