ORDINANCE O-4324

AN ORDINANCE OF THE CITY OF KIRKLAND REVISING THE CITY BOUNDARIES TO INCLUDE PORTIONS OF NE 155TH STREET AND 116TH AVENUE NE

WHEREAS, it was discovered after the Juanita/Finn Hill/Kingsgate annexation that a small portion of right of way was excluded because it had been part of the I-405 corridor; and

WHEREAS, staff of King County, the City of Bothell and Kirkland agree the right of way should be within Kirkland's jurisdiction and not Bothell's because it serves Kirkland residences; and

WHEREAS, RCW 35.21.790 allows a city and county to revise corporate boundaries within a right of way by substitution of a right of way line by separate ordinance of each body so as to include the designated right of way within one jurisdiction, which is not subject to Boundary Review Board approval; and

WHEREAS, King County staff have stated that after the Kirkland City Council approves the ordinance, it will be submitted to the County Council for consideration,

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Upon approval of a similar ordinance or resolution by the King County Council, the corporate boundaries of the City of Kirkland shall be revised to include the following described portions of the NE 155th Street and 116th Avenue NE rights of way as depicted on the map attached as Exhibit A:

> That portion of Sections 16 and 17, Township 26 North, Range 5 East W.M. in King County, Washington described as follows:
>
> Beginning at the intersection of the east line of a tract land conveyed to King County by the State of Washington by the instrument recorded under 8603110513, records of King County, Washington and the southwesterly margin of the City of Seattle Tolt River Pipeline Right of Way;
>
> Thence northwesterly, along the northwesterly extension of the said southwesterly margin, to the easterly margin of Primary State Highway No. 1 (SR-405) as depicted on the Record of Survey recording in Book 182 of Surveys, at Pages 251 through 259, records of King County, Washington
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> Thence south along said easterly margin of Primary State Highway No. 1 to the south line of said tract of land conveyed to King County;

Thence east along said south line of said tract to the east line of said tract;

Thence north along the east line of said tract to the Point of Beginning.

Section 2. The Official Zoning Map as designated by Section 10.20 of the Kirkland Zoning Code shall be amended to reflect incorporation of this right of way and shall include the right of way within the adjacent RSA 6 zone.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this Section, or the application of the provision to other persons or circumstances is not affected.

Section 5. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 18th day of October, 2011.

Signed in authentication thereof this 18th day of October, 2011.

MAYOR

Attest:

City Clerk

Approved as to Form:

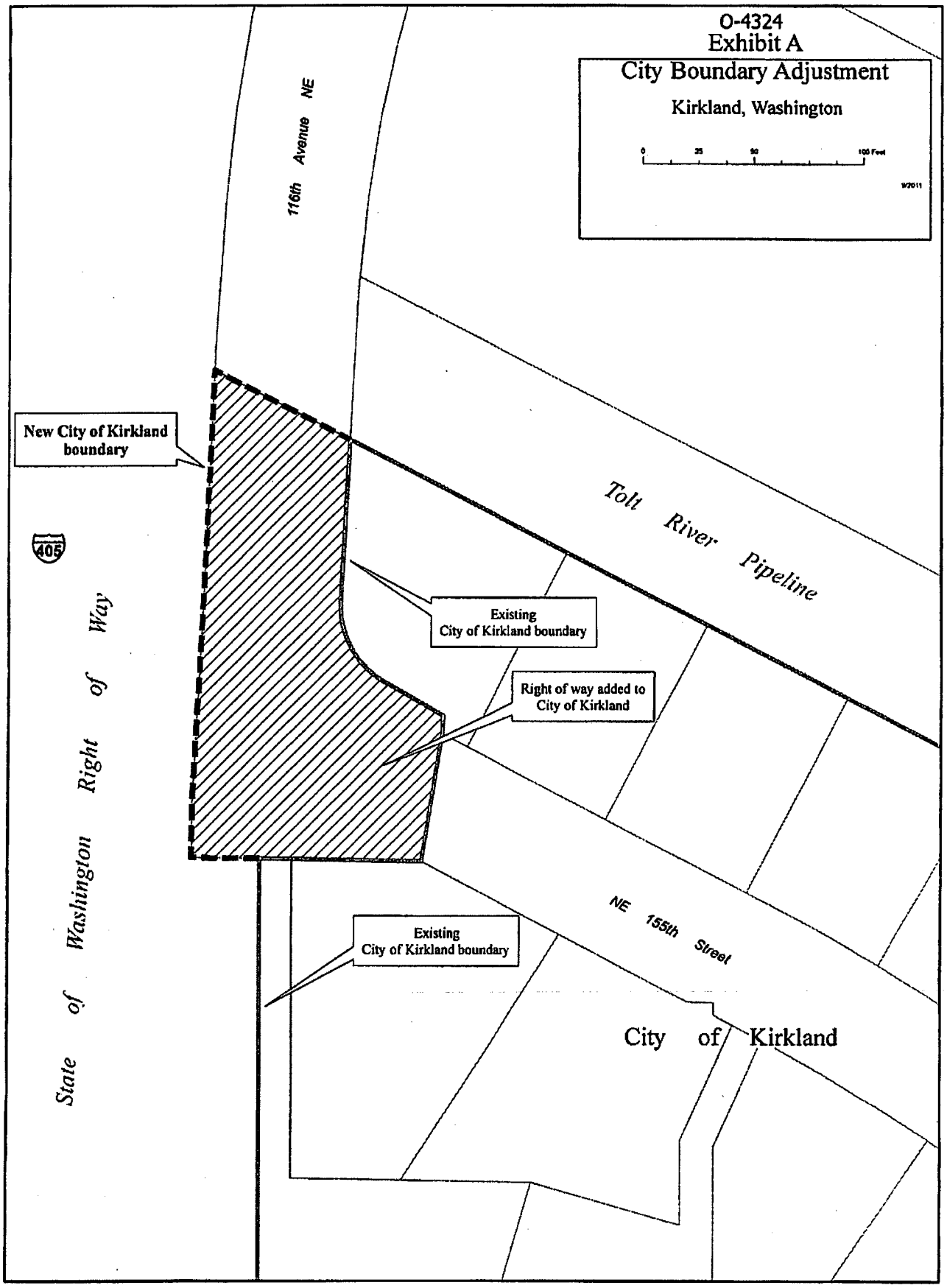
City Attorney

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Exhibit A