

**CITY OF GIG HARBOR
RESOLUTION NO. 634**

A RESOLUTION OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION AND ZONING, PROVIDING THE CITY COUNCIL'S ACCEPTANCE OF THE ANNEXATION PETITION FOR 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 96TH STREET NW, LOCATED IN PIERCE COUNTY (ANX 03-03), DECLARING THE CITY COUNCIL'S INTENT TO ADOPT PROPOSED ZONING REGULATIONS FOR THE ANNEXATION AREA AND REFERRING THE PETITION FOR ANNEXATION TO THE BOUNDARY REVIEW BOARD.

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 96th 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 in Exhibit A and graphically depicted on Exhibit B, 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 in Exhibit A and graphically depicted on Exhibit B 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 as described in Exhibit A and graphically depicted on Exhibit B; and

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

WHEREAS, the property described in Exhibit A and graphically depicted on Exhibit B 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 in Exhibit A and graphically depicted on Exhibit B is consistent with the City of Gig Harbor Comprehensive Land Use Plan designations of Mixed Use, Preservation Area, and Residential Low; and

WHEREAS, the Gig Harbor Council has provided its intent to annex 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 96th Street NW, located in Pierce County, 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; 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 in Exhibit A and graphically depicted on Exhibit B, subject to Boundary Review Board approval; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
HEREBY RESOLVES AS FOLLOWS:

Section 1. The Gig Harbor City Council hereby declares its intent to authorize and approve the annexation of 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 96th Street NW, located in Pierce County, as described in Exhibit A and graphically depicted on Exhibit B, attached hereto, as part of the City of Gig Harbor, contingent upon compliance with the following conditions:

- A. Pursuant to the terms of the annexation petition, the 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 96th Street NW, located in Pierce County, as described in Exhibit A and graphically depicted on Exhibit B, shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation; and
- B. All property within the area described in Exhibit A and graphically depicted on Exhibit B shall be zoned as Medium-Density Residential (R-2) with the Mixed Use District Overlay (MUD) being

applied to those properties lying east of Donkey Creek, in accordance with the Gig Harbor Municipal Code, Title 17.

Section 2. The Gig Harbor City Clerk hereby declares the property described in Exhibit A and graphically depicted on Exhibit B, which is the subject of the annexation petition, to be contiguous with the boundaries of the City of Gig Harbor.

Section 3. The City Council hereby authorizes the Mayor to submit all necessary documentation to the Pierce County Boundary Review Board in order to gain approval for the annexation provided in this Resolution. The City Council shall not take any further action on the annexation proposal until such time as the Pierce County Boundary Review Board has completed its review of the Notice of Intent to Annex.

RESOLVED by the City Council this 22nd day of November 2004.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY:_____

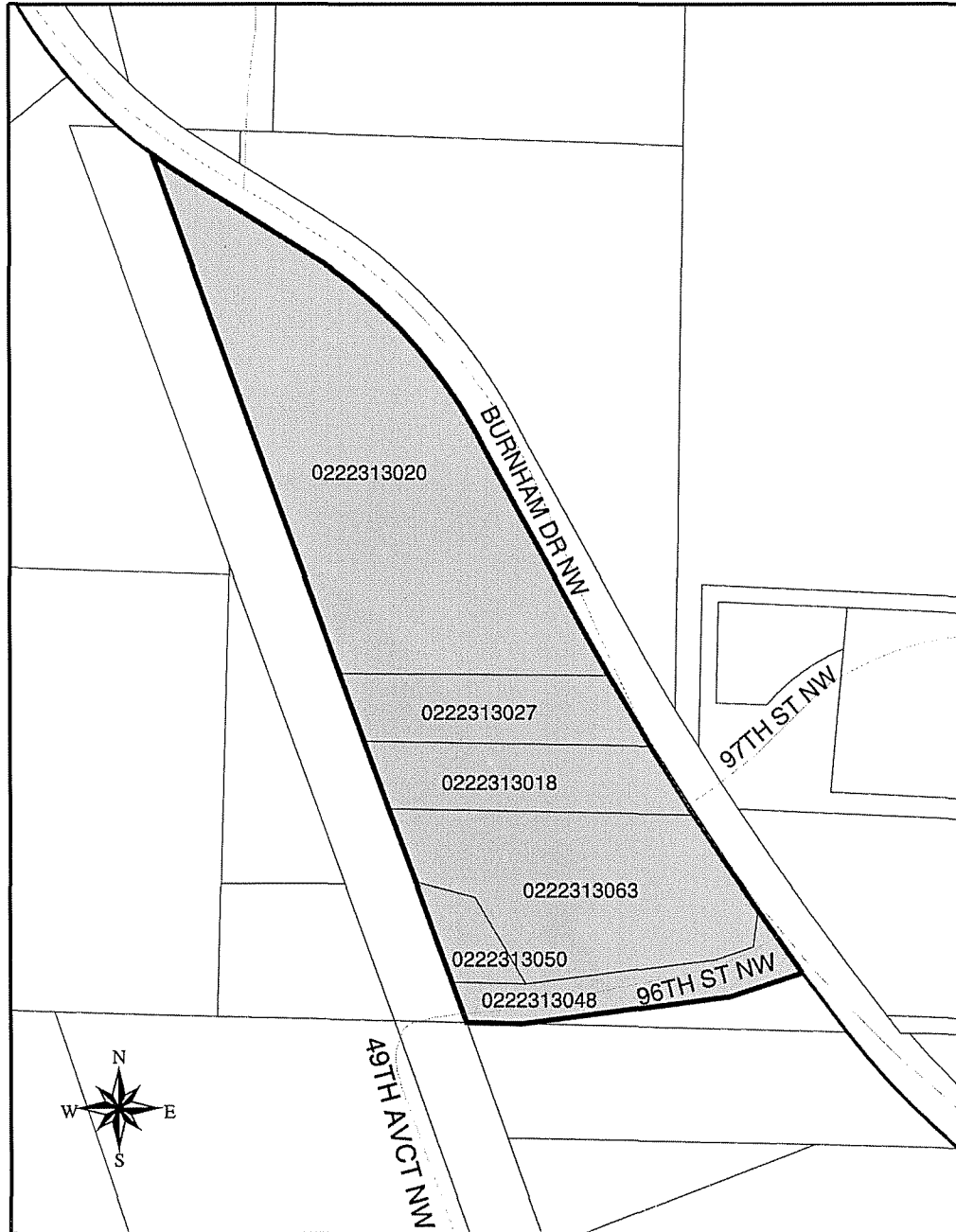
FILED WITH THE CITY CLERK: 11/17/04
PASSED BY THE CITY COUNCIL: 11/22/04
RESOLUTION NO. 634

Exhibit A
NORTH DONKEY CREEK ANNEXATION (ANX 03-03)
LEGAL DESCRIPTION

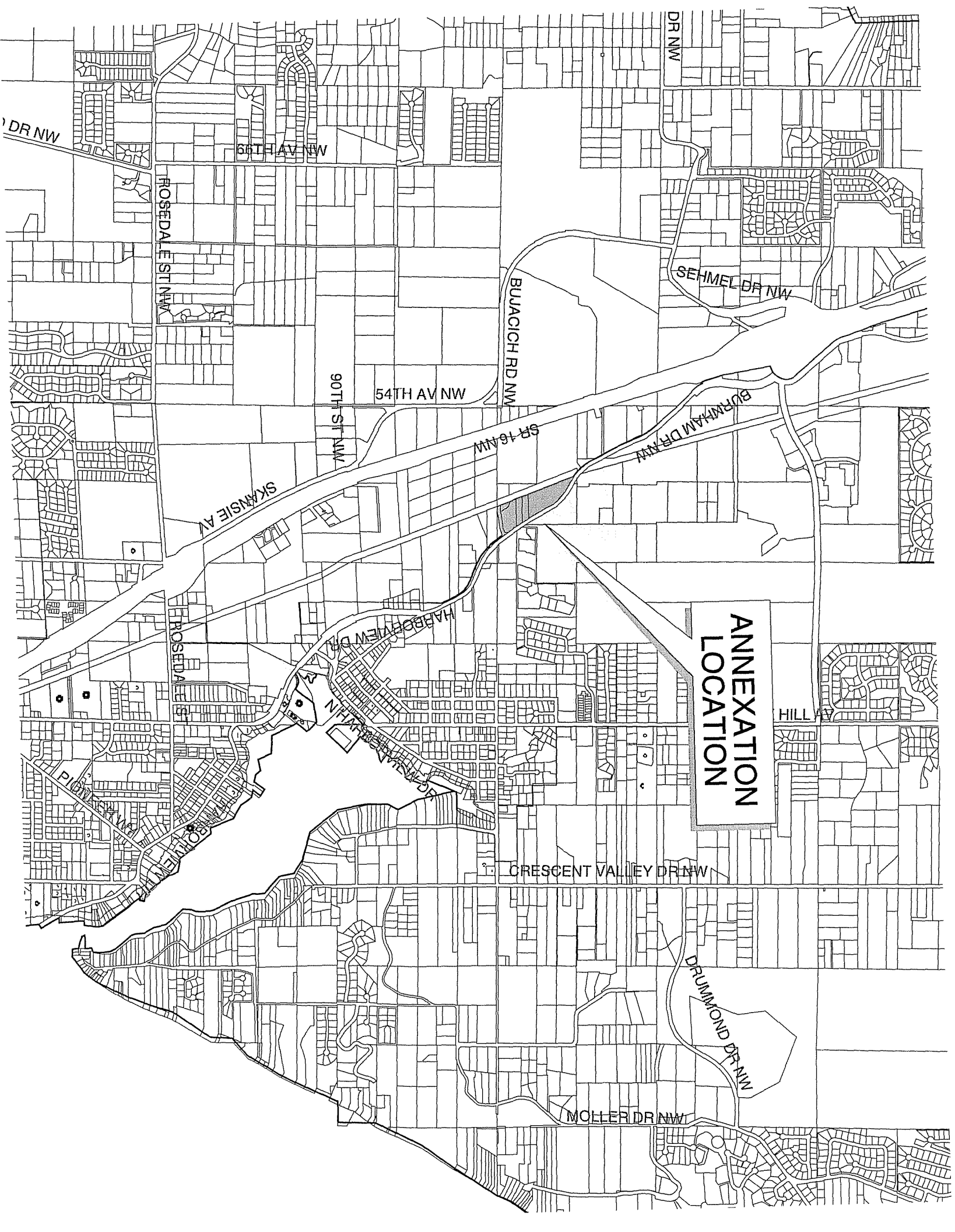
LEGAL DESCRIPTION – NORTH DONKEY CREEK ANNEXATION AREA

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)
ANNEXATION AREA MAP**



**North Donkey Creek Annexation
ANX 03-03**



ANNEXATION
LOCATION