ORDINANCE NO. 1048

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION AND ZONING, ANNEXING APPROXIMATELY 9.8 ACRES OF PROPERTY LOCATED EAST OF PEACOCK HILL AVENUE (ANX 05-910), ADOPTING SINGLE-FAMILY RESIDENTIAL (R-1) ZONING, AND REQUIRING THE PROPERTY OWNERS TO ASSUME THEIR PROPORTIONATE SHARE OF INDEBTEDNESS.

WHEREAS, on December 9, 2005, the City of Gig Harbor received a Notice of Intent to Annex approximately 9.8 acres of property located east of Peacock Hill Avenue, adjacent to the existing City limits and within the City's Urban Growth Area (UGA), located in Pierce County; and

WHEREAS, the Notice of Intent was signed by the owners of not less than ten percent (10%) of the acreage of the property; and

WHEREAS, on January 23, 2006, the City Council met with the initiators of the petition voted (Ekberg/Kadzik, 7-0-0) to authorize circulation of the annexation petition subject to certain conditions including adoption of pre-annexation Single-Family Residential (R-1) zoning, requiring that the property owners assume all of the existing indebtedness of the area being annexed, and requiring the submission of a wetland report; and

WHEREAS, on February 1, 2006, a petition for annexation of the property described in Exhibit A and graphically depicted on Exhibit B was received by the City; and

WHEREAS, on February 9, 2006, the Pierce County office of the Assessor-Treasurer certified the signatures on the petition for annexation of the property described in Exhibit A and graphically depicted on Exhibit B; and

WHEREAS, On January 24, 2006, the applicant submitted of a wetland analysis report for the subject property pursuant to GHMC Section 18.08.090; and

WHEREAS, the wetland report and designates a wetland on the property as a Category II Palustrine Forested Broad Leaf Deciduous Seasonally Flooded wetland. The report has been reviewed and determined to be in conformance with the Gig Harbor Municipal Code.

WHEREAS, the property described in Exhibit A and graphically depicted on Exhibit B proposed to be annexed is within the Urban Growth Area as established by Pierce County and included in the Comprehensive Plans of both the County and the City of Gig Harbor; and

WHEREAS, the City of Gig Harbor Comprehensive Plan, adopted in December, 2004, established the land use map designation for this area as Residential Low, along with pertinent goals and objectives, to guide the development of the annexation area over the next twenty years; and

WHEREAS, the proposed pre-annexation zoning of Single-Family Residential (R-1) being applied to the property described in Exhibit A and graphically depicted on Exhibit B is consistent with the City of Gig Harbor Comprehensive Land Use Plan designation of Residential Low; and

WHEREAS, on March 13, 2006, the City Council, following a public hearing on the annexation petition, voted (Young/Franich, 7-0-0) to declare its intent to authorize and approve the annexation and the proposed pre-annexation Single-Family Residential (R-1) zoning for the area described in Exhibit A and graphically depicted on Exhibit B, subject to Boundary Review Board approval (Resolution No. 661); and

WHEREAS, on March 14, 2006, the Notice of Intention, together with supporting documentation, was submitted to the Chief Clerk of the Pierce County Boundary Review Board; and

WHEREAS, on March 27, 2006, the Chief Clerk of the Pierce County Boundary Review Board deemed the annexation proposal as complete, set the official filing date as March 21, 2006, initiated the forty-five (45) day review period, and noted that the period during which jurisdiction could be invoked would expire on May 5, 2006; and

WHEREAS, on May 11, 2006, the Pierce County Boundary Review Board issued a written decision approving the annexation of the property as described and graphically depicted in Exhibit A; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting's of May 22 and June 12, 2006; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The Gig Harbor City Council hereby approves the annexation of approximately 9.8 acres of property located east of Peacock Hill Avenue, adjacent to the existing City limits, located in Pierce County, as described in Exhibit A and graphically depicted on Exhibit B, attached hereto, as part of the City of Gig Harbor, contingent upon compliance with the following conditions:

A. Pursuant to the terms of the annexation petition, the approximately 9.8 acres of property located east of Peacock Hill Avenue, adjacent to the existing City limits, located in Pierce County, as described in Exhibit A and graphically depicted on Exhibit B, shall be assessed

and taxed at the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation; and

B. All property within the area described in Exhibit A and graphically depicted on Exhibit B shall be zoned as Single-Family Residential (R-1), in accordance with the Gig Harbor Municipal Code, Title 17.

Section 2. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established in Section 1.

Section 3. The Gig Harbor City Clerk hereby declares the property described in Exhibit A and graphically depicted in Exhibit B to be contiguous with the boundaries of the City of Gig Harbor.

Section 4. The City Clerk is hereby directed to record a certified copy of this ordinance with the Office of the Pierce County Auditor.

Section 5. This ordinance shall take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 12th day of June, 2006.

APPROVED:

MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 5/17/06
PASSED BY THE CITY COUNCIL: 6/12/06
PUBLISHED: 6/21/06
EFFECTIVE DATE: 6/26/06
ORDINANCE NO. 1048

EXHIBIT 'A'

LEGAL DESCRIPTION

That portion of Section 32, Township 22 North, Range 2 East, W.M. described as follows:

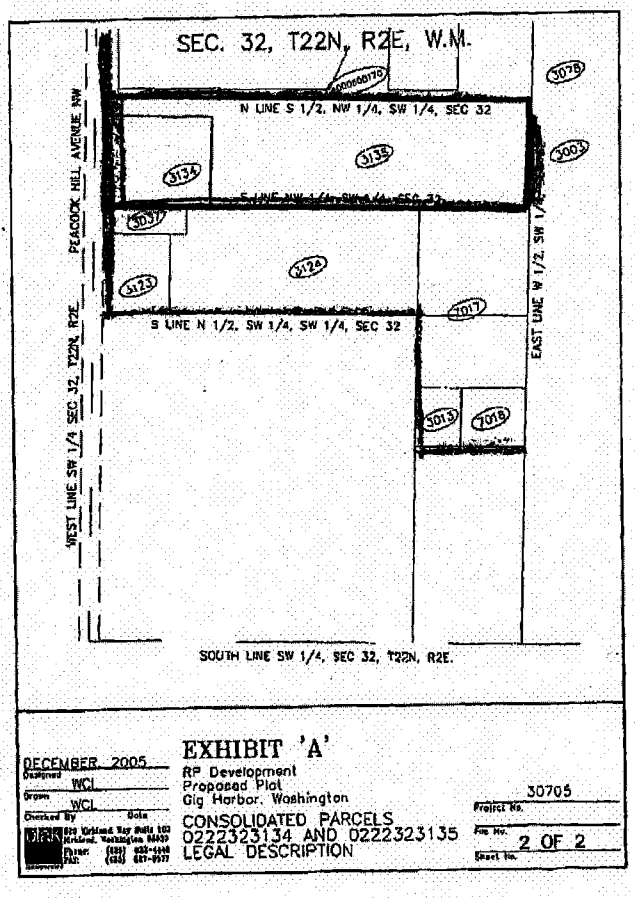
The South Half of the South Half of the Northwest Quarter of the Southwest Quarter,

Except Peacock Hill Avenue N.W. (Purdy Gig Harbor Road)

Containing an area of 9.877 acres more or less.

Accepted BLB 12/27/05

Exhibit B
RESOURCE PROPERTIES ANNEXATION (ANX 05-910)
ANNEXATION AREA MAP



DECEMBER, 2005
Designed WCL
Drawn WCL
Checked By Date

EXHIBIT 'A'
RP Development
Proposed Plat
Gig Harbor, Washington

CONSOLIDATED PARCELS
0222323134 AND 0222323135
LEGAL DESCRIPTION

30705
Project No.
File No.
2 OF 2
Sheet No.

Pierce County
Boundary Review Board

2401 South 35th Street
Tacoma, Washington 98409-7460
(253) 798-7156 • FAX (253) 798-3680

RECEIVED
MAY 15 2006
CITY OF GIG HARBOR
OPERATIONS & ENGINEERING

May 11, 2006

John P. Vodopich, Community Development Director
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Re: Proposed Annexation to City of Gig Harbor – Resource Properties A-06-4

Dear Mr. Vodopich:

The forty-five (45) day period has elapsed since the Notice of Intention was officially filed with the Pierce County Boundary Review Board on March 21, 2006, and the Board's jurisdiction has not been invoked.

Accordingly, as provided by RCW 36.93.100, the subject proposal is deemed approved by the Boundary Review Board.

The City of Gig Harbor needs to submit a certified copy of its final ordinance, along with the attached legal description, formally extending its boundaries to accomplish completion of the proposal. The ordinance should come directly to the Boundary Review Board for distribution to all concerned County departments.

Sincerely,

Toni Fairbanks

Toni Fairbanks
Chief Clerk

f:\\clerk\brb\annexation\A-06-4 Route.doc
Enclosure

c. Resource Properties, Alan Ketter, P O Box 310, Spanaway 98387

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