

RESOLUTION NO. 1796

A RESOLUTION of the Puyallup City Council approving a written request received from P. Michel Pasquier, Jr. to authorize circulation of petitions seeking annexation of a portion of unincorporated Pierce County into the City of Puyallup.

WHEREAS, since March of 2002, annexation efforts for properties surrounding the City of Puyallup have been delayed, largely due to legal uncertainties caused by the Washington Supreme Court decision issued in Grant County Fire Protection District No. 5 v. City of Moses Lake, 145 Wn.2d 702 (2002), and

WHEREAS, to provide a new method of direct petition annexation that enables property owners and registered voters to participate in an annexation process without the constitutional defect identified in the Grant County decision, the Washington Legislature enacted Substitute Senate Bill 5409 during the 2003 Regular Session, which bill contained an emergency clause allowing it to take effect immediately upon its signature by the Governor, which occurred on May 16, 2003, and

WHEREAS, Section 10 of SSB 5409 adds a new section to Chapter 35A.14 RCW that is applicable to noncharter code cities such as the City of Puyallup, which section allows proceedings for an annexation process to begin upon the filing of a written notification of intent to commence an annexation process from any initiating party or parties who are the owners of not less than ten percent of the acreage of the area for which annexation is sought, and

WHEREAS, within sixty days of receiving a written notification of intent to commence annexation proceedings from the property owner or owners holding acreage sufficient to make such request, the City Council is obligated to consider the matter at a public meeting, at which time the City Council may accept, reject, or geographically modify the proposed annexation; determine if the City will require the simultaneous adoption of proposed zoning regulations; and determine whether the City will require the assumption of all or any portion of existing City indebtedness by the area to be annexed, and

WHEREAS, SSB 5409 provides that approval by the City Council is a condition precedent to circulation of formal annexation petitions and that there shall be no appeal from the decision of the City Council, and

WHEREAS, on or about May 20, 2003, the City received a written "Notice of Intent to Petition for Annexation" which was addressed to the City Council of the City of Puyallup and signed by P. Michel Pasquier, Jr., purporting to be the owner of not less than ten percent of a proposed annexation area that is generally located south of East Pioneer Way and north of the Crystal Ridge subdivision, and

WHEREAS, the proposed annexation area contains approximately 116 acres, and

WHEREAS, Pierce County tax records available through the Assessor's Office reflect that Mr. Pasquier owns several parcels in the proposed annexation area, which total at least 37.9 acres, representing 32.7 percent of the acreage in the annexation area, and

WHEREAS, having received Mr. Pasquier's written notification of intent to annex that satisfies the ten percent acreage threshold set forth in SSB 5409, the City Council scheduled the matter for consideration at its regular meeting on June 2, 2003, and

WHEREAS, owners and developers having an interest in the annexation area have approached City officials seeking approval to extend City utilities to the properties and are willing to design their project consistent with existing City development standards in return for utility service, and

WHEREAS, time is of the essence for the owners and developers of the annexation area, and

WHEREAS, given the cooperative tone established by the owners and developers with interests in the annexation area, Administration does not see a need to require simultaneous adoption of proposed zoning regulations as a condition of the annexation, and

WHEREAS, the City's new library and other municipal projects are funded through bonded indebtedness and the current and future owners and residents of the annexation area are likely to enjoy the benefits of such projects for years to come, and

WHEREAS, consistent with previous council action on annexation matters, Administration recommends that the properties in the proposed annexation area be assessed and taxed at the same rate and on the same basis as other property within the City of Puyallup including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted, incurred prior to, or existing at the date of annexation, and

WHEREAS, SSB 5409 provides that if the City Council requires the assumption of all or any portion of indebtedness by properties in the proposed annexation area, the petition for annexation shall be so drawn as to clearly indicate this fact, NOW THEREFORE. . .

THE CITY COUNCIL OF THE CITY OF PUYALLUP, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Circulation of Annexation Petitions Approved. Under authority of Chapter 35A.14 RCW as amended by SSB 5409, the City Council of the City of Puyallup hereby approves the written request from P. Michel Pasquier, Jr. to circulate annexation petitions for an area of unincorporated Pierce County that is generally located south of East Pioneer Way and north of the Crystal Ridge subdivision, and is more specifically described in Exhibit "A" and depicted on Exhibit "B," copies of which are attached hereto and incorporated by this reference.

Section 2. Petitions to Require Assumption of Existing City Indebtedness. It is the intent of the Puyallup City Council that, upon annexation, all property within the proposed annexation area shall be assessed and taxed at the same rate and on the same basis as other property within the City of Puyallup including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted, incurred prior to, or existing on the date of annexation. Accordingly, and consistent with Sec. 10(1)(c) of SSB 5409, any annexation petitions circulated under approval granted by this resolution shall be written to clearly indicate this fact.

Section 3. Notice of Intent to Annex. The City Council hereby declares its intent to annex the real property described on Exhibit "A" and depicted on Exhibit "B" following receipt of petitions in a form as approved in this resolution which reflect the signatures of the owners of a majority of the acreage in the area for which annexation is petitioned and a majority of the registered voters residing in the area for which annexation is petitioned, if any. Administration is directed to promptly prepare and file materials necessary for a Notice of Intent to Annex with the Pierce County Boundary Review Board for approval pursuant to the provisions of RCW 36.93. Following Board action and receipt of petitions satisfying the requirements of SSB 5409, Administration is directed to return this matter to the City Council for a public hearing and further action consistent with the provisions of RCW 35A.14, as amended by SSB 5409.

Section 4. Findings of Fact. Each and every of the recitals contained in the preamble to this resolution are hereby adopted as findings of fact and incorporated herein by reference supporting the action taken in this resolution.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

Section 7. Effective Date. This resolution shall take effect and be in force immediately upon its passage.

ADOPTED by the City Council of the City of Puyallup, Washington, this 2nd day of JUNE, 2003 and signed in authentication thereof this _____ day of _____, 2003.

Kathy R. Turner, Mayor

ATTEST:

Barbara J. Price, City Clerk

APPROVED AS TO FORM:

Gary N. McLean, City Attorney