

**BAINBRIDGE ISLAND CITY OF**

200910200358

Right Of Way Rec Fee: \$ 66.00

Page: 1 of 5

10/20/2009 03:38 PM

Walter Washington, Kitsap Co Auditor



**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. 2009-26 - Right of Way Vacation

**Abbreviated Legal Description:**

SE ¼, SW ¼, Sec.35, T.25N., R.2E., W.M.

Plat of Taylor 2<sup>nd</sup> Addition to Port Blakely, as recorded in Volume 2, page 56 of plats, records of Kitsap County, Washington.

**ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER(S)**

4186-001-010-0004  
4186-001-009-0205  
4186-001-008-0008  
4186-001-007-0009  
4186-001-006-0000  
4186-001-001-0005  
4186-001-003-0003  
4186-001-005-0001

**RESOLUTION NO. 2009-26**

**EXCISE TAX EXEMPT OCT 20 2009**

**A RESOLUTION** of the City Council of the City of Bainbridge Island, Washington, recognizing the 1905 vacation by operation of law pursuant to RCW 36.87.090 of that portion of the 30 foot Unnamed Road lying Northerly of Taylor Avenue and Southerly of Ronald Court and lying West of Lots 1, 2, 3, 4 and 5, Block 1 and lying East of Lots 6, 7, 8, 9 and 10, Block 1 all in the plat of Taylor 2<sup>nd</sup> Addition to Port Blakely, as recorded in Volume 2, page 56 of plats, records of Kitsap County, Washington.

**WHEREAS**, that portion of the 30 foot Unnamed Road lying Northerly of Taylor Avenue and Southerly of Ronald Court and lying West of Lots 1, 2, 3, 4 and 5 Block 1 and lying East of Lots 6, 7, 8, 9 and 10, Block 1 all in the plat of Taylor 2<sup>nd</sup> Addition to Port Blakely, as recorded in Volume 2, page 56 of plats, records of Kitsap County, Washington was designated as a county road in 1901 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 1905, therefore, the roadway was automatically vacated by operation of law; and

**WHEREAS**, the City desires to recognize and acknowledge that that portion of the 30 foot Unnamed Road lying Northerly of Taylor Avenue and Southerly of Ronald Court and lying West of Lots 1, 2, 3, 4 and 5 Block 1 and lying East of Lots 6, 7, 8, 9 and 10, Block 1 all in the plat of Taylor 2<sup>nd</sup> Addition to Port Blakely, as recorded in Volume 2, page 56 of plats, 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 that certain perpetual non-exclusive easement existing automatically by operation of applicable law, and located over, under, upon and across the Vacated Street, for the benefit of Lots 1, 2, 3, 4 and 5 of Block 1, and Lots 6, 7, 8, 9 and 10 of Block 1, all in the plat of Taylor 2<sup>nd</sup> Addition to Port Blakely, Vol. 2, page 56 of Plats, Kitsap County, Washington (the "Benefited Lots"), for the purpose of ingress, egress and a utility corridor to and from each of the Benefited Lots, northerly to that certain public street known as Ronald Court, and southerly to that certain public street known as Taylor Avenue; now, therefore,

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

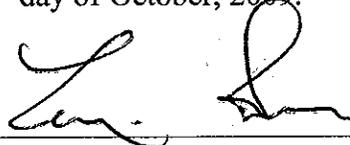
**SECTION 1.** The City of Bainbridge Island hereby recognizes and acknowledges that, pursuant to the laws of 1889-1890, Section 32, Chapter 19, that portion of the 30 foot Unnamed Road lying Northerly of Taylor Avenue and Southerly of Ronald Court and lying West of Lots 1, 2, 3, 4, and 5 Block 1 and lying East of Lots 6, 7, 8, 9 and 10, Block 1 all in the plat of Taylor 2<sup>nd</sup> Addition to Port Blakely, as recorded in Volume 2, page 56 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 (the "Vacated Street") 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.

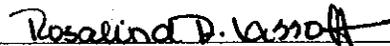
**PASSED** by the City Council this 14<sup>th</sup> day of October, 2009.

**APPROVED** by the City Council this 14<sup>th</sup> day of October, 2009.



Christopher Snow, Mayor

**ATTEST/AUTHENTICATE:**



Rosalind D. Lassoff, City Clerk

**FILED WITH THE CITY CLERK:** October 7, 2009  
**PASSED BY THE CITY COUNCIL:** October 14, 2009  
**RESOLUTION NO.:** 2009-26

**EXHIBIT A**  
**DESCRIPTION**

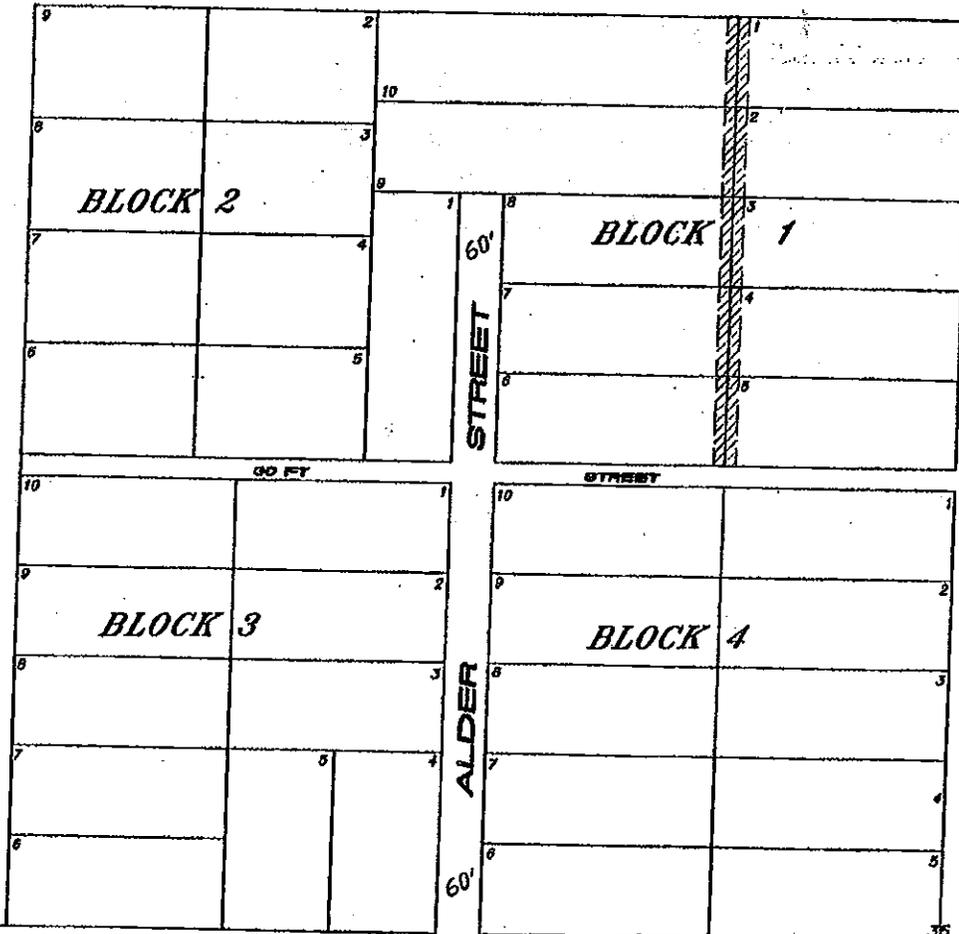
A portion of Section 35, Township 25, Range 2 East, Willamette Meridian, City of Bainbridge Island, Kitsap County, Washington described as follows:

A portion of the 30 foot Unnamed Road lying Northerly of Taylor Avenue and Southerly of Ronald Court and lying West of Lots 1, 2, 3, 4, and 5 Block 1 and lying East of Lots 6, 7, 8, 9 and 10, Block 1 all in the plat of Taylor 2<sup>nd</sup> Addition to Port Blakely, as recorded in Volume 2, page 56 of plats, records of Kitsap County, Washington.

EXHIBIT B

*plat of*  
**TAYLOR 2nd ADDITION**  
*to*  
**PORT BLAKELY**

October 7, 1906



*Considering  
the  
Vacation by Operation of Law  
of the  
Unnamed 30 Ft. Street*