

## RESOLUTION NO. 2012-04

**A RESOLUTION** by the City of Bainbridge Island City Council, Bainbridge Island, Washington, that approves a proposed design concept for a public park trail ("the Site") to be constructed by a Citizens Task Force on certain land owned by the City of Bainbridge Island (the "City") and Kitsap Transit ("KT"), subject to certain conditions set forth below.

**WHEREAS**, applicable law, public policy, the City's Comprehensive Plan, and the Winslow Master Plan all encourage the development of green spaces and public parks in Winslow, the urban core of the Bainbridge Island; and

**WHEREAS**, the Winslow area is currently underserved by parklands according to state and national standards, and citizens of Bainbridge Island have in the past expressed broad support for more parklands in Winslow; and

**WHEREAS**, the City, as tenants in common with KT, owns a parcel of property on the southwest corner of Winslow Way East and State Route 305 (the "the Site"), which is currently vacant and unused; and

**WHEREAS**, the City and KT previously entered into an Interlocal Agreement (the "Existing Interlocal Agreement" which specifically contemplates that the Site may be used for paths, greenbelts, green-ways and open space; and

**WHEREAS**, KT has given its consent to use of the east 40 feet of the Site for Public Park Uses" as defined in the Existing Interlocal \*, pursuant to a letter dated May 11, 2002 from KT to the City's Acting City Manager; and

**WHEREAS**, in 2003 the City of Bainbridge Island funded and adopted the Public Art Master Plan commissioned by the Public Art Committee of the Bainbridge Island Arts & Humanities Council, which detailed the preservation of the Site for public use including the integration of art;

**WHEREAS**, in 2003 the City of Bainbridge Island adopted its Non-Motorized Transportation Plan (NMTP). Part of the NMTP is included in a larger regional connection known as the Sound to Olympics Trail which is included in the Puget Sound Regional Council's Vision 2040 Plan, Kitsap Regional Coordinating Council's Looking for Linkages, Kitsap Transit's SR 305 Corridor Study, and Kitsap County's adopted North-Kitsap String of Pearls Trail Plan. The first leg of the Sound to Olympics Trail is to be located at Olympic Drive and along the street edge of the Site; and

**WHEREAS**, a broad-based informal committee of interested citizens has formed, known as the Citizens Task Force to advocate for and oversee the development of the Site as a public park trail;

**WHEREAS**, the development of a passive park trail on the Site will serve the public need for green space in Winslow, will create a welcoming space for homeward-bound Islanders, will benefit the business community by creating an attractive gateway amenity for visitors, and will generally enhance the appearance of this prominent parcel of property on Bainbridge Island;

**WHEREAS**, the City previously adopted Resolution 2012-02, under which the City Council unanimously endorsed the proposed park on the Site; and

**WHEREAS**, based on the authority granted under Resolution 2012-02, the Citizens Task Force organized a design process for the Site that solicited broad public input and ideas regarding design, use and appearance of the proposed park, including two open public workshops, and, as a result, the Citizens Task Force are now coming back before the City Council seeking approval for the park trail plans that came out of the public design process; now, therefore,

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

1. The City hereby approves the proposed site design concept for the Site, according to the site plan attached hereto (the "Design Concept").

2. The City hereby appoints the Rotary Club of Bainbridge Island ("Rotary") to act as project manager for the limited purpose of overseeing the improvement of the Site according to the Design Concept;

3. The City Manager is hereby directed to execute an Owner/Agent Agreement, in the standard form required by the City's Department of Planning and Community Development, under which the City consents to appointment of Rotary as its agent for the limited purpose of improving the Site according to the Design Concept; and

4. The City hereby authorizes Rotary (in cooperation with the Citizens Task Force) to proceed with the permitting and development of the Site as a public park trail in accordance with the Design Concept; PROVIDED THAT the following conditions are met:

A. No City funds shall be expended for the design, permitting or construction of the Site; all necessary funds shall be raised by the Citizens Task Force from private donations;

B. The Design Concept shall be modified as necessary to allow for future accommodation of "a separated non-motorized pathway and trail connection zone" on the western side of the Olympic Drive between Harborview Drive and Winslow, as a portion of the Sound to Olympics Trail, in accordance with the Non-Motorized Transportation Plan;

C. Before any permit applications are filed for the Site, the Citizens Task Force shall have obtained similar approval of the Design Concept from Bainbridge Island Metropolitan Park and Recreation District (the "Park District");

D. Before construction of the project begins, the Bainbridge Island City Council and the Park District Board of Directors shall approve an Interlocal Agreement under which the creation of the park is authorized, and the Park District agrees to assume full responsibility for all operation and maintenance of the Site following its completion;

E. The design and installation of the Site shall insure that the existing ground water monitoring wells are not disturbed and remain accessible;

F. No soils shall be excavated, removed, or disturbed beyond 3 feet below the existing surface grade of the Site; and

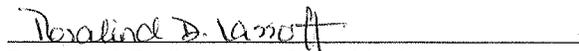
G. The Site shall be designed and improved in a manner so that at such time as KT exercises and undertakes *KT Approved Use* rights (pursuant to the Existing Interlocal Agreement), such uses will have a *de minimis* impact on the park improvements and uses on the remainder of the Site; and no permanent structures or improvements will be placed within the east 40 feet without the prior written consent of KT.

**PASSED** by the City Council this 23<sup>rd</sup> day of May, 2012.

**APPROVED** by the Mayor this 23<sup>rd</sup> day of May, 2012.

  
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Debbi Lester, Mayor

**ATTEST/AUTHENTICATE:**

  
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Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: May 18, 2012  
PASSED BY THE CITY COUNCIL: May 23, 2012  
RESOLUTION NO: 2012-04

