

RESOLUTION NO. 1265 (2011)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, CALLING FOR AN ELECTION TO BE HELD IN UNINCORPORATED SNOHOMISH COUNTY TERRITORY KNOWN AS NORTH, EAST AND WEST OF BOTHELL ANNEXATION II (NEWBA II), TO SUBMIT TO THE VOTERS OF SUCH TERRITORY A PROPOSAL FOR ANNEXATION; DESCRIBING THE BOUNDARIES OF THE AREA TO BE ANNEXED; STATING THE NUMBER OF VOTERS RESIDING THEREIN, AS NEARLY AS MAY BE; COMMITTING THE CITY TO PAY THE COSTS OF THE ELECTION; PROVIDING FOR A PROPOSITION FOR ASSUMPTION OF INDEBTEDNESS; AND PROVIDING FOR SIMULTANEOUS ADOPTION OF PROPOSED ZONING REGULATIONS

WHEREAS, the Washington State Growth Management Act (“the Act”), codified as RCW 36.70A, requires counties planning under the Act to designate urban growth areas “within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature”; and

WHEREAS, the Act at RCW 36.70A.110(4) states that within such urban growth areas, “In general, cities are the units of local government most appropriate to provide urban governmental services”; and

WHEREAS, the Act at RCW 36.70A.110(7) states, “An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county”; and

WHEREAS, Snohomish County and King County have collaborated with their municipalities to designate potential annexation areas for specific cities and towns within the respective counties; and

WHEREAS, within Snohomish County such designated potential annexation areas are termed Municipal Urban Growth Areas (MUGAs) and are formally adopted in the Snohomish County Countywide Planning Policies (CPPs); and

WHEREAS, within King County such designated potential annexation areas are termed Potential Annexation Areas (PAAs) and are formally adopted in the King County CPPs; and

WHEREAS, a portion of the City of Bothell is in Snohomish County, and a portion is in King County; and

WHEREAS, adjacent to the Bothell city limits within Snohomish County exists unincorporated territory which has been designated in the Snohomish County CPPs as the Bothell MUGA; and

WHEREAS, adjacent to the Bothell city limits within King County exists unincorporated territory which has been designated in the King County CPPs as the Bothell PAA; and

WHEREAS, the Bothell MUGA and PAA are depicted for illustration purposes on Exhibit A attached hereto; and

WHEREAS, citizens from the Bothell MUGA within Snohomish County and the Bothell PAA within King County have on numerous occasions approached the City Council and city staff seeking to annex to Bothell in order to receive municipal services provided by the City; and

WHEREAS, the City Council in January and February, 2010, authorized a comprehensive and deliberate process to explore the potential annexation of portions or all of the Bothell MUGA and the Bothell PAA, which process through March 15, 2011 has included planning and zoning; public outreach; fiscal analysis; and negotiation of transition of services from current providers to the City; and

WHEREAS, the City Council on March 15 and April 5, 2011, reviewed the outcomes to date of the above-described activities, and determined that the interests of the citizens of the City of Bothell, the Bothell MUGA and the Bothell PAA would be served by annexation; and

WHEREAS, the Bothell MUGA consists of two non-contiguous parts - a larger part, comprising 3,608 acres (5.6 square miles), and a smaller part, comprising 12.6 acres (.02 square mile); and

WHEREAS, RCW 35A.14.015 *et seq.* establish a process by which legislative bodies of code cities such as Bothell may by resolution call for an election to be held to submit to the voters of unincorporated territory a proposal for annexation; and

WHEREAS, the City Council has determined that the above-described process is the most appropriate mechanism under state law by which to annex the larger part of the MUGA, which potential annexation is named the North, East and West of Bothell Annexation II, or NEWBA II;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Bothell City Council hereby calls for an election to be held to submit a proposal for annexation to the voters residing in that unincorporated Snohomish County territory known as North, East and West of Bothell Annexation II, abbreviated as NEWBA II, via the process established in RCW 35A.14.015 *et seq.*

Section 2. The boundaries of NEWBA II are depicted and described in Exhibit B and Exhibit C to this resolution, respectively, which exhibits are attached hereto and incorporated by this reference as if set forth in full.

Section 3. Approximately 11,996 voters reside within NEWBA II, according to the Snohomish County Auditor.

Section 4. The City of Bothell shall pay the costs of the NEWBA II annexation election.

Section 5. In addition to the proposal for annexation, there shall also be submitted to the electorate of the NEWBA II territory a proposition that all property within the area proposed to be

annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property within the City of Bothell is assessed and taxed to pay for all or any portion of the then-outstanding indebtedness of the City of Bothell, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation.

Section 6. The Bothell City Council on December 7, 2010, approved Ordinance 2053 (2010) which adopted comprehensive plan designations and proposed zoning for Bothell's designated Potential Annexation Area (PAA) in King County and Municipal Urban Growth Area (MUGA) in Snohomish County, pursuant to RCW 35A.14.330, 35A.14.340 and 36.70A. Accordingly, the proposed zoning for the territory within NEWBA II, which territory is a part of the MUGA, shall simultaneously be adopted and become effective upon approval of annexation by the electorate of the NEWBA II territory and shall replace any previously existing Snohomish County zoning.

Section 7. A certified copy of this resolution shall be filed with the Snohomish County Council.

Section 8. A certified copy of this resolution shall be filed with the Snohomish County Boundary Review Board as provided for in RCW 36.93.

Section 9. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

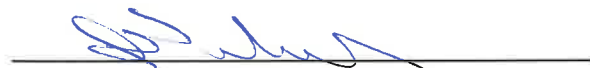
PASSED this 5th day of April, 2011.

APPROVED:



JOSHUA FREED
DEPUTY MAYOR

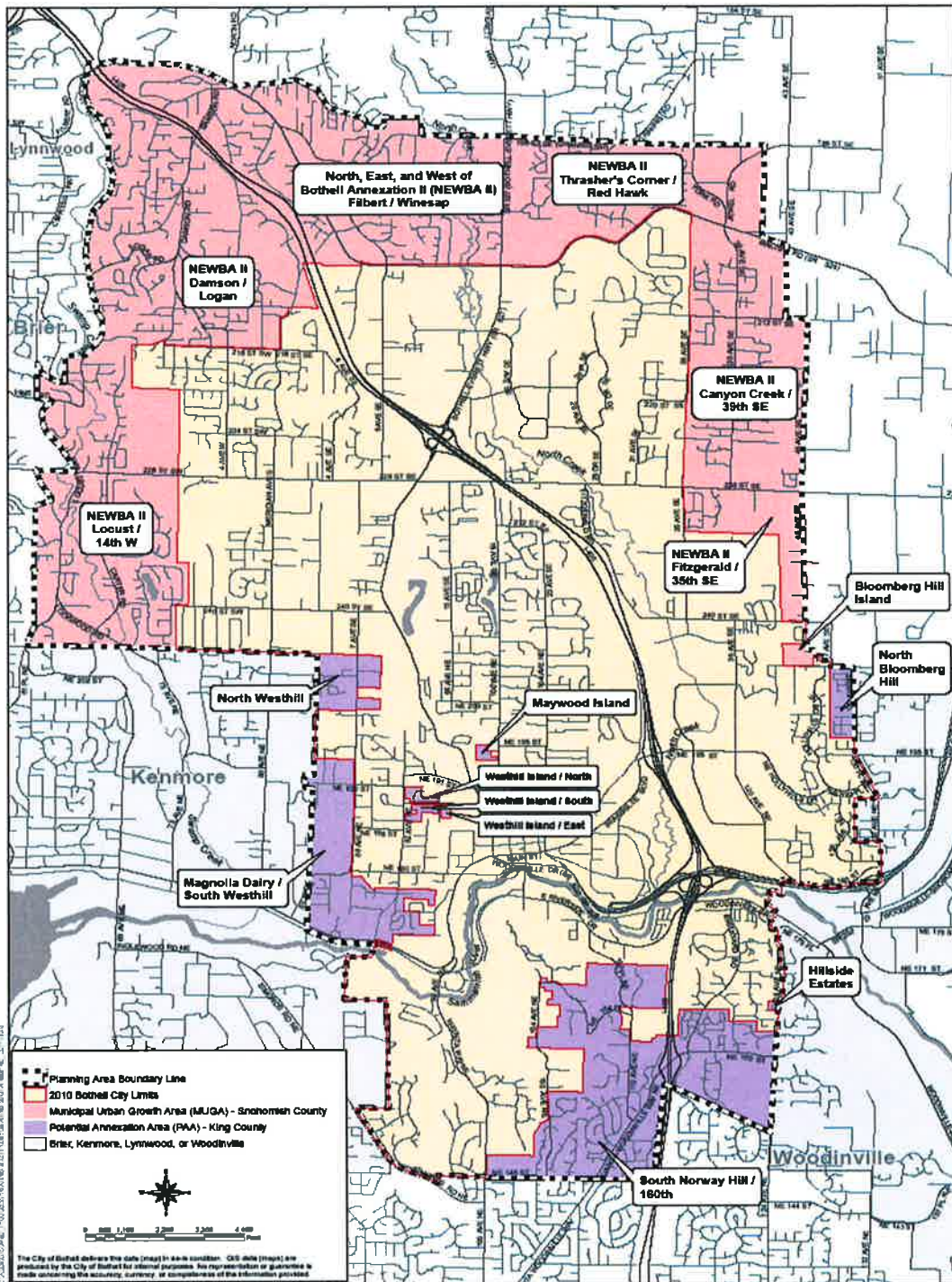
ATTEST/AUTHENTICATED:



JOANNE TRUDEL
CITY CLERK

FILED WITH THE CITY CLERK: March 29, 2011
PASSED BY THE CITY COUNCIL: April 5, 2011
RESOLUTION NO.: 1265 (2011)

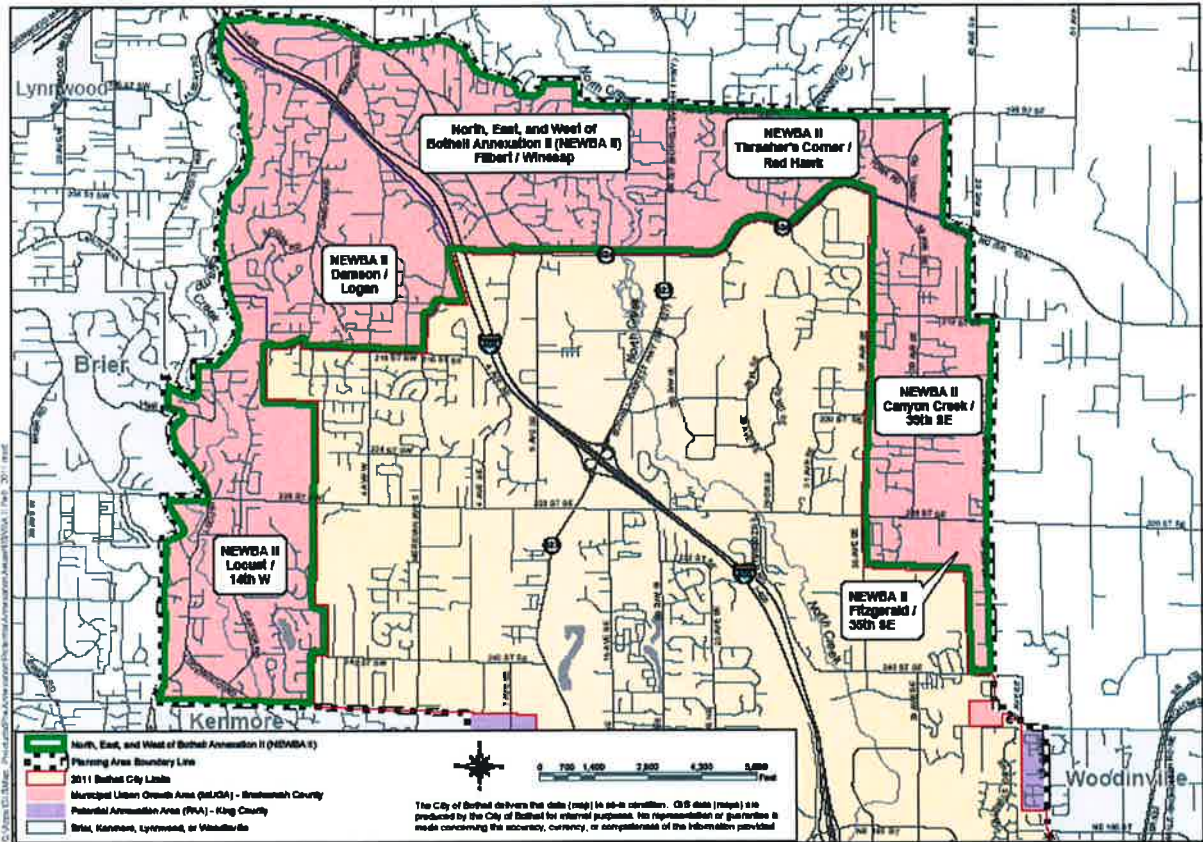
Exhibit A Map of City of Bothell, Bothell MUGA and Bothell PAA



Potential Annexations to Bothell



Exhibit B Map of proposed North, East and West of Bothell Annexation II (NEWBA II)



North, East, and West of Bothell Annexation II (NEWBA II)



Exhibit C
Legal description for proposed North, East and West of Bothell
Annexation II (NEWBA II)

THOSE PORTIONS OF SECTIONS 33, 28, 21, 20, 16, 17, 19, 18, TOWNSHIP 27 NORTH, RANGE 5 EAST W.M. AND PORTIONS OF SECTIONS 13, 14, 23, 24, 25, 26, 35 AND 36, TOWNSHIP 27 NORTH, RANGE 4 EAST W.M. IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH MARGIN OF 240TH STREET SOUTHEAST AND THE EAST MARGIN OF 45TH AVENUE SOUTHEAST, THENCE NORTH ALONG THE EAST MARGIN OF 45TH AVENUE SOUTHEAST AND ITS NORTHERLY PROJECTION TO THE NORTH MARGIN OF 212TH STREET SOUTHEAST; THENCE WEST ALONG THE NORTH MARGIN OF 212TH STREET SOUTHEAST TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21; THENCE NORTH ALONG SAID WEST LINE TO THE NORTH MARGIN OF MALTBY ROAD (S.R. 524); THENCE NORTHWESTERLY ALONG THE NORTH MARGIN OF MALTBY ROAD TO THE WEST LINE OF THE EAST QUARTER OF THE WEST HALF OF SAID SECTION 21; THENCE NORTH ALONG SAID WEST LINE TO THE NORTH LINE OF SAID SECTION 21; THENCE WEST ALONG SAID NORTH LINE TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE NORTH ALONG THE EAST LINE OF SAID SUBDIVISION TO THE NORTH MARGIN OF 196TH STREET SOUTHEAST; THENCE WEST ALONG SAID NORTH MARGIN AND ITS WESTERLY PROJECTION TO THE WEST MARGIN OF 35TH AVENUE SOUTHEAST; THENCE SOUTH ALONG SAID MARGIN TO THE NORTH LINE OF SAID SECTION 20; THENCE WEST ALONG THE NORTH LINE OF SECTION 20 TO THE EAST MARGIN OF 196TH STREET SOUTHEAST (GRANNIS ROAD); THENCE NORTHWESTERLY AT RIGHT ANGLES TO SAID EAST MARGIN TO A POINT ON THE NORTHWESTERLY MARGIN OF SAID RIGHT OF WAY; THENCE WEST ALONG THE NORTH RIGHT OF WAY MARGIN OF 196TH STREET SOUTHEAST TO ITS INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTH LINE THEREOF; THENCE WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF SAID SUBDIVISION AND THE EAST LINE OF LOT 11, BLOCK 11 OF THE PLAT OF ALDERWOOD MANOR NO. 5 RECORDED UNDER AUDITOR FILE NUMBER 247322 TO THE NORTHEAST CORNER OF LOT 11; THENCE WEST ALONG THE NORTH LINE OF LOTS 11, 12, 13 AND 14 TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 14 AND THE EAST LINE OF TRACT 997 OF THE PLAT OF SUMMIT RIDGE RECORDED UNDER AUDITOR FILE NUMBER 200702145236 TO THE SOUTHEASTERLY LINE OF SAID TRACT 997; THENCE SOUTHWESTERLY ALONG SAID LINE TO THE SOUTH LINE OF SAID PLAT; THENCE WEST ALONG SAID SOUTH LINE TO THE EAST MARGIN OF WINESAP ROAD; THENCE NORTHERLY AND WESTERLY ALONG THE EAST MARGIN AND NORTH OF WINESAP ROAD AND 192ND STREET SOUTHEAST TO THE INTERSECTION WITH THE NORTH MARGIN OF FILBERT ROAD (S.R. 524); THENCE WEST ALONG SAID NORTH MARGIN TO ITS INTERSECTION WITH THE NORTHERLY PROJECTION OF THE WEST RIGHT OF WAY MARGIN OF LOCUST WAY; THENCE SOUTH ALONG THE WEST MARGIN OF LOCUST WAY TO THE NE CORNER OF LOT 9, BLOCK 11 OF THE

PLAT OF ALDERWOOD MANOR NO. 6, RECORDED UNDER AFN 262695; THENCE WEST ALONG THE NORTH LINE OF SAID LOT TO THE NW CORNER THEREOF; THENCE SOUTH ALONG THE WEST LINE OF LOTS 9 AND 10 TO THE NORTH MARGIN OF CYPRESS WAY; THENCE WEST ALONG THE NORTH RIGHT-OF-WAY MARGIN OF CYPRESS WAY TO THE INTERSECTION WITH THE WEST SECTION LINE OF THE NORTH-EAST QUARTER OF SECTION 26, TOWNSHIP 27, RANGE 4; THENCE SOUTH ALONG SAID SECTION LINE TO ITS INTERSECTION WITH THE SOUTH MARGIN OF VINE ROAD; THENCE EAST ALONG SAID SOUTH MARGIN OF VINE ROAD TO ITS INTERSECTION WITH THE WEST MARGIN OF LOCUST WAY; THENCE SOUTH ALONG BRIER CITY LIMIT TO ITS INTERSECTION WITH THE NORTH SECTION LINE OF THE NORTH-EAST QUARTER OF SECTION 35, TOWNSHIP 27, RANGE 4; THENCE WEST ALONG SAID SECTION LINE TO THE WEST MARGIN OF BARKER ROAD; THENCE SOUTH ALONG SAID WEST MARGIN OF BARKER ROAD TO ITS INTERSECTION WITH THE NORTH MARGIN OF ATLAS ROAD; THENCE WEST ALONG SAID NORTH MARGIN OF ATLAS ROAD TO THE NORTHERLY EXTENSION OF THE WEST MARGIN OF SAGE ROAD; THENCE SOUTH AND EAST ALONG THE RIGHT-OF-WAY OF SAGE ROAD TO ITS INTERSECTION WITH THE WEST SECTION LINE OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 27, RANGE 4; THENCE SOUTH ALONG SAID SECTION LINE TO ITS INTERSECTION WITH THE EAST MARGIN OF 20TH AVENUE WEST; THENCE DIRECTLY WEST ACROSS 20TH AVENUE WEST TO THE WEST MARGIN OF 20TH AVENUE WEST; THENCE SOUTH AND EAST ALONG THE RIGHT-OF-WAY OF 20TH AVENUE WEST TO ITS INTERSECTION WITH THE WEST SECTION LINE OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 27, RANGE 4; THENCE SOUTH ALONG SAID SECTION LINE TO ITS INTERSECTION WITH THE NORTH MARGIN OF LOCUST WAY; THENCE SOUTH ALONG THE WEST MARGIN OF LOCUST WAY TO THE SOUTH LINE OF SAID SECTION 35; THENCE EAST ALONG THE SOUTH LINE OF SECTION 35 AND SECTION 36 AND ALONG THE EXISTING CORPORATE LIMITS OF THE CITY OF KENMORE, TO THE SW CORNER OF KENMORE PARK ADDITION, RECORDED UNDER AUDITOR FILE NUMBER 1134307, ALSO BEING THE EXISTING CORPORATE LIMITS OF THE CITY OF BOTHELL; THENCE FOLLOWING THE EXISTING CITY LIMITS OF BOTHELL ALONG THE FOLLOWING COURSES: THENCE NORTH ALONG THE WEST LINE OF SAID KENMORE PARK ADDITION, RECORDED UNDER AUDITOR FILE NUMBER 1134307, AND ITS NORTHERLY PROJECTION TO THE NORTH RIGHT OF WAY MARGIN OF 240TH STREET SOUTHWEST; THENCE EAST ALONG SAID RIGHT OF WAY MARGIN TO THE WEST LINE OF THE PLAT OF ALLVIEW HEIGHTS DIVISION NO. 3 RECORDED UNDER AUDITOR FILE NUMBER 1056132; THENCE NORTH ALONG THE WEST LINE OF SAID PLAT TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SUBDIVISION; THENCE NORTH ALONG SAID WEST LINE AND CONTINUING ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 25 TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE WEST ALONG SAID NORTH LINE TO THE WEST LINE OF SAID SECTION 25; THENCE NORTH ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25 TO THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE EAST ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE NORTHWESTERLY RIGHT OF WAY MARGIN OF 9TH PLACE WEST; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY MARGIN TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE WEST LINE OF THE PLAT OF QUEENSBOROUGH NO. 8 RECORDED UNDER AUDITOR FILE NUMBER 2118863; THENCE SOUTH ALONG SAID PROJECTION AND WEST LINE TO

THE NORTH RIGHT OF WAY MARGIN OF 216TH STREET SOUTHWEST; THENCE EAST ALONG SAID NORTH MARGIN TO AN INTERSECTION WITH THE WEST RIGHT OF WAY MARGIN OF MERIDIAN DRIVE SOUTHEAST; THENCE NORTH ALONG SAID WEST MARGIN TO AN INTERSECTION WITH THE WESTERLY PROJECTION OF THE NORTH MARGIN OF WEST RICHMOND ROAD; THENCE EASTERLY ALONG SAID PROJECTION AND NORTH MARGIN TO THE NORTH LINE OF SAID SECTION 25; THENCE EAST ALONG SAID NORTH LINE TO THE WEST RIGHT OF WAY MARGIN OF S.R. 405; THENCE NORTHWESTERLY ALONG SAID WEST MARGIN TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE EAST ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE EAST LINE OF SAID SECTION; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION TO THE NORTH RIGHT OF WAY MARGIN OF 208TH STREET SOUTHEAST; THENCE EAST ALONG SAID RIGHT OF WAY MARGIN TO AN INTERSECTION WITH THE WEST RIGHT OF WAY MARGIN OF ROYAL ANNE ROAD; THENCE NORTH ALONG SAID MARGIN TO AN INTERSECTION WITH THE NORTH MARGIN OF S.R. 524; THENCE EAST ALONG SAID NORTH MARGIN TO THE WEST LINE OF SAID SECTION 21; THENCE SOUTH ALONG SAID WEST LINE TO THE NORTH RIGHT OF WAY MARGIN OF 212TH STREET SOUTHEAST; THENCE EAST ALONG SAID RIGHT OF WAY MARGIN TO AN INTERSECTION WITH THE NORTHERLY PROJECTED EAST RIGHT OF WAY MARGIN OF 35TH AVENUE SOUTHEAST; THENCE SOUTH ALONG SAID EAST MARGIN TO THE WEST LINE OF SAID SECTION 28; THENCE SOUTH ALONG SAID WEST LINE TO THE NORTH RIGHT OF WAY MARGIN OF 228TH STREET SOUTHEAST; THENCE EAST ALONG SAID NORTH RIGHT OF WAY MARGIN TO AN INTERSECTION WITH THE NORTHERLY PROJECTED EAST RIGHT OF WAY MARGIN OF 35TH AVENUE SOUTHEAST; THENCE SOUTH ALONG SAID MARGIN TO THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE EAST ALONG SAID NORTH LINE TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 33; THENCE SOUTH ALONG SAID CENTERLINE TO THE NORTH RIGHT OF WAY MARGIN OF 240TH STREET SOUTHEAST; THENCE EAST ALONG SAID RIGHT OF WAY MARGIN TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

NOTE: IT IS THE INTENT OF THIS LEGAL DESCRIPTION TO FOLLOW THE EXISTING CORPORATE CITY LIMITS OF BRIER, KENMORE AND BOTHELL WHERE NOTED. REFERENCES TO THE INCORPORATION OF BRIER, KENMORE AND EXISTING CITY LIMITS OF BOTHELL ARE MEANT TO CONVEY THAT ALTHOUGH PRESENT RIGHT OF WAY BOUNDARIES MAY BE DIFFERENT, THE RIGHT OF WAY BOUNDARIES AT THE TIME OF THE ORIGINAL INCORPORATION OR ANNEXATIONS ARE INTENDED TO BE FOLLOWED SO THAT NO GAP OR OVERLAP EXISTS BETWEEN THIS ANNEXATION AND THE EXISTING CITY LIMITS OF THOSE CITIES.

