

ORDINANCE NO. 231

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON ANNEXING THE AREA KNOWN AS "FIRCREST ACRES", BETWEEN 67TH AVENUE WEST AND 63RD AVENUE WEST FROM 35TH STREET WEST TO 37TH STREET WEST UP TO THE FIRCREST CITY LIMIT, AND INCLUDING THE 67 AVENUE WEST RIGHT-OF-WAY FROM THE CENTERLINE OF 19TH SREET WEST AND NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF 44TH STREET WEST, EXCEPT THAT PORTION WHICH IS INSIDE THE CITY OF FIRCREST, ESTABLISHING AN R-1 RESIDENTIAL LAND USE DESIGNATION IN THE AREA ANNEXED, AND EXTENDING FRANCHISES AND LICENSES OF PUBLIC UTILITIES AND PUBLIC SERVICE BUSINESSES IN THE AREA ANNEXED PURSUANT TO RCW 35A.14.900

WHEREAS, on May 20, 1996, the City Council adopted Resolution 104 expressing intent to annex Fircrest Acres based on a valid petition received from property owners and authorized staff to submit a Notice of Intent to the Boundary Review Board (BRB) of Pierce County; and

WHEREAS, pursuant to a request by the City of Fircrest, the BRB held a public hearing on December 10, 1996 and in deliberation on December 13, 1996 denied the annexation proposal; and

WHEREAS, following a series of appeals by the City of University Place and the City of Fircrest, the two cities, at the request of the Pierce County Council, entered into negotiations and agreed to settle the matter by ballot; and

WHEREAS, on November 5, 1998 registered voters participated in a preference poll which resulted in a vote 96-71 in favor of annexation to University Place; and

WHEREAS, the City of Fircrest subsequently withdrew its appeal and the matter was remanded back to the BRB for a public hearing held on February 8-9, 1999; and

WHEREAS, the BRB approved the annexation in oral deliberation on February 19, 1999 and in a written decision issued on March 9, 1999; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES ORDAIN AS FOLLOWS:

Section 1. Annexing Fircrest Acres and rights-of-way including portions of 67th Avenue West. Fircrest Acres and adjoining rights of way extending to the Fircrest City limits, and portions of 67th Avenue West from 19th Street West to 44th Street W., all shown on the map attached as Exhibit A-1 and A-2 and legally described in Exhibit B, are hereby annexed to the City of University Place.

Section 2. Establishing a land use designation. The entire annexation area, which is already developed with single family and duplex residences, shall receive a Residential/R-1 designation on the City's zoning map.

Section 3. Extending Franchises for Public Utilities and Public Service Businesses. Pursuant to RCW 35A.14.900 the franchises and licenses of the following public utilities and public service businesses are hereby extended in the annexed area for a period of seven years from the effective date of this ordinance:

City of Fircrest, Electric, Water, Surface Water and Sanitary Sewer Utilities (as to existing facilities in the annexed area covered by franchises with Pierce County)
City of Tacoma, Department of Public Utilities, Electric Division

City of Tacoma, Department of Public Utilities, Water Division
City of Tacoma, Department of Public Utilities, Click! Network (as to a license in the newly annexed area only if a license or franchise was previously authorized by Pierce County for the annexed area.)
Puget Sound Energy, Inc.
TCI Communications, Inc., d/b/a Cable TV Puget Sound, Inc.
University Place Refuse, Inc. (pursuant to its contract with the City of University Place which provides for extension of service to newly annexed areas).

PROVIDED FURTHER: that the franchisees shall take all necessary steps to transfer any bonds, certificates of insurance, or other security currently held by Pierce County or the Washington Utilities and Transportation Commission to the City of University Place, if the franchisee has not already done so. FAILURE OF A FRANCHISEE TO COMPLY WITH THE TRANSFER REQUIREMENTS OF THIS ORDINANCE WITHIN NINETY ((90) DAYS AFTER RECEIPT OF NOTICE OF THIS ORDINANCE SHALL BE DEEMED A FORFEITURE OF THE FRANCHISE BY THE FRANCHISEE.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by court of competent jurisdiction, such invalidity shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Directing the City Clerk to Provide Certified Copies of this Ordinance to the Pierce County Assessor, the Pierce County Auditor, the Washington State Office of Financial Management and all Franchisees. The City Clerk is directed to provide certified copies of this Ordinance to the Pierce County Assessor, the Pierce County Auditor, the Washington State Office of Financial Management and to each of the franchisees conducting a public utility or a public service business in the annexed area.

Section 6. Effective Date and Publication. This ordinance shall be published in the official newspaper of the City. This ordinance shall be in full force and effect five days after publication.

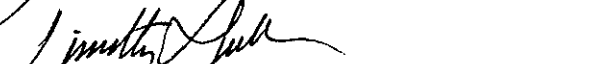
PASSED BY THE CITY COUNCIL ON APRIL 19, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: April 22, 1999
Effective Date: April 27, 1999

Exhibit A-1

Annexation 

Fircrest Acres

63rd Avenue W. (centerline)

67th Avenue West

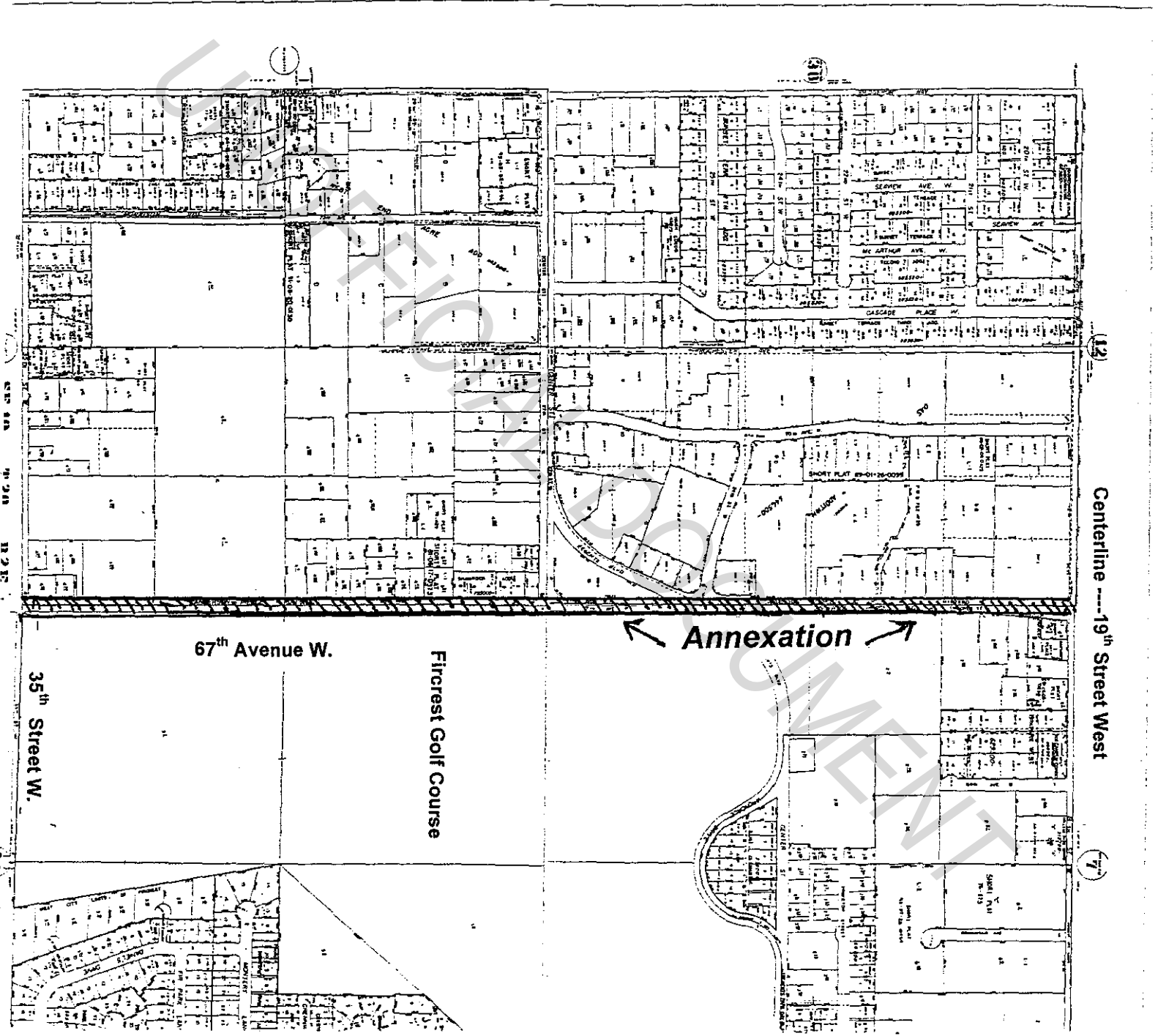
37th (centerline)

40th

44th



Exhibit A-2



67th Avenue W.

Firecrest Golf Course

Annexation

Centerline --- 19th Street West

35th Street W.

SECTION 34
R2M
R2E

12

7

FIRCREST ACRES

LEGAL DESCRIPTION FOR PROPOSED ANNEXATION

A portion of the Sections 10, 11, 14, 15, 22 and 23, Township 20 North, Range 2 East, W.M., Pierce County, Washington, described as follows:

The NW 1/4 of the NW 1/4 of Section 14,
EXCEPT the east 163.48 feet of the south 133.11 feet.

Together with the right-of-way for 67th Avenue West/Mildred Street West south of the centerline of 19th Street West and north of the south right-of-way line of 44th Street West, except that portion which is inside the City of Fircrest as of October 1, 1996.