



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Wm. R. Evans, Assistant City Attorney
Robin Jenkinson, City Attorney

Date: March 24, 2011

Subject: Annexation of the Wild Glen Area

RECOMMENDATION:

City Council approves the attached ordinance annexing the Wild Glen area to the City of Kirkland.

BACKGROUND DISCUSSION:

Pursuant to the terms of the Interlocal Agreement between the City of Kirkland, Fire Protection District #41 and King County approved by the City Council at its last meeting, this ordinance, which was attached to that Agreement, is scheduled to be heard at its April 5, 2011, meeting. It is needed because conflicting information regarding the boundaries of the City's potential annexation area prevented the Wild Glen condominiums ("Wild Glen") from being included in the annexation of Juanita, Finn Hill and Kingsgate ("JFK annexation"). Though City staff recognized the omission and tried to have Wild Glen included in the boundary, the Boundary Review Board determined it was too late. This meant another annexation would be needed after June 1st to include Wild Glen.

To avoid a long period between the initial annexation and the inclusion of Wild Glen in the new Kirkland, both King County and King County Fire Protection District #41 were invited to enter into negotiations for the annexation of Wild Glen pursuant to RCW 35A.14.480. This statute provides that a city, county and fire district can enter into an interlocal agreement that annexes fire district territory to a city so long as neither the county or the district object. Both King County and Fire District #41 accepted and began negotiations to draft an interlocal agreement for the City to annex Wild Glen, which has now been approved by all parties. Further, as demonstrated at the last Council meeting through public testimony, many if not all of the residents of Wild Glen would like to be annexed by the City of Kirkland.

Consequently, pursuant to RCW 35A.14.480, the ordinance attached effecting the annexation of Wild Glen can now be considered by the City Council. If adopted, the Wild Glen annexation will occur on the same day as the JFK annexation, which is set for June 1, 2011.

ORDINANCE No. 4296

AN ORDINANCE OF THE CITY OF KIRKLAND ANNEXING CERTAIN TERRITORY PURSUANT TO RCW 35A.14.480 ON THE TERMS PROVIDED IN THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND, KING COUNTY FIRE PROTECTION DISTRICT #41 AND KING COUNTY REGARDING THE ANNEXATION OF THE WILD GLEN AREA; AND FIXING THE EFFECTIVE DATE OF THE ANNEXATION.

WHEREAS, in 2009 the City of Kirkland ("City") annexed the Juanita/Finn Hill/Kingsgate territory ("JFK Annexation") and provided an effective date for that annexation, which is currently set for June 1, 2011; and

WHEREAS, the Wild Glen condominium complex area ("Wild Glen") would be the only territory remaining to be serviced by King County Fire Protection District #41 ("District") after the City's annexation of the rest of the District's territory and the City, District and King County ("County") therefore believe Wild Glen should be annexed to the City; and

WHEREAS, RCW 35A.14.480 authorizes the City, District and County to enter into an interlocal agreement to effect annexation of unincorporated areas within a fire district to a city on the terms therein contained; and

WHEREAS, to initiate the process of negotiating such an interlocal agreement, the City gave notice to the District and the County of its interest in doing so, which occurred on October 26, 2010; and

WHEREAS, the County and District each agreed negotiations for the annexation of Wild Glen by interlocal agreement should begin by letters dated November 12, 2010, and December 2, 2010, respectively; and

WHEREAS, the City, District and County concluded those negotiations and presented the Interlocal Agreement between the City of Kirkland, King County Fire Protection District #41 and King County Regarding the Annexation of the Wild Glen Area ("Agreement") to their governing bodies for approval; and

WHEREAS, those governing bodies approved the Agreement and authorized the signing thereof by their respective representatives,

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

Section 1. Annexation of Property. All property within Wild Glen, the boundaries of which are described below, is annexed to and made a part of the City.

That portion of Section 19, Township 26 North, Range 5 East W.M. in King County, Washington described as follows:

Beginning at the northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 19; Thence east along the north line of said Section 19 and the south limits of the City of Bothell as established by City of Bothell Ordinance Number 225 to the west margin of 100th Avenue NE; Thence south along the west margin of 100th Avenue NE to the northerly margin of Simonds Road Northeast; Thence northwesterly along the northerly margin of Simonds Road Northeast to the west line of said Northeast Quarter of the Northeast Quarter of Section 19 and the limits of the City of Bothell as established by City of Bothell Ordinance Number 960; Thence north along said west line to the Point of Beginning.

Section 2. Taxation. All property within Wild Glen annexed by this Ordinance shall be assessed and taxed at the same regular property tax rate and on the same basis as other property within the City. Voter-approved indebtedness of the City outstanding as of the effective date of the annexation shall not be assumed by the property within Wild Glen by this Ordinance, nor shall excess property taxes for payment of any such indebtedness be levied against property within that annexed area. However, consistent with Ordinance 4229, a portion of the District levy associated with outstanding debt of the District will remain in place until that debt is retired.

Section 3. Zoning. The property within Wild Glen shall be subject to the zoning regulations and zoning map established in Ordinance 4196.

Section 4. Transition. To the extent applicable, the transition to services being provided to Wild Glen by the City instead of the County will be done in accordance with the Interlocal Agreement between the City of Kirkland and King County relating to the Annexation of the Juanita-Finn Hill-Kingsgate Annexation Area now being negotiated by the City and County.

Section 5. Effective date of annexation. The effective date of this Wild Glen annexation shall be on the same day as the effective date of the JFK annexation but immediately thereafter, which is currently set for June 1, 2011.

Section 6. The City Clerk shall file a certified copy of this Ordinance and other documentation as required by law with the King County Council, Treasurer and Assessor; the state Office of Financial Management and Department of Revenue, and as otherwise required by law.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. Effective date of ordinance. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2011.

Signed in authentication thereof this ____ day of _____, 2011.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney