Return Address: City Clerk
City of Bremerton
345 Sixth Street, Suite 600
Bremerton, WA 98337

BREMERTON CITY OF 200906180236
Ordinance Rec Fee: $ 48.00
06/18/2009 02:29 PM
Walter Washington, Kitsap Co Auditor
Page: 1 of 7

AUDITOR/RECORDER'S INDEXING FORM

Document Title(s): 1. Ordinance No. 5083

Reference Number(s) of Documents assigned or released: N/A

Grantor(s): 1. City of Bremerton

☐ Additional names on page _____ of document.

Grantee(s): 1. The Public/ Ordinance 5083

☐ Additional names on page _____ of document.

Legal Description: (abbreviated)

That portion of the South half of the South half of Section 1, Township 23 North, Range 1 West, W.M., Kitsap County, Washington described as follows:

Commencing at the intersection of the South line of said Section 1 with the southeasterly line of State Highway No. 14; thence Northeasterly along said Highway 500 feet, more or less, to the southwesterly line of a tract conveyed March 27, 1941 to Edna C. Cook by deed recorded October 6, 1945 under Auditor's File No. 414543; thence Southeasterly along said Cook tract to the south line of said Section 1; thence West along said south line to the point of beginning;
Except SR 3;

And that portion of the Northeast quarter of the Northwest quarter of Section 12, Township 23 North, Range 1 West, W.M., Kitsap County, Washington described as follows:

Commencing at the northeast corner of said subdivision; thence South along the east line of said Northeast quarter 700 feet, more or less, to the northeast corner of a tract conveyed October 2, 1942 to Harry Earl by deed recorded under Auditor's File No. 367446; thence Northwesterly along said Earl tract 1040 feet, more or less, to the intersection of the easterly line of State Highway No. 14 with the north line of the subdivision; thence East along said north line to the point of beginning;
Except SR 3.

☐ Additional legal is on page 5 of document.

Assessor's Property Tax Parcel/Account Number: 122301-2-001-1001, 012301-3-009-1004

ORDINANCE NO. 5083

AN ORDINANCE of the City Council of the City of Bremerton, Washington, approving the annexation of certain contiguous lands comprising of approximately 7 acres in the South Kitsap Industrial Area (SKIA) Urban Growth Area (UGA) known as the Sylvan Products INC., annexation; requiring the assumption of all of the City's existing indebtedness by the area to be annexed; designating Industrial zoning pursuant to BMC 20.94; establishing an effective date of the annexation; and designating a Council District for the annexed area.

WHEREAS, on March 2, 2009, the City received an initiation petition for annexation of territory to the City Bremerton from Sylvan Products INC.; and

WHEREAS, the initiating parties are the owners of one hundred percent (100%) of the property according to the assessed valuation for which annexation is petitioned, which is well in excess of the ten percent (10%) in value of the property required to initiate an annexation into the City of Bremerton; and

WHEREAS, the proposed area for annexation is located within an Urban Growth Area (UGA); and

WHEREAS, pursuant to RCW 36.70A.130 on October 15, 2008 the SKIA UGA was designated at a Manufacturing and Industrial Center during the 2008 Comprehensive Plan amendment process, Ordinance No. 5062; and

WHEREAS, Manufacturing and Industrial Centers are subject to zoning of Industrial, therefore Industrial zoning is designated for the annexed area and properties so designated are required to meet the development requirements of Chapter 20.94 BMC; and

WHEREAS, on April 15, 2009, the City Council met with the initiating parties to consider the petition at which time the City Council 1) accepted the petition as presented, 2) required the assumption of all existing City indebtedness by the area to be annexed, and 3) authorized the circulation of a seventy-five percent (75%) annexation petition as required by law to proceed with the proposed annexation; and

WHEREAS, on April 16, 2009, the City received a seventy-five percent (75%) annexation petition for annexation of Sylvan Products INC. to the City of Bremerton from the owners of one hundred percent (100%) of the property, excluding public rights-of-way, according to the assessed valuation for which annexation is petitioned; and

WHEREAS, the area proposed for annexation is legally described in Exhibit A attached hereto and incorporated herein by this reference, and as further identified in the map attached as Exhibit B incorporated herein by this reference; and

WHEREAS, pursuant to RCW 35.13.140, residents and property owners in the area proposed for annexation and other interested persons have been afforded an opportunity to be heard during a public hearing held before the City Council on June 3, 2009, and all statutory notice requirements for said hearing, including publish in a newspaper of local circulation, and postings of site, have been provided; and

WHEREAS, on April 16, 2009, the City of Bremerton filed a copy of the seventy-five percent (75%) annexation petition with the Kitsap County Assessor's Office requesting sufficiency review and on April 20, 2009, the City received a Certificate of Sufficiency affirming consent of properties totaling more than seventy-five percent (75%) of assessed property valuation; and

WHEREAS, City of Bremerton filed a Notice of Intention with the Boundary Review Board on April 24, 2009 pursuant to RCW 36.93.090; and

WHEREAS, City of Bremerton has prepared an analysis of the costs and benefits and the anticipated fiscal impacts to the City of annexing the SKIA UGA and this analysis is contained in the report called "Financial Assessment of SKIA Area Annexation" dated June 16, 2008; and

WHEREAS, City Council seeks to annex territories that contribute to the overall economic and social health and well being of the City and lead to an orderly and logical pattern of development; and

WHEREAS, City Council finds that it is in the best interest of the City to approve the proposed annexation as presented and require the assumption of all or any portion of City indebtedness by the area to be annexed; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. There shall be annexed to the City of Bremerton, Washington, certain property situated in Kitsap County, Washington, commonly known as Sylvan Products INC. annexation, legally described in Exhibit A attached hereto and incorporated herein by this reference, and as further identified in the map attached as Exhibit B attached hereto and incorporated herein by this reference.

SECTION 2. The property hereby annexed shall assume and be subject to its proportionate share of the City's existing indebtedness and shall be assessed and taxed at the same rate and on the same basis that other property with in the City of Bremerton is assessed and taxed to pay for any outstanding general indebtedness of the City, if that indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at the effective date of this annexation.

SECTION 3. Comprehensive planning for the SKIA UGA was included in the City's annual comprehensive plan amendment process for 2008, the area to be annexed has been designated as a Manufacturing and Industrial Center.

SECTION 4. Zoning for the annexed area is designated Industrial pursuant to Chapter 20.94 BMC.

SECTION 5. This annexation will become effective August 1, 2009 if Boundary Review Board jurisdiction is not invoked. If Boundary Review Board jurisdiction is invoked pursuant to RCW 36.93.100(4), then this annexation will become effective on the first day of the second month immediately following the expiration of the Boundary Review Board's review.

SECTION 6. Pursuant to RCW 35.13.260, within thirty (30) days from the effective date of this annexation as provided by law, the City Department of Community Development (DCD) of the City of Bremerton shall, under the direction of the Mayor of the City of Bremerton, determine the resident population of the annexed territory, which population determination shall consist of an actual enumeration of the population that shall be made in accordance with the practices and policies and subject to approval of the State of Washington's Office of Financial Management and which population shall be determined as of the effective date of this annexation as specified in this ordinance. DCD shall prepare a certificate signed by the Mayor and attested by the City Clerk in such form and containing such information as shall be prescribed by the State Office of Financial Management and the City Clerk shall thereafter submit that certificate in triplicate to the Office of Financial Management together with the population determination of the annexed territory.

SECTION 7. Pursuant to RCW 35.13.270, the DCD shall provide notification, by certified mail, that includes a list of annexed parcel numbers, to the Kitsap County Treasurer and Kitsap County Assessor at least thirty days before the effective date of the annexation. DCD shall also provide such notification to the fire district and library district, as appropriate, simultaneously when notice of the proposed annexation is provided by the City to the Kitsap County Boundary Review Board pursuant to RCW 36.93.090.

SECTION 8. Following passage of this annexation ordinance, the City Clerk of the City of Bremerton, pursuant to RCW 35.13.150, shall send to the Office of the Clerk of the Kitsap County Board of Commissioners a certified copy of this ordinance.

SECTION 9. City Council District. Upon the effective date of annexation, the property annexed by this ordinance shall be assigned to Bremerton City Council District 8.

SECTION 10. Legal Descriptions. In the event of a conflict in the description of the area proposed for annexation as legally described in Exhibit A and that as identified in the map attached as Exhibit B, Exhibit A shall govern as the area to be annexed into the City. Exhibit B is attached hereto for illustrative purposes. Staff is authorized to make minor technical corrections as necessary to the descriptions set forth in Exhibit A and Exhibit B due to incorrect data identified during Kitsap County review of the annexation petition.

SECTION 11. *Severability.* If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

SECTION 12. *Effective Date.* This Ordinance shall take effect and be in force 10 days after the date of publication.

PASSED by the City Council of the City of Bremerton, Washington this 3rd day of June, 2009.

CECIL McCONNEL, Council President

Approved this 4th day of June, 2009.

CARY BOZEMAN, Mayor

APPROVED AS TO FORM:

ROGER A. LUBOVICH, City Attorney

ATTEST:

CAROL ETGEN, City Clerk

PUBLISHED the 8th day of June, 2009
EFFECTIVE the 18th day of June, 2009
ORDINANCE NO. 5083

STATE OF WASHINGTON }
COUNTY OF KITSAP } SS
The Above and foregoing is Hereby Certified
to be a true and correct copy of:
Ordinance No. 5083
City Clerk: Carol L. Etgen
Date: July 15, 2009

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EXHIBIT A

LEGAL DESCRIPTION
OF TERRITORY PROPOSED FOR ANNEXATION
TO THE CITY OF BREMERTON
(SYLVAN PRODUCTS INC.)

That portion of the South half of the South half of Section 1, Township 23 North, Range 1 West, W.M., Kitsap County, Washington described as follows:

Commencing at the intersection of the South line of said Section 1 with the southeasterly line of State Highway No. 14; thence Northeasterly along said Highway 500 feet, more or less, to the southwesterly line of a tract conveyed March 27, 1941 to Edna C. Cook by deed recorded October 6, 1945 under Auditor's File No. 414543; thence Southeasterly along said Cook tract to the south line of said Section 1; thence West along said south line to the point of beginning;
Except SR 3;

And that portion of the Northeast quarter of the Northwest quarter of Section 12, Township 23 North, Range 1 West, W.M., Kitsap County, Washington described as follows:

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Except SR 3.