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ORDINANCE NO. 515

RECORDED
BRIAN SONNITAG
AUDITOR PIERCE CO. WASH.

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AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, CREATING UTILITY LOCAL IMPROVEMENT DISTRICT NO. 2 OF THE CITY AND ESTABLISHING THE BOUNDARIES THEREOF; ORDERING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS FOR THE BENEFIT THEREOF; ADOPTING PLANS THEREFOR; AND DECLARING THE ESTIMATED COST THEREOF.

WHEREAS, on June 8, 1987, the City Council of the City of Gig Harbor, Washington (the "City") adopted Resolution No. 206, wherein the City Council declared its intention to create Utility Local Improvement District No. 2 of the City and to improve the area within the proposed boundaries of said utility local improvement district by the acquisition, construction and installation of a part of sewer system extensions and improvements as described therein; and

WHEREAS, notice of the hearing on said Resolution No. 206 was given by publication and mailing in the manner required by law; and

WHEREAS, as provided in said resolution and mailed notice of hearing, said hearing was held at 7:00 p.m. on July 13, 1987, at City Hall, 3105 Judson Street, Gig Harbor, Washington, at which time and place the City Council offered to hear all objections of persons affected by the formation of said utility local improvement district and considered all of the written objections of the formation of said utility improvement district presented

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and filed at the office of the City Clerk prior to the time and date of said hearing; and

WHEREAS, at said hearing all protests were considered and after a discussion of the same and of the proposed improvements, the City Council has now determined to order the construction and installation of the improvements described in said Resolution No. 206 and further determined that Utility Local Improvement District No. 2 be created;

NOW, THEREFORE, THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, DOES ORDAIN as follows:

Section 1. The acquisition, construction, and installation of the sewer system extensions and improvements for the area within Utility Local Improvement District No. 2, as such improvements are more particularly described in Resolution No. 206 and herein are hereby ordered. Utility Local Improvement District No. 2 of the City of Gig Harbor, Washington, shall be and is hereby created as of the date of passage of this ordinance, and the boundaries thereof are hereby fixed as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. The City Council hereby finds that the acquisition, construction and installation of the following described improvements will be of special benefit to the property within the boundaries of said Utility Local Improvement District No. 2.

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Section 3. The City shall acquire, construct, and install extensions of the City's sewer system, all as set forth in Exhibit "B" attached hereto and by this reference made a part hereof.

In carrying out such plan of improvements, the City shall construct and install all pump stations, wyes, drains, fittings, equipment and appurtenances necessary to the proper operation of the sewer system of the City, and shall acquire by purchase or condemnation, gift or grant, or lease, all property, both real and personal, or any interest therein, and all rights-of-way, franchises and easements which may be found necessary to acquire, construct and install the above-described improvements, which are all as more particularly set forth in maps and plans prepared by the City's engineers.

It is hereby further provided that the hereinbefore authorized plan of improvements shall be subject to such changes as to details of size and location, or any other details of said plan which do not affect the service to be provided by the main general plan, as shall be authorized by the City Council either prior to or during the course of actual construction.

Section 4. The detailed plans for the acquisition, construction and installation of such improvements as prepared by the City engineers are hereby approved and adopted.

The estimated cost and expense of carrying out said plan of improvements is hereby declared to be the sum of \$1,835,000, 100% of which will be borne by and assessed against the real property within the boundaries of Utility Local Improvement District No. 2

specially benefitted by said improvements. The assessments to be levied shall be paid into a revenue bond fund to be hereafter created to pay principal and interest on the revenue bonds which will be used to pay the cost, in whole or in part, of the improvements to be made.

Section 5. In computing assessments for the cost of acquiring, constructing and installing the hereinbefore described improvements, the nature thereof and the properties abutting upon, adjacent or vicinal to the same is such that the special benefits conferred upon all of such properties are not fairly reflected by the zone and termini method of computing assessments, and therefore, the assessments shall be made against such properties in accordance with the special benefits which they will derive from said improvements, without regard to the zone and termini method of computation of assessments.

READ for the first time on July 27, 1987, 1987, and finally approved on August 10, 1987, 1987, by the City Council of Gig Harbor, Washington.

CITY OF GIG HARBOR, WASHINGTON

By

Donald J. McCarty
Donald J. McCarty, Mayor

Attest:

Michael R. Wilson
Michael R. Wilson
City Administrator/Clerk

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Date filed with Clerk: July 27, 1987
Date passed by Council: August 10, 1987
Date published: August 26, 1987

CLERK'S CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Gig Harbor, Washington (the "City"), and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Ordinance No. 515 (herein called the "Ordinance") of the City, as finally passed at a meeting of the City Council held on the 16th day of August, 1987, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Gig Harbor, Washington, this 16th day of August, 1987.

Michael S. Tucker
Michael S. Tucker, City Clerk



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June 3, 1987

EXHIBIT A

LEGAL DESCRIPTION:

AN EASEMENT, IN SECTIONS 17 AND 20, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON, OF ADEQUATE WIDTH, FOR THE DESIGN, CONSTRUCTION, USE, AND MAINTENANCE OF A SANITARY SEWER PIPE, NEAR TO, OVER, UNDER, AND ACROSS THE FOLLOWING DESCRIBED LINES AND PARCELS:

including pump stations

A. THIS EASEMENT SHALL BE EAST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON, SAID POINT BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH, ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 20, TO A POINT ON THE CENTERLINE OF 56TH STREET N.W. AND THE TERMINUS OF THE DESCRIBED LINE.

B. THIS EASEMENT SHALL BE ON THE NORTH, EAST AND SOUTH SIDES OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SECTION 20 AND THE CENTERLINE OF 56TH STREET N.W.; THENCE EAST, ALONG THE CENTERLINE OF 56TH STREET N.W., APPROXIMATELY 800 FEET, TO A LOCATION FOR A SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.

C. THE NORTH 60 FEET OF PIERCE COUNTY'S TAX ASSESSOR'S ACCOUNT NO. 022117-03-048 AND THE NORTH 60 FEET OF PIERCE COUNTY'S TAX ASSESSOR'S ACCOUNT NO. 022117-3-049.

D. THIS EASEMENT SHALL BE NORTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 670 FEET, TO THE CENTERLINE OF RANDLE WAY AND THE TERMINUS OF THE DESCRIBED LINE.

E. THIS EASEMENT SHALL BE NORTH, EAST, AND WEST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17 AND THE CENTERLINE OF RANDLE WAY; THENCE NORTH, ALONG SAID CENTERLINE OF RANDLE WAY, APPROXIMATELY 1000 FEET, TO A LOCATION FOR A SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.

F. THIS EASEMENT SHALL BE ON THE NORTHERLY SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE EASTERLY, ALONG THE SOUTHERLY LINES OF SAID LOT 4 AND LOTS 5, 6 AND 7 OF SAID LARGE LOT SUBDIVISION AND THE EASTERLY PROLONGATION OF SAID SOUTHERLY LINE OF LOT 7, APPROXIMATELY 1340 FEET, TO THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS THE POINT FOSDICK - GIG HARBOR ROAD, AND THE TERMINUS OF THIS DESCRIBED LINE.

- G. THIS EASEMENT SHALL BE NORTHERLY, EASTERLY AND WESTERLY, AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE, SAID LINE TO BE LOCATED MORE PRECISELY AT A FUTURE DATE BASED UPON SOUND ENGINEERING DESIGN:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS POINT FOSDICK - GIG HARBOR ROAD, AND THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE EAST ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, APPROXIMATELY 430 FEET, TO A SANITARY SEWER MANHOLE LOCATION; THENCE NORTHEASTERLY ON A DEFLECTION ANGLE TO THE LEFT OF 38 DEGREES, APPROXIMATELY 540 FEET, TO A SANITARY SEWER MANHOLE LOCATION; THENCE NORTHEASTERLY, ON A DEFLECTION ANGLE TO THE LEFT OF 24 DEGREES, APPROXIMATELY 250 FEET, TO A SANITARY SEWER LOCATION; THENCE NORTHERLY, ON A DEFLECTION ANGLE TO THE LEFT OF 28 DEGREES, APPROXIMATELY 770 FEET, TO THE SOUTH LINE OF SAID SECTION 17; THENCE WEST, ALONG SAID SOUTH LINE OF SECTION 17, APPROXIMATELY 460 FEET, TO A SANITARY SEWER LOCATION AND THE TERMINUS OF THIS DESCRIBED LINE.

- H. THIS EASEMENT SHALL BE EASTERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 20 AND THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS POINT FOSDICK - GIG HARBOR ROAD; THENCE NORTH ALONG SAID CENTERLINE OF ROAD, THROUGH SAID SECTIONS 20 AND 17, APPROXIMATELY 4000 FEET, TO THE WESTERLY MARGIN OF SR-16; THENCE NORTHWESTERLY, ALONG SAID WESTERLY MARGIN OF SR-16, APPROXIMATELY 400 FEET, TO A POINT WHERE SAID EASEMENT SHALL CROSS SR-16 AND THE TACOMA - LAKE CUSHMAN POWER LINE EASEMENT, SAID POINT TO BE LOCATED MORE PRECISELY AT A FUTURE DATE BASED UPON SOUND ENGINEERING DESIGN; THENCE NORTHEASTERLY, ACROSS SAID SR-16 AND SAID TACOMA - LAKE CUSHMAN POWER LINE EASEMENT, APPROXIMATELY 350 FEET, TO THE CENTERLINE OF SOUNDVIEW DRIVE; THENCE NORTHERLY, ALONG SAID CENTERLINE OF SOUNDVIEW DRIVE, APPROXIMATELY 650 FEET, TO AN EXISTING GRAVITY FEED SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.

- I. THIS EASEMENT SHALL BE NORTHERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF 30TH AVENUE N.W., ALSO KNOWN AS THE POINT FOSDICK - GIG HARBOR ROAD, AND OLYMPIC DRIVE N.W.; THENCE WESTERLY, ALONG THE CENTERLINE OF SAID OLYMPIC DRIVE N.W., APPROXIMATELY 500 FEET, TO A SANITARY SEWER LOCATION AND THE TERMINUS OF THIS DESCRIBED LINE.

June 3, 1987

EXHIBIT B

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 17 AND THE NORTH HALF OF SECTION 20, ALL OF TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE LINE BETWEEN SAID SECTIONS 17 AND 20, SAID POINT BEING EAST OF THEIR COMMON ONE QUARTER CORNER AND ON THE EASTERLY MARGIN ON SR-16; THENCE NORTHERLY, ALONG SAID EASTERLY MARGIN, TO AN INTERSECTION WITH SAID EASTERLY MARGIN AND THE GIG HARBOR CITY LIMITS, AS SAID LIMITS EXIST ON JUNE 1, 1987; THENCE CONTINUING NORTHERLY ALONG SAID EASTERLY MARGIN AND SAID CITY LIMITS, TO THE EASTERLY PROLONGATION OF THE NORTH LINE OF A SHORT PLAT, AS RECORDED UNDER AUDITORS FILE NO. 8310210291, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE WEST, ALONG SAID EASTERLY PROLONGATION AND SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID SHORT PLAT, SAID POINT BEING THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH, ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, APPROXIMATELY 660 FEET, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, SAID NORTHWEST CORNER BEING A POINT ON THE CENTERLINE OF 56TH STREET N.W.; THENCE SOUTH, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 1320 FEET, TO THE NORTHWEST CORNER OF LARGE LOT SUBDIVISION NO. 2042, AS RECORDED UNDER AUDITORS FILE NO. 8407300292, RECORDS OF PIERCE COUNTY, WASHINGTON AND THE NORTHEAST CORNER OF PIERCE COUNTY SHORT PLAT NO. 75-3; THENCE WEST, ALONG THE NORTH LINE OF SAID SHORT PLAT NO. 75-3, AND THE NORTH LINE OF A PARCEL WITH PIERCE COUNTY TAX ASSESSORS ACCOUNT NO. 022117-3-050 TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH, ALONG THE WEST LINE OF SAID PARCEL, APPROXIMATELY 480 FEET, TO A POINT ON THE NORTH LINE OF A PARCEL WITH PIERCE COUNTY TAX ASSESSORS ACCOUNT NO. 022117-3-049; THENCE WEST, ALONG THE NORTH LINE OF SAID PARCEL, APPROXIMATELY 150 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH, ALONG THE WEST LINE OF SAID PARCEL, APPROXIMATELY 400 FEET, TO THE SOUTH LINE OF SAID PARCEL, SAID LINE ALSO BEING THE SOUTH LINE OF THE NORTH 13 ACRES OF THE SOUTH 26 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EAST, ALONG SAID SOUTH LINE, APPROXIMATELY 684 FEET, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 17; THENCE SOUTH, ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 400 FEET, TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE SOUTH, ALONG THE WEST LINE OF SAID LOT 4, APPROXIMATELY 704 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTHEASTERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 4, APPROXIMATELY 335 FEET, TO THE SOUTHWEST CORNER OF LOT

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LEGAL DESCRIPTION (CONT.):

5, SAID LARGE LOT SUBDIVISION; THENCE SOUTHEASTERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 5 AND LOT 6, SAID LARGE LOT SUBDIVISION, APPROXIMATELY 394 FEET, TO AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID LOT 6; THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF LOT 1, SAID LARGE LOT SUBDIVISION, APPROXIMATELY 525 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE EASTERLY, ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 20, APPROXIMATELY 2930 FEET, TO THE EASTERLY MARGIN OF SAID SR-16; THENCE NORTHERLY, ALONG SAID EASTERLY MARGIN OF SR-16, APPROXIMATELY 1600 FEET, TO A POINT ON THE LINE BETWEEN SAID SECTIONS 17 AND 20 AND THE POINT OF BEGINNING.