

ORDINANCE NO. 2007-22

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING TWO SECTIONS OF UNIMPROVED RIGHT-OF-WAY, DESIGNATED AS EIGHTH AVENUE NE AND TOLLEFSON STREET AND LOCATED SOUTH OF NE MATSON STREET; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Paul Schroder, Renee Schroder, and Bernice Kristensen have requested that the City vacate two sections of unimproved right-of-way designated as Eighth Avenue NE and Tollefson Street located south of NE Matson Street, and

WHEREAS, in response to the request, the Poulsbo City Council passed Resolution No. 2007-13 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. Upon completion of the requirements in Section 6, 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 currently utilities installed within the portion of the right-of-way for which vacation is sought and the City will 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 Eighth Avenue NE and Tollefson Street, legally described on Exhibit A and Exhibit B depicted on Exhibit C, all of which exhibits are attached hereto and incorporated herein by reference as if set forth in full, is hereby vacated upon completion of the requirements set forth in Section 6.

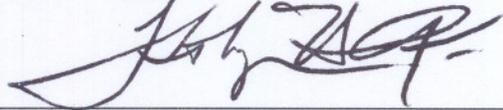
Section 3. **Compensation.** No compensation shall be required for the adjacent property owners in exchange for the vacation.

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 upon completion of the requirements set forth in Section 6.

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.

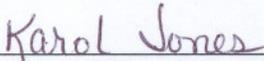
Section 6. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved, provided, that vacation of the right-of-way as provided in Section 2 shall not become effective unless and until this ordinance is recorded by the City Clerk as provided in Section 4. The City Clerk is authorized and directed to record this ordinance only upon receipt of an executed easement agreed to by Paul Schroder, Renee Schroder and Paul Kristensen, or their successors in interest or assigns, as grantors and the owners of tax parcel 4229-000-014-0001 and 232601-4-028-2008 as grantees, providing ingress, egress and utilities over, under, and across the vacated right-of-way as described on Exhibit B. Upon receipt of the easement, the City Clerk shall record, or cause to be recorded, both this ordinance and the easement and vacation of the right-of-way shall thereupon become effective.

APPROVED:



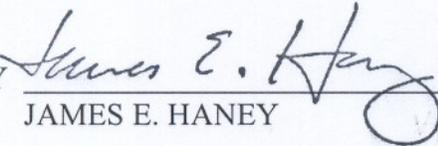
MAYOR, KATHRYN Q. QUADE

ATTEST/AUTHENTICATED:



CITY CLERK, KAROL JONES

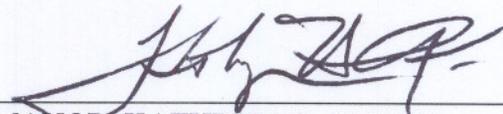
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 7/11/2007
PASSED BY THE CITY COUNCIL: 7/18/2007
PUBLISHED: 8/1/2007
EFFECTIVE DATE: 8/6/2007
ORDINANCE NO. 2007-22

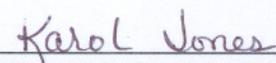
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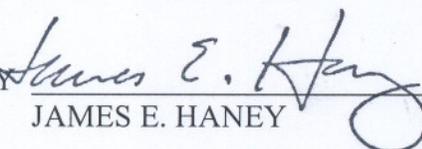
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SUMMARY OF ORDINANCE NO. 2007-22

of the City of Poulsbo, Washington

On the 18th day of July, 2007, the City Council of the City of Poulsbo passed Ordinance No. 2007-22. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING TWO SECTIONS OF UNIMPROVED RIGHT-OF-WAY, DESIGNATED AS EIGHTH AVENUE NE AND TOLLEFSON STREET AND LOCATED SOUTH OF NE MATSON STREET; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 19th day of July, 2007.

Karol Jones
CITY CLERK, KAROL JONES

EXHIBIT "A"

LEGAL DESCRIPTION
8TH AVENUE AND TOLLEFSON STREET RIGHT-OF-WAY VACATION TO
SCHRODER

That portion of 8th Avenue NE and NE Tollefson Street, described as follows:

Beginning at the Southwest corner of Lot 14 of Peterson's Addition to Poulsbo as recorded in Volume 9 of Plats, Page 21, situate in the Northwest quarter of the Southeast quarter of Section 23, Township 26 North, Range 1 East, W.M., Kitsap County, Washington; thence North 1°19'38" East 90 feet to the Northwest corner of said Lot 14; thence South 88°36'47" East 141.79 feet to the Northeast corner of said Lot 14; thence North 1°19'38" East 15 feet; thence North 88°36'47" West 171.79 feet to the West line of said Northwest quarter of the Southeast quarter; thence along said West line South 1°19'38" West 105 feet; thence South 88°36'47" East 30 feet to the Point of Beginning.

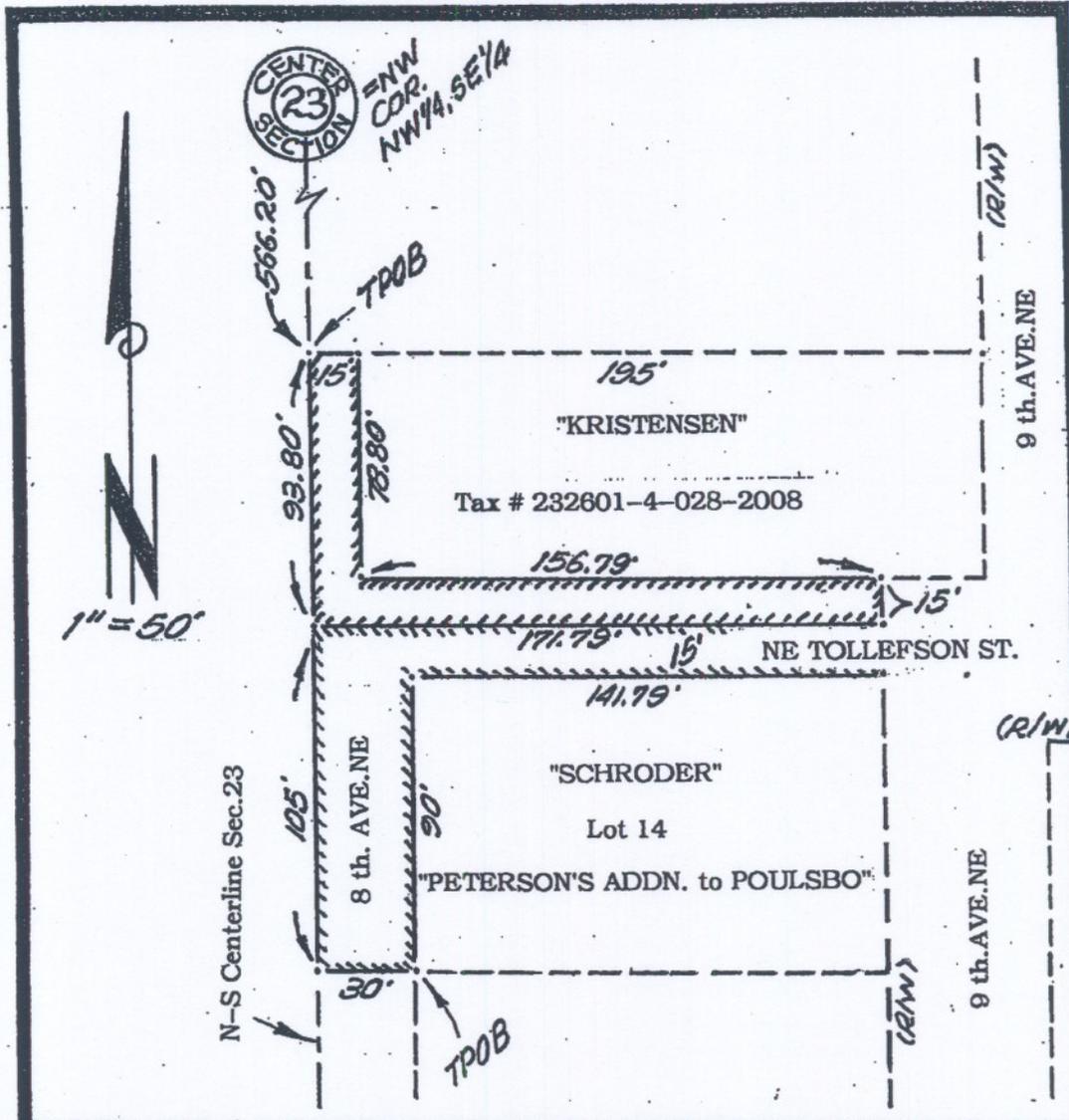
EXHIBIT "B "

LEGAL DESCRIPTION
8TH AVENUE AND TOLLEFSON STREET RIGHT-OF-WAY VACATION TO
KRISTENSEN

That portion of 8th Avenue NE and NE Tollefson Street, described as follows:

Beginning at the Northwest corner of said Northwest quarter of the Southeast quarter; thence along the West line thereof, South 1*34'20" West 566.20' to the True Point of Beginning; thence South 88*07'10" East 15 feet; thence South 1*34'20" West 78.80 feet; thence South 88*07'10" East 156.79 feet; thence South 1*34'20" West 15 feet; thence North 88*07'10" West 171.79 feet to said West line of the Northwest quarter of the Southeast quarter; thence along said West line North 1*34'20" East 93.80 feet to the True Point of Beginning.

EXHIBIT "C"



RIGHT OF WAY VACATION
 PORTION OF
 8th. AVE. NE and NE TOLLEFSON ST.
 NW1/4, SE1/4 Sec. 23, T26N, R1E, WM

A-D-A ENGINEERING
 P.O. BOX 847
 POULSBO, WASHINGTON 98370

DRAWN	DATE	FIELD BOOK	JOB ORDER	CHECKED
Pete	11-01-06	---	05-35637	Yp