

**CITY OF SULTAN
WASHINGTON**

AMENDED ORDINANCE NO. 1261-17

**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**

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 124th Street Annexation Area; and

WHEREAS, on February 11, 2016, certain residents within the 124th Street Annexation Area submitted a petition for annexation to the City in accordance with RCW 35A.14.120 (the “124th 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 124th 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 124th Street Annexation Area; and

WHEREAS, on April 4, 2016, the City effectively filed a Notice of Intention for the 124th 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 124th Street Annexation Area, and issued its Findings and Decision approving the 124th 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 124th Street Annexation; and

WHEREAS, the City Council accordingly desires to annex the 124th 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 124th Street Annexation Area.

Section 2. Annexation: The City of Sultan hereby annexes the 124th 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 124th 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 124th 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.

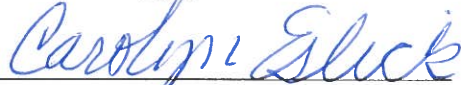
Section 5. Effective Date: For purposes of property taxation and the levy of property taxes in calendar year 2017 under RCW 84.09.030, this Ordinance shall be effective and the boundaries of the City shall include the 124th Street Annexation Area as of January 1, 2019. For all other purposes, including 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 124th 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
27th DAY OF July, 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: 7-27-17
Passed by the City Council: 7-27-17
Date of Publication: 8-4-17
Effective Date: 8-9-17

Legal Description of 124th Street Annexation to the City of Sultan

That portion of Section 29, Township 28 North, Range 8 East, W.M. Described as Follows: Commencing at the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East; thence East along the North line of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East and the North line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 to the Northeast corner of said Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East; thence South along the East line of said Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East and the East line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East to the South right of way line of 124th Street SE; thence West along said South right of way line of 124th Street SE to the West line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East said line also being the existing city limits of the City of Sultan; thence North along said West line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East and the existing city limits of the City of Sultan to the Southeast corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East; thence West along the South line of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East and the existing city limits of the City of Sultan to the Southwest corner of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East; thence North along the West line of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 28 North, Range 8 East and the existing city limits of the City of Sultan to the POINT OF BEGINNING.

Situate In the County of Snohomish, State of Washington

