

## **ORDINANCE NO. 2007-10**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING TWO SECTIONS OF UNIMPROVED RIGHT-OF-WAY DESIGNATED AS 1<sup>st</sup> AVENUE NE AND AS NE COMMERCE STREET, LOCATED WITHIN THE PROPOSED PLAT OF SUMMERSET AND LYING EAST OF VETTER ROAD NE NEAR THE NORTH CITY LIMITS; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, Vetter Road LLC has requested that the City vacate two sections of unimproved right-of-way designated as 1<sup>st</sup> Avenue NE and as NE Commerce Street located within the proposed Plat of Summerset and lying east of Vetter Road NE near the north city limits, and

WHEREAS, in response to the request, the Poulsbo City Council passed Resolution No. 2007-06 on April 11, 2007 establishing May 9, 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 portions of the right-of-way of 1<sup>st</sup> Avenue NE and NE Commerce Street, 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 for the adjacent property owner 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

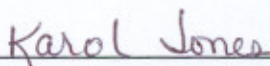
jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

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

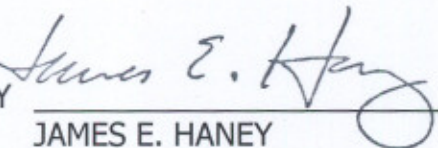
APPROVED:

  
MAYOR, KATHRYN H. 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: 4/18/2007  
PASSED BY THE CITY COUNCIL: 5/9/2007  
PUBLISHED: 5/23/2007  
EFFECTIVE DATE: 5/28/2007  
ORDINANCE NO. 2007-10



## **SUMMARY OF ORDINANCE NO. 2007-10**

of the City of Poulsbo, Washington

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On the 9<sup>th</sup> day of May, 2007, the City Council of the City of Poulsbo passed Ordinance No. 2007-10. 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 1st AVENUE NE AND AS NE COMMERCE STREET, LOCATED WITHIN THE PROPOSED PLAT OF SUMMERSET AND LYING EAST OF VETTER ROAD NE NEAR THE NORTH CITY LIMITS; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 16<sup>th</sup> day of May, 2007.

Karol Jones  
CITY CLERK, KAROL JONES

Exhibit A to  
Ordinance 2007-10

**R.O.W. First Avenue**

That portion of First Avenue as shown on the Plat of Poulsbo Heights, according to the Plat thereof recorded in volume 3 of plats, page 130, records of Kitsap County, Washington, lying adjacent to Lots 13 through 37 and North of the South line of the North three quarters of the Northeast quarter of the Northeast quarter of section 10, Township 26 North, Range 1 East, Willamette Meridian, in Kitsap County, Washington, and South of the South line of the North half of the North half of the Northeast quarter of Section 10, Township 26 North, Range 1 East, Willamette Meridian, in Kitsap County, Washington.

**R.O.W. Commerce Street**

The South 30 feet of the West 95.11 feet of the East 125.11 feet of the North half of the South half of the Northeast Quarter of the Northeast Quarter of Section 10, Township 26 North, Range 1 East, Willamette Meridian, in Kitsap County, Washington.





# VICINITY MAP

