



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.