

**ORDINANCE NO. 09-04**

**AN ORDINANCE REGARDING AMENDING ORDINANCE 09-02 BY CORRECTING THE LEGAL DESCRIPTION AS DESCRIBED IN EXHIBIT A.**

**WHEREAS**, On May 31<sup>st</sup>, 2007 the City of Battle Ground received an initial Notice of Intent to annex approximately 380 acres located at the southern end of the City south of NE 199<sup>th</sup> Street and west of NE 142<sup>nd</sup> Avenue, known as the South Battle Ground Annexation; and,

**WHEREAS**, on July 2<sup>nd</sup>, 2007, the City Council conducted a meeting with the initiating parties as required by RCW 35A.14.120 and accepted the notice of intent to annex, specified that the adopted preannexation zoning would apply to the property upon annexation and that the property proposed to be annexed would be subject to any outstanding indebtedness; and,

**WHEREAS**, a complete and sufficient annexation petition was submitted to the City of Battle Ground on May 13<sup>th</sup>, 2008. The petition was transmitted to the Clark County assessor on May 13<sup>th</sup>, 2008 to determine its sufficiency. On November 5<sup>th</sup>, 2008 the city received a response from the assessor indicating the petition contained valid signature representing more than the required 60% of the total assessed value; and,

**WHEREAS**, on December 1<sup>st</sup>, 2008, the City Council held a public hearing on the annexation proposal pursuant to RCW 35A.14.231; and,

**WHEREAS**, The City Council finds that the proposed annexation is consistent with the Comprehensive Plan and will allow for future orderly growth;

**WHEREAS**, Ordinance number 08-23 was adopted on December 1<sup>st</sup>, 2008 and it was subsequently discovered that there was an error on the legal description as described as exhibit A.

**WHEREAS**, Ordinance number 09-02 was adopted on February 17<sup>th</sup>, 2009 and it was subsequently discovered that there was an error on the legal description as described as exhibit A

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The property, as set forth in Exhibit "A" and for which the petition for annexation is filed, shall be and is hereby made a part of the City of Battle Ground and annexed thereto.

**Section 2.** Pursuant to the terms of the annexation petition, all property within this territory to be annexed hereby shall be assessed and taxed at the same rate and on the same basis as the property within the City of Battle Ground, including assessments or taxes or taxes in payment of any bond issued or debts contracted by order existing at the time of annexation.

**Section 3.** In accordance with RCW 35A.14.330, the annexation area shall be subject to the zoning classifications established by the City of Battle Ground Zoning Map adopted by Ordinance No. 04-024 as amended.

**Section 4.** The City Clerk is hereby directed to file with the Board of County Commissioners of Clark County a certified copy of this ordinance. The City Clerk is further directed to file with the Office of Financial Management a certificate as required by RCW 35A.14.700 within thirty (30) days of the effective date of annexation.

**Section 5.** This Ordinance shall become effective 30 days from the date of adoption.

ADOPTED AT THE REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, THIS 6th DAY OF April 2009.

CITY OF BATTLE GROUND

  
\_\_\_\_\_  
Michael J. Ciraulo, Mayor

Attest:

Approved as to form:

  
\_\_\_\_\_  
Claire Lider,  
City Clerk  
\_\_\_\_\_  
Brian H. Wolfe,  
City Attorney



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March 5, 2009

**LEGAL DESCRIPTION  
FOR  
SOUTH BATTLE GROUND ANNEXATION**

A tract of land in a portion of the Northeast quarter and the Southeast quarter of Section 10 and the Northwest quarter and Southwest quarter of Section 11 and the Southwest quarter of Section 2, Township 3 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of Section 10; thence South  $89^{\circ} 22' 32''$  East, along the North line of said Section 10, for a distance of 1314.89 feet to the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 10 and being the TRUE POINT OF BEGINNING; thence South  $01^{\circ} 17' 14''$  West, along the East line of the Northwest quarter of the Northeast quarter of said Section 10, for a distance of 1329.00 feet to the North line of that certain tract of land conveyed to "CMK Investment" by deed, recorded under Auditor's File No. 3968392, records of Clark County; thence South  $89^{\circ} 30' 43''$  East, along said North line, for a distance of 1093.73 feet to an angle point therein; thence South  $01^{\circ} 20' 16''$  West, along the East line of said "CMK tract", for a distance of 359.54 feet to an angle point therein; thence South  $89^{\circ} 30' 43''$  East, along the North line of said "CMK tract", for a distance of 200.02 feet to the Westerly right-of-way line of N.E. Parkway Avenue (NE 132<sup>nd</sup> Avenue); thence South  $01^{\circ} 20' 16''$  West, along said Westerly right-of-way line, for a distance of 20.00 feet to the South line of said "CMK tract"; thence North  $89^{\circ} 30' 43''$  West, along the South line of said "CMK tract", for a distance of 865.61 feet to the Northwest corner of Lot 2 of that certain short plat recorded in Book 2 of Short Plats, page 190, records of Clark County; thence South  $01^{\circ} 13' 34''$  West, along the West line of said Lot 2, for a distance of 242.48 feet to an angle point therein; thence North  $89^{\circ} 43' 29''$  West, along the North line of said Lot 2 and the extension thereof, for a distance of 421.38 feet to the Northwest corner of Lot 3 of said short plat; thence South  $01^{\circ} 21' 17''$  West, along the West line of said Lot 3 and the extension thereof, for a distance of 515.75 feet to the North line of Lot 2 of that certain short plat recorded in Book 1 of Short Plats,

page 737, records of Clark County; thence North  $89^{\circ} 43' 05''$  West, along the North line of said Lot 2, for a distance of 170.49 feet to the Northwest corner thereof; thence South  $01^{\circ} 13' 51''$  West, along the West line of said short plat, for a distance of 379.50 feet to the Southwest corner thereof; thence South  $89^{\circ} 43' 05''$  East, along the South line of said short plat and the extension thereof, for a distance of 1476.91 feet to the East line of the Southeast quarter of said Section 10; thence South  $01^{\circ} 12' 53''$  West, along the East line of said Section 10, for a distance of 1470.75 feet to the Northwest corner of the South half of the Northwest quarter of the Southwest quarter of the Southwest quarter of Section 11; thence South  $89^{\circ} 06' 55''$  East, along the North line of said South half, for a distance of 661.31 feet to the Northeast corner of said South half; thence South  $01^{\circ} 17' 09''$  West, along the East line of said South half, for a distance of 331.40 feet to the Southeast corner of said South half; thence South  $89^{\circ} 08' 21''$  East, along the North line of the West half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 11, for a distance of 22.00 feet to the Northwest corner of Lot 1 of "R & R Estates", recorded in Book 310 of Plats, page 839, records of Clark County; thence South  $01^{\circ} 17' 09''$  West, along the West line of said Lot 1, for a distance of 355.01 feet to the Southwest corner thereof; thence South  $89^{\circ} 08' 21''$  East, along the South line of said Lot 1, for a distance of 308.23 feet to the Southeast corner thereof, being on the East line of the West half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 11; thence South  $01^{\circ} 19' 18''$  West, along said East line, for a distance of 307.52 feet to the Southeast corner of the West half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 11; thence South  $89^{\circ} 11' 12''$  East, along the South line of the Southwest quarter of Section 11, for a distance of 1650.19 feet to the Southeast corner of the Southwest quarter of Section 11; thence South  $88^{\circ} 48' 00''$  East, along the South line of the Southeast quarter of Section 11, for a distance of 40.00 feet to the East right-of-way line of NE 142<sup>nd</sup> Avenue, as shown on the "Cedars Phase III", recorded in Book G of Plats, page 846, Clark County Auditor's Records; thence North  $01^{\circ} 30' 03''$  East, along said East right-of-way line, as shown on the "Cedars Phase III" and the "Cedars Phase I", recorded in Book G of Plats, page 596, Clark County Auditor's Records, for a distance of 1158.17 feet to the North line of the "Cedars Phase I" (G-596); thence North  $88^{\circ} 55' 45''$  West, along said North line of the "Cedars Phase I", for a distance of 10.00 feet, to the East right-of-way line of NE 142<sup>nd</sup> Avenue; thence North  $01^{\circ} 30' 03''$  East, along the East right-of-way line of NE 142<sup>nd</sup> Avenue, for a distance of 2824.12

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feet to the South line of the Northwest quarter of the Northeast quarter of Section 11; thence North  $89^{\circ} 12' 20''$  West, along the South line of the Northwest quarter of the Northeast quarter of Section 11, for a distance of 30.00 feet, to the Southwest corner of said Northwest quarter of the Northeast quarter of Section 11; thence North  $89^{\circ} 14' 11''$  West, along the South line of the Northeast quarter of the Northwest quarter of Section 11, for a distance of 30.00 feet to the West right-of-way line of NE 142<sup>nd</sup> Avenue; thence North  $01^{\circ} 30' 03''$  East, along the West right-of-way line of NE 142<sup>nd</sup> Avenue, for a distance 1337.20 feet to the North line of the Northeast quarter of the Northwest quarter of Section 11; thence North  $00^{\circ} 40' 14''$  East, parallel with the East line of the Southwest quarter of Section 2, for a distance of 30.00 feet to the North right-of-way line of NE 199<sup>th</sup> Street; thence North  $89^{\circ} 28' 28''$  West, along the North right-of-way line of NE 199<sup>th</sup> Street, for a distance of 2631.71 feet to the West line of the Southwest quarter of Section 2; thence South  $00^{\circ} 06' 03''$  East, along the West line of the Southwest quarter of Section 2, for a distance of 30.00 feet to the Southwest corner of the Southwest quarter of Section 2; thence North  $89^{\circ} 22' 32''$  West, along the North line of the Northeast quarter of Section 10, for a distance of 1314.89 feet to the POINT OF BEGINNING.

Contains 384.85 acres, more or less.

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