

RESOLUTION NO. 1349

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING RESOLUTION 1313, TERMINATING THE ASSOCIATED UTILITY EXTENSION AGREEMENT, AND ADOPTING A NEW RESOLUTION RELATING TO EXTENDING SEWER SERVICE OUTSIDE THE CITY, AUTHORIZING THE EXECUTION OF A NEW SEWER UTILITY EXTENSION AGREEMENT WITH RUSH DEVELOPMENT, TO A HUNDRED AND TWENTY (120) UNIT MULTI-FAMILY APARTMENT DEVELOPMENT IN PIERCE COUNTY, WASHINGTON.

WHEREAS, this resolution repeals City of Gig Harbor resolution 1313 approved on May 28th, 2024 and recorded with Pierce County on August 28th, 2024 and terminates the associated utility extension agreement; and

WHEREAS, Rush Development is in the process of permitting through Pierce County a development consisting of five (5) multifamily residential apartment buildings and an amenity clubhouse subdivision outside city limits but inside the city's urban growth area and have requested one hundred and twenty-one (121) Equivalent Residential Units (ERU's); and

WHEREAS, Rush Development has requested connection to the City of Gig Harbor's sewer utility to serve their subdivision known as Trailside Apartments and located at 5726 & 5730 Baker Way, parcel 3001200020 and parcel 3001200030; and

WHEREAS, RCW 35.67.310 authorize the city to provide sewer utility services to property beyond the city limits; and

WHEREAS, Chapter 13.34 of the Gig Harbor Municipal Code (GHMC) requires the property owner seeking a utility extension to enter into a utility extension agreement with the city as a condition of a utility extension; and

WHEREAS, the city has identified a segment of the sewer conveyance system within Burnham Drive that may have a possible deficiency with the capacity, which the city is currently verifying the capacity at this segment and should have a determination of capacity in this segment of sewer conveyance within the next 12 months; and

WHEREAS, the city currently has capacity at the treatment plant to provide the requested utility connections; and

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

Section 1. The city council hereby repeals Resolution 1313 and terminates the associated utility extension agreement.

Section 2. The city council hereby authorizes the mayor to execute the Utility Extension Agreement attached hereto as Exhibit A, with the owner, Rush Development.

Section 3. The city council finds that the requirements Chapter 13.34.040(B) GHMC have been met.

Section 4. Based on a city-identified segment of the sewer conveyance system within Burnham Drive that may have a possible deficiency with the capacity, the city is verifying the capacity at this segment. Upon completion of the city's verification of capacity in the segment of gravity sewer main located between sewer manholes 3-12E and 3-16E in Burnham Drive, if the city determines that the capacity of the segment is exceeded with the addition of sewer flows from the Trailside Apartments project, the Trailside Apartments project will be required to pay a pro-rata share of the city's capital improvement project that would provide additional sewer conveyance capacity in the segment. The pro-rata share would be calculated by the city as a percentage of the total estimated sewer flows from Trailside Apartments project relative to the additional capacity gained in the segment of sewer conveyance. The pro-rata share payment would be the above percentage multiplied by the total estimated city capital improvement project cost (or actual construction contract amount, if available.) The pro-rata share payment shall be paid by Trailside Apartments to the city prior to certificate of occupancy for the first building at the Trailside Apartments project site. If the city determines the capacity in the segment of gravity sewer main will not be exceeded with the additional flows from the Trailside Apartments project, then the Trailside Apartments project will not be required to pay a pro-rata share

Section 5. The city council hereby directs the city clerk to record the Utility Extension Agreement against the Property legally described in Exhibit A of the Utility Extension Agreement, at the cost of the applicant.

PASSED by the City Council this 12th day of January 2026.

APPROVED:


MAYOR MARY BARBER

ATTEST/AUTHENTICATED:


CITY CLERK, JOSH STECKER

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL: _____

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