

RESOLUTION NO. 2009-29

A RESOLUTION of the City of Bainbridge Island declaring certain real property commonly known as "Williams Property" to be surplus to the needs of the City of Bainbridge Island, and authorizing the transfer of said surplus property to Bainbridge Island Metropolitan Park and Recreation District for use as a public open space and/or passive public park.

WHEREAS, the City of Bainbridge Island (the "City") owns a parcel that totals approximately 3.81 acres in size, located north of Williams Lane, Bainbridge Island, Washington (Kitsap County Assessor Parcel No. 082502-4-012-2005) and one tidelands parcel that is approximately 4.2 acres in size (Kitsap County Assessor Parcel No. 172502-1-026-2004) (as more fully described on Exhibit A attached hereto, the "Williams Property"); and

WHEREAS, the City and the Bainbridge Island Metropolitan Park and Recreation District (the "District") staff agreed at the time of the purchase to transfer the Williams Property to the District for development and maintenance as public open space and/or a passive park in alignment with the District's mission and other property acquisition requirements; and

WHEREAS, the Park District under a letter of retroactivity applied for and received a Washington State Recreation & Conservation Office ("RCO") grant in the amount of \$986,607 for the purchase of the Williams Property;

WHEREAS, the Park District Board pursuant to Resolution No. 2009-20 has agreed to transfer \$600,000 of the grant to the City as partial compensation for the Williams Property acquisition costs;

WHEREAS, pursuant to the Park District Board Resolution No. 2009-20, \$300,000 of such grant money will be retained by the Park District for the City's portion of the renovation of the soccer fields at Battle Point;

WHEREAS, RCO will not disburse the grant money until the Williams Property has been transferred to the Park District or until the Park District can provide evidence that such transfer is imminent;

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

WHEREAS, upon transfer of ownership, it is understood that the District will continue to maintain and utilize the Williams Property as public open space and/or a passive park in perpetuity, and will assume the costs of maintenance, operations and improvement of the property, thereby saving the City these expenses; and

WHEREAS, the District has expressed a desire to accept the Williams Property subject to the terms and conditions set forth herein; and

WHEREAS, pursuant to Chapter 39.33 RCW, the City has conducted a public hearing on November 23, 2009 regarding the proposed transfer of the Williams Property to the District; and

WHEREAS, the City Council finds that it is in the best interest of the City of Bainbridge Island to declare said the Williams Property surplus and authorize its transfer to the District, now, therefore,

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

1. That real property owned by the City of Bainbridge Island commonly known as "Williams Property" and legally described on Exhibit A attached hereto and incorporated herein by this reference, is hereby declared surplus to the needs of the City.

2. That it is in the best interest of the citizens of Bainbridge Island to transfer the Williams Property to the District to be used and maintained as a passive public park and/or public open space in perpetuity.

3. That the transfer of the Williams Property shall be conditioned upon the District's use and maintenance of the Williams Property for passive public-park and/or public open space purposes.

4. That the transfer of the City's interest in said the Williams Property shall include a further condition that the Williams Property, or any portion thereof, shall not be sold, transferred or conveyed without the prior consent of the City.

5. That the transfer of the Williams Property to the District shall include a "right of reverter" to the City, whereby if the Williams Property or any portion thereof ceases to be used exclusively for public park and/or open space purposes, the title to said property shall revert back to the City.

6. That the transfer of the Williams Property to the District shall be conditioned upon the District's agreement to comply with and satisfy all conditions, restrictions or terms established or agreed to by the City at the time of the City's purchase of the Williams Property, and such other restrictions and covenants which are otherwise of record, including, but not limited to, that certain Real Estate Purchase and Sale Agreement, dated as of October 31, 2007, between the City and Williams Lane Partners, and Frances W. Ringold, J. Vernon Williams, Carl Williams and Scott Williams, Declaration of Restricted Covenants filed with the Kitsap County

Auditor under file no. 200712200018 and Right of First Refusal filed with the Kitsap County Auditor under file no. 200712200019, provided, however, that the City shall be responsible for costs incurred under that certain Agreement, dated October 20, 2009, between the City and Williams Lane LLC.

7. That the transfer of the Williams Property to the District shall also be contingent upon the transfer completing environmental review in accordance with the State Environmental Policy Act and the expiration of the SEPA appeal period.

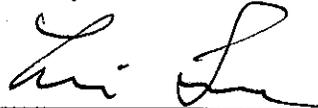
8. That the transfer of the Williams Property shall also be contingent upon the Park District transferring \$600,000 of the RCO grant to the City as partial compensation for the Williams Property acquisition costs, and \$300,000 of such grant money will be retained by the Park District for the City's portion of the renovation of the soccer fields at Battle Point.

9. That the transfer of the Williams Property to the District shall also be contingent on the Park District's agreement that the City shall receive approximately ninety percent (90%) of any future grants received by the Park District in connection with the City's acquisition of the Williams Property.

10. That the City Manager, or his designee, is hereby authorized to take all necessary and appropriate steps to transfer the Williams Property in accordance with applicable federal, state, and local law, including executing all documents required to carry out the transfer.

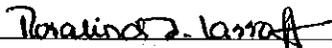
PASSED by the City Council this 23rd day of November 2009.

APPROVED by the Mayor this 23rd day of November 2009.



Christopher Snow, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff City Clerk

FILED WITH THE CITY CLERK:	November 18, 2009
PASSED BY THE CITY COUNCIL:	November 23, 2009
RESOLUTION NO.	2009-29

EXHIBIT A

Legal Description

WILLIAMS PROPERTY

Parcel Numbers: 082502-4-012-2005 and 172502-1-026-2004

THAT PORTION OF GOVERNMENT LOT 5, SECTION 8, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., CITY OF BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8;
THENCE ALONG THE EAST LINE THEREOF, NORTH 01°25'47" EAST 210.80 FEET;
THENCE LEAVING SAID EAST LINE, NORTH 89°01'48" WEST 465.24 FEET;
THENCE NORTH 38°10'06" WEST 200.00 FEET;
THENCE NORTH 71°33'14" WEST TO THE WESTERLY LIMITS OF SAID GOVERNMENT LOT 5;
THENCE SOUTHWESTERLY ALONG SAID WESTERLY LIMITS TO THE SOUTH LINE OF SAID SECTION 8;
THENCE ALONG SAID SOUTH LINE, SOUTH 89°01'48" EAST TO THE POINT OF BEGINNING.

TOGETHER WITH SECOND CLASS TIDELANDS AS CONVEYED BY THE STATE OF WASHINGTON SITUATE IN FRONT OF, OR ADJACENT TO AND ABUTTING THEREON.

ALSO PARCEL C AS DELINEATED ON THE SURVEY RECORDED IN VOLUME 43 OF SURVEYS, PAGE 141, RECORDED UNDER KITSAP COUNTY AUDITOR'S FILE NO. 9507250059, AND DESCRIBED AS FOLLOWS:
THE TIDELANDS INCLUDED IN THE DEEDS RECORDED UNDER KITSAP COUNTY AUDITOR'S FILE NOS. 35694, VOLUME 54, PAGE 23, AND 374342, FRONTING GOVERNMENT LOTS 1 AND 2, SECTION 17, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON, LYING SOUTH OF THE NORTH LINE OF SAID SECTION 17.