

## ORDINANCE NO. 2013-08

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING A SECTION OF RIGHT-OF-WAY DESIGNATED AS THIRD AVENUE NW AND LOCATED BETWEEN NW COMMERCE STREET AND SR3; ESTABLISHING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, Eagle Harbor Properties has requested that the City vacate a section of right-of-way designated as Third Avenue NW and located between NW Commerce Street and SR3, and

**WHEREAS**, in response to the request, the Poulsbo City Council passed Resolution No. 2013-05 on July 17, 2013 establishing August 7, 2013 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

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. Eagle Harbor Properties has agreed to provide an easement to the City for the existing water utility through the portion of right-of-way for which vacation is sought; and

**Section 2. Vacation.** That certain portion of the right-of-way of Third Avenue NW, legally described and depicted on Exhibit A, attached hereto and incorporated herein by reference as if set forth in full, is hereby vacated subject to the following conditions:

A. Eagle Harbor Properties shall provide an easement for the City's water utility transitioning the subject property; and

B. Eagle Harbor Properties shall compensate the City for the fair market value of the property.

**Section 3. Compensation.** Eagle Harbor Properties agrees to compensate the City the fair market value of \$30,000 as established by the appraisal prepared by MAI appraiser Brian Vickers for this purpose, the summary page of which is attached as Exhibit B and incorporated herein by reference as if set forth in full.

**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 when the conditions listed in Section 2 have 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.

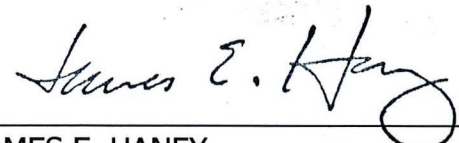
APPROVED:

  
\_\_\_\_\_  
MAYOR, REBECCA ERICSON

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: 07/30/2013  
PASSED BY THE CITY COUNCIL: 08/07/2013  
PUBLISHED: 08/16/2013  
EFFECTIVE DATE: 08/21/2013  
ORDINANCE NO. 2013-08

## **SUMMARY OF ORDINANCE NO. 2013-08**

of the City of Poulsbo, Washington

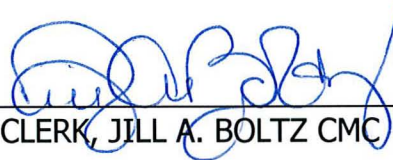
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On the 7<sup>th</sup> day of August, 2013, the City Council of the City of Poulsbo passed Ordinance No. 2013-08. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, VACATING A SECTION OF RIGHT-OF-WAY DESIGNATED AS THIRD AVENUE NW AND LOCATED BETWEEN NW COMMERCE STREET AND SR3; ESTABLISHING COMPENSATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 7<sup>th</sup> day of August, 2013.



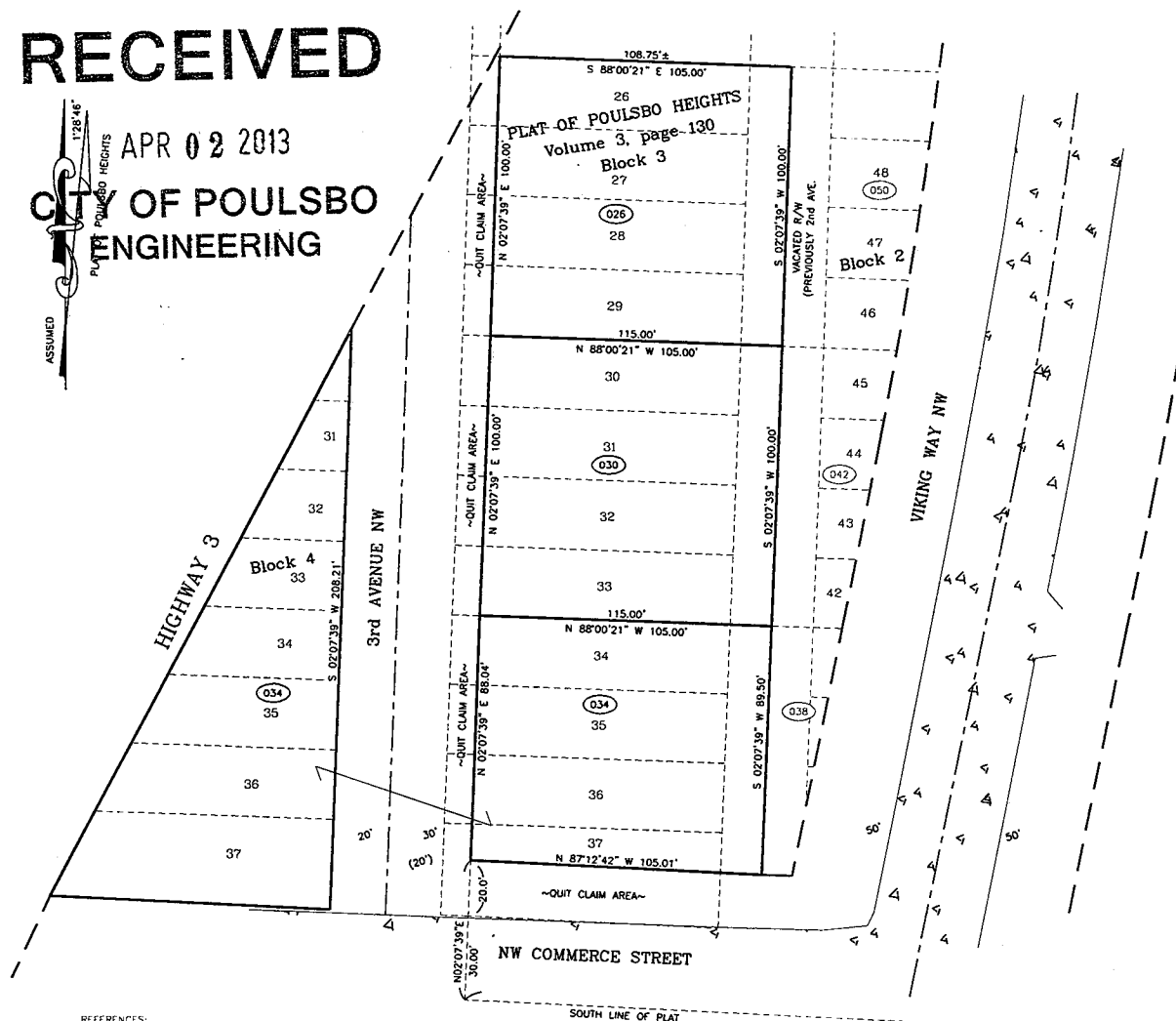
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CITY CLERK, JILL A. BOLTZ CMC

# RECEIVED

APR 02 2013

**CITY OF POULSBO ENGINEERING**



**LOT DESCRIPTIONS AND NOTES**

TL 4380-003-026-0006  
 LOT 26 TO 29 OF BLOCK 3 OF THE PLAT OF POULSBO HEIGHTS AS RECORDED UNDER VOLUME 3, PAGE 130 OF PLATS;  
 EXCEPT THE WEST 10 FEET THEREOF;  
 TOGETHER WITH A PORTION OF SECOND AVE NW VACATED PER COMMISSIONER'S JOURNAL VOLUME 6, PAGE 41;  
 EXCEPT PORTION TAKEN FOR SR-3 (SILVERDALE TO THOMPSON RD) PER AFN 7908130028.

TL 4380-003-030-0000  
 LOT 30 TO 33 OF BLOCK 3 OF THE PLAT OF POULSBO HEIGHTS AS RECORDED UNDER VOLUME 3, PAGE 130 OF PLATS;  
 EXCEPT THE WEST 10 FEET THEREOF;  
 TOGETHER WITH A PORTION OF SECOND AVE NW VACATED PER COMMISSIONER'S JOURNAL VOLUME 6, PAGE 41.

TL 4380-003-034-0006  
 LOTS 34, 35 AND 36, BLOCK 3, EXCEPT THE WEST 10 FEET, AND LOT 37, BLOCK 3, EXCEPT THE SOUTH 20 FEET AND EXCEPT THE WEST 10 FEET, INCLUDING A PORTION OF VACATED SECOND AVENUE, PLAT OF POULSBO HEIGHTS, RECORDS OF KITSAP COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION CONVEYED UNDER AUDITOR'S FILE NO. 200811250155.

NOTES:  
 2nd AVENUE OF PLAT VACATED PER COMMISSIONER'S JOURNAL VOL. 6, PG. 41.

THE WEST TEN FEET OF LOTS 30-33 OF BLOCK 3 OF PLAT DEDICATED AS RIGHT-OF-WAY FOR 3rd AVE PER UNKNOWN AFN.

3" BRONZE DISK  
 IN 3" DIAMETER  
 CONCRETE  
 MONUMENT  
 (APRIL 1993)



(P.O.B. S. 40128.47" W 933.64")  
 S 0214.00" W 834.21"  
 S 0214.00" W 2851.23"

**CITY OF POULSBO  
 VACATION DESCRIPTION FOR PORTION OF 3rd AVE NW**

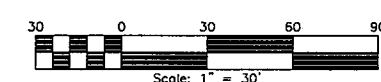
THAT PORTION OF THIRD AVENUE NW, POULSBO, WA FRONTING LOTS 26-37, BLOCK 3, AND LOT 30-33, BLOCK 4, OF THE PLAT OF POULSBO HEIGHTS AS RECORDED IN VOLUME 3 OF PLATS, PAGE 130; SITUATE IN SECTION 10, TOWNSHIP 26 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WA;  
 EXCEPT ANY PORTION LYING WITHIN THE RIGHT-OF-WAY OF STATE HIGHWAY 3 PER AFN 7908130028.

REFERENCES:

ALLEN MILLER	VOL. 14 PG. 154 ROS	JO 89-6427
ED ARNESS	VOL. 39 PG. 111 ROS	JO 93-1272
MARK JULIAN	VOL. 45 PG. 97 ROS	JO 95-2344
RICHARD WAITE	VOL. 71 PG. 225 ROS	JO 06-5436
MCCOLLUM / WENTER	AFN 200703236158	JO 06-5708/9
KITSAP TRANSIT	VOL. 60 PG. 178 ROS	
CITY OF POULSBO	VOL. 72 PG. 243 ROS	
MARK JULIAN	JO 5529 AND JO 6649	

**LEGEND**

	PROPERTY LINE
	RIGHT OF WAY
	PLATTED LOTS
	THEORETICAL CENTERLINE
	QUIT CLAIM AREA



3" BRONZE DISK IN  
 3" CONCRETE MONUMENT  
 (APRIL 1993)



**SURVEYOR'S STAMP**

MARK JULIAN  
 in JANUARY 2012



DRAWN BY:	TMC
DATE:	1-11-12
JOB NUMBER:	12-S6691
FIELD BOOK:	2935/30-37
CHECKED:	MIKE
SCALE:	1"=30'

**SKETCH OF QUIT CLAIM AREAS  
 PLAT OF POULSBO HEIGHTS**

Volume 3, page 130  
 SEC. 10, TOWNSHIP 26 N., RANGE 1 E., W.M.  
 KITSAP COUNTY, WASHINGTON

**A. D. A. ENGINEERING**  
 SURVEYORS~ENGINEERS~PLANNERS

P.O. BOX 847 POULSBO, WA 98370  
 360-779-6633  
 206-842-6123  
 FAX: 360-779-7031  
 tim@adaengtlc.com

**NE 1/4, NE 1/4**

EXHIBIT A

**EXHIBIT B**

**APPRAISAL OF:  
UNIMPROVED RIGHT-OF-WAY  
3<sup>RD</sup> AVE NW, EXTENDING NORTH FROM  
NW COMMERCE STREET  
POULSBO, WA**

**PREPARED FOR:**

**MARK JULIAN  
EAGLE HARBOR PROPERTIES  
BAINBRIDGE ISLAND, WA**

**MARCH 25, 2013**

**PREPARED BY:**

**BRIAN N. VICKERS, MAI  
RPA, LLC  
PO BOX 11790  
BAINBRIDGE ISLAND, WA 98110  
206-780-9814  
brianvic@msn.com**

**RECEIVED**

APR 02 2013

**CITY OF POULSBO  
ENGINEERING**

**RPA, Real Property Analysis, LLC  
P.O. Box 11790  
Bainbridge Island, WA. 98110**

**Real Estate Appraisal  
& Consulting**

**Brian N. Vickers, MAI  
Tel. (206) 780-9814**

March 25, 2013

Mark Julian  
Eagle Harbor Properties  
5955 Rose Loop Rd.  
Bainbridge Island, WA 98110

Re: Third Avenue NW right-of-way (unimproved public street)  
3<sup>rd</sup> Ave. NW, extending north of NW Commerce St.  
Poulsbo, Washington

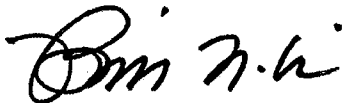
In response to your request, attached is the summary appraisal of the above referenced property. The copy of your letter of engagement dated February 8, 2010, authorizing this appraisal is included in the addenda. This document is intended to be a summary report meeting the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP). The findings, analysis, and conclusions as to the subject market value result from the appraiser's inspection of the site and are subject to the certifications and the assumptions and limiting conditions.

After considering all applicable factors and influences on the subject property, as of March 25, 2013, the value conclusions are as follows:

**\$30,000**

Thank you for the opportunity to be of service.

Sincerely,



Brian N. Vickers, MAI  
Certified General Appraiser  
Washington State license no. 1101671