

**ORDINANCE NO. 2378
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, TO ANNEX THE AREA COMMONLY KNOWN AS THE WASTE WATER TREATMENT PLANT EXPANSION AREA INTO THE CITY OF SUMNER CORPORATE BOUNDARIES.

WHEREAS, the Growth Management Act (GMA) requires that an affected city include Urban Growth Areas (UGA) in their comprehensive planning; and

WHEREAS, the CITY's GMA Comprehensive Plan has identified a UGA that identifies areas within unincorporated Pierce County which it may annex in the future which is consistent with the official UGA for Sumner adopted by Pierce County in compliance with the requirements of the GMA (see Exhibit A); and

WHEREAS, the CITY has designated zoning for areas of the UGA which "might reasonably be expected to be annexed by the city or town at any future time" in accordance with RCW 35.13.177; and

WHEREAS, the COUNTY zoning designation for the proposed area of annexation is Moderate Density Single-Family (MSF) in Pierce County and as part of the Sumner's UGA, such area has been similarly designated as a Low Density Residential 3, or LDR 3; and

WHEREAS, RCW 35A.14.460 and RCW 35.13.470 provide that an alternative method of annexing areas of unincorporated territory, located within the COUNTY through the use of inter-local agreements. More specifically, the proposed "inter-local" method need have only 60 percent of its boundaries contiguous to the CITY; and

WHEREAS, the perimeter of the proposed annexation area is 5,798 linear feet. The length of the existing CITY limit boundary contiguous to the proposed annexation area is 3,746 linear feet. This means that the proposed annexation area has 65 percent of its boundary contiguous to the CITY; and

WHEREAS, all the properties in the proposed annexation area is owned by the CITY with the exception of one property owned by the Washington State Department of Fish and Wildlife; and

WHEREAS, the Washington State Department of Fish and Wildlife has stated that they are not opposed to being annexed in to the City of Sumner; and

WHEREAS, the City Council of the City of Sumner has determined that it would be in the best interests of the CITY to revise the corporate boundaries as proposed to provide for clarification of jurisdiction relative to the expansion of municipal services, namely the waste water treatment plant and such annexation will be for a public purpose; and

WHEREAS, this addition would modify the Sumner City limit boundaries; and

WHEREAS, following approval by the COUNTY and the CITY of this inter-local agreement the annexation process will commence and include public notice, public hearings and meetings as set forth in RCW 35A.460 and RCW 35.13.410(1); and

WHEREAS, the Sumner City Council has, by Resolution No. 1289 dated 19th January 2010, authorized an agreement with the COUNTY to Adjust Sumner corporate boundaries pursuant to RCW 35.13.470 and an extension for the time to negotiate was passed by the Sumner City Council by Resolution No. 1307 dated 20th day of September 2010;

WHEREAS, the City and the County executed the Interlocal Agreement on August 13, 2011.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That the City of Sumner shall annex the following described area upon the effective date of this Ordinance:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 25, THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE WESTERLY 660.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 23 TO THE CENTER LINE OF THE EAST HALF OF THE OF THE SOUTHEAST QUARTER OF SAID SECTION 23, THENCE NORTHERLY ALONG THE SAID CENTER LINE TO THE CENTER LINE OF THE STUCK/WHITE RIVER, THENCE SOUTHWESTERLY ALONG SAID CENTERLINE TO NORTH LINE OF TRACT 33 OF GREENLAWN ADDITION TO SUMNER, ACCORDING TO PLAT RECORDED IN BOOK 4 OF PLATS AT PAGE 94, IN PIERCE COUNTY, WASHINGTON; THENCE EASTERLY ALONG SAID NORTH LINE AND ITS EXTENSION TO THE CENTERLINE OF VACATED MEADE AVENUE OF SAID GREENLAWN ADDITION TO SUMNER, THENCE SOUTHERLY ALONG THE SAID CENTERLINE TO THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET/63RD STREET EAST, THENCE EASTERLY ALONG SAID EXTENSION AND THE SOUTH RIGHT-OF-WAY LINE OF SAID STREET TO THE NORTHEAST CORNER OF TRACT 36 OF SAID PLAT, THENCE CONTINUING EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE 78.00 FEET; THENCE SOUTHERLY ALONG A LINE WHICH IS PARALLEL WITH AND 78.00 EAST OF THE EAST LINE OF SAID TRACT 36 50.00 FEET; THENCE WESTERLY ALONG A LINE WHICH IS PARALLEL WITH AND 50.00 FEET SOUTH OF THE SAID SOUTH RIGHT-OF-WAY LINE 78.00 FEET TO THE EAST LINE OF SAID TRACT 36; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID TRACT 36 TO THE SOUTHEAST CORNER OF SAID TRACT 36, THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID TRACT 36 AND ITS EXTENSION PROJECTED FROM SAID SOUTH LINE TO THE CENTERLINE OF THE PUYALLUP RIVER, THENCE SOUTHEASTERLY ALONG SAID CENTER LINE TO NORTHWESTERLY RIGHT-OF-WAY LINE OF EAST MAIN STREET/TRAFFIC AVENUE, THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE NORTHWESTERLY EXTENSION OF A LINE DRAWN THROUGH THE CENTER PIER (PIER #3) OF PIERCE COUNTY BRIDGE #25204-A C.R.P. 5333 AS DEPICTED ON THE RIGHT-OF-WAY PLANS FILES IN THE OFFICE OF THE PIERCE COUNTY ENGINEER, THENCE SOUTHEASTERLY ALONG THE SAID LINE THROUGH THE CENTER PIER TO THE SOUTHEAST RIGHT-OF-WAY LINE OF SEATTLE-TACOMA TRANSMISSION LINE, THENCE NORTHEASTERLY ALONG THE SAID SOUTHEAST RIGHT-OF-WAY LINE TO A 1/64 SECTION LINE OF SAID SECTION 25, ALSO BEING THE BOUNDARY LINE OF THE ORIGINAL INCORPORATION OF THE CITY OF SUMNER DATED JANUARY 27, 1891; THENCE WESTERLY ALONG THE SAID 1/64 SECTION LINE AND CITY LIMITS LINE TO THE WEST LINE OF SAID SECTION 25, THENCE NORTHERLY ALONG THE WEST LINE OF SAID SECTION 25 TO THE POINT OF BEGINNING.

CONTAINING 16.02 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

Section 2. Zoning Established for the Waste Water Treatment Plant Bank. Under the authority of RCW 35.13.177 and 35A.14.330, the Under authority of RCW 35A.14.330, the Sumner City Council hereby intends to adopt zoning for Waste Water Treatment Plant Expansion Area, which area and is depicted in Exhibit A, attached hereto and incorporated by this reference. The zoning designation for this area is Moderate Density Single-Family (MSF) in Pierce County. As part of the Sumner's UGA, such area has been similarly designated as a Low Density Residential 3, or LDR 3, as more fully defined and described in applicable provisions of the Sumner Municipal Code and Comprehensive Plan, subject to all standards and associated regulations pertaining to said zone as reflected in SMC Titles 8, 10, 16, and 18, as such exist at the time of annexation.

Section 3. Severability – Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this resolution shall control.

Section 4. Effective Date. This Ordinance, and the annexation, shall become effective January 23, 2012.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 5th day of December, 2011.



Mayor David L. Enslow

ATTEST:

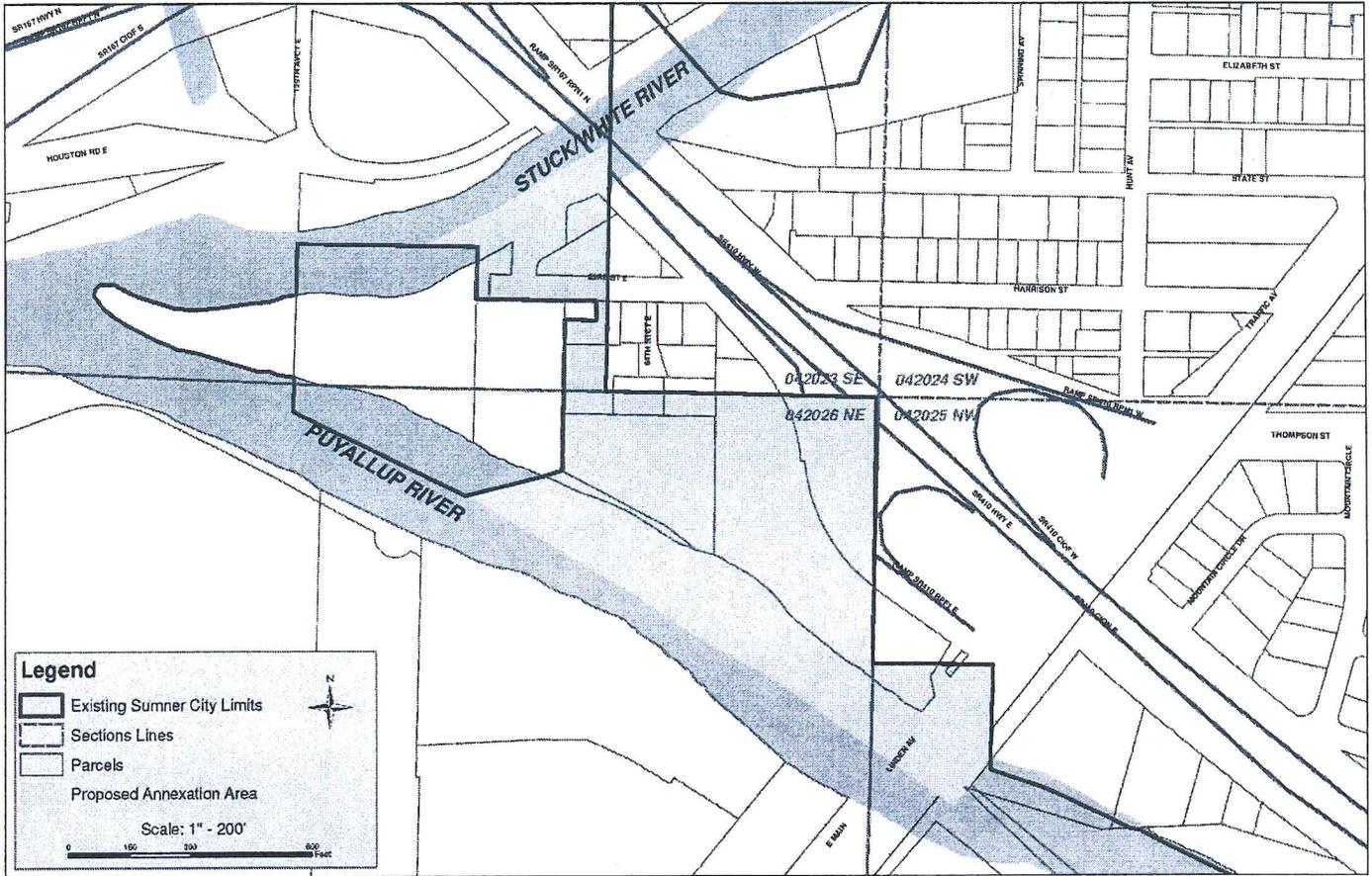
APPROVED AS TO FORM


City Clerk Terri Berry, MMC
City Attorney Brett C. Vinson

First Reading: 12/05/11
Date Adopted: 12/05/11
Date of Publication: 12/08/11
Effective Date: 01/23/12

I, Terri Berry
City Clerk of the City of Sumner, do certify
that this is a true and correct copy of the
original on file with the City.
DATED this 20th day of
December, 2011.
Terri Berry
City Clerk

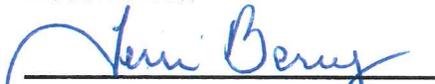
Exhibit A
Map: WWTP Annexation Area



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Under the authority of RCW 35.13.177 and 35A.14.330, the Under authority of RCW 35A.14.330, the Sumner City Council adopted zoning for Waste Water Treatment Plant Expansion Area. The zoning designation for this area is Moderate Density Single-Family (MSF) in Pierce County. As part of the Sumner's UGA, such area has been similarly designated as a Low Density Residential 3, or LDR 3, as more fully defined and described in applicable provisions of the Sumner Municipal Code and Comprehensive Plan, subject to all standards and associated regulations pertaining to said zone as reflected in SMC Titles 8, 10, 16, and 18, as such exist at the time of annexation. Ordinance 2378 did not include an assumption of indebtedness.



Terri Berry, City Clerk, MMC

Dated this 8th day of December, 2011

The full text of Ordinance No. 2378 will be provided upon request

Date of Publication: Saturday, December 10 and 17, 2011

Effective Date of Annexation: Monday, January 23, 2012

I, Terri Berry
City Clerk of the City of Sumner, do certify
that this is a true and correct copy of the
original on file with the City.
DATED this 20th day of
December, 2011.
Terri Berry
City Clerk