

ORDINANCE 2024 - 04

**AN ORDINANCE OF THE CITY COUNCIL OF SUNNYSIDE,
WASHINGTON, ANNEXING CERTAIN PROPERTY TO THE CITY
OF SUNNYSIDE (PHILLIPS ANNEXATION)**

WHEREAS, the City of Sunnyside Washington, Received a Petition application completed by owners of no less than ten (10%) percent of certain real property on August 24, 2023), meeting the requirements of RCW 35A.14.120; and

WHEREAS, a public meeting was held on the proposed annexation application on September 25, 2023, wherein City Council Passed Resolution 2023-26, accepting the intent to annex, determining the property will be required to assume all proportionate bonded indebtedness, determining that simultaneous zoning will be required, and determining the property to be annexed as set forth in Section 1 below (property); and,

WHEREAS, the City received a petition signed by not less than sixty (60) percent owners of the Property; and,

WHEREAS, the petition meets the requirements of RCW 35A.01 .040 and has been determined to be sufficient by the Yakima County Assessor; and,

WHEREAS, notices of the public hearing on the proposed annexation has been published and posted as required by law; and,

WHEREAS, the City of Sunnyside Planning Commission held a public hearing pursuant to Title 19 of the Sunnyside Municipal Code on November 14, 2023; and,

WHEREAS, The Planning Commission recommended that such property should be annexed to the City of Sunnyside with a zoning of Planned Unit Development, (PUD); and,

WHEREAS, The City Council directed staff to submit to the Washington State Boundary Review Board for Yakima County a notice of Intention to Annex; and,

WHEREAS, The Washington State Boundary Review Board for Yakima County did notify the City of Sunnyside that no one invoked the Washington State Boundary Review Board for Yakima County jurisdiction, therefore the annexation was deemed approved by the Board March 25, 2024; and,

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

SECTION 1: That the following described property, situated in Yakima County, Washington is hereby annexed into the City of Sunnyside: Consisting of Tax Parcel 231032-31402, described as: Lot 2 of Short Plat as recorded in Volume "L" of Plats, page 72, records of Yakima County, Washington., as depicted in the map attached hereto and labeled Exhibit A

SECTION 2: That all of the property within the territory hereby annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Sunnyside for any outstanding indebtedness of the City of Sunnyside, including assessments on taxes in payment of any bonds issued or debts contracted prior to or existing on the date hereof.

SECTION 3: That the property subject to this annexation shall be, and the same hereby is, zoned PUD, Planned Unit Development, and that all parcels included within such annexation are hereby deemed permitted for purposes of zoning designation.

SECTION 4: That this Ordinance shall be effective five (days) after passage, approval and publication as required by law and a copy of this Ordinance shall be filed with the office of the Yakima County Commissioners and certified copy of this Ordinance be recorded with the Yakima County Auditor.

SECTION 5: The City Manager or his/her designee is hereby authorized to clerically amend or supplement this Ordinance by attaching to this Ordinance, as exhibit, the legal description of the property subject to this annexation ordinance, is attached as to this Ordinance as Exhibit 'A'.

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, sentence, clause, or phrase be held unconstitutional or invalid.

PASSED this 22nd day of April 2024.


DEAN BROERSMA, MAYOR

ATTEST:


JACQUELINE RENTERIA, CITY CLERK

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


BENJAMIN J. RILEY
Attorneys for the City of Sunnyside

Date of Publication: 5-1-2024

Exhibit A

Legal Description: Lot 2 of Short Plat as recorded in Volume "L" of Plats, page 72, records of Yakima County, Washington.

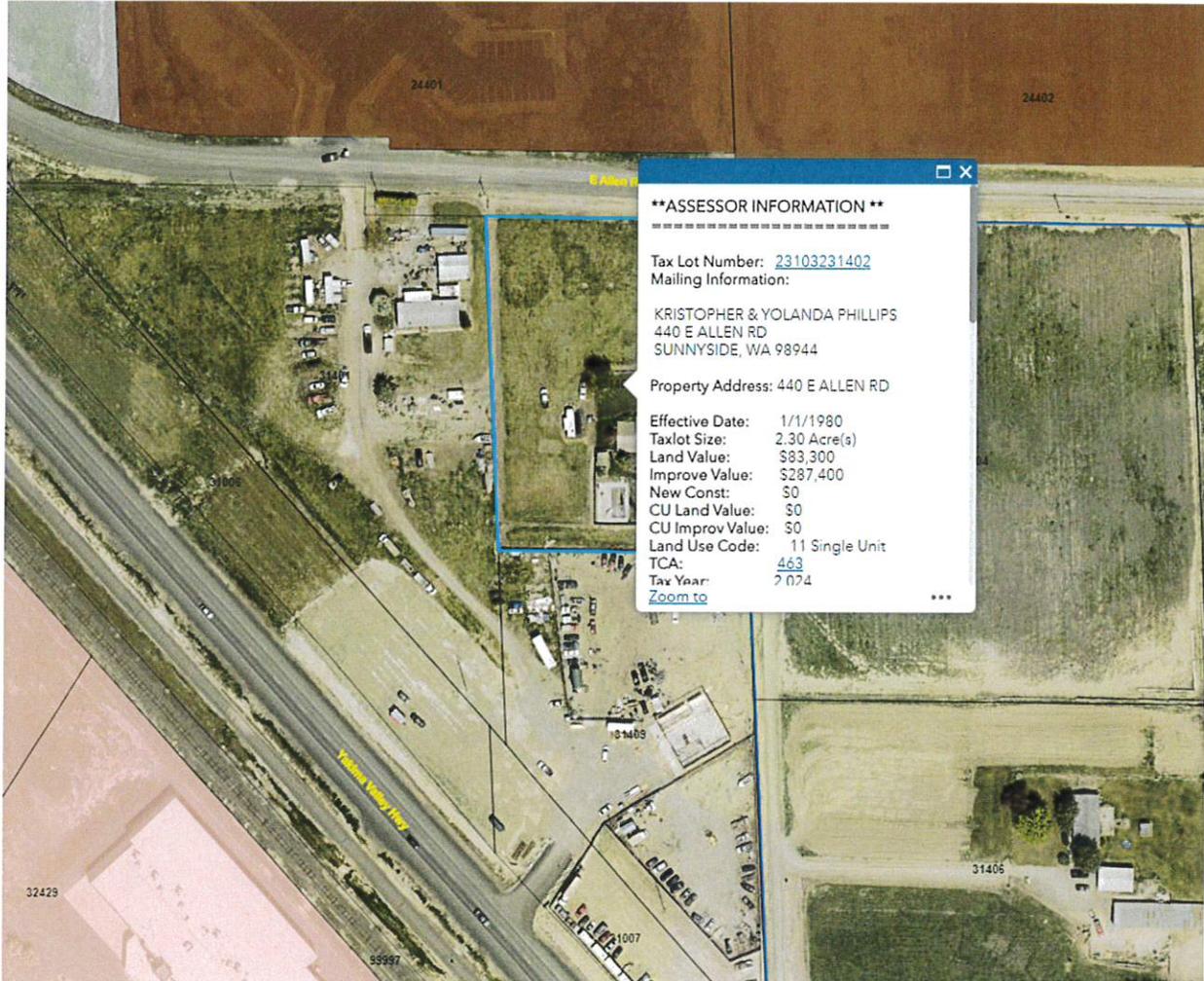




EXHIBIT B
WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR YAKIMA COUNTY

128 North Second Street
Fourth Floor Courthouse
Yakima, Washington 98901

(509) 574-2300 • FAX (509) 574-2301

March 25, 2024

Mr. Trevor Martin
City of Sunnyside
818 E. Edison Avenue
Sunnyside, WA 98944

RE: File No.: BRB2024-00001, City of Sunnyside – Phillips Annexation

Dear Mr. Trevor Martin

This is to notify you that the 45-day review period for the filing of the "Notice of Intention" ended on March 2, 2024. No one invoked the Boundary Review Board's jurisdiction; therefore, the annexation is deemed approved by the BRB pursuant to RCW 36.93.100(4).

In order to complete the final filing process:

1. Please record the city's ordinance approving the annexation with the Yakima County Auditor and provide me with the Auditor's Filing Number so that I may send out a final approval to notify the affected agencies of the approved annexation.
2. The date on which the ordinance becomes effective.

Please contact me if you have any questions.

Sincerely,

Olivia Story
Chief Clerk

Washington State Boundary Review Board for Yakima County
Fourth Floor County Courthouse | 128 N. 2nd Street | Yakima, WA 98901
Olivia.story@co.yakima.wa.us
<https://www.yakimacounty.us/801/Boundary-Review-Board>

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6338 and ask the operator to dial 509-574-2300.

EXHIBIT B

Mr. Trevor Martin
City of Sunnyside
818 E Edison Ave
Sunnyside, WA 98944

