ORDINANCE NO. 2102

MCLAIN ANNEXATION

ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY BY THE CITY OF SELAH, WASHINGTON, AND INCORPORATING THE SAME WITHIN THE CORPORATE LIMITS THEREOF AND ZONING SAID REAL PROPERTY BUSINESS, GENERAL.

WHEREAS, pursuant to RCW 35A.14.120, there was filed with the City of Selah two petitions of intent for annexation signed by the owners of not less than ten (10) percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought; said petitions of intent were accepted by the City Council of the City of Selah, and thereafter, owners representing approximately ninety (100) percent in value, according to the assessed valuation for general taxation of the property for which annexation is being petitioned, have signed petitions seeking annexation to incorporate the described property within the corporate limits of the City of Selah; and,

WHEREAS, said petitions set forth the fact that the City Council of the City of Selah, Washington, would require the assumption of a pro-rata share of existing City indebtedness by the area requesting to be annexed; if ultimately annexed the property would be zoned Business, General (B-2) on the date of annexation, and, the annexation petition is to be conditioned in that petitioners grant the City of Selah a "right of first refusal" to secure ownership of any irrigation and/or domestic water rights appurtenant to the land; and,

WHEREAS, garbage, refuse collection and disposal service within the "McLain" Annexation area is presently provided to properties by Yakima Waste Systems, Inc. under authority issued by the Washington Utilities and Transportation Commission (WUTC) and the City desires to provide such services 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, refuse collection and disposal service within the "McLain" Annexation area, a franchise to continue to provide such garbage, refuse collection and disposal service to properties within the GRAF Annexation area for a term of seven (7) years from the effective date of the annexation; and,

WHEREAS, RCW 35.13.280 requires the City to provide specific notice to the WUTC regarding the City's intent to provide garbage, refuse collection and disposal service within the "McLain" Annexation area, through a franchise to Yakima Waste Systems, Inc. to continue to provide such garbage, refuse collection and disposal service to properties within the "McLain" Annexation area for a term of seven (7) years from the effective date of the annexation; and,

WHEREAS, the City Council fixed the date of February 11, 2020, as the date for public hearing

thereon and caused due and proper notice of said hearing to be published and posted pursuant to RCW 35A.14.130; and

WHEREAS, the public hearing has been held as scheduled, and the City Council considers that the best interests of the City and the property mapped in Exhibit A would be best served by annexing the area into the City of Selah; and,

WHEREAS, the City Council has determined that Business, General (B-2) zoning is the appropriate zoning designation for the property to be annexed based on the adopted 2017 City of Selah Urban Growth Area Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON does ordain as follows:

SECTION 1. That the property legally described in Exhibit A, as approved by the Yakima County Public Works Department, being contiguous to the City of Selah, be and the same is annexed to the City of Selah, and incorporated therein (Parcel Numbers: 181301-32410, 181301-32404, 181301-32407, & 181301-32001).

SECTION 2. All property within the territory so annexed shall be assessed and taxed at the same rate and on the same basis as property within the City is assessed and taxed to pay for the now outstanding indebtedness of the City of Selah contracted prior to or existing at the date of annexation.

SECTION 3. The property described in Exhibit A is exempt from the City of Selah Fire Station Bond Levy.

SECTION 4. The property described in Exhibit A is hereby classified and zoned as Business, General (B-2).

SECTION 5. The area hereby annexed shall become a part of the City of Selah, Washington, and this ordinance shall take effect and be in force five days after publication.

SECTION 6. The City Clerk/Treasurer is directed to file a certified copy of this ordinance with the Washington Utilities and Transportation Commission to notify it of the City's intent, pursuant to RCW 81.77.020 and subject to the provisions of RCW 35.13.280, to provide refuse collection and disposal service to the "McLain" Annexation area through a franchise for Yakima Waste Systems, Inc.

SECTION 7. There is herein granted a franchise to Yakima Waste Systems, Inc., in accordance with RCW 35.13.280, an exclusive franchise agreement to provide garbage, refuse collection and disposal services, including residential curbside recycling and curbside yard waste

collection, to properties within the "McLain" Annexation area for a term of seven (7) years from the effective date of the annexation in accordance with RCW 35.13.280.

SECTION 8. The City of Selah Urban Growth Area Comprehensive Plan is hereby amended to incorporate the provisions of this ordinance.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 14th day of July, 2020.

Sherry Raymond

Sherry Raymond, Mayor

ATTEST:

Dale Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney

ORDINANCE NO.: 2102
Adoption Date: July 14, 2020
Effective Date: July 21, 2020

Exhibit “A”

1. Legal Description

January 29, 2020
City of Selah
HLA Project No. 20006

Legal Description for McLain Annexation

That portion of the Northwest Quarter of the Southwest Quarter of Section 1, Township 13 North, Range18 East, W.M. and Lots 5, 6, 7, and a portion of Lot 8, Block 3, and those right of ways and alley ways as shown on the Plat of DUNCAN ADDITION, according to the Plat thereof, recorded in Volume "M" of Plats, page 46, records of Yakima County, Washington, described as follows:
Beginning at the Northwest corner of said Lot 5;
Thence Easterly along the North line of said Lot 5 and its Easterly extension to the Westerly right of way line of the Burlington Northern Santa Fe Railroad;
Thence Southwesterly along said Westerly right of way line to its intersection with the Easterly right of way line of South First Street, also known as State Route 823;
Thence Northerly along said right of way line to the Point of Beginning.

Situated in Yakima County, Washington.