RECEIVED
JUL 25 2014
OFM FORECASTING

ORDINANCE NO. 14-11

AN ORDINANCE OF THE CITY OF BATTLE GROUND, WASHINGTON, PROVIDING FOR ANNEXATION TO BATTLE GROUND OF UNINCORPORATED CLARK COUNTY TERRITORY KNOW AS WEST MAIN ISLAND, AND FOR SIMULTANEOUS ADOPTION OF BATTLE GROUND ZONING FOR THE ANNEXATION; SETTING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION OF SAID EFFECTIVE DATE AT LEAST ONCE A WEEK FOR TWO WEEKS SUBSEQUENT TO PASSAGE.

WHEREAS, The Battle Ground City Council on June 16, 2014, passed Resolution No 14-11 attached hereto as Exhibit A, which resolution stated the Council's intent to annex to Battle Ground via the island annexation method established in RCW 35A.14.295, .297, and .299 that unincorporated Clark County territory known as the West Main Island; and

WHEREAS, in accordance with Resolution 14-11 and the above-cited laws, the City has scheduled a hearing on the proposed annexation for July 21, 2014, and pursuant to state law, has given notice of such hearing by publication in the Reflector of said resolution on July 9 and 16, 2014; and has further given notice per RCW 35A.14.801(6) to the county treasure and assessor, and appropriate fire and library districts; and

WHEREAS, the Battle Ground City Council has determined that the interests of the citizens of Battle Ground and of West Main Island would be served by annexation to Battle Ground;

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

Section 1. The unincorporated Clark County territory known as West Main Island, depicted and described in Resolution 14-11, attached hereto as Exhibit A, is hereby annexed to the City of Battle Ground, and is simultaneously assigned Battle Ground zoning mixed use-employment as established in Battle Ground Washington Comprehensive Plan.

Section 2. The recitals and provisions of Resolution 14-11 are affirmed.

Section 3. The effective date of the annexation ordinance and assignment of Battle Ground zoning shall be September 4, 2014. All property within the area annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of such city contracted prior to, or existing at, the date of annexation. Pursuant to state law, notice of said effective date of annexation and of adoption of Battle Ground zoning, together with a description of the annexation, shall be published at least once a week for two weeks subsequent to passage of this ordinance in the Reflector, which is the official newspaper of record of the City of Battle Ground.

Section 4. This annexation ordinance shall be subject to referendum for 45 days after its passage. Pursuant to RCW 35A.14.299, upon the filing of a timely referendum

petition signed by qualified electors in number equal to not less than 10 percent of the votes cast in the last general state election in the West Main Island, the question of annexation shall be submitted to the voters of the West Main Island in a general election if one is to be held within 90 days or at a special election called for that purpose according to RCW 29A.04.330. Notice of such election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in RCW 35A.29.151. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the 45th day from but excluding the date of passage of this annexation ordinance, which 45th day is September 4, 2014, if no timely and sufficient referendum petition has been filed, West Main Island shall become a part of Battle Ground on the effective date of September 5, 2014.

Section 5. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid 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. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction info scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Passed at the regular session of the City Council of the City of Battle Ground, Washington, this 21st day of July, 2014.

CITY OF BATTLE GROUND

Shane Bowman
Mayor

ATTEST:

Kay Kammer
City Clerk

APPROVED AS TO FORM

Brian H. Wolfe
City Attorney

Exhibit "A"
Legal Description

A portion of the Southwest quarter of Section 33, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, more particularly described as follows:

BEGINNING at the Southeast corner of the Southwest quarter of said Section 33; thence North along the East line of the Southwest quarter of said Section 33, 990 feet; thence West along the North line of the South 990 feet of the Southwest quarter of said Section 33, 1980 feet to the Northeast corner of Tract B as conveyed to Donald and Anna Lingel under Auditor's File No. G 259018; thence South along the East line of said Tract B, 782 feet to the most easterly Southeast corner thereof; thence West along the South line of said Tract B, 208 feet to the inner corner thereof; thence South along the East line of said Tract B and its Southerly extension, 208 feet to the South line of the Southwest quarter of said Section 33; thence East to the Southeast corner of the Southwest quarter of said Section 33, 2188 feet, more or less, to the POINT OF BEGINNING.

EXCEPT that certain property previously annexed by the City of Battle Ground.
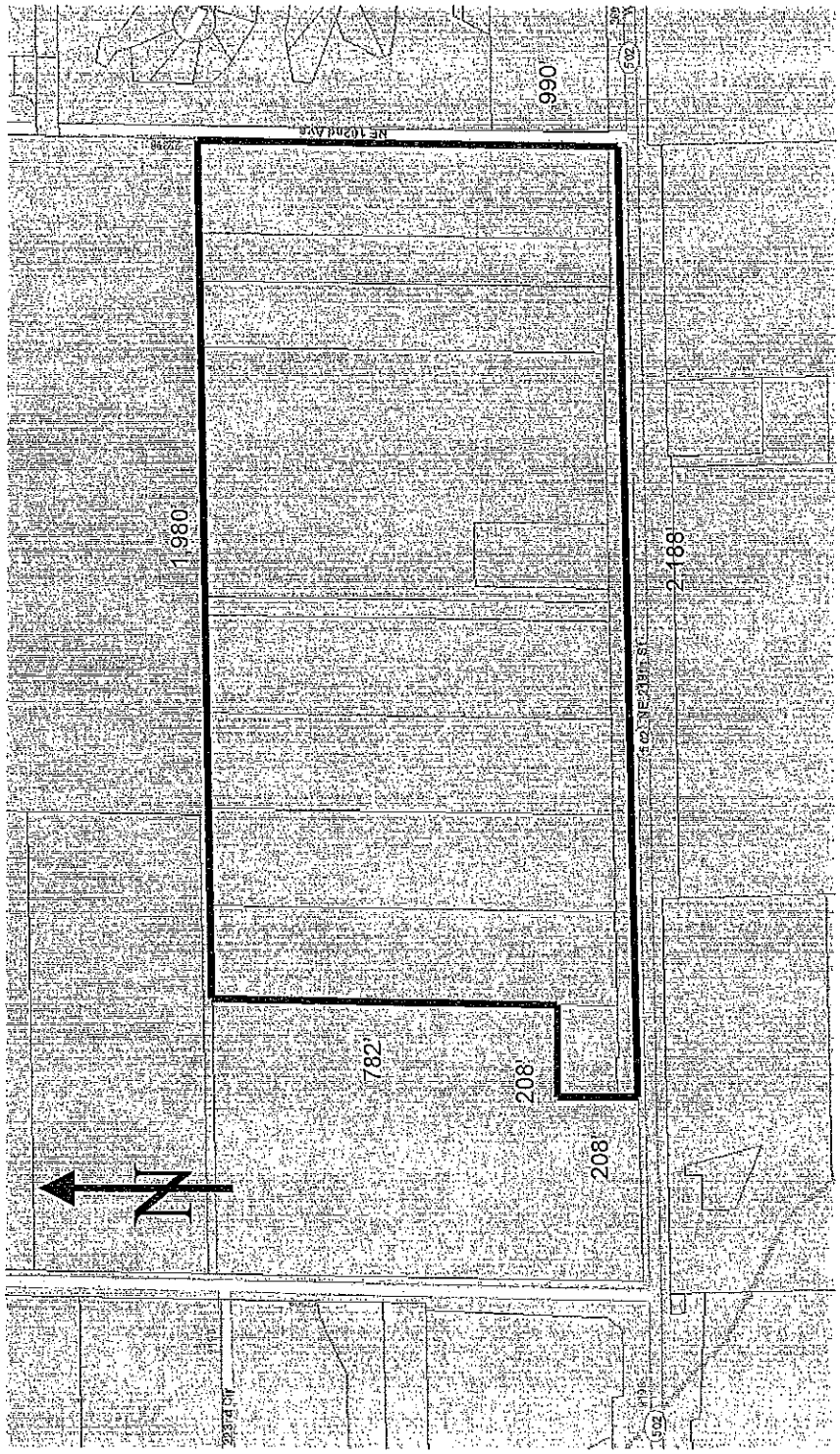
EXHIBIT "B"
SKETCH