

ORDINANCE NO. 2478

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON ANNEXING APPROXIMATELY 92 ACRES OF REAL PROPERTY KNOWN AS THE “LUNDEEN” 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 (LUNDEEN ANNEXATION; FILE NO. 09214).

Whereas, on October 7, 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 Lundeen Annexation, and this notice was updated on May 10, 2010; 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 May 24, 2010, the City Council adopted Resolution 1369, 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 August 8, 2010, a petition for annexation of an area contiguous to the City of Enumclaw was made in writing, and signed by owners of property representing not less than sixty percent (60%) in value (according to the assessed valuation for general taxation) of the property for which annexation is petitioned; and

Whereas, on September 15, 2010, King County Assessor, Lloyd Hara, determined that the petition contains the signatures of the owners of 60% of the assessed valuation of property located within the proposed Lundeen Annexation Area, and so notified the City of Enumclaw of that determination in writing; and

Whereas, on October 25, 2010, the City of Enumclaw City Council held a public hearing (subsequent to publication of notice thereof as provided in RCW 35A.14.130), following the conclusion of the hearing, City Council adopted Resolution No. 1400 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 December 21, 2010; and

Whereas, the 45 day review period before the King County Boundary Review Board

expired effective February 4, 2011, and jurisdiction was not invoked. The Boundary Review Board deemed this proposed action effective February 7, 2011 following approval of a revised legal description, as described in Exhibit “A”; 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 Lundeen Annexation area of R-2 Moderate Density Single Family Residential and P – Public Use District pursuant to EMC Chapters 18.08 and 18.30, as depicted on Exhibit “B” to become effective upon annexation; 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 March 14, 2011 and April 25, 2011 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 March 23, 2011, 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 “Lundeen 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 Lundeen Annexation a proposed zoning regulation of R-2 Moderate Density Single Family Residential and P – Public Use District pursuant to EMC Chapters 18.08 and 18.30, 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 on July 1, 2011 after its passage, approval and publication as required by law.

Mayor Liz Reynolds

INTRODUCED _____

PASSED _____

APPROVED _____

PUBLISHED _____

Attested:

Maureen Burwell
Interim City Clerk

Approved as to form:

Michael J. Reynolds
City Attorney

LUNDEEN ANNEXATION

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

An area of land, situate within the southwest, northwest, and northeast quarters of Section 13, Township 20 North, Range 6 East, Willamette Meridian, King County, Washington, and with said area being more particularly described as follows:

Commencing at the center quarter corner of said Section 13, with said being situate at the intersection of SE 268TH AVENUE and SE 424th STREET;

THENCE northerly along the north-south centerline of said Section 13, a distance of 20.00 feet, to the north 20-foot right-of-way (R/W) boundary of SE 424th STREET; and with said being at the TRUE POINT OF BEGINNING;

THENCE easterly along said north R/W boundary, a distance of 30.00 feet, to the east boundary of the west 30.00 feet of said northeast quarter;

THENCE northerly, along said east boundary, a distance of 317.93 feet, more or less, to the north boundary of the south half of the south half of the west quarter of the southwest quarter of the northeast quarter of said Section 13;

THENCE easterly, along said north boundary, a distance of 297.15 feet, more or less, to the east boundary of the west half of the west half of the southwest quarter of the northeast quarter of said Section 13;

THENCE southerly, along said east boundary, a distance of 47.15 feet, more or less, to the north boundary of the southerly 290.00 feet of the southwest quarter of the northeast quarter of said Section 13;

THENCE easterly, along said north boundary, a distance of 327.14 feet, more or less, to the west boundary of the west half of the east half of the southwest quarter of the said northeast quarter;

THENCE northerly, along said west boundary, a distance of 1055.18 feet, more or less, to the north boundary of the southwest quarter of the northeast quarter of said Section 13;

THENCE westerly along said north boundary, a distance of 654.78 feet, more or less, to the west boundary of the southwest quarter of the northeast quarter of said Section 13;

THENCE southerly along the said west boundary, a distance of 50.00 feet, more or less;

THENCE westerly, a distance of 1263.92 feet, more or less, parallel with the north boundary of the southeast quarter of the northwest quarter of said Section 13, to the east 50-foot boundary of SR169 R/W (Deed described in King County Recording No. 20010529000648);

THENCE southerly, a distance of 398.15 feet, more or less, along said east 50-foot SR 169 R/W boundary, to the north line of Lot A, of King County Lot Line Adjustment L94L0022, King County recording no. 9511029008;

THENCE westerly, along said north line, a distance of 20.00 feet to an angle point on the east 30-foot SR 169 R/W boundary, and with said being at the 30-foot east boundary of the westerly 30.00 feet of the southeast quarter of the northwest quarter of said Section 13;

THENCE southerly, a distance of 388.03 feet, more or less, along the said east 30-foot SR 169 R/W boundary to the south line of the north 503.00 feet of the south three-quarters of the southeast quarter of said northwest quarter;

THENCE easterly, along said south line, a distance of 20.00 feet, to the said east 50-foot of SR169 R/W Deed boundary described in King County Recording No. 20010529000648;

THENCE southerly, a distance of 86.86 feet, more or less, along said east 50-foot SR 169 R/W Deed boundary, to the north line of the south 412.50 feet of said southeast quarter;

THENCE westerly, along said north line, a distance of 20.00 feet to an angle point on the east 30-foot SR 169 R/W boundary, and with said being the 30-foot east boundary of the westerly 30.00 feet of the southeast quarter of the northwest quarter of said Section 13;

THENCE southerly, a distance of 412.50 feet, more or less, along the said east 30-foot SR 169 R/W boundary, to a point at the intersection with the north boundary of the southwest quarter of the said Section 13;

THENCE continuing southerly, a distance of 786.00 feet, more or less, along said east 30-foot R/W boundary to a point at the intersection of the easterly prolongation of the south boundary of the North Hillcrest Tracts Subdivision recorded in records of King County in Volume 66, Pages 15-16;

THENCE westerly along said prolongation, a distance of 60.00 feet, more or less, to the west 30-foot SR 169 R/W boundary, with said being at the west boundary of the easterly 30.00 feet of the northwest quarter of the southwest quarter of said Section 13;

THENCE southerly, along said west boundary, a distance of 514.00 feet, more or less, along said 30-foot west SR 169 R/W boundary, to the north line of the south 20.00 feet of the northwest quarter of said southwest quarter;

THENCE westerly, along said north line, a distance of 70.00 feet, more or less, to the west boundary of the east 100.00 feet of the northwest quarter of said southwest quarter;

THENCE southerly, along said west boundary, a distance of 20.00 feet, more or less, to the north boundary of the southwest quarter of the southwest quarter of said Section 13;

THENCE westerly, along said north boundary, a distance of 238.00 feet, more or less, to the west boundary of the east 338.00 feet of the southwest quarter of said southwest quarter;

THENCE southerly, along said west boundary, a distance of 150.00 feet, more or less, to the south boundary of the north 150.00 feet of the southwest quarter of said southwest quarter;

THENCE westerly, along said south boundary, a distance of 8.67 feet, more or less, to the west boundary of the east 346.67 feet of the southwest quarter of said southwest quarter;

THENCE southerly, along said west boundary, a distance of 160.00 feet, more or less, to the south boundary of the north 310.00 feet of the southwest quarter of said southwest quarter;

THENCE easterly, along said south boundary, a distance of 316.67 feet, more or less, to the said west 30-foot SR 169 R/W boundary;

THENCE continuing easterly, along the easterly extension of said south line, a distance of 60.00 feet, more or less, to the east 30-foot SR 169 R/W boundary, with said being at the east boundary of the westerly 30.00 feet of the southeast quarter of the southwest quarter of said Section 13;

THENCE southerly along said east 30-foot SR 169 R/W boundary, a distance of 452.23 feet, more or less, to a point located approximately 537.00 feet northerly and 30.00 feet easterly of the south one-sixteenth corner of the southwest quarter of said Section 13 (intersection of Porter Street SR 169 and McHugh Avenue);

THENCE easterly from aforesaid east 30-foot SR 169 R/W boundary , along the north boundary of the south 537.00 feet of said southwest quarter, a distance of 216.00 feet, more or less, to the east boundary of the west 246.00 feet of the southeast quarter of said southwest quarter;

THENCE southerly, along said east boundary, a distance of 235.00 feet, more or less, to a point at the north boundary of the southerly 302.00 feet of the southeast quarter of the southwest quarter of said Section 13;

THENCE easterly, along said north boundary, a distance of 276.50 feet, more or less, to point on the boundary of Enumclaw Annexation Ordinance 1486;

THENCE southerly along said Enumclaw annexation ordinance boundary, a distance of 94.00 feet, more or less, to a point on the north boundary of the southerly 208.00 feet of the southeast quarter of the southwest quarter of said Section 13;

THENCE easterly, a distance of 288.18 feet (287.55' – 199904062474), more or less, along the said north boundary of the southerly 208.00 feet, to a point at the west boundary of the easterly 491.95 feet of the southeast quarter of the southwest quarter of said Section 13;

THENCE northerly along said west boundary, a distance of 1091.29 feet, more or less, to the north boundary of the southeast quarter of the southwest quarter of said Section 13;

THENCE westerly along said north boundary, a distance of 152.55 feet, more or less, to the east boundary of the west half of the northeast quarter of the southwest quarter of said Section 13;

THENCE northerly along the said east boundary, a distance of 1296.92 feet, more or less, to the north boundary of the northeast quarter of the southwest quarter of said Section 13;

THENCE continuing northerly along the west boundary of the east half of the southeast quarter of the northwest quarter of said Section 13, a distance of 82.50 feet;

THENCE easterly along the north boundary of the southerly 82.50 feet of the southeast quarter of the northwest quarter, a distance of 660.00 feet, more or less, to a point on the north-south centerline of said Section 13, with same point being 82.50 feet northerly of the center quarter corner of said Section 13;

THENCE southerly along the said north-south centerline of said Section 13, a distance of 62.50 feet, more or less, to the TRUE POINT OF BEGINNING.

Said annexation land area is approximately 90 Acres, more or less.