

ORIGINAL

WPO289C-ORD  
12/10/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4620

AN ORDINANCE annexing to the City of Bellevue an approximately 147 acre parcel of unincorporated property located generally south of I-90, east of I-405, west of 133rd Avenue S.E. and north of S.E. 41st Place, commonly referred to as the Factoria annexation.

WHEREAS, petitioners, the owners of property constituting not less than 10% percent in assessed value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, prior to initiation of their petition, notified the City Council of their intention to commence annexation proceedings for the area described below, and the City Council met with said initiating owners and determined that the City would accept the proposed annexation provided that existing City indebtedness shall be assumed by the area to be annexed; and

WHEREAS, thereafter a sufficient petition for annexation was filed with the City Council pursuant to RCW 35A.14.120, signed by the owners of not less than 60 percent of assessed valuation for general taxation of the property for which annexation is petitioned, seeking annexation to the City of Bellevue of contiguous property located generally south of I-90, east of I-405, west of 133rd Avenue S.E. and north of S.E. 41st Place, commonly referred to as the Factoria annexation; and

WHEREAS, the jurisdiction of the Boundary Review Board for King County was not invoked for the annexation, and the annexation was deemed approved by the Boundary Review Board on November 15, 1993; and

WHEREAS, the City Council fixed November 22, 1993, at the hour of 8:00 p.m., as the date and time for a public hearing on said proposed annexation and caused notice of such hearing to be published and posted in accordance with the law, and the hearing having been held on that date and all interested parties appearing at said hearing and desiring to be heard in regard to the proposed annexation having been heard by the Council; and

WHEREAS, the City Council established a proposed zoning regulation, pursuant to RCW 35A.14.330, for the Factoria annexation area by adoption of Ordinance No. 4605 on December 6, 1993; and

WHEREAS, said proposed zoning regulation will become effective upon the adoption of this ordinance annexing the Factoria annexation area to the City of Bellevue; and

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WHEREAS, pursuant to Resolution No. 5145, adopted by the City Council on December 13, 1993, the City Council authorized and directed the City Manager to execute pre-annexation agreements with certain property owners within the Factoria annexation area for the purpose of establishing conditions of development agreeable to the City and said property owners, which conditions shall be binding on the City and said property owners for the duration of said agreement; and

WHEREAS, the pre-annexation agreements authorized pursuant to Resolution No. 5145, provide, as authorized by RCW 35A.14.330(4), for a time interval following an annexation during which the zoning and zoning conditions set forth in the pre-annexation zoning regulation adopted pursuant to Ordinance No. 4605 must remain in effect; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; and

WHEREAS, all statutory requirements have been complied with, including those set forth in chapter 35A.14 RCW inclusive and chapter 36.93 RCW inclusive; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following described property is hereby annexed to the City of Bellevue, Washington:

That portion of Sections 9 and 16, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the South line of said Section 9 and the LW-Line, as shown on the S.R. 405, Bagley Lane to Wilburton Right of Way Plans, sheet 3 of 7, dated March 31, 1959 and the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965; thence Northerly along said LW-Line to a line established by City of Bellevue Ordinance No. 676 as being 30.00 feet southerly of the centerline of Primary State Highway No. 2; thence Easterly along said line to the East line of said Section 9; thence Southerly along said East line to the Southeast corner of said Section 9; thence Westerly along the South line thereof to the Northeast corner of the West half of the Northeast quarter of the Northeast quarter of said Section 16; thence Southerly along the East line thereof to the North line of the South 528.00 feet of the Northeast quarter of the Northeast quarter of said Section 16; thence Westerly along said North line to the West line of

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the East 660.00 feet of the Northeast quarter of said Section 16; thence Southerly along said West line to the Northeast corner of Ballantrae Square, as recorded in Volume 37 of Condominiums, Pages 88-94; thence Westerly along the Northerly line thereof to the Easterly margin of 128th Avenue S.E.; thence Northerly along said Easterly margin to the Easterly extension of the Northerly margin of S.E. 41st Street; thence Westerly along said Easterly extension, Northerly margin and the Westerly extension thereof to the Westerly margin of 124th Avenue S.E.; thence Northerly along said Westerly margin to the South line of said Section 9; thence Westerly along said South line to the Point of Beginning.

Section 2. Upon annexation, the property described in Section 1 of this ordinance shall be assessed and taxed at the same rate and on the same basis as other property within the City is assessed and taxed to pay for any outstanding indebtedness of the City which indebtedness has been approved by the voters, was contracted for or incurred prior to, or was existing at, the date of annexation.

Section 3. The property described in Section 1 of this ordinance shall become part of the City of Bellevue on the effective date of this ordinance.

Section 4. The properties comprising the annexation area described in Section 1 of this ordinance are classified City of Bellevue F-1, F-2, F-3, Office(O), General Commercial (GC), Community Business (CB), R-5, R-20 and R-30 respectively, pursuant to the proposed zoning regulation for the Factoria annexation area approved by the City Council pursuant to Ordinance No. 4605, adopted on December 6, 1993. The use classifications and development conditions applicable thereto for those properties classified F-1, F-2 and F-3 shall, pursuant to RCW 35A.14.330(4) and the respective pre-annexation agreement adopted pursuant to Resolution No. 5745, remain in effect and shall not be amended, supplemented or modified, except with consent of the respective property owner, for a period of seven years from the effective date of the annexation.

Section 5. The Comprehensive Plan of the City of Bellevue shall be deemed to apply to the annexed property from the effective date of this ordinance.

Section 6. Pursuant to LUC 20.30I.130, the City Council hereby initiates an amendment to the Factoria Subarea Plan of the Comprehensive Plan for the City of Bellevue and directs staff to submit a proposed amendment to the Planning Commission for its review and recommendation pursuant to LUC Chapter 20.30I and the procedures set forth in LUC 20.35.400.

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Section 7. A certified copy of this ordinance shall be filed with the King County Council of King County, Washington, in which county said property is located.

Section 8. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 13<sup>th</sup> day of December, 1993, and signed in authentication of its passage this 13<sup>th</sup> day of December, 1993.

(SEAL)

  
Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Kirkby, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published December 17, 1993