



Business of the City Council City of Gig Harbor, WA

Subject: First Reading of Ordinance Accepting North Creek Gig Harbor, LLC property donation

Proposed Council Action: Proposed adoption of an ordinance accepting the donation of an undeveloped parcel of land at the second reading.

Dept. Origin: Public Works

Prepared by: Trent A. Ward, PE TW
City Engineer

For Agenda of: September 27, 2021

Exhibits: Draft Ordinance

	Initial & Date <i>email 9/21/21</i> <i>AP 9/20/21</i> <i>email 9/17/21</i> <i>QA/HDR 9/20/21</i> <i>TR 9/20/21</i>
Concurred by Mayor:	
Approved by City Administrator:	
Approved as to form by City Atty:	
Approved by Finance Director:	
Approved by Department Head:	

Expenditure Required	\$0	Amount Budgeted	\$0	Appropriation Required	\$0
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INFORMATION/BACKGROUND

The owner of the undeveloped, residentially zoned property (approx. 0.28 acres) located at 4889 96th Street (Parcel #0222313080), North Creek Gig Harbor, LLC, c/o Jim Chaffeur, desires to donate said parcel to the City of Gig Harbor.

As part of the City's due diligence process, and prior to further consideration by the City to accept the parcel donation, City Council authorized a Professional Services Contract with Landau Associates, Inc. at the June 28, 2021 Council meeting to perform a phase 1 environmental assessment of the parcel. The assessment was completed in August 2021 and concluded that there were no recognized environmental conditions identified at the subject property. Additionally, staff have reviewed a current title report for the property and found no unacceptable encumbrances upon the property, nor any voluntary liens of record affecting the subject property. And, the City was provided a survey map of the property, prepared by James H. Crabtree, PLS, dated 11/20/2018.

FISCAL CONSIDERATION

Costs associated with the due diligence and acceptance of this parcel donation are not included in the 2021 budget. However, since it is anticipated the donated parcel will likely be used to support the Cushman Trail, Staff has proposed these costs be paid for out of the ending fund balance from the Parks Development fund (109), and City Council authorized such funding for Landau contract.

Expenditure summary is shown in the table below:

Funding:	
2021 Parks Development Fund (109)	Ending Fund Balance
Project Expenses:	
First American Title Report	(\$826.50)
Professional Services Contract – Landau Assoc, Inc (Ph1 Environmental Site Assessment)	(\$7,555.00)
Anticipated Pierce County fees (recording deed, REETA, etc.)	(\$500.00)
Anticipated Total Expense:	
	\$8,881.50

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION/MOTION

Consider adoption of an ordinance accepting the donation of an undeveloped parcel of land at the second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ACCEPTING THE PROPERTY WITH PARCEL NUMBER 0222313080 FROM NORTH CREEK GIG HARBOR, LLC; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO LEGALLY TRANSFER INTEREST IN SUCH PROPERTY TO THE CITY OF GIG HARBOR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, North Creek Gig Harbor, LLC has graciously offered to donate the property located at 4889 96th Street, parcel number 0222313080 to the City of Gig Harbor, and

WHEREAS, RCW 35.21.100 authorizes the City to accept donations by ordinance and to carry out the terms of the donation as long as such terms fall within the scope of the City's delegated powers, and

WHEREAS, the City Council desires to accept the property donation, to authorize the Mayor to execute the necessary documents to legally transfer the donated property to the City, and to express its appreciation to North Creek Gig Harbor, LLC, now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. **Acceptance.** The City Council hereby accepts the donated property identified as 4889 96th Street, parcel number 0222313080. The Mayor is hereby authorized to execute all reasonably necessary documents to legally transfer the property from North Creek Gig Harbor, LLC to the City and accept the donation on behalf of the City and to carry out its terms. The City Council expresses its appreciation to North Creek Gig Harbor, LLC for its generous donation.

Section 2. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. **Effective Date.** This ordinance shall take effect five (5) days after publication of a summary consisting of the title.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Gig Harbor, at a regular meeting held this ____ day of _____, 2021.

APPROVED:

MAYOR, KIT KUHN

ATTEST/AUTHENTICATED:

INTERIM CITY CLERK, JOSH STECKER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
DANIEL KENNY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the ____ day of _____, 2021, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ACCEPTING THE PROPERTY WITH PARCEL NUMBER 0222303080 FROM NORTH CREEK GIG HARBOR, LLC; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO LEGALLY TRANSFER INTEREST IN SUCH PROPERTY TO THE CITY OF GIG HARBOR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2021.

INTERIM CITY CLERK, JOSH STECKER