

2007-327

15784
ATTACHMENT A

RESOLUTION NO. 07-498

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, SETTING A DATE OF AUGUST 21, 2007 FOR THE ANNEXATION ELECTION, OF THE CITY'S ENTIRE REMAINING POTENTIAL ANNEXATION AREA (PAA) CONSISTING OF UNINCORPORATED TERRITORY LYING IN AN AREA GENERALLY EAST OF EXISTING CITY OF FEDERAL WAY CITY LIMITS, SOUTH OF S. 272ND STREET, WEST OF 55TH AVENUE S. AND 51ST AVENUE S. AND NORTH OF S. 321ST STREET AND EXISTING CITY LIMITS AND INCLUDING PEASLEY CANYON ROAD S. BETWEEN S. 321ST STREET AND PEASLEY CANYON WAY S. AND INCLUDING UNINCORPORATED TERRITORY SOUTH OF HIGHWAY 18, THEN FOLLOWING THE CITY'S EASTERLY POTENTIAL ANNEXATION AREA BOUNDARY, THEN FOLLOWING THE CITY'S SOUTHERLY POTENTIAL ANNEXATION AREA BOUNDARY AND INCLUDING A PORTION OF THE STONE CREEK SUBDIVISION AND THEN MEETING THE CITY'S EXISTING EASTERLY BOUNDARY

WHEREAS, the City Council of the City of Federal Way, Washington, has determined that it would be in the best interest and general welfare of the City of Federal Way and the annexation area to annex the city's entire Potential Annexation Area (PAA) consisting of unincorporated territory lying in an area generally East of existing city limits, South of S. 272nd Street, West of 53rd Avenue S. and 51st Avenue S. and North of S. 321st Street and existing city limits and including Peasley Canyon Road S. between S. 321st Street and Peasley Canyon Way S. and including unincorporated territory south of Highway 18, then following the city's easterly PAA boundary, then following the city's southerly PAA boundary and including a portion of the Stone Creek subdivision and then meeting the city's existing easterly boundary as legally described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated by reference, respectively, as if fully set forth; and

THE FOLLOWING 12 PAGES ARE
CERTIFIED TRUE COPIES.
BY Janina Hathaway
TITLE City Clerk

WHEREAS, the Growth Management Act and the King County Countywide Planning Policies encourage transition of unincorporated urban and urbanizing areas within PAAs from county governance to city governance; and

WHEREAS, although financial analysis of revenues and costs for the annexation area indicate a net annual operating deficit to the city of approximately three (3) million dollars, financial incentives offered by Washington State and King County are projected to cover the operating deficit in the 10 years following annexation; and

WHEREAS, the benefits of annexing the territory include compliance with the intent of the Growth Management Act, localized control of land use and development activity that impacts city service provision, recognition of community connections, efficiency related to minimizing piece-meal annexations over time and opportunities to collect one-time incentive funding from King County and Washington State that will likely not be available in the future and these benefits outweigh the financial costs noted above; and

WHEREAS, the City Council Land Use/Transportation Committee considered the annexation at meetings on May 1, 2006, May 15, 2006 and July 17, 2006 and recommended to City Council to proceed forward with the annexation; and

WHEREAS, the City Council passed resolution 07-492 on February 20, 2007 authorizing submittal of the annexation proposal to the King County Boundary Review Board; and

WHEREAS, the City received a notice letter, Exhibit "C", on April 25, 2007 indicating that the King County Boundary Review Board approved the annexation proposal; and

WHEREAS, the City Council has adopted the Federal Way Potential Annexation Area Subarea Plan, as a chapter of the City's Comprehensive Plan which adopted and establishes Comprehensive Plan designations and zoning classifications for the proposed annexation area as well as general land use policies; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY HEREBY RESOLVES AS FOLLOWS:

Section 1. Public Interest. The best interests and general welfare of the City of Federal Way and the annexation area would be served by the annexation of city's entire PAA consisting of unincorporated territory lying in an area generally East of existing city limits, South of S. 272nd Street, West of 53rd Avenue S. and 51st Avenue S. and North of S. 321st Street and existing city limits and including Peasley Canyon Road S. between S. 321st Street and Peasley Canyon Way S. and including unincorporated territory south of Highway 18, then following the city's easterly PAA boundary, then following the city's southerly PAA boundary and including a portion of the Stone Creek subdivision and then meeting the city's existing easterly boundary as legally described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated by reference, respectively, as if fully set forth; and

Section 2. Ballots. The City shall prepare an explanatory ballot statement and make appointments for Pro and Con committees and submit these to King County Elections Division before June 1, 2007.

Section 3. Election. The City Council hereby requests the King County Council set an election date of August 21, 2007 for an election to be held pursuant to Chapter 35A.14 RCW to submit to the voters of the aforesaid territory the proposal for annexation to become effective July 1, 2008.

Section 4. Voters. As nearly as can be determined the number of voters residing in the aforesaid territory is 10,406.

Section 5. Zoning. All property located within the territory to be annexed shall, simultaneous with the annexation, have imposed the City of Federal Way Comprehensive Plan

designations and zoning classifications, prepared under RCW 35A.14.330, and depicted in the Potential Annexation Area Chapter of the Federal Way Comprehensive Plan.

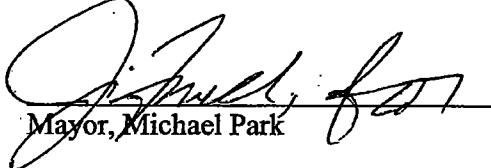
Section 6. Severability. If any section, sentence, clause, or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this resolution.

Section 7. Ratification. Any act consistent with the authority, and prior to the effective date, of the resolution is hereby ratified and affirmed.

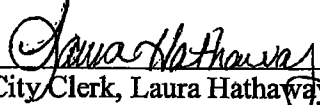
Section 8. Effective Date. This resolution shall be effective immediately upon passage by the Federal Way City Council.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, this 15TH day of May 2007.

CITY OF FEDERAL WAY


Mayor, Michael Park

ATTEST:


City Clerk, Laura Hathaway, CMC

APPROVED AS TO FORM:


City Attorney, Patricia A. Richardson

FILED WITH THE CITY CLERK: 05/08/07

PASSED BY THE CITY COUNCIL: 05/15/07

RESOLUTION NO: 07-498

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City of Federal Way
East Proposed Annexation Area
Legal Description

Those portions of Sections 3, 4, 9, 10, 14, 15, 21, 22, 23, 26, 27, 28, 33, and 34, Township 21 North, Range 4 East, and Sections 33, 34, and 35, Township 22 North, Range 4 East, Willamette Meridian in King County, Washington described as follows:

Commencing at a point 580 feet, more or less, westerly of and 50 feet southerly of the Northeast corner of the Northeast quarter of said Section 33, Township 22 North, Range 4 East, said point also being on the City of Kent City Limits, as annexed under Kent City Ordinance No. 3351, said point also identified as the southern right-of-way margin of South 272nd Street and easterly Limited Access Line of SR-5;

Thence in an easterly direction along said southern right-of-way margin of South 272nd Street to an intersection with the southerly right-of-way margin of South 272nd Way;

Thence in a southeasterly direction along said southerly margin of South 272nd Way to an intersection with the northerly extension of the east right-of-way margin of 55th Avenue South (aka Harry A. Abel Road, County Road #2515);

Thence in a southerly and southwesterly direction along said east margin of 55th Avenue South to an intersection with the east line of the west half of the west half of said Section 35;

Thence in a southerly direction along said east line to an intersection with the north line of the south half of the southwest quarter of the southwest quarter Section 35, Township 22 North, Range 4 East;

Thence in a westerly direction along said north line to the west right-of-way margin of 55th Avenue South;

Thence in a southerly direction along said west margin of 55th Avenue South to an intersection with the north right-of-way margin of South 288th Street;

Thence in a westerly direction along said north margin to an intersection with the northerly extension of the westerly right-of-way margin of 51st Avenue South;

Thence in a southerly direction along said northerly extension, the west margin of said 51st Avenue South, and the southerly extension thereof to an intersection with the south right-of-way margin of South 304th Street;

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Thence in an easterly direction, 12.00 feet, more or less, along said south margin of South 304th Street to the west right-of-way margin of 51st Avenue South;

Thence in a southerly direction along said west margin of 51st Avenue South a distance of 250 feet;

Thence in an easterly direction perpendicular to said west margin of 51st Avenue South to the east right-of-way margin of 51st Avenue South;

Thence in a southerly direction along said east margin of 51st Avenue South to an intersection with the southeasterly right-of-way margin of South 321st Street;

Thence in a southwesterly and westerly direction along the southeasterly and the south margin of said South 321st Street to an intersection with the easterly right-of-way margin of South Peasley Canyon Road;

Thence in a southeasterly direction along said easterly margin to an intersection with the northerly right-of-way margin of State Route 18 (P.S.H.No. 2);

Thence in an easterly direction along said northerly margin to an intersection with the east line of said Section 15;

Thence in a southerly direction along said east line to the southerly right-of-way margin of relocated Peasley Canyon Road as described in Governor's Deed as Parcel II, recorded under King County Recording Number 7308300450;

Thence in an easterly direction along said southerly margin to an intersection with the east line of the west half of the west half of said Section 14;

Thence in a southerly direction along said east line to an intersection with the north right-of-way margin of South 336th Street;

Thence in an easterly direction along said north margin to an intersection with the City Limits of Auburn as annexed under Auburn City Ordinance No. 2543;

Thence in a southerly and easterly direction along said City Limits to an intersection with the City Limits of Algona as annexed under Algona City Ordinance No. 630;

Thence in a southerly direction along said City Limits to an intersection with the south line of Lot 16, of Block 39, in the Plat of Jovita Heights, recorded in Volume 20 of Plats, Page 12, records of King County, Washington;

Thence in an easterly direction along said south line to an intersection with the westerly right-of-way margin of 59th Avenue South;

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Thence in a southerly direction along said westerly margin of 59th Avenue South to the Northeast corner of Lot 6 of Block 83, in said Plat of Jovita Heights;

Thence in a westerly direction along the north line of said Lot 6, a distance of 100 feet, more or less, to an intersection with a line parallel to and 100 feet west of the westerly right-of-way margin of 59th Avenue South;

Thence in a southerly direction along said parallel line, a distance of 225 feet, more or less, to an intersection with the south line of Lot 8 of said Block 83;

Thence in an easterly direction along said south line to an intersection with the westerly right-of-way margin of 59th Avenue South;

Thence in a southerly direction along said westerly margin of 59th Avenue South to an intersection with the City Limits of Algona as annexed under Algona City Ordinance No. 760;

Thence in a westerly direction along said City Limits to the Northwest corner of that portion as annexed under Algona City Ordinance No. 760;

Thence continuing westerly along the centerline of South 360th Street as vacated by Vacation Ordinance 5588 to the northerly extension of the easterly right-of-way margin of 57th Avenue South;

Thence in a southerly direction along said northerly extension and along the easterly margin of 57th Avenue South to the easterly extension of the south right-of-way margin of South 360th Street;

Thence in a westerly direction along said easterly extension and along said south margin of South 360th Street to the easterly right-of-way margin of 55th Place South;

Thence in a westerly direction to the southeasterly corner of Lot 30 of Block 86, in said Plat of Jovita Heights;

Thence in a northwesterly direction along the southerly line of said Lot 30 to the southwesterly corner of said Lot 30, said corner being on the line common to Lots 25 through 30 and 8 through 13 of Block 86, in said Plat of Jovita Heights;

Thence in a southwesterly direction along said common line to the southeasterly corner of Lot 13 of Block 86, in said Plat of Jovita Heights;

Thence in a northwesterly direction along the southerly line of said Lot 13 to the southeasterly right-of-way margin of 54th Place South;

Thence in a southwesterly and southeasterly direction along the southeasterly

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and northeasterly margin of 54th Place South to the easterly extension of the south right-of-way margin of South 360th Street;

Thence in a westerly direction along said easterly extension and along said south margin of South 360th Street to an intersection with the easterly right-of-way margin of 51st Avenue South;

Thence in a southerly direction along said east margin to an intersection with the easterly extension of the southerly right-of-way margin of South 360th Street;

Thence in a westerly direction along said easterly extension and the south margin thereof to an intersection with the easterly right-of-way margin of Military Road South;

Thence in a southwesterly direction along said easterly margin to an intersection with the north line of the south half of said Section 34, Township 21 North, Range 4 East;

Thence in a westerly direction along said north line and along the north line of the south half of said Section 33, Township 21 North, Range 4 East, to an intersection with the southwesterly right-of-way margin of Enchanted Parkway South (SR-161);

Thence in a northwesterly direction along said southwesterly margin of Enchanted Parkway South (SR-161) to the northeasterly corner of Lot 14 of the Plat of Stone Creek recorded in Volume 211 of Plats, Page 93 thru 98, records of King County, Washington;

Thence in a southwesterly direction along the northwesterly line of said lot 14 to the northeasterly right-of-way margin of 27th Place South;

Thence in a southeasterly direction along said northeasterly margin of 27th Place South to the north line of the south half of said Section 33;

Thence in a westerly direction along said north line to the southwesterly right-of-way margin of 27th Place South;

Thence in a northwesterly direction along said southwesterly margin of 27th Place South to the northeasterly corner of Lot 3 of said plat of Stone Creek;

Thence in a westerly direction along the northerly line of said lot 3 to the northwesterly corner of said Lot;

Thence in a southeasterly direction along the westerly line of said Lot 3 to the north line of the south half of said Section 33;

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Thence in a westerly direction along said north line to the City Limits of Federal Way as annexed under Federal Way City Ordinance No. 04-480;

Thence in a northerly and northwesterly direction along said City Limits to an intersection with the City Limits of Federal Way as annexed under Federal Way City Ordinance No. 98-311;

Thence in a northwesterly direction along said City Limits to an intersection with the City Limits of Federal Way as annexed under King County Ordinance No. 8779;

Thence in a northeasterly direction along said City Limits to an intersection with the City Limits of Federal Way as annexed under Federal Way City Ordinance No. 94-220;

Thence in an easterly, southeasterly, and northeasterly direction along said City Limits to an intersection with the City Limits of Federal Way as annexed under Federal Way City Ordinance No. 04-479;

Thence in a northeasterly, northwesterly, and westerly direction along said City Limits to an intersection with the City Limits of Federal Way as annexed under Federal Way City Ordinance No. 94-220;

Thence in a northerly and westerly direction along said City Limits to an intersection with the City Limits of Federal Way as annexed under Federal Way City Ordinance No. 98-332;

Thence in a northerly, easterly, northerly, and westerly direction along said City Limits to an intersection with the City Limits of Federal Way as annexed under Federal Way City Ordinance No. 99-358;

Thence in a northerly and southwesterly direction along said City Limits to an intersection with said City Limits of Federal Way as annexed under Federal Way City Ordinance No. 98-332;




Thence in a southwesterly, southerly, westerly, southerly, and westerly direction along said City Limits to an intersection with the City Limits of Federal Way as annexed under King County Ordinance No. 8779;

Thence in a northerly direction along said City Limits to the point of beginning.

City of Federal Way

Proposed East Federal Way Annexation

Legend

-  Proposed Annexation Area
-  Unincorporated King County
-  Incorporated Area

This map is intended for use as a graphical representation only. The City of Federal Way makes no warranty as to its accuracy.

Map Date: January 2007
 City of Federal Way
 GIS Division
 33325 8th Ave S
 P.O. Box 9718
 Federal Way, WA 98003
 Phone: 253-835-7000
 Web: www.cityoffederalway.com

EXHIBIT B

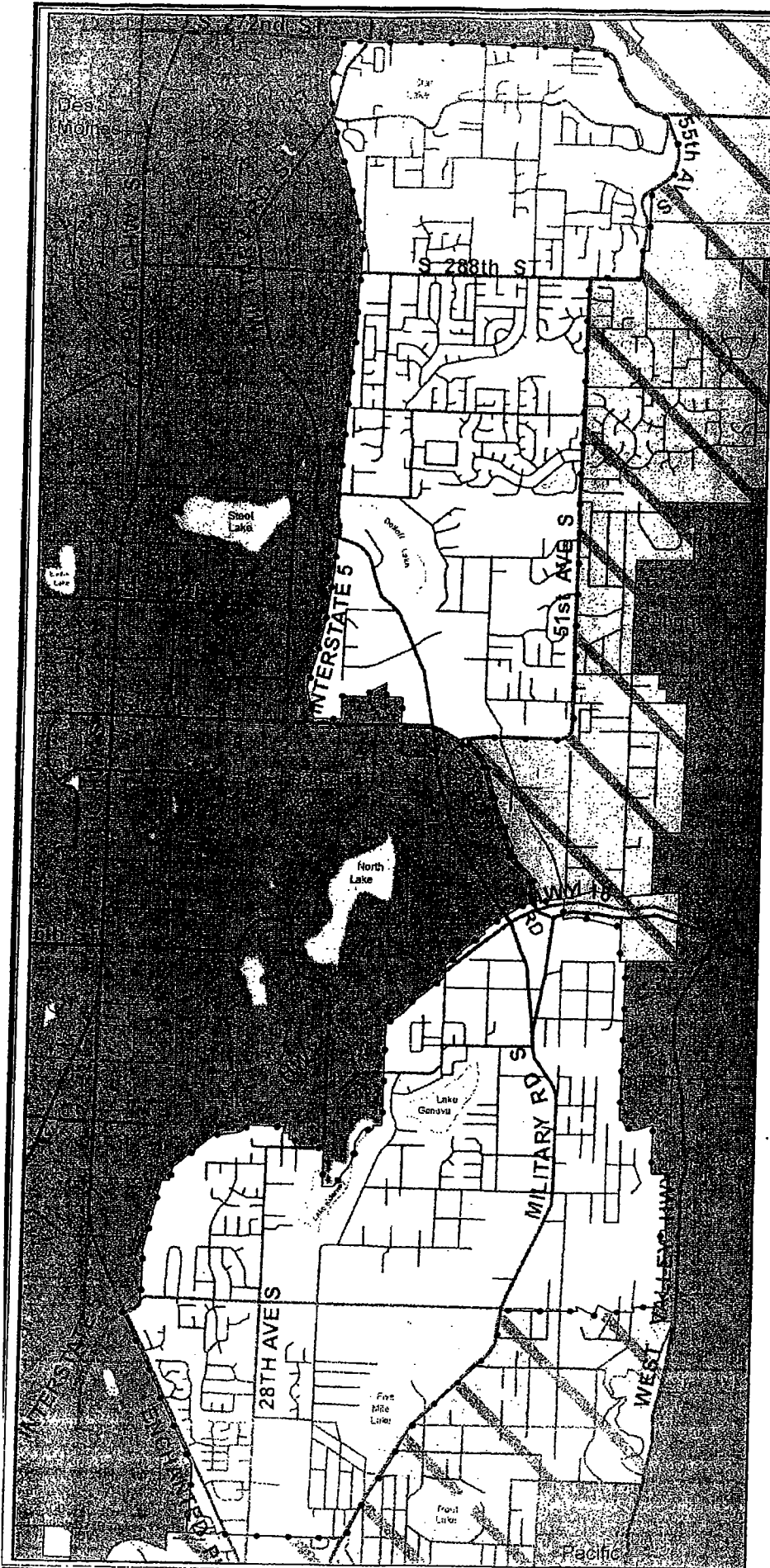
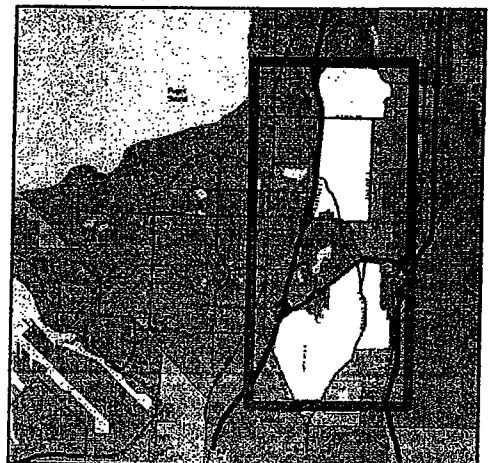
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COMMUNITY DEVELOPMENT DEPARTMENT

APR 25 2007

Washington State Boundary Review Board For King County

Yesler Building, Room 402, 400 Yesler Way, Seattle, WA 98104
Phone: (206) 296-6800 • Fax: (206) 296-6803 • <http://www.metrokc.gov/annexations>

April 23, 2007

City of Federal Way
Attn: Isaac Conlen
Acting Senior Planner
Post Office Box 9718
Federal Way, WA 98063-9718

RE: CLOSING LETTER FOR COMPLETED ACTION – File No. 2253 – City of Federal Way – East Federal Way Annexation

Dear Mr. Conlen:

We are writing to advise you that the Boundary Review Board has now completed the required Evaluation, as specified in RCW 36.93, for the above-referenced proposed action filed with the Board effective: March 8, 2007.

The Boundary Review Board also provided a 45-day public review period March 8, 2007 – April 23, 2007, as prescribed by RCW 36.93. The Board received no request for a public hearing of this proposed action during the public review period.

The Boundary Review Board, therefore, hereby deems this proposed action approved effective: April 23, 2007. Final approval of the proposed action is also subject to the following actions, where applicable:

1. Sewer and Water District actions and some other actions are also subject to approval by the Metropolitan King County Council. If the Council makes changes to the proposal, the Board may then be required to hold a public hearing.
2. Filing with King County of franchise application(s), as required, accompanied by a copy of this letter.
3. Filing with King County of permit application(s), as required, accompanied by a copy of this letter.
4. Fulfillment of all other statutory requirements and/or procedures specified in your Notice of Intention.

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EXHIBIT C
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Page two continued, April 23, 2007
Form 13

5. Notification in writing of your intended effective date of annexation. This notification should be provided as early as possible. Please send this information to Elissa Benson, Bank of America Tower, King County Office of Management and Budget, 701 Fifth Avenue, Suite 3200, Seattle, Washington 98104, and
6. Filing with King County Council of: (1) one certified copy of final resolution or ordinance accomplishing this proposed action; and (2) a copy of this letter. This document should be filed with the Clerk of the Council (Attn: Anne Noris), King County Courthouse, Room 1025, Seattle, Washington 98104

If you have questions or would like additional information, please contact our office at 206-296-6800.

Sincerely,



Lenora Blauman
Executive Secretary

cc: Anne Noris, Clerk of the Council
Dave Wilson, Records and Elections Division
Debra Clark, Department of Assessment
Lydia Reynolds-Jones, Manager, Project Support Services
King County "911" Program
Paul Reitenbach, Department of Development & Environmental Services
Elissa Benson, Office of Management and Budget

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EXHIBIT C
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