

ORDINANCE NO. 09-932

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON ANNEXING PURSUANT TO RCW 35A.14.120 ET SEQ. CERTAIN UNINCORPORATED TERRITORY; PROVIDING FOR THE ASSUMPTION OF THE EXISTING INDEBTEDNESS; AND ZONING SAID TERRITORY IN ACCORDANCE WITH CHAPTER 18 OF THE BLACK DIAMOND MUNICIPAL CODE (ZONING)

WHEREAS, a Petition for Annexation (circulation of which was authorized pursuant to Black Diamond Resolution No. 628) has been filed with the City of Black Diamond, and said Petition was valid in form; and

WHEREAS, said Petition was signed by owners of property not less than 60% of the value of the all property in the proposed annexation area, according to the assessed valuation for general taxation of the property described in said Petition; and

WHEREAS, pursuant to RCW 35A.14.130, a public hearing on said proposed annexation was held before the City Council on September 24, 2009; and

WHEREAS, on October 21, 2009 the Notice of Intent to Annex was delivered to the Washington State Boundary Review Board for King County as required by state law and subsequently approved by such Board as no formal request for review as specified in RCW 36.93 was filed within the required 45- day filing period; and

WHEREAS, pursuant to the State Environmental Policy Act RCW 43.21C.222, annexations are exempt from SEPA; and

WHEREAS, the Black Diamond City Council finds said proposed annexation to be within the public interest,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AS FOLLOWS:

Section 1. The property legally described in Exhibit A and depicted on the map in Exhibit B attached hereto and incorporated herein by this reference ("Annexation Area") is hereby annexed to the City of Black Diamond.

Section 2. Pursuant to RCW 35A.14.150, the Annexation Area shall be assessed and taxed at the same rate and on the same basis as other property within the City of Black Diamond is assessed and taxed to pay for the portion of any pre-existing, outstanding indebtedness of the city of Black Diamond, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at the effective date of this annexation ordinance.

Section 3. Pursuant to RCW 35A.14.150 and consistent with Ordinance No. 909, the Annexation Area shall be zoned R-4 and MPD, and shall be governed by the provisions of Chapter 18 of the Black Diamond Municipal Code (Zoning) applicable to said zoning designations. The Community Development Director is hereby directed to make the necessary modifications and extensions of the Zoning Map of the City of Black Diamond to so reflect.

Section 4. The City Clerk is hereby directed to file certified copies of this annexation ordinance with the King County Council and with the State of Washington Office of Financial Management, together with such additional offices as may be required by law or regulation. In addition, the clerk is authorized and directed to file the Annexation Certificate provided for in 35A.14.700 with the Office of Financial Management within 30 days of the effective date of the annexation.

Section 5. Upon passage and publication this ordinance and annexation shall be effective on December 27, 2009, which is 5 days after the date of publication as required by law.

Introduced and passed by the City Council of Black Diamond in open meeting this 17th day of December, 2009.

Approved by the Mayor on the 17th day of December, 2009.

Mayor Howard Botts

ATTEST:

Brenda Martinez, City Clerk

APPROVED AS TO FORM:

Yvonne Ward, City Attorney

Published: _____

Posted: _____

Effective Date: _____