

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-27

SUBJECT: Vacate a Portion of Vetter Road Right-of-Way

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk 8/30/2007
- (X) Passed by the City Council 9/5/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication 9/19/2007
- (X) Effective 9/24/2007
- (X) Recorded _____

DISTRIBUTED CONFORMED COPIES AS FOLLOWS: email all departments

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City Clerk

9/19/2007

Date

ORDINANCE NO. 2007-27

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING A PORTION OF THE RIGHT-OF-WAY FOR VETTER ROAD NW LYING NORTHERLY OF BOND ROAD NE BETWEEN BOND ROAD NE AND SR 305; 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 Vetter Road NW lying northwest of Bond Road NE between Bond Road NE and SR 305, and

WHEREAS, the Poulsbo City Council passed Resolution No. 2007-18 on July 18, 2007 initiating the vacation and 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, information and resolution of access easements upon the proposed area to be vacated, 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 City 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 because all such landowners have granted reciprocal ingress, egress, and utility easements to each other over that portion of Vetter Road proposed to be vacated; and

C. Puget Sound Energy has an electrical line within the right-of-way and there is therefore a need for the City to retain an easement in the vacated right-of-way for franchised 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, that certain portion of the right-of-way of Vetter Road NW lying northerly of Bond Road NE between Bond Road NE and SR 305 and depicted on Exhibit A attached hereto and incorporated herein by reference as if set forth in full, is hereby vacated, SUBJECT TO the reservation by the City of Poulsbo of an easement in, on, under, along, and across said vacated right-of-way for the construction, reconstruction, maintenance, repair, and operation of any and all utilities and utility lines lying within said vacated

right-of-way as of the date of vacation, EXCEPT that portion, if any, that crosses parcel 4-008 (Assessor's Tax Parcel No. 102601-4-008-2007).

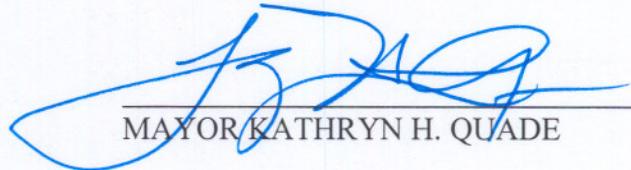
Section 3. Compensation. No compensation shall be required from the adjacent property owners in exchange for the vacation.

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.

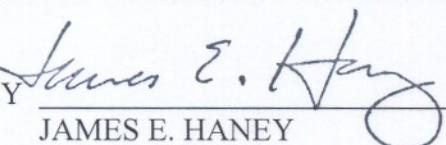
APPROVED:


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
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SUMMARY OF ORDINANCE NO. 2007-27

of the City of Poulsbo, Washington

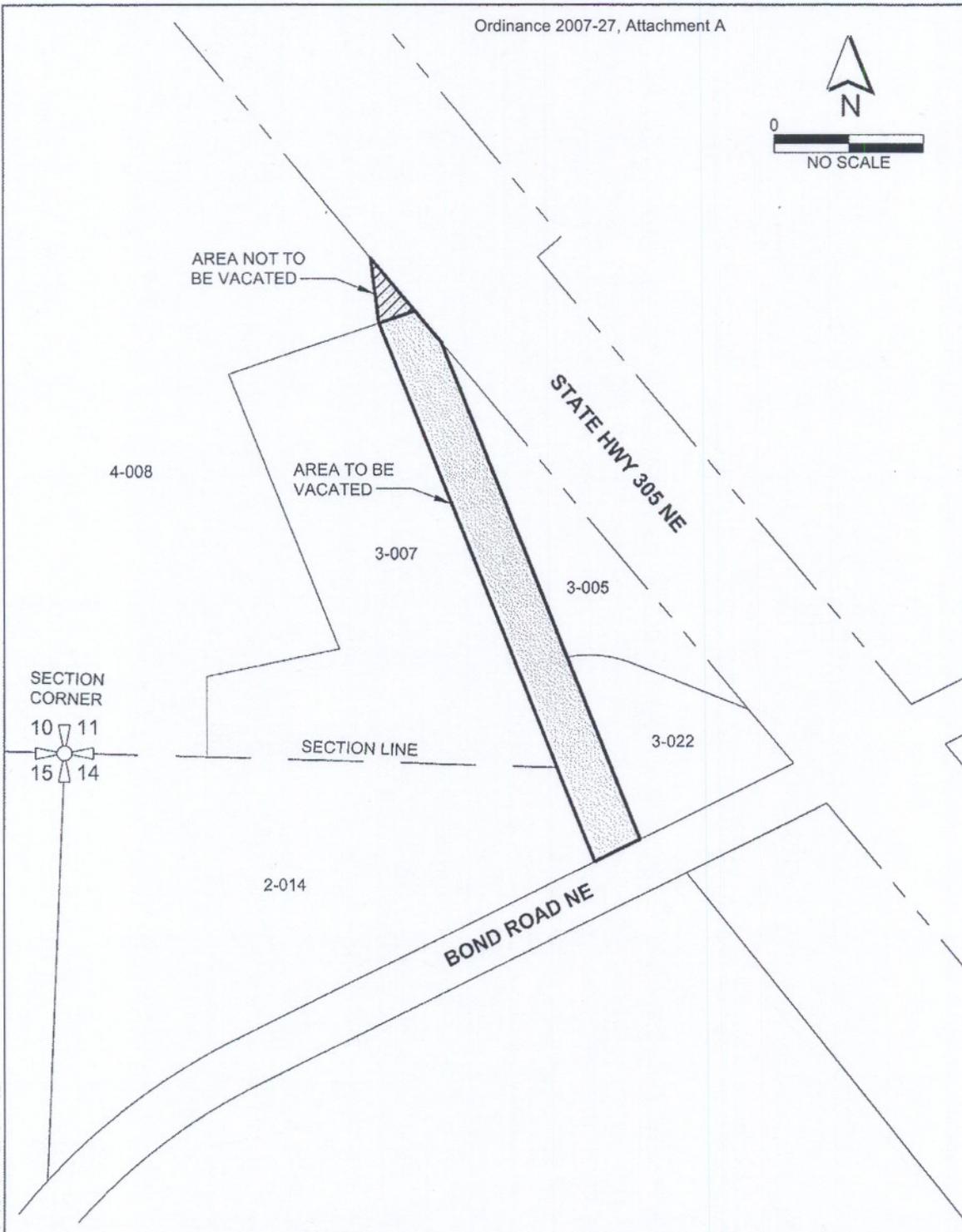
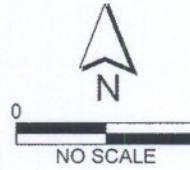
On the 5th day of September, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-27. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING A PORTION OF THE RIGHT-OF-WAY FOR VETTER ROAD NW LYING NORTHERLY OF BOND ROAD NE BETWEEN BOND ROAD NE AND SR 305; 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



BR23701SP25T01F-02

RIGHT OF WAY VACATION VETTER ROAD (COUNTY ROAD NO. 48)	CITY OF POULSBO		
	DESIGNED C. ROWLAND	PROJECT NO. 232-2237-015	CHECKED