

AFTER RECORDING, PLEASE RETURN TO:

Kelly Jahraus
Deputy City Clerk
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110

CITY OF BAINBRIDGE ISLAND
ORDINANCE NO. 2018-04

Reference Number(s) of
Documents Assigned
or Released:

N/A

Grantor:

City of Bainbridge Island, Washington, a municipal corporation

Grantees:

Thomas A. & Gail L. Cole, Gary & Susan Ohrt,
Ricardo & Jean Fleischfresser,

Short Legal Description: Portion NE ¼, NE ¼, Sec. 27, T.25N., R.2., W.M.,
City of Bainbridge Island, Kitsap County, Washington,
(Complete legal description on Exhibit A)

Parcel/Account Number(s): 272502-1-125-2002, 272502-1-126-2001, 272502-1-138-2007,
272502-1-140-2003, 272502-1-141-2002, 272502-1-066-2003,
272502-1-021-2007

Grantor's Name: City of Bainbridge Island
Grantee's Name: Cole, Thomas A II & Gail L
Tax Parcel # 272502-1-125-2002

Abbreviated Legal Description:

Parcel B, City of Winslow Short Plat W-53R-1, AFN 8706230220, Portion NE ¼, NE ¼,
Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04
Grantor's Name: City of Bainbridge Island
Grantee's Name: Ohrt, Gary & Susan
Tax Parcel # 272502-1-126-2001

Abbreviated Legal Description:

Parcel C, City of Winslow Short Plat W-53R-1, AFN 8706230220, Portion NE ¼, NE ¼,
Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04
Grantor's Name: City of Bainbridge Island
Grantee's Name: Fleischfresser, R & JE
Tax Parcel # 272502-1-138-2007

Abbreviated Legal Description:

Parcel A, Amended Winslow Short Plat, AFN Nos. 8809010112 & 8811180181, W-18,
Portion NE ¼, NE ¼, Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04
Grantor's Name: City of Bainbridge Island
Grantee's Name: Ohrt, Gary & Susan
Tax Parcel # 272502-1-140-2003

Abbreviated Legal Description:

Parcel C, Amended Winslow Short Plat AFN Nos. 8809010112 & 8811180181, W-18,
Portion NE ¼, NE ¼, Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04
Grantor's Name: City of Bainbridge Island
Grantee's Name: Ohrt, Gary & Susan
Tax Parcel # 272502-1-141-2002

Abbreviated Legal Description:

Parcel D, Amended Winslow Short Plat AFN Nos. 8809010112 & 8811180181, W-18,
Portion NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04
Grantor's Name: City of Bainbridge Island
Grantee's Name: Ohrt, Gary & Susan
Tax Parcel #: 272502-1-066-2003

Abbreviated Legal Description:

Lot A, City of Winslow Short Plat No. W-73, January 9, 1978 AFN 7801090094;
Portion N $\frac{1}{2}$, S $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 27, T.25N., R.2., W.M.; Except N. 29.41 feet,

Document Title: Ordinance No. 2018-04
Grantor's Name: City of Bainbridge Island
Grantee's Name: Ohrt, Gary & Susan
Tax Parcel #: 272502-1-021-2007

Abbreviated Legal Description:

Portion NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

ORDINANCE NO. 2018-04

AN ORDINANCE of the City of Bainbridge Island, Washington, vacating Duane Lane and reserving certain utility and access easements for the benefit of the City.

WHEREAS, at its November 28, 2017, meeting, the City Council approved an Agreement for Improvement to Public Trail and Processing of Vacation of Disputed Street (“Agreement”) to resolve a right-of-way dispute between the City and landowners related to Duane Lane in exchange for construction of a public trail connection between Sportsman Club Road and Weaver Road; and

WHEREAS, under the terms of the Agreement, the City agreed to initiate a street vacation process related to Duane Lane at the first City Council meeting following the execution of the Agreement; and

WHEREAS, the area of Duane Lane proposed to be vacated is legally described on attached Exhibit A and depicted on attached Exhibit B; and

WHEREAS, under the terms of the Agreement, if the City Council approves the street vacation, then Ohrt would construct and pay for a trail connection (approximately 449 feet) between two trails, one coming from Sportsman Club Road and the other coming from Weaver Road, and thereby create a constructed trail over 1,200 feet long between these two roads, including a bridge over Hirawaka Creek; and

WHEREAS, on December 5, 2017, the City Council adopted Resolution No. 2017-23, initiating a street vacation process and setting a public hearing before the City Council on the proposed street vacation for February 6, 2018; and

WHEREAS, the City Council-initiated street vacation procedure is set out in Chapter 12.34 BIMC and Chapter 35.79 RCW; and

WHEREAS, City staff posted, published, and mailed notices of the public hearing in accordance with BIMC 12.34.080 and Chapter 35.79 RCW; and

WHEREAS, BIMC 12.34.110 authorizes the City Council to retain easements for construction, repair, and maintenance of existing and future utilities and services as well as to condition or limit a street vacation as the City Council deems necessary to preserve any desired public use or benefit; and

WHEREAS, the City Council held the public hearing on February 6, 2018, and heard testimony from interested parties, and

WHEREAS, the City Council further considered and discussed the proposed street vacation at its meeting on February 13, 2018, and

WHEREAS, the City Council has considered the criteria set forth in BIMC 12.34.110 to determine whether to vacate Duane Lane; and

WHEREAS, the City Council now desires to vacate Duane Lane.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Criteria.

The City Council has considered the criteria set forth in BIMC 12.34.110 to determine whether to vacate the right-of-way.

Section 2. Findings.

The City Council has made the following findings:

- a. The right-of-way for which vacation is sought is surplus to the City's needs.
- 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.

Section 3. Vacation.

- a. The portion of right-of-way abutting Tax Lot No. 272502-1-125-2002 and Tax Lot No. 272502-1-138-2007 and as described on Exhibit A (legal description) and depicted on Exhibit B (map), both attached and incorporated by reference, is vacated respectively to Thomas & Gail Cole and R & JE Fleischfresser, and subject to compliance with the provisions of Chapter 12.34 of the Bainbridge Island Municipal Code.
- b. The portion of right-of-way abutting Tax Lot No. 272502-1-126-2001, Tax Lot No. 272502-1-140-2003, Tax Lot No. 272502-1-141-2002, Tax Lot No. 272502-1-066-2003, and Tax Lot No. 272502-021-2007 and as described on Exhibit A (legal description) and depicted on Exhibit B (map), both attached and incorporated by reference, is vacated to Gary & Susan Ohrt, subject to compliance with the provisions of Chapter 12.34 of the Bainbridge Island Municipal Code.

Section 4. Reservation of Easements.

The City Council conditions the street vacation on the reservation and retention of the following easements benefiting the City:

- a. A 29.41-foot-wide access and utility easement covering the entirety of the area vacated by this Ordinance from the eastern boundary of Parcel No. 272502-1-138-2007 to the western boundary of the City's right-of-way containing Madison Avenue N.; and

b. A 5.00-foot-wide access and utility easement along the north line of Parcel No. 272502-1-138-2007 from the eastern boundary of the City's right-of-way containing Nakata Avenue SW. to the eastern boundary of Parcel No. 272502-1-138-2007.

Section 5. Recording. The City Clerk is authorized and directed to record a certified copy of this ordinance with the Kitsap County Auditor's office.

Section 6. Effective Date. This ordinance shall be effective five (5) days from and after its passage, approval, and publication as required by law.

PASSED by the City Council this _____ day of February, 2018.

APPROVED by the City Council this _____ day of February, 2018.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK	February ___, 2018
PASSED BY THE CITY COUNCIL	February ___, 2018
PUBLISHED:	February ___, 2018
EFFECTIVE DATE:	February ___, 2018
ORDINANCE NO:	2018-04

EXHIBIT A

LEGAL DESCRIPTION OF RIGHT-OF-WAY VACATION AREA

The North 29.41 feet of the following described parcel:

That portion of the Northeast quarter of the Northeast quarter of Section 27, Township 25 North, Range 2 East, W.M., described as follows;

Commencing 10 rods North of the Southeast corner of the Southeast quarter of the Northeast quarter of the Northeast quarter;

Thence North 10 rods;

Thence West 40 rods;

Thence South 10 rods;

Thence East 40 rods to the Point of Beginning;

EXCEPT the East 20 feet of the North 29.41 feet;

EXHIBIT B

