

ORDINANCE NO. 2848

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
PROVIDING FOR THE ANNEXATION OF 4713 240TH STREET SOUTHWEST TO
THE CITY OF MOUNTLAKE TERRACE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, on or about January 25, 2023, the City received a written “Notice of Intent to Petition for Annexation” signed by Robert A. Predosa and Lindsay F. Underwood (“Petitioners”), owners of a proposed 0.43 acre annexation area that is generally located north of 240th St. SW. and east of 48th Ave. W. (“Annexation Area”); and

WHEREAS, because Petitioners own 100 percent of the acreage in the proposed Annexation Area, their signatures on the written “Notice of Intent to Petition for Annexation” represent property owners of over ten percent of the assessed value for general taxation purposes of the property for which annexation is sought; and

WHEREAS, the City Council scheduled the matter for consideration at its regular meeting on February 6, 2023, and passed Resolution 870, declaring the City’s intent to annex the property and approving the request of Petitioners to circulate the annexation petition; and

WHEREAS, Petitioners have agreed to accept the indebtedness of the City, at the same tax rate and on the same basis as property currently within the City; and

WHEREAS, pursuant to RCW 35A.14.120, Petitioners submitted a Petition for Annexation of Territory to City of Mountlake Terrace dated August 8, 2023 (“Petition”), representing owners of over sixty percent of the assessed value for general taxation purposes of the Annexation Area; and

WHEREAS, on August 16, 2023, the Snohomish County Assessor’s Office issued a Certificate of Sufficiency certifying that Petitioners own 100 percent of the property located within the Annexation Area; and

WHEREAS, on September 18, 2023, the City provided public notice of the Petition and provided an opportunity for comment thereon by all interested residents; and

WHEREAS, the City Council held a public hearing concerning the proposed annexation at its regularly scheduled City Council meeting on September 18, 2023; and

WHEREAS, on September 18, 2023, the City Council determined that the Petition met applicable requirements and that it is in the best interest of the City and the general welfare of the City to annex the property within the Annexation Area, and that the Council therefore accepted the Petition pursuant to RCW 35A.14.120; and

WHEREAS, the Planning Commission reviewed the zoning for the Annexation Area at a Public Hearing held on November 27, 2023, and recommended that the City Council adopt single-household residential (RS 8400) zoning for the Annexation Area; and

WHEREAS, a Notice of Intention was filed March 1, 2024, with the Boundary Review Board and, following approval of the legal description for the property involved, the proposal was deemed legally sufficient with an effective filing date of March 12, 2024; and

WHEREAS, on March 20, 2024, the Snohomish County Boundary Review Board waived review by the Boundary Review Board pursuant to RCW 36.93.110; and

WHEREAS, on May 2, 2024, the City Council held a duly noticed public hearing, considering all documentation and testimony, in accordance with RCW 35A.14.130; and

WHEREAS, the Annexation Area is contiguous to the City and entirely within the City's Urban Growth Area, established pursuant to RCW 36.70A.110;

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

Section 1. Annexation. There is hereby annexed into the City of Mountlake Terrace, Washington, the following described property:

That portion of tract 28, Hanbury's North Race Tract Addition, according to the plat thereof recorded in volume 7 of plats, page 6, records of Snohomish County, Washington, described as follows:

Commencing at the southwest corner of said tract 28;

Thence S88°48'14"E along the south line of said tract 28, a distance of 102.02 feet;

Thence N00°10'46"E, 20.00 feet to the point of beginning;

Thence continuing N00°10'46"E, 137.72 feet;

Thence S88°50'32"E, 74.01 feet;

Thence N00°10'46"E, 5.00 feet;

Thence S88°50'32"E, 60.01 feet;

Thence S00°10'46"W, 142.82 feet to the north margin of 240th street southwest;

Thence N88°48'14"W along the north margin of 240th street southwest, 134.02 feet

To the point of beginning.

Commonly known as 4713 240th Street SW, Snohomish County Assessor's Number 00463100002804 and 00463100002815 ("Annexation Area").

Annexation area is shown in Exhibit A.

Section 2. Assessment and Taxation. The above-described property shall be subject to all pre-existing general indebtedness of the City of Mountlake Terrace and all taxable property therein shall be assessed and taxed so as to pay its proportionate share of such indebtedness contracted or existing or upon the effective date of this Ordinance.

Section 3. Filing of Ordinance. Upon adoption of this Ordinance, City staff is directed to submit a certificate of annexation to the Washington State Office of Financial Management as provided in RCW 35A.14.700; and further authorized to transmit a copy of this Ordinance to the Washington State Department of Revenue and any such other entities as is required or appropriate.

Section 4. Repealer. All ordinances or parts of ordinances in conflict herewith are expressly repealed.

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.

Section 6. Effective date. The effective date of said annexation shall be the effective date of the Ordinance. That this Ordinance shall take effect and be in full force on May 6, 2024. The City Clerk shall cause notice of the proposed effective date of the annexation, together with the description of the property to be annexed, to be published at least once each week for two (2) weeks subsequent to passage of the Ordinance in the City's designated legal publication. This Ordinance shall be subject to referendum for this 45-day period.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE this
____ day of _____, 2024, and signed in authentication of its passage this ____ day of
_____, 2024.

MAYOR KYOKO MATSUMOTO WRIGHT, Mayor

ATTEST: _____
Jennifer Joki, City Clerk

APPROVED AS TO FORM: _____
Hillary Evans, City Attorney