

RESOLUTION NO. 2009-22

A RESOLUTION declaring certain real property located on the Vincent Road Landfill parcel to be surplus to the needs of the City of Bainbridge Island and authorizing the sale of such property.

WHEREAS, on February 28, 2001, the City of Bainbridge entered into an Interlocal Agreement with Kitsap County whereby the City and Kitsap County agreed to share equally in the total cost for clean-up of the Vincent Road Landfill, a 40.03 acre parcel with Kitsap County Auditor's Tax No. 332502-2-001-2001, and

WHEREAS, in exchange for the City's financial contribution, Kitsap County agreed to deed the property, legally described on Exhibit A attached hereto, to the City following the clean-up, and title was transferred to the City on April 22, 2002; and

WHEREAS, a portion of the Vincent Road Landfill has been used by Bainbridge Disposal, Inc. ("BDI") as a solid waste and recyclable materials transfer station under a use agreement with the City; and

WHEREAS, BDI provides a significant community service by providing a transfer station for citizens of Bainbridge Island and surrounding areas; and

WHEREAS, an ad hoc committee of the City Council has recommended that an eight-acre portion of the Vincent Road Landfill, legally described on Exhibit B and shown on Exhibit C attached hereto, and made a part hereof by this reference (the "BDI parcel"), be declared surplus and sold to BDI for use as a transfer station; and

WHEREAS, the BDI parcel is surplus to the needs of the City; and

WHEREAS, the City has reviewed the City of Bainbridge Island Comprehensive Plan and determined the sale of the BDI parcel is consistent with the Comprehensive Plan's planning process and goals;

WHEREAS, prior to the sale of the BDI parcel, a boundary line adjustment application will be submitted to the City and processed in accordance with the City's standard practices and procedures.

WHEREAS, the sale price of the BDI parcel will be based upon a professional appraisal; and

WHEREAS, the City has conducted a public hearing on September 2, 2009 regarding the sale of the BDI parcel; and

WHEREAS, the City Council finds that it is in the best interest of the City of Bainbridge Island to declare the BDI parcel 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:

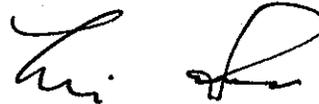
1. A portion of the real property owned by the City of Bainbridge Island commonly known as the Vincent Road Landfill, and legally described on attached and incorporated Exhibit B and shown on Exhibit C, is hereby declared surplus to the needs of the City of Bainbridge Island.
2. It is in the best interest of the citizens of Bainbridge Island to sell said surplus property.
3. The sale of the BDI parcel shall be contingent upon the sale completing environmental review in accordance with the State Environmental Policy Act and the expiration of the SEPA appeal period.
4. 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.

5. 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 BDI parcel.

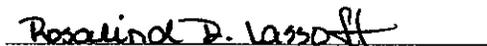
PASSED by the City Council this 2nd day of September, 2009.

APPROVED by the Mayor this 11th 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. 2009-22

EXHIBIT A

Assessor's Property Tax Parcel Number 332502-2-001-2001

The Northeast ¼ of the Northwest ¼, Section 33, Range 25 North, Township 2 East, Willamette Meridian, situate in Kitsap County, Washington.

EXHIBIT B

A Portion of Kitsap County Assessor's Property Tax Parcel Number 332502-2-001-2001

A portion of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 33, Range 25 North, Township 2 East, Willamette Meridian, Kitsap County, Washington described as follows:

Commencing at the Northeast corner of the Northeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$ of said Section 33;
Thence along the East line of said Northeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$, South $01^{\circ} 13' 54''$ West 46.5 feet, more or less to the intersection of the southerly right of way of NE Vincent Road and the True Point of Beginning;
Thence South $48^{\circ} 31' 10''$ West 463.08 feet;
Thence South $27^{\circ} 47' 04''$ West 54.60 feet;
Thence South $49^{\circ} 01' 29''$ West 19.62 feet;
Thence on a 300.00 foot radius curve to the right, the radius point of which bears North $40^{\circ} 58' 31''$ West, through a central angle of $30^{\circ} 09' 58''$ an arc distance of 157.95 feet;
Thence South $79^{\circ} 11' 27''$ West 97.46 feet;
Thence on a 200.00 foot radius curve to the left, the radius point of which bears South $10^{\circ} 48' 33''$ East, through a central angle of $27^{\circ} 52' 52''$ an arc distance of 97.32 feet;
Thence South $51^{\circ} 18' 34''$ West 73.12 feet;
Thence North $38^{\circ} 41' 26''$ West 73.42 feet;
Thence North $01^{\circ} 10' 17''$ East 84.21 feet;
Thence North $88^{\circ} 49' 43''$ West 111.35 feet;
Thence North $01^{\circ} 10' 17''$ East 454.59 feet, more or less, to the North line of the Northeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$ of said Section 33;
Thence along the North line of said Northeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$, South $89^{\circ} 17' 21''$ East 822.1 feet, more or less to the intersection of the southerly right of way of NE Vincent Road;
Thence along the southerly right of way of Vincent Road NE South $62^{\circ} 38' 23''$ East 103.7', more or less, to the East line of said Northeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$ and the True Point of Beginning;
Containing 348835 Sq. Ft. or 8.01 acres.

EXCEPT NE Vincent Road.

Subject to and together with easements and restrictions of record.

SUBJECT TO a 30 foot access and utilities easement the centerline of which is described as follows:

Commencing at the Northeast corner of the Northeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$ of said Section 33, Range 25 North, Township 2 East, Willamette Meridian;
Thence along the North line of said Northeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$, North $89^{\circ} 17' 21''$ West 274.07 feet and the True Point of Beginning;
Thence South $35^{\circ} 18' 37''$ West 19.08 feet;
Thence on a 377.00 foot radius curve to the left, the radius point of which bears South $54^{\circ} 41' 23''$ East, through a central angle of $32^{\circ} 47' 53''$ an arc distance of 215.81 feet;
Thence South $03^{\circ} 36' 43''$ West 128.66 feet;
Thence South $24^{\circ} 48' 30''$ West 54.21 feet;

Thence South $49^{\circ} 01' 29''$ West 17.21 feet;

Thence on a 285 foot radius curve to the right, the radius point of which bears North $40^{\circ} 58' 31''$

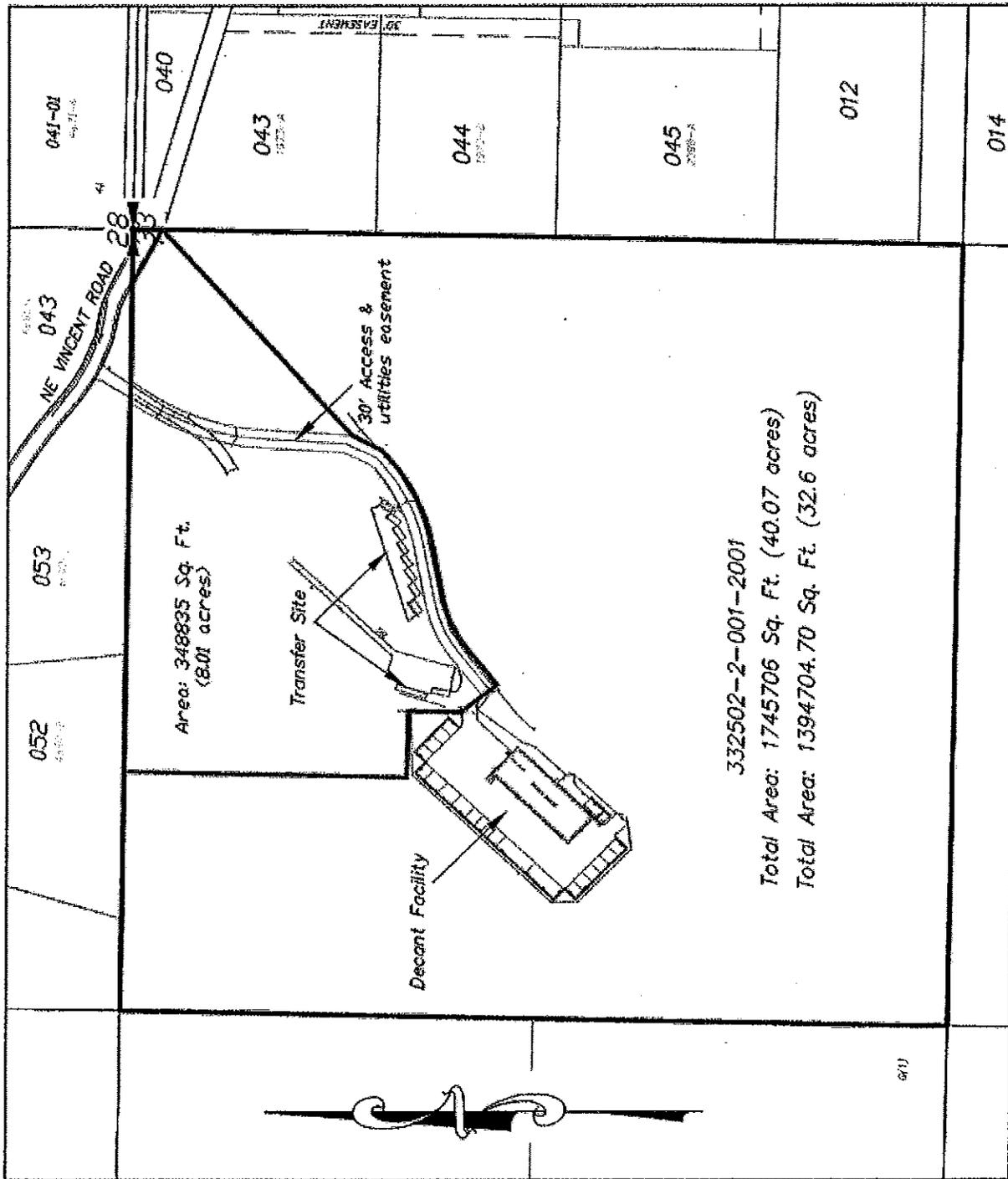
West, through a central angle of $30^{\circ} 09' 58''$ an arc distance of 150.05 feet;

Thence South $79^{\circ} 11' 27''$ West 97.46 feet;

Thence on a 215.00 foot radius curve to the left, the radius point of which bears South $10^{\circ} 48' 33''$ East, through a central angle of $27^{\circ} 52' 52''$ an arc distance of 104.62 feet;

Thence South $51^{\circ} 18' 34''$ West 73.12 feet to the terminus of said centerline.

EXHIBIT C



MM-DD-YYYY DATE	<p>EXHIBIT C Vincent Road Property Northeast 1/4, Northwest 1/4 Sec. 33, T.25N., R.2E., W.M.</p>	 <p>CITY OF BAINBRIDGE ISLAND PUBLIC WORKS ENGINEERING DEPARTMENT</p>
1 NUMBER		