

**ORDINANCE NO. 05-021**

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

**WHEREAS**, On December 20, 2004, the City of Battle Ground received and accepted the initial Notice of Intent to annex approximately 100 acres located in the northwest quadrant of the City, bounded to the north and west by the city's UGA, and to the south by the existing city limits, known as the Northgate Annexation; and,

**WHEREAS**, on February 22, 2005, the City Council accepted the notice of intent to annex, expanded the geographical area east to SR 503 and the existing city limits to include a total of 160 acres, 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 reflecting these conditions was submitted on March 31, 2005. The petition was transmitted to the Clark County assessor to determine its sufficiency. On April 22, 2005 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**, the City Council delayed consideration of the annexation petition in a public hearing in order for staff to work with the landowners to develop an agreement for the purpose of assuring orderly management of the City's capital facility capacities, especially sanitary sewer treatment and disposal, to insure the development of Onsdorff Boulevard consistent with the Comprehensive Plan, to accommodate new public facilities, including a public school and to ensure the development of a parks system to serve new development in the area while recognizing the unique nature of this area; and

**WHEREAS**, on July 18, 2005, the City Council held a public hearing on the annexation proposal pursuant to RCW 35A.14.130, and considered the proposed development agreement; and,

**WHEREAS**, The City Council adopted Resolution No. 05-15 establishing the City's intent to annex the Northgate Annexation area subject to property being subject to the adopted Comprehensive Plan and Zoning Map, assuming its proportionate share of any outstanding indebtedness, and that the area be subject to a development agreement to govern the future use and development of the property; and

**WHEREAS**, the City submitted a Notice of Intention to annex the Northgate Annexation Area to the State of Washington Boundary Review Board for Clark County (Review Board) on August 31, 2005 and was deemed accepted by the Review Board on September 8, 2005; and

**WHEREAS**, during the review period no affected agencies, persons, or groups invoked the Review Board jurisdiction and the annexation was deemed approved by the Review Board on October 24, 2005; and

**WHEREAS**, the subject development agreement has been approved by the City Council consistent with the requirements of RCW 36.70B.170 and the landowners within the Northgate Annexation have properly executed the Development Agreement; now, therefore,

**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.

**Section 4.** The annexation area shall be further subject to the Development Agreement adopted by Resolution No. 05-22.

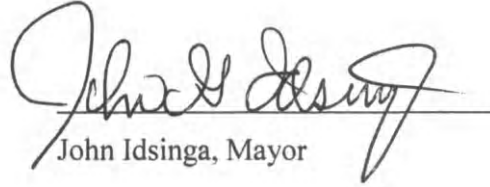
**Section 5.** Development permits for lands annexed by this ordinance that are not subject to the pre-annexation development agreement shall not be considered to have adequate sewage treatment capacity to support development prior to the completion of additional sewage treatment capacity at the Clark County Salmon Creek Wastewater Treatment Plant.

**Section 6.** 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 7.** 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 15<sup>th</sup> DAY OF NOVEMBER, 2005.

**CITY OF BATTLE GROUND**



John Idsinga, Mayor

Attest:

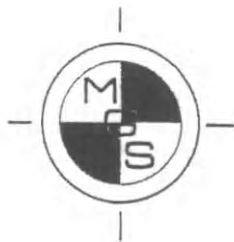


Claire A. Warner,  
City Clerk

Approved as to form:



Brian H. Wolfe,  
City Attorney



**MINISTER-GLAESER  
SURVEYING INC.**

**(360) 694-3313**  
**FAX (360) 694-8410**  
2200 E. EVERGREEN  
VANCOUVER, WA 98661

August 30, 2005

**EXHIBIT "A"**

**ANNEXATION AREA:**

A tract of land in a portion of the North half of the Northeast quarter of Section 33 and the North half of the Northwest quarter of Section 34, Township 4 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the Northwest corner of the Northeast quarter of said Section 33;

Thence South  $89^{\circ}35'37''$  East, along the North line of the Northeast quarter of said Section 33, 2628.36 feet to the Northeast corner thereof;

Thence South  $89^{\circ}24'40''$  East, along the North line of the Northwest quarter of said Section 34, 1673.80 feet to a point on the North line of that certain tract of land conveyed to Steven Phelps by deed recorded under Auditor's File #9006140204, records of Clark County, Washington;

Thence South  $01^{\circ}29'18''$  West, along the North line of said Phelps Tract, 71.85 feet to an angle point therein;

Thence South  $89^{\circ}29'44''$  East, along the North line of said Phelps Tract, 340.30 feet to the Northeast corner thereof;

Thence North  $01^{\circ}48'34''$  East, along the West line of that certain tract of land conveyed to Timothy Kuhlman by deed recorded under Auditor's File # 3707009, records of Clark County, Washington, 40.48 feet to the Northwest corner thereof;

Thence South  $89^{\circ}29'35''$  East, along the North line of said Kuhlman tract, 648.75 feet to the Westerly Right-of-Way line of State Highway 503;

Thence Southerly along said State Highway 503, 1038.86 feet to the Easterly extension of the South line of the Northeast quarter of the Northwest quarter of said Section 34;

Thence North  $89^{\circ}29'45''$  West, to and along the South line of the North half of the Northwest quarter of said Section 34, 2692.78 feet to the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 34;

Thence North  $89^{\circ}33'14''$  West, along the South line of the North half of the Northeast quarter of said Section 33, 2639.24 feet to the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 33;

Thence North  $02^{\circ}23'15''$  East, along the West line of the Northeast quarter of said Section 33, 1334.24 feet to the TRUE POINT OF BEGINNING.

Containing 161.89 acres, more or less.

Together with and subject to easements, reservations, covenants and restrictions apparent or of record.



8-30-05

# EXHIBIT "B"

JOB NO: 05-464

AUGUST 30, 2005

NOT TO SCALE

