

ORDINANCE NO. 3229

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, providing for the annexation of certain real property commonly known as the Freeman Road Annexation Area, subject to assumption of indebtedness, and adoption of preannexation zoning controls for such property as provided in PMC 20.05.050.

WHEREAS, pursuant to RCW 35A.14.120, proceedings for initiating annexation of unincorporated territory to a noncharter code city may be commenced by the filing of a petition of property owners constituting at least ten percent (10%) of the assessed valuation of the territory proposed to be annexed; and

WHEREAS, the property at issue in this ordinance, commonly known as the “Freeman Road Annexation Area”, has been processed under the assessed valuation petition method of annexation; and

WHEREAS, having received a legally sufficient request to commence annexation proceedings from individuals whose ownership represents well in excess of ten percent (10%) of the assessed valuation of the Freeman Road Annexation Area, the Puyallup City Council adopted Resolution No. 2393, authorizing circulation of annexation petitions in the Freeman Road Annexation Area; accepting the geographic area of the proposed annexation; requiring the simultaneous adoption of zoning regulations; and requiring the proposed annexation area to assume a proportionate share of city indebtedness; and

WHEREAS, following passage of Resolution No. 2393, the annexation proponents presented the City with petitions reflecting the signatures of parties whose ownership represents more than sixty percent (60%) of the assessed valuation of the Freeman Road Annexation Area; and

WHEREAS, on June 4, 2020, the Pierce County Assessor-Treasurer officially certified the sufficiency of petitions filed in the Freeman Road Annexation Area, finding that the parties signing the petitions did own at least sixty-percent (60%) of the proposed annexation area; and

WHEREAS, the Freeman Road Annexation Area is approximately 134 acres of unincorporated Pierce County contiguous to the City of Puyallup and generally located north of N Levee Road East and south of Valley Ave East; and

WHEREAS, the Freeman Road Annexation Area is situated within the City of Puyallup’s Urban Growth Area; and

WHEREAS, the City Council finds that the Freeman Road Annexation Area should be zoned Limited Manufacturing (ML), Medium Density Multiple-family Residential (RM-10), Public Facilities (PF), Agricultural Overlay (AGO) and Freeman Road Overlay (FRO) as depicted in Exhibit B to this ordinance, at the time of annexation; and

WHEREAS, City services are adequate and available to support the area upon annexation; and

WHEREAS, no interested parties invoked jurisdiction of the Boundary Review Board and challenged the proposed annexation within forty-five (45) days of the City submitting appropriate notice; and

WHEREAS, the City Council held public hearings on the subjects of this ordinance on February 23, 2021 and April 27, 2021, and such hearings were duly noticed by the City; and

WHEREAS, the City Council has heard all persons wishing to be heard 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 PUYALLUP ORDAINS AS FOLLOWS:

Section 1. Annexation of the Freeman Road Annexation Area. The real property known as the proposed Freeman Road Annexation Area, which is more particularly described in Exhibit A, a copy of which is attached hereto and incorporated herein by this reference as if set forth in full, is hereby annexed to and made a part of the City of Puyallup on May 15, 2021.

Section 2. Assumption of Existing City Indebtedness. On May 15, 2021, pursuant to the terms of the annexation petition and consistent with Resolution No. 2393, upon annexation, all property within the proposed Freeman Road 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 on the date of annexation.

Section 3. Zoning Controls Adopted for Annexation Area. Under the authority of RCW 35A.14.330, the property annexed by this ordinance shall be zoned Limited Manufacturing (ML), Medium Density Multiple-family Residential (RM-10), Public Facilities (PF), Agricultural Overlay (AGO) and Freeman Road Overlay (FRO) on May 15, 2021, as reflected in Exhibit B, a copy of which is attached hereto and incorporated herein by this reference as if set forth in full, and shall be subject to all development regulations of the City of Puyallup in effect at the time of annexation.

Section 4. Duties of the City Clerk. Upon passage of this annexation ordinance, the City Clerk is directed to file a certified copy of such document 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. Contemporaneous Updates. The City’s Comprehensive Plan and zoning map are hereby amended to conform to the annexation approved in this ordinance.

Section 6. Severability - Construction. (1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance. (2) If the provisions of this ordinance are found to be inconsistent with the other provisions of the Puyallup Municipal Code, this ordinance is deemed to control.

Section 7. Effective Date. This Ordinance, being the exercise of a power specifically delegated to the legislative body of the City of Puyallup, is not subject to referendum, and shall take effect and be in force five (5) days after its approval and publication, as provided by law. Notwithstanding the foregoing, the annexation, assumption of indebtedness and zoning shall take effect on May 15, 2021.

Passed by the City Council of the City of Puyallup, Washington, on the 27th day of April, 2021.

Julie L. B. Door, Mayor

APPROVED AS TO FORM:

Joseph N. Beck, City Attorney

ATTEST:

Brenda Fritsvold, City Clerk

PUBLISHED: April 30, 2021 – Tacoma News Tribune
EFFECTIVE: May 5, 2021

Exhibit A

Freeman Road Annexation Area Legal Description

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, THE SOUTHWEST QUARTER OF SECTION 16, AND THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 20, ALLIN TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, CITY OF PUYALLUP, PIERCE COUNTY, WASHINGTON, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF PIERCE COUNTY LARGE LOT RECORDED UNDER AUDITOR'S FILE NO. 8507190138, RECORDS OF PIERCE COUNTY AUDITOR;

THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID SECTION AND SAID LARGE LOT, TO THE SOUTHEAST CORNER OF SAID LARGE LOT AND A POINT ON THE EASTERLY MARGIN OF 86TH AVENUE EAST;

THENCE SOUTHERLY, ALONG SAID EASTERLY MARGIN TO THE SOUTH MARGIN OF NORTH LEVEE ROAD EAST;

THENCE NORTHWESTERLY, ALONG SAID SOUTH MARGIN TO THE INTERSECTION OF SAID SOUTH MARGIN AND THE EAST MARGIN OF FREEMAN ROAD EXTENDED SOUTHERLY, SAID POINT ALSO BEING ON THE EASTERLY CORPORATE LIMITS OF THE CITY OF FIFE;

THENCE NORTHERLY, ALONG THE EAST MARGIN OF SAID FREEMAN ROAD AND SAID EASTERLY CITY LIMIT LINE, TO THE NORTHERLY MARGIN OF VALLEY AVENUE EAST, SAID POINT ALSO BEING ON THE SOUTHERLY CORPORATE LIMITS OF THE CITY OF EDGEWOOD;

THENCE SOUTHEASTERLY, ALONG SAID NORTHERLY MARGIN AND SAID SOUTHERLY CITY LIMIT LINE, TO A CORNER OF A PARCEL OF LAND DEEDED TO PIERCE COUNTY FOR VALLEY AVENUE EAST RIGHT OF WAY RECORDED UNDER AUDITOR'S FILE NO. 9210290695, RECORDS OF PIERCE COUNTY AUDITOR;

THENCE NORTHERLY AND EASTERLY, ALONG THE NORTH LINE OF SAID DEEDED RIGHT OF WAY, TO A CORNER OF A PARCEL OF LAND DEEDED TO PIERCE COUNTY FOR VALLEY AVENUE EAST RIGHT OF WAY RECORDED UNDER AUDITOR'S FILE NO. 9303151115, RECORDS OF PIERCE COUNTY AUDITOR;

THENCE SOUTHERLY AND EASTERLY, ALONG THE NORTH LINE OF SAID DEEDED RIGHT OF WAY TO THE NORTHWEST CORNER OF A PARCEL OF LAND DEEDED TO PIERCE COUNTY FOR VALLEY AVENUE EAST RIGHT OF WAY PER COMPROMISE SETTLEMENT OF EMINENT DOMAIN PROCEEDINGS AND DEED AND GRANT OF TEMPORARY EASEMENT RECORDED UNDER AUDITOR'S FILE NO. 9303290364, TO THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE AND ST. PAUL

RAILWAY COMPANY;

THENCE NORTHWESTERLY, ALONG SAID NORTHERLY RAILROAD RIGHT OF WAY, TO THE EAST LINE OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN;

THENCE SOUTHERLY, ALONG SAID EAST LINE, TO THE AFOREMENTIONED NORTHEAST CORNER OF SECTION 20 AND THE **POINT OF BEGINNING.**