

ORDINANCE NO. 5320

AN ORDINANCE of the City Council of the City of Bremerton, Washington, approving the annexation of certain contiguous lands comprising approximately 24.5 acres in the West Bremerton Urban Growth Area (“UGA”) known as the Corbet Drive annexation; requiring the assumption of all of the City's existing indebtedness by the area to be annexed; establishing an effective date of the annexation; and designating a City Council District for the annexed area.

WHEREAS, on March 15, 2017, the City Council of the City of Bremerton (“City Council”) passed Resolution 3287 stating its Intent to Annex the proposed territory; and

WHEREAS, a valid and sufficient 60% Petition for Annexation of Territory was filed on behalf of the initial petitioner, signed petitioners of this area, and the outside utility agreements granting consent to annexation; and

WHEREAS, all statutory annexation proceedings for annexation by the 60% petition method were executed as documented in Resolution 3287 and incorporated by reference, including public hearings and notices; and

WHEREAS, the proposed area for annexation is legally described as **Exhibit 1** and having the boundaries as indicated in the map attached in **Exhibit 2**; and

WHEREAS, the proposed area for annexation is located within the City's West Bremerton Urban Growth Area (“UGA”); and

WHEREAS, Ordinance No. 5299 passed on May 18, 2016, adopted the City’s Comprehensive Plan (“Plan”) and established pre-annexation land use designations. The pre-designations are contained within the Land Use Element of this Plan in a table known as the “Equivalence Table,” which established the City’s equivalences for the Kitsap County Land Use designations; and

WHEREAS, based on the Equivalence Table, the City established the Plan for the proposed annexation area as is Medium Density Residential (“MDR”) and Low Density Residential (“LDR”) as depicted in **Exhibit 3**; and

WHEREAS, pursuant to RCW 35.13.125 residents and property owners in the area proposed for annexation have been afforded an opportunity to be heard during a public hearing on May 17, 2017, at the regular City Council meeting, and all statutory notice requirements for said hearing including publish in a newspaper of local circulation have been provided; and

WHEREAS, on April 20, 2017, the City of Bremerton filed a copy of the 60% annexation petition with the Kitsap County Assessor's Office requesting sufficiency review and on April 27, 2017, the City received a Certificate of Sufficiency affirming consent of properties totaling more than 60% of assessed property valuation; and

WHEREAS, the City of Bremerton will file a Notice of Intent to Annex with the Kitsap County Boundary Review Board ("Boundary Review Board"), and the annexation may not be effective before the Boundary Review Board statutory review period has expired; and

WHEREAS, the City of Bremerton has prepared an analysis of the costs and benefits and the anticipated fiscal impacts to the City of annexing this territory; and

WHEREAS, the City Council seeks to annex territories that contribute to the overall economic and social health and wellbeing of the City and lead to an orderly and logical pattern of development; and

WHEREAS, the City Council finds that it is in the best interest of the City to approve the proposed annexation as presented, and require the assumption of all or any portion of City indebtedness by the area to be annexed; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. *Findings and Recitals Incorporated.* The findings and recitals set forth above are hereby adopted and incorporated herein by this reference.

SECTION 2. *Property to be Annexed.* There shall be annexed to the City of Bremerton, Washington, certain property situated in Kitsap County, Washington, commonly known as the "Corbet Drive" area, which is legally described in **Exhibit 1**, attached hereto and incorporated herein by this reference, and which is located and having the boundaries as indicated in the map set forth in **Exhibit 2**, attached hereto and incorporated herein by this reference.

SECTION 3. *Assumption of Existing Indebtedness.* In accordance with the Petition for Annexation as authorized in RCW 35.13.130, the property hereby annexed shall assume and be subject to its proportionate share of the City's existing indebtedness and shall be assessed and taxed at the same rate and on the same basis that other property within the City of Bremerton is assessed and taxed to pay for any outstanding general indebtedness of the City, if that indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at the effective date of this annexation.

SECTION 4. *Land Use Designation.* As authorized in RCW 35.13.130, the Annexation area shall be subject to the pre-assigned land use designation identified in the City's Comprehensive Plan as land use designation of Low Density Residential ("LDR") and Zoning of Residential Low Density ("R-10") and Medium Density Residential ("MDR") and Zoning of

SECTION 5. Medium Density Residential (“R-10M”) and the Zoning map is hereby amended accordingly as depicted in **Exhibit 3**.

SECTION 6. *Effective Date of Annexation/Boundary Review Board.* This annexation will become effective August 1, 2017, or if Boundary Review Board jurisdiction is invoked, on the first day of the full month immediately following the expiration of the Boundary Review Board’s review, whichever is later, and on that date, the annexation area shall become a part of the City of Bremerton subject to all the laws and ordinances of the City except as otherwise provided by law, unless the proposed annexation is modified or rejected by the Boundary Review Board,. If the proposed annexation is modified by the Boundary Review Board, City Council may take appropriate action to incorporate the modification(s) and complete the annexation. If the proposed annexation is rejected by the Boundary Review Board, the proposed annexation shall not take effect.

SECTION 7. *Population Determination.* Pursuant to RCW 35.13.260, within 30 days for the effective date of this annexation as provided by law, the City of Bremerton Department of Community Development (“DCD”) shall, under the direction of the Mayor of the City of Bremerton, determine the resident population of the annexed territory, which population determination shall consist of an actual enumeration of the population that shall be made in accordance with he practices and policies and subject to approval of the State of Washington’s Office of Financial Management and which population shall be determined as of the effective date of this annexation as specified in this ordinance. DCD shall prepare a certificate signed by the Mayor and attested by the City Clerk in such form and containing such information as shall be prescribed by the State Office of Financial Management, and the City Clerk shall thereafter submit that certificate in triplicate to the Office of Financial Management together with the population determination of the annexed territory.

SECTION 8. *Filing of Ordinance.* Upon passage of this ordinance, the City Clerk of the City of Bremerton, pursuant to RCW 35.13.150, shall send to the Office of the Clerk of the Kitsap County Board of Commissioners a certified copy of this ordinance.

SECTION 9. *City Council District Assignment.* Upon the effective date of annexation, the property annexed by this ordinance shall be assigned to Bremerton City Council District 6.

SECTION 10. *Severability.* If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

SECTION 11. *Effective Date.* This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council of the City of Bremerton, Washington this _____
day of _____, 2017.

ERIC YOUNGER, Council President

APPROVED AS TO FORM:

ATTEST:

ROGER A. LUBOVICH, City Attorney

SHANNON CORIN, City Clerk

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