

FILE COPY

2-17-82-1

ORDINANCE NO. 83-20

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF POULSBO TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE CANYON CREST REZONE FILE NO. 2-17-82-1 FROM R-1 (RESIDENTIAL-SINGLE FAMILY) TO R-4 (RESIDENTIAL FOUR-PLEX); AUTHORIZING EXECUTION OF A CONCOMITANT ZONING AGREEMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Poulsbo Planning Commission at a public hearing has considered the following amendments to the official zoning map and the concomitant zoning agreement and recommends approvals of said amendments and execution of said concomitant zoning agreement, and

WHEREAS, the City Council of the City of Poulsbo, pursuant to said recommendation called a public meeting and after said meeting having determined as follows:

1. That the proposed amendments, as limited by the concomitant agreement, are in compliance with the City of Poulsbo's comprehensive plan;

2. That the proposed development as modified by the City Council makes appropriate provision for the public health, safety and general welfare and that adequate provisions have been made for storm water detention and conveyance systems, streets, water, sanitary sewage disposal, recreational needs, solid waste disposal, pedestrian flow, parking, aesthetic considerations and fire protection; and

3. That the proposed zone change from R-1 to R-4 is warranted due to the recent changes in zone designations of nearby properties which will permit usages which are multi-family in function and configuration; and

4. That the eight unit per acre density of the proposed development is midway between the usual R-1 (Single Family) and the RM (Multi-Family) densities and is therefore considered appropriate for this section of the City given surrounding uses and given the topography of this site; and

5. That this development meets the requirements of the Poulsbo zoning ordinance (Ordinance No. 77-2) and the criteria necessary for intermediate intensity residential development as specified in the Amended Comprehensive Plan Residential Goals and Policies section. The development is located in an area designated for intermediate intensity residential development on the amended comprehensive plan map; and

6. That the adjacent property owners are largely in support of this project and the proposed zoning change is in the best interests of the public health, safety and general welfare and will not be materially detrimental to surrounding properties or uses, now, therefore,

THE CITY COUNCIL OF THE CITY OF POUSLBO, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. The official zoning map of the City of Poulsbo, as adopted by Ordinance No. 77-2 passed by the City Council on January 12, 1977 is hereby amended by changing

the zoning classification of certain property hereinafter described from R-1 (Residential Single Family) to R-4 (Residential Fourplex). The legal description of the property rezoned from R-1 to R-4 is set forth on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. The Planning Director is hereby instructed to effectuate the necessary amendments to the official zoning map of the City of Poulsbo pursuant to this ordinance.

Section 3. The Mayor is hereby authorized to execute and the City Clerk to attest that certain document entitled Canyon Crest Concomitant Zoning Agreement consisting of 8 typewritten pages and 1 exhibit relating to the above described property which was executed by the owners of said property on the 16th day of May, 1983, and tendered to the City. The City Clerk is further directed to record said concomitant zoning agreement with the Kitsap County Auditor as a covenant running with the land. The cost of said recordation shall be paid by the owners.

Section 4. This ordinance shall be in full force and effect five (5) days after publication in the manner provided by law.

APPROVED:

W. F. Burns
DEPUTY MAYOR, W.F. BURNS

ATTEST/AUTHENTICATED:

Dick Goodpasture
CITY CLERK, DICK GOODPASTURE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY John D. White

FILED WITH THE CITY CLERK: October 6, 1982
PASSED BY THE CITY COUNCIL: May 11, 1983
PUBLISHED: June 16, 1983
EFFECTIVE DATE: June 21, 1983

EXHIBIT A

(Legal Description, Canyon Crest Rezone)

That portion of the following described property lying North of the North margin of that certain Right-of-Way (Torval Canyon Road) deeded to the City of Poulsbo, under Auditor's File No. 1102630:

That portion of the South half of the Southwest quarter of the Northwest quarter of Section 14, Township 26 North, Range 1 East, W.M. described as follows:

Beginning at a point on the West line of said subdivision, which lies 854.54 feet South of the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 14; thence East 50 feet; thence South to a point on the South line of said subdivision which lies 50 feet East of the Southwest corner thereof; thence East, along the South line of said subdivision to the Westerly margin line of Olympic Avenue, as conveyed to the Town of Poulsbo, by deed recorded under Auditor's File No. 685470; thence Northerly along said Westerly margin line to the North line of said subdivision; thence West along said North line to the West line of said subdivision; thence South along said West line to the point of beginning;

Situate in Kitsap County, Washington.

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CANYON CREST REZONE
R-1 to R-4

FINDINGS AND CONCLUSIONS OF THE CITY COUNCIL:

WHEREAS, an application for approval of a rezone from an R-1 (Residential Single Family) zone designation to an R-4 (Residential Fourplex) zone designation (File No. 2-17-82-1) was duly filed with the City; and

WHEREAS, a Final Declaration of Non-Significance was signed by the SEPA Responsible Official on April 2, 1982, in compliance with the State Environmental Policy Act of 1971 requirements; and

WHEREAS, the Planning Commission held public hearings commencing on March 9, 1982, and running through April 6, 1982, and duly considered the proposed rezone; and

WHEREAS, the Planning Commission recommended disapproval of the rezone to the City Council at its April 20, 1982, meeting and further recommended that a public hearing on the rezone be held by the City Council; and

WHEREAS, the City Council chose not to hold a public hearing, but did review the Findings, Conclusions and Recommendations from the Planning Commission at an open public meeting on May 12, 1982, and moved to remand the application to the Planning Commission with the recommendation to the applicant that the development be

revised to reduce the number of dwelling units proposed and to meet setback requirements; and

WHEREAS, the Planning Commission reconsidered the rezone on June 15, 1982, and reviewed the revised development plan and additional Findings and made conclusions against approval of the development and presented recommended conditions to be imposed in the event the rezone were to be approved by the City Council; and

WHEREAS, the City Council reviewed the revised development plan and the findings, conclusions and recommended conditions to be imposed as presented by the Planning Commission at an open public meeting on July 21, 1982, and revised said conditions and made findings and conclusions regarding the development, approved the rezone and authorized the preparation of an ordinance subject to certain conditions to be contained in a contract, now, therefore,

The City Council of the City of Poulsbo, Washington, makes the following findings and conclusions:

1. That the Canyon Crest Rezone from R-1 to R-4 (File No. 2-17-82-1) subject to the conditions proposed by the Planning Commission as modified by the City Council, makes appropriate provision for the public health, safety and general welfare and that adequate provision has been made for storm water detention and conveyance systems, streets, water, sanitary sewage disposal, recreational needs, solid waste

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disposal, pedestrian flow, parking, aesthetic considerations and fire protection.

2. That the proposed zone change from R-1 to R-4 is warranted due to the recent changes in zone designations of nearby properties which will permit usages which are multi-family in function and configuration. The eight unit per acre density of the proposed development is midway between the usual R-1 (Single Family) and the RM (Multi-family) densities and is therefore considered appropriate for this section of the City given surrounding uses and given the topography of this site.

3. That this development meets the requirements of the Poulsbo Zoning Ordinance (Ordinance No. 77-2) and the criteria necessary for intermediate intensity residential development as specified in the Amended Comprehensive Plan Residential Goals and Policies section. The development is located in an area designated for intermediate intensity residential development on the Amended Comprehensive Plan Map.

4. That the adjacent property owners are largely in support of this project.

5. That the development is of a type which is expected to attract families with children and therefore, since there is a need for more recreational facilities in Poulsbo as documented in the Amended Comprehensive Plan and in Ordinance No. 79-14, and since those portions of the area designated as

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"open space" on this development constitutes a ravine unsuitable for any significant amount of active recreational use the applicant has voluntarily offered to contribute to a fund for capital improvements for park and recreation use, therefore the requirement of the full \$200.00 per dwelling unit recreational fee-in-lieu of park land dedication should be imposed.

6. That the Findings of the Planning Commission should be adopted.

7. That storm water runoff from this site will increase as a result of this development and will thereby contribute significantly to the need for an improved storm water outfall facility located on the Poulsbo Lumber Company property and therefore the proportionate share of the costs of that improvement should be borne by this development. The proportionate share is considered to be _____ of the total outfall costs. Payment shall be made by _____.

8. That this site is within the boundary of an area served by the "Head of the Bay Sewer Lift Station" which was installed in 1974 by private individuals under agreement with the City to have latecomer charges collected by the City and refunded to the appropriate persons. The latecomer fee for this site is computed to be .00271 cents per square foot.

9. That it is in the interests of safety, ease of maintenance and aesthetics to have all telephone and power lines installed underground and that cable television lines

should be installed underground at the same time to enable future connection to cable television without the need for digging up public streets.

10. That in the interests of preserving the appropriate density of development appropriate for this area of the City the area designated as "open space" on the proposed development plan should not be permitted to be subdivided and sold off in the future nor should it be developed. Further, the Council finds that because of the steep, ravine-like terrain the area marked open space should be left substantially undisturbed and the natural vegetation should not be removed.

11. That Olympic Avenue, which is the street which accesses this development, is designated as a Neighborhood Collector on the Amended Comprehensive Plan and it is presently not constructed to the standards for a street of that designation. The Council further finds that this development will contribute a significant amount of increased traffic to this street and therefore should be required to upgrade that portion of the street that abuts the eastern boundary of the site to full Neighborhood Collector standards or to provide a bond equal to the estimated costs of said improvements prior to issuance of any permits for the development unless the street is assured to be improved to full standards by other methods.

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12. That the public interest and general welfare will be best served if the development is made in substantial conformance with the site plan prepared by Pazooki & McMenamin on February 16, 1982, and dated as received by Karen Driscoll on June 15, 1982.

13. That the development should pay delayed participation fees for connection to City water and sewer systems.

14. That it is in the public interest that the developer be required to pay or bond for all unusual costs incurred by the City as a result of this development. These shall include special engineering work and special street cleaning caused by construction activities and maintenance bonding on street construction. That the public interests will be best insured if individual water meters are provided for each dwelling unit so that a mandatory cut off of service to one dwelling unit need not adversely affect other units.

15. That it is in the interest of preserving adequate parking for all and preventing unsightly and hazardous conditions on neighborhood streets that open storage areas for recreational vehicles be provided on-site by the developer.

16. That in order to protect public health and safety and general community welfare it is necessary to require that a contract be signed by the owners of the property seeking

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On On
this rezone containing conditons binding on the land which must be met if the rezone is to be granted.

APPROVED by the City Council this _____ day of October, 1982.

APPROVED:

MAYOR, JUNE ATACK

ATTEST/AUTHENTICATED:

CITY CLERK, DICK GOODPASTURE

FILED WITH THE CITY CLERK: October 6, 1982

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P.O. Box 98
Poulsbo, wa 98370

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FILED FOR RECORD
REC. BY *City of Poulsbo*

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GREGGIL HUFF
KITSAP COUNTY AUDITOR
DEPUTY *[Signature]*

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CONCOMITANT ZONING AGREEMENT
CANYON CREST

WHEREAS, the City of Poulsbo, Washington, a noncharter code city, under the laws of the State of Washington (Chapter 35A.63 RCW and Article 11, Section 11 of the Washington State Constitution) has authority to enact laws and enter into agreements to promote the health, safety and welfare of its citizens and thereby control the use and development of property within its jurisdiction; and

WHEREAS, Glenn Cantwell, and Floyd and Lois Crum are the owners of certain real property within the City of Poulsbo, Kitsap County, Washington, which is the subject of this agreement and which is legally described in Exhibit A attached hereto and incorporated herein by this reference as if set forth in full, and have applied for a rezone of such property, and

WHEREAS, the City Council has authorized preparation of an ordinance reclassifying said property from R-1 (Residential Single Family) to R-4 (Residential Fourplex) subject to certain conditions agreed to by the owner, and

WHEREAS, the City pursuant to RCW 43.21C of the State Environmental Policy Act should mitigate any adverse impacts which might result because of the proposed reclassification, and

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WHEREAS, the owners have indicated a willingness to cooperate with the City, its Planning Commission and Planning Department and the Poulsbo City Council to insure compliance with all local and state regulations relating to the use and development of the subject property, and

WHEREAS, the owners recognize that the addition of additional housing units will add to the use and burden on public park and recreation facilities resulting in a need for additional facilities and/or improvement to existing facilities and that a voluntary contribution to be utilized for capital expenditures only as permitted by state law is more advantageous to the public as well as to the owners rather than a dedication of a portion of the premises for park purposes, and

WHEREAS, the owners recognize that the proposed development will have a direct impact on Olympic Avenue requiring improvements to said roadway, and

WHEREAS, the owners further acknowledge that the proposed development will have a direct impact on the municipal storm drainage system requiring some additional off-site improvements to said system, and

WHEREAS, the owners further acknowledge that there is a need for sidewalk improvements and the undergrounding of all utilities will be beneficial to the public safety and general welfare and will provide a greater reliability of

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service for electrical, cable television and telephone services, now, therefore,

The property described in Exhibit A attached hereto situate in the City of Poulsbo, State of Washington, County of Kitsap in the event it is reclassified from R-1 (Residential Single Family) to R-4 (Residential Fourplex), the owners do hereby covenant and agree as follows:

1. The owners will pay the sum of \$200.00 per dwelling unit as a voluntary contribution to the City to be utilized for acquisition and/or construction of park and/or recreation facilities or equipment to mitigate the impact on existing public facilities anticipated to occur as a direct result from the addition of the dwelling units contemplated to be constructed on the site in question.

2. The owners acknowledge that as a result of their proposed development that they will contribute directly to the need for an improved storm water outfall facility located on the Poulsbo Lumber Company property and hereby agree to pay their proportionate share of the costs of that improvement in an amount not to exceed 9.57 percent of the total costs of the same estimated to be in the sum of \$4,848.00 prior to commencement of any grading or other site preparation work on the subject premises.

3. The owners agree to pay to the City the sum of .00271 cents per square foot of area for sewer service provided by the "Head of the Bay Sewer Lift Station"

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pursuant to a late comer charge agreement previously executed by the City and other private individuals.

4. The owners further agree that it is in the interests of the public health, safety and general welfare including ease of maintenance, aesthetics and enhancement of continuity of service to have all telephone and power lines installed underground and that cable television lines should be installed underground at the same time to enable future connections to cable television without the need for subsequent excavation and impeding of public roadways.

5. The owners agree that in the interests of preserving appropriate density of the proposed development that the area in said proposed development designated as open space on the development plan should not be permitted to be subdivided, sold off nor otherwise developed in any manner and further agree that due to the steep, ravine-like terrain the area marked open space will be left substantially undisturbed and the natural vegetation is not to be removed.

6. The owners agree that Olympic Avenue, the public roadway which accesses the proposed development is designated as a neighborhood collector on the amended comprehensive plan of the City of Poulsbo and is presently not constructed to the standards for a street of that designation. The owners agree that the proposed development will contribute a significant amount of increased traffic to this roadway and therefore that portion of the roadway that abuts the eastern

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boundary of the site shall be upgraded to the complete neighborhood collector standards or the full cost of such improvements shall be bonded for with a performance bond in a form acceptable to the City Attorney providing for construction of said improvements within a specified period of time prior to the issuance of any permits for development or the commencement of any clearing, grading or other site preparation. Provided, however, it is agreed that if construction of the street is assured to be improved to full standards by any other method which the City deems to be satisfaction of this requirement then permits may be issued without the requirement of bonding and/or completion of construction of said required improvements.

7. The owners agree to develop the property described in Exhibit A in accordance with the development site plan prepared by Pazooki and McMenamin dated February 16, 1982, and received by the Planning Director on June 15, 1982.

8. The owners agree to pay any and all connection and related charges required to be paid by the City for water and/or sanitary sewer services including not only the actual costs of connection but also such sums as are required by City ordinance to be paid for the right to connect to said systems.

9. The owners agree to deposit with the City a cash bond in an amount to be established by the Public Works Superintendent to cover costs reasonably expected to be

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incurred by the City as a result of this development. These costs shall include but not be limited to special engineering work, special street cleaning caused by construction activities and damage to any public improvements including roadways.

10. The owners agree that individual water meters shall be provided for each dwelling unit to prevent termination of service to any one dwelling unit affecting any other units.

11. The owners further agree that off-street open storage areas will be provided for recreational vehicles.

12. Nothing in this agreement shall be construed to restrict the authority of the City to exercise its police powers.

13. In the event any term or clause of this agreement conflicts with applicable law, such conflict shall not affect other terms and conditions of this agreement which can be given effect without the conflicting term or clause and to this end the terms of this agreement shall be deemed to be severable.

14. Any amendments or modifications of this shall be valid only if mutually agreed upon by the City and the owners in writing and recorded with the Kitsap County Auditor.

15. The City may, at its discretion, maintain a lawsuit to compel specific performance of the terms and conditions of this agreement or to otherwise enforce its provisions, and if the City prevails in such action, it shall be entitled to

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recover all costs of enforcement, including reasonable attorneys fees.

16. In the event any term or clause is found to conflict with applicable law, the City shall have the right to bring the proposed development back before the City Council for further review and imposition of appropriate conditions to assure that the purposes for which this agreement are entered into are in fact accomplished.

17. This agreement shall be binding upon the owners, their successors in interest and assign and shall be recorded and shall constitute a covenant running with the land.

18. The owners agree to pay all costs of recording this agreement together with all costs incurred by the City in the preparation of this agreement including legal fees.

19. The owners agree to develop the property in accordance with the findings and conclusions adopted by the

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City Council at their regular meeting of ^{MAY} ~~October~~ 11, 1982,
which are hereby incorporated in full by this reference.

DATED this 7th day of JUNE, 1982

Floyd Crum
Owners

Accepted by the City of Poulsbo

Lois Crum
Owners

By Jane Attack
Mayor, June Attack

William M. Cantwell
Owners

Attest:

By Richard Goufaster
City Clerk

Approved as to Form:

Office Of The City Attorney

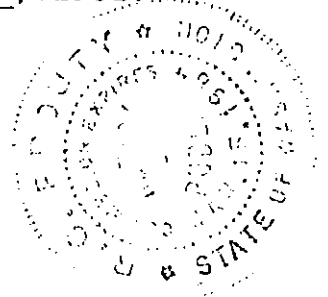
By Alan D. Walker

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

On this day personally appeared before me Floyd Crum and Lois Crum & Glen M. Cantwell known to me to be the individuals described in and who executed the within and foregoing instrument and warranted that they were the owners of the real property described in this agreement and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7 day of June, 1982.

2792078



Alan D. Walker
NOTARY PUBLIC in and for the
State of Washington, residing at
Poulsbo

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EXHIBIT A

(Legal Description, Canyon Crest Rezone)

That portion of the following described property lying North of the North margin of that certain Right-of-Way (Torval Canyon Road) deeded to the City of Poulsbo, under Auditor's File No. 1102630;

That portion of the South half of the Southwest quarter of the Northwest quarter of Section 14, Township 26 North, Range 1 East, W.M. described as follows:

Beginning at a point on the West line of said subdivision, which lies 854.54 feet South of the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 14; thence East 50 feet; thence South to a point on the South line of said subdivision which lies 50 feet East of the Southwest corner thereof; thence East, along the South line of said subdivision to the Westerly margin line of Olympic Avenue, as conveyed to the Town of Poulsbo, by deed recorded under Auditor's File No. 685470; thence Northerly along said Westerly margin line to the North line of said subdivision; thence West along said North line to the West line of said subdivision; thence South along said West line to the point of beginning;

Situate in Kitsap County, Washington.

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REEL 279 FR 2079



ORDINANCE NO. 83-20

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF POULSBO TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE CANYON CREST REZONE FILE NO. 2-17-82-1 FROM R-1 (RESIDENTIAL-SINGLE FAMILY) TO R-4 (RESIDENTIAL FOUR-PLEX); AUTHORIZING EXECUTION OF A CONCOMITANT ZONING AGREEMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Poulsbo Planning Commission at a public hearing has considered the following amendments to the official zoning map and the concomitant zoning agreement and recommends approvals of said amendments and execution of said concomitant zoning agreement, and

WHEREAS, the City Council of the City of Poulsbo, pursuant to said recommendation called a public meeting and after said meeting having determined as follows:

1. That the proposed amendments, as limited by the concomitant agreement, are in compliance with the City of Poulsbo's comprehensive plan;
2. That the proposed development as modified by the City Council makes appropriate provision for the public health, safety and general welfare and that adequate provisions have been made for storm water detention and conveyance systems, streets, water, sanitary sewage disposal, recreational needs, solid waste disposal, pedestrian flow, parking, aesthetic considerations and fire protection; and

3. That the proposed zone change from R-1 to R-4 is warranted due to the recent changes in zone designations of nearby properties which will permit usages which are multi-family in function and configuration; and

4. That the eight unit per acre density of the proposed development is midway between the usual R-1 (Single Family) and the RM (Multi-Family) densities and is therefore considered appropriate for this section of the City given surrounding uses and given the topography of this site; and

5. That this development meets the requirements of the Poulsbo zoning ordinance (Ordinance No. 77-2) and the criteria necessary for intermediate intensity residential development as specified in the Amended Comprehensive Plan Residential Goals and Policies section. The development is located in an area designated for intermediate intensity residential development on the amended comprehensive plan map; and

6. That the adjacent property owners are largely in support of this project and the proposed zoning change is in the best interests of the public health, safety and general welfare and will not be materially detrimental to surrounding properties or uses, now, therefore,

THE CITY COUNCIL OF THE CITY OF POUSLBO, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. The official zoning map of the City of Poulsbo, as adopted by Ordinance No. 77-2 passed by the City Council on January 12, 1977 is hereby amended by changing

the zoning classification of certain property hereinafter described from R-1 (Residential Single Family) to R-4 (Residential Fourplex). The legal description of the property rezoned from R-1 to R-4 is set forth on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. The Planning Director is hereby instructed to effectuate the necessary amendments to the official zoning map of the City of Poulsbo pursuant to this ordinance.

Section 3. The Mayor is hereby authorized to execute and the City Clerk to attest that certain document entitled Canyon Crest Concomitant Zoning Agreement consisting of 8 typewritten pages and 1 exhibit relating to the above described property which was executed by the owners of said property on the 16th day of May, 1983, and tendered to the City. The City Clerk is further directed to record said concomitant zoning agreement with the Kitsap County Auditor as a covenant running with the land. The cost of said recordation shall be paid by the owners.

Section 4. This ordinance shall be in full force and effect five (5) days after publication in the manner provided by law.

APPROVED:

W. F. Burns
DEPUTY MAYOR, W.F. BURNS

ATTEST/AUTHENTICATED:

Dick Goodpasture
CITY CLERK, DICK GOODPASTURE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY R. D. Wilson

FILED WITH THE CITY CLERK: October 6, 1982
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Situate in Kitsap County, Washington.