ORDINANCE NO. 2006-71s

An Ordinance of the Pierce County Council Authorizing the Formation of the Park Junction Water-Sewer District in the Elbe Area; Appointing Three Initial Water-Sewer Commissioners of the District (Selwyn Bingham, Cora Adams, and Rick Adams); Directing the Clerk of the Council to Transmit a Report of the Council’s Action and its Findings and Recommendations to the Boundary Review Board; Conditioning the Service Area of the District; Limiting Pierce County’s Liability; and Limiting the Applicability of this Ordinance.

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

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

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

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

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

Whereas, on August 1, 2006, the Council held a public hearing which was duly and regularly held at the time and place advertised and the Council heard all persons desiring to be heard on matters affecting the formation and boundaries of the proposed district.
water-sewer districts and considered all oral and written testimony, and, consistent with
the findings and conclusions below, believes that the proposed Water-Sewer District
should be formed, and initial Commissioners should be appointed; and

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

BE IT Ordained by the Council of Pierce County:

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

1. The proposed action in the area under consideration is not inconsistent with
   basin wide water and/or sewer plans as approved by the state department of
   ecology and the state department of social and health services.

2. The proposed action is consistent with the development program which is
   outlined in the County Comprehensive Plan and its supporting documents
   because the proposed district is limited in scope to the Park Junction Resort,
   which is an approved Master Plan Resort.

3. The proposed action is not inconsistent with the County’s plan for sewer
   facilities because the County’s plan does not address the proposed area.

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

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

LEGAL DESCRIPTION:

PARCEL "A"

Beginning at the section corner common to Sections 22, 23, 26 and 27, Township 15 North, Range 5 East of the W.M., in Pierce County, Washington;
THENCE North 3500 feet to a point 20 feet North of the center line of the Old Cascade Timber Company Railroad grade;
THENCE Southerly and Easterly along a line 20 feet North and West of the center line of the aforementioned railroad grade to a point which is 3252 feet East of the Section corner common to Sections 22, 23, 26 and 27;
THENCE Westerly 3252 feet to the point of beginning.

PARCEL "B"

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

PARCEL "C"

The North half of the Northwest quarter of Section 26, Township 15 North, Range 5 East of the W.M., in Pierce County, Washington.
EXCEPT that part lying Southerly and Easterly of the Westerly fork of the Chicago, Milwaukee, St. Paul and Pacific Railway Company and except right of way of Chicago, Milwaukee, St. Paul and Pacific Railway Company.

PARCEL "D"

That portion of the Southeast quarter of the Northwest quarter of Section 26, Township 15 North, Range 5 East of the W.M., in Pierce County, Washington, lying Northerly of the National Park Highway (also known as State Road #5), and Westerly of the Chicago, Milwaukee, St. Paul and Pacific Railway Company.
EXCEPTING THEREFROM County Road as described in Deed to Pierce County recorded October 5, 1916 under Recording No. 450089.

PARCEL "E"

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

PARCEL "F"

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

PARCEL "G"

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

PARCEL "H"

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

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

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

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

PARCEL "J"

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

PARCEL "K"

Beginning at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 26, Township 15 North, Range 5 East of the W.M., in Pierce County, Washington; THENCE Southerly along the East line of said Southeast quarter of the Northwest quarter to the Northerly right of way of the National Park Highway; THENCE Northwesterly along said right of way to is intersection with the Easterly right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad; THENCE Northerly along said right of way to its intersection with the North line of the Southeast quarter of the Northwest quarter of Section 26; THENCE Easterly 300 feet, more or less, to the point of beginning.
PARCEL "L"

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

Commencing at the Southeast corner of the Northeast quarter of
the Northwest quarter of Section 26;
THENCE North along the East line 320 feet, more or less to the
South line of the Easterly fork of a spur off the Chicago,
Milwaukee, St. Paul and Pacific Railroad;
THENCE Northeasterly along said spur to the intersection of the
South line of the mainline of Chicago, Milwaukee, St. Paul and
Pacific Railroad to Ashford, Washington;
THENCE West along the South line of the mainline to the
intersection of the West line of said Easterly fork of the spur and
the true point of beginning;
THENCE Southwesterly along said spur to the intersection of the
East line of the Westerly fork of the spur;
THENCE Northwesterly along said Westerly fork of the spur to
the intersection of the South line of the mainline;
THENCE along said mainline to the point of beginning.

Situate in the County of Pierce, State of Washington.

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

Containing 402.23 acres, more or less.

Assessor’s Tax Parcel Nos.: 0515232001, 0515252003, 0515261000,
0515261002, 0515261016, 0515262004, 0515262009, and 0515264003.

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

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

Section 5. By formation of the district, the Pierce County Council does not
assume any liability on the part of Pierce County for any contract, debt or obligation of
the water-sewer district.
Section 6. This action by the Pierce County Council shall not be deemed to apply to any other proposal, or facts and circumstances.

PASSED this _____ day of ________________, 2006.

ATTEST:

PIERCe COUNTY COUNCIL
Pierce County, Washington

--------------------------------
Denise D. Johnson            Shawn Bunney
Clerk of the Council          Council Chair

--------------------------------
John W. Ladenburg
Pierce County Executive
Approved _____ Vetoed ________, this _______ day of ________________, 2006.

Date of Publication of Notice of Public Hearing: ____________________________

Effective Date of Ordinance: ____________________________