

ORDINANCE NO. 05-803

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY, REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY, AND ESTABLISHING ZONING DESIGNATIONS FOR THE PROPERTY. THE PROPERTY IS KNOWN AS THE WEST POTENTIAL ANNEXATION AREA LOCATED IN SECTION 15

WHEREAS, The City Council was notified in writing by the owner of 100% in value of the real property legally described in Exhibit "A" attached hereto, of the owner's intention to commence annexation proceedings; and

WHEREAS, a meeting was held on June 2, 2005, 2005, between the initiating party of this annexation and the Council of the City of Black Diamond, at which time the Council accepted the notice of intention to commence annexation proceedings and authorized the circulation of an annexation petition for annexation of the real property legally described in Exhibit "A" attached hereto. At the meeting the Council also determined that it would require the simultaneous adoption of zoning regulations, and the assumption of city indebtedness by the area to be annexed upon annexation; and

WHEREAS, the petition was circulated, filed with the City Council, and certified by the County Assessor as containing the signatures of owners as set forth in RCW 35.21.005, of 100% in value, according to the assessed valuation for general taxation, of the property to be annexed; and

WHEREAS, the City properly filed a Notice of Intention and related documents with the King County Boundary Review Board, and the proposed annexation was deemed approved by the BRB pursuant to RCW 36.93.100(4) and they did not invoke jurisdiction; and

WHEREAS, pursuant to RCW 35A.14.330 and 35A.14.340, the City Council adopted Ordinance No. 797, designating the proposed annexation area as MPD Overlay to become effective upon annexation; and

WHEREAS, pursuant to RCW 35A.14.130 and 35A.14.140, a public hearing was held on December 8, 2005, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation in the City and the proposed annexation area, and through posting of a hearing notice in three public places within the territory proposed for annexation, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation; now therefore

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

Section 1. The unincorporated real property located in King County, Washington, contiguous to the City of Black Diamond and legally described in Exhibit "A" and pictorially illustrated in Exhibit "B" attached hereto and incorporated herein by this reference, is hereby annexed to and made part of the City of Black Diamond, King County, Washington.

Section 2. All property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Black Diamond, including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted for, incurred prior to, or existing on, the date of annexation.

Section 3. As provided in Ordinance No. 797, all property within the territory annexed is hereby zoned Master Plan Development Overlay and the City's zoning map is hereby amended to reflect that change.

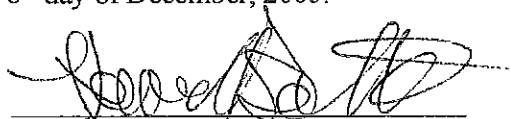
Section 4. The City Clerk is hereby directed to file a certified copy of this Ordinance with the King County Council as required by RCW 35A. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35.13.260, and to provide such other notice of this annexation as required by law.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

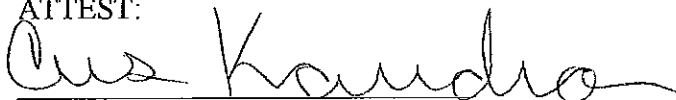
Section 6. Effective Date of Annexation. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

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

APPROVED AS TO FORM:

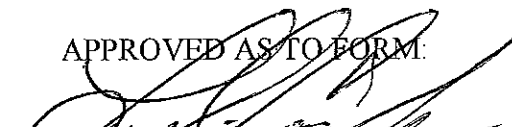

Loren Combs, City Attorney

EXHIBIT A
To
Ordinance No. 05-803

That portion of the west half of Section 15, Township 21 North, Range 6 East, W.M. King County, Washington, lying southerly of the northeasterly right-of-way margin of Maple Valley-Lake Sawyer Road and the existing city limits of Black Diamond, as annexed by Ordinance No. 316.

Containing approximately 278.7 acres.

EXHIBIT B
To
Ordinance No. 05-803

