

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 11-2734**

AN ORDINANCE ANNEXING REAL PROPERTY HAVING PARCEL NUMBER 1-3494-200-0010-001, COMMONLY KNOWN AS THE WATER RESERVOIR PROPERTY, AND GENERALLY LOCATED ON WINE COUNTRY ROAD BETWEEN ALBRO AND HOISINGTON ROADS, FOR MUNICIPAL PURPOSES, INTO THE CITY OF PROSSER, WASHINGTON. THE PROPERTY IS LOCATED WITHIN PROSSER'S URBAN GROWTH AREA. THE ORDINANCE 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, the City of Prosser, Washington (City), is the legal owner of the following described real property:

The North 280 feet of the East 270 feet of the East Half of the Southeast Quarter of the Northwest Quarter of Section 34, Township 9 North, Range 24 East, W. M., EXCEPT right of way for highway and roads, records of Benton County, State of Washington.

AND WHEREAS, the City is currently constructing a water reservoir and related water and sewer facilities on the above described real property; and

WHEREAS, pursuant to RCW 35A.14.220 and 35A.14.300 the City may, by majority vote, of the City Council, annex contiguous or non-contiguous territory outside of its limits for any municipal purpose, if the territory is owned by the City; and

WHEREAS, operation of a water reservoir, and related water and sewer facilities is a municipal purpose; and

WHEREAS, the above described real property is within the City's Urban Growth Area as designated by Benton County; and

WHEREAS, the City Council on April 26, 2011, passed resolution 11-1352 declaring the City Council's intent to annex the above described real property into the City of Prosser, and authorizing the City Attorney to submit a notice of intention to annex with the Benton County Boundary Review Board; and

WHEREAS, the City Attorney submitted the notice of intention to annex the above described real property with the Benton County Boundary Review Board; and

WHEREAS, on May 31, 2011, the Chairman of the Benton County Boundary Review Board, pursuant to the authority of RCW 36.93.110, declared the review of the proposed annexation by the Board was not necessary (letter signed on June 8, 2011); 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 have been complied with, and the City will use and maintain the above described property for municipal purposes;

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:

The North 280 feet of the East 270 feet of the East Half of the Southeast Quarter of the Northwest Quarter of Section 34, Township 9 North, Range 24 East, W. M., EXCEPT right of way for highway and roads, records of Benton County, State of Washington.

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 above described property shall be used as part of the City's water utility and related sewer facilities or for other municipal purposes as determined appropriate by the City Council.

Section 5. The recitals set forth above are hereby incorporated by reference.

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.

June **PASSED** by the City Council and **APPROVED** by the Mayor this 14th day of 2011.

Paul Warden
Mayor Paul Warden

Attest/authenticated:

Rachel M. Shaw
Rachel Shaw, City Clerk



APPROVED AS TO FORM:

[Signature]
Howard Saxton, City Attorney

Publication Date: 6/22/2011

SUMMARY OF ORDINANCE NO. 11-2734

of the City of Prosser, Washington

On the 14th day of June, 2011, the City of Prosser, Washington, passed Ordinance No. 11-2734. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ANNEXING REAL PROPERTY HAVING PARCEL NUMBER 1-3494-200-0010-001, COMMONLY KNOWN AS THE WATER RESERVOIR PROPERTY, AND GENERALLY LOCATED ON WINE COUNTRY ROAD BETWEEN ALBRO AND HOISINGTON ROADS, FOR MUNICIPAL PURPOSES, INTO THE CITY OF PROSSER, WASHINGTON. THE PROPERTY IS LOCATED WITHIN PROSSER'S URBAN GROWTH AREA. THE ORDINANCE 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 16th day of June, 2011



CITY CLERK, RACHEL SHAW