

ORDINANCE NO. 3936

AN ORDINANCE of the City Council of the City of Kent, Washington, annexing an unincorporated area in King County, Washington, of approximately 3,347 acres contiguous to the corporate limits of the City of Kent, known as the "Panther Lake Annexation Area," effective July 1, 2010.

RECITALS

A. In accordance with Chapter 35A.14 RCW, on September 2, 2008, and June 16, 2009, the Kent City Council passed its Resolution Numbers 1794 and 1809 respectively, calling for an election to be held in connection with the general election on November 3, 2009, at which election the question of annexation would be presented to the voters of the Panther Lake Annexation Area.

B. As required by state law, the City of Kent filed its Notice of Intent with the Washington State Boundary Review Board for King County on September 5, 2008. The Boundary Review Board conducted a public hearing on the City's Notice of Intent on October 28, 2008, after which it issued its decision approving the City's proposed annexation of the Panther Lake area on November 13, 2008. No appeals of the Boundary Review Board's decision were filed.'

C. In accordance with Chapter 35A.14 RCW, the annexation was put to a vote of the people in the Panther Lake Annexation area on November 3, 2009. The King County Records, Elections and Licensing Services Division, on November 24, 2009, certified that the annexation had been approved by Panther Lake Annexation Area voters.

D. It appears that the Panther Lake Annexation Area meets annexation requirements specified by law and that the lands being annexed are contiguous to the City of Kent and have not been incorporated into or as a part of a city or town.

E. RCW 82.14.415 authorizes cities in certain population areas that annex territory having a population over 10,000 prior to January 1, 2015, to impose a sales or use tax, which tax must be taken as a credit against the sales tax, so it will not be an additional tax to a consumer. Further, King County cities annexing territory in accordance with RCW 82.14.415 would also be eligible to receive a financial incentive from King County to assist in meeting infrastructure and municipal service needs. One of the financial incentives that the City relied upon to annex the Panther Lake Annexation Area was the City's eligibility to receive the state's sales or use tax credit as well as King County's incentive tax dollars as provided for under RCW 82.14.415.

F. At the time the Kent City Council submitted the Panther Lake Annexation issue to voters, it did not submit the issue of assumption of existing indebtedness or the adoption of proposed zoning regulations. The Kent City Council's adoption of Comprehensive Plan amendments and zoning regulations applicable to the Panther Lake Annexation Area will be conducted separately and adopted prior to the effective date of the annexation as provided for by this ordinance. If applicable zoning is not completed before the annexation's effective date, however, zoning will be

accomplished through the interim zoning provisions for unclassified property set forth in KCC 15.03.020(E)(2).

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

ORDINANCE

SECTION 1. - *Annexation Effective Date.* It appears that all requirements of the law in regard to an annexation by election method, including the provisions of Ch. 35A.14 RCW, have been met. Therefore, subject to the provisions of Section 3 below, the property situated in King County of the State of Washington, legally described in the attached and incorporated Exhibit A to this ordinance, shall be annexed to the City of Kent, Washington, effective on July 1, 2010. At that time, the property shall be included within the municipal boundaries of the City of Kent, as provided by law, and shall be subject to the jurisdiction, laws, ordinances, rules, regulations, and other requirements of the City of Kent.

SECTION 2. - *Tax Rate.* Upon the effective date of the annexation, the property hereby annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Kent is assessed and taxed to pay for any outstanding general indebtedness of the City of Kent to which the area was annexed.

SECTION 3. - *Annexation Sales Tax Credit.* In considering this annexation, the Kent City Council held public hearings and has reviewed all sources of revenue and examined the projected additional expenses and obligations that the City will incur relating to the annexation area. In accordance with RCW 82.12.415, the Kent City Council determines that the projected cost to provide municipal services to the annexation area will

likely exceed the projected general revenue that the City will receive from the annexation area on an annual basis. Therefore, once the City of Kent obtains the information required by RCW 82.12.415, it will adopt an ordinance implementing the sales tax incentive provided by that statute.

SECTION 4. - Ordinance Transmittal to King County Boundary Review Board. Within ten (10) days after the effective date of the annexation referred to in this ordinance, the Kent City Clerk shall send to the Office of the Clerk of the County Council a certified copy of this ordinance together with a copy of the letter from the Executive Secretary of the King County Boundary Review Board that sets forth the Boundary Review Board's decision relating to this annexation (King County Boundary Review Board File Number 2284).

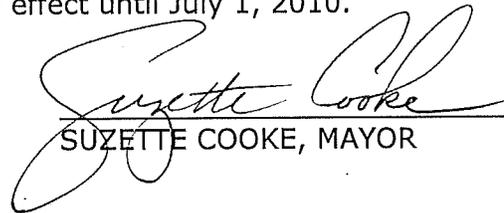
SECTION 5. - Ordinance Transmittal to King County Records, Elections, and Licensing Services Division. The Kent City Clerk shall record a certified copy of this ordinance with the King County Records, Elections, and Licensing Services Division.

SECTION 6. - Mayor Authorization. The Mayor is hereby authorized to sign all necessary documents and to implement such administrative procedures as may be necessary to carry out the directions of this ordinance, including negotiations with King County of an interlocal agreement regarding the transfer of King County services, property, and records within the Panther Lake Annexation Area.

SECTION 7. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 8. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance and section/subsection numbering.

SECTION 9. - Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication as provided by law. However, the annexation provided for in this ordinance shall not take effect until July 1, 2010.


SUZETTE COOKE, MAYOR

ATTEST:


BRENDA JACOB, CITY CLERK

APPROVED AS TO FORM:


TOM BRUBAKER, CITY ATTORNEY

PASSED: 8 day of December, 2009.

APPROVED: 8 day of December, 2009.

PUBLISHED: 12 day of December, 2009.

I hereby certify that this is a true copy of Ordinance No. 3936
passed by the City Council of the City of Kent, Washington, and approved
by the Mayor of the City of Kent as hereon indicated.

 (SEAL)
BRENDA JACOBÉR, CITY CLERK

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Exhibit A

Legal Description of Panther Lake Annexation Area

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WA State Boundary Review
Board For King Co.

Proposed Annexation Area

All those portions of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, and 17, Township 22 North, Range 5 East, W.M., and Sections 32 and 33, Township 23 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the east quarter corner of Section 6, Township 22 North, Range 5 East, W.M.;

thence southerly, along the east line of said section, to the easterly prolongation of the south right of way margin of South 200th Street;

thence westerly, along said prolongation, to the west right of way margin of 100th Avenue SE, the northeast corner of the Kent City Limits as established by Kent Ordinance #3099, as recorded under King County Recording Number 9305110613, and the TRUE POINT OF BEGINNING;

thence continuing westerly, along said south margin of South 200th Street and the north margin of said city limits, to the west right of way margin of 92nd Avenue South and the east line of the Kent City Limits as established by Kent Ordinance #1017, as recorded under King County Auditor's File Number 5024149;

thence northerly, along said west margin and said city limits, to the east west center of section line of said Section 6;

thence easterly, along said center of section line and said city limits, to the center of said Section 6;

thence northerly, along the north south center of section line and said city limits, to the north right of way margin of South 200th Street and the south line of the Renton City Limits as established by Renton Ordinance #5327, under King County Recording Number 20080109000833;

thence easterly, along said north margin and said Renton City limits, to the westerly right of way margin of SR 515 (108th Avenue SE) and the east line of the City of Renton City Limits as described in said Renton Ordinance #5327;

thence northerly, along said west margin and the Renton City Limits as described in said ordinance, to a point 40 feet west of Highway Engineer's Station 270+40, as shown on Washington State Department of Highways Right of Way Plan SR 515 MP 3.87 to MP 5.15, Renton Vicinity, SE 196th to Carr Road;

thence easterly to a point 40 feet east of Highway Engineer's Station 270+50 as shown on said right of way plan, also being the northerly margin of SE

192nd Street and the south line of the City of Renton City Limits as described in said Renton Ordinance #5327;

thence easterly, along said north margin and the Renton City Limits as described in said ordinance, to the intersection of said north margin with the northerly extension of the east right of way margin of 124th Avenue SE, and the westerly boundary of Soos Creek Park;

thence along said westerly park boundary and the adjoining roadways the following courses and distances:

thence southerly, along said northerly extension and the east margin of said 124th Avenue SE, to the north line of the south half of the north half of Government Lot 2 of said Section 4;

thence easterly, along said north line, to the west margin of the Bonneville Transmission Line Easement (Covington-Seattle Line);

thence southeasterly, along said west margin, to the south line of Morford Park, as recorded in Volume 180 of Plats, pages 1-3, records of King County;

thence easterly, along said south line, to the west line of the east 450 feet of the south half of the south half of the southwest quarter of the northeast quarter of said Section 4;

thence southerly, along said west line, to the south line of the northeast quarter of said Section 4;

thence easterly, along said south line, to the west line of the northeast quarter of the southeast quarter of said Section 4;

thence southerly, along said west line, to the north line of Linda Highlands Division No. 1, as recorded in Volume 91 of Plats, page 25, records of King County;

thence generally easterly and southeasterly, along the northeasterly line of said plat, to the north line of Greystone, as recorded in Volume 154 of Plats, pages 40-41, records of King County;

thence easterly, along said north line, to the east line of said Section 4;

thence southerly, along said east line, 105.29 feet to the northwest corner of a tract of land conveyed to Charles R. Gardner by warrantee deed recorded under King County Recording Number 8507090815;

thence southeasterly, along the northeasterly line of said Gardner tract and said park boundary, S59°28'10"E 125.62 feet to an angle point in said northeasterly line;

thence continuing along said northeasterly boundary and said park boundary, S30°36'37"E 834.39 feet, more or less, to the northwest right of way margin of SE 204th Way (SE Lake Youngs Way);

thence southeasterly, perpendicular to the centerline of said SE 204th Way, 100 feet, to the southeast right of way margin thereof;

thence northeasterly, along said southeast right of way margin, to the west line of the east 495 feet of the southwest quarter of the southwest quarter of said Section 3, also being the west boundary of said park;

thence along said park boundary, southerly along said west line, 50 feet to the northwest corner of a tract of land conveyed to Daniel John Overstreet by statutory warranty deed recorded under King County Recording Number 9707311841;

thence along the northeasterly line of the Overstreet tract and said park boundary, S54°32'25"E 398.74 feet to the west line of the east 165 feet of the southwest quarter of the southwest quarter of said Section 3;

thence southerly, along said west line, to the north line of the south 528 feet of said section;

thence easterly, along said north line, to the west line of the southeast quarter of the southwest quarter of said Section 3;

thence southerly, along said west line, to the north right of way margin of SE 208th Street (H.C. Green Road, County Rd No. 329);

thence easterly, along said north margin, to the northerly extension of the east line of the west 270 feet of the northeast quarter of the northwest quarter of said Section 10;

thence southerly, along said northerly extension and the east line thereof, to the south line of the north half of the northwest quarter of the northeast quarter of the northwest quarter of said Section 10;

thence easterly, along said south line, to the east line of the west half of the northwest quarter of the northeast quarter of the northwest quarter;

thence southerly, along said east line, to the southeast corner of the west half of the northwest quarter of the northeast quarter of the northwest quarter;

thence westerly, along said south line, to a point on the east line of a tract of land conveyed to Karen J. Arango by Quit Claim Deed recorded under King County Recording Number 9601030485, described as the west 108.9 feet of

the south 400 feet of the north 860 feet, as measured along the west line, of the northeast quarter of the northwest quarter of said Section 10, said point being 200 feet north of the southeast corner of said tract;

thence southerly, along said east line, 200 feet to the southeast corner of said tract;

thence westerly, along the south line of said tract, to the west line of the northeast quarter of the northwest quarter;

thence southerly, along said west line, to the north line of the south half of the north half of the southwest quarter of the northwest quarter of said Section 10;

thence westerly, along said north line, 100 feet, to the west line of the east 100 feet of the southwest quarter of the northwest quarter of said Section 10;

thence southerly, along said west line, and its southerly extension, to the south right of way margin of SE 216th Street (Albert Haverinen Road);

thence easterly, along said south margin, to the west boundary of the park property as described in warranty deeds recorded under King County Recording Numbers 9506090372, and 9506090371;

thence along said park boundary as established by said warrantee deeds, S08°38'08"W 155.90 feet;

thence S05°32'16"E 256.57 feet;

thence S05°03'27"E 179.40 feet;

thence S02°16'36"W 119.91 feet;

thence S13°50'14"E 114.38 feet;

thence S09°57'42"E 178.35 feet;

thence S10°45'26"E 264.27 feet;

thence S45°51'35"W 62.76 feet to the north line of the southeast quarter of the southwest quarter of said Section 10;

thence westerly, along said north line, to the west line of the southeast quarter of the southwest quarter of said Section 10;

thence southerly, along said west line, to the south line of said Section 10;

thence southerly, along said south line, to the south right of way margin of SE 216th Street, 4

thence easterly, along said south line, to the southerly right of way margin of SE 224th Street (Johnson Road NO. 328);

thence easterly, along said southerly margin, to the east line of the west quarter of the northeast quarter of the northwest quarter of said Section 15;

thence southerly, along said east line, to the south line of the northeast quarter of the northwest quarter of said Section 15;

thence easterly, along said south line, to the east line of King County Short Plat No. 280062, recorded under King County Recording Number 8010150859;

thence southeasterly, along said east line, to the east line of Lot B of King County Lot Line Adjustment No. L99L001, recorded under King County Recording Number 9903099010;

thence southeasterly, along said east line, to the south line of the northwest quarter of said Section 15;

thence easterly, along said south line, to the east line of the west half of said Section 15;

thence southerly, along said east line, to an intersection with the east right of way margin of 140th Avenue SE;

thence southerly, along said east right of way margin, to the north line of the south 522.00 feet of the northwest quarter of the southeast quarter of said Section 15;

thence easterly, along said north line, to the east line of the west 417.50 feet of the northwest quarter of the southeast quarter of said Section 15;

thence southerly, along said east line, to the north line of the southwest quarter of the southeast quarter of Section 15, Township 22 North, Range 5 East, W.M. and the north line of Country Club North, Division 2, as recorded in Volume 184 of Plats, Pages 18 through 20, records of King County and the Kent City Limits as established by Kent Ordinance #3344, as recorded under King County Recording Number 9706250235;

thence westerly, leaving said park boundary, along said north line and said city limits, to the north south center of section line of said Section 15;

thence continuing westerly along the north line of the south half of the southwest quarter of said Section 15 and said city limits, to the southeast corner of the north half of southeast quarter of Section 16, Township 22 North, Range 5 East, W.M.;

thence continuing westerly, along the south line of said north half, to the westerly right of way margin of 132nd Avenue SE and the southeast corner of that portion of the Kent City Limits as established by Kent Ordinance #3562;

thence northerly, along the west margin of 132nd Avenue SE and said city limits, to the south line of the north half of the north half of the northeast quarter of the southeast quarter of said Section 16;

thence westerly, along said south line and said city limits, to the east line of the northwest quarter of the southeast quarter of said Section 16;

thence northerly, along said east line and said city limits, to the north line of the southeast quarter of said Section 16;

thence westerly, along said north line and said city limits, to the southeast corner of the northwest quarter of said Section 16;

thence westerly, along the south line of the southeast quarter of the northwest quarter of said Section 16 and said city limits, to the southwest corner of said subdivision;

thence northerly, along the west line of said subdivision and said city limits, to the northeast corner of the south half of the south half of the southwest quarter of the northwest quarter of said Section 16;

thence westerly, along the north line of said subdivision and said city limits, to the east line of the northeast quarter of Section 17, Township 22 North, Range 5 East, W.M. and the east line of the Kent City Limits as established by Kent Ordinance # 1940, as recorded under King County Recording Number 7509300621;

thence northerly, along the east line of said northeast quarter and said city limits, to the south line of the north half of the north half of the southeast quarter of the northeast quarter of said Section 17;

thence westerly, along said south line and said city limits, to the west right of way margin of 116th Avenue SE and the southeast corner of that portion of the Kent City Limits as established by Kent Ordinance # 2828, as recorded under King County Recording Number 8902070337;

thence northerly, along said west margin and said city limits, to the north line of the southeast quarter of the northeast quarter of said Section 17;

thence westerly, along said north line and the north line of said city limits and the north line of the Kent City Limits as established by Kent Ordinance #2048, as recorded under King County Recording Number 7710180759, to the west line of the southeast quarter of the northeast quarter of said Section 17;

thence westerly, along said north line and the north line of the north half of the north half of the southeast quarter of the northeast quarter of said Section 17;

thence southerly, along the west line of said subdivision and the city limits as established under said Ordinance #2048 and aforesaid Ordinance #1940, to the northwest corner of the northeast quarter of the southeast quarter of said Section 17;

thence continuing southerly, along the west line of said subdivision and said city limits to south line of the north 30.00 feet of the northwest quarter of the southeast quarter of said Section 17, also being the easterly prolongation of the south right of way margin of SE 232nd Street and the northeast corner of the Kent City Limits as established by Kent Ordinance #2727, as recorded under King County Recording Number 8708120082;

thence westerly, along said south line and said city limits, to the east line of the plat of Park Orchard Division No. 4, as recorded in Volume 68 of plats, pages 58 through 60, records of King County;

thence generally southerly, along the easterly line of said plat and said city limits, to the south line of the northwest quarter of the southeast quarter of said Section 17 and the Kent City Limits as established by Kent Ordinance #1506, as recorded under King County Recording Number 7505060484;

thence westerly, along the south line of said plat and said city limits, to the northeast corner of the southeast quarter of the southwest quarter of said Section 17 and the northeast corner of the Kent City Limits as established by Kent Ordinance #1290, as recorded under King County Recording Number 7505060500;

thence continuing westerly, along the north line of said subdivision and said city limits, to the southeast corner of the northwest quarter of the southwest quarter of said Section 17 and the southeast corner of the Kent City Limits as established by Kent Ordinance #1223 under King County Auditor's File Number 5668321;

thence northerly, along the east line of said subdivision and said city limits, to the northeast corner thereof;

thence westerly, along the north line of said subdivision, and the east line of the Kent City Limits as established by Kent Ordinance #2111, under King County Recording Number 7809011099, to the northeast corner of the lands described in said Ordinance #2111, also being the westerly right of way margin of SR 515 (also known as 104th Ave SE, also known as the Benson Road SE);

thence north, along said westerly margin and said city limits, to the southeast corner of the Kent City Limits as established by Kent Ordinance #2703, as recorded under King County Recording Number 8703191033;

thence generally northerly, along the west margin of said SR 515 and said city limits, to the south line of the north half of the northwest quarter of the northwest quarter of said Section 17;

thence westerly, along said south line and said city limits, to the east right of way margin of 100th Avenue SE;

thence northerly, along said east margin and said city limits and the Kent City Limits as established by Kent Ordinance #3210 as recorded under King County Recording Number 9504190117 and Kent Ordinance #3193 recorded under King County Recording Number 9411230694, to the north line of the southwest quarter of the northwest quarter of the southwest quarter of Section 8, Township 22 North, Range 5 East, W.M.;

thence westerly, along said north line and said city limits, to the northeast corner of the southeast quarter of the northeast quarter of the southeast quarter of Section 7, Township 22 North, Range 5 East, W.M.;

thence westerly, along the north line of said subdivision and said city limits, to the easterly right of way margin of 98th Avenue South;

thence southerly, along said east margin and said city limits, to the southerly right of way margin of South 218th Street;

thence westerly, along said southerly margin and said city limits and the Kent City Limits as established by Kent Ordinance #2611, as recorded under King County Recording Number 8606190789, to the southeast corner of the Kent City Limits as established by Kent Ordinance #2860, under King County Recording Number 8908240680, and the southerly prolongation of the west right of way margin of aforesaid 98th Avenue South;

thence northerly, along said west margin and its prolongation and said city limits, to the east west center of section line of said Section 7;

thence westerly, along said east west center of section line and said city limits, to the southeast corner of the southwest quarter of the northeast quarter of said Section 7 and the east line of the Kent City Limits as established by Kent Ordinance #2035, as recorded under King County Recording Number 7708020744;

thence northerly, along the east line of said subdivision and said city limits, to the northeast corner of said subdivision;

thence westerly, along the north line of said southwest quarter of the northeast quarter and said city limits, to the southeasterly right of way margin of South 212th Street;

thence southwesterly, along said southeasterly margin and said city limits, to the west line of the east half of the northwest quarter of the northeast quarter of said Section 7 and a point on the Kent City Limits as established by Kent Ordinance #3099, as recorded under King County Recording Number 9305110613;

thence northerly, along said west line and said city limits, to the northwesterly right of way margin of said South 212th Street;

thence northeasterly and easterly, along said northwesterly margin, the northwesterly right of way margin of South 212th Way, the northerly right of way margin of South 208th Street and said city limits, to the westerly right of way margin of 100th Avenue SE;

thence northerly, along said westerly margin and said city limits, to the TRUE POINT OF BEGINNING.