

**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 5<sup>th</sup>, 2013 and February 10<sup>th</sup>, 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 10<sup>th</sup>, 2014; and

WHEREAS, on May 21<sup>st</sup>, 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 30<sup>th</sup>, 2014, and continued the hearing to November 4<sup>th</sup>, 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 19<sup>th</sup>, 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 12<sup>th</sup>, 2014, and is attached hereto as Exhibit "B"; and

WHEREAS, pursuant to RCW 35A.14.130, the City held public hearing on February 17<sup>th</sup>, 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.

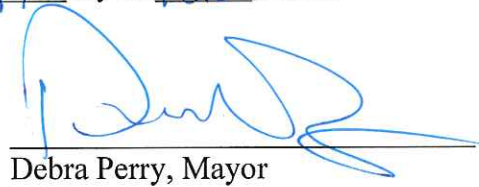
Section 5. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions 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 17<sup>th</sup> day of Feb., 2015.

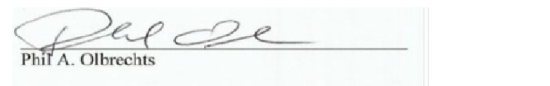
CITY OF MILTON

  
Debra Perry, Mayor

ATTEST/AUTHENTICATED:

  
Katie Bolam, City Clerk

Approved as to form:

  
Phil Olbrechts, City Attorney

Date of Publication: 2/20/2015

Effective Date: 2/25/2015

**“EXHIBIT A”  
Legal Description**

Portions of Government Lot 1, and the Southeast Quarter of the Northeast Quarter of Section 6, Township 20 North, Range 04 East, W.M, more particularly described as follows:

BEGINNING at the intersection of the West right of way line of 70<sup>th</sup> Avenue East said line also being the West line of the Milton City limits per ordinance 1116 and the North line of the South half of the Southeast Quarter of said Government Lot 1;

THENCE South along said West right of way line and said City limit line to its intersection with the South line of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 6;

THENCE West along said South line to the Southwest Corner of said subdivision;

THENCE North along the West line of said subdivision to the Northwest corner of the South 220 feet of said subdivision;

THENCE East along the North line of the South 220 of said subdivision to the West line of the East 480 feet of said subdivision;

THENCE North along the East 480 feet of said subdivision to the North line of said subdivision;

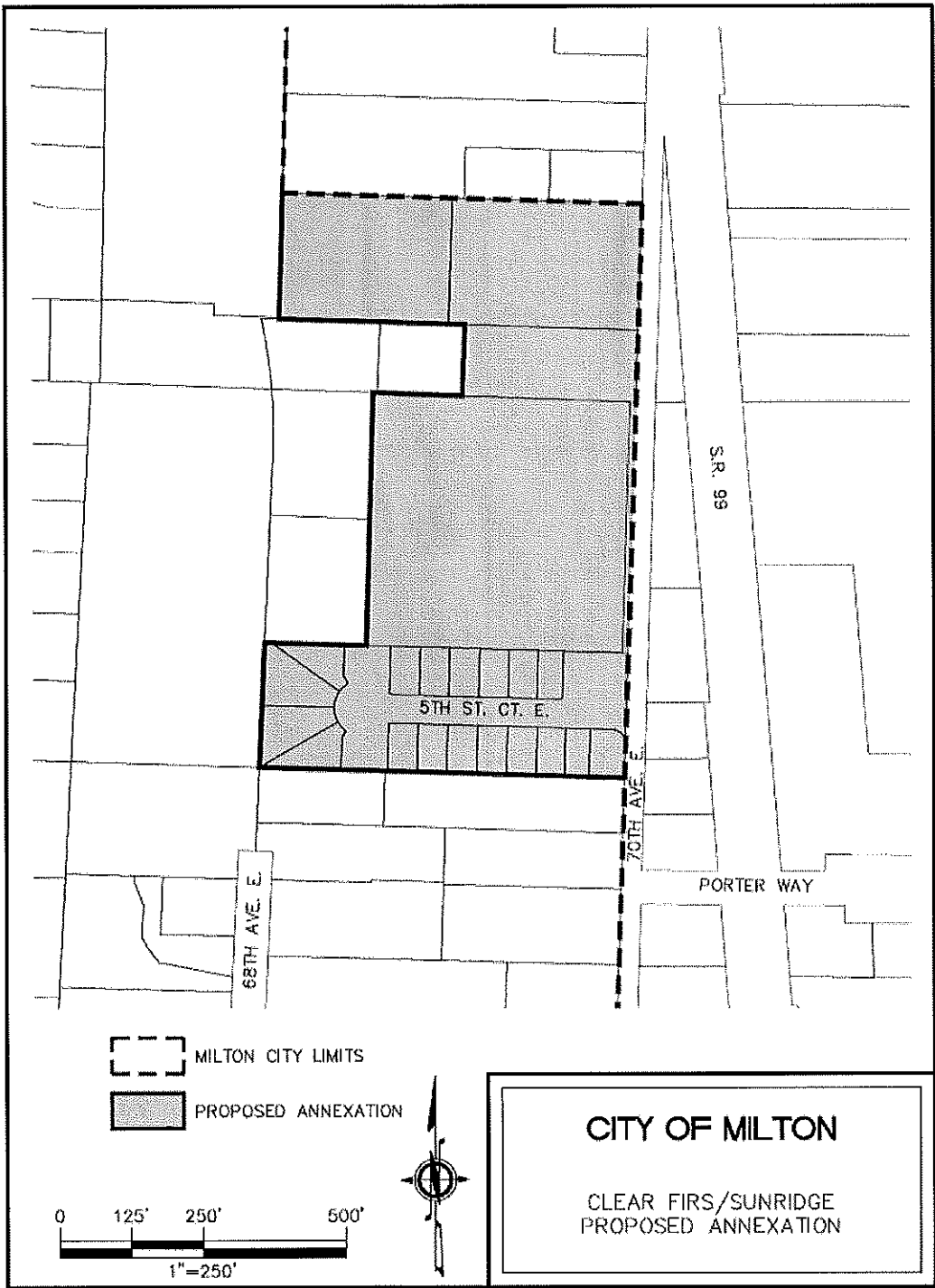
THENCE East along the North line of said subdivision to the Southwest Corner of Lot 4, Pierce County Short Plat No. 76-83, according to map recorded in Volume 7 of Short Plats, Page 53, Records of Pierce County, Washington;

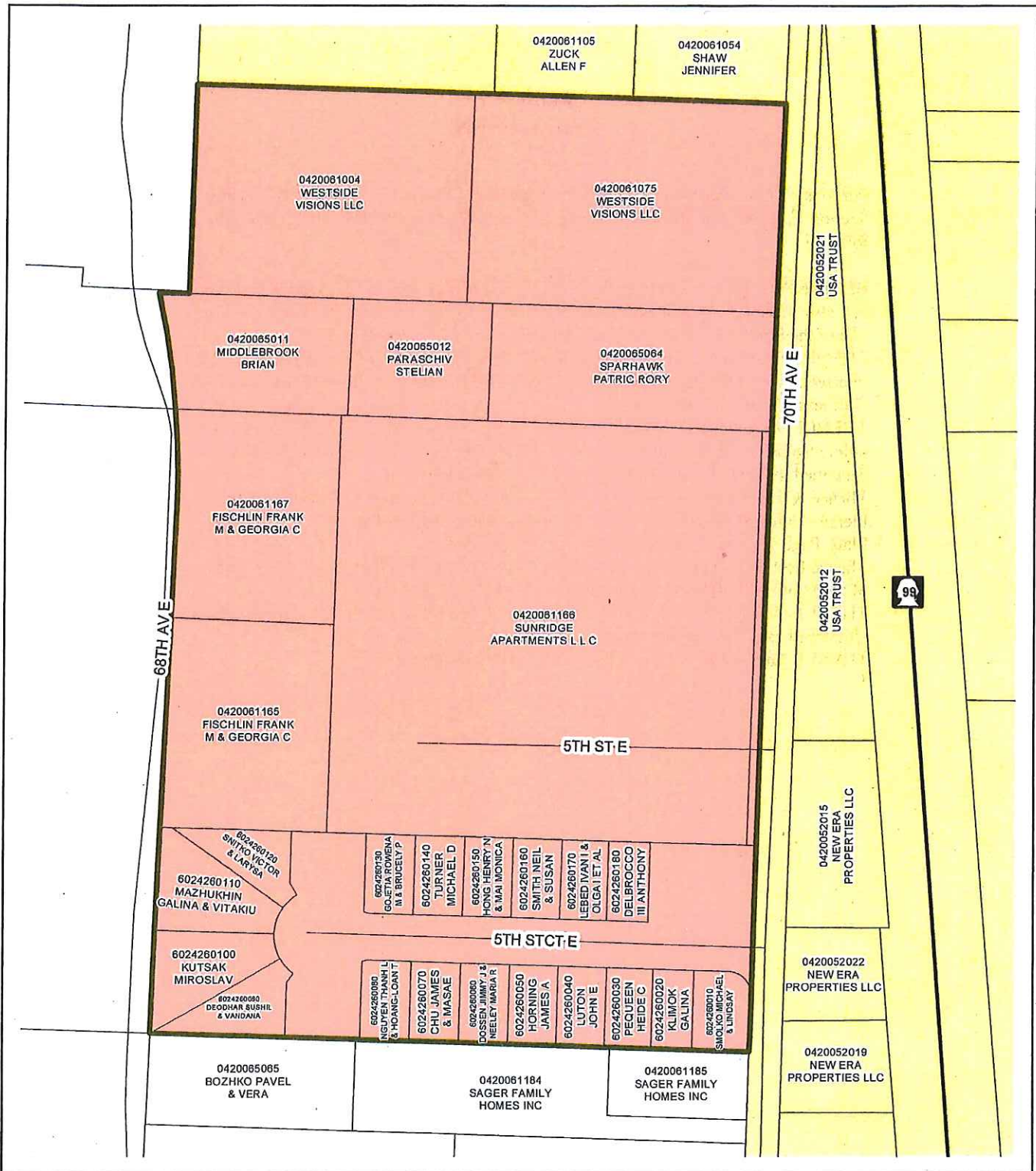
THENCE North along the West line of said Lot 4 to the North line of the South 125 feet of the South half of the Southeast Quarter of said Government Lot 1;

THENCE West along said North line to the West line of the South half of the Southeast Quarter of said Government Lot 1;

THENCE North along said West line to the North line of the South half of the Southeast Quarter of said Government Lot 1;

THENCE East along said North line to the POINT OF BEGINNING.





**Milton Expand Annexation Area  
Case #A-14-2**

Tax Parcels

City

approved by BRB 11/19/2014



**Pierce County**  
Assessor-Treasurer

Map produced on November 26, 2014  
by tdepaul

**"EXHIBIT B"**  
**Legal Description**

Portions of Government Lot 1, and the Southeast Quarter of the Northeast Quarter of Section 6, Township 20 North, Range 04 East, W.M, more particularly described as follows:

BEGINNING at the intersection of the West right of way line of 70<sup>th</sup> Avenue East, said line also being the West line of the Milton City limits per ordinance 1116, and the North line of the South half of the Southeast Quarter of said Government Lot 1;

THENCE South along said West right of way line, and said City limit line to its intersection with the South line of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 6;

THENCE West along said South line to the Southwest Corner of said subdivision, said point also being the beginning of a centerline description of Schaller Road Extension as described in AFN 1854990, now vacated by ordinance 90-44;

Thence North along said vacated centerline to a line project west from the North line of Pierce County Short Plat No. 76-83, according to map recorded in Volume 7 of Short Plats, Page 53, Records of Pierce County, Washington;

Thence East on said projected line and the North line of said Short Plat to the West line of the South half of the Southeast Quarter of said Government Lot 1;

THENCE North along said West line to the North line of the South half of the Southeast Quarter of said Government Lot 1;

THENCE East along said North line to the POINT OF BEGINNING.