ORDINANCE NO. 3039

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, providing for the annexation of certain real property commonly known as the Orchard Hill Annexation Area, subject to assumption of indebtedness, and adoption of preannexation zoning controls for such property as provided in PMC 20.05.050.

WHEREAS, pursuant to RCW 35A.14.120, proceedings for initiating annexation of unincorporated territory to a noncharter code city may be commenced by the filing of a petition of property owners constituting at least ten percent (10%) of the assessed valuation of the territory proposed to be annexed; and

WHEREAS, the property at issue in this ordinance, commonly known as the "Orchard Hill Annexation Area", has been processed under the assessed valuation petition method of annexation; and

WHEREAS, having received a legally sufficient request to commence annexation proceedings from individuals whose ownership represents well in excess of ten percent (10%) of the assessed valuation of the Orchard Hill Annexation Area, the Puyallup City Council adopted Resolution No. 2222, authorizing circulation of annexation petitions in the Orchard Hill Annexation Area; accepting the geographic area of the proposed annexation; requiring the simultaneous adoption of zoning regulations; and requiring the proposed annexation area to assume a proportionate share of city indebtedness; and

WHEREAS, following passage of Resolution No. 2222, the annexation proponents presented the City with petitions reflecting the signatures of parties whose ownership represents more than sixty percent (60%) of the assessed valuation of the Orchard Hill Annexation Area; and

WHEREAS, on November 14, 2012, the Pierce County Assessor-Treasurer officially certified the sufficiency of petitions filed in the Orchard Hill Annexation Area, finding that the parties signing the petitions did own at least sixty-percent (60%) of the proposed annexation area; and

WHEREAS, the Orchard Hill Annexation Area is situated within the City of Puyallup's Urban Growth Area; and

WHEREAS, the City Council finds that the Orchard Hill Annexation Area should be zoned Medium Urban Density Single-Family Residential (RS-08) as depicted in Exhibit B to this ordinance, at the time of annexation; and

WHEREAS, City services are adequate and available to support the area upon annexation; and

WHEREAS, no interested parties invoked jurisdiction of the Boundary Review Board and challenged the proposed annexation within forty-five (45) days of the City submitting appropriate notice; and

WHEREAS, the City Council held public hearings on the subjects of this ordinance on February 5, 2013 and May 7, 2013, and such hearings were duly noticed by the City; and

WHEREAS, the City Council has heard all persons wishing to be heard and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PUYALLUP ORDAINS AS FOLLOWS:

Section 1. Annexation of the Orchard Hill Annexation Area. The real property known as the eastern half of the proposed Orchard Hill Annexation Area, which is more particularly described in Exhibit A, a copy of which is attached hereto and incorporated herein by this reference as if set forth in full, is hereby annexed to and made a part of the City of Puyallup on July 1, 2013.

Section 2. Assumption of Existing City Indebtedness. On July 1, 2013, pursuant to the terms of the annexation petition and consistent with Resolution No. 2222, upon annexation, all property within the eastern half of the proposed Orchard Hill Annexation Area be assessed and taxed at the same rate and on the same basis as other property within the City of Puyallup including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted, incurred prior to, or existing on the date of annexation.

Section 3. Zoning Controls Adopted for Annexation Area. Under the authority of RCW 35A.14.330, the property annexed by this ordinance shall be zoned Medium Urban Density Single-Family Residential (RS-08) on July 1, 2013, as reflected in Exhibit B, a copy of which is attached hereto and incorporated herein by this reference as if set forth in full, and shall be subject to all development regulations of the City of Puyallup in effect at the time of annexation.

Section 4. Duties of the City Clerk. Upon passage of this annexation ordinance, the City Clerk is directed to file a certified copy of such document with the Pierce County Council. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35A.14.700.

Section 5. Contemporaneous Updates. The City's Comprehensive Plan and zoning map are hereby amended to conform to the annexation approved in this ordinance.

Section 6. Severability - Construction. (1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance 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. (2) If the provisions of this ordinance are found to be inconsistent with the other provisions of the Puyallup Municipal Code, this ordinance is deemed to control.

Section 7. Effective Date. This Ordinance, being the exercise of a power specifically delegated to the legislative body of the City of Puyallup, is not subject to referendum, and shall take effect and be in force five (5) days after its approval and publication, as provided by law. Notwithstanding the foregoing, the annexation, assumption of indebtedness and zoning shall take effect on July 1, 2013.

Passed by the City Council of the City of Puyallup, Washington, on the 7th day of May, 2013.

John D. Knutsen, Deputy Mayor

Attest:

Brenda Arline, City Clerk

Approved as to form:

Kevin J. Yamamoto, City Attorney

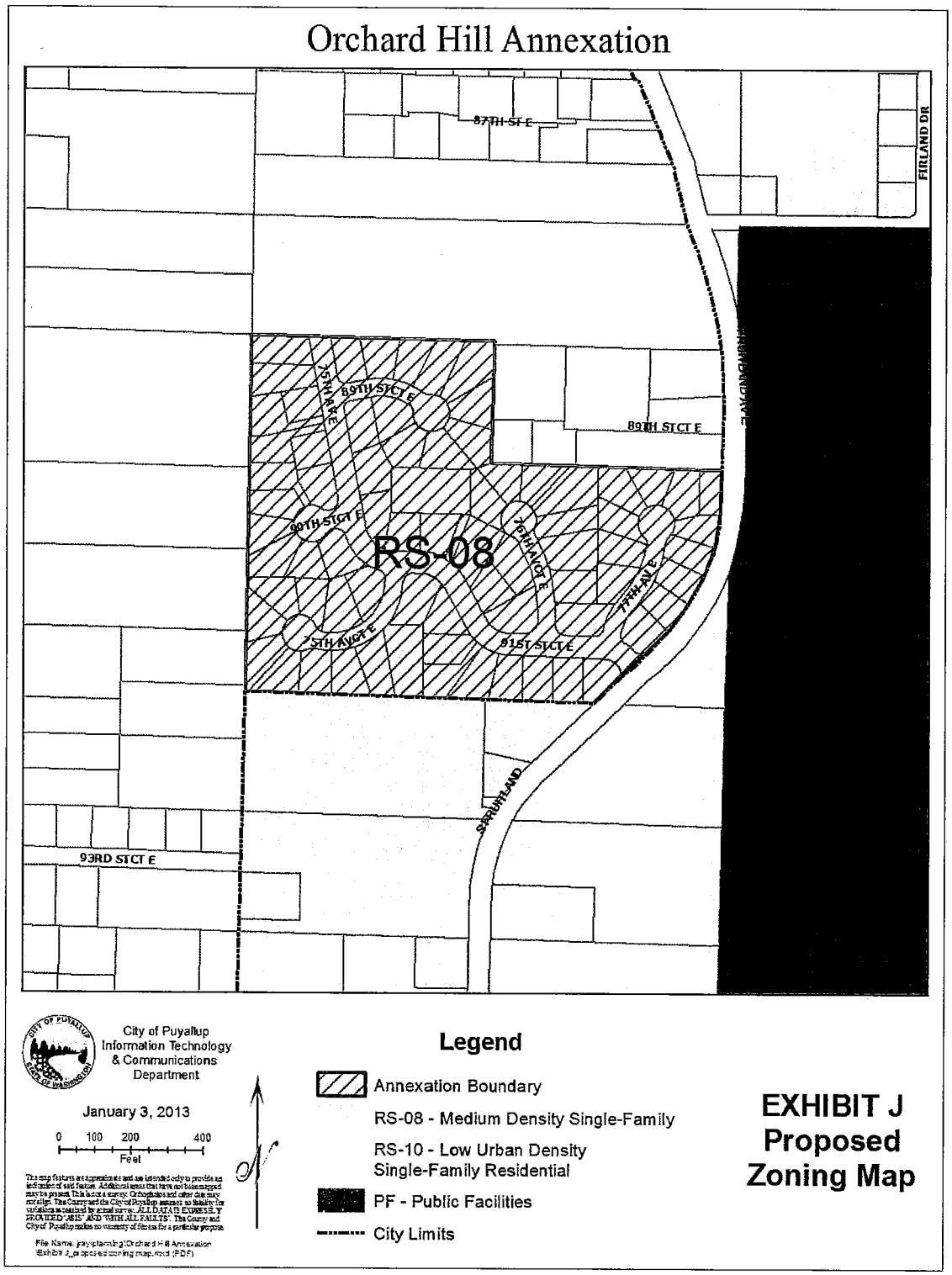
Exhibit A

Orchard Hill Annexation Area Legal Description

A PORTION OF THE NE ¼ OF THE SW ¼ OF SECTION 32; TWN 20 NORTH; RANGE 4 EWM; COUNTY OF PIERCE; STATE OF WASHINGTON DESCRIBED AS FOLLOWS: SAID DESCRIPTION ENCOMPASSES THE PLATS OF ORCHARD HILL DIVISIONS ONE AND TWO PLUS LOT ONE OF PIERCE COUNTY SHORT PLAT No. 75-294;

BEGINNING AT THE SW CORNER OF THE NE ¼ OF THE SW ¼ OF SAID SEC. 32; THENCE N 00°52'50" E A DISTANCE OF 984.91 FEET ALONG THE WEST LINE OF SAID NE1/4 TO THE NW CORNER OF TRACT "B" OF THE PLAT OF ORCHARD HILL DIV. TWO; THENCE S 88°51'17" E A DISTANCE OF 676.93 FEET; THENCE S 01°02'28" W A DISTANCE OF 343.38 FEET; THENCE S 88°52'58" E A DISTANCE OF 647.73 FEET TO THE NE CORNER OF TRACT "A" OF THE PLAT OF ORCHARD HILL DIV. ONE AND THE WEST R/W LINE OF FRUITLAND AVE. E.; THENCE SOUTH AND WEST ALONG SAID R/W LINE TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NE ¼ OF THE SW ¼ OF SAID SECTION 32; THENCE N 88°46'10" W A DISTANCE OF 973.38 FEET TO SAID POINT OF BEGINNING.

Exhibit B


Orchard Hill Annexation
87TH ST E
FIRLAND DR
89TH ST CT E
89TH ST CT E
90TH ST CT E
RS-08
91ST ST CT E
93RD ST CT E
City of Puyallup
Information Technology
& Communications
Department
January 3, 2013
0 100 200 400
Feet
Legend
Annexation Boundary
RS-08 - Medium Density Single-Family
RS-10 - Low Urban Density
Single-Family Residential
PF - Public Facilities
City Limits
EXHIBIT J
Proposed
Zoning Map