

ORDINANCE NO. 2019-07

**AN ORDINANCE OF THE CITY OF BATTLE GROUND WASHINGTON,
PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY
KNOWN AS THE “WALKER ANNEXATION”, SUBJECT TO ASSUMPTION
OF INDEBTEDNESS, AND ADOPTING PREANNEXATION ZONING
CONTROLS FOR SUCH PROPERTY.**

WHEREAS, the Walker Annexation area is being annexed by this ordinance by use of the direct petition method per RCW 35A.14.120; and,

WHEREAS, on August 20, 2018 the City of Battle Ground received an initial Notice of Intent to annex approximately 24 acres located on the north east corner of NE 239th ST and NE 112th Ave; and,

WHEREAS, on October 1, 2018 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 pre-annexation 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 was submitted to the City of Battle Ground on December 31, 2018. The petition was transmitted to the Clark County Assessor; and,

WHEREAS, on February 26, 2019 the city received a response from the Clark County assessor indicating the petition contained valid signature representing more than the required 60% of the total assessed value; and,

WHEREAS, on March 18, 2019, the City Council held a public hearing on the annexation proposal pursuant to RCW 35A.14.130; 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 and taxes or taxes in payment of any bond issued or debts contracted by order existing at the time of annexation.

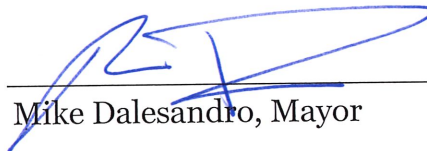
Section 3. In accordance with RCW 35A.14.330, and the City of Battle ground pre-annexation zoning map adopted under Ordinance No. 07-016, all property within the territory annexed by this ordinance is hereby zoned MX-E and shall be subject to all development regulations of the City of Battle Ground in effect at the time of annexation.

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.

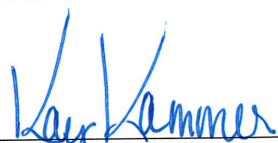
Section 5. This Ordinance shall become effective 45 days from the date of adoption.

ADOPTED AT THE REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, THIS 18TH DAY OF MARCH 2019.

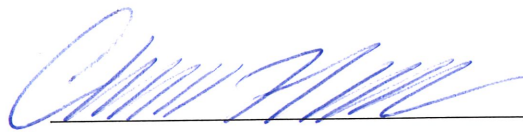
CITY OF BATTLE GROUND


Mike Dalesandro, Mayor

Attest:


Kay Kammer, City Clerk

Approved as to form:


Christine Hayes, City Attorney

ORDINANCE NO. 2019-07
EXHIBIT A

WALKER ANNEXATION

LEGAL DESCRIPTION

FROM PERSONAL REPRESENTATIVE'S DEED (Revised January 24, 2019)

Parcel 1 - Tax Serial No. 226932-000 (Tax Lot #9) -
24013 NE 112th Avenue, Battle Ground, WA 98604

BEGINNING at the Southwest corner of the Southwest Quarter of the Southwest Quarter Section 27, Township 4 North, Range 2 East of the Willamette Meridian, Clark County, Washington, and running thence North, along the center line of the County Road, 720 feet; thence East, parallel with the North line of the Southwest Quarter of the Southwest Quarter of said Section, 605 feet; thence South, parallel with the East line of the Southwest Quarter of the Southwest Quarter of said Section, 720 feet, more or less, to the South line of said Section; and thence West 605 feet, more or less, to the point of beginning.

EXCEPT that portion North of the center of a creek in the Northwest corner of the above-described tract which was conveyed to David L. Elmer and D. Jean Elmer, husband and wife, by Warranty Deed dated July 10, 1987, and recorded as Auditor's File No. 8707130230, described as follows:

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

BEGINNING at the Northwest corner of said Southwest Quarter of the Southwest Quarter of Section 27; thence East along the North line thereof, 620.00 feet to a point; thence South at right angles to said North line, 30 feet, more or less, to the centerline of a creek ; thence Southwesterly along said creek centerline to the intersection of a culvert under NE 112th Avenue, and the West line of Section 27; thence North along the West line of Section 27, 700 feet, more or less, to the point of beginning.

ALSO INCLUDING all public road rights-of-way abutting Parcel 1.

Parcel 2: Tax Parcel No. 226933-000 (Tax Lot 10.30) - 14.23 Acres

All the Southwest Quarter of the Southwest Quarter of Section 27, Township 4 North, Range 2 East of the Willamette Meridian, Clark County, Washington.

EXCEPT BEGINNING at the Southwest corner of the Southwest Quarter of the Southwest Quarter Section 27, Township 4 North, Range 2 East of the Willamette Meridian, Clark County, Washington, and running thence North, along the center line of the County Road, 720 feet; thence East, parallel with the North line of the Southwest Quarter of the Southwest Quarter of said Section, 605 feet; thence South, parallel with

the East line of the Southwest Quarter of the Southwest Quarter of said Section, 720 feet, more or less, to the South line of said Section; and thence West 605 feet, more or less, to the point of beginning.

ALSO EXCEPT that certain Tract which was conveyed to David L. Elmer and D. Jean Elmer, husband and wife, by Warranty Deed dated July 10, 1987, and recorded as Auditor's File No. 8707130230, described as follows:

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

BEGINNING at the Northwest corner of said Southwest Quarter of the Southwest Quarter of Section 27; thence East along the North line thereof, 620.00 feet to a point; thence South at right angles to said North line, 30 feet, more or less, to the centerline of a creek; thence Southwesterly along said creek centerline to the intersection of a culvert under NE 112th Avenue, and the West line of Section 27; thence North along the West line of Section 27, 700 feet, more or less, to the point of beginning.

ALSO, EXCEPT that certain Tract which was conveyed to Ronald Habersetzer and Delores Habersetzer, husband and wife, by Warranty Deed dated March 14, 1967, and recorded as Auditor's File No. G-522421, described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of the Southwest Quarter of Section 27, Township 4 North, Range 2 East of the Willamette Meridian; thence West along the North line thereof, 345 feet; thence South parallel with the East line thereof 660 feet; thence East parallel with the North line thereof 345 feet to the East line of said Southwest Quarter of the Southwest Quarter; thence North 660 feet to the point of beginning.

ALSO, EXCEPT that certain Tract which was conveyed to Gene L. Foster and Elaine M. Foster, husband and wife, by Warranty Deed dated May 19, 1972, and recorded on June 23, 1971, as Clark County Auditor's File No. G-577910, described as follows:

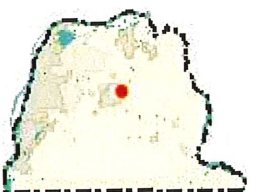
That portion of the Southwest Quarter of the Southwest Quarter of Section 27, Township 4 North, Range 2 East of the Willamette Meridian. described as follows:

BEGINNING at a point on the North line of said subdivision 345 feet West of the Northeast corner thereof; thence South 660 feet to the TRUE POINT OF BEGINNING;; thence East parallel with the North line of said subdivision 345 feet; thence South along the East line thereof 526 feet; thence West parallel with the North line of said subdivision 345 feet; thence North parallel with the East line of said subdivision 526 feet to the true point of beginning.

ALSO INCLUDING all public road rights-of-way abutting Parcel 2.

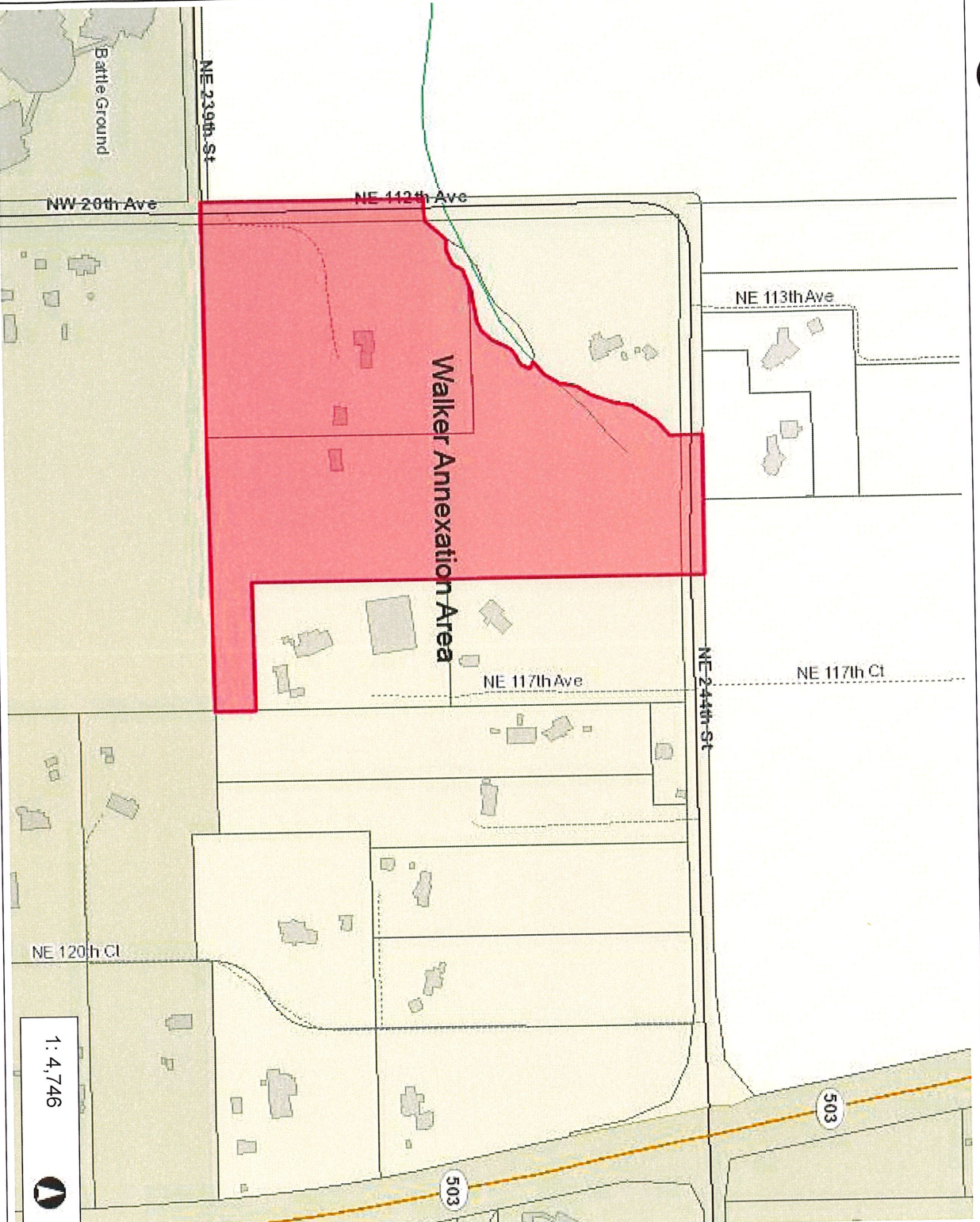


Ordinance No. 2019-07 Exhibit A Continued Walker Annexation Area



Legend

- Building Footprints
- Taxlots
- Arterial
 - Interstate
 - State Route
 - Arterial
 - Forest Arterial
 - Minor Collector
 - Forest Collector
 - Private or Other
- Cities Boundaries
- Urban Growth Boundaries



791.0

0

395.49

791.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA. GIS - <http://gis.clark.wa.gov>

1: 4,746



Notes:

This map was generated by Clark County's "MapOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.