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BAINBRIDGE ISLAND CITY OF

200909280310

Ordinance Rec Fee: \$ 70.00

09/28/2009 02:46 PM

Walter Washington, Kitsap Co Auditor

Page: 1 of 9



Document Title: Ordinance No. 2009-08
Grantor's Name: City of Bainbridge Island
Grantee's Name: Sheila Ann Lyons Leewens Trustee
Edward Rejzek & Rachel Cichowski
Tax Parcel #: 4156-001-008-0202 & 4140-009-005-0009

Abbreviated Legal Description:

4156-001-008-0202

G.L. 1, Sec 23, T25N, R2E W.M.
MANITOU PARK

BLK-001 LOT-008 D-02 TH PT OF LOT 8 LY SWLY OF A LN PLT & 165FT NELY FR NELY
LN OF MT VIEW BLVD

4140-009-005-0009

G.L. 1, Sec 23, T25N, R2E W.M.
CHAUTAUQUA REPLAT L 9&10 B 1 MANITOU
BLK 009 LOT 5 TO 8 CNVYD BY VOL 86/471

CITY OF BAINBRIDGE ISLAND

ORDINANCE NO. 2009-08

AN ORDINANCE of the City of Bainbridge Island, Washington granting a road vacation for a portion of unnamed path of Chautauqua Replat abutting Tax Lot Nos. 4156-001-008-0202 and 4140-009-005-0009.

WHEREAS, Edward Rejzek & Rachel Cichowski, the owners of Tax Lot No. 4140-009-005-0009, and Sheila Ann Lyons Leewens Trustee, the owners of Tax Lot No. 4156-001-008-0202, Records of Kitsap County, Washington (the "Petitioners"), filed a petition with the City Council to vacate that portion of unnamed path of Chautauqua Replat abutting such real property; and

WHEREAS, the Petitioners have agreed to dedicate to the City a strip of right-of-way of equal area, and Petitioners propose to record the dedication simultaneously with the recordation of this ordinance; and

WHEREAS, on April 8, 2009, the City Council adopted Resolution No. 2009-10 setting a public hearing before the City Council on the proposed right-of-way vacation for May 13, 2009; and

WHEREAS, notice of the public hearing has been posted and published according to law; and

WHEREAS, the City Council held the public hearing at the scheduled time; and

WHEREAS, upon passage of this ordinance, Petitioners will submit a signed and notarized deed dedicating 1,098 square feet of right-of-way to the City in the form attached hereto as Exhibit C and made a part hereof by this reference; and

WHEREAS, a vacation of the path will better serve the public, and the substitution of a new and different public way would be more useful to the public;

WHEREAS, the City Council has considered whether conditions may change in the future as to provide a greater use or need than presently exists; and

WHEREAS, no objections to the proposed vacation have been made by owners of private property abutting the street or other governmental agencies or members of the general public; and

WHEREAS, the City Council desires to vacate the right-of-way; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. That portion of unnamed path of Chautauqua Replat abutting Tax Lot No. 4156-001-008-0202 and Tax Lot No. 4140-009-005-0009 as described on Exhibit A, (legal description) and depicted on Exhibit B (map) attached hereto and incorporated by this reference, is vacated to Edward Rejzek & Rachel Cichowski and Sheila Ann Lyons Leewens Trustee.

Section 2. Upon receipt of the deed, the City Clerk is authorized and directed to record a certified copy of this ordinance and the deed with the Kitsap County Auditor's office.

Section 3. If the Petitioners fail to submit the deed to the City Clerk within ten (10) days of the passage of this ordinance, this ordinance shall be null and void.

Section 4. Pursuant to BIMC 12.34.130(B), compensation for the vacated property shall not be required, and the Petitioners have otherwise complied with the provisions of Chapter 12.34 BIMC.

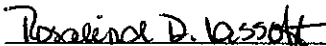
Section 5. This ordinance shall be effective five (5) days from and after its passage, approval, publication, and posting as required by law.

PASSED by the City Council this 27th day of May, 2009.

APPROVED by the City Council this 28th day of May, 2009.


Mayor

ATTEST/AUTHENTICATE:


Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	May 5, 2009
PASSED BY THE CITY COUNCIL:	May 27, 2009
PUBLICATION:	June 5, 2009
EFFECTIVE DATE:	June 10, 2009
ORDINANCE NO.:	2009-08

EXHIBIT A

LEGAL DESCRIPTION OF ROAD VACATION

That portion of Lots 5, 6 and 8, Block 9 of the plat of Chautauqua Replat of Lots 9 and 10, Block 1 of Manitou Park as recorded in volume 4 of plats, page 15, records of Kitsap County, together with a portion of a 5.00 foot wide path dedicated by said plat all situate in Government Lot 1, Section 14, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the North quarter corner of said Section 14, a Standard County Reference Monument, from which the Northwest corner of said Section 14, a Standard County Reference Monument bears North 88°40'52" West 2647.77 feet;
Thence South 88°42'01" East 1319.72 feet to the Northwest corner of said Government Lot 1;
Thence along the West line of said Government Lot 1, South 00°55'50" West 392.30 feet;
Thence along the Northeasterly right of way of Mountain View Road and the Westerly extension thereof, South 65°33'10" East 647.80 feet to a ¾" iron pipe set by Adam & Goldsworthy, Inc., in November, 2008 and the True Point of Beginning;
Thence North 30°19'20" East 139.39 feet to a ¾" iron pipe set by Adam & Goldsworthy, Inc., in November, 2008;
Thence continuing North 30°19'20" East 32.48 feet to a point on the Northeasterly line of Lot 5, Block 9 of said plat;
Thence North 51°19'44" West 28.20 feet to the Northwesterly corner of Lot 6, Block 9 of said plat;
Thence along the Northwesterly line of said Lot 6, Block 9, South 33°12'50" West 13.05 feet to a point on a line which is parallel to and 165.00 feet from the Northeasterly right of way of Mountain View Road NE as measured perpendicularly to said Northeasterly right of way;
Thence along said parallel line, South 65°33'10" East 23.69 feet;
Thence South 30°19'20" West 165.87 feet to a point on said Northeasterly right of way of Mountain View Road NE;
Thence South 65°33'10" East 5.03 feet to the True Point of Beginning.

EXHIBIT
B

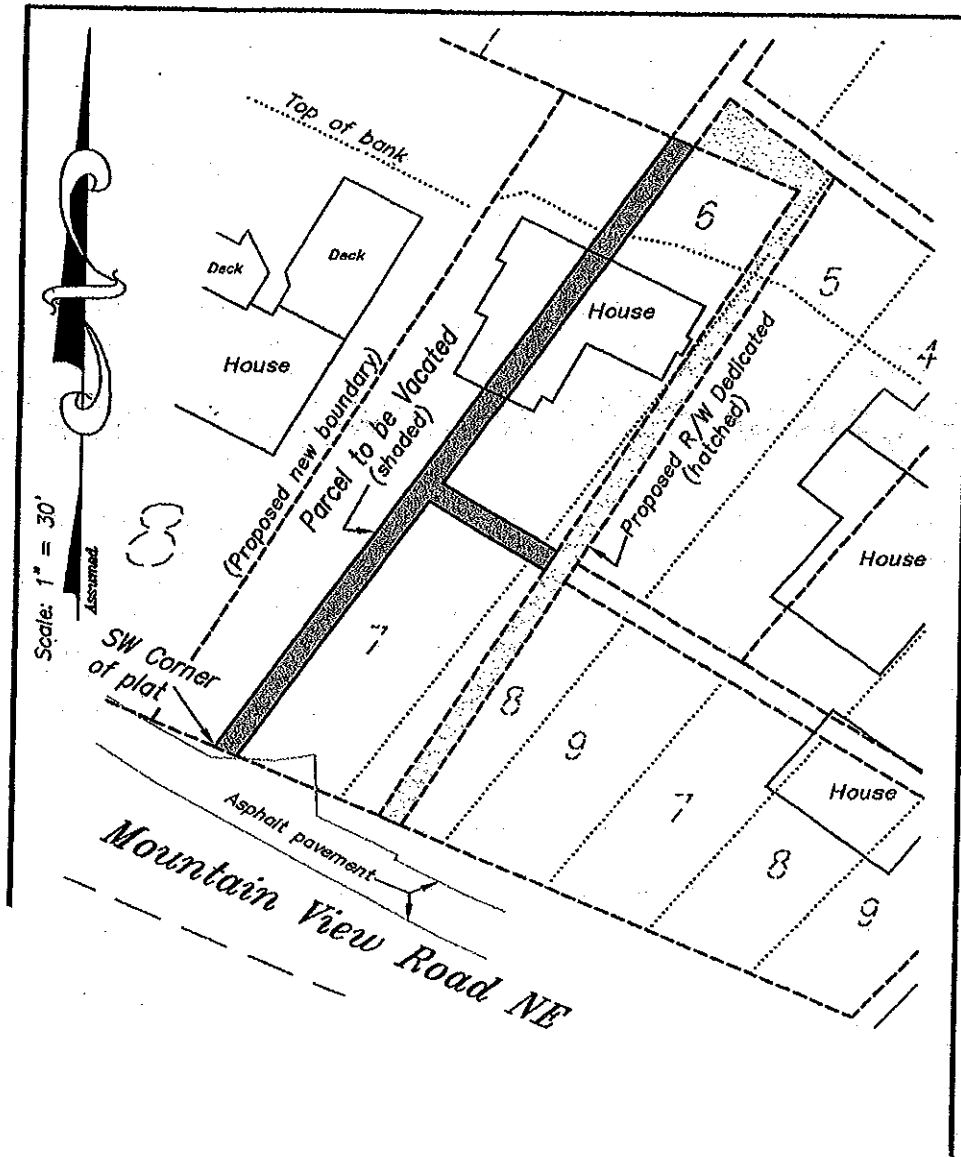


EXHIBIT C

FORM OF RIGHT-OF-WAY DEED

GRANTOR(S): Rachel Cichowski and Edward Rejzek

GRANTEE: City of Bainbridge Island

ABBREVIATED LEGAL DESCRIPTION: NE1/4 NE1/4 (G.L. 1), Sec.14, T25N., R.2E., W.M. City of Bainbridge Island, Kitsap County, Washington

ASSESSOR'S ACCOUNT NUMBER: 4140-009-005-0009

ROAD KNOWN AS Unnamed Path of Chautauqua Replat , KNOW ALL MEN BY THESE PRESENTS THAT the undersigned grantors, owners of the property described in the attached Exhibit B, for and in consideration of the benefits of a public right of way and other valuable consideration, the receipt whereof is hereby acknowledged, dedicate to the City of Bainbridge Island and to the use of the public forever that portion of the right of way of Unnamed Path of Chautauqua Replat described in the attached Exhibit C and shown on attached Exhibit A.

The Grantors hereby agree and consent to the establishment of said road as described, and to the perpetual use and continuance of the same as a City road and waive all claim for damages of whatever kind which may be occasioned to adjacent land by the location, establishment, construction, drainage and maintenance of said road, and agree and consent to the right of the City to make all reasonable and necessary slopes for cuts and fills whenever they extend beyond the right of way line, upon above mentioned road, all in conformity with City standards for road construction, and to the same extent and purpose as if the rights herein granted had been acquired by condemnation proceedings under Eminent Domain Statutes of the State of Washington.

Said covenants shall run with the land and be binding upon the grantors, their successors or assigns.

TO HAVE AND TO HOLD the same, unto the City of Bainbridge Island for the purpose of a public road forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on this _____ day of _____, 2009.

GRANTORS:

Rachel Cichowski

Edward Rejzek

STATE OF WASHINGTON)
) SS
COUNTY OF KITSAP)

On this _____ day of _____, 2009, before me, a Notary Public in and for the State of Washington, personally appeared **Edward Rejzek**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it to be the free and voluntary act and deed, for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington,
Residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) SS
COUNTY OF KITSAP)

On this _____ day of _____, 2009, before me, a Notary Public in and for the State of Washington, personally appeared **Rachel Cichowski**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it to be the free and voluntary act and deed, for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington,
Residing at _____
My appointment expires _____

**Unnamed Path of Chautauqua Replat
Right of Way Deed**

**CICHOWSKI / REJZEK OWNERSHIP
(After Right of Way Vacation and Boundary Line Adjustment)**

That portion of Lot 8, Block 1 of the plat of Manitou Park as recorded in volume 3 of plats, page 31, records of Kitsap County and of Lots 5, 6, 7 and 8, Block 9 and adjoining vacated rights of way of the plat of Chautauqua Replat of Lots 9 and 10, Block 1 of Manitou Park as recorded in volume 4 of plats, page 15, records of Kitsap County, situate in Government Lot 1, Section 14, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the North quarter corner of said Section 14, a Standard County Reference Monument, from which the Northwest corner of said Section 14, a Standard County Reference Monument bears North 88°40'52" West 2647.77 feet;
Thence South 88°42'01" East 1319.72 feet to the Northwest corner of said Government Lot 1;
Thence along the West line of said Government Lot 1, South 00°55'50" West 392.30 feet;
Thence along the Northeasterly right of way of Mountain View Road and the Westerly extension thereof, South 65°33'10" East 618.37 feet to the True Point of Beginning;
Thence North 29°41'18" East 7.46 feet to a ¾" iron pipe set by Adam & Goldsworthy, Inc., in November, 2008;
Thence continuing North 29°41'18" East 114.81 feet to a ¾" iron pipe set by Adam & Goldsworthy, Inc., in November, 2008;
Thence North 29°41'18" East 43.42 feet to a point on a line which is parallel to and 165.00 feet from said Northeasterly right of way as measured perpendicularly to said Northeasterly right of way;
Thence along said parallel line, South 65°33'10" East 29.56 feet to a point on the Easterly right of way of the unnamed 5.00 foot wide path in said plat of Chautauqua Replat of Lots 9 and 10, Block 1 of Manitou Park;
Thence, along said Easterly right of way, North 33°12'50" East 13.05 feet;
Thence, along the Southerly right of way of said 5.00 foot wide unnamed path, South 51°19'44" East 28.20 feet;
Thence South 30°19'20" West 171.87 feet to said Northeasterly right of way of Mountain View Road;
Thence North 65°33'10" West 56.43 feet to the True Point of Beginning.

**Unnamed Path of Chautauqua Replat
Right of Way Deed**

Right of Way Area

That portion of the 5.00 foot wide unnamed platted path within the plat of Chautauqua Replat of Lots 9 and 10, Block 1 of Manitou Park as recorded in volume 4 of plats, page 15, records of Kitsap County, situate in Government Lot 1, Section 14, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the North quarter corner of said Section 14, a Standard County Reference Monument, from which the Northwest corner of said Section 14, a Standard County Reference Monument bears North $88^{\circ}40'52''$ West 2647.77 feet;
Thence South $88^{\circ}42'01''$ East 1319.72 feet to the Northwest corner of said Government Lot 1;
Thence along the West line of said Government Lot 1, South $00^{\circ}55'50''$ West 392.30 feet;
Thence along the Northeasterly right of way of Mountain View Road and the Westerly extension thereof, South $65^{\circ}33'10''$ East 632.55 feet to the Southwesterly corner of said plat and the True Point of Beginning;
Thence along the Northwesterly line of said plat, North $33^{\circ}12'50''$ East 166.95 feet to a point on a line which is parallel to and 165.00 feet from said Northeasterly right of way as measured perpendicularly to said Northeasterly right of way;
Thence along said parallel line, South $65^{\circ}33'10''$ East 5.06 feet to the Southeasterly right of way of said 5.00 foot wide platted path;
Thence along said Southeasterly right of way, South $33^{\circ}12'50''$ West 91.95 feet to the Southwesterly corner of Lot 6, Block 9 of said plat;
Thence along the Southwesterly line of Lots 5 and 6, Block 9 of said plat, South $57^{\circ}04'47''$ East 28.23 feet;
Thence South $30^{\circ}19'20''$ West 5.01 feet to a point on the Northeasterly line of Lot 8 Block 9 of said plat;
Thence North $57^{\circ}04'47''$ West 28.48 feet to the Northwesterly corner of Lot 7, Block 9 of said plat;
Thence South $33^{\circ}12'50''$ West 70.00 feet to the Southwesterly corner of said Lot 7, Block 9;
Thence North $65^{\circ}33'10''$ West 5.06 feet to the True Point of Beginning