

**CITY OF PROSSER, WASHINGTON  
ORDINANCE NO. 17-2995**

**AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBERS 1-3494-100-0011-000, 1-3494-100-0010-000, 1-3494-100-0021-000, 1-3494-100-0019-000, 1-3494-400-0001-000, 1-3494-100-0022-000, 1-3494-100-0020-000 COMMONLY KNOWN AS THE PROPERTY BETWEEN CR-12 AND I-82 WEST OF PROSSER, AND THE ENTIRE BENTON COUNTY RIGHT-OF-WAY FOR WINE COUNTRY ROAD ALSO KNOWN AS COUNTY ROUTE 12 ADJACENT TO THE MOST NORTHERNLY POINT OF THE ANNEXATION; MAKING THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; PROVIDING FOR ZONING; SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDING FOR PUBLICATION BY SUMMARY.**

**WHEREAS**, Petitioners Villareal Family Trust, Roy & Elvira Tzib, Tim Buffington, Powell Distributing LP, and Equity Trust Co being the owners of property constituting not less than 10 percent in assessed value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, met with the City Council of the City of Prosser, Washington, on March 22, 2016, which date was prior to circulating their petition for annexation; and

**WHEREAS**, at the initial meeting the City Council determined that the City would accept the proposed annexation provided that property owned by Villareal Family Trust, Roy & Elvira Tzib, Tim Buffington, Powell Distributing LP, and Equity Trust Co be included in the petition for annexation and provided that existing City indebtedness was assumed by the area to be annexed; and

**WHEREAS**, on July 28, 2016, a sufficient petition for annexation was submitted to the Benton County Assessor and filed with the City Council pursuant to RCW 35A.14.120, signed by owners of not less than 60 percent of assessed valuation for general taxation of the property for which annexation is petitioned, seeking annexation to the City of Prosser of contiguous

property described in the attached exhibit “A”; and

**WHEREAS**, the Benton County Assessor issued a determination of sufficiency for the Petition for Annexation on September 23, 2016; and

**WHEREAS**, the City Council fixed the date of October 25, 2016, at the hour of 7:00 p.m. or soon thereafter as may be held, as the date of the Public Hearing on the proposed annexation and caused notice of such hearing to be published and posted in accordance with RCW 35A.14.130, and the Public Hearing having been held on that date and all interested parties appearing at the hearing and desiring to be heard in regard to the proposed annexation; and

**WHEREAS**, on November 8, 2016, the City Council passed Resolution Number 16-1535 which determined that it is in the best interest of the City to annex the properties described in the attached exhibit “A” and the annexation of the properties benefits the general welfare of the City’s citizens by increasing the tax base of the City and incorporating property which already receives City services; and

**WHEREAS**, the annexation of property by a Code City is exempt from review under the State Environmental Policy Act pursuant to RCW 43.21C.222; and

**WHEREAS**, all statutory requirements having been complied with, a notice of intent to annex was accepted for review by the Benton County Boundary Review Board on November 21, 2016; and

**WHEREAS**, on January 18, 2017, the Benton County Boundary Review Board notified the City that since no action was taken on the City’s notice of intent to annex and that no petition for review was filed with the Board, the City could proceed to annex the property; and

**WHEREAS**, the Prosser Planning Commission held public hearings on November 17, 2016, December 15, 2016, and December 21, 2016, regarding the zoning of the property subject

to annexation; and

**WHEREAS**, on December 21, 2016, the Prosser Planning Commission recommended that the property subject to annexation be zoned Commercial General District (CG); and

**WHEREAS**, on December 21, 2016, the Prosser Planning Commission adopted findings supporting its recommendation to the City Council; and

**WHEREAS**, the City Council held public hearings on January 24, 2017, and February 28, 2017, regarding the zoning of the property subject to annexation; and

**WHEREAS**, the City of Prosser, Washington, was the lead agency for environmental review under SEPA for the zoning action; and the City of Prosser, Washington issued a determination of non-significance (DNS) on November 28, 2016; and the SEPA determination is hereby incorporated herein as if fully set forth;

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

**Section 1.** The following described real property is hereby annexed into and made a part of the City of Prosser, Washington:

SEE EXHIBIT AA@ ATTACHED HERETO AND INCORPORATED HEREIN

**Section 2.** All property within the territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

**Section 3.** From and after the effective date of this ordinance, the above described property shall be subject to all of the laws and ordinances then and thereafter in force and effect of the City of Prosser.

**Section 4.** The City Council hereby adopts the Prosser Planning Commission findings dated December 21, 2016, regarding the proposed zoning of the property described in section 1. The City Council hereby adopts the recitals set forth above as additional findings supporting the zoning of the property listed in section 1. The property described in section 1 above is hereby zoned Commercial General District (CG).

**Section 5.** City Staff is hereby authorized to negotiate with any solid waste provider a buy-out of their franchise rights to the area annexed. City Staff shall bring the amount of the buy-out back to the City Council for approval prior signing any agreement with such a provider, if any.

**Section 6. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

**Section 7.** This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**PASSED** by the City Council and **APPROVED** by the Mayor this 28<sup>th</sup>, day of February, 2017.

Attest:

\_\_\_\_\_  
Mayor Randy Taylor

\_\_\_\_\_  
Rachel Shaw, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Howard Saxton, City Attorney

Publication Date: \_\_\_\_\_

## EXHIBIT "A"

Parcel # 1-3494-100-0011-000: Villareal Family Trust

Section 34 Township 9 North Range 24: Portion Defined as follows: That Portion of the North One/Half of the Southwest Quarter of the Northeast Quarter, Lying Northeasterly Of State Highway SR-12 and Southwesterly of the Following Described Line: Beginning at a Point Opposite HES LE 1160+39.72 on the LE Line Centerline of said Highway and 100 Feet Southwesterly therefrom: Thence South-Easterly Parallel with Said LE Line Centerline to a Point Opposite HES LE 1170+00: Thence Southeasterly in a Straight Line To A Point oppostie HES WG 0+00 on the WG Line Centerline Of Said Highway and 80 Feet Southwesterly Therefrom: Thence Southeasterly In A Straight line To A Point Opposite HES WG 2+63.65 P.C. And 100 Feet Southwest-Erly Therefrom and the End Of Said Description, Except The West 560 Feet Thereof. Irrigation Easement 7-21-76.

Parcel # 1-3494-100-0010-000: Villareal Family Trust

Section 34 Township 9 North Range 24: The West 560 Feet of the North One/Half of the Southwest Quarter of the Northeast Quarter, Northeast of Highway, Except the West 20 Feet for Road 3-23-76. Less State Route 82, 9-9-76. Irrigation Easement.

Parcel # 1-3494-100-0021-000: Tzib, Roy & Elvira

Section 34 Township 9 Range 24: the Southeasterly 250.6 Feet, as measured along the North Line of State Highway No 3. of the Following Described Property: That Portion of the South Half of the Southwest Quarter of the Northeast Quarter of Section 34, Township 9 North, Range 24 East, W.M., Benton County, Washington, Described As Follows: Beginning at the intersection of the East Line of said Subdivision and the North Line of State Highway No 3; Thence North 1°21' East along Said East Line 512.3 Feet; Thence South 62°00' West 382.1 feet To the North Line of Said Highway; Thence along Said Northline South 44°29' East 466.6 Feet To the Point of Beginning; Except That Portion of the South Half of the Southwest Quarter of the Northeast Quarter of Section 34, Township 9 North, Range 24 East, W.M., Benton County, Washington, Described As Follows: Beginning At the Intersection of the East Line of Said Subdivision And the North Line of State Highway No 3; Thence North 44°29' West along the North Side of Said Highway 36 Feet; Thence, At A Right angle, North 45°31' East 37.06 Feet, More Or Less, To the East Line of Said Subdivision; Thence South 1°21' West along Said East Subdivision Line 51.67 Feet To the Point of Beginning. (Per Survey #3466, Recorded 4/26/2005)

Parcel # 1-3494-100-0019-000: Buffington, Tim

Section 34, Township 9 North, Range 24: Portion of the South One/Half of the Southwest Quarter of the Northeast Quarter, Defined As Follows: Beginning At The Intersection of East Line of Said Subdivision And North Line of State Highway #3: Thence North 1° 21' East along Said East Line 512.3 Feet to True Point of Beginning: Thence South 62° West 382.1 Feet to The North Line of State Highway: Thence North along Said Highway to North Line of Said Subdivision: Thence East along North Line Thereof to East Line Thereof: Thence South along East Line to True Point of Beginning: Less State Route 82, 10-27-76. Judgement 4-25-77.

Parcel # 1-3494-400-0001-000: Powell Distributing LP

Section 34 Township 9 North Range 24: The North One/Half of the Northeast Quarter of the Southeast Quarter, North of Highway (SR 12) and West Of Gap Road Interchange: (Description Change 12-1-77). Less Portion for State Route 82, 4-8-76. Drainage Easement 4-8-76.

Parcel # 1-3494-100-0022-000: Powell Distributing LP

Section 34, Township 9 North, Range 24: the South One/Half of the Southeast Quarter of the Northeast Quarter: Together with That Portion Defined As Follows: That Portion of the South One/Half of Southwest Quarter of the Northeast Quarter, Defined As Follows: Beginning At the Intersection of the East Line of Said Subdivision And the North Line of State Highway #3: Thence North  $44^{\circ} 29'$  West along the North Line of Said Highway 36 Feet: Thence at a Right Angle North  $45^{\circ} 31'$  East 37.06 Feet, More Or Less, To the East Line of Said Subdivision: Thence South  $1^{\circ} 21'$  West along Said East Subdivision Line 51.67 Feet To the Point of Beginning: Description Change 1-3-86. Less to State Route 82, 4-30-76. (2) Perpendicular Easement 4-30-76. REA Easement 8-5-61.

Parcel # 1-3494-100-0020-000: Equity Trust Co

Section 34, Township 9 North, Range 24: That Portion Of the South One/Half Of the Southwest Quarter Of the Northeast Quarter, Defined as Follows: Beginning At A Point Of Intersection Of the East Line Of Said Subdivision and North Line Of State Highway #3: Thence North  $1^{\circ} 21'$  East Along Said East Line 512.3 Feet: Thence South  $62^{\circ} 00'$  West 382.1 Feet to North Line Of Said Highway: Thence Along Said North Line South  $44^{\circ} 29'$  East 466.6 Feet to Point Of Beginning: Less the Southeasterly 250.6 Feet as Measured Along the North Line Of State Highway #3 Thereof (Description Change 7-12-71). Less to State Route 82 9-17-76.

Together with all Right-Of-Way for Wine Country Road also known as County Route 12 adjacent to the most Northernly Pont of the annexation.

**SUMMARY OF ORDINANCE NO. 17-2995**

of the City of Prosser, Washington

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On the 28<sup>th</sup> day of February, 2017, the City of Prosser, Washington, passed Ordinance No. 17-2995. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBERS 1-3494-100-0011-000, 1-3494-100-0010-000, 1-3494-100-0021-000, 1-3494-100-0019-000, 1-3494-400-0001-000, 1-3494-100-0022-000, 1-3494-100-0020-000 COMMONLY KNOWN AS THE PROPERTY BETWEEN CR-12 AND I-82 WEST OF PROSSER, AND THE ENTIRE BENTON COUNTY RIGHT-OF-WAY FOR WINE COUNTRY ROAD ALSO KNOWN AS COUNTY ROUTE 12 ADJACENT TO THE MOST NORTHERNLY POINT OF THE ANNEXATION; MAKING THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; PROVIDING FOR ZONING; SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDING FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2017

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CITY CLERK, RACHEL SHAW