



02/08/2016  
02/22/2016

ORDINANCE NO. M-4158

AN ORDINANCE relating to approval of an annexation pursuant to RCW 35.13.125; 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 petition supporting annexation; and providing for an effective date for the Van Mall Drive 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 Van Mall Drive annexation parcel is located in Vancouver's unincorporated urban growth boundary located at 4909 NE 66th Avenue, Vancouver, WA; and WHEREAS, the annexation request conforms to the general principles of the interlocal agreement between the City of Vancouver and Clark County, dated December 2007; and

WHEREAS, pursuant to RCW 35.13.125, the City of Vancouver received a signed annexation petition from property owners of at least 60% of the assessed value of land within the defined annexation area; and

WHEREAS, pursuant to RCW 35.13.410 on November 16, 2015, Vancouver City Council met with the initiating party, considered public testimony, and voted to accept the annexation

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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 January 19, 2016, the Clark County Assessor certified that the signature represents property owner support from one hundred percent of the total assessed valuation of the proposed annexation area.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Location of Annexation Area. Pursuant to RCW 35.13 the Van Mall Drive annexation is located in Vancouver's unincorporated urban growth boundary located at 4909 NE 66th Avenue, Vancouver, WA, including abutting right-of-way. 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. Consistent with VMC Chapter 20.230 and Table 20.230.030-1, the City designates comprehensive plan and zoning designations for the annexing land as Urban High Density Residential (UH) designation and R-30 zoning. Under Vancouver zoning per VMC Table 20.230.030-1 upon annexation as set forth in Exhibits "C" and "D" attached hereto and incorporated herein.

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. The City will not require the property owners within the annexation boundary to accept any existing city indebtedness.

Section 5. Signature Certification. Pursuant to RCW 35.21.005, the County Assessor issued a Certification of Sufficiency dated January 19, 2016, regarding the signature support for the Van Mall Drive annexation, as set forth in Exhibit "E".

Section 6. Signature Acceptance. City Council hereby accepts the certified signatures supporting annexation of the Van Mall Drive annexation.

Section 7. Annexation Approval. City Council hereby approves the Van Mall Drive annexation as described herein.

Section 8. Effective Date. This ordinance shall become effective thirty (30) days following the date of final adoption.

Read first time: February 8, 2016

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Stober, Topper, McEnemy-Ogle, Turley,  
Hansen, Boudeman, Mayor Leavitt  
Nays: Councilmembers None  
Absent: Councilmembers None

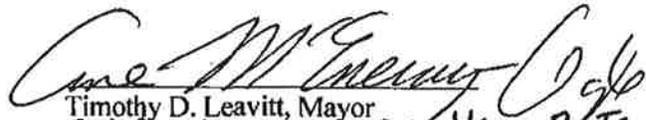
Read second time: February 22, 2016

PASSED BY THE FOLLOWING VOTE: 6-0

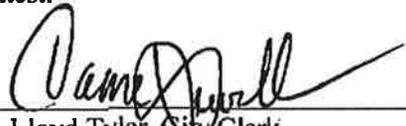
Ayes: Councilmembers Stober, Topper, Turley, Hansen, Boudeman,  
McEnemy-Ogle  
Nays: Councilmembers None  
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Absent: ~~Councilmembers~~ Mayor Leavitt

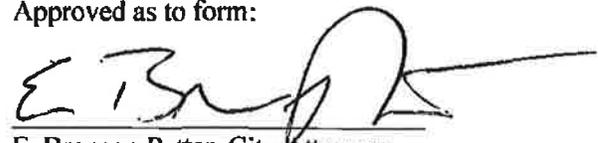
Signed this 22nd day of February, 2016.

  
Timothy D. Leavitt, Mayor  
By: Anne McEnany-Ogle, Mayor Pro Tem

Attest:

  
R. Lloyd Tyler, City Clerk  
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:

  
E. Bronson Potter, City Attorney

SUMMARY

ORDINANCE NO. 11-4158

AN ORDINANCE relating to approval of an annexation pursuant to RCW 35.13.125; 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 petition supporting annexation; and providing for an effective date for the Van Mall Drive annexation thirty (30) days following the date of final adoption.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via [www.cityofvancouver.us](http://www.cityofvancouver.us) (Go to City Government and Public Records).

## **Van Mall Drive Annexation Legal Description**

A tract of land lying in the South half of the Northeast quarter of Section 18, T 2 N,  
R 2 E, W.M., Clark County, Washington, said tract more particularly described as follows:

Beginning at the concrete monument marking the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 18 as shown in Book 13 of Surveys at page 175, records of said county; thence South  $1^{\circ} 39' 42''$  West, 1946.75 feet along the centerline of Northeast 66<sup>th</sup> Avenue to a point on the Montessori-Skinner Annexation Ordinance No. M-3114 and the existing city limits line; thence North  $89^{\circ} 12' 21''$  West 20 feet, more or less, along said Montessori-Skinner Annexation line to the West line of Northeast 66<sup>th</sup> Avenue; thence South  $1^{\circ} 39' 42''$  West along said West line and said Montessori-Skinner Annexation line 330 feet, more or less, to the Southwest corner of said Montessori-Skinner Annexation and the True Point Of Beginning; thence South  $89^{\circ} 12' 21''$  East 600 feet, more or less, along the South line of said Montessori-Skinner Annexation and the existing city limits line to the West line of Northeast Andresen Road and the existing city limits as described in the Village Associates Annexation



Ordinance No. M-3067; thence southerly 120 feet, more or less, along said West line to the Southwest corner of said Village Associates Annexation, said corner also being on the existing city limits line as described in the Fourth Plain Van Mall Annexation Ordinance No. 3039; thence continuing southerly 60 feet, more or less, along said West line and said Fourth Plain Van Mall Annexation to a point of intersection with the North line of that tract conveyed by Statutory Warranty Deed by W. Falander to H. Falander, dated August 8, 1966 and recorded under Auditors File Number G460496, Records of Clark County; thence westerly along said North line and the extension thereof 600 feet, more or less, to a point of intersection with the West line of Northeast 66th Avenue; thence leaving said city limits line and going northerly 170 feet, more or less, along said West line of Northeast 66th Avenue to the True Point Of Beginning.

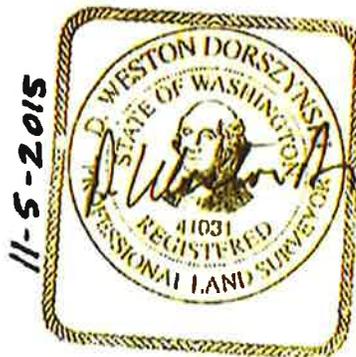
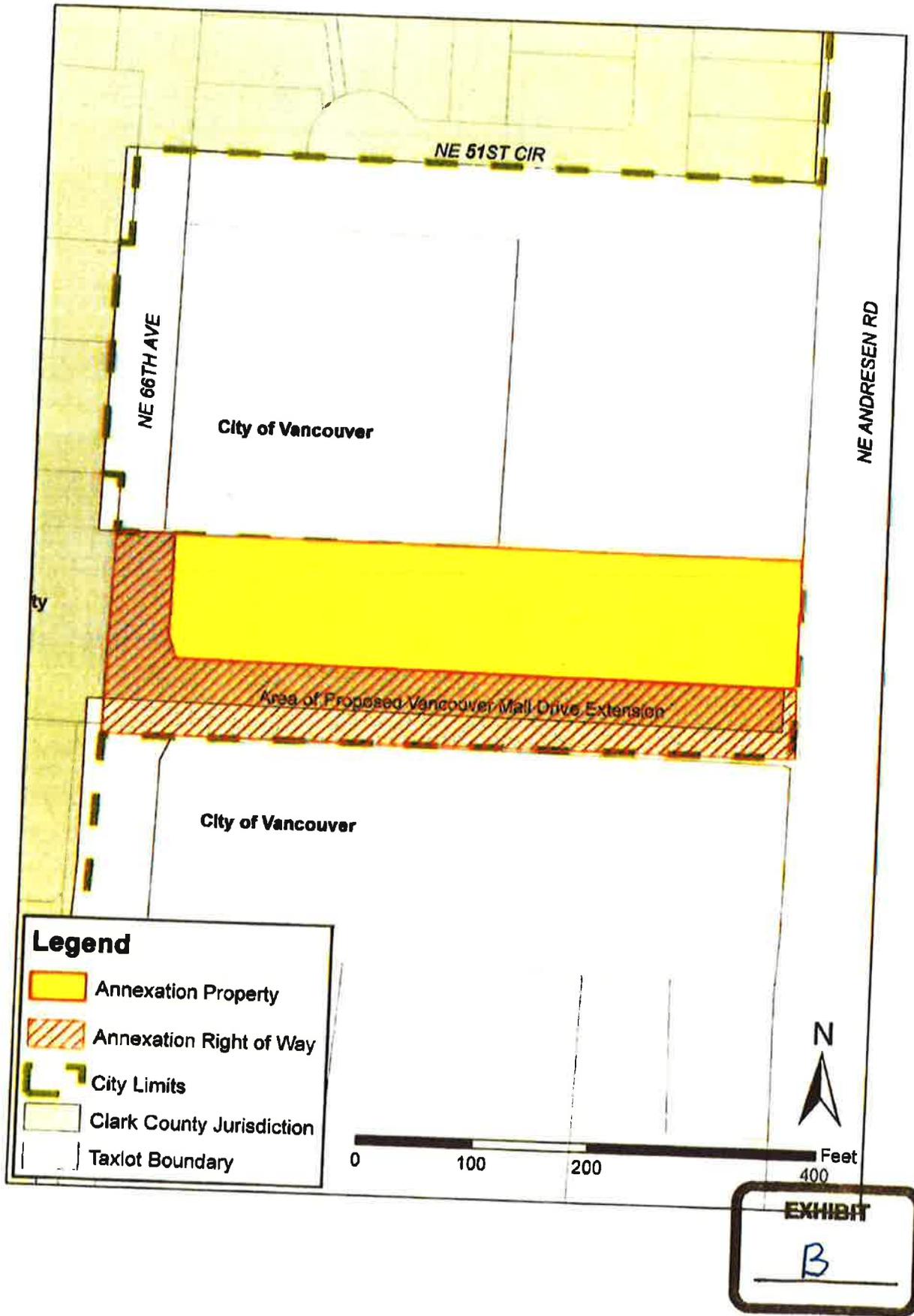


EXHIBIT A

2 of 2

# Van Mall Drive Extention Annexation



# Van Mall Drive Extension Annexation

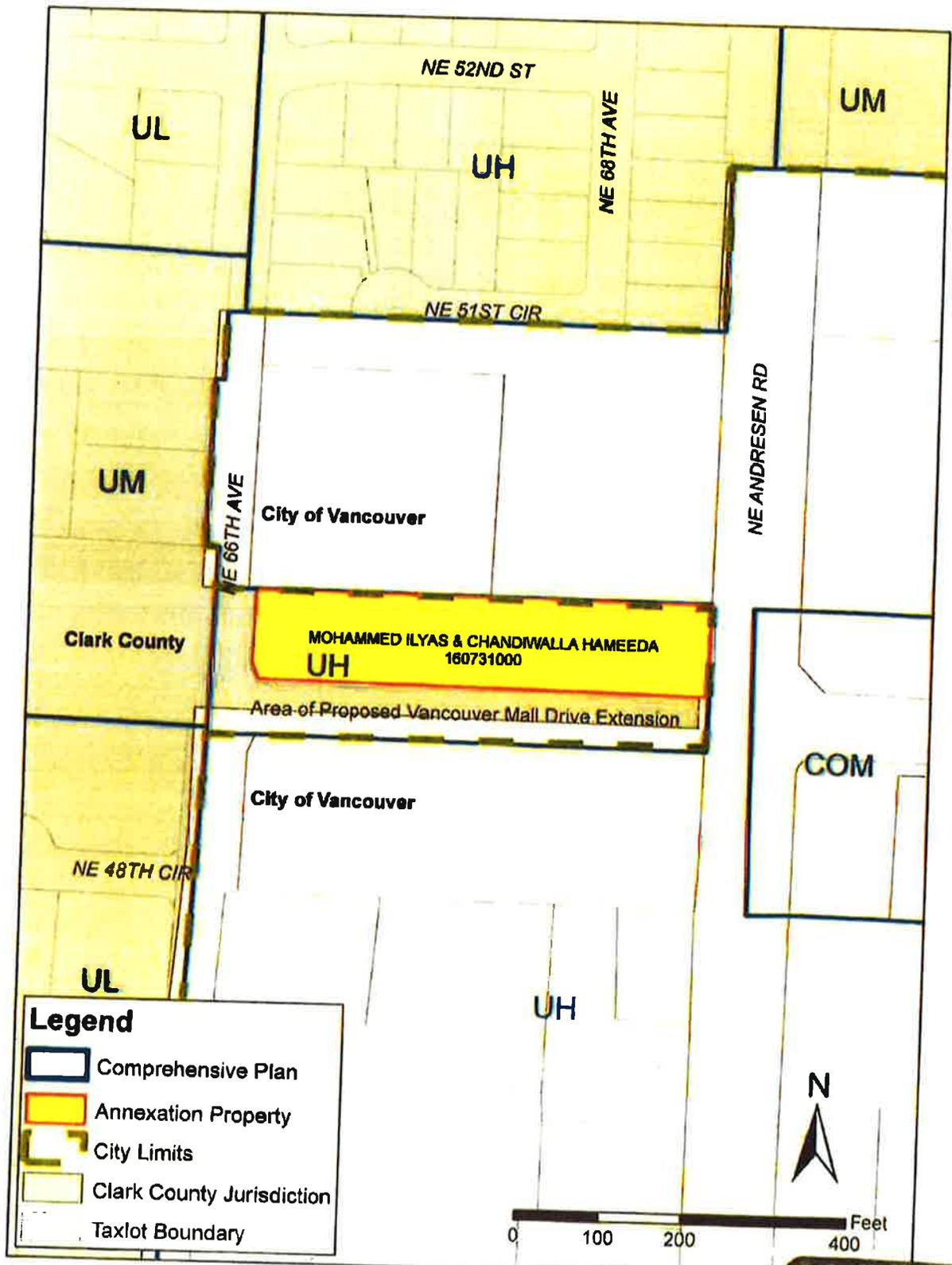
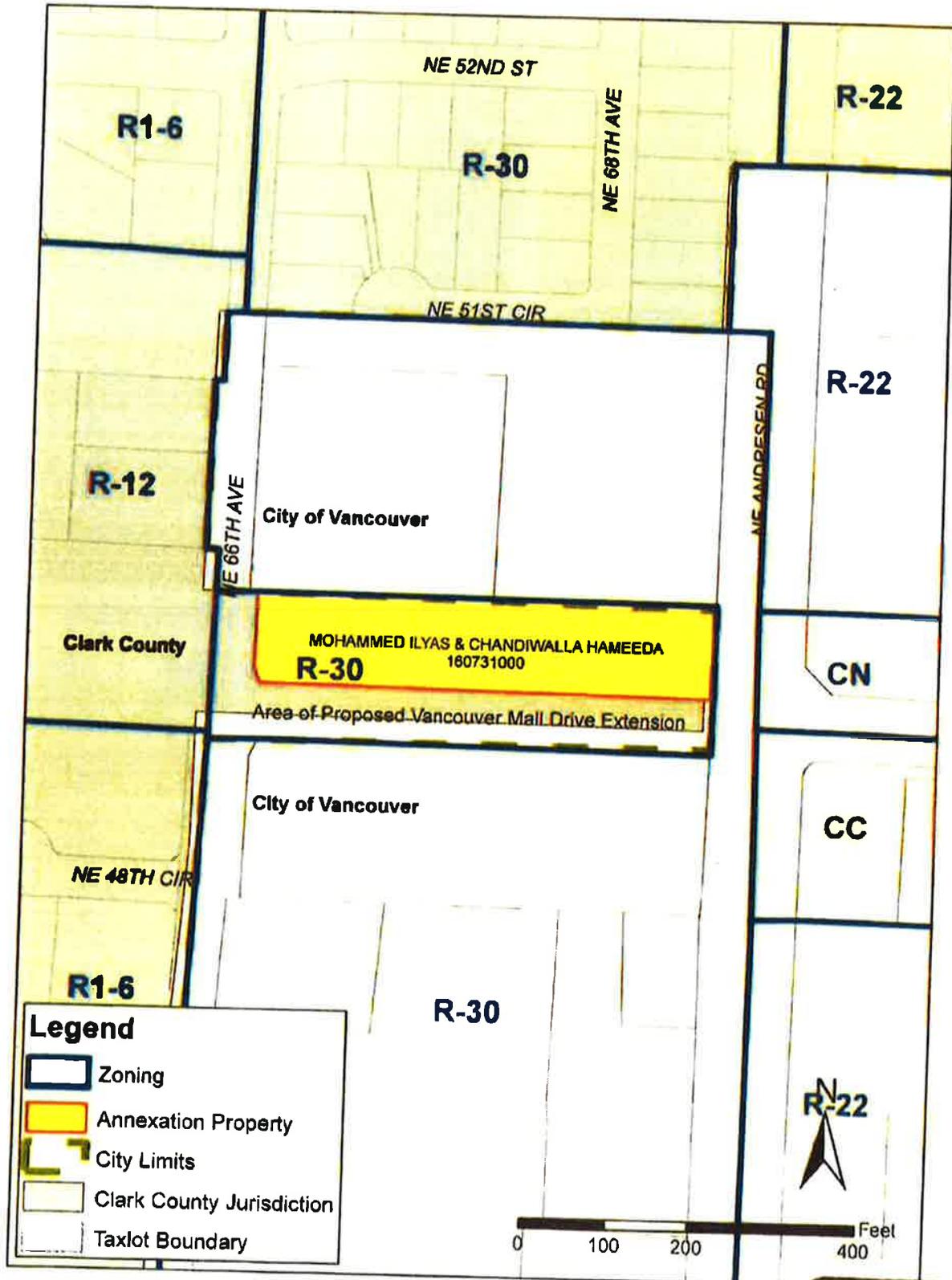


EXHIBIT  
C

# Van Mall Drive Extension Annexation



**EXHIBIT**  
D

1300 Franklin Street • P. O. Box 5000 • Vancouver, WA 98666-5000 • tel: 360.397.2391 • fax: 360.397.6046 •



*proud past, promising future*

**CLARK COUNTY**  
WASHINGTON

**DEPARTMENT OF ASSESSMENT**

Peter Van Nortwick, Assessor

January 19, 2016

Bryan Monroe  
Associate Planner – City of Vancouver  
PO Box 1995  
Vancouver, WA 98668

Dear Bryan:

You will find enclosed the Certification of Sufficiency of the petition for annexation of land to the City of Vancouver: Van Mall Extension Annexation.

Please contact me should you have any questions regarding this annexation.

Sincerely,

Peter Van Nortwick  
Clark County Assessor

Encls.

- \* Certification of Sufficiency
- \* Annexation Legal Description
- \* Annexation Map

**EXHIBIT**  
E  
1 of 2

Certification of Sufficiency  
Van Mall Extension Annexation

The City of Vancouver on January 6, 2016, submitted for review by Clark County Assessor, a petition to annex to the City, approximately 2.42 acres of land known as the Van Mall Extension Annexation. Subject to the requirements of RCW 35A.01.040, I now certify the following in my capacity as Clark County Assessor:

1. On January 6, 2016 the City of Vancouver submitted for certification by the Clark County Assessor a petition to annex to the City 1 parcel of land and associated road and public utility rights-of-way, totaling approximately 2.42 acres.
2. The legal description and map of the area proposed for annexation, as provided by the City, are attached to this certification. According to the map provided by the City, this area is located in unincorporated Clark County and within the urban growth boundary.
3. The City is completing annexation pursuant to the Sixty Percent Petition method of annexation, 35.13.125 through 170.
4. The Clark County Assessor initiated determination of petition sufficiency on January 19, 2016 which is the "terminal date" as defined in RCW 35A.01.040.
5. The area proposed for annexation has a certified annexation value for general taxation of \$ 285,100.
6. Petition signatures provided by the City represent valid owner signatures of a combined total assessed value for general taxation of not less than 60% of the total assessed value for general taxation of all property in the proposed annexation area. This review did not address the legal sufficiency of any proxy or utility covenant, only the sufficiency of the presence of signatures thereon.

Therefore, based on the petition certification request and supporting materials submitted by the City, I hereby declare and certify that the petition represents the affirmative consent of properties totaling more than 60% of the value according to the assessed valuation for general taxation purposes of the property proposed for annexation.

Given under my hand and seal this January 19, 2016.



\_\_\_\_\_  
Peter Van Nortwick  
Clark County Assessor

11/16/15

RESOLUTION NO. M-3874

A RESOLUTION relating to support of an annexation request using the 60% direct petition method pursuant to RCW 35.13.125; establishing the geographic extent, determining the comprehensive plan and land use designations, and determining whether the property owners will assume all or any portion of existing City indebtedness for the 1.43-acre Van Mall Drive Annexation area.

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,

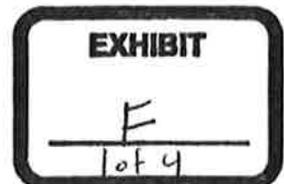
WHEREAS, pursuant to RCW 36.70A, the City of Vancouver has an urban growth area designated under the Growth Management Act; and,

WHEREAS, the City of Vancouver and Clark County have entered into an interlocal agreement with respect to joint growth management planning and the related Annexation Blueprint (M-3642); and,

WHEREAS, the Van Mall Drive Annexation area is located within Vancouver's urban growth boundary, and is contiguous to the City of Vancouver located at 4909 NE 66th Avenue near NE 66th Avenue and NE Andresen Road, and the annexation request conforms to the interlocal agreement; and,

WHEREAS, pursuant to RCW 35.13.125, an annexation request was made through submittal of intent to annex request of which the signatories equal ten percent (10%) or more of the assessed valuation of the proposed annexation area; and

RESOLUTION - 1



WHEREAS, pursuant to RCW 35.13.125, Vancouver City Council is required to meet with the initiating parties and decide whether to accept, reject or geographically modify the proposed annexation area; whether to require simultaneous adoption of the most similar comprehensive plan and land use zoning designations as provided for in VMC 20.230.030, surrounding zoning and current uses; and whether to require assumption of all or any portion of the existing city indebtedness by the area to be annexed.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Pursuant to Ch. 35.13 RCW, and as discussed in Staff Report 172-15, the 1.43-acre Van Mall Drive Annexation area and abutting right of way is unincorporated land located at 4909 NE 66th Avenue near NE 66th Avenue and NE Andresen Road in Vancouver's urban growth boundary, and is contiguous to the City of Vancouver. The legal description of the annexation area is set forth in Exhibit "A", attached hereto and incorporated herein. A map of the annexation area is set forth in Exhibit "B", attached hereto and incorporated herein.

Section 2. VMC 20.230.030 provides that City Council shall designate the city comprehensive plan and zoning designations for the annexing land so as to be the most similar to the county zoning designations of such land, absent adoption of different designations approved by Council. Currently the land located in the Van Mall Drive Annexation area has Clark County comprehensive plan designations of Urban High Density Residential (UH), and zoning designations of R-30. Under Vancouver zoning per VMC Table 20.230.030-1, upon annexation the comprehensive plan designation shall be Urban Higher Density (UH). Upon annexation the

RESOLUTION - 2

zoning designation shall be converted to R-30 as set forth in Exhibits "C" and "D" attached hereto and incorporated herein.

Section 3. This annexation request conforms to the adopted City-County Interlocal Agreement (M-3642). Section 4.C states, "The agreement shall be consistent with state law and adopted regional and city and county plans."

- State law supports the annexation as the area is adjacent to the city limits and located within Vancouver's Urban Growth Area.
- Clark County Comprehensive Plan policy 12.0.2 states, "Developing areas within urban growth and identified annexation areas should annex or commit to annex to adjacent cities in order to receive a full range of city-provided urban services".
- County policy 12.2 is addressed as the City of Vancouver is the current sewer and water service provider for the annexation area.
- City policy A-5 states, "Annexation of large areas should be encouraged, although individual property owners should not be prevented from pursuing annexation."

Section 4. The 1.43-acre area proposed for annexation shall not be required to assume all or any portion of the existing City indebtedness.

Section 5. This resolution shall become effective immediately upon adoption, and is not subject to appeal as per RCW 35.13.125.

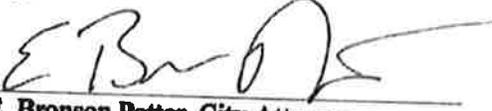
Signed this 16th day of November, 2015.

  
\_\_\_\_\_  
Timothy D. Leavitt, Mayor

**Attest:**

  
\_\_\_\_\_  
**R. Lloyd Tyler, City Clerk**  
**By: Carrie Lewellen, Deputy City Clerk**

**Approved as to form:**

  
\_\_\_\_\_  
**E. Bronson Potter, City Attorney**

**RESOLUTION - 4**



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**CLARK COUNTY**  
WASHINGTON

October 21, 2015

Bryan Monroe, Associate Planner  
City of Vancouver  
Community and Economic Development Department  
415 W 6<sup>th</sup> Street  
Vancouver, WA 98668

Dear Mr. Monroe:

Thank you for your notification of the city's intent to proceed with the annexation from the property owners of 4909 NE 66<sup>th</sup> Avenue.

The proposed annexation boundaries are reasonable and appear to make a more uniform boundary for the city. We believe the proposal complies with the county's annexation policies.

Thank you again for your thoughtful notification.

Sincerely,

  
Mark McCauley  
County Manager

c: Eric Holmes, Vancouver City Manager

1300 Franklin Street • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: [360] 397-2232 • fax: [360] 397-6058 • www.clark.wa.gov



**NOTICE OF INTENT TO COMMENCE ANNEXATION PROCEEDINGS  
TO THE CITY OF VANCOUVER WASHINGTON**

**TO: Honorable Mayor Tim Leavitt and City Council of Vancouver, Washington  
P.O. Box 1995  
Vancouver WA 98668**

**This is a Notice of Intent, submitted to the City Council of Vancouver, Washington, that states the undersigned property owner request that City Council commence annexation proceedings to annex certain property to the City of Vancouver.**

**This Notice of Intent is presented on behalf of the undersigned property owners who own real property in the unincorporated Vancouver Urban Growth Area, which is adjacent and contiguous to the City of Vancouver, Washington, and which is legally described in Exhibit A. The parties to this Notice of Intent to commence annexation proceedings request annexation of parcels as shown on the map provided as Exhibit B. The area proposed to be annexed is approximately 1.43 acres in size. The undersigned owns more than ten percent of the assessed value of the total area as shown in the database provided as Exhibit C. This meets the requirements of RCW 35.13.125, the statute under which this Notice of Intent is filed. The City Council of the City of Vancouver, Washington, is hereby requested to proceed under RCW 35.13.125 and to schedule a public meeting to be held within sixty days after the filing of the Notice of Intent and to determine the following:**

- 1. Whether the City of Vancouver will accept this proposed annexation as defined in Exhibit A and shown in Exhibit B; and,**
- 2. Whether City of Vancouver shall require the simultaneous adoption of comprehensive plan and land use zoning designations; and,**
- 3. Whether the City of Vancouver shall require the assumption of all or any portion of the existing City indebtedness by the area to be annexed.**



The undersigned property owners hereby request the following:

1. That the City of Vancouver accept the proposed annexation as defined in Exhibit A and shown in Exhibit B; and,
2. That the City of Vancouver shall simultaneously adopt the most similar comprehensive plan (Urban Higher Density) and land use zoning designation (R-30) as provided for by Clark County and as defined in VMC Table 20.230.030.1; and,
3. That the City of Vancouver shall not require the assumption of any portion of the existing City indebtedness by the area to be annexed.

Dated this 2nd day of October, 20 15

Hameeda Chandiwalla

(Signature)

[Signature]  
(Signature)

HAMEEDA CHANDIWALLA  
(Print Name)

ILYAS MOHAMMED  
(Print Name)

STATE OF WASHINGTON )  
  )  
COUNTY OF CLARK        )       SS



I hereby certify that I know or have satisfactory evidence that Hameed Chandiwalla and Ilyas S Mohammed (Print Names) signed this instrument, on oath stated that (she/he/they) are authorized to execute the instrument as a Property owner(s) of and acknowledge it to be (her/his/their) free and voluntary act of such party for uses and purposes mentioned in the instrument.

Clarissa Bailey  
(Signature of Notary)

Clarissa Bailey  
(Print Name of Notary)

My Appointment Expires: Aug. 05, 2018  
Notary Public for the State of Washington

**EXHIBIT A  
LEGAL DESCRIPTION**

**Taxlot 160731000:**

That parcel located in the NE  $\frac{1}{4}$  of Section 18, Township 2 North, Range 2E of the Willamette Meridian Clark County Washington more specifically described as:

**BEGINNING AT A POINT THAT IS 330 FEET NORTH AND 668 FEET WEST OF THE QUARTER CORNER OF THE EAST LINE OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, SAID POINT BEING THE NORTHWEST CORNER OF THAT CERTAIN TRACT CONVEYED TO CORNELIUS B. BENNETT ET AL, BY DEED RECORDED MARCH 11TH 1940, UNDER AUDITORS FILE NO. E 20792, RECORDS OF SAID COUNTY;**

**THENCE WEST 652 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION:**

**THENCE SOUTH 147 FEET MORE OR LESS TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT CONVEYED TO FRANK D. WEBB, ET UX BY DEED RECORDED NOVEMBER 18TH, 1942, UNDER AUDITOR'S FILE NO. E77559, RECORDS OF SAID COUNTY;**

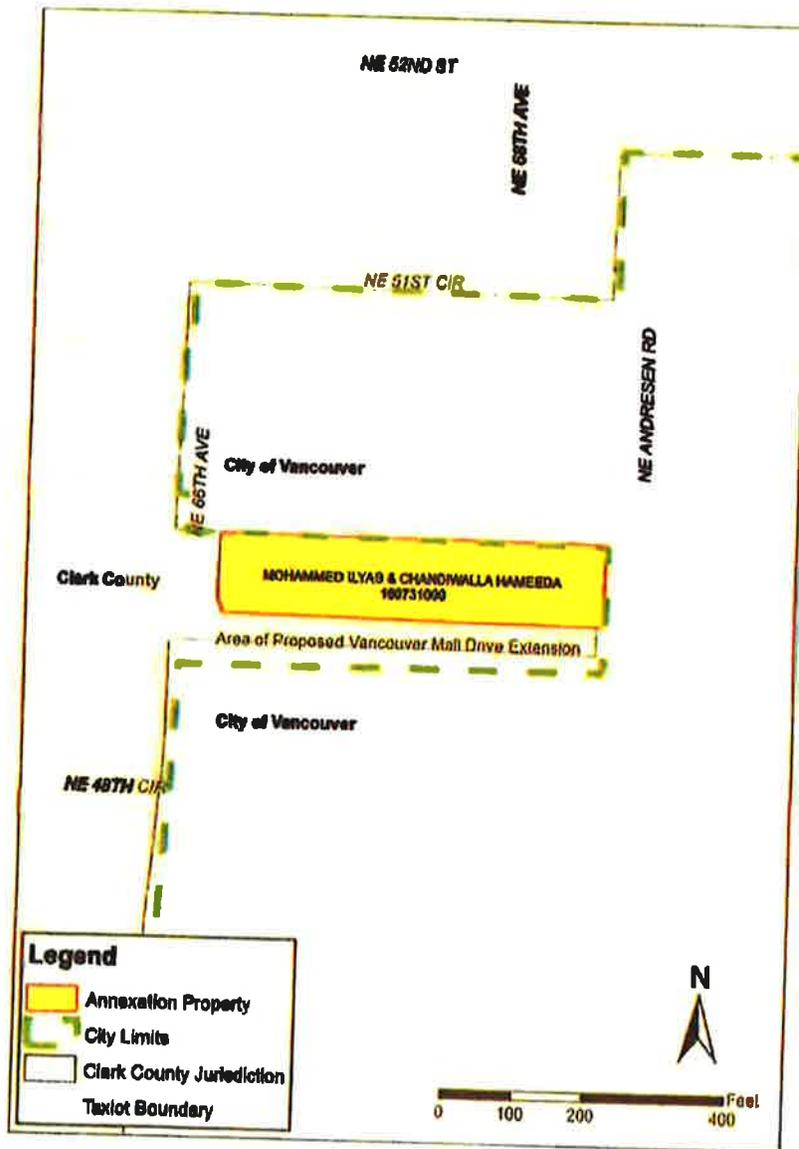
**THENCE EAST 652 FEET TO THE NORTHEAST CORNER OF SAID WEBB TRACT, AND THENCE NORTH 147 FEET MORE OR LESS TO THE POINT OF BEGINNING;**

**EXCEPT COUNTY ROADS.**

**EXCEPT THAT PORTION CONVEYED TO CLARK COUNTY, WASHINGTON UNDER AUDITOR'S FILE NO. G574548.**

**ALSO EXCEPT THE PORTION CONVEYED TO THE CITY OF VANCOUVER, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON FOR RIGHT OF WAY PURPOSES AS RECORDED IN DEED UNDER RECORDING 5031086 (AND RE-RECORDED UNDER RECORDING NO. 5041087)**

# EXHIBIT B PARCEL MAP



**EXHIBIT C**  
**Property Value**

**Current Owners constitute 100% ownership of proposed annexation area.**

<b>OWNERSHIP LIST</b>	<b>SERIAL NUMBER</b>	<b>AREA</b>	<b>2014 TAX VALUE</b>
<b>ILYAS MOHAMMED &amp; HAMEDA CHANDIWALLA</b>	<b>160731000</b>	<b>1.43</b>	<b>\$229,900</b>