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ORDINANCE 1392

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON; PROVIDING FOR THE ANNEXATION OF CERTAIN UNINCORPORATED PROPERTY GENERALLY LOCATED SOUTH OF THE CITY LIMITS AND IDENTIFIED AS THE STILSON 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 described in attached exhibit "A" legal description of the Stilson Annexation boundary (Proposed Annexation Area), have filed a notice of intent to commence annexation proceedings pursuant to Chapter 35A.14 RCW; and

WHEREAS, on May 5, 2009, the City Council participated in a meeting with the initiating parties, accepted the petitions 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 November 6, 2007 the City Council approved City Ordinance No. 1290 adopting the City's 2007 Comprehensive Plan as a pre-annexation comprehensive plan for the UGA; and

WHEREAS, on August 12, 2008 the City Council adopted City Ordinance No. 1325, amending title 18 of the North Bend City code to incorporate pre-annexation zoning districts within the City's Urban Growth 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 November 17, 2009 to take public comment on and to consider the annexation petition; and

WHEREAS, on March 30, 2010 the City submitted to the Washington State Boundary Review Board for King County (the "Boundary Review Board") the Notice of Intent to annex the properties which properties comprise all of the properties located within the Proposed Annexation Area; and

WHEREAS, the Boundary Review Board completed its evaluation of the Notice of Intent pursuant to Chapter 36.93 RCW and approved the request for annexation subject to the conditions specified therein; 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, 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 hereby annexed to the City of North Bend to be included within the corporate limits of the City of North Bend and 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. 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 5. 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 REGULAR MEETING THEREOF, THIS 1ST DAY OF JUNE, 2010

CITY OF NORTH BEND:

Kenneth G. Hearing, Mayor

APPROVED AS TO FORM:

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Cheryl Proffitt, City Clerk

Published: June 9, 2010
Effective: June 14, 2010

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

EXHIBIT A

Legal Description
Stilson Annexation Area

Those portions of Sections 15, Township 23 North, Range 08 East, Willamette Meridian, located within the following described boundary:

Beginning at the Southwest corner of the Northeast quarter of said Section 15 said point being the True Point of Beginning;

Thence North along the west line of said Subdivision to the north line of the South Half of the Southwest Quarter of the Northeast Quarter of said Section 15 and the junction with the existing City of North Bend City Limit per North Bend Ordinance No 731;

Thence East along said north line and existing City of North Bend City Limit 1008.96 feet more or less to the West line of the East 320 feet of the Southwest Quarter of the Northeast Quarter of said Section 15;

Thence North along said West line and City Limit 290 feet;

Thence East 300 feet along a line parallel with and 290 feet north of the north line of the South Half of said Southwest Quarter of the Northeast Quarter and City Limit to the west right-of-way line of 432nd Avenue SE;

Thence North along said west right-of-way line and City Limit 60.84 feet to the South line of the North 310 feet of the Southwest Quarter of the Northeast Quarter of said Section 15;

Thence West along said South line and City Limit 300 feet to the West line of the East 320 feet of the Southwest Quarter of the North East Quarter of said Section 15;

Thence North along said West line and City Limit 310 feet to the North line of the Southwest Quarter of the Northeast Quarter of said Section 15;

Thence East along said North line and City Limit 22 feet to a point on the West line of the East 298 feet of the Northwest Quarter of the Northeast Quarter of said Section 15;

Thence North 01° 00' 00" East along said West line of the East 298 feet and City Limit 313.02 feet to a point on the North line of the South 313 feet of the Northwest Quarter of the Northeast Quarter of said Section;

Thence East along said North line of the South 313 feet and said City Limit 170.11 feet to the South right-of-way line of SE Cedar Falls Way;

Thence South 52° 22' 05" East 97.14 feet;

Thence South 12° 10' 41" East 119.05 feet;

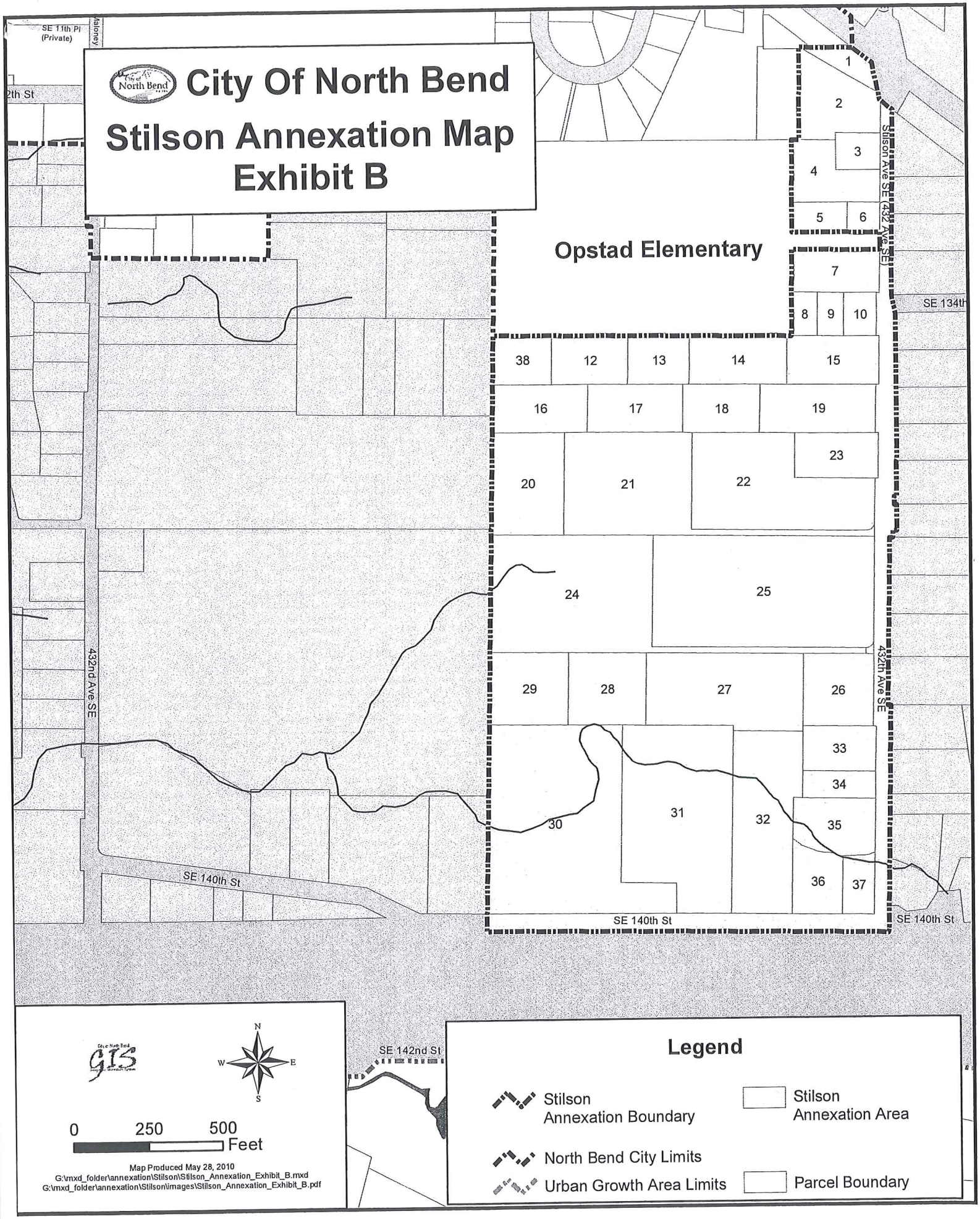
Thence South 52° 22' 05" East 3.46 feet;

Thence South 52° 24' 56" East to the east right-of-way line of 432nd Avenue SE;

Thence South along said east right-of-way line, as extended through the SE 140th Street right-of-way, also known as Mueller Road, to the north right-of-way line State Route 90, Echo Lake Interchange to Tanner ;

Thence West along said north right-of-way line of SR-90 to the West line of the Southeast Quarter of said Section;

Thence North along said West line to the True Point of Beginning.



Ordinance 1392, Exhibit B