

## ATT-1

### ORDINANCE NO. 2075 (2011)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, PROVIDING FOR ANNEXATION TO BOTHELL OF UNINCORPORATED SNOHOMISH COUNTY TERRITORY KNOWN AS BLOOMBERG HILL ISLAND, AND FOR SIMULTANEOUS ADOPTION OF BOTHELL ZONING FOR THE ANNEXATION; SETTING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION OF SAID EFFECTIVE DATE AT LEAST ONCE A WEEK FOR TWO WEEKS SUBSEQUENT TO PASSAGE; AND ESTABLISHING A REFERENDUM PROCESS APPLICABLE TO THE ANNEXATION

---

WHEREAS, the Bothell City Council on April 5, 2011, passed Resolution 1266 (2011), attached hereto as Exhibit A, which resolution stated the Council's intent to annex to Bothell via the island annexation method established in RCW 35A.14.295, .297 and .299 that unincorporated Snohomish County territory known as the Bloomberg Hill Island; and

WHEREAS, the Snohomish County Boundary Review Board on July 13, 2011, approved the proposed Bloomberg Hill Island Annexation as consistent with all applicable state laws within the Board's purview; and

WHEREAS, in accordance with Resolution 1266 (2011) and the above-cited state laws, the City has scheduled a hearing on the proposed annexation for October 4, 2011, and, pursuant to state law, has given notice of such hearing by publication in the Seattle Times of said Resolution on September 12 and 26, 2011; and has further given notice, beyond the requirements of state law, by mail to all property owners within the proposed annexation and by posting on a display board in the immediate vicinity of the proposed annexation; and

WHEREAS, the Bothell City Council has determined that the interests of the citizens of Bothell and of Bloomberg Hill Island would be served by annexation to Bothell;

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

Section 1. The unincorporated Snohomish County territory known as Bloomberg Hill Island, depicted and described in Resolution 1266 (2011), attached hereto as Exhibit A, is hereby annexed to the City of Bothell, and is simultaneously assigned Bothell zoning of R 9,600, as established in Ordinance 2053 (2010).

Section 2. The recitals and provisions of Resolution 1266 (2011) are affirmed except that Bloomberg Hill Island property owners shall not be required to assume any of the outstanding bonded indebtedness of the City of Bothell.

Section 3. The effective date of annexation and assignment of Bothell zoning shall be December 31, 2012. Pursuant to state law, notice of said effective date of annexation and of

adoption of Bothell zoning, together with a description of the annexation, shall be published at least once each week for two weeks subsequent to passage of this ordinance in The Seattle Times, which is the official newspaper of record of the City of Bothell.

Section 4. This annexation ordinance shall be subject to referendum for 45 days after its passage. Pursuant to RCW 35A.14.299, upon the filing of a timely referendum petition signed by qualified electors in number equal to not less than 10 percent of the votes cast in the last general state election in the Bloomberg Hill Island, the question of annexation shall be submitted to the voters of the Bloomberg Hill Island in a general election if one is to be held within 90 days or at a special election called for that purpose according to RCW 29A.04.330. Notice of such election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in RCW 35A.29.151. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the 45<sup>th</sup> day from but excluding the date of passage of this annexation ordinance, which 45<sup>th</sup> day is November 18, 2011, if no timely and sufficient referendum petition has been filed, Bloomberg Hill Island shall become a part of Bothell on the effective date of December 31, 2012.

Section 5. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. CORRECTIONS. The City Clerk and the codifiers of this ordinance are 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.

APPROVED:

---

MARK LAMB  
MAYOR

ATTEST/AUTHENTICATED:

---

JOANNE TRUDEL  
CITY CLERK

APPROVED AS TO FORM:

---

JOSEPH BECK  
CITY ATTORNEY

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO.: \_\_\_\_\_ (2011)

SUMMARY OF ORDINANCE NO. \_\_\_\_\_ (2011)

City of Bothell, Washington

---

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the City Council of the City of Bothell passed Ordinance No. \_\_\_\_\_ (2011). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, PROVIDING FOR ANNEXATION TO BOTHELL OF UNINCORPORATED SNOHOMISH COUNTY TERRITORY KNOWN AS BLOOMBERG HILL ISLAND, AND FOR SIMULTANEOUS ADOPTION OF BOTHELL ZONING FOR THE ANNEXATION; SETTING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION OF SAID EFFECTIVE DATE AT LEAST ONCE A WEEK FOR TWO WEEKS SUBSEQUENT TO PASSAGE; AND ESTABLISHING A REFERENDUM PROCESS APPLICABLE TO THE ANNEXATION

The full text of this Ordinance will be mailed upon request.

---

JOANNE TRUDEL  
CITY CLERK

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO.: \_\_\_\_\_ (2011)

ATT-4

# Proposed Resolution of Intent to Annex Bloomberg Hill Island

RESOLUTION NO. 1266 (2011)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, STATING THE COUNCIL'S INTENT TO ANNEX TO BOTHELL UNINCORPORATED SNOHOMISH COUNTY TERRITORY KNOWN AS BLOOMBERG HILL ISLAND; DESCRIBING THE BOUNDARIES OF THE AREA TO BE ANNEXED; STATING THE NUMBER OF VOTERS RESIDING THEREIN, AS NEARLY AS MAY BE; SETTING A DATE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION; AND PROVIDING FOR ASSUMPTION OF BONDED INDEBTEDNESS AND ADOPTION OF PROPOSED ZONING REGULATIONS

---

**WHEREAS**, the Washington State Growth Management Act ("the Act"), codified as RCW 36.70A, requires counties planning under the Act to designate urban growth areas "within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature"; and

**WHEREAS**, the Act at RCW 36.70A.110(4) states that within such urban growth areas, "In general, cities are the units of local government most appropriate to provide urban governmental services"; and

**WHEREAS**, the Act at RCW 36.70A.110(7) states, "An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county"; and

**WHEREAS**, Snohomish County and King County have collaborated with their municipalities to designate potential annexation areas for specific cities and towns within the respective counties; and

**WHEREAS**, within Snohomish County such designated potential annexation areas are termed Municipal Urban Growth Areas (MUGAs) and are formally adopted in the Snohomish County Countywide Planning Policies (CPPs); and

**WHEREAS**, within King County such designated potential annexation areas are termed Potential Annexation Areas (PAAs) and are formally adopted in the King County CPPs; and

**WHEREAS**, a portion of the City of Bothell is in Snohomish County, and a portion is in King County; and

**WHEREAS**, adjacent to the Bothell city limits within Snohomish County exists unincorporated territory which has been designated in the Snohomish County CPPs as the Bothell MUGA; and

**WHEREAS**, adjacent to the Bothell city limits within King County exists unincorporated territory which has been designated in the King County CPPs as the Bothell PAA; and

**WHEREAS**, the Bothell MUGA and PAA are depicted for illustration purposes on Exhibit A attached hereto; and

**WHEREAS**, citizens from the Bothell MUGA within Snohomish County and the Bothell PAA within King County have on numerous occasions approached the City Council and city staff seeking to annex to Bothell in order to receive municipal services provided by the City; and

**WHEREAS**, the City Council in January and February, 2010, authorized a comprehensive and deliberate process to explore the potential annexation of portions or all of the Bothell MUGA and the Bothell PAA, which process through March 15, 2011 has included planning and zoning; public outreach; fiscal analysis; and negotiation of transition of services from current providers to the City; and

**WHEREAS**, the City Council on March 15 and April 5, 2011, reviewed the outcomes to date of the above-described activities, and determined that the interests of the citizens of the City of Bothell, the Bothell MUGA and the Bothell PAA would be served by annexation; and

**WHEREAS**, the Bothell MUGA consists of two non-contiguous parts - a larger part, comprising 3,608 acres (5.6 square miles), and a smaller part, comprising 11.9 acres (.02 square mile); and

**WHEREAS**, the smaller part is located in the southeastern corner of the MUGA and is surrounded by the City of Bothell on 81.4 percent of its boundaries; and

**WHEREAS**, RCW 35A.14.295, .297 and .299 establish a process by which legislative bodies of code cities such as Bothell may by resolution and subsequent ordinance annex unincorporated territory containing less than 100 acres of residential property and having at least 80 percent of the boundaries of such territory contiguous to the code city; and

**WHEREAS**, the City Council has determined that the above-described process is the most appropriate mechanism under state law to annex the smaller part of the MUGA, which part is also known as Bloomberg Hill Island;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Bothell City Council hereby states its intent to annex the unincorporated Snohomish County territory known as Bloomberg Hill Island via the process established in RCW 35A.14.295, .297 and .299. In order to qualify for annexation under this method, an area must comprise residential property owners, contain less than 100 acres and be contiguous to the annexing code city on at least 80 percent of its boundaries. The Bloomberg Hill Island comprises residential property owners, contains 11.9 acres and is contiguous to the City of Bothell on 81.4 percent of its boundaries.

**Section 2.** The boundaries of the proposed Bloomberg Hill Island Annexation are depicted and described in Exhibit B and Exhibit C to this resolution, respectively, which exhibits are attached hereto and incorporated by this reference as if set forth in full.

**Section 3.** Approximately two voters reside within the proposed Bloomberg Hill Island Annexation, according to the Snohomish County Auditor.

**Section 4.** The Bothell City Council hereby schedules a public hearing concerning the proposed Bloomberg Hill Island Annexation for the City Council meeting of October 4, 2011, starting at 6 p.m. or later, in the Bothell Municipal Court / Council Chambers, located at 10116 NE 183<sup>rd</sup> Street, Bothell, WA. The meeting date accommodates the amount of time anticipated to be needed for review and approval by the Snohomish County Boundary Review Board. Notice of the hearing will be given by publication in The Seattle Times of this resolution at least once a week for two weeks prior to the date of the hearing.

**Section 5.** At the October 4 hearing, residents or property owners of the area included in this resolution for annexation shall be afforded an opportunity to be heard. Following the hearing, the City Council may adopt an ordinance approving the proposed Bloomberg Hill Island Annexation, but the effective date of the ordinance shall be not less than 45 days after the passage thereof. Notice of the effective date of the annexation, together with a description of the property to be annexed, will be published in the Seattle Times at least once each week for two weeks subsequent to passage of the ordinance. Such annexation ordinance shall be subject to referendum for 45 days after the passage thereof. After the expiration of the 45<sup>th</sup> day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the Bloomberg Hill Island Annexation shall become a part of the City of Bothell upon the date set in the annexation ordinance. The City Council intends to include in the ordinance provisions for assumption of indebtedness and for adoption of a proposed zoning regulation.

**Section 6.** The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
MARK LAMB  
MAYOR

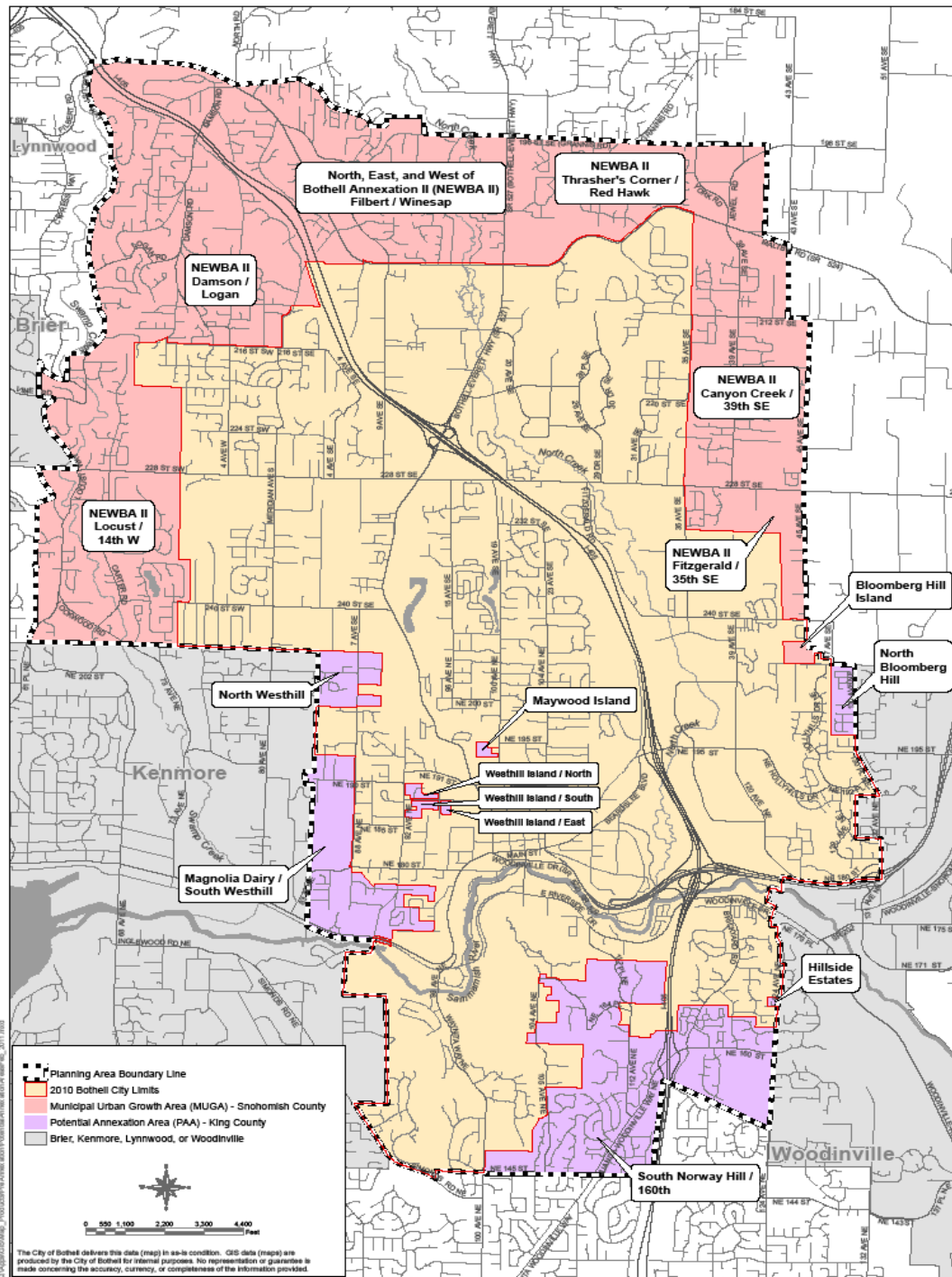
ATTEST/AUTHENTICATED:

\_\_\_\_\_  
JOANNE TRUDEL  
CITY CLERK

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
RESOLUTION NO.: \_\_\_\_\_ (2011)

# Exhibit A

## Map of City of Bothell, Bothell MUGA and Bothell PAA

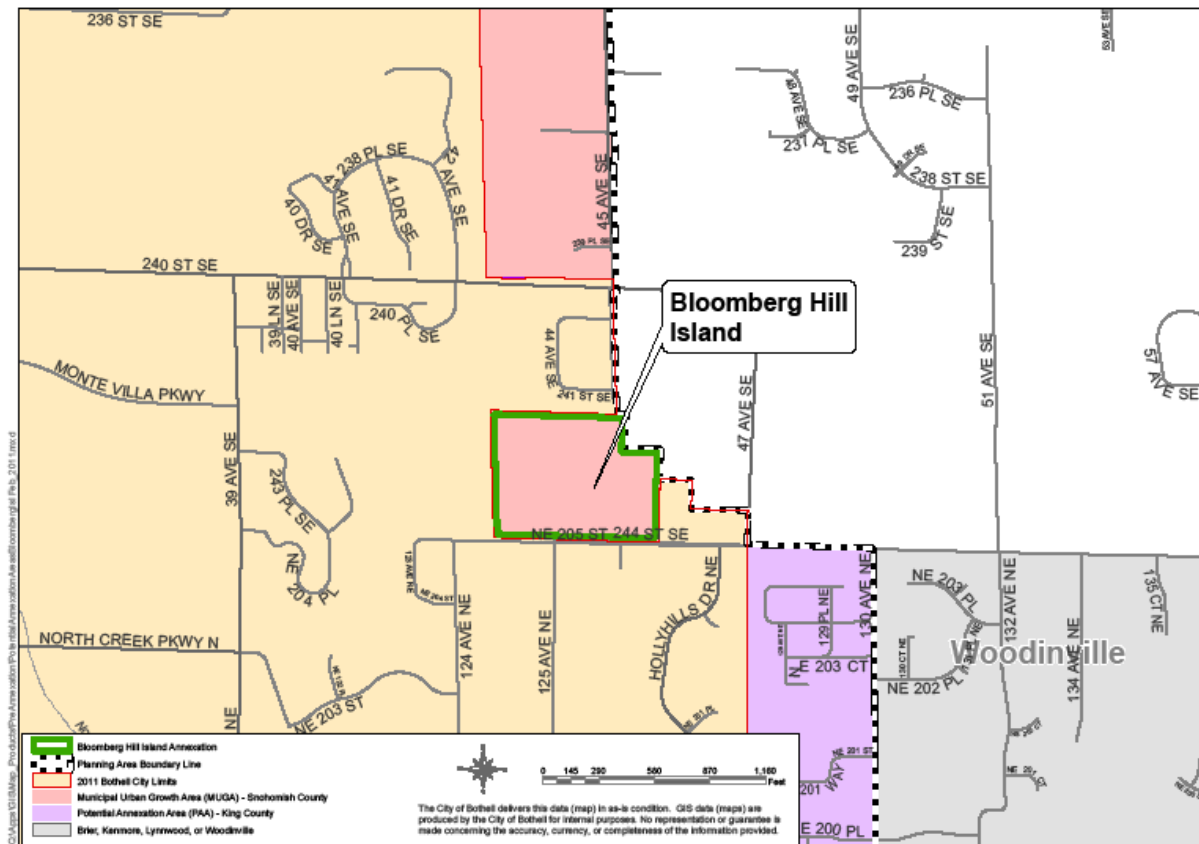


Potential Annexations to Bothell





## Map of proposed Bloomberg Hill Island Annexation



## Bloomberg Hill Island Annexation



## Exhibit C

### Legal description for proposed Bloomberg Hill Island Annexation

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUARTER AND ALONG THE EXISTING CORPORATE LIMITS OF THE CITY OF BOTHELL TO THE NORTHWEST CORNER OF LOT 1 OF SNOHOMISH COUNTY SHORT PLAT NO. 572(12-79) RECORDED UNDER AUDITOR'S FILE NUMBER 8111230138; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 AND ALONG SAID CITY OF BOTHELL CORPORATE LIMITS TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 1 TO THE NORTHWEST CORNER OF PARCEL 1 OF SNOHOMISH COUNTY SHORT PLAT NO. 289(11-75) RECORDED UNDER AUDITOR'S FILE NUMBER 7604270268; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL 1 TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL 1 TO THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 33; THENCE WESTERLY ALONG SAID SOUTHERLY LINE AND ALONG THE EXISTING CORPORATE LIMITS OF THE CITY OF BOTHELL TO THE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

NOTE: IT IS THE INTENT OF THIS LEGAL DESCRIPTION TO FOLLOW THE EXISTING CORPORATE CITY LIMITS OF BOTHELL WHERE NOTED. REFERENCES TO THE EXISTING CITY LIMITS OF BOTHELL ARE MEANT TO CONVEY THAT ALTHOUGH PRESENT RIGHT OF WAY BOUNDARIES MAY BE DIFFERENT, THE RIGHT OF WAY BOUNDARIES AT THE TIME OF THE ORIGINAL INCORPORATION OR ANNEXATIONS ARE INTENDED TO BE FOLLOWED SO THAT NO GAP OR OVERLAP EXISTS BETWEEN THIS ANNEXATION AND THE EXISTING CITY LIMITS.

