ORDINANCE NO. 1153

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION AND ZONING, ANNEXING APPROXIMATELY 249 ACRES OF PROPERTY LOCATED GENERALLY BETWEEN ROSEDALE STREET ON THE SOUTH, 96TH STREET ON THE NORTH AND EAST OF STATE ROUTE 16 (ANX 07-0002), ADOPTING MEDIUM DENSITY RESIDENTIAL (R-2) ZONING, EMPLOYMENT DISTRICT (ED) ZONING, AND REQUIRING THE PROPERTY OWNERS TO ASSUME THEIR PROPORTIONATE SHARE OF INDEBTEDNESS.

WHEREAS, the City of Gig Harbor received a Notice of Intent to Annex approximately 249 acres of property located generally between Rosedale Street on the south, 96th Street on the north and east of State Route 16, 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 November 26, 2007, the City Council met with the initiators of the petition and voted (Young/Dick, 7-0-0) to authorize circulation of the annexation petition subject to certain conditions including adoption of pre-annexation Single-Family Residential (R-2 and ED) zoning, preparation of a wetland analysis for the property, City approval of the withdrawal of the area by PenMet Parks from the annexed area and requiring that the property owners assume all of the existing indebtedness of the area being annexed; and

WHEREAS, on February 26, 2008, the petition for annexation of the property described in Exhibit A and graphically depicted on Exhibit B was received by the City; and

WHEREAS, on March 19, 2008, 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, 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 Employment District and Residential Medium, 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 Medium Density Residential (R-2) and Employment District (ED) 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 Medium and Employment District; and

WHEREAS, on April 28, 2008, the City Council, following a public hearing on the annexation petition, voted (Young/Conan, 7-0-0) to declare its intent to authorize and approve the annexation and the proposed pre-annexation Medium Residential (R-2) and Employment District (ED) zoning for the area described in Exhibit A and graphically depicted on Exhibit B, subject to Boundary Review Board approval; and

WHEREAS, on July 1, 2008, the Notice of Intention, together with supporting documentation, was submitted to the Chief Clerk of the Pierce County Boundary Review Board; and

WHEREAS, on July 14, 2008, the Chief Clerk of the Pierce County Boundary Review Board deemed the annexation proposal as complete, set the official filing date as July 1, 2008, initiated the forty-five (45) day review period, and noted that the period during which jurisdiction could be invoked would expire on August 15, 2008; and

WHEREAS, on December 2, 2008, the Pierce County Boundary Review Board issued a written decision approving the annexation of the property as described in Exhibit A and graphically depicted in Exhibit B; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of January 26 and February 9, 2009; 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 249 acres of property located generally between Rosedale Street on the south, 96th Street on the north and east of State Route 16, 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 249 acres of property located generally

between Rosedale Street on the south, 96th Street on the north and east of State Route 16, 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;

B. All property within the area described in Exhibit A and graphically depicted on Exhibit B shall be zoned as Medium-Density Residential (R-2) and Employment District (ED), in accordance with the Gig Harbor Municipal Code, Title 17; and

C. The City will, pursuant to RCW 35.61.360, approve the withdrawal of this area by PenMet Parks from its boundaries by resolution.

Section 2. The Planning 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 9th day of February, 2009.

APPROVED:

MAYOR PRO TEM

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____
ANGELA BELBECK

FILED WITH THE CITY CLERK: 01/16/09
PASSED BY THE CITY COUNCIL: 02/09/09
PUBLISHED: 02/18/09
EFFECTIVE DATE: 2/23/09
ORDINANCE NO. 1153

Exhibit A
96th STREET ANNEXATION (ANX 07-0002)

THAT PORTION OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST AND SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 310 FEET, MORE OR LESS, TO THE SOUTHWESTERLY MARGIN OF SR-16 AND THE TRUE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY MARGIN A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF SAID SECTION 6; THENCE EASTERLY ALONG SAID NORTH LINE A DISTANCE OF 1740 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE NORTHERLY ALONG SAID WEST LINE A DISTANCE OF 1565 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 400 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE WESTERLY ALONG SAID SOUTH LINE A DISTANCE OF 660 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE NORTHERLY ALONG SAID WEST LINE AND THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 6 A DISTANCE OF 2370 FEET, MORE OR LESS, TO THE SOUTHWESTERLY MARGIN OF BURNHAM DRIVE; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY MARGIN A DISTANCE OF 1430 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 6; THENCE CONTINUING NORTHWESTERLY ALONG SAID SOUTHWESTERLY MARGIN A DISTANCE OF 120 FEET, MORE OR LESS, TO THE SOUTHERLY MARGIN OF 96TH STREET NW; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY MARGIN A DISTANCE OF 420 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 6; THENCE WESTERLY ALONG SAID NORTH LINE A DISTANCE OF 1725 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.
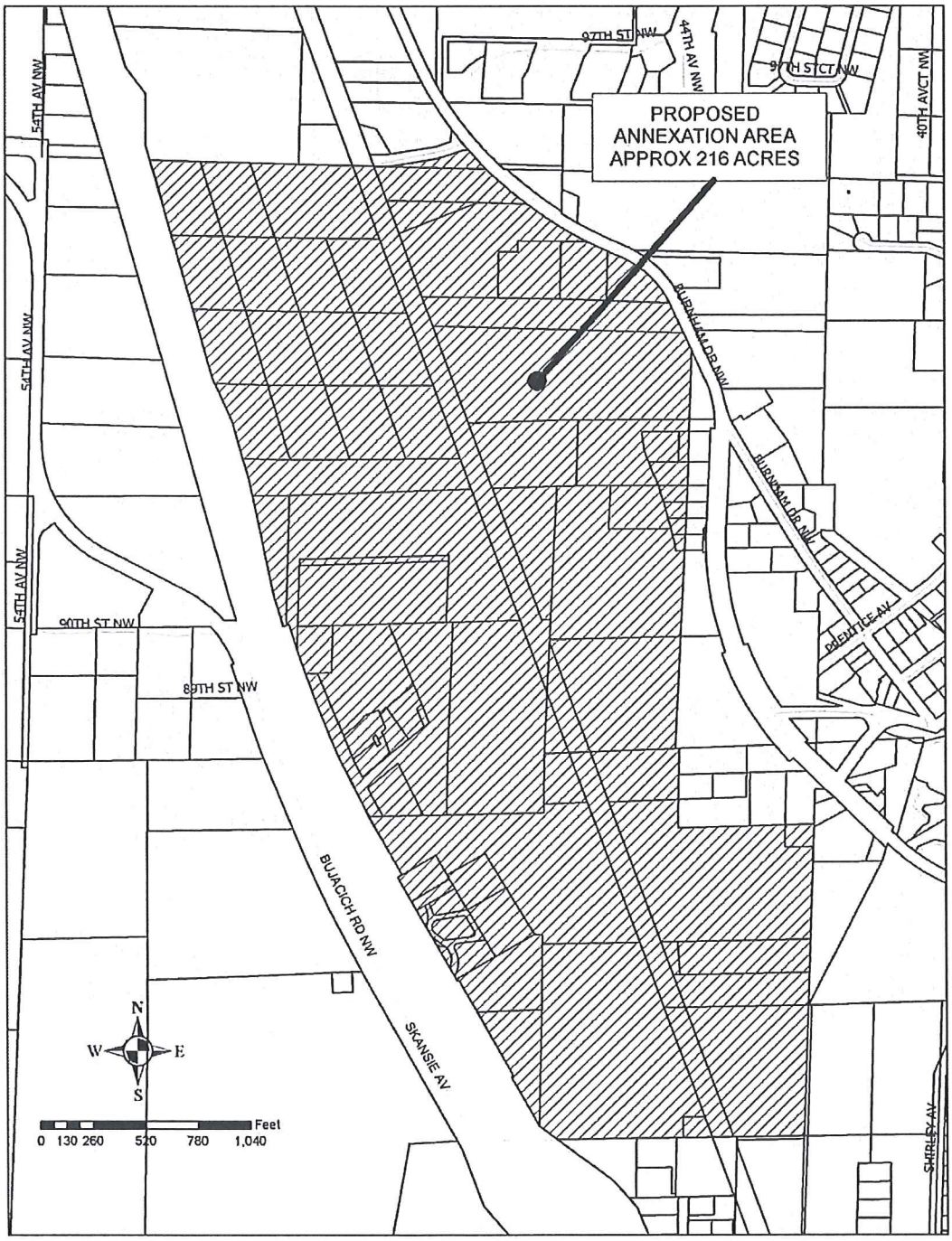
Exhibit B
96th STREET ANNEXATION (ANX 07-0002)
ANNEXATION AREA MAP