



Business of the City Council City of Gig Harbor, WA

Subject: Second Reading and Adoption of Ordinance 1468 Accepting North Creek Gig Harbor, LLC Property Donation

Proposed Council Action: Adopt Ordinance 1468 accepting the donation of undeveloped property, Parcel #0222313080, and authorizing the Mayor to execute all reasonably necessary documents to legally transfer the property from North Creek Gig Harbor, LLC to the City.

Dept. Origin: Public Works

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

For Agenda of: October 11, 2021

Exhibits: Ordinance

	Initial & Date
Concurred by Mayor:	VY 10-4-21
Approved by City Administrator:	AP 10/4/21
Approved as to form by City Atty:	by email 9/30/21
Approved by Finance Director:	CD 10/4/21
Approved by Department Head:	JDA 9/1/21

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.

First reading of this ordinance was reviewed by City Council at their September 27, 2021 council meeting, and no updates were requested.

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

First Reading of this Ordinance was reviewed by City Council at their September 27, 2021 council meeting.

RECOMMENDATION/MOTION

Adopt Ordinance 1468 accepting the donation of undeveloped property, Parcel #0222313080, and authorizing the Mayor to execute all reasonably necessary documents to legally transfer the property from North Creek Gig Harbor, LLC to the City.

ORDINANCE NO. 1468

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 ESTABLISHING AN EFFECTIVE DATE.

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. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerk errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication of a summary consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 11th day of October, 2021.

Kit Kuhn
Mayor

Approved as to form:

Attest:

Daniel Kenny
City Attorney

Joshua Stecker
Interim City Clerk

PUBLICATION DATE: 10/14/21
EFFECTIVE DATE: 10/19/21