

ORDINANCE NO. 401

ORDINANCE OF THE CITY OF BRIER, WASHINGTON, ANNEXING TO THE CITY OF BRIER THE APPROXIMATELY 35-ACRE AREA KNOWN AS ALLVIEW HEIGHTS, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, RCW 35A.14.295 and 35A.14.297 authorize the City Council to resolve to annex into the City unincorporated territory containing residential property if the unincorporated territory contains less than 100 acres and has at least 80 percent of its boundaries contiguous to the City's boundary, to conduct a public hearing on the annexation, and to provide by ordinance for the annexation; and

WHEREAS, pursuant to RCW 35A.14.295 and 35A.14.297, the City Council considered annexation of an unincorporated County island, consisting of approximately 35-acres located in the eastern portion of the Brier MUGA, south of 228th Street SW, west of 24th Avenue W, and north of 231st Street SW, and generally known as Allview Heights, which area is legally described on Exhibit A attached hereto and incorporated by this referenced ("the Allview Annexation Area"); and

WHEREAS, the Allview Annexation Area meets the requirements of RCW 35A.14.295; and

WHEREAS, the City Council is authorized, pursuant to RCW 35A.14.330 and RCW 35A.14.340, to establish proposed zoning regulations to become effective upon the annexation of any area that might reasonably be expected to be annexed to the City at any future time; and

WHEREAS, the City's Planning Department recommended certain pre-annexation zoning designations for the properties in the Allview Annexation Area, as shown on Exhibit B attached hereto and incorporated by this reference; and

WHEREAS, the City Council conducted a public hearing on the proposed Allview Annexation on September 11, 2007; and

WHEREAS, the City Council conducted a public hearing on the proposed zoning regulations for the Allview Annexation Area on September 11, 2007; and

WHEREAS, on September 11, 2007, the City Council approved a future land use designation of Single Family Residential 12,500 (RS 12,500) for the properties in Allview (on the Future Land Use Plan map in the City's Comprehensive Plan); and

WHEREAS, the City Council determined that the public interest is served best by annexing the Allview Annexation Area, and on September 11, 2007, passed Resolution No.497 , stating the City's intent to annex the Allview Annexation Area, and providing for submission of a Notice of Intent to Annex to the Snohomish County Boundary Review Board; and

WHEREAS, the City Council determined that the proposed zoning designations described on Exhibit B would be consistent with the City's Comprehensive Plan and with RCW 35A.14.330, and would be in the interest of the public health, safety, morals, and the general welfare, and on September 11, 2007, adopted Resolution No. 497, indicating that the Allview Annexation Area would be given an interim zoning classification of RS 12,500; and

WHEREAS, on September 26, 2007, in accordance with Resolution No. 497, the City filed a Notice of Intent to Annex the Allview Annexation Area with the Snohomish County Boundary Review Board (the Board); and

WHEREAS, on October 3, 2007, following approval of the legal description for the annexation area, the Board deemed the Notice of Intent to be legally sufficient with an effective filing date of October 3, 2007; and

WHEREAS, the Board invoked jurisdiction over the proposed Allview Annexation after receiving a 5% petition; and

WHEREAS, on January 15, 2008, following a public hearing on January 7, 2008, the Board approved the annexation with an effective filing date of January 16, 2008; and

WHEREAS, the Board's decision was appealed to Snohomish County Superior Court (Cause No. 08-2-02481-2), but the appeal was dismissed, and the Board's decision approving the Allview Annexation is final; and

WHEREAS, pursuant to RCW 35A.14.330 and 35A.14.340, on September 11, 2007 and December 13, 2011, the City Council conducted public hearings on the proposed zoning designations and regulations for the Allview Annexation Area, as shown on Exhibit B, attached hereto; and

WHEREAS, on November 16, 2011, the Planning Commission conducted a public hearing on the proposed zoning designations and regulations for the Allview Annexation Area, as shown on Exhibit B, attached hereto. They forwarded a recommendation of approval to the City Council; and

WHEREAS, on December 13, 2011, the City Council determined that the proposed zoning designations and regulations described on Exhibit B would be consistent with the City's Comprehensive Plan and with RCW 35A.14.330, and would be in the best interests of the public health, safety, and general welfare, and so adopted Ordinance No. 397, establishing pre-annexation zoning for the Allview Annexation Area; and

WHEREAS, all statutory requirements for the Allview Annexation have been completed, including those set forth in RCW 35A.14.295, 35A.14.297 and RCW 35A.14.340; now, therefore

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

Section 1. The Allview Annexation Area, legally described on Exhibit A, is hereby annexed to the City of Brier as of the effective date of this Ordinance.

Section 2. Upon annexation of the property described in Exhibit A, it shall be assessed and taxed at the same rate and on the same basis as other property within the City of Brier including all assessments or taxes for the payment of its pro rata share and all outstanding indebtedness of the City contracted or incurred prior to or existing on the effective date of the annexation.

Section 3. The City of Brier's Comprehensive Plan shall be deemed to apply to the Allview Annexation Area from and after the effective date of this Ordinance.

Section 4. The Allview Annexation Area shall have the zoning designation and be subject to the City's zoning and other land use regulations as stated in Ordinance No. 397, and as shown on Exhibit B to this Ordinance, from and after the effective date of this Ordinance. The Official Zoning Map of the City of Brier shall be revised to include these designations as of the effective date of this Ordinance.

Section 5. This Ordinance shall take effect and the Allview Annexation Area shall become part of the City of Brier forty-five (45) days from the date of passage of this Ordinance consistent with the requirements of RCW 35A.14.297 and 35A.14.299.

Section 6. A certified copy of this Ordinance shall be filed with the Snohomish County Council.

Section 7. 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 8. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City. Notice of the proposed effective date of

this Ordinance, together with a description of the property to be annexed and other matters required by statute, shall be published in accordance with RCW 35A.14.297.

PASSED BY THE CITY COUNCIL, the 1st day of May, 2012.

APPROVED:



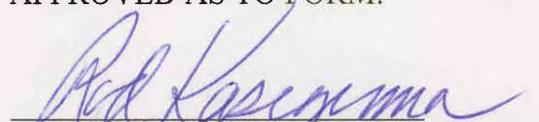
MAYOR BOB COLINAS

ATTEST/AUTHENTICATED



CITY CLERK, PAULA SWISHER

APPROVED AS TO FORM:



CITY ATTORNEY, ROD KASEGUMA

DRAFTED: 03/10/2012
INTRODUCED: 04/27/2012
PASSED: 05/01/2012
POSTED: 05/04/2012

EXHIBIT A

That portion of the northwest quarter of Section 35, Township 27 North, Range 4 East, W. M. described as follows:

Beginning at the northwest corner of said section said point also being the northwest corner of the plat of Allview Heights Division No. 2 recorded under Auditor file number 964415, records of Snohomish County, Washington; thence East along north line of said plat and the north section line to the northeast corner of the northwest quarter of the northwest quarter of said section, also being the northeast corner of said plat; thence South along the east line of said plat to the southeast corner of Lot 15; thence West along the south line of Lot 15 to the southwest corner thereof; thence South along the west line of Lot 14 to the northwest corner of Lot 13; thence East along the north line of Lot 13 to the northeast corner of the west 154 feet of Lot 13; thence South along the east line of said west 154 feet to the south line of Lot 13; thence West along said south line to the southwest corner thereof; thence south along the west line of Lot 12 to the southwest corner of said Lot 12; thence East along the south line of said Lot 12 to the east line of said plat; thence south along the east line of said plat to the southeast corner of Lot 7; thence West along the south line of Lot 7 and its westerly extension to the east line of Lot 54 said plat; thence South along the east line of Lot 54 to the southeast corner of the north half of said Lot 54; thence West along the south line of said north half to the southwest corner thereof; thence South along the west line of said Lot 54 to the southwest corner thereof and the north line of Lot 55; thence West along the north line of Lot 55 to the northwest corner thereof; thence south along the west line of Lot 55, also being the east line of Lot 52 to the southeast corner of said Lot 52; thence West along the south lines of Lots 52, 51 and 50 to the southwest corner of Lot 50; thence North along the west line of Lot 50 to the southeast corner of Lot 48 said plat; thence West along the south line of Lot 48 to the southeasterly right of way of Allview Way; thence northeasterly along the southeast margin of Allview Way to an intersection with a line projected at right angles to the northerly right of way of Allview Way from the most southerly corner of Lot 47 said plat; thence northwesterly along said projection to the most southerly corner of said Lot 47; thence North along the west line of said Lot 47 to the northwest corner thereof; thence East along the north line of Lot 47 to the west margin of 27th Avenue West; thence north along said west margin to the southeast corner of Lot 42 said plat; thence West along the south line of said Lot 42 to the southwest corner thereof; thence North along the west line of Lot 42 to the northwest corner thereof; thence East along the north line of said Lot 42 to the west margin of 27th Avenue West; thence north along said right of way margin to the southeast corner of Lot 37; thence West along the south line of Lot 37 to the southwest corner thereof; thence North along the west line of said Lot 37 to the northwest corner thereof and the point of beginning.

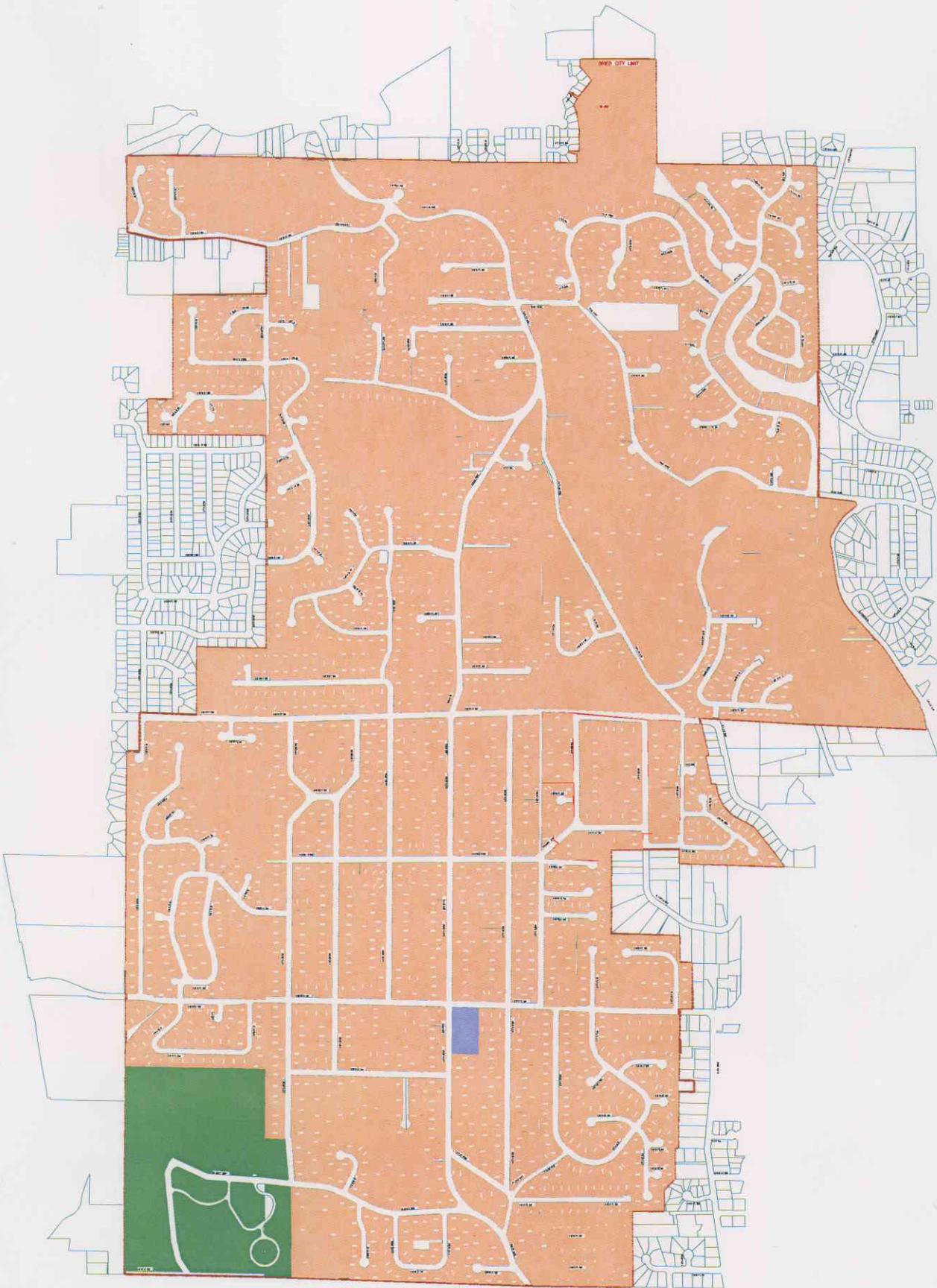


Exhibit B **Zoning**

1" = 400'

4/23/2012

CITY OF BRIER
2901 228TH ST SW

CEMETERY 
RS 12,500 
NEIGHBOR BUSINESS 