

**CITY OF MILTON
ORDINANCE 1859-15**

**AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, ANNEXING
CERTAIN REAL PROPERTY KNOWN AS CLEAR FIRS/SUNRIDGE TO THE
CITY, REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND
TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN
THE CITY, ESTABLISHING ITS ZONING AS RESIDENTIAL MULTI-FAMILY
(RM) AND FIXING THE EFFECTIVE DATE OF THE ANNEXATION.**

WHEREAS, The City Council was notified in writing by the owners of not less than ten percent in value of the real property legally described in Exhibit "A" attached hereto, of the owners' intention to commence annexation proceedings; and

WHEREAS, a meeting was held on the August 5th, 2013 and February 10th, 2014, between the initiating parties of this annexation and the Council of the City of Milton and authorized the circulation of an annexation petition for annexation of the real property legally described in Exhibit "A" attached hereto. At the meeting the Council also determined that it would require the simultaneous adoption of the zoning designations and require the assumption of indebtedness of the City by the area to be annexed upon annexation; and

WHEREAS, the petition was circulated, filed with Pierce County, and certified by the County Assessor as containing the signature of owners as set forth in RCW 35A.01.040(9), of not less than 60% in value, according to the assessed valuation for general taxation, of the property to be annexed; and

WHEREAS, the City properly filed a Notice of Intent and related documents with the Pierce County Boundary Review Board on April 10th, 2014; and

WHEREAS, on May 21st, 2014 the Office of the County Executive invoked the jurisdiction of the Boundary Review Board under RCW 36.93.100(2), seeking to add four (4) parcels the proposed annexation; and

WHEREAS, the Boundary Review Board held a public hearing on September 30th, 2014, and continued the hearing to November 4th, 2014, in order for Pierce County to provide notice to the owners of the four (4) parcels; and

WHEREAS, the City of Milton argued against the inclusion of the four (4) parcels, stating that the objectives of RCW 36.93.180 are not met with the addition of the four parcels to the proposed annexation; and

WHEREAS, the Boundary Review Board issued a decision on November 19th, 2014, to add the four (4) parcels to the proposed annexation area; and

WHEREAS, according to RCW 36.93.150 and 36.93.160 the proposed annexation area is deemed approved as amended by the Boundary Review Board; and

WHEREAS, the revised legal description and map were provided to the City by Pierce County on December 12th, 2014, and is attached hereto as Exhibit “B”; and

WHEREAS, pursuant to RCW 35A.14.130, the City held public hearing on February 17th, 2015, which hearing was duly noticed by the City Clerk 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; now therefore

THE CITY COUNCIL OF THE CITY OF MILTON, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The unincorporated real property located in Pierce County, Washington, contiguous to the City of Milton and legally described in Exhibit “B” attached hereto and incorporated herein by this reference, is hereby annexed to and made part of the City of Milton, Pierce County, Washington.

Section 2. All property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Milton, 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 date of annexation.

Section 3. All property within the territory annexed is hereby zoned Residential Multi-Family (RM).

Section 4. The City Clerk is hereby directed to file a certified copy of this Ordinance 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. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 6. Effective Date of Annexation. This Ordinance shall be in full force and effect sixty (5) days from and after its passage, approval and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing it in its entirety.

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PASSED AND APPROVED by the City Council of the City of Milton,
Washington, at a regularly scheduled meeting this ____ day of _____, 2015.

CITY OF MILTON

Debra Perry, Mayor

ATTEST/AUTHENTICATED:

Katie Bolam, City Clerk

Approved as to form:

Phil Olbrechts, City Attorney

Date of Publication:

Effective Date: