

ORDINANCE NO. 2023-011

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

WHEREAS, on August 17, 2022, the owners of not less than ten percent (10%) of the acreage in property within the proposed Prickly Pear Annexation submitted a Notice of Intent to Commence Annexation, pursuant to the direct petition method form of annexation found in RCW 35.13.125 through RCW 35.13.160; and

WHEREAS, on September 20, 2022, 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 22-08, was drafted and circulated for signature; and

WHEREAS, the proponents presented the City with a signed petition, consistent with RCW 35.13.130, reflecting the signatures of parties who own not less than sixty percent in value of the Prickly Pear Annexation area, and

WHEREAS, on January 6, 2023 the Yakima County Assessor issued a Determination of Sufficiency which identifies that the signatures on the petition comprise not less than sixty percent of the assessed value of real property; and

WHEREAS, the Prickly Pear Annexation area is approximately 103 acres of unincorporated Yakima County, contiguous to and generally located South of Sorenson Road, in between S 38th Ave with a portion of property extending west to 52nd Ave; and

WHEREAS, the assessed value of the annexation area is approximately \$6,553,800 which is expected to generate approximately \$135,427.78 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 Prickly Pear 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 Prickly Pear Annexation area, a franchise to continue such service to residential properties within the Prickly Pear 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 March 7, 2023 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 35.130. have been satisfied by annexation petitions signed by the owners of not less than sixty percent of the assessed value of the property.
2. The Prickly Pear Annexation should be annexed to the City of Yakima.
3. The Prickly Pear 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 Prickly Pear Annexation area's Comprehensive Plan Designations of Low Density Residential and Mixed 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 "Prickly Pear 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 Prickly Pear Annexation area's Comprehensive Plan designations shall be Low Density Residential and Mixed Residential, and the zoning shall be Suburban Residential (SR), Single-Family Residential (R-1), Two-Family Residential (R-2), and Multi-Family Residential (R-3) as outlined in Exhibit "C."

Section 4. The next regularly amended Zoning District Map prepared by the City of Yakima shall show the Prickly Pear 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 Prickly Pear 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 Prickly Pear 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 Prickly Pear 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 7th day of March, 2023.

ATTEST:

Janice Deccio, Mayor

Brandy R. Bradford, Acting City Clerk

Publication Date: _____

Effective Date: _____

Section 7 above is accepted by Franchisee this _____ day of
_____, _____.

Yakima Waste Systems, Inc.

By: _____

Signer's Name Printed: _____

Signer's Title: _____

Thence South along the West line of said Government Lot 2 to the Northwest corner of the North half of the Southwest quarter of the Northeast quarter of said Section 4;
Thence South along the West line of said North half of the Southwest quarter of the Northeast quarter to a point on the North line of the North 60 feet of the South 968 feet of the Northwest quarter of said Section 4;
Thence West along said North line to the East line of the West 221.6 feet of the East 606 feet of said Northwest quarter;
Thence North along said West line to the South line of the North 1059 feet of said Northwest quarter;
Thence West along said South line to the Easterly right of way line of South 52nd Avenue;
Thence South along said right of way line to the South line of the North 71 feet of the South 979 feet of said Northwest quarter;
Thence East along said South line to the West line of said North half of the Southwest quarter of the Northeast quarter;
Thence South along said West line to the Southwest corner of said subdivision;
Thence East along the South line of said subdivision to the West line of the East 660 feet of the Southwest quarter of the Northeast quarter of said Section 4;
Thence South along said West line to the Northerly right of way line of Ahtanum Road;
Thence East along said right of way line to the East line of the West 165 feet of the East 660 feet of the Southwest quarter of the Northeast quarter of said Section 4;
Thence North along said East line to the South line of The North half of the Southwest quarter of the Northeast quarter of said Section 4;
Thence East along said South line to the West line of Lot 1 of that Short Plat recorded in Book 88 of Short Plats, Page 25, records of Yakima County, Washington;
Thence South along said West line to the Southwest corner of said Lot 1;
Thence East along the South line of said Lot 1 to an angle point in said South line;
Thence North to an angle point in said South line of said Lot 1;
Thence East along said South line to the Southeast corner of said Lot 1;
Thence North along the East line of said lot 1 to the Northeast corner thereof;
Thence West along the North line of said Lot 1 to the Northwest corner thereof;
Thence North along the East line of the North half of the Southwest quarter of the Northeast quarter of said Section 4 to the North right of way line of West Larch Avenue;
Thence East along said North right of way line to the West line of Lot 1 of Bell-Mar Addition as recorded in Volume V, Page 35, records of Yakima County, Washington;
Thence North along said West line to the North line of said Bell-Mar Addition;
Thence Easterly along said North line to the West right of way line of South 38th Avenue;
Thence North along said right of way line to the South line of the North 647.5 feet of Government Lot 4 of said Section 3;
Thence West along said South line to the West line of the East 287.85 feet of said Government Lot 4;
Thence North along said West line to the North line of the South 156.39 feet of the North 647.5 feet of said Government Lot 4;
Thence East along said North line to the West right of way line of said South 38th Avenue;
Thence North along said right of way line to the North line of said Section 3;
Thence West along the North line of said Sections 3 and 4 to the Point of Beginning;

Situate in Yakima County, Washington.