

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2018-11

SUBJECT: Sherwin Rezone Concomitant Agreement Release

CONFORM AS TO DATES & SIGNATURES

- ☒ Filed with the City Clerk: 4/26/18
- ☒ Passed by the City Council: 5/2/18
- ☒ Signature of Mayor
- ☒ Signature of City Clerk
- ☒ Publication: 5/11/18
- ☒ Effective: 5/16/18
- ☐ Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- ☒ NK Herald: 05/03/2018
- ☒ Code Publishing
- ☐ City Attorney
- ☒ Clerk's Department: Original
- ☐ City Council
- ☐ Finance:
- ☒ Posted to Library Drive and Website
- ☐ _____

Rhiannon Fernandez
City Clerk

5/2/2018
Date

ORDINANCE NO. 2018-11

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE SHERWIN REZONE CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 12-21-17-01; 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 19589 Front Street NE was rezoned from Residential Single-Family to Business General in 1983 by the passage of City of Poulsbo Ordinance 83-25; and

WHEREAS, the rezone was subject to a concomitant agreement which imposed certain conditions on development of the property and the "Sherwin Rezone Concomitant Agreement" was recorded against the property under Auditor File Number 8306160138; 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, pursuant to PMC 19.40.060, the Poulsbo City Council held a public hearing on the proposed release on April 11, 2018 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 12-21-17-01 dated April 3, 2018 are hereby adopted as support for the actions taken by this ordinance.

Section 2. **Release.** The application filed by the property owner, William Anspach, seeking release of the Sherwin Rezone concomitant agreement recorded under Kitsap County Auditor's File No. 8306160138 on June 16, 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, 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 8306160138. 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:



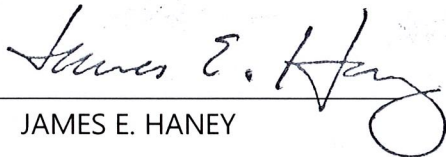
MAYOR REBECCA ERICKSON

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: 4/26/2018
PASSED BY THE CITY COUNCIL: 05/02/2018
PUBLISHED: 05/11/2018
EFFECTIVE DATE: 05/16/2018
ORDINANCE NO. 2018-11

SUMMARY OF ORDINANCE NO. 2018-11
of the City of Poulsbo, Washington

On May 2, 2018, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2018-11, 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 SHERWIN REZONE CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 12-21-17-01; 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 2nd day of May, 2018.



CITY CLERK, RHIANNON K. FERNANDEZ, CMC