

RESOLUTION NO. 09-628

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON,
ACCEPTING A NOTICE OF INTENT TO ANNEX THE
SOUTH ANNEXATION AREA AND AUTHORIZING THE
CIRCULATION OF A PETITION FOR ANNEXATION

WHEREAS, the City has received a notice of intent to annex an area known as the South Annexation Area pursuant to RCW 35A.14.120 ("Notice of Intent"), which area is legally described in Exhibit A and illustrated in Exhibit B attached hereto; and

WHEREAS, the Notice of Intent was signed by the owners of not less than ten percent in value, according to the assessed valuation for general taxation, of the South Annexation Area; and

WHEREAS, the South Annexation Area is contiguous to the City limits and is within the City's urban growth area; and

WHEREAS, on August 20, 2009 the Council held a meeting with the initiating parties, at an open public meeting to determine whether the City would accept, reject, or geographically modify the proposed annexation, whether it would require the simultaneous adoption of proposed zoning regulations, and whether it shall require the assumption of all or of any portion of the existing city indebtedness by the area to be annexed; and

WHEREAS, the Council has reviewed the Notice of Intent and finds it is in the best interests of the City and its citizens to authorize the circulation of a petition for annexation; now, therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND HEREBY
RESOLVES AS FOLLOWS:

1. The City Council hereby accepts the Notice of Intent to commence annexation proceedings for the South Annexation Area, which area is legally described in Exhibit A and illustrated in Exhibit B, and authorizes the circulation of an annexation petition for the South Annexation Area pursuant to RCW 35A.14.120.

2. City shall require the adoption of zoning regulations for the South Annexation Area to be effective upon annexation.

3. Upon annexation, all property within the South Annexation Area shall be assessed and taxed at the same rate and on the same bases as other property within the City of Black Diamond.

ADOPTED by the City Council at an open meeting on the 20th day of August, 2009.


Howard Botts, Mayor

Attest:


Brenda Martinez, City Clerk



**NOTICE OF INTENTION TO COMMENCE ANNEXATION
PROCEEDINGS**

TO: The City Council of the City of Black Diamond
P.O. Box 599
Black Diamond, WA 98010

The undersigned, who are the owners of not less than ten percent (10 %) in value, according to the assessed valuation for general taxation of the property for which annexation is sought, hereby advise the City Council of the City of Black Diamond that it is the desire of the undersigned owners of the following area to commence annexation proceedings:

The property herein referred to is described on "Exhibit A" – legal description attached hereto and is depicted on "Exhibit B" – vicinity map further attached hereto.

It is requested that the City Council of Black Diamond set a date not later than sixty (60) days after the filing of this request for a meeting with the undersigned to determine:

- (1) Whether the City Council will accept the proposed annexation;
- (2) Whether the City Council will require the adoption of zoning for the proposed area in substantial compliance with the City's Comprehensive Plan;
- (3) Whether the City Council will require the assumption of existing city indebtedness by the area to be annexed.

This page is one of a group of pages containing identical text material and is intended by the signers of this Notice of Intention to be presented and considered as one Notice of Intention and may be filed with other pages containing additional signatures which cumulatively may be considered as a single Notice of Intention.

OWNER'S SIGNATURE	PRINTED NAME	ADDRESS & TAX PARCEL #	DATE SIGNED
	BRIAN	825 FIFTH AVENUE #202 KIRKLAND, WA 98033	4/3/07
	BD VILLAGE PARTNERS LP	AS PER ATTACHED 'EXHIBIT C'	

WARNING

Every person who signs this petition with any other than his/her true name, or sign a petition when he/she is otherwise not qualified to sign, or who makes herein any false statement, may be guilty of a misdemeanor.



SOUTH ANNEXATION PETITION
"EXHIBIT C"

CITY OF BLACK DIAMOND ANNEXATION PETITION

Please Print Your Name* (or the name of the Business if you are signing for a Corporation) and sign your name below	Today's Date	Phone Number	Address and Tax Parcel #	Assessed Valuation (KC Assessor 9/22/2008)
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06 2321069003	523,000
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06 2321069046	448,000
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06 2321069047	448,000
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06 2321069048	462,000
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06 2321069049	448,000
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06 2321069050	448,000

WARNING

Every person who signs this petition with any other than his/her true name, or sign a petition when he/she is otherwise not qualified to sign, or who makes herein any false statement, may be guilty of a misdemeanor.

***NOTES TO SIGNORS:**

IF YOU OWN MORE THAN ONE TAX PARCEL within the annexation area, your signature on this petition will constitute your commitment for all property owned by you within the South Annexation area.

IF YOU ARE SIGNING FOR A PROPERTY OWNED BY A CORPORATION: State law requires that corporations attach a certified copy or excerpt from your corporation's by-laws (or other appropriate document) that shows you have the authority to sign this petition on behalf of the corporation. Typically, anyone authorized to execute deeds or encumbrances is similarly authorized to execute an annexation petition under this law. We apologize for this additional inconvenience and appreciate your support.



SOUTH ANNEXATION PETITION
"EXHIBIT C"

CITY OF BLACK DIAMOND ANNEXATION PETITION

Please Print Your Name* (or the name of the Business if you are signing for a Corporation) and sign your name below	Today's Date	Phone Number	Address and Tax Parcel #	Assessed Valuation (KC Assessor 9/22/2008)
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06	448,000
			2321069051	
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06	448,000
			2321069052	
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06	462,000
			2321069053	
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06	448,000
			2321069054 (PORTION WITHIN URBAN GROWTH AREA)	
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06	448,000
			2321069057	
SEE PAGE 1			PTN SE ¼ OF NE ¼ OF S23 T21 R06	448,000
			2321069058	

WARNING

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*NOTES TO SIGNORS:

IF YOU OWN MORE THAN ONE TAX PARCEL within the annexation area, your signature on this petition will constitute your commitment for all property owned by you within the South Annexation area.

IF YOU ARE SIGNING FOR A PROPERTY OWNED BY A CORPORATION: State law requires that corporations attach a certified copy or excerpt from your corporation's by-laws (or other appropriate document) that shows you have the authority to sign this petition on behalf of the corporation. Typically, anyone authorized to execute deeds or encumbrances is similarly authorized to execute an annexation petition under this law. We apologize for this additional inconvenience and appreciate your support.



CITY OF BLACK DIAMOND

24301 Roberts Drive
PO Box 599
Black Diamond, WA 98010

Phone: (360) 886-2560
Fax: (360) 886-2592
www.ci.blackdiamond.wa.us

May 28, 2009

TO: Mayor, Councilmembers
FR: Steve Munson, City Planner

RE: NOTICE OF INTENT LETTER FOR PROPOSED YARROW BAY ANNEXATIONS

Black Diamond Village Partners and Black Diamond Lawson Partners (Yarrow Bay) have submitted to the Community Development Department two separate annexation proposals located (see attached maps) along the east-central city boundary (East Annexation) and along the south-central city boundary (South Annexation). These are technically called "10% Notice of Intent to Annex" letters and are part of what is called the "Direct Petition Method" of annexation available in Washington State and specifically addressed by RCW 35A.120. (More on the process of this method later in the memo).

The letters referenced above begin the annexation process. Proponents are required to draft such a letter requesting the local city council to provide them permission to circulate a petition to gather signatures of property owners within the area to be annexed supporting the proposal. This particular method requires that signatures of property owners representing at least 10% of the assessed valuation within the proposed annexing area be included in the "Notice of Intent" letter for the Council to consider it at a public meeting. At the public meeting the proponents are asking the Council for permission to authorize them to circulate the "petition" to obtain signatures of property owners that will represent a minimum of 60% of the total assessed valuation in the proposed annexing area. Also at the public meeting (to be held within sixty days of the submittal of the "Notice of Intent" letter) with the initiating parties Council is asked to determine:

- 1) Whether the City will accept, reject, or geographically modify the proposed annexation;
- 2) Whether it will require the simultaneous adoption of a proposed zoning regulations, and
- 3) Whether it will require the assumption of any portion of existing City indebtedness by the area to be annexed.

Discussion and Recommendations

- 1) By state law (Growth Management Act) cities in GMA counties can annex only those lands contained within their defined Urban Growth Areas (UGA's). The areas proposed for annexation represent logical extensions of the city boundaries and would be able to be accommodated by existing and planned city services. They are also contained within the City's UGA. **For these reasons the recommendation is to accept the proposals as submitted.**
- 2) The City's adopted and existing Comprehensive Plan does not designate any land use categories beyond the city limits nor does the existing official Zoning Map designate any zoning categories. In addition there is no written guidance nor adopted City policy on how to specifically address these issues. Absent this policy, other agreements such as the Black Diamond Urban Growth

Area Agreement (BDUGAA) and potentially the Black Diamond Area Open Space Protection Agreement can potentially provide some direction. ***It is recommended that Council consider these and any decisions made on the upcoming draft Comprehensive Land Use Plan and Zoning Map prior to acting on this item.***

- 3) Whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed. ***Since the City has no existing indebtedness this does not apply.***

Relationship to Master Planned Developments

The proposed annexations are tied to the submitted Master Planned Development (MPD) applications of Yarrow Bay Communities in that some of the properties of these two proposed annexations are to be incorporated into the MPD's eventually. No City of Black Diamond land use actions on these areas can occur however, until the areas have been annexed. In addition, some of the parcels and their landowners are not Yarrow Bay Communities and are also not part of the MPD's.

Summary of Annexation Steps (Direct Petition Method)

- 1) Proponents submit Notice of Intent letter to Community Development Department
- 2) City staff schedules public meeting of proponents with City Council
- 3) Council meets with proponents and reviews Notice of Intent letter and renders decisions on the three criteria identified above and authorizes circulation of the Annexation Petition
- 4) Proponents complete Annexation Petition and submit to Community Development Department
- 5) CD staff prepares report on Annexation Petition for public hearing to be held before Council
- 6) Council renders decision at public hearing and staff prepares Notice of Intent package for submittal to King County Boundary Review Board (if approved)
- 7) Once submitted to the KCBRB the Board has 45 calendar days to review the Notice of Intent submittal. Agencies with jurisdiction (more on this later) may request a public hearing. If such a request is made, the BRB must schedule and conduct this hearing. If no hearing is requested within the 45-day period, the Notice of Intent package is returned to the City.
- 8) City adopts annexation by ordinance.

These steps are a very basic review of the process. Staff has prepared a document packet for discussion with individual Councilmembers prior to the public meeting on June 4th. We look forward to discussing this with you and will be pleased to address any questions.

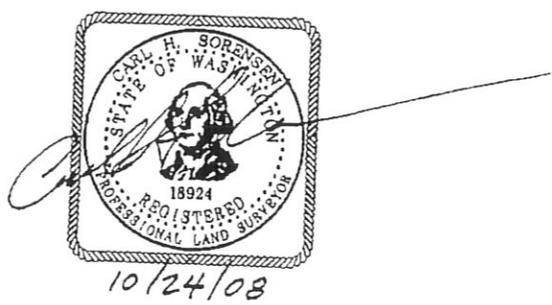
EXHIBIT A
URBAN GROWTH AREA ANNEXATION LEGAL DESCRIPTION

TRIAD JOB # 05-336
OCTOBER 24, 2008

THAT PORTION OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M. IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

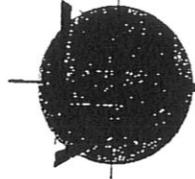
- BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 23;
- THENCE EASTERLY ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER;
- THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 23;
- THENCE EASTERLY, ALONG THE NORTH LINE OF SAID SOUTH HALF, TO THE EASTERLY MARGIN OF STATE ROUTE 169;
- THENCE SOUTHEASTERLY, ALONG SAID EASTERLY MARGIN, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23;
- THENCE WESTERLY, ALONG SAID SOUTH LINE, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23;
- THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23;
- THENCE SOUTHERLY, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER, TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER;
- THENCE WESTERLY, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23, TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER;
- THENCE NORTHERLY, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23, TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23;
- THENCE NORTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, TO THE NORTHWEST CORNER OF SAID SECTION 23, THE POINT OF BEGINNING.

WRITTEN: ARJ
CHECKED: CHS

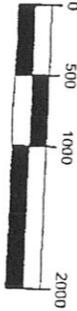


S:\PROJECTS\05336\CORRESP\TRIAD LEGALS\05336 2008-10-24 UGA Annex.doc
 12112 115th Avenue NE Kirkland, Washington 98034-9623
 425.821.8448 - 800.488.0756 - Fax 425.821.3481
 www.triadassoc.com

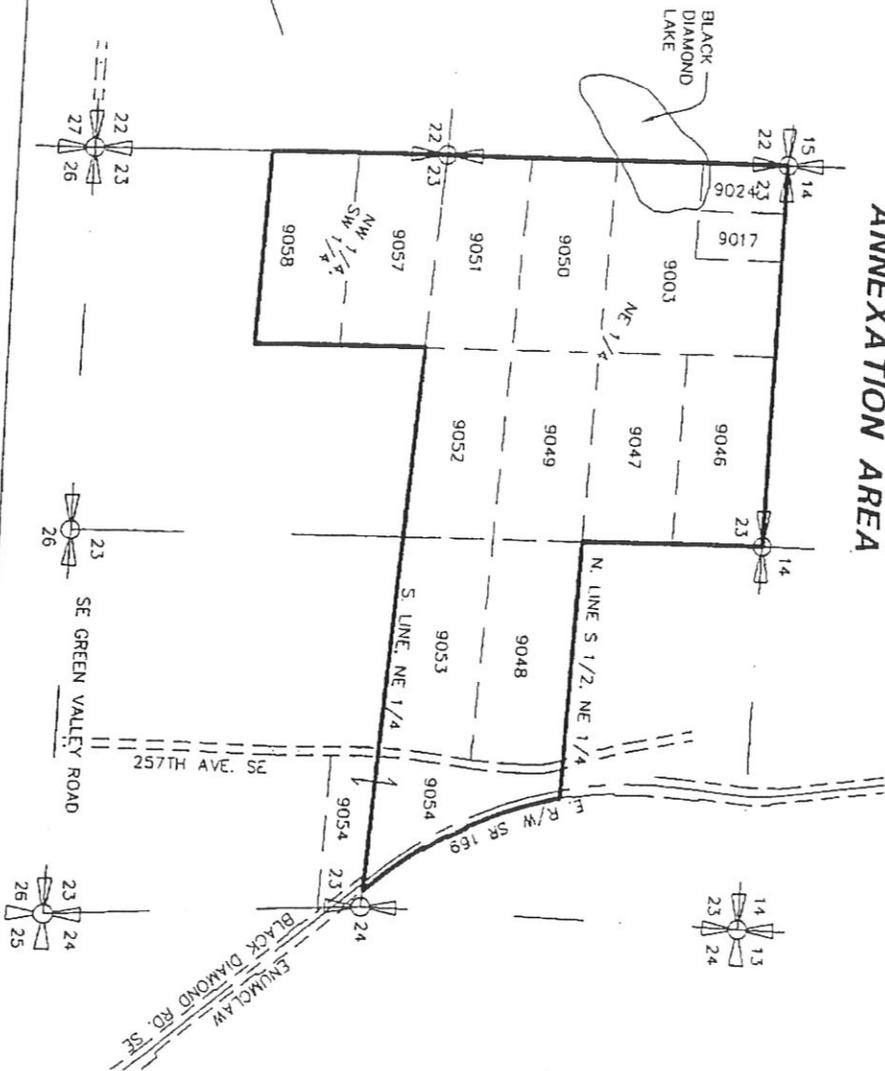
POR. OF NW 1/4 AND NE 1/4, AND SW 1/4 OF SEC. 23, T21N, R6E, W.M.
ANNEXATION AREA



SCALE: 1" = 1000'



NOTE: COMPLETE ASSESSOR
 PARCEL NUMBERS INCLUDE
 THE PREFIX "232106"
 (EG: 2321069057)



BLACK DIAMOND

**URBAN GROWTH
 AREA ANNEXATION
 EXHIBIT B**

CITY OF BLACK DIAMOND,

WASHINGTON

TRIAD
 ASSOCIATES
 12112 115th Ave. NE
 Kirkland, WA 98034-6929
 425.821.8448
 www.triadassoc.com

MANAGER:	AL FURE, PE
DESIGNER:	ARJ
CLIENT:	CHS
DATE:	10-24-08
SCALE:	HORZ: 1"=1000'
VERT:	
JOB NUMBER:	05-336
SHEET NUMBER:	1 of 1