

RESOLUTION NO. 638

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

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 76th 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,

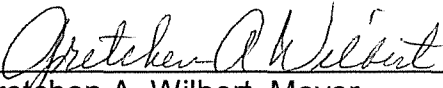
THE GIG HARBOR CITY COUNCIL RESOLVES AS FOLLOWS:

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 76th 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:



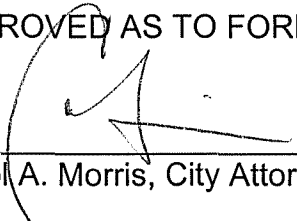
Gretchen A. Wilbert, Mayor

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

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



SCALE 1" = 100'
LEGEND

DENOTES PIE

* DENOTES PIERCE COUNTY STANDARD MONUMENT, SET.
 DENOTES MONUMENT FOUND AS NOTED.
 BEARING DATE OF NORTH LINE OF NW 1/4 SEC. 7 (ASSUMED)
 SURVEY INSTRUMENT: 1" TOTAL STATION
 RECORDING WELD: FIELD TRAVERSE
 WINDING COUNDED NORTH WINDING W/STATION: 115200

HEREBY CERTIFY THAT THIS PLAT OF NORTH CREEK ESTATES IS BASED ON MY 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.

My F. Garland
F. GARLAND L.S. 118902

7/31/89
DATE



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

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, AND ALL PERMANENT UTILITY SERVICES SHALL BE PROVIDED BY UNDERGROUND SERVICE EXCLUSIVELY.

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