

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2009-256

AN ORDINANCE OF THE CITY OF SAMMAMISH AMENDING ORDINANCE NO. O2008-246 ANNEXING THE CAMDEN PARK, CAMDEN PARK ESTATES, DEVEREUX AND THE TRAILS AT CAMDEN PARK NEIGHBORHOODS AND ADDITIONAL ADJACENT AREAS TO THE NORTH

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, on August 28, 2008, residents of the Camden Park, Camden Park Estates, Devereux and the Trails at Camden Park neighborhoods notified the City of their intent to commence annexation proceedings, by submitting a letter with the signatures of the owners of not less than ten percent in value of the proposed annexation area; and

WHEREAS, these areas are contiguous, and are located in unincorporated King County just east of 244th Avenue NE between approximately NE 20th Street and NE 25th Street in a Potential Annexation Area (PAA) adopted by the City Council in 2006 and 2007; and

WHEREAS, on April 21, 2008 the City Council adopted Ordinances O2008-228 and –229, which adopted contingent comprehensive plan land use and zoning designations for such PAAs to be effective upon their annexation; and

WHEREAS, on October 21, 2008, the City Council met with the initiating parties as part of the regular City Council meeting and considered a resolution authorizing the initiating parties to circulate an annexation petition seeking the signatures of the owners of 60% of the assessed valuation of property within the annexation area; and

WHEREAS, city staff and the annexation proponents supported modification of the Urban Growth Area (UGA) and to add the six (6) existing Camden Park Estate lots just east of the proposed annexation area; and

WHEREAS, modification of the UGA boundary to include the six (6) lots in Camden Park Estates was approved by the County Council on October 6th, 2008; and

WHEREAS, modification of the boundaries of the proposed Camden Park annexation to include those six Camden Park Estates lots, as well as the area to the north up to the Urban Growth Area boundary at approximately NE 31st Street, creates a more logical

annexation area; and

WHEREAS, on October 21, 2008, the Sammamish City Council adopted Resolution No. 2008-346, which accepted the proposed annexation and authorized the initiating parties to circulate an annexation petition seeking the signatures of the owners of 60% of the assessed valuation of property within the proposed annexation, on the condition that the boundaries of the annexation area be modified to include the six Camden Park Estate lots just east of the originally proposed annexation area as well as the area to the north up to the Urban Growth Area boundary at approximately NE 31st Street (the “Camden Park Annexation Area”), and that petition signers consent to the assumption of the modified annexation area’s pro-rate share of existing city indebtedness, if any; and

WHEREAS, on November 14, 2008, a petition was submitted to the City of Sammamish seeking annexation of the Camden Park Annexation Area; and

WHEREAS, pursuant to RCW 35A.01.040 (9), the petition was forwarded to the King County Assessor for a determination as to the sufficiency of signatures thereon; and

WHEREAS, on November 18, 2008 the King County Assessor determined that the petition contains the signatures of the owners of 60% of the assessed valuation of property located within the proposed Camden Park Annexation Area, and so notified the City of Sammamish of that determination in writing; and

WHEREAS, on December 2, 2008, the Sammamish City Council held a public hearing following publication of notice thereof as provided in RCW 35A.14.130; and

WHEREAS, pursuant to RCW 35A.14.140, the Sammamish City Council thereafter adopted Ordinance No. 2008-0246, annexing the area described and shown in the petition, to be effective on the effective date of Boundary Review Board approval of the annexation; and

WHEREAS, on December 22, 2008, the City of Sammamish submitted a Notice of Intention to Annex to the Washington State Boundary Review Board for King County (“BRB”); and

WHEREAS, on February 17, 2009, the BRB held a public hearing concerning the proposed annexation; and

WHEREAS, on March 12, 2009, the BRB adopted its Resolution and Hearing Decision, a copy of which is attached to this Ordinance as Attachment A and incorporated by this reference; and

WHEREAS, the BRB Resolution and Hearing Decision approved the annexation proposed in the City’s Notice of Intention, and authorized the annexation of the areas legally described and depicted in Exhibits I and II to the Resolution and Hearing Decision;

WHEREAS, pursuant to RCW 36.93.150(5), an annexation is required to be presented to the City Council for approval pursuant to the appropriate statute; and

WHEREAS, the Sammamish City Council previously approved the annexation in Ordinance No. 2008-0246, to be effective on the effective date of BRB approval; and

WHEREAS, pursuant to RCW 36.93.160(5) the BRB Resolution and Hearing Decision may be appealed within thirty (30) days of its issuance, by April 13, 2009; and

WHEREAS, the Sammamish City Council desires to confirm and recognize the effective date of the annexation of the Camden Park Annexation Area;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Annexation. Section 1 of Ordinance No. O2009-246 is hereby amended to read as follows:

Section 1. Annexation. The City of Sammamish hereby annexes the Camden Park Annexation Area, which is legally described in Exhibit I B and depicted on the map in Exhibit II C, which exhibits are attached to Attachment A hereto and incorporated herein by reference.

Section 2. Effective Date. Section 4 of Ordinance No. O2008-246 is hereby amended to read as follows:

Section 4. Effective Date. This ordinance shall be effective within five (5) days after passage and publication, except that Sections 1 and 2 of this ordinance shall ~~not be effective on April 14, 2009 until the effective date of approval of the King County Boundary Review Board pursuant to Chapter 36.93 RCW.~~

Section 3. Other Provisions Remain in Full Force and Effect.

Except as amended herein, all provisions and sections of Ordinance No. 2008-0246 shall remain in full force an effect.

Section 4. 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.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 14TH DAY OF APRIL, 2009**

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:	March 27, 2009
First Reading:	April 7, 2009
Passed by the City Council:	April 14, 2009
Date of Publication:	April 16, 2009
Effective Date:	April 21, 2009