

ORDINANCE NO. 07-010

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

WHEREAS, On July 11, 2006 the City of Battle Ground received and accepted the initial Notice of Intent to annex approximately 417 acres located south of City along SR 503, known as the South 503 Annexation; and,

WHEREAS, on August 7, 2006, the City Council accepted the notice of intent to annex, expanded the geographical area to include a total of 434 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, staff obtained signatures on annexation petitions reflecting these conditions. The petition was transmitted on December 22, 2006 to the Clark County assessor to determine its sufficiency. On March 23, 2007 the city received a response from the assessor indicating the petition contained valid signatures representing more than the required 60% of the total assessed value; and,

WHEREAS, on April 16, 2007, the City Council held a public hearing on the annexation proposal pursuant to RCW 35A.14.231; and,

WHEREAS, The City Council recognizes the limited sewer treatment plant capacity available to the City and desires to limit connections in newly annexed areas to insure that properties within the present city limits are able to utilize the limited capacity; 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 Zoning Map adopted by Ordinance No. 04-024.

Section 4. Lands annexed by this ordinance that are within the City's sanitary sewer service boundary and are zoned for residential use 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 or upon a determination by the City Council that capacity is available.

Section 5. The City recognizes and will collect fees required under the Clark County Assessment Reimbursement Area 2000-03 recorded under Clark County Auditors File No. 3288459.

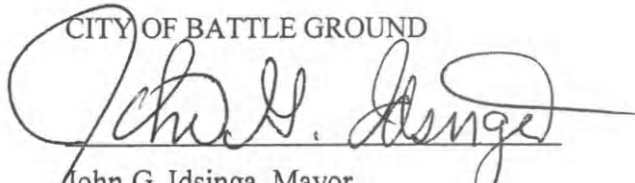
Section 6. Building permits and complete applications for building permits filed with Clark County prior to the date of this ordinance shall be completed up to and including occupancy by Clark County.

Section 7. 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 8. 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 May, 2007.

CITY OF BATTLE GROUND



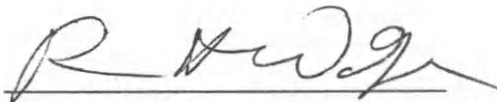
John G. Idsinga, Mayor

Attest:

Approved as to form:



Claire Lider,
City Clerk



Brian H. Wolfe,
City Attorney



MINISTER-GLAESER
SURVEYING INC.

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

August 31, 2006

EXHIBIT "A"

ANNEXATION AREA:

A tract of land located in a portion of the Southwest quarter of Section 3 and the Northeast quarter, Southeast quarter, Southwest quarter and Northwest quarter of Section 10 and the Northeast quarter, Northwest quarter of Section 15, and the Southeast quarter of Section 4 and the Northeast quarter of Section 9, Township 3 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the Northwest corner of the Northeast quarter of said Section 10;

Thence South $89^{\circ}22'32''$ East, along the North line of said Section 10, for a distance of 1314.89 feet, to the Northeast corner of the Northwest quarter of the Northeast quarter thereof;

Thence South $01^{\circ}74'14''$ West, along the East line of the Northwest quarter of the Northeast quarter of said Section 10, for a distance of 1329.00 feet, to the North line of that certain tract of land conveyed to CMK Investment by deed recorded under Auditor's File No. 3968392;

Thence South $89^{\circ}30'43''$ East, along said North line for a distance of 1093.73 feet, to an angle point therein;

Thence South $01^{\circ}20'16''$ West, along the East line of said CMK tract, for a distance of 359.54 feet, to an angle point therein;

Thence South $89^{\circ}30'43''$ East, along the North line of said CMK tract for a distance of 200.02 feet, to the Westerly Right-of-Way line of N.E. Parkway Avenue;

Thence South $01^{\circ}20'16''$ West, along said Westerly Right-of-Way for a distance of 20.00 feet, to the South line of said CMK tract;

Thence North $89^{\circ}30'43''$ West, along the South line of said CMK tract for a distance of 865.61 feet, to the Northwest corner of Lot 2 of that certain short plat recorded in Book 2 of Short Plats at page 190, records of Clark County, Washington;

Thence South $01^{\circ}13'34''$ West, along the West line of said Lot 2 for a distance of 242.48 feet, to an angle point therein;

Thence North $89^{\circ}43'29''$ West, along the North line of said Lot 2 and the extension thereof for a distance of 421.38 feet, to the Northwest corner of Lot 3 of said short plat;

Thence South $01^{\circ}21'17''$ West, along the West line of said Lot 3 and the extension thereof for a distance of 515.75 feet, to the North line of Lot 2 of that certain short plat recorded in Book 1 of Short Plats at page 737, records of Clark County, Washington;

Thence North $89^{\circ}43'05''$ West, along the North line of said Lot 2, for a distance of 170.49 feet, to the Northwest corner thereof;

Thence South $01^{\circ}13'51''$ West, along the West line of said short plat, for a distance of 379.50 feet, to the Southwest corner thereof;

Thence South $89^{\circ}43'05''$ East, along the South line of said short plat and the extension thereof, for a distance of 1476.91 feet, to the East line of the Southeast quarter of said Section 10;

Thence South $01^{\circ}12'53''$ West, along the East line of said Section 10, for a distance of 1139.08 feet, to the South line of the North half of said Southeast quarter thereof;

Thence North $89^{\circ}44'05''$ West, along said South line for a distance of 2431.40 feet, to the Northerly extension of the Easterly Right-of-Way line of N.E. Caples Road;

Thence to and along the Easterly Right-of-Way line of said N.E. Caples Road the following courses and distances:

Thence South $01^{\circ}14'38''$ West, for a distance of 409.70 feet;

Thence South $01^{\circ}56'31''$ East, for a distance of 74.23 feet;

Thence along the arc of a 3140.00 foot radius non-tangent curve to the right for an arc distance of 178.75 feet, through a central angle of $03^{\circ}15'42''$, the radius of which bears North $87^{\circ}24'13''$ West, the long chord of which bears South $04^{\circ}13'38''$ West, for a chord distance of 178.73 feet;

Thence South $05^{\circ}51'29''$ West, for a distance of 64.26 feet;

Thence along the arc of a 3060.00 foot radius tangent curve to the left for an arc distance of 206.85 feet, through a central angle of $03^{\circ}52'23''$, the radius of which bears South $84^{\circ}08'31''$ East, the long chord of which bears South $03^{\circ}55'17''$ West, for a chord distance of 206.81 feet;

Thence South $03^{\circ}04'10''$ East, for a distance of 129.56 feet;

Thence South $01^{\circ}14'51''$ West, for a distance of 319.19 feet, to the Southerly Right-of-Way line of N.E. 179th Street;

Thence North $89^{\circ}47'06''$ West, along said Southerly Right-of-Way line for a distance of 100.00 feet to the Westerly Right-of-Way line of said N.E. Caples Road;

Thence South $01^{\circ}14'38''$ West, along said Westerly Right-of-Way line for a distance of 15.54 feet;

Thence along the arc of a 950.00 foot radius tangent curve to the right for an arc distance of 261.49 feet, through a central angle of $15^{\circ}46'15''$, the radius of which bears North $88^{\circ}45'22''$ West, the long chord of which bears South $09^{\circ}07'45''$ West, for a chord distance of 260.67 feet;

Thence South $17^{\circ}00'53''$ West, along said Westerly Right-of-Way line for a distance of 223.89 feet to the South line of that certain tract of land conveyed to Todays Bank by deed recorded under Auditor's File No. 3233223, records of Clark County, Washington;

Thence North $89^{\circ}27'35''$ West, along the South line of said Todays Bank tract, for a distance of 378.51 feet to the Westerly Right-of-Way line of SR-503;

Thence South $29^{\circ}41'37''$ West, along said Westerly Right-of-Way line for a distance of 405.07 feet;

Thence North $89^{\circ}30'14''$ West, along the South line of that certain survey recorded in Book 45 at page 25, records of Clark County, Washington, for a distance of 250.43 to the Easterly Right-of-Way line of N.E. 120th Avenue;

Thence North $29^{\circ}40'32''$ East, along said Easterly Right-of-Way line for a distance of 175.94 feet;

Thence along the arc of a 602.96 foot radius curve to the left, for an arc distance of 294.66 feet, through a central angle of $28^{\circ}00'00''$, the radius of which bears North $60^{\circ}19'28''$ West, the long chord of which bears North $15^{\circ}40'32''$ East, for a chord distance of 291.74 feet;

Thence North $01^{\circ}40'32''$ East, along said Easterly Right-of-Way line for a distance of 455.73 feet, to the South line of the Southwest quarter of said Section 10;

Thence North $89^{\circ}30'14''$ West, along said South line for a distance of 644.84 feet, to the West line of the East half of said Southwest quarter;

Thence North $01^{\circ}11'32''$ East, along said West line for a distance of 1329.75 feet, to the South line of that certain Short Plat recorded in Book 3 of Short Plats, page 184, records of Clark County, Washington;

Thence South $89^{\circ}34'14''$ East, along said South line for a distance of 659.90 feet, to the Southeast corner of Lot 4 thereof;

Thence North $01^{\circ}11'20''$ East, along the West line of said Lot 4, for a distance of 318.12 feet, to the South line of Tract "A" of said short plat;

Thence South $89^{\circ}37'39''$ East, along the South line of said Tract "A" for a distance of 621.19 feet, to the Westerly Right-of-Way line of said SR-503;

Thence North $01^{\circ}13'34''$ East, along said Westerly Right-of-Way line for a distance of 528.04 feet;

Thence North $01^{\circ}12'13''$ East, along said Westerly Right-of-Way line for a distance of 22.81 feet;

Thence South $88^{\circ}52'09''$ East, along said Westerly Right-of-Way line for a distance of 5.00 feet;

Thence North $01^{\circ}13'33''$ East, along said Westerly Right-of-Way line for a distance of 399.00 feet;

Thence North $00^{\circ}50'58''$ East, along said Westerly Right-of-Way line for a distance of 150.00 feet;

Thence North $01^{\circ}15'38''$ East, along said Westerly Right-of-Way line for a distance of 775.33 feet, to the Northerly Right-of-Way line of N.E. 192nd Street;

Thence North $89^{\circ}33'33''$ West, along said Northerly Right-of-Way line for a distance of 310.49 feet to the Westerly Right-of-Way line of state Right-of-Way FR-2, as shown on State Highway Plans sheet 13 of 18, N.E. 144th Street to Battle Ground;

Thence South $01^{\circ}13'50''$ West, along said West line for a distance of 196.59 feet, to the North line of the South half of the South half of said Northwest quarter of Section 10;

Thence North $89^{\circ}34'18''$ West, along said line for a distance of 1625.86 feet, to the East line of Cascade Meadow, according to the plat thereof recorded in Book 311 of Plats at page 35, records of Clark County, Washington;

Thence South $00^{\circ}54'35''$ West, along the East line of said plat for a distance of 483.68 feet, to the Southeast corner thereof;

Thence North $89^{\circ}37'27''$ West, along the South line of said plat for a distance of 330.00 feet to the Southwest corner thereof;

Thence North $00^{\circ}54'28''$ East, along the West line of said plat for a distance of 604.01 feet, to an angle point therein;

Thence North $88^{\circ}34'33''$ West, along the South line of said plat for a distance of 375.00 feet, to the Westerly Right-of-Way line of N.E. 112th Avenue;

Thence North $00^{\circ}54'28''$ East, along said Westerly Right-of-Way line for a distance of 1878.51 feet;

Thence North $00^{\circ}28'43''$ East, along said Westerly Right-of-Way line for a distance of 1318.59 feet, to the Westerly extension of the North line of the South half of the Southwest quarter of said Section 3;

Thence South $89^{\circ}26'16''$ East, along said North line for a distance of 1812.97 feet, to the Southerly extension of that certain short plat recorded in Book 2 of Short Plats at page 964, records of Clark County, Washington;

Thence North $00^{\circ}35'07''$ East, to the Southwest corner of said short plat for a distance of 14.78 feet;

Thence South $88^{\circ}18'44''$ East, along the South line of said short plat for a distance of 54.17 feet;

Thence South $89^{\circ}28'02''$ East, along the South line of said short plat for a distance of 493.02 feet;

Thence North $89^{\circ}54'19''$ East, along the South line of said short plat for a distance of 297.92 feet, to the Westerly Right-of-Way line of said SR-503.

Thence along the Westerly Right-of-Way line of said SR-503 the following courses and distances:

Thence South $00^{\circ}52'02''$ West, for a distance of 89.13 feet;

Thence South $04^{\circ}47'36''$ East, for a distance of 50.25 feet;

Thence South $00^{\circ}55'02''$ West, for a distance of 70.00 feet;

Thence South $04^{\circ}49'55''$ East, for a distance of 48.73 feet;

Thence South $01^{\circ}09'27''$ West, for a distance of 44.23 feet;

Thence South $01^{\circ}09'31''$ West, for a distance of 235.17 feet;

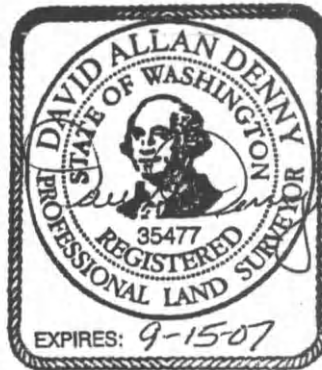
Thence North $88^{\circ}51'57''$ West, for a distance of 5.00 feet;

Thence South $01^{\circ}09'29''$ West, for a distance of 799.73 feet, to the South line of said Southwest quarter of Section 3;

Thence South $89^{\circ}25'25''$ East, along the South line of said Section 3, for a distance of 40.18 feet to the TRUE POINT OF BEGINNING.

Containing 434.03 acres, more or less.

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



8-31-06