

## **ORDINANCE NO. 26909**

AN ORDINANCE annexing a certain portion of unincorporated Pierce County lying contiguous to the City of Tacoma, and fixing the date that said annexation shall become effective.

WHEREAS, pursuant to RCW 35.13.125, the owner of certain real property filed with the City of Tacoma ("City") a notice of intent to commence proceedings to annex the property to the City (the "Area to be Annexed"), and

WHEREAS, subsequent to a public meeting duly held with the property owner, and as set forth in Resolution No. 35132, the City Council determined that the City would accept the proposed annexation petition, provided that the City will require the Area to be Annexed to assume that portion of the City's then-current bonded indebtedness for Emergency Medical Services, but will not require the Area to be Annexed

to assume any other voter-approved, bonded indebtedness that existed as of the date of annexation, and

WHEREAS, subsequent to the public meeting, the owner of more than 75 percent in value of the property included within the Area to be Annexed filed, in the form prescribed by law, a petition for annexation of the property to the City, which petition was accepted by the City, and

WHEREAS, pursuant to RCW 35.13.140, the City Council fixed a date when a public hearing on the petition would be held, and the City Clerk thereafter caused notice of the hearing to be published and posted in the form and manner provided by law, and

WHEREAS, on April 24, 2001, a hearing was held, at which time all interested persons were given the opportunity to appear and voice approval or disapproval of the annexation, and

WHEREAS, pursuant to RCW 35.21.005, the petition has been certified by the Pierce County Assessor, and

WHEREAS a notice of intent to annex was filed with the Pierce County Boundary Review Board (the "Board") on October 11, 2001, and more than 45 days have elapsed since filing of said notice with the

Boundary Review Board without any individual or entity invoking said Board's jurisdiction, and

WHEREAS all preliminary proceedings have been taken as required by law; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council of the City of Tacoma does hereby determine that the annexation, as requested in the petition described above, shall be made; and that, pursuant to this determination, the territory described in Exhibit "A" is hereby annexed to and made a part of the City.

Section 2. That the annexation of the territory described in Exhibit "A" shall become effective on the latter of a date ten days after publication of this ordinance, or on January 1, 2002, and that the territory described in Exhibit "A" shall on that date become subject to all the laws and ordinances of the City now in force or which may hereafter be enacted.

Section 3. That the territory herein annexed shall assume and be subject to the Emergency Medical Services levy existing as of the date of

annexation, but the territory shall not assume any other voter-approved, bonded indebtedness that existed as of that date.

Section 4. That the proper officers of the City shall promptly proceed with such procedures as are proper: (1) to issue the holder of any franchise providing garbage collection services in the territory herein, and canceled as a result of this annexation, a franchise authorizing continued garbage collection activities, all in accordance with RCW 35.13.280; and (2) the proper officers of the City are further authorized to negotiate an alternative agreement with the holder of any such canceled franchise as may be in the best interests of the City, subject to final action by the City Council.

Section 5. That, pursuant to RCW 35.13.150, a certified copy of this ordinance shall be filed with Pierce County; and, pursuant to RCW 35.13.260, proper certification shall be given to the State Office of Financial Management, all such notifications and certifications to be provided by the appropriate City officers.

Section 6. That if any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional, then the invalidity or

unconstitutionality shall not affect any other sections, clauses, or phrases of this ordinance.

Passed \_\_\_\_\_

Attest: \_\_\_\_\_ Mayor

\_\_\_\_\_  
City Clerk

Approved as to form and legality: \_\_\_\_\_

Legal description approved: \_\_\_\_\_

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Chief Surveyor,  
Public Works Dept.

## **EXHIBIT "A"**

Annexation in the Southwest quarter of Section 34, Township 20, Range 3 East, W.M. (Mitchell Anderson)

The West 100 feet of the following described property:

Beginning on the east line of McKinley Avenue (Princeton Street) 1193.67 feet north of the intersection of the north line of East 96th Street (Elm Avenue) with the east line of McKinley Avenue (Princeton Street) of SOUTH TACOMA LAND COMPANY'S FIRST ADDITION TO THE CITY OF TACOMA, according to the plat thereof recorded in Volume 4 on page 62, records of Pierce County, Washington; thence North 309.32 feet; thence East 273.50 feet; thence South 309.32 feet; thence West 273.50 feet to the point of beginning.

Together with the South 10 feet of East 91st Street vacated per Resolution No. 11186.