

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2009-262

**AN ORDINANCE OF THE CITY OF SAMMAMISH ANNEXING
ROSEMONT AT TIMBERLINE SUBDIVISION EFFECTIVE JULY
31st 2009.**

WHEREAS, RCW 35A.14.120 provides that “proceedings for initiating annexation of unincorporated territory to a charter code city or non-charter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed, but that prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings;” and

WHEREAS, on February 6, 2009, residents of the Rosemont at Timberline Subdivision notified the city of their intent to commence annexation proceedings, by submitting a letter with the signatures of the owners of not less than ten percent in value of the proposed annexation area; and

WHEREAS, the area is contiguous and located in unincorporated King County just west of Sahalee Way Avenue NE and south of NE 50th Street on 205th Place NE in a Potential Annexation Area (PAA) adopted by the City Council in 2006 and 2007; and

WHEREAS, on April 21, 2008 the City Council adopted Ordinances O2008-228 and – 229, which adopted contingent zoning and comprehensive plan land use designations for such PAAs to be effective upon their annexation; and

WHEREAS, on April 7, 2009 the City Council met with the initiating parties as part of the regular City Council meeting and accepted resolution R2009-363; a 10 percent annexation petition and authorized the initiating parties to circulate an annexation petition seeking the signatures of the owners of 60% of the assessed valuation of property within the annexation area; and

WHEREAS, on May 7, 2009 a petition was submitted to the City of Sammamish seeking acceptance of the 60 percent annexation petition of the Rosemont at Timberline Subdivision; and

WHEREAS, on June 2, 2009, the City Council met with the initiating parties as part of the regular City Council meeting and approved ordinance O2009-261; accepting the 60 percent annexation petition and authorizing the City Manager, and/or his designees to prepare and submit a Notice of Intention to Annex to the King County Boundary Review Board and requiring petition signers consent to the assumption of the modified annexation area’s pro-rate share of existing city indebtedness, if any; and

WHEREAS, pursuant to RCW 35A.01.040 (9), the petition was forwarded to the King County Assessor for a determination as to the sufficiency of signatures thereon; and

WHEREAS, on May 13, 2009 the King County Assessor determined that the petition contains the signatures of the owners of 60% of the assessed valuation of property located within the proposed Rosemont at Timberline Subdivision, and so notified the City of Sammamish of that determination in writing; and

WHEREAS, on July 7, 2009, the Sammamish City Council held a public hearing following publication of notice thereof as provided in RCW 35A.14.130; and

WHEREAS on July 9, 2009 the Washington State Boundary Review Board for King County considered and approved the Rosemont annexation; and

WHEREAS, the Sammamish City Council desires to annex the area described and shown in the petition;

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

Section 1. Annexation. The City of Sammamish hereby annexes Rosemont at Timberline Subdivision, which is legally described in Exhibit A and depicted on the map in Exhibit B, which exhibits are attached hereto and incorporated herein by reference.

Section 2. Conditions Upon Annexation.

A. Comprehensive Plan and zoning designations. All properties within the Rosemont at Timberline Subdivision shall be subject to the Comprehensive Plan and zoning designations set forth in City of Sammamish Ordinance Nos. O2008-228 and O2008-229.

B. Assumption of Existing Indebtedness. All property within the Rosemont at Timberline Subdivision shall be assessed and taxed at the same rate and on the same basis as the property in the City of Sammamish is assessed and taxed to pay for the portion of outstanding city indebtedness, if any, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the effective date of the annexation in Section 1 of this Ordinance.

Section 3. Effective Date. This ordinance shall be effective on July 31st 2009.

Section 4. Certification of Ordinance to King County. Pursuant to RCW 35A.14.140, upon passage the City Clerk is directed to file a certified copy of this Ordinance with the King County Council.

Section 5. 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.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 21st DAY OF JULY, 2009**

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Stacy Herman, Deputy City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:	June 29, 2009
Public Hearing:	July 7, 2009
First Reading:	July 7, 2009
Date Adopted:	July 21, 2009
Date of Publication:	July 24, 2009
Effective Date:	July 31, 2009