



CITY OF KIRKLAND

CITY COUNCIL

James Lauinger, Mayor • Joan McBride, Deputy Mayor • Dave Asher • Mary-Alyce Burleigh
Jessica Greenway • Tom Hodgson • Bob Sternoff • David Ramsay, City Manager

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AGENDA

KIRKLAND CITY COUNCIL SPECIAL MEETING

Council Chamber

Tuesday, April 7, 2009

6:00 p.m.

COUNCIL AGENDA materials are available on the City of Kirkland website www.ci.kirkland.wa.us, at the Public Resource Area at City Hall or at the Kirkland Library on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (587-3190) or the City Manager's Office (587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
 - a. Potential Annexation
4. *PUBLIC HEARING, 7:00 p.m.*
 - a. Resolution R-4751, Calling for the Annexation, By Election, of Certain Territory Contiguous to the City of Kirkland Referred to as the Finn Hill, Kingsgate and North Juanita Annexation Area; Establishing the Boundaries of the Annexation Area; Stating the Estimated Number of Registered Voters; Declaring That the City Will Pay the Cost of the Election; Indicating That the Ballot Proposition Will Address Annexation, the Assumption of Existing Indebtedness, and Adoption of Comprehensive Plan and Zoning Regulation; Authorizing the Clerk to File a Certified Copy of this Resolution with the Legislative Authority of King County and to File a Notice of Intent with the King County Boundary Review Board; Authorizing the City Attorney to Prepare a Ballot Title and Proposition; and Authorizing the City Manager to Undertake all Other Acts Reasonably Necessary to Bring the Election Proposition Before the Voters Within the Annexation Area
5. *ADJOURNMENT*



CITY OF KIRKLAND

City Attorney's Office

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MEMORANDUM

To: Dave Ramsay, City Manager

From: Robin S. Jenkinson, City Attorney
Eric Shields, Director of Planning and Community Development

Date: March 29, 2009

Subject: Resolution of Intent

Recommendation:

That the City Council consider the attached resolution of intent.

Background:

The attached resolution of intent calls for an election on the question of annexation to be submitted to the voters within the Potential Annexation Area (PAA) at the November 3, 2009, general election. The resolution states that the City will pay for the cost of the election and provides that the voters will be asked to assume outstanding debt issued by voter approval or contract that the City incurred prior to, or that is existing at, the date of annexation. The resolution also specifies that the City will require the simultaneous adoption of proposed zoning regulations prepared under RCW 35A.14.30. Exhibit A to the resolution contains a legal description of the area to be annexed and includes maps showing the boundaries of the PAA.

If the City Council decides to pass the resolution of intent, it will be filed with the King County Council and the King County Boundary Review Board (BRB). The County Council will then adopt an ordinance setting the date for an election on the question of annexation. The resolution of intent will be filed with the BRB along with a notice of intention (NOI). Once the BRB determines that the NOI is complete, the annexation will be reviewed by the BRB. This will occur within 45 days unless the jurisdiction of the BRB is invoked. Jurisdiction can be invoked, which means a hearing is requested, by the City of Kirkland, affected jurisdictions and/or the County Council. A hearing would also be required if a citizen affected by the annexation could obtain the signatures of five percent of the registered voters within the PAA or a similar percentage of affected registered voters within ¼ mile of the annexation.

If jurisdiction is invoked, the BRB will hold a public hearing and the BRB will be permitted a 120-day review period beginning on the day when jurisdiction is invoked. Whether jurisdiction is invoked or not, the role of the BRB is to approve, deny, or modify the annexation application.

BRB decisions may be appealed within 30 days following the action of the BRB. Depending on the issues involved, the appeal could be to the King County Superior Court or the Growth Management Hearings Board.

If the BRB approves the annexation, and there is no successful appeal, then the City Council would formally file for election.

Please let me know if there are any questions.

RESOLUTION R-4751

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND CALLING FOR THE ANNEXATION, BY ELECTION, OF CERTAIN TERRITORY CONTIGUOUS TO THE CITY OF KIRKLAND REFERRED TO AS THE FINN HILL, KINGSGATE AND NORTH JUANITA ANNEXATION AREA; ESTABLISHING THE BOUNDARIES OF THE ANNEXATION AREA; STATING THE ESTIMATED NUMBER OF REGISTERED VOTERS; DECLARING THAT THE CITY WILL PAY THE COST OF THE ELECTION; INDICATING THAT THE BALLOT PROPOSITION WILL ADDRESS ANNEXATION, THE ASSUMPTION OF EXISTING INDEBTEDNESS, AND ADOPTION OF COMPREHENSIVE PLAN AND ZONING REGULATION; AUTHORIZING THE CLERK TO FILE A CERTIFIED COPY OF THIS RESOLUTION WITH THE LEGISLATIVE AUTHORITY OF KING COUNTY AND TO FILE A NOTICE OF INTENT WITH THE KING COUNTY BOUNDARY REVIEW BOARD; AUTHORIZING THE CITY ATTORNEY TO PREPARE A BALLOT TITLE AND PROPOSITION; AND AUTHORIZING THE CITY MANAGER TO UNDERTAKE ALL OTHER ACTS REASONABLY NECESSARY TO BRING THE ELECTION PROPOSITION BEFORE THE VOTERS WITHIN THE ANNEXATION AREA.

RECITALS

A. The Growth Management Act (GMA) establishes that cities are the primary providers of urban services and encourages cities and counties to work together to define the limits of potential annexation areas. The King County county-wide planning policies established in compliance with the GMA encourage the annexation of large urban unincorporated areas by 2012.

B. The City of Kirkland, in conjunction with its neighboring jurisdictions and King County, has determined the limits of its Potential Annexation Area (PAA). The area of unincorporated territory contiguous with the existing boundaries of the City of Kirkland, known commonly by the City as the Finn Hill, Kingsgate and North Juanita Annexation Area (and to the County as Kirkland Potential Annexation Area), lies within the City of Kirkland's PAA. The Finn Hill, Kingsgate and North Juanita Annexation Area consists of approximately seven square miles located predominantly north and west of the City's existing City limits.

C. By direction of the City Council, the City has undertaken preliminary study of the financial, land use, and service impacts of annexation of this area to the City, and the City Council has determined that it would serve the best interests and general welfare of the City to call for an election to be held to submit to the voters of the Finn Hill, Kingsgate and North Juanita Annexation Area the proposal for annexation to Kirkland.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

RESOLUTION

Section 1. – Recitals Incorporated as Findings. The preceding Recitals are incorporated into this Resolution as the findings of the Kirkland City Council.

Section 2. – Call For Election. The City Council has determined that annexation of the Finn Hill, Kingsgate and North Juanita Annexation Area would serve the City's best interests and general welfare. Accordingly, the Council has determined to call for an election, pursuant to Chapter 35A.14 Revised Code of Washington (RCW), to be held in order to submit to the voters of the Finn Hill, Kingsgate and North Juanita Annexation Area the proposal for annexation to Kirkland. To the extent reasonable and practicable, the City Council intends to hold the election at the November 2009 general election.

Section 3. – Boundaries of Territory to be Annexed. The boundaries of the territory to be annexed are attached and incorporated as Exhibit A to this Resolution.

Section 4. – Estimated Number of Voters. As nearly as can be determined at this time, the estimated number of voters in the Finn Hill, Kingsgate and North Juanita Annexation Area is 19,730.

Section 5. – Cost of Election. The City of Kirkland will pay for the cost of the annexation election.

Section 6. – Annexation Area Property to be Assessed or Taxed for the City's Outstanding Indebtedness. It is the intent of the City Council, as of the time of passage of the Resolution, that the property within the Finn Hill, Kingsgate and North Juanita Annexation Area should, upon annexation, be assessed and taxed to pay for the City's outstanding indebtedness issued by voter approval or contract that the City incurred prior to, or that was existing at, the date of annexation.

Section 7. – Annexation Area Zoning. The City Council intends to conduct a pre-annexation proposed zoning regulation process as provided for in RCW 35A.14.330 and 35A.14.340. All property within the area to be annexed shall, simultaneous with the approval of the annexation by the electorate of the area to be annexed, be subject to the Kirkland Comprehensive Plan and proposed zoning regulation.

Section 8. – Certified Copy of Resolution to be Filed. The City Clerk shall file a certified copy of this Resolution, including all Exhibits, shall be filed with the legislative authority of King County and with the King County Boundary Review Board.

Section 9. – Boundary Review Board Notice of Intent. The City Clerk shall file a Notice of Intent to annex the Finn Hill, Kingsgate and North Juanita Annexation Area with the King County Boundary Review Board, as required by Chapter 36.93 RCW.

Section 10. – Annexation Proposition. The City Clerk is authorized and directed to take those actions necessary to place an annexation proposition before the Finn Hill, Kingsgate and North Juanita Annexation Area voters at the election date directed by the City Council, and the City Attorney is authorized and

directed to prepare the ballot proposition and title for the annexation election for transmittal and approval by the King County Division of Records and Elections.

Section 11. – Other Actions. The City Manager, or his designee, is authorized and directed to take all other actions reasonably necessary or attendant to this annexation election process, including provision of pertinent and appropriate information for the voter’s pamphlet for this annexation.

Section 12. – Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

Section 13. – Ratification. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

Section 14. – Effective Date. This resolution shall take effect and be in force immediately upon its passage.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2009.

Signed in authentication thereof this ____ day of _____, 2009.

MAYOR

Attest:

City Clerk

Approved as to form:

City Attorney

City of Kirkland
 Legal Description – Finn Hill, North Juanita, Kingsgate Annexation

Triad Job No 09-033
 March 24, 2009
 Revised March 31, 2009

That portion of Sections 16, 17, 18, 19, 20, 21, 22, 27, 28, 30 and 31 Township 26 North, Range 5 East W.M. and Sections 23, 24, 25, 26 and 36 Township 26 North, Range 4 East W.M. in King County, Washington described as follows:

Beginning at North Quarter Corner of Section 28, Township 26 North, Range 5 East, W.M.;

Thence west along the north line of the Northwest Quarter of said Section 28 (said north line being the north limits of the City of Kirkland as established by City of Kirkland Ordinance No. 2252 and the centerline of NE 132nd Street) to the corner common to Sections 28 and 29, Township 26 North, Range 5 East, W.M.;

Thence west along the north line of the Northeast Quarter of said Section 29 (said north line being the north limits of the City of Kirkland as established by City of Kirkland Ordinance No. 2252 and the centerline of NE 132nd Street) to the centerline of 116th Avenue NE right of way;

Thence southerly along the centerline of 116th Avenue NE right of way to the easterly extension of the south margin of the NE 132nd Street right of way;

Thence westerly along said south margin and the south margin of the NE 131st Way right of way (said south margins being the north limits of the City of Kirkland as established by City of Kirkland Ordinance No. 3062) to the west line of east half of Section 30, Township 26 North, Range 5 East, W.M.;

Thence south along said west line (said west line being the west limits of the City of Kirkland as established by City of Kirkland Ordinance No. 3062) to the north line of the southeast quarter of the northwest quarter of said Section 30;

Thence west along said north line (said north line being the north boundary of a tract of land annexed to the City of Kirkland under City of Kirkland Ordinance No. 4048) to the west line of east 275 feet of said southeast quarter of the northwest quarter;

Thence south along said west line (said west line being the west boundary of a tract of land annexed to the City of Kirkland under City of Kirkland Ordinance No. 4048) to south line of said southeast quarter of the northwest quarter;

Thence along said south line to the east margin and/or the northerly extension of the east margin of 91st Avenue NE (said east margin being the west boundary of a tract of land annexed to the City of Kirkland under City of Kirkland Ordinance Number 3121);

Thence south along said east margin and/or its northerly extension (said east margin being the west boundary of a tract of land annexed to the City of Kirkland under City of Kirkland Ordinance Number 3121) to the south margin of NE 120th Street;

Thence along the south margin of NE 120th Street and/or its easterly extension to the west line of east half of Section 30, Township 26 North, Range 5 East, W.M. (said west line being the west limits of the City of Kirkland as established by City of Kirkland Ordinance No. 3062);

The along said west limits of the City of Kirkland the following courses:

Thence south along the west line of east half of said Section 30 to the southerly margin of Juanita Drive NE right of way;

Thence along said southerly margin to the west line of Juanita Bay Condominiums;

Thence southerly along the west line of Juanita Bay Condominiums and its southerly extension to the outer limits of the second class shorelands of Lake Washington;

Thence northerly along said outer limits to North line of King County Short Plat Number 985037 (Alteration), recorded under Recording Number 911180963, records of King County, Washington and the limits of the City of Kenmore as established by King County Ordinance No. 12815;



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Thence along said limits of the City of Kenmore the following courses:

Thence easterly along the North line of said King County Short Plat and the North line of Lot 2, King County Short Plat Number 273020, recorded under Recording Number 7601230425 records of King County, Washington to the west margin of 62nd Avenue Northeast;

Thence southerly along said margin to the north line of the Southeast Quarter of Section 23, Township 26 North, Range 4 East, W.M.;

Thence easterly along said north line to the east margin of 62nd Avenue Northeast;

Thence southerly along the east margin of 62nd Avenue Northeast to the point of intersection with the north line of King County Short Plat Number 376072, recorded under Recording Number 7607290790, records of King County, Washington;

Thence easterly along the north line of said King County Short Plat and the north line of King County Short Plat Number 682031, recorded under Recording Number 8404240701 and King County Short Plat Number S89S0226, recorded under Recording Number 8908311935. all in records of King County, Washington, to the westerly margin of Holmes Point Drive Northeast;

Thence northerly and easterly along said margin to the westerly margin of Juanita Drive Northeast;

Thence northerly along the westerly margin of said Juanita Drive Northeast to the point of intersection with the westerly extension of the north margin of Northeast 143rd Street;

Thence easterly along said extended line and the north margin at Northeast 143rd Street and the north margin of Northeast 145th Street to the intersection with the Westerly margin of 92nd Avenue Northeast;

Thence northerly along said margin to the intersection with the northeasterly margin of Simonds Road Northeast, said margin also being the limits of the City of Bothell as established by City of Bothell Ordinances 225, 227 and 960;

Thence southeasterly along the southerly limits of the City of Bothell and the northeasterly margin of Simonds Road Northeast to the west margin of 100th Avenue NE;

Thence north along said west margin to the north line of Section 19, Township 26 North, Range 5 East, W.M. and the south limits of the City of Bothell as established by City of Bothell Ordinance Number 225;

Thence east along said north line and the south limits of the City of Bothell to the Northeast Corner of said Section 19;

Thence east along the north line of Section 20, Township 26 North, Range 5 East, W.M. and the south limits of the City of Bothell as established by City of Bothell Ordinance Number 1220 to the southerly prolongation of the east margin of 100th Avenue NE and the easterly limits of the City of Bothell as established by City of Bothell Ordinance Number 1220;

Thence north along said southerly prolongation and easterly limits of Bothell to the north margin of NE 145th Street;

Thence east along said north margin to the southerly prolongation of the west line of the plat of Norway View according to the plat thereof recorded in Volume 125 of Plats at Pages 77 and 78, records of King County, Washington;

Thence north along said southerly prolongation to the north margin of NE 145th Street;

Thence east along said north margin to the southeasterly margin of Juanita-Woodinville Way NE;

Thence southerly along said southeasterly margin to the north margin of NE 145th Street;

Thence east along said north margin to the east line of the plat of Windsor Vista No. 1 according to the plat thereof recorded in Volume 81 of Plats, at pages 70 and 71, records of King County, Washington;



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Thence southerly along the southerly prolongation of said east line to the south line of Section 17, Township 26 North, Range 5 East, W.M.;

Thence east along said south line to the easterly margin of Primary State Highway No. 1 (SR-405) as depicted on the Record of Survey recording in Book 182 of Surveys, at Pages 251 through 259, records of King County, Washington;

Thence north along said easterly margin to the south line of a tract land conveyed to King County by the State of Washington by instrument recorded under 8603110513, records of King County, Washington;

Thence east along the south line of said tract to the east line of said tract;

Thence north along the east line of said tract to the southwesterly margin of the City of Seattle Tolt River Pipeline Right of Way;

Thence southeasterly along southwesterly margin to the west margin of NE 124th Avenue NE and west limits of the City of Woodinville as established by King County Ordinance No. 10306;

Thence along said limits of the City of Woodinville the following courses:

Thence south along said west margin to the intersection of the westerly extension of the south boundary of Kingsgate Highlands, Division No. 5, recorded in Volume 88 of Plats, Pages 1 to 5, Records of King County, Washington;

Thence east along said westerly extension and said south boundary to the southeast corner of said plat of Kingsgate Highlands Division 5;

Thence north along the east boundary thereof to the southwest corner of the plat of Kingsgate Vista, recorded in Volume 107 of Plats, pages 52 and 53, records of King County, Washington;

Thence east along the south boundary of said plat of Kingsgate Vista and its easterly projection to the West margin of 132nd Ave NE;

Thence southerly along said west margin of 132nd Avenue NE to the south margin of NE 143rd street;

Thence easterly along the south margin of said NE 143rd Street to the west line of the Puget Sound Power and Light Co. transmission line easement as located in the NW 1/4 of the NW 1/4 of Section 22, Township 26 North, Range 5 East W.M.;

Thence south along said west line to the south line of the NW 1/4 of Section 22, Township 26, North Range 5 East W.M.;

Thence easterly along said south line to the NW corner of the NE 1/4 of the NE 1/4 of the S W 1/4 of said Section 22;

Thence south to the SW corner of the NE 1/4 of the NE 1/4 of the SW 1/4 of said Section 22;

Thence east along the south line thereof to the North-South centerline of Section 22;

Thence north along said North-South centerline to the center of said Section 22;

Thence west along the East-West centerline thereof 310 feet, more or less, to the SW corner of Tax Lot No. 108 in the SE ¼ of the NW 1/4 of said Section 22;

Thence N 7° 10' 00" W along the west line of said Tax Lot 108, 380 feet, more or less, to the NW corner thereof;

Thence N 77° 15' 00" E along the northerly line of said Tax Lot 108 to the westerly margin of the Burlington Northern Railway right-of-way (also known as Northern Pacific Belt Line);

Thence southerly along said westerly margin to the south line of the NE 1/4 of said Section 22;



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Thence east along the south line of the NE 1/4 of said Section 22 to the easterly margin of the Burlington Northern Railway right-of-way, (also known as Northern Pacific, Snoqualmie Branch) and an angle point in the limits of the City of Woodinville;

Thence leaving said limits of the City of Woodinville and continuing along the south line of NE 1/4 of said Section 22 to the easterly margin of the Burlington Northern Railway right-of-way, (also known as Northern Pacific, Snoqualmie Branch)

Thence south along said easterly margin to the south margin of NE 124th Street;

Thence west to the northeast corner of a tract of land annexed to the City of Redmond by City of Redmond Ordinance Number 1030;

Thence west along the southerly margin of NE 124th Street and the north line of the tracts of land annexed to the City of Redmond by City of Redmond Ordinance Numbers 1030 and 966 to the west line of the east 3/4 of the Northwest 1/4 of the Southwest 1/4 of Section 27, Township 26 North, Range 5 East, W.M.

Thence south along said west line and the west line of a tract of land annexed to the City of Redmond by City of Redmond Ordinance Number 966 to the south line of the said Northwest 1/4 and the north line of a tract of land annexed to the City of Redmond by City of Redmond Ordinance Number 778;

Thence west along said south line and said limits of the City of Redmond to the easterly margin of Seattle Water Department Eastside Supply Line right-of-way and the limits of the City of Kirkland as established by City of Kirkland Ordinance Number 3063;

Thence north along said easterly margin and said limits of the City of Kirkland to the south margin of NE 124th Street:

Thence westerly along said right of way and said limits of the City of Kirkland to the northerly tangent point of the southerly margin of said right-of-way with the westerly margin of the Slater Avenue NE right of way;

Thence northwesterly perpendicular to the centerline of the NE 124th Street right-of-way to the southerly extension of the westerly margin of 132nd Avenue NE and the limits of the City of Kirkland as established by City of Kirkland Ordinance Number 2545;

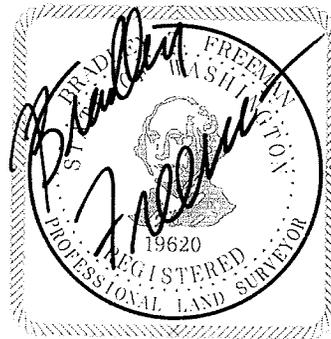
Thence northerly along said westerly margin of 132nd Avenue NE and said limits of the City of Kirkland to the north line of the southeast quarter of the northeast quarter of Section 28, Township 26 North, Range 5 East, W.M.;

Thence west along said north line and said limits of the City of Kirkland to the west line of the northeast quarter of the northeast quarter of said Section 28 and the limits of the City of Kirkland as established by City of Kirkland Ordinance Number 2252;

Thence north along said west line and said limits of the City of Kirkland to the north line of said Section 28:

Thence west along said north line (said north line being the north limits of the City of Kirkland as established by City of Kirkland Ordinance No. 2252 and the centerline of NE 132nd Street) to the Point of Beginning.

Written By: BTF
Written By: GTJ

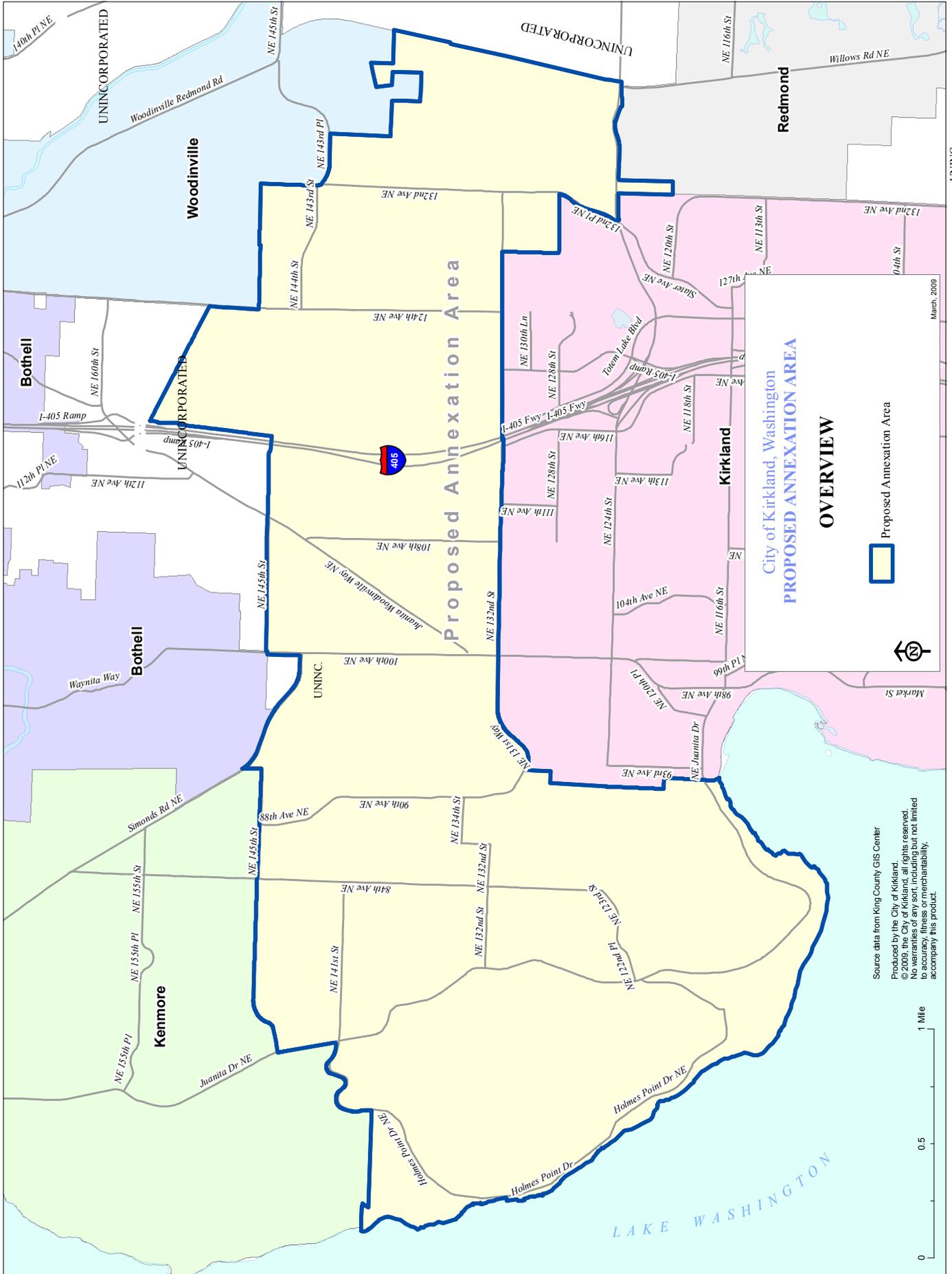


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OVERVIEW

City of Kirkland, Washington
PROPOSED ANNEXATION AREA

Legend: Proposed Annexation Area

March, 2009

Source data from King County GIS Center
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