City of Port Orchard
City Clerk's Office
216 Prospect Street
Port Orchard, WA 98366

PORT ORCHARD CITY OF 201106160065
Ordinance Rec Fee: $ 66.00
06/16/2011 12:14 PM
Walter Washington, Kitsap Co Auditor

Introduced by: Development Director
Requested by: Development Director
Drafted by: Development Director
Introduced: May 24, 2011
Adopted: May 24, 2011

ORDINANCE NO. 006-11

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 9.67 ACRES IN THE VICINITY OF WEST OF SIDNEY ROAD SW, AND NORTH OF SW SEDGWICK ROAD, REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY, ESTABLISHING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE PROPERTY, AND ESTABLISHING AN EFFECTIVE DATE OF THE ANNEXATION

PROPERTY LOCATION: SITUATED WITHIN SECTION 10, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON. South half of the N. Half of the SE Qtr of the NE Qtr of section 10
ASSESSOR'S ACCOUNT NUMBER: 102301-1-004-2000

WHEREAS, on March 01, 2011, the City received a notice of intent to petition for annexation for one parcel consisting of approximately 9.67 acres located at 5230 Sidney Road SW, adjacent to and west of Sidney Road SW, and north of SW Sedgwick Road, as legally described and geographically depicted in Exhibit "A" attached hereto and incorporated by this reference; and

WHEREAS, the initiating parties are the owners of real property with a value in excess of ten percent (10%) of the value of the property for which annexation is petitioned; and

WHEREAS, a meeting was held on March 22, 2011, between the initiating party of this annexation and the Council of the City of Port Orchard, at which time the Council accepted the notice of intention to commence annexation proceedings, and authorized the circulation of an annexation petition for annexation of the real property legally described and geographically depicted in Exhibit "A" attached hereto. At the meeting the Council also determined that it would require the simultaneous adoption of zoning and Comprehensive Plan designations, and the assumption of city indebtedness by the area to be annexed upon annexation; and

WHEREAS, a petition to annex to the City of Port Orchard was circulated and on April 26, 2011 was filed with the City, and was certified by the Kitsap County Assessor as containing the signatures from owners of not less than sixty percent (60%) in value, according to the assessed valuation, of the property for which annexation is petitioned; and

WHEREAS, in December 2006 Kitsap County added the property legally described and geographically depicted in Exhibit "A" to the City of Port Orchard UGA and designated Parcel 102301-1-004-2000 *Urban High-Intensity Commercial/Mixed Use* on the Comprehensive Plan map and *Highway Tourist/Commercial* on the zoning map; and

WHEREAS, RCW 35.13.177 allows the City to prepare Comprehensive Plan and zoning designations to become effective upon the annexation of any area which might reasonably be expected to be annexed by the City at any future time; and

WHEREAS, pursuant to RCW 35.13.177 and .178, the City Council adopted Ordinance No. 042-08 designating the proposed annexation of parcel 102301-1-004-2000 *Commercial – Retail Office* on the City's Comprehensive Plan and *Commercial* zoning on the City's zoning map, to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.140, a public hearing was held on May 22, 2011, and was duly noticed 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 public places within the territory proposed for annexation, specifying the time and place of

the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation and the property's future comprehensive plan land use designation; and

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation and that it is in the best interest of the City to approve the proposed annexation as presented and require the assumption of all or any portion of City indebtedness by the area to be annexed; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The unincorporated real property located in Kitsap County, Washington, contiguous to the City of Port Orchard and legally described and geographically depicted in Exhibit "A" attached hereto and incorporated herein by this reference, is hereby annexed to and made part of the City of Port Orchard, Kitsap County, Washington.

SECTION 2. As provided in the annexation petition, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Port Orchard, including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted for, incurred prior to, or existing on, the effective date of this annexation.

SECTION 3. Based on the findings of fact set forth in the above recitals, parcel 102301-1-004-2000 shall have a Comprehensive Plan designation of *Commercial – Retail Office* and a Zoning designation of *Commercial*

SECTION 4. This annexation will become effective thirty (30) days after the expiration of the 45-day review by Kitsap County Boundary Review Board, if the Kitsap County Boundary Review Board's jurisdiction is not invoked. If Boundary Review Board jurisdiction is invoked pursuant to RCW 36.93.100, then this annexation will become effective thirty (30) days after the Boundary Review Board's approval of the proposed annexation.

SECTION 5. Pursuant to RCW 35.13.270, following adoption of this ordinance, the Planning Department shall provide notification, by certified mail that includes a list of annexed parcel numbers to the Kitsap County Treasurer and Kitsap County Assessor at least thirty (30) days before the effective date of the annexation. The Planning Department shall also give such notice to the Fire District and Library District, as appropriate, simultaneously when notice of the proposed annexation is provided to the Kitsap County Boundary Review Board.

SECTION 6. Following adoption of this ordinance, the City Clerk is hereby directed to file a certified copy of this Ordinance with the Kitsap County Board of Commissioners. The City Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35.13.260.

SECTION 7. Following adoption of this annexation ordinance, the City shall file a Notice of Intent to Annex with the Kitsap County Boundary Review Board pursuant to RCW 36.93.090.

SECTION 8. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 8. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 24th day of May 2011.

Lary Coppola, Mayor

ATTEST:

Patricia J. Kirkpatrick, MMC, City Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, City Attorney

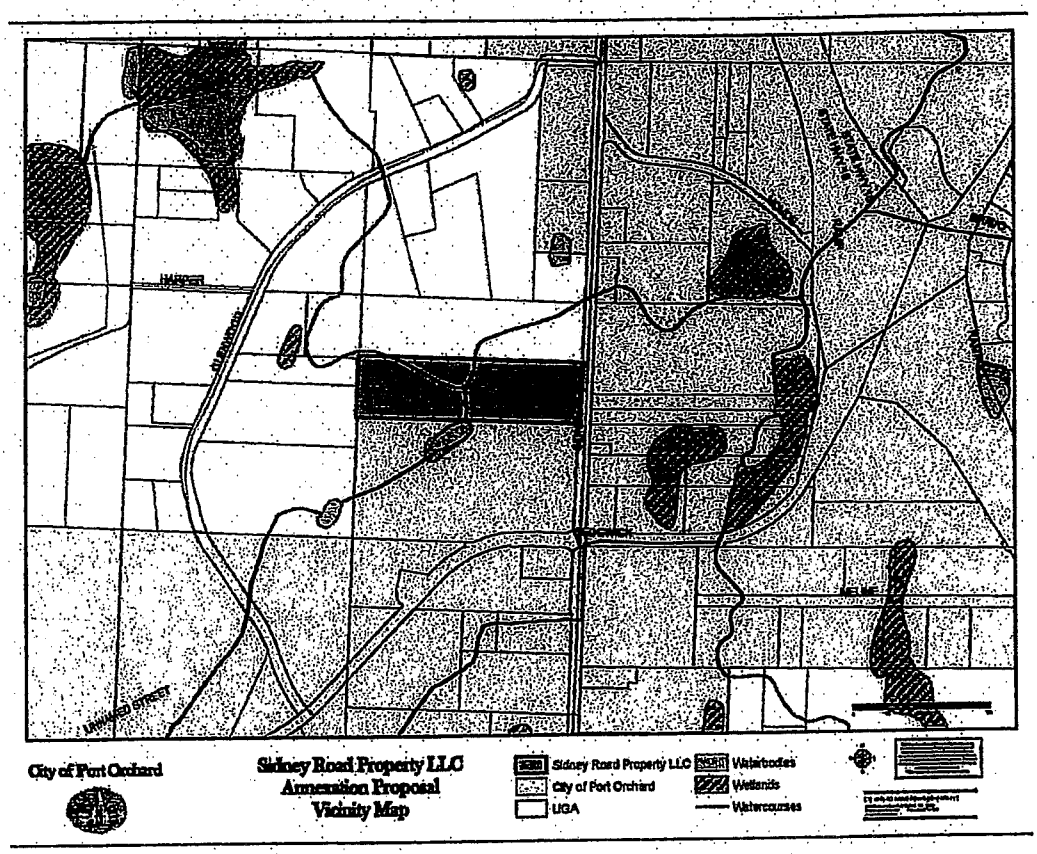
Sponsored by:

John Clauson, Councilmember

CITY OF PORT ORCHARD INCORPORATED SEAL SEPTEMBER 1, 1890 STATE OF WASHINGTON

EXHIBIT A
Legal Description and Map of Property
Sidney Road Property LLC Annexation

10231E
THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON; EXCEPT SIDNEY ROAD.



AUDITOR'S NOTE
LEGIBILITY FOR RECORDING AND COPYING
UNSATISFACTORY IN A PORTION OF THIS
INSTRUMENT WHEN RECEIVED.