

**ORDINANCE NO. 991**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION AND ZONING, ANNEXING APPROXIMATELY 9.78 ACRES OF PROPERTY LOCATED WEST OF BURNHAM DRIVE, EAST OF THE EAST PROPERTY LINE OF THE TACOMA-LAKE CUSHMAN POWER LINES, AND NORTH OF 96<sup>th</sup> STREET NORTHWEST, LOCATED IN PIERCE COUNTY (ANX 03-03), ADOPTING MEDIUM-DENSITY RESIDENTIAL (R-2) ZONING WITH THE MIXED USE DISTRICT OVERLAY (MUD) BEING APPLIED TO THOSE PROPERTIES LYING EAST OF DONKEY CREEK FOR THE ANNEXATION AREA, AND REQUIRING THE PROPERTY OWNERS TO ASSUME THEIR PROPORTIONATE SHARE OF INDEBTEDNESS.**

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WHEREAS, on June 5, 2003, the City of Gig Harbor received a Notice of Intent to Annex approximately 15.59 acres of property located west of Burnham Drive, east of the west boundary of the Tacoma-Lake Cushman power line, and north of 96<sup>th</sup> Street NW, adjacent to the existing City limits and within the City's Urban Growth Area (UGA), located in Pierce County; and

WHEREAS, the Notice of Intent was signed by the owners of not less than ten percent (10%) of the acreage of the property; and

WHEREAS, on July 28, 2003, the City Council met with the initiators of the petition voted to authorize circulation of the annexation petition subject to certain conditions including adoption of pre-annexation Medium-Density Residential (R-2) zoning with the Mixed Use District Overlay (MUD) being applied to those properties lying east of Donkey Creek; modification of the geographic boundaries of the area proposed for annexation thereby reducing the size of the annexation are to approximately 9.78 acres; and requiring that the property owners assume a proportionate share of the City's indebtedness; and

WHEREAS, on October 27, 2003, the City Council voted to accept the revised legal description and map of the area described and graphically depicted in Exhibit A, attached hereto and incorporated herein as if fully set forth in full; and

WHEREAS, on December 4, 2003, a petition for annexation of the property described and graphically depicted in Exhibit A was received by the City; and

WHEREAS, on January 7, 2004, the Pierce County Auditor noted that the signatures on the petition were valid however the addresses of the voters were not in the area to be annexed described and graphically depicted in Exhibit A; and

WHEREAS, on September 23, 2004, a revised petition for annexation of the property described and graphically depicted in Exhibit A was received by the City; and

WHEREAS, on October 25, 2004, the Pierce County Boundary Review Board approved the legal description and map and the Pierce County office of the Assessor-Treasurer certified the signatures on the petition for annexation of the property described and graphically depicted in Exhibit A; and

WHEREAS, the property described and graphically depicted in Exhibit A and proposed to be annexed is within the Urban Growth Area as established by Pierce County and included in the Comprehensive Plans of both the County and the City of Gig Harbor; and

WHEREAS, the City of Gig Harbor Comprehensive Plan, adopted in November, 1994, established the land use map designations for this area as Mixed Use, Preservation Area, and Residential Low, along with pertinent goals and objectives, to guide the development of the annexation area over the next twenty years; and

WHEREAS, the proposed pre-annexation zoning of Medium-Density Residential (R-2) with the Mixed Use District Overlay (MUD) being applied to those properties lying east of Donkey Creek of the property described and graphically depicted in Exhibit A is consistent with the City of Gig Harbor Comprehensive Land Use Plan designations of Mixed Use, Preservation Area, and Residential Low; and

WHEREAS, on November 22, 2004, the City Council, following a public hearing on the annexation petition, the voted to City Council approve the annexation and the proposed pre-annexation Medium-Density Residential (R-2) zoning with the Mixed Use District Overlay (MUD) being applied to those properties lying east of Donkey Creek for the area described and graphically depicted in Exhibit A, subject to Boundary Review Board approval (Resolution No. 634); and

WHEREAS, on November 24, 2004, the Notice of Intention, together with supporting documentation, was submitted to the Chief Clerk of the Pierce County Boundary Review Board; and

WHEREAS, on December 3, 2004, the Chief Clerk of the Pierce County Boundary Review Board deemed the annexation proposal as complete, set the official filing date as December 3, 2004, initiated the forty-five (45) day review period, and noted that the period during which jurisdiction could be invoked would expire on January 18, 2005; and

WHEREAS, the property described and graphically depicted in Exhibit A and proposed to be annexed is within the Urban Growth Area as established by Pierce County and included in the Comprehensive Plans of both the County and the City of Gig Harbor; and

WHEREAS, on January 20, 2005, the Pierce County Boundary Review Board issued a written decision approving the annexation of the property as described and graphically depicted in Exhibit A; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting's of February 14 and February 28, 2005; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,  
ORDAINS AS FOLLOWS:

Section 1. The Gig Harbor City Council hereby approves the annexation of approximately 9.78 acres of property located west of Burnham Drive, east of the east boundary of the Tacoma-Lake Cushman power line, and north of 96<sup>th</sup> Street NW Located in Pierce County, as described and graphically depicted in Exhibit A, contingent upon the following conditions:

- A. Assumption by the property owners of their proportionate share of the City of Gig Harbor's indebtedness; and
- B. Imposition of Medium-Density Residential (R-2) zoning with the Mixed Use District Overlay (MUD) being applied to those properties lying east of Donkey Creek as depicted in Exhibit A; and

Section 2. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established in Section 1 and depicted in Exhibit A.

Section 3. The Gig Harbor City Clerk hereby declares the property described and graphically depicted in Exhibit A to be contiguous with the boundaries of the City of Gig Harbor.

Section 4. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor.

Section 5. This ordinance shall take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 28<sup>th</sup> day of February 2005.

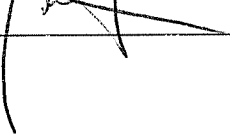
APPROVED:

  
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MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

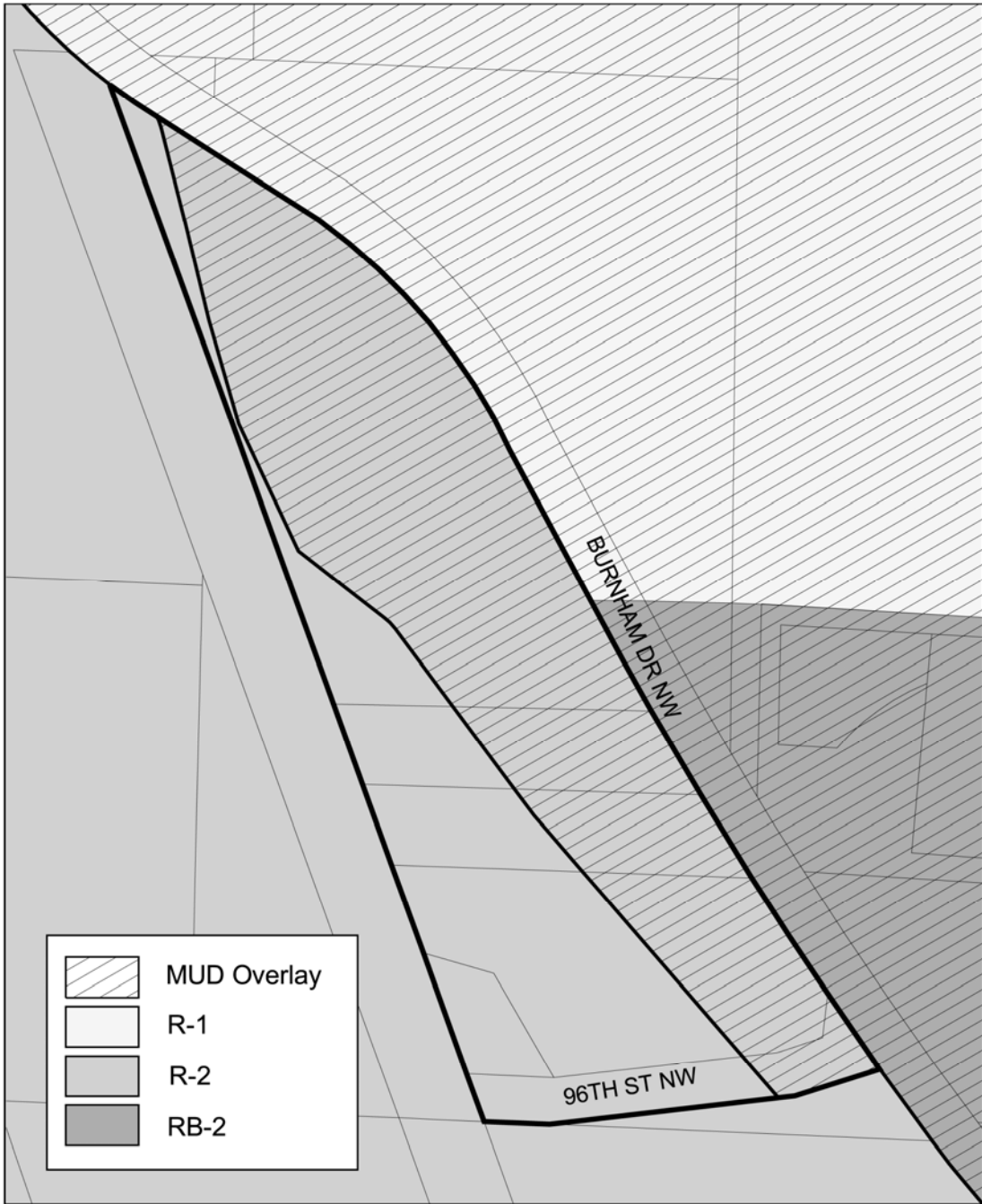
BY:   
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FILED WITH THE CITY CLERK: 2/10/05  
PASSED BY THE CITY COUNCIL: 2/28/05  
PUBLISHED: 3/9/05  
EFFECTIVE DATE: 3/14/05  
ORDINANCE NO. 991

**Exhibit A**  
**NORTH DONKEY CREEK ANNEXATION (ANX 03-03)**

LEGAL DESCRIPTION – NORTH DONKEY CREEK ANNEXATION AREA

That portion of the southwest quarter of Section 31, Township 22 North, Range 2 East, Willamette Meridian, lying north of the south right-of-way line of 96th Street, east of the east property line of the Tacoma-Lake Cushman Power Lines, and west of the west line of Burnham Drive.



North Donkey Creek Annexation ANX 03-03  
Proposed Zoning