

**CITY OF MILTON
ORDINANCE 1785-12**

**AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, ANNEXING
CERTAIN REAL PROPERTY KNOWN AS PACIFIC HWY E TO THE CITY,
REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT
THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY,
ESTABLISHING ITS ZONING AS BUSINESS DISTRICT (B), AND FIXING THE
EFFECTIVE DATE OF THE ANNEXATION.**

WHEREAS, THE City Council was notified in writing by the owners of not less than ten percent in value of the real property legally described in Exhibit "A" attached hereto, of the owners' intention to commence annexation proceedings; and

WHEREAS, a meeting was held on the April 4th, 2011, between the initiating parties of this annexation and the Council of the City of Milton and authorized the circulation of an annexation petition for annexation of the real property legally described in Exhibit "A" attached hereto. At the meeting the Council also determined that it would require the simultaneous adoption of the zoning designations and require the assumption of indebtedness of the City by the area to be annexed upon annexation; and

WHEREAS, the petition was circulated, filed with Pierce County, and certified by the County Assessor as containing the signature of owners as set forth in RCW 35A.01.040(9), of not less than 60% in value, according to the assessed valuation for general taxation, of the property to be annexed; and

WHEREAS, the City properly filed a Notice of Intent and related documents with the Pierce County Boundary Review Board on December 6th, 2011 and the proposed annexation was deemed approved by the BRB on January 30th, 2012 pursuant to RCW 36.93.100; and

WHEREAS, pursuant to RCW 35A.14.130, a public hearing was held on February 21st, 2012, which 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 public places within the territory proposed for annexation, specifying the time and place of the hearing and inviting 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 MILTON, PIERCE COUNTY,
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The unincorporated real property located in Pierce County, Washington, contiguous to the City of Milton and legally described in Exhibit "A" attached

hereto and incorporated herein by this reference, is hereby annexed to and made part of the City of Milton, Pierce County, Washington.

Section 2. All property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Milton, including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted for, incurred prior to, or existing on, the date of annexation.

Section 3. All property within the territory annexed is hereby zoned Business District (B).

Section 4. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Pierce County Council. 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.

Section 5. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 6. Effective Date of Annexation. This Ordinance shall be in full force and effect sixty (60) days from and after its passage, approval and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing it in its entirety.

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PASSED AND APPROVED by the City Council of the City of Milton, Washington, at a regularly scheduled meeting this ____ day of _____, 2012.

CITY OF MILTON

Debra Perry, Mayor

ATTEST/AUTHENTICATED:

Amy Stevenson-Ness, Deputy City Clerk

Approved as to form:

Phil Olbrechts, City Attorney

Date of Publication:
Effective Date: