

ORDINANCE NO. 2011-09

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE BANNON CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 12-21-09-1; 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 390 NE Hostmark Street was rezoned from Residential to Commercial in 1983 by the passage of City of Poulsbo Ordinance 83-29, and

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

WHEREAS, the current owners of the property, David and Wendy Bannon, have applied for a release of the concomitant agreement, and

WHEREAS, pursuant to PMC 18.92.040 and 19.01.058, the Poulsbo City Council held a public hearing on the proposed release on May 4, 2011 and, after considering all testimony presented at the hearing, determined to grant the application and release the concomitant agreement, 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 12-21-09-1 dated April 19, 2011 are hereby adopted as support for the actions taken by this ordinance.

Section 2. Release. The application filed by David and Wendy Bannon seeking release of the concomitant agreement recorded under Kitsap County Auditor's File No. 8308050129 on August 5, 1983 is hereby granted. Upon recording of the instrument referred to in Section 3 of this ordinance, the concomitant agreement 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 No. 8308050129. 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.

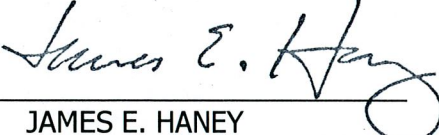
APPROVED:


MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:


CITY CLERK JILL A. BOLTZ CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 04/22/2011
PASSED BY THE CITY COUNCIL: 05/04/2011
PUBLISHED: 05/13/2011
EFFECTIVE DATE: 05/18/2011
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SUMMARY OF ORDINANCE NO. 2011-09
of the City of Poulsbo, Washington

On May 4, 2011, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2011- , 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 BANNON CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 12-21-09-1; 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 6th day of May, 2011.


CITY CLERK, JILL BOLTZ CMC