

## RESOLUTION 2012-L

### **A RESOLUTION OF THE EATONVILLE TOWN COUNCIL TO SET A MEETING IN ACCORDANCE WITH RCW 35.13.125 FOR THE PURPOSE OF DETERMINING WHETHER TO ANNEX REAL PROPERTY UNDER DIRECT PETITION**

**WHEREAS**, the Town Council, the legislative body of the Town of Eatonville, received from the duly authorized representative of the Van Eaton Family Trust, owner of real property of the Trust's intention to commence annexation proceedings;

**WHEREAS**, the Trust is the legal owner of fee simple title of the property described in Section 1 below, which is the entire area requested to be annexed; and

**WHEREAS**, the Town Council is required by RCW 35.13.125 to set a meeting with the legal owners of all property to be annexed within 60 days of said notice;

**BE IT RESOLVED** by the Council of the Town of Eatonville as follows:

1. The Town acknowledges the letter dated February 7, 2012, from the Van Eaton Family Limited Partnership, as notice of intent to commence annexation proceedings under RCW 35.13.125 for the following land, of which the Van Eaton Family Limited Partnership is owner of at least ten percent of the value:

The South 100 feet of the North 400 feet of the East 152 feet of the Northwest Quarter of the Northeast Quarter of Section 22, Township 16 North, Range 4 East, W.M., records of Pierce County, Washington.

2. Pursuant to RCW 35.13.125, the Town Council shall hold a meeting shall be held with the owners of all real property described in Section 1, to determine whether the Town will accept, reject, or geographically modify the proposed annexation, whether the Town shall require the simultaneous adoption of the comprehensive plan if such plan has been prepared and filed for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, and whether the Town shall require the assumption of all or of any portion of existing town indebtedness by the area to be annexed.

3. The meeting referenced in Section 2 shall take place on March 29, 2012, at 7:00 p.m.

Passed by the Council of the Town of Eatonville at a regular meeting this \_\_\_\_\_  
day of March, 2012.

\_\_\_\_\_  
Raymond Harper, Mayor

ATTEST:

\_\_\_\_\_  
Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

February 7<sup>th</sup>, 2012

RECEIVED  
FEB 10 2012  
BY: *kn*

Eatonville Town Council  
P.O. Box 309  
Eatonville, WA 98328

Subj: **Petition Requesting Annexation of City Tax Parcel - 0416221701**

Dear Governing Body of the Town of Eatonville,

We, the undersigned owners of real property (Parcel# 0416221701) respectfully request that the area described in the below legal description, be annexed to the Town of Eatonville city limits.

The area to be annexed is contiguous to the Town of Eatonville and the boundaries of property are set forth below.

**Legal Description:**

Section 22 Township 16 Range 04 Quarter 12 : S 100 Ft Of N 400 Ft Of E 152 Ft Of  
Nw Of Ne Current U Se Rcw 84.34 1971 Agri .35 Acs Afrn 2417754 Cont'd 1990  
Q745756 Trnsfd To Open Space Pbrs 2010 201103210828 Seg'd For Tax Purposes  
Only Due To Annexation To Town Of Eatonville Ord #83-2 Brb Case #82-4 Out Of  
1-007 Cont'd 1994 Q880084 Seg U-0456ch Es Dc1955 Ca3/2/90at

Lot Acres: .35  
Lot Sq Ft: 15,246  
Zoning: MSF

We thank you in advance for your consideration and look forward to hearing from you.

Sincerely,

*Terry Van Eaton*

Terry Van Eaton  
Van Eaton Family Lp Co GEN. PRNR  
41918 Lynch Creek E  
Eatonville, WA 98328

100 0 100 200  
 Scale 1" = 200'



575-16-04	510-16-04	594-04-04
8122-04-04		8123-16-04
5723-16-04	5122-16-04	5923-16-04



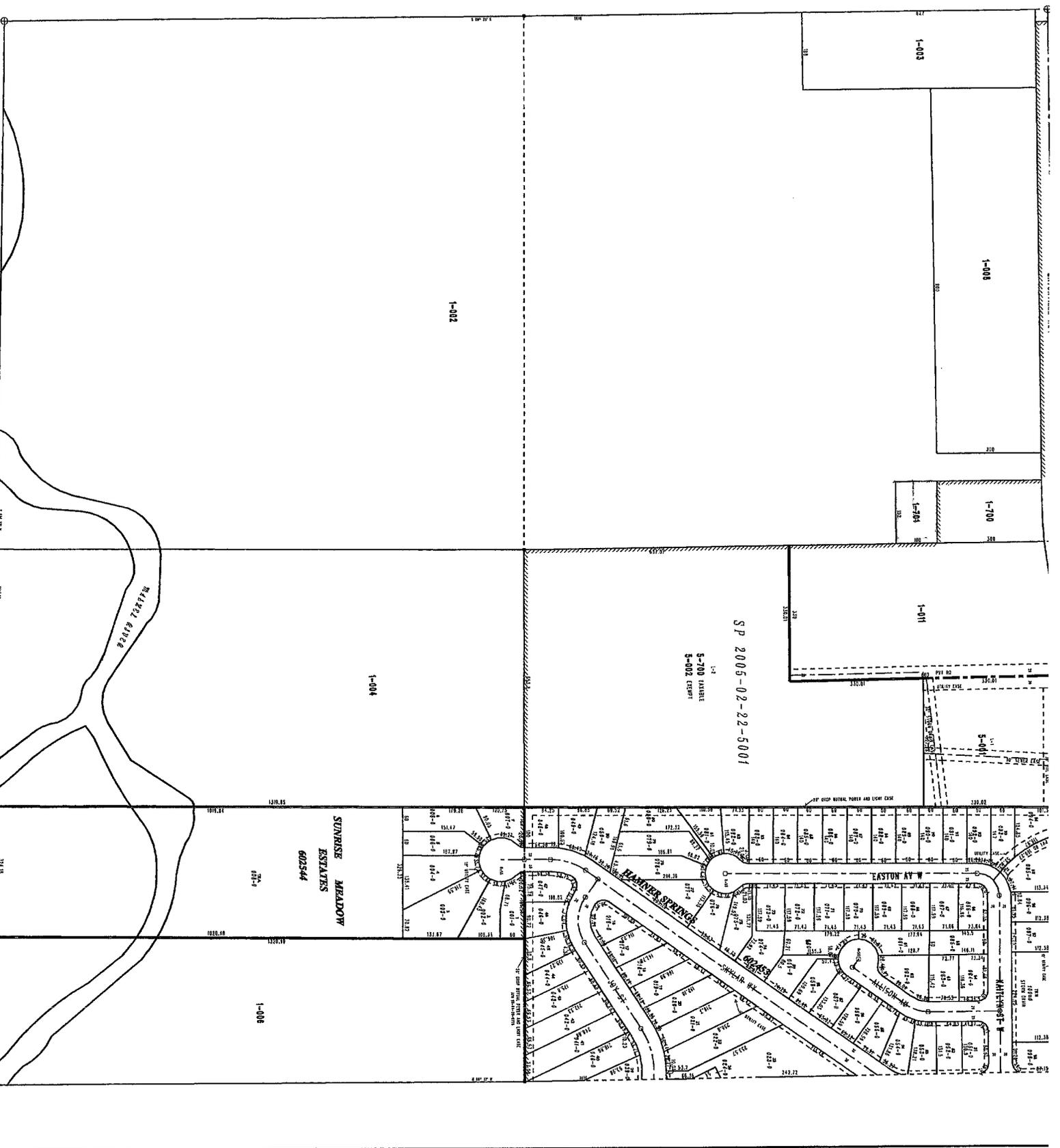
DATE OF MAP PRODUCTION: 11/13/07  
 04-15-22-1

Public Services Building  
 2401 S. 35th Street, Room 442  
 Tacoma, Washington 98408

Washington State File #11, South Zone, Shown: 0403-01



**Pierce County**  
 Assessor-Treasurer  
 THIS IS NOT A SURVEY  
 DO NOT USE DATA FOUND ON THIS MAP  
 WE ASSUME NO LIABILITY FOR VARIATIONS  
 ASCERTAINED BY ACTUAL SURVEY  
 FOR ASSESSOR'S USE ONLY





**RCW 35.13.125**

Direct petition method — Commencement of proceedings — Notice to legislative body — Meeting — Assumption of indebtedness — Comprehensive plan.

Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who, except as provided in RCW 28A.335.110, shall be either not less than ten percent of the residents of the area to be annexed or the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town will accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of the comprehensive plan if such plan has been prepared and filed for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, and whether it shall require the assumption of all or of any portion of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption of all or of any portion of indebtedness and/or the adoption of a comprehensive plan, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body.

[1990 c 33 § 565; 1989 c 351 § 3; 1973 1st ex.s. c 164 § 11; 1971 c 69 § 1; 1965 ex.s. c 88 § 10; 1965 c 7 § 35.13.125. Prior: 1961 c 282 § 18.]

## Notes:

**Purpose -- Statutory references -- Severability -- 1990 c 33:** See RCW 28A.900.100 through 28A.900.102.

**Severability -- 1971 c 69:** "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 c 69 § 5.]

## RCW 35.13.177

## Comprehensive land use plan for area to be annexed — Contents — Purpose.

The legislative body of any city or town acting through a planning commission created pursuant to chapter 35.63 RCW, or pursuant to its granted powers, may prepare a comprehensive land use plan to become effective upon the annexation of any area which might reasonably be expected to be annexed by the city or town at any future time. Such comprehensive plan, to the extent deemed reasonably necessary by the legislative body to be in the interest of health, safety, morals and the general welfare may provide, among other things, for:

- (1) The regulation and restriction within the area to be annexed of the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the set-back of buildings along highways, parks or public water frontages; and the subdivision and development of land;
- (2) The division of the area to be annexed into districts or zones of any size or shape, and within such districts or zones regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land;
- (3) The appointment of a board of adjustment, to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent of the comprehensive plan; and
- (4) The time interval following an annexation during which the ordinance or resolution adopting any such plan or regulations, or any part thereof must remain in effect before it may be amended, supplemented or modified by subsequent ordinance or resolution adopted by the annexing city or town.

All such regulations and restrictions shall be designed, among other things, to encourage the most appropriate use of land throughout the area to be annexed; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

[1965 ex.s. c 88 § 1.]

**RCW 35.13.178****Comprehensive land use plan for area to be annexed — Hearings on proposed plan — Notice — Filing.**

The legislative body of the city or town shall hold two or more public hearings, to be held at least thirty days apart, upon the proposed comprehensive plan, giving notice of the time and place thereof by publication in a newspaper of general circulation in the annexing city or town and the area to be annexed. A copy of the ordinance or resolution adopting or embodying such proposed plan or any part thereof or any amendment thereto, duly certified as a true copy by the clerk of the annexing city or town, shall be filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the county auditor. The auditor shall record the ordinance or resolution and keep on file the map or plat.

[1965 ex.s. c 88 § 2.]