

November 21, 1989
hdm/1595H

Introduced by: PAUL BARDEN

Proposed No.: 89-918

9241

ORDINANCE NO. _____

AN ORDINANCE establishing the date of an election on the question of annexation to the City of Des Moines, adoption of proposed zoning, assumption of indebtedness, and formation of a community municipal corporation and election of its first members, within an area contiguous to the City known as the Northwest Des Moines Annexation Area, requesting it be held by mail and declaring an emergency.

STATEMENT OF FACT:

1. The City of Des Moines, Washington, by Resolution No. 576 has determined that it is in the public interest, health, safety and general welfare to provide for annexation of an area known as Northwest Des Moines in accordance with chapter 35A.14, RCW.

2. Said resolution does satisfy the provisions of RCW 35A.14.010 for qualification for annexation.

3. The City of Des Moines, by Resolution No. 576 adopted July 29, 1989, concurs in the annexation of the area known as Northwest Des Moines as provided by RCW 35A.14.050.

4. Pursuant to the provisions of RCW 36.93.100, the Boundary Review Board (BRB) invoked jurisdiction and in accordance with RCW 36.39.160 on November 9, 1989, filed its written decision approving the proposed annexation as submitted.

5. Pursuant to RCW Chapters 29.13 and 35A.14, the council deems an emergency exists for purpose of calling a special election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A special election shall be held on the 6th day of February, 1990, in accordance with RCW 35A.14.050 to be held within the territory of the proposed annexation, for the purpose of submitting to the qualified voters within said territory the questions of annexation, zoning, assumption of

1 indebtedness, and the formation of a community municipal
 2 corporation.

3 SECTION 2. The number of registered voters within the subject
 4 areas is estimated at 3,325 as nearly as may be determined from
 5 available records, and has been certified as such.

6 SECTION 3. The ballot title, as directed by statute, should
 7 be substantially as follows:

8 PROPOSITION:

9 A. Shall the area of King County commonly known as Northwest
 10 Des Moines and described in this ordinance and in Resolution No.
 11 576 of the City of Des Moines be annexed to the City of Des Moines
 12 and be subject to proposed zoning and land use regulations as
 13 provided in Resolution No. 576, with all property within the area
 14 upon annexation being assessed and taxed at the same rate as
 15 property within the City to pay for all or any portion of legally
 16 incurred indebtedness of the City and with the formation of a
 17 community municipal corporation for a portion of the area as
 18 described in Resolution No. 576, and Resolution No. 581?

19 FOR ANNEXATION TO THE CITY OF DES MOINES, ASSUMPTION OF A
 20 PRO-RATED PORTION OF EXISTING INDEBTEDNESS, ADOPTION OF PROPOSED
 21 ZONING AND LAND USE REGULATIONS AND FORMATION OF A COMMUNITY
 22 MUNICIPAL CORPORATION _____

23 AGAINST ANNEXATION _____

24 4. It is further requested to conduct at the same general
 25 election, and pursuant to RCW 35.14.020, the election of the
 26 initial five (5) members of the Northwest Des Moines Community
 27 Land Use Council community municipal corporation members, within
 28 that portion of the annexation area legally described in Exhibit
 29 "B". The five positions shall be identified as Positions 1, 2, 3,
 30 4 and 5, and filings shall be by position. A special filing
 31 period shall be established as prescribed by the Records and
 32 Elections Division.
 33

1 SECTION 5. The boundaries of the territory proposed for
2 annexation are hereby described as follows:

3 EXHIBIT A.

4 BEGINNING at the intersection of the East margin of 24th Ave.
5 South with the centerline of South 216th Street, said point being
6 within the Northeast 1/4, Section 9, Township 22 North, Range 4
7 East, W.M.;

8 Thence Westerly along said centerline to its intersection with
9 the projection of the East line of the West 806.50 feet of the
10 Southeast 1/4 of the Northeast 1/4 of Section 8, Township 22
11 North, Range 4 East, W.M.;

12 Thence Northerly along said East line to the North line of the
13 South 1/2 of the Northeast 1/4 of said Section 8;

14 Thence Westerly along said North line to the West line of the
15 Northeast 1/4 of said Section 8;

16 Thence Southerly along said West line to its intersection with
17 the centerline of South 216th Street;

18 Thence Westerly along said centerline to its intersection with
19 the Northerly projection of the centerline of vacated 7th Avenue
20 South;

21 Thence Southerly along said centerline projection to its
22 intersection with the South margin of South 216th Street;

23 Thence Northerly and Westerly along said South margin to a
24 point 5 feet East of the Northwest corner of Block 4, the Town of
25 Des Moines, Plat as recorded in Volume 3, page 165, Records of
26 King County, WA. (Des Moines Ordinance No. 774);

27 Thence continuing Westerly, Southwesterly, and Northwesterly
28 along said South margin of South 216th Street and the South margin
29 of South 216th Place, also being the Normandy Park City limits to
30 the intersection of the South margin of South 216th Street and the
31 South margin of South 216th Place;

32 Thence Easterly along said South margin of South 216th Street
33 to the projection of the East margin of First Avenue South, known
also as Puget Sound Marine View Drive;

Thence Northerly along said projection and East margin to the
North margin of South 192nd Street.

Thence Easterly along said North margin to the Westerly margin
of SR-509 right-of-way as located in the Southeast 1/4 Section 32,
Township 23 North, Range 4 East, W.M.;

Thence Southeasterly, Southerly, and Easterly along said
Westerly margin of SR-509 right-of-way to the intersection with
the Western margin of Des Moines Memorial Drive South (Des Moines
Way South);

Thence Southerly along said west margin to the North margin of
South 208th Street, also the City limits of SeaTac;

1 Thence Easterly along said North margin to the East line of
2 the Plat of Grove Addition to Des Moines as recorded in Volume 4
of Plats page 83;

3 Thence South along said East line 100 feet more or less to the
4 North margin of South 208th Street extended;

5 Thence East along said North margin to the East margin of 24th
6 Avenue South;

7 Thence Southerly along the boundary of the City limits of the
8 City of SeaTac, as described in King County Ordinance No. 8820 to
the South line of the Northwest 1/4 of the Northeast 1/4 of
Section 9, Township 22 North, Range 4 East;

9 Thence Southerly along the East margin of 24th Avenue South to
its intersection with the centerline of South 216th street and the
Point of Beginning of this description.

10 EXHIBIT B.

11 The boundaries of the NORTHWEST DES MOINES ANNEXATION,
12 COMMUNITY LAND USE COUNCIL as adopted by Resolution No. 576.

13 Beginning at the intersection of the West line of Section 9,
14 Township 22 North, Range 4 East, W.M., with the centerline of
South 216th Street;

15 Thence Westerly along said centerline to its intersection with
16 the projection of the East line of the West 806.50 feet of the
Southeast 1/4 of the Northeast 1/4 of Section 8, Township 22
North, Range 4 East, W.M.;

17 Thence Northerly along said East line to the North line of the
18 South 1/2 of the Northeast 1/4 of said Section 8;

19 Thence Westerly along said North line to the West line of the
20 Northeast 1/4 of said Section 8;

21 Thence Southerly along said West line to its intersection with
the centerline of South 216th Street;

22 Thence Westerly along said centerline to its intersection with
the Northerly projection of the centerline of vacated 7th Avenue
23 South;

24 Thence Southerly along said centerline projection to its
intersection with the South margin of South 216th Street;

25 Thence Northerly and Westerly along said South margin to a
26 point 5 feet East of the Northwest corner of Block 4, the Town of
Des Moines, Plat as recorded in Volume 3, page 165 Records of King
County, WA. (Des Moines Ordinance No. 774).

27 Thence continuing Westerly, Southwesterly, and Northwesterly
28 along said South margin of South 216th Street and the South margin
of South 216th Place, also being the Normandy Park City limits to
29 the intersection of the South margin of South 216th Street and the
South margin of South 216th Place;

30 Thence Easterly along said South margin of South 216th Street
31 to the projection of the East margin of 1st Avenue South, known
32 also as Puget Sound Marine View drive;

1 Thence Northerly along said projection and East margin to the
2 North margin of South 192nd Street;

3 Thence Easterly along said North margin to the Westerly margin
4 of SR-509 right-of-way as located in the Southeast 1/4 Section 32,
Township 23 North, Range 4 East, W.M.;

5 Thence Southeasterly, Southerly, and Easterly along said
6 Westerly margin of SR-509 right-of-way to the intersection with
the Western margin of Des Moines Memorial Drive South (Des Moines
Way South);

7 Thence Southerly along said West margin to the North margin of
8 south 208th Street, also the City limits of SeaTac;

9 Thence Easterly along said North margin to the East line of
10 the Plat of Grove Addition to Des Moines as recorded in Volume 4
of Plats page 83;

11 Thence South along said East line 100 feet more or less to the
12 North margin of South 208th Street extended;

13 Thence East along said North margin to the North extension of
the West line of Mayvale No. 3 Addition as recorded in 78 page 55
Records of King County, WA.;

14 Thence Southerly along said West line to the South line of the
15 North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 9,
Township 22 North, Range 4 East;

16 Thence Easterly along said South line to the East line of the
17 Northwest 1/4 of the Northwest 1/4 of Section 9, Township 22
North, Range 4 East;

18 Thence Southerly along said East line to the South line of the
19 Northwest 1/4 of the Northwest 1/4 of Section 9, Township 22
North, Range 4 East;

20 Thence Westerly along said South line and its projection to
21 the West margin of SR-509 right-of-way;

22 Thence Northerly along said West margin to the North margin of
23 South 212th Street;

24 Thence Westerly along said North margin to the West line of
Section 9, Township 22 North, Range 4 East, W.M.;

25 Thence Southerly along said west line to its intersection with
26 the centerline of South 216th Street and the Point of Beginning of
this description.

27 SECTION 6. The notice of election shall be published as
28 required by law.

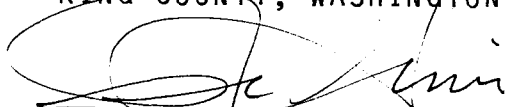
29 SECTION 7. The county council finds as a fact and declares
30 that an emergency exists and that this ordinance is necessary for
31 the immediate preservation of public peace, health or safety or
32 for the support of county government and its existing public
33 institutions.

SECTION 8. As provided in RCW 29.36.120 and King County Motion 7393, the King County council requests the manager of records and elections department to conduct the election by mail.

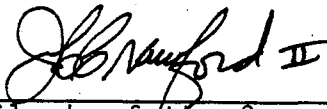
INTRODUCED AND READ for the first time this 11th day of December, 1989.

PASSED this 11th day of December, 1989.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chairman
3:59 12/2/89

ATTEST:


Clerk of the Council

DEEMED ENACTED WITHOUT
COUNTY EXECUTIVE'S SIGNATURE.

DATED: December 22, 1989

APPROVED this _____ day of _____, 19 .

King County Executive



**King County Executive
TIM HILL**

400 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-4040

December 22, 1989

The Honorable Ron Sims, Chair
King County Council
Room 400
COURTHOUSE

Re: Ordinance No. 9241 Des Moines Annexation Election

Dear Councilmember Sims:

I am transmitting the enclosed ordinance to you without my signature. As you know, the County Council passed Ordinance No. 9241, authorizing placement of the Des Moines annexation question on the February 6, 1990 ballot as a vote-by-mail issue. However, on that same date Highline School District No. 401 is scheduled to have school levy measure placed on the ballot as a poll election.

It is general practice not to conduct poll elections and vote-by-mail elections in the same precincts, at the same time because they result in considerable voter confusion and present significant and unresolvable election administration problems which could negatively impact the conduct of the elections.

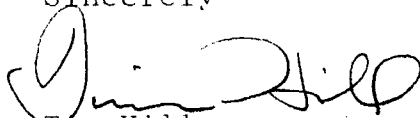
By statute, the Highline School District's request for a polling election takes precedence over the vote-by-mail request. Therefore, the County Auditor (Records and Elections Manager) has the authority to determine that the Des Moines Annexation may not be conducted as a vote-by-mail.

The Records and Election Manager and Councilmember Barden met with the Highline School District Superintendent and the City Manager for Des Moines. The Des Moines City Council also met and agreed that a poll election would be satisfactory. As a result of these meetings, and a review by the Prosecuting Attorney's Office, it was determined that both elections will be conducted by poll. The County Auditor's determination was transmitted to the Des Moines City Manager on Thursday, December 21, 1989.

Ron Sims
December 22, 1989
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Should you have any questions or concerns, please contact
Jesus Sanchez, Director of the Department of Executive
Administration at 296-3824.

Sincerely

A handwritten signature in black ink, appearing to read "Tim Hill". The signature is written in a cursive style with a large initial "T" and "H".

Tim Hill
King County Executive

Enclosures