

**ORDINANCE NO. 1965-19**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY KNOWN AS HILL CREEK TO THE CITY, REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY, ESTABLISHING ITS ZONING AS RESIDENTIAL SINGLE-FAMILY (RS) AND PROVIDING FOR SEVERABILITY AND SETTING THE EFFECTIVE DATE.

**WHEREAS**, the Washington State Growth Management Act (“the Act”), codified as RCW 36.70A, requires counties planning under the Act to designate urban growth areas, “within which urban growth shall be encouraged and outside of which can occur only if it is not urban in nature”; and

**WHEREAS**, the Act at RCW 36.70A.110(4) states that within such urban growth areas, “In general, cities are the units of local government most appropriate to provide urban governmental services”; and

**WHEREAS**, the Act at RCW 36.70A.110(7) states, “An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county”; and

**WHEREAS**, Pierce County and King County have collaborated with their municipalities to designate potential annexation areas for specific cities and towns within the respective counties; and

**WHEREAS**, within King County such designated potential annexation areas are termed Municipal Urban Growth Areas (MUGAs) and are formally adopted in the King County Countywide Planning Policies (CPPs); and

**WHEREAS**, within King County such designated potential annexation areas are termed Potential Annexation Areas (PAAs) and are formally adopted in the King County CPPs; and

**WHEREAS**, a portion of the City of Milton is in Pierce County, and a portion is in King County; and

**WHEREAS**, adjacent to the Milton city limits within King County exists unincorporated territory which has been designated in the King County CPPs as the Milton MUGA; and

**WHEREAS**, adjacent to the Milton city limits within King County exists unincorporated territory which has been designated in the King County CPPs as the Milton PAA; and

**WHEREAS**, the Milton MUGA and PAA are depicted for illustration purposes on Exhibit A attached hereto; and

**WHEREAS**, citizens from the Milton MUGA within King County and the Milton PAA within King County have on numerous occasions approached the City Council and city staff seeking to annex to Milton in order to receive municipal services provided by the City; and

**WHEREAS**, the City Council in its March 5, 2018 Regular Meeting, authorized a comprehensive and deliberate process to explore the potential annexation of portions of all of the Milton MUGA and the Milton PAA, which has resulted in the estimated effects and financial impacts of annexation statement presented to the Council at its April 16, 2018 Regular Meeting; and

**WHEREAS**, the City Council on March 5, 2018, April 16, 2018 and April 15, 2019 reviewed the data presented, and determined that the interests of the citizens of the City of Milton, the Milton MUGA and the Milton PAA would be served by annexation; and

**WHEREAS**, the City Council passed Resolution 19-1919 on April 15, 2019 stating its intent to annex the unincorporated King County territory known as Hill Creek; and

**WHEREAS**, the City properly filed a Notice of Intent and related documents with the Pierce County Boundary Review Board on April 17, 2019; and

**WHEREAS**, the Boundary Review Board reviewed the application at an administrative meeting on May 9, 2019 starting the 45 day review period which will conclude on June 18, 2019 prior to this ordinance's effective date; and

**WHEREAS**, pursuant to RCW 35A.14.130, the City held public hearing on May 6, 2019, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation in the City and the proposed annexation area, and through posting of a hearing notice in three public places within the territory proposed for annexation, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

**WHEREAS**, Hill Creek is surrounded by the City of Milton on 82.3 percent of its boundaries; and

**WHEREAS**, RCW 35A.14.295, 35A.14.297, and 35A.14.299 establish a process by which legislative bodies of code cities such as Milton may by Resolution and subsequent Ordinance annex unincorporated territory containing less than 175 acres of residential property and having at least 80 percent of the boundaries of such territory contiguous to the code city; and

**WHEREAS**, the City Council has determined that the above-described process is the most appropriate mechanism under state law to annex the smaller part of the MUGA, which part is also known as Hill Creek;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** The unincorporated King County territory known as Hill Creek, contiguous to the City of Milton and legally described in Exhibit "A" attached to and incorporated herein by this reference, is hereby annexed to and made part of the City of Milton, King County, Washington.

**Section 2.** All property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Milton, including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted for, incurred prior to, or existing on, the date of annexation.

**Section 3.** The All property within the territory annexed is hereby zoned Residential Multi-Family (RM).

**Section 4.** The City Clerk is hereby directed to file a certified copy of this Ordinance with the King 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.** Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

**Section 6.** Effective Date. This Ordinance shall be effective July 29, 2019, which is at least 45 days from and after its passage, approval and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing it in its entirety. This Ordinance shall be subject to Referendum for 45 days after the passage of this Ordinance. If a referendum is filed, the effective date of this ordinance shall not take hold until such referendum is resolved. If no timely and sufficient referendum petition has been filed, Hill Creek shall become a part of the City of Milton at the effective date .

PASSED by the Milton City Council the 20<sup>th</sup> day of May 2019, and approved by the Mayor, the 10<sup>th</sup> day of May, 2019.

  
SHANNA STYRON SHERRELL, MAYOR

ATTEST/AUTHENTICATED:

  
TRISHA SUMMERS, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

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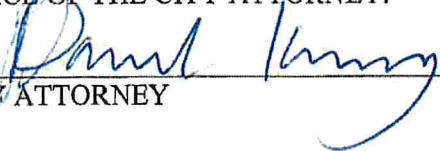
CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO: 1965-19

ATTEST/AUTHENTICATED:

  
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## EXHIBIT A – LEGAL DESCRIPTION

### HILL CREEK ANNEXATION AREA ANNEXATION TO THE CITY OF MILTON LEGAL DESCRIPTION

All of Regency Woods Division Number 4 according to the Plat thereof recorded in Volume 156, Pages 32 through 37, Records of King County, Washington, including all roads and tracts, together with;

All of Hill Creek Division Number 2 according to the Plat thereof recorded in Volume 167 of Plats, Pages 29 through 31, in King County, Washington, including all roads and tracts, together with;

Lot 15, Block 23 of Curtis' Addition to East Tacoma as recorded in Volume 4, at Page 45 in Section 33, T21N, R4E, WM, in King County Washington, together with;

Lots 13, 14 and 15 of Block 24 of Curtis' Addition to East Tacoma as recorded in Volume 4, at Page 45 in Section 33, T21N, R4E, WM, in King County Washington, together with;

The roads and alley rights of way of Curtis' Addition to East Tacoma , as recorded in Volume 4 of plats at page 45, records of King County Washington, being described as follows:

That portion of the alley lying between Blocks 21 and 22, of said plat lying northerly of the projected south line of Lot 11 of said Block 22,

That portion of Ohio Avenue lying between Blocks 22 and 23 of said plat lying northerly of the projected south line of Lot 9 of said Block 23,

That portion of the alley lying between Blocks 23 and 24, of said plat lying northerly of the projected south line of Lot 9 of said Block 24, together with the easterly half of the alley lying adjacent to the west line of Lot 8 of said Block 24, and

That portion of Montana Street lying easterly of the west line of Block 21 of said plat and westerly of the east line of Block 24 of said plat; together with;

That portion of South 380th Street as dedicated as public right of way on the plat of Kingsgrove, recorded in Volume 118 of Plats at pages 55-61, records of King County, Washington.

