

03-24-08
04-07-08

ORDINANCE NO. 11-3870

AN ORDINANCE relating to approval of an annexation pursuant to RCW 35.13.410; establishing the geographic extent, defining the comprehensive plan and land use designations, and determining the assumption of all or any portion of existing city indebtedness; accepting the certified petitions supporting annexation; and providing for an effective date for the 71-acre Orchards Annexation.

WHEREAS, pursuant to RCW 35.13.005, no city located in a county in which urban growth areas have been designated under RCW 36.70A.110 may annex territory beyond an urban growth area; and,

WHEREAS, pursuant to RCW 36.70A, the City of Vancouver has an urban growth area designated under the Growth Management Act; and,

WHEREAS, the Orchards Annexation is located in Vancouver's urban growth area, and is contiguous to the City of Vancouver along Gher Road, SR-500 and I-205; and,

WHEREAS, pursuant to RCW 35.13.410, the City of Vancouver received signed utility service covenants and petitions from property owners located in the Orchards annexation area; and,

WHEREAS, pursuant to RCW 35.13.410 on March 19, 2007, Vancouver City Council met with the initiating parties and voted in support of the annexation request; defined the geographic extent of the proposed annexation; required the simultaneous adoption of the comprehensive plan designations as provided for in VMC Chapter 20.230; and did not require assumption of all or any portion of the existing city indebtedness by the area to be annexed; and,

WHEREAS, pursuant to RCW 35.21.005, on March 14, 2008, the Clark County Assessor and Clark County Auditor certified that the signatures represent property owners controlling over fifty percent of the area being annexed and fifty percent of the registered voters residing in the 71-acre area proposed for annexation.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Location of Annexation Area: Pursuant to RCW 35.13, and as discussed and voted on by City Council on March 19, 2007 (M-3603), the 71-acre Orchards Annexation area is unincorporated land located in Vancouver's urban growth area, and is contiguous to the City of Vancouver along Gher Road, SR-500 and I-205. The legal description of such annexing land is set forth in Exhibit "A", attached hereto and incorporated herein. A parcel map of such annexing land is set forth in Exhibit "B", attached hereto and incorporated herein.

Section 2. Comprehensive Plan and Zoning Designations: Pursuant to VMC 20.230, and as discussed and voted on by City Council on March 19, 2007, (M-3603) the city shall designate the

city comprehensive plan and zoning designations for the annexing land so as to correspond as reasonably close to the county zoning designation of such land, as provided for in VMC Table 20.230.030-1. The property is zoned Highway Commercial (CH) and Limited Commercial (CL), with a General Commercial comprehensive plan designation in Clark County. Upon annexation, the property will be zoned General Commercial (GC), with a Commercial & Mixed Use comprehensive plan designation. This is consistent with VMC 20.230 and the surrounding area.

Section 3. Comprehensive Plan and Zoning Maps: The comprehensive plan and zoning designations provided for in Section 2 are hereby applied to the land being annexed, as shown on the maps attached hereto and incorporated herein as Exhibits "C" and "D".

Section 4. Indebtedness: As decided by City Council on March 19, 2007, (M-3603) the city will not require the Orchards Annexation property owners to accept any of the existing city indebtedness.

Section 5. Signature Certification: Pursuant to RCW 35.21.005, the County Assessor and County Auditor have issued the Certification of Sufficiency regarding the signature support for the Orchards Annexation, as set forth in Exhibit "E".

Section 6. Signature Acceptance: City Council hereby accepts the certified signatures supporting annexation of the 71-acre Orchards Annexation area.

Section 5. Effective Date: This ordinance shall become effective thirty (30) days following the date of final adoption.

Read first time: March 24, 2008

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Campbell, Smith, Stewart, Harris
Jollota, Pollard

Nays: Councilmembers None

Absent: Councilmembers Leavitt

Read second time: April 7, 2008

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Campbell, Smith, Stewart, Harris
Jollota, Pollard

Nays: Councilmembers None

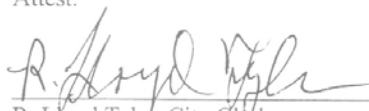
Absent: Councilmembers Leavitt

Signed this 7th day of April, 2008.



Royce E. Pollard, Mayor

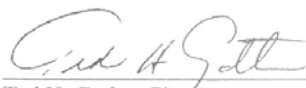
Attest:



R. Lloyd Tyler, City Clerk

~~By: Carrie Lewellen, Deputy City Clerk~~

Approved as to form:



Ted H. Gathe, City Attorney

SUMMARY

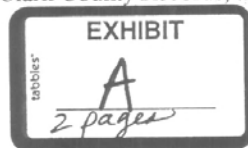
ORDINANCE NO. M-3870

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LEGAL DESCRIPTION

A tract of land lying in the SE ¼ of the SE ¼ of Section 9, in the East ½ of the NW ¼ of Section 16, and the NE ¼ of Section 16, T 2 N, R 2 E of the Willamette Meridian, Clark County, Washington, said tract being more particularly described as follows:

Beginning at a point 245 feet opposite Engineer's Station 347+50, L.R. Line S.R. 205, said point being on the present City Boundary as described in City Ordinance M-3131, said point also being on the East line of S.R. 205 and the North line of NE Fourth Plain Road as shown on WSDOT plans Columbia River to S.R. 5 Junction dated 6-26-1996; thence southeasterly 275 feet more or less along the present City Boundary to a point opposite Engineer's station 345+00, L.R. Line, S.R. 205; thence southeasterly 768 feet more or less along the North line of S.R. 500 freeway and along the present City Boundary to a point of intersection with the West line of the survey shown in Book 24 of Surveys, Page 34, records of said county; thence southeasterly 311.88 feet more or less along said North line along the present City Boundary to an angle point as shown in said Book 24 of Surveys, Page 34; thence northeasterly 860 feet more or less along said North line and the present City Boundary to an angle point; thence northeasterly 1,230 feet more or less along said North line and the present City Boundary to the Southwest corner of Beautiful Downtown Orchards, Book G of Plats, Page 782, records of said county; thence northeasterly 150.46 feet more or less along said North line and the present City Boundary to the southerly Southeast corner of said plat; thence northeasterly 145.49 feet more or less along said North line and the present City Boundary to the easterly Southeast corner of said plat and to a point on the West line of NE Gher Road, thence North along the West line of NE Gher Road and the present City Boundary as described in City Ordinance M-3758, to the intersection of the West line of said road and the South line of NE Fourth Plain Road; thence northwesterly across Fourth Plain Road to the southeast corner of the Bunch parcel as shown in survey Book 52, Page 104, records of said county; thence leaving the present City Boundary southwesterly 1,320 feet more or less along the North line of NE Fourth Plain Road to a point of intersection of the West line of parcel "A" as shown in Book 1, Page 112 of surveys, Clark County records and the North line of 4th Plain Blvd. as shown in Book 55, Page 76 of surveys (sheet 4 of 10); thence southeasterly 86 feet more or less to a point of intersection of the East line of the Bunch property as shown on Book 21, Page 198 of surveys, Clark County records and the South line of 4th Plain Blvd as shown in Book 55, Page 76 of surveys (sheet 4 of 10) Clark County records; thence South 8°51'21" East along the East line of said Bunch property to a ½ inch iron rod shown as set in Book 21, Page 198 of surveys, Clark County records; thence South 1°32'28" West a distance of 362.50 feet more or less to a ¾ inch iron rod on the North line of the Thomas Nerton Donation Land Claim show as set in Book 3, Page 7 of plats, Clark County records; thence South 88°33'25" East along said Donation Land Claim a distance of 151.15 feet to a ¾ inch iron rod shown as set on said plat; thence South 1°34'54" West a distance of 229.76 feet to a ¾ inch iron rod shown as set on said plat and the North line of NE 53rd Street as described in Auditors File Number 8811210128, Clark County Records; thence continuing South 1°34'54"



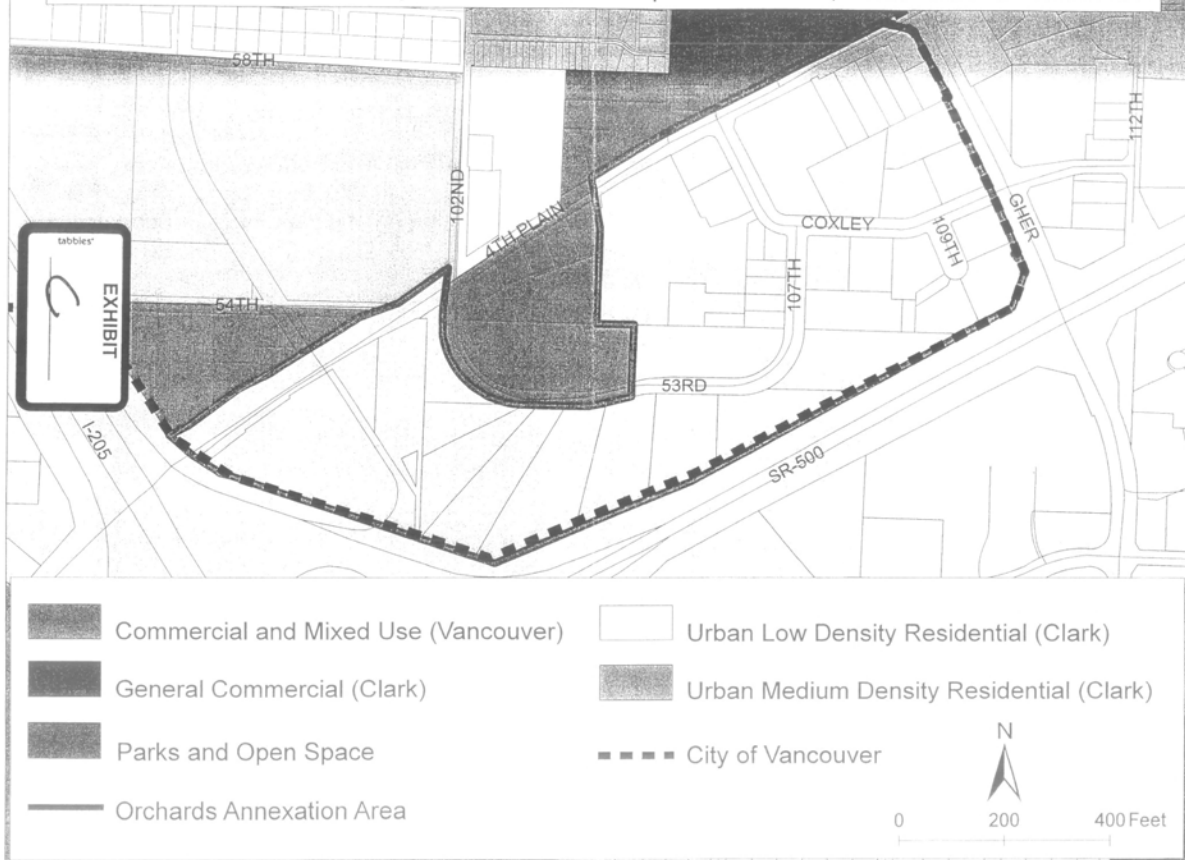
West a distance of 62.08 feet more or less to the South line of NE 53rd Street ; thence South 76°42'16" West along the South line of NE 53rd Street a distance of 126.97 feet to the beginning of a 330.00 foot radius curve to the right with a delta angle of 14°44'19" as shown in Book 24, Page 34 of surveys, Clark County records; thence along said curve and the South line of NE 53rd Street a distance of 84.89 feet; thence North 88°33'25" West along the South line of NE 53rd Street a distance of 210.67 feet to the beginning of a 330.00 foot radius curve to the right with a delta angle of 90°36'25"; thence along said curve, the South line of NE 53rd Street and the West line of NE 102nd Avenue a distance of 521.86 feet; thence North 2°03'00" East along the West line of NE 102nd Avenue a distance of 25.56 feet to a point on the South line of NE 4th Plain Boulevard; thence northeasterly 173.14 feet more or less to a point on the North line of NE 4th Plain Boulevard at the West line of NE 102nd Avenue shown as engineers station 186+58.97 on Book 55, Page 76 of surveys (sheet 3 of 10) Clark County records; thence southwesterly 1300 feet more or less along the North line of NE 4th Plain Boulevard to the point of beginning;

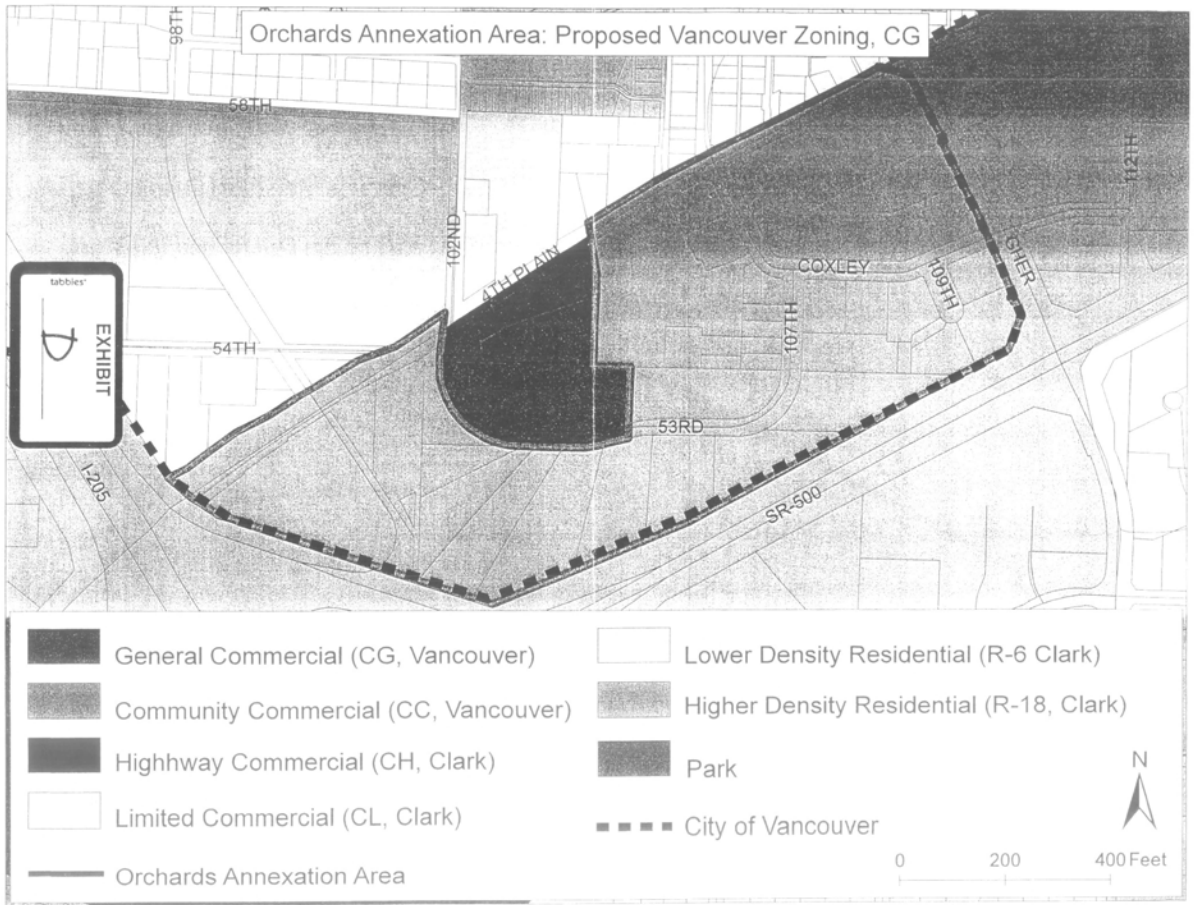
Contains 71 acres more or less





Orchards Annexation Area: Proposed Vancouver Comprehensive Plan, Commercial and Mixed Use





Certification of Sufficiency
Orchards Annexation

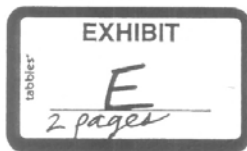
The city of Vancouver on February 28, 2008, submitted for review by the Clark County Assessor, a petition to annex to the city approximately 71 acres of land known as the Orchards Annexation. Subject to the requirements of RCW 35.21.005, I now certify the following in my capacity as Clark County Assessor:

1. On February 28, 2008 the city of Vancouver submitted for certification by the Clark County Assessor a petition to annex to the city 46 parcels of land and associated road and public utility rights-of-way, totaling approximately 71 acres.
2. The legal description and map of the area proposed for annexation, as provided by the city of Vancouver, are attached to this certification. This area is located in unincorporated Clark County and within the urban growth boundary.
3. The city is completing annexation pursuant to the alternative direct petition method of annexation, RCW 35.13.410 through RCW 35.13.460.
4. The Clark County Assessor initiated determination of petition sufficiency on March 10, 2008 which is the "terminal date" as defined in RCW 35.21.005.
5. The area proposed for annexation has a certified annexation value for general taxation of \$ 51,034,800.
6. Utility service covenants provided by the city of Vancouver represent signatures, in compliance with the RCW 35.13.420, of the owners of a majority of the acreage for which annexation is petitioned. This review did not address the legal sufficiency of any proxy or utility covenant, only the sufficiency of the presence of signatures thereon.
7. Clark County Auditor has certified that no registered voters reside at any of the situs addresses associated with the properties for which annexation is proposed.

Therefore, based on the petition certification request and supporting materials submitted by the city of Vancouver, I hereby declare and certify that the petition represents the affirmative consent of owners of a majority of the acreage for which annexation is petitioned.

Given under my hand and seal this 18th day of March 2008.

Linda Franklin
Clark County Assessor




George Simpson
Clark County Deputy Assessor



proud past, promising future

CLARK COUNTY
WASHINGTON

AUDITOR
GREG KIMSEY

CERTIFICATION

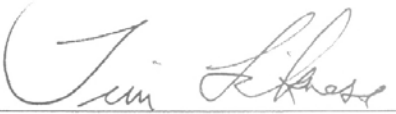
On February 29, 2008 the Clark County Auditor's Office received the *Orchards' Signature Certification Request*, requesting that signatures contained in the document(s) submitted be certified in order to determine the sufficiency of petition for annexation to the City of Vancouver. Having canvassed the materials submitted, I now certify the following:

1. The materials submitted a legal description and map indicating an area containing forty-six separate parcels.
2. Voter registration records on file in the Clark County Auditor's Office show that there are currently no active registered voters at any of the situs addresses associated with the forty-six parcels listed in the materials submitted.

THEREFORE, due to the fact that none of the parcels listed in the materials submitted currently contain active registered voters, I am unable to certify the petition as sufficient relative the any registered voter signature requirements.

GIVEN under my hand and seal this 7th day of February, 2008.

GREG KIMSEY
CLARK COUNTY AUDITOR

by 
Deputy Auditor