

MEMORANDUM
For Meeting of December 9th, 2008

TO: City Council
FROM: Chris Larson, Code Enforcement Officer; Carl Durham, Acting Community Development Director
THRU: Steve Worthington, City Manager
SUBJECT: Ordinance # 1681 annexing the area known as the Benthien Loop

REPORT IN BRIEF: This report is to introduce second read of ordinance No. 1681, annexing the area known as Benthien Loop.

BACKGROUND: On November 25th, the City Council held a public hearing and gave first read to ordinance No. 1681, annexing the area known as Benthien Loop. During the public hearing there were 13 citizens who offered their opinion on the annexation. Of these 13 citizens; 8 were in favor of annexation, 3 were against, and 2 did not indicate their preference. There are 51 property owners in the Benthien Loop, representing 77 parcels. 41 property owners signed the petition, representing 65 parcels. Per RCW 35A.14.120 the petition is required to be signed by at least 60% of the assessed valuations. The petition for the annexation of the Benthien Loop was signed by approximately 75% of the assessed valuation.

DISCUSSION: Passage of ordinance No. 1681 is the last step in officially approving the annexation. The effective date of annexation, according to RCW 35A.14.150, is the date in which ordinance 1681 is passed. Ordinance 1681 is attached as attachment A for your reference.

STAFF RECOMMENDATION: Staff recommends that the City Council approve ordinance No. 1681.

ALTERNATIVE COURSES OF ACTION:

1. Give second read to, and approve ordinance No. 1681
2. Amend ordinance No. 1681 and give second read
3. Do not approve ordinance No. 1681

FISCAL IMPACT: Fiscal impacts are related to the cost of infrastructure improvements to the annexation area. These have been reported to Council in previous presentation, and the price is approximately \$8.5 million.

RECOMMENDATION: I move that the Council approve ordinance #1681.



Carl Durham
 Acting Community Development
 Director



Approved for Agenda:
 Steve Worthington, City Manager

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1681

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY KNOWN AS BENTHIEN LOOP TO THE CITY, REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY, ESTABLISHING ITS ZONING, AND FIXING THE EFFECTIVE DATE OF THE ANNEXATION.

WHEREAS, THE City Council was notified in writing by the owners of not less than ten percent in value of the real property legally described in Exhibit "A" attached hereto, of the owners' intention to commence annexation proceedings; and

WHEREAS, a meeting was held on the 22nd day of July, 2008, between the initiating parties of this annexation and the Council of the City of Fife, at which time the Council accepted the notice of intention to commence annexation proceedings and authorized the circulation of an annexation petition for annexation of the real property legally described in Exhibit "A" attached hereto. At the meeting the Council also determined that it would require the simultaneous adoption of the zoning designations set forth in Ordinance No. 1672, and that the City would require the assumption of indebtedness of the City by the area to be annexed upon annexation; and

WHEREAS, the petition was circulated, filed with Pierce County, and certified by the County Assessor as containing the signature of owners as set forth in RCW 35A.01.040(9), of not less than 60% in value, according to the assessed valuation for general taxation, of the property to be annexed; and

WHEREAS, the City properly filed a Notice of Intention and related documents with the Pierce County Boundary Review Board on September 29th, 2008 and the proposed annexation was deemed approved by the BRB on November 12th, 2008 pursuant to RCW 36.93.100; and

WHEREAS, pursuant to RCW 35A.14.330 and 35A.14.340, preannexation zoning for the annexation area was adopted on May 13th, 2008 by Ordinance No. 1672, effective upon annexation; and

WHEREAS, pursuant to RCW 35A.14.130, a public hearing was held on November 25, 2008, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation in the City and the proposed annexation area, and through posting of a hearing notice in three public places within the territory proposed for annexation, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The unincorporated real property located in Pierce County, Washington, contiguous to the City of Fife and legally described in Exhibit "A" attached hereto and incorporated herein by this reference, is hereby annexed to and made part of the City of Fife, Pierce County, Washington.

Section 2. All property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Fife, including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted for, incurred prior to, or existing on, the date of annexation.

Section 3. All property within the territory annexed is hereby zoned Neighborhood Commercial (NC), in accordance with Ordinance No. 1672.

Section 4. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Pierce County Council. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35A.14.700.

Section 5. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 6. Effective Date of Annexation. This Ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing it in its entirety.

Introduced the ____ day of _____ 2008.

Passed by the City Council on the ____ day of _____ 2008.

Steve Worthington, City Manager

ATTEST:

Steve Marcotte, City Clerk/Treasurer

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: _____
Effective Date: _____, 2008

EXHIBIT 'A'
CITY OF FIFE
BENTHIEN LOOP ANNEXATION

THOSE PORTIONS OF GOVERNMENT LOT 3 AND GOVERNMENT LOT 4 IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE W.M., PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

GOVERNMENT LOT 4 IN SAID SECTION 6; TOGETHER WITH:

THE WEST HALF OF THE SOUTHWEST QUARTER OF GOVERNMENT LOT 3 IN SAID SECTION 6; TOGETHER WITH:

THE WEST 100.00 FEET OF THE SOUTH 368.50 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF GOVERNMENT LOT 3 IN SAID SECTION 6;
TOGETHER WITH:

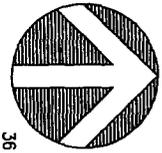
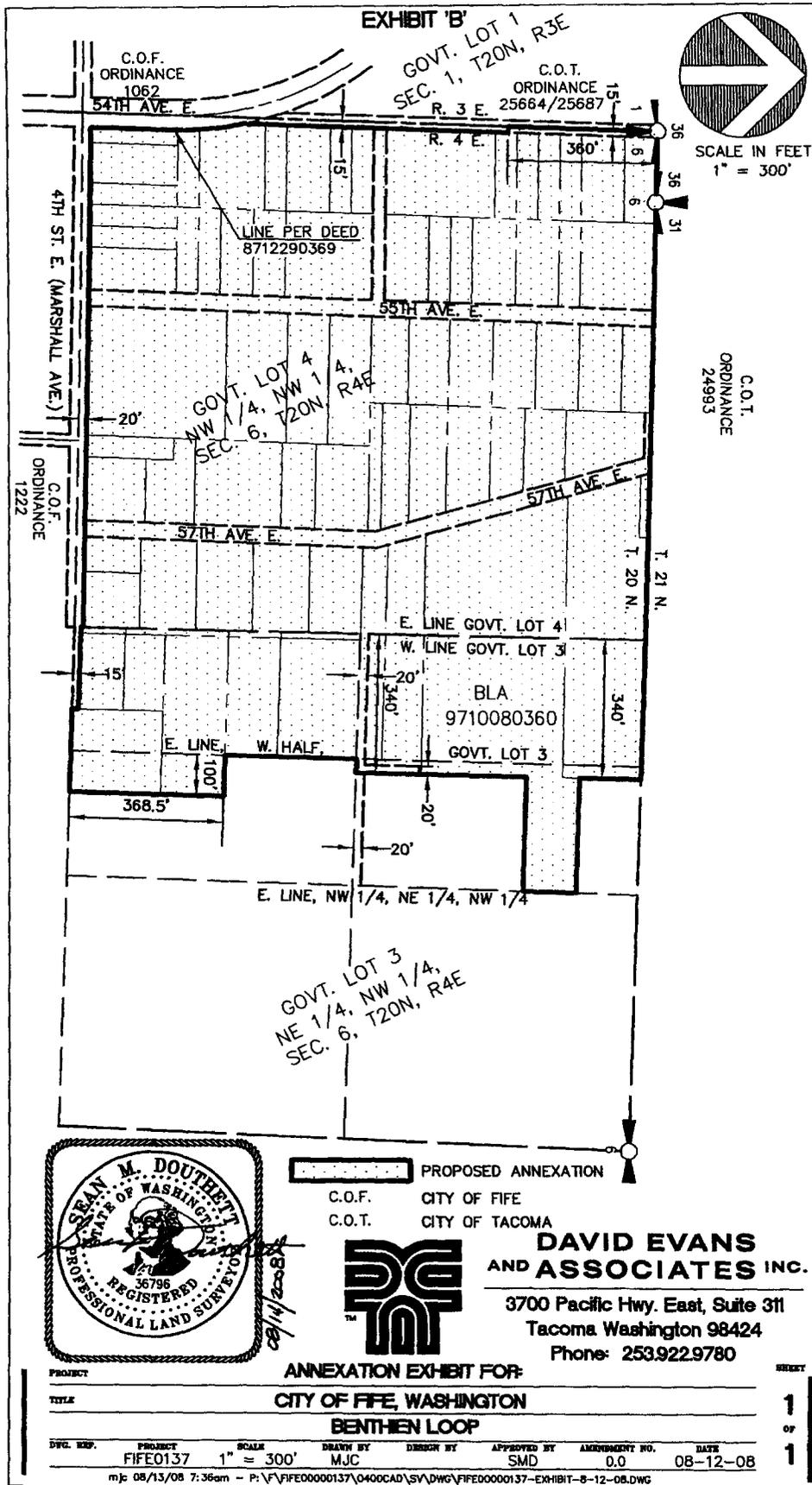
THE WEST 340.00 FEET OF THE NORTHWEST QUARTER GOVERNMENT LOT 3 IN SAID SECTION 6; TOGETHER WITH:

ALL THAT PORTION OF PARCEL 'A' OF BOUNDARY LINE ADJUSTMENT FILED UNDER RECORDING NUMBER 9710080360 RECORDS OF PIERCE COUNTY AUDITOR, LYING EAST OF THE EAST LINE OF SAID WEST 340.00 FEET; EXCEPT THE FOLLOWING:

THOSE PARCELS ANNEXED BY THE CITIES OF FIFE AND TACOMA UNDER THE FOLLOWING ORDINANCES;
CITY OF FIFE NUMBER 1062, DATED MARCH 21, 1991, CITY OF TACOMA NUMBER 24993, DATED OCTOBER 08, 1991, CITY OF TACOMA NUMBER 25664, DATED FEBRUARY 07, 1995 AND AMENDED BY ORDINANCE 25687, DATED APRIL 25, 1995, CITY OF FIFE NUMBER 1222, DATED FEBRUARY 15, 1996.

CONTAINING 2,175,242 SQUARE FEET OR 49.94 ACRES, MORE OR LESS.





SCALE IN FEET
1" = 300'

C.O.T.
ORDINANCE
24993

C.O.F.
ORDINANCE
1222



PROPOSED ANNEXATION
C.O.F. CITY OF FIFE
C.O.T. CITY OF TACOMA



DAVID EVANS AND ASSOCIATES INC.
3700 Pacific Hwy. East, Suite 311
Tacoma Washington 98424
Phone: 253.922.9780

PROJECT: ANNEXATION EXHIBIT FOR: _____

TITLE: CITY OF FIFE, WASHINGTON
BENTHIEN LOOP

DWG. NO.	PROJECT	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	AMENDMENT NO.	DATE
FIFE0137		1" = 300'	MJC		SMD	0.0	08-12-08

mjc 08/13/08 7:36am - P:\FIFE0000137\0400CAD\SV\DWG\FIFE0000137-EXHIBIT-8-12-08.DWG

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