

**RESOLUTION NO. 2009-16**

**A RESOLUTION** of the City Council of the City of Bainbridge Island, Washington, recognizing the 1908 vacation of that portion of the 10 foot Unnamed Road lying Westerly of Battle Point Drive NE and Easterly of Skinner Road NE and lying North of Lots 1, 2, and 3, Searle's Garden Tracts, as recorded in Volume 2, page 73 of plats, records of Kitsap County, Washington.

**WHEREAS**, that portion of the 10 foot Unnamed Road lying Westerly of Battle Point Drive NE and Easterly of Skinner Road NE and lying North of Lots 1, 2, and 3, Searle's Garden Tracts, as recorded in Volume 2, page 73 of plats, records of Kitsap County, Washington, was designated as a county road in 1903 in an area that was subsequently annexed into the City of Bainbridge Island in 1991; and

**WHEREAS**, the laws in effect at the time of dedication required the roadway to be opened for the public use within five years of dedication. The road was not opened by 1908, therefore, the roadway was automatically vacated by operation of law; and

**WHEREAS**, the City desires to recognize and acknowledge that that portion of the 10 foot Unnamed Road lying Westerly of Battle Point Drive NE and Easterly of Skinner Road NE and lying North of Lots 1, 2, and 3, Searle's Garden Tracts, as recorded in Volume 2, page 73 of plats, records of Kitsap County, Washington, as described on Exhibit A (legal description) and depicted on Exhibit B (map) attached hereto and by this reference incorporated herein has been vacated by operation of law; now, therefore,

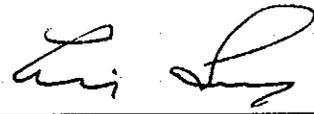
**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND,  
WASHINGTON DOES RESOLVE AS FOLLOWS:**

**Section 1.** The City of Bainbridge Island hereby recognizes and acknowledges that, pursuant to the laws of 1889-1890, Section 32, Chapter 19, that portion of the 10 foot Unnamed Road lying Westerly of Battle Point Drive NE and Easterly of Skinner Road NE and lying North of Lots 1, 2, and 3, Searle's Garden Tracts, as recorded in Volume 2, page 73 of plats, records of Kitsap County, Washington, as described on Exhibit A (legal description) and depicted on Exhibit B (map) attached hereto and by this reference incorporated herein has been vacated by operation of law.

**Section 2. Severability.** If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this Resolution and the same shall remain in full force and effect.

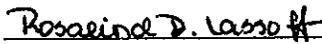
**Section 3. Effective Date.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED** by the City Council this 24<sup>th</sup> day of June, 2009.



Christopher Snow, Mayor

ATTEST:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	June 16, 2009
PASSED BY THE CITY COUNCIL:	June 24, 2009
RESOLUTION NO. :	2009-16

**EXHIBIT A**  
**DESCRIPTION**

A portion of Section 17, Township 25, Range 2 East, Willamette Meridian, City of Bainbridge Island, Kitsap County, Washington described as follows:

A portion of the 10 foot Unnamed Road lying Westerly of Battle Point Drive NE and Easterly of Skinner Road NE and lying North of Lots 1, 2, and 3, Searle's Garden Tracts, as recorded in Volume 2, page 73 of plats, records of Kitsap County, Washington.

# EXHIBIT B

