ORDINANCE NO. 1156

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION AND ZONING, ANNEXING APPROXIMATELY 377 ACRES OF PROPERTY LOCATED TO THE WEST OF THE BURNHAM/BORGEN STATE ROUTE 16 INTERSECTION, BOUNDED BY SEHMEL DRIVE ON THE SOUTH AND THE PURDY DRIVE ONRAMP TO HIGHWAY 16 ON THE NORTH, (ANX 05-1151), ADOPTING SINGLE-FAMILY RESIDENTIAL (R-1) ZONING, (ED) EMPLOYMENT DISTRICT ZONING, (RB-1) RESIDENTIAL AND BUSINESS DISTRICT ZONING, (RB-2) RESIDENTIAL AND BUSINESS DISTRICT ZONING (B-2) GENERAL BUSINESS ZONING DISTRICT, (P-I) PUBLIC INSTITUTION DISTRICT, 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 377 acres of property located in the vicinity of Sehmel Drive NW and Burnham Drive NW, west of the existing City Limits, 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 May 14, 2007, the City Council met with the initiators of the petition and voted (Young/Ekberg, 7-0-0) to authorize circulation of the annexation petition subject to certain conditions including adoption of pre-annexation zoning (R-1, ED, RB-1, RB-2, P-I and B-2) as depicted on the Official Zoning Map of the City and requiring that the property owners assume all of the existing indebtedness of the area being annexed; and

WHEREAS, on June 10, 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 June 11, 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 Residential Low, Residential Medium, Employment Center and Commercial Business 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 (R-1, ED, RB-1, RB-2, P-I and B-2) 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 designations; and

WHEREAS, on August 11, 2008, the City Council, following a public hearing on the annexation petition, voted (Young/Conan, 6-0-0) to declare its intent to authorize and approve the annexation for the area described in

Exhibit A and graphically depicted on Exhibit B, subject to Boundary Review Board approval (Resolution No. 766); and

WHEREAS, on December 29, 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 February 2, 2009, the Chief Clerk of the Pierce County Boundary Review Board deemed the annexation proposal as complete, set the official filing date as January 12, 2009, initiated the forty-five (45) day review period, and noted that the period during which jurisdiction could be invoked would expire on February 26, 2009; and

WHEREAS, on February 27, 2009, 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 March 9, 2009 and March 23, 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 377 acres of property located in the vicinity of Sehmel Drive NW and Burnham Drive NW, west of 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 377 acres of property located in the vicinity of Sehmel Drive NW and Burnham Drive NW, west of 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 R-1, ED, RB-1, RB-2, P-I and B-2 as depicted on the Official Zoning Map of the City in accordance with the Gig Harbor Municipal Code, Title 17; and

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 23rd day of March, 2009.

APPROVED:

MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____
ANGELA BELBECK

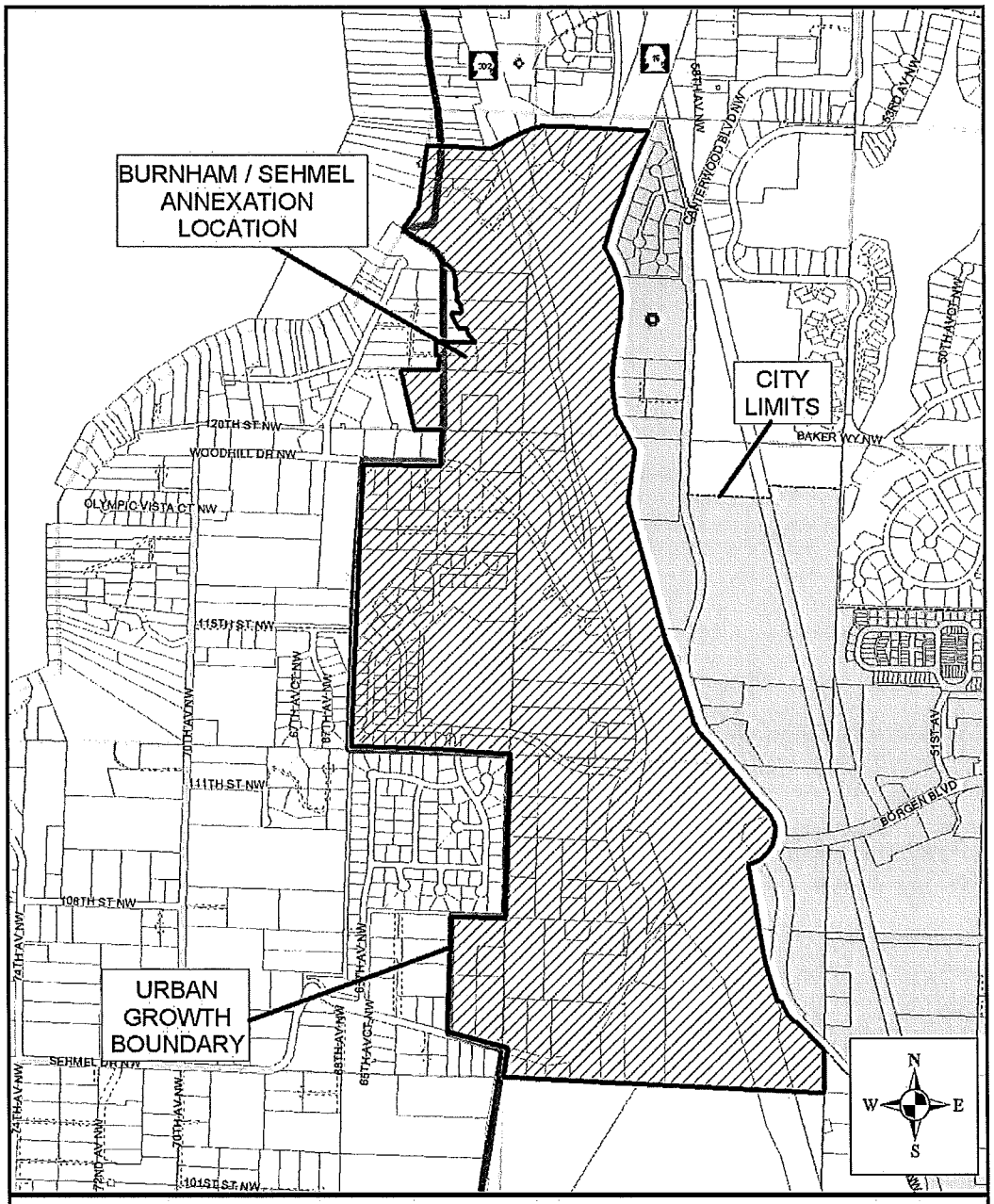
FILED WITH THE CITY CLERK: 03/04/09
PASSED BY THE CITY COUNCIL: 03/23/09
PUBLISHED: 04/01/09
EFFECTIVE DATE: 04/06/09
ORDINANCE NO. 1156

Exhibit A
BURNHAM/SEHMEL ANNEXATION (ANX 05-1151)
LEGAL DESCRIPTION

PIERCE COUNTY BOUNDARY REVIEW BOARD PAGE 15 NOTICE OF INTENTION EXHIBIT
I.4
LEGAL DESCRIPTION OF PERIMETER BOUNDARIES

Those portions of Sections 25 and 36, Township 22 North, Range 1 East of the Willamette Meridian, in Pierce County, Washington, described as follows:
Beginning at the Southeast Corner of the Northeast Quarter of Section 36, Township 22 North, Range 1 East of the Willamette Meridian, in Pierce County, Washington; thence North along the East Line of said Northeast Quarter to the Southwesterly Margin of Burnham Drive NW; thence Northwesterly along said southwesterly margin to the Easterly Margin of State Highway 16; thence Northwesterly along said easterly margin to the easterly prolongation of the southerly margin of Goodnough Drive NW in the Northwest Quarter of the Northeast Quarter of Section 25, Township 22 North, Range 1 East; thence West along said southerly margin to the easterly margin of State Route 302 (Purdy Drive NW); thence Southwesterly to the southeast corner of Lot 2, Pierce County Short Plat No. 8103020195; thence West along the south line of said Lot 2 to the shoreline; thence Southwesterly along the shoreline to McCormick Creek; thence Southeasterly along McCormick Creek to the south line of Lot 2, Pierce County Short Plat No. 8501250117; thence S 89°37'18" W along said south line, 94.32 feet; thence S 21°31'44" E, 134.41 feet to the south line of Lot 3 of said short plat; thence S 87°54'57" E along said south line to McCormick Creek; thence southeasterly along McCormick Creek to the north line of Lot 2, Pierce County Short Plat No. 77-696; thence N 87°54'58" W along said north line, 328 feet, more or less, to the northeast corner of Lot 4 of said short plat; thence S 2°05'02" W along the east line of said Lot 4 to the north line of the south half of Lot 2 of said short plat; thence S 87°53'45" E along said north line, 26.20 feet; thence S 5°06'14" W to the north line of Lot 4, Pierce County Short Plat No. 8902060256; thence N 87°54'58" W along said north line to the northwest corner of said Lot 4; thence S 8°51'58" E along the west line of said lot, 518.19 feet to the south line of the Northwest Quarter of said Section 25; thence East along said south line to the northwest corner of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of said Section 25; thence South along the West Line of said Northeast Quarter of the Northeast Quarter of the Southwest Quarter of said Section 25 to the South Margin of Wood Hill Drive NW; thence West along said south margin to the West Line of the Northeast Quarter of the Southwest Quarter of said Section 25; thence South along said west line to the South Line of said Section 25; thence East along said south line to the South Quarter-corner of said Section 25; thence South along the East Line of the Northeast Quarter of the Northwest Quarter of said Section 36 to the Southeast Corner of said northeast quarter; thence West along the South Line of said northeast quarter to the West Line of the East 440 feet of the Southeast Quarter of the Northwest Quarter of said Section 36; thence South along said west line to the Southerly Margin of Sehmel Drive NW; thence Easterly along said southerly margin to the Westerly Margin of Bujacich Road NW; thence Southerly along said westerly margin to the South Line of said northwest quarter; thence East along said south line and the South Line of the Northeast Quarter of said Section 36
to the Point of Beginning.

Exhibit B
BURNHAM/SEHMEL ANNEXATION (ANX 05-1151)
ANNEXATION AREA MAP



BURNHAM / SEHMEL ANNEXATION (ANX - 1151)
VICINITY MAP