

**Community Planning Department**

210 West 6th Avenue
Kennewick, WA 99336
Phone: (509) 585-4280

3 October 2024

RECEIVED

Utilities and Transportation Commission
Attn: David W. Danner, Chairman
PO Box 47250
Olympia, WA 98504-7250

OCT 11 2024

WASH.UT. & TP. COMM

RE: Assumption of Garbage Regulation in Certain Areas, Annexation AZAZ-2022-0001

Mr. Danner:

Enclosed please find a copy of Ordinance 24-6065 granting franchise to Basin Disposal, Inc. for the collection of garbage in recently annexed territory to the City of Kennewick. This notice is provided in accord with RCW 35A.14.900.

Respectfully,

A handwritten signature in blue ink that reads "M. Halitsky".

Matthew Halitsky, AICP
Senior Planner

Enclosure: Ordinance 24-6065

CITY OF KENNEWICK
ORDINANCE NO. 24-6005

AN ORDINANCE GRANTING A FRANCHISE TO BASIN DISPOSAL, INC.
FOR THE COLLECTION OF GARBAGE AND REFUSE IN THE CITY OF
KENNEWICK (AZAZ 2022-0001, Knutzen Engineering)

WHEREAS, the City of Kennewick has effected annexations of the following described property:

Parcel 1-0789-100-0016-000:

LOT 2

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 82°35' WEST ALONG THE NORTH LINE THEREOF 269 FEET; THENCE SOUTH 9°08'30" WEST, 245 FEET; THENCE SOUTH 82°35' EAST, 185 FEET; THENCE SOUTH 9°08'30" WEST, 806 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE KENNEWICK IRRIGATION DISTRICT HIGHLAND FEEDER CANAL; THENCE SOUTH 73°34'30" EAST ALONG SAID NORTH RIGHT OF WAY LINE 338.72 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 63°07' EAST ALONG SAID NORTH RIGHT OF WAY LINE, 186.63 FEET; THENCE NORTH 9°08'30" EAST, 730 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE KENNEWICK IRRIGATION DISTRICT LATERAL H.F. 1.8-A CANAL; THENCE NORTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE 198.05 FEET TO A POINT THAT BEARS NORTH 9°08'30" EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 9°08'30" WEST 771.8 FEET TO THE TRUE POINT OF BEGINNING; TOGETHER WITH AN ABANDONED PORTION OF HIGHLAND FEEDER LATERAL 1.8-A CANAL RIGHT-OF-WAY CONVEYED BY INSTRUMENT RECORDED ON JANUARY 6, 2000 UNDER AUDITOR'S FILE NO. 2000-000286; AND TOGETHER WITH THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 82°35' WEST ALONG THE NORTH LINE THEREOF 117.2 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 82°35' WEST ALONG SAID NORTH LINE 151.8 FEET TO A POINT THAT BEARS SOUTH 82°35' EAST 1,049.1 FEET FROM THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 9°08'30" WEST 245.00 FEET; THENCE SOUTH 82°35' EAST 185.00 FEET; THENCE SOUTH 9°08'30" WEST 806.00 FEET

TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE KENNEWICK IRRIGATION DISTRICT HIGHLAND FEEDER CANAL; THENCE SOUTH 73°34'30" EAST ALONG SAID NORTH RIGHT OF WAY LINE 338.72 FEET; THENCE NORTH 9°08'30" EAST 771.8 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE KENNEWICK IRRIGATION DISTRICT LATERAL H.F. 1.8A CANAL; THENCE NORTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE 395 FEET MORE OR LESS TO A POINT THAT BEARS SOUTH 07°25' WEST 168.24 FEET FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 07°25' EAST 168.24 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THE NORTH 40 FEET THEREOF FOR ROAD PURPOSES TOGETHER WITH AN ABANDONED PORTION OF HIGHLAND FEEDER LATERAL 1.8-A CANAL RIGHT-OF-WAY CONVEYED BY INSTRUMENT RECORDED ON JANUARY 6, 2000 UNDER AUDITOR'S FILE NO. 2000-000286; EXCEPT THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M., DESCRIBED AS FOLLOWS:BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 82°35' WEST ALONG THE NORTH LINE THEREOF 117.2 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 82°35' WEST ALONG SAID NORTH LINE 151.8 FEET TO A POINT THAT BEARS SOUTH 82°35' EAST 1,049.1 FEET FROM THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 9°08'30" WEST 245.00 FEET; THENCE SOUTH 82°35' EAST 185.00 FEET; THENCE NORTH 9°08'30" EAST 50.39 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE KENNEWICK IRRIGATION DISTRICT LATERAL H.F. 1.8-A CANAL; THENCE NORTH 50°53' WEST ALONG SAID LATERAL RIGHT-OF-WAY, 11.24 FEET TO THE POINT OF CURVE; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, BEING A CURVE TO THE RIGHT, AN ARC DISTANCE OF 139.65 FEET THROUGH A CENTRAL ANGLE OF 99°38'30" AND HAVING A RADIUS OF 80.3 FEET TO A POINT ON A LINE WHICH BEARS SOUTH 7°25' WEST FROM THE POINT OF BEGINNING; THENCE NORTH 7°25' EAST 67.26 FEET TO THE POINT OF BEGINNING; EXCEPT THE NORTH 40 FEET THEREOF FOR ROAD PURPOSES.

TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 82°59'26" WEST ALONG THE NORTH LINE THEREOF 117.20 FEET; THENCE SOUTH 07°00'17" WEST ALONG THE WEST LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2000-021963, RECORDS OF BENTON COUNTY, WASHINGTON, A DISTANCE 120.98 FEET TO AN ANGLE POINT IN SAID WEST LINE; THENCE CONTINUING ALONG SAID WEST LINE, SOUTH 82°59'45" EAST A DISTANCE

OF 1.36 FEET TO INTERSECT THE CENTERLINE OF VACATED KENNEWICK IRRIGATION DISTRICT LATERAL H.F. 1.8 CANAL, AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 60.15 FEET; THENCE CHORD OF WHICH BEARS SOUTH 01°04'23" WEST A DISTANCE OF 12.42 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE WEST LINE OF SAID TRACT, THROUGH A CENTRAL ANGLE OF 11°51'09" A DISTANCE OF 12.44 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID 60.15 FOOT RADIUS CURVE AND SAID WESTERLY LINE, THROUGH A CENTRAL ANGLE OF 46°49'25", A DISTANCE OF 49.16 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 51°40'36" EAST A DISTANCE OF 8.77 FEET; THENCE LEAVING THE WESTERLY LINE OF SAID TRACT AND CANAL CENTERLINE, SOUTH 38°19'24" WEST A DISTANCE OF 20.00 FEET TO THE SOUTHERLY MARGIN OF SAID VACATED CANAL RIGHT OF WAY; THENCE SOUTH 08°44'04" WEST A DISTANCE OF 88.33 FEET TO A POINT ON EAST LINE OF LOT 2 OF SHORT PLAT NO. 1-1499, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE LEAVING SAID EAST LINE, NORTH 08°35'16" WEST A DISTANCE OF 58.70 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 170.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°35'31" A DISTANCE OF 46.26 FEET; THENCE NORTH 07°00'15" EAST A DISTANCE OF 46.74 FEET TO THE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

EXCEPTING THEREFROM THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2 OF SHORT PLAT NO. 1-1499, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE SOUTH 08°44'04" WEST ALONG THE EAST LINE THEREOF A DISTANCE OF 214.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE, SOUTH 81°15'56" EAST A DISTANCE OF 4.00 FEET; THENCE SOUTH 08°44'04" WEST ALONG A LINE WHICH IS PARALLEL WITH AND 4.00 FEET EASTERLY WHEN MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID LOT 2, A DISTANCE OF 549.56 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF THE KENNEWICK IRRIGATION DISTRICT HIGHLAND FEEDER CANAL, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 174.60 FEET, THE CHORD OF WHICH BEARS NORTH 85°29'46" WEST A DISTANCE OF 4.01 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 08°44'04" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 636.19 FEET TO THE POINT OF BEGINNING.

WHEREAS, said annexation will become effective on the 9th day of October, 2024; and

WHEREAS, it is the desire of the City Council to contract for the collection of solid waste in said annexed territories; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City of Kennewick hereby grants to Basin Disposal, Inc. a franchise for garbage and refuse collection in the City of Kennewick in the territories annexed and as described from the date of annexation until October 1, 2034.

Section 2. The franchisee shall comply with all laws of the United States and the State of Washington, all ordinances of the City of Kennewick and applicable rules and regulations of the Washington Utilities and Transportation Commission; shall make payment of utility occupation taxes as provided in KMC 6.40; shall charge only those rates approved for garbage collection in the City of Kennewick for services for which the City has rates; shall hold the City harmless and indemnify it from any loss arising out of Basin's performance of garbage collection services authorized by this franchise; and shall not refuse service to any person within the area of this franchise except upon good cause shown.

Section 3. The City Council may suspend or revoke this franchise for good cause upon notice and an opportunity for hearing to the franchisee. Good cause means a failure by Basin to take reasonable steps to correct and/or prevent an Operational Problem within its control, after receiving notice that such an Operational Problem has occurred or is likely to occur. As used herein, the term "Operational Problem" includes, but is not limited to: 1) failure to provide service to customers; 2) failure to maintain clean sanitary vehicles; 3) failure to maintain vehicles in good working order; 4) repeated violations with the Health Department; 5) failure of franchisee employees to maintain professional and courteous relationships with customers; and 6) any criminal act committed by a franchisee employee in the course of conducting business.

Section 4. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law, but if, and only if, the franchisee has endorsed this ordinance and accepted the terms and conditions thereof prior to November 1, 2024.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 1st day of October, 2024, and signed in authentication of its passage this 1st day of October, 2024.

Attest:

Gretl J Crawford
GRETL J. CRAWFORD, Mayor

Krystal Townsend
KRYSTAL TOWNSEND,
City Clerk

ORDINANCE NO. 24- 10005 filed and recorded in the office of the City Clerk of the City of Kennewick Washington, this 2nd day of October, 2024

Approved as to Form:

Lisa Beaton
LISA BEATON,
City Attorney

Krystal Townsend
KRYSTAL TOWNSEND,
City Clerk

DATE OF PUBLICATION:

10/4/2024

ORDINANCE EFFECTIVE DATE:

10/9/2024

I, Darrick Dietrich the president of Basin Disposal, Inc. have read Ordinance 24- 10005 and on behalf of the said corporation do hereby accept the same and agree to abide by the terms and conditions set down therein, and further state that I am authorized by said corporation to accept the said franchise.

DATED this _____ day of _____, 2024.

BASIN DISPOSAL, INC.

BY _____
DARRICK DIETRICH, President



AZAZ-2022-0001 (Harmony Development, LLC)
8045 W 10th Avenue
9.42 acres +/-

- Annexation Area
- City Limits
- Urban Growth Area

