

**RESOLUTION NO. 638**

**A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON,  
ACCEPTING A PORTION OF NORTH CREEK LANE (OR 76<sup>TH</sup> STREET  
N.W.) FOR PUBLIC OWNERSHIP AND MAINTENANCE).**

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**WHEREAS**, the North Creek Estates subdivision was approved by Pierce County prior to annexation into the City of Gig Harbor; and

**WHEREAS**, Pierce County approved North Creek Estates with a private road access, which is North Creek Lane (or 76<sup>th</sup> Street N.W.); and

**WHEREAS**, On June 26, 2000, the North Creek Estates Homeowners filed a lawsuit against the City (Pierce County Superior Court Cause No. 00-2-09055-8); and

**WHEREAS**, in the lawsuit, the Homeowners alleged seven causes of action as well as damages against the City; and

**WHEREAS**, with the exception of one claim (implied dedication), the Pierce County Superior Court dismissed all damage and other claims in favor of the City; and

**WHEREAS**, in December, 2004, the City Council authorized the Mayor to execute a settlement agreement with the Homeowners, which proposed that the remaining claim be addressed through the City Council's acceptance of a portion of North Creek Lane as a public street; and

**WHEREAS**, on January 10, 2005, the City Council held a public hearing on the issue whether to accept a portion of North Creek Lane as a public street, and heard public testimony and received evidence on the matter; Now Therefore,


**THE GIG HARBOR CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. The Homeowners have warranted and represented that they have the authority to dedicate that portion of North Creek Lane abutting the North Creek Estates subdivision, as shown in Exhibit A (which is attached hereto and incorporated herein by this reference) to the City of Gig Harbor for public ownership and maintenance.

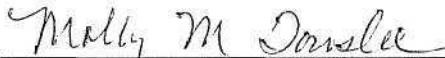
Section 2. The City Council hereby accepts the portion of North Creek Lane (or 76<sup>th</sup> Street N.W.) as highlighted on Exhibit A, attached hereto, which abuts the North Creek Estates subdivision, to the full 60 foot width, as a public street. Acceptance of this portion of North Creek Lane as a public street means that this portion of the Lane will be treated in the same manner as any other public street for purposes of maintenance, operation and repair.

PASSED by the City Council on the 10th day of January, 2005.

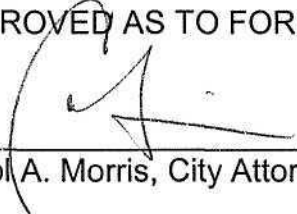
APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Molly Towslee, City Clerk  
City Clerk

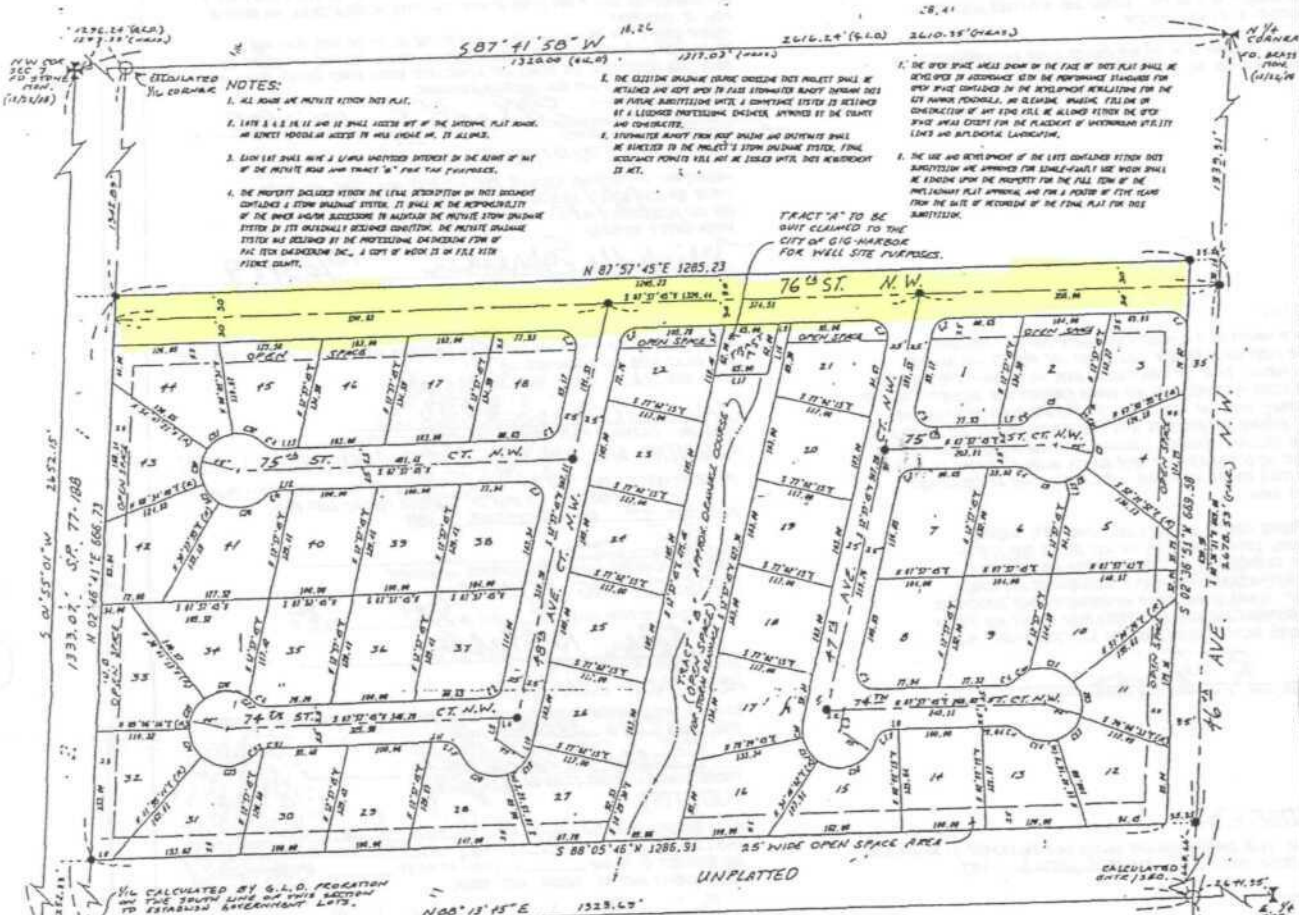
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Carol A. Morris, City Attorney

Filed with City Clerk: 1/5/04  
Passed by City Council: 1/10/05



**NORTH CREEK ESTATES**  
 IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 21 NORTH,  
 RANGE 2 EAST OF THE WILLAMETTE MERIDIAN  
 PIERCE COUNTY, WASHINGTON  
 A REPLAT OF LOTS 1-4 OF PIERCE COUNTY LARGE LOT NO. 8701280291



**NOTES:**

- ALL LOTS ARE PRIVATE WITHIN THIS PLAT.
- LOTS 1 & 2 ARE TO BE SHARED WITH THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON. IT IS UNDERSTOOD AND AGREED BY ALL PARTIES THAT THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, SHALL REMAIN OPEN TO THE PUBLIC AS A HIGHWAY AND SHALL NOT BE SUBJECT TO PRIVATE ENCLOSURE OR OTHERWISE.
- THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION IN THIS DOCUMENT CONTAINS A STORM DRAINAGE SYSTEM. IT SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR SUCCESSORS TO MAINTAIN THE PRIVATE STORM DRAINAGE SYSTEM IN ITS ORIGINALLY DESIGNED CONDITION. THE PRIVATE DRAINAGE SYSTEM HAS BEEN DESIGNED BY THE PROFESSIONAL ENGINEER FIRM OF PAC TECH ENGINEERING INC., A COPY OF WHICH IS ON FILE WITH PIERCE COUNTY.

- THE EXISTING DRAINAGE SYSTEM CROSSING THIS PROJECT SHALL BE MAINTAINED AND ADJUSTED TO PASS ESTABLISHED RUNOFF DEPENDENT ON FUTURE SUBDIVISIONS UNTIL A COMPLETE SYSTEM IS DESIGNED BY A LICENSED PROFESSIONAL ENGINEER, APPROVED BY THE COUNTY AND CONCURRED.
- ESTABLISHED RUNOFF FROM ROOF DRAINAGE AND OTHERWISE SHALL BE DIRECTED TO THE PROJECT'S STORM DRAINAGE SYSTEM. FUTURE RESIDENTIAL POWER POLES SHALL NOT BE LOCATED WITHIN THIS SUBDIVISION.

- THE OVER SPACE AREAS SHOWN ON THE FACE OF THIS PLAT SHALL BE DEVELOPED IN ACCORDANCE WITH THE PERFORMANCE STANDARDS FOR OVER SPACE CONTAINED IN THE DEVELOPMENT REGULATIONS FOR THE CITY OF GIG HARBOR, OR CLEARANCE, BRUSHING, TRIMMING OR CONSTRUCTION OF ANY OTHER USE BEING ALLOWED WITHIN THE OVER SPACE AREAS EXCEPT FOR THE PLACEMENT OF UNDERGROUND UTILITY LINES AND RECREATIONAL LANDSCAPING.
- THE USE AND DEVELOPMENT OF THE LOTS CONTAINED WITHIN THIS SUBDIVISION ARE APPROVED FOR SINGLE-FAMILY USE UNLESS OTHERWISE INDICATED UPON THE PROPERTY FOR THE FULL TERM OF THE PERMANENT UTILITY EASEMENT AND FOR A PORTION OF THE TERM FROM THE DATE OF RECORDATION OF THE FINAL PLAT FOR THIS SUBDIVISION.

LINE	BEARING	DISTANCE	CORNER	BEARING	LENGTH	BEARING	CORNER	BEARING	LENGTH	BEARING	CORNER
1	S 87° 03' 00" W	26.31	1	S 87° 03' 00" W	26.31	21.09	11	S 87° 03' 00" W	26.31	21.09	11
2	S 87° 03' 00" W	26.31	2	S 87° 03' 00" W	26.31	21.09	12	S 87° 03' 00" W	26.31	21.09	12
3	S 87° 03' 00" W	26.31	3	S 87° 03' 00" W	26.31	21.09	13	S 87° 03' 00" W	26.31	21.09	13
4	S 87° 03' 00" W	26.31	4	S 87° 03' 00" W	26.31	21.09	14	S 87° 03' 00" W	26.31	21.09	14
5	S 87° 03' 00" W	26.31	5	S 87° 03' 00" W	26.31	21.09	15	S 87° 03' 00" W	26.31	21.09	15
6	S 87° 03' 00" W	26.31	6	S 87° 03' 00" W	26.31	21.09	16	S 87° 03' 00" W	26.31	21.09	16
7	S 87° 03' 00" W	26.31	7	S 87° 03' 00" W	26.31	21.09	17	S 87° 03' 00" W	26.31	21.09	17
8	S 87° 03' 00" W	26.31	8	S 87° 03' 00" W	26.31	21.09	18	S 87° 03' 00" W	26.31	21.09	18
9	S 87° 03' 00" W	26.31	9	S 87° 03' 00" W	26.31	21.09	19	S 87° 03' 00" W	26.31	21.09	19
10	S 87° 03' 00" W	26.31	10	S 87° 03' 00" W	26.31	21.09	20	S 87° 03' 00" W	26.31	21.09	20
11	S 87° 03' 00" W	26.31	11	S 87° 03' 00" W	26.31	21.09	21	S 87° 03' 00" W	26.31	21.09	21
12	S 87° 03' 00" W	26.31	12	S 87° 03' 00" W	26.31	21.09	22	S 87° 03' 00" W	26.31	21.09	22
13	S 87° 03' 00" W	26.31	13	S 87° 03' 00" W	26.31	21.09	23	S 87° 03' 00" W	26.31	21.09	23
14	S 87° 03' 00" W	26.31	14	S 87° 03' 00" W	26.31	21.09	24	S 87° 03' 00" W	26.31	21.09	24
15	S 87° 03' 00" W	26.31	15	S 87° 03' 00" W	26.31	21.09	25	S 87° 03' 00" W	26.31	21.09	25
16	S 87° 03' 00" W	26.31	16	S 87° 03' 00" W	26.31	21.09	26	S 87° 03' 00" W	26.31	21.09	26
17	S 87° 03' 00" W	26.31	17	S 87° 03' 00" W	26.31	21.09	27	S 87° 03' 00" W	26.31	21.09	27
18	S 87° 03' 00" W	26.31	18	S 87° 03' 00" W	26.31	21.09	28	S 87° 03' 00" W	26.31	21.09	28
19	S 87° 03' 00" W	26.31	19	S 87° 03' 00" W	26.31	21.09	29	S 87° 03' 00" W	26.31	21.09	29
20	S 87° 03' 00" W	26.31	20	S 87° 03' 00" W	26.31	21.09	30	S 87° 03' 00" W	26.31	21.09	30
21	S 87° 03' 00" W	26.31	21	S 87° 03' 00" W	26.31	21.09	31	S 87° 03' 00" W	26.31	21.09	31
22	S 87° 03' 00" W	26.31	22	S 87° 03' 00" W	26.31	21.09	32	S 87° 03' 00" W	26.31	21.09	32
23	S 87° 03' 00" W	26.31	23	S 87° 03' 00" W	26.31	21.09	33	S 87° 03' 00" W	26.31	21.09	33
24	S 87° 03' 00" W	26.31	24	S 87° 03' 00" W	26.31	21.09	34	S 87° 03' 00" W	26.31	21.09	34
25	S 87° 03' 00" W	26.31	25	S 87° 03' 00" W	26.31	21.09	35	S 87° 03' 00" W	26.31	21.09	35
26	S 87° 03' 00" W	26.31	26	S 87° 03' 00" W	26.31	21.09	36	S 87° 03' 00" W	26.31	21.09	36
27	S 87° 03' 00" W	26.31	27	S 87° 03' 00" W	26.31	21.09	37	S 87° 03' 00" W	26.31	21.09	37
28	S 87° 03' 00" W	26.31	28	S 87° 03' 00" W	26.31	21.09	38	S 87° 03' 00" W	26.31	21.09	38
29	S 87° 03' 00" W	26.31	29	S 87° 03' 00" W	26.31	21.09	39	S 87° 03' 00" W	26.31	21.09	39
30	S 87° 03' 00" W	26.31	30	S 87° 03' 00" W	26.31	21.09	40	S 87° 03' 00" W	26.31	21.09	40

**LEGEND**

● DENOTES PIERCE COUNTY STANDARD MONUMENT, SET.  
 ○ DENOTES MONUMENT FOUND AS NOTED.  
 BEARING DATUM NORTH LINE OF NW 1/4 SEC. 7 (ASSUMED)  
 SHREVE INSTRUMENT, 1" TRAIL STATION  
 PERMANENT UNDER GROUND SERVICE EXCLUSIVELY: 11/28/00

**EASEMENT PROVISIONS**

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO  
 PENINSULA POWER & LIGHT CO.  
 WASHINGTON NATURAL GAS, CITY OF GIG HARBOR WATER  
 VIACOM CABLEVISION  
 AND  
 U.S. WEST COMMUNICATIONS

AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTERIOR 7 FEET THE FRONT AND REAR BOUNDARY LINES AND UNDER AND UPON THE EXTERIOR 2.5 FEET OF SIDE BOUNDARY LINES OF ALL LOTS, IN WHICH TO INSTALL, LAY, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THE SUBDIVISION AND OTHER PROPERTY WITH THE ABOVE NAMED UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES STATED. ALL PERMANENT UTILITY SERVICES SHALL BE PROVIDED BY UNDERGROUND SERVICE EXCLUSIVELY.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAT OF NORTH CREEK ESTATES IS BASED ON AN ACTUAL SURVEY DONE BY ME OR UNDER MY DIRECT SUPERVISION THAT THE BEARINGS AND DISTANCES ARE SHOWN CORRECTLY, THAT THE PERIMETER MONUMENTS HAVE BEEN SET AND THAT ALL OTHER MONUMENTS AND LOT CORNERS HAVE BEEN SET OR BOUND WITH THE COUNTY AND WILL BE SET PRIOR TO THE RELEASE OF THE BOND; THAT I COMPLIED WITH ALL STATE AND COUNTY REGULATIONS GOVERNING PLATTING AND THAT IT CONFORMS TO THE APPROVED PRELIMINARY PLAT AND THE CONDITIONS THEREOF.



Melvin F. Garland  
 P.E. GARLAND L.S. 118902  
 7/31/97  
 DATE

#8910180357

**PAC - TECH**  
 ENGINEERING, INCL. 0571 PAGE 3903  
 2001 SOUTH 30th STREET, SUITE 200  
 TACOMA, WASHINGTON 98408 (206) 473-4481  
 SEATTLE 823-5736 GIG HARBOR 851-3033