

RESOLUTION NO. 2012-01

A RESOLUTION of the City Council of Bainbridge Island, Washington, authorizing and accepting the dedication of a portion of Tax Parcel No. 222502-4-006-2005 as City right-of-way and granting an easement for future transportation improvements.

WHEREAS, the City owns Tax Parcel No. 222502-4-006-2005 located at the SE quadrant to the intersection of Sportsman Club Road NE and NE New Brooklyn Road and commonly known as the Suzuki Property; and

WHEREAS, it is necessary to dedicate a portion of Tax Parcel No. 222502-4-006-2005 described in the Right-of-Way Deed and Slope Easement attached as Exhibit A (the "Right-of-Way") (the "Right-of-Way Deed and Slope Easement") for the purposes of future transportation improvements, such as increasing intersection capacity and providing for utility facilities and non-motorized improvements; and

WHEREAS, it is further recommended that the City grant an easement for the purpose of making and undertaking all necessary slopes for cuts and fills incident or appurtenant to the construction and maintenance of roadway slopes in excavation and/or embankment for roadway purposes, in conformity with City engineering design and development standards for roadways abutting the Right-of-Way (the "Slope Easement"); and

WHEREAS, upon passage of this ordinance, the City will record the Right-of-Way Deed and Slope Easement dedicating the 3000 square feet, more or less, to the City and granting the Slope Easement; and

WHEREAS, the City Council finds that it is in the best interest of the City of Bainbridge Island to accept this right-of-way dedication for purposes of future transportation and utility needs; now therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

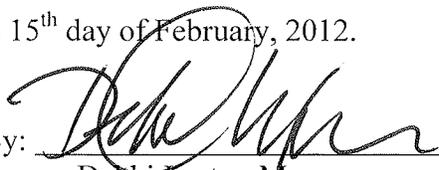
Section 1. Right-of-Way Dedication. The City Council authorizes the dedication of the Right-of-Way legally described in Exhibit B to the Right-of-Way Deed and Slope Easement and depicted on Exhibit C to the Right-of-Way Deed and Slope Easement to the City of Bainbridge Island for use and occupancy by the City and the general public for the construction, development, maintenance, repair, replacement and use of: (i) roadways known as NE New Brooklyn Road and Sportsman Club Road NE (Permanent Highway No. 13), (ii) other reasonable and appropriate uses appurtenant to municipal roadways and utility installation and use, including, without limitation, sidewalks, curbs, and gutters; and (iii) utility facilities for the benefit and use of the City and utility purveyors.

Section 2. Grant of Easement. The City Council authorizes the grant of the Slope Easement as described in the Right-of-Way Deed and Slope Easement.

Section 3. Acceptance. The City of Bainbridge, as grantee, accepts the Right-of-Way and Slope Easement into the City's public right-of-way and easement inventory.

PASSED by the City Council this 15th day of February, 2012.

APPROVED by the Mayor this 15th day of February, 2012.

By:  _____
Debbi Lester, Mayor

ATTEST/AUTHENTICATE:

By:  _____
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	February 10, 2012
PASSED BY THE CITY COUNCIL:	February 15, 2012
RESOLUTION NO.	2012-01

EXHIBIT A TO RESOLUTION NO. 2012-01

FORM OF
RIGHT-OF-WAY DEED AND SLOPE EASEMENT

RIGHT-OF-WAY DEED AND SLOPE EASEMENT

Grantor: City of Bainbridge Island, Washington, a municipal corporation.

Grantee: City of Bainbridge Island, Washington, a municipal corporation.

Short Legal Description: A portion of the N ½, NW ¼, SE ¼, Sec. 22, T. 25 N., R. 2 E., W.M., Kitsap County, WA.
(Full description on Exhibit A)

Assessor's Property Tax Parcel/Account Number (s): 222502-4-006-2005

Recitals

A. Grantor, City of Bainbridge Island ("Grantor"), is the fee owner of the real property which is situated in Bainbridge Island, Kitsap County, Washington and is legally described on **Exhibit "A"**, attached hereto and incorporated by this reference ("Grantor's Property").

B. Grantor desires to convey to the City of Bainbridge Island, Washington (the "City"), a portion of Grantor's Property for right-of-way purposes and a slope easement in accordance herewith.

NOW, THEREFORE,

THE GRANTOR, for and in consideration of the benefits of a public right-of-way and other good and valuable consideration, in hand paid, and in lieu of condemnation, hereby warrants and conveys to the CITY OF BAINBRIDGE ISLAND, WASHINGTON, a municipal corporation, that portion of Grantor's Property which is legally described on **Exhibit "B"** and shown on attached **Exhibit "C"** hereto and incorporated by this reference (the "Right-of-Way")

in fee simple and not as an easement, for use and occupancy by the City and the general public for the construction, development, maintenance, repair, replacement and use of: (i) roadways known as **NE New Brooklyn Road** and **Sportsman Club Road NE (Permanent Highway No. 13)**, (ii) other reasonable and appropriate uses appurtenant to municipal roadways and utility installation and use, including, without limitation, sidewalks, curbs, and gutters; and (iii) utility facilities for the benefit and use of the City and utility purveyors.

Grantor further grants and conveys to the City a perpetual, non-exclusive easement for the purpose of making and undertaking all necessary slopes for cuts and fills incident or appurtenant to the construction and maintenance of roadway slopes in excavation and/or embankment for roadway purposes, in conformity with City engineering design and development standards for roadways, over, under, upon and across the portion of the Grantor's Property abutting the Right-of-Way.

Dated this 29th day of February, 2012.

GRANTOR:

GRANTEE:

CITY OF BAINBRIDGE ISLAND

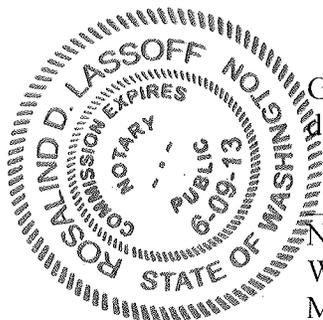
CITY OF BAINBRIDGE ISLAND

By: 
Brenda Bauer
City Manager

By: 
Lance Newkirk
Public Works Director
(Per BIMC 3.73.010)

STATE OF WASHINGTON)
)ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Brenda Bauer is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the City Manager of the City of Bainbridge Island to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument..



Given under my hand and seal this 29th
day of February, 2012.

Rosalind D. Lassoff
Notary Public in and for the State of
Washington, residing at Port Had, WA
My commission expires: 6/9/13

STATE OF WASHINGTON)
)ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Lance Newkirk is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Public Works Director of the City of Bainbridge Island to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Given under my hand and seal this 29th
day of February, 2012.

Rosalind D. Lassoff
Notary Public in and for the State of
Washington, residing at Port Had, WA
My commission expires: 6/9/13

EXHIBIT A

LEGAL DESCRIPTION OF GRANTOR'S PROPERTY

That portion of the North half of the Northwest quarter of the Southeast quarter, Section 22, Township 25 North, Range 2 East, W.M., Kitsap County, Washington, lying east of Permanent Highway No. 13;

EXCEPT the North 30 feet conveyed to Kitsap County for road by deed recorded under Auditor's File No. 777166;

Together with and subject to easements, reservations and restrictions of record.

Situate in Kitsap County, Washington.

EXHIBIT B

LEGAL DESCRIPTION OF RIGHT-OF-WAY

A strip of land lying North and West of the following described property;
That portion of the North half of the Northwest quarter of the Southeast quarter, Section 22, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, lying east of Permanent Highway No. 13; except the North 30 feet conveyed to Kitsap County for road by deed recorded under Auditor's File No. 777166; situate in Kitsap County, Washington.

Described as follows;

Commencing at the East quarter corner of said Section 22 and a monument;

Thence along the North line of the Southeast quarter of said Section 22, North $87^{\circ} 51' 19''$ West 1320.90 feet to a monument at the Northeast corner of said Northwest quarter of the Southeast quarter, Section 22, and the True Point of Beginning;

Thence southerly along the East line of said Northwest quarter of the Southeast quarter 45.00 feet;

Thence North $87^{\circ} 51' 19''$ West 573.53 feet;

Thence South $70^{\circ} 40' 35''$ West 248.8 feet more or less to the intersection of a line lying 35.00 feet Easterly and parallel to the centerline of Sportsman Club Road NE (Permanent Highway No. 13);

Thence southwesterly along a line lying 35.00 feet East and parallel to the centerline of said Permanent Highway No. 13, 660.6 feet more or less to the South line of the North half of the Northwest quarter of the Southeast quarter of said Section 22;

Thence westerly along said South line of the North half of the Northwest quarter of the Southeast quarter to the centerline of said Sportsman Club Road NE;

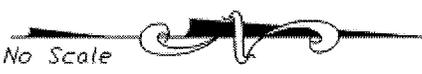
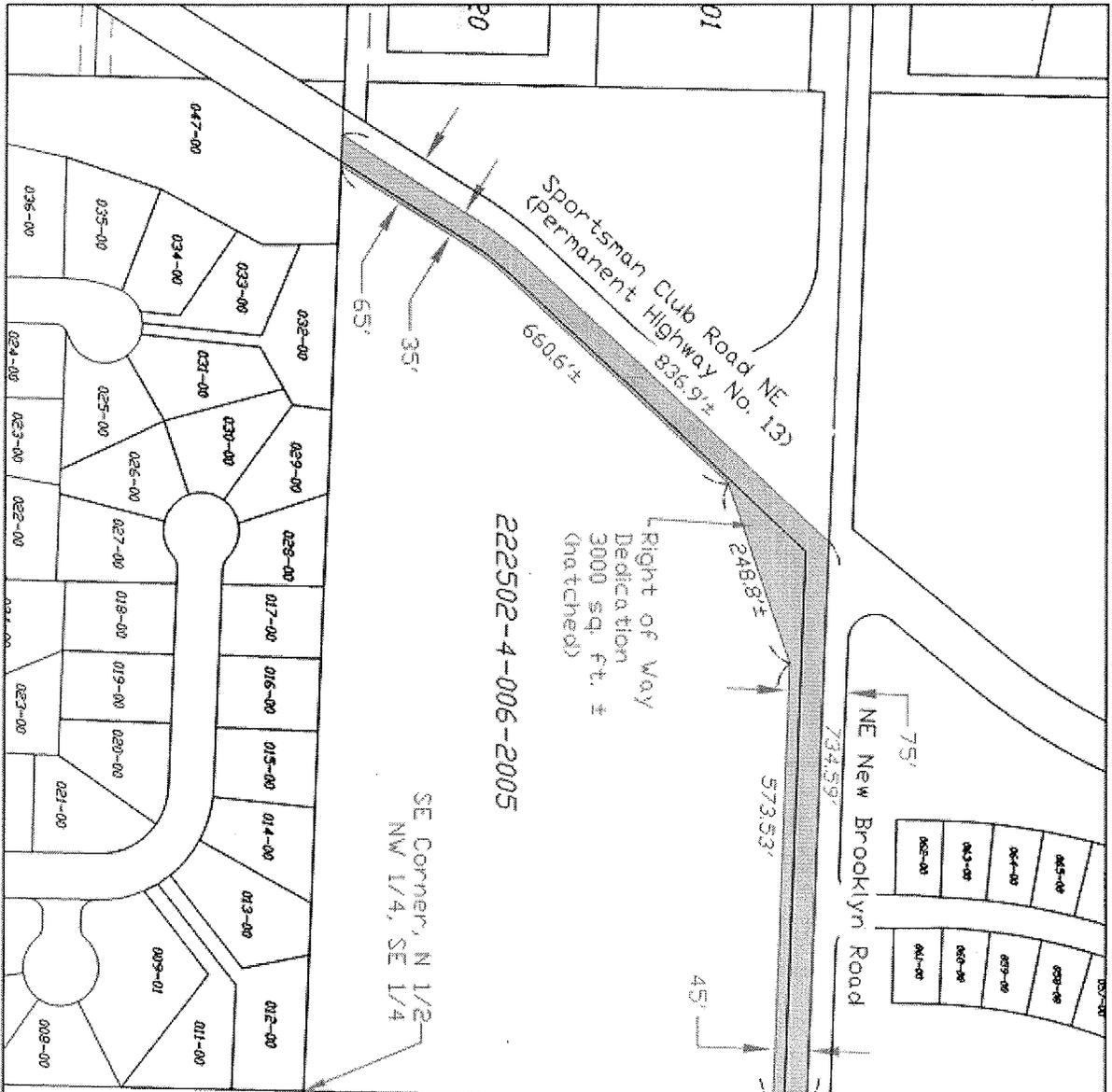
Thence northeasterly along said centerline of Sportsman Club Road NE 836.9 feet more or less to the North line of the Southeast quarter of said Section 22 and a monument;

Thence easterly along said North line of the Southeast quarter of said Section 22 to a monument at the Northeast corner of said Northwest quarter of the Southeast quarter, Section 22, and the True Point of Beginning;

The above description may include right of way previously dedicated or granted to the public.

EXHIBIT C

MAP OF AREA TO BE DEDICATED
(Attached)



01-05-2012
DATE

1
NUMBER

EXHIBIT C
 City of Bainbridge Island
 Kitsap County, Washington
 S.22, T.25N., R.2E., W.M.



CITY OF BAINBRIDGE ISLAND
PUBLIC WORKS ENGINEERING DEPARTMENT