

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2009-07

SUBJECT: Vacation of Vetter Road (Kitsap Transit)

CONFORM AS TO DATES & SIGNATURES

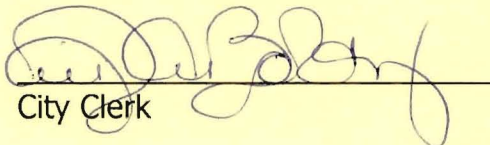
- (X) Filed with the City Clerk: 04/29/2009
- (X) Passed by the City Council: 05/06/2009
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 11/19/2010
- (X) Effective: 11/24/2010*

**Conditions of Ordinance must be met before recording and effective*

() Recorded: Recording will take place once conditions are met

DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed by jb
- (1) Ordinance Book (copy)
- (X) Code Publishing - via email if in electronic format
- () City Attorney
- () Civil Service Commission and/or Sec/Chief Examiner
- () Clerk's Department:
- () City Council
- () Finance:
- (X) Posted to Library Drive and Website


City Clerk

November 9, 2010
Date

ORDINANCE NO. 2009-07

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING NW VETTER ROAD BETWEEN VIKING WAY NE AND VETTER ROAD NE, SUBJECT TO CONDITIONS IN LIEU OF MONETARY COMPENSATION, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Kitsap Transit is the owner of property on both sides of NW Vetter Road between Viking Way NE and Vetter Road NE, and

WHEREAS, Kitsap Transit has requested that the City of Poulsbo vacate NW Vetter Road between Viking Way NE and Vetter Road NE in order to facilitate development of its property, and

WHEREAS, as part of its development, Kitsap Transit will dedicate right-of-way for and construct a new roadway running parallel to the portion of NW Vetter Road sought to be vacated that will replace the vacated roadway, and Kitsap Transit will also construct frontage improvements along Vetter Road NE, and

WHEREAS, the Poulsbo City Council passed Resolution No. 2009-05 on April 1, 2009 initiating the vacation process and establishing May 6, 2009 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 subject to conditions as 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. With dedication and construction of the new roadway proposed by Kitsap Transit, that portion of NW Vetter Road for which vacation is sought will be surplus to the City's needs; and

B. The vacation of NW Vetter Road between Viking Way NE and Vetter Road NE would not impair access to any property or otherwise impinge upon the property rights of the City or any private landowner if the new roadway is dedicated and constructed by Kitsap Transit, and

C. Because the new roadway will be dedicated and constructed and will replace the access provided by the vacated roadway, no monetary compensation for the vacated right-of-way should be required and vacation should be conditioned upon dedication and construction, as well as on completion of frontage improvements, in lieu of monetary compensation.

Section 2. Vacation. That portion of NW Vetter Road legally described on Exhibit A and depicted on Exhibit B attached hereto and incorporated herein by reference as if set forth in full, is hereby vacated, SUBJECT TO the following terms and conditions:

A. Kitsap Transit shall dedicate thirty feet of right-of-way or such other amount as may be necessary to meet City standards for the construction of a new roadway parallel to NW Vetter Road in the location shown on the drawing attached as Exhibit C and incorporated herein by this reference as if set forth in full; and

B. Kitsap Transit shall construct a new roadway meeting City standards within the right-of-way dedicated under subsection (a) above; and

C. Kitsap Transit shall construct frontage improvements meeting City standards on Vetter Road NE for the entire length of Kitsap Transit's frontage; and

D. Access to the resultant aggregate Kitsap Transit facility shall be from Viking Avenue only; and

E. The vacation shall not be effective until this ordinance is recorded as provided in Section 5 below.

Section 3. Monetary Compensation. No monetary compensation shall be required from Kitsap Transit in exchange for the vacation as long as Kitsap Transit fulfills all conditions of approval set forth in Section 2.

Section 4. 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.

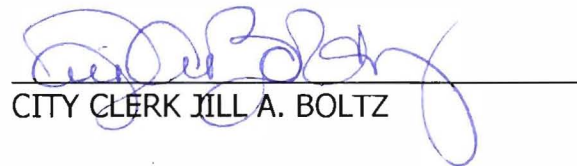
Section 5. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved, PROVIDED, that the vacation of NW Vetter Road between Viking Way NE and Vetter Road NE shall not be effective until a copy of this ordinance is recorded by the City Clerk in the office of the Kitsap County Auditor. 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 conditions listed in Section 2 have been satisfied.

ADOPTED by the Poulsbo City Council and approved by the Mayor this 6th day of May, 2009.

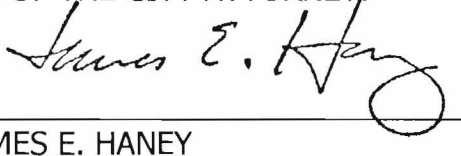
CITY OF POULSBO:


MAYOR KATHRYN H. QUADE

ATTEST/AUTHENTICATED:


CITY CLERK JILL A. BOLTZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:


BY
JAMES E. HANEY

FILED WITH THE CITY CLERK: 04/29/2009
PASSED BY THE CITY COUNCIL: 05/06/2009
PUBLISHED: 11/19/2010
EFFECTIVE DATE: 11/24/2010 and RECORDED WITH KITSAP COUNTY AUDITOR
ORDINANCE NO. 2009-07

SUMMARY OF ORDINANCE NO. 2009-07

of the City of Poulsbo, Washington

On the 6th day of May, 2009, the City Council of the City of Poulsbo, passed Ordinance No. 2009-07. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING NW VETTER ROAD BETWEEN VIKING WAY NE AND VETTER ROAD NE, SUBJECT TO CONDITIONS IN LIEU OF MONETARY COMPENSATION, AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 16th day of November, 2009.



CITY CLERK JILL A. BOLTZ

6. CONSENT AGENDA

Councilmember Rudolph requested Consent Agenda item d, minutes of April 1, 2009, be removed for discussion; requesting his comments regarding the timing of the Highway 305 culvert replacement project be included.

MOTION: Rudolph/McGinty. Move to approve Consent Agenda items a through c.

Motion carried unanimously

The items listed are:

- a. Payroll – April 1-30, 2009
- b. Minutes of February 19, 2009 Special Council Meeting
- c. Minutes of March 17, 2009 Joint City Council/Planning Commission Meeting
- d. ~~Minutes of April 1, 2009 City Council Meeting~~

MOTION: Rudolph. Move to approve Consent Agenda items d, as amended.
Motion failed for lack of a second.

Councilmember Berry-Maraist requested the additional comments be added to the minutes and brought back to Council for review and approval.

7. MAJOR BUSINESS ITEMS

a. 7:15 PM Public Hearing: Vetter Road Right of Way Vacation

Mayor Quade opened the public hearing at 7:50 PM.

Assistant Public Works Director provided a brief summary of the request from Kitsap Transit to vacate the Vetter Road right of way, their intent to combine their two properties and the proposed street improvements. The improvements would include sidewalks, curb and gutters, street lights and allow for a 30 foot right-of-way.

Councilmember Berry-Maraist questioned if the property to the south of Kitsap Transit's property is in agreement to give up a 30 foot right-of-way, due to the new road; Kasiniak stated they did not have that information.

Mayor Quade requested citizen comments.

- a. James Grigar, Vetter Road, expressed concern on the city giving up a 60 foot right of way for a 30 foot easement, the preservation of the greenbelts on the existing road and ingress/egress on the

proposed road. Grigar also noted the amount of noise from the current Kitsap Transit building.

- b.** Phil Colcord, Vetter Road, commented on the future development of Vetter Road and the noise from the Kitsap Transit building; requesting there be a stipulation the buses not be allowed to use ingress and egress off of the proposed new road. Colcord further suggested the new road be named Haines Road, due to the fact that Ms. Haines was responsible for getting the original road put in.
- c.** Steve Hill commented on the need for a traffic signal due to the increased traffic from the housing development on Vetter Road, and not allowing bus access to the proposed road.
- d.** Jeff Haines expressed his support for the right of way vacation; with the understanding buses will not use the proposed road.

Wendy Clark-Getzin, Kitsap Transit, clarified the intent is to not use the new road for bus access and plans on building up the green belt area; adding there would be sidewalk improvements to the new road and NW Vetter Road, and improved pedestrian traffic circulation.

Mayor Quade closed the public hearing at 8:12 PM.

Councilmember Berry-Maraist questioned whether Kitsap Transit provided land to the Cooperation Road improvement; Clark-Getzin advised Kitsap Transit provided land and easements for the Vetter Road development.

Councilmember Rudolph questioned how the right of way was originally acquired, stating the previous ownership information is usually provided to the Council. Kasiniak advised the ownership research was not done, due to Kitsap Transit owning both pieces of property connected to the right of way.

Councilmember Stern questioned if the Planning Department has reviewed mitigation on the proposed use of the existing Kitsap Transit facility. Planning Director Berezowsky stated the current facility was built under county jurisdiction and no additional permits were necessary. Since the city inherited the project, the Planning Department has been working with Kitsap Transit to bring the facility into compliance with city zoning and codes.

Councilmember Rudolph questioned if the approval of the vacation can be conditioned upon items that can only be accomplished by a site plan, such

as the proposed sidewalk improvements and buffers; and access off of Viking Road only. Berezowsky explained a vacation is not a land use action, therefore cannot be mitigated. Councilmember McGinty questioned how the conditions, such as no ingress or egress on Vetter Road, will be documented. Kasiniak stated the street improvements are included in the ordinance, suggesting the condition for access only on Vetter Road, from Viking Avenue, be added.

Councilmember Erickson requested clarification on the specific improvements proposed on Vetter Road and if it includes a buffer; Kasiniak stated a continuous sidewalk would be placed on the east and west side of Vetter Road, and the new road; buffers would be a condition of the site plan and required by the Planning Department.

Councilmember Lord requested clarification on the street improvement relating to street lights; Kasiniak stated the improvements will include street lights, curb gutter, and a 5-foot sidewalk. Lord further requested clarification on existing and future buffer requirements, and if additional buffering can be required; Berezowsky stated the City would not have the authority to require additional buffering.

Councilmember Rudolph proposed an additional condition to the ordinance to include, access to the aggregated property be only from Viking Avenue; Council concurred.

MOTION: Rudolph/Lord. Move to adopt Ordinance 2009-07, an ordinance of the City of Poulsbo, Washington, vacating NW Vetter Road between Viking Way NE and Vetter Road NE, subject to conditions including the added condition of no access allowed except from Viking Avenue to the new aggregated property, in lieu of monetary compensation, and establishing an effective date
Motion carried unanimously.

b. Presentation- Poulsbo Fire Chief Dan Olson

Dan Olson, Poulsbo Fire Chief, provided an overview of the services provided by the fire department. The department currently has a 5 minute, 11 second response time; responds to approximately 3600 calls per year; and has 47 employees. Olson stated with decreasing revenues, the department is minimizing their expenditures by not hiring approved and vacant positions, identifying critical services, and services citizens need and expect from their fire department.



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Engineering • Surveying • Planning

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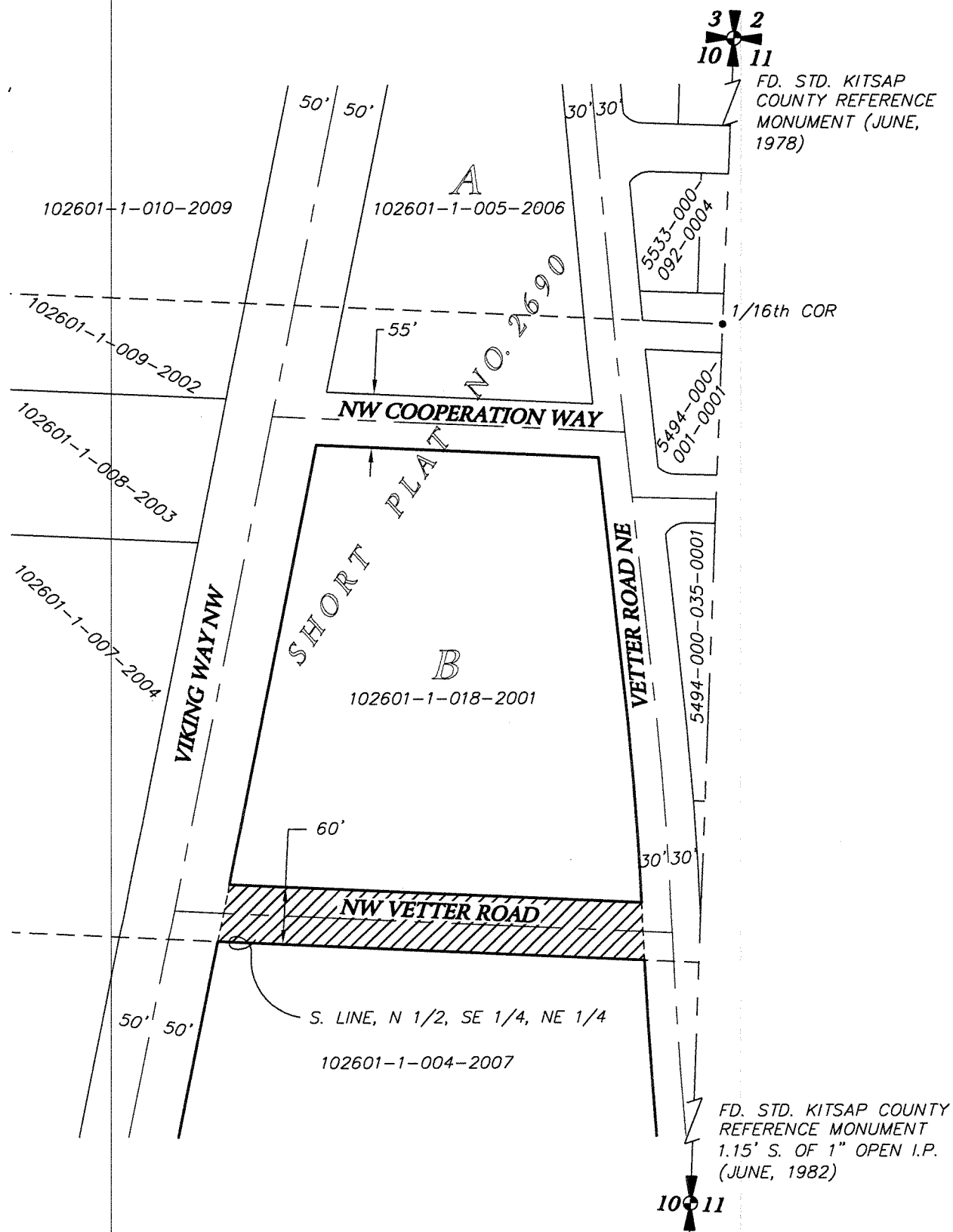
PLANNING

THAT PORTION OF THE SOUTH 60 FEET OF THE NORTH HALF OF THE
SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10,
TOWNSHIP 26 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY,
WASHINGTON, LYING EAST OF VIKING WAY N.W. AND WEST OF VETTER
ROAD N.E..

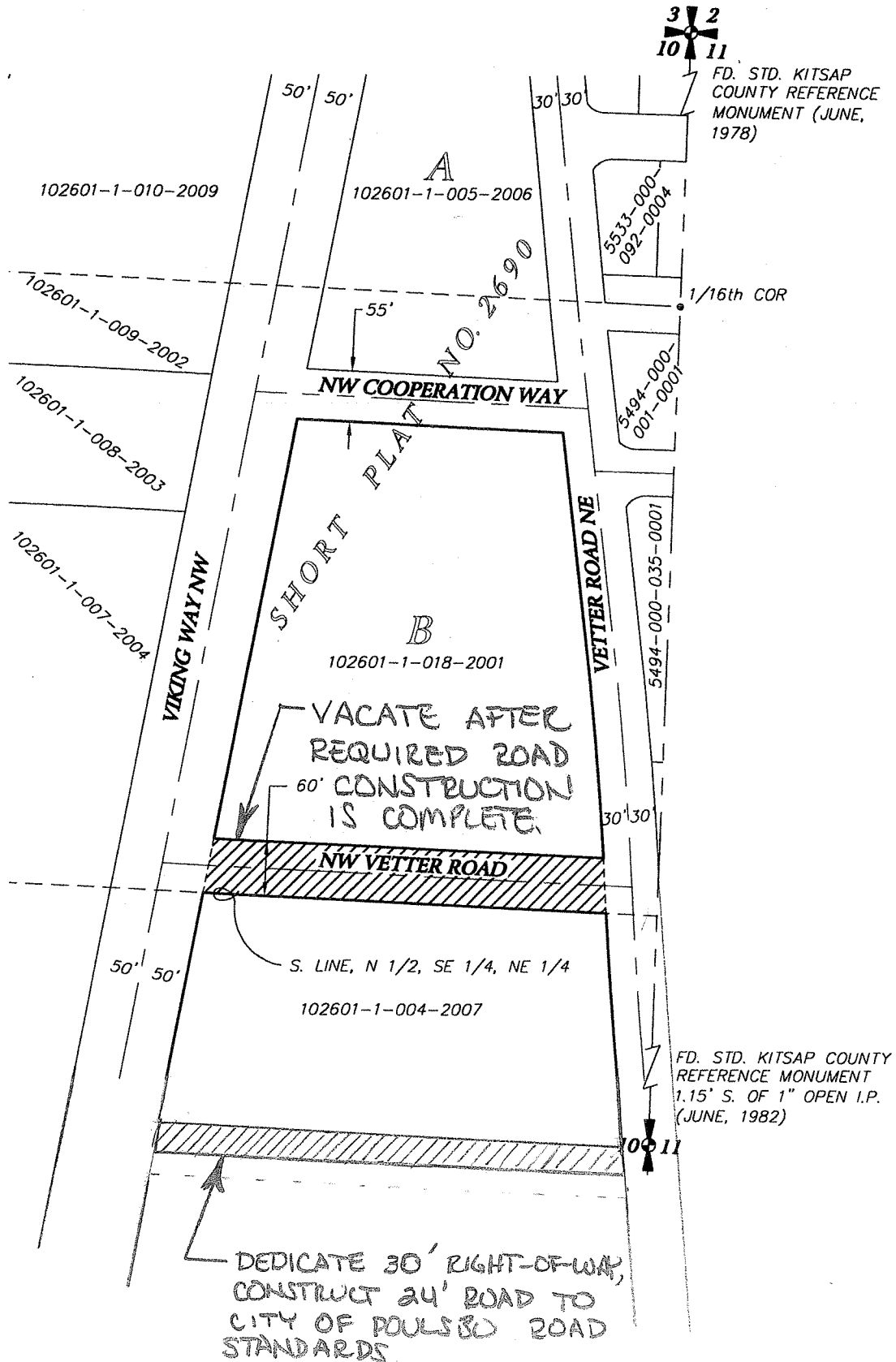


04-21-09

EXHIBIT



EXHIBIT



**NW Vetter Road Right of Way Vacation Request
Site Photograph**

Exhibit C-2



NW Vetter Road (To Be Vacated)

New Road (to be constructed and dedicated)

