

**ORDINANCE NO. 919**

**AN ORDINANCE OF THE CITY OF RIDGEFIELD, WASHINGTON ANNEXING INTO THE MUNICIPAL LIMITS OF THE CITY OF RIDGEFIELD 38.45 ACRES OF CERTAIN REAL PROPETIES LOCATED WTIHIN THE RIDGEFIELD URBAN GROWTH AREA (UGA) ASSIGNING THE ZONING OF THE ANNEXATION AREA AS LOW DENSITY RESIDENTIAL (R1-7.5), AND REQUIRING THE ASSUMPTION OF A PORTION OF THE CITY'S INDEBTEDNESS BY THE INVOLVED PROPERTIES**

WHEREAS, annexation applications to the City of Ridgefield are regulated by RCW 35A.14 (Annexation by Code Cities); and,

WHEREAS, RCW 35A.14.120 directs that annexation proceedings shall be initiated before the Ridgefield City Council by the submittal of a Notice of Intent for Annexation prior to the circulation of a petition for annexation by an initiating party or parties who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought; and,

WHEREAS, RCW 35A.14.120 directs that not later than sixty (60) days after the filing of the request, the City Council shall hold a meeting with the initiating parties to determine whether the City will accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, and whether it shall require the assumption of all or of any portion of existing city indebtedness by the area to be annexed; and,

WHEREAS, RCW 35A.14.120 directs that a petition for annexation of an area contiguous to a code city may be filed with the legislative body of the municipality to which annexation is desired. RCW 35A.14.120 specifies that the petition must be signed by the owners, as defined by RCW 35A.01.040(9) (a) through (d), of not less than sixty percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned; and,

WHEREAS, RCW 35A.14.130 directs that whenever such a petition for annexation is filed with the legislative body of a code city, which petition meets the requirements herein specified and is sufficient according to the rules set forth in RCW 35A.01.040, the legislative body may entertain the same, fix a date for a public hearing thereon and cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the city. The notice shall also be posted in three public places within the territory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation; and,

WHEREAS, RCW 35A.14.130 directs that following the required public hearing, if the legislative body determines to effect the annexation, they shall do so by ordinance, provided that subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but

may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance RCW 35A.14.130; and,

WHEREAS, the Ridgefield City Council previously approved Resolution 286 accepting the applicant's Notice of Intent to Annex Application. The resolution became effective on February 11, 2005, and

WHEREAS, the aforementioned parcel was included within the Urban Growth Area (UGA) of the City of Ridgefield by the Clark County Board of Commissioners decision on September 7, 2004 effective September 22, 2004; and,

WHEREAS, said Notice of Intent to Annex Application was signed by the owner of Parcel Nos. 213745-000 which represents one hundred (100%) percent of the total assessed value for general taxation of the annexation area pursuant to staff's determination from analysis of the most current records of the Clark County Department of Assessment and GIS; and,

WHEREAS, The City Council's approval of Resolution 286 set the intended zoning designation for parcel as Low Density Residential (R1-7.5) pursuant to the updated City of Ridgefield Comprehensive Plan text and maps adopted on June 24, 2004 and effective on July 25, 2004; and,

WHEREAS, the Ridgefield Community Development Department received a Notice of Petition to Annex Application on October 25, 2005 from MGH Associates, 104 West 9<sup>th</sup> Street, Suite 207, Vancouver WA 98660 on behalf of George Diamond, Real Estate Investment Group, 2839 SW Second Avenue, Portland, OR 97201. This Application requested the City Council accept the annexation of 38.45 acres of the following real properties located in Section 20 of Township 4 North, Range 1 East, Willamette Meridian into the municipal limits City of Ridgefield consisting of: Clark County Assessor's Serial No. 213745-000 further described as Tax Lot #44, OF SEC 20 T4NR1EWM; and,

WHEREAS, said Notice of Petition to Annex Application was signed by the owner of Parcel No. 213745-000 which represents one hundred (100%) percent of the total assessed value for general taxation of the annexation area pursuant to staff's determination from analysis of the most current records of the Clark County Department of Assessment and GIS; and,

WHEREAS, the Ridgefield Community Development Department issued a Determination of Non-Significance (DNS) for the annexation request on December 28, 2005; and,

WHEREAS, the Ridgefield Community Development Department conducted public noticing of the City Council's January 12, 2005, public hearing pursuant to RCW 35A.14.130. Specifically, the Department issued written notice to all property owners within the annexation area, posted three (3) public hearing notice signs along the perimeter of the annexation area and conducted public noticing in *The Reflector*, posted a Notice of Public Hearing at City Hall, the Ridgefield branch of the United States Post Office, the Ridgefield Community Library and the Ridgefield Community Development Department; and

WHEREAS, the Ridgefield Community Development Department published notice of the public hearing in the December 28, 2005, edition of *the Reflector*, the city's official newspaper of general circulation; and,

WHEREAS, the Ridgefield City Council conducted a public hearing to take public testimony regarding the Notice of Petition to Annex application on January 12, 2006; and,

WHEREAS, the Ridgefield City Council approved Ordinance No. 919 accepting the Notice of Petition to Annex application at the April 13, 2006, regular meeting; and,

**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 municipal limits of the City 38.45 acres of certain real properties located within the Ridgefield Urban Growth Area (UGA) as further described below and subject to all of the requirements listed below:

1. The property fully described in Exhibit "A" (Legal Description) and Exhibit "B" (Map) including all abutting public rights-of-way, attached hereto and incorporated herein by reference, for which the petition for annexation is filed, shall be and is hereby made a part of the City of Ridgefield and annexed thereto. The annexation area consists of 38.45 acre certain real property located in Section 20 of Township 4 North, Range 1 East, Willamette Meridian into the municipal limits City of Ridgefield consisting of: Clark County Assessor's Serial No. 213745-000 further described as Tax Lot #44, OF SEC 20 T4NR1EWM.
2. Pursuant to the terms of the annexation petition and the City Council's consideration thereof, all properties within the annexation area shall have the Comprehensive Plan designation of Low Density Residential and the zoning designation of R1-7.5 as identified by the 20-Year Growth Management Plan for the City of Ridgefield, adopted December 16, 2004, except that the Urban Holding-10 (UH-10) designation shall be removed as a result of annexation.
3. Pursuant to the terms of the annexation petition, all properties within the annexation area hereby shall assume a portion of the City's outstanding indebtedness that has been approved by the voters, contracted, or incurred prior to, or existing at, the date of effectiveness of the City Council's ordinance approving the annexation and shall be assessed and taxed at the same rate and on the same basis as properties already within the City of Ridgefield, including assessments or taxes or taxes in payment of any bond issued or debts contracted by order existing at the time of annexation.

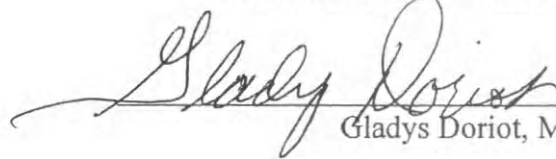
**SECTION 3. Filing with Washington State Official of Financial Management.** The City Clerk is hereby directed pursuant to RCW 35A.14.700 to file a Certificate of Annexation with the Washington State Office of Financial Management within thirty (30) calendar days of the effective date of the ordinance.

**SECTION 4. 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.

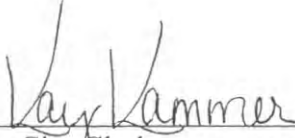
**SECTION 5. Effective Date.** This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law. 05/02/06

**ADOPTED AT A REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON THIS 27 DAY OF April, 2006.**

THE CITY OF RIDGEFIELD

  
Gladys Doriot, Mayor

Attest:

  
Kay Kammer, City Clerk

Approved as to Form:

\_\_\_\_\_  
Michael J. Wynne, City Attorney

Date of Adoption:	<u>4-27-06</u>
Date of Publication:	<u>5-3-06</u>
Effective Date:	<u>5-8-06</u>

Kemper Annexation Legal Description

Page 1 of 2

The following described property lying in Section 19 and Section 20, Township 4 North Range 1 East of the Willamette Meridian, situated in the County of Clark, State of Washington, to wit;

Tract "A"

213745-000  
The South West 1/4 of the South West 1/4 of said Section 20 except that portion lying South Westerly of Bertsinger Road (a.k.a. N.W. 259th street and N.W. 51st Avenue)

Tract "B"

213727-000  
Beginning at the North West corner of the South West 1/4 of said Section 20 and running thence South along the Section line 619.5 feet to the true point of beginning; thence South 701.5 feet more or less to the South West corner of the North West 1/4 of the South West 1/4 said Section 20; thence East 561 feet; thence North to a point 10 feet North of the center line of an unnamed creek running Easterly across said North West 1/4 of the South West 1/4, said point being South Easterly from the point of beginning; thence North Westerly in a direct line to the true point of beginning.

Tract "C"

213491-000  
Beginning at the North East corner of the South East 1/4 of said Section 19, thence South 1,254 feet; thence West 752 feet; thence in a Northerly direction to a point 868 feet West of the North East corner of said South East 1/4; thence East 868 feet to the point of beginning.

EXCEPT tract in North East corner deeded to the Town of Ridgefield, recorded in Volume 101, Page 367, records of said county;

EXCEPT tracts in North East corner deeded to George B. Robinson, recorded in Volume 149, Page 286 and in Volume 178, Page 503, records of said county.

EXCEPT Beginning at a point 868 feet West of the North East corner of the South East 1/4 of said Section 19, said point being the North West corner of the Melvin D. Kemper, et. ux. deed recorded under Auditor's File No. G 268471; thence Easterly along the North line of said South East 1/4 a distance of 415 feet, more or less to a point in the center of the County Road known as "Bertsinger Road"; then south 59 degrees 42 minutes East along the center line of said road, a



Kemper Annexation Legal Description

Page 2 of 2

distance of 138.9 feet; thence South 83 degrees 55 minutes East, a distance of 70 feet; thence South 58 degrees 18 minutes East, a distance of 104 feet; thence South 13 degrees 20 minutes West, a distance of 75.1 feet; thence South 72 degrees 39 minutes West a distance of 69.1 feet; thence North 70 degrees 17 minutes West a distance of 60.6 feet; thence North 84 degrees 33 minutes West, a distance of 112.3 feet; thence South 36 degrees 13 minutes West, a distance of 50 feet, more or less, to an intersection with the West line of said Kemper Tract; thence Northerly along said West line, a distance of 320 feet, more or less, to the point of beginning.

EXCEPT that portion conveyed to the State of Washington by deed recorded under Auditor's File Number D 94721.

EXCEPT that portion, if any, conveyed to Clark County by deed recorded under Auditor's File Number E 39297.

TRACT "D"

213509-000  
Beginning at a point 868 feet West of the North East corner of the South East 1/4 of said Section 19, said point being the North West corner of the Melvin D. Kemper, et. ux. deed recorded under Auditor's File No. G 268471; thence Easterly along the North line of said South East 1/4 a distance of 415 feet, more or less to a point in the center of the County Road known as "Bertsinger Road"; then south 59 degrees 42 minutes East along the center line of said road, a distance of 138.9 feet; thence South 83 degrees 55 minutes East, a distance of 70 feet; thence South 58 degrees 18 feet East, a distance of 104 feet; thence South 13 degrees 20 minutes West, a distance of 75.1 feet; thence South 72 degrees 39 minutes West a distance of 69.1 feet; thence North 70 degrees 17 minutes West a distance of 60.6 feet; thence North 84 degrees 33 minutes West, a distance of 112.3 feet; thence South 36 degrees 13 minutes West, a distance of 50 feet, more or less, to an intersection with the West line of said Kemper Tract; thence Northerly along said West line, a distance of 320 feet, more or less, to the point of beginning.

EXCEPT that portion conveyed to the State of Washington by deed recorded under Auditors File Number D 94721.

EXCEPT that portion, if any, conveyed to Clark County by deed recorded under Auditor's File Number E 39297.

EXCEPT that portion, if any, conveyed to George B. Robinson by deeds recorded in Auditor's Volume 149, Page 286 and Volume 178, Page 503, records of said county.

Also together with any Public Roads lying adjacent to the above described properties.

