ORDINANCE NO. 019-08

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING ORDINANCE NO. 028-07 WHICH ANNEXED CERTAIN REAL PROPERTY TO THE CITY SUBJECT TO CONDITIONS

THE PROPERTY IS LOCATED IN SE ¼ OF SECTION 3 TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON


WHEREAS, on September 24, 2007, the City Council adopted Ordinance No. 028-07 annexing certain real property to the City, requiring the annexed property to be assessed and taxed at the same rate and basis as other property within the City, and establishing comprehensive plan and zoning designations for the property, which Ordinance was effective 10 days after Council adoption pursuant to RCW 35.23.211. A copy of said Ordinance is attached as Exhibit A; and

WHEREAS, the subject property lies within Port Orchard's expanded urban growth area; and

WHEREAS, because of uncertainty regarding the legal effect of the Central Puget Sound Growth Management Hearings Board's (the CPSGMHB) written decision on September 13, 2007 in a proceeding known as Suquamish II, which decision invalidated Kitsap County's expanded urban growth areas, Ordinance No. 028-07 conditioned the annexation approval on the property owners' execution of a release and indemnification agreement; and
WHEREAS, the property owners did not sign the release and indemnification agreement proposed by the City; and

WHEREAS, in subsequent proceedings, the CPSGMHB has affirmed Port Orchard’s expanded urban growth area and therefore the City has no further need to condition the annexation upon the owners’ execution of a release and indemnification agreement; and

WHEREAS, the City Council desires to amend Ordinance No. 028-07 by removing the requirement for execution of a release and indemnification agreement and making this annexation effective upon adoption of this Ordinance and five days after posting and publication; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. 028-07 is hereby amended to read as follows:

The unincorporated real property located in Kitsap County, Washington, contiguous to the City of Port Orchard and legally described and geographically depicted in Exhibit “A” attached hereto and incorporated herein by this reference, is hereby annexed to and made part of the City of Port Orchard, Kitsap County, Washington.

Section 2. Section 4 of Ordinance No. 028-07 is hereby amended to read as follows:

The City Clerk is hereby directed to file a certified copy of this Ordinance with the Kitsap County Board of Commissioners. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35.13.260, and to provide such other notice of this annexation as required by law.

Section 3. Section 6 of Ordinance No. 028-07 is hereby amended to read as follows:

Effective Date of Annexation. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.
Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

PASSED by the City Council of the City of Port Orchard, signed by the Mayor and attested by the City Clerk in authentication of such passage this 24th day of June, 2008.

Lary Coppola, MAYOR

ATTEST:

Patricia J. Kirkpatrick, Interim City Clerk

APPROVED AS TO FORM: Sponsored by:

Gregory A. Jacoby, City Attorney

John Clauson, Councilmember
EXHIBIT A

ORDINANCE NO. 028-07

AN ORDINANCE THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING
CERTAIN REAL PROPERTY TO THE CITY, REQUIRING THE ANNEXED
PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS
OTHER PROPERTY WITHIN THE CITY, AND ESTABLISHING COMPREHENSIVE
PLAN AND ZONING DESIGNATIONS FOR THE PROPERTY. THE PROPERTY IS
LOCATED IN SE ¼ OF SECTION 3 TOWNSHIP 23 NORTH, RANGE 1 EAST,
W.M., IN KITSAP COUNTY, WASHINGTON

ASSESSORS ACCOUNT NUMBERS: 032301-2-071-2005; 032301-2-037-2008;
032301-2-090-2002; 032301-2-091-2001; 032301-2-092-2000; 032301-2-088-
2006; 032301-2-089-2005; 032301-2-038-2007; 032301-2-039-2006; 032301-
032301-2-042-2001; 032302-2-070-2006; 032301-2-061-2007; 032301-2-060-

WHEREAS, The City Council was notified in writing by the owners of over 10% in
value of the real property legally described and geographically depicted in Exhibit “A” attached
hereto, of the owner’s intention to commence annexation proceedings; and

WHEREAS, a meeting was held on the 26th day of March, 2007, between the
initiating parties of this annexation and the Council of the City of Port Orchard, at which time
the Council accepted the notice of intention to commence annexation proceedings and
authorized the circulation of an annexation petition for annexation of the real property legally
described and geographically depicted in Exhibit “A” attached hereto. At the meeting the
Council also determined that it would require the simultaneous adoption of comprehensive
plan and zoning regulations, and the assumption of city indebtedness by the area to be
annexed upon annexation; and

WHEREAS, the petition was circulated, filed with the City Council, and certified by the
County Assessor as containing the signatures of owners as set forth in RCW 35.21.005, of
100% in value, according to the assessed valuation for general taxation, of the property to be
annexed; and

WHEREAS, the City properly filed a Notice of Intention and related documents with
the Kitsap County Boundary Review Board, and the proposed action was deemed approved by
the Board on September 13, 2007; and
WHEREAS, pursuant to RCW 35.13.177 and 35.13.178, the City Council adopted Ordinance No. 027-07, designating the proposed annexation area Industrial on the City of Port Orchard Comprehensive Plan Map and Industrial on the City of Port Orchard Zoning Map, to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.140, a public hearing was held on September 24, 2007, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation in the City and the proposed annexation area, and through posting of a hearing notice in three public places within the territory proposed for annexation, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation; now therefore

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The unincorporated real property located in Kitsap County, Washington, contiguous to the City of Port Orchard and legally described and geographically depicted in Exhibit "A" attached hereto and incorporated herein by this reference, is hereby annexed to and made part of the City of Port Orchard, Kitsap County, Washington.

Section 2. As provided in the annexation petition, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Port Orchard, including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted for, incurred prior to, or existing on, the date of annexation.

Section 3. As provided in Ordinance No. 027-07, all property within the territory annexed is hereby designated Industrial on the City of Port Orchard Comprehensive Plan Map and Industrial on the City of Port Orchard Zoning Map.

Section 4. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Kitsap County Board of Commissioners. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35.13.260, and to provide such other notice of this annexation as required by law.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.
Section 6. Effective Date of Annexation. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

PASSED by the City Council of the City of Port Orchard, signed by the Mayor and attested by the City Clerk in authentication of such passage this 24th day of September 2007.

Not Signed due to Moratorium
Kim Abel, MAYOR

ATTEST:

Michelle Merlino, City Clerk

APPROVED AS TO FORM:

Sponsored by:

City Attorney

John Clauson, Councilmember
## Legal Descriptions

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### 03231E
LOT B SHORT PLAT 5756 RECORDED UNDER AUDITOR'S FILE NO. 9202140179; BEING THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE S2°24'53" W, ALONG THE WEST LINE OF SAID SUBDIVISION, 734.79 FEET; THENCE S67°14'39" E, 374.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S67°14'39" E, 250.00 FEET; THENCE N30°33'50" E 195.46 FEET; THENCE N65°31'32" W 249.09 FEET; THENCE S30°33'50" W, 203.06 FEET TO THE TRUE POINT OF BEGINNING; SUBJECT TO AN EASEMENT OVER, UNDER AND ACROSS EASEMENT PARCEL 'B' AS DELINEATED ON THE SHORT PLAT MAP HEREWITHE FOR THE PURPOSES DEFINED HEREIN; TOGETHER WITH AN EASEMENT OVER, UNDER AND ACROSS EASEMENT PARCEL 'A' AS DELINEATED ON THE SHORT PLAT MAP HEREWITHE FOR THE PURPOSES DEFINED HEREIN; ALSO TOGETHER WITH AN EASEMENT FOR A DOMESTIC WATERLINE AND WATER SYSTEM APPURtenANCE PER INSTRUMENT RECORDED UNDER KITSAP COUNTY AUDITOR'S FILE NO. 9201150048; ALSO TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE FOLLOWING PARCELS AS DESCRIBED BELOW: PARCEL I: THE SOUTHERLY 30 FEET OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN; EXCEPT THE NORTHEAST 2 1/2 ACRES THEREOF OF SAID PARCEL BEING DESCRIBED. AND AN EASEMENT FOR UTILITIES OVER, UNDER AND ACROSS THE NORTH 10 FEET OF THE SOUTH 40 FEET OF THE ABOVE DESCRIBED PARCEL; PARCEL II: THE WEST 30 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN; PARCEL III: COMMENCING AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN; THENCE S2°24'53" W, ALONG THE WEST LINE OF SAID SUBDIVISION 674.79 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S2°24'53" W 60.00 FEET; THENCE S67°14'39" E 188.79 FEET; THENCE N30°33'50" E 417.17 FEET; THENCE N19°50'26" E 50.29 FEET; THENCE N27°58'10" E 270.48 FEET; THENCE N63°53'46" W 30.02 FEET; THENCE S27°58'10" W 320.43 FEET; THENCE S22°29'09" W, 49.96 FEET; THENCE S30°33'50" W 285.90 FEET; THENCE ON A CURVE TO THE RIGHT, WHOSE RADIUS IS 50.00 FEET, AN ARC DISTANCE OF 77.90 FEET; THENCE N60°09'58" W, 135.99 FEET TO THE TRUE POINT OF BEGINNING.

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LOT B SHORT PLAT 3617 REC A F 8411020149 BEING DESC FOR TAX PURP AS FOLS TH PTN NW1/4 NW1/4 DAF COM AT NW COR NW1/4 NW 1/4 SD SEC TH S88°17'37"E ALG N LN SD SUB 300FT TH S63°59'48"E 687.51FT TO TPOB TH CONT S63°59'48"E 348.78FT TAP ON W RN LN OLD CLIFTON RD TH S22°55'01" W ALG SD R/R RN 2.69FT TH CONT ALG SD WR/W RN ALG CRV TO R WHOSE RAD IS 1382.4FT ARC DIST OF 121.91FT TH N63°39'56"W 354.32FT TH N27°58'10"E 122.58FT TO TPOB
LOT D SHORT PLAT NO. 6785 RECORDED UNDER AUDITOR'S FILE NOS. 3003660/3661. BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON. TOGETHER WITH EASEMENTS AS DEPICTED ON THE SHORT PLAT.

LOT B SHORT PLAT NO. 6784 RECORDED UNDER AUDITOR'S FILE NOS. 3003664/3665. BEING A PORTION OF LOT A SHORT PLAT NO. 3617 RECORDED UNDER AUDITOR'S FILE NO. 8411020149 IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON. TOGETHER WITH EASEMENTS AS DEPICTED ON THE SHORT PLAT.

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032301-2-061-2007  2103372  1351 SW OLD CLIFTON RD

03231E
LOT D SHORT PLAT 5343 RECORDED UNDER AUDITOR'S FILE NO. 9011150238 BEING THAT PORTION OF LOTS 2 AND 3 OF THE SURVEY RECORDED IN VOLUME 18 OF SURVEYS, PAGE 242, LYING NORTHWESTERLY OF SHORT SUBDIVISION NO. 3617 RECORDED UNDER AUDITOR'S FILE NO. 8411020149 AND SITUATE IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE S02°24'53" W ALONG THE WEST LINE OF SAID SUBDIVISION 267.79 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 3; THENCE S63°49'45" E ALONG THE SOUTHWESTERLY LINE OF SAID LOT 3 A DISTANCE OF 575.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S63°34'45" E 265.62 FEET TO THE WESTERLY MOST CORNER OF LOT D OF SAID SHORT SUBDIVISION NO. 3617; THENCE N27°58'10" E ALONG THE NORTHWESTERLY LINE OF SAID LOT D AND ITS EXTENSION 186.01 FEET TO THE SOUTHERLY MOST CORNER OF LOT A OF SAID SHORT SUBDIVISION; THENCE N63°53'47" W ALONG THE SOUTHWESTERLY LINE OF SAID LOT A 265.64 FEET; THENCE S27°58'10" W 185.55 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, AND ACROSS THE SOUTHERLY 30 FEET OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., AS DESCRIBED IN CERTAIN QUIET CLAIM OF EASEMENT DATED JUNE 8, 1984 RECORDED UNDER AUDITOR'S FILE NO. 8406290055; SUBJECT TO AND TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED PARCEL; COMMENCING AT THE NORTHWEST CORNER OF SECTION 3 TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M.; THENCE S02°24'53" W, ALONG THE WEST LINE OF SAID SUBDIVISION 674.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°24'53" W 60.00 FEET; THENCE S67°14'39" E 188.79 FEET; THENCE N30°33'50" E 417.17 FEET; THENCE N19°50'26" E 50.29 FEET; THENCE N27°58'10" E 270.48 FEET; THENCE N63°53'46" W 30.02 FEET; THENCE S27°58'10" W 320.43 FEET; THENCE S2°24'53" W 49.96 FEET; THENCE S30°33'50" W 285.90 FEET; THENCE ON A CURVE TO THE RIGHT, WHOSE RADIUS IS 50 FEET, AN ARC DISTANCE OF 77.90 FEET; THENCE S60°09'58" W 135.99 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A 15 FOOT EASEMENT FOR WATER PURPOSES OVER, UNDER AND ACROSS A STRIP THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE S64°21'30" E 665.4 FEET TO THE TERMINUS OF SAID EASEMENT; TOGETHER WITH A 20 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS A STRIP THE NORTHEASTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT
THE SOUTHWEST CORNER OF LOT A OF SAID SHORT SUBDIVISION NO. 3617; THENCE S63°53'47" E ALONG THE SOUTHWESTERLY LINE OF SAID LOT A 204.01 FEET TO THE TERMINUS OF SAID 20 FOOT EASEMENT.

03231E
LOT C SHORT PLAT 5343 RECORDED UNDER AUDITOR’S FILE NO. 9011150238 BEING THAT PORTION OF LOTS 2 AND 3 OF THE SURVEY RECORDED IN VOLUME 18 OF SURVEYS, PAGE 242, LYING NORTHWESTERLY OF SHORT SUBDIVISION NO. 3617 RECORDED UNDER AUDITOR’S FILE NO. 8411020149 AND SITUATE IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE S02°24'53" W ALONG THE WEST LINE OF SAID SUBDIVISION 267.79 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 3; THENCE S63°47'45" E ALONG THE SOUTHWESTERLY LINE THEREOF 371.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S63°47'45" E ALONG SAID SOUTHWESTERLY LINE 204 FEET; THENCE N27°58'10" E 185.55 FEET TO THE SOUTHWESTERLY LINE OF LOT A OF SAID SHORT SUBDIVISION NO. 3617; THENCE N63°53'47" W ALONG SAID SOUTHWESTERLY LINE 204.01 FEET TO THE WESTERLY MOST CORNER OF SAID LOT A; THENCE S27°58'10" W 185.19 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER AND ACROSS THE SOUTHIER 30 FEET OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., AND A 10 FOOT WIDE UTILITY EASEMENT OVER AND ACROSS THE NORTH 10 FEET OF THE SOUTH 40 FEET OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., AS DESCRIBED IN THAT CERTAIN QUIT CLAIM OF EASEMENT DATED JUNE 8, 1984 RECORDED UNDER AUDITOR’S FILE NO. 8406290055; SUBJECT TO AND TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M.; THENCE S02°24'53" W ALONG THE WEST LINE OF SAID SUBDIVISION 674.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°24'53" W 60 FEET; THENCE S67°14'39" E 188.79 FEET; THENCE N30°33'50" E 417.57 FEET; THENCE N19°50'26" E 50.29 FEET; THENCE N27°58'10" E 270.48 FEET; THENCE N63°53'46" W 30.02 FEET; THENCE S27°58'10" W 320.43 FEET; THENCE S2°29'09" W 49.96 FEET; THENCE S30°33'50" W 285.90 FEET; THENCE ON A CURVE TO THE RIGHT, WHOSE RADIUS IS 50 FEET, AN ARC DISTANCE OF 77.90 FEET; THENCE N60°09'58" W 135.99 FEET TO THE POINT OF BEGINNING; SUBJECT TO AND TOGETHER WITH A 15 FOOT EASEMENT FOR WATER PURPOSES OVER, UNDER AND ACROSS A STRIP THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST QUARTER OF SAID LOT 2; THENCE S64°21'30" E 665.4 FEET TO THE TERMINUS OF SAID EASEMENT; SUBJECT TO A 20 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS A STRIP THE NORTHEASTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT A OF SAID SHORT SUBDIVISION NO. 3617; THENCE S63°53'47" E ALONG THE SOUTHWESTERLY LINE OF SAID LOT A 204.01 FEET TO THE TERMINUS OF SAID 20 FOOT EASEMENT.
QUARTER OF THE NORTHWEST QUARTER OF OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE S02°24'53" E ALONG THE WEST LINE OF SAID SUBDIVISION 82.79 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 3 AND THE POINT OF BEGINNING; THENCE CONTINUING S02°24'53" W 185 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 3; THENCE S63°47'45" E ALONG THE SOUTHWESTERLY LINE OF SAID LOT 3 A DISTANCE OF 371.41 FEET; THENCE N27°58'10" E 173.80 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 3; THENCE N64°21'30" W ALONG SAID NORTHEASTERLY LINE 451.40 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER AND ACROSS THE SOUTHERLY 30 FEET OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., AS DESCRIBED IN THAT CERTAIN QUIT CLAIM OF EASEMENT DATED JUNE 8, 1984 RECORDED UNDER AUDITOR'S FILE NO. 8406290055; SUBJECT TO AND TOGETHER WITH AN EASEMENT OVER THE WEST 30 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3, LYING WESTERLY OF OLD CLIFTON ROAD; TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED PARCEL; COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M.; THENCE S02°24'53" W, ALONG THE WEST LINE OF SAID SUBDIVISION 674.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°24'53" W 60 FEET; THENCE S67°14'39" E 188.79 FEET; THENCE N30°33'50" E 417.17 FEET; THENCE N19°50'26" E 50.29 FEET; THENCE N27°58'10" E 270.48 FEET; THENCE N63°53'46" W 30.02 FEET; THENCE S27°58'10" W 320.43 FEET; THENCE S2°29'09" W 49.96 FEET; THENCE S30°33'50" W 285.90 FEET; THENCE ON A CURVE TO THE RIGHT, WHOSE RADIUS IS 50 FEET, AN ARC DISTANCE OF 77.60 FEET; THENCE N65°09'58" W 135.99 FEET TO THE POINT OF BEGINNING; SUBJECT TO AND TOGETHER WITH A 15 FOOT EASEMENT FOR WATER PURPOSES OVER, UNDER AND ACROSS A STRIP THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF THE ABOVE MENTIONED SURVEY; THENCE S64°21'30" E 665.4 FEET TO THE TERMINUS OF SAID EASEMENT; SUBJECT TO DECLARATION OF COVENANT FOR WELL RECORDED WITH THIS SHORT SUBDIVISION.

032301-2-041-2002 1041904

03231E

LOT A SHORT PLAT NO 5343 RECORDED UNDER AUDITOR FILE NO 9011150238 BEING THAT PORTION OF LOT 2 OF THE SURVEY RECORDED IN VOLUME 18 OF SURVEYS, PAGE 242, LYING NORTHEASTERLY OF SHORT SUBDIVISION NO. 3617 RECORDED UNDER AUDITOR'S FILE NO. 8411020149 AND SITUATE IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M. IN KITSAP COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 3; THENCE S02°24'53" W ALONG THE WEST LINE OF SAID SUBDIVISION 82.79 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 2; THENCE S64°21'30" E ALONG THE SOUTHWESTERLY LINE THEREOF 451.40 FEET; THENCE N27°58'10" E ALONG THE NORTHEASTERLY LINE OF LOT A OF SAID SHORT SUBDIVISION NO. 3617 A DISTANCE OF 196.58 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 2; THENCE N63°59'48" W ALONG SAID NORTHEASTERLY LINE 217.84 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 3; THENCE N88°17'37" W ALONG SAID NORTH LINE 300 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER AND ACROSS THE SOUTHERLY 30 FEET OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 1
EAST, W.M., AND A 10 FOOT WIDE UTILITY EASEMENT OVER AND ACROSS THE NORTH 10 FEET OF THE SOUTH 40 FEET OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M. AS DESCRIBED IN THAT CERTAIN QUIT CLAIM EASEMENT DATED JUNE 8, 1984 RECORDED UNDER AUDITOR'S FILE NO. 8406290055; SUBJECT TO AND TOGETHER WITH AN EASEMENT OVER THE WEST 30 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, LYING WESTERLY OF OLD CLIFTON ROAD; TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED PARCEL; COMMENCING AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M.; THENCE S02°24'53" W, ALONG THE WEST LINE OF SAID SUBDIVISION 674.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°24'53" W 60 FEET; THENCE S67°14'39" E 188.79 FEET; THENCE N30°33'50" E 417.17 FEET; THENCE N19°50'26" E 50.29 FEET; THENCE N27°58'10" E 270.48 FEET; THENCE N63°53'46" W 30.02 FEET; THENCE S27°58'10" W 320.43 FEET; THENCE S22°29'09" W 49.96 FEET; THENCE S30°33'50" W 285.90 FEET; THENCE ON A CURVE TO THE RIGHT, WHOSE RADIUS IS 50 FEET, AN ARC DISTANCE OF 77.90 FEET; THENCE N 60°09'58" W 135.99 FEET TO THE POINT OF BEGINNING; SUBJECT TO AND TOGETHER WITH A 15 FOOT EASEMENT FOR WATER PURPOSES OVER, UNDER AND ACROSS A STRIP THE CENTERLINE WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF THE ABOVE MENTIONED SURVEY; THENCE S6°21'30" E 665.4 FEET TO THE TERMINUS OF SAID EASEMENT; SUBJECT TO DECLARATION OF COVENANT FOR WELL RECORDED WITH THIS SUBDIVISION.

| 032301-2-002-2009 | 1041136 | 1337 SW OLD CLIFTON RD |

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PAR(1) TH PTN OF NW1/4 NW1/4 OF SEC 3 DAFCOM AT NW COR OF NW1/4 OF SD SEC 3 TH S88°17'37"E ALG N LN OF SD SUB 300.00 FT TO TPOB TH S63°59'48"E 1036.37FT TO WLY R/W LN OLD CLIFTON CO RD TH NELY ALG SD R/W LN 177.26FT TO E LN OF NW1/4 NW1/4 OF SD SEC 3 TH N02°31'58"E ALG SD E LN 261.17FT TO NE COR OF SD NW1/4 NW1/4 OF SEC 3 TH N88°17'37"W ALG N LN OF SD SUB 1012.41FT TO TPOB PAR(2) AN ESMT OVER W 30FT OF TH PTN OF NW1/4 NW1/4 OF SEC 3-23-1E LY WLY OF OLD CLIFTON RD ALSO A PERPETUAL NON-EXCLUSIVE RD ESMT OVER AND ACROSS THE SLY 30FT OF N 10 ACS OF S 20 ACS OF NE1/4 NE1/4 OF SEC 4-23-1E ALSO A 10FT WIDE UTIL ESMT OVER N 10FT OF S 40FT OF N 10 ACS OF S 20 ACS OF NE1/4 NE1/4 OF SEC 4-23-1E