

After Recording Return to:
City Clerk
City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366

PORT ORCHARD CITY OF **201111290154**
Ordinance Rec Fee: \$ 71.00 Page: 1 of 10
11/29/2011 12:12 PM
Walter Washington, Kitsap Co Auditor



Introduced by: Development Director
Requested by: Development Director
Drafted by: Development Director
Introduced: November 22, 2011
Adopted: November 22, 2011

ORDINANCE NO. 019-11

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY, KNOWN AS BETHEL CORRIDOR NORTH ANNEXATION, CONSISTING OF APPROXIMATELY 569.36 ACRES LOCATED BETWEEN SEDGWICK ROAD AND SE SHELTON LANE FROM THE CURRENT CORPORATE LIMITS NEAR BLACKJACK CREEK TO APPROXIMATELY 1,300 FEET EAST OF BETHEL 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: Those portions of Sections 01 & 02, Township 23 North, Range 1 East, and Sections 35 & 36, Township 24, Range 1 East, W.M., Kitsap County, Washington

ASSESSOR'S ACCOUNT NUMBERS: 012301-3-038-2007, 4737-000-003-0009, 022301-1-050-2003, 6017-000-014-0002, 5562-000-023-0002, 5496-000-015-0003, 5496-000-004-0006, 012301-3-125-2001, 4625-000-002-0104, 352401-4-019-2007, 4625-000-011-0202, 022301-1-024-2006, 4625-000-008-0108, 4625-000-008-0702, 5562-000-029-0006, 4737-000-009-0003, 022301-1-072-2007, 012301-2-183-2002, 012301-2-185-2000, 8183-000-000-0002, 8183-002-001-0007, 8183-002-003-0005, 022301-3-066-2001, 012301-3-041-2002, 5496-000-021-0005, 022301-1-068-2003, 022301-3-065-

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WHEREAS, on January 11, 2011 the City Council received a notice of intent to petition for annexation for 462 parcels consisting of approximately 569.36 acres located in the vicinity of Sedgwick Road and SE Shelton Lane from the current corporate limits near Blackjack Creek to approximately 1,300 feet east of Bethel 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 January 25, 2011, between the initiating parties 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 Comprehensive Plan and zoning regulations, 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 August 18, 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, this property was incorporated into the City's Urban Growth Area as part of both the 1998 Kitsap County Comprehensive Plan and the 10-year update of Kitsap County's Comprehensive Plan in December 2006, legally described and geographically

depicted in Exhibit "A", and designated the parcels on the County Comprehensive Plan as Urban Low-Density Residential, Urban Medium-Density Residential, and Commercial and zoning of Urban Restricted, Urban Low Residential, Urban Medium Residential, and Highway/Tourist Commercial; 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 area Greenbelt, Residential: Low Density, Residential: Medium Density, and Commercial on the City's Comprehensive Plan and Greenbelt, Residential 4.5, Residential 12, and Commercial Retail/Office on the City's zoning map, to become effective upon annexation; and

WHEREAS, the Port Orchard Planning Commission held a public meeting on October 17, 2011 and adopted Resolution 006-11 recommending the proposed annexation area be designated Greenbelt, Residential: Low Density, Residential: Medium Density, and Commercial on the City's Comprehensive Plan and Greenbelt, Residential 4.5, Residential 12, and Commercial Retail/Office on the City's zoning map to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.140, the City Council held a public hearing on November 22, 2011, which 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

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, subject to the effective date as set forth in Section 4 below.

SECTION 2. As provided in the annexation petition, all property within the territory annexed per Section 1 above 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. As provided in Ordinance No. 042-08, all property within the territory annexed per Section 1 above shall be annexed with Comprehensive Plan and zoning designations in conformance with Planning Commission Resolution No. 006-11 (Exhibit B).

SECTION 4. This annexation will become effective April 12, 2012 if the Kitsap County Boundary Review Board's jurisdiction is not invoked.

a. If Boundary Review Board jurisdiction is invoked pursuant to RCW 36.93.100, then this annexation will become effective on the first day of the month immediately following the Boundary Review Board's approval of the proposed annexation, provided that date is prior to April 12, 2012.

b. If Boundary Review Board jurisdiction is invoked pursuant to RCW 36.93.100, and the annexation is unable to be finalized prior to April 12, 2012, then the annexation will become effective April 1, 2013.

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 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 Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35.13.260.

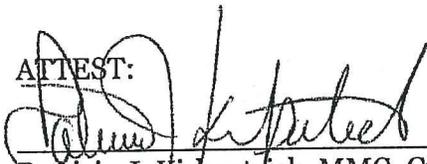
SECTION 7. Following adoption of this annexation ordinance, the City shall file a Notice of Intent to Annex with the Kitsap County Boundary Review Board pursuant to RCW 36.93.090.

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.

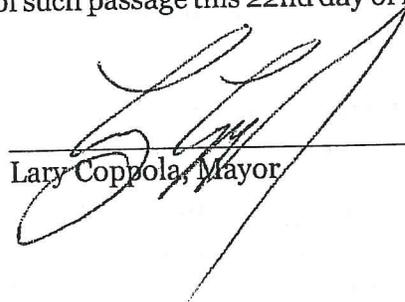
SECTION 9. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 22nd day of November 2011.

ATTEST:

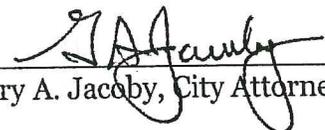


Patricia J. Kirkpatrick, MMC, City Clerk



Larry Coppola, Mayor

APPROVED AS TO FORM:



Gregory A. Jacoby, City Attorney

Sponsored by:



James Colebank, Councilmember



**Legal Description
Bethel Corridor North Annexation**

**Ordinance No. 019-11
Exhibit A**

The following described areas situate within Section 1, Township 23 North, Range 1 East, W.M., Kitsap County, Washington: The West half of the West half; **Except** the North 50 feet lying east of the West 1183 feet of said Section; **And Except** that portion as described in the City of Port Orchard Ordinance No. 004-09; **And** that portion of Parcel A of Boundary Line Adjustment recorded under Auditor's File No. 200008240113 and revised under Auditor's File No. 200403050078, records of Kitsap County, lying within the East half of the Southwest quarter; **And** the following described areas situate within Section 2, Township 23 North, Range 1 East, W.M., Kitsap County, Washington: The East half; **Except** those portions as described in the City of Port Orchard Ordinance Nos. 924, 977, 1441, 020-07, and 004-09; **And** the East quarter of the Southwest quarter lying east of Black Jack Creek; **Except** those portions as described in the City of Port Orchard Ordinance Nos. 977 and 1441; **And** the following described areas situate within Section 12, Township 23 North, Range 1 East, W.M., Kitsap County, Washington: The East 200 feet of the North 365 feet of the Northwest quarter of the Northwest quarter; **And** the West half of the Northeast quarter of the Northwest quarter; **Except** the North 55 feet; **And Except** the Plat of Estonia recorded in Volume 24 of Plats, Pages 77-80, records of Kitsap County; **And Except** all of Lot A of Short Plat 3444 recorded under Auditor's File No. 8406130126, records of Kitsap County; **And** the following described areas situate within Section 35, Township 24 North, Range 1 East, W.M., Kitsap County, Washington: The East half of the Southeast quarter; **Except** that portion of Tract 1, Port Orchard Villa Tracts, filed in Volume 4 of Plats, Page 100, records of Kitsap County, Washington as described in the City of Port Orchard Ordinance No. 034-07; **And Except** Tract 14, said plat; **And** the South half of the South half of the Northwest quarter of the Southeast quarter; **And** the Southwest quarter of the Southeast quarter; **And** the following described areas situate within Section 36, Township 24 North, Range 1 East, W.M., Kitsap County, Washington: The West half of the West half of the Southwest quarter lying south of the north right of way margin of Lincoln Avenue (platted Jefferson Avenue as shown on the plat of East Port Orchard, filed in Volume 8 of Plats, Pages 71, 72, and 73) and the westerly extension thereof, and lying south of the north right of way margin of Lincoln Avenue as described under Auditor's File No. 406379, records of Kitsap County, Washington; **And** those portions of Tract 11, plat of East Port Orchard, as described under Auditor's File Numbers 9301250036 and 200412300470, records of Kitsap County, Washington, together with that portion of Mitchell Road abutting; **And** the East half of the South half of the South half of the Southwest quarter of the Southwest quarter; **Except** the East 1 acre thereof.

