

AFTER RECORDING RETURN TO:

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

BAINBRIDGE ISLAND CITY OF 201006080105
Resolution Rec Fee: \$ 66.00
06/08/2010 10:46 AM Page: 1 of 5
Walter Washington, Kitsap Co Auditor


Document Title: City of Bainbridge Island Resolution No. 2010-20 - Right of Way Vacation

Abbreviated Legal Description:

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

Plat of Taylor 2nd 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)

4186-002-006-0107
4186-002-004-0000
4186-002-001-0201
4186-003-010-0000
4186-003-001-0001

RESOLUTION NO. 2010-20

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 Westerly of Taylor Avenue and Easterly of New Sweden Avenue and lying South of Lots 5 and 6, Block 2 and lying South of Lot 1, Block 1 and lying North of Lots 1 and 10, Block 3 all in the plat of Taylor 2nd 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 Westerly of Taylor Avenue and Easterly of New Sweden Avenue and lying South of Lots 5 and 6, Block 2 and lying South of Lot 1, Block 1 and lying North of Lots 1 and 10, Block 3 all in the plat of Taylor 2nd 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 Westerly of Taylor Avenue and Easterly of New Sweden Avenue and lying South of Lots 5 and 6, Block 2 and lying South of Lot 1, Block 1 and lying North of Lots 1 and 10, Block 3 all in the plat of Taylor 2nd 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 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 Lots 5 and 6 of Block 2, and Lot 1 of Block 1 and Lots 1 and 10 of Block 3, all in the plat of Taylor 2nd 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, and for the benefit of those utility providers with facilities as currently constructed within the Vacated Street, easterly to that certain public street known as Taylor Avenue, and westerly to that certain public street known as New Sweden Avenue; now, therefore,

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

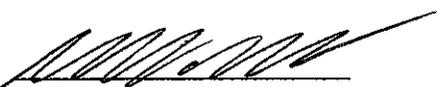
SECTION 1. The City of Bainbridge Island hereby recognizes and acknowledges that, pursuant to the laws of 1889-1890, Section 32, Chapter 19, that portion of the 30 foot Unnamed Road lying Westerly of Taylor Avenue and Easterly of New Sweden Avenue and lying South of Lots 5 and 6, Block 2 and lying South of Lot 1, Block 1, and lying North of Lots 1 and 10, Block 3, all in the plat of Taylor 2nd 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.

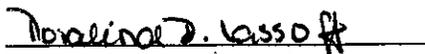
PASSED by the City Council this 26th day of May, 2010.

APPROVED by the City Council this 26th day of May, 2010.



Bob Scales, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: May 11, 2010

PASSED BY THE CITY COUNCIL: May 26, 2010

RESOLUTION

NO.:

2010-20

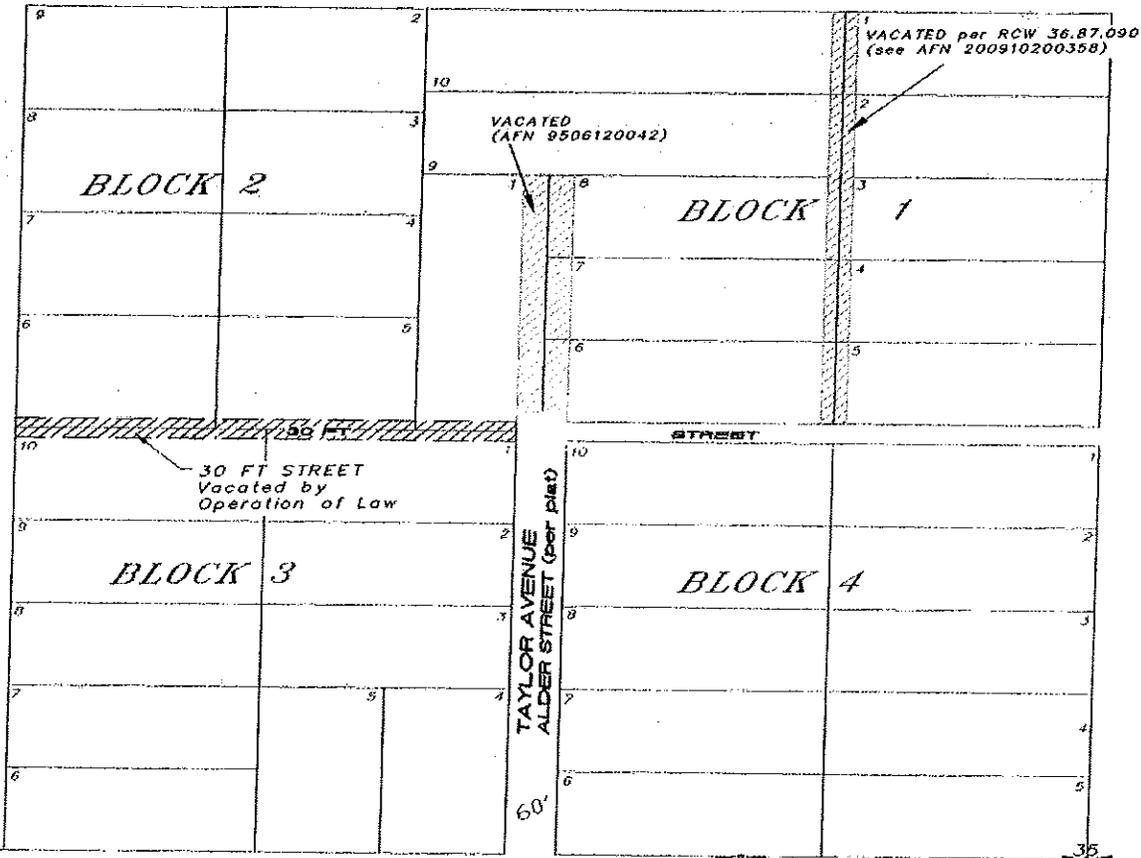
EXHIBIT A
DESCRIPTION

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 Westerly of Taylor Avenue and Easterly of New Sweden Avenue and lying South of Lots 5 and 6, Block 2 and lying South of Lot 1, Block 1, and lying North of Lots 1 and 10, Block 3, all in the plat of Taylor 2nd Addition to Port Blakely, as recorded in Volume 2, page 56 of plats, records of Kitsap County, Washington.

plat of
TAYLOR 2nd ADDITION
 to
PORT BLAKELY

October 7, 1906



Considering
 the
Vacation by Operation of Law
 of the
Unnamed 30 Ft. Streets

EXHIBIT B

05-06-2010 DATE	Taylor's 2nd Addition to Port Blakely Volume 2, Page 56 Southeast 1/4, Southwest 1/4 Sec. 35, T.25N., R.2E., W.M.	 CITY OF BAINBRIDGE ISLAND PUBLIC WORKS ENGINEERING DEPARTMENT
2 NUMBER		