

## 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  
Gretchen A. Wilbert, Mayor

ATTEST:

Molly M. Towslee  
Molly Towslee, City Clerk  
City Clerk

APPROVED AS TO FORM:

Carol A. Morris  
Carol A. Morris, City Attorney

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



## Exhibit A

## NORTH CREEK ESTATES

SHEET 1 OF 2

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

1226.24 (ALD.)  
1573.33 (ALD.)  
NW COR  
200' 7'  
FD STONE  
MON.  
(12/28/16) !

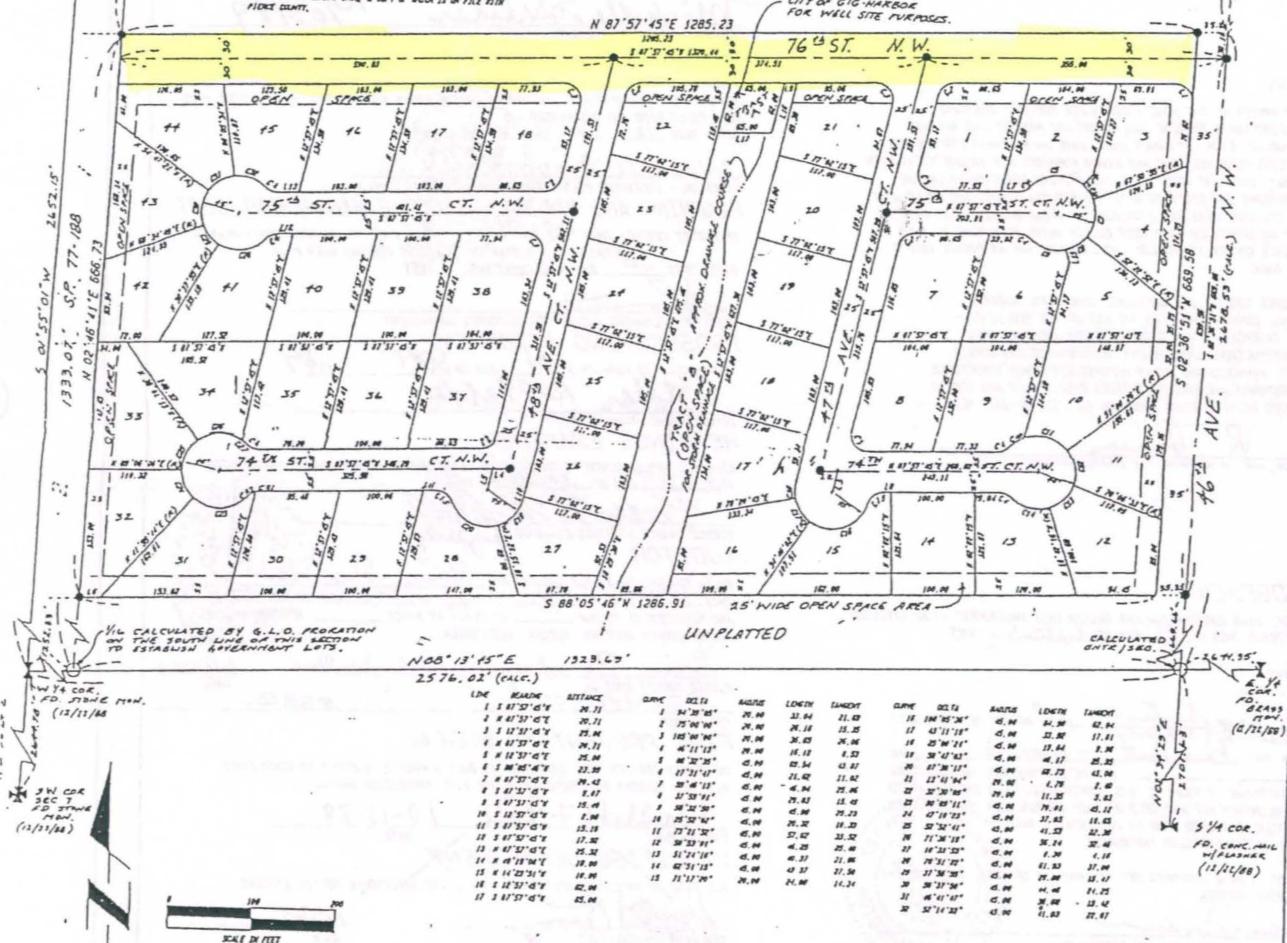
<sup>20</sup>  
NOTES

8. THE EXISTING BUILDING SOURCE ADDRESSING THIS PROJECT SHALL BE RETAINED AND NOT ADDED TO THIS STORMWATER ALLOWABLE DISCHARGE RATE OR FUTURE SUBSTITUTIONS UNTIL A CONSENT STATE IS ISSUED BY A LICENSED PROFESSIONAL ENGINEER, APPROVED BY THE COUNTY AND CONSTRUCTED.
9. STORMWATER ALLOWABLE FROM ROOF DRAINS AND GUTTERS SHALL BE DIRECTED TO THE PROJECT'S STORM DRAINAGE SYSTEM. FINAL CONSENT PERMITS WILL NOT BE ISSUED UNTIL THIS REQUIREMENT IS MET.

1. THE OPEN SPACE AREAS SHOWN ON THE FACE OF THIS PLAT SHALL BE DEVELOPED IN ACCORDANCE WITH THE PERFORMANCE STANDARDS FOR OPEN SPACE PROVIDED IN THE DEVELOPMENT REGULATIONS FOR THE SITE. MAJOR PERIODICALLY, THE OWNER SHALL MAINTAIN, PRESERVE OR CONSTRUCT ONE OF THE AREAS AS A PARK, PLAZA, FIELD OR PLAYGROUND. IF ANY ONE OF THE ALLODED AREAS IS DESTROYED, THE OWNER SHALL REPAIR OR REPLACE THE PLACED AREA OF UNDERRADING UTILITY LINES AND PLANT DEDICATED LANDSCAPING.

N.Y.C. CORNER  
1/10/2023  
1/10/2026

TRACT "A" TO BE  
QUIT CLAIMED TO THE  
CITY OF GIG-HARBOR  
FOR WELL SITE PURPOSES



NORTH

SCALE 1"- 100'  
LEGEND

- DENOTES PIERCE COUNTY STANDARD MONUMENT, SET.
- DENOTES MONUMENT FOUND AS NOTED.

BEARING DATA: NORTH LINE OF NW 1/4 SEC. 7 (ASSUMED SURVEY INSTRUMENT: 1" TOTAL STATION FORWARDING USED: FIELD TRAVERSE LIMBER CHAINAGE AND LINE NUMBER (INSTRUMENT): 112000

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF NORTH GREEK 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 BONDED WITH THE COUNTY AND WILL BE SET PRIOR TO THE RELEASE OF THE BOOK; THAT I CONFORMED WITH ALL STATE AND COUNTY REGULATIONS GOVERNING PLANNING AND THAT IT CONFORMS TO THE APPROVED PRELIMINARY PLAT AND THE CONDITIONS THEREOF.

**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

U. S. WEST COMMUNICATIONS

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, REMEX, OPER-  
ATE 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 UNDER-  
GROUND SERVICE EXCLUSIVELY.

#8910180357



PAC - TECH  
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