After recording return to:

City Clerk
City of Puyallup
333 South Meridian
Puyallup, WA 98371

ORDINANCE No. 2924

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, providing for the annexation of certain real property known as the West Hills Annexation Area, subject to assumption of indebtedness, and adopting preannexation zoning controls for such property as provided in PMC 20.05.050.

WHEREAS, on February 29, 2004, the Washington Supreme Court reversed its previous decision, from March of 2002, issued in Grant County Fire Protection District No. 5 v. City of Moses Lake, affirming the constitutionality and legality of the assessed valuation petition method of annexation as specifically described in RCW 35A.14.120; and

WHEREAS, the matter at issue in this ordinance, known as the "West Hills Annexation" has been processed under this assessed valuation petition method of annexation; and

WHEREAS, having received a legally sufficient request to commence annexation proceedings from the individuals whose ownership represents well in excess of ten percent (10%) of the assessed valuation of the Annexation Area, the Puyallup City Council passed Resolution No. 2077 on November 5, 2007, authorizing circulation of annexation petitions in an area known as the West Hills Annexation Area; declaring the City Council's intent to annex such Area; and directing the City's Administration to prepare and file a Notice of Intent to Annex with the Pierce County Boundary Review Board, seeking the Board's approval pursuant to the provisions of Chapter 36.93 RCW; and

WHEREAS, following adoption of Resolution No. 2077, the annexation proponents presented the City with petitions reflecting the signatures of parties whose ownership

represents more than sixty percent (60%) of the assessed valuation of the West Hills Annexation Area; and

WHEREAS, on June 11, 2008, the Pierce County Assessor-Treasurer, officially certified the sufficiency of petitions filed in the West Hills Annexation matter, finding that the parties signing the petitions did own the entirety of the annexation area; and

WHEREAS, the Annexation Area is approximately 716 acres of unincorporated Pierce County, generally located west of the current city limits and extending from SR-512 in the south to include the WSU Agricultural Research Station along West Pioneer to the north; and

WHEREAS, the West Hills Annexation Area is situated within the City of Puyallup's designated Urban Service Area, sometimes referenced as the City's Urban Growth Area, and Pierce County's overlapping comprehensive Urban Growth Area; and

WHEREAS, consistent with pre-annexation zoning Ordinance No. 2773, adopted for a portion of this area by City Council on December 15, 2003 and pre-annexation zoning Ordinance No. 2923, passed on November 18, 2008, the City Council finds that the annexation area should be zoned RS-10, RS-08, and Public Facilities at the time of annexation; and

WHEREAS, Puyallup City utilities, police, fire and other services are adequate and available to support the area upon annexation; and

WHEREAS, the proposed annexation is consistent with the intent and purpose of the Growth Management Act, which reads in relevant part: "[i]n general, cities are the units of local government most appropriate to provide urban governmental services." RCW 36.70A.110(4); and

WHEREAS, the City of Puyallup seeks to fulfill its obligations and responsibilities under the Growth Management Act through annexation of the West Hills Annexation Area; and

WHEREAS, August 11, 2008 was the deadline set by the Boundary Review Board for interested parties to invoke jurisdiction of the Board and challenge the proposed annexation, and, because the deadline passed without the Board's jurisdiction having been invoked, the proposed annexation is deemed approved by the Board as provided in RCW 36.93.100; and

WHEREAS, a public hearing on the subject of this ordinance occurred at a regular meeting on September 23, 2008, and such hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation in the city and the proposed annexation area, and through posting of a hearing notice in three (3) public places within

the territory proposed for annexation, which notices specified the time and place of the hearing and invited interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PUYALLUP ORDAINS AS FOLLOWS:

Section 1. Annexation of the West Hills Area. The real property known as the West Hills Annexation Area, which is more particularly described on Exhibit "A", a copy of which is attached hereto and incorporated by this reference as it set forth in full, is hereby annexed to and made a part of the City of Puyallup.

Section 2. Assumption of Existing City Indebtedness. Pursuant to the terms of the annexation petition and consistent with Resolution No. 2077, all property within the West Hills Annexation Area shall be assessed and taxed at the same rate and on the same basis as other property within the City of Puyallup including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted, incurred prior to, or existing on the date of annexation.

Section 3. Zoning Controls Adopted for Annexation Area. Under the authority of RCW 35A.14.330, pursuant to Ordinance Nos. 2773 and 2923, pre-annexation zoning of RS-10, RS-08, and Public Facilities has been established for this annexation area. Therefore, all property annexed by this ordinance shall be subject to all development regulations of the City of Puyallup in effect at the time of annexation.

Section 4. Duties of the City Clerk. Upon passage of this annexation ordinance, the City clerk is directed to file a certified copy of such document with the Pierce County Council and the Boundary Review Board. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35A.14.700. Additionally, as required by RCW 35.A.14.340, the City Clerk is hereby directed to file a certified copy of this ordinance, including Exhibit "A," with the Pierce County Auditor.

Section 5. Contemporaneous Updates. The City's Comprehensive Plan and zoning map are hereby amended to conform to the annexation approved in this ordinance.

Section 6. Severability – Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with the other provisions of the Puyallup Municipal code, this ordinance is deemed to control.

Section 7. Effective Date. This Ordinance, being the exercise of a power specifically delegated to the legislative body of the City of Puyallup, is not subject to referendum, and shall take effect from and after its passage, which date shall be January 1, 2009.

PASSED by the City Council of the City of Puyallup this 18th day of November, 2008 and signed in authentication this 18th day of November, 2008

Donald E. Malloy, Mayor

Attest:

Barbara J. Price, City Clerk

Approved as to form:

Cheryl F. Carlson, City Attorney

Published: November 20, 2008
Effective: January 1, 2009

EXHIBIT A

WEST HILLS ANNEXATION LEGAL DESCRIPTION (March, 2008)

THOSE PORTIONS OF SECTIONS 4 AND 5, TOWNSHIP 19 NORTH, RANGE 04 EAST, WILLAMETTE MERIDIAN, AND SECTIONS 29 AND 32, TOWNSHIP 20 NORTH, RANGE 04 EAST, WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE CORPORATE LIMITS OF THE CITY OF PUYALLUP AS ESTABLISHED AUGUST 18, 1890, AND THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 5; THENCE EAST ALONG SAID CORPORATE LIMITS AND THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE NORTHEAST CORNER THEREOF; THENCE EAST ALONG SAID CORPORATE LIMITS AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4 TO THE NORTHERLY PROJECTION OF THE EAST MARGIN OF 90TH AVENUE EAST AND THE WEST LINE OF THE SAID CORPORATE LIMITS AS ESTABLISHED BY ORDINANCE NUMBER 2848; THENCE SOUTH ALONG SAID EAST MARGIN AND THE WEST LINE OF THE CITY'S CORPORATE LIMITS AS ESTABLISHED BY ORDINANCE NUMBERS 2848 AND 2798 TO THE SOUTHWEST CORNER OF SAID ORDINANCE 2798; THENCE EAST ALONG THE SOUTH LINE OF SAID CORPORATE LIMITS TO THE WEST MARGIN OF 9TH STREET SOUTHWEST [94TH AVENUE EAST] AND THE WEST LINE OF CORPORATE LIMITS AS ESTABLISHED BY ORDINANCE NUMBER 2464; THENCE SOUTH AND WEST ALONG THE WESTERLY LINE OF SAID CORPORATE LIMITS AS ESTABLISHED BY SAID ORDINANCE NUMBER 2464 TO THE NORTH MARGIN OF STATE ROUTE 512 AND THE NORTH LINE OF CORPORATE LIMITS AS ESTABLISHED BY ORDINANCE NUMBER 2595; THENCE WEST ALONG SAID CORPORATE LIMITS AND SAID NORTH MARGIN TO THE EAST LINE OF SAID SECTION 5; THENCE CONTINUING ALONG SAID NORTH MARGIN AND SAID CORPORATE LIMITS TO THE NORTHWEST CORNER THEREOF; THENCE LEAVING SAID CORPORATE LIMITS, and CONTINUING WEST ALONG SAID NORTH MARGIN TO THE WEST MARGIN OF FRUITLAND AVENUE EAST; THENCE NORTH ALONG THE WEST MARGIN OF FRUITLAND AVENUE EAST TO THE SOUTH MARGIN OF 96TH STREET EAST; THENCE WEST ALONG THE SOUTH MARGIN OF 96TH STREET EAST TO THE CENTERLINE OF 74TH AVENUE EAST; THENCE NORTH ALONG THE NORTHERLY PROJECTION OF SAID CENTERLINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE NORTH ALONG THE WEST LINE OF SAID SUBDIVISION TO THE

NORTHWEST CORNER THEREOF, ALSO BEING THE SOUTHWEST CORNER OF THE ORCHARD HILLS DIVISION ONE, SAID PLAT RECORDED UNDER AUDITOR'S FILE NUMBER 8801210201, RECORDS OF SAID COUNTY; THENCE EAST ALONG THE SOUTH LINE OF SAID PLAT TO THE WEST MARGIN OF FRUITLAND AVENUE; THENCE NORTHEASTERLY, NORTHERLY, AND NORTHWESTERLY ALONG THE WEST MARGIN OF FRUITLAND AVENUE EAST TO THE SOUTH MARGIN OF 84TH STREET EAST; THENCE WESTERLY ALONG SAID SOUTH MARGIN TO THE POINT OF INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EAST LINE OF BELMONT DIVISION 3 PDD, SAID PLAT RECORDED UNDER AUDITOR'S FILE NUMBER 200104115006, RECORDS OF SAID COUNTY; THENCE NORTHERLY TO THE SOUTHEAST CORNER OF SAID PLAT AND THE WEST MARGIN OF 72ND AVENUE EAST; THENCE NORTHERLY AND NORTHEASTERLY ALONG THE EAST LINE OF SAID PLAT AND SAID WEST MARGIN TO THE NORTHEAST CORNER OF SAID PLAT; THENCE WEST ALONG NORTH LINE OF SAID PLAT AND ITS WESTERLY PROJECTION TO THE EAST MARGIN OF WOODLAND AVENUE EAST; THENCE NORTH ALONG THE EAST MARGIN OF SAID WOODLAND AVENUE EAST AND THE NORTHERLY PROJECTION THEREOF TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE EAST ALONG SAID SOUTH LINE TO THE EASTERLY MARGIN OF PIONEER AVENUE; THENCE NORTHWESTERLY ALONG SAID EASTERLY MARGIN TO EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200209030972, RECORDS OF SAID COUNTY; THENCE NORTH 35 DEGREES EAST, AS DESCRIBED IN SAID DEED, 1,689 FEET TO THE CENTER LINE OF CLARK'S CREEK; THENCE EASTERLY, NORTHEASTERLY, AND SOUTHEASTERLY ALONG SAID CENTER LINE TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, ALSO BEING THE WEST LINE OF CORPORATE LIMITS OF THE CITY OF PUYALLUP AS ESTABLISHED AUGUST 18, 1890; THENCE SOUTH ALONG SAID EAST LINE AND SAID CORPORATE LIMITS TO THE NORTH MARGIN OF WEST PIONEER AVENUE, ALSO BEING THE NORTHEAST CORNER OF THE CORPORATE LIMITS AS ESTABLISHED BY ORDINANCE NUMBER 2808; THENCE WEST ALONG SAID CORPORATE LIMITS TO THE NORTHWEST CORNER THEREOF, BEING THE POINT OF INTERSECTION OF SAID NORTH MARGIN WITH THE NORTHERLY PROJECTION OF THE WEST MARGIN OF FRUITLAND AVENUE EAST; THENCE SOUTH ALONG SAID WEST MARGIN AND SAID CORPORATE LIMITS TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG SAID CORPORATE LIMITS TO THE POINT OF INTERSECTION OF THE SOUTH MARGIN of 7TH AVENUE SOUTHEAST WITH THE EAST MARGIN OF FRUITLAND AVENUE; THENCE SOUTH ALONG SAID CORPORATE LIMITS AS ESTABLISHED BY ORDINANCE NUMBER 1647 AND MODIFIED BY ORDINANCE 2158 (B) TO THE SOUTHWEST CORNER OF THE SAID CORPORATE LIMITS AS ESTABLISHED BY ORDINANCE NUMBER 2158(B), SAID SOUTHWEST CORNER BEING THE POINT OF INTERSECTION OF SAID EAST MARGIN WITH THE SOUTH MARGIN OF 9TH AVENUE SOUTHWEST; THENCE EAST ALONG SAID SOUTH MARGIN AND SAID CORPORATE LIMITS TO THE WEST

LINE OF CORPORATE LIMITS AS ESTABLISHED AUGUST 18, 1890, AND THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE SOUTH ALONG THE WEST LINE OF SAID CORPORATE LIMITS AND THE EAST LINE OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SAID SECTION 32 TO THE EASTERLY MARGIN OF FRUITLAND AVENUE EAST; THENCE LEAVING SAID EAST LINE, SOUTHERLY ALONG THE EASTERLY MARGIN OF SAID FRUITLAND AVENUE AND CORPORATE LIMITS AS ESTABLISHED BY ORDINANCE NUMBER 2158(B) TO THE INTERSECTION WITH THE EAST LINE OF SAID SOUTHWEST QUARTER AND THE WEST LINE OF CORPORATE LIMITS AS ESTABLISHED AUGUST 18, 1890; THENCE SOUTH ALONG SAID CORPORATE LIMITS AND SAID EAST LINE TO THE POINT OF BEGINNING.