

EXHIBIT O

ORDINANCE NO. 2832 CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE HOUSTON ROAD ANNEXATION AREA.

WHEREAS, the Houston Road Annexation Area consists of 18 parcels within approximately 12.67 acres of unincorporated Pierce County contiguous to the City of Sumner and is generally located west of Houston Road and Valley Avenue East/Cannery Way, with a portion of the annexation area located east of Houston Road and the White River; and is described in more detail in Exhibit A and Exhibit B incorporated herein; and

WHEREAS, the Houston Road Annexation Area is situated within the City of Sumner's Urban Growth Area; and

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 an intent to petition by property owners constituting at least ten percent (10%) of the assessed valuation of the territory proposed to be annexed ("Initiating Party"); and

WHEREAS, the property at issue in this ordinance, commonly known as the "Houston 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 in excess of ten percent (10%) of the assessed valuation of the Houston Road Annexation Area, the Sumner City Council adopted Resolution No. 1596, authorizing the circulation of an annexation petition in the Houston Road Annexation Area and accepting the geographic area of the proposed annexation; and

WHEREAS, following passage of Resolution No. 1596, the Initiating Party presented the City with a petition reflecting the signatures of parties whose ownership represents more than sixty percent (60%) of the assessed valuation of the Houston Road Annexation Area; and

WHEREAS, on May 12, 2022, the Pierce County Assessor-Treasurer officially certified the sufficiency of the petition filed in the Houston Road Annexation Area, finding that the parties signing the petitions did own at least sixty-percent (60%) of the proposed annexation area; and

WHEREAS, through the existing comprehensive plan designations for the Houston Road Annexation Area, the City Council already adopted zoning regulations for the proposed area; and

WHEREAS, the Sumner Shoreline Master Program has established an Urban Shoreline Environment Designation for all of the annexation area within the State 200-foot shoreline jurisdiction; 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 a duly noticed public hearing on the subject of this ordinance on August 1, 2022; 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 SUMNER DO ORDAIN AS FOLLOWS:

Section 1. Annexation of the Houston Road Annexation Area. The real property known as the proposed Houston 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 Sumner.

Section 2. Assumption of Existing City Indebtedness. Upon annexation, pursuant to the terms of the annexation petition and consistent with Resolution No. 1596, all property within the proposed Houston Road Annexation Area shall be assessed and taxed at the same rate and on the same basis as other property within the City of Sumner including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City, incurred prior to, or existing on the date of annexation, if any.

Section 3. Zoning for Annexation Area. The property annexed by this ordinance shall be zoned consistent with the existing comprehensive plan designations for the Houston Road Annexation Area; and the Sumner Shoreline Master Program Urban Shoreline Environment Designation will be applied to the area upon annexation, subject to final approval by the Washington State Department of Ecology.

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 Boundary Review Board. 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 and a Notice of Annexation with the Pierce County Assessor's Office.

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. Amendment to SMC Section 1.08. Consistent with the approval granted above, Sumner Municipal Code Chapter 1.08 “City Limits” shall be updated accordingly to include the legal description of the Houston Road Annexation Area.

Section 7. 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 Sumner Municipal Code, this ordinance is deemed to control.

Section 8. Effective Date. This Ordinance, being the exercise of a power specifically delegated to the legislative body of the City of Sumner, 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, or upon approval by the Pierce County Boundary Review Board, whichever shall be later.

Section 9. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Passed by the City Council of the City of Sumner, Washington, on this 6th day of September, 2022.

DocuSigned by:
Kathy Hayden
Kathy Hayden
Mayor

Approved as to form:

Attest:

DocuSigned by:
Andrea Marquez
Andrea Marquez
City Attorney

DocuSigned by:
Michelle Converse
Michelle Converse
City Clerk

First Reading: 08/15/2022 (Public Hearing)
Second reading: 09/06/2022
Date of Publication: 09/16/2022
Effective Date: 09/21/2022

EXHIBIT A

MAP AREA

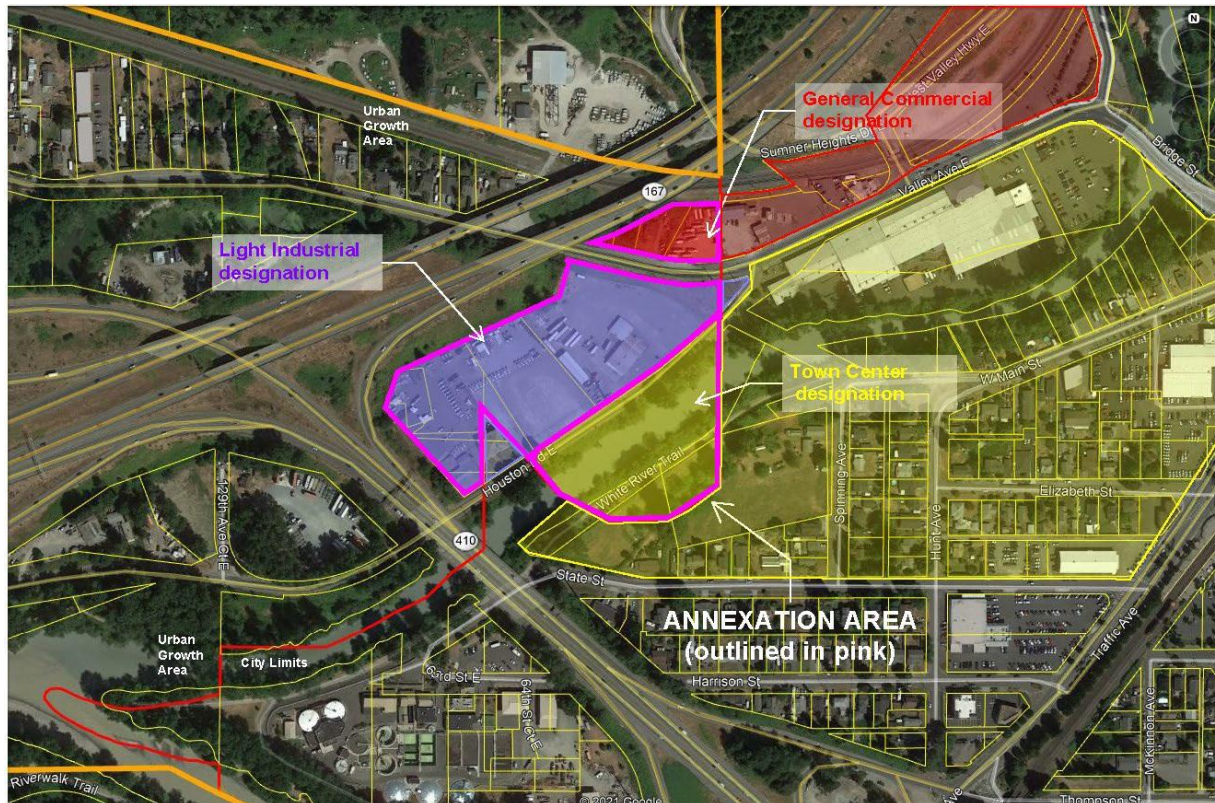


EXHIBIT B

ANNEXATION LEGAL DESCRIPTIONS

LEGAL DESCRIPTION

PROPOSED ANNEXATION TO THE CITY OF SUMNER

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M., PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH $01^{\circ}33'26''$ WEST, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE EXISTING WEST LINE OF THE SUMNER CITY LIMITS, ESTABLISHED BY ORDINANCE 311, 558.1 FEET MORE OR LESS, TO THE ORIGINAL CITY LIMITS OF SUMNER AS ESTABLISHED BY ELECTION ON JANUARY 27, 1891; THENCE ALONG SAID ESTABLISHED CITY LIMITS SOUTH $51^{\circ}44'26''$ WEST, 166.25 FEET; THENCE SOUTH $86^{\circ}14'26''$ WEST, 174.40 FEET; THENCE NORTH $63^{\circ}45'34''$ WEST 174.60 FEET; THENCE NORTH $42^{\circ}45'34''$ WEST, 307.85 FEET MORE OR LESS, TO THE CENTERLINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 23, SAID TOWNSHIP AND RANGE; THENCE SOUTHERLY ALONG SAID CENTERLINE, SOUTH $0^{\circ}39'20''$ WEST 176.1 FEET MORE OR LESS, TO THE NORTHERLY RIGHT OF WAY LINE OF HOUSTON ROAD; THENCE SOUTH $57^{\circ}43'48''$ WEST ALONG SAID RIGHT OF WAY LINE, 46.42 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE SR 410 A-19 LINE, OPPOSITE APPROXIMATE HIGHWAY ENGINEER'S STATION 50+02.2, AS SHOWN PER WASHINGTON STATE HIGHWAY COMMISSION RIGHT OF WAY PLAN FOR SR 167, JCT. SR 161 TO JCT. SR 410, DATED MAY 23, 1968, SHEET 7; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH $41^{\circ}35'05''$ WEST, 338.89 FEET TO A POINT OPPOSITE A-19 STATION 34+50; THENCE NORTH $18^{\circ}50'44''$ EAST, 98.08 FEET TO INTERSECT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SR 167, OPPOSITE CENTERLINE STATION 399+50, PER THE AFORESAID RIGHT OF WAY PLAN; THENCE NORTH $64^{\circ}11'29''$ EAST ALONG SAID RIGHT OF WAY LINE, 506.58 FEET TO A POINT OPPOSITE SR 167 CENTERLINE STATION 404+55; THENCE NORTH $20^{\circ}00'00''$ EAST, 126.41 FEET TO A POINT OPPOSITE SR 167 CENTERLINE STATION 405+38.4; THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF SR 167 AS SHOWN PER WASHINGTON STATE HIGHWAY COMMISSION RIGHT OF WAY PLAN FOR SR 167, JCT. SR 410 TO KING COUNTY LINE, DATED MAY 1, 1969, SHEET 3, THENCE NORTH $63^{\circ}03'29''$ EAST ALONG SAID RIGHT OF WAY LINE OF SR 167, 101.36 FEET TO A POINT OPPOSITE CENTERLINE STATION 406+39.26, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS NORTH $21^{\circ}16'47''$ WEST, 2315 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $5^{\circ}34'56''$, AN ARC DISTANCE OF 225.55 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE CHICAGO MILWAUKEE & ST. PAUL RAILROAD, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS NORTH $1^{\circ}54'37''$ EAST, 1,323.57 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $5^{\circ}41'16''$, AN ARC DISTANCE OF 131.39 FEET TO INTERSECT THE EXISTING WEST LINE OF THE SUMNER CITY LIMITS ON THE EAST LINE OF SAID SECTION 23; THENCE SOUTH $01^{\circ}33'26''$ WEST ALONG SAID SECTION LINE, 255.77 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 551,693

SQUARE FEET (12.67) MORE OR LESS.