

No. 91

PROPOSED

SUBDIVISION ORDINANCE
OF THE TOWN OF GIG HARBOR

NOTE:

1. The section and subsection numbers should be changed to be in accord with the usual numbering sequence in local ordinances.
2. Lot sizes should reflect the availability of water and sewerage facilities as controlled by the zoning ordinance.

DECEMBER 5, 1965

Consulting Services Corporation
1602 Tower Building
Seattle, Washington 98101

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PROPOSED
SUBDIVISION ORDINANCE
OF THE TOWN OF GIG HARBOR

An ordinance providing rules and regulations for the municipal approval of the partitioning of land into platted subdivisions prescribing standards for the design, layout and development there-of; providing procedure for municipal approval or dis-approval thereof; providing for the granting of variations and exceptions thereto; providing a penalty for the violation thereof; and repealing all other ordinances in conflict therewith.

BE IT ORDAINED BY the Council of the Town of Gig Harbor:

Title

1.0 This ordinance shall hereafter be known as the Subdivision Ordinance for the Town of Gig Harbor.

2.0 Definitions

2.1 Comprehensive Plan

The Comprehensive Plan, or portions thereof, consists of those coordinated plans in preparation or which have been prepared by the Planning Commission for the physical development of the municipality; or any plans, being portions of the comprehensive plan, prepared for the physical development of such municipality, that designate, among other things, plans and programs to encourage the most appropriate use of land, and lessen congestion throughout the municipality, in the interest of public health and welfare.

2.2 Dedication

Dedication is the deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

2.3 Final Plat

Final plat is the plan of the subdivision plat, or any portions thereof prepared for filing of record by the County Auditor, and containing those elements and requirements set forth in Section 8 of this ordinance. After the County Auditor has filed for record the final plat, it shall thereafter be known as an authorized subdivision plat.

2.4 Official Maps

Official maps are those official maps or map, or portions thereof, adopted by ordinance by the Council as provided in Ch. 44, Sec. 6, Laws, 1935, as amended (RCW 35.63.110).

2.5 Planning Commission

The Planning Commission shall be that Commission established by the Council of the Town of Gig Harbor as provided in Ch. 44, Laws, 1935, as amended (Ch. 35.63, RCW).

2.6 Preliminary Plat

Sec. 5.1.1 A Preliminary subdivision plat is a preliminary plan of the subdivision plat, containing the elements and requirements as set forth in Section 5 hereof.

2.7 Subdivider

A subdivider is any person, firm or corporation proposing to make, or having made, a subdivision plat.

2.8 Subdivision or Plat

A subdivision plat is an area of land, which has been divided into lots or tracts of land and must include a map, or maps related thereto, for the purpose, whether immediate or future, of transfer of ownership.

2.9 Tentative Approval

Tentative approval is the official approval given to the proposed preliminary subdivision plat, or dedication by the Planning Commission, and the Town Council, meeting in regular session.

2.10 Final Approval

Final approval is the final official approval given by the Planning Commission and the Town Council on the Final subdivision plat, or dedication or portion thereof that has previously received tentative approval.

3.0 Regulation of Land Development

No person, firm or corporation may alter or revise the boundary lines of any property or partition, or divide for separate ownership any land, or proposing to make, or having made a plat or subdivision of land containing four or more lots, plats, or tracts, or proposing to make or haveing made a plat or subdivision containing a dedication of any part thereof as a public street or highway, or shall enter into any contract for the sale of, or shall offer to sell said subdivision, or plat, or any part thereof until there has been obtained from the Planning Commission final approval of the subdivision plat, or dedication in accordance with the prescribed rules and regulations contained herein.

4.0 Procedure

4.1 Preliminary Review

The subdivider, his engineer and/or land surveyor, while the proposed plat, subdivision, or dedication is in sketch form shall consult with the planning commission, for the purpose of

ascertaining the requirements of Official Maps or any portions thereof, and obtaining any explanation of the rules and regulations herein contained as may be necessary and related to the proposed plat, subdivision, or dedication.

4.2 Preparation of the Proposed Plat

The subdivider shall employ a licensed professional land surveyor to prepare the proposed plat in accordance with the requirements of Section 5 hereof.

4.3 Tentative Approval

4.3.1 Four copies of all data constituting the proposed plat shall be submitted to the Town Clerk together with an application for tentative approval.

4.3.2 Fees

The application for tentative approval of a proposed subdivision plat shall be accompanied by a fee in the amount of \$5.00 for each lot to be created up to a maximum of \$125.00 per subdivision.

4.3.3 The Town Clerk will affix to the application for tentative approval of a proposed subdivision plat a file number and the date it is received.

4.3.4 The Town Clerk will transmit one copy of the proposed plat to the town engineer for recommendations regarding the proposed subdivision plat or dedication, and transmit one copy to the Planning Commission, one copy to the County Health Officer, and retain in a file one copy for public reference.

4.3.5 The Town Engineer, and other interested Town department heads within the scope of their municipal functions shall submit their recommendations regarding the proposed subdivision plat, or dedication to the Planning Commission within a period of three weeks from the day the Town Clerk receives the application for its approval.

4.3.6 Notice of public hearing on the proposed subdivision plat, or dedication shall consist of at least three copies of the notice of the hearing, posted in conspicuous places, on or adjacent to the land proposed to be platted, in which the time and place of such hearing is clearly indicated, all of which shall be posted not less than seven days prior to the hearing; and the announcement of public hearing shall be submitted by registered or certified mail not less than seven days prior to the time of the public hearing to the owners of record of all contiguous properties to the proposed subdivision plat, or dedication. Notice of each such public hearing shall be given in accordance with Ch. 216, Laws, 1935, State of Washington.

4.3.7 The Planning Commission and Town Council will either tentatively approve or disapprove the proposed subdivision plat, or dedication within a period of 60 days after the Town Clerk has received the application. A certificate of approval or disapproval shall be forwarded to the subdivider and each of the municipal officers that received a copy of the proposed subdivision plat, or dedication. Tentative approval shall be effective for a period of one year. An extension of one year may be granted by the Planning Commission upon the application of the subdivider.

4.4 Installation of Improvements

4.4.1 When the proposed subdivision plat is approved by the Planning Commission the subdivider, before requesting final approval, shall elect by a written statement to carry out minimum improvements in accordance with the provisions of Section 7 herein contained by either of the following methods or by a combination of these methods:

4.4.2 By furnishing the Town of Gig Harbor with a subdivision plat bond, in which assurance is given the Town that the installation of the minimum improvements will be made within one year from the date of final approval and that such improvement will be carried out as provided in Section 7.0. The amount of the subdivision plat bond shall be determined by the Town Engineer. All legal costs incurred by the Town to enforce completion of site improvements shall be borne by the subdivider ~~and/or~~ become a lien against the property.

4.4.3 By actually installing the minimum improvements in accordance with the provisions of Section 7.

4.5 Final Approval

4.5.1 After completion of all improvements or complying with the requirements set forth in 4.4.2, the subdivider shall submit the original and four copies of his final subdivision plat to the Town Clerk with a request for final approval together with the required fee as specified in 4.3.2.

4.5.2 The Town Clerk will forward the subdivision plat to the Town Engineer who will check it for completeness and accuracy and indicate his satisfaction by affixing his signature and seal thereto and forward the subdivision plat to the Planning Commission.

4.5.3 The Planning Commission shall hold a public meeting to consider final approval within 30 days of the date of request.

4.5.4 The Planning Commission and the Town Council shall grant final approval after ascertaining that all requirements of these regulations and any other requirements specified by the Planning Commission and the Town Council have been met.

4.5.5 The final subdivision plat shall then be submitted by the Town Clerk to the Town Treasurer who shall affix his signature thereto after all town assessments on the property being platted have been paid.

4.5.6 The Town Clerk shall transmit the approved plat to the following officials:

4.5.6.1 One copy to the County Assessor for the segregation of taxes and assessments.

4.5.6.2 The original to the County Treasurer for endorsement of the Treasurer's Certificate.

4.5.6.3 The original to the County Auditor for filing for record. Also the platter shall pay the filing fees stipulated by the County Auditor.

4.5.6.4 One copy to the Planning Commission.

4.5.6.5 One copy shall be retained by the Town Clerk and the same to be placed in a file available to the public.

4.5.6.6 After the final plat has been filed for record by the County Auditor it shall be known as an authorized plat, subdivision, or dedication of the land as provided in Ch. 186, Sec. 7, Laws, 1937 as hereafter amended (RCW 58.16.060).

5.0 Requirements of the Preliminary Plat

5.1 General Requirements

5.1.1 The preliminary subdivision plat shall be prepared by a licensed, professional Engineer and/or land surveyor in accordance with the requirements established herein.

5.1.2 The maps, drawings and data of the preliminary subdivision plat shall be of size 18 inches by 24 inches.

5.1.3 All maps shall show the date, scale and the direction of true north, referenced to Washington Lambert Grid, North Zone.

5.1.4 The map of the preliminary subdivision plat shall be drawn to a scale 50 feet to the inch.

5.1.5 Any of the following specified maps may be combined in any way which will clearly show the information required.

5.2 Specific Requirements

The proposed Subdivision plat, shall contain the following information.

5.2.1 Identification and Description

5.2.1.1 Proposed name of the plat.

5.2.1.2 Name and address of the developer.

5.2.1.3 Name, address and seal of registered engineer and/or land surveyor who prepared the plat drawings.

5.2.1.4 Location of the land to be platted by Section, Township and Range and legal description as shown in the records of the County Auditor of Pierce County.

5.2.1.5 No name streets shall duplicate others within city.

5.2.1.6 Land use classification as established by zoning ordinances.

5.2.2 Delineation of Existing Conditions

5.2.2.1 A vicinity map drawn to a scale of four hundred (400) feet to the inch showing the tract to be subdivided, the proposed streets and adjacent and existing connecting streets.

5.2.2.2 A map showing the relative location of all lots and tracts contiguous to the proposed subdivision plat and the names and addresses of the owners of these lots and tracts as shown by the record of the Auditor of the County.
Section Subdivision

5.2.2.3 A map showing existing monuments of record which will be used in the plat survey.

5.2.2.4 A map shall be prepared showing topography with contour intervals of five feet or less, referenced to the United States Coast and Geodetic Survey Datum.

5.2.2.5 A map showing existing easements within the tract.

5.2.2.6 A map showing the outline of all existing buildings within the tract and their relationship to proposed lot lines.

5.2.3 Delineation of Proposed Conditions

5.2.3.1 Layout and dimensions of lots with each lot identified by number or by number and block.

5.2.3.2 Indication of all land areas to be used for purposes other than residential building sites. The nature, conditions and limitations of such uses shall be indicated.

5.2.3.3 Permanent cased survey monuments shall be indicated as specified by the Town Engineer.

5.2.3.4 Layout and dimensions and profiles of proposed streets, alleys, footpaths and easements.

5.2.3.5 Storm water drainage system.

5.3 Water System

5.3.1 Application for tentative approval shall be accompanied by written evidence from the appropriate water utility that water is available and will be furnished to serve the proposed water distribution system.

5.3.2 A diagram shall be prepared showing the proposed water distribution system. Fire hydrants shall be located at 600 foot intervals as measured along streets or easements for vehicular traffic.

5.4 Sewer System

5.4.1 Application for tentative approval shall be accompanied by written evidence from the appropriate sewer utility that the proposed subdivision will be served by such sewer district - if such sewer utility exists.

5.4.2 If a public sewer main is not within 800 feet of the proposed subdivision or if connection to a public sewer is impossible, as certified by a letter from the sewer utility, a letter from the county health officer is required indicating that septic tanks or other methods of handling wastes can be installed on the proposed subdivision, without adverse effect on water supply or health of the residents of the area.

5.4.3 A diagram shall be prepared showing the proposed sewage disposal system.

6.0 General Principles of Design and Minimum Requirements for the Layout of Subdivisions

6.0.1 In the planning of a subdivision plat the subdivider shall prepare his proposed plat in conformance with the following provisions:

6.1 Provisions of the Comprehensive Plan

6.1.1 The proposed subdivision shall provide for such requirements contained in official plans or portions thereof and development plans for the Town of Gig Harbor.

6.1.2 The subdivider shall make available for public acquisition such lands in the area to be subdivided as are designated by the official map for parks, playgrounds and public buildings.

6.1.3 Land which the Planning Commission has found unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety, welfare, and general health of the future residents, and the Planning Commission considers inappropriate for subdivision, shall not be subdivided, unless adequate and feasible subdivision methods are formulated by the developer and approved by the Town Engineer and the County Health Department.

6.1.4.1 Special drainage easements shall be worded individually to suit the drainage situation on each plat.

6.1.4.2 Where appropriate, the plot shall include a drainage easement as follows: "An easement is reserved upon the following lots in _____ subdivision, granting the right for surface water to drain across, in a natural course, said lots of the subdivision."

6.1.5 Those areas of the Town, where topographical slopes are 20 percent or more, shall be subdivided in conformance with any additional requirements which the Planning Commission shall provide to any subdivider within three weeks after preliminary review by the Planning Commission.

6.2 Streets

The following requirements are applicable when the plat is provided with dedicated public streets.

6.2.1.1 Street layout shall conform to the most advantageous development of the adjoining areas, and the entire neighborhood, and shall provide for the continuity of appropriate streets and arterials.

6.2.1.2 The length of blocks shall not exceed Thirteen hundred twenty feet (1,320 feet).

6.2.2 Rights-of-Way

6.2.2.1 Dead end streets less than Six Hundred sixty (660) feet in length shall have a minimum right-of-way of fifty (50) feet.

6.2.2.2 Through streets and dead end streets over Six hundred sixty feet in length shall have a minimum right-of way of Sixty (60) feet.

6.2.2.3 All dead-end streets and private lanes shall terminate in a cul-de-sac having a minimum diameter of eighty(80) feet or other equivalent design as approved by the Planning Commission.

6.2.2.4 Where cut slopes and street fills fall outside a normal width street, extra street right-of-way to accommodate such cuts and fills, and their maintenance, shall be provided or and easement for said cut slopes or fill slopes, falling outside of said right-of-way, may be provided for on the face of the final plat.

6.2.3 Grades and Curves

6.2.3.1 Grades of streets shall not exceed eight(8) percent unless conditions of topography require a steeper grade for practical reasons, in the judgment of the Town Engineer.

6.2.3.2 All Changes in street grades shall be connected by vertical curves meeting the standards of the Town Engineer.

6.2.3.3 The lot or tract lines at street intersections shall be rounded with a minimum radius of twenty (20) feet.

6.3 Private Lanes

The following requirements and limitations are applicable when the plat, by virtue of its unique or small size or dimensions, cannot, in the judgment of the Planning Commission, reasonable provide a right-of-way as defined in Section 6.2.2

6.3.1 Land may be subdivided where access is provided between the building sites and a public street via a private lane when such lane shall serve a maximum of three building sites or less and when the following conditions are met by the subdivider:

6.3.1.1 The total number of building sites is the maximum number of building sites permitted under the zoning ordinance area requirements, or restrictions of protective deed covenants.

6.3.1.2 Perpetual and reciprocal easements between the several lots of the subdivision shall be in a form approved by the Planning Commission and recorded with the Auditor. Such easements, generally, shall be for ingress and egress of vehicular and pedestrian traffic, utilities, including those underground and for the setting of poles and the stringing of wires and by the terms of its grant, it shall cease as to any dominant tenement whenever such dominant tenement shall abut upon a public street. In particular, such easements shall perpetually grant to the Town of Gig Harbor the right of ingress and egress over and upon the same for the exercise of the police power of the town including the conduct of all municipal responsibility, the protection of life, property and the general welfare and such easements shall perpetually burden the servient tenements with the obligation of upkeep, maintenance and repair of the private lane, in accordance with minimum standards for such work prevailing in the town, so as to insure, in the future, the continuing exercise by the town, of its police power in the subdivision.

6.3.3 Private lanes shall have a minimum width of twenty (20) feet.

6.3.4 The location of all private lanes and turn-around areas shall be subject to the approval of the Planning Commission.

6.3.5 Private lanes are prohibited where adequate lot size and proportions can be obtained by the dedication of full width streets, notwithstanding the provisions of Section 6.3.1 or that the maximum number of lots or tracts possible with a dedicated street may be less than would be possible if the plat utilized a private lane in lieu of a dedicated street.

6.4 Lots

6.4.1 Minimum lot size shall be as specified in the zoning ordinance, provided further that any area designated as a private lane for use as access to more than one lot shall not be included in lot area computations.

6.4.2 Lots shall be of as simple geometric shape as possible.

6.4.3 Lots designed with long private driveways as a means to avoid the dedication of a public street, or a portion thereof, should be discouraged.

6.4.4 Excessive depth in relation to width shall be avoided. A proportion of depth to width of one and one-half to one shall be considered as desirable.

6.4.5 Every lot shall abutt on a public street by a minimum of twenty (20) feet, or shall have access to a public street by a private lane easement as provided in Section 6.3.

6.4.6 Interior lots (lots not on a corner) shall be at least eighty (80) feet wide.

6.4.7 Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.

6.4.8 Existing structures shall meet all the setback requirements of the zoning ordinance with respect to all new property lines.

7.0 Procedure for Installing Improvements and Establishing Standards Thereto

7.1 Streets and Private Lanes

7.1.1 Streets shall be constructed to full width and surfaced in accordance with the Town's standard plans and under the supervision of the Town Engineer.

7.1.2 Private lanes shall be constructed as half width streets and surfaced in accordance with the Town's standard plans and under the supervision of the Town Engineer.

7.1.3 Street drainage and lot drainage shall be installed in accordance with the Town standards and to the satisfaction of the Town Engineer.

7.2 Water System

The water distribution system, including the locations of fire hydrants, shall be designed and installed in accordance with the standards of the Town of Gig Harbor. Connection shall be provided for each lot.

7.3 Sewer System

7.3.1 The subdivision shall be provided with a complete sanitary sewer system providing a public sewer main is lying within eight hundred (800) feet of the proposed subdivision. The sanitary system shall be designed and installed in accordance with the standards of the sewer utility.

7.3.2 If a public sewer main is not located within eight hundred (800) feet of the proposed subdivision and the County Health Officer has found the soil conditions satisfactory, septic tanks or other methods of handling waste, as approved by the County Health Officer, may be installed. Septic tank drain fields may not be installed closer than one hundred (100) feet to the line of ordinary high water. Such sewage disposal systems shall be installed under the supervision of the County Health Officer and the Town Engineer. No septic tank and drain field for same shall be constructed closer than 100 feet from an existing well used for domestic purposes.

7.4 Underground Utilities

All underground utilities shall be installed complete to the property line of each lot served.

7.5 Survey Monuments

Permanent cased monuments and other markers shall be erected and located and each lot shall be staked under the supervision of the Town Engineer, as follows:

- (a) The surveyor shall show on the face of the plat a description of monuments and lot corner markers placed or found by said surveyor.
- (b) Monuments shall be placed on line of sight on all plat boundaries and at corners of plat boundaries.
- (c) Monuments shall be placed on roadway centerlines, intersections, point of curve, point of tangency, point of intersection of curve tangents, centers of cul-de-sacs, and other dimension points.

8.0 Requirements of the Final Plat

8.1 General

The final plat shall be of form and content as specified herein.

8.1.2 The final subdivision plat shall not deviate from the intent of the proposed subdivision plat upon which tentative approval was granted.

8.1.3 The final subdivision plat shall be prepared on linen cloth, or mylar plastic, 18 (18) inches by twenty-four (24) inches including borders, drawn with india ink to a scale of one inch equals 50 feet. More than one sheet may be used as required.

8.1.4 All signatures shall be in india ink. No interlineations will be permitted.

8.2 Identification and Description

The following data shall be shown on the final plat:

8.2.1 Name or subdivision.

8.2.2 Location by Section, Township and Range, and the notation "Town of Gig Harbor, Washington".

8.2.3 The name of the ~~land surveyor and/or engineer~~ *and/or Engineer and/or Land Surveyor*.

8.2.4 Scale, date and the direction of North referenced to Washington Lambert Grid, North Zone.

8.2.5 Description

The description of the property platted shall be the same as that on the title certificate per Section 8.5.

8.3 Delineation

The delineation of the map shall be complete with respect to the following:

8.3.1 Section lines accurately referenced to the lines of the subdivision.

8.3.2 True courses and distances to the nearest section corners which shall accurately establish the location of the plat.

8.3.3 The plat boundary lines with accurate distances and bearings shall be shown on the map and referenced to the Washington Lambert Grid, North Zone.

8.3.4 The name, location, width, bearings and distances of the centerline and right-of-way of all streets within and adjoining the plat.

8.3.5 The location, width, bearings and distances of all easements within the plat.

8.3.6 Radii, internal or external angles, points of curvature, tangent bearings and length of all arcs.

8.3.7 All lot numbers, and lot perimeter dimensions and bearings - including block no's, if more than one block in plat.

8.3.8 The location of all survey monuments.

8.3.9 Accurate outlines of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication and of any area to be reserved by deed covenant for common uses of certain property owners.

8.3.10 Building setbacks lines, as specified by zoning ordinances, shall be accurately shown with their principal controlling dimensions.

Red. *Cooley, Pickering, & Co., Inc.* 1917
1917-1918

8.3.11 The accuracy required for horizontal control of the plat shall be of the order of one in 4,000, with all dimensions on the face of the plat to close within plus or minus .05 feet.

8.4 Attendant Items

The final plat shall include the following forms, properly endorsed:

8.4.1 Certificate by Registered Land Surveyor (to be designated "Surveyor's Certificate"):

I hereby certify that this plat of _____ is based upon an actual survey and subdivision of Section _____, Township _____, Range _____, that the distances, courses and angles are shown hereon correctly: and that the monuments have been (or will be) set, and the lot and block corners have been (or will be) staked correctly in the ground thereof, and that I have fully complied with the provisions of the statutes of the State of Washington under the regulations of the Town of Gig Harbor governing platting.

(A two-inch diameter space shall be left blank for ~~engineer's~~ seal)

Surveys

8.4.2 Certificate by County Treasurer (to be designated "Treasurer's Certificate"):

I hereby certify that all property taxes are paid, there are no delinquent special assessments and all special assessments on any of the property herein contained dedicated as streets, alleys or for other public use are paid in full, this _____ day of _____ 19____.

County Treasurer

By: Deputy County Treasurer

8.4.3 Certificate by Town Engineer (to be designated as "Approval"):

Examined and approved this _____ day of _____ 19 _____.
[Signature]

A two-inch diameter space shall be left blank for engineer's seal.)

Engineer, Town of Gig Harbor

8.4.4

Certificate by Town Treasurer (to be designated as "Treasurer's Certificate"):

I hereby certify that there are no delinquent special assessments and all special assessments on any of the property herein contained as dedicated streets, alleys, or for other public use are paid in full, this _____ day of _____, 19 _____.

Treasurer, Town of Gig Harbor

8.4.5

Certificate by Chairman and Secretary of Town Planning Commission (to be designated as "Approval"):

I hereby certify that this plat of _____ is duly approved by the Town of Gig Harbor Planning Commission this _____ day of _____, 19_____, by Resolution No. _____.

(A two-inch diameter space shall be left blank for Town Seal)

Chairman

Attest:

Clerk, Town of Gig Harbor

Secretary

8.4.6

Recording Certificate:

Filed for record at the request of the Town of Gig Harbor this _____ day of _____, 19_____, at _____ minutes past _____ m., and recorded in Volume _____ of Plats, records of _____, County, Washington.

County Auditor

8.4.7

Dedication

Know all men by these presents that we the undersigned, owners in fee simple of the land hereby platted, declare this plat and dedicate to the use of the public forever, all streets, avenues, and easements shown hereon and the use thereof for any and all public purposes not inconsistent with the use thereof for public highway purposes, together with the right to make all necessary slopes for cuts or fills upon the lots and blocks shown thereon in the reasonable grading of the streets or avenues shown hereon.

In witness whereof we have hereunto set our hands and seals this _____ day of _____, 19 _____.

8.4.8 Acknowledgment (as applicable):

8.4.8.1 Individual

State of Washington) SS
County of)

This is to certify that on the _____ day of _____, 19_____, before me the undersigned, a Notary Public, personally appeared _____, to me known to be the individuals who executed the foregoing dedication, and who acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above written.

(A two-inch diameter space shall be left blank for Notary Public seal)

Notary Public in and for the State
of Washington, residing at

3.4.8.2 Corporate

State of Washington)) SS
County of _____)

On this _____ day of _____, 19 ___, before me personally appeared _____, to me known to be the _____ of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, and for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal the day and year first above written.

Notary Public in and for the State
of Washington, residing at

8.4.9 Restrictions

8.4.9.1

Structures except wharves or piers erected upon the land are restricted, by ordinances of the Town of Gig Harbor, to lie completely within the area enclosed by the setback lines shown on each lot of this plat and such restriction shall be considered as a restrictive covenant of this plat.

8.4.9.2 All lots are subject to restrictive covenants as filed with this plat and recorded under _____ County Auditor File No. _____.

8.5 Certificate of Title

A certificate of title to the Town of Gig Harbor from a reputable abstractor, showing the ownership and title of all interested parties in the plat, subdivision or dedication, shall accompany the final plat. The certificate shall be dated not to exceed 30 days prior to the time of submitting the plat for final approval.

8.6 Deed Covenants

A properly endorsed typewritten copy of the protective deed covenants, if applicable, shall accompany the final plat.

8.7 Sewer System Approval

A letter from the sewer utility (if appl cable), indicating complete and final approval and acceptance of the sewer installation system.

8.8 Water System Approval

A letter from the appropriate water utility indicating complete and final approval and acceptance of the water distribution system.

9.0 The Partition of Land by Metes and Bounds

Full compliance with all requirements of Section 4 of this ordinance may be waived at the discretion of the Planning Commission, when area or land is to be divided into four parts, or less, when all of the following requirements are satisfied:

9.1 The resulting lots meet all the requirements of Section 6.4 herein.

9.2 The resulting lots are smaller than twice the minimum size specified in the zoning ordinance, or prohibited from further partition by deed covenant.

9.3 Each lot shall abut a public street by a minimum of twenty (20) feet, or have access to a public street by means of a private lane easement meeting all the requirements of Section 6.3 herein.

9.4 Application for the partition of Land under the provisions of this section shall be made to the Planning Commission and shall be accompanied by the following data.

9.4.1 Letter of application.

9.4.2 A drawing to a scale of fifty (50) feet to the inch depicting the area to be divided, and showing the legal description of the property.

9.4.3 A letter from the sewer utility indicating that a sewer connection is provided for each lot, or compliance with Section 5.4.2.

9.4.4 A letter from the appropriate water utility indicating that a private water connection is provided for each lot.

9.4.5 When site improvements as required by Section 6 and Section 7 are not complete, a letter is required from each public utility indicating that their respective services are available and, in addition, the applicant shall post a bond, satisfactory to the Town, in which assurance is given the Town that the installation of the minimum improvements required under Section 6 and Section 7 will be made within one year from the date of application, and that such improvements will be carried out as provided in Section 7.

10.0 Procedure and Authority for Granting Modifications and Exceptions

Any subdivider may make application to the Planning Commission for a variation or modification of any of the regulations contained herein due to pre-existing, topographic, or other physical conditions of the proposed plat, subdivision, or dedication. The Planning Commission shall hold a public hearing to consider the request and shall submit its tentative decision, together with its findings of fact in each case, to the Council for its review of the findings of fact and tentative decision. The Council, within thirty (30) days after receiving the facts and tentative decision from the Commission, shall complete its review, shall concur, modify, or reject the tentative decision of the Planning Commission, and shall issue an order to the Commission containing the standards and requirements which shall govern the subdivision a proval.

11.0 Violations and Penalties

Whenever any person or persons, firm or firms, or one or more corporations, at various and successive times, or at any one time, shall have attempted to plat, subdivide, or divide into smaller parts, any parcel of land or property into four or more such lots, plots, tracts, or smaller parts, the area of each of which is five (5) acres or less, for purposes of providing building sites, now, or at any time hence, held in one ownership, either by contract for purchase, by deed or by both, and after the time of the adoption of this ordinance, such attempted subdivision shall be null and void and the subdivider shall be subject to a fine in any sum not to exceed five hundred dollars (\$500.00) for each of said lots, plots, tracts, or smaller parts, or imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment, in the discretion of the court: and whoever, being the owner or agent of the owner, of any land located within such plat or subdivision containing more than four such lots, plots, tracts, or smaller parts, transfers or sells, or agrees to sell,

or option any land, before such plat or subdivision has been approved by the Town, shall be subject to a fine of not more than five hundred dollars (\$500.00). The Planning Commission may initiate an action to enjoin such transfer, sale, agreement or option by making application for an injunction in the Superior Court; or the Planning Commission may recover said penalty for the Town of Gig Harbor by a civil action in any court of competent jurisdiction, if, in the opinion of the Planning Commission either of said actions is justifiable.

12.0

Enforcing Authority

The Town Planning Commission is designated and assigned the administrative and coordinating responsibilities contained herein, pursuant to the Laws of the State of Washington, Ch. 186, Laws, 1937, as hereafter amended (Ch. 58.1 RCW) for the approval or disapproval of plats, subdivisions, or dedications.

13.0

Conflict

The following ordinances are hereby repealed.

Ordinances No:

14.0

Validity

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

15.0

Effective Date

This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed by the Council this 15th day of October, 1966.

Approved by the Mayor this _____ day of _____, 19_____.

John F. Clark
MAYOR

ATTEST:

A. R. Stoth

Town Clerk

I hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of the Town of Gig Harbor, the title to which is as set forth above, and that said ordinance was posted according to law on _____.

TOWN CLERK

Affidavit of Publication

STATE OF WASHINGTON, } S.S.
COUNTY OF PIERCE.

Dorothy Platt..... being first duly sworn,
on oath deposes and says that he is the Publisher
of THE PENINSULA GATEWAY, a weekly newspaper. That said
newspaper is a legal newspaper and it is now and has been for
more than six months prior to the date of the publication hereinafter
referred to, published in the English language continually as a weekly
newspaper in Gig Harbor, Pierce County, Washington, and it is
now and during all of said time was printed in an office maintained
at the aforementioned place of publication of said newspaper.

That the annexed is a true copy of a.....

Town of Gig Harbor Ordinance.....

No. 91.....
as it was published in regular issues (and not in supplement form)
of said newspaper once each week for a period of 1.....
consecutive weeks, commencing on the 1..... day of Sept.,
19...66., and ending on the day of 19.....,
both dates inclusive, and that such newspaper was regularly distributed
to its subscribers during all of said period.

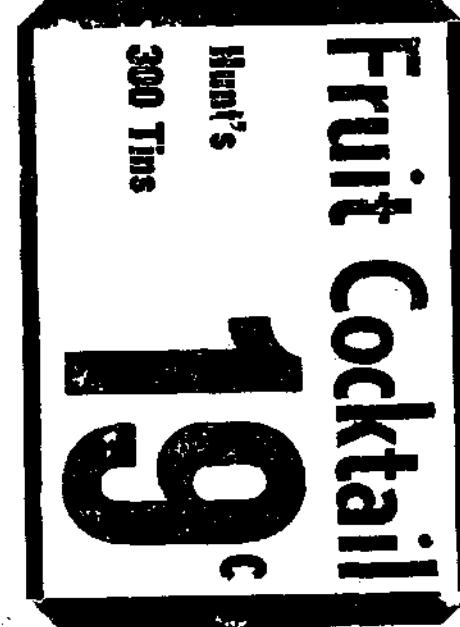
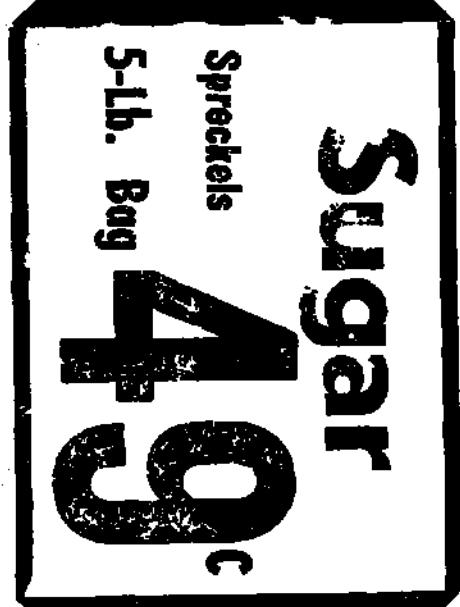
That the full amount of the fee charged for the foregoing publication
in the sum of \$ 134.40. which amount has been paid in
full, at the rate of \$2.00 a hundred words for the first insertion and
\$1.50 a hundred words for each subsequent insertion.

Harold W. Pearson

Subscribed to and sworn before me this 26th day of
September, 1966.

Eugene W. Pearson
Notary Public in and for the State of Washington.

Residing at Gig Harbor, Wash.



Cuts Lb.
Fryers
Fresh Washington Grown
(Cut-ups 41c lb.)
Whole Bodied . . . 35