

ORDINANCE NO. 2128

AN ORDINANCE annexing an unincorporated area consisting of approximately 673 acres to the City of Camas, Washington, pursuant to the direct petition method authorized by Chapter 35A.14, Revised Code of Washington.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

The Council of the City of Camas finds that the following steps have been taken with respect to annexation of the hereinafter described unincorporated area to the City of Camas:

A. On March 10, 1997, a Notice of intention to petition for annexation of the subject real property by the direct petition method provided for in Chapter 35A.14, Revised Code of Washington, was filed with the City of Camas.

B. Thereafter at a special meeting on April 7, 1997, the Council of the City of Camas met with representatives of those parties seeking annexation to discuss the proposed annexation, and at the conclusion of said meeting, the Council determined that the City of Camas would accept a petition for annexation of the aforescribed area with the condition that the property to be annexed would bear its proportionate share of the City's general obligation indebtedness, and that the property would be simultaneously zoned in accordance with the designations of the Comprehensive Plan.

C. On April 18, 1997, a petition was filed with the City of Camas requesting the annexation of the property, which petition was duly signed by the owners of more than sixty (60%) percent in value, according to the assessed valuation for general taxation, of the property proposed to be annexed.

D. On May 12, 1997, the City Council held a public hearing on said petition for annexation in the council chambers in the City Hall at Camas. Proponents and opponents of the proposed annexation were heard at said hearing, and the hearing was thereafter closed.

E. On June 9, 1997, the City Council passed a resolution of intent to annex the aforescribed property and directed that a notice of intention be filed with the Clark County Boundary Review Board.

F. A Notice of Intention was filed with the Clark County Boundary Review Board on July 2, 1997. The Clark County Boundary Review Board considered the proposed annexation and declined to invoke its jurisdiction.

Section II

Pursuant to the direct petition method provided for in Chapter 35A.14, Revised Code of Washington, the real property described in Exhibit "A" attached hereto and by this reference incorporated herein, being a portion of Clark County not heretofore incorporated as a city or town, and lying contiguous to the City of Camas, is hereby annexed to the City of Camas and made a part thereof.

Section III

All property within the area hereby annexed shall be assessed and taxed to pay for the outstanding general obligation indebtedness of the City of Camas existing as of the effective date of said annexation.

Section IV

The real property hereby annexed to the City of Camas is zoned in accordance with the designations shown on the map attached hereto as Exhibit "B" and by this reference incorporated herein. The City Engineer is hereby authorized and directed to alter the district boundary lines of "The Map(s) of the Zoning Ordinance of the City of Camas, Washington, 1995" established pursuant to Ordinance No. 2021 and Chapter 18.16 of the Camas Municipal Code to include the property described in Section I hereof with the zoning classifications as hereinbefore stated.

Section V

There shall be no residential development within that portion of the annexed property zoned Light Industrial/Country Tech for a period of fifteen (15) years from the effective date of this ordinance unless a court of competent jurisdiction finds that such prohibition on residential development is an unconstitutional taking or other violation of law.

Permanent structures or facilities within that portion of the annexed area zoned R1-20 shall be designed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding properties, and that all necessary urban road, drainage, and other urban development requirements shall apply to allow future urban development to occur in an orderly manner. This includes, but is not limited to, the establishment of building envelopes, utility corridors, etc., to facilitate the ultimate build out of this area to Single Family R1-10, subject to topographical and other constraints.

Section VI

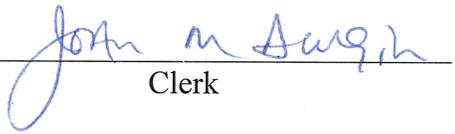
The City Clerk is hereby directed to file with the Board of Clark County Commissioners of Clark County, Washington, a certified copy of this ordinance. The City Clerk is further directed to file with the Office of Financial Management a certificate as required by RCW 35A.14.700 within thirty (30) days of the effective date of this annexation. The City Clerk is further directed to take all other steps and to inform all other agencies of said annexation as may be necessary and proper.

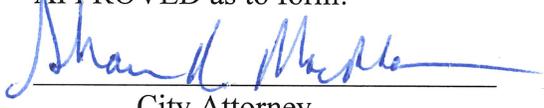
Section VII

This ordinance shall take force and be in effect five (5) days from and after its publication according to law. The annexation of the aforescribed real property shall be effective as of the effective date of this ordinance.

PASSED by the Council and APPROVED by the Mayor this 8th day of September, 1996.

SIGNED: 
Mayor

ATTEST: 
Clerk

APPROVED as to form:

City Attorney



CITY OF CAMAS

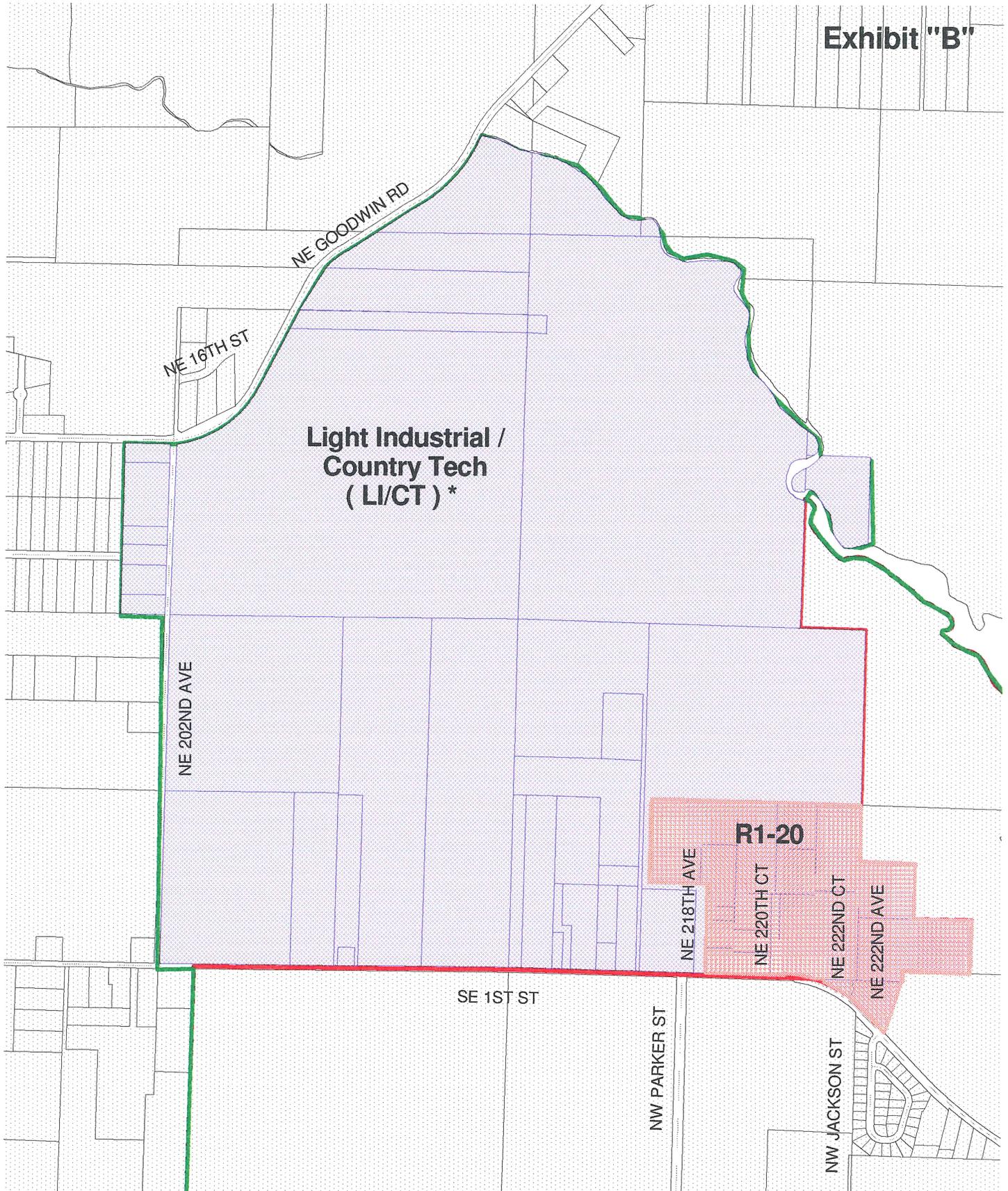
616 Northeast Fourth Avenue
P.O. Box 1055
Camas, Washington 98607

NORTH DWYER CREEK ANNEXATION LEGAL DESCRIPTION

(Revised 7-15-97)

Beginning at the northerly most point of the "Crown Zellerbach-Shipler" annexation of land to the City of Camas under Ordinance No. 1484, said point being located on the north bank of Lacamas Creek in Section 28, Township 2 North, Range 3 East, Willamette Meridian and on the east line of the Eberhard Schuh Donation Land Claim; Thence southerly and southeasterly following the sinuosities of said north bank of Lacamas Creek to a point of intersection with the north-south centerline of said Section 28; Thence northerly along said north-south centerline to the northeast corner of Lot 4, as recorded under Auditors File No. 8805020040, owned by James River II, Inc.; Thence westerly along the north line of said Lot 4 to the thread of Lacamas Creek; Thence following the thread of said creek northerly and northwesterly through Sections 28, 21, and 20, Township 2 North, Range 3 East, Willamette Meridian to a point of intersection with the southerly right-of-way line of Northeast Goodwin Road; Thence southerly southwesterly and westerly along the southerly right-of-way line of Northeast Goodwin Road and Northeast 13th Street to a point of intersection with the east line of Evergreen Acre Tracts as recorded in Book G at Pages 411 and 493, Records of Clark County, Washington; Thence southerly along said east lines to a point of intersection on the east-west centerline of Section 29, Township 2 North, Range 3 East, Willamette Meridian; Thence easterly along said east-west centerline to a point of intersection with the westerly right-of-way line of Northeast 202nd Avenue; Thence southerly along said westerly right-of-way line to the northerly right-of-way line of Southeast 1st Street; Thence easterly along said northerly right-of-way line 300 feet, more or less, to a point north of the northwest corner of the "MacKay & MacDonald" annexation of land to the City of Camas under Ordinance No. 1518; Thence south 20 feet, more or less, to the north line of Section 32, Township 1 North, Range 3 East, Willamette Meridian and the northwest corner of said "MacKay, MacDonald annexation; Thence easterly along said north line of Section 32 and the north line of Section 33 to the northeast corner of said "Mackay, MacDonald" annexation to the City; Thence southerly along the east line of the west half of the northwest one quarter of said Section 33 to the southerly right-of-way line of Southeast 1st Street; Thence easterly and southeasterly along said right-of-way line to a point of intersection with the prolongation of the easterly line of the parcel described in the deed of Keith Dedmore recorded under Auditor's File No. 7712020194; Thence northeasterly along said prolongation of said line to a point on the north line of said Section 33, said point being 340 feet east of the north one quarter corner of Section 33; Thence northerly crossing into Section 28, Township 2 North, Range 3 East, Willamette Meridian, along the west side of a strip of land described in the deed to Ruben Bafus recorded under Auditor's File No. 7802060043 77.5 feet, more or less, to the northwest corner thereof; Thence easterly along the north line of said strip of land 500 feet, more or less, to the east line of the second excepted tract of land described in a Contract to Roy Shipler recorded under Auditor's File No. 7902160196; Thence northerly along said easterly of line of said second excepted tract 392.14 feet, more or less, to the northeast corner thereof; Thence westerly along the north line of said second excepted tract 439.41 feet, to the northwest corner of said second excepted tract; Thence northerly along the east line of the first excepted tract of land in the aforesaid Shipler Contract 417.42 feet, more or less, to the northeast corner of said first excepted tract; Thence westerly along the north line of said first excepted tract 417.42 feet to the northwest corner of said first excepted tract, described as the west 417.42 feet of the south 894.92 feet of the southwest quarter of the

southwest quarter of the southeast quarter of Section 28, Township 1 North, Range 3 East, Willamette Meridian, said corner also being on the north-south centerline of said Section 28; Thence northerly along said north-south centerline 1740 feet, more or less, to the center of said Section 28; Thence westerly along the east-west centerline of said Section 28 to a point of intersection with the east line of the Eberhard Schuh Donation Land Claim; Thence northerly along said claim line to the point of beginning.



* Excludes residential;
see ordinance # _____
Sept. 8, 1997

North Dwyer Creek Annexation Zoning Districts

C: Council, Mayor, Lloyd
Doug, Joan, Monte

MEMORANDUM

TO: Martin Snell
FROM: Roger Knapp
RE: Dwyer Creek Garbage Service
DATE: February 18, 1998

We met with representatives of Waste Connections, Inc., in December of 1997, to discuss garbage service in the Dwyer Creek Annexation area. Waste Connections, Inc., holds a franchise to provide the garbage collection service in that area. Under Washington law, the City must continue that franchise for a period of at least seven (7) years or the remaining term of the original franchise, whichever is less. In order to undertake garbage service in that area, a formal notice needs to be sent to the franchise holder and to the Washington State Utilities and Transportation Commission. To date, we have not sent a notice to anybody that complies with the existing law.

There is another issue that typically arises in these situations. That issue is whether the franchise holder is entitled to compensation for the loss of a property right when the franchise is terminated. There hasn't been any litigation on this issue recorded in the appellate reports for the State of Washington. However, I am aware that the franchise holders have been negotiating for extended franchises in exchange for a release from any claims for monetary damages for loss of a property right.

My suggestion is that we bring this matter to the attention of the Council for direction. Given that the garbage service in the Dwyer Creek area is currently minimal, I would suggest that a negotiated settlement would be the best course of action. I believe that Washougal has had the same issue with Waste Connections, Inc., with regard to their Woodburn Hill Annexation, and my understanding is that they negotiated a settlement whereby Waste Connections was granted a franchise for ten (10) years.

RDK



CITY OF CAMAS

430 N.E. Everett Street
Camas, Washington 98607

CITY ATTORNEY
ROGER D. KNAPP

September 22, 1997

Evergreen Waste Systems, Inc.
477 S 28th Street
Washougal, WA 98671

Re: North Dwyer Creek Annexation

Dear Sir or Madam:

Please note I represent the City of Camas. As you may be aware, the City has annexed approximately 673 acres, which area is more particularly described in the enclosed documents.

The City intends to assume full responsibility for refuse collection in the described area as of September 22, 2002. This letter is intended to provide notice to you that Evergreen Waste Systems, Inc., will be extended the right to provide recycling services to the described area as of September 22, 2002.

Pursuant to RCW 35A.14.900, the City is restrained from canceling any existing permits related to existing recycling services within the described area for a period of five (5) years. Please contact me, if you have any further questions.

Sincerely,

Shawn R. MacPherson
Assistant City Attorney

SRM/ad
Enclosure
cc: Joan Durgin



CITY OF CAMAS

430 N.E. Everett Street
Camas, Washington 98607

CITY ATTORNEY
ROGER D. KNAPP

September 22, 1997

Browning-Ferris Industries
9411 NE 9th Avenue
Vancouver, WA 98662

Re: North Dwyer Creek Annexation

Dear Sir or Madam:

Please note I represent the City of Camas. The City of Camas, by ordinance dated September 8, 1997, has annexed an area of approximately 673 acres which area is more particularly described in the enclosed documents.

This letter is intended to inform you that the City of Camas will undertake full responsibility for refuse collection in the described area as of September 22, 2002. The authority to cancel your franchise or permit relating to the refuse collection in the described area is set forth in RCW 35A.14.900. You are encouraged to seek out and obtain independent legal advice, if you have any questions.

Thank you for your courtesies in this regard.

Sincerely,

Shawn R. MacPherson
Assistant City Attorney

SRM/ad
Enclosure
cc: Joan Durgin.

MEMORANDUM

TO: Joan Durgin
FROM: Shawn MacPherson
DATE: November 4, 1997
RE: North Dwyer Creek Annexation

As you are aware, in September I forwarded a letter to Browning-Ferris Industries informing them of the North Dwyer Creek annexation and further providing that the City intended to take over refuse collection in the area as of September 22, 2002. I also forwarded a letter on to Evergreen Waste Systems allowing them the opportunity to provide recycling services in the annexed area as of September 22, 2002.

Recent legislative changes have provided for a seven-year notification period in this type of situation. I have enclosed herewith a copy of a letter dated October 23, 1997, from the attorney for Waste Connections of Washington, Inc., who recently bought out Browning-Ferris Industries. The correspondence alerts me to the recent changes in the law, and also requests a meeting with City officials to discuss service options. It is our opinion that meeting with Waste Connections and their attorney is an appropriate manner of proceeding in this matter.

I have renotified both Waste Connections and Evergreen Waste Systems of the legislative changes which now push back the date the City can take over refuse collection to November 3, 2004. I am available to answer any questions.

SRM

cc: Doug Quinn

David W. Wiley
Attorney at Law
(206) 233-2895
wileydw@wkg.com

Two Union Square
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
P.O. Box 21926
Seattle, Washington 98111-3926
Telephone (206) 628-6600
FAX (206) 628-6611

October 23, 1997

89010.100

Shawn R. MacPherson
Assistant City Attorney
City of Camas
430 N.E. Everett St.
Camas, WA 98607

Re: Your September 22, 1997 Letter on North Dwyer Creek Annexation

Dear Mr. MacPherson:

We represent Waste Connections of Washington, Inc., successor in interest to Browning-Ferris Industries of Washington, Inc., which purchased all of the outstanding stock in BFI of Washington and changed the name of the corporation to Waste Connections, Inc. on or about October 1, 1997.

Waste Connections, Inc. has now received a copy of your September 22, 1997 letter informing BFI of the September annexation of the described territory. We are now reviewing the notification under the Washington Session Law changes of 1997, Chapter 171, and revisions to RCW 35.13.280, and other statutes wrought by that legislation.

At this juncture, we believe it would be advisable to sit down with you and your clients to further explore options with respect to the notification and future service to customers in the annexed territory. As you will acknowledge, Waste Connections of Washington, Inc. does have valuable property rights in the certificated territory affected by the annexation and wants to review with you what options and implications for future service there may be.

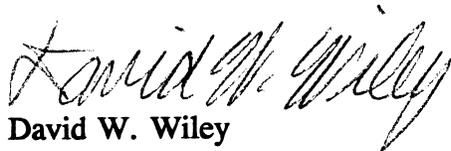
Mr. Shawn MacPherson
October 23, 1997
Page 2

We look forward to working with you through this process in the mutual interests of both parties in ensuring that the annexed territory residents continue to receive full, fair and comprehensive solid waste services.

We will await word from you regarding a time and date to meet in person concerning these important issues.

Yours truly,

WILLIAMS, KASTNER & GIBBS PLLC

A handwritten signature in cursive script, appearing to read "David W. Wiley".

David W. Wiley

DAV:psb

cc: Steve Miesen
Ron Mittelstaedt