

ORDINANCE NO. 2984

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, providing for the annexation of certain real property commonly known as the eastern half of the proposed Williams 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 “Williams 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 Williams Annexation Area, the Puyallup City Council adopted Resolution No. 1929, authorizing circulation of annexation petitions in the Williams 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. 1929, 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 Williams Annexation Area; and

WHEREAS, on December 22, 2010, the Pierce County Assessor-Treasurer officially certified the sufficiency of petitions filed in the Williams Annexation Area, finding that the parties signing the petitions did own at least sixty-percent (60%) of the proposed annexation area; and

WHEREAS, the Williams Annexation Area is situated within the City of Puyallup’s Urban Growth Area; and

WHEREAS, the City Council finds that the eastern half of the Williams Annexation Area should be zoned General Commercial (CG) 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 15, 2011 and July 5, 2011, 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 Williams Annexation Area. The real property known as the eastern half of the proposed Williams 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 October 1, 2011.

Section 2. Assumption of Existing City Indebtedness. On October 1, 2011, pursuant to the terms of the annexation petition and consistent with Resolution No. 1929, upon annexation, all property within the eastern half of the proposed Williams 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 General Commercial (CG) on October 1, 2011, 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 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 October 1, 2011.

Passed by the City Council of the City of Puyallup, Washington, on the 5th day of July, 2011.

Kathy R. Turner, Mayor

Attest:

Barbara J. Price, City Clerk

Approved as to form:

Cheryl F. Carlson, City Attorney

Published: July 13, 2011

Effective: October 1, 2011

Exhibit A

Williams Annexation Area (Eastern Half) Legal Description

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 4 EAST, OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACTS 65 AND 96 OF THE PLAT OF HALF DOLLAR BERRY TRACTS AS RECORDED IN VOLUME 10 OF PLATS, ON PAGE 51, RECORDS OF PIERCE COUNTY AUDITOR.

EXCEPT THE WEST 100 FEET THEREOF;

EXCEPT ANY PORTION OF SOUTH MERIDIAN STREET AND 43RD AVENUE SW RIGHT-OF-WAY INCLUDED WITHIN PUYALLUP'S CITY LIMITS AS ESTABLISHED BY CITY OF PUYALLUP ORDINANCE NO. 2439, DATED SEPTEMBER 13, 1995.