RESOLUTION NO. 5 1 0 1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, FOR THE ANNEXATION OF A PORTION OF PROPERTY TO THE CITY OF AUBURN SIMULTANEOUSLY TO ITS DEANNEXATION FROM THE CITY OF KENT, PURSUANT TO RCW 35.10.217(2), AND AUTHORIZING CITY STAFF TO FILE A NOTICE OF INTENT TO ANNEX WITH THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

WHEREAS, RCW 35.10.217(2) authorizes the legislative body of a city or town on its own initiative by resolution to indicate its desire to be annexed to a city or town in whole or in part, which annexation shall become effective upon the adoption of a resolution by the other city or town concurring in the annexation; and

WHEREAS, after consultations between representatives of the cities of Kent and Auburn, it was determined that it would be advantageous to both cities for certain territory currently located within the corporate limits of the City of Kent and adjacent to the City of Auburn to be annexed to the City of Auburn; and

WHEREAS, in connection with such annexation/de-annexation, the cities of Auburn and Kent have committed to coordinate and cooperate with respect to any planning, transportation or development issues that affect the cities; and

WHEREAS, contemporaneous with the consideration of this Resolution, the City of Kent is considering this annexation/de-annexation action because of the mutual benefits to both cities and their common infrastructure needs; and

WHEREAS, the annexation shall be effective following adoption of Resolutions by both cities of Auburn and Kent in support of the annexation; and

WHEREAS, the requirements of the State Environmental Policy Act and applicable Environmental Procedures have been complied with; and

WHEREAS, this annexation is subject to review by the Washington State Boundary Review Board for King County; and

WHEREAS, the two cities have reached an agreement with respect to the

annexation/de-annexation, approved by the City Council of the City of Auburn, Washington, through its Resolution No. 5095, passed on September 2, 2014.

NOW THEREFORE, AND IN FURTHERANCE THEREOF, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. The City Council of the City of Auburn indicates, pursuant to the provisions of RCW 35.10.217 (2), its desire to adjust the boundaries between the cities of Auburn and Kent, annexing into the City of Auburn and de-annexing from the City of Kent certain territory currently located within the City of Kent, and de-annexing from the City of Auburn and annexing into the City of Kent certain territory currently located within the City of Auburn, and an area to be deeded from the City of Kent to the City of Auburn (Exhibit B-2), with said annexations and de-annexations occurring contemporaneous in accordance with the following exhibits:

Territory all situate In King County, Washington, to be annexed into the City of Auburn and de-annexed from the City of Kent, and annexed into the City of Kent and de-annexed from the City of Auburn, as described in and as shown (on the maps) of 'Exhibit "A" Map' and 'Exhibit "B" Map,' and 'Exhibit A-1,' 'Exhibit B-1,' 'Exhibit B-2,' 'Exhibit B-3,' 'Exhibit B-4,' and 'Exhibit B-5,' which exhibits are attached hereto, incorporated herein by these references, and marked accordingly.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, including transmitting a copy of this Resolution to the City Clerk of Kent, and mailing notices of the public hearing at which the second resolution is adopted to the owners of the property within the area proposed to be annexed, in accordance with Chapter 35.43 RCW and Section 35.10.217(2) RCW.

Section 3. City Staff are hereby authorized and directed to file the appropriate Notice of Intent to Annex with the Washington State Boundary Review Board for King County.

Section 4. This Resolution shall be in full force and affect upon passage and signatures hereon.

DATED and SIGNED this 2015

CITY OF AUBURN

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ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

35.10.217 Methods for annexation.

The following methods are available for the annexation of all or a part of a city or town to another city or town:

- (1) A petition for an election to vote upon the annexation, which proposed annexation is approved by the legislative body of the city or town from which the territory will be taken, may be submitted to the legislative body of the city or town to which annexation is proposed. An annexation under this subsection shall otherwise conform with the requirements for and procedures of a petition and election method of annexing unincorporated territory under chapter 35.13 RCW, except for the requirement for the approval of the annexation by the city or town from which the territory would be taken.
- (2) The legislative body of a city or town may on its own initiative by resolution indicate its desire to be annexed to a city or town either in whole or in part, or the legislative body of a city or town proposing to annex all or part of another city or town may initiate the annexation by adopting a resolution indicating that desire. In case such resolution is passed, such resolution shall be transmitted to the other affected city or town. The annexation is effective if the other city or town adopts a resolution concurring in the annexation, unless the owners of property in the area proposed to be annexed, equal in value to sixty percent or more of the assessed valuation of the property in the area, protest the proposed annexation in writing to the legislative body of the city or town proposing to annex the area, within thirty days of the adoption of the second resolution accepting the annexation. Notices of the public hearing at which the second resolution is adopted shall be mailed to the owners of the property within the area proposed to be annexed in the same manner that notices of a hearing on a proposed local improvement district are required to be mailed by a city or town as provided in chapter 35.43 RCW. An annexation under this subsection shall be potentially subject to review by a boundary review board or other annexation review board after the adoption of the initial resolution, and the second resolution may not be adopted until the proposed annexation has been approved by the board.
- (3) The owners of property located in a city or town may petition for annexation to another city or town. An annexation under this subsection shall conform with the requirements for and procedures of a direct petition method of annexing unincorporated territory, except that the legislative body of the city or town from which the territory would be taken must approve the annexation before it may proceed.
- (4) All annexations under this section are subject to potential review by the local boundary review board or annexation review board. [1986 c 253 § 1; 1985 c 281 § 15; 1969 ex.s. c 89 § 4.]

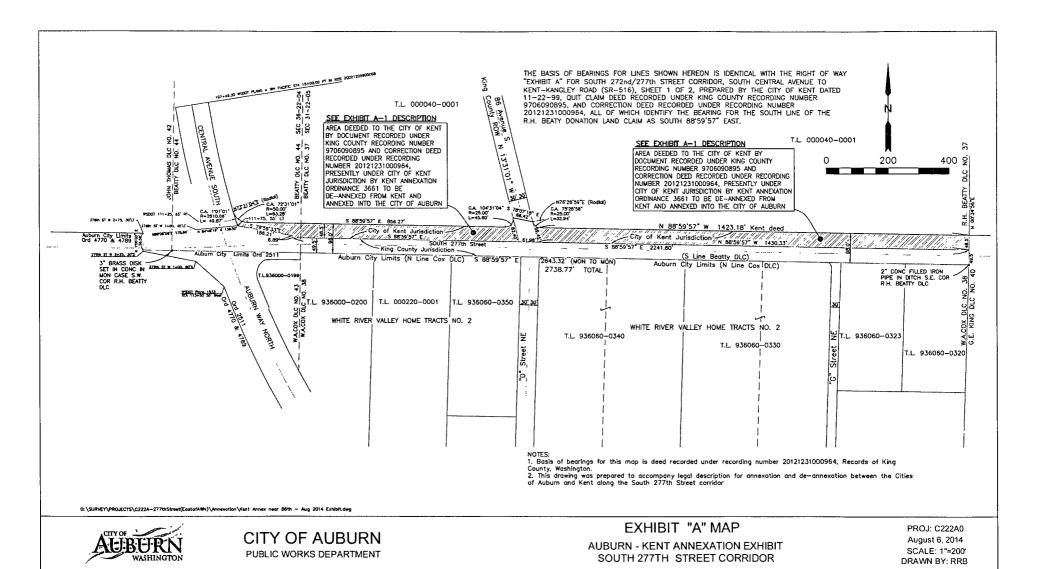


EXHIBIT A-1

AUBURN WAY NORTH AND S. 277TH STREET DESCRIPTION (AREA CURRENTLY UNDER KENT JURISDICTION IN THE VICINITY OF 86TH AVENUE

(AREA CURRENTLY UNDER KENT JURISDICTION IN THE VICINITY OF 861" AVENUE SOUTH TO BE DE-ANNEXED FROM KENT AND ANNEXED TO THE CITY AUBURN)

THOSE PORTIONS OF THE R.H. BEATTY DONATION LAND CLAIMS, NUMBERS 37 AND 44, WITHIN SECTION 36, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., AND SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

EXHIBIT A LEGAL DESCRIPTION CONTAINED IN CORRECTION QUIT CLAIM DEED RECORDED DECEMBER 31, 2012 UNDER RECORDING NUMBER 20121231000964, RECORDS OF KING COUNTY, WASHINGTON.

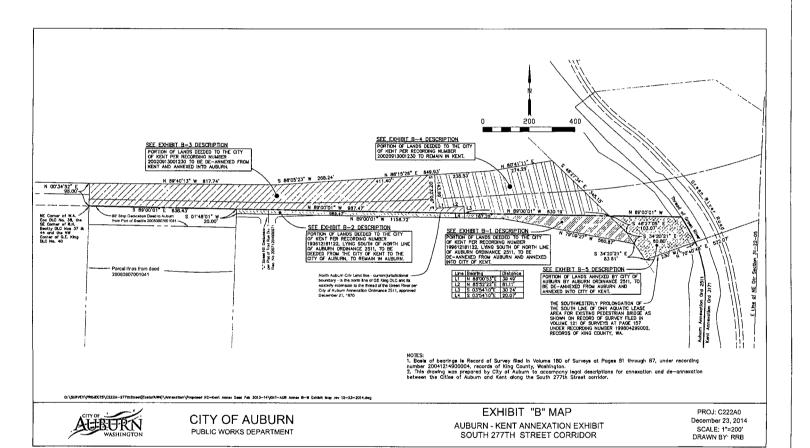


EXHIBIT B-1 AUBURN WAY NORTH AND S. 277TH STREET ANNEXATION

(PORTION OF LANDS CURRENTLY UNDER AUBURN JURISDICTION, DEEDED TO KENT BY BRISTOL PROPERTY, LLC, IN 1996 AND TO BE DE-ANNEXED FROM AUBURN AND ANNEXED INTO KENT)

THAT PORTION THE LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 199612181122, LOCATED IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE W. A. COX D.L.C. NUMBER 38, WHICH POINT IS ALSO THE SOUTHEAST CORNER OF THE R.H. BEATTY D.L.C. NUMBERS 37 AND 44 AND THE NORTHWEST CORNER OF THE G.E. KING D.L.C. NUMBER 40;

THENCE ALONG THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40 SOUTH 89°00'01" EAST A DISTANCE OF 638.43 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 199612181122:

THENCE CONTINUING ALONG THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40 AND THE NORTH LINE OF SAID LANDS SOUTH 89°00'01" EAST A DISTANCE OF 987.47 FEET TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID NORTH LINE SOUTH 03°54'10" EAST A DISTANCE OF 20.07 FEET TO THE SOUTH LINE OF SAID LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 199612181122, ALSO BEING THE NORTH LINE OF TRAIL RUN DIVISION 1 AS RECORDED IN VOLUME 244 OF PLATS AT PAGES 7 THROUGH 15, INCLUSIVE, UNDER RECORDING NUMBER 20071204000971, RECORDS OF KING COUNTY, WASHINGTON;

THENCE ALONG SAID SOUTH LINE AND THE NORTH LINE OF TRAIL RUN DIVISION 1 SOUTH 89°00'01" EAST A DISTANCE OF 167.25 FEET;

THENCE CONTINUING ALONG SAID SOUTH LINE AND THE NORTH LINE OF TRAIL RUN DIVISION 1 SOUTH 79°09'27" EAST A DISTANCE OF 580.87 FEET TO THE SOUTHEAST CORNER OF SAID LANDS;

THENCE ALONG THE EASTERLY LINE OF SAID LANDS NORTH 34°20'21" WEST A DISTANCE OF 60.80 FEET;

THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID LANDS NORTH 46°27'05" WEST A DISTANCE OF 103.07 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40; THENCE ALONG LAST SAID NORTH LINE NORTH 89°00'01" WEST A DISTANCE OF 630.19 FEET TO THE POINT OF BEGINNING.

EXHIBIT B-2

AUBURN WAY NORTH AND S. 277TH STREET ANNEXATION

(PORTION OF LANDS CURRENTLY UNDER AUBURN JURISDICTION, DEEDED TO KENT BY BRISTOL PROPERTY, LLC, IN 1996 AND TO BE DEEDED FROM CITY OF KENT TO THE CITY OF AUBURN)

THAT PORTION THE LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 199612181122, LOCATED IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE W. A. COX D.L.C. NUMBER 38, WHICH POINT IS ALSO THE SOUTHEAST CORNER OF THE R.H. BEATTY D.L.C. NUMBERS 37 AND 44 AND THE NORTHWEST CORNER OF THE G.E. KING D.L.C. NUMBER 40;

THENCE ALONG THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40 SOUTH 89°00'01" EAST A DISTANCE OF 638.43 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 199612181122 AND THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40 AND THE NORTH LINE OF SAID LANDS SOUTH 89°00'01" EAST A DISTANCE OF 987.47 FEET;

THENCE LEAVING SAID NORTH LINE SOUTH 03°54'10" EAST A DISTANCE OF 20.07 FEET TO THE SOUTH LINE OF SAID LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 199612181122;

THENCE ALONG SAID SOUTH LINE NORTH 89°00'01" WEST A DISTANCE OF 989.47 FEET TO THE SOUTHWEST CORNER OF SAID LANDS;

THENCE ALONG THE WEST LINE OF SAID LANDS NORTH 01°48'01" EAST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B-3

AUBURN WAY NORTH AND S. 277TH STREET ANNEXATION (AREA CURRENTLY UNDER KENT JURISDICTION TO BE ANNEXED BY AUBURN)

THAT PORTION THE LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 20020913001230, LOCATED IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE W. A. COX D.L.C. NUMBER 38, WHICH POINT IS ALSO THE SOUTHEAST CORNER OF THE R.H. BEATTY D.L.C. NUMBERS 37 AND 44 AND THE NORTHWEST CORNER OF THE G.E. KING D.L.C. NUMBER 40:

THENCE ALONG THE EAST LINE OF SAID BEATTY D.L.C. NORTH 00°34'52" EAST A DISTANCE OF 98.00 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE ALONG THE NORTHERLY LINE OF SAID LANDS SOUTH 89°40'13" EAST A DISTANCE OF 817.74 FEET:

THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 86°05'23" EAST A DISTANCE OF 268.24 FEET:

THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 86°15'26" EAST A DISTANCE OF 411.40 FEET;

THENCE LEAVING SAID NORTHERLY LINE SOUTH 02°32'06" EAST A DISTANCE OF 143.99 FEET TO THE EXISTING TOP BACK OF CONCRETE CURB;

THENCE ALONG SAID EXSITING TOP BACK OF CONCRETE CURB NORTH 88°00'53" EAST A DISTANCE OF 39.49 FEET;

THENCE ALONG SAID EXSITING TOP BACK OF CONCRETE CURB NORTH 85°52'22" EAST A DISTANCE OF 81.11 FEET;

THENCE LEAVING SAID CURB SOUTH 03°54'10" EAST A DISTANCE OF 30.24 FEET TO THE SOUTH LINE OF SAID LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 20020913001230, ALSO BEING THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40:

THENCE ALONG SAID SOUTH LINE NORTH 89°00'01" WEST A DISTANCE OF 1625.90 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXHIBIT B-4

AUBURN WAY NORTH AND S. 277TH STREET ANNEXATION

(AREA CURRENTLY UNDER KENT JURISDICTION TO REMAIN IN KENT)

THAT PORTION THE LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 20020913001230, LOCATED IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE W. A. COX D.L.C. NUMBER 38, WHICH POINT IS ALSO THE SOUTHEAST CORNER OF THE R.H. BEATTY D.L.C. NUMBERS 37 AND 44 AND THE NORTHWEST CORNER OF THE G.E. KING D.L.C. NUMBER 40:

THENCE ALONG THE EAST LINE OF SAID BEATTY D.L.C. NORTH 00°34'52" EAST A DISTANCE OF 98.00 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 20020913001230:

THENCE ALONG THE NORTHERLY LINE OF SAID LANDS SOUTH 89°40'13" EAST A DISTANCE OF 817.74 FEET:

THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 86°05'23" EAST A DISTANCE OF 268.24 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 86°15'26" EAST A DISTANCE OF 411.40 FEET TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHERLY LINE SOUTH 02°32'06" EAST A DISTANCE OF 143.99 FEET TO THE EXISTING TOP BACK OF CONCRETE CURB;

THENCE ALONG SAID EXSITING TOP BACK OF CONCRETE CURB NORTH 88°00'53" EAST A DISTANCE OF 39.49 FEET;

THENCE ALONG SAID EXSITING TOP BACK OF CONCRETE CURB NORTH 85°52'22" EAST A DISTANCE OF 81.11 FEET;

THENCE LEAVING SAID CURB SOUTH 03°54'10" EAST A DISTANCE OF 30.24 FEET TO THE SOUTH LINE OF SAID LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 20020913001230 ALSO BEING THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40;

THENCE ALONG SAID SOUTH LINE SOUTH 89°00'01" EAST A DISTANCE OF 630.19 FEET TO THE SOUTHEAST CORNER OF SAID LANDS, ALSO BEING ON THE SOUTHWESTERLY PROPERTY LINE OF THE LANDS CONVEYED TO KING COUNTY AND SHOWN IN SURVEY RECORDED UNDER KING COUNTY RECORDING NUMBER 8003079002;

THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 46° 27'34" WEST A DISTANCE OF 345.15 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE ALONG THE NORTHERLY LINE OF SAID LANDS SOUTH 80°41'11" WEST A DISTANCE OF 274.29 FEET:

THENCE CONTINUING ALONG SAID NORTHERLY LINE SOUTH 86°15'26" WEST A DISTANCE OF 238.53 FEET TO THE POINT OF BEGINNING.

EXHIBIT B-5 AUBURN WAY NORTH AND S. 277TH STREET ANNEXATION

(PORTION OF LANDS CURRENTLY UNDER AUBURN JURISDICTION, LYING EAST OF THE LANDS DEEDED TO KENT BY BRISTOL PROPERTY, LLC, IN 1996, TO BE DE-ANNEXED FROM AUBURN AND ANNEXED INTO CITY OF KENT)

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON LOCATED EASTERLY OF THE LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 199612181122, SAID PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE W. A. COX D.L.C. NUMBER 38, WHICH POINT IS ALSO THE SOUTHEAST CORNER OF THE R.H. BEATTY D.L.C. NUMBERS 37 AND 44 AND THE NORTHWEST CORNER OF THE G.E. KING D.L.C. NUMBER 40;

THENCE ALONG THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40 SOUTH 89°00'01" EAST A DISTANCE OF 638.43 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 199612181122:

THENCE CONTINUING ALONG THE NORTH LINE OF SAID G.E. KING D.L.C. NUMBER 40 AND THE NORTH LINE OF SAID LANDS SOUTH 89°00'01" EAST A DISTANCE OF 1617.66 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND THE **POINT OF BEGINNING**;

THENCE ALONG THE EASTERLY LINE OF SAID LANDS SOUTH 46°27'05" EAST A DISTANCE OF 103.07 FEET:

THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID LANDS SOUTH 34°20'21" EAST A DISTANCE OF 60.80 FEET TO THE SOUTHEAST CORNER OF SAID LANDS;

THENCE SOUTH 34°20'21" EAST A DISTANCE OF 83.61 FEET TO THE SOUTHWESTERLY PROLONGATION OF THE SOUTH LINE OF THE DNR AQUATIC LEASE AREA FOR EXISITING PEDESTRIAN BRIDGE AS SHOWN ON RECORD OF SURVEY FILED IN VOLUME 121 OF SURVEYS AT PAGE 157, UNDER RECORDING NUMBER 199804299002, RECORDS OF KING COUNTY, WASHINGTON; THENCE ALONG SAID SOUTHWESTERLY PROLONGATION NORTH 70°40'48" EAST A DISTANCE OF 230 FEET, MORE OR LESS, TO THE EASTERLY LINE OF

1970 AND THE THREAD OF THE GREEN RIVER; THENCE NORTHERLY ALONG LAST SAID EASTERLY LINE AND THE THREAD OF THE GREEN RIVER TO THE EASTERLY EXTENSION OF SAID NORTH LINE OF THE

G.E. KING D.L.C. NUMBER 40 AND THE NORTHEAST CORNER OF SAID

CITY OF AUBURN ANNEXATION ORDINANCE 2511 APPROVED DECEMBER 21,

ANNEXATION ORDINANCE 2511;

THENCE ALONG SAID EASTERLY EXTENSION, ALONG SAID NORTH LINE OF THE G.E. KING D.L.C. NUMBER 40 AND ALONG THE NORTH LINE OF SAID ANNEXATION ORDINACE 2511 TO THE POINT OF BEGINNING.