

RESOLUTION NO. 2010-10

A RESOLUTION of the City of Bainbridge Island declaring certain real property commonly known as “Yama Property” “Nute’s Pond” and “Aaron Avenue Tot Lot Green Belt” 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 public parks.

WHEREAS, on December 29, 2004 following a recommendation from the Open Space Commission, the City of Bainbridge Island (the “City”) purchased a 7.37 acres fee simple parcel, funded by the Open Space Bond Fund, commonly referred to as the “Yama Property;” and

WHEREAS, the City owns a .26 acre strip adjacent to Aaron Avenue Tot Lot and Grand Avenue that was dedicated to the City in connection with the subdivision of North Hill at Wing Point on October 30, 1989; and

WHEREAS, on January 24, 2007, the City Council approved the purchase of a 31.8 acre property commonly known as the “Nute’s Pond” property, located on the west side of Toe Jam Hill at the approximate address of 2101 Toe Jam, pursuant to a Real Estate Purchase and Sale Agreement with Francis H. Brownell III; and

WHEREAS, the City and the Bainbridge Island Metropolitan Park and Recreation District (the “District”) staff have recommended that the City transfer to the District the Yama Property, Aaron Avenue Tot Lot Green Belt and Nute’s Pond (collectively, the “Properties”) for maintenance as public open space and/or public parks in alignment with the District’s mission, the Open Space Bond measure and other property acquisition requirements; and

WHEREAS, said Properties are 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 Properties as public parks 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 Properties 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 February 24, 2010 regarding the proposed transfer of said Properties 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 Properties surplus and authorize their 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 the "Yama Property," "Aaron Avenue Tot Lot Green Belt" and "Nute's Pond," and legally described on Exhibit A attached hereto and incorporated herein by this reference, are 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 said surplus Properties to the District to be used and maintained as public parks in perpetuity.

3. That it is a condition of the transfer that the Yama Property and Nute's Pond be maintained as passive public parks in perpetuity.

4. That the transfer of the Properties shall be conditioned upon the District's use and maintenance of the Properties for public-park purposes.

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

6. That the transfer of the Properties to the District shall include a "right of reverter" to the City, whereby if the District fails to satisfy any of the conditions of the transfer with respect to any of these Properties, the title to said property shall revert back to the City.

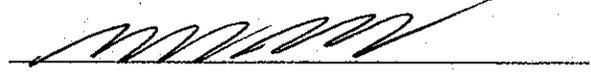
7. That the transfer of the Properties to the District shall be conditioned upon the District's agreement to comply with and satisfy all conditions, restrictions or terms established or agreed to by the City at the time of the City's acquisition of the Properties, and such other restrictions and covenants which are otherwise of record.

8. That the transfer of the Properties 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.

9. That the City Manager is hereby authorized to take all necessary and appropriate steps to transfer said Properties in accordance with applicable federal, state, and local law, including executing all documents required to carry out the transfers.

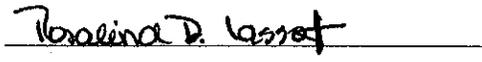
PASSED by the City Council this 24th day of February, 2010.

APPROVED by the Mayor this 9th day of March, 2010.



Bob Scales, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	February 9, 2010
PASSED BY THE CITY COUNCIL:	February 24, 2010
RESOLUTION NO.	2010-10

EXHIBIT A

Legal Descriptions

Yama

Parcel Number: 022402-3-047-2003

OPEN SPACE TRACT 1 OF BAINBRIDGE ISLAND SHORT PLAT RECORDED UNDER AUDITOR'S FILE NOS. 200412140062 AND 200412140063, AS RE-RECORDED UNDER AUDITOR'S FILE NO. 200412170060, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 2, AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 11, ALL IN TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.
SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

Aaron Avenue Tot Lot Green Belt

Parcel No. 5152-001-028-0001

TRACT A, BLOCK 1, (BEING DESIGNATED AS A PARK) PLAT OF NORTH HILL AT WING POINT, ACCORDING TO THE PLAT RECORDED IN VOLUME 26 OF PLATS, PAGES 82 THROUGH 87, INCLUSIVE, RECORDS OF KITSAP COUNTY, WASHINGTON.

Nute's Pond

Parcel No. 112402-4-002-2003

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON;

EXCEPT THE FOLLOWING:

THAT PARCEL OF PROPERTY BEGINNING AT A POINT ON THE NORTHERN BOUNDARY LINE 224 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER IN SECTION 11, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M.; RUNNING THENCE WEST 467 FEET, THENCE SOUTH 467 FEET; THENCE EAST 467 FEET; THENCE NORTH 467 FEET TO THE POINT OF BEGINNING, CONTAINING 5 ACRES MORE OR LESS;

AND ALSO EXCEPT THE EAST 208 FEET OF THE NORTH 416 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M.;

EXCEPT TOE JAM HILL ROAD (COUNTY ROAD NO. 370)

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.