

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of Kent, Washington, annexing an unincorporated area in King County, Washington, of approximately 3,347 acres contiguous to the corporate limits of the City of Kent, known as the "Panther Lake Annexation Area," effective July 1, 2010.

RECITALS

A. In accordance with Chapter 35A.14 RCW, on September 2, 2008, and June 16, 2009, the Kent City Council passed its Resolution Numbers 1794 and 1809 respectively, calling for an election to be held in connection with the general election on November 3, 2009, at which election the question of annexation would be presented to the voters of the Panther Lake Annexation Area.

B. As required by state law, the City of Kent filed its Notice of Intent with the Washington State Boundary Review Board for King County on September 5, 2008. The Boundary Review Board conducted a public hearing on the City's Notice of Intent on October 28, 2008, after which it issued its decision approving the City's proposed annexation of the Panther Lake area on November 13, 2008. No appeals of the Boundary Review Board's decision were filed.

C. In accordance with Chapter 35A.14 RCW, the annexation was put to a vote of the people in the Panther Lake Annexation area on November 3, 2009. The King County Records, Elections and Licensing Services Division, on November 24, 2009, certified that the annexation had been approved by Panther Lake Annexation Area voters.

D. It appears that the Panther Lake Annexation Area meets annexation requirements specified by law and that the lands being annexed are contiguous to the City of Kent and have not been incorporated into or as a part of a city or town.

E. RCW 82.14.415 authorizes cities in certain population areas that annex territory having a population over 10,000 prior to January 1, 2015, to impose a sales or use tax, which tax must be taken as a credit against the sales tax, so it will not be an additional tax to a consumer. Further, King County cities annexing territory in accordance with RCW 82.14.415 would also be eligible to receive a financial incentive from King County to assist in meeting infrastructure and municipal service needs. One of the financial incentives that the City relied upon to annex the Panther Lake Annexation Area was the City's eligibility to receive the state's sales or use tax credit as well as King County's incentive tax dollars as provided for under RCW 82.14.415.

F. At the time the Kent City Council submitted the Panther Lake Annexation issue to voters, it did not submit the issue of assumption of existing indebtedness or the adoption of proposed zoning regulations. The Kent City Council's adoption of Comprehensive Plan amendments and zoning regulations applicable to the Panther Lake Annexation Area will be conducted separately and adopted prior to the effective date of the annexation as provided for by this ordinance. If applicable zoning is not completed before the annexation's effective date, however, zoning will be

accomplished through the interim zoning provisions for unclassified property set forth in KCC 15.03.020(E)(2).

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

ORDINANCE

SECTION 1. – *Annexation Effective Date.* It appears that all requirements of the law in regard to an annexation by election method, including the provisions of Ch. 35A.14 RCW, have been met. Therefore, subject to the provisions of Section 3 below, the property situated in King County of the State of Washington, legally described in the attached and incorporated Exhibit A to this ordinance, shall be annexed to the City of Kent, Washington, effective on July 1, 2010. At that time, the property shall be included within the municipal boundaries of the City of Kent, as provided by law, and shall be subject to the jurisdiction, laws, ordinances, rules, regulations, and other requirements of the City of Kent.

SECTION 2. – *Tax Rate.* Upon the effective date of the annexation, 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 Kent is assessed and taxed to pay for any outstanding general indebtedness of the City of Kent to which the area was annexed.

SECTION 3. – *Annexation Sales Tax Credit.* In considering this annexation, the Kent City Council held public hearings and has reviewed all sources of revenue and examined the projected additional expenses and obligations that the City will incur relating to the annexation area. In accordance with RCW 82.12.415, the Kent City Council determines that the projected cost to provide municipal services to the annexation area will

likely exceed the projected general revenue that the City will receive from the annexation area on an annual basis. Therefore, once the City of Kent obtains the information required by RCW 82.12.415, it will adopt an ordinance implementing the sales tax incentive provided by that statute.

SECTION 4. – *Ordinance Transmittal to King County Boundary Review Board.* Within ten (10) days after the effective date of the annexation referred to in this ordinance, the Kent City Clerk shall send to the Office of the Clerk of the County Council a certified copy of this ordinance together with a copy of the letter from the Executive Secretary of the King County Boundary Review Board that sets forth the Boundary Review Board's decision relating to this annexation (King County Boundary Review Board File Number 2284).

SECTION 5. – *Ordinance Transmittal to King County Records, Elections, and Licensing Services Division.* The Kent City Clerk shall record a certified copy of this ordinance with the King County Records, Elections, and Licensing Services Division.

SECTION 6. – *Mayor Authorization.* The Mayor is hereby authorized to sign all necessary documents and to implement such administrative procedures as may be necessary to carry out the directions of this ordinance, including negotiations with King County of an interlocal agreement regarding the transfer of King County services, property, and records within the Panther Lake Annexation Area.

SECTION 7. – *Severability.* If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 8. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance and section/subsection numbering.

SECTION 9. – Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication as provided by law. However, the annexation provided for in this ordinance shall not take effect until July 1, 2010.

SUZETTE COOKE, MAYOR

ATTEST:

BRENDA JACOB, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: _____ day of December, 2009.

APPROVED: _____ day of December, 2009.

PUBLISHED: _____ day of December, 2009.

I hereby certify that this is a true copy of Ordinance No. _____
passed by the City Council of the City of Kent, Washington, and approved
by the Mayor of the City of Kent as hereon indicated.

_____(SEAL)
BRENDA JACOB, CITY CLERK

P:\Civil\Ordinance\PantherLakeAnnexation-OrdinanceAnnexing.doc

Exhibit A

Legal Description of Panther Lake Annexation Area