

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON**, providing for the annexation of certain real property commonly known as the 39<sup>th</sup> Ave SW 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 “39<sup>th</sup> Ave SW 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 39<sup>th</sup> Ave SW Annexation Area, the Puyallup City Council adopted Resolution No. 2265, authorizing circulation of annexation petitions in the 39<sup>th</sup> Ave SW 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. 2265, 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 39<sup>th</sup> Ave SW Annexation Area; and

**WHEREAS**, on March 1, 2016, the Pierce County Assessor-Treasurer officially certified the sufficiency of petitions filed in the 39<sup>th</sup> Ave SW Annexation Area, finding that the parties signing the petitions did own at least sixty-percent (60%) of the proposed annexation area; and

**WHEREAS**, the 39<sup>th</sup> Ave SW Annexation Area is approximately eight acres of unincorporated Pierce County contiguous to the City of Puyallup and generally located south of 39<sup>th</sup> Avenue SW and west of 9<sup>th</sup> Street SW; and

**WHEREAS**, the 39<sup>th</sup> Ave SW Annexation Area is situated within the City of Puyallup’s Urban Growth Area; and

**WHEREAS**, the City Council finds that the 39<sup>th</sup> Ave SW Annexation Area should be zoned Urban Density Single-Family Residential (RS-06) and Office Professional (OP) 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 April 5, 2016 and July 19, 2016, 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 39<sup>th</sup> Ave SW Annexation Area.** The real property known as the eastern half of the proposed 39<sup>th</sup> Ave SW 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 August 1, 2016.

**Section 2. Assumption of Existing City Indebtedness.** On August 1, 2016, pursuant to the terms of the annexation petition and consistent with Resolution No. 2265, upon annexation, all property within the proposed 39<sup>th</sup> Ave SW 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 Urban Density Single-Family Residential (RS-06) or Office Professional (OP) on August 1, 2016, 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 August 1, 2016.

Passed by the City Council of the City of Puyallup, Washington, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
John Hopkins, Mayor

Attest:

\_\_\_\_\_  
Mary Winter, City Clerk

Approved as to form:

\_\_\_\_\_  
Steve Kinkelie, City Attorney

## Exhibit A

### 39<sup>th</sup> Ave SW Annexation Area Legal Description

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 4 EAST, OF THE WILLAMETTE MERIDIAN IN PIERCE COUNTY, WASHINGTON, LYING NORTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE NORTH ALONG THE EAST LINE OF SAID SUBDIVISION 636.61 FEET; THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION 37 FEET, MORE OR LESS, TO A POINT ON THE WEST MARGIN OF 94<sup>TH</sup> AVENUE EAST, ALSO BEING THE CITY LIMITS LINE OF THE CITY OF PUYALLUP, AS ESTABLISHED BY ORDINANCE NUMBER 3090, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING** OF THIS LINE DESCRIPTION; THENCE CONTINUING WEST ALONG SAID PARALLEL LINE 330.8 FEET, MORE OR LESS, TO THE WEST MARGIN OF 93<sup>RD</sup> AVENUE EAST; THENCE NORTH ALONG THE WEST MARGIN OF SAID 93<sup>RD</sup> AVENUE EAST 209.6 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 485 FEET OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE WEST ALONG SAID SOUTH LINE 135 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST 165 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE NORTH ALONG SAID WEST LINE 55 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 430 FEET OF SAID NORTHWEST QUARTER; THENCE WEST ALONG SAID LAST SAID SOUTH LINE 203 FEET, MORE OR LESS, TO THE WEST MARGIN OF 92<sup>ND</sup> AVENUE EAST; THENCE NORTH ALONG LAST SAID WEST MARGIN 115 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 315 FEET OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE WEST ALONG LAST SAID SOUTH LINE 271.63 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN EXHIBIT "A" OF PIERCE COUNTY EXCISE TAX NUMBER 973356; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL 271.4 FEET, MORE OR LESS, TO THE SOUTH MARGIN OF 39<sup>TH</sup> AVENUE SW AS ESTABLISHED BY CITY OF PUYALLUP ORDINANCE NUMBER 3090 AND THE **TERMINUS** OF THIS LINE DESCRIPTION;

EXCEPT THAT PORTION OF LAND ANNEXED INTO THE CITY OF PUYALLUP ON NOVEMBER 1, 2004 PER CITY OF PUYALLUP ORDINANCE NUMBER 2799, RECORDS OF PIERCE COUNTY, WASHINGTON.

## Exhibit B

