

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2016-19

SUBJECT: Woodcreek and Peninsula Glen Comcomitant Agreement Release

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 11/10/16
- Passed by the City Council: 11/16/16
- Signature of Mayor
- Signature of City Clerk
- Publication: 11/25/16
- Effective: 11/30/16
- Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- NK Herald: 11/17/16
- Code Publishing
- City Attorney
- Clerk's Department: Original
- City Council
- Finance:
- Posted to Library Drive and Website
- _____

Rhiannon Fernandez
City Clerk

11/17/16
Date

ORDINANCE NO. 2016-19

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE PENINSULA GLEN AND WOODCREEK CONCOMITANT AGREEMENTS RELEASE, PLANNING FILE 09-06-16-1; AUTHORIZING THE MAYOR TO EXECUTE AND RECORD AN INSTRUMENT RELEASING THE CONCOMITANT AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, property located at 2062 NE Hostmark Street known as Peninsula Glen was annexed and rezoned from Residential to PUD in 1979 by the passage of City of Poulsbo Ordinance 79-29, and

WHEREAS, the rezone was subject to a concomitant agreement and amended concomitant agreement which imposed certain conditions on development of the property, and

WHEREAS, property located at 2120 NE Hostmark Street known as Woodcreek was annexed and rezoned from Residential to PUD in 1983 by the passage of City of Poulsbo Ordinance 83-27; and

WHEREAS, the rezone was subject to a concomitant agreement which imposed certain conditions on development on the property, and

WHEREAS, both properties (Peninsula Glen and Woodcreek) have recently come under common ownership, and the current owners of the property, Poulsbo 40 LLC represented by Byron Harris, have applied for a release of the three concomitant agreements, and

WHEREAS, pursuant to PMC 19.40.060, the Poulsbo City Council held a public hearing on the proposed release on October 12, 2016 and, after considering all testimony presented at the hearing, determined to grant the application and release the concomitant agreements with one condition, now, therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS

FOLLOWS:

Section 1. Findings and conclusions adopted. The findings and conclusions set forth in the staff report on Planning File 09-06-16-1 dated October 5, 2016 are hereby adopted as support for the actions taken by this ordinance. Further, the City Council in its motion, stated that the required fence along the Woodcreek north property line shall remain as required and repaired or replaced as set forth through the testimony of Poulsbo 40 LLC's representative at the hearing.

Section 2. Release. The application filed by Poulsbo 40 LLC seeking release of three concomitant agreement recorded under: 1) Kitsap County Auditor's File No. 8009240100 on September 24, 1980; 2) Auditor's File No. 8101270097 on January 27, 1981; and 3) Auditor's File No. 8307060090 on July 6, 1983, are hereby granted. Upon recording of the instrument referred to in Section 3 of this ordinance, the concomitant agreements will be released and will no longer govern development of the property.

Section 3. Mayor's authority. The Mayor is hereby authorized and directed to execute an instrument in a form approved by the City Attorney releasing the concomitant agreement recorded under Kitsap County Auditor's File Nos. 8009240100, 8101270097 and 8307060090. The Mayor or her designee is also authorized to provide for the recording of said instrument at the expense of the applicant.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby 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 or any code section adopted or amended hereby.

Section 5. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:



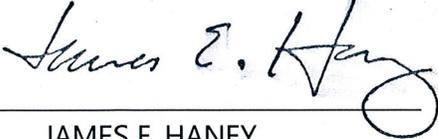
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK RHIANNON K. FERNANDEZ, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 11/09/16
PASSED BY THE CITY COUNCIL: 11/16/16
PUBLISHED: 11/25/2016
EFFECTIVE DATE: 11/30/2016
ORDINANCE NO. 2016-19

SUMMARY OF ORDINANCE NO. 2016-19
of the City of Poulsbo, Washington

On November 16, 2016, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2016-19, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE PENINSULA GLEN AND WOODCREEK CONCOMITANT AGREEMENTS RELEASE, PLANNING FILE 09-06-16-1; AUTHORIZING THE MAYOR TO EXECUTE AND RECORD AN INSTRUMENT RELEASING THE CONCOMITANT AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 16th day of November, 2016.



CITY CLERK, RHIANNON K. FERNANDEZ, CMC