

ORDINANCE NO. 2994

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, providing for the annexation of certain real property commonly known as the Van Lierop, et al., Annexation Area portion of the Shaw/E. Pioneer Urban Growth Area, subject to assumption of indebtedness, and adoption of preannexation zoning controls for such property as provided in PMC 20.05.050.

Whereas, pursuant to RCW 35A.14.120, proceedings for initiating annexation of unincorporated territory to a noncharter code city may be commenced by the filing of a petition of property owners constituting at least ten percent (10%) of the assessed valuation of the territory proposed to be annexed; and

Whereas, the property at issue in this ordinance, commonly known as the “Van Lierop, et al., Annexation Area” portion of the Shaw/E. Pioneer Urban Growth Area, has been processed under the assessed valuation petition method of annexation; and

Whereas, having received a legally sufficient request to commence annexation proceedings from individuals whose ownership represents well in excess of ten percent (10%) of the assessed valuation of the Van Lierop, et al., Annexation Area, the Puyallup City Council adopted Resolution No. 2151 on May 25, 2010, authorizing circulation of annexation petitions in the Van Lierop, et al., Annexation Area; accepting the geographic area of the proposed annexation; requiring the simultaneous adoption of zoning regulations; and requiring the proposed annexation area to assume a proportionate share of city indebtedness; and

Whereas, following passage of Resolution No. 2151, 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 Van Lierop, et al., Annexation Area; and

Whereas, on September 21, 2010, the Pierce County Assessor-Treasurer officially certified the sufficiency of petitions filed in the Van Lierop, et al. Annexation Area, finding that the parties signing the petitions did own at least sixty-percent (60%) of the proposed annexation area; and

Whereas, the Van Lierop, et al., Annexation Area is approximately 113.6 acres of unincorporated Pierce County contiguous to the City of Puyallup and generally located north of E. Pioneer, South of Inter Avenue, and flanking 134th Avenue E., and is inclusive of the recently completed Shaw Road Extension; and

Whereas, the Van Lierop, et al., Annexation Area is situated within the City of Puyallup’s designated Urban Service Area, sometimes referenced as the City’s Urban Growth Area; and

Whereas, on March 10, 2010, in furtherance of the 2009 comprehensive plan update process, the City Council endorsed a pre-annexation zoning plan for Van Lierop, et al., Annexation Area in Ordinance No. 2928; and

Whereas, the City Council finds that the Van Lierop et al., Annexation Area should be zoned General Commercial (CG), Shaw-Pioneer Community Mixed Use (CMX), Agriculture, Recreation, and Open Space (ARO), Limited Manufacturing (ML), Business Park (MP), Rail Manufacturing (MR), and Medium Density Multiple family Residential (RM-10), as noted in Exhibit B to this ordinance, at the time of annexation; and

Whereas, City services are 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 Van Lierop, et al., Annexation Area; and

Whereas, the Pierce County Executive invoked Boundary Review Board jurisdiction on January 28, 2011 requesting that the City establish a Preservation Covenant in order to preserve a certain amount of farmland and open space in perpetuity; and

Whereas, the City worked with Pierce County staff and landowners to agree upon and implement a Preservation Covenant; and

Whereas, the Pierce County Executive withdrew the County’s request to invoke jurisdiction and the Boundary Review Board approved the subject annexation allowing it to proceed; and

Whereas, the City Council held public hearings on the subjects of this ordinance on November 9, 2010 and November 15, 2011, and such hearings were 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 heard all persons wishing to be heard and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation; and

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

Section 1. Annexation of the Van Lierop, et al., area portion of the Shaw/E. Pioneer Urban Growth Area. The real property known as the Van Lierop, et al., Annexation Area portion of the Shaw/E. Pioneer Urban Growth Area, which is more particularly described on Exhibit A, a copy of which is attached hereto and incorporated herein by this reference as if 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. 2151, upon annexation, all property within the Van Lierop, et al., Annexation Area portion of the Shaw/E. Pioneer Urban Growth 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, the property annexed by this ordinance is hereby zoned General Commercial (CG), Shaw-Pioneer Community Mixed Use (CMX), Agriculture, Recreation, and Open Space (ARO), Limited Manufacturing (ML), Business Park (MP), Rail Manufacturing (MR), or Medium Density Multiple family Residential (RM-10), as reflected in Exhibit B, a copy of which is attached hereto and incorporated herein by this reference as if set forth in full, and 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. 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. 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 and be in force five (5) days after its

approval and publication, as provided by law. Notwithstanding the foregoing, the annexation, assumption of indebtedness and zoning implementation shall be implemented and become effective on January 1, 2012.

PASSED at an open public meeting by the City Council of the City of Puyallup on the 15th day of November 2011.

Kathy R. Turner
Mayor

Approved as to form:

Attest:

Kevin J. Yamamoto
City Attorney

Barbara J. Price
City Clerk

Published: November 23, 2011

Effective Date: November 28, 2011

Exhibit A – Legal Description for Van Lierop et al., Annexation Area

THOSE PORTIONS OF THE SOUTHWEST QUARTER OF SECTION 25, THE SOUTHEAST QUARTER OF SECTION 26 AND THE NORTHWEST QUARTER OF SECTION 36, ALL IN TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M., PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN CITY OF PUYALLUP ANNEXATION ORDINANCE NO. 1509, SAID CORNER BEING COMMON WITH THE CORPORATE LIMITS OF SAID CITY AS ESTABLISHED ON AUGUST 18, 1890, SAID CORNER FURTHER DESCRIBED AS BEING AT THE INTERSECTION OF THE WEST LINE OF SAID SOUTHEAST QUARTER WITH THE SOUTHEASTERLY MARGIN OF THE BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY; THENCE SOUTH ALONG SAID WEST LINE AND SAID CORPORATE LIMITS TO THE NORTHWEST CORNER ANNEXATION ORDINANCE NO. 1494 OF SAID CITY; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINES OF ANNEXATION ORDINANCE NOS. 1494, 2158, AND 2549 OF SAID CITY TO THE NORTHEAST CORNER OF SAID ORDINANCE NO. 2549; THENCE SOUTH ALONG THE EAST LINE OF SAID ORDINANCE NO. 2549 TO THE NORTH MARGIN OF PIONEER WAY EAST AND THE NORTHWEST CORNER OF ANNEXATION ORDINANCE NO. 2717 OF SAID CITY; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINES OF ORDINANCE NOS. 2717 AND 2796 OF SAID CITY AND SAID NORTH MARGIN TO THE WEST LINE OF SAID SECTION 25, ALSO BEING A POINT ON THE WEST LINE OF LEASE NO. 25874, DATED NOVEMBER 1, 1912, SAID LEASE GRANTING PIERCE COUNTY A PERMIT FOR ROADS WITHIN THE RIGHT-OF-WAY OF SAID RAILROAD; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, SOUTH ALONG THE WEST LINE OF SAID SECTION 25 AND SAID LEASE TO THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, SOUTH ALONG THE WEST LINE OF SAID LEASE AND THE WEST LINE OF SAID SECTION 36 TO THE SOUTH MARGIN OF THE FORMER RIGHT-OF-WAY OF SAID RAILROAD; THENCE CONTINUING ALONG SAID CORPORATE LIMITS AND THE SOUTH LINE OF SAID LEASE, SOUTHEASTERLY ALONG SAID SOUTH MARGIN TO THE SOUTHEAST CORNER OF SAID LEASE; THENCE LEAVING SAID CORPORATE LIMITS AND SAID SOUTH MARGIN, AND CONTINUING ALONG SAID LEASE LINE, NORTH ALONG A LINE PARALLEL WITH AND 30 FEET EASTERLY OF THE WEST LINES OF SAID SECTIONS 25 AND 36, TO AN ANGLE POINT IN THE EAST LINE OF SAID LEASE; SAID ANGLE POINT BEING AT THE INTERSECTION OF LAST SAID PARALLEL LINE WITH A LINE THAT IS PARALLEL WITH AND 30 FEET SOUTHEASTERLY OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 25 WITH THE NORTH RIGHT-OF-WAY MARGIN OF SAID RAILROAD; THENCE NORTHWESTERLY ALONG SAID NORTH MARGIN, 798.5 FEET TO THE BEGINNING OF SAID CENTERLINE DESCRIPTION; THENCE AT

RIGHT ANGLES TO SAID NORTH MARGIN, SOUTHWESTERLY 163 FEET TO THE WEST LINE OF SAID SECTION 25 AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION. THENCE CONTINUING ALONG SAID LEASE LINE, NORTHEASTERLY ALONG THAT LINE BEING PARALLEL WITH AND 30 SOUTHEASTERLY OF THE ABOVE DESCRIBED CENTERLINE TO INTERSECT A LINE THAT IS PARALLEL WITH AND 30 FEET SOUTHWESTERLY OF THE NORTH MARGIN OF THE FORMER RIGHT-OF-WAY OF SAID RAILROAD; THENCE CONTINUING ALONG SAID LEASE LINE, SOUTHEASTERLY ALONG LAST SAID PARALLEL LINE TO THE SOUTHERLY PROJECTION OF THE EAST LINE OF THE WEST ONE-THIRD OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH ALONG SAID SOUTHERLY PROJECTION TO THE SOUTH LINE OF SAID SECTION 25 AND A POINT ON THE NORTH LINE OF SAID LEASE; THENCE LEAVING SAID LEASE, NORTH ALONG THE EAST LINE OF SAID WEST ONE-THIRD TO THE NORTHEAST CORNER THEREOF; THENCE WEST ALONG NORTH LINE OF SAID ONE-THIRD TO THE EAST MARGIN OF 134TH AVENUE EAST; THENCE NORTH ALONG SAID EAST MARGIN TO THE NORTH MARGIN OF 74TH STREET EAST; THENCE WEST TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200706060221, RECORDS OF SAID COUNTY; THENCE WEST ALONG THE SOUTH LINE OF SAID PARCEL TO THE EAST MARGIN OF THE SHAW ROAD EXTENSION AS CONVEYED TO THE CITY OF PUYALLUP BY SAID INSTRUMENT; THENCE NORTHWESTERLY ALONG THE EAST LINE OF SAID RIGHT-OF-WAY PARCEL, 140.21 FEET TO THE SOUTHEAST MARGIN OF SAID RAILROAD RIGHT-OF-WAY AND THE CORPORATE LIMITS OF SAID CITY AS DEFINED BY SAID ORDINANCE NO. 1509; THENCE SOUTHWESTERLY ALONG SAID CORPORATE LIMITS AND SAID SOUTHEASTERLY MARGIN TO THE POINT OF BEGINNING.