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5 **ORDINANCE NO. 2006-71s**
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7
8 **An Ordinance of the Pierce County Council Authorizing the Formation of the Park**
9 **Junction Water-Sewer District in the Elbe Area; Appointing Three**
10 **Initial Water-Sewer Commissioners of the District (Selwyn Bingham,**
11 **Cora Adams, and Rick Adams); Directing the Clerk of the Council to**
12 **Transmit a Report of the Council’s Action and its Findings and**
13 **Recommendations to the Boundary Review Board; Conditioning the**
14 **Service Area of the District; Limiting Pierce County’s Liability; and**
15 **Limiting the Applicability of this Ordinance.**
16

17
18 **Whereas**, Revised Code of Washington (RCW) 57.04.140 allows an alternative
19 method to forming a water-sewer district when the County legislative authority receives
20 a written request of 60 percent of the owners of a new development that, at the time of
21 formation, does not have any residents; and
22

23 **Whereas**, on June 6, 2006, the Pierce County Council (Council) received a
24 written request for the formation of a water-sewer district signed by the owner of at least
25 60 percent of the area to be included in the proposed district; and
26

27 **Whereas**, RCW 57.02.040(2) states, “The county legislative authority shall within
28 thirty days of the date after receiving notice of the proposed action approve the action or
29 hold a hearing on the action.”; and
30

31 **Whereas**, the Council’s Rules and Operations Committee held public hearings
32 on June 26, 2006, July 24, 2006, and July 31, 2006, when the Committee heard
33 testimony from interested persons regarding the formation and boundaries of the
34 proposed water-sewer district; and
35

36 **Whereas**, RCW 57.02.040(3) states in part, “The county legislative authority
37 shall decide within sixty days of a hearing whether to approve or not approve the
38 proposed action.”; and
39

40 **Whereas**, on August 1, 2006, the Council held a public hearing which was duly
41 and regularly held at the time and place advertised and the Council heard all persons
42 desiring to be heard on matters affecting the formation and boundaries of the proposed



1 water-sewer districts and considered all oral and written testimony, and, consistent with
2 the findings and conclusions below, believes that the proposed Water-Sewer District
3 should be formed, and initial Commissioners should be appointed; and
4

5 **Whereas**, the Council considers the formation of a water-sewer district a
6 separate and distinct action from approval of specific water and sewer plans, and
7 recognizes that formation of a water-sewer district does not relieve the Park Junction
8 Resort Project from the need to comply with all other federal, state, and county
9 ordinances, as well as the requirements set forth in the Pierce County Hearing
10 Examiner's decision related to the Park Junction Master Planned Resort; **Now**

11 **Therefore,**
12

13 **BE IT Ordained by the Council of Pierce County:**
14

15 Section 1. Findings and Conclusions. As provided for in RCW 57.02.040, the
16 Council finds as follows:
17

- 18 1. The proposed action in the area under consideration is not inconsistent with
19 basin wide water and/or sewer plans as approved by the state department of
20 ecology and the state department of social and health services.
21
- 22 2. The proposed action is consistent with the development program which is
23 outlined in the County Comprehensive Plan and its supporting documents
24 because the proposed district is limited in scope to the Park Junction Resort,
25 which is an approved Master Plan Resort.
26
- 27 3. The proposed action is not inconsistent with the County's plan for sewer
28 facilities because the County's plan does not address the proposed area.
29

30 Based on these findings, the Council concludes that the creation of the proposed
31 water-sewer district is consistent with the requirements of the alternative formation
32 provisions set forth in RCW 57.04.140.
33

34 Section 2. The formation of the Park Junction Water-Sewer District is hereby
35 approved. The boundaries of the district are located in Pierce County, Washington, and
36 legally described as follows:



1
2 Legal Description of the Park Junction Water-Sewer District:

3 LEGAL DESCRIPTION:

4 **PARCEL "A"**

5 Beginning at the section corner common to Sections 22, 23, 26 and
6 27, Township 15 North, Range 5 East of the W.M., in Pierce
7 County, Washington;

8 THENCE North 3500 feet to a point 20 feet North of the center
9 line of the Old Cascade Timber Company Railroad grade;

10 THENCE Southerly and Easterly along a line 20 feet North and
11 West of the center line of the aforementioned railroad grade to a
12 point which is 3252 feet East of the Section corner common to
13 Sections 22, 23, 26 and 27;

14 THENCE Westerly 3252 feet to the point of beginning.

15 **PARCEL "B"**

16 The North half of the Northeast quarter of Section 26, Township
17 15 North, Range 5 East of the W.M., in Pierce County,
18 Washington. EXCEPT that part lying South of the Chicago,
19 Milwaukee, St. Paul and Pacific Railway Company's right of way.

20 **PARCEL "C"**

21 The North half of the Northwest quarter of Section 26, Township
22 15 North, Range 5 East of the W.M., in Pierce County,
23 Washington.

24 EXCEPT that part lying Southerly and Easterly of the Westerly
25 fork of the Chicago, Milwaukee, St. Paul and Pacific Railway
26 Company and except right of way of Chicago, Milwaukee, St. Paul
27 and Pacific Railway Company.

28 **PARCEL "D"**

29 That portion of the Southeast quarter of the Northwest quarter of
30 Section 26, Township 15 North, Range 5 East of the W.M., in
31 Pierce County, Washington, lying Northerly of the National Park
32 Highway (also known as State Road #5), and Westerly of the
33 Chicago, Milwaukee, St. Paul and Pacific Railway Company.



1 EXCEPTING THEREFROM County Road as described in Deed to
2 Pierce County recorded October 5, 1916 under Recording No.
3 450089.

4 **PARCEL "E"**

5 That part of the Southwest quarter of the Northwest quarter of
6 Section 26, Township 15 North, Range 5 East of the W.M., in
7 Pierce County, Washington, lying North of the center line of State
8 Road No. 5, as described in the easement from Weyerhaeuser
9 Timber Company to the State of Washington, dated April 17,
10 1924, recorded May 5, 1924 under Recording No. 709561.

11 **PARCEL "F"**

12 Beginning at the point of intersection of the East line of Section
13 26, Township 15 North, Range 5 East of the W.M., in Pierce
14 County, Washington, with the South line of National Park
15 Highway (also known as State Road #5);
16 THENCE Westerly along the South line of said road 392 feet;
17 THENCE South to the Nisqually River;
18 THENCE Easterly along the river to the said East line of Section
19 26;
20 THENCE North along said East line to the point of beginning.

21 **PARCEL "G"**

22 Beginning at the Northwest corner of the Southwest quarter of the
23 Northeast quarter of Section 26, Township 15 North, Range 5 East
24 of the W.M., in Pierce County, Washington;
25 THENCE South to the North line of the Nation Park Highway
26 (also known as State Road No. 5);
27 THENCE Southeasterly along said highway to the Southeast
28 corner of the Southeast quarter of the Northeast quarter of said
29 Section;
30 THENCE North to the Northeast corner of the Southeast quarter of
31 the Northeast quarter of said Section;
32 THENCE West along the North line of the Southeast quarter and
33 the Southwest quarter of the Northeast quarter to the true point of
34 beginning.

35 **PARCEL "H"**

36 That part of the North half of the Northeast quarter of Section 26,
37 Township 15 North, Range 5 East of the W.M., in Pierce County,
38 Washington, lying South of the Chicago, Milwaukee, St. Paul and
39 Pacific Railroad.



1 **PARCEL "I"**

2 The West half of the Southwest quarter of the Northwest quarter of
3 Section 25, Township 15 North, Range 5 East of the W.M., in
4 Pierce County, Washington.

5 EXCEPT THEREFROM that portion conveyed to Tacoma Eastern
6 Railroad Company, a Washington corporation, by Deed recorded
7 July 18, 1904 under Recording No. 178611, described as follows:

8 Beginning at the Northeast corner of the West half of the
9 Southwest quarter of the Northwest quarter of Section 25,
10 Township 15 North, Range 5 East of the W.M., in Pierce County,
11 Washington, running thence West 426 feet to a point;
12 THENCE Southeasterly to a point 125 feet South of the beginning;
13 THENCE North 125 feet to the place of beginning.

14 **PARCEL "J"**

15 Beginning at the Southeast corner of the Northeast quarter of the
16 Northwest quarter of Section 26, Township 15 North, Range 5 East
17 of the W.M., in Pierce County, Washington;
18 THENCE West 300 feet to the Easterly right of way of the
19 Chicago, Milwaukee St. Paul and Pacific Railroad;
20 THENCE Northeasterly along said railroad to the intersection of
21 said railroad with the East line of the said Northeast quarter of the
22 Northwest quarter at a point North of the point of beginning;
23 THENCE South along said East line 320 feet to the point of
24 beginning.

25 **PARCEL "K"**

26 Beginning at the Northeast corner of the Southeast quarter of the
27 Northwest quarter of Section 26, Township 15 North, Range 5 East
28 of the W.M., in Pierce County, Washington;
29 THENCE Southerly along the East line of said Southeast quarter of
30 the Northwest quarter to the Northerly right of way of the National
31 Park Highway;
32 THENCE Northwesterly along said right of way to its intersection
33 with the Easterly right of way of the Chicago, Milwaukee, St. Paul
34 and Pacific Railroad;
35 THENCE Northerly along said right of way to its intersection with
36 the North line of the Southeast quarter of the Northwest quarter of
37 Section 26;
38 THENCE Easterly 300 feet, more or less, to the point of beginning.



1 **PARCEL "L"**

2 That part of Section 26, Township 15 North, Range 5 East of the
3 W.M., in Pierce County, Washington, described as follows:

4 Commencing at the Southeast corner of the Northeast quarter of
5 the Northwest quarter of Section 26;

6 THENCE North along the East line 320 feet, more or less to the
7 South line of the Easterly fork of a spur off the Chicago,
8 Milwaukee, St. Paul and Pacific Railroad;

9 THENCE Northeasterly along said spur to the intersection of the
10 South line of the mainline of Chicago, Milwaukee, St. Paul and
11 Pacific Railroad to Ashford, Washington;

12 THENCE West along the South line of the mainline to the
13 intersection of the West line of said Easterly fork of the spur and
14 the true point of beginning;

15 THENCE Southwesterly along said spur to the intersections of the
16 East line of the Westerly fork of the spur;

17 THENCE Northwesterly along said Westerly fork of the spur to
18 the intersection of the South line of the mainline;

19 THENCE along said mainline to the point of beginning.

20 Situate in the County of Pierce, State of Washington.

21 (Abbreviated Legal Description: Portions of Sections 23, 25, and
22 26, all in T15N, R5E, WM)

23 Containing 402.23 acres, more or less.

24 **Assessor's Tax Parcel Nos.:** 0515232001, 0515252003, 0515261000,
25 0515261002, 0515261016, 0515262004 ,0515262009, and 0515264003.

26
27 Section 3. The County Council hereby appoints the following individuals to serve
28 as the initial water-sewer commissioners of the district: Selwyn Bingham, Cora Adams,
29 and Rick Adams. The Commissioners shall serve until 75 percent of the development is
30 sold and occupied.

31
32 Section 4. The Pierce County Council hereby directs the Clerk of the Council to
33 transmit a copy of this Resolution to the Boundary Review Board to satisfy the
34 requirements of RCW 57.02.045.

35
36 Section 5. By formation of the district, the Pierce County Council does not
37 assume any liability on the part of Pierce County for any contract, debt or obligation of
38 the water-sewer district.

1 Section 6. This action by the Pierce County Council shall not be deemed to
2 apply to any other proposal, or facts and circumstances.

3
4 **PASSED** this _____ day of _____, 2006.

5
6 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

7
8
9
10 _____
11 **Denise D. Johnson**
12 Clerk of the Council

Shawn Bunney
Council Chair

13
14
15 _____

John W. Ladenburg
Pierce County Executive
Approved _____ Vetoed _____, this
18 _____ day of _____,
19 _____
20 2006.

21
22 Date of Publication of
23 Notice of Public Hearing: _____

24
25 Effective Date of Ordinance: _____
26

