

ORDINANCE NO. 09-01

**AN ORDINANCE REGARDING THE ANNEXATION OF UNINCORPORATED
TERRITORY TO THE CITY OF BATTLE GROUND, WASHINGTON,
AND FIXING ITS ZONE FOR LAND USE.**

WHEREAS, On October 27, 2008, the City of Battle Ground received an initial Notice of Intent to annex approximately 57 acres located at the northeast portion of the City, with the annexation boundaries of NE 142 Avenue to the east, NE 249th Street to the north, NE 132nd Ave to the west, and NE 244th Street to the south, known as the "NE 142nd Avenue Annexation"; and,

WHEREAS, on December 1, 2008, 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 January 14, 2009. The petition was transmitted to the Clark County assessor on January 15, 2009 to determine its sufficiency. On January 23, 2009, 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 February 2, 2009, 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;

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. 07-016 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 2nd DAY OF FEBRUARY, 2009.

CITY OF BATTLE GROUND



Michael J. Ciraulo, Mayor

Attest:

Approved as to form:



Claire Lider,
City Clerk



Brian H. Wolfe,
City Attorney



HAGEDORN, INC.

SURVEYORS AND ENGINEERS

1824 Broadway, Suite B • Vancouver, WA 98683 • (360) 690-4428 • (866) 696-4428 • Fax: (360) 694-8934 • www.hagedornsa.com

December 8, 2008

EXHIBIT "A"

LEGAL DESCRIPTION FOR 142ND AVENUE, LLC

PROPOSED ANNEXATION BOUNDARY:

The basis of bearings for this description is the West line of the Southwest quarter of Section 26, as shown on Short Plat 2-186, records of the Clark County Auditor;

That portion of Section 26, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at the West quarter corner of Section 26, thence North $01^{\circ} 07' 19''$ East, along the West line of the Northwest quarter of Section 26, 25.00 feet, to a point on the North line of the N.E. 249th Avenue (formerly the John Meyer Road) as established in Road Book 6, page 630;

THENCE South $89^{\circ} 08' 57''$ East, along the North line of N.E. 249th Street, and 25.00 feet North of the centerline thereof, being the North line of the Southwest quarter of Section 26, 663.55 feet, to the West boundary of Short Plat 2-58, records of the Clark County Auditor;

THENCE North $01^{\circ} 00' 37''$ East, along the West boundary of Short Plat 2-58, 5.00 feet, to a point 30.00 feet North of centerline;

THENCE South $89^{\circ} 08' 57''$ East along the North line of N.E. 249th Street, as dedicated to Clark County in Short Plat 2-58, 331.77 feet, to the East boundary of said plat;

THENCE South $00^{\circ} 57' 18''$ West, along said East boundary, 5.00 feet, to the original North line of N.E. 249th Street;

Legal Description for
Don Holsinger

PROPOSED ANNEXATION BOUNDARY:

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THENCE South 89° 08' 57" East, along said North line, and 25.00 feet North of centerline, 332.83 feet, to a point on the West boundary of the plat of "Hawk Estates", as shown in Book "J" of Plats, page 248, records of the Clark County Auditor;

THENCE North 0° 40' 56" East, along the West boundary of "Hawk Estates", 5.00 feet;

Thence South 89° 08' 57" East, along the North line of N.E. 249th Street, and 30.00 feet North of centerline, as dedicated to Clark County in the plats of "Hawk Estates" (J-248) and "Blanko Bluff" (J-367), and by conveyance recorded under Clark County Auditor's File No. 8103240097, and the Easterly prolongation thereof, 1326.04 feet, to the East line of the Northwest quarter of Section 26;

THENCE South 89° 09' 22" East, 30.00 feet North of the centerline of N.E. 249th Street, being the South line of the Northeast quarter of Section 26, 20.00 feet;

THENCE South 0° 40' 38" West, parallel with the West line of the Northeast quarter of Section 26, 30.00 feet, to the South line of the Northeast quarter of Section 26;

THENCE South 0° 39' 25" West, along the East line of NE 142nd Avenue (formerly Axford Road), being 20.00 feet East of the centerline thereof, as established in Road Book 11, page 14 (said centerline being the West line of the Southeast quarter of Section 26), 443.26 feet, to the North boundary of the plat of "BW Subdivision", as shown in Book "G" of Plats, page 377;

THENCE South 89° 09' 19" East, along the North boundary of "BW Subdivision" 10.00 feet, to a point 30.00 feet East of the centerline of N.E. 242nd Avenue;

THENCE South 0° 39' 25" West, along the East line of N.E. 242nd Avenue, as shown on the plat of "BW Subdivision", 452.20 feet to the South boundary of said plat;

Legal Description for
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THENCE North $89^{\circ} 02' 11''$ West, along said South boundary, 10.00 feet to the original East line of N.E. 242nd Avenue;

THENCE South $0^{\circ} 39' 25''$ West, along the East line of N.E. 242nd Avenue, and 20.00 feet East of centerline and the West line of the Southeast quarter, 417.80 feet, to the South line of the Northwest quarter of the Southeast quarter of Section 26;

THENCE North $89^{\circ} 00' 19''$ West, along said South line, 20.00 feet, to the Southeast corner of the Northeast quarter of the Southwest quarter of Section 26;

THENCE North $89^{\circ} 18' 51''$ West, 1336.70 feet, to the Southwest corner of the Northeast quarter of the Southwest quarter of Section 26;

THENCE North $01^{\circ} 04' 15''$ East, 658.52 feet, to the Northeast corner of the South half of the Northwest quarter of the Southwest quarter of Section 26, and the Northeast corner of Short Plat 2-186;

Thence North $89^{\circ} 13' 55''$ West, 1331.94 feet, to the Northwest corner of the South half of the Northwest quarter of the Southwest quarter of Section 26, and the Northwest corner of Short Plat 2-186;

THENCE North $01^{\circ} 28' 56''$ East, 660.48 feet to the POINT OF BEGINNING.

LD-2008\Holsinger-Proposed Annex Bndy.bpt
08-193



12-8-08

142nd Avenue

Annexation

SW 1/4 of Section 26 T4R2E WM

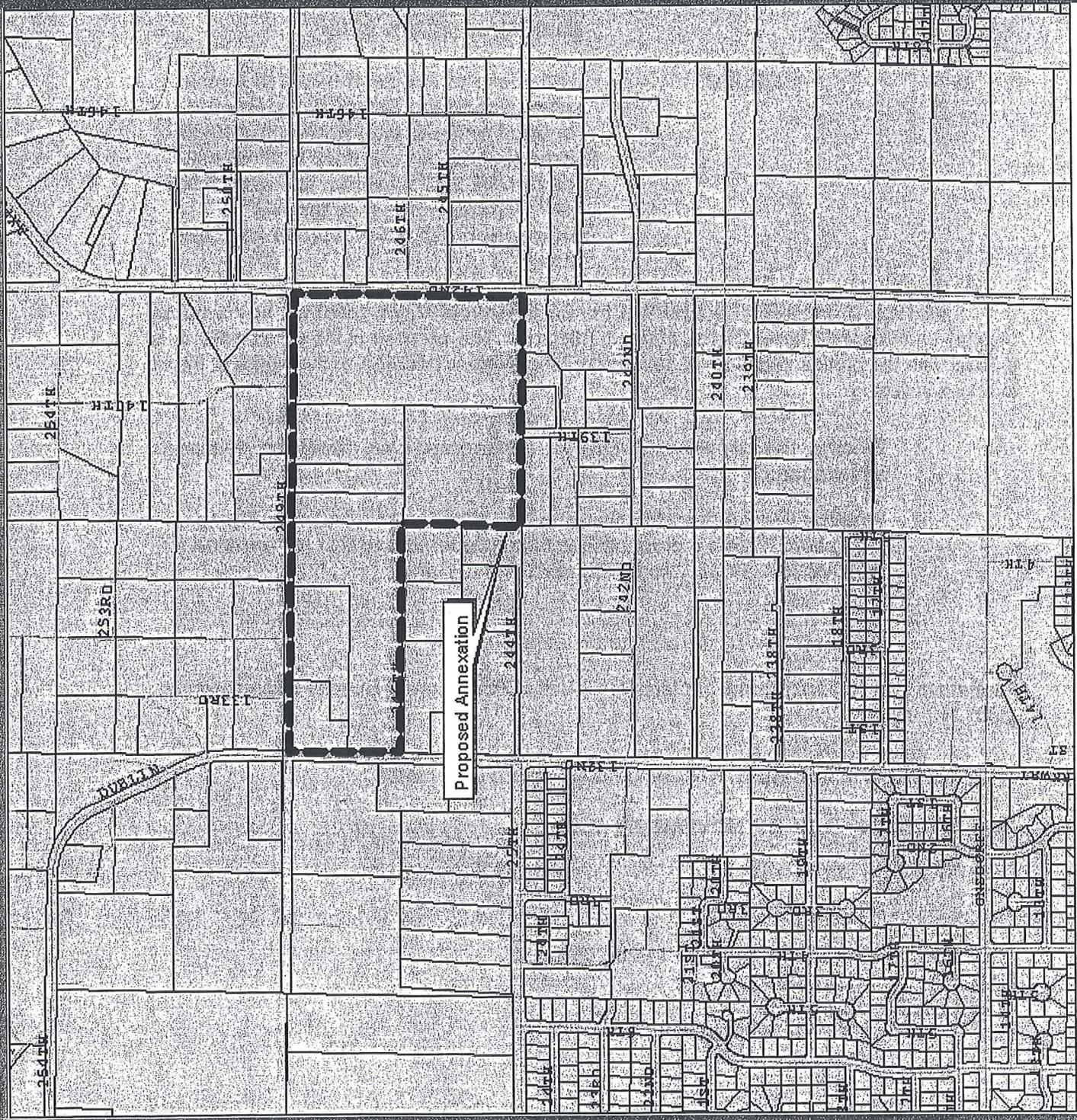
- Major Roads
- State Route
- Interstate
- Arterial Roads
- Municipal Jurisdiction
- Unincorporated
- Incorporated

City of Battle Ground



Plot Date: Nov 19, 2008
Map produced by:

Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuracies that may be present.



(Scale 1:5457.46) 200 0 200 400 600 800 Feet