ORDINANCE 1357

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON PROVIDING FOR THE ANNEXATION OF CERTAIN UNINCORPORATED PROPERTY LOCATED EAST OF THE CITY LIMITS AND IDENTIFIED AS THE TANNER ANNEXATION; AMENDING THE COMPREHENSIVE PLAN MAP AND OFFICIAL ZONING MAP CONSISTENT WITH THE ANNEXATION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, owners of certain property situated within the area herein proposed for annexation, as legally described in the attached Exhibit "A" and depicted in the attached Exhibit B, have filed a notice of intent to commence annexation proceedings pursuant to Chapter 35A.14 RCW, and

WHEREAS, on December 2, 2008 and January 6, 2009, the City Council participated in meetings with the initiating parties, accepted the petition of interest from the initiating parties, and authorized circulation of a formal annexation petition, and

WHEREAS, the City subsequently received an annexation petition from property owners representing in excess of 60% of the total assessed valuation for general taxation of the property located within the Proposed Annexation Area and requesting annexation to the City of North Bend, and

WHEREAS, the King County Assessor has certified that the petition contains the signatures of property owners exceeding 60% of the total assessed valuation for general taxation of the property located within the Proposed Annexation Area as required by state law, and

WHEREAS, on September 19, 2006 the City Council adopted City Ordinance No. 1256 which ordinance, among other things, amended title 18 of the North Bend Municipal Code to incorporate pre-annexation zoning within the City's Urban Growth Area and adopted the City's 2005 Comprehensive Plan as a pre-annexation comprehensive plan within the Urban Growth Area, and

WHEREAS, on November 6, 2007, the City Council adopted City Ordinance No. 1290 providing for amendments to the Comprehensive Plan, and

WHEREAS, on September 16, 2008 the City Council adopted City Ordinance No. 1330 amending the zoning of specific properties, some of which are in the Tanner Annexation Area, and

WHEREAS, the proposed annexation area is located within the City's Urban Growth Area, and

WHEREAS, the City, after determining that the petition met all applicable requirements set forth in Chapter 35A.14 RCW, and after giving notice as required by law, held a public hearing before the City Council on the 21st day of April, 2009 to take public comment on and to consider the annexation petition, and

WHEREAS, on April 27, 2009 the City submitted to the Washington State Boundary Review Board for King County (the "Boundary Review Board") a request for annexation of the properties, which properties comprise all of the properties located with the Proposed Annexation Areas, and

WHEREAS, the Boundary Review Board completed its evaluations pursuant to Chapter 36.93 RCW and approved the request for annexation subject to the conditions specified in its approval letter, and

WHEREAS, the City Council having duly considered the annexation petition and public comments regarding the same, has determined that the health, welfare and safety of the people of the City of North Bend and the petitioners will be best served if the Proposed Annexation Area is annexed to and becomes part of the City of North Bend;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Upon the effective date of the annexation set forth in Section 4 below, the real property described in Exhibit "A" and depicted in Exhibit "B", attached hereto and incorporated by reference as though fully set forth herein, is and shall be annexed to the City of North Bend and shall thereafter be included within the corporate limits of the City of North Bend subject to all laws, rules, regulations and ordinances of the City of North Bend.

Section 2. The Urban Growth Area Boundary of the Comprehensive Plan and associated Figures and Maps shall be amended to reflect incorporation of the real property described in Exhibit "A".

Section 3. The Official Zoning Map as designated pursuant to Section 18.08.010 of the North Bend Municipal Code shall be amended to reflect incorporation of the real property described in Exhibit "A".

Section 4. The effective date of annexation shall be July 6, 2009.

Section 5. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this

ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A SPECIAL MEETING THEREOF, THIS 23RD DAY OF JUNE, 2009.

CITY OF NORTH BEND:

Kenneth G. Hearing, Mayor

APPROVED AS TO FORM:

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Cheryl Proffitt, City Clerk

Published: July 8, 2009
Effective: July 6, 2009

Exhibit A – Legal Description
Exhibit B – Depiction of Annexation Area

EXHIBIT A

TANNER ANNEXATION

BOUNDARY DESCRIPTION

Those portions of Sections 10, 13, 14, 15, and 24 of Township 23 North, Range 08 East and Sections 18 and 19 of Township 23 North, Range 09 East, Willamette Meridian, located within the following described boundary:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 10;

Thence North along the Sixteenth Section line 813 feet to the True Point Of Beginning also being the Northerly margin of the Burlington Northern Railway, formerly the CM & PS Railway;

Thence Southerly and Southeasterly along the Northerly margin of said Burlington Northern Railway to the South line of the Southeast quarter of said Section 10 also being the North line of the Northeast quarter of Section 15, Township 23 North, Range 08 East, W.M.;

Thence continuing along the Northerly margin of said Burlington Northern Railway to the East line of said Northeast quarter of Section 15 also being the West line of the Northwest quarter of Section 14, Township 23 North, Range 08 East, W.M.;

Thence continuing along the Northerly margin of said Burlington Northern Railway to the South line of the Northwest quarter of said Section 14 also being the North line of the Southwest quarter of said Section 14;

Thence continuing along the Northerly margin of said Burlington Northern Railway to the East line of said Southwest quarter of Section 14 also being the West line of the Southeast quarter of said Section 14;

Thence continuing along said northerly margin of Burlington Northern Railway to the intersection with the North margin of SE North Bend Way right-of-way;

Thence Southeasterly along the North margin of SE North Bend Way right-of-way to the intersection with the North margin of SE Tanner Road right-of-way, also known as SE 138th Street or JB Allen Road No. 759;

Thence Easterly along the North margin of SE Tanner Road right-of-way to the East line of the West 750 feet of said Southeast Quarter;

Thence North along said Westerly line to the South bank of the Middle Fork Snoqualmie River;

Thence East and Northeast along said South bank to the North line of the Southeast quarter of said Section 14;

Thence continuing Northeast along said South bank to the Southwesterly property line of Lot 1, King County Short Plat 986008 under Recording Number 8708271077;

Thence North 49 37' 17" West along said Southwesterly property line to the North line of the Southeasterly half of the Southeast quarter of the Northeast quarter of said Section 14;

Thence Northeasterly along said Northerly line of the Southeasterly half to the Northeasterly line of Lot 4, of said Short Plat;

Thence Southeasterly, along said Northeasterly line, to the Southeasterly bank of the Middle Fork Snoqualmie River;

Thence Northeasterly, along said Southeasterly bank, to the Northeasterly margin of Mt. Si Road;

Thence Northwesterly, along said Northeasterly margin, to the North line of the Southeasterly half of the Southeast quarter of the Northeast quarter of said Section 14;

Thence Northeasterly, along said North line, to the East line of the Northeast quarter of said Section 14 also being the West line of the Northwest quarter of Section 13, Township 23 North, Range 08 East, W.M.;

Thence South along the West line of the Northwest quarter of said Section 13 to the South bank of the Middle Fork Snoqualmie River;

Thence Northeasterly, Easterly, Southeasterly, Southerly and Southeasterly along said South bank to the East line of the Northwest quarter of said Section 13 also being the West line of the Northeast quarter of said Section 13;

Thence North along said West line to the centerline of the Middle Fork Snoqualmie River;

Thence Easterly and Northeasterly along the centerline of the Middle Fork Snoqualmie River to West line of the East half of the East half of the Northeast Quarter said Section 13;

Thence South along said West line and the West line of the East half of the East half of the Southeast Quarter said Section 13, to the North right-of-way line of SE Middle Fork Road;

Thence Easterly along said North right-of-way line to the east line of the Southeast quarter of said Section 13 also being the West line of the Southwest quarter of Section 18, Township 23 North, Range 09 East, W.M.;

Thence continuing Easterly along said North right-of-way line to East line of the West half of the Southwest quarter of said Section 18

Thence South along the East line of the West half of the Southwest quarter of said Section 18 to the South line of said Section 18, also being the North line of the Northwest quarter of Section 19, Township 23 North, Range 09 East, W.M.;

Thence West along the North line of said Section, to the east line of the Plat of Edgewick Village, recorded in Volume 116 of Plats, on Page 41, records of King County, Washington;

Thence South 01 22' 29" West, along said east line, 1302.44 feet to the North right-of-way line of State Route 90, Tanner to Lower Crossing Snoqualmie River;

Thence Northwesterly along said North right-of-way line North 61 45' 43" West, 840.71 feet, to the East right-of-way margin of 468th Avenue SE, also known as Edgewick Road County Road No. 617;

Thence North 01 22' 29" East, 200 feet;

Thence North 09 56' 58" West, 101.85 feet to the Southerly turnback line of County Road 617, relinquished from the State of Washington to King County by Deed dated 12/7/76;

Thence Westerly along said Southerly turnback line 60 feet to the west right-of-way line of 468th Avenue SE;

Thence Southerly along said west line to the North right-of-way line of SE North Bend Way;

Thence Westerly along said North line to the East margin of the turnback line of Old Sunset Highway as relinquished from Washington State to King County under Recording No 8307080974;

Thence Southeasterly along the East margin of said relinquishment area 70 feet, more or less, to the South right-of-way line SE North Bend Way;

Thence West and Northwest along said South right-of-way line to the West line of the Northeast Quarter of Section 24, Township 23 North, Range 08 East, W.M. also being the East line of the Northwest Quarter of said Section 24;

Thence continuing Northwest along said South right-of-way line to the North line of Northwest Quarter of said Section 24 also being the South line of Section 13, Township 23 North, Range 08 East, W.M.;

Thence continuing Northwest along said South right-of-way line to the West line of the Southwest quarter of said Section 13 also being the East line of the Southeast quarter of Section 14, Township 23 North, Range 08 East, W.M.;

Thence continuing Northwest along said South right-of-way line to the intersection with the East line of the West 600 feet of the Northeast quarter of the Southeast quarter of said Section 14, said intersection also being 30 feet Southwesterly of the centerline of the former Sunset Highway No 10 as measured perpendicularly to said right-of-way centerline;

Thence North 77 04' 10" West, along the North right-of-way line of State Route 90, 1066.33 feet to the Northeast margin of the Puget Sound Railroad (PSRR) right-of-way;

Thence North 41 17' 42" West along said Northeast margin, 184.16 feet to the East line of the West 750 feet of the Northwest Quarter of the Southeast Quarter of said Section 14;

Thence South 00 21' 38" West along said east line, 142.80 feet, more or less, to the intersection with the North right-of-way line of State Route 90;

Thence West along said North right-of-way line to the intersection point of the former centerline of SR 90 – Echo Lake Interchange to Tanner per approved June 18, 1971 plans said point also being the Southeast corner of Lot 4 of King County Short Plat No. 486045 under Recording No 8710191150;

Thence following the former SR90 centerline and the Northeasterly property lines of Lots 4 and 2 of said King County Short Plat Northwesterly to the Southeast end of the frontage road right-of-way also known as SE 136th Street;

Thence North 36 40' 10" East, along said Southeast end, 60 feet to the Northeast right-of-way line of SE 136th Street;

Thence following said Northeast right-of-way line Northwest and West to the West right-of-way line of 436th Avenue SE,

Thence North along said West line to its intersection with the Southwest right-of-way line of the SE Cedar Falls Way (SR-90 Echo Lake Interchange to Tanner) right-of-way;

Thence Northwest along said Southwest right-of-way line of SE Cedar Falls Way to a point opposite Highway Engineer Station 178+00;

Thence South 32 57' 48" West, 77.06 feet;

Thence North 52 24' 56" West, 75.28 feet;

Thence North 52 22' 05" West, 3.46 feet;

Thence North 12 10' 41" West, 119.05 feet;

Thence North 52 22' 05" West 97.14 feet to the intersection of the Southwesterly right-of-way of SE Cedar Falls Way with the North line of the South 313.00 feet of the Northwest quarter of the Northeast quarter of said Section 15, also being on the City of North Bend City Limits, as annexed under City of North Bend Ordinance 731;

Thence due North, along said city limits, to the Northeasterly right-of-way line of SE Cedar Falls Way, said right-of-way line also being parallel to and 40.00 feet Northeasterly of the existing E.B. line as shown in Washington State Department of Transportation plans for Public State Highway No. 2;

Thence Northwesterly along said Northeasterly right-of-way line of SE Cedar Falls Way, and said city limits, to the North line of said Section 15 also being the South line of Section 10, Township 23 North, Range 08 East, W.M.;

Thence continuing Northwesterly along said Northeasterly right-of-way line of SE Cedar Falls Way, and said city limits, to the West line of the Southeast quarter of said Section 10;

Thence North along said West line, and said city limits, 500.00 feet to the Southwesterly margin of the abandoned Burlington Northern Railway;

Thence Southeasterly along said Southwest margin, and said city limits, 600 feet, more or less, to a line parallel with and 817 feet West of the East line of the Southwest quarter of the Southeast quarter of said Section;

Thence North 216 feet, more or less, along said parallel line, and said city limits, to a point 10 feet westerly of a point 36.00 feet North of the Northeasterly margin of SE North Bend Way (also known as Sunset Highway) and on a line 807.00 feet West of and parallel to the East line of the Southwest quarter of the Southeast quarter of said Section;

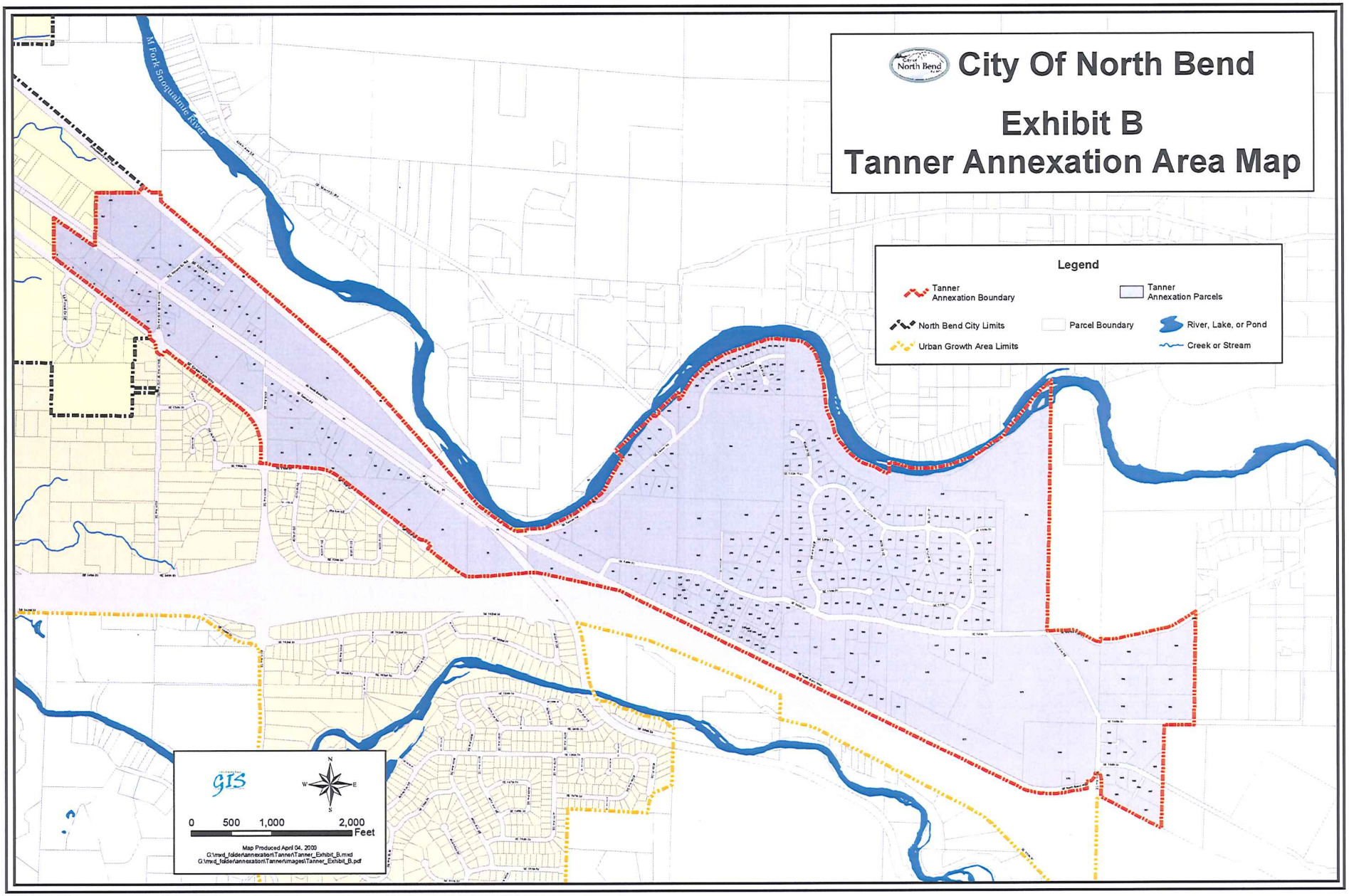
Thence East 10.00 feet, along said city limits, to said point;

Thence Northerly along said parallel line, and said city limits, to a point on a line lying 813.00 feet North of and parallel to the South line of said Section 10;

Thence Easterly along said parallel line, and said city limits, 530.80 feet to the South margin of Burlington Northern Railway, formerly the CM & PS Railway;

Thence Northeasterly at right angles to the South margin of said Burlington Northern Railway 100 feet to the North margin of said Burlington Northern Railway, also being on the City of North Bend City Limits, as annexed under City of North Bend Ordinance 1287;

Thence, leaving said city limits, Southeasterly and Easterly along the North margin of said Burlington Northern Railway to the True Point of Beginning.


City Of North Bend
Exhibit B
Tanner Annexation Area Map
Legend
Tanner Annexation Boundary
Tanner Annexation Parcels
North Bend City Limits
Parcel Boundary
River, Lake, or Pond
Urban Growth Area Limits
Creek or Stream
M Fork Snoqualmie River
GIS
N
W
E
S
0 500 1,000 2,000 Feet
Map Produced April 04, 2008
G:\mxd_folder\annexation\Tanner\Tanner_Exhibit_B.mxd
G:\mxd_folder\annexation\Tanner\images\Tanner_Exhibit_B.pdf