ORDINANCE NO. 2456

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON ANNEXING APPROXIMATELY 300 ACRES OF REAL PROPERTY KNOWN AS THE "HARKNESS" ANNEXATION, REQUIRING THAT THE PROPERTY IN THE ANNEXATION AREA SHALL BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY OF ENUMCLAW, ADOPTING A PROPOSED ZONING REGULATION FOR THE REAL PROPERTY, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE (HARKNESS ANNEXATION; FILE NO. 09090).

Whereas, on May 21, 2009, the City of Enumclaw received a Notice of Intent pursuant to RCW 35A.14.120 to annex certain real property commonly referred to as the Harkness Annexation; and

Whereas, the Notice of Intent was signed by the owners of the property representing at least ten percent (10%) in value (according to the assessed valuation for general taxation) of the real property; and

Whereas, on August 24, 2009, the City Council adopted Resolution 1347, accepting the proposed annexation and authorizing the initiating party to circulate an annexation petition seeking the signatures of the owners of 60% of the assessed valuation of property within the proposed annexation area; and

Whereas, on October 27, 2009 the King County Assessor, Lynn Gering, determined that the petition contains the signatures of the owners of 60% of the assessed valuation of property located within the proposed Harkness Annexation Area, and so notified the City of Enumclaw of that determination in writing; and

Whereas, on March 22, 2010 and April 12, 2010, the City of Enumclaw City Council held public hearings (subsequent to publication of notice thereof as provided in RCW 35A.14.130), and following the conclusion of the hearing on April 12, 2010, adopted Resolution No. 1376 accepting the 60% petition and directing city staff to file a

Notice of Intent to Annex with the King County Boundary Review Board; and

Whereas, The Notice of Intention to annex was filed with the King County Boundary Review Board; and

Whereas, the 45 day review period before the King County Boundary Review Board expired effective June 11, 2010, and jurisdiction was not invoked; and

Whereas, the City of Enumclaw is authorized, pursuant to RCW 35A.14.330 and RCW 35A.14.340, to prepare proposed zoning regulations to become effective upon the annexation of any area which might reasonably be expected to be annexed by the City at any future time; and

Whereas, the City desires to establish a proposed zoning regulation for the Harkness Annexation area of R-1 – Low Density Single Family Residential pursuant to EMC 18.06 and R-2 – Moderate Density Single Family Residential pursuant to EMC Chapter 18.08, as depicted on Exhibit "B" to become effective upon annexation; and

Whereas, the average gross density allowed by the proposed zoning within the annexation area would be 4.7 dwelling units per acre, which is consistent with the Single Family Residential comprehensive plan designation which allows for densities between 4 and 7 dwelling units per gross acre; and

Whereas, the proposed zoning regulation is consistent with the Comprehensive Plan, EMC 18.04.060 and with RCW 35A.14.330, and would be in the interest of the public health, safety, morals, and the general welfare; and

Whereas, following publication and posting of notice as provided in RCW 35A.14.130, the City Council held public hearings on the annexation and proposed zoning regulation on July 12, 2010 and August 23, 2010 to accept public testimony, said dates being more than thirty (30) days apart consistent with the requirements of RCW

35A.14.340; and

Whereas, the City conducted the required environmental review under the State Environmental Policy Act (SEPA) and on August 4, 2010, the City issued a SEPA Determination of Non-Significance (DNS) for the non-project action of adopting a zoning regulation. The City received no comments or appeals on the SEPA DNS; and

Whereas, all statutory requirements have been complied with, including RCW 35A.14 and RCW 36.93 inclusive.

Now, therefore, the City Council of the City of Enumclaw, King County, Washington do ordain as follows:

Section 1. Annexation Area. The property known as the "Harkness Annexation" legally described in Exhibit "A" is hereby annexed to the City of Enumclaw, Washington.

Section 2. Proposed Zoning Regulation. The City adopts for the Harkness Annexation a proposed zoning regulation of R-1 – Low Density Single Family Residential pursuant to EMC 18.06 and R-2 – Moderate Density Single Family Residential pursuant to EMC Chapter 18.08, as depicted on Exhibit "B" which becomes effective upon annexation.

Section 3. Assumption of Indebtedness. 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 Enumclaw is assessed and taxed to pay for any outstanding general indebtedness of the City.

Section 4. Comprehensive Plan. This action is consistent with the Comprehensive Plan.

Section 5. Filings and Recordings. The City Clerk is authorized and directed to file a certified copy of this ordinance with the King County Division of Records and the

King County Council, and the King County Division of Records is requested to record the ordinance.

Section 6: Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 7: Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as required by law.

Mayor Liz Reynolds

INTRODUCED 7-12-10
PASSED 8-23-10
APPROVED 9-24-10
PUBLISHED 9-1-10

Attested:

Maureen J. Burwell
for Marcia Hopkins
City Clerk

Approved as to form:

Michael J. Reynolds
City Attorney

ORDINANCE 2456 – Exhibit A

AREA "A"

Legal Description for an Area of Annexation to the City of Enumclaw

Those portions of the southwest quarter of Section 13 AND the southeast quarter of Section 14, Township 20 North, Range 6 East, Willamette Meridian, King County, Washington, more particularly described as follows:

Commencing at the southwest section corner of said Section 13, with said being the TRUE POINT OF BEGINNING;

THENCE, easterly along the south section line of said Section 13, a distance of 327.88 feet, more or less, to a point on the west boundary of the east half of the west half of the southwest quarter of the southwest quarter of said Section 13;

THENCE, northerly along the said west boundary of the east half, a distance of 1312.15 feet, more or less, to a point on the north boundary of the southwest quarter of the southwest quarter of said Section 13;

THENCE, westerly along the said north boundary of the said southwest quarter, a distance of 298.81 feet, more or less, to the east boundary of the easterly 30-foot right-of-way boundary of 260th AVE SE;

THENCE, northerly along the said easterly 30-foot right-of-way boundary, a distance of 530.04 feet, more or less, to a point at the intersection of said easterly right-of-way boundary and at the southwest corner of Lot 7, Block 2, North Hillcrest Tracts, recorded in Volume 66 of Plats, Pages 15-16, records of King County, with same being situate on the south boundary of the north 786.00 feet of the northwest quarter of the southwest quarter of said Section 13;

THENCE, westerly along said south boundary of the north 786.00 feet, a distance of 30.00 feet, more or less, to the a point on the north-south section line between said Sections 13 and 14, and with said point being at the centerline of right-of-way of 260th AVE SE;

THENCE, continuing westerly along the westerly prolongation of the said south boundary of the north 786.00 feet, a distance of 30.00 feet, more or less, to the a point on the west boundary of the westerly 30.00 right-of-way boundary of said 260th AVE SE;

THENCE, southerly along said westerly 30-foot right-of-way boundary, a distance of 266.26 feet, more or less, to the northeast corner of Lot "B", King County Short Plat No. 474010, recorded in Rec. No. 7408230489

THENCE, westerly along the north boundary of said Lot "B", a distance of 630.00 feet, more or less, to the northwest corner of said Lot "B";

THENCE, northerly along the east boundary of the west half of the northeast quarter of the southeast quarter of said Section 14, a distance of 40.25 feet, more or less, to the north boundary of the southerly 304.25 feet of the northeast quarter of the southeast quarter of said Section 14;

THENCE, westerly from said point, along the north boundary of, and the westerly prolongation thereof, the said southerly 304.25 feet to the west line of the east half of said southeast quarter of Section 14;

THENCE, southerly along the said west line of said east half of the southeast quarter of said Section 14, a distance of 304.25 feet, more or less, to a point on the south boundary of the northeast quarter of the southeast quarter of said Section 14;

THENCE, easterly along the said south boundary of the northeast quarter of the southeast quarter of Section 14, a distance of 494.53 feet, more or less, to a point at the intersection on said south boundary and at the centerline of the 40-foot wide right-of-way of 257th PL SE;

THENCE, southerly along said centerline of right-of –way, a distance of 1318.00 feet, more or less, to a point at the intersection of the south section line of Section 14;

THENCE, easterly along said south section line of Section 14, a distance of 820.15 feet, more or less, to the TRUE POINT OF BEGINNING at the southwest section corner of said Section 13.

AREA "B"

Legal Description for an Area of Annexation to the City of Enumclaw

Those portions of the northwest AND southwest quarters of Section 23, AND the northwest and southwest quarters of Section 26, AND the northeast AND southeast quarters of Section 27, AND the northeast AND southeast quarters of Section 22, all in Township 20 North, Range 6 East, Willamette Meridian, King County, Washington, abutting and adjacent to the existing City Limits of the City of Enumclaw as annexed under City of Enumclaw Ordinances 943, 1283, 1529, 813, 1648, 1442, 1385, 1637, and City of Enumclaw Resolution 27998, more particularly described as follows:

Commencing at the southwest corner of the north half of the northeast quarter of the northwest quarter of said Section 23, with said being at the TRUE POINT OF BEGINNING.

THENCE, southerly along the west boundary of the said northeast quarter of the northwest quarter, a distance of 660.04 feet, more or less, to the center one-sixteenth corner of said northwest quarter of said Section 23;

THENCE, continuing southerly along the west boundary of the east half of said northwest quarter, a distance of 30.00 feet, more or less, to a point on said west boundary AND at the easterly prolongation of the southerly 30-foot right-of-way boundary of SE 436th St (Kibler Avenue);

THENCE westerly along said southerly right-of-way boundary, a distance of 664.45 feet, more or less, to the northwest corner of Parcel "A", Enumclaw Lot Line Adjustment No. 9111, Rec. No. 9209230851;

THENCE southerly along the west boundary of said Parcel "A", a distance of 262.58 feet, more or less, to the northwest corner of Parcel "C", Enumclaw Short Plat No. 9023, Rec. No. 9103070566;

THENCE continuing southerly along said west boundary, a distance of 949.84 feet, more or less, to the southwest corner of said Parcel "C", AND with said being on the northerly 50-foot right-of-way boundary of State Route 164;

THENCE southeasterly and easterly, along said right-of-way boundary, along a 1382.39-foot radius highway curve, being concave to the northeast, a distance of 163.10 feet, more or less, to a point of curve to spiral curve (CS) on said right-of-way boundary;

THENCE continuing easterly along the spiral curve of the said State Route 164 northerly right-of-way boundary, a distance of 171.29 feet, more or less, to a point at the southwest corner of Lot 2, Enumclaw Short Plat 7909, Rec. No. 7912190744;

THENCE continuing easterly along the spiral curve of the northerly State Route 164 boundary, a distance of 64.52 feet, more or less, to a point of spiral curve to tangent (ST), and with said also being on the south boundary of said Lot 2;

THENCE continuing easterly along said northerly SR 164 right-of-way boundary AND south boundaries of Lot 2 and Lot 3 of said Enumclaw Short Plat 7909, a distance of 267.96 feet, more or less, to the southeast corner of said Lot 3, AND with said corner being 50.00 feet northerly of the south one-sixteenth corner of said northwest quarter of Section 23;

THENCE southerly along the west boundary of the east half of the said northwest quarter, a distance of 50.00 feet, more or less, to the said one-sixteenth corner, AND with said being at the centerline of said State Route 164 right-of-way;

THENCE southerly along the west boundary of the east half of the southwest quarter, a distance of 1319.73 feet, more or less, to the center one-sixteenth corner of the southwest quarter of said Section 23;

THENCE southerly along the west boundary of Berilla Estates Division II, recorded in Volume 149 of Plats, Pages 22-23, records of King County, a distance of 659.72 feet, more or less, to the southwest corner of Lot 43 of said plat;

THENCE easterly along the south boundary of said plat, a distance of 330.01 feet, more or less, to the southeast corner of Lot 41 of said plat;

THENCE northerly along the east boundary of said Lot 41, a distance of 30.00 feet, more or less, to the southwest corner of Tract "A" of said plat;

THENCE easterly along the south boundary of said Tract "A", a distance of 100.00 feet, more or less, to the southeast corner of said Tract "A", AND with same being on the west boundary of Lot 25 of said plat;

THENCE southerly along said west boundary of Lot 25 AND with said being on the said Berilla Estates subdivision boundary, a distance of 690.01 feet, more or less, to the southwest corner of Lot 18 of said plat;

THENCE easterly along the south boundary of Lots 18 and 17, AND with said boundary being at the northerly 30-foot right-of-way boundary of SE 448th ST (Roosevelt Avenue), a distance of 238.30 feet, more or less, to a point at the centerline of Farrelly Street;

THENCE southerly, a distance of 30.00 feet, more or less, to a point on the south section line of said Section 23, and with said point being located a distance of 665.50 feet westerly of the south quarter corner of said Section 23;

THENCE easterly along said south section line, a distance of 127.50 feet, more or less, to the east boundary of the westerly 792.00 feet of the northeast quarter of the northwest quarter of Section 26;

THENCE southerly along said east boundary of the westerly 792.00 feet, a distance of 660.59 feet, more or less, to the south boundary of the north half of the northeast quarter of the northwest quarter of said Section 26, AND with said being at the southwest corner of Tract "A" of the Plat of Terry Lane, recorded in Volume 174 of Plats, Pages 6-8, records of King County;

THENCE westerly along the said south boundary of the north half, a distance of 792.03 feet, more or less, along the north boundary of the Flensted Addition Number 2, recorded in Volume 153 of Plats, Pages 15-16 records of King County, to the northwest corner of Lot 36 of said Flensted Plat;

THENCE southerly along the west boundary of the east half of the northwest quarter of said section, a distance of 332.59 feet, more of less, to the northeast corner of Tract "A" at the north boundary of the Rainier Trails Division 1, recorded in Volume 160 of Plats, Pages 68-74 records of King County.

THENCE westerly along said Tract "A", AND continuing westerly along the north boundary of Tract "F" of said plat and its westerly extension of the said north boundary thereof, a distance of 1,308.24 feet, more of less, to a point 12.00 feet westerly of the northwest corner of said Tract "F", AND with said being at the easterly 30-foot right-of-way boundary of 244th Avenue SE, as shown in the Enumclaw Buckley Road survey, King County Road Survey No. 1246;

THENCE southerly along the said surveyed easterly 30-foot right-of-way boundary, a distance of 1149.22 feet, more or less, to a point 12.00 feet westerly of the southwest corner of Tract "C" of said plat, AND with same corner being at or near a point 12.00 feet westerly of the northwest corner of Lot 18, Kavera Estates II, recorded in Volume 166 of Plats, Pages 69-70 records of King County.

THENCE continuing southerly along the said surveyed easterly 30-foot right-of-way boundary, a distance of 330.17 feet, more or less, to the west quarter corner of said Section 26, AND with same being on the centerline of Warner Avenue;

THENCE continuing southerly, along the said surveyed easterly 30-foot right-of-way boundary, to the most southerly point of curvature of the northwesterly 30.00-foot radius curve, concave to the southeast, at the northwest corner of Lot 4, Summer Street, recorded in Volume 148 of Plats, Pages 4-5 records of King County, a distance of 61.47 feet, more or less.

THENCE continuing southerly along the west boundary of said Lot 4, a distance of 88.56 feet, more or less, to the southwest corner of said Lot 4 AND with said being at the northwest corner of Lot 5 of said Plat;

THENCE continuing southerly along the west boundary of said Lot 5, a distance of 23.37 feet, more or less, to a point of curvature on said west boundary, with same being on the former easterly 30-foot right-of-way boundary of said 244th Ave SE, as show on said King County Road Survey No. 1246;

THENCE continuing southerly along said former easterly right-of-way boundary, along a 5759.56-foot radius right-of-way curve, concave to the west, through a central angle of 0°23'18", along an arc-length distance of 39.04 feet, more or less, to the southeasterly prolongation of the southerly 30-foot right-of-way boundary for SE 456th Way;

THENCE northwesterly along said southeasterly prolongation of the said southerly 30-foot right-of-way boundary, a distance of 2667.29 feet, more or less, to a point on the east boundary of the westerly 100.00 feet of the northeast quarter of said Section 27,

Thence northerly along said east boundary of the westerly 100.00 feet of the northeast quarter of said Section 27, a distance of 64.38 feet, more or less, to a point on the north boundary of the northerly 30-foot right-of-way boundary of said SE 456th Way;

THENCE continuing northerly, along said east boundary of the westerly 100 feet, a distance of 647.81 feet, more or less, to a point on the north boundary of the south half of the northeast quarter of said Section 27;
THENCE easterly along the said north boundary, a distance of 557.49 feet, more or less, to the west boundary of the east half of the west half of the northeast quarter of said Section 27;

THENCE northerly along said west boundary, a distance of 664.56 feet, more or less, to the south boundary of the north half of the north half of the said northeast quarter of Section 27;

THENCE easterly along the south boundary of the said north half, a distance of 657.50 feet, more or less, to the west boundary of the northeast quarter of the northeast quarter of said Section 27:

THENCE northerly along said west boundary, a distance of 349.78 feet, more or less, to the south boundary of the northerly 315.00 feet of said northeast quarter of Section 27;

THENCE easterly along said south boundary, a distance of 138.00 feet, more or less, to the east boundary of the westerly 138.00 feet of the northerly 315.00 feet of said northeast quarter of the northeast quarter of Section 27;

THENCE northerly along said east boundary, a distance of 285.00 feet, more or less, to a point at the southerly 30-foot right-of-way boundary of SE 448th St, AND with said being the southerly boundary of the northerly 30.00 feet of said Section 27.

THENCE easterly along said southerly 30-foot right-of-way boundary, a distance of 859.88 feet, more or less, to the intersection of the southerly 30-foot right-of-way boundary of said SE 448th St AND the southerly prolongation of the westerly 30-foot right-of-way boundary of 244th Ave SE.

THENCE northerly along said southerly extension of the said westerly right-of-way of 244th Ave SE, a distance of 30.00 feet to a point on the north section line of Section 27;

THENCE continuing northerly along the said westerly 244th Avenue right-of-way boundary, a distance of 2405.02 feet, more or less, to the south boundary of the northerly 238.00 feet of the southeast quarter of Section 22;

THENCE westerly along the said south boundary, a distance of 12.00 feet, to a point on the westerly 42-foot right-of-way boundary of said 244th Ave SE;

THENCE northerly along said westerly 42-foot right-of-way boundary of said 244th Ave SE, a distance of 238.00 feet, to a point on the east-west centerline of said Section 22 located 42.00 feet westerly of the east quarter corner of said section 22;

THENCE easterly along said east-west centerline of said section, a distance of 16.00 feet, to a point lying 26.00 feet westerly of the east section line of said section 22;

THENCE northerly a distance of 30.00 feet, to the westerly 26-foot right-of-way boundary of said 244th Ave SE;

THENCE northerly along said 26-foot right-of-way boundary, a distance of 154.10 feet, more or less, to the south boundary of that portion of right-of-way dedicated under King County recording number 9010041417;

THENCE westerly, along said south boundary, a distance of 7.00 feet, more or less, to the westerly right-of-way boundary of said 244th Ave SE;

THENCE northerly, along the said westerly right-of-way boundary, a distance of 76.17 feet, more or less, to a point on the southwesterly 50-foot right-of-way boundary of SE 436th Way, with said also known as State Route 164, and with said point being at State Route 164 Station 176+60, 50.00 feet Right, per Sheet 9 of 9, WSDOT R/W Plans titled 196th AVE SE to S.E. 440th ST, approved on March 27, 1987 ;

THENCE northwesterly, along said southwesterly 50-foot right-of-way boundary of SE 436th Way, a distance of 101.38 feet, , more or less, to a point on the southwesterly 50-foot right-of-way boundary of said SE 436th Way, AND with said point being at State Route 164 Station 175+58.62, 50.00 feet right, per said R/W plans;

Thence northeasterly, perpendicular to the centerline of said SE 436th Way, a distance of 100 feet, more or less, to a point on the northeasterly 50-foot right-of-way boundary of said SE 436th Way, AND with said point being at State Route 164 Station 175+58.62, 50.00 feet left, per said R/W plans;

Thence southeasterly, easterly, northeasterly and northerly, along a 45-foot radius right-of-way curve, concave to the northwest, a distance of 93.04 feet, more or less, to a point of tangency on the westerly 30-foot right-of-way boundary of 244th AVE SE, and with said being shown on said State Route 164 R/W Plans at 244th Station 11+48.84, 30.00 feet Left, (see deed under King County recording number 9112120772);

THENCE northerly from said point of tangency, and along the said westerly boundary of the westerly 30.00 feet of 244th AVE SE, a distance of 1192.29 feet, more or less, to a point at the westerly prolongation of the north boundary of Lot "B", King County Boundary Line Adjustment No. L05L0037, Rec. No. 20050613900042;

THENCE easterly along said westerly prolongation, a distance of 60.00 feet, more or less, to the northwest corner of said Lot "B";

THENCE continuing easterly along the said north boundary of Lot "B", a distance of 864.66 feet, more or less, to an angle point in said boundary of Lot "B";

THENCE northerly along west boundary of said Lot "B", a distance of 330.35 feet, more or less, to a point at the north boundary of said Lot "B", with same being on the south boundary of the north half of the northwest quarter of the northwest quarter of said Section 23;

THENCE easterly along the said south boundary, a distance of 434.00 feet, more or less, to THE TRUE POINT OF BEGINNING, with said being at the southwest corner of the north half of the northeast quarter of the northwest quarter of said Section 23;

AREA "C"

Legal Description for an Area of Annexation to the City of Enumclaw

That portion of the south half of the north half of the northwest quarter of the southwest quarter Section 26, Township 20 North, Range 6 East, Willamette Meridian, King County, Washington, more particularly described as follows:

Commencing at the southwest corner of Tract "A" of the Plat of Summer Street, Volume 148 of Plats, Pages 4-5, (198908310751), recorded in Records of King County, and with said being at the TRUE POINT OF BEGINNING:

THENCE northerly, a distance of 331.93 feet, along the west boundary of said plat, to the southwest corner of Lot 20 of said Plat of Summer Street;

THENCE westerly, a distance of 480.08 feet, along the south boundaries of Lots 6 through 10, inclusive, to the former southwest corner of Lot 6 of said plat, and with same point being on the former easterly boundary of the easterly 30-foot right-of-way (R/W) boundary of the Enumclaw-Buckley Road Survey No. 1246, with said also being known as 244th AVE SE;

THENCE southerly along the said easterly 30-foot R/W boundary, a distance of 168.50 feet, more or less, to the south boundary of the northerly 168.50 feet of the south half of the north half of the northwest quarter of the southwest quarter of said Section 26;

THENCE easterly, a distance of 5.00 feet, to the easterly boundary of right-of-way deed described in King County Rec. No. 199711120598;

THENCE southerly along said easterly R/W deed boundary, a distance of 163.76 feet, more or less, to a point on the south boundary of the south half of the north half of the northwest quarter of the southwest quarter of said Section 26, AND with same being parallel with and 7.00 feet westerly of the west boundary of the Plat of The Meadows of Enumclaw Phase 1, Volume 184 of Plats, Pages 99-104 (Rec. No. 199804060892), recorded in Records of King County, AND with said point also being at the intersection of the westerly prolongation of the north boundary of said Phase 1 plat;

THENCE easterly, a distance of 7.00 feet, along the said westerly prolongation of the north plat boundary, to the northwest plat corner for said Phase 1, and with same being 42.00 feet easterly from the centerline of the said Road Survey of 244TH AVE SE;

THENCE continuing easterly, a distance of 466.60 feet, more or less, along said north plat boundary, to the southwest corner of Tract "A" of the said Plat of Summer Street, and with said being at the TRUE POINT OF BEGINNING.
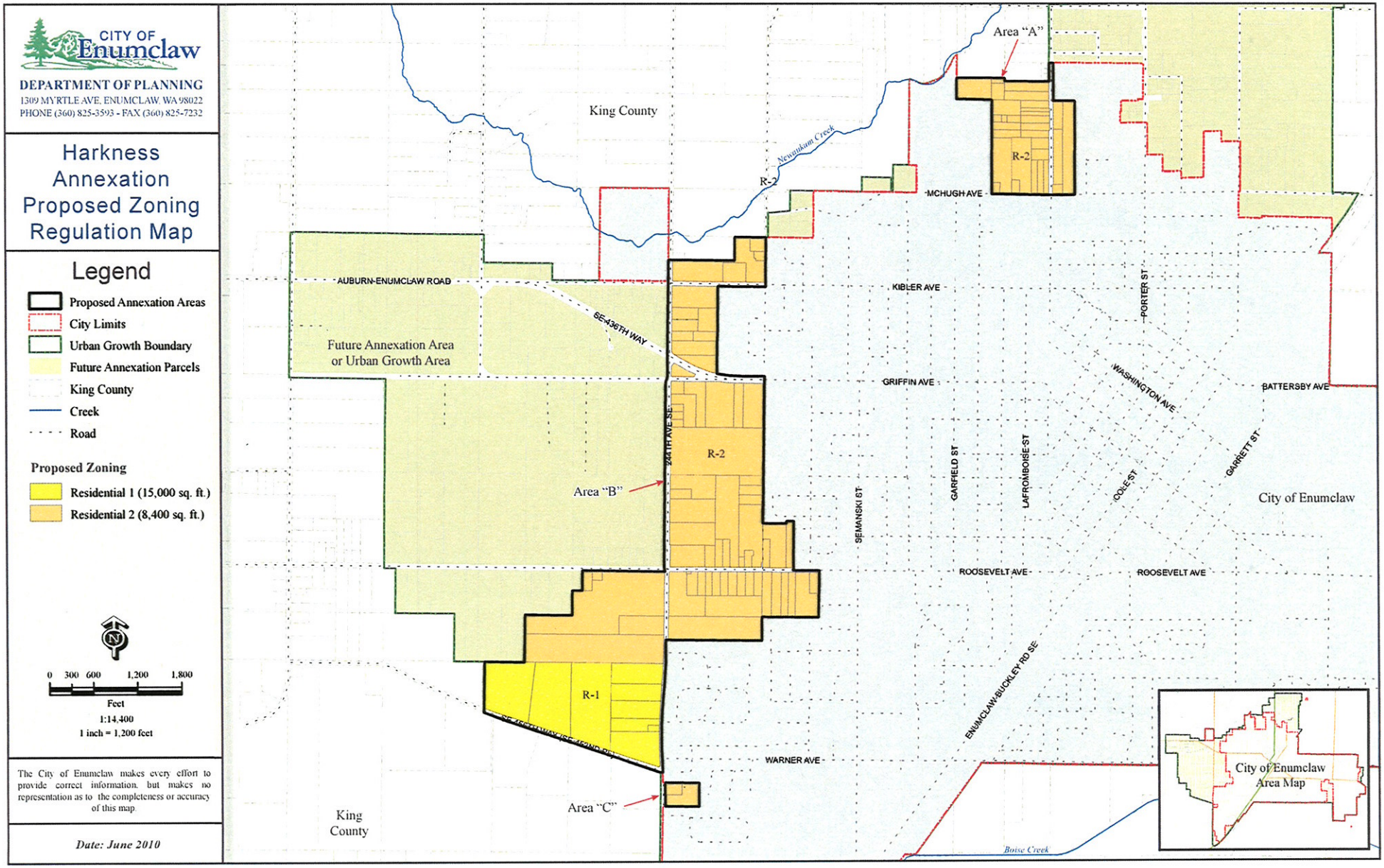
Exhibit B - Ordinance 2456