ORDINANCE NO. 13-01

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

WHEREAS, On September 18, 2012 the City of Battle Ground received an initial Notice of Intent to annex approximately 48 acres located on the north edge of the City east of State Route 503, known as the Wagner Scheel Annexation; and,

WHEREAS, on October 15, 2012, 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, complete and sufficient annexation petitions were submitted to the City of Battle Ground on November 7, 2012. The petitions were transmitted to the Clark County assessor on November 8, 2012 to determine their sufficiency. On December 5, 2012 the city received a response from the assessor indicating the petitions contained valid signatures representing more than the required 60% of the total assessed value; and,

WHEREAS, on January 7, 2013, 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 Municipal Code as shown in Table 17.120-1 as the Employment Campus Zone.

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 7TH DAY OF JANUARY, 2013.

CITY OF BATTLE GROUND

~~Lisa Walters, Mayor~~ SHANE BOWMAN
DEPUTY MAYOR

Attest:

Kay Kammer, City Clerk

Approved as to form:

Brian H. Wolfe, City Attorney

Exhibit "A"
Legal Description

A portion of the Northwest quarter and the Northeast quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, more particularly described as follows:

PARCEL 1 227013-000

A portion of the Southeast quarter of the Northwest quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, more particularly described as follows:

BEGINNING at a 5/8 inch iron rod marking the Northeast corner of the Southeast quarter of the Northwest quarter of Section 27 as shown in Book 21 of Surveys, page 155, Clark County Auditor's Records; thence South 00°31'31" West, for a distance of 657.38 feet to a 1/2 inch iron rod as shown in said survey at the Southeast corner of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 27; thence South 89°32'47" West, for a distance of 267.36 feet, more or less, to the East line of SR 503 as described under Auditor's File No. G-427423; thence following said East line along the arc of a 2735.00 foot radius curve to the right (the radius point of which bears South 80°00'07" East) through a central angle of 08°29'17" for an arc distance of 405.18 feet to a point 130.00 feet right (Easterly) from Engineer's Station 143+81.5 C.S.; thence North 05°45'46" West, for a distance of 129.88 feet to a point 75.00 feet right (Easterly) from Engineer's Station 145+01.5 S.T.; thence North 19°41'10" East, for a distance of 145.33 feet, more or less, to the North line of the Southeast quarter of the Northwest quarter of Section 27; thence leaving the East line of SR 503, North 89°34'03" East, for a distance of 137.87 feet to the POINT OF BEGINNING.

PARCEL 2 226984-000

Being a portion of the Southwest quarter of the Northeast quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at a 5/8 inch iron rod marking the Northwest corner of the Southwest quarter of the Northeast quarter of Section 27, as shown in Book 21 of Surveys, page 155, Clark County Auditor's Records; thence South 00°31'31" West, along the West line of the Southwest quarter of the Northeast quarter of Section 27, as shown in Survey 21-155, for a distance of 660.50 feet; thence North 89°35'01" East, parallel with the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 330.00 feet; thence North 00°31'31" East, parallel with the West line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 660.50 feet to the North line of the Southwest quarter of the Northeast quarter of Section 27; thence South 89°35'01" West, along said North line, for a distance of 330.00 feet to the POINT OF BEGINNING.

Except Right-Of-Way.

PARCEL 3 226983-000

That portion of the Southwest quarter of the Northeast quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at a point on the North line of said Southwest quarter of the Northeast quarter that is 330.00 feet East of the Northwest corner thereof; thence East along the North line of said Subdivision 330.00 feet; thence South parallel with the West line of said Northeast quarter a distance of 330.00 feet; thence West 330.00 feet to a point that is 330.00 feet East of the West line thereof; thence North parallel with the said West line 330.00 feet to the POINT OF BEGINNING.

Except Right-Of-Way

PARCEL 4 226937-000

Being a portion of the Southwest quarter of the Northeast quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at a 5/8 inch iron rod marking the Northwest corner of the Southwest quarter of the Northeast quarter of Section 27, as shown in Book 21 of Surveys, page 155, Clark County Auditor's Records; thence North 89°35'01" East, along the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 660.00 feet to the Northeast corner of the "Wagner Tract", as described under Clark County Auditor's File No. 7912130059 and the TRUE POINT OF BEGINNING;

Thence, leaving said North line South 00°31'31" West, along the East line of the "Wagner Tract", for a distance of 321.01 feet; thence North 89°35'01" East, parallel with the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 679.45 feet to the East line of the Southwest quarter of the Northeast quarter of Section 27; thence North 00°20'31" East, along the East line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 321.00 feet to the Northeast corner of the Southwest quarter of the Northeast quarter of Section 27; thence South 89°35'01" West, along the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 678.42 feet to the TRUE POINT OF BEGINNING.

Except Right-Of-Way.

PARCEL 5 986029-160

Being a portion of the Southwest quarter of the Northeast quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at a 5/8 inch iron rod marking the Northwest corner of the Southwest quarter of the Northeast quarter of Section 27, as shown in Book 21 of Surveys, page 155, Clark County Auditor's Records; thence North 89°35'01" East, along the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 660.00 feet to the Northeast corner of the "Wagner Tract", as described under Clark County Auditor's File No. 7912130059; thence leaving said North line South 00°31'31" West, along the East line of the "Wagner Tract", for a distance of 321.01 feet and the TRUE POINT OF BEGINNING;

Thence North 89°35'01" East, parallel with the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 679.45 feet to the East line of the Southwest quarter of the Northeast quarter of Section 27; thence South 00°20'31" West, along the East line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 321.00 feet; thence South 89°35'01" West, parallel with the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 680.48 feet; thence North 00°31'31" East, parallel with the West line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 321.02 feet to the TRUE POINT OF BEGINNING.

Except Right-Of-Way.

PARCEL 6 226928-000

Being a portion of the Southwest quarter of the Northeast quarter and the Southeast quarter of the Northwest quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at a 5/8 inch iron rod marking the Northwest corner of the Southwest quarter of the Northeast quarter of Section 27, as shown in Book 21 of Surveys, page 155, Clark County Auditor's Records; thence South 00°31'31" West, along the West line of the Southwest quarter of the Northeast quarter of Section 27, as shown in Survey 21-155, for a distance of 660.50 feet and the TRUE POINT OF BEGINNING;

Thence North 89°35'01" East, parallel with the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 330.00 feet; thence North 00°31'31" East, parallel with the West line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 330.50 feet to the Southwest corner of the "Guy and Carol Wagner Tract", as described under Clark County Auditor's File No. 7912130059; thence North 89°35'01" East, along the South line of said "Wagner Tract", for a distance of 330.00 feet to the Southeast corner thereof; thence South 00°31'31" West, along the Southerly Extension of the East line of said "Wagner Tract", for a distance of 312.03 feet; thence North 89°35'01" East, parallel with the North line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 680.48 feet to the East line of the Southwest quarter of the Northeast quarter of Section 27 (Survey 21-155); thence South 00°20'31" West, along the East line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 670.97 feet to the Southeast corner of the Southwest quarter of the Northeast quarter of Section 27 (Survey 21-155); thence South 89°30'30" West, along the South line of the Southwest quarter of the Northeast quarter

of Section 27, for a distance of 1342.65 feet to the Southwest corner of the Southwest quarter of the Northeast quarter of Section 27; thence North 00°31'31" East, along the West line of the Southwest quarter of the Northeast quarter of Section 27, for a distance of 654.29 feet to the TRUE POINT OF BEGINNING.

ALSO TOGETHER WITH the following described property:

The Southeast quarter of the Northwest quarter corner of Section 27 lying East of the Easterly right-of-way line of SR 503, and South of the "Scheel Tract", as described under Clark County Auditor's File No. 9411280020.

SR 503 RIGHT-OF-WAY

That portion of the Southeast quarter of the Northwest quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

A strip of right-of-way in variable widths as shown on Washington State Highway Plans, "Battle Ground To Rock Creek", lying on the south side of the North line of the South half of the Northwest quarter of Section 27 and lying north of the South line of the Northwest quarter of Section 27.

NE 254TH STREET RIGHT-OF-WAY

That portion of the Northeast quarter of Section 27, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

A strip of right-of-way, 60.00 feet in width, per Lewisville Road Lateral Highway No. 7 Map, Bin 227 of Clark County Records, lying on the west side of the East line of the West half of the Northeast quarter of Section 27 and lying on the east side of a line running parallel to and 1080.00 feet West of the East line of the West half of the Northeast quarter of Section 27.