

ORDINANCE NO. 4229

AN ORDINANCE OF THE CITY OF KIRKLAND ANNEXING CERTAIN TERRITORY REFERRED TO AS THE FINN HILL, KINGSGATE AND NORTH JUANITA ANNEXATION AREA; PROVIDING THAT THE PROPERTY IN THE ANNEXATION AREA BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY OF KIRKLAND, BUT WITHOUT THE ASSUMPTION OF VOTER-APPROVED INDEBTEDNESS; ADOPTING ZONING REGULATIONS; AND FIXING THE EFFECTIVE DATE OF THE ANNEXATION.

WHEREAS, on April 7, 2009, the City Council of the City of Kirkland passed Resolution R-4751 which directed the City Clerk to file a notice of intent to annex the Finn Hill, Kingsgate and North Juanita Annexation Area with the King County Boundary Review Board; and

WHEREAS, the Boundary Review Board held a public hearing on the proposed annexation on June 8, 2009, and approved the annexation on July 9, 2009; and

WHEREAS, after two public hearings, the City Council adopted zoning for the Finn Hill, Kingsgate and North Juanita Annexation area as provided in Ordinance 4196; and

WHEREAS, the City Council passed Resolution R-4763 calling for an election which was held pursuant to State statute; and

WHEREAS, the King County Council has transmitted a certified abstract of the vote in the November 3, 2009, general election; and

WHEREAS, the annexation of the Finn Hill, Kingsgate and North Juanita Annexation area and the adoption of the proposed zoning regulation was approved by a majority of the voters residing in the area and voting on the annexation proposition, but the assumption of voter-approved indebtedness was not approved by a sufficient vote; and

WHEREAS, the City Council passed Resolution R-4791 accepting the annexation without the assumption of voter-approved indebtedness as authorized in RCW 35A.14.085;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. Annexation of Property. All property within the Finn Hill, Kingsgate and North Juanita Annexation Areas, the boundaries of which are attached and incorporated as Exhibit A to this Ordinance, is annexed to and made a part of the City of Kirkland.

Section 2. Taxation. All property within the Finn Hill, Kingsgate and North Juanita Annexation Area annexed by this Ordinance shall be assessed and taxed at the same regular property tax rate and on the same basis as other property within the City of Kirkland. However, voter-approved indebtedness of the City outstanding as of the effective date of the annexation shall not be assumed by the property within the Finn Hill, Kingsgate and North Juanita Annexation Area annexed by this Ordinance, nor shall excess property taxes for payment of any such indebtedness be levied against property within that annexed area.

Section 3. Zoning. The property with the Finn Hill, Kingsgate and North Juanita Annexation Area shall be subject to the zoning regulations and zoning map established in Ordinance 4196.

Section 4. Effective date of annexation. The effective date of the annexation of the Finn Hill, Kingsgate and North Juanita Annexation Area shall be effective on June 1, 2011.

Section 5. The City Clerk shall file a certified copy of this Ordinance with the King County Council and the King County Elections Director.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective date of ordinance. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 15th day of December, 2009.

Signed in authentication thereof this 15th day of December, 2009.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney