

**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

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Michael J. Ciraulo, Mayor

Attest:

Approved as to form:

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Claire Lider,  
City Clerk

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Brian H. Wolfe,  
City Attorney