

ORDINANCE NO. 05-804

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 NW SECTION 27 POTENTIAL ANNEXATION AREA

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. 798, 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.

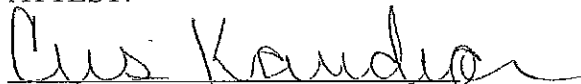
Section 6. Effective Date of Annexation. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 8<sup>th</sup> day of December, 2005.

Passed unanimously by the City Council on the 8<sup>th</sup> day of December, 2005.

  
Howard Botts, Mayor

ATTEST:

  
Cris Kandior, City Clerk

APPROVED AS TO FORM:

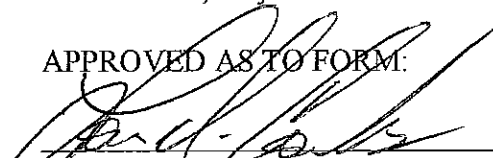
  
Loren Combs, City Attorney

EXHIBIT A  
To  
Ordinance No. 05-804

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. 20051025001191, 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. 352<sup>nd</sup> 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 145.54 feet  
S78-26-23W 223.18 feet  
S76-53-52W 241.76 feet  
S54-24-18W 165.53 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 50.45 feet  
N82-50-35W 45.20 feet  
N32-05-35W 63.92 feet  
N42-14-30W 63.34 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. 20051025001191.

EXHIBIT B  
To  
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