

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON, REVISING THE CORPORATE BOUNDARY TO INCLUDE ADDITIONAL RIGHT-OF-WAY FROM CLARK COUNTY AS PROVIDED FOR IN RCW 35A.21.210.

WHEREAS, the segment of NE 122nd Avenue right-of-way (ROW) south of NE 179th Street is within Clark County's jurisdiction as shown on Exhibit A; and

WHEREAS, the segment of NE 120th Avenue ROW south of SW 40th Street is within Clark County's jurisdiction as shown on Exhibit B; and

WHEREAS, the north half of a segment of NE 239th Street ROW between NW 30th Avenue and NW 20th Avenue is within Clark County's jurisdiction as shown on Exhibit C; and

WHEREAS, the City has annexed land that borders one side of NE 122nd Avenue, NE 120th Avenue, and NE 239th Street; and

WHEREAS, there are existing portions of NE 122nd Avenue, NE 120th Avenue, and NE 239th Street, which are located within the city's UGA that are not currently within the city's corporate limits; and

WHEREAS, it is in the city's and the county's best interest to have the entirety of this segment of NE 122nd Avenue, NE 120th Avenue, and NE 239th Street right-of-ways, wholly within the city's jurisdiction where it coincides with the city's boundaries for consistency in the administration of construction projects, coordination of utilities, permitting and maintenance; and

WHEREAS, RCW 35A.21.210(1) authorizes "The governing bodies of a county and any code city located therein may by agreement revise any part of the corporate boundary of the city which coincides with the centerline, edge, or any portion of a public street, road or highway right-of-way by substituting therefor a right-of-way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city."; and

WHEREAS, revision of the corporate boundary of a city is effective upon approval by both the city council and the county legislative authority as provided for in RCW 35A.21.210(2); and

WHEREAS, RCW 35A.21.210(2) states such boundary revision is not subject to potential review by a boundary review board;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council finds the corporate boundary revision that includes the full width of NE 122nd Avenue, NE 120th Avenue, and NE 239th Street right-of-way where it abuts the current city limits and is already located within the city's UGA to be wholly within the city's jurisdiction, as shown on Exhibits A, B, and C, would be a useful part of the city's street and infrastructure system and simplify jurisdictional issues associated with said streets.

Section 2. The City Council approves the corporate boundary revision to include the right-of-way for NE 122nd Avenue as shown in Exhibit A, NE 120th Avenue as shown in Exhibit B, and NE 239th Street as shown in Exhibit C.

Section 3. Savings. The enactment of this ordinance shall not affect any application, case, proceeding, appeal, or other matter currently pending administratively or judicially in any court or in any way modify any right or liability, civil or criminal, that may be in existence on the effective date of this ordinance.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Corrections. Upon approval of the city attorney, the city clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

Section 6. Effective Date. This ordinance shall be published in summary form and be in full force and effective thirty (30) days from the final passage date in accordance with law.

PASSED BY THE CITY COUNCIL OF THE CITY OF BATTLE GROUND WASHINGTON THIS 18TH OF APRIL 2022.

City of Battle Ground

Philip Johnson, Mayor

Attest:

Approved To Form:

Kay Kammer, City Clerk

Kirk Ehlis, Menke Jackson Beyer, LLP