

1 CITY OF LYNNWOOD

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
6 LYNNWOOD, WASHINGTON, ANNEXING TO THE CITY OF
7 LYNNWOOD THE APPROXIMATELY 33-ACRE AREA KNOWN AS
8 THE MAPLE PRECINCT; PROVIDING FOR ZONING FOR THE
9 ANNEXED AREA; PROVIDING FOR SEVERABILITY; PROVIDING
10 AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.
11

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

17 WHEREAS, pursuant to RCW 35A.14.295 and 35A.14.297, the City Council
18 considered annexation of an unincorporated County island, consisting of approximately
19 33-acres located north of 176th St. SW and west of 60th Ave. West, and generally known
20 as the Maple Precinct (City File No. 2008-ANX-0001), which area is legally described on
21 Exhibit A attached hereto and incorporated by this reference ("the Maple Precinct
22 Annexation Area"); and

23
24 WHEREAS, the Maple Precinct Annexation Area meets the requirements of
25 RCW 35A.14.295; and

26
27 WHEREAS, the City Council is authorized, pursuant to RCW 35A.14.330 and
28 35A.14.340, to establish proposed zoning regulations to become effective upon the
29 annexation of any area that might reasonably be expected to be annexed to the City at any
30 future time; and

31
32 WHEREAS, the City's Department of Community Development recommended
33 certain pre-annexation zoning designations for the properties in the Maple Precinct
34 Annexation Area, as shown on Exhibit B attached hereto and incorporated by this
35 reference; and

36
37 WHEREAS, the City Council conducted a public hearing on the proposed Maple
38 Precinct annexation on September 22, 2008, and on August 11 and September 22, 2008,
39 the City Council held hearings on the proposed zoning regulations for the Maple Precinct
40 Annexation Area; and

41
42 WHEREAS, on September 24, 2007, the City Council approved future land use
43 designations for the properties in the Maple Precinct Annexation Area (on the Future
44 Land Use Plan map in the City's Comprehensive Plan), which designations include:

1 “Local Commercial” (LC) for the commercial property at the northeast corner of 176th St.
2 SW and 62nd Ave. W (addressed as 6121 176th St. SW), and “Low Density Single Family
3 Residential” (SF-1) for the remaining properties in the Annexation Area; and
4

5 WHEREAS, the City Council determined that the public interest is served best by
6 annexing the Maple Precinct Annexation Area, and on September 22, 2008, passed
7 Resolution No. 2008-10, stating the City's intent to annex the Maple Precinct Annexation
8 Area, and providing for the submission of a notice of intent to annex to the Snohomish
9 County Boundary Review Board; and
10

11 WHEREAS, the City Council determined that the proposed zoning designations
12 described on Exhibit B would be consistent with the City's Comprehensive Plan and with
13 RCW 35A.14.330, and would be in the interest of the public health, safety, morals, and
14 the general welfare, and on September 22, 2008, adopted Ordinance No. 2739,
15 establishing pre-annexation zoning for the Maple Precinct Annexation Area; and
16

17 WHEREAS, on March 18, 2008, in accordance with Resolution No. 2008-10, the
18 City filed a Notice of Intent to annex the Maple Precinct Annexation Area with the
19 Snohomish County Boundary Review Board; and
20

21 WHEREAS, on March 31, 2009, following approval of the legal description for
22 the annexation area, the Board deemed the Notice of Intent to be legally sufficient with
23 an effective filing date of March 31, 2009; and
24

25 WHEREAS, the Snohomish County Boundary Review Board did not invoke
26 jurisdiction over the proposed Maple Precinct annexation; and
27

28 WHEREAS, all statutory requirements have been completed, including those set
29 forth in RCW 35A.14.295 and RCW 35A.14.340; and
30

31 NOW, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES
32 HEREBY ORDAIN AS FOLLOWS
33

34 Section 1. The Maple Precinct Annexation Area, legally described on Exhibit A, is
35 hereby annexed to the City of Lynnwood as of the effective date of this Ordinance.
36

37 Section 2. Upon annexation, the property in the Maple Precinct Annexation Area
38 shall be assessed and taxed at the same rate and on the same basis as the other property in
39 the City of Lynnwood, including all assessments or taxes for payment of its pro rata share
40 of all outstanding indebtedness of the City contracted for, incurred prior to, or otherwise
41 existing on the effective date of the annexation.
42

43 Section 3. The City of Lynnwood's Comprehensive Plan shall be deemed to apply to
44 the Maple Precinct Annexation Area from and after the effective date of this Ordinance.
45

1 Section 4. The Maple Precinct Annexation Area shall have the zoning designation
2 and be subject to the City's zoning and other land use regulations as stated in Ordinance
3 No. 2739, and as shown on Exhibit B to this Ordinance, from and after the effective date
4 of this Ordinance. The Official Zoning Map of the City of Lynnwood shall be revised to
5 include these designations as of the effective date of this Ordinance.

6
7 Section 5. This Ordinance shall take effect and the Maple Precinct Annexation Area
8 shall become part of the City of Lynnwood forty-five (45) days from the date of passage
9 of this Ordinance consistent with the requirements of RCW 35A.14.297 and 35A.14.299.

10
11 Section 6. A certified copy of this Ordinance shall be filed with the Snohomish
12 County Council.

13
14 Section 7. If any section, subsection, sentence, clause, phrase or word of this
15 Ordinance should be held to be invalid or unconstitutional by a court of competent
16 jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or
17 constitutionality of any other section, subsection, sentence, clause, phrase or word of this
18 Ordinance.

19
20 Section 8. This Ordinance or a summary thereof consisting of the title shall be
21 published in the official newspaper of the City. Notice of the proposed effective date of
22 this Ordinance, together with a description of the property to be annexed and other
23 matters required by statute, shall be published in accordance with RCW 35A.14.297.

24 PASSED THIS 8th day of June, 2009 and signed in authentication of its passage
25 this ___th day of June, 2009.

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30 _____
DON GOUGH, Mayor

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33 ATTEST:

34
35 _____
36 JOHN MOIR, Finance Director

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38
39 APPROVED AS TO FORM:

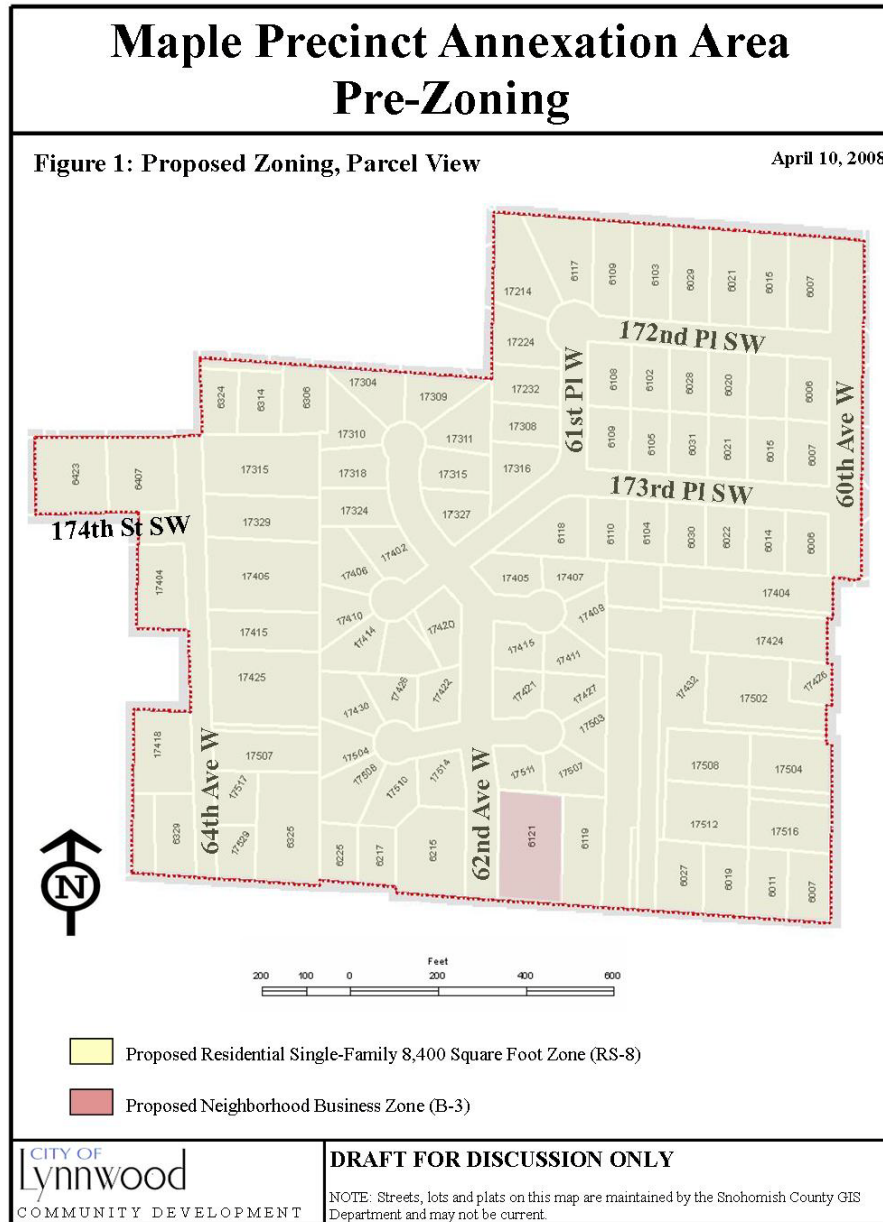
40
41 _____
42 ERIC C. FRIMODT, City Attorney
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44
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1 Exhibit A – Legal Description of Maple Precinct

2
3 THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF
4 SECTION 8 AND THAT PORTION OF THE WEST 20 FEET OF THE NORTH HALF OF
5 THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 27 NORTH, RANGE 4
6 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
7

8 BEGINNING AT THE SOUTHWEST CORNER OF TRACT 148, PLAT OF
9 MEADOWDALE BEACH, AS RECORDED IN VOLUME 5 OF PLATS, PAGE 38,
10 RECORDS OF SAID COUNTY, ALSO BEING THE POINT OF BEGINNING OF THE
11 ANNEXATION DESCRIPTION DISCLOSED BY CITY OF LYNNWOOD ORDINANCE
12 215, PASSED OCTOBER 12, 1964; THENCE ALONG THE FOLLOWING COURSES
13 DESCRIBED BY SAID ORDINANCE, SOUTH 83°24'28" WEST ALONG THE
14 PROJECTED SOUTH LINE OF SAID TRACT 148, 10 FEET TO A POINT WHICH IS 40
15 FEET FROM AN EXISTING FENCE LINE; THENCE NORTHERLY PARALLEL WITH
16 SAID FENCE LINE TO THE NORTH LINE OF THE SOUTH 308 FEET OF SAID TRACT
17 148; EASTERLY ALONG SAID NORTH LINE 106 FEET, MORE OR LESS TO THE
18 WESTERLY RIGHT OF WAY MARGIN OF 64TH AVENUE WEST; NORTHERLY
19 ALONG SAID MARGIN TO THE NORTH LINE OF THE SOUTH 462 FEET OF SAID
20 TRACT 148; WESTERLY ALONG SAID NORTH LINE 106 FEET, MORE OR LESS, TO
21 THE AFOREMENTIONED LINE WHICH IS PARALLEL WITH SAID EXISTING FENCE;
22 NORTHERLY ALONG SAID AFOREMENTIONED LINE TO THE WESTERLY
23 EXTENSION OF THE NORTH LINE OF SAID TRACT 148 FROM WHICH THE
24 NORTHWEST CORNER OF SAID TRACT 148 BEARS NORTH 81°59'14" EAST 27
25 FEET DISTANT; CONTINUING NORTHERLY ALONG SAID AFOREMENTIONED LINE
26 TO THE NORTHERLY RIGHT OF WAY MARGIN OF 174th STREET SOUTHWEST
27 AS SHOWN ON THE PLAT OF WINNEM ADDITION, AS RECORDED IN VOLUME 15
28 OF PLATS, PAGE 10, RECORDS OF SAID COUNTY; WESTERLY ALONG SAID
29 MARGIN TO THE SOUTHEAST CORNER OF LOT 3 OF SAID PLAT; NORTHERLY
30 ALONG THE EAST LINE OF SAID LOT 3 TO THE NORTHEAST CORNER OF SAID
31 LOT 3 AND TO THE LINE DESCRIBED BY CITY OF LYNNWOOD ANNEXATION
32 ORDINANCE NO. 148, PASSED FEBRUARY 21, 1963; THENCE LEAVING THE LINE
33 DESCRIBED BY SAID ORDINANCE NO. 215, EASTERLY ALONG THE NORTH LINE
34 OF LOTS 4 AND 5 OF SAID WINNEM ADDITION AND ITS EASTERLY EXTENSION,
35 SAID NORTH LINE ALSO BEING A PORTION OF THE LINE DESCRIBED BY SAID
36 ORDINANCE NO. 148 AND THE SOUTH LINE DESCRIBED BY CITY OF LYNNWOOD
37 ANNEXATION ORDINANCE NO. 225, PASSED JANUARY 11, 1965 TO THE
38 EASTERLY RIGHT OF WAY MARGIN OF 64TH AVENUE WEST; THENCE
39 NORTHERLY ALONG SAID EASTERLY MARGIN AND THE EASTERLY LINE
40 DESCRIBED BY SAID ORDINANCE NO. 225 TO AN INTERSECTION WITH A LINE
41 CONNECTING WITH AND "RUNNING" BETWEEN THE NORTHEAST CORNER OF
42 LOT 6, SAID PLAT OF WINNEM ADDITION AND THE NORTHWEST CORNER OF
43 LOT 19, PLAT OF MEADOWDALE VILLAGE NO. 2 AS RECORDED IN VOLUME 18
44 OF PLATS, PAGE 28, RECORDS OF SAID COUNTY, ALSO BEING A LINE
45 DESCRIBED BY SAID ORDINANCE 148; THENCE EASTERLY ALONG SAID
46 DESCRIBED ORDINANCE NO. 148 LINE TO THE NORTHWEST CORNER OF SAID
47 LOT 19; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PLAT AND
48 DESCRIBED LINE TO THE NORTHEAST CORNER OF LOT 20 OF SAID PLAT, ALSO
49 BEING THE WESTERLY LINE OF THE PLAT OF SQUIRE LANE AS RECORDED IN
50 VOLUME 19 OF PLATS, PAGE 99, RECORDS OF SAID COUNTY; THENCE
51 NORTHERLY ALONG SAID WEST LINE AND DESCRIBED LINE TO THE SOUTH

1 RIGHT OF WAY MARGIN OF 172 ~ ~STREET SOUTHWEST AS SHOWN ON SAID
2 PLAT OF SQUIRE LANE; THENCE EASTERLY ALONG SAID MARGIN AND
3 DESCRIBED LINE TO THE EAST RIGHT OF WAY MARGIN OF 60TH AVENUE WEST
4 AS SHOWN ON THE PLAT OF MEADOWDALE 10 ACRE TRACTS, AS RECORDED
5 IN VOLUME 5 OF PLATS, PAGE 32, RECORDS OF SAID COUNTY, SAID MARGIN
6 ALSO BEING THE WESTERLY LINE OF TRACT 16 OF SAID PLAT AND THE
7 WESTERLY LINE DESCRIBED BY CITY OF LYNNWOOD ANNEXATION ORDINANCE
8 NO. 597, PASSED MARCH 22, 1971; THENCE SOUTHERLY ALONG SAID MARGIN
9 AND WESTERLY LINES TO THE SOUTHWEST CORNER OF SAID TRACT 16, SAID
10 CORNER ALSO BEING THE NORTHWEST CORNER DESCRIBED BY CITY OF
11 LYNNWOOD ANNEXATION ORDINANCE NO. 1410, PASSED JULY 23, 1984 AND TO
12 THE LINE DESCRIBED BY CITY OF LYNNWOOD ANNEXATION ORDINANCE NO.
13 1637, PASSED JULY 25, 1988; THENCE WESTERLY ALONG THE WESTERLY
14 EXTENSION OF THE SOUTH LINE OF SAID TRACT 16 AND LINE DESCRIBED BY
15 SAID ORDINANCE 1637 TO THE EAST LINE OF THE SOUTHEAST QUARTER OF
16 SAID SECTION 8, ALSO BEING THE CENTERLINE OF SAID 60TH AVENUE WEST;
17 THENCE SOUTHERLY ALONG SAID EAST LINE, CENTERLINE AND DESCRIBED
18 LINE TO THE EASTERLY EXTENSION OF TRACT 149, SAID PLAT OF
19 MEADOWDALE BEACH, ALSO BEING THE NORTHERLY LINE DESCRIBED BY CITY
20 OF LYNNWOOD ANNEXATION ORDINANCE NO. 1565, PASSED FEBRUARY 23,
21 1987 AND THE NORTHERLY RIGHT OF WAY MARGIN OF 176TH STREET
22 SOUTHWEST AS SHOWN ON SAID PLAT OF MEADOWDALE BEACH; THENCE
23 WESTERLY ALONG THE SOUTH LINE OF SAID TRACTS 149 AND 148 AND ITS
24 EASTERLY EXTENSION AND SAID NORTHERLY DESCRIBED LINE TO THE POINT
25 OF BEGINNING.
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SUMMARY OF ORDINANCE NO. _____

of the City of Lynnwood, Washington

On the 8th day of June, 2009, the City Council of the City of Lynnwood, passed Ordinance No _____. A summary of the content of said ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ANNEXING TO THE CITY OF LYNNWOOD THE APPROXIMATELY 33-ACRE AREA KNOWN AS THE MAPLE PRECINCT; PROVIDING FOR ZONING FOR THE ANNEXED AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.

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

DATED this _____ day of June, 2009.

JOHN MOIR, Finance Director