



King County

Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	11	Name:	Paul Carlson
Proposed No.:	2013-0209	Date:	April 30, 2013

SUBJECT

AN ORDINANCE revising the corporate boundary of the city of Algona to include an unincorporated portion of West Valley Highway right-of-way as provided for in RCW 35A.21.210.

SUMMARY

Proposed Ordinance 2013-0209 approves the transfer to the City of Algona of approximately 210 feet of West Valley Highway right-of-way. The City approved the transfer earlier this year. The transfer will allow the City to carry out a road improvement project.

SUPPORT OF THE STRATEGIC CLIMATE ACTION PLAN

Although Proposed Ordinance 2013-0209 was not identified as a specific action in the Strategic Climate Action Plan ("SCAP"), by allowing for the improvement of a portion of the West Valley Highway including addition of a bicycle lane, the proposed ordinance supports the following objectives and strategies in the Transportation and Land Use Goal Area of the SCAP:

Objective S.1.1: Provide and increase transportation choices

Objective S.1.3: Promote and invest in community design that reduces the need to drive and enables walking, bicycling and public transit use

Strategy A: Focus development within the Urban Growth Area and reduce development pressure on rural and resource lands

Strategy B: Use incentives, land-use designations, and zoning authority that create development and community design matched to the needs and preferences of transit users, pedestrians, and bicyclists

Strategy C: Maintain and expand the Regional Trails System

BACKGROUND

South of 1st Avenue South, the City of Algona owns the northbound half of the West Valley Highway and the County owns the southbound half. The City has received a Transportation Improvement Board ("TIB") grant to improve the intersection at 1st Avenue South and needs to own the entire right-of-way to carry out the road improvement. About 210 feet of the right-of-way is proposed for transfer from the County to the City. The parcels on both sides of this right-of-way are within the City's corporate boundary. The Executive staff County agree that the City should take over jurisdiction of this right-of-way. Attachment A to the proposed ordinance is the legal description of the right-of-way to be transferred.

RCW 35A.21.790 provides that a county and a city can revise the city's corporate boundary if it is part of a street right-of-way:

"The governing bodies of a county and any code city located therein may by agreement revise any part of the corporate boundary of the city which coincides with the centerline, edge, or any portion of a public street, road or highway right-of-way by substituting therefore a right-of-way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city."

This type of boundary revision is not subject to potential review by the Boundary Review Board. Revision of the corporate boundary of a city is effective upon approval by the City Council and the County Council. The Algona City Council approved the revision by adopting Ordinance 1071-13 on March 28, 2013. A copy of that ordinance is attached as Attachment 5 to this staff report.

In this case, the boundary change means that Algona will own the street right-of-way and take over the costs of maintaining the street. The fiscal note estimates a small savings to the County from lower maintenance costs (\$330 for a full year). Moreover, an intersection improvement project that is largely TIB grant-funded will be able to proceed on a fairly tight construction schedule from mid-July to the end of September. This project will improve safety and bicycle access.

ANALYSIS

State law allows for municipalities to make minor boundary changes. This proposed change is agreeable to both jurisdictions and will provide a modest savings to the County through lower road maintenance costs. Further, it will allow Algona to improve the road via a project funded by the Washington State Transportation Improvement Board.

The Prosecuting Attorney's Office ("PAO") has reviewed this proposed ordinance, together with the City's ordinance and has determined that they are sufficient to effectuate this transfer. Upon such transfer, the County's obligations and liability for this segment of the road will cease and will become the responsibility of the City. The PAO has also determined that no interlocal agreement is necessary.

REASONABLENESS

Approval of this proposed ordinance constitutes a reasonable business decision.

AMENDMENTS

None.

ATTACHMENTS

1. Proposed Ordinance 2013-0209
2. Executive transmittal letter
3. Fiscal Note
4. Map
5. City Ordinance 1071-13



Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

April 29, 2013

Ordinance

Proposed No. 2013-0209.1

Sponsors von Reichbauer

1 AN ORDINANCE revising the corporate boundary of the
2 city of Algona to include an unincorporated portion of
3 West Valley Highway right-of-way as provided for in
4 RCW 35A.21.210.

5 **STATEMENT OF FACTS:**

- 6 1. The city has received Transportation Improvement Board funding for
7 certain improvements to West Valley Highway requiring a turn lane be
8 added on West Valley Highway at 1st Avenue South.
- 9 2. King County has jurisdiction over the southbound lane of West Valley
10 Highway and the city has jurisdiction over the northbound lane of West
11 Valley Highway south of the West Valley Highway intersection at 1st
12 Avenue South.
- 13 3. It is in the city and the county's best interest to have the King County
14 right-of-way portion of West Valley Highway under the city's jurisdiction
15 so that the city may accomplish the design, permitting, and construction of
16 the city's project in the roadway and other necessary road repairs under
17 city code and standards.
- 18 4. The city approved ordinance number 1071-13 to revise its corporate
19 boundary at West Valley Highway to include the portion of approximately

20 212 feet of unincorporated public right-of way-within the corporate limits
21 of the city.

22 5. RCW 35A.21.210 authorizes “the governing bodies of a county and
23 any code city located therein may by agreement revise any part of the
24 corporate boundary of the city which coincides with the centerline, edge,
25 or any portion of a public street, road or highway right-of-way by
26 substituting therefore a right-of-way line of the same public street, road or
27 highway so as fully to include or fully to exclude that segment of the
28 public street, road or highway from the corporate limits of the city.”

29 6. Revision of the corporate boundary of a city is effective upon approval
30 by the city council and the county legislative authority as provided for in
31 RCW 35A.21.210.

32 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

33 SECTION 1. The revision of the corporate boundary of the city of Algona to
34 include the unincorporated portion of West Valley Highway south of 1st Avenue South

35 public right-of-way, legally described as set forth in Attachment A to this ordinance, is
36 hereby approved.
37

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. Legal Description

ATTACHMENT A

Legal Description of West Valley Highway Right of Way

That portion of the Northwest Quarter of the Southeast Quarter of Section 26, Township 21 North, Range 4 East, W.M. described as follows:

BEGINNING at the intersection of the center line of West Valley Highway and the Northerly line of said subdivision;

THENCE Southerly along said centerline of the West Valley Highway to the intersection with the Easterly extension of the Southerly line of Tract 'B', Block 146, Jovita Heights, according to the Plat thereof recorded in Volume 20 of Plats, Page 12, in King County, Washington;

THENCE Westerly along said Southerly line to the Westerly Right of Way line of said West Valley Highway;

THENCE Northerly along said Westerly Right of Way line to the intersection with the Northerly line of said Northwest Quarter of the Southeast Quarter Section 26;

THENCE Easterly along said Northerly line to the POINT OF BEGINNING.

Situate in the County of King, State of Washington.

April 17, 2013

The Honorable Larry Gossett
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Gossett:

Enclosed is an ordinance that will approve the revision of the City of Algona's boundary to include an unincorporated portion of West Valley Highway right-of-way within the City's jurisdiction. This will allow the City to complete road improvements under the City code and standards.

The City received Transportation Improvement Board funding for certain improvements to West Valley Highway at 1st Avenue South. King County currently has jurisdiction over the southbound lane of West Valley Highway and the City has jurisdiction over the northbound lane of West Valley Highway just south of the intersection at 1st Avenue South. The City and the County agree that the County portion of the right-of-way should be in the City's jurisdiction so that it can accomplish the design, permitting, and construction of the City's project under the city code and standards. This will also allow the City to maintain and operate West Valley Highway in accordance to the City level of service and standards. This is consistent with the King County Strategic Plan to transition the governance and fiscal responsibility for local services in urban unincorporated areas to cities.

The procedure for a city boundary revision of this nature is in accordance with Revised Code of Washington 35A.21.210, which states:

“The governing bodies of a county and any code city located therein may by agreement revise any part of the corporate boundary of the city which coincides with the centerline, edge, or any portion of a public street, road or highway right-of-way by substituting therefor a right-of-way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city.”

The Honorable Larry Gossett
April 17, 2013
Page 2

This type of boundary revision is not subject to potential review by the Boundary Review Board. Revision of the corporate boundary of a city is effective upon approval by the City Council and the County Council.

It is in the City's and the County's best interest to have the City revise its corporate boundary at West Valley Highway south of 1st Avenue South, so that the City can complete its road improvement project under city code and standards and provide for the ongoing maintenance and operation of the street. The City enacted Ordinance 1071-13 to revise its city boundary at West Valley Highway. The King County Council's approval of the enclosed ordinance will approve the revision of the corporate boundary of the City of Algona. The ordinance will transfer governance and fiscal responsibility for local services to the city.

If you have any questions regarding this ordinance, please contact Brenda Bauer, Director of the Road Services Division, at 206-296-6590.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Michael Woywod, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief Advisor, Policy and Strategic Initiatives, King County
Executive Office
Dwight Dively, Director, Office of Performance Strategy and Budget
Harold S. Taniguchi, Director, Department of Transportation (DOT)
Brenda Bauer, Director, Road Services Division, DOT

FISCAL NOTE

Ordinance/Motion No. 00-
 Title: Ordinance Approving Algona Boundary Revision at West Valley Highway
 Affected Agency and/or Agencies: Road Services Division and the City of Algona
 Note Prepared By: Rey Sugui, Project /Program Manager III, Road Services Division
 Note Reviewed By:

Impact of the above legislation on the fiscal affairs of King County is estimated to be:

Revenue to:

Fund/Agency	Fund Code	Revenue Source	Current Year	1st Year	2nd Year	3rd Year
						0
						0
TOTAL			0	0	0	0

Expenditures from:

Fund/Agency	Fund Code	Department	Current Year	1st Year	2nd Year	3rd Year
Expenditure Savings	0103		-\$190.00	-\$327.00	-\$327.00	-\$327.00
TOTAL			-\$190.00	-\$327.00	-\$327.00	-\$327.00

Expenditures by Categories

	Current Year	1st Year	2nd Year	3rd Year
Traffic Operations				
Labor	-\$8	-\$13	-\$13	-\$13
Equipment	-\$2	-\$4	-\$4	-\$4
Materials	-\$13	-\$23	-\$23	-\$23
SUBTOTAL	-\$23	-\$40	-\$40	-\$40
Road Maintenance				
Labor	-\$88	-\$153	-\$153	-\$153
Equipment	-\$32	-\$54	-\$54	-\$54
Materials	-\$47	-\$80	-\$80	-\$80
SUBTOTAL	-\$167	-\$287	-\$287	-\$287
TOTAL	-\$190	-\$327	-\$327	-\$327



CITY OF ALGONA

CITY LIMITS

KING COUNTY

1ST AVE S

SR 167

WEST VALLEY HWY

TRANSFER WEST 1/2 OF RIGHT-OF-WAY FROM KING COUNTY TO ALGONA

CITY OF ALGONA
CITY LIMITS REVISION
ALGONA / KING COUNTY



CITY OF ALGONA, WASHINGTON

ORDINANCE NO. 1071-13

AN ORDINANCE OF THE CITY OF ALGONA, WASHINGTON, DIRECTING A BOUNDARY REVISION ACTION TO INCLUDE PORTIONS OF PUBLIC RIGHT-OF-WAY ALONG WEST VALLEY HIGHWAY SOUTH OF THE INTERSECTION AT 1ST AVENUE WITHIN THE CITY'S CORPORATE BOUNDARY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, consistent with statutory provisions of RCW 35A.21.210 that allow the revision of city boundaries to fully include that segment of the public street within the corporate limits of the city upon agreement of the city and King County; and

WHEREAS, the Transportation Improvement Board is funding certain improvements to West Valley Highway requiring a turn lane be added on West Valley Highway at 1st Avenue ("Project"); and

WHEREAS, King County has jurisdiction over the southbound lane of West Valley Highway and Algona has jurisdiction over the northbound lane of West Valley Highway south of the West Valley Highway intersection at 1st Avenue; and

WHEREAS, City ownership and control will greatly aid in the design, permitting, and costs associated with this Project;

WHEREAS, the boundary revision will result in the City taking operational responsibility for the unincorporated 212 feet of this right-of-way ("ROW"); and

WHEREAS, the City intends to revise its corporate boundary to include this portion of public ROW upon agreement of King County as reflected in an ordinance adopted by the King County Council; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALGONA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City hereby agrees to include the following described property located along West Valley Highway south of the intersection at 1st Avenue within the corporate boundaries of the City of Algona, Washington:

**WESTERLY 1/2 OF WEST VALLEY HIGHWAY, APPROXIMATELY 212' X 30' FOR
CITY OF ALGONA BOUNDARY LIMIT REVISION**

That portion of the Northwest Quarter of the Southeast Quarter of Section 26, Township 21 North, Range 4 East, W.M. described as follows:

BEGINNING at the intersection of the center line of West Valley Highway and the Northerly line of said subdivision;

THENCE Southerly along said centerline of the West Valley Highway to the intersection with the Easterly extension of the Southerly line of Tract 'B', Block 146, Jovita Heights, according to the Plat thereof recorded in Volume 20 of Plats, Page 12, in King County, Washington;

THENCE Westerly along said Southerly line to the Westerly Right of Way line of said West Valley Highway;

THENCE Northerly along said Westerly Right of Way line to the intersection with the Northerly line of said Northwest Quarter of the Southeast Quarter of Section 26;

THENCE Easterly along said Northerly line to the POINT OF BEGINNING.

Situate in the County of King, State of Washington.

Section 2. The ROW described in Section 1 shall be included within the City's corporate boundaries upon adoption of an ordinance by King County reflecting the County's agreement with this boundary revision.

Section 3. The property described in Section 1 of this ordinance is classified City of Algona Heavy Commercial pursuant to the City's zoning regulations.

Section 4. The Comprehensive Plan of the City of Algona shall be deemed to apply to the property from the effective date of the boundary revision.


Section 5. A certified copy of this ordinance shall be filed with the King County Council of King County, Washington, the county in which said property is located.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26TH DAY OF MARCH, 2013.

CITY OF ALGONA




Mayor David E. Hill

ATTEST/AUTHENTICATED:



Diana Quinn, CMC
City Administrator/Clerk Treasurer

Approved as to form:



Kari L. Sand
Kenyon Disend, PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication: