**ORDINANCE NO. 2008-15**

**AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN PROPERTY TO THE CITY OF LA CENTER (MARUGG)**

The La Center City Council adopts the following findings:

**WHEREAS,** Michael and Tammy Marugg, and Jenny Lo on behalf of Pensco Trust Company ("Proponents"), are owners of certain real property (the "Annexation Territory") that includes three parcels totaling approximately 22.58 acres contiguous with the City's corporate limits and located within the La Center Urban Growth Boundary. The Annexation Territory is more precisely described as Assessor Parcel Numbers 209064-000, 209069-000, 209121-000 and as Lots 39, 47 and 102 respectively, in the Southeast quarter of Section 2, Township 4 North, Range 1 East, Willamette Meridian, Clark County, Washington; and

**WHEREAS,** the Proponents presented the City with a Notice of Intent to Annex pursuant to the so-called Direct Petition Method of RCW 35A.14.120, and the City Council accepted the proposal at its June 25, 2008 regular meeting; and

**WHEREAS,** the Proponents submitted a Petition for Annexation, which included signatures of the owners of record of more than 60% of the assessed value of the Annexation Territory on October 10, 2008; and

**WHEREAS**, the Clark County Assessor certified sufficiency of the petition on November 3, 2008; and

**WHEREAS,** a SEPA Determination of Non-Significance on the annexation proposal was published on October 16, 2008, and the City received one comment regarding development subsequent to annexation during the 14-day comment period; and

**WHEREAS**, the City has provided public notice of the Petition and has provided an opportunity for comment thereon by all interested citizens at a duly called and noticed public meeting; and

**WHEREAS**, at its regular meeting on December 10, 2008, the City Council received and reviewed all of the documentation associated with this annexation proposal, received public testimony, found that the Petition met the requirements of RCW 35A.01.040 and accepted the Petition pursuant to the Direct Petition Method of RCW 35A.14.120 and LCMC 18.290; and

**WHEREAS,** the Clark County Boundary Review Board has been disbanded and therefore has no jurisdiction to invoke over the proposed annexation; and

**WHEREAS**, the City Council finds this annexation to be in the public interest.

**NOW THEREFORE,** based on the foregoing Findings, the LaCenter City Council ordains as follows:

**Section 1 - Annexation.** The Property described in Exhibit A proposed for annexation is hereby annexed and incorporated into the City of La Center.

**Section 2 - Land Use Designation and Zoning.** The Property is hereby designated as Low Density Residential and zoned in accordance with LCMC 18.130 as Low Density Residential (LDR-7.5). The Urban Holding (UH-10) zoning overlay is also applied per LCMC 18.190 and shall be maintained until a capital facilities analysis is accepted by the City per Resolution 05-262.

**Section 3 – Assessment and Taxation.** The Property described in Exhibit A and so annexed shall be assessed and taxed by the City in the same manner as other similarly situated property within the City as of the effective date of this Ordinance.

**Section 4 – Severability:** If any portion of this ordinance is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other provision of this ordinance.

**Section 5 – Transmittal:** The City Clerk shall:

1. File a certified true copy of this Ordinance with the Clark County Board of Commissioners and the Clark County Assessor pursuant to LCMC 18.290.050.

2. Record a certified true copy of this Ordinance with the County Auditor pursuant to LCMC 18.290.050.

3. Provide notice of this annexation to the Office of Financial Management pursuant to RCW 35A.14.700.

**Section 6 – Effective Date:** This ordinance shall go into effect immediately upon its passage by the City Council and publication as required by law.

Approved and adopted this 10th day of December 2008 by a majority of the La Center City Council.

| | |
|---|---|
| AYES: | 5 |
| NAYS: | 0 |
| ABSTAIN: | 0 |
| ABSENT: | 0 |

Mayor of La Center

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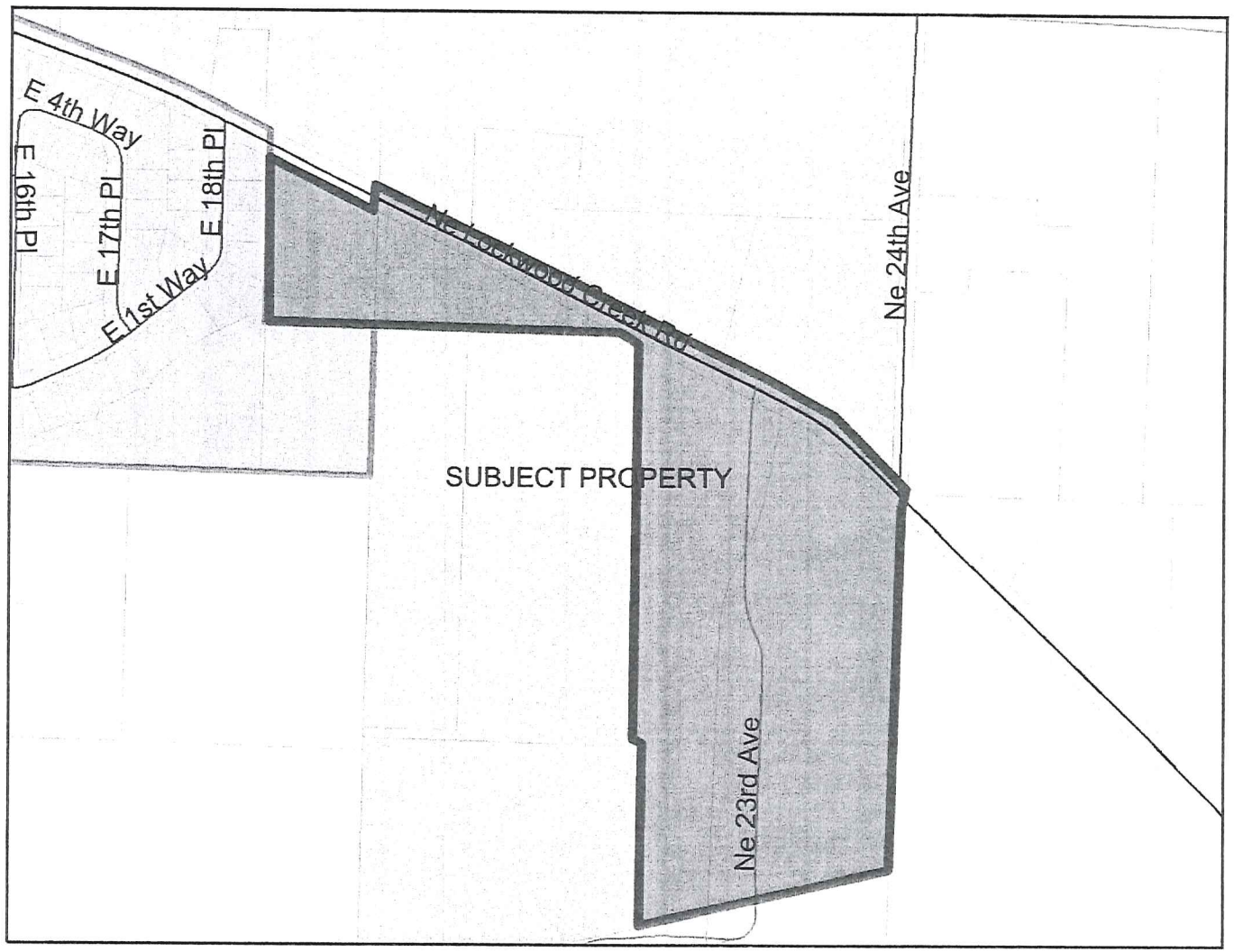
ATTEST:

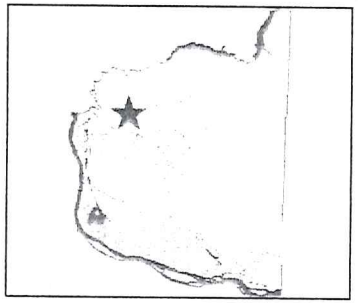
Suzanne Levis, Finance Director/Clerk

APPROVED AS TO FORM:

Daniel Kearns, City Attorney

# EXH A - Marugg



**Legend**

- Parcels
- Roads
- Alley
- Arterial
- DNR
- DNR (Private Land)
- Driveway
- Interstate
- Interstate Ramp
- Primary Arterial
- Private Roads
- Private Roads w/o Names
- Public Roads
- SR Ramp
- State Route
- Waterbodies
- City Boundaries
- Urban Growth Boundaries
- County Boundary
- County Boundary

0 600 1200 1800 ft.

Map center: 45° 51' 32.6" N, 122° 38' 56.0" W

Scale: 1:6,475

Information shown on this map was collected from several sources. Neither Clark County, Washington, nor the producer of this document accept responsibility for any inaccuracies that may be present.

MINISTER-GLAESER
SURVEYING INC.

*Vancouver Office – 2200 E. Evergreen Blvd., Vancouver, Washington 98661*
*(360) 694-3313 (360) 694-8410 FAX*
*Pasco Office – 6303 Burden Blvd. Suite E, Pasco, Washington 99301*
*(509) 544-7802 (509) 544-7862 FAX*

January 6, 2009

**EXHIBIT "A"**

**MARUGG ANNEXATION:**

A parcel of land located in a portion of the Northeast quarter, Southeast quarter and Southwest Quarter of Section 2, Township 4 North, Range 1 East, Willamette Meridian, Clark County, Washington, more particularly described as follows:

**BEGINNING** at the Northeast corner of "Parcel 3" as shown in Record of Survey Book 33, Page 144;

Thence South 76°32'33" West, along the North line of said "Parcel 3" and the North line of "Parcel 2" of said Survey, for a distance of 629.32 feet to the Southeast corner of that certain tract of land conveyed to M&S Properties by Deed recorded under Clark County Auditor's file No. 9702250071;

Thence North 02°20'00" East, along the East line of said M&S Properties tract, for a distance of 425.42 feet to the Northeast corner thereof;

Thence North 88°05'00" West, along the North line of said M&S Properties tract, for a distance of 31.44 feet to the Southeast corner of that certain tract of land conveyed to Myron Prouty and Hope Prouty by Deed recorded under Clark County Auditor's file No. 9705070212;

Thence North 01°07'20" East, along the East line of said Prouty tract, for a distance of 989.48 feet to the Southerly Right-of-Way line of County Road 42, also known as Lockwood Creek Road, as shown in said Survey;

Thence North 63°36'37" West, along said Southerly Right-of-Way line, for a distance of 47.23 feet;

Thence leaving said Southerly Right-of-Way line, North 88°10'32" West, for a distance of 624.29 feet to a point on the East line of the Northwest quarter of said Section 2, said point being the Southeast corner of that certain tract of land conveyed to David T. Meehan by Deed recorded under Clark County Auditor's file No. 8911290124;

Thence North 88°10'32" West, for a distance of 233.42 feet to the Southwest corner of said Meehan tract, said Southwest corner also being a point on the East perimeter line of "Lockwood Creek Subdivision", according to the plat thereof recorded in book 311 of plats at page 226, records of Clark County, Washington;

Thence North 01°01'56" East, along said East perimeter line, for a distance of 398.74 feet to the Northeast corner of Lot 1 of said "Lockwood Creek Subdivision", said Northeast corner being on the Southerly Right-of-Way line of said County Road 42;

Thence along said Southerly Right-of-Way line the following courses and distances;

Thence South 63°14'03" East, for a distance of 44.58 feet;

Thence South 62°34'44" East, for a distance of 191.91 feet;

Thence South 63°36'37" East, for a distance of 49.64 feet;

Thence leaving said Southerly Right-of-Way line North 01°34'26" East, 66.10 feet to the Northerly Right-of-Way line of said County Road 42;

Thence along said Northerly Right-of-Way line the following courses and distances;

Thence South 63°36'37" East, for a distance of 1152.12 feet;

Thence along the arc of a 560.00 foot radius tangent curve to the right, the long chord of which bears South 54°35'31" East, for a chord distance of 175.56 feet, through a central angle of 18°02'11", for an arc distance of 176.28 feet;

Thence South 45°34'26" East, for a distance of 132.68 feet;

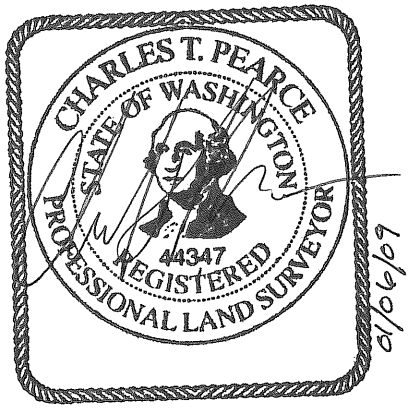
Thence leaving said Northerly Right-of-Way line South 01°48'44" West, for a distance of 40.10 feet to the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 2;

Thence South 01°38'23" West, along the East line of the Northwest quarter of said Southeast quarter, for a distance of 41.55 feet to the Southerly Right-of-Way line of said County Road 42;

Thence continuing South 01°38'23" West, along the East line of the Northwest quarter of said Southeast quarter, for a distance of 863.55 feet to the **POINT OF BEGINNING**;

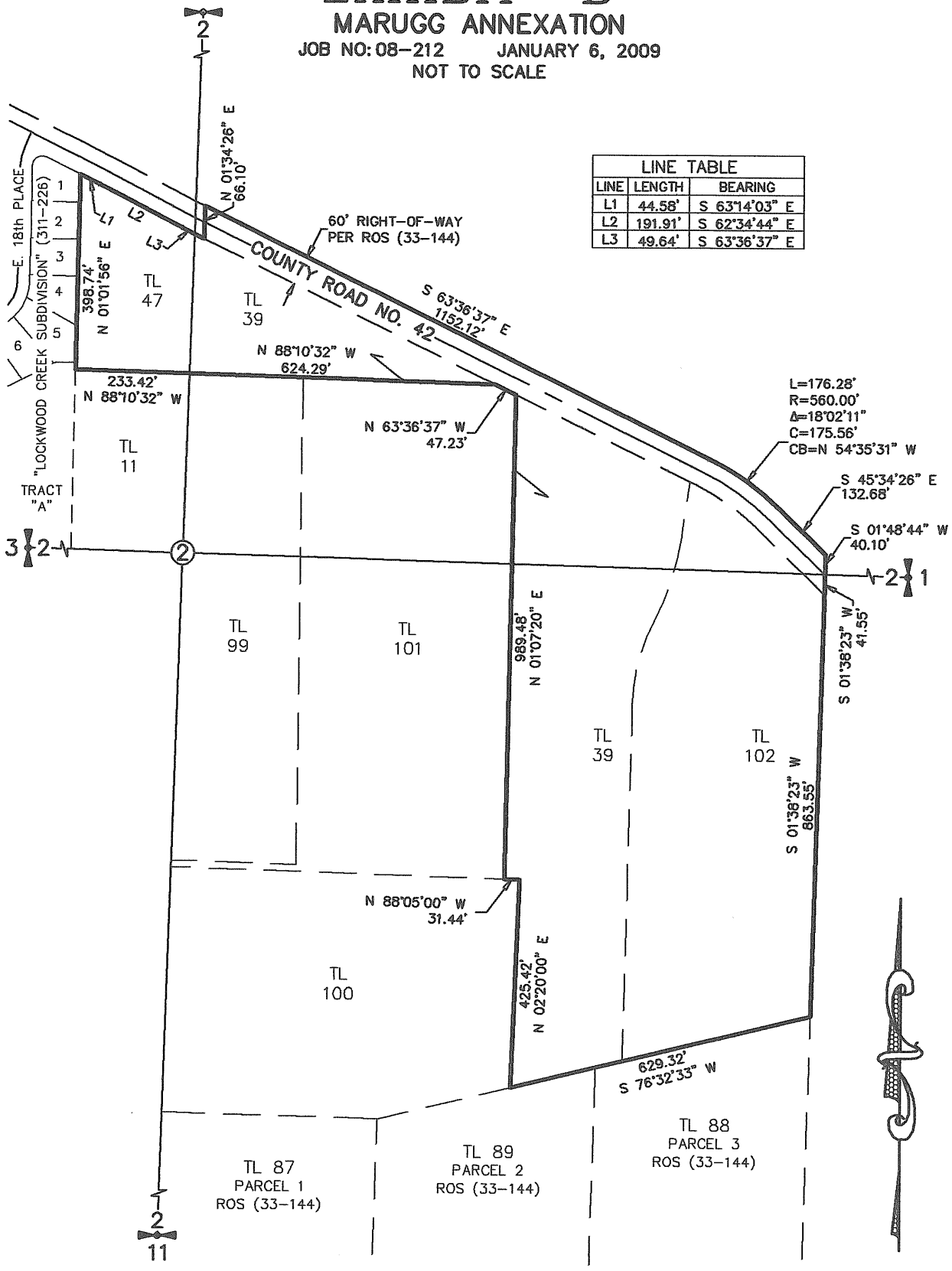
Containing 22.78 acres, more or less.

Also together with and subject to easements, reservations, covenants and restrictions apparent or of record.



# EXHIBIT "B"

## MARUGG ANNEXATION

JOB NO: 08–212 JANUARY 6, 2009

NOT TO SCALE