



City of Tukwila

Washington

Ordinance No. 2268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ANNEXING APPROXIMATELY 259 ACRES OF REAL PROPERTY KNOWN AS THE "TUKWILA SOUTH PROJECT PROPERTY"; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35A.14.120 provides that "proceedings for initiating annexation of unincorporated territory to a charter code city or non-charter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed," but that "prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings"; and

WHEREAS, La Pianta, LLC is the owner of approximately 259 acres of real property known as the "Tukwila South Project Property"; and

WHEREAS, on November 12, 2004, La Pianta, LLC submitted a Request for Annexation ("Request"), which was signed by owners of not less than ten percent of the value of the property included in the Request; and

WHEREAS, on January 18, 2005, the City Council met with the initiating parties as part of its regular City Council meeting pursuant to RCW 35A.14.120; and

WHEREAS, on January 18, 2005, the City Council unanimously voted to accept the Request and to authorize the initiating parties to circulate the Petition for Annexation seeking the signatures of the owners of sixty percent of the assessed valuation of property within the proposed annexation ("Petition"), on the following conditions: 1) that zoning regulations are simultaneously adopted, and 2) Petition signers consent to the assumption of the proposed annexation area's proportionate share of existing city indebtedness, if any; and

WHEREAS, on June 8, 2009, during its Committee of the Whole meeting, the Tukwila City Council held a public hearing following publication of proper notice thereof as provided in RCW 35A.14.130; and

WHEREAS, on June 8, 2009, during a Special meeting, the City Council approved the related Tukwila South Development Agreement and other related land use issues and La Pianta, LLC submitted its signed Petition; and

WHEREAS, the Tukwila City Council desires to annex the area described and shown in the Petition and on June 15, 2009 adopted Ordinance No. 2241 annexing the area subject to Washington State Boundary Review Board of King County approval; and

WHEREAS, the Washington State Boundary Review Board of King County held a public hearing on October 20, 2009 and approved the Resolution and Hearing Decision for File No. 2304, City of Tukwila, Tukwila South Annexation, at its regular meeting of November 12, 2009;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Annexation. The City of Tukwila hereby annexes the Tukwila South Property, which is legally described in Exhibit A and depicted on the map in Exhibit B, attached hereto and incorporated herein by reference.

Section 2. Conditions Upon Annexation.

A. Comprehensive Plan, Shoreline Master Plan and Zoning Designations. The Tukwila South Property shall be subject to the Comprehensive Plan, Master Plan and Shoreline Master Plan map amendment to designate the property as Urban Environment and Tukwila South Overlay District subject to zoning regulations as set forth in the Tukwila South Project Development Agreement adopted on June 8, 2009.

B. Assumption of Existing Indebtedness. The Tukwila South Property shall be assessed and taxed at the same rate and on the same basis as the property in the City of Tukwila is assessed and taxed to pay for the portion of outstanding city indebtedness, if any, which indebtedness has been approved by the voters, contracted for or incurred prior to or existing at the effective date of the annexation in Section 1 of this ordinance.

Section 3. Effective Date of Annexation. The effective date of the Tukwila South Annexation shall be December 31, 2009.

Section 4. Effective Date. This Ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

Section 5. Certification of Ordinance to King County. Upon passage the City Clerk is directed to file a certified copy of this ordinance with the King County Council, pursuant to RCW 35A.14.140.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Special Meeting thereof this 14th day of December, 2009.

ATTEST/AUTHENTICATED:

Christy O'Flaherty
Christy O'Flaherty, CMC, City Clerk

Jim Haggerton
Jim Haggerton, Mayor

APPROVED AS TO FORM BY:
[Signature]
Office of the City Attorney

Filed with the City Clerk: 12-9-09
Passed by the City Council: 12-14-09
Published: 12-17-09
Effective Date: 12-22-09
Ordinance Number: 2268

Attachments: Exhibit A - Tukwila South Property legal description
Exhibit B - Area Map

Exhibit A

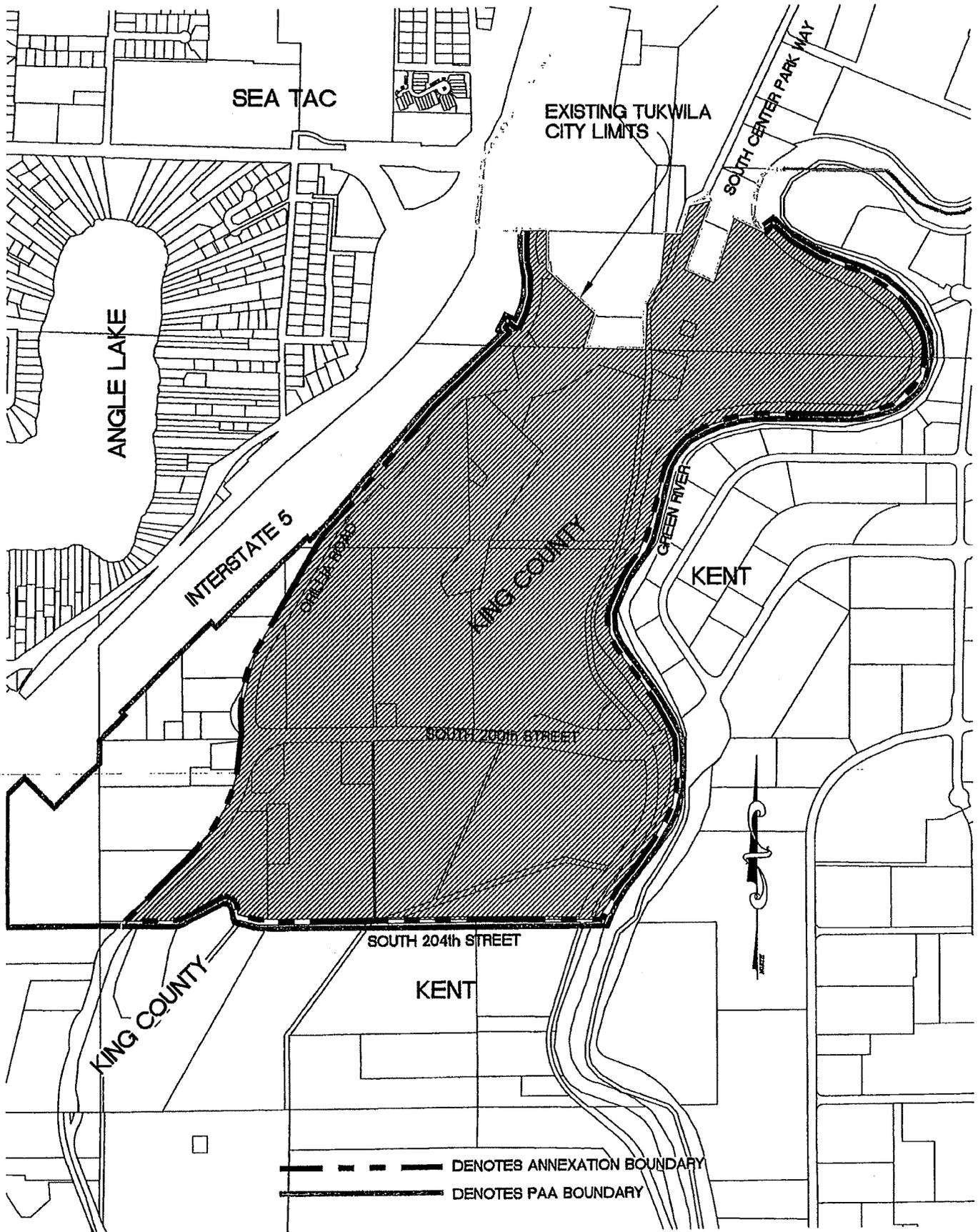
Legal Description of Tukwila South Annexation

"Those portions of Section 35, Township 23 North, Range 4 E. Willamette Meridian; Section 2, Township 22 North, Range 4 E. Willamette Meridian; and Section 3, Township 22 North, Range 4 E. Willamette Meridian, lying south of the City of Tukwila corporate limits as established by the City of Tukwila Ordinances 1125, 472, 269, and 696; East of the east right-of-way margin of Interstate Highway 5; East of the west right-of-way margin of Orillia Road South; North of the north right-of-way margin of South 204th Street and west of the City of Kent Ordinances 2114 and 2351;

Together with: That portion of South 204th Street lying north of and immediately adjacent to the north line of the City of Kent corporate limits as established by City of Kent Ordinance 1727, and westerly of the thread of the Green River."

VICINITY MAP

EXHIBIT B



**SUMMARY OF
Ordinance No. 2268**

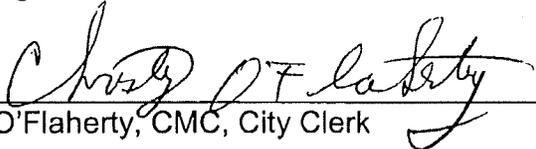
City of Tukwila, Washington

On December 14, 2009 the City Council of the City of Tukwila, Washington, adopted Ordinance No. 2268, the main points of which are summarized by its title as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA,
WASHINGTON, FINALIZING THE TUKWILA SOUTH ANNEXATION;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

The full text of this ordinance will be mailed upon request.

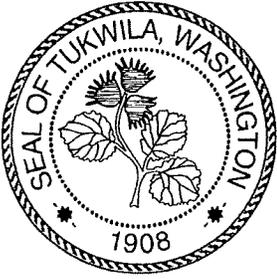
Approved by the City Council at a Special Meeting thereof on December 14, 2009.



Christy O'Flaherty, CMC, City Clerk

Published Seattle Times: December 17, 2009.

A certified copy of Ordinance #2268 was delivered to King County on December 31, 2009 by Lisa Verner, Tukwila South Project Manager. A copy of the certification is attached.



City of Tukwila

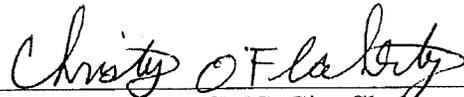
6200 Southcenter Boulevard • Tukwila, Washington 98188

Jim Haggerton, Mayor

CERTIFICATION

I, Christy O'Flaherty, City Clerk of the City of Tukwila, Washington, do hereby certify that this is a true and correct copy of City of Tukwila, Ordinance #2268 adopted by the Tukwila City Council at a Special Meeting thereof on December 14, 2009.

Dated this 30th day of December 2009.



Christy O'Flaherty, CMC, City Clerk
City of Tukwila, Washington