

## ORDINANCE NO. 423

**AN ORDINANCE OF THE CITY OF BRIER, WASHINGTON, ANNEXING TO THE CITY OF BRIER THE APPROXIMATELY 20-ACRE AREA KNOWN AS THE NORTH CASTLE WAY ANNEXATION AREA, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

WHEREAS, RCW 35A.14.420 through 35A.14.450 authorize an alternative direct petition method of annexation of unincorporated territory into the City; and

WHEREAS, pursuant to RCW 35A.14.420, the owners of at least ten (10) percent of the acreage of approximately twenty (20) acres generally located south of 231<sup>st</sup> Pl SW, and including the properties from 23124 and 23125 25<sup>th</sup> Ave W at the north end of the area to 2225 and 2226 N Castle Way at the south end of the area, notified the City Council in writing of their intention to commence annexation proceedings; and

WHEREAS, on November 12, 2013, the City Council officially accepted the notice of intention and met with the initiating parties; and

WHEREAS, at the meeting, the City Council decided to accept the boundary of the proposed annexation and to require the simultaneous adoption of a proposed zoning regulation; and

WHEREAS, following the City Council meeting, the initiating parties circulated a petition to annex the area to the City, and then filed the petition with the City; and

WHEREAS, the Snohomish County Assessor and the Snohomish County Auditor determined that the petitions had been signed by the owners of a majority of the acreage of the annexation area and a majority of the registered voters residing in the annexation area; and

WHEREAS, on April 1, 2014, the City Council officially accepted the petition and fixed July 22, 2014 for a public hearing on the petition; and

WHEREAS, on July 16, 2014, the City Planning Commission held a public hearing to consider a proposed zoning of Single Family Residential 12,500 (RS 12,500) for the properties in the annexation area; and

WHEREAS, on July 22, 2014, the City Council held a public hearing on the petition and on the proposed zoning for the annexation area, as recommended by the City Planning Commission; and

WHEREAS, after holding the public hearing, the City Council adopted Resolution No. 548, which (1) approved the annexation as proposed, subject to review and approval by the Snohomish County Boundary Review Board, (2) authorized City staff to file a Notice of Intention to Annex with the Boundary Review Board, and (3) directed City staff to present to the City Council an ordinance annexing the area following approval by the Boundary Review Board; and

WHEREAS, on July 22, 2014, the City Council also passed Ordinance No. 418, which approved a future land use designation of Single Family Residential 12,500 (RS 12,500) for the properties in the annexation area; and

WHEREAS, in accordance with Resolution No. 548, the City filed a Notice of Intent to Annex the annexation area with the Snohomish County Boundary Review Board; and

WHEREAS, the annexation area is entirely within the City's Municipal Urban Growth Area, is authorized for annexation by RCW 36.70A.110, and was not contested by Snohomish County; and

WHEREAS, on February 26, 2015, following Snohomish County's approval of the legal description for the annexation area, the Snohomish County Boundary Review Board deemed the Notice of Intent to Annex to be legally sufficient, with an effective filing date of January 7, 2015; and

WHEREAS, because the jurisdiction of the Snohomish County Boundary Review Board was not invoked per RCW 36.93.100(4), the proposed annexation was deemed approved by the Board; and

WHEREAS, the City Council has determined that the health, welfare and safety of the people of the City of Brier and the petitioners will be best served by annexation of the territory to the City of Brier; and

WHEREAS, as authorized by RCW 35A.14.440 and 35A.14.450, the City Council desires to effect the annexation and establish a date for the annexation; now, therefore

THE CITY COUNCIL OF THE CITY OF BRIER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The territory legally described on Exhibit A, attached hereto and incorporated herein, is hereby annexed to the City as of the effective date of this Ordinance. The annexed territory shall be known as the North Castle Way Annexation Area.

Section 2. As authorized by Ordinance No. 418, the North Castle Way Annexation Area shall have the zoning designation of Single Family Residential 12,500 (RS 12,500). The City Council adopts the revised Official Zoning Map of the City of Brier attached hereto and incorporated herein as Exhibit B, which includes the Annexation Area and the zoning designation for the Annexation Area.

Section 3. The City Clerk is authorized and directed to file a certified copy of this Ordinance with the Snohomish County Council.

Section 4. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. 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.

PASSED BY THE CITY COUNCIL, the 28<sup>th</sup> day of April, 2015.

  
MAYOR BOB COLINAS

ATTEST/AUTHENTICATED

  
CITY CLERK, PAULA SWISHER

APPROVED AS TO FORM:

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CITY ATTORNEY, ROD KASEGUMA

DRAFTED: 03/03/15  
INTRODUCED: 03/24/15  
PASSED: 04/28/15  
POSTED: 05/01/15

# EXHIBIT A

## Legal Description for Annexation to the City of Brier

That portion of Allview Heights according to the plat thereof filed in Volume 13 of Plats on page 16, records of Snohomish County, Washington; and that portion of Allview Heights Division No. 2 according to the plat thereof filed in Volume 13 of Plats on pages 35 and 36, records of said Snohomish County described as follows:

Beginning at the northeast corner of Lot 17, of the plat of Allview Heights; thence S 0°52'15" W a distance of 313.22 feet to the southeast corner thereof; thence N 88°56'00"W a distance of 472.00 feet to the southwest corner of Lot 20 of said plat of Allview Heights; thence N 0°52'15"E along the west line of said Lot 20 a distance of 255.67 feet to the southeast corner of Lot 62 of the aforementioned plat of Allview Heights Division No. 2; thence N 88°26'40"W a distance of 660.99 feet to the southwest corner of Lot 60 of said Allview Heights Division No. 2; thence N 0°53'07"E a distance of 692.69 feet to the southwest corner of Lot 55 of said subdivision; thence N 0°00'00"W a distance of 110.00 feet to the northwest corner of said Lot 55; thence N 90°00'00"E a distance of 309.68 feet to the northeast corner of said Lot 55; thence N 89°36'14"E a distance of 60 feet more or less to the southwest corner of the north 35 feet of Lot 5 of said plat of Allview Heights Division No. 2, said point lying at the south and east margin of 231<sup>st</sup> Place SW and 25<sup>th</sup> Avenue W; thence east along the south margin of said 231<sup>st</sup> Place SW a distance of 293.12 feet to the east line of said Lot 5; thence S 0°59'20"W along the east line of Lots 5 and 4 of said subdivision a distance of 133.10 feet to the northwest corner of Lot 1 of the aforementioned plat of Allview Heights; thence S 88°04'58"E a distance of 230.00 feet to the northwest corner of Lot 3 of said subdivision; thence S 0°52'15"W along the west line of said Lot 3 a distance of 175.00 feet; thence S 88°04'58"E a distance of 95.00 feet; thence S 0°52'15"W a distance of 80.00 feet; thence S 33°20'24"E a distance of 35.75 feet to the west line of Lot 4 of said subdivision; thence S 0°52'15"W along said west line a distance of 97.53 feet to the south line of the north 381.73 feet as measured along the west line of said Lot 4; thence S 88°04'58"E along said south line, a distance of 76.00 feet; thence S 10°48'07"E a distance of 93.89 feet; thence S 12°33'29"E a distance of 86.15 feet to the southeast corner of said Lot 4; thence S 9°21'24"E a distance of 68 feet more or less to the point of beginning.

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