

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion and Possible Action on Proposed Resolution 288 Calling for Annexation by Election of a Portion of the North Highline Unincorporated Area.		Meeting Date: February 2, 2009
Department: City Manager	Attachments: Draft Resolution 288 and Exhibit A	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Mike Martin, City Manager		
Telephone: (206) 248-5508		
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: North Highline Annexation	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss and possibly act upon draft Resolution 288. The Resolution would authorize proceeding with an annexation of a portion of the North Highline unincorporated area through the election method.</p> <p>BACKGROUND (Include prior Council action & discussion): On May 12, 2008, Council approved Resolution 278 authorizing submittal of a Notice of Intent to Annex with the King County Boundary Review Board (BRB), and calling for an annexation election in the area proposed for annexation. The Notice of Intent was submitted on June 25, 2008. The BRB allowed the Notice of Intent to be withdrawn on September 2, 2008 following objections raised by the City of Seattle and North Highline Fire District that proper procedures had not been followed. At that time, Burien, SeaTac and Seattle had overlapping Potential Annexation Areas (PAA) in the North Highline area (SeaTac has since withdrawn their PAA).</p> <p>On October 10, 2008, a new Countywide Planning Policy became effective that allows proceeding with annexation after the city wanting to annex has invited the other cities having an overlapping PAA to negotiate a boundary agreement, and either an agreement is reached or no agreement is reached. On October 13, 2008, the Burien City Council passed Resolution 282 authorizing annexation by election of the same area covered in Resolution 278. Following three meetings, a mediation agreement was reached in December, 2008 between King County, Seattle, Burien and Fire Districts 2 and 11.</p> <p>Council approval of this Resolution would authorize submittal of a Notice of Intention to Annex to the Boundary Review Board. At your February 2nd meeting, I am requesting Council review and possible action on the attached Resolution. This draft Resolution is identical to Resolution 282 except for modifications of the text of the Resolution, the legal description and map to reflect the mediation agreement.</p> <p>OPTIONS (Including fiscal impacts): No annexation.</p>		
Administrative Recommendation: Discuss and pass draft Resolution.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: I move adoption of Resolution 288 calling for annexation by election of a portion of the North Highline Unincorporated Area.		
Submitted by: Mike Martin		
Administration _____		City Manager _____
Today's Date: January 27, 2009		File Code: R:\CC\Agenda Bill 2009\020209cm-1 North Highline Annexation.doc

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 288

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, CALLING FOR THE ANNEXATION, BY ELECTION, OF CONTIGUOUS UNINCORPORATED TERRITORY TO THE CITY OF BURIEN LYING IN AN AREA NORTH OF THE CORPORATE BOUNDARIES OF THE CITIES OF BURIEN AND SEATAC AND EAST OF SEOLA BEACH DRIVE GENERALLY LYING SOUTH OF THE FOLLOWING LINE: EAST FROM SEOLA BEACH DRIVE ALONG THE SOUTH SIDE OF SW 112TH STREET, SOUTH ALONG THE WEST SIDE OF 15TH AVENUE SW, EAST ALONG THE NORTH SIDE OF SW 114TH STREET, SOUTH ALONG THE WEST SIDE OF 10TH AVENUE SW, EAST ALONG THE NORTH SIDE OF SW 116TH STREET, NORTH ALONG THE EAST SIDE OF SR-509, EAST ALONG THE NORTH SIDE OF SW 112TH STREET, NORTH ALONG 16TH AVENUE S. (IF EXTENDED), EAST ALONG THE SOUTH SIDE OF S. 107TH STREET, SOUTH ALONG THE WEST SIDE OF 20TH AVENUE S., EAST ALONG THE SOUTH SIDE OF S. 108TH STREET TO THE CITY OF TUKWILA CORPORATE BOUNDARIES, REFERENCED AS THE NORTH HIGHLINE ANNEXATION AREA.

WHEREAS, the Growth Management Act and the King County Countywide Planning Policies encourage transition of unincorporated urban and urbanizing areas within Potential Annexation Areas from county governance to city governance; and

WHEREAS, the City Council of the City of Burien, Washington, has determined that it would be in the best interest and general welfare of the City of Burien and the North Highline Unincorporated Area to annex certain property lying in an area north of existing City of Burien corporate boundary, referenced as the proposed "Burien Annexation" and shown on Exhibit "A" attached hereto and incorporated by reference as if fully set forth; and

WHEREAS, the proposed Burien Annexation area is within the City of Burien's Potential Annexation Area adopted pursuant to Burien City Council Ordinance No. 455; and

WHEREAS, the City of Burien, City of Seattle, King County, Fire District 2 and Fire District 11 have completed mediation to resolve overlapping Potential Annexation Areas as called for in King County Countywide Planning Policy LU-32; and

WHEREAS, the proposed Burien Annexation is consistent with the Memorandum of

Understanding for North Highline Annexation dated December 4, 2008; and

WHEREAS, the City Council is desirous to call for an election for this annexation;

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

Section 1. Incorporation of Findings. The above findings are true and correct in all respects and are incorporated as though fully set forth herein.

Section 2. Additional Findings. The best interests and general welfare of the City of Burien would be served by the annexation of contiguous unincorporated territory lying in an area north of the corporate boundaries of the cities of Burien and SeaTac and east of Seola Beach Drive generally lying south of the following line: east from Seola Beach Drive along the south side of SW 112th Street, south along the west side of 10th Avenue SW, south along the west side of 15th Avenue SW, east along the north side of SW 114th Street, east along the north side of SW 116th Street, north along the east side of SR-509, east along the north side of SW 112th Street, north along 16th Avenue S. (if extended), east along the south side of S. 107th Street, south along the west side of 20th Avenue S., east along the south side of S. 108th Street to the City of Tukwila corporate boundaries as shown on Exhibit "A" attached hereto and incorporated by reference as if fully set forth.

Section 3. Number of Voters. As nearly as can be determined the number of voters residing in the aforesaid territory is 6,556.

Section 4. Call for Election. The City Council hereby calls for an election to be held pursuant to Chapter 35A.14 RCW to submit to the voters of the aforesaid territory the proposal for annexation.

Section 5. Assessment and Taxation Rate. There shall also be submitted to the electorate of the territory sought to be annexed a proposition that all property located within the territory to be annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as property located within the City of Burien is assessed and taxed to pay for all or any portion of the outstanding indebtedness of the City of Burien, which indebtedness has been approved by the voters, contracted for, or incurred prior to or existing at the date of annexation.

Section 6. Cost of Election. The cost of said annexation election shall be paid by the City of Burien.

Section 7. Certified Copy to be Filed. The City Clerk shall file a certified copy of this Resolution with the Board of County Commissioners of King County, Washington and with the King County Boundary Review Board.

Section 8. Notice of Intention to be Filed. The City Clerk shall also file with the King

County Boundary Review Board a Notice of Intention hereof as required by RCW 36.93.090 et seq.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Rose Clark, Acting Mayor

ATTEST/AUTHENTICATED:

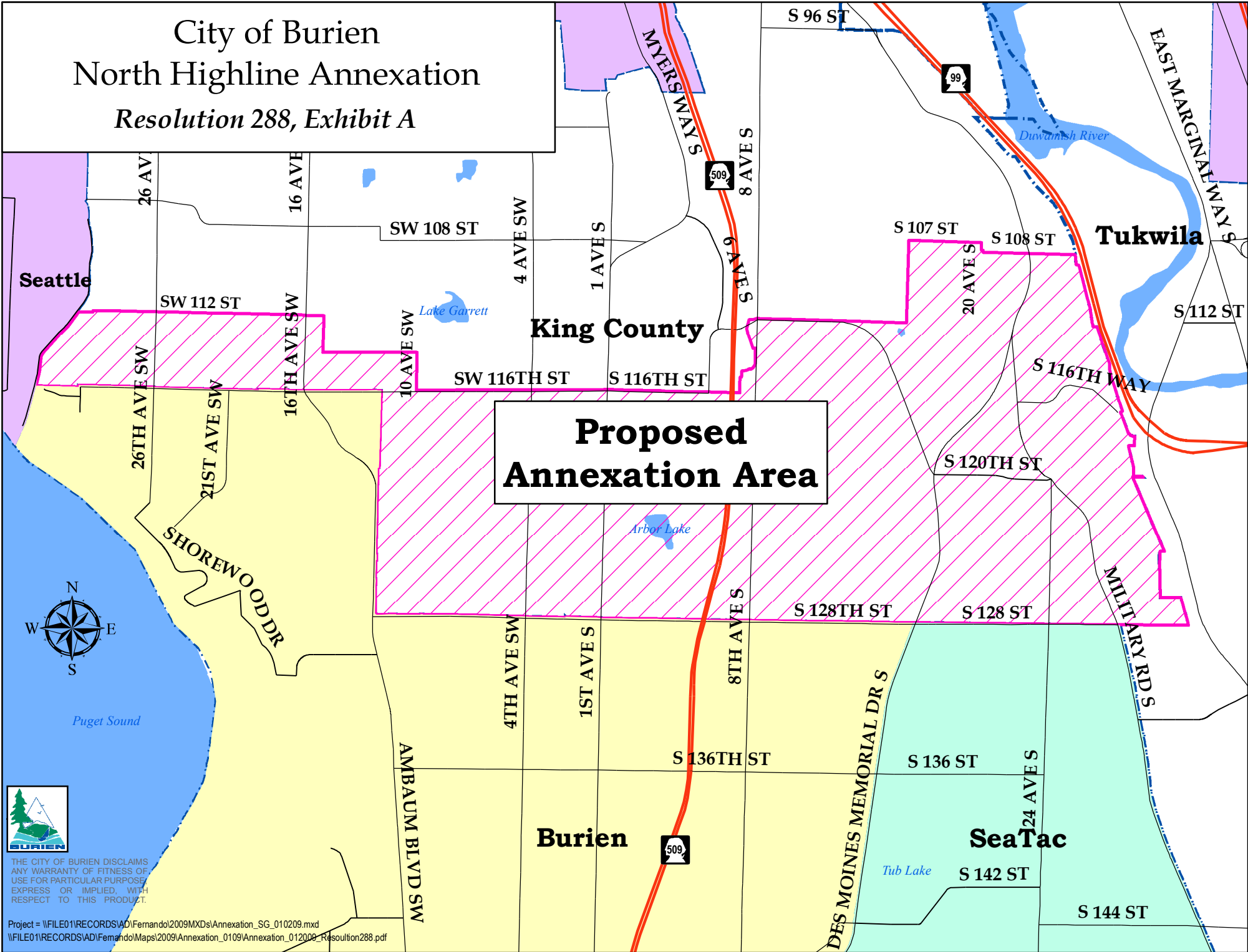
Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha,
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.

City of Burien North Highline Annexation Resolution 288, Exhibit A



THE CITY OF BURIEDIS CLAIMS
ANY WARRANTY OF FITNESS OF
USE FOR PARTICULAR PURPOSE,
EXPRESS OR IMPLIED, WITH
RESPECT TO THIS PRODUCT.