

ORDINANCE NO. 2007-28

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING A PORTION OF THE RIGHT-OF-WAY FOR BOND ROAD NE LOCATED NEAR THE INTERSECTION OF BOND ROAD NE AND VETTER ROAD NW; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, as part of the settlement of a SEPA appeal for the Bond Road sewer pump station project, the Poulsbo City Council agreed to consider vacating a portion of Bond Road NE in the vicinity of Vetter Road NW, and

WHEREAS, the Poulsbo City Council passed Resolution No. 2007-17 on July 18, 2007 establishing August 15, 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 continued the public hearing to September 5, 2007, in order to allow for additional testimony and information, 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

D. Because of the location of the portion of the right-of-way sought to be vacated, the portion sought to be vacated has little value or utility, except to the owner of the adjacent property.

Section 2. Vacation. Subject to the recording with the Kitsap County Auditor of an Access Easement and Boundary Line Agreement by and between Stanton and Jane Brand, Clair and Laverne Thorp, Steven and Frances Powell, and Dorothy Holm in connection with Vetter Road NW, that certain portion of the right-of-way of Bond Road NE in the vicinity of Vetter Road NW, legally described on Exhibit A and depicted on Exhibit B, both of which exhibits are attached hereto and incorporated herein by reference as if set forth in full, is hereby vacated.

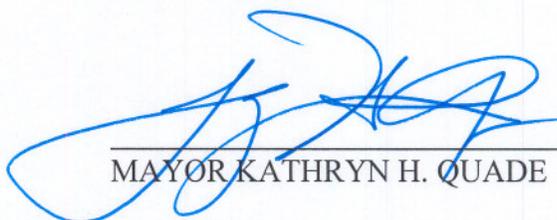
Section 3. Compensation. No compensation shall be required from the adjacent property owners in exchange for the vacation.

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 only when the condition listed in Section 2 has been satisfied.

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:



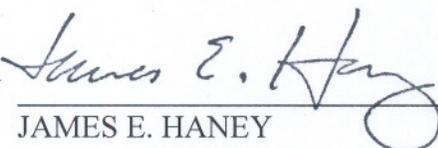
MAYOR KATHRYN H. QUADE

ATTEST/AUTHENTICATED:



CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 8/30/2007
PASSED BY THE CITY COUNCIL: 9/5/2007
PUBLISHED: 9/19/2007
EFFECTIVE DATE: 9/24/2007
ORDINANCE NO. 2007-28

SUMMARY OF ORDINANCE NO. 2007-28

of the City of Poulsbo, Washington

On the 5th day of September, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-28. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING A PORTION OF THE RIGHT-OF-WAY FOR BOND ROAD NE LOCATED NEAR THE INTERSECTION OF BOND ROAD NE AND VETTER ROAD NW; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 7th day of September 2007.

Karol Jones
CITY CLERK, KAROL JONES, CMC

EXHIBIT A

Parcel A:

That portion of Northwest quarter of the Northwest quarter of Section 14, Township 26 North, Range 1 East of the Willamette Meridian in the City of Poulsbo in Kitsap County, Washington, described as follows:

Commencing at the northwest corner of said Northwest quarter of the Northwest quarter; thence along the north line of said Northwest quarter of the Northwest quarter, South 88°25'47" East 882.55 feet to the intersection with the centerline of Relocation of County Road No. 8, aka Bond Road; thence North 88°25'47" West 63.40 feet to the intersection with the northerly right of way of said Bond Road; thence along said right of way, South 63°19'48" West 668.00 feet to the intersection with the northerly right of way of County Road No. 8 and the True Point of Beginning; thence along the northerly right of way of County Road No. 8, North 53°29'46" East 68.56 feet; thence South 26°40'12" East 11.71 feet to said northerly right of way of Bond Road; thence along said northerly right of way, South 63°19'48" West 67.55 feet to the true point of beginning.

Parcel C:

That portion of Northwest quarter of the Northwest quarter of Section 14, Township 26 North, Range 1 East of the Willamette Meridian in the City of Poulsbo in Kitsap County, Washington, described as follows

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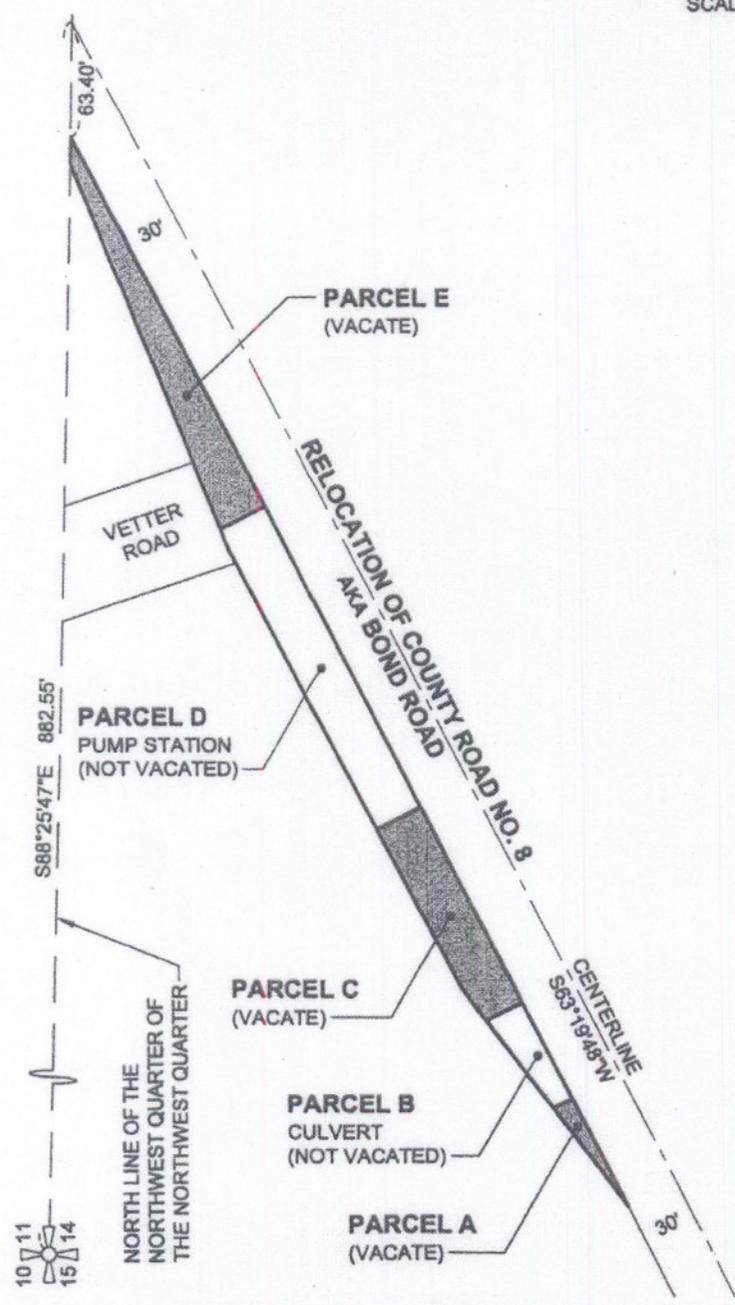
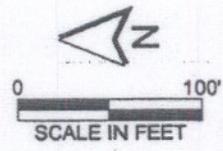
Commencing at the northwest corner of said Northwest quarter of the Northwest quarter; thence along the north line of said Northwest quarter of the Northwest quarter, South 88°25'47" East 882.55 feet to the intersection with the centerline of Relocation of County Road No. 8, aka Bond Road; thence North 88°25'47" West 63.40 feet to the intersection with the northerly right of way of said Bond Road; thence along said right of way, South 63°19'48" West 540.46 feet to the True Point of Beginning; thence North 26°40'12" West 22.11 feet to the northerly right of way of County Road No. 8; thence along said along said northerly right of way, North 53°29'46" East 22.91 feet; thence continuing along said right of way, North 62°41'46" East 99.26 feet; thence South 26°40'12" East 27.12 feet to said northerly right of way of Bond Road; thence along said right of way, South 63°19'48" West 121.83 feet to the true point of beginning.

Parcel E:

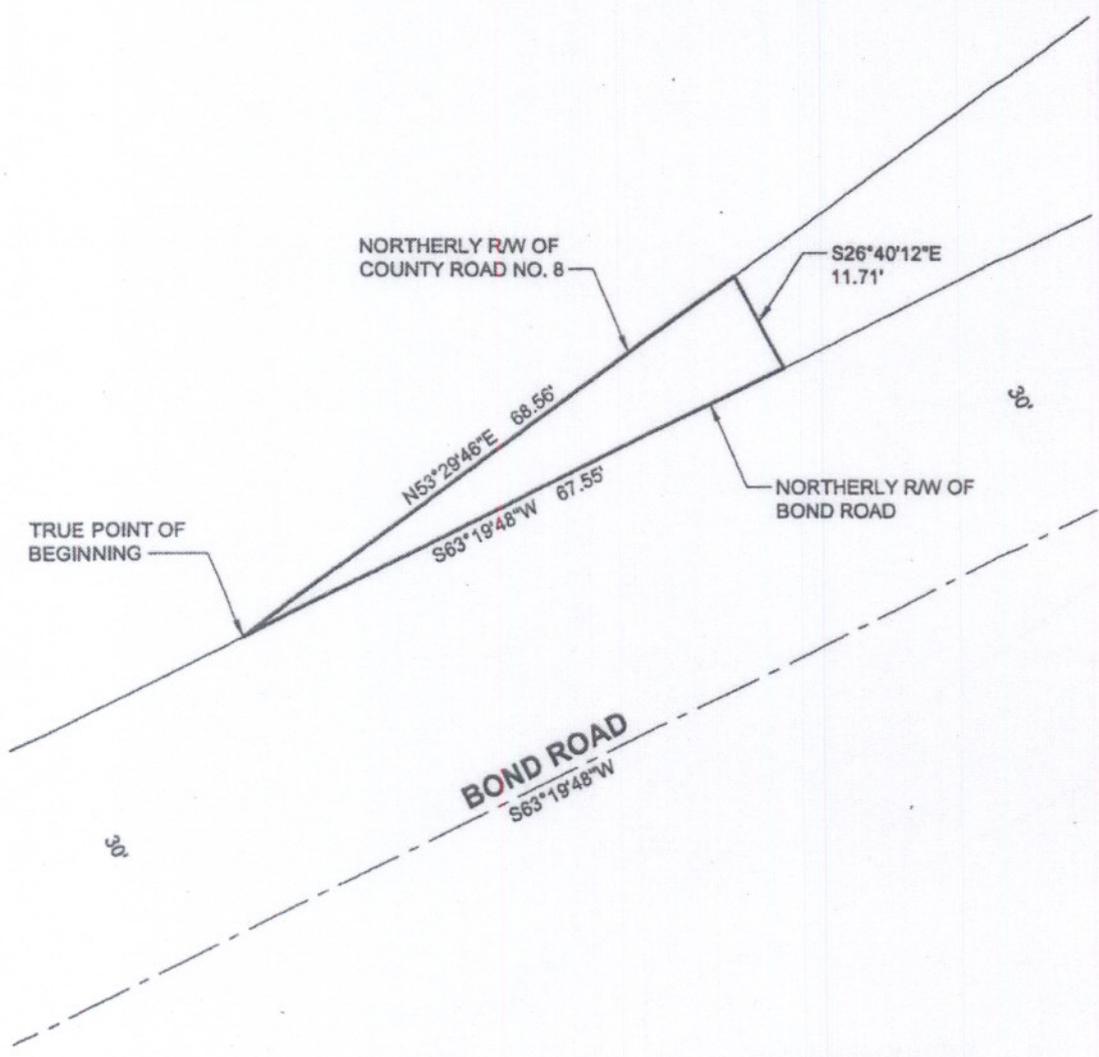
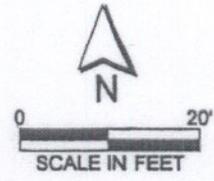
That portion of Northwest quarter of the Northwest quarter of Section 14, Township 26 North, Range 1 East of the Willamette Meridian in the City of Poulsbo in Kitsap County, Washington, described as follows:

Commencing at the northwest corner of said Northwest quarter of the Northwest quarter; thence along the north line of said Northwest quarter of the Northwest quarter, South 88°25'47" East

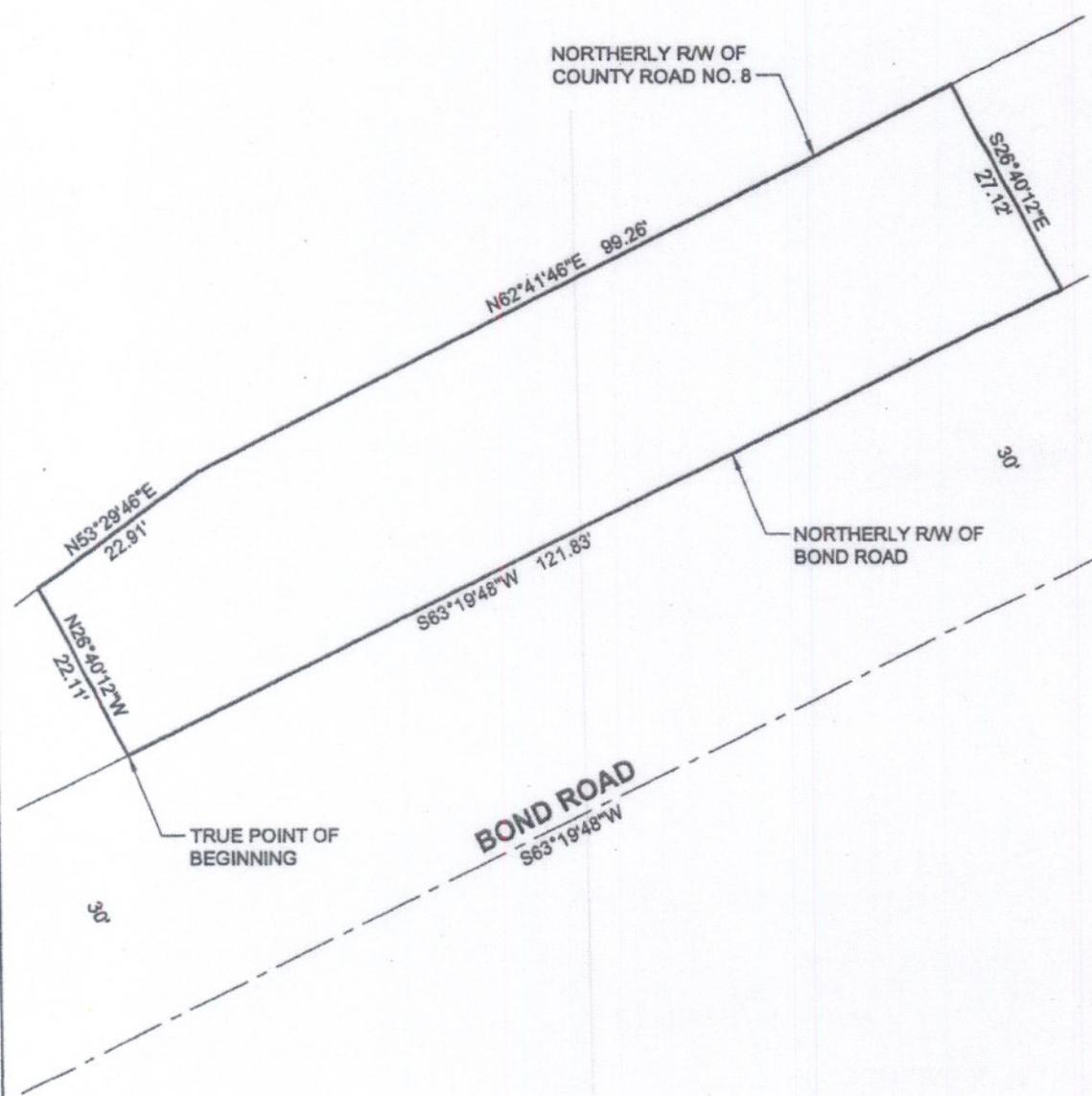
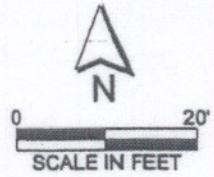
882.55 feet to the intersection with the centerline of Relocation of County Road No. 8, aka Bond Road; thence North $88^{\circ}25'47''$ West 63.40 feet to the intersection with the northerly right of way of said Bond Road and the True Point of Beginning; thence along said right of way, South $63^{\circ}19'48''$ West 231.13 feet; thence North $26^{\circ}40'12''$ West 27.86 feet to the northerly right of way of County Road No. 8; thence along said along said northerly right of way, North $68^{\circ}48'46''$ East 219.28 feet to said north line of the Northwest quarter of the Northwest quarter; thence along said north line, South $88^{\circ}25'47''$ East 14.59 feet to said northerly right of way of Bond Road and the true point of beginning.



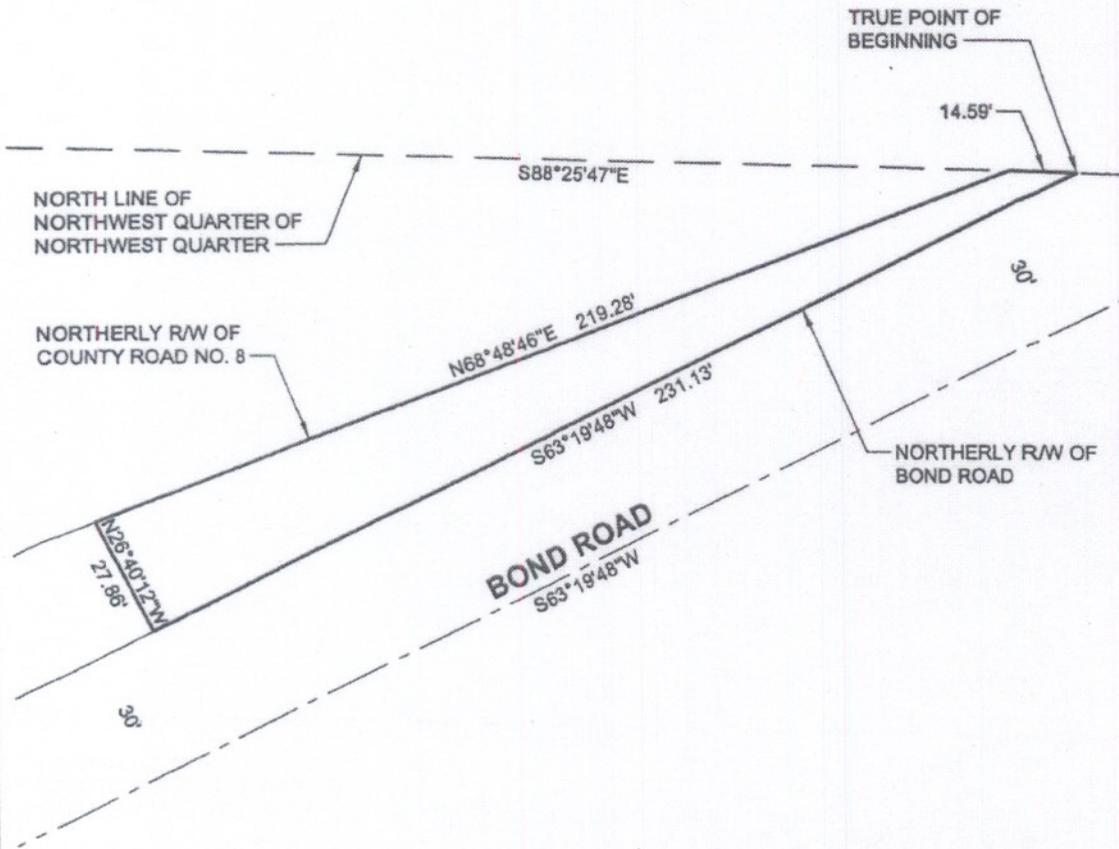
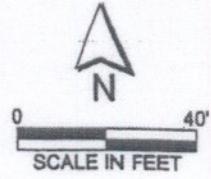
RIGHT OF WAY VACATION OVERVIEW	CITY OF POULSBO		
	DESIGNED C. ROWLAND	PROJECT NO. 232-2237-015	CHECKED <i>CR</i>
		DATE 1 MAY 2007	



PARCEL A PORTION OF COUNTY ROAD NO. 8 TO BE VACATED	CITY OF POULSBO		
	DESIGNED C. ROWLAND	PROJECT NO. 232-2237-015	CHECKED <i>CR</i>



PARCEL C PORTION OF COUNTY ROAD NO. 8 TO BE VACATED	CITY OF POULSBO		
	DESIGNED C. ROWLAND	PROJECT NO. 232-2237-015	CHECKED <i>CR</i>



PARCEL E PORTION OF COUNTY ROAD NO. 8 TO BE VACATED	CITY OF POULSBO		
	DESIGNED C. ROWLAND	PROJECT NO. 232-2237-015	CHECKED <i>CR</i>