

ORDINANCE NO. 746

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE GIG HARBOR NORTH ANNEXATION, GIG HARBOR FILE NO. ANX 91-04, PURSUANT TO THE DIRECT PETITION METHOD SET FORTH IN CHAPTER 35A.14 RCW; REQUIRING SAID PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS THE OTHER PROPERTY WITHIN THE CITY; REQUIRING COMPLIANCE WITH THE TERMS OF A DEVELOPMENT AGREEMENT FOR FUTURE DEVELOPMENT OF CERTAIN PROPERTY WITHIN THE ANNEXATION AREA; PLACING IN EFFECT THE ZONING CLASSIFICATIONS OF PCD-RLD, PCD-RMD, PCD-C, PCD-BP, PCD-NB, MUD, R-1, R-2, RB-1, RB-2 AND B-2 ON SAID PROPERTY; DIRECTING AMENDMENTS TO THE CITY ZONING MAP TO REFLECT THE EFFECTIVE DATE OF THE ZONING WHICH SHALL BE EFFECTIVE SIMULTANEOUS WITH ANNEXATION, AND FIXING THE EFFECTIVE DATE OF SAID ANNEXATION.

WHEREAS, a Notice of Intent to Annex 795 acres of property, commonly known as Gig Harbor North Annexation, more particularly described in Exhibit "A" (Legal Description), attached hereto and incorporated herein, was signed by owners of ten percent (10%) in value, according to assessed valuation for general taxation of the property for which annexation is sought, and was received by the City on April 22, 1991; and

WHEREAS, the City Council met with the petitioners/owners within sixty (60) days of receive of said notice of intent to annex; and

WHEREAS, the City Council authorized circulation of a Petition for Annexation to be signed by owners of not less than sixty percent (60%) in value according to the assessed valuation for general taxation for the property for which annexation is sought, requiring that said property be assessed and taxed at the same rate and basis as other property within the City, and said Petition indicated the proposed adoption of zoning designations of PCD-RLD, PCD-RMD, PCD-C, PCD-BP, PCD-NB, MUD, R-1, R-2, RB-1, RB-2 AND B-2 for the property; and

WHEREAS, the Petition for Annexation was subsequently received by the City and certified by the City Administrator on May 5, 1993 as legally sufficient, and as containing the

signatures of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation of the property described in Exhibit "A"; and

WHEREAS, the property described in Exhibit "A" and proposed to be annexed is contiguous with the City's boundaries, within the City's Urban Growth Area established by Pierce County and included in the Comprehensive Plans of both the County and the City of Gig Harbor; and

WHEREAS, the Gig Harbor Planning Commission held a public hearing on November 14, 1995, which hearing was held pursuant to proper notice, and at the conclusion of said hearing, the Commission recommended to the Council that the zoning classifications of zoning designations of PCD-RLD, PCD-RMD, PCD-C, PCD-BP, PCD-NB, MUD, R-1, R-2, RB-1, RB-2 AND B-2 be adopted as the zoning of said property; and

WHEREAS, the City Council held a public hearing on December 11, 1995, to consider the Petition for Annexation, which hearing was held pursuant to proper notice, during which hearing the Council determined that the proposed annexation was a logical extension of the City's corporate limits; that said property should be annexed to the City; that the property should be required to assume its pro rata share of bonded indebtedness, be assessed and pay taxes at the same rate and on the same basis as other property within the City; and

WHEREAS, the City Council considered the recommendation of the City Planning Commission on pre-annexation zoning for the area during public hearings conducted on December 11, 1995 and January 22, 1996, and having determined that: (1) such would be in conformance with the City's Comprehensive Plan; (2) the proposed zoning classifications were consistent with adjacent land uses and would promote appropriate development and use of said land in light of the character and condition of the surrounding property in the neighborhood; and (3) that the establishment of these zoning classifications would not be materially detrimental to the public health, safety and general welfare or to the surrounding properties; and

WHEREAS, on September 10, 1996, the City Council adopted Resolution 479, describing its intent to annex the Gig Harbor North area, contingent upon: (1) assumption by the property owners of their portion of the City of Gig Harbor's indebtedness; (2) adoption of the proposed zoning classifications on the property described in Exhibit "A"; and (3) execution and

compliance with the terms of a Pre-Annexation Development Agreement, which is attached hereto as Exhibit "B", and incorporated herein by this reference; and

WHEREAS, a Notice of Intention was filed with the Washington State Boundary Review Board for Pierce County on October 9, 1996; and

WHEREAS, the Pierce County Boundary Review Board completed its review proceedings on December 9, 1996; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR DO ORDAIN AS FOLLOWS:

Section 1. The real property commonly known as the Gig Harbor North area, City File No. ANX 91-04, more particularly described in Exhibit "A", should be and is hereby annexed and made a part of the City of Gig Harbor.

Section 2. Pursuant to the terms of the Annexation Petition, all property within the territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

Section 3. Pursuant to the terms of the Pre-Annexation Development Agreement, attached hereto as Exhibit "B", all development on the property described in Exhibit "A" shall conform to the City's zoning code, and shall further comply with all of the terms of the Agreement.

Section 4. In conformance with the terms of the Annexation Petition and simultaneous with annexation, the property described in Exhibit "A" and as shown in Exhibit "C" shall receive the following zoning classifications:

Tract 1 General Business District (B-2)

Tract 2 Planned Community District - Residential Medium Density (RMD)

Tract 3 Planned Community District - Residential Low Density (RLD)

Tract 4 Planned Community District - Residential Medium Density (RMD)

Tract 5 Planned Community District - Residential Low Density (RLD)

Tract 6 Planned Community District - Business Neighborhood Business (NB)

Tract 7 Planned Community District - Business Park (BP)

Tract 8 Planned Community District - Commercial (C)

- Tract 9 Residential Business 2 (RB-2)
- Tract 10 Planned Community District - Business Park (BP)
- Tract 11 Residential Business 2 (RB-2)/Mixed Use Overlay District
- Tract 12 Residential Low Density (R-1)/Mixed Use Overlay District
- Tract 13 Public Institutional (PI)/Mixed Use Overlay District
- Tract 14 Residential Business 2 (RB-2)/Mixed Use Overlay District
- Tract 15 General Business District (B-2)/Mixed Use District Overlay
- Tract 16 Residential Business 1 (RB-1)
- Tract 17 Medium Density Residential (R-2)
- Tract 18 Low Density Residential (R-1)

Section 5. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by this section upon the effective date of the annexation.

Section 6. The Gig Harbor City Clerk hereby declares the property described in Exhibit "A", which is the subject of the annexation petition, to be contiguous with the boundaries of the City of Gig Harbor.

Section 7. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and the property shall be deemed annexed to the City five (5) days after passage and publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 1/8/97
PASSED BY THE CITY COUNCIL: 1/27/97
PUBLISHED: 2/5/97
EFFECTIVE DATE: 2/10/97
ORDINANCE NO. 746

SUMMARY OF ORDINANCE NO. 746

of the City of Gig Harbor, Washington

On the 27th day of January , 1997, the City Council of the City of Gig Harbor, passed Ordinance No. 746. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE GIG HARBOR NORTH ANNEXATION, GIG HARBOR FILE NO. ANX 91-04, PURSUANT TO THE DIRECT PETITION METHOD SET FORTH IN CHAPTER 35A.14 RCW; REQUIRING SAID PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS THE OTHER PROPERTY WITHIN THE CITY; REQUIRING COMPLIANCE WITH THE TERMS OF A DEVELOPMENT AGREEMENT FOR FUTURE DEVELOPMENT OF CERTAIN PROPERTY WITHIN THE ANNEXATION AREA; PLACING IN EFFECT THE ZONING CLASSIFICATIONS OF PCD-RLD, PCD-RMD, PCD-C, PCD-BP, PCD-NB, MUD, R-1, R-2, RB-1, RB-2 AND B-2 ON SAID PROPERTY; DIRECTING AMENDMENTS TO THE CITY ZONING MAP TO REFLECT THE EFFECTIVE DATE OF THE ZONING WHICH SHALL BE EFFECTIVE SIMULTANEOUS WITH ANNEXATION, AND FIXING THE EFFECTIVE DATE OF SAID ANNEXATION.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 1997.

CITY ADMINISTRATOR, MARK HOPPEN