

**DOROTHY SMITH**      **201202210302**

Ordinance Rec Fee: \$ 88.00

02/21/2012 04:15 PM

Walter Washington, Kitsap Co Auditor

Page: 1 of 27



**Filed for Record at the Request of: The City of Bainbridge Island**

**AFTER RECORDING RETURN TO:**

City of Bainbridge Island  
280 Madison Avenue N.  
Bainbridge Island, WA 98110

Document Title:      **Ordinance No. 2012-02**

Grantor's Name:      City of Bainbridge Island

Grantee's Name:      Smith, Dorothy J. (4155-000-036-0201)  
                                 Smith, Dorothy (4155-000-037-0002)  
                                 Smith, Gregory T. (4155-000-122-0107)

**Tax Parcel # 4155-000-036-0201**

Abbreviated Legal Description:

Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

**Tax Parcel # 4155-000-037-0002**

Abbreviated Legal Description:

Lot 37 and Lot 121 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

**Tax Parcel # 4155-000-122-0107**

Abbreviated Legal Description:

Lot 122 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

## ORDINANCE NO. 2012-02

**AN ORDINANCE** of the City of Bainbridge Island, Washington vacating a portion of Point Monroe Drive abutting Tax Lot No. 4155-000-036-0201, Tax Lot No. 4155-000-037-0002, and Tax Lot No. 4155-000-122-0107 and requiring the dedication of the existing paved right-of-way.

**WHEREAS**, on December 2, 2011, Dorothy Smith, owner of Tax Lot Nos. 4155-000-036-0201 and 4155-000-037-0002 (the "Petitioner"), filed a petition to vacate a portion of dedicated right-of-way along Point Monroe Drive NE (Mountain View Lane per plat) abutting such real property; and

**WHEREAS**, the proposed road vacation is to correct the alignment of the existing platted right-of-way with the existing paved right-of-way for an equal area exchange, depicted on Exhibit A, and the Petitioner proposes to record the dedication of the existing paved right-of-way simultaneously with the recordation of this ordinance; and

**WHEREAS**, on December 5, 2011, the Director of Public Works certified that the petition was legally sufficient having been signed by more than 74% of the owners of property abutting said right-of-way, exceeding the two-thirds requirement of Bainbridge Island Municipal Code ("BIMC") Section 12.34.060; and

**WHEREAS**, by Resolution No. 2011-28, the City Council set a public hearing before the City Council on the proposed vacation for January 11, 2012; and

**WHEREAS**, City staff posted, published and mailed notices of the public hearing in accordance with BIMC Section 12.34.080; and

**WHEREAS**, the City Council held the hearing at the scheduled time on January 11, 2012; 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**, a vacation of the right-of-way will better serve the public, and the substitution of the existing paved public right-of-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**, the City Council desires to vacate the portion of Point Monroe Drive depicted on Exhibit B and legally described on Exhibit C and to accept the Petitioner's proposal to transfer the real property depicted on Exhibit D and legally described on Exhibit E in exchange for and as compensation for the vacation of Point Monroe Drive; and

**WHEREAS**, upon passage of this ordinance, Petitioner will submit a signed and notarized deed dedicating the 2000.4 square feet of right-of-way to the City in the form attached hereto as Exhibit F and made a part hereof by this reference; and

**WHEREAS**, upon passage of this ordinance, Petitioner will submit signed and notarized quit claim deeds in the form attached hereto as Exhibit G transferring a portion of Lot 36 and Lot 37 to Lot 121 and Lot 122 to align such parcels with the new right-of-way; and

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

**Section 1.** Findings, Declarations and Statements. The City Council adopts the following findings, makes the following declarations and enters the following statements, which address the requirements of BIMC Section 12.34.120.

A. BIMC Section 12.34.120.A requires that at least one of three conditions must be present to vacate a street adjacent to fresh or salt water. The condition quoted below is met by the proposed vacation:

*The city council, by resolution, declares that the street is not presently being used as a street and that the street is not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education (BIMC 12.34.120.A.2).*

A substantial portion of the right-of-way is located outside of the existing paved road that serves the lots and is not presently being used as a street.

B. In accordance with BIMC Section 12.34.120.B.4, the City Council finds that:

1. The vacation of the right-of-way is in the public's interest; and
2. The right-of-way is not suitable for port, boat moorage, launching sites, beach or water access, park, public view, creation or education purposes.

**Section 2.** Criteria. The City Council has considered the criteria set forth in BIMC Section 12.34.110 as provided by the Petitioner's application to determine whether to vacate the right-of-way, including whether the substitution of a new and different public way would be more useful to the public.

**Section 3.** Vacation. The right-of-way being vacated is depicted on Exhibit B, which is incorporated by reference.

**Section 4.** Payment of Compensation. The owners of the lots abutting the right-of-way have granted the dedication described in Exhibit E to the City in lieu of payment of compensation for the vacation of the right-of-way, in accordance with BIMC Section 12.34.135. The Director of Public Works determined the fair market value of the real property proposed to be dedicated to the City in lieu of cash payment under BIMC Section 12.34.130 in accordance with the appraisal procedures set forth in BIMC Section 12.34.140. The fair market value of the right-of-way dedication is equal to the fair market value of the right-of-way vacated and, therefore, the owners of lots abutting the right-of-way are not required to pay compensation for the right-of-way vacation in accordance with BIMC Section 12.34.135.

**Section 5.** That portion of Point Monroe Drive abutting Tax Lot No. 4155-000-037-0002 and Tax Lot No. 4155-000-036-0201 is vacated to Dorothy Smith and that portion of Point Monroe drive abutting Tax Lot No. 4155-000-122-0107 is vacated to Gregory T. Smith.

**Section 6.** Upon receipt of the deed from the Petitioner dedicating the new right-of-way to the City in the form attached hereto as Exhibit F, 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 7.** If the Petitioner fails 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 8.** Effective Date. 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 8<sup>th</sup> day of February, 2012.

APPROVED by the City Council this 8<sup>th</sup> day of February, 2012.



Debbi Lester, Mayor

ATTEST/AUTHENTICATE:

  
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	January 13, 2012
PASSED BY THE CITY COUNCIL:	February 8, 2012
PUBLICATION:	February 10, 2012
EFFECTIVE DATE:	February 15, 2012
ORDINANCE NO.:	2012-02



**EXHIBIT B – VACATION AREA**



**EXHIBIT C**

**MOUNTAIN VIEW LANE RIGHT-OF-WAY:  
TO BE VACATED  
(DESCRIPTION BASED ON PLAT)**

That portion of the Mountain View Lane right-of-way of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington, described as follows:

Beginning at the Southeast corner of Lot 36 of said plat, being a point on the westerly margin of the platted right-of-way of said Mountain View Lane; Thence along said westerly right-of-way North  $28^{\circ}26'$  West 100.00 feet to the Northeast corner of Lot 37 of said plat;

Thence North  $61^{\circ}34'$  East 20.00 feet to the easterly margin of said right-of-way, being the Northwest corner of Lot 121 of said plat;

Thence along the easterly margin of said right-of-way South  $28^{\circ}26'$  East 100.00 feet to the Southwest corner of Lot 122 of said plat;

Thence South  $61^{\circ}34'$  West 20.00 feet to the Point of Beginning;

Situate In Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA.

AREA= 2,000 SQUARE FEET

**EXHIBIT D – DEPICTION OF DEDICATION**



## EXHIBIT E

### DESCRIPTION OF AREA TO BE DEDICATED TO THE CITY OF BAINBRIDGE ISLAND, WA, FOR NE POINT MONROE DRIVE RIGHT-OF-WAY:

(This description is based on the survey done for the City of Bainbridge Island, WA, and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington)

That portion of Lots 36 and 37 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington, described as follows:

Beginning at the centerline monument set for the City of Bainbridge Island and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington, adjoining Lots 39-40 and Lots 118-119 in the existing roadway for NE Point Monroe Drive;

Thence along the surveyed centerline for said NE Point Monroe Roadway South  $28^{\circ}07'54''$  East 99.75 feet to the True Point of Beginning;

Thence North  $63^{\circ}00'31''$  East 10.00 feet;

Thence South  $28^{\circ}07'54''$  East 100.02 feet;

Thence South  $63^{\circ}00'31''$  West 20.00 feet;

Thence North  $28^{\circ}07'54''$  West 100.02 feet;

Thence North  $63^{\circ}00'31''$  East 10.00 feet to the True Point of Beginning.

Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA.

AREA = 2,000.4 SQUARE FEET

**EXHIBIT F**

**FORM OF RIGHT-OF-WAY DEED**

**GRANTOR: Dorothy Smith**

**GRANTEE: City of Bainbridge Island**

**ABBREVIATED LEGAL DESCRIPTION:**

**Tax Parcel #** 4155-000-036-0201

Abbreviated Legal Description:

Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

**Tax Parcel #** 4155-000-037-0002

Abbreviated Legal Description

Lot 37 and Lot 121 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned grantor, owner of the properties described in the attached **Exhibit A**, for and in consideration of the benefits of a public right of way and other valuable consideration, the receipt whereof is hereby acknowledged, dedicates to the City of Bainbridge Island and to the use of the public forever that portion of the right of way along Point Monroe Drive NE (Mountain View Lane per plat) described in the attached **Exhibit B** and shown on attached **Exhibit C**.

The Grantor hereby agrees and consents 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 grantor, her successors or assigns.

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



EXHIBIT A  
FORM OF RIGHT-OF-WAY DEED

PROPERTY DESCRIPTION

Tax Parcel #4155-000-036-0201

Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;  
Together with tidelands.

Tax Parcel #4155-000-037-0002

Lot 37 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;  
Together with tidelands.

EXHIBIT B  
FORM OF RIGHT-OF-WAY DEED

RIGHT-OF-WAY DEDICATION DESCRIPTION

(This description is based on the survey done for the City of Bainbridge Island, WA, and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington)

That portion of Lots 36 and 37 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington, described as follows:

Beginning at the centerline monument set for the City of Bainbridge Island and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington, adjoining Lots 39-40 and Lots 118-119 in the existing roadway for NE Point Monroe Drive;

Thence along the surveyed centerline for said NE Point Monroe Roadway South  $28^{\circ}07'54''$  East 99.75 feet to the True Point of Beginning;

Thence North  $63^{\circ}00'31''$  East 10.00 feet;

Thence South  $28^{\circ}07'54''$  East 100.02 feet;

Thence South  $63^{\circ}00'31''$  West 20.00 feet;

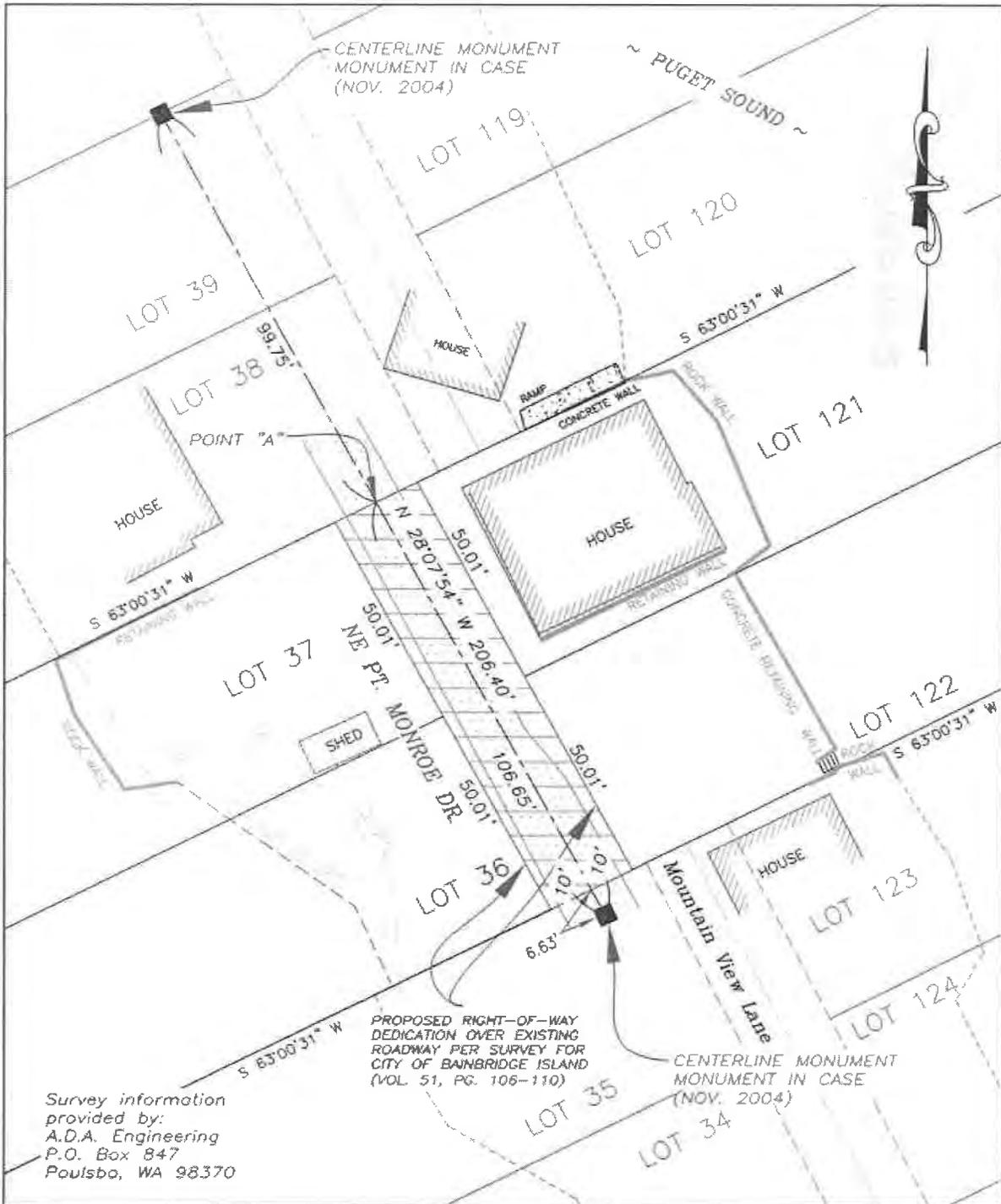
Thence North  $28^{\circ}07'54''$  West 100.02 feet;

Thence North  $63^{\circ}00'31''$  East 10.00 feet to the True Point of Beginning.

Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA.

AREA = 2,000.4 SQUARE FEET

EXHIBIT C  
FORM OF RIGHT-OF-WAY DEED



Survey information  
 provided by:  
 A.D.A. Engineering  
 P.O. Box 847  
 Poulsbo, WA 98370

PROPOSED RIGHT-OF-WAY  
 DEDICATION OVER EXISTING  
 ROADWAY PER SURVEY FOR  
 CITY OF BAINBRIDGE ISLAND  
 (VOL. 51, PG. 106-110)

12-21-2011  
 DATE  
 1  
 NUMBER

EXHIBIT C  
 Point Monroe Drive NE  
 Right-of-Way Dedication  
 G.L. 2, Sec. 35, T.26N., R.2E., W.M.



**CITY OF  
 BAINBRIDGE ISLAND**  
**PUBLIC WORKS  
 ENGINEERING  
 DEPARTMENT**

## EXHIBIT G

### FORM OF QUIT CLAIM DEEDS

AFTER RECORDING, PLEASE RETURN TO:

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

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#### Quit Claim Deed

Grantor(s): Dorothy Smith

Grantee(s): Gregory Smith

Short Legal Description(s): Portion of Lot 36 of the Plat of Madison Beach, Vol. 5, Pg. 14, plats, Kitsap County, WA; in G.L. 2, Sec. 35, T. 26 N., R. 2 E., W.M.,

[Complete legal descriptions on Exhibit A]

Assessor's Property Tax  
Parcel/Account Number(s): 4155-000-036-0201

Reference Number(s) of  
Documents Assigned  
or Released:

THE GRANTOR, Dorothy Smith, for and in consideration of \$10.00 and other valuable consideration, conveys and quit claims to Grantee, Gregory Smith, legal owner of Lot 122 of the Plat of Madison Beach as recorded in Volume 5 of plats, Page 14, records of Kitsap County, Washington; situate in Government Lot 2, Section 35, Township 26 North., Range 2 East., W.M., Bainbridge Island, Kitsap County, Washington, a portion of Tax Parcel No. 4155-000-036-0201 as described on Exhibit A and depicted on Exhibit B.

DATED: \_\_\_\_\_, 2012.

GRANTOR:

\_\_\_\_\_  
Dorothy Smith

STATE OF WASHINGTON     )  
  ) ss:  
COUNTY OF KITSAP     )

I certify that I know or have satisfactory evidence that Dorothy Smith is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: \_\_\_\_\_

NAME: \_\_\_\_\_

(Print Name)

Notary Public in and for the State of Washington.

Commission Expires: \_\_\_\_\_

## EXHIBIT A TO QUIT CLAIM DEED

### DESCRIPTION OF TRANSFERRED PORTION:

That portion of Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of plats, Page 14, records of Kitsap County, Washington, lying Northeasterly of the following described line;

COMMENCING AT a concrete monument which marks the southwest corner of Section 35, Township 26 North, Range 2 East, W.M.;

Thence along the south line of said Section 35, South 89°03'30" East for 2639.71 feet to a sandstone monument which marks the south quarter corner of said Section 35;

Thence North 01°23'54" East for 2639.45 feet to a 2" diameter iron shaft which is locally accepted as marking the southwest corner of Government Lot 3 of said Section 35;

Thence North 01°23'43" East for 1319.86 feet to a 1.5" diameter iron shaft which is locally accepted as marking the northwest corner of said Government Lot 3 and the south line of Government Lot 2, said Section 35;

Thence along the boundary of the Plat of Madison Beach, Volume 5, page 14 of Plats, records of Kitsap County, Washington, North 1°27'57" East for 1.17 feet to an angle point in the boundary of said Plat;

Thence North 5°12'50" East for 20.08 feet to the centerline of Madison Road as depicted on the face of said Plat;

Thence along said centerline South 89°09'03" East for 398.02 feet to a point which bears North 89°09'03" West 54.32 feet from a 1" iron pipe which marks the point of intersection of Madison Road and Mountain View Lane;

Thence North 8°41'57" West for 186.51 feet to a monument;

Thence North 8°41'57" West for 174.88 feet to a monument and the beginning of a horizontal curve, the radius point of which bears South 81°18'03" West 685.82 feet;

Thence northwesterly along said curve through a central angle of 19°25'57" for 232.60 feet to a monument;

Thence North 28°07'54" West for 6.63 feet to the southerly boundary of Lot 36 of said plat and the True Point of Beginning;

Thence North 28°07'54" West for 50.01 feet to the northerly boundary of Lot 36 of said plat;

Thence North 63°00'31" East for 24.39 feet more or less to the centerline of Mountain View Lane per said plat of Madison Beach;

Thence South 26°59'29" East along said centerline 50.00 feet to the southerly boundary of said Lot 36;

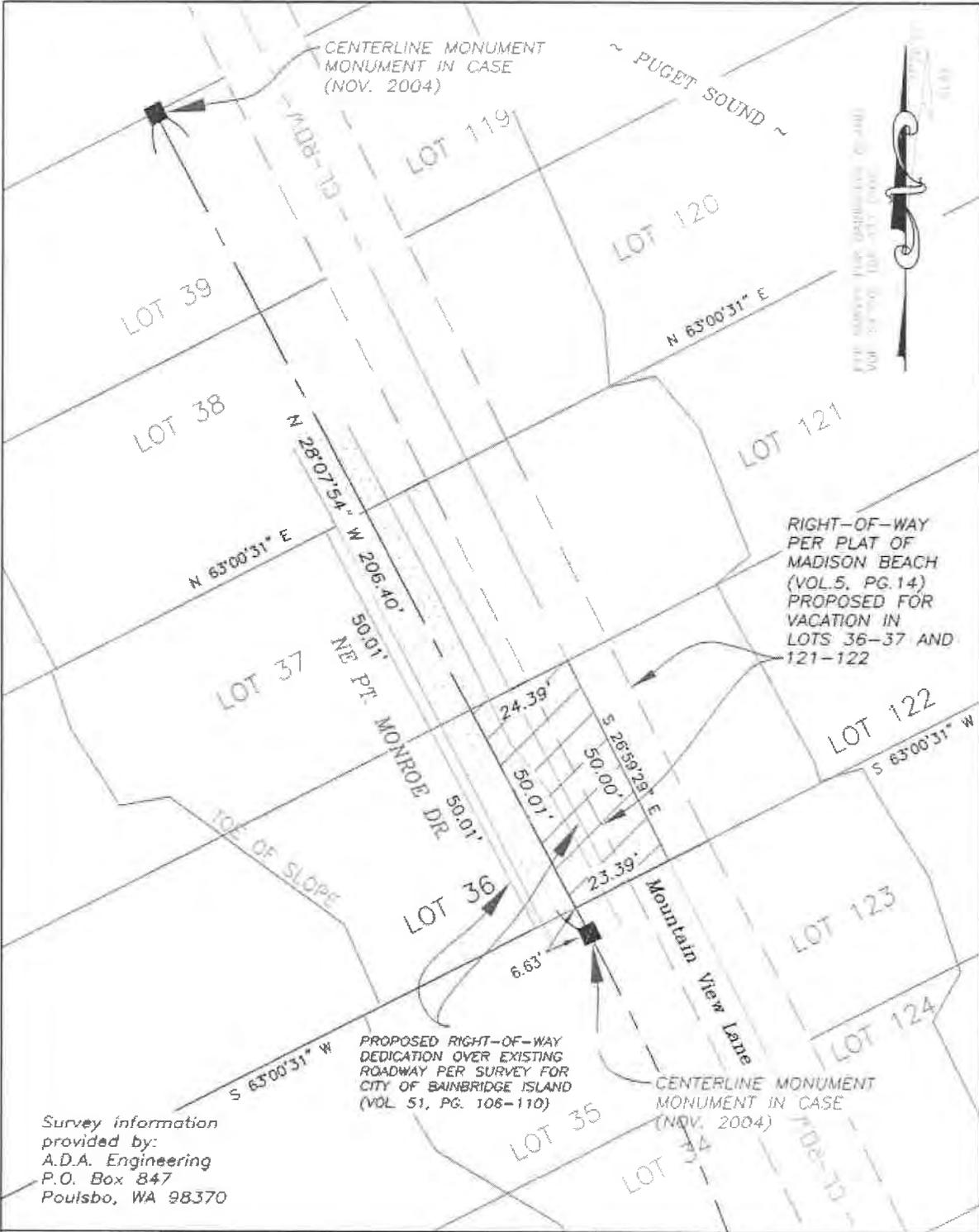
Thence South 63°00'31" West along said southerly boundary 23.39 feet to the True Point of Beginning;

Situate in Government Lot 2, Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

(This description is based on the survey done for the City of Bainbridge Island, WA, and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington)

EXHIBIT B TO QUIT CLAIM DEED

(MAP ATTACHED)



RIGHT-OF-WAY PER PLAT OF MADISON BEACH (VOL.5, PG.14) PROPOSED FOR VACATION IN LOTS 36-37 AND 121-122

PROPOSED RIGHT-OF-WAY DEDICATION OVER EXISTING ROADWAY PER SURVEY FOR CITY OF BAINBRIDGE ISLAND (VOL 51, PG. 106-110)

Survey information provided by:  
 A.D.A. Engineering  
 P.O. Box 847  
 Poulsbo, WA 98370

01-09-2012  
 DATE

1  
 NUMBER

EXHIBIT B  
 QUIT CLAIM DEED  
 LOT 36, MADISON BEACH  
 G.L. 2, Sec. 35, T.26N., R.2E., W.M.



**CITY OF BAINBRIDGE ISLAND**  
**PUBLIC WORKS ENGINEERING DEPARTMENT**

AFTER RECORDING, PLEASE RETURN TO:

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

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**Quit Claim Deed**

Grantor(s): Dorothy Smith

Grantee(s): Dorothy Smith

Short Legal Description: Portion of Lot 37 of the Plat of Madison Beach, Vol. 5, Pg. 14,  
plats, Kitsap County, WA; in G.L. 2, Sec. 35, T. 26 N., R. 2 E.,  
W.M.,  
[Complete legal description on Exhibit A]

Assessor's Property Tax  
Parcel/Account Number(s): 4155-000-037-0002

Reference Number(s) of  
Documents Assigned  
or Released:

THE GRANTOR, Dorothy Smith, for and in consideration of \$10.00 and other valuable consideration, conveys and quit claims to Grantee, Dorothy Smith, legal owner of Lot 121, of the Plat of Madison Beach as recorded in Volume 5 of plats, Page 14, records of Kitsap County, Washington; situate in Government Lot 2, Section 35, Township 26 North., Range 2 East., W.M., Bainbridge Island, Kitsap County, Washington, a portion of Tax Lot No. 4155-000-037-0002 as described on Exhibit A and depicted on Exhibit B.

DATED: \_\_\_\_\_, 2012.

GRANTOR:

\_\_\_\_\_  
Dorothy Smith



## EXHIBIT A TO QUIT CLAIM DEED

### DESCRIPTION OF TRANSFERRED PORTION:

That portion of Lot 37 of the Plat of Madison Beach as recorded in Volume 5 of plats, Page 14, records of Kitsap County, Washington, lying Northeasterly of the following described line;

COMMENCING AT a concrete monument which marks the southwest corner of Section 35, Township 26 North, Range 2 East, W.M.;

Thence along the south line of said Section 35, South 89°03'30" East for 2639.71 feet to a sandstone monument which marks the south quarter corner of said Section 35;

Thence North 01°23'54" East for 2639.45 feet to a 2" diameter iron shaft which is locally accepted as marking the southwest corner of Government Lot 3 of said Section 35;

Thence North 01°23'43" East for 1319.86 feet to a 1.5" diameter iron shaft which is locally accepted as marking the northwest corner of said Government Lot 3 and the south line of Government Lot 2, said Section 35;

Thence along the boundary of the Plat of Madison Beach, Volume 5, page 14 of Plats, records of Kitsap County, Washington, North 1°27'57" East for 1.17 feet to an angle point in the boundary of said Plat;

Thence North 5°12'50" East for 20.08 feet to the centerline of Madison Road as depicted on the face of said Plat;

Thence along said centerline South 89°09'03" East for 398.02 feet to a point which bears North 89°09'03" West 54.32 feet from a 1" iron pipe which marks the point of intersection of Madison Road and Mountain View Lane;

Thence North 8°41'57" West for 186.51 feet to a monument;

Thence North 8°41'57" West for 174.88 feet to a monument and the beginning of a horizontal curve, the radius point of which bears South 81°18'03" West 685.82 feet;

Thence northwesterly along said curve through a central angle of 19°25'57" for 232.60 feet to a monument;

Thence North 28°07'54" West for 100.02 feet to the northerly boundary of Lot 37 of said plat and the True Point of Beginning;

Thence North 63°00'31" East for 25.39 feet more or less to the centerline of Mountain View Lane per said plat of Madison Beach;

Thence South 26°59'29" East along said centerline 50.00 feet to the southerly boundary of said Lot 37;

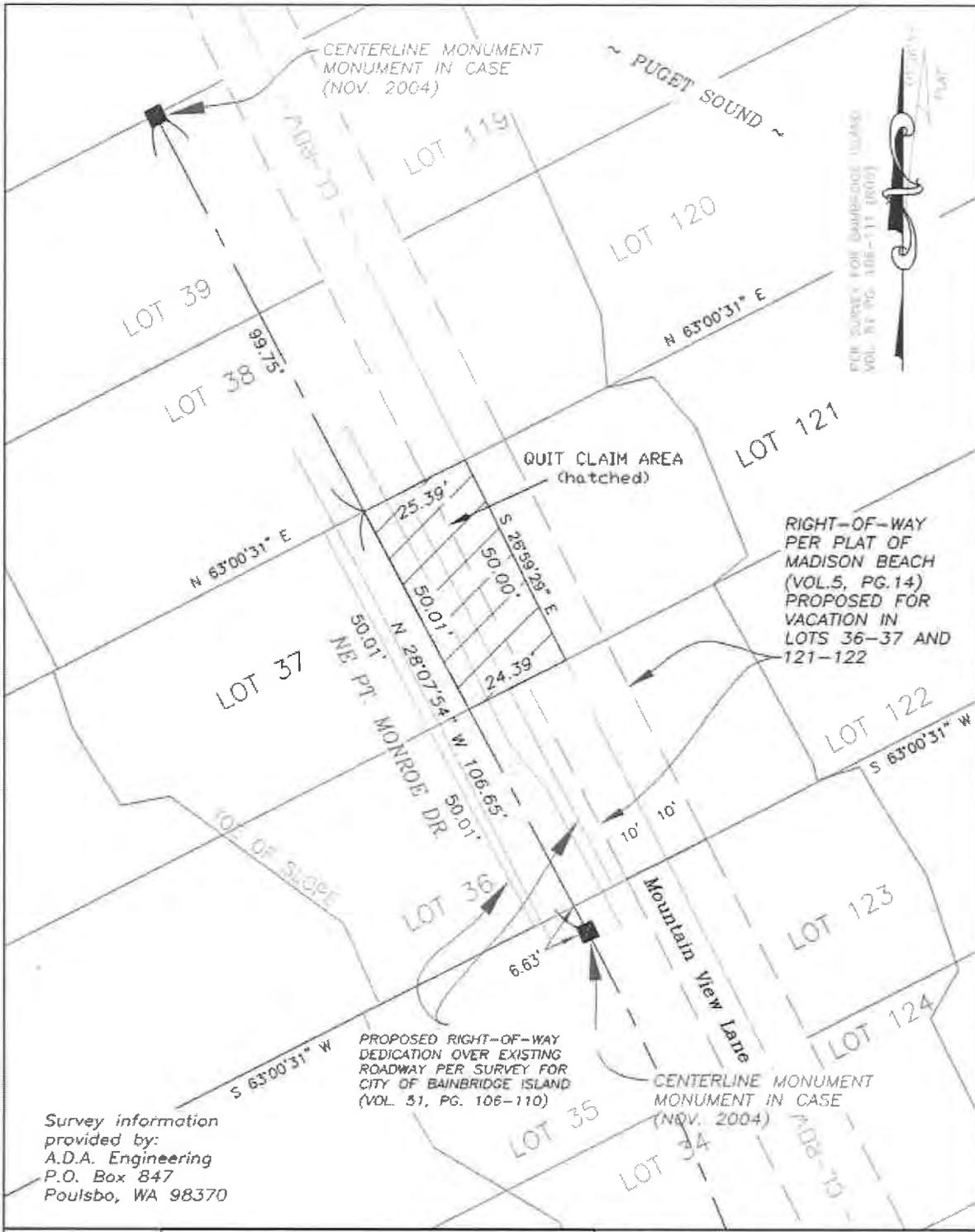
Thence South 63°00'31" West along said southerly boundary 24.39 feet;

Thence North 28°07'54" West for 50.01 feet to the True Point of Beginning;

Situate in Government Lot 2, Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

(This description is based on the survey done for the City of Bainbridge Island, WA, and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington)

EXHIBIT B  
MAP OF PROPERTY TO BE DEEDED  
(ATTACHED)



01-09-2012  
DATE

1  
NUMBER

EXHIBIT B  
 QUIT CLAIM DEED  
 LOT 37, MADISON BEACH  
 G.L. 2, Sec. 35, T.26N., R.2E., W.M.



**CITY OF BAINBRIDGE ISLAND**  
**PUBLIC WORKS ENGINEERING DEPARTMENT**

**Kitsap County Auditor - Recording Dept**  
614 Division Street  
Port Orchard, WA 98366  
360-337-4935  
<http://kwaimg.co.kitsap.wa.us/recorder/web>

**Receipt: 164560**

<b>Product</b>	<b>Name</b>	<b>Extended</b>
RWD	Right Of Way Deed Document # 201202210299, Document Info: DOROTHY SMITH, Does it have an Excise #? yes, # Pages 6	\$67.00
QCD	Quit Claim Deed Document # 201202210300, Document Info: DOROTHY SMITH, # Pages 6	\$67.00
QCD	Quit Claim Deed Document # 201202210301, Document Info: DOROTHY SMITH, # Pages 6	\$67.00
ORD	Ordinance External Id 201202210302, Document Info: DOROTHY SMITH, # Pages 27	\$88.00
<b>Total</b>		<b>\$289.00</b>
Tender (Check)		\$289.00
	Check# 5931, Paid By Dorothy Smith, Phone Number 206-842-7756	

Have a Wonderful Day!

**Tue Feb 21 16:15:44 PST 2012 mlucke**



PLEASE TYPE OR PRINT

REAL ESTATE EXCISE TAX AFFIDAVIT
CHAPTER 82.45 RCW - CHAPTER 458-61A WAC

This form is your receipt when stamped by cashier.

THIS AFFIDAVIT WILL NOT BE ACCEPTED UNLESS ALL AREAS ON ALL PAGES ARE FULLY COMPLETED
(See back of last page for instructions)

Check box if partial sale of property

If multiple owners, list percentage of ownership next to name.

Form sections 1-3: Seller/Grantor and Buyer/Grantee information, including names, addresses, and phone numbers.

Section 4: Street address of property, location details (incorporated/unincorporated), and legal description (SEE ATTACHED).

Section 5: Select Land Use Code(s) (91) and exemption questions (84.36 RCW, 84.34, 84.26 RCW).

Section 6: Continuation and compliance notices for forest land or current use.

Section 7: Notice of compliance for historic property and owner signature line.

Section 8: Signature and name of Grantor or Grantor's Agent.

Section 7: Personal property included in selling price (NONE).

Section 7: Exemption details (WAC No. 458.01.0201(8)(1), Reason for exemption: Gift).

Section 7: Document details (Type of Document: QCD, Date of Document: 2/21/12) and tax calculation table.

Section 8: Signature and name of Grantee or Grantee's Agent.

Perjury: Perjury is a class C felony which is punishable by imprisonment in the state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both imprisonment and fine (RCW 9A.20.020 (1C)).



REAL ESTATE EXCISE TAX AFFIDAVIT

CHAPTER 82.45 RCW – CHAPTER 458-61A WAC

This form is your receipt when stamped by cashier.

PLEASE TYPE OR PRINT

THIS AFFIDAVIT WILL NOT BE ACCEPTED UNLESS ALL AREAS ON ALL PAGES ARE FULLY COMPLETED

(See back of last page for instructions)

Check box if partial sale of property

If multiple owners, list percentage of ownership next to name.

Form with fields for Seller/Grantor (1) and Buyer/Grantee (2) including Name, Mailing Address, City/State/Zip, and Phone No.

Form with fields for correspondence (3) and parcel account numbers (4) including Name, Mailing Address, City/State/Zip, Phone No., and List all real and personal property tax parcel account numbers.

Form with fields for street address (4) and legal description (5) including Street address of property, location (County or city), and legal description.

Form with fields for Land Use Code (5) including Select Land Use Code(s) and exemption questions.

Form with fields for property classification (6) including forest land, current use, and special valuation questions.

Form with fields for notice of continuance (7) including notice of continuance and owner signature.

Form with fields for notice of compliance (8) including notice of compliance and owner signature.

Form with fields for personal property (7) including List all personal property included in selling price.

Form with fields for exemption (8) including WAC number and reason for exemption.

Form with fields for document type and date (9) and tax calculations (10) including Gross Selling Price, Exemption Claimed, Taxable Selling Price, Excise Tax, and Total Due.

Form with fields for certification (11) including I certify under penalty of perjury that the foregoing is true and correct, and signature fields for Grantor and Grantee.

Perjury: Perjury is a class C felony which is punishable by imprisonment in the state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both imprisonment and fine (RCW 9A.20.020 (1C)).

722

AFTER RECORDING RETURN TO:  
City of Bainbridge Island  
280 Madison Avenue N.  
Bainbridge Island, WA 98110

**DOROTHY SMITH**      **201202210299**

Right Of Way Deed Rec Fee: \$ 67.00

02/21/2012 04:15 PM

Walter Washington, Kitsap Co Auditor

Page: 1 of 6



**Document Title:** Right-of-Way Deed

**Grantor(s):**

1. Dorothy Smith

**EXCISE TAX EXEMPT FEB 21 2012**

2. \_\_\_\_\_

**Grantee(s):**

1. City of Bainbridge Island

2. \_\_\_\_\_

**Tax Lot Number:** 4155-000-036-0201

**Abbreviated Legal Description:**

Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

**Tax Lot Number:** 4155-000-037-0002

**Abbreviated Legal Description:**

Lot 37 and Lot 121 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

**RIGHT-OF-WAY DEED**

**GRANTOR: Dorothy Smith**

**GRANTEE: City of Bainbridge Island**

**ABBREVIATED LEGAL DESCRIPTION:**

**Tax Parcel # 4155-000-036-0201**

Abbreviated Legal Description:

Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

**Tax Parcel # 4155-000-037-0002**

Abbreviated Legal Description

Lot 37 and Lot 121 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned grantor, owner of the properties described in the attached **Exhibit A**, for and in consideration of the benefits of a public right of way and other valuable consideration, the receipt whereof is hereby acknowledged, dedicates to the City of Bainbridge Island and to the use of the public forever that portion of the right of way along Point Monroe Drive NE (Mountain View Lane per plat) described in the attached **Exhibit B** and shown on attached **Exhibit C**.

The Grantor hereby agrees and consents 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 grantor, her 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 21<sup>st</sup> day of FEBRUARY, 2012.



EXHIBIT A

PROPERTY DESCRIPTION

Tax Parcel #4155-000-036-0201

Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;  
Together with tidelands.

Tax Parcel #4155-000-037-0002

Lot 37 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;  
Together with tidelands.

EXHIBIT B

RIGHT-OF-WAY DEDICATION DESCRIPTION

(This description is based on the survey done for the City of Bainbridge Island, WA, and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington)

That portion of Lots 36 and 37 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington, described as follows:

Beginning at the centerline monument set for the City of Bainbridge Island and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington, adjoining Lots 39-40 and Lots 118-119 in the existing roadway for NE Point Monroe Drive;

Thence along the surveyed centerline for said NE Point Monroe Roadway South  $28^{\circ}07'54''$  East 99.75 feet to the True Point of Beginning;

Thence North  $63^{\circ}00'31''$  East 10.00 feet;

Thence South  $28^{\circ}07'54''$  East 100.02 feet;

Thence South  $63^{\circ}00'31''$  West 20.00 feet;

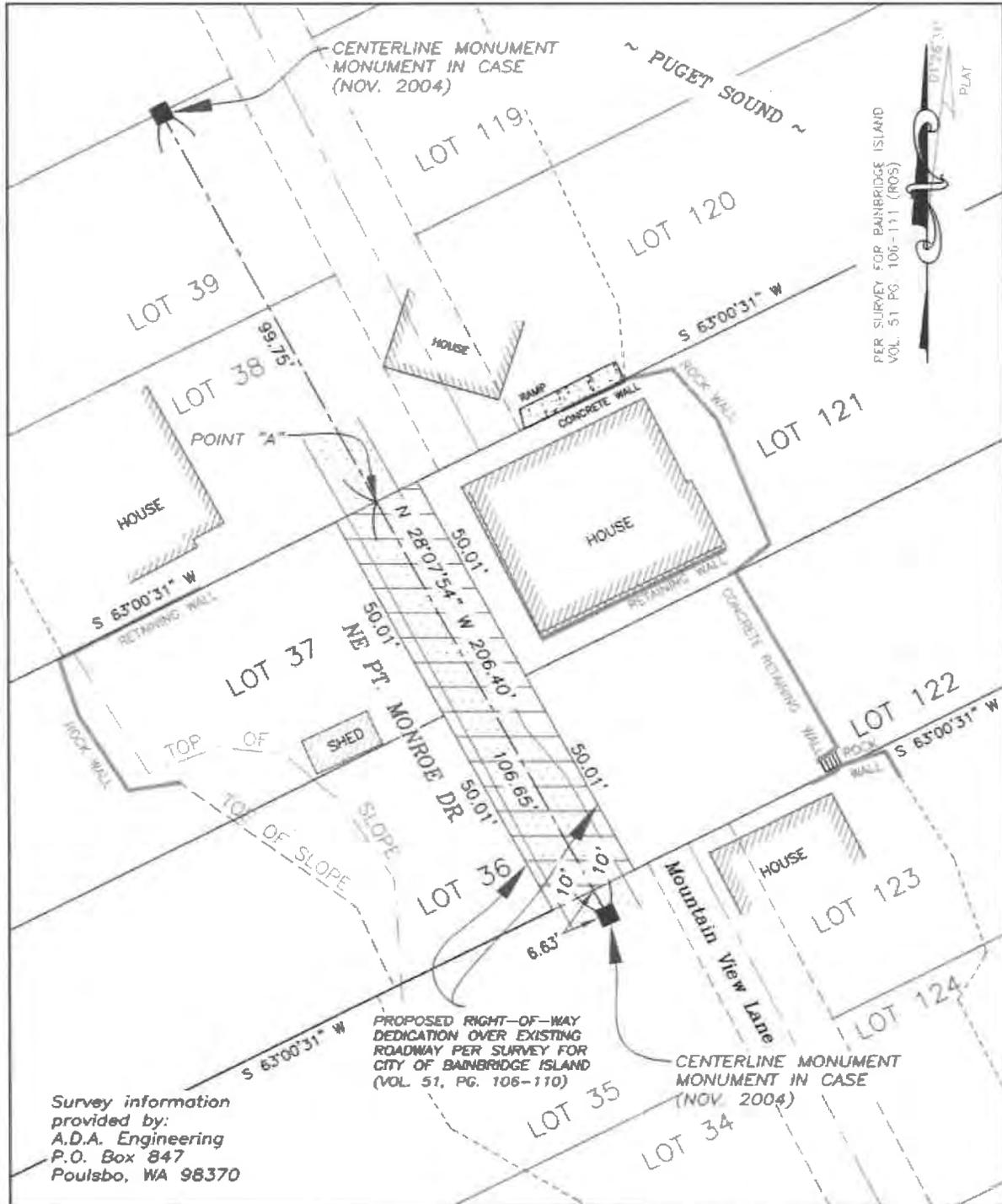
Thence North  $28^{\circ}07'54''$  West 100.02 feet;

Thence North  $63^{\circ}00'31''$  East 10.00 feet to the True Point of Beginning.

Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA.

AREA = 2,000.4 SQUARE FEET

**EXHIBIT C**



Survey information provided by:  
 A.D.A. Engineering  
 P.O. Box 847  
 Poulsbo, WA 98370

PROPOSED RIGHT-OF-WAY DEDICATION OVER EXISTING ROADWAY PER SURVEY FOR CITY OF BAINBRIDGE ISLAND (VOL. 51, PG. 106-110)

PER SURVEY FOR BAINBRIDGE ISLAND VOL. 51 PG. 106-111 (NOV. 2004)

12-21-2011 DATE	EXHIBIT C Point Monroe Drive NE Right-of-Way Dedication G.L. 2, Sec. 35, T.26N., R.2E., W.M.	 <b>CITY OF BAINBRIDGE ISLAND</b> <b>PUBLIC WORKS ENGINEERING DEPARTMENT</b>
1 NUMBER		

AFTER RECORDING RETURN TO:  
City of Bainbridge Island  
280 Madison Avenue N.  
Bainbridge Island, WA 98110

**DOROTHY SMITH**      **201202210300**

Quit Claim Deed Rec Fee: \$ 67.00  
02/21/2012 04:15 PM  
Walter Washington, Kitsap Co Auditor

Page: 1 of 6



**Document Title:** Quit Claim Deed

**Grantor(s):**

1. Dorothy Smith
2. \_\_\_\_\_

**Grantee(s):**

1. Gregory Smith
2. \_\_\_\_\_

**Tax Lot Number:** 4155-000-036-0201

**Abbreviated Legal Description:**

Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

AFTER RECORDING, PLEASE RETURN TO:

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

---

**Quit Claim Deed**

Grantor(s): Dorothy Smith

Grantee(s): Gregory Smith

Short Legal Description(s): Portion of Lot 36 of the Plat of Madison Beach, Vol. 5, Pg. 14,  
plats, Kitsap County, WA; in G.L. 2, Sec. 35, T. 26 N., R. 2 E.,  
W.M.,  
[Complete legal descriptions on **Exhibit A**]

Assessor's Property Tax  
Parcel/Account Number(s): 4155-000-036-0201

Reference Number(s) of  
Documents Assigned  
or Released:

THE GRANTOR, Dorothy Smith, for and in consideration of \$10.00 and other valuable consideration, conveys and quit claims to Grantee, Gregory Smith, legal owner of Lot 122 of the Plat of Madison Beach as recorded in Volume 5 of plats, Page 14, records of Kitsap County, Washington; situate in Government Lot 2, Section 35, Township 26 North., Range 2 East., W.M., Bainbridge Island, Kitsap County, Washington, a portion of Tax Parcel No. 4155-000-036-0201 as described on **Exhibit A** and depicted on **Exhibit B**.

KITSAP COUNTY TREASURER EXCISE

02/21/2012

2 **2012EX00722**

Total: \$10.00

Clerk's Initial HTB



## EXHIBIT A TO QUIT CLAIM DEED

### DESCRIPTION OF TRANSFERRED PORTION:

That portion of Lot 36 of the Plat of Madison Beach as recorded in Volume 5 of plats, Page 14, records of Kitsap County, Washington, lying Northeasterly of the following described line;

COMMENCING AT a concrete monument which marks the southwest corner of Section 35, Township 26 North, Range 2 East, W.M.;

Thence along the south line of said Section 35, South  $89^{\circ}03'30''$  East for 2639.71 feet to a sandstone monument which marks the south quarter corner of said Section 35;

Thence North  $01^{\circ}23'54''$  East for 2639.45 feet to a 2" diameter iron shaft which is locally accepted as marking the southwest corner of Government Lot 3 of said Section 35;

Thence North  $01^{\circ}23'43''$  East for 1319.86 feet to a 1.5" diameter iron shaft which is locally accepted as marking the northwest corner of said Government Lot 3 and the south line of Government Lot 2, said Section 35;

Thence along the boundary of the Plat of Madison Beach, Volume 5, page 14 of Plats, records of Kitsap County, Washington, North  $1^{\circ}27'57''$  East for 1.17 feet to an angle point in the boundary of said Plat;

Thence North  $5^{\circ}12'50''$  East for 20.08 feet to the centerline of Madison Road as depicted on the face of said Plat;

Thence along said centerline South  $89^{\circ}09'03''$  East for 398.02 feet to a point which bears North  $89^{\circ}09'03''$  West 54.32 feet from a 1" iron pipe which marks the point of intersection of Madison Road and Mountain View Lane;

Thence North  $8^{\circ}41'57''$  West for 186.51 feet to a monument;

Thence North  $8^{\circ}41'57''$  West for 174.88 feet to a monument and the beginning of a horizontal curve, the radius point of which bears South  $81^{\circ}18'03''$  West 685.82 feet;

Thence northwesterly along said curve through a central angle of  $19^{\circ}25'57''$  for 232.60 feet to a monument;

Thence North  $28^{\circ}07'54''$  West for 6.63 feet to the southerly boundary of Lot 36 of said plat and the True Point of Beginning;

Thence North  $28^{\circ}07'54''$  West for 50.01 feet to the northerly boundary of Lot 36 of said plat;

Thence North  $63^{\circ}00'31''$  East for 24.39 feet more or less to the centerline of Mountain View Lane per said plat of Madison Beach;

Thence South  $26^{\circ}59'29''$  East along said centerline 50.00 feet to the southerly boundary of said Lot 36;

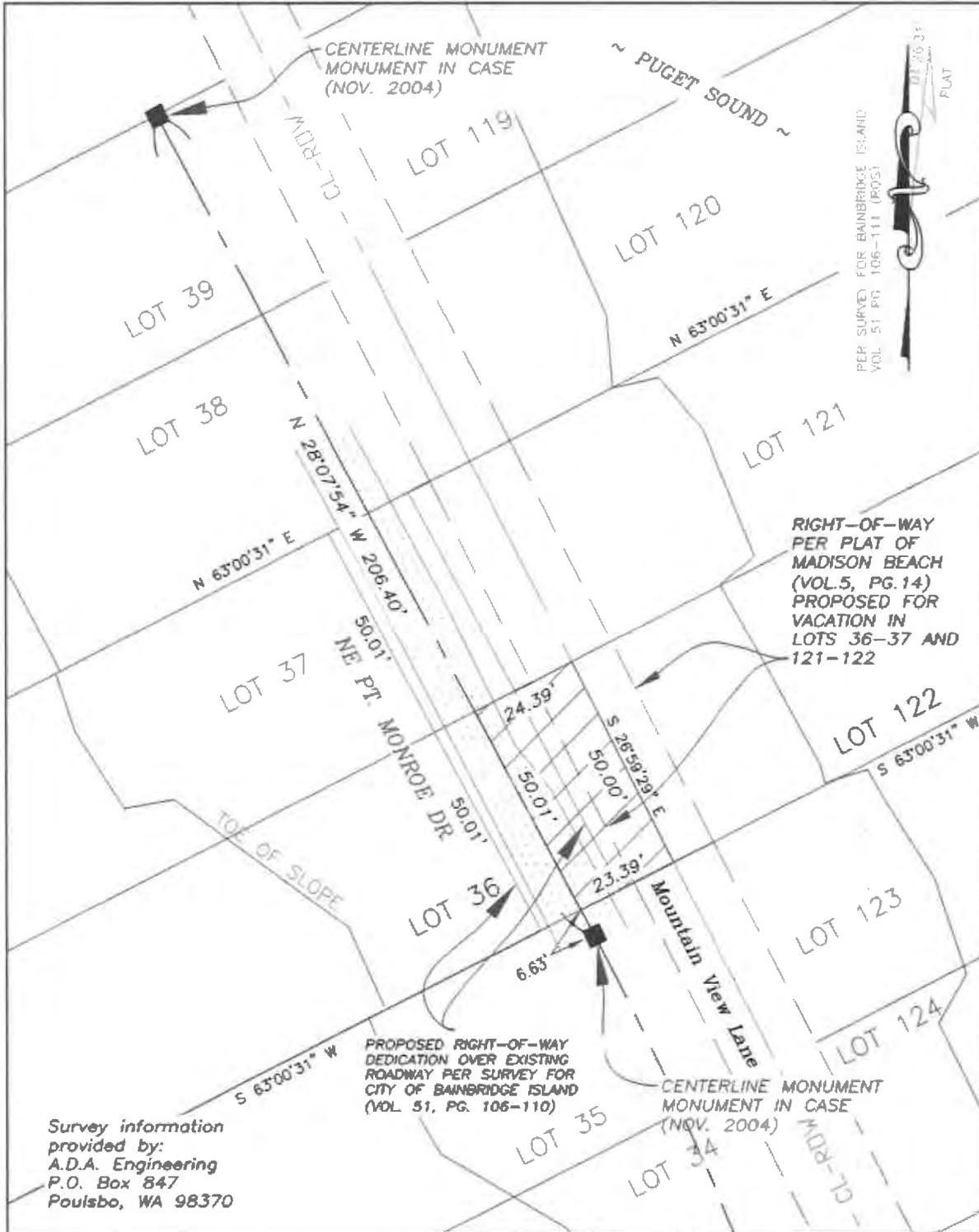
Thence South  $63^{\circ}00'31''$  West along said southerly boundary 23.39 feet to the True Point of Beginning;

Situate in Government Lot 2, Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

(This description is based on the survey done for the City of Bainbridge Island, WA, and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington)

EXHIBIT B TO QUIT CLAIM DEED

(MAP ATTACHED)



01-09-2012 DATE	EXHIBIT B QUIT CLAIM DEED	 <p><b>CITY OF BAINBRIDGE ISLAND</b> <b>PUBLIC WORKS ENGINEERING DEPARTMENT</b></p>
1 NUMBER	LOT 36, MADISON BEACH G.L. 2, Sec. 35, T.26N., R.2E., W.M.	



AFTER RECORDING RETURN TO:  
City of Bainbridge Island  
280 Madison Avenue N.  
Bainbridge Island, WA 98110

**Document Title:** Quit Claim Deed

**Grantor(s):**

1. Dorothy Smith \_\_\_\_\_
2. \_\_\_\_\_

**Grantee(s):**

1. Dorothy Smith \_\_\_\_\_
2. \_\_\_\_\_

**Tax Lot Number:** 4155-000-037-0002

**Abbreviated Legal Description:**

Lot 37 and Lot 121 of the Plat of Madison Beach as recorded in Volume 5 of Plats, Page 14, records of Kitsap County, Washington; Situate in Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;



## EXHIBIT A TO QUIT CLAIM DEED

### DESCRIPTION OF TRANSFERRED PORTION:

That portion of Lot 37 of the Plat of Madison Beach as recorded in Volume 5 of plats, Page 14, records of Kitsap County, Washington, lying Northeasterly of the following described line;

COMMENCING AT a concrete monument which marks the southwest corner of Section 35, Township 26 North, Range 2 East, W.M.;

Thence along the south line of said Section 35, South  $89^{\circ}03'30''$  East for 2639.71 feet to a sandstone monument which marks the south quarter corner of said Section 35;

Thence North  $01^{\circ}23'54''$  East for 2639.45 feet to a 2" diameter iron shaft which is locally accepted as marking the southwest corner of Government Lot 3 of said Section 35;

Thence North  $01^{\circ}23'43''$  East for 1319.86 feet to a 1.5" diameter iron shaft which is locally accepted as marking the northwest corner of said Government Lot 3 and the south line of Government Lot 2, said Section 35;

Thence along the boundary of the Plat of Madison Beach, Volume 5, page 14 of Plats, records of Kitsap County, Washington, North  $1^{\circ}27'57''$  East for 1.17 feet to an angle point in the boundary of said Plat;

Thence North  $5^{\circ}12'50''$  East for 20.08 feet to the centerline of Madison Road as depicted on the face of said Plat;

Thence along said centerline South  $89^{\circ}09'03''$  East for 398.02 feet to a point which bears North  $89^{\circ}09'03''$  West 54.32 feet from a 1" iron pipe which marks the point of intersection of Madison Road and Mountain View Lane;

Thence North  $8^{\circ}41'57''$  West for 186.51 feet to a monument;

Thence North  $8^{\circ}41'57''$  West for 174.88 feet to a monument and the beginning of a horizontal curve, the radius point of which bears South  $81^{\circ}18'03''$  West 685.82 feet;

Thence northwesterly along said curve through a central angle of  $19^{\circ}25'57''$  for 232.60 feet to a monument;

Thence North  $28^{\circ}07'54''$  West for 100.02 feet to the northerly boundary of Lot 37 of said plat and the True Point of Beginning;

Thence North  $63^{\circ}00'31''$  East for 25.39 feet more or less to the centerline of Mountain View Lane per said plat of Madison Beach;

Thence South  $26^{\circ}59'29''$  East along said centerline 50.00 feet to the southerly boundary of said Lot 37;

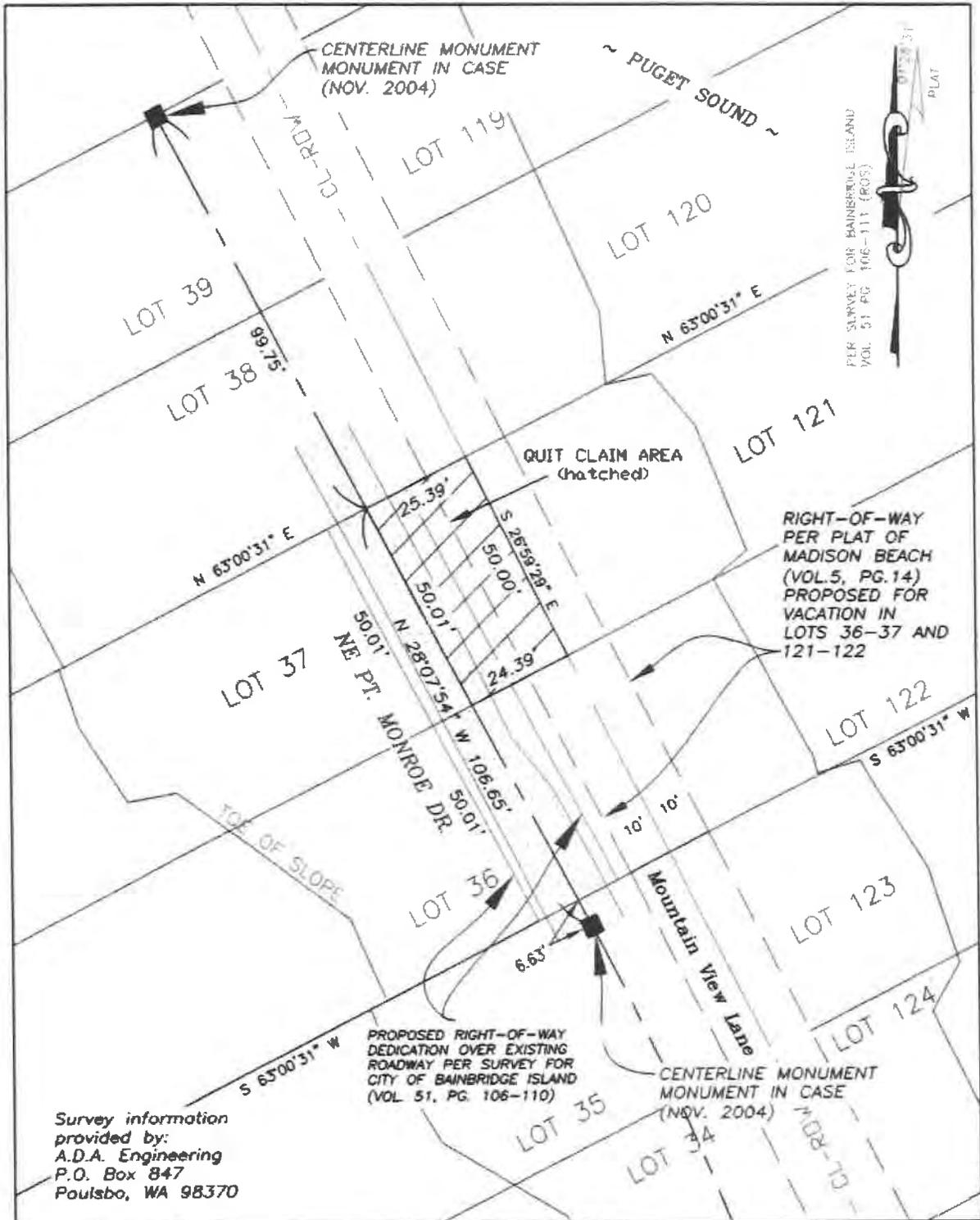
Thence South  $63^{\circ}00'31''$  West along said southerly boundary 24.39 feet;

Thence North  $28^{\circ}07'54''$  West for 50.01 feet to the True Point of Beginning;

Situate in Government Lot 2, Section 35, Township 26 N., Range 2 E., W.M., Bainbridge Island, Kitsap County, WA;

(This description is based on the survey done for the City of Bainbridge Island, WA, and recorded in Volume 51, Pages 106-110 of surveys, records of Kitsap County, Washington)

EXHIBIT B  
MAP OF PROPERTY TO BE DEEDED  
(ATTACHED)



Survey information  
 provided by:  
 A.D.A. Engineering  
 P.O. Box 847  
 Poulsbo, WA 98370

01-09-2012 DATE	EXHIBIT B QUIT CLAIM DEED	 <b>CITY OF BAINBRIDGE ISLAND</b>
1 NUMBER	LOT 37, MADISON BEACH G.L. 2, Sec. 35, T.26N., R.2E., W.M.	<b>PUBLIC WORKS ENGINEERING DEPARTMENT</b>