

**RESOLUTION NO. 5 1 0 1**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, FOR THE ANNEXATION OF A PORTION OF PROPERTY TO THE CITY OF AUBURN SIMULTANEOUSLY TO ITS DEANNEXATION FROM THE CITY OF KENT, PURSUANT TO RCW 35.10.217(2), AND AUTHORIZING CITY STAFF TO FILE A NOTICE OF INTENT TO ANNEX WITH THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

WHEREAS, RCW 35.10.217(2) authorizes the legislative body of a city or town on its own initiative by resolution to indicate its desire to be annexed to a city or town in whole or in part, which annexation shall become effective upon the adoption of a resolution by the other city or town concurring in the annexation; and

WHEREAS, after consultations between representatives of the cities of Kent and Auburn, it was determined that it would be advantageous to both cities for certain territory currently located within the corporate limits of the City of Kent and adjacent to the City of Auburn to be annexed to the City of Auburn; and

WHEREAS, in connection with such annexation/de-annexation, the cities of Auburn and Kent have committed to coordinate and cooperate with respect to any planning, transportation or development issues that affect the cities; and

WHEREAS, contemporaneous with the consideration of this Resolution, the City of Kent is considering this annexation/de-annexation action because of the mutual benefits to both cities and their common infrastructure needs; and

WHEREAS, the annexation shall be effective following adoption of Resolutions by both cities of Auburn and Kent in support of the annexation; and

WHEREAS, the requirements of the State Environmental Policy Act and applicable Environmental Procedures have been complied with; and

WHEREAS, this annexation is subject to review by the Washington State Boundary Review Board for King County; and

WHEREAS, the two cities have reached an agreement with respect to the

annexation/de-annexation, approved by the City Council of the City of Auburn, Washington, through its Resolution No. 5095, passed on September 2, 2014.

NOW THEREFORE, AND IN FURTHERANCE THEREOF, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. The City Council of the City of Auburn indicates, pursuant to the provisions of RCW 35.10.217 (2), its desire to adjust the boundaries between the cities of Auburn and Kent, annexing into the City of Auburn and de-annexing from the City of Kent certain territory currently located within the City of Kent, and de-annexing from the City of Auburn and annexing into the City of Kent certain territory currently located within the City of Auburn, and an area to be deeded from the City of Kent to the City of Auburn (Exhibit B-2), with said annexations and de-annexations occurring contemporaneous in accordance with the following exhibits:

Territory all situate In King County, Washington, to be annexed into the City of Auburn and de-annexed from the City of Kent, and annexed into the City of Kent and de-annexed from the City of Auburn, as described in and as shown (on the maps) of 'Exhibit "A" Map' and 'Exhibit "B" Map,' and 'Exhibit A-1,' 'Exhibit B-1,' 'Exhibit B-2,' 'Exhibit B-3,' 'Exhibit B-4,' and 'Exhibit B-5,' which exhibits are attached hereto, incorporated herein by these references, and marked accordingly.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, including transmitting a copy of this Resolution to the City Clerk of Kent, and mailing notices of the public hearing at which the second resolution is adopted to the owners of the property within the area proposed to be annexed, in accordance with Chapter 35.43 RCW and Section 35.10.217(2) RCW.

Section 3. City Staff are hereby authorized and directed to file the appropriate Notice of Intent to Annex with the Washington State Boundary Review Board for King County.

Section 4. This Resolution shall be in full force and affect upon passage and signatures hereon.

DATED and SIGNED this \_\_\_\_ day of \_\_\_\_\_ 2015.

CITY OF AUBURN

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel B. Heid, City Attorney

RCW 35.10.217

35.10.217 Methods for annexation.

The following methods are available for the annexation of all or a part of a city or town to another city or town:

(1) A petition for an election to vote upon the annexation, which proposed annexation is approved by the legislative body of the city or town from which the territory will be taken, may be submitted to the legislative body of the city or town to which annexation is proposed. An annexation under this subsection shall otherwise conform with the requirements for and procedures of a petition and election method of annexing unincorporated territory under chapter 35.13 RCW, except for the requirement for the approval of the annexation by the city or town from which the territory would be taken.

(2) The legislative body of a city or town may on its own initiative by resolution indicate its desire to be annexed to a city or town either in whole or in part, or the legislative body of a city or town proposing to annex all or part of another city or town may initiate the annexation by adopting a resolution indicating that desire. In case such resolution is passed, such resolution shall be transmitted to the other affected city or town. The annexation is effective if the other city or town adopts a resolution concurring in the annexation, unless the owners of property in the area proposed to be annexed, equal in value to sixty percent or more of the assessed valuation of the property in the area, protest the proposed annexation in writing to the legislative body of the city or town proposing to annex the area, within thirty days of the adoption of the second resolution accepting the annexation. Notices of the public hearing at which the second resolution is adopted shall be mailed to the owners of the property within the area proposed to be annexed in the same manner that notices of a hearing on a proposed local improvement district are required to be mailed by a city or town as provided in chapter 35.43 RCW. An annexation under this subsection shall be potentially subject to review by a boundary review board or other annexation review board after the adoption of the initial resolution, and the second resolution may not be adopted until the proposed annexation has been approved by the board.

(3) The owners of property located in a city or town may petition for annexation to another city or town. An annexation under this subsection shall conform with the requirements for and procedures of a direct petition method of annexing unincorporated territory, except that the legislative body of the city or town from which the territory would be taken must approve the annexation before it may proceed.

(4) All annexations under this section are subject to potential review by the local boundary review board or annexation review board. [1986 c 253 § 1; 1985 c 281 § 15; 1969 ex.s. c 89 § 4.]