

City of Port Orchard
City Clerk's Office
216 Prospect Street
Port Orchard, WA 98366

Introduced by: Development Director
Requested by: Development Director
Drafted by: Development Director
Introduced: January 24, 2012
Adopted: January 24, 2012

ORDINANCE NO. 002-12

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING ORDINANCE NO 018-11 BY REMOVING TAX PARCEL NOS. 072301-1-006-2003 AND 082301-2-001-2005 FROM THE PROPOSED ANNEXATION AREA ORIGINALLY APPROVED IN ORDINANCE 018-11.

PROPERTY LOCATION: SITUATED WITHIN A PORTION OF SECTIONS 07, 08 & 17, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.

ASSESSOR'S ACCOUNT NUMBERS: 082301-1-010-2006, 082301-1-013-2003, 082301-2-003-2003, 082301-2-002-2004, 082301-1-014-2002, 172301-2-004-2001, 172301-2-005-2000, 172301-3-004-2009, 172301-2-007-2008, 172301-2-006-2009, 172301-2-003-2002, 172301-2-002-2003, and 082301-2-004-2002

WHEREAS, on November 22, 2011, the City Council approved Ordinance 018-11 which approved the annexation of fifteen parcels totaling 619.49 acres; and

WHEREAS, included within the original area proposed for annexation were tax parcel nos. 072301-1-006-2003 and 082301-2-001-2005; and

WHEREAS, the County is taking the position that parcel nos. 072301-1-006-2003 and 082301-2-001-2005 are not within the City's Urban Growth Area; and

WHEREAS, pursuant to RCW 35.13.150 the City Council is vested with the authority to

remove portions of a proposed annexation area; and

WHEREAS, while the City Council may disagree with the County regarding their opinion on parcel nos. 072301-1-006-2003 and 082301-2-001-2005, the City does not want to delay the annexation of the remaining portions of the proposed annexation area;

WHEREAS, the City Council wishes to amend Ordinance 018-11 to permit the annexation of the remaining areas to move forward; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Ordinance 018-11 is hereby amended to remove parcel nos. 072301-1-006-2003 and 082301-2-001-2005 from the proposed annexation area, and shall read as set forth in Exhibit 1, attached hereto and incorporated by reference.

SECTION 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 24th day of January 2012.

ATTEST:

Timothy C. Matthes, Mayor

Patricia J. Kirkpatrick, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Gregory A. Jacoby, City Attorney

John Clauson, Councilmember