

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.

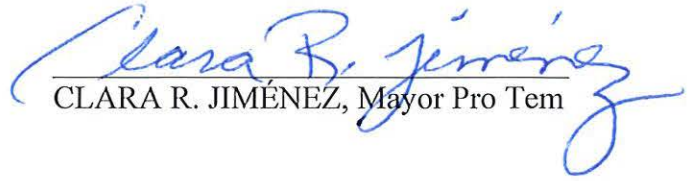
Section 4. The City Clerk is instructed to record the original of this ordinance with the Yakima County Auditor, as required by law.

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

Exhibit A

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

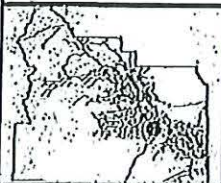
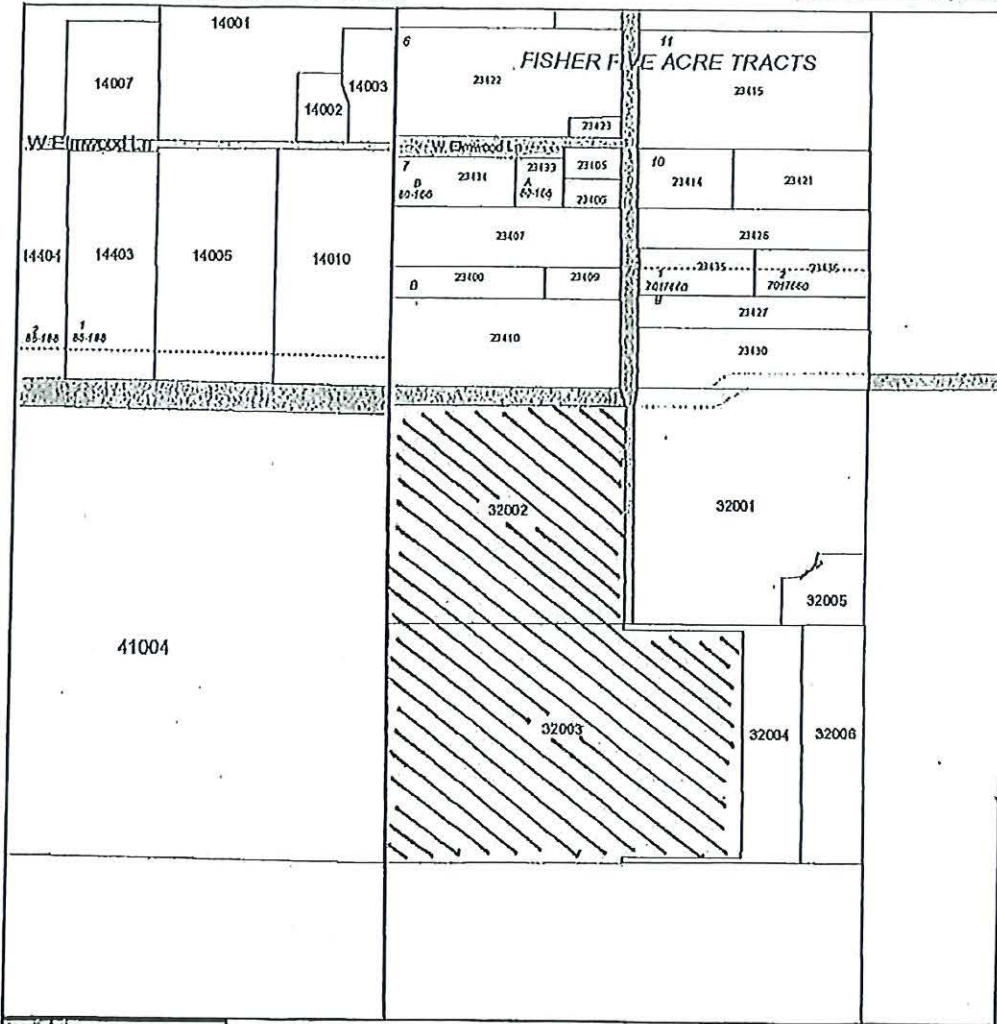
(Approximately 9.17 acres at 530 Elmwood, Road, Toppenish, Washington which is Assessor's Parcel No. 201009-32002)

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

(Approximately 14.87 acres at 530 Elmwood Road, Toppenish, Washington which is Assessor's Parcel No. 201009-32003)

Situated in Yakima County, Washington.



Map Center: Range:20 Township:10 Section:9

City Limits
Sections

WWW.YAKIMAP.COM
Yakima County GIS
128 N 2nd Street
Yakima, WA 98901
(509)574-2992



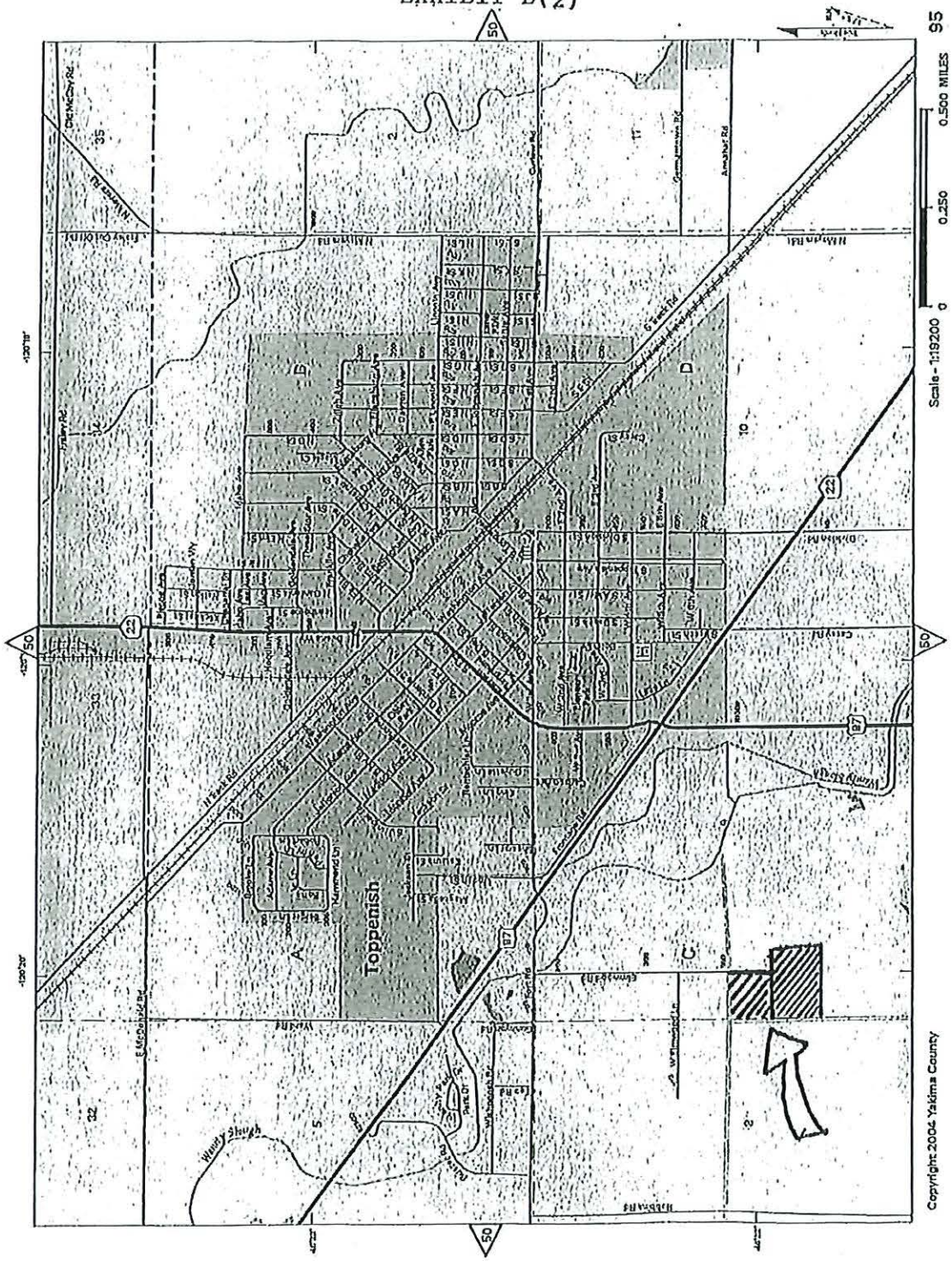
One Inch = 400 Feet
Feet 200 400 600

MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED, THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION

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Printed On: 10/20/2010 11:52:20 AM

Parcel #20100932002=9.17 acres; Parcel #20100932003=14.87 acres; Total acres=24.04

EXHIBIT B(2)



Scale - 1:19200
0.250 0.500 MILES

Copyright 2004, Yamhill County

Exhibit C



Yakima County Roads

Matt Pietrusiewicz P.E. - County Engineer

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

February 25, 2022

City of Toppenish
Attn: Heidi Riojas, City Clerk
21 West First Avenue
Toppenish WA 98948

RE: Legal Description Certification – Tax Parcel(s) 201009-32002 & 201009-32003

Ms. Riojas,

As requested in your letter dated February 23, 2022 the legal descriptions given for parcels 201009-32002 & 32003 have been reviewed and are certified to be true and accurate for the purposes of the annexation known as the “City of Toppenish Elmwood Cemetery Annexation”. The exhibits are re-attached herein for ease and clarity.

If any further assistance is needed, please feel free contact us at 509-574-2300.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Pietrusiewicz".

Matt Pietrusiewicz, P.E.
Yakima County Engineer
Yakima County Roads

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.

CITY OF TOPPENISH

21 West First Avenue
Toppenish, WA 98948

"Where the West Still Lives"

February 23, 2022

Yakima County Public Services
Attn: Ivan Klingele, Transportation Engineering Manager
128 North 2nd Street, Fourth Floor
Yakima, WA 98901

Re: Legal Descriptions: Attached
Petitioner: City of Toppenish Elmwood Cemetery Annexation
General Property Location: 530 Elmwood Road, Toppenish, WA
Parcel No(s): 201009-32002 and 201009-32003
Proposed Zoning: Public and Semipublic District (SP)

Dear Mr. Klingele:

The City of Toppenish is in the process of preparing a Notice of Intention to Annex the above-referenced parcels consisting of the City of Toppenish Elmwood Cemetery to the Yakima County Boundary Review Board (BRB). The BRB requires that the legal description of the boundaries of the area involved in the proposed action be certified by Yakima County.

Enclosed please find a copy of the legal description of each of the two parcels, along with a map of the two parcels proposed to be annexed for review and certification by your department. Once your office has completed the process, please email and mail the certification to the attention of Victor Shaul, Code Enforcement Officer.

If you have any questions or require additional information, please contact Mr. Shaul by calling (509) 865-7318 or by sending email to Victor.Shaul@cityoftoppenish.us.

Thank you for your assistance.

Cordially,



Heidi Riojas, CMC
City Clerk

Enclosures

**City of Toppenish
Elmwood Cemetery Annexation
Legal Descriptions**

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

(Approximately 9.17 acres at 530 Elmwood, Road, Toppenish, Washington which is Assessor's Parcel No. 201009-32002)

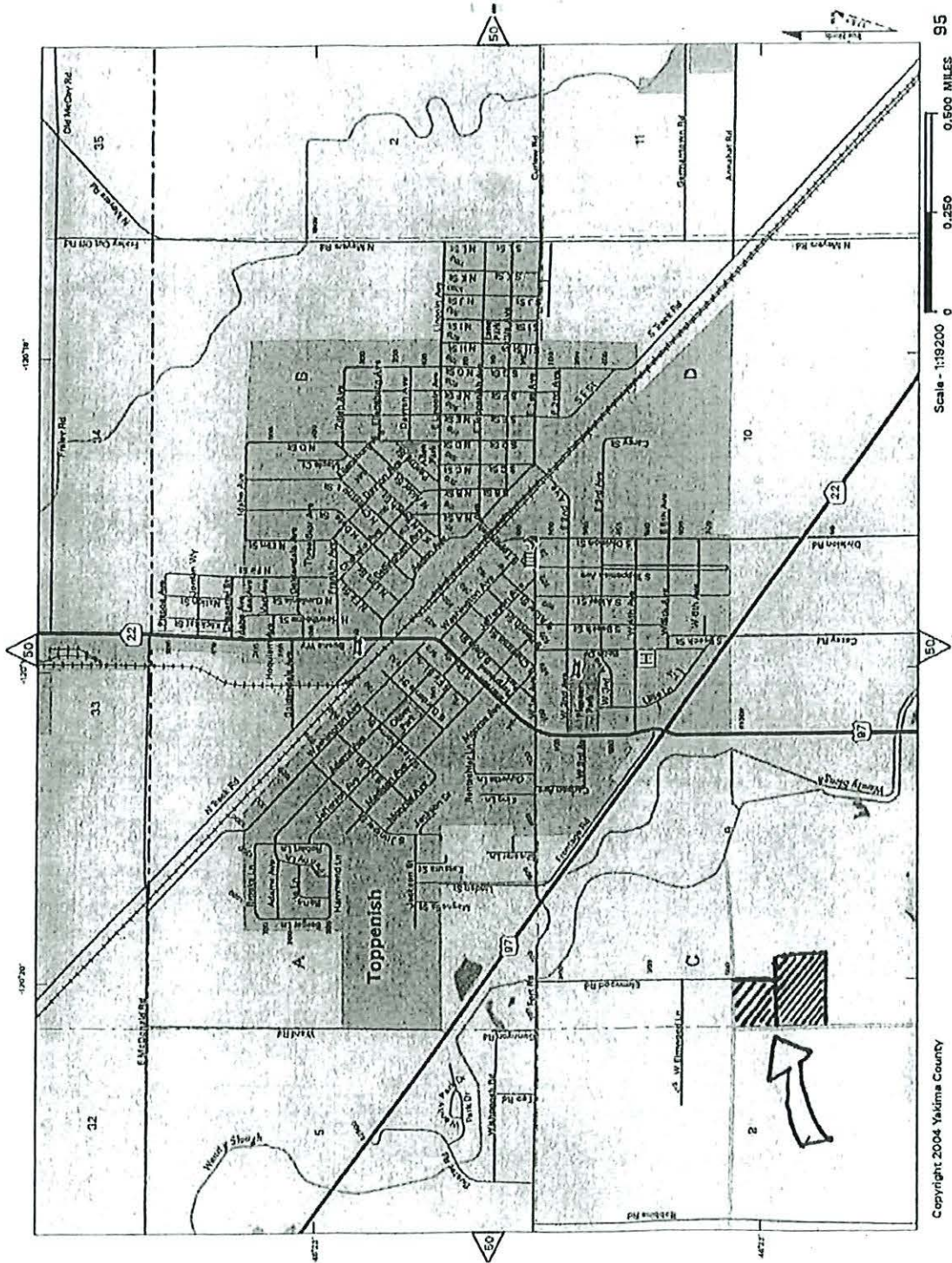
AND

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

(Approximately 14.87 acres at 530 Elmwood Road, Toppenish, Washington which is Assessor's Parcel No. 201009-32003)

Situated in Yakima County, Washington.

City of Toppenish
Elmwood Cemetery Annexation
Parcel Map, page 2



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Office of the Yakima County Assessor

**Determination of Sufficiency of Annexation Petition;
City of Toppenish
(RCW 35.21.005(4))**

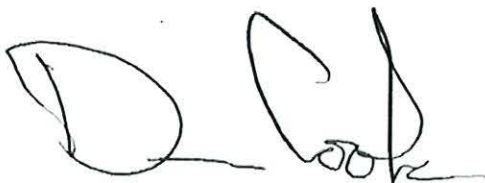
To: Heidi Riojas, CMC, City Clerk, City of Toppenish

On February 23, 2022, a City of Toppenish Annexation Petition, was received by this office for determination of the sufficiency of the petitions according to RCW 35.13.130 and 35.21.005

The determination of the sufficiency was begun by this office on the terminal date of February 24, 2022, and has now been completed based on the records of this office, the above-mentioned petition, and the agreements and legal authorities cited therein.

The owners of and real properties comprising not less than 75% of the assessed value of real property in the area proposed for annexation are signers of or subject to annexation covenants which are equivalent to petition signatures, and the above petition is determined and declared sufficient.

Done this 24th day of February 2022

A handwritten signature in black ink, appearing to read "Dave Cook". The signature is stylized with a large, looped "D" and a cursive "Cook".

Dave Cook, Yakima County Assessor

Determination of Sufficiency of Annexation Petition