

ORDINANCE NO. 2505

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON ANNEXING APPROXIMATELY 101 ACRES OF REAL PROPERTY KNOWN AS THE "268th AVENUE SE" 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 (268TH ANNEXATION; FILE NO. 10-124).

Whereas, on July 1, 2010, 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 268th Avenue SE 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 November 22, 2010 the City Council adopted Resolution 1402, 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 June 16, 2011, 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 July 12, 2011, 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 268th Avenue SE Annexation Area, and so notified the City of Enumclaw of that determination in writing; and

Whereas, on October 24, 2011, 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. 1434 accepting the 60% petition and directing city staff to file a Notice of Intent to Annex with the King County Boundary Review Board; and

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Whereas, The Notice of Intention to annex was filed with the King County Boundary Review Board November 30, 2011; and

Whereas, the 45 day review period before the King County Boundary Review Board expired effective January 14, 2012, and jurisdiction was not invoked. The Boundary Review Board deemed this proposed action effective January 17, 2012 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 268th Avenue SE Annexation area of R-2 Moderate Density Single Family Residential and R-1 Low Density Single Family Residential District pursuant to EMC Chapters 18.08 and 18.06, 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 February 27, 2012 and April 9, 2012 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 February 15, 2012, 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 "268th Avenue SE 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 268th Avenue SE Annexation a proposed zoning regulation of R-2 Moderate Density Single Family Residential

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and R-1 Low Density Single Family Residential EMC Chapters 18.08 and 18.06, as depicted on Exhibit "B" which becomes effective upon annexation.

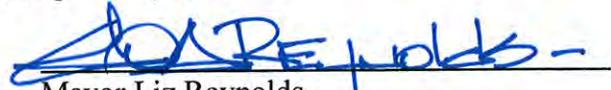
Section 3. Assumption of Indebtedness. The property hereby annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Enumclaw is assessed and taxed to pay for any outstanding general indebtedness of the City.

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, 2012 after its passage, approval and publication as required by law.


Mayor Liz Reynolds

INTRODUCED 2-27-2012
PASSED 4-9-2012
APPROVED 4-10-2012
PUBLISHED 4-18-2012

Attested:


Meredith Shirey
City Clerk

Approved as to form:


Michael J. Reynolds
City Attorney

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City of Enumclaw
Legal Description for "268TH AVE SE" Annexation Area

An area of land, situate within the southeast, southwest, northeast, and northwest 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 monument being situate at the intersection of 268TH AVENUE SE 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 continuing northerly, along the said north-south centerline of said Section 13, a distance of 62.50 feet, more or less, to the north boundary of the southerly 82.50 feet of the southeast quarter of the northwest quarter of said Section 13;

THENCE westerly, along the said 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 west boundary of the east half of the southeast quarter of the northwest quarter of said Section 13;

THENCE southerly, along the said west boundary of the east half of the southeast quarter of the northwest quarter of said Section 13, a distance of 82.50 feet, to a point at the northwest corner of the east half of the northeast quarter of the southwest quarter of said Section 13;

THENCE southerly, along the west boundary of the east half of the northeast quarter of the southwest quarter of said Section 13, a distance of 1296.92 feet, more or less, to the southwest corner of the east half of the northeast quarter of the southwest quarter of said Section 13;

THENCE easterly, along the south boundary of the said east half of the northeast quarter of the southwest quarter of said Section 13, a distance of 152.55 feet, more or less, to a point on the west boundary of the easterly 491.95 feet of the southeast quarter of the southwest quarter of said Section 13;

THENCE southerly, along the said west boundary of the easterly 491.95 feet, a distance of 442.73 feet, more or less, to a point on the south boundary of the north five acres of the easterly 491.95 feet of the southeast quarter of the southwest quarter of said Section 13;

THENCE easterly, along the south boundary of the said north five acres, a distance of 245.98 feet, more or less, to a point at the west boundary of the east half of the said easterly 491.95 feet of the southeast quarter of the southwest quarter of said Section 13;

THENCE southerly, along the said west boundary of the east half of the easterly 491.95 feet, a distance of 139.02 feet, more or less, to a point at the north boundary of the southerly 703.20 feet of the southwest quarter of said Section 13;

THENCE easterly, along the said north boundary of the southerly 703.20 feet, AND easterly along the easterly prolongation of said boundary, a distance of 265.97 feet, more or less, to a point on the east 20-foot right-of-way boundary of 268th AVENUE SE (Cole Street), AND with said point also being the east boundary of the westerly 20.00 feet of the southeast quarter of said Section 13;

THENCE southerly, along the said east 20-foot right-of-way boundary of 268th AVENUE SE, a distance of 683.20 feet, more or less, to a point on the north boundary of the southerly 20.00 feet of the southeast quarter of said Section 13, AND with said being at the north 20-foot right-of-way boundary of SE 432nd STREET (McHugh Avenue);

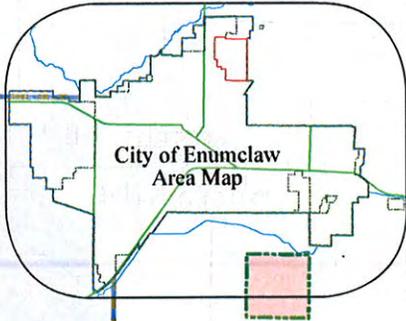
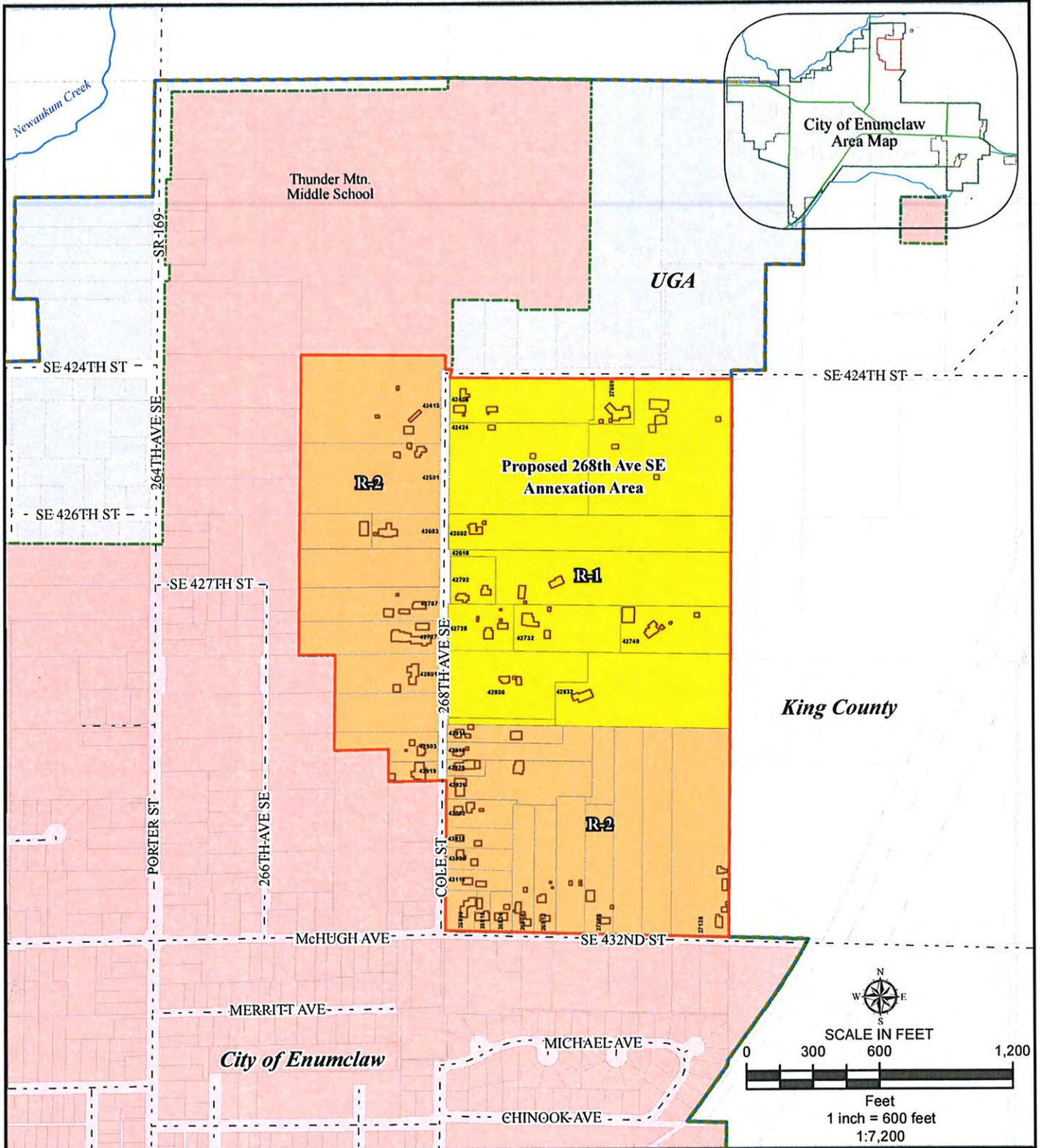
THENCE easterly, along the said north 20-foot right-of-way boundary of SE 432nd STREET, a distance of 1291.22 feet, more or less, to a point on the north-south 1/16th line of the southeast quarter of said Section 13;

THENCE northerly, along the said north-south 1/16th line of the southeast quarter of said Section 13, a distance of 2547.94 feet, more or less, to a point on the south boundary of the northerly 20.00 feet of the southeast quarter of said Section 13, AND with said being at the south 20-foot right-of-way boundary of SE 424nd STREET;

THENCE westerly, along the said south 20-foot right-of-way boundary of SE 424nd STREET, a distance of 1278.35 feet, more or less, to a point of intersection at the said right-of-way boundary and the southerly prolongation of the east boundary of the westerly 30.00 feet of the northeast quarter of said Section 13;

THENCE northerly, along said southerly prolongation of the east boundary of the westerly 30.00 feet of the northeast quarter of said Section 13, a distance of 40.00 feet, more or less, to a point on the north boundary of the southerly 20.00 feet of the northeast quarter of said Section 13, AND with said being at the north 20-foot right-of-way boundary of SE 424nd STREET;

THENCE westerly along the said north 20-foot right-of-way boundary of SE 424nd STREET, a distance of 30.00 feet, more or less, to the TRUE POINT OF BEGINNING.



**268th Ave SE Annexation
Proposed Zoning
Regulation Map**

The City of Enumclaw makes every effort to provide correct information, but makes no representation as to the completeness or accuracy of this map.

Date: February 2012

Legend

- Proposed Annexation
- City Limits
- Urban Growth Boundary
- Buildings
- King County
- Newaukum Creek
- Roads

Proposed Zoning

- Residential 1 (R-1)
- Residential 2 (R-2)


CITY OF Enumclaw
 DEPARTMENT OF PLANNING
 1399 MYRTLE AVE, ENUMCLAW, WA 98022
 PHONE (360) 825-3595 • FAX (360) 825-7232



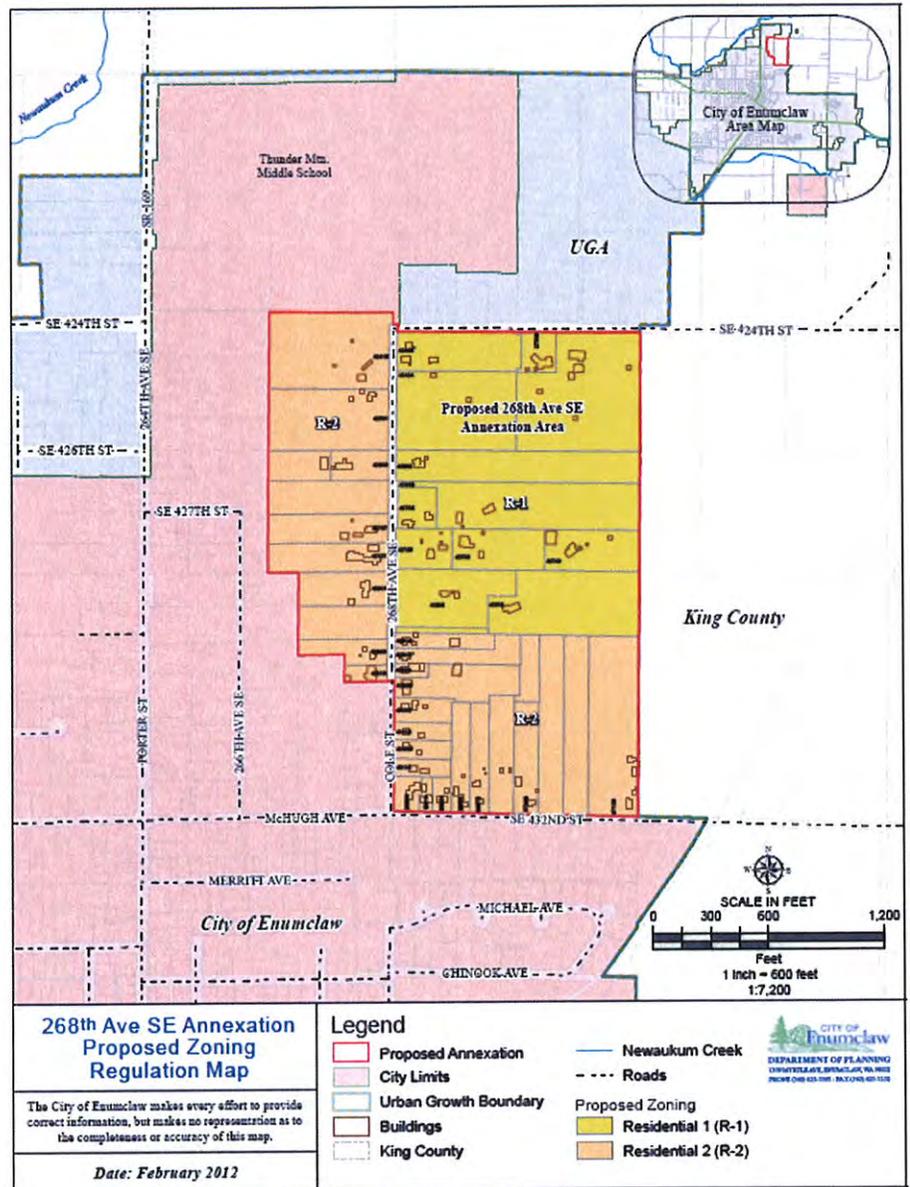
NOTICE OF PUBLIC HEARINGS 268th AVENUE ANNEXATION FILE NO. 10-124

Notice is given that the City Council for the City of Enumclaw will hold two public hearings on **FEBRUARY 27** and **APRIL 9, 2012**. The purpose of the public hearings is to consider public comment on the proposed annexation and zoning regulation for the 268th Avenue SE Annexation area. The proposed annexation area is 101 acres and is located within the Urban Growth Area, north of the City of Enumclaw.

The public hearing will be part of the regular City Council meeting beginning at **7:30 p.m.**, at the City Hall Council Chambers located at 1339 Griffin Avenue. The public is encouraged to review the application, submit comments, participate in the hearing, or request a copy of the decision.

Written comments may be submitted to the Department of Community Development, 1309 Myrtle Ave, Enumclaw, WA 98022 or by calling (360) 825-3593 any time prior to the date of the hearing.

*Community Development
Department
City of Enumclaw*



Distribution List

Applicant, On-site posting, Owners of property within the proposed annex area and within 300', Land Use Action Bulletin Board posting, Enumclaw Courier-Herald, City of Enumclaw Website, Enumclaw Public Library