

## ORDINANCE NO. 2010-28

**AN ORDINANCE** concerning annexation; annexing the Washington Heights Annexation area to the City of Yakima; changing the Comprehensive Plan designation to Low Density Residential and the zoning to R-1, Single-family Residential; providing for notice to the WUTC of the City's intent to provide residential refuse collection and disposal service; assumption of the City's current indebtedness by properties in the Washington Heights Annexation area; and an effective date of July 4th, 2010.

**WHEREAS**, proceedings have been held in accordance with all applicable laws for the annexation to the City of Yakima of the Washington Heights Annexation hereinafter described; and

**WHEREAS**, the City duly filed a notice of intention with the state Boundary Review Board for Yakima County (BRB) for the Washington Heights Annexation, and this matter came before the Board on March 5, 2010 for a public hearing and on April 16, 2010 the Board issued their findings and decision to approve this annexation; and

**WHEREAS**, garbage and refuse collection within the Washington Heights Annexation area is presently being provided 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 Washington Heights Annexation area, a franchise to continue such service to residential properties within the Washington Heights 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. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Washington Heights Annexation area; and

**WHEREAS**, RCW 35.13.280 requires the City to provide specific notice to the WUTC regarding the City's intent, pursuant to RCW 81.77.020, and subject to the provisions of RCW 35.13.280, to provide residential refuse collection and disposal service to the Washington Heights Annexation area; and

**WHEREAS**, pursuant to due and legal notice, the City Council held a public hearing on said annexation on May 18, 2010 and, as a result thereof, finds:

1. The annexation petition requirements of RCW 35.13.120 have been satisfied by annexation petitions signed by the owners of not less than sixty percent in value

according to the assessed valuation for general taxation of the Washington Heights Annexation area.

2. The Washington Heights Annexation area should be annexed to the City of Yakima.

3. The Washington Heights Annexation area's Comprehensive Plan designation shall be changed to Low Density Residential and the zoning to R-1, Single-family Residential.

4. The owners of the real property within the Washington Heights Annexation area should be required to assume their pro rata share of the existing indebtedness of the City of Yakima.

5. The needs of the City and community do require the hereinafter set forth zoning classification, and the highest and best use for said property is as hereinafter determined; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YAKIMA, WASHINGTON:**

**Section 1.** The 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 below as the "Washington Heights Annexation," is hereby annexed to the City of Yakima, Washington.

**Section 2.** The owners of the real property within the Washington Heights Annexation area shall be required to assume existing indebtedness of the City of Yakima.

**Section 3.** The Washington Heights Annexation area's Comprehensive Plan designation shall be changed to Low Density Residential and the zoning to R-1, Single-family Residential.

**Section 4.** The next regularly amended Zoning District Map prepared by and for the City of Yakima shall show the Washington Heights Annexation zoned and classified as set forth in Section 3 above and located within the jurisdiction of the City of Yakima.

**Section 5.** The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the County Auditor of Yakima County 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, pursuant to § 81.77.020 RCW, and subject to the provisions of § 35.13.280 RCW, to provide residential refuse collection and disposal service to the Washington Heights Annexation area.

**Section 6.** The City Clerk is hereby authorized and directed to provide, as required by RCW 35.13.270, notification by certified mail that includes a list of the Assessor's Tax Parcel numbers of all properties within the Washington Heights Annexation, to the Yakima County Treasurer and Assessor at least thirty 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 within the Washington Heights Annexation area, in accordance with the specific terms of Ordinance Nos. 3220 and 3445 of the City of Yakima and in accordance with the terms of the Franchise Agreement attached to Ordinance No. 3220 (amended by Ordinance No 3445) of the City of Yakima. Such franchise does not apply to garbage and refuse generated by commercial establishments because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima

Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Washington Heights Annexation area.

**Section 8.** This ordinance shall be in full force and effect thirty days after its passage, approval and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL** at a regular meeting and signed and approved this 1<sup>st</sup> day of June, 2010.

/s/ Micah Cawley  
Micah Cawley, Mayor

ATTEST:

/s/ Deborah Kloster  
City Clerk

Publication Date: June 4, 2010

Effective Date: July 4, 2010

Section 7 above is accepted by Franchisee this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Yakima Waste Systems, Inc.

By: \_\_\_\_\_

Signer's Name Printed: \_\_\_\_\_

Signer's Title: \_\_\_\_\_

EXHIBIT B

LEGAL DESCRIPTION FOR THE  
WASHINGTON HEIGHTS ANNEXATION

All those portions of Sections 31 and 32, Township 13 North, Range 18 East, W.M. being further described as follows: Beginning at a point on the city limits of the city of Yakima, said point being the Southwest corner of Lot 29 of the plat of Washington Heights Phase 1, recorded under Auditor's File No 7662413 records of Yakima County, Washington; thence Westerly along the South line of the North half of the Northwest Quarter of the Southwest Quarter of Section 32 to the West line of said Section 32; thence Northerly along the aforesaid West line to the Northwest corner of the Southwest Quarter of Section 32; thence Westerly along the South line of the Northeast Quarter of Section 31 to the Southwest corner of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter; thence Northerly along the West line to the Northwest Corner of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter; thence Westerly along the North line of the South Half of the South Half of the Northeast Quarter of Section 31 to the West line of the Northeast quarter of said section; thence Northerly along the aforesaid West line to the North right-of-way line of Zier Road; thence Easterly along said North right-of-way line to the west right-of-way line of South 80<sup>th</sup> Avenue; thence Southerly to the South right-of-way line of Zier Road; thence Easterly along the aforesaid South line to the Northeast corner of Lot 4 of Short Plat 88-33; thence Southerly along the East line of said Lot to the Northeast corner of Lot 16 of Washington Heights Phase 1; thence Westerly and Southerly following along the Western boundary of the plat of Washington Heights Phase 1 to the Southwest corner of Lot 29 and the point of beginning.

Yakima County Public Works Department

Checked for accuracy of  
Legal Description only:

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