

RESOLUTION 2024 - 08

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, ACCEPTING
NOTICE OF INTENTION TO COMMENCE ANNEXATION,
SETTING CONDITIONS, AUTHORIZING SUBMISSION
OF PETITION AND REFERRING TO HEARING BODY
(SALGADO ANNEXATION)**

WHEREAS, Hector Salgado, owner of record of Yakima County Assessor's Parcel No. 231019-23404, consisting of 4.98 acres, submits a Notice of Intention to Commence Annexation Proceedings, as shown on the attached Notice of Intention; and

WHEREAS, the City Council, having conducted an Annexation Initiation Meeting on February 12, 2024, finds as follows:

- (a) The Notice of Intention to Commence Annexation Proceedings is hereby received.
- (b) The applicant is hereby authorized to prepare and submit a Petition for Annexation, which shall be referred for consideration and public hearing before the Planning Commission.
- (c) The hearing body shall conduct a public hearing and assign a recommended zoning of the property in substantial compliance with the Comprehensive Plan of the City of Sunnyside.
- (d) The City of Sunnyside will require assumption of all existing City indebtedness by the area to be annexed.

WHEREAS, the City Council finds and determines that this action is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

1. That the Notice of Intention to Commence Annexation Proceedings, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, submitted by Hector Salgado for property described above and as further shown and described in Exhibit "B," is hereby received.
2. That the findings and procedures stated in the recitals above are hereby adopted and incorporated within this action.

3. The City Manager is, or her designee, hereby authorized to submit this Resolution and the Petition for Annexation to the Sunnyside Planning Commission.

4. This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

PASSED this 12th day of February, 2024.



DEAN BROERSMA, MAYOR

ATTEST:



MARICELA GALVEZ, DEPUTY CITY CLERK

APPROVED AS TO FORM:
SAXTON, RILEY & RILEY, LLPC



BENJAMIN J. RILEY
Attorneys for the City of Sunnyside



Community Development
 Building Department
 818 East Edson Avenue
 Sunnyside, Washington 98944
 (509) 837-7999 Office, (509) 836-6383 Fax

ANNEXATION PROCEDURE

I. Introduction.

The Washington State Legislature sets forth procedures for annexations. The following is a description of the new procedures for the "petition" form of annexation.

II. Procedure.

A. Notice of Intention. Under the new law, a "Notice of Intention" to commence annexation must be filed with the City. The Notice of Intention must be signed by the owners of not less than ten percent (10%) of the acreage for which annexation is sought. Once signed, the Notice of Intention must be filed with the City of Sunnyside at the office of Planning & Community Development.

B. "Initiation of Annexation" Meeting before City Council. Within sixty (60) days after receiving the signed Notice of Intention, the City Council will hold a meeting with the initiating parties to:

- (a) Determine whether the City will accept, reject, or geographically modify the proposed annexation; and
- (b) Determine whether it will require the simultaneous adoption of a proposed zoning regulation; and
- (c) Determine whether it will require assumption of all or any portion of existing City indebtedness by the area to be annexed. ("Existing City indebtedness" includes property tax levies to pay bond indebtedness for existing city improvements such as sewer, water, parks, public swimming pool facilities, etc.)

At the "Initiation of Annexation" meeting, the City Council, after making the determinations above, may approve the circulation of a "Petition for Annexation" as described below.

C. Circulation of Petition for Annexation. After the Initiation Meeting described above, the Petition for Annexation (conforming to the Resolution of the City Council announced in the Initiation Meeting) may be circulated for signatures. The Petition for Annexation must be signed by: (a) the owners of a majority of the acreage for which annexation is petitioned, and (b) a majority of the registered voters residing in the area for which annexation

**PETITION FOR ANNEXATION
TO THE CITY OF SUNNYSIDE,
WASHINGTON**

**To: City Council of the City of Sunnyside
818 East Edison Avenue
Sunnyside, Washington 98944**

City Council:

We, the undersigned, being a majority of the registered voters residing in the area for which annexation is sought, and/or owners of a majority of the acreage for which annexation is petitioned, hereby petition that the real property described below, being contiguous to the City of Sunnyside, be annexed to and made a part of the City of Sunnyside pursuant to the provisions of Chapter 35A.14 of the Revised Code of Washington.

Pursuant to such statute, the Petition for Annexation must be signed by the owners of a majority of the acreage for which annexation is petitioned, and a majority of the registered voters residing in the area for which annexation is petitioned. If no residents reside within the area proposed for annexation, the Petition must be signed by the owners of a majority of the acreage for which annexation is petitioned. The undersigned state and aver that:

_____ (a) This Petition for Annexation includes both owners of a majority of the subject property AND a majority of the registered voters residing on such property; OR

_____ (b) No residents exist within the area proposed for annexation, and this Petition is signed only by owners of a majority of the acreage for which annexation is petitioned.

Legal Description and Map: Attached to this Petition for Annexation, and incorporated herein as Exhibit "A" by this reference, is a legal description of the property for which annexation is petitioned. Attached hereto as Exhibit "B" and incorporated herein by this reference is a map that outlines the boundaries of the property sought to be annexed.

Conditions of Annexation: The City Council of the City of Sunnyside on

_____ found and ordered: (1) That the Petition for Annexation is approved for circulation and signature for the property described herein; (2) That the subject property will be subject to simultaneous adoption of a zoning regulation in substantial compliance with the Comprehensive Plan of the City of Sunnyside or other zoning regulation adopted pursuant to RCW 35A.14.; and (3) That the property subject to this Petition for Annexation shall be subject to all prior existing city indebtedness.

WHEREFORE, the undersigned respectfully petition the City Council of the City of Sunnyside as follows:

- (1) That the appropriate action be taken to receive this Petition, refer for consideration and action to the Sunnyside Planning Commission in accordance with Title 19 of the Sunnyside Municipal Code, and causing a notice of public hearing to be published and posted in accordance with law specifying the time, date and place of such hearing, and inviting all persons interested to appear and present testimony and evidence in approval or disapproval of such annexation; and
- (2) That following such hearing, and subsequent to approval of the Yakima County Boundary Review Board if such is convened, the City Council determine by Ordinance that such annexation shall be adopted and effective; and that the property so annexed shall become a part of the City of Sunnyside, Washington, subject to its laws and ordinances then and thereafter in force.

The Petitioners subscribing hereto agree that "all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as property within the City of Sunnyside for any now outstanding indebtedness of said city, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation, and that simultaneous adoption of proposed zoning regulation be required" in accordance with the requirements of the City Council of the City of Sunnyside, and as quoted herein from the minute entry of the records of said Council meeting. It is further understood that the proposed zoning of said area proposed for annexation shall be in substantial conformity with the Comprehensive Plan of the City of Sunnyside.

These pages are a group of pages containing identical text and prayer intended by the signers of the Petition to be presented and considered as one Petition, and may be filed with other pages containing additional signatures which cumulatively may be considered as a single Petition.

WARNING

Every person who signs this Notice of Intention with any other than his or her true name, or who knowingly signs more than one of these petitions, or who signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

**NOTICE OF INTENTION TO COMMENCE
ANNEXATION PROCEEDINGS**

To: The City of Sunnyside City Council
818 E. Edison Avenue
Sunnyside, WA 98944

City Council:

The undersigned, who are owners of not less than 10 percent (10%) of the acreage for which annexation is sought, hereby notify the City Council of the City of Sunnyside that it is the desire and intention of the undersigned to commence annexation proceedings pursuant to Chapter 35A.14 RCW.

The property subject to the proposed annexation is shown on Exhibit "A" attached hereto and incorporated herein by this reference.

It is requested that the City Council set a date not later than sixty (60) days after the filing of this Notice of Intention for a meeting with the undersigned initiating parties to determine:

- (1) Whether the City Council will accept, reject or geographically modify the proposed annexation; and
- (2) Whether the City Council will require the simultaneous adoption of a proposed zoning regulation for the subject property in substantial compliance with the Comprehensive Plan as adopted by the City of Sunnyside, or other zoning regulations adopted pursuant to RCW 35A.14.330 and 35A.14.430; and
- (3) Whether the City of Sunnyside shall require the assumption of all or any portion of existing City Indebtedness by the area to be annexed.

This page is one of a group of pages containing identical text material, and is intended by the signers of this *Notice of Intention* to be presented and considered as one *Notice of Intention*, and may be filed with other pages containing additional signatures which cumulatively may be considered as a single *Notice of Intention*.

Principal contact person for this annexation is:

Name: Hector Salgado Phone 509-391-6147

Address: 1270 Washout Rd. Sunnyside, WA 98944

Why is annexation being requested? for Multi-Family Zone
and residential

What is intended use?

Present:

Future:

Residential

Residential / Multi-family

is petitioned. (If no residents live within the area, the Petition must be signed by the owners of a majority of the acreage subject to the annexation.)

D. Submittal of Signed Petition to City. Once the required signatures are obtained, the Petition is delivered to the Supervisor of Planning & Community Development Department of the City of Sunnyside.

E. City and County Administrative Review of Petition. When the Petition is presented to the City, the City must transmit the Petition for review of signatures for "registered voters" to the County Auditor and review of signatures by land owners to the County Assessor. These County officers will proceed with reasonable promptness to review the validity of the signatures. During the time the Petition is under review by the County, the City of Sunnyside staff will review the Petition for completeness and compliance with the directives of Council established at the Initiation Meeting. A review of the sufficiency of the legal description of the area to be annexed will also be made, subject to final description affirmed by the County.

F. Hearing before Planning Commission. After City review, including certification of the signatures and legal description by the County, a public hearing will be set before the Planning Commission. The Planning Commission will hold the public hearing, recommend appropriate zoning(s), and adopt findings of fact, conclusions of law and a recommendation regarding the proposed annexation, for final decision by the City Council.

G. Boundary Review Board. After the Planning Commission adopts its decision and recommendation, City staff will prepare documents for submission to the Boundary Review Board. The Boundary Review Board is created pursuant to state law to review proposed annexations for conformity to applicable zoning standards and County and City comprehensive plans. The Boundary Review Board has authority to modify a proposed annexation to mandate inclusion of other properties to make the entire annexed area a "logical" annexation. This means, for example, that the Boundary Review Board can approve a proposed annexation on condition that property be added to eliminate "islands" or isolated pockets of property. The Boundary Review Board procedure takes approximately 45 days if the proposed annexation is relatively uncomplicated. If the jurisdiction of the Board is "invoked" (to add additional property, or if there is any objection), the process can take up to about 180 days. After conclusion of the Board procedures, the proposed annexation is submitted to the City for final action and approval.

H. City Council Ordinance. After approval by the Boundary Review Board, the City Council holds a hearing (public hearing or closed record hearing, at its option). At the conclusion of the hearing, the Council will adopt findings, conclusions and the annexation ordinance.

I. Copy of Ordinance to County and Franchisees. After adoption of the annexation ordinance, the ordinance is sent to the County Auditor, and also to

holders of City franchisees, including Yakima Waste Systems, Inc. and Charter Communications, etc.

J. Changes to City Maps and Comprehensive Plan. Copies of the ordinance are also distributed to City departments to make changes to the City's official zoning map, comprehensive plan (if necessary), billing service, police and fire departments, public works department, etc., for coordination of services.

FILE# 8188274
YAKIMA COUNTY, WA
11/21/2023 11:53:09AM
RELEASE
PAGES: 2
SIMPLIFILE
SCHREINER TITLE COMPANY
Recording Fee: \$204.50

When recorded return to:

Yakima Federal Savings & Loan Association
Attn: Sheila Wolfe
118 E Yakima Ave
Yakima WA 98901

FULL RECONVEYANCE

RC8164070

The undersigned as trustee under that certain Deed of Trust, dated 12/13/2022 in which Hector Salgado Labra and Jenny Salgado, husband and wife is Grantor, and Yakima Federal Savings & Loan Association is Beneficiary, recorded on 12/14/2022, under Auditor's File No. 8164070, in Volume of Official Records, Page records of Yakima County, Washington, having received from said beneficiary a written request to reconvey, reciting that the obligations thereunder having been fully satisfied, DOES HEREBY RECONVEY, without warranty to the person(s) entitled thereto all of the right, title and interest now held by the trustee in and to the property described in said Deed of Trust, situate in the County of Yakima, State of Washington.

Dated: 11/13/2023

Schreiner Title Company



Molly I. Brown, Authorized Signatory

STATE OF WASHINGTON

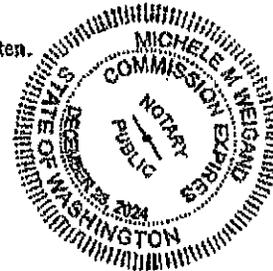
COUNTY OF YAKIMA

On 11/13/2023, before me, the undersigned a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Molly I. Brown to me known to be the Authorized Signatory of Schreiner Title Company, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.


NOTARY PUBLIC in and for the State of Washington
Michele Weigand
Residing at Yakima
My Commission Expires: 12/23/2024

com # 140933



Parcel Number: 231019-23404
Situs Address: 1270 Washout Rd Sunnyside
Property Use: 11 Single Unit
Tax Code Area: 463
Property Size: 4.98
Neighborhood: SS
Owners: Hector Salgado Labra
 Jenny Salgado

Abbreviated Legal Description:

SP J-4: LOT 4

Details for Residence #1

Building Style: Split-Level	Quality: Ave/Good
Condition: Average	Year Built: 1978
Stories: 1.00	Bedrooms: 2
Main Floor: 1,148	Upper Floor:
Addl. Area:	Full Baths: 1
3/4 Baths: 1	Half Baths:
Fixtures: 8	Basement: 528
Finished Bsmt: 528	Attached Garage:
Built In Garage:	Wood Deck: 100
Patio:	Cover:
Masonry Trim:	Roof Type: Gable
Roof Material: Shake	Flooring: Carpet
Exterior Wall: Hardboard	Foundation: Concrete
Fuel Type: Electric	Heat Type: Heat-Pump
Central Air:	Wood Stove:
Fireplace:	Prefab Fireplace:

Utility Information: *(indicates utility is available at parcel boundary)*

Gas: No	Electricity: Yes
Water: Well	Sewer/Septic: Septic

Site Information:

Property Type: Residential	Zoning: R1
Street Type: Two-Way	Street Finish: Paved/Asphlt
Traffic: Medium	Side Walk: No
Curbs: No	Location: Road-Frntage

WARNING

Every person who signs this Notice of Intention with any other than his or her true name, or who knowingly signs more than one of these petitions, or who signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

5. Hector Salgado Hector L Salgado
Print Name Signature
1270 Washout Rd. Sunnyside 231019-23404
Address of Property to be annexed Parcel Number(s)
1270 Washout Rd. Sunnyside 12/20/23 Hector L Salgado
Address of owner Date of Signature

6. Jenny Salgado Jenny Salgado
Print Name Signature
1270 Washout Rd. Sunnyside 231019-23404
Address of Property to be annexed Parcel Number(s)
1270 Washout Rd. Sunnyside 12/20/23
Address of owner Date of Signature

7. _____
Print Name Signature

Address of Property to be annexed Parcel Number(s)

Address of owner Date of Signature

8. _____
Print Name Signature

Address of Property to be annexed Parcel Number(s)

Address of owner Date of Signature

PETITION FOR ANNEXATION
SIGNATURE SHEET

1. Hector Salgado Hector Salgado
Print Name Signature
1270 Washout Rd. Sunnyside 231019-23404
Address of property to be annexed Parcel Number(s)

Check all that apply:

Property Owner Reside on property & registered voter
1270 Washout Rd. Sunnyside 12/20/23 Hector Salgado
Residential address of signer Date of signature

2. Jenny Salgado Jenny Salgado
Print Name Signature
1270 Washout Rd. Sunnyside 231019-23404
Address of property to be annexed Parcel Number(s)

Check all that apply:

Property Owner Reside on property & registered voter
1270 Washout Rd Sunnyside, 12/20/23
Residential address of signer Date of signature

3. _____
Print Name Signature

Address of property to be annexed Parcel Number(s)

Check all that apply:

Property Owner Reside on property & registered voter

Residential address of signer Date of signature

