



**ORDINANCE NO. 2007-21**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING OF THE CUL-DE-SAC PORTION OF RIGHT-OF-WAY, DESIGNATED AS 12TH AVENUE; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, Rosemary Houghton has requested that the City vacate the cul-de-sac portion of right-of-way designated as 12th Avenue, and

WHEREAS, in response to the request, the Poulsbo City Council passed Resolution No. 2007-12 on June 20, 2007 establishing July 18, 2007 as the date for a public hearing on the vacation of the right-of-way, and

WHEREAS, notice of the public hearing was given in the manner provided by law for street vacation hearings and the Poulsbo City Council held the public hearing as scheduled and heard testimony from all interested parties, and

WHEREAS, after considering the testimony and the information presented by City staff the Poulsbo City Council decided to vacate the right-of-way and hereinafter provided, now, therefore.

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

**Section 1.**     **Findings.** The Poulsbo City Council finds that:

A.     That portion of the right-of-way for which vacation is sought is surplus to the City's needs and there is no reasonable likelihood that the property will be used for road purposes; and

B. The vacation of the right-of-way would not impair access to any property or otherwise impinge upon the property rights or the City or any private landowner; and

C. There is no reasonable likelihood that utilities would be installed within the portion of the right-of-way for which vacation is sought and there is no need for the City to retain an easement in the vacated right-of-way for utility purposes; and

**Section 2.** **Vacation.** That certain portion of the right-of-way of 12<sup>th</sup> Avenue, legally described on Exhibit B and depicted on Exhibit A, both of which exhibits are attached hereto and incorporated herein by reference as if set forth in full, is hereby vacated.

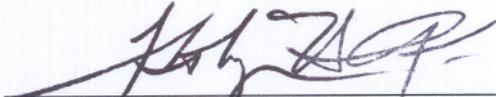
**Section 3.** **Compensation.** No compensation shall be required for the adjacent property owners in exchange for the vacation.

**Section 4.** **Duties of City Clerk.** The City Clerk is hereby authorized and directed to file a copy of this ordinance of record in the office of the Kitsap County Auditor.

**Section 5.** **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**Section 6.** **Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

  
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MAYOR, KATHRYN Q. QUADE

ATTEST/AUTHENTICATED:

Karol Jones  
CITY CLERK, KAROL JONES

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY James E. Haney  
JAMES E. HANEY

FILED WITH THE CITY CLERK: 6/29/2007  
PASSED BY THE CITY COUNCIL: 7/18/2007  
PUBLISHED: 8/1/2007  
EFFECTIVE DATE: 8/6/2007  
ORDINANCE NO. 2007-21

**SUMMARY OF ORDINANCE NO. 2007-21**

of the City of Poulsbo, Washington

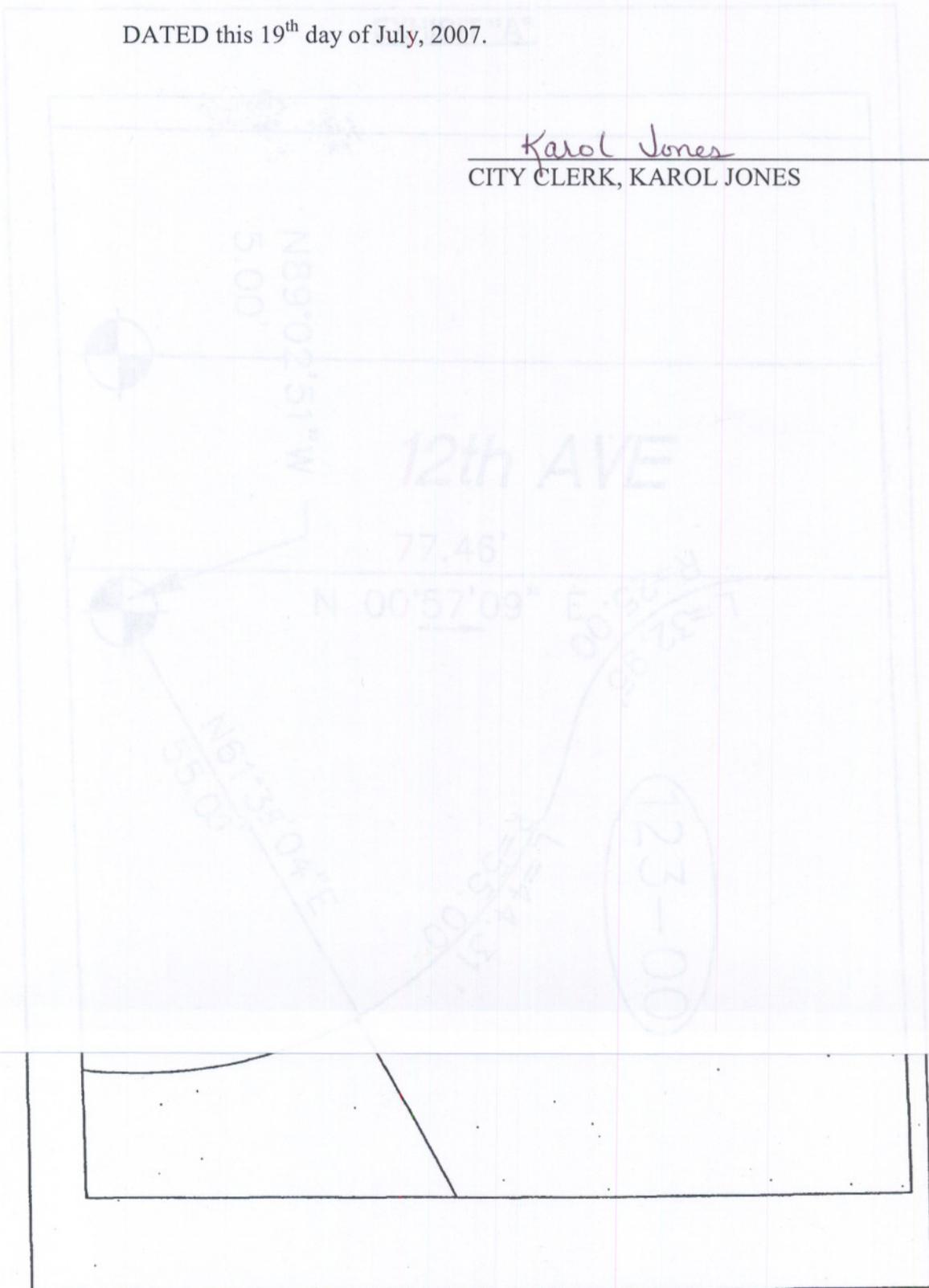
On the 18<sup>th</sup> day of July, 2007, the City Council of the City of Poulsbo passed Ordinance No. 2007-21. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING THE CUL-DE-SAC SECTION OF RIGHT-OF-WAY, DESIGNATED AS 12<sup>TH</sup> AVENUE; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 19<sup>th</sup> day of July, 2007.

Karol Jones  
CITY CLERK, KAROL JONES



**EXHIBIT "B"**

**LEGAL DESCRIPTION**

**12<sup>TH</sup> AVENUE RIGHT-OF-WAY VACATION TO HOUGHTON**

Beginning at the monument located at the center of the cul-de sac at the Southerly terminus of 12<sup>th</sup> Avenue NE in the Plat of Forest Rock Hills, Phases 4 & 5, recorded in Volume 30, Page 109 of Plats, recorded under Auditor's File Number 3203933, records of Kitsap County, Washington thence North 89° 02' 51" West a distance of 5.00 feet: thence North 00° 57' 09" East parallel with the centerline of 12<sup>th</sup> Ave. NE a distance of 77.46 feet to a point of curvature: thence along a curve to the left, said curve being concave to the Northeast, with a central angle of 75° 31' 21", a radius of 25.0 feet, an arc distance of 32.95 feet to a point of curvature: thence along a curve to the right, said curve being concave to the Southwest, with a central angle of 46° 09' 16", a radius of 55.0 feet, an arc distance of 44.31 feet the lot line common to Lots 122 and 123 in said plat; thence South 61° 35' 04" West on a radial bearing a distance of 55.0 feet to the True Point of Beginning.