

ORDINANCE NO. 4922

AN ORDINANCE of the City Council of the City of Bremerton, Washington, annexing to the City certain contiguous lands, comprised of approximately 6.14 acres, generally bounded on the east side of Pine Road just south of NE Roswell Drive, generally referred to as the "Racus Annexation"; making the property annexed assume and be subject to the City's proportionate share of its existing indebtedness; requiring the adoption of the City's Comprehensive Plan land use designation for the area as well as a corresponding Zoning Map designation for the area annexed; making January 10, 2005 the effective date of the annexation; and authorizing the City Clerk to determine the resident population within the annexation area and to deliver required annexation information to the State Office of Financial Management and to the Kitsap County Board of Commissioners.

WHEREAS, in accordance with RCW 35.13.130, Applicant Kenneth A. Racus as the owner of not less than 75 percent of the assessed valuation for general taxation of certain real property, comprised of approximately 6.14 acres, the "Racus Annexation" area, which is more particularly described in Exhibit A to this ordinance (map attached as Exhibit B), petitioned the Bremerton City Council to annex the Racus Annexation Area to the City of Bremerton; and

WHEREAS, the City has determined the Racus Annexation area petition to be sufficient in all respects; and

WHEREAS, in accordance with RCW 35.13.130 the City Council, pursuant to Resolution No. 2934, considered and authorized for circulation, a petition for annexation of the proposed area for annexation; and

WHEREAS, on or about November 5, 2004, Kenneth A. Racus, as sole owner of the property to be annexed into the City, sold all right, title and interest in said property to The Brandywine Co., Inc.; and

WHEREAS, The Brandywine Co., Inc. concurs with the annexation proceedings initiated by Kenneth Racus and desiring to continue with the same, as Applicant, filed with the City on or about November 18, 2004, the required petition for annexation as outlined by Resolution No. 2934 assuming the obligations of Mr. Kenneth Racus for annexing the proposed property to the City; and

WHEREAS, the Applicant filed a Notice of Intention document with the Washington State Boundary Review Board for Kitsap County ("BRB") on or about October 14, 2004; and

WHEREAS, the BRB has completed its review of the Applicant's Notice of Intention and annexation proposal; and

WHEREAS, pursuant to WAC 197-11-800(6)(d), annexation of territory by a city or town is exempt from environmental (SEPA) review; and

WHEREAS, the City has published in The Sun newspaper on December 3, 2004, and posted notice of a public hearing on the proposed Racus Annexation in accordance with RCW 35.13.140 so that interested persons could voice their approval or disapproval of the annexation; and

WHEREAS, the City Council of the City of Bremerton held a public hearing on the Racus Annexation in the City Council Chambers at a regularly scheduled meeting of the Bremerton City Council at 5:30 p.m. on December 15, 2004 and on December 22, 2004; and

WHEREAS, it appears to the City of Bremerton that the Racus Annexation meets all requirements specified by law, that the land to be annexed is contiguous to the City of Bremerton, and that the annexation area has not heretofore been incorporated in or as a city or town; NOW THEREFORE,

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

SECTION 1. The foregoing recitals are incorporated by this reference and made a part hereof.

SECTION 2. There shall be annexed to the City of Bremerton, Washington, certain property situated in Kitsap County, Washington, commonly known as the "Racus Annexation" area, which property is legally described in Exhibit A, attached and incorporated by this reference, and which is located and having the boundaries as indicated in the maps attached as Exhibit B, which is incorporated by this reference.

SECTION 3. In accordance with the Racus Annexation property owners' petition, 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. The Racus Annexation area shall be subject to the City's Comprehensive Plan land use designation of Low Density Residential (LDR) and Zoning of Residential Low Density (SF3) and the Zoning map is hereby amended accordingly.

SECTION 5. This annexation will become effective January 10, 2005, 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.

SECTION 6. Pursuant to RCW 35.13.260, within thirty (30) days from the effective date of this annexation as provided by law, the City Clerk of the City of Bremerton 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 the 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. The City Clerk 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 7. Upon passage of this annexation 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 together with a copy of a letter from the BRB's Executive Secretary of the Kitsap County Boundary Review Board that declares the BRB's decision relating to this annexation.

SECTION 8. 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 ordinance and the same shall remain in full force and effect.

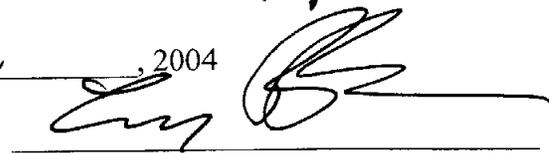
SECTION 9. Effective Date. This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

APPROVED by the City Council the 15th day of December, 2004

PASSED by the City Council the 22nd day of December, 2004

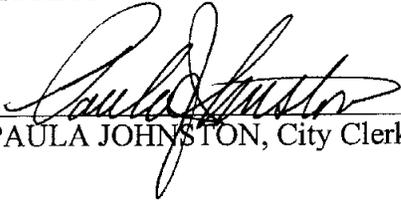

DAREN NYGREN, Council President

Approved this 30th day of December, 2004

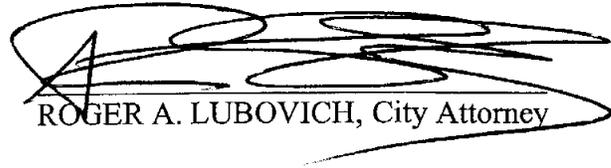

CARY BOZEMAN, Mayor



ATTEST:


PAULA JOHNSTON, City Clerk

APPROVED AS TO FORM:


ROGER A. LUBOVICH, City Attorney

PUBLISHED the 29th day of December, 2004
EFFECTIVE the 8th day of January, 2005
ORDINANCE NO. 4922

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BREMERTON CITY OF ORD \$27.00 Kitsap Co. WA

Part of Tract 18, Robeson's One, Two and Five Acre Tracts, as per Volume 1 of Plats, Page 72, records of Kitsap County, described as follows:

Beginning at the Southwest corner of said Tract 18; thence North 2°55'27" East along the West line of Tract 18, 95.99 feet, more or less to existing fence; thence South 85°49'08" East following the fence, 651.69 feet to the East line of Tract 18; thence following the East line of Tract 18, South 3°02'33" West 59.80 feet more or less, to the Southeast corner of said Tract 18; thence following the South line of Tract 18, North 88°59'56" West 652.46 feet to the point of beginning; situate in Kitsap County, Washington; and

TOGETHER WITH the East half of the right-of-way of Pine Road abutting the above described part of said Tract 18; and

Tract 19, Robeson's 1, 2, and 5 Acre Tracts, Volume 1 of Plats, Page 72, Kitsap County, Washington.

Said parcels being situated on the east side of Pine Road approximately 100 feet south of NE Roswell Drive, in the Northeast ¼ of Section 2, Township 24 North, Range 01 East, W.M.; and

TOGETHER WITH the east half of the right-of-way of Pine Road abutting the above described Tract 19.

EXHIBIT A



BREMERTON CITY OF

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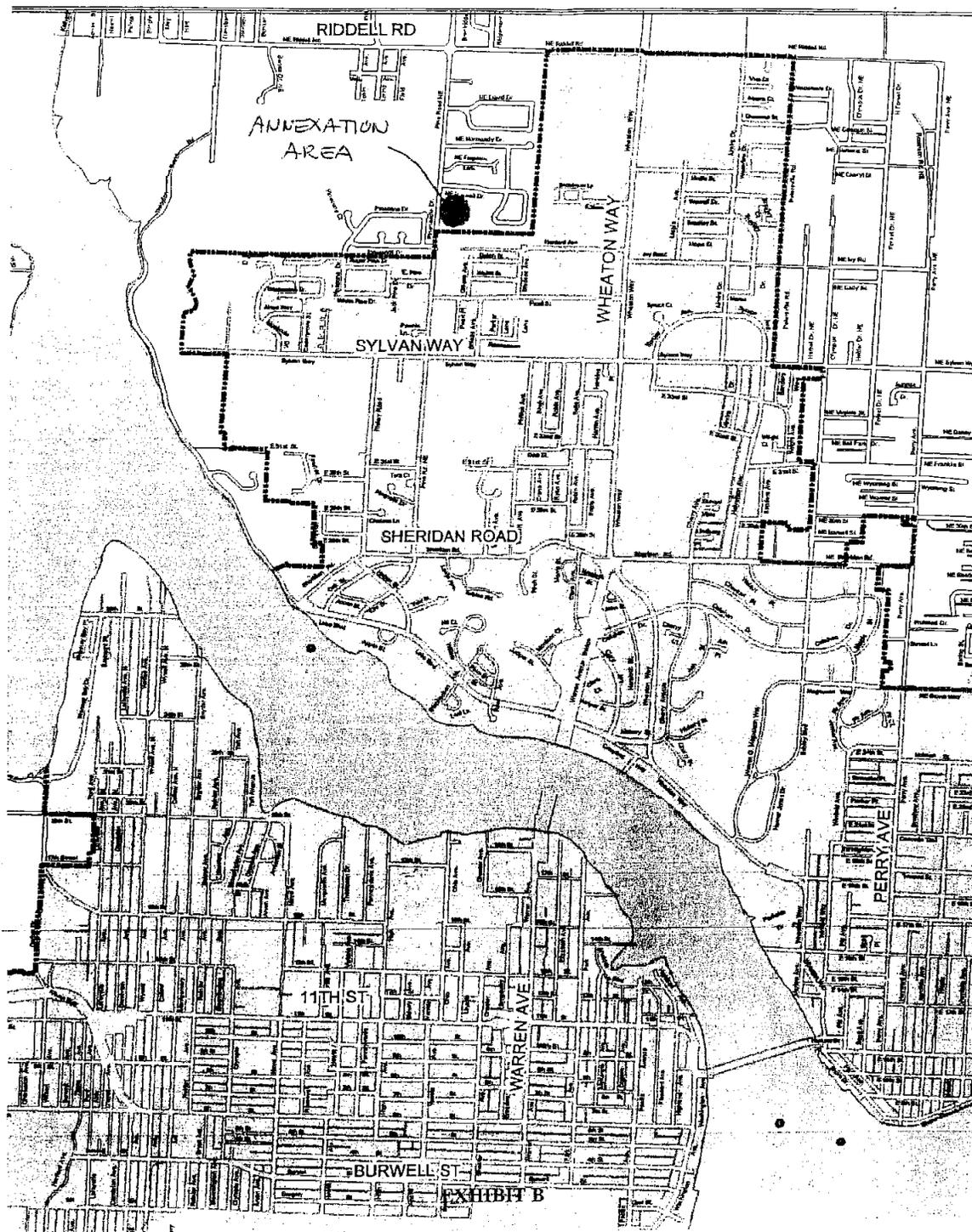
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Kitsap Co, WA



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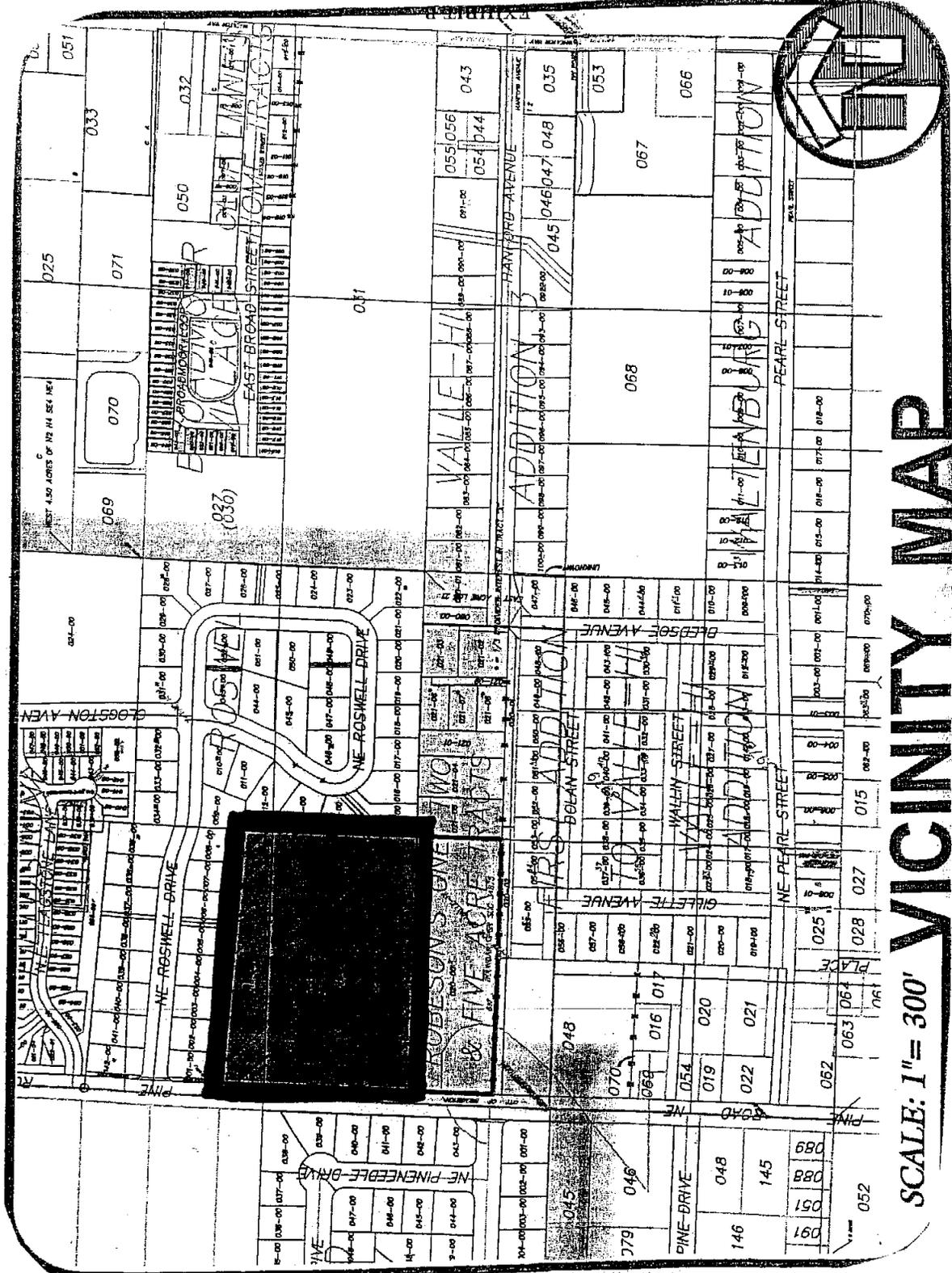
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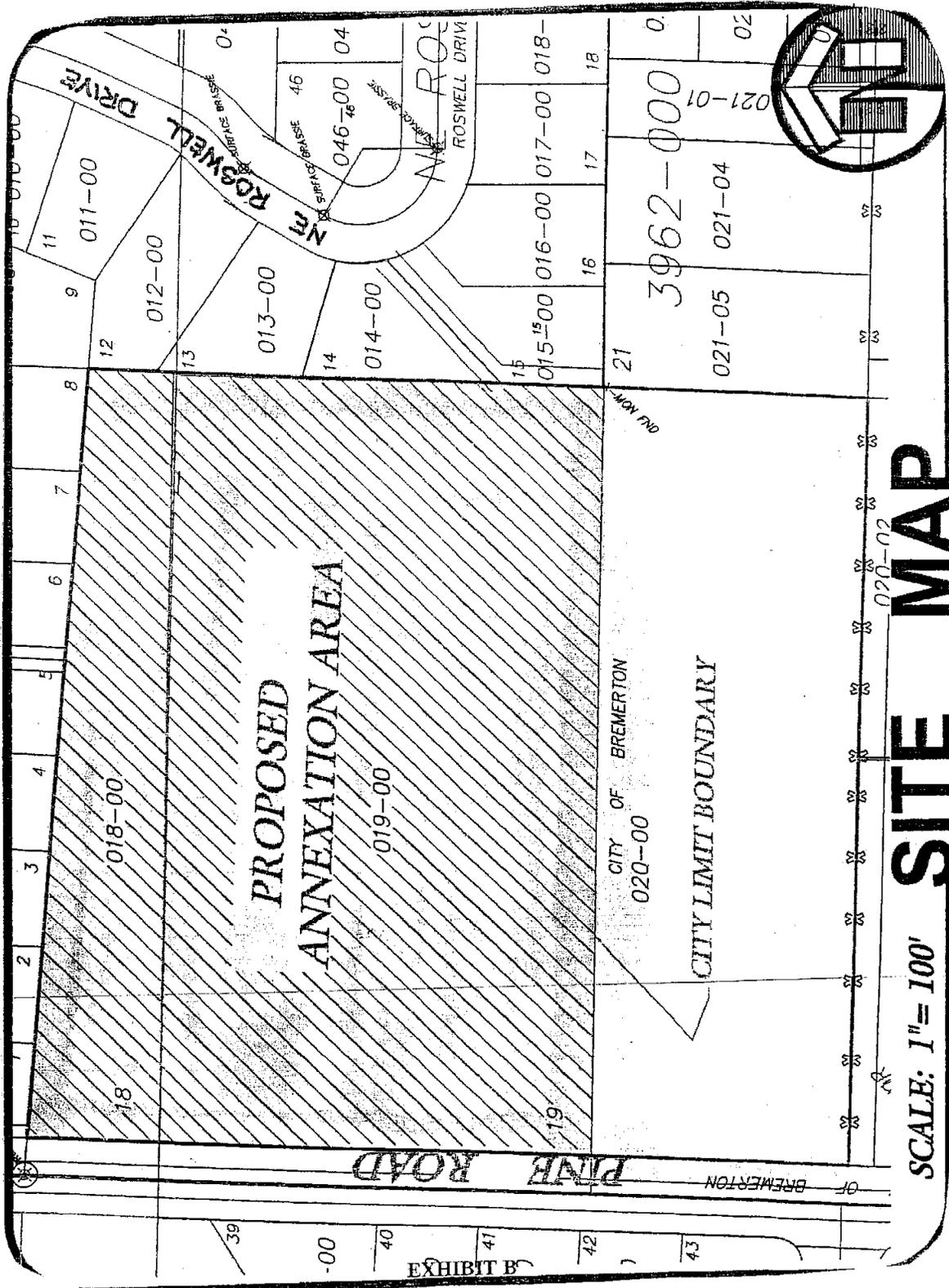
\$27.00

Kitsap Co, WA



SCALE: 1" = 300'

EXHIBIT B



AFFIDAVIT OF PUBLICATION

No. Ad # 100135019

STATE OF WASHINGTON
COUNTY OF KITSAP

I, Christine Nelson, being first duly sworn on oath, deposes and says: That she is now, and at all times embraced in the publication herein mentioned was the principal clerk of the printers and publishers of THE SUN; that said newspaper has been approved as a legal newspaper by order of the Superior Court of the County of Kitsap, in which County it is published and is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a daily newspaper in Bremerton, Kitsap County, Washington, and is now and during all of said time, was printed in an office maintained in the aforesaid place of publication of said newspaper; December 29th, 2004 and that such newspaper was regularly distributed to its subscribers during all of said period. That the full mount of the fee charged for the foregoing publication is the sum of \$56.87 which amount has not been paid.



(Signature of Principal Clerk)

Subscribed and sworn to before me this day of December 30th, 2004.



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APPROVED by the City Council the 15th day of December, 2004.

PASSED by the City Council the 22nd day of December, 2004.

The full text of this ordinance is available from the City Clerk's Office, 345 6th Street, Bremerton, WA 98337-1873.

December 29, 2004••#100135019

Return Address: City Clerk
City of Bremerton
345 6th Street, Suite 600
Bremerton, WA 98337



BREMERTON CITY OF

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\$27.00

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Kitsap Co, WA

AUDITOR/RECORDER'S INDEXING FORM

Document Title(s): 1. Ordinance No. 4922
Reference Number(s) of Documents assigned or released: <u>N/A</u>
Grantor(s): 1. City of Bremerton <input type="checkbox"/> Additional names on page _____ of document.
Grantee(s): 1. The Public / Ordinance No. 4922 <input type="checkbox"/> Additional names on page _____ of document.
Legal Description: Part of Tract 18 and Tract 19, Robeson's Tracts (abbreviated) NE ¼ S2 T24N R1E W.M. <input type="checkbox"/> Additional legal is on page _____ of document.
Assessor's Property Tax Parcel/Account Number: <u>3962-000-019-0009 and 3962-000-018-0000</u>