



**ORDINANCE NO. 2008-02**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING OF THE PORTION OF RIGHT-OF-WAY, DESIGNATED AS COMMERCE STREET AND; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, Richard Waite and Linda Waite have requested that the City vacate the portion of right-of-way designated as Commerce Street, and

WHEREAS, in response to the request, the Poulsbo City Council passed Resolution No. 2007-22 on December 5, 2007 establishing January 16, 2008 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 of 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 portion of the right-of-way of 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 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.

**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 Q. QUADE

ATTEST/AUTHENTICATED:

Karol Jones  
CITY CLERK, KAROL JONES

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

James E. Haney  
BY JAMES E. HANEY

FILED WITH THE CITY CLERK: 12/31/2007  
PASSED BY THE CITY COUNCIL: 1/16/2008  
PUBLISHED: 1/30/2008  
EFFECTIVE DATE: 2/4/2008  
ORDINANCE NO. 2008-02

**SUMMARY OF ORDINANCE NO. 2008-02**

of the City of Poulsbo, Washington

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On the 16<sup>th</sup> day of January, 2008, the City Council of the City of Poulsbo passed Ordinance No. 2008-02. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING THE SECTION OF RIGHT-OF-WAY, DESIGNATED AS COMMERCE STREET; WAIVING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 21<sup>st</sup> day of January, 2008.

  
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CITY CLERK, KAROL JONES

## EXHIBIT "A"

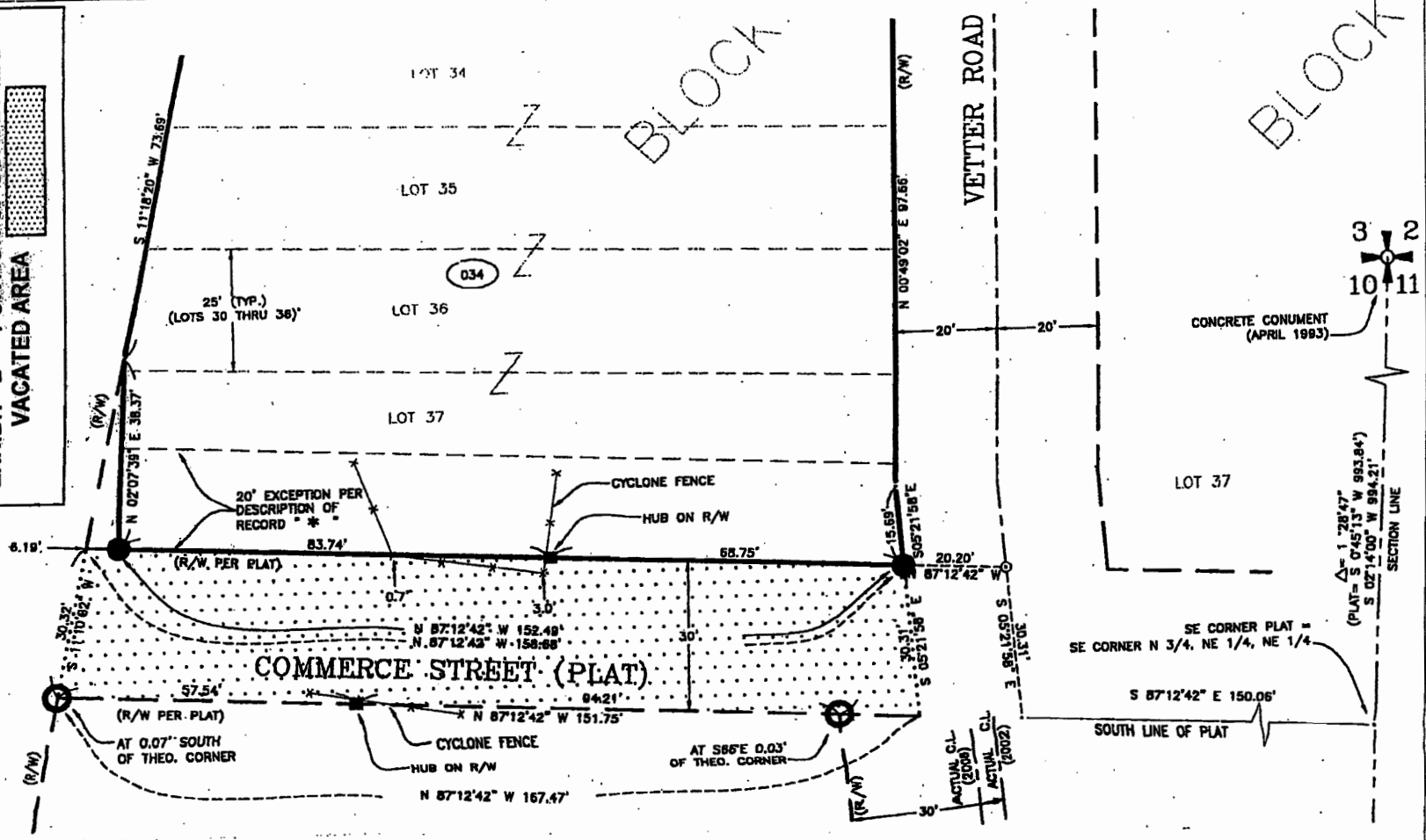
### LEGAL DESCRIPTION WAITE RIGHT-OF-WAY VACATION - PORTION OF COMMERCE STREET TAX NUMBER 4380-002-034-0008

That portion of Commerce Street within the Plat of Poulsbo Heights as recorded in Volume 3 of Plats, Page 130, situate within the North three-quarters of the Northeast quarter of the Northeast quarter of Section 10, Township 26 North, Range 1 East, W.M., Kitsap County, Washington, more particularly described as follows:

Beginning at the Northeast corner of said Section 10 (a concrete monument); thence along the East line of said Section 10 South 2°14'00" West 994.21 feet to the Southeast corner of said North three-quarters of the Northeast quarter of the Northeast quarter; thence along the South line of said North three-quarters, also being the South line of said Plat of "Poulsbo Heights" North 87°12'42" West 150.06 feet to the platted centerline of Vetter Road NE ("County Road" on said Plat); thence along the platted centerline of Vetter Road NE North 5°21'58" West 30.31 feet; thence leaving said centerline North 87°12'42" West 20.20 feet to the Southeast corner of Lot 37, Block 2 of said Plat and the True Point of Beginning; thence along the South line of said Lot 37, North 87°12'42" West 152.49 feet to the Southwest corner of said Lot 37; thence continuing North 87°12'42" West 6.19 feet along the South line of Lot 38 of said Block 2 to the Easterly right-of-way of Viking Way NW; thence along said Easterly right-of-way South 11°18'20" West 30.32 feet to the South line of said North three-quarters of the Northeast quarter of the Northeast quarter; thence leaving said Easterly right-of-way and running along said South line, also being the South line of the platted right-of-way for Commerce Street South 87°12'42" East 167.47 feet; thence running parallel with and 20 feet Westerly of said platted centerline of Vetter Road NE, North 5°21'50" West 30.31 feet to the True Point of Beginning;

Containing 4,892 Square Feet.

**EXHIBIT "B" - PORTION OF SURVEY MAP  
VACATED AREA**



**SURVEYOR'S CERTIFICATE**  
 This map correctly represents a survey made by me or under my direction in conformance with the requirements of the survey recording act at the request of **RICHARD WAITE**  
 in MAY, 2006  
*Richard A. Waite*



DRAWN BY:	BKM
DATE:	05-09-06
JOB NUMBER:	06-S5436
FIELD BOOK:	2935/2-9
CHECKED:	PETE
SCALE:	1"=20'

**SURVEY**  
 LOTS 30-33 & 34-37 + COMMERCE ST. IN  
 "POULSBO HT'S" VOL.3PG.130  
 SEC.10, TOWNSHIP 26N., RANGE 1 E., W.M.  
 KITSAP COUNTY, WASHINGTON

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