

**RESOLUTION NO. 2009-20**

**A RESOLUTION** declaring certain real property commonly known as the Miller Road Shed/Old County Road Maintenance Site to be surplus to the needs of the City of Bainbridge Island and authorizing the sale of such property.

**WHEREAS**, the purchase of Miller Road Shed/Old County Road Maintenance Site (Parcel No. 202502-1-049-2002) legally described on Exhibit A attached hereto and made a part hereof by this reference (the "Property") was approved by the City Council on May 9, 2001 under a Real Estate Contract with Kitsap County, dated August 13, 2001, which also included two other properties, commonly known as Lovgren Pit and Myer's Pit; and

**WHEREAS**, final payment for the three parcels is due in 2011, but the City may acquire the three properties early by paying Kitsap County the remaining \$60,000 under the Real Estate Contract; and

**WHEREAS**, the Property has been periodically used as a storage area for the Operations and Maintenance Department; and

**WHEREAS**, the Property is surplus to the needs of the City; and

**WHEREAS**, an ad hoc committee of the City Council has recommended that the Property be declared surplus and sold by a real estate agent through a multiple listing service; and

**WHEREAS**, the ad hoc committee of the City Council has recommended that the Property be reviewed by the Non-Motorized Transportation Committee prior to the sale to see if retaining a trail easement is advisable;

**WHEREAS**, the sale price of the Property will be based upon a professional appraisal; and

**WHEREAS**, pursuant to Chapter 39.33 RCW, the City has conducted a public hearing on September 2, 2009 regarding the sale of the Property; and

**WHEREAS**, the City Council finds that it is in the best interest of the City of Bainbridge Island to declare the Property surplus and authorize its sale, pending completion of the SEPA review process, now, therefore,

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

1. The Miller Road Shed/Old County Road Maintenance Site, legally described on attached and incorporated Exhibit A, is hereby declared surplus to the needs of the City of Bainbridge Island.
2. It is in the best interest of the citizens of Bainbridge Island to sell said surplus property.
3. The sale of the Property shall be contingent upon the \$60,000 due under the Real Estate Contract dated August 13, 2001, being paid to Kitsap County, either out of the sale proceeds at the time of closing or at an earlier time out of the City's general fund.
4. The sale of the Property shall also be contingent upon the sale completing environmental review in accordance with the State Environmental Policy Act and the expiration of the SEPA appeal period.
5. The Non-Motorized Transportation Committee shall review the Property prior to the sale to see if retaining a trail easement is advisable.
6. The sale price of the Property will be based upon a professional appraisal of the value of the Property with the recognition that the final sales price may be lower

than the appraised value by a factor of up to ten percent (10%), or that the purchase price may be higher than the appraised value.

7. The Property shall be listed for sale by a real estate agent through a multiple listing service.
8. The City Manager, and his designees, are hereby authorized to take all necessary and appropriate steps to sell and transfer said property in accordance with applicable federal, state and local law, including negotiation and execution of all contracts, real estate purchase and sale agreements, and other legal documents required to sell the Property.

**PASSED** by the City Council this 2<sup>nd</sup> day of September, 2009.

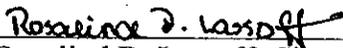
**APPROVED** by the Mayor this 9<sup>th</sup> day of September, 2009.



---

Christopher Snow, Mayor

ATTEST/AUTHENTICATE:

  
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: August 25, 2009

PASSED BY THE CITY COUNCIL: September 2, 2009

RESOLUTION NO. 2009-20

**EXHIBIT A**

BEGINNING AT A POINT ON THE EAST BOUNDARY LINE OF SECTION 20, WHICH POINT IS 700 FEET NORTH OF THE ONE QUARTER SECTION POST ON THE EAST BOUNDARY LINE OF SECTION 20, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON; THENCE RUNNING WEST 512 FEET; THENCE NORTH 22.50° WEST 223 FEET; THENCE NORTH 125 FEET; THENCE NORTH 82° EAST 390 FEET; THENCE SOUTH 119 FEET; THENCE EAST 209 FEET TO THE EAST BOUNDARY LINE OF SAID SECTION 20; THENCE SOUTH ALONG SAID BOUNDARY LINE 261 FEET TO A POINT OF BEGINNING. LESS 10 FEET ON NORTH END RESERVED FOR ROAD.

SITUATE IN THE COUNTY OF KITSAP, STATE OF WASHINGTON.