

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 25-3268**

AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBER 1-3195-300-0009-001 (2455 WINE COUNTRY ROAD); 1-0685-200-0002-001 (2455 WINE COUNTRY ROAD); 1-3195-300-0011-000 (UNDETERMINED); 1-3195-300-0010-000 (220 WITTKOPF LOOP) DESCRIBED IN THE ORDINANCE INTO THE CITY LIMITS OF PROSSER, WASHINGTON. THE ORDINANCE ALSO MAKES THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDES FOR PUBLICATION BY SUMMARY.

WHEREAS, Petitioners W. Clay Mackey and Kay Simon 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 September 24, 2024, 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 be subject to the existing City indebtedness and be assumed by the area to be annexed, be added to the annexation petition; and

WHEREAS, on October 1, 2024, 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 commonly described in Sections 1 of the Ordinance; and

WHEREAS, the Benton County Assessor issued a determination of sufficiency for the Petition for Annexation on December 9, 2024; and

WHEREAS, the City fixed the date of January 28, 2025, 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, Benton County does not have a Boundary Review Board; 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, real property having parcel number 1-3195-300-0009-001; 1-0685-200-0002-001; 1-3195-300-0011-000; 1-3195-300-0010-000; was pre-zoned Agri-Tourism (AT) by Ordinance 18-3079;

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 Attached Exhibit "A" which is incorporated herein as if fully set forth

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.

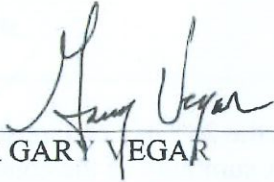
Section 4. In accordance with Ordinance 18-3079, the property described in section 1 is zoned Agri-Tourism (AT) upon its annexation into the City. The City Council hereby adopts the recitals set forth above as additional findings.

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.

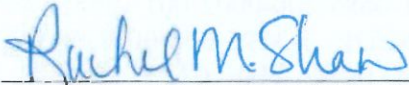
Section 6. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance 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.

ADOPTED by the City Council and **APPROVED** by the Mayor this 28th day of January, 2025.


MAYOR GARY VEGAR

ATTEST:


RACHEL SHAW, DEPUTY CITY
ADMINISTRATOR/CITY CLERK

APPROVED AS TO FORM:


HOWARD SAXTON, CITY ATTORNEY



Publication Date: 2/5/2025

SUMMARY OF ORDINANCE NO. 25-3268

of the City of Prosser, Washington

On the 28th day of January, 2025, the City of Prosser, Washington, passed Ordinance No. 25-3268. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBER 1-3195-300-0009-001 (2455 WINE COUNTRY ROAD); 1-0685-200-0002-001 (2455 WINE COUNTRY ROAD); 1-3195-300-0011-000 (UNDERMINED); 1-3195-300-0010-000 (220 WITTKOPF LOOP) DESCRIBED IN THE ORDINANCE INTO THE CITY LIMITS OF PROSSER, WASHINGTON. THE ORDINANCE ALSO MAKES THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

DATED this 28th day of January, 2025



RACHEL SHAW, DEPUTY CITY
ADMINISTRATOR/CITY CLERK

EXHIBIT "A"

Parcel Numbers:

1-3195-300-0009-001; 1-0685-200-0002-001; 1-3195-300-0011-000; 1-3195-300-0010-000;

Legal Descriptions:

PARCEL A:

THE WEST HALF OF GOVERNMENT LOT 3 LYING NORTHERLY OF COUNTY ROAD RIGHT-OF-WAY; EXCEPT THE EAST 60 FEET THEREOF, SECTION 6, TOWNSHIP 8 NORTH, RANGE 25 EAST, W.M., BENTON COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF THE EAST 60 FEET OF THE WEST HALF OF SAID GOVERNMENT LOT 3 LYING NORTHERLY OF THAT RIGHT-OF-WAY LINE DRAWN FROM A POINT OPPOSITE HES EP 8+47.48 P.T. ON SAID EP LINE SURVEY AND 120 FEET NORTHERLY THEREFROM, SOUTHEASTERLY TO A POINT OPPOSITE HES EP 5+06.81 ON SAID EP LINE SURVEY AND 108 FEET NORTHEASTERLY THEREFROM AND THE END OF THIS RIGHT-OF-WAY LINE DESCRIPTION.

TOGETHER WITH:

THE SOUTH 200 FEET OF THE FOLLOWING DESCRIBED PREMISES: THE WEST HALF OF GOVERNMENT LOT 5, SECTION 31, TOWNSHIP 9 NORTH, RANGE 25, EAST W.M., LYING SOUTH OF NORTHERN PACIFIC RAILROAD RIGHT-OF-WAY, TOGETHER WITH THAT PORTION DEFINED AS FOLLOWS:

THE WEST HALF OF THAT PORTION OF GOVERNMENT LOT 5, SECTION 31, TOWNSHIP 9 NORTH, RANGE 25, EAST W.M., BEING SOUTH OF THE BURLINGTON NORTHERN, INC., FORMERLY NORTHERN PACIFIC RAILROAD COMPANY, RIGHT-OF-WAY, AND LYING NORTHERLY OF THAT LINE DRAWN PARALLEL WITH AND 75 FEET SOUTHERLY WHEN MEASURED AT RIGHT ANGLES AND/OR RADIALLY, FROM THE LE LINE SURVEY OF STATE HIGHWAY ROUTE NO. 12, PROSSER TO KIONA, ACCORDING TO THE PLAN OF THEREOF OF RECORD AND ON FILE IN THE OFFICE OF THE SECRETARY OF TRANSPORTATION AT OLYMPIA, WASHINGTON, BEARING DATE OF APPROVAL, DECEMBER 4, 1956, AND LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED RIGHT-OF-WAY LINE: BEGINNING AT A POINT OF OPPOSITE HIGHWAY ENGINEER'S STATION (HEREINAFTER REFERRED TO AS HES) ST12/1344+68 ON THE SR 12 LINE SURVEY OF STATE HIGHWAY ROUTE NO. 82, PROSSER VICINITY: ALBRO ROAD TO MP 84.27, AND 50 FEET SOUTHEASTERLY THEREFROM; THENCE SOUTHWESTERLY TO A POINT OPPOSITE HES EP 13+20 ON THE EP LINE SURVEY OF SAID HIGHWAY AND 120 FEET NORTHEASTERLY THEREFROM; THENCE SOUTHEASTERLY, PARALLEL WITH SAID EP LINE SURVEY, 120 FEET TO THE END OF THIS RIGHT-OF-WAY LINE DESCRIPTION; LESS STATE ROUTE 82, RECORDED AUGUST 11, 1976, UNDER AUDITOR'S FILE NO. 708867 AND EXCEPT PORTION TO STATE OF WASHINGTON RECORDED MARCH 12, 1957, AUDITOR'S FILE NO. 369479.

PARCEL B:

THE WEST HALF OF GOVERNMENT LOT 5, SECTION 31, TOWNSHIP 9 NORTH, RANGE 25, E.W.M., LYING SOUTH OF NOTHERN PACIFIC RAILROAD RIGHT-OF-WAY, TOGETHER WITH PORTION DEFINED AS FOLLOWS: THE WEST HALF OF THAT PORTION OF GOVERNMENT LOT 5. SECTION 31, TOWNSHIP 9 NORTH, RANGE 25 EAST, W.M., BEING SOUTH OF THE BURLINGTON NOTHERN, INC., FORMERLY NOTHERN PACIFIC RAILROAD COMPANY, RIGHT-OF-WAY, LYING NOTHERLY OF THAT LINE DRAWN PARALLEL WITH AND 75 FEET SOUTHERLY, WHEN MEASURED AT RIGHT ANGLES AND/OR RADially, FROM THE LE LINE SURVEY STATE ROUTE NO. 12, PROSSER TO KIONA, ACCORDING TO THE PLAT THEREOF OF RECORD AND ON FILE IN THE OFFICE OF THE SECRETARY OF TRANSPORTAION AT OLYMPIA, WASHINGTON, BEARING DATE OF APPROVAL, DECEMBER 4, 1956, AND LYING NORTHEASTERLY OF THE FOLLOWING FESCIBED RIGHT-OF-WAY LINE: BEGINNING AT A POINT OPPOSITE HIGHWAY ENGINEER'S SATION (HEREINAFTER REFERRED TO AS HES) SR 12/1344-68 ON THE ST 12 LINE SURVEY OF STATE HIGHWAY ROUTE NO. 82, PROSSER VICINITY; ALBRO ROAD TO MO 84.27 AND 50 FEET SOUTHEASTERLY THEREFROM; THENCE SOUTHWESTERLY TO A POINT OPPOSITE HES EP 13+20 ON THE EP LINE SURVEY OF SAID HIGHWAY AND 120 FEET NORTHEASTERLY THEREFROM; THENCE SOUTHEASTERLY, PARALLEL WITH SAID EP LINE SURVEY, 120 FEET TO THE END OF THIS RIGHT-OF-WAY LINE DESCRIPTION; LESS FOR STATE ROUTE 82, AUGUST 11, 1976, AUDITOR'S FILE NO. 708867, AND EXCEPT PORTION TO STATE OF WASHINGTON MARCH 12, 1957, AUDITOR'S FILE NO. 369479, AND EXCEPT THE SOUTH 200 FEET THEREOF.

PARCEL C:

THAT PORTION OF THE EAST HALF OF LOT 5, SECTION 31, TOWNSHIP 9 NORTH, RANGE 25 EAST W.M., BENTON COUNTY, WASHINGTON, LYING SOUTH OF PRIMARY HIGHWAY NO. 3.

PARCEL D:

THE EAST HALF OF THAT PORTION OF GOVERNMENT LOT 5, SECTION 31, TOWNSHIP 9 NORTH RANGE 25 EAST E.M., BEING SOUTH OF THE BURLINGTON NOTHERN INC., FORMERLY NOTHERN PACIFIC RAILROAD COMPANY RIGHT-OF-WAY, LYING NOTHERLY OF THAT LINE DRAWN PARALLEL WITH AND 75 FEET SOUTHERLY, WHEN MEASURE AT RIGHT ANGLES FROM THE LE LINE SURVEY OF STATE HIGHWAY ROUTE NO. 12, PROSSER TO KIONA, RECORDS OF BENTON COUNTY, WASHINGTON.

