

CITY OF LYNNWOOD

ORDINANCE NO. 2790

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ANNEXING TO THE CITY OF LYNNWOOD THE APPROXIMATELY 33-ACRE AREA KNOWN AS THE MAPLE PRECINCT; PROVIDING FOR ZONING FOR THE ANNEXED AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.

WHEREAS, RCW 35A.14.295 and 35A.14.297 authorize the City Council to resolve to annex into the City unincorporated territory containing residential property owners if the unincorporated territory contains less than one hundred acres and has at least eighty percent of its boundaries contiguous to the City's boundaries, to conduct a public hearing on the annexation, and to provide by ordinance for the annexation; and

WHEREAS, pursuant to RCW 35A.14.295 and 35A.14.297, the City Council considered annexation of an unincorporated County island, consisting of approximately 33-acres located north of 176th St. SW and west of 60th Ave. West, and generally known as the Maple Precinct (City File No. 2008-ANX-0001), which area is legally described on Exhibit A attached hereto and incorporated by this reference ("the Maple Precinct Annexation Area"); and

WHEREAS, the Maple Precinct Annexation Area meets the requirements of RCW 35A.14.295; and

WHEREAS, the City Council is authorized, pursuant to RCW 35A.14.330 and 35A.14.340, to establish proposed zoning regulations to become effective upon the annexation of any area that might reasonably be expected to be annexed to the City at any future time; and

WHEREAS, the City's Department of Community Development recommended certain pre-annexation zoning designations for the properties in the Maple Precinct Annexation Area, as shown on Exhibit B attached hereto and incorporated by this reference; and

WHEREAS, the City Council conducted a public hearing on the proposed Maple Precinct annexation on September 22, 2008, and on August 11 and September 22, 2008, the City Council held hearings on the proposed zoning regulations for the Maple Precinct Annexation Area; and

WHEREAS, on September 24, 2007, the City Council approved future land use designations for the properties in the Maple Precinct Annexation Area (on the Future Land Use Plan map in the City's Comprehensive Plan), which designations include: "Local Commercial" (LC) for the commercial property at the northeast corner of 176th St. SW and 62nd Ave. W (addressed as 6121 176th St. SW), and "Low Density Single Family Residential" (SF-1) for the remaining properties in the Annexation Area; and

WHEREAS, the City Council determined that the public interest is served best by annexing the Maple Precinct Annexation Area, and on September 22, 2008, passed Resolution No. 2008-10, stating the City's intent to annex the Maple Precinct Annexation Area, and providing for the submission of a notice of intent to annex to the Snohomish County Boundary Review Board; and

WHEREAS, the City Council determined that the proposed zoning designations described on Exhibit B would be consistent with the City's Comprehensive Plan and with RCW 35A.14.330, and would be in the interest of the public health, safety, morals, and the general welfare, and on September 22, 2008, adopted Ordinance No. 2739, establishing pre-annexation zoning for the Maple Precinct Annexation Area; and

WHEREAS, on March 18, 2008, in accordance with Resolution No. 2008-10, the City filed a Notice of Intent to annex the Maple Precinct Annexation Area with the Snohomish County Boundary Review Board; and

WHEREAS, on March 31, 2009, following approval of the legal description for the annexation area, the Board deemed the Notice of Intent to be legally sufficient with an effective filing date of March 31, 2009; and

WHEREAS, the Snohomish County Boundary Review Board did not invoke jurisdiction over the proposed Maple Precinct annexation; and

WHEREAS, all statutory requirements have been completed, including those set forth in RCW 35A.14.295 and RCW 35A.14.340; and

NOW, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES HEREBY ORDAIN AS FOLLOWS

Section 1. The Maple Precinct Annexation Area, legally described on Exhibit A, is hereby annexed to the City of Lynnwood as of the effective date of this Ordinance.

Section 2. Upon annexation, the property in the Maple Precinct Annexation Area shall be assessed and taxed at the same rate and on the same basis as the other property in the City of Lynnwood, including all assessments or taxes for payment of its pro rata share of all outstanding indebtedness of the City contracted for, incurred prior to, or otherwise existing on the effective date of the annexation.

Section 3. The City of Lynnwood's Comprehensive Plan shall be deemed to apply to the Maple Precinct Annexation Area from and after the effective date of this Ordinance.

Section 4. The Maple Precinct Annexation Area shall have the zoning designation and be subject to the City's zoning and other land use regulations as stated in Ordinance No. 2739, and as shown on Exhibit B to this Ordinance, from and after the effective date of this Ordinance.

The Official Zoning Map of the City of Lynnwood shall be revised to include these designations as of the effective date of this Ordinance.

Section 5. This Ordinance shall take effect and the Maple Precinct Annexation Area shall become part of the City of Lynnwood forty-five (45) days from the date of passage of this Ordinance consistent with the requirements of RCW 35A.14.297 and 35A.14.299.

Section 6. A certified copy of this Ordinance shall be filed with the Snohomish County Council.

Section 7. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

Section 8. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City. Notice of the proposed effective date of this Ordinance, together with a description of the property to be annexed and other matters required by statute, shall be published in accordance with RCW 35A.14.297.

PASSED THIS 8th day of June, 2009 and signed in authentication of its passage this 8th day of June, 2009.



DON GOUGH
Mayor

ATTEST:

APPROVED AS TO FORM:



JOHN MOIR
Finance Director



ERIC FRIMODT
City Attorney

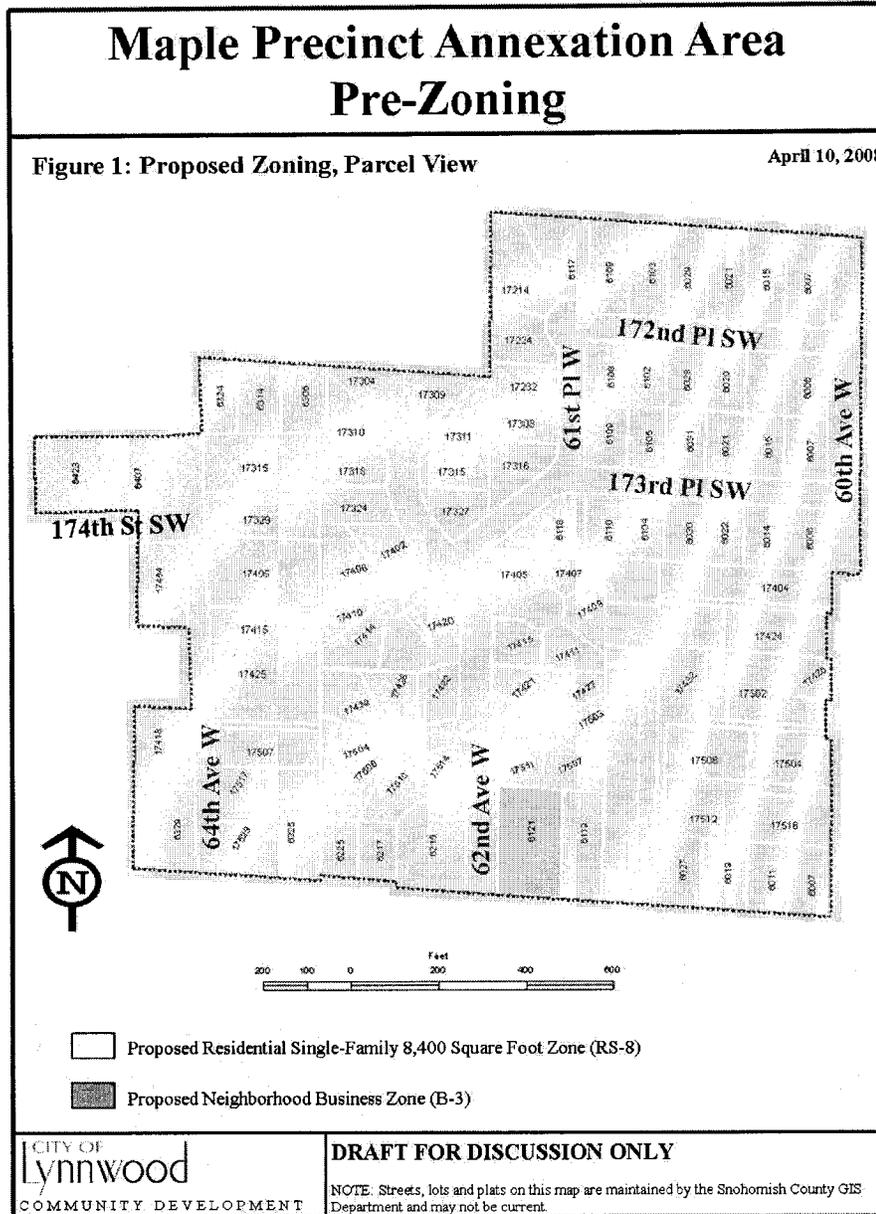
Exhibit A – Legal Description of Maple Precinct

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 8 AND THAT PORTION OF THE WEST 20 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 148, PLAT OF MEADOWDALE BEACH, AS RECORDED IN VOLUME 5 OF PLATS, PAGE 38, RECORDS OF SAID COUNTY, ALSO BEING THE POINT OF BEGINNING OF THE ANNEXATION DESCRIPTION DISCLOSED BY CITY OF LYNNWOOD ORDINANCE 215, PASSED OCTOBER 12, 1964; THENCE ALONG THE FOLLOWING COURSES DESCRIBED BY SAID ORDINANCE, SOUTH 83°24'28" WEST ALONG THE PROJECTED SOUTH LINE OF SAID TRACT 148, 10 FEET TO A POINT WHICH IS 40 FEET FROM AN EXISTING FENCE LINE; THENCE NORTHERLY PARALLEL WITH SAID FENCE LINE TO THE NORTH LINE OF THE SOUTH 308 FEET OF SAID TRACT 148; EASTERLY ALONG SAID NORTH LINE 106 FEET, MORE OR LESS TO THE WESTERLY RIGHT OF WAY MARGIN OF 64TH AVENUE WEST; NORTHERLY ALONG SAID MARGIN TO THE NORTH LINE OF THE SOUTH 462 FEET OF SAID TRACT 148; WESTERLY ALONG SAID NORTH LINE 106 FEET, MORE OR LESS, TO THE AFOREMENTIONED LINE WHICH IS PARALLEL WITH SAID EXISTING FENCE; NORTHERLY ALONG SAID AFOREMENTIONED LINE TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 148 FROM WHICH THE NORTHWEST CORNER OF SAID TRACT 148 BEARS NORTH 81°59'14" EAST 27 FEET DISTANT; CONTINUING NORTHERLY ALONG SAID AFOREMENTIONED LINE TO THE NORTHERLY RIGHT OF WAY MARGIN OF 174th STREET SOUTHWEST AS SHOWN ON THE PLAT OF WINNEM ADDITION, AS RECORDED IN VOLUME 15 OF PLATS, PAGE 10, RECORDS OF SAID COUNTY; WESTERLY ALONG SAID MARGIN TO THE SOUTHEAST CORNER OF LOT 3 OF SAID PLAT; NORTHERLY ALONG THE EAST LINE OF SAID LOT 3 TO THE NORTHEAST CORNER OF SAID LOT 3 AND TO THE LINE DESCRIBED BY CITY OF LYNNWOOD ANNEXATION ORDINANCE NO. 148, PASSED FEBRUARY 21, 1963; THENCE LEAVING THE LINE DESCRIBED BY SAID ORDINANCE NO. 215, EASTERLY ALONG THE NORTH LINE OF LOTS 4 AND 5 OF SAID WINNEM ADDITION AND ITS EASTERLY EXTENSION, SAID NORTH LINE ALSO BEING A PORTION OF THE LINE DESCRIBED BY SAID ORDINANCE NO. 148 AND THE SOUTH LINE DESCRIBED BY CITY OF LYNNWOOD ANNEXATION ORDINANCE NO. 225, PASSED JANUARY 11, 1965 TO THE EASTERLY RIGHT OF WAY MARGIN OF 64TH AVENUE WEST; THENCE NORTHERLY ALONG SAID EASTERLY MARGIN AND THE EASTERLY LINE DESCRIBED BY SAID ORDINANCE NO. 225 TO AN INTERSECTION WITH A LINE CONNECTING WITH AND "RUNNING" BETWEEN THE NORTHEAST CORNER OF LOT 6, SAID PLAT OF WINNEM ADDITION AND THE NORTHWEST CORNER OF LOT 19, PLAT OF MEADOWDALE VILLAGE NO. 2 AS RECORDED IN VOLUME 18 OF PLATS, PAGE 28, RECORDS OF SAID COUNTY, ALSO BEING A LINE DESCRIBED BY SAID ORDINANCE 148; THENCE EASTERLY ALONG SAID DESCRIBED ORDINANCE NO. 148 LINE TO THE NORTHWEST CORNER OF SAID LOT 19; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PLAT AND DESCRIBED LINE TO THE

NORTHEAST CORNER OF LOT 20 OF SAID PLAT, ALSO BEING THE WESTERLY LINE OF THE PLAT OF SQUIRE LANE AS RECORDED IN VOLUME 19 OF PLATS, PAGE 99, RECORDS OF SAID COUNTY; THENCE NORTHERLY ALONG SAID WEST LINE AND DESCRIBED LINE TO THE SOUTH RIGHT OF WAY MARGIN OF 172nd STREET AND SOUTHWEST AS SHOWN ON SAID PLAT OF SQUIRE LANE; THENCE EASTERLY ALONG SAID MARGIN AND DESCRIBED LINE TO THE EAST RIGHT OF WAY MARGIN OF 60TH AVENUE WEST AS SHOWN ON THE PLAT OF MEADOWDALE 10 ACRE TRACTS, AS RECORDED IN VOLUME 5 OF PLATS, PAGE 32, RECORDS OF SAID COUNTY, SAID MARGIN ALSO BEING THE WESTERLY LINE OF TRACT 16 OF SAID PLAT AND THE WESTERLY LINE DESCRIBED BY CITY OF LYNNWOOD ANNEXATION ORDINANCE NO. 597, PASSED MARCH 22, 1971; THENCE SOUTHERLY ALONG SAID MARGIN AND WESTERLY LINES TO THE SOUTHWEST CORNER OF SAID TRACT 16, SAID CORNER ALSO BEING THE NORTHWEST CORNER DESCRIBED BY CITY OF LYNNWOOD ANNEXATION ORDINANCE NO. 1410, PASSED JULY 23, 1984 AND TO THE LINE DESCRIBED BY CITY OF LYNNWOOD ANNEXATION ORDINANCE NO. 1637, PASSED JULY 25, 1988; THENCE WESTERLY ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT 16 AND LINE DESCRIBED BY SAID ORDINANCE 1637 TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 8, ALSO BEING THE CENTERLINE OF SAID 60TH AVENUE WEST; THENCE SOUTHERLY ALONG SAID EAST LINE, CENTERLINE AND DESCRIBED LINE TO THE EASTERLY EXTENSION OF TRACT 149, SAID PLAT OF MEADOWDALE BEACH, ALSO BEING THE NORTHERLY LINE DESCRIBED BY CITY OF LYNNWOOD ANNEXATION ORDINANCE NO. 1565, PASSED FEBRUARY 23, 1987 AND THE NORTHERLY RIGHT OF WAY MARGIN OF 176TH STREET SOUTHWEST AS SHOWN ON SAID PLAT OF MEADOWDALE BEACH; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACTS 149 AND 148 AND ITS EASTERLY EXTENSION AND SAID NORTHERLY DESCRIBED LINE TO THE POINT OF BEGINNING.

Exhibit B – Pre-annexation Zoning Designations



SUMMARY OF ORDINANCE NO. 2790

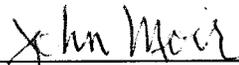
of the City of Lynnwood, Washington

On the 8th day of June, 2009, the City Council of the City of Lynnwood, passed Ordinance No 2790. A summary of the content of said ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ANNEXING TO THE CITY OF LYNNWOOD THE APPROXIMATELY 33-ACRE AREA KNOWN AS THE MAPLE PRECINCT; PROVIDING FOR ZONING FOR THE ANNEXED AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.

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

DATED this 9th day of June, 2009.



JOHN MOIR, Finance Director