

ORDINANCE NO. 3227-11



AN ORDINANCE annexing property located east of the existing City limits, and west of and including the Lowell-Snohomish River Road, Known as the Marshland Annexation

WHEREAS; pursuant to RCW 35.13.180, the City of Everett is annexing certain city-owned property for municipal purposes; and

WHEREAS, on September 26, 2003, the Snohomish County Council adopted Ordinances No. 03-061 and 03-064 that adopted Map Amendments that extended the Urban Growth Boundary to include the area of this proposed annexation within the Urban Growth Area of the City of Everett; and

WHEREAS, the 2005 Update of the City of Everett Growth Management Comprehensive Plan established the designation of 6.1 (Agricultural) as the Comprehensive Plan designation for the proposed annexation area; and

WHEREAS, a 2011 update of the City of Everett Shoreline Master Program and the Comprehensive Plan designated this area as Urban Conservancy Agriculture; and

WHEREAS, the property is owned by the City of Everett, and is contiguous to the existing city limits of the City of Everett; and

WHEREAS, the property will be used to access the contiguous City-owned properties within the existing City limits, the property will remain as open space to continue it's viability as farmland of long-term commercial significance; and

WHEREAS, the area of this annexation is within the Urban Growth Area of the City of Everett; and

WHEREAS, the City Council did conduct a public hearing on June 15, 2011, for the proposed annexation, for which proper notice of hearing was provided; and

WHEREAS, following the public hearing, the City Council determined it to be in the public interest to annex all of the property; and

WHEREAS, the annexation of City owned contiguous property to the City is exempt from review by the Snohomish County Boundary Review Board; and

WHEREAS, the City Council finds that the proposed annexation is in the best interests of the citizens of Everett;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN THAT:

Section 1: The property described below is hereby annexed to the City of Everett.

Legal Description of annexation area - perimeter

MARSHLAND ANNEXATION: LEGAL DESCRIPTION

All that portion of Section 4, Township 28 North, Range 5 East, W.M., described as follows:

Those portions of the SE and NE quarters of Section 4, Township 28 N, Range 5 EWM, less the south 742.5 feet thereof and including the County Roads, further described as follows: **Commencing** at the NW corner of the SE quarter of said Section 4, **thence** S88°53'22"E along said north line, 75.69 feet to the westerly margin of the old Lowell-Snohomish River Road, as conveyed for road under Auditor's File Nos. 233475 and 233478, according to Snohomish County Survey No. 726, dated June, 1917; **thence** S41°28'10"E along said westerly margin 299.64 feet to the beginning of a 1126.30 foot radius curve to the right; **thence** southeasterly along said curve and westerly margin through a central angle of 09°56'00" an arc distance of 195.27 feet; **thence** S31°32'10E along said westerly margin 544.80 feet to the **true point of beginning**; **thence** NE** to the west shoreline of the Snohomish River (** the intent is to follow the bearing of the UGA Boundary as it exists on 9/10/10); **thence** northwesterly along said shoreline to its intersection with the south subdivision line of the NE quarter of said Section 4; **thence** east along said line to mid-channel of the Snohomish River; **thence** northwesterly along said mid-channel line to its intersection with the center section line of said Section 4; **thence** South along said center section line to a point on the line 742.5 feet North of the south quarter corner of said Section 4; **thence** east along a line 742.5 feet North and parallel the south line of the SE quarter of said Section 4, to the east right-of-way line of the new Lowell-Snohomish River Road as conveyed for road under Auditor's File 9702270178 ; **thence** northerly along said right-of-way line to the **true point of beginning**.

All in Snohomish County, Washington.

Section 2: Map Attached

Attached hereto and incorporated herein is a map (Exhibit "A") which identifies the land area of this annexation.

Section 3: Assumption of Indebtedness

Upon annexation, the land area described in Section 1 shall become a part of the City of Everett, and shall be subject to all of its laws and ordinances then and thereafter in force. Upon annexation of the above-described land area, all property within the area shall be assessed and taxed at the same rate as other property located within the City. In addition, the annexed area will remain responsible unto any other lawfully formed municipal corporation to which the property is obliged at the time of annexation subject to a specific lien.

Section 4: Land Use Designation

The existing Comprehensive Plan designation of 6.1 (Agricultural), is hereby affirmed as the Comprehensive Plan designation for the annexation area, according to the land use designation boundaries depicted on the attached map (Exhibit "B").

Section 5: Zoning and Shoreline Designations

The land use zoning classification of the annexation area shall be A-1 Agricultural-Rural Flood Fringe District, and the area is designated Urban Conservancy Agriculture in the Shoreline Master Program. (Exhibit "C").

Section 6: Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 7: Effective Date

That the official map in the Planning and Community Development Department of the City of Everett shall, upon the effective date of this ordinance, be amended as herein provided, annexing the area into the City of Everett, and henceforth said property shall be used in accordance with the comprehensive plan map designations as depicted, and as provided by Ordinance No. 1671-89, as amended (Title 19, E.M.C.).

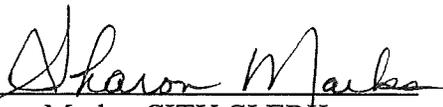
Section 8: Notice to Snohomish County

The City Clerk of the City of Everett is hereby directed upon passage of this ordinance of annexation to deliver and to file with the Snohomish County Council, the Snohomish County Auditor, and the State of Washington, a certified copy of this ordinance of annexation.

Section 9: The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to the correction of scrivener's/ clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.


Ray Stephanson, MAYOR

ATTEST:


Sharon Marks, CITY CLERK

Passed:	<u>6-15-11</u>
Valid:	<u>6-21-11</u>
Published:	<u>6-24-11</u>
Effective Date:	<u>7-06-11</u>