

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2017-20

SUBJECT: Poulsbo Clinic Concomitant Agreement Release

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 11/30/2017
- Passed by the City Council: 12/06/2017
- Signature of Mayor
- Signature of City Clerk
- Publication: 12/15/2017
- Effective: 12/20/2017
- Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- NK Herald: 12/7/2017
- Code Publishing
- City Attorney
- Clerk's Department: Original
- City Council
- Finance:
- Posted to Library Drive and Website
- _____

Rhiannon Fernandez
City Clerk

11/2/2017
Date

ORDINANCE NO. 2017-20

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE POULSBO CLINIC CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 11-01-17-1; 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 367 Hostmark Street known as Poulsbo Clinic was rezoned from Public Use to Business General in 1987 by the passage of City of Poulsbo Ordinance 87-21; and

WHEREAS, the rezone was subject to a concomitant agreement which imposed certain conditions on development of the property and the "Concomitant Zoning Agreement for Poulsbo Clinic Rezone" was recorded against the property under Auditor File Number 8706040081; and

WHEREAS, the property was never developed under the concomitant agreement approval, was sold to the City of Poulsbo in 1991, and was used as the city's Police Department until 2011; and

WHEREAS, the property is currently designated commercial on the City's Comprehensive Plan Map and zoned C-1 Downtown on the City's Zoning Map; and

WHEREAS, concomitant agreements are considered a contract between the property owner and the City, are recorded to the property and are identified in a title report; and

WHEREAS, the owner of the property wishes to divest itself of this property, and to provide a new owner with clear title, has applied for a release of the concomitant agreement, and

WHEREAS, pursuant to PMC 19.40.060, the Poulsbo City Council held a public hearing on the proposed release on December 6, 2017 and, after considering all testimony presented at the hearing, determined to grant the application and release the concomitant agreements with one condition, 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 11-01-17-01 dated November 29, 2017 are hereby adopted as support for the actions taken by this ordinance.

Section 2. **Release.** The application filed by the City of Poulsbo seeking release of the Poulsbo Clinic concomitant agreement recorded under Kitsap County Auditor's File No. 8706040081 on June 4, 1987 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, and future redevelopment or new development will be governed by the City's adopted development regulations.

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 8706040081. 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:



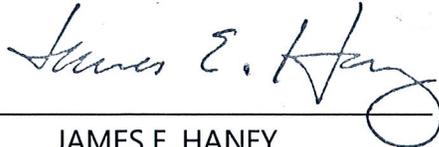
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK RHIANNON K. FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:


BY _____
JAMES E. HANEY

FILED WITH THE CITY CLERK: 11/30/2017
PASSED BY THE CITY COUNCIL: 12/06/2017
PUBLISHED: 12/15/2017
EFFECTIVE DATE: 12/20/2017
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SUMMARY OF ORDINANCE NO. 2017-20
of the City of Poulsbo, Washington

On December 6, 2017, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2017-20, 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 POULSBO CLINIC CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 11-01-17-1; 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 7 day of Dec, 2017.



CITY CLERK, RHIANNON K. FERNANDEZ, CMC