

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2009-261**

**AN ORDINANCE OF THE CITY OF SAMMAMISH ACCEPTING THE 60%
ANNEXATION PETITION FOR ROSEMONT AT TIMBERLINE SUBDIVISION**

WHEREAS, RCW 35A.14.120 provides that “proceedings for initiating annexation of unincorporated territory to a charter code city or non-charter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed,” but that “prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings”; and

WHEREAS, on February 6, 2009, residents of the Rosemont at Timberline Subdivision notified the City of their intent to commence annexation proceedings, by submitting a letter with the signatures of the owners of not less than ten percent in value of the proposed annexation area; and

WHEREAS, this area is contiguous with the city limits; located in unincorporated King County just north of 205th Place NE in a Potential Annexation Area (PAA) adopted by the City Council in 2006 and 2007; and

WHEREAS, on April 21, 2008 the City Council adopted Ordinances O2008-228 and –229, which adopted contingent comprehensive plan land use and zoning designations for such PAA’s to be effective upon their annexation; and

WHEREAS, on April 7, 2009 the City Council met with the initiating parties as part of the regular City Council meeting and considered a resolution authorizing the initiating parties to circulate an annexation petition seeking the signatures of the owners of 60% of the assessed valuation of property within the annexation area; and

WHEREAS, on April 7, 2009 the Sammamish City Council adopted Resolution No. R2009-363, which accepted the proposed annexation and authorized the initiating parties to circulate an annexation petition seeking the signatures of the owners of 60% of the assessed valuation of property within the proposed annexation, on the condition that petition signers consent to the assumption of the modified annexation area’s pro-rate share of existing city indebtedness, if any; and

WHEREAS, on March 7, 2009, a petition, a copy of which is attached as Exhibit A hereto, was submitted to the City of Sammamish seeking annexation of the Rosemont at Timberline annexation area; and

WHEREAS, pursuant to RCW 35A.01.040 (9), the petition was forwarded to the King County Assessor for a determination as to the sufficiency of signatures thereon; and

WHEREAS, on May 12, 2009 the King County Assessor determined that the petition contains the signatures of the owners of 60% of the assessed valuation of property located within the proposed Rosemont at Timberline Annexation Area, and so notified the City of Sammamish of that determination in writing; and

WHEREAS, on May 19, 2009, the Sammamish City Council held a public hearing following publication of notice thereof as provided in RCW 35A.14.130; and

WHEREAS, the Sammamish City Council desires to annex the area described and shown in the petition;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Accept Sixty Percent Annexation Petition. The City of Sammamish hereby accepts the Rosemont at Timberline sixty percent petition for the annexation area, which is legally described in Exhibit B and depicted on the map in Exhibit C, which exhibits are attached hereto and incorporated herein by reference.

Section 2. Conditions Upon Annexation.

A. Comprehensive Plan and zoning designations. All properties within the Rosemont at Timberline Annexation Area shall be subject to the Comprehensive Plan and zoning designations set forth in City of Sammamish Ordinance Nos. O2008-228 and O2008-029.

B. Assumption of Existing Indebtedness. All property within the Rosemont at Timberline Annexation Area shall be assessed and taxed at the same rate and on the same basis as the property in the City of Sammamish is assessed and taxed to pay for the portion of outstanding city indebtedness, if any, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the effective date of the annexation in Section 1 of this Ordinance.

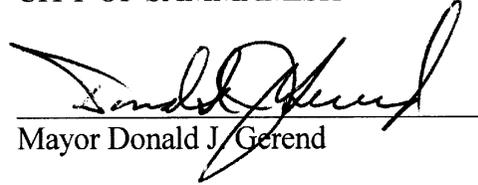
Section 3. Preparation of Notice of Intent to Annex. The City Manager, and/or his designees, are hereby authorized and directed to prepare and submit a Notice of Intention to Annex to the King County Boundary Review Board no later than one hundred eighty (180) days of the effective date of this Ordinance. The City Manager and/or his designees are hereby authorized and directed to take such other steps with respect to said Notice of Intention or otherwise as they deem necessary to implement the annexation in Section 1 of this Ordinance.

Section 4. Effective Date. This ordinance shall be effective within five (5) days after passage and publication

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 2ND DAY OF JUNE, 2009

CITY OF SAMMAMISH



Mayor Donald J. Gerend

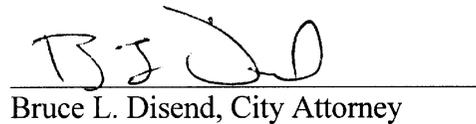
ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk:	May 13, 2009
Public Hearing:	May 19, 2009
First Reading:	May 19, 2009
Second Reading	June 2, 2009
Passed by the City Council:	June 2, 2009
Date of Publication:	June 5, 2009
Effective Date:	June 10, 2009

Mr. Kamuron Gurol
Director – Community Development
City of Sammamish
801 228th Avenue SE
Sammamish, WA 98075

May 7, 2009

**Re: Submission of 60% Annexation Petition On
Behalf of Rosemont at Timberline**

Dear Mr. Gurol:

As you know at the City Council Meeting of April 7, 2009 the City Council passed resolution #R2009-363 accepting Rosemont at Timberline's 10% Annexation Petition and the Council indicated that we may present next our 60% Level Petition.

On behalf of the residents of Rosemont at Timberline I am pleased to enclose the 60% Annexation Petition materials. As you will note the petition has been signed by all 14 of the 14 homeowners, representing 100% voting in favor. Also enclosed is our updated community tax valuation summary.

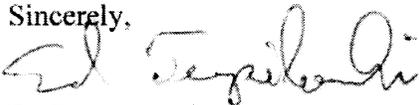
Since the presentation and passage of our Annexation Petition at the 10% level the Rosemont at Timberline Homeowners Association has been turned over from Wm. Buchan Homes Inc. to the residents. An all residents meeting then was held and afterwards the Board of Directors of Rosemont at Timberline, Todd Hubbard (Sec/Tres), Matt Kotler (VP/ACC Chair) and Ed Terpilowski (President) met with each home owner and reviewed the enclosed petition as well as our previous 10% level petition.

The petition instruction form clearly indicates the criteria by which the petition may be signed and so it should meet the verification by the Assessor's office. Hopefully this will be completed in a timely manner so the petition may be presented at the May 19th City Council Meeting.

In addition, I believe it is in both our interests to begin collaboration on the Notice of Intent (NOI) submission to the King County Boundary Review Board (BRB) for timely submission following City Council action.

On behalf of the homeowners of Rosemont at Timberline we look forward to the successful conclusion to this process and becoming citizens of the City of Sammamish.

Sincerely,



Ed Terpilowski
President
Rosemont at Timberline Homeowners Association

EXHIBIT A



PETITION FORM FOR PROPERTY OWNERS

Annexation Name: Rosemont at Timberline

Instructions

1. All signatures on this petition must be the person's true name.
2. Do not sign more than one of these petitions.
3. Signatures must be in blue or black ink.
4. Only property owners (as shown by county records) may sign.
5. If a property is owned by a couple, only one spouse needs to sign but both may sign. Mortgage lenders do not need to sign. If the property is owned by more than one person who are not spouses, all co-owners should sign unless the owners have designated one person to sign for them. A copy of the written designation, permitting one owner to sign on behalf of multiple owners, should be attached to the petition.
6. Where real estate contracts are involved, only the purchaser needs to sign as long as the contract is recorded with the county; otherwise, only the contract seller is authorized to sign.
7. If a property is owned by a corporation, only a corporate officer who is explicitly authorized by the bylaws to execute deeds or encumbrances on behalf of the corporation can sign.
8. If you own multiple parcels of property within the proposed annexation area you only need to sign once.

Declaration

I/We, the undersigned property owners, by our signatures do petition the City of Sammamish to annex an area of unincorporated King County, lying contiguous to the City of Sammamish, and referred to as the annexation of Rosemont at Timberline. This area is indicated on the map attached as Exhibit A and legally described on the attached Exhibit B. Pursuant to the motion passed by the Sammamish City Council on April 7, 2009, the annexation area shall, upon annexation, be subject to its proportionate share of the City's existing indebtedness. The annexation area shall also be subject Ordinances O2008-228 and O2008-229, which adopted contingent comprehensive plan land use and zoning designations for such PAAs to be effective upon their annexation.

EXHIBIT A

EXCEPT FROM SAMMAMISH CITY COUNCIL MINUTES: Pursuant to RCW 35A.14.120, the following quotation is from the minute entry from the April 7, 2009 Sammamish City Council meeting regarding the zoning and indebtedness requirements pertaining to the proposed annexation area:

After completion of the staff presentation of the annexation proposal, Councilmember Whitten moved and Councilmember Petitti seconded, that the proposed annexation areas boundaries be established as presented by staff, that the 60% petition for annexation, as set forth in RCW 35A.14.120, be authorized for circulation in the proposed annexation area and that the area, upon annexation, be subject to its proportionate share of the existing indebtedness of the City of Sammamish, and that the area be subject to the zoning requirements for newly annexed areas as set for in the Sammamish Municipal Code. Motion passed by unanimous vote of the Council, 6-0.

WARNING

Every person who signs this petition with any other than his/her true Name, or signs a petition when he/she is otherwise not qualified to sign, or who makes herein any false statement, may be guilty of misdemeanor

NOTE TO SIGNORS: If you own more than one tax parcel within the annexation area, your signature on this petition will constitute your commitment for all property owned by you within the proposed annexation area.

1)
NAME (Print): Todd R. Hubbard
SIGNATURE: Todd R. Hubbard DATE: 5-8-09
ADDRESS: 4531 205th Place NE TRH
PROPERTY DESCRIPTION: 7430-200110
(Ten-digit tax lot number or subdivision and lot number)

2)
NAME (Print): Matthew Kotler
SIGNATURE: Matthew Kotler DATE: 5-6-09
ADDRESS: 4523 205th Pl. NE
PROPERTY DESCRIPTION: 7430 200120
(Ten-digit tax lot number or subdivision and lot number)

EXHIBIT A

NAME (Print): Ed Terpilowski
SIGNATURE: *[Signature]* DATE: 4/30/09
ADDRESS: 4566 205th PL NE Sumner WA 98077
PROPERTY DESCRIPTION: 7430 200 060
(Ten-digit tax lot number or subdivision and lot number)

4)
NAME (Print): CHRIS JESTER
SIGNATURE: *[Signature]* DATE: 5/2/09
ADDRESS: 4502 205th PL NE SAMMAMISH WA 98074
PROPERTY DESCRIPTION: 7430 200 040
(Ten-digit tax lot number or subdivision and lot number)

5)
NAME (Print): Andy Hargan
SIGNATURE: *[Signature]* DATE: 5/2/09
ADDRESS: 4510 205th PL NE
PROPERTY DESCRIPTION: 7430 000 030
(Ten-digit tax lot number or subdivision and lot number)

6)
NAME (Print): Kerrin Thomas
SIGNATURE: *[Signature]* DATE: 5/2/09
ADDRESS: 4515 205th PL NE
PROPERTY DESCRIPTION: 7430 200 130
(Ten-digit tax lot number or subdivision and lot number)

7)
NAME (Print): Jianbo Peng
SIGNATURE: *[Signature]* DATE: 5/2/09
ADDRESS: 4547 205th PL NE
PROPERTY DESCRIPTION: 7430 200 090
(Ten-digit tax lot number or subdivision and lot number)

8)
NAME (Print): Song Yang
SIGNATURE: *[Signature]* DATE: 5/2/2009
ADDRESS: 4552 205th PL NE
PROPERTY DESCRIPTION: 7430 200 020
(Ten-digit tax lot number or subdivision and lot number)

9)
NAME (Print): PANKAS DHINGRA
SIGNATURE: *[Signature]* DATE: 5/2/2009
ADDRESS: 4560 205th Place NE
PROPERTY DESCRIPTION: 7430 200 050
(Ten-digit tax lot number or subdivision and lot number)

10)
NAME (Print): Dan Li
SIGNATURE: *[Signature]* DATE: 5/2/2009
ADDRESS: 4555 205th PL NE
PROPERTY DESCRIPTION: 7430 200 080
(Ten-digit tax lot number or subdivision and lot number)

EXHIBIT A

11)

NAME (Print): MAVICIO PLASCHINSKI

SIGNATURE: [Signature]

DATE: 5/03/09

ADDRESS: 4563 205th PL NE SAMMAMISH WA 98074

PROPERTY DESCRIPTION: 7430 200 070

(Ten-digit tax lot number or subdivision and lot number)

12)

NAME (Print): ABHISHEK ABHISHEK

SIGNATURE: [Signature]

DATE: 5/13/09

ADDRESS: 4507 205th PL NE SAMMAMISH WA 98074

PROPERTY DESCRIPTION: 7430 200 140

(Ten-digit tax lot number or subdivision and lot number)

13)

NAME (Print): DEVILLO PROEMER

SIGNATURE: [Signature]

DATE: 5/4/09

ADDRESS: 4539 205th PL NE SAMMAMISH WA 98074

PROPERTY DESCRIPTION: 7430 200 0100

(Ten-digit tax lot number or subdivision and lot number)

14)

NAME (Print): ASUR VEDAMATHU

SIGNATURE: [Signature]

DATE: 5/04/09

ADDRESS: 4544 205th PL NE SAMMAMISH WA 98074

PROPERTY DESCRIPTION:

(Ten-digit tax lot number or subdivision and lot number)

RECEIVED

MAY 15 2009

City of Sammamish

**Rosemont at Timberline
205th PL NE, Sammamish WA 98074
King County Tax Roll History
(As of May 4, 2009)**

Address	Parcel ID#	Owner(s)	Taxable Valuation
4502	7430200040	Tector, Chris & Elizabeth	\$1,055,000
4507	7430200140	Abhishek & Choudhury	\$ 988,000
4510	7430200030	Harjanto, Andy & Venney	\$ 957,000
4515	7430200130	Thomas, John & Kerin	\$ 961,000
4523	7430200120	Kotler, Matthew & Julie	\$1,017,000
4531	7430200110	Hubbard, Todd & Bieratt	\$1,123,000
4544	7430200010	Vedumutha, Asir & Caroline	\$ 927,000
4547	7430200090	Peng, Jianbo & Xin Ge	\$1,061,000
4552	7430200020	Zhang, Songlin & Cunying	\$ 997,009
4555	7430200080	Li, Dan & Xiaoli Wang	\$1,088,000*
4560	7430200050	Dhingra, Pankaj	\$ 955,000
4566	7430200060	Terpilowski, Ed & Sally	\$1,130,000
4532	7430200100	Rademeyer, Neville	\$1,096,000
4563	7430200070	Plaschinski-Farca, Mauricio & Sal	\$1,308,000*

Total Taxable Valuation \$14,563,000

*King County has now place this taxable value and will record it shortly.

This information is taken from King County Ereal property links and phone verification with King County Assessor and Recorder's Offices for * values.

EXHIBIT 'B'
ROSEMONT AT TIMBERLINE
ANNEXATION LEGAL DESCRIPTION

Lots 1 through 14 and Tracts 'A', 'B', 'C', 'E', 'F', and 'H' of Rosemont At Timberline, as recorded in Volume 232 of Plats at Pages 73-78 and recorded under Auditor's Fee No. 20060118000015, records of King County, Washington and lying within that portion of the Northwest quarter, of the Southeast quarter, of Section 17, Township 25 North, Range 6 East, W.M., King County, Washington described as follows:

COMMENCING at the Southeast corner of said subdivision;
THENCE North 88°48'06" West 480.87 feet, along the South line of said subdivision to the Southeast corner of said Tract 'A' and the POINT OF BEGINNING;
THENCE along the common line between Tract 'D' of said Rosemont At Timberline and Lots 4 through 7, Tract 'C', Lots 9 through 14, and Tracts 'F', 'E', and 'A' of said Rosemont At Timberline along the following courses:
North 32°51'35" East 81.52 feet;
North 03°51'01" East 55.17 feet;
North 14°01'52" East 52.60 feet;
North 10°15'31" East 60.28 feet;
North 27°14'17" West 53.77 feet;
North 23°52'46" West 45.20 feet;
North 17°23'16" West 76.15 feet;
North 16°50'20" West 87.88 feet;
North 45°01'18" West 45.41 feet;
South 89°34'19" West 36.01 feet;
South 47°43'18" West 88.41 feet;
South 25°52'45" West 96.09 feet;
South 86°39'32" West 76.98 feet;
South 83°52'10" West 44.38 feet;
North 72°58'41" West 50.15 feet;
North 24°04'33" West 51.54 feet;
North 19°03'21" West 53.99 feet;
North 58°15'38" West 11.08 feet;
South 05°21'22" West 44.83 feet;
North 88°47'18" West 57.16 feet;
South 14°19'29" East 86.19 feet;
South 17°20'29" East 42.72 feet;
South 14°53'38" East 62.54 feet;
South 62°19'39" West 50.92 feet;
South 74°42'38" West 31.43 feet;
South 34°56'43" East 18.95 feet;
South 17°54'34" East 41.68 feet;
South 19°43'06" West 22.95 feet;
South 16°16'54" East 21.00 feet;
South 29°52'33" East 14.66 feet;

South 63°44'08" East 20.80 feet;
South 40°10'26" East 41.68 feet;
South 10°27'07" East 21.77 feet;
South 27°54'13" East 38.96 feet to the Southwest corner of said Tract 'F' and the South line of said subdivision;
THENCE South 88°48'06" East 402.05 feet, along the South line of said Tracts 'F', 'E' and 'A' and the South line of said subdivision to the POINT OF BEGINNING and containing 4.718 acres, more or less.

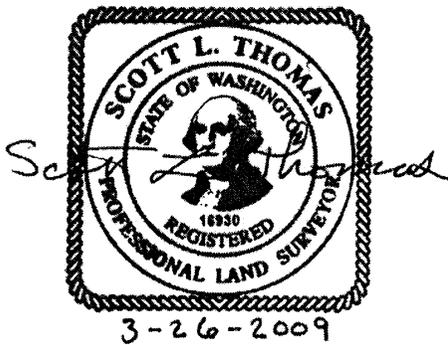


EXHIBIT 'B'



TRACT G

NW CORNER,
NW 1/4, SE 1/4,

NE CORNER,
NW 1/4, SE 1/4

NOT INCLUDED

NW 1/4, SE 1/4, SECTION 17, T 25 N, R 6 E

TRACT D

ROSEMONT AT TIMBERLINE
ANNEXATION

LOTS 1-14

TRACTS: A, B, C, E, F, H

SW CORNER,
NW 1/4, SE 1/4,

SE CORNER,
NW 1/4, SE 1/4

P.O.B

Rosemont at Timberline Annexation Area

SAPHALEE WAY NE

