

ORDINANCE NO. 1021

AN ORDINANCE OF THE CITY OF RIDGEFIELD, WASHINGTON ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF RIDGEFIELD APPROXIMATELY 7.25 ACRES OF CERTAIN REAL PROPERTY LOCATED IN THE SE ¼ OF SECTION 13, T4N, R1W OF THE WILLAMETTE MERIDIAN, AND ASSIGNING WATERFRONT MIXED USE AND URBAN PUBLIC ZONING

WHEREAS, annexations to the City of Ridgefield are regulated by Revised Code of Washington (RCW) Chapter 35A.14, Annexation by Code Cities; and

WHEREAS, the annexation name is North Pole Yard and BNSF Annexation; and

WHEREAS, the proposed annexation area is within the Ridgefield Urban Growth Area as shown on the Ridgefield Urban Growth Area Comprehensive Plan Map of the Clark County 20-Year Comprehensive Growth Management Plan which the Board of Clark County Commissioners adopted on September 25, 2007, Ordinance No. 2007-09-13; and

WHEREAS, the proposed annexation area is within the Ridgefield Urban Growth Area, the Port of Ridgefield portion is designated Mixed Use, and the Burlington Northern Santa Fe portion is designated Public Facility as shown on the Comprehensive Plan Map of the Ridgefield Urban Area Comprehensive Plan which the City Council adopted on August 14, 2008, Ordinance No. 1005; and

WHEREAS, RCW 35A.14.010 provides that an unincorporated area lying contiguous to a code city may become part of the charter code city or noncharter code city by annexation; and

WHEREAS, RCW 35A.14.420 provides an alternative direct petition method for annexation which requires that prior to circulating a petition for annexation, the initiating party or parties, who shall be owners of not less than ten percent of the acreage for which annexation is sought, shall notify the legislative body of a charter code city or noncharter code city; and

WHEREAS, on April 10, 2008, the City Council of the City of Ridgefield adopted Resolution No. 353 to accept a notice of intent to annex Port of Ridgefield property identified by Assessor's Serial No. 219386-000 and known as the North Pole Yard, with the condition that the adjacent Burlington Northern Santa Fe Railroad (BNSF) right-of-way be included, and the Council authorized commencement of annexation proceedings; and

WHEREAS, on October 31, 2008, the City of Ridgefield received a petition from the Port of Ridgefield to annex by alternative direct petition method, and the petition was assigned File No. PLZ-08-0047; and

WHEREAS, on October 31, 2008, the City of Ridgefield requested that the Clark County Department of Assessment and GIS certify the petition to annex by alternative direct petition method according to RCW 35A.14.420(3) which requires that a petition for territory proposed to be annexed without residents be signed by the owners, as defined in RCW 35A.01.040(9)(a)-(d), of not less than the majority of the acreage for which annexation is petitioned; and

WHEREAS, on November 12, 2008, a public hearing notice of the proposed annexation by the alternative direct petition method was published and posted as required by RCW 35A.14.430, setting December 4, 2008 as the public hearing date and Ridgefield Community Center as the place for the hearing to be conducted by the City Council; and

WHEREAS, on December 2, 2008, the Clark County Deputy Assessor mailed to the City of Ridgefield a Certification of Sufficiency for the annexation petition by the alternative direct petition method; and

WHEREAS, RCW 43.21C.222 exempts annexation of territory by a city or town from compliance with the chapter entitled State Environmental Policy; and

WHEREAS, on December 4, 2008, the City Council of the City of Ridgefield held and closed a public hearing on the proposed annexation by alternative direct petition method; and

WHEREAS, RCW 35A.14.440 provides that after the public hearing, if the legislative body determines to effect the annexation, then they shall do so by ordinance and file a copy of the ordinance with the board of county commissioners.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Annexation. The City of Ridgefield hereby annexes into the corporate limits of the City of Ridgefield the territory described in Exhibit 1 and as shown in Exhibit 2.

SECTION 2. Zoning. The zoning of the annexed area shall be Urban Public for the BNSF portion of the annexation and Waterfront Mixed Use for the North Pole Yard portion.

SECTION 3. City Filing of Certificate with Washington State Office of Financial Management. A Certificate of Annexation shall be filed with the Washington

State Office of Financial Management within thirty (30) calendar days of the effective date of this ordinance.

SECTION 4. City Filing with Clark County. A certified copy of the adopted ordinance shall be separately filed with the Board of Clark County Commissioners and the Clark County Department of Assessment and GIS.

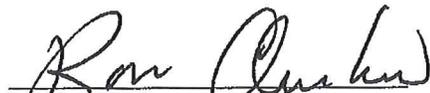
SECTION 5. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 6. Effective Date. This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law.

SECTION 7. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

ADOPTED AT A REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON THIS 23 DAY OF APRIL 2009

THE CITY OF RIDGEFIELD


Ron Onslow, Mayor

Attest:

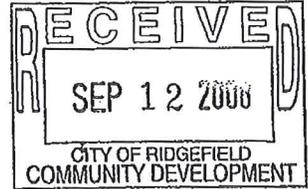


Kay Kammer,
Director of Finance & Administration
City Clerk

Approved as to Form:


Chris Sundstrom, City Attorney

| | |
|----------------------|-------------------|
| First reading: | December 4, 2008 |
| Second reading: | January 8, 2009 |
| Third reading: | February 26, 2009 |
| Fourth reading: | APRIL 23, 2009 |
| Adoption: | APRIL 23, 2009 |
| Date of Publication: | APRIL 29, 2009 |
| Effective Date: | MAY 3, 2009 |



PL 2-08-6047

BARBIERI & ASSOCIATES, INC.

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**CITY OF RIDGEFIELD ANNEXATION
LEGAL DESCRIPTION
APRIL 21, 2008**

A PARCEL OF LAND IN THE NORTH HALF OF THE JAMES CARTY DONATION LAND CLAIM # 48 IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN CLARK COUNTY WASHINGTON DESCRIBED AS FOLLOWS:

- BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE RIGHT OF WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD (FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) AND THE NORTH LINE OF THE JAMES CARTY DONATION LAND CLAIM, SAID EAST LINE ALSO BEING THE EXISTING CITY LIMITS OF THE CITY OF RIDGEFIELD;
- THENCE WESTERLY ALONG SAID NORTH LINE OF THE JAMES CARTY DONATION LAND CLAIM TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED IN AUDITOR'S FILE NUMBER G443011, RECORDS OF SAID CLARK COUNTY;
- THENCE SOUTHERLY ALONG THE WEST LINE OF SAID TRACT TO THE EXISTING CITY LIMITS OF THE CITY OF RIDGEFIELD;
- THENCE EASTERLY ALONG SAID EXISTING CITY LIMITS TO THE EAST LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD (FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY);
- THENCE CONTINUING IN A NORTHERLY DIRECTION ALONG THE EXISTING CITY LIMITS AND THE EAST LINE OF SAID RAILROAD TO THE NORTH LINE OF THE JAMES CARTY DONATION LAND CLAIM AND THE POINT OF BEGINNING.



A/21/08

PTR_ANNEXATION_LEGAL

EXHIBIT 1

RECEIVED
SEP 15 2008
CITY OF RIDGEFIELD
COMMUNITY DEVELOPMENT

SE 1/4 SEC 13
T4N, R1W, WM
CLARK CO, WA

NORTH LINE JAMES CARTY DLC
NW COR AF#G443011

POB

180'

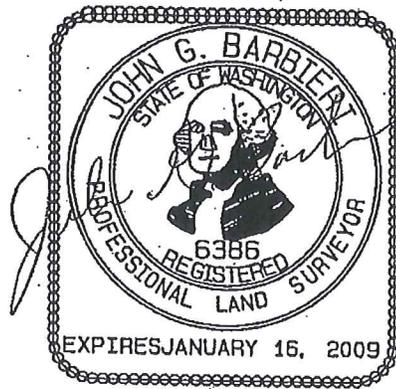


TL 91A

BNSF RAILROAD

HIDDEN VILLAGE PUD

SCALE: 1"=100'



4/21/08

EXIST CITY LIMITS

L.RBOUND2

EXHIBIT 2