

**ORDINANCE NO. 1105**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S CORPORATE LIMITS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PIERCE COUNTY FOR THE APPROVAL OF THE TRANSFER OF RIGHT-OF-WAY FROM PIERCE COUNTY FOR THE INTERSECTIONS OF PEACOCK HILL AVENUE AND BORGEN BOULEVARD AND THE INTERSECTIONS OF POINT FOSDICK DRIVE AND 36<sup>TH</sup> AVENUE, TO THE CITY OF GIG HARBOR, WASHINGTON.**

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WHEREAS, revisions of corporate boundaries are authorized by RCW 35A.21.210 and become effective when approved by an ordinance of the City, and by ordinance or resolution of the legislative authority of Pierce County; and

WHEREAS, Pierce County has agreed to share in the local match portion of the state-funded projects to improve the streets to City standards:

The intersections of Peacock Hill Avenue and Borgen Boulevard  
The intersections of Point Fosdick Drive and 36<sup>th</sup> Avenue

WHEREAS, Pierce County will transfer its portion of the right-of-way to the City so that the entire right-of-way for all two intersections will be within the City limits; and

WHEREAS, this transfer is consistent with the policy of the boundary review board that City limits not bisect rights-of-way, and will simplify the budget of the Public Works Department, and

WHEREAS, the City's SEPA Responsible Official determined that adoption of this Ordinance is categorically exempt under WAC 197-11-800(19) as an Ordinance related to procedures only; Now, Therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:**

Section 1. That the revision of the corporate boundaries to fully include right-of-way for the following streets is hereby approved:

The intersections of Peacock Hill Avenue and Borgen Boulevard  
The intersections of Point Fosdick Drive and 36<sup>th</sup> Avenue

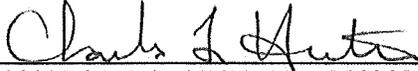
Section 2. That the proper officers of the City are hereby authorized to execute an agreement with Pierce County regarding the improvement and transfer of right-of-way for the streets above-named, for the purpose set forth above, which agreements shall be substantially in the form of the proposed agreements on file in the office of the City Clerk.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 22nd day of October, 2007.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By:   
\_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
\_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 09/05/07  
PASSED BY THE CITY COUNCIL: 10/22/07  
PUBLISHED: 10/31/07  
EFFECTIVE DATE: 11/05/07  
ORDINANCE NO: 1105

**AGREEMENT  
BY AND BETWEEN THE CITY OF GIG HARBOR  
AND PIERCE COUNTY  
TO ADJUST MUNICIPAL BOUNDARIES**

THIS AGREEMENT is made and entered into this 22 day of October, 2007, by and between the City of Gig Harbor, a noncharter, optional code Washington municipal corporation, hereinafter the "City," and Pierce County, a political subdivision of the State of Washington, hereinafter the "County," for the adjustment of the joint municipal boundaries to move the boundaries from certain roadway centerlines to the edges of the rights-of-way.

WITNESSETH: That,

WHEREAS, RCW 35A.21.210 provides in part that the governing bodies of a County and a code City located therein may by agreement revise any part of the corporate boundary of the City which coincides with the centerline of a road by substituting therefore a right-of-way line of the same road so as fully to include that road segment in the corporate limits of the City; and

WHEREAS, the west leg of 36<sup>th</sup> Street NW and the south leg of Point Fosdick Drive NW intersection are located in the County, and the east leg of 36<sup>th</sup> Street NW and the north leg of Point Fosdick Drive NW intersection are within the corporate boundary of the City; and;

WHEREAS, the north leg of Peacock Hill Road NW and the east leg of 112<sup>th</sup> Street NW intersection are located in the County, and the south leg of Peacock Hill Road NW and the west leg of Borgen Boulevard NW are within the corporate boundary of the City; and

WHEREAS, the City and County wish to revise the City's boundary in the locations described above so as to fully include the entire road rights-of-way within the corporate limits of the City; and

WHEREAS, the City Council has, by Ordinance No. 1105 dated 10-22-07, 2007, authorized the Mayor to enter into an agreement with the County to adjust the City's corporate boundaries pursuant to RCW 35A.21.210; and

WHEREAS, the County Council has, by Resolution No. R2007-76 dated August 7, 2007, authorized the Pierce County Executive to enter into an agreement with the City to adjust the City's corporate boundaries pursuant to RCW 35A.21.210; Now, Therefore,

The County and the City do hereby agree that the City corporate boundaries in these areas should be and by this agreement are revised so as to fully include the rights-of-way described in Exhibits A and B (attached).

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the dates set forth below:

**CITY OF GIG HARBOR**

**PIERCE COUNTY**

By Charles L. Hunter  
Charles L. Hunter, Mayor

By \_\_\_\_\_  
Pierce County Executive

ATTEST:

By Mally Jovslee  
City Clerk

By \_\_\_\_\_  
Public Works and Utilities Director

APPROVED AS TO FORM:

By [Signature]  
City Attorney

By \_\_\_\_\_  
Deputy Prosecuting Attorney

The City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

DESCRIPTION OF GIG HARBOR ANNEXATION – POINT FOSDICK

PARCEL A

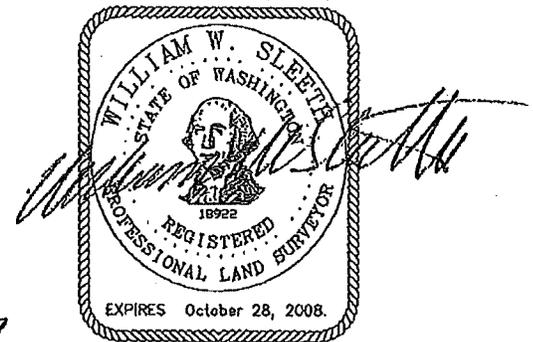
THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 20; THENCE NORTH 01°39'53" EAST ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUATER 1338.34 FEET; THENCE SOUTH 88°20'36" EAST 66.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 01°39'24" EAST 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 36<sup>TH</sup> STREET NW; THENCE SOUTH 88°20'36" EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE 223.02 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 105°17'55" AN ARC LENGTH OF 37.76 FEET; THENCE SOUTH 13°38'31" EAST 88.41 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 36<sup>TH</sup> STREET NW; THENCE NORTH 88°20'36" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 265.64 FEET; THENCE NORTH 01°39'24" EAST 30.00 FEET TO THE TRUE POINT OF BEGINNING.

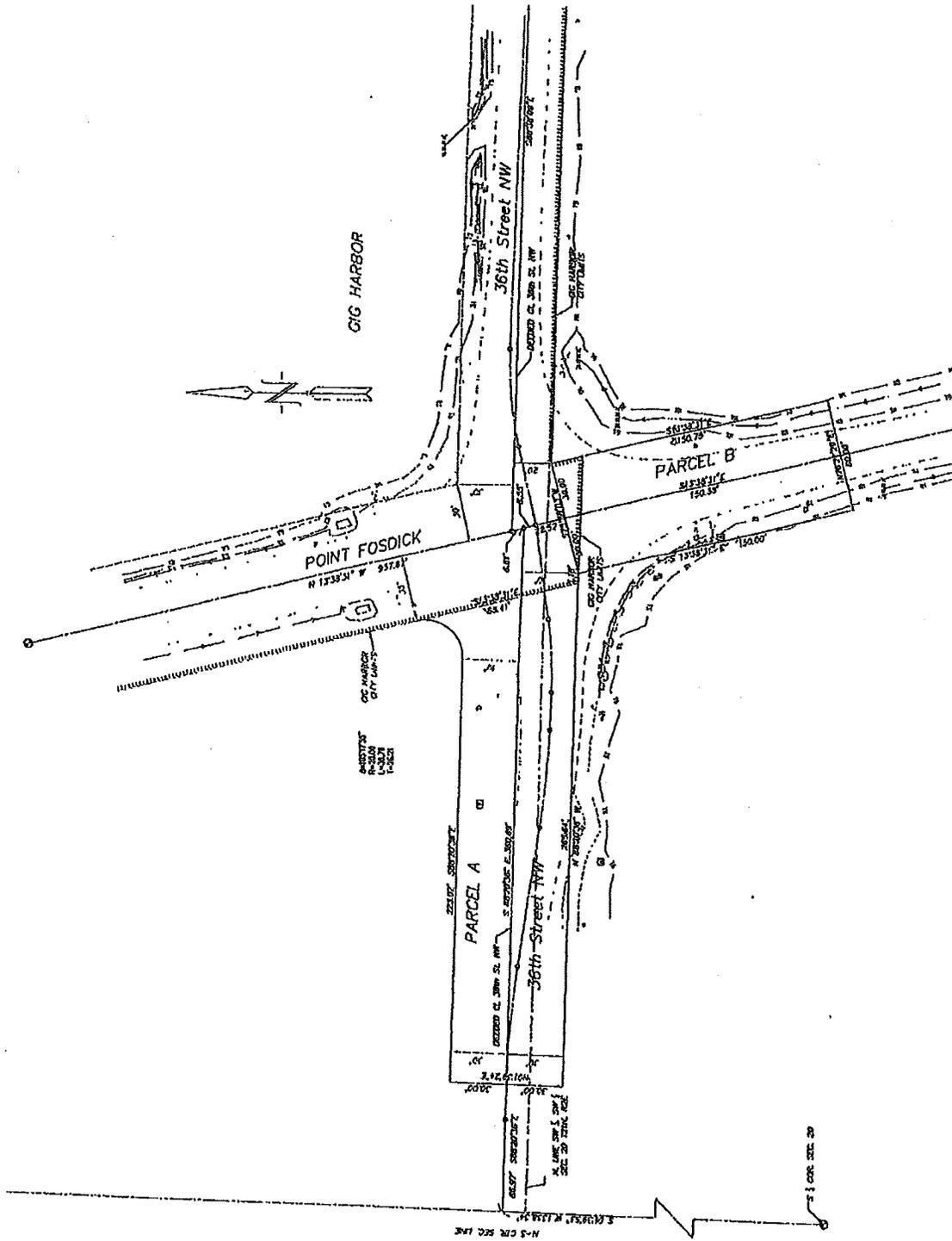
PARCEL B

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 20; THENCE NORTH 01°39'53" EAST ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUATER 1338.34 FEET; THENCE SOUTH 88°20'36" EAST 360.69 FEET; THENCE SOUTH 13°38'31" EAST 22.52 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 75°38'03" WEST 30.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF POINT FOSDICK ROAD NW; THENCE SOUTH 13°38'31" EAST ALONG SAID WESTERLY RIGHT OF WAY 150.00 FEET; THENCE NORTH 76°21'29" EAST 60.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID POINT FOSDICK ROAD NW; THENCE NORTH 13°38'31" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE 150.76 FEET; THENCE SOUTH 75°38'03" WEST 30.00 FEET TO THE TRUE POINT OF BEGINNING.



2/26/07



DESCRIPTION OF GIG HARBOR ANNEXATION – PEACOCK HILL

PARCEL A

THAT PORTION OF SECTIONS 29 AND 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEING A 60.00 FOOT WIDE STRIP OF LAND, HAVING 30.00 FEET OF SUCH WIDTH ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31, AND 32, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON; THENCE NORTH  $01^{\circ} 26' 26''$  EAST ALONG THE SECTION LINE COMMON TO SAID SECTIONS 29 AND 30 A DISTANCE OF 165.00 FEET TO THE TERMINUS OF THE CENTERLINE DESCRIBED HEREIN; EXCEPT THE SOUTH 30.00 FEET THEREOF.

PARCEL B

THAT PORTION OF SECTIONS 29 AND 32, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEING A 60.00 FOOT WIDE STRIP OF LAND, HAVING 30.00 FEET OF SUCH WIDTH ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31, AND 32, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON; THENCE SOUTH  $88^{\circ} 17' 44''$  EAST ALONG THE SECTION LINE COMMON TO SAID SECTIONS 29 AND 32 A DISTANCE OF 150.00 FEET TO THE TERMINUS OF THE CENTERLINE DESCRIBED HEREIN; EXCEPT THAT PORTION THEREOF WITHIN PEACOCK HILL ROAD.

PARCEL C

THAT PORTION OF SECTION 32, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31, AND 32, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON; THENCE SOUTH  $88^{\circ} 17' 44''$  EAST ALONG THE SECTION LINE COMMON TO SAID SECTIONS 29 AND 32 A DISTANCE OF 30.00 FEET; THENCE SOUTH  $01^{\circ} 15' 19''$  WEST A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH  $88^{\circ} 17' 44''$  EAST 20.16 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT FROM WHICH THE RADIUS POINT BEARS SOUTH  $01^{\circ} 42' 16''$  WEST, HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF  $90^{\circ} 26' 58''$  AN ARC LENGTH OF 31.57 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY MARGIN OF PEACOCK HILL ROAD; THENCE NORTH  $01^{\circ} 15' 19''$  EAST 20.16 FEET ALONG SAID EASTERLY RIGHT OF WAY TO THE TRUE POINT OF BEGINNING.

2/26/07

