

**CITY OF SULTAN  
WASHINGTON**

AMENDED ORDINANCE NO. 1261-17

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**AN ORDINANCE OF THE CITY OF SULTAN,  
WASHINGTON, ANNEXATING CERTAIN PROPERTY  
KNOWN AS THE 124TH STREET ANNEXATION AREA TO  
THE CITY OF SULTAN; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE**

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**WHEREAS**, Chapter 35A.14 RCW authorizes the City of Sultan (“City”) to annex any portion of unincorporated county territory lying contiguous to the City boundaries and within the City’s designated Urban Growth Area; and

**WHEREAS**, there is certain unincorporated property located contiguous to the northern boundary of the City, comprised of approximately 82.717 acres and commonly known as the 124<sup>th</sup> Street Annexation Area; and

**WHEREAS**, on February 11, 2016, certain residents within the 124<sup>th</sup> Street Annexation Area submitted a petition for annexation to the City in accordance with RCW 35A.14.120 (the “124<sup>th</sup> Street Annexation”), which petition was certified as sufficient by the Snohomish County Assessor’s Office on February 25, 2016; and

**WHEREAS**, on March 24, 2016, the Sultan City Council held a public hearing on the 124<sup>th</sup> Street Annexation and, after considering written and oral testimony from the public, unanimously passed Resolution No. 16-02 declaring the City’s intent to annex the 124<sup>th</sup> Street Annexation Area; and

**WHEREAS**, on April 4, 2016, the City effectively filed a Notice of Intention for the 124<sup>th</sup> Street Annexation with the Washington State Boundary Review Board for Snohomish County (“the BRB”); and

**WHEREAS**, on August 18, 2016, the BRB held a public hearing on the City’s intent to annex the 124<sup>th</sup> Street Annexation Area, and issued its Findings and Decision approving the 124<sup>th</sup> Street Annexation on September 1, 2016; and

**WHEREAS**, the BRB’s decision was appealed by a group called “Neighbors Against Annexation” on September 30, 2016, under Snohomish County Superior Court Cause No. 16-2-18679-31; and

**WHEREAS**, after a hearing on May 5, 2017, the Superior Court affirmed the BRB’s decision and denied the appeal; and

**WHEREAS**, the City Council has determined that the public interest and general welfare of the City will be served by the 124<sup>th</sup> Street Annexation; and

**WHEREAS**, the City Council accordingly desires to annex the 124<sup>th</sup> Street Annexation Area into the City of Sultan; and

**WHEREAS**, the City is required to amend the original ordinance to address discrepancies in the original legal description per Snohomish County Boundary Review Board; and

**WHEREAS**, RCW 35A.14.140 requires that the City effect the annexation by amended ordinance;

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

**Section 1. Findings:** The City Council hereby adopts the recitals set forth above in support of the annexation of the 124<sup>th</sup> Street Annexation Area.

**Section 2. Annexation:** The City of Sultan hereby annexes the 124<sup>th</sup> Street Annexation Area, which is legally described in the attached **Exhibit A** and depicted as Sultan Annexation NOI in the attached **Exhibit B**, which exhibits are incorporated by this reference.

**Section 3. Zoning Designation:** Zoning for the 124<sup>th</sup> Street Annexation Area shall have a default zoning designation of Moderate Density, per SMC 16.10.030. City staff is directed to amend the City Zoning Map in accordance with SMC 16.10.030(A) to reflect the designated zoning district for the Annexation Area.

**Section 4. Assessment and Taxation:** All property within the 124<sup>th</sup> Street Annexation Area shall be assessed and taxed at the same rate and on the same basis as the property of the City of Sultan is assessed and taxed, to pay for the portion of outstanding City indebtedness that has been approved by the voters, contracted for, incurred prior to, or existing as of the effective date of this Ordinance.

**Section 5. Effective Date:** For purposes of property taxation and the levy of property taxes in calendar year 2017 under RCW 84.09.030, this Ordinance shall be effective and the boundaries of the City shall include the 124<sup>th</sup> Street Annexation Area as of January 1, 2019. For all other purposes, including but not limited to the purposes set forth in RCW 35A.14.150, this Ordinance shall be effective and the boundaries of the City shall include the 124<sup>th</sup> Street Annexation Area five (5) days after the date of publication.

**Section 6. Filing of Annexation Ordinance:** Upon adoption of this ordinance, City staff is directed to file a certified copy of this Ordinance with the Snohomish County Council and the Snohomish County Boundary Review Board in accordance with RCW 35A.14.140, and to submit a certificate of annexation to the Washington State Office of Financial Management (“OFM”) 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 7. 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

**CITY OF SULTAN**

\_\_\_\_\_  
Carolyn Eslick, Mayor

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_  
Laura Koenig, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Hillary Graber, City Attorney

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_