

AFTER RECORDING RETURN TO:

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

Document Title: City of Bainbridge Island Resolution No. 2013-14 - Right of Way Vacation

Abbreviated Legal Description:

Portion NW ¼, SE ¼, SE ¼, Sec, 34, T. 25 N., R. 2 E., W.M., Kitsap County, Washington,

Assessor's Property Tax Parcel/Account Numbers:

342502-4-023-2000 and 342502-4-022-2001

RESOLUTION NO. 2013-14

A RESOLUTION of the City Council of the City of Bainbridge Island, Washington, recognizing the vacation by operation of law pursuant to RCW 36.87.090 of that portion of the 15 foot unnamed road lying east of NE McDonald Avenue and 1320 feet, more or less, south of NE Eagle Harbor Road.

WHEREAS, that portion of the 15 foot unnamed road lying east of NE McDonald Avenue and 1320 feet, more or less, south of NE Eagle Harbor Road was designated as a county road in 1912 in an area that was subsequently annexed into the City of Bainbridge Island in 1991; and

WHEREAS, pursuant to RCW 36.87.090, any county road, or part thereof, which remains unopen for public use for a period of five years after the order is made or authority granted for opening it, shall be thereby vacated, and the authority for building it barred by lapse of time, therefore, the roadway was automatically vacated by operation of law; and

WHEREAS, the City desires to recognize and acknowledge that the portion of the 15 foot unnamed road lying east of NE McDonald Avenue and 1320 feet, more or less, south of NE Eagle Harbor Road, records of Kitsap County, Washington, as described on Exhibit A (legal description) and depicted on Exhibit B (map) attached hereto (the "Vacated Street") and by this reference incorporated herein has been vacated by operation of law; and

WHEREAS, the City further recognizes and acknowledges that the foregoing vacation of the Vacated Street, does not affect or limit those certain perpetual non-exclusive easements existing automatically by operation of applicable law, and located over, under, upon and across the Vacated Street, for the benefit of Parcels 342502-4-023-2000 and 342502-4-022-2001; now, therefore,

**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND,
WASHINGTON DOES RESOLVE AS FOLLOWS:**

Section 1. The City of Bainbridge Island hereby recognizes and acknowledges that, pursuant to RCW 36.87.090, the Vacated Street has been vacated by operation of law.

Section 2. This Resolution shall take effect and be in force immediately upon its passage.

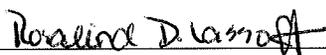
PASSED by the City Council this 28th day of August, 2013.

APPROVED by the City Council this 28th day of August, 2013.



Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	August 14, 2013
PASSED BY THE CITY COUNCIL:	August 28, 2013
RESOLUTION NUMBER:	2013-14

EXHIBIT A
LEGAL DESCRIPTION

The north 15 feet of the following described property:

That portion of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter, Section 34, Township 25 North, Range 2 East, W.M., in Kitsap County, Washington, described as follows:

Beginning at the northwest corner of said subdivision;
Thence east 540 feet;
Thence south 150 feet;
Thence west 540 feet;
Thence north 150 feet to the Point of Beginning;
EXCEPT except the west 30 feet for right of way.

AND

The east 15 feet of the following described property:

Beginning at the northeast corner of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter, Section 34, Township 25 North, Range 2 East, W.M., in Kitsap County, Washington;
Thence south 330 feet;
Thence west 396 feet;
Thence north 30 feet;
Thence east 276 feet;
Thence north 300 feet;
Thence east 120 feet to the Point of Beginning;

TOGETHER with an easement per Auditor's File No. 7708260149

EXHIBIT B

