

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.

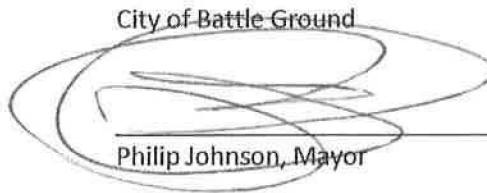
Section 3. Savings. The enactment of this ordinance shall not affect any application, case, proceeding, appeal, or other matter currently pending administratively or judicially in any court or in any way modify any right or liability, civil or criminal, that may be in existence on the effective date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

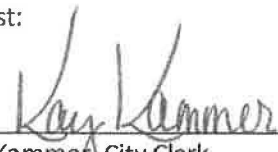
Section 5. Corrections. Upon approval of the city attorney, the city clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations;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


Kay Kammer, City Clerk

Approved To Form:


Kirk Ehlis, Menke Jackson Beyer, LLP

EXHIBIT "A"



LAND SURVEYORS
ENGINEERS

(360) 695-1385
222 E. Evergreen Blvd.
Vancouver, WA
98660

LEGAL DESCRIPTION FOR STONEHILL
NE 122ND AVENUE RIGHT-OF-WAY ANNEXATION

March 8, 2022

A parcel of land, lying in a portion of the Northeast quarter of the Northwest quarter and a portion of the Northwest quarter of the Northeast quarter of Section 15, Township 3 North, Range 2 East of the Willamette Meridian, Clark County, Washington, described as follows:

COMMENCING at the Northwest corner of the Northeast quarter of said Section 15;

THENCE South 89° 50' 38" East, along the North line of said Section 15, a distance of 83.36 feet to a point on the Northerly extension of the West right-of-way line of Northeast 122nd Avenue (also known as Northeast Caples Road);

THENCE South 01° 12' 07" West, leaving said North line and along said Northerly extension, a distance of 50.00 feet to the South right of way line of SW 40th Street and the TRUE POINT OF BEGINNING;

THENCE South 01° 12' 07" West, along said West right-of-way line of Northeast 122nd Avenue, a distance of 15.21 feet to a 950.00 foot radius curve to the right;

THENCE along said West right of way line and along said 950.00 foot radius curve to the right, through a central angle of 15° 47' 25", an arc distance of 261.81 feet;

THENCE South 16° 59' 32" West, along said West right-of-way line, a distance of 286.38 feet to the Southeast corner of that parcel conveyed to GNG Property LLC by deed recorded under Auditor's File Number 5819749 D;

THENCE South 89° 31' 35" East, along the Easterly extension of the South line of said GNG Property LLC parcel, a distance of 94.47 feet to the East right-of-way line of Northeast 122nd Avenue and to a 1260.02 foot radius non-tangent curve to the right;

THENCE along said East right-of-way line and along said 1260.02 foot radius non-tangent curve to the right (the long chord of which bears North 16° 07' 55" East, a distance of 37.84 feet), an arc distance of 37.84 feet;

THENCE North 19° 34' 30" East, along said East right-of-way line, a distance of 221.91 feet to a 1050.00 foot radius curve to the left;

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THENCE along said East right-of-way line and along said 1050.00 foot radius curve to the left (the long chord of which bears North 09° 05' 49" East, a distance of 288.46 feet), an arc distance of 289.37 feet;

THENCE North 01° 12' 07" East, along said East right-of-way line, a distance of 17.00 feet to the South right-of-way line of SW 40th Street;

THENCE North 89° 49' 18" West, along said South right of way line, a distance of 100.02 feet to the TRUE POINT OF BEGINNING.

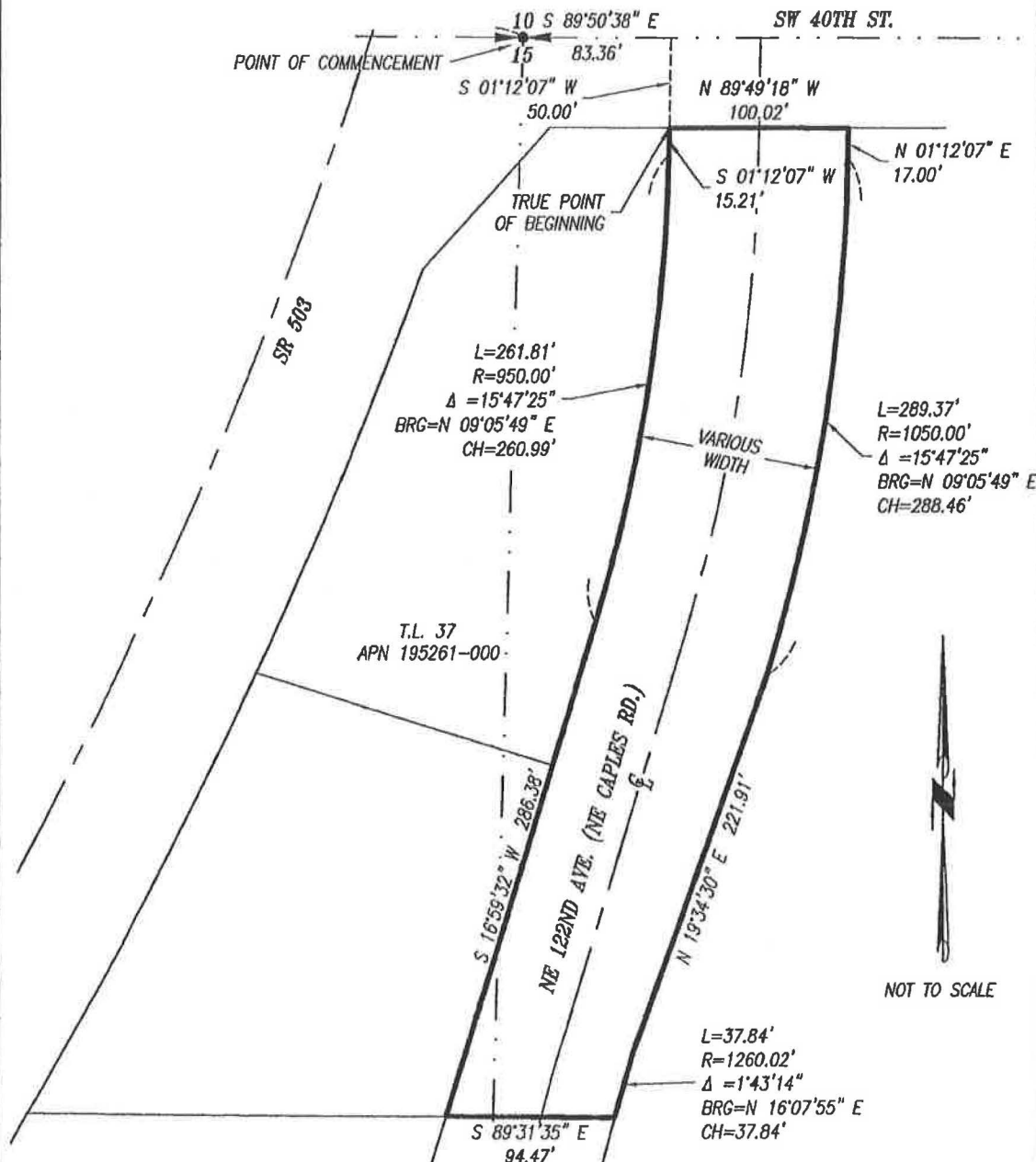
Containing 1.26 acres, more or less.



3-8-2022

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR NE 122ND AVE. R/W ANNEXATION**

A PORTION OF NE 122ND AVE. LYING IN THE NW 1/4 AND NE 1/4, SECTION 15, T.3 N., R.2 E., W.M.
CITY OF BATTLE GROUND, CLARK COUNTY, WA.



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DESCRIPTIONS\9348.S.0003.LEG.DWG

OLSON LAND SURVEYORS
ENGINEERS
ENGINEERING INC. 222 E. EVERGREEN BLVD., VANCOUVER, WA 98660

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WASHINGTON

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**PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE**

**NE 120TH AVENUE
DESCRIPTION**

All that portion of NE 120th Avenue as shown in that quitclaim deed to Clark County recorded under Auditor's file number 3052924, records of Clark County, Washington, lying southerly of the city limits of Battle Ground, Washington, located in the Northeast quarter of the Northwest quarter of Section 15, Township 3 North, Range 2 East of the Willamette Meridian in Clark County, Washington, being a 60 foot wide strip 30 feet lying on each side of the following described centerline:

Commencing at the Northeast corner of the Northwest quarter of said Section 15;

Thence N89°30'19"W along the Northerly line of said section 705.27 feet to the true point of beginning;

Thence S01°37'41"W 454.65 feet to the beginning of a 572.96 foot radius curve to the right;

Thence southerly along said curve to the right a distance of 280.00 feet, through a central angle of 28°00'00";

Thence S29°37'41"W 233.62 feet and there terminating.

This description contains 58,096 square feet more or less.



1300 FRANKLIN STREET * P.O. BOX 9810 * VANCOUVER, WASHINGTON 98666-9810 * <http://www.clark.wa.gov>
(360) 397-6118, EXTENSION 5130 FAX (360) 397-6053 TDD (360) 397-6057
011347 - NE 120th Ave.doc

EXHIBIT B

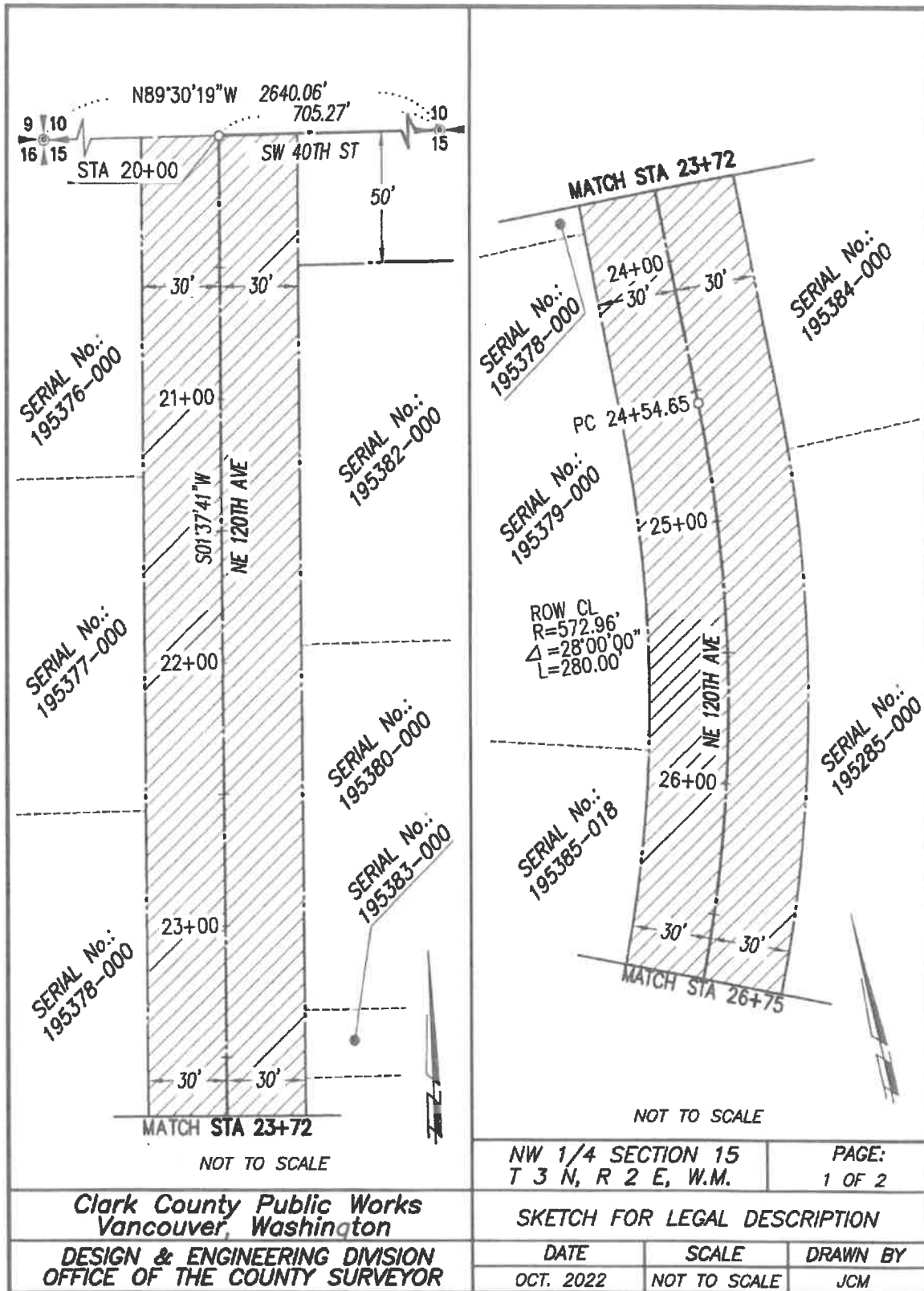


EXHIBIT B

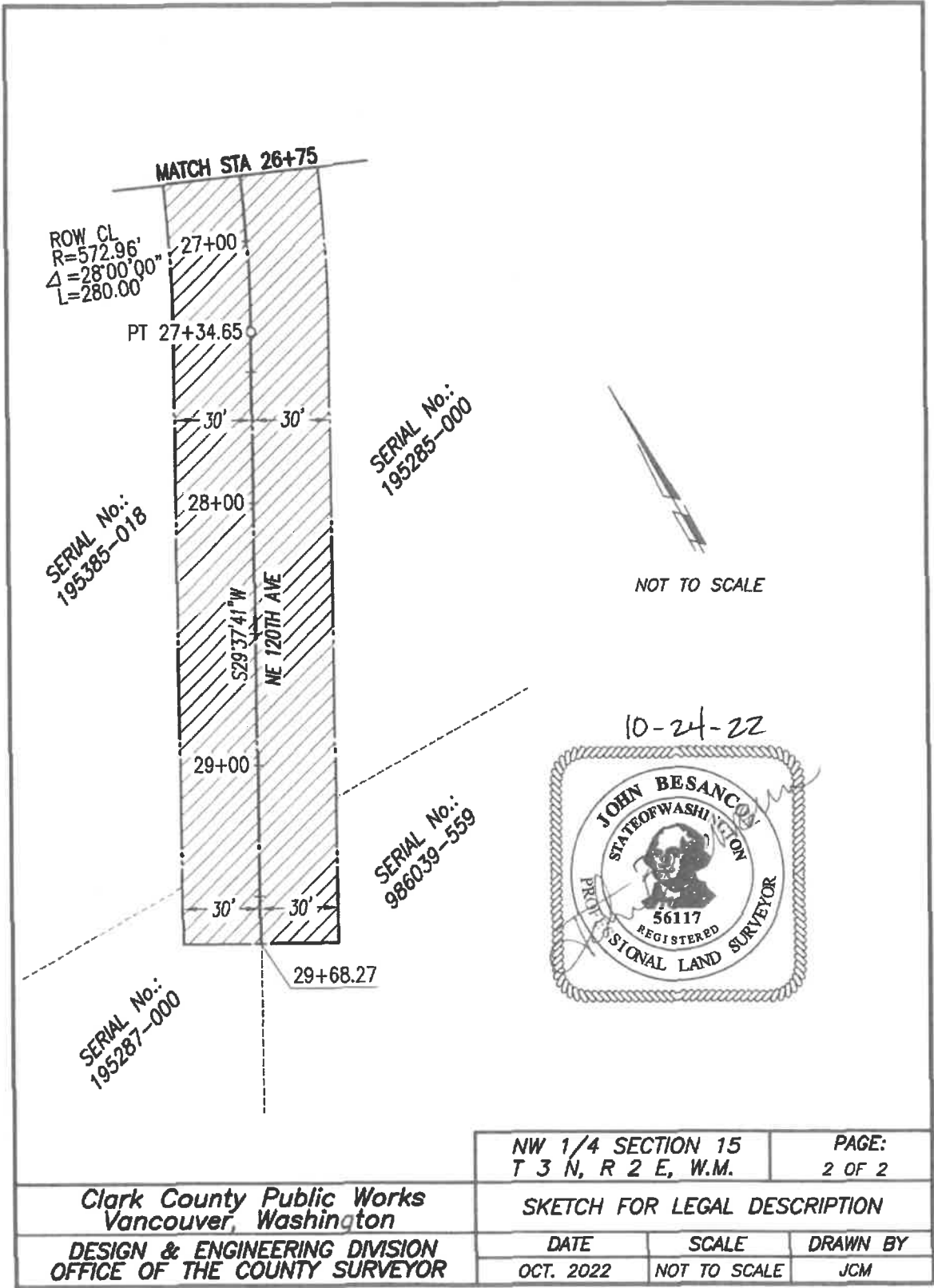


EXHIBIT B

Map showing the intersection of NE 120th Avenue and NE 179th Street. NE 120th Avenue is highlighted in black. The map also shows NE 179th Street, NE 177th Street, and NE 175th Street. Highway 503 is visible on the right side of the map.

NE 127043

NE 120th Avenue

~~NE 179th Street~~

503

503

NE Caples Rd

Exhibit "C"
NE 239th Street Corporate Boundary Adjustment
Legal Description

The South 25 feet of the Southeast quarter of Section 28, Township 4 North, Range 2 East of the Willamette Meridian; in the City of Battle Ground, Clark County, Washington.

