

ORDINANCE NO. 05-798

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ESTABLISHING MPD OVERLAY ZONING FOR THE NW SECTION 27 ANNEXATION AREA TO BE EFFECTIVE UPON ANNEXATION OF SAID PROPERTY INTO THE CITY AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, in 1996 the City entered into the Black Diamond Urban Growth Area Agreement (BDUGAA), that established Potential Annexation Areas for the City; and

WHEREAS, the City's Comprehensive Plan, as amended in 2001, contemplated that the area known as the NW Section 27 Annexation Area would be developed pursuant to a master plan; and

WHEREAS, the City Council, by adopting Ordinance 05-779, created the Master Plan Development (MPD) Program, and by adopting Ordinance 05-796 created a MPD overlay zoning district classification; and

WHEREAS, the property owner for the NW Section 27 Annexation Area has petitioned the City for annexation; and

WHEREAS, RCW 35A.14.330 authorizes the City to establish the zoning that will become effective upon annexation;

WHEREAS, the City Council held a public hearing on November 3, 2005 and second public hearing on December 8, 2005 to consider the proposal to zone the NW Section 27 Annexation Area with the MPD overlay zoning classification, to be effective upon annexation, and notices of said hearings were published as required by RCW 35A.14.340; and

WHEREAS, the Black Diamond Area Open Space Protection Agreement ("Agreement") protects hundreds of acres of land inside the City and in King County from future development, and also provides the funding for the City to acquire significant park lands, at no cost to the City; and

WHEREAS, the Agreement expires on December 9, 2005, unless certain lands are annexed into the City; and

WHEREAS, said lands cannot be annexed unless the City has applied the necessary zoning designation, so that the designation will be effective upon annexation; and

WHEREAS, in order for the zoning to be established before the annexation is considered this ordinance must be effective immediately, and

WHEREAS, the annexation is to be considered by the City Council on December 8, 2005, now therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON DOES ORDAIN, AS FOLLOWS:

Section 1. The real property legally described in Exhibit A, and pictorially illustrated in Exhibit B, shall be zoned as a Master Plan Overlay District, effective immediately upon its annexation into the City.

Section 2. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption.

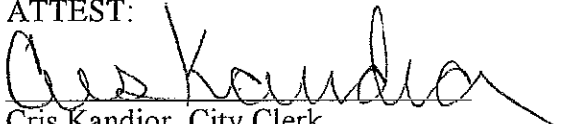
Section 3. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance and Ordinances and/or Resolutions modified by it shall remain in force and effect.

Introduced the 8th day of December, 2005.

Passed unanimously by the City Council on the 8th day of December, 2005.


Howard Botts, Mayor

ATTEST:


Cris Kandior, City Clerk

Published: 12-13-05
Posted: 12-09-05
Effective Date: December 8, 2005

APPROVED AS TO FORM:

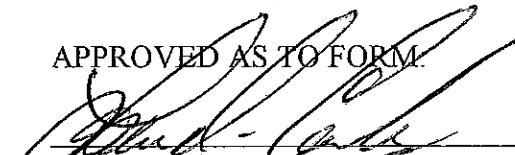

Loren Combs, City Attorney

EXHIBIT A
To
Ordinance No. 05-798

The proposed Black Diamond annexation named NW Section 27 is situated in a portion of the Southwest Quarter of Section 22, Township 21 North, Range 6 East, W.M. and a portion of the Northwest Quarter of Section 27, Township 21 North, Range 6 East, W.M. all situate in King County, Washington, as recorded in Legal Description and Map for Proposed "NW Section 27 Annexation" recording no. 20031025001191, records King County, Washington, described as follows.

Commencing at the intersection on the west section line of the Southwest Quarter of Section 22 with the north margin of S.E. 352nd ST., said north margin being 30 feet north of and running parallel to the section line common to the Southwest Quarter of Section 22 and the Northwest Quarter of Section 27 as described above, herein being the True Point of Beginning and encompassing the following, thence S89-18-33E along the above north margin, parallel to the above common section line a distance of 1657.96 feet, thence leaving said north margin along the following courses and distances.

S64-34-07W 192.38 feet
 S74-23-23W 143.54 feet
 S78-26-23W 223.18 feet
 S76-53-52W 241.76 feet
 S54-24-18W 155.53 feet
 S61-43-52W 82.77 feet
 S74-05-11W 81.62 feet
 S75-59-44W 60.34 feet
 S71-35-49W 70.91 feet
 S78-43-19W 57.17 feet
 N89-58-05W 30.45 feet
 N82-50-35W 45.20 feet
 N52-05-35W 63.92 feet
 N42-14-30W 83.34 feet
 N38-53-44W 187.36 feet
 N25-26-43W 218.31 feet to the True Point of Beginning.

The above parcel description contains 9.18 acres more or less and is shown on the King County, Washington Assessor maps designated by a note referring to Black Diamond proposed NW Section 27 annexation.

The above parcel description is also recorded in the records of King County under Recording No. 20031025001191.

EXHIBIT B
To
Ordinance No. 05-798

