Ordinance No. 2767
(Amending or Repealing Ordinances)

CFN=567 – Annexation Policy
Passed – 1/19/1988
Outside Utility Service

Amends Ord. 2696 (formerly 4.22.10 now 7.11)

Amended by Ord. 2953;3671
ORDINANCE NO. 2767

AN ORDINANCE of the City of Kent, Washington, relating to required annexation covenants of property owners outside the City of Kent receiving utility service from the City to comply with City land use and zoning; amending Kent City Code 4.22.010.

WHEREAS, the City of Kent has adopted Ordinance 2696 requiring covenants of property owners outside the City of Kent receiving utility services from the City; and

WHEREAS, the City of Kent has adopted Resolution 1150 setting forth certain annexation policies and amending the Kent Sphere of Interest; and

WHEREAS, extension of utility services beyond city limits is subject to the authority of the King County Boundary Review Board and said Board requires that such extensions be conditioned on annexation or efforts towards annexation; and

WHEREAS, RCW 35.67.310 and RCW 35.92.170 authorize each city and town to permit connection of its sewer systems and waterwork systems beyond its corporate limits and boundaries; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Kent City Code 4.22.010 is amended as follows:

4.22.010. The City of Kent will not provide utility services to properties outside the corporate limits of Kent, but within the City of Kent's primary sphere of interest for annexation purposes as adopted by Resolution, unless the property owner covenants and agrees as follows:
1.1 The owner will petition for annexation of the property to the City of Kent and give notice of intent to annex at the time their property is included within any area which is being considered for annexation by the City of Kent under terms and conditions established by the City of Kent through the Public Works Department consistent with the provisions of this Ordinance set forth below. (0.2696)

1.2 The owner understands and agrees that upon annexation the property will be assessed and taxed at the same rate and on the same basis as property within the City is assessed and taxed, and to pay any outstanding indebtedness of the City contracted prior to or existing at the time of annexation.

1.3 The owners agree to design and construct all public improvements to meet or exceed City of Kent subdivision and construction standards. The City of Kent Public Works Department reserves its right to withhold providing sanitary sewer and water service until said public improvements have been constructed in accordance with said standards.

1.4 The owners agree to provide the City of Kent with mylar-reproducible as-built construction drawings of said public improvements prior to initiating building construction on any lot within the proposed subdivision of the property.

1.5 The owners agree that development of the property will create significant impacts on the City including immediate impacts to the City's streets, roads, and traffic system. The owners agree and covenant that they will participate in the cost of constructing required improvements determined to be necessary by the City of Kent. These actions must be completed to the City of Kent's satisfaction prior to the City providing utility service to the subject property.

1.6 The owner shall agree to pay a proportionate share of all costs associated with the construction of said road and traffic system improvements as determined by the City of Kent. The method for determining the owners' contribution toward the construction of said improvements shall be based upon a formula determined by the Director of the Public Works Department.
1.7 Covenants and promises contained in such agreements shall run with the land and shall be binding upon all parties and successors in interest having or acquiring any right, title or interest in the property and improvements described in any agreement.

1.8 The owners agree that should it fail to comply with any of the covenants of any agreements executed with the City of Kent, the City may at its sole discretion terminate the City's utility services. (0.2696 §1)

1.9 The owners agree that the annexation areas shall be consistent with applicable subarea land use plans and the City-wide Comprehensive Plan; provided, however, that the owners further agree that the City may withhold full implementation of the Comprehensive Land Use Plan map designations in its annexation zoning proposals in order to achieve a more orderly physical development pattern and to implement its goals of twenty percent density reduction in multifamily residential areas.

1.10 The owners will state in their petition for annexation the existing King County zoning designation and certify that it is consistent with the City of Kent's plan.

Section 2. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK
APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 19 day of January, 1988.
APPROVED the 20 day of January, 1988.
PUBLISHED the 21 day of January, 1988.

I hereby certify that this is a true copy of Ordinance No. 2767, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK