

RESOLUTION NO. 23-19

A RESOLUTION OF THE KITSAP TRANSIT BOARD OF COMMISSIONERS REGARDING A POTENTIAL CONDEMNATION TO ACQUIRE REAL PROPERTY LOCATED ON SIDNEY ROAD SW, PORT ORCHARD, WASHINGTON, CARRIED UNDER KITSAP COUNTY ASSESSOR'S TAX PARCEL 112301-2-013-2006 ("PARCEL 1"), TO ENABLE KITSAP TRANSIT TO DEVELOP KITSAP TRANSIT'S SR16 PARK AND RIDE ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT B HERETO:

Tax Parcel Number(s):	Address:	Record Owner:
112301-2-013-2006	53XX SIDNEY RD SW PORT ORCHARD WA 98367	RUTH BIRDWELL, RICHARD A. BROWN AND DONNA L. BROWN, GARY K. ANDERSON AND SUSAN K. ANDERSON

WHEREAS, a number of state and federal agencies have identified the need for a Park and Ride transportation facility along the State Route 16 (SR16) corridor between Gorst, WA and Gig Harbor, WA; and

WHEREAS, Kitsap Transit applied for and received funds through the Kitsap Regional Coordinating Council (KRCC) for a study to determine a suitable location for a Park and Ride transportation facility along the SR16 corridor. The study was completed in 2020, and after considering the study, the Kitsap Transit Board of Commissioners determined that the property described in Exhibit B was the best location and necessary for the SR16 Park and Ride project; and

WHEREAS, to further advance the development of the SR16 Park and Ride location at Sidney Road SW and SW Sedgewick Road in the City of Port Orchard, Kitsap Transit applied for funds to acquire the proposed site, and to design and construct the SR16 Park and Ride facility; and

WHEREAS, at its regular meeting on March 2, 2021, the Kitsap Transit Board of Commissioners approved Resolution 21-22 authorizing staff to begin negotiations with owners for purchase and relocation assistance at the SR16 Park and Ride location at Sidney Road SW and SW Sedgewick Road in the City of Port Orchard; and

WHEREAS, Kitsap Transit has the power to acquire land and buildings through eminent domain for the purpose of developing and using the proposed SR16 Park and Ride; and

WHEREAS, sustained efforts to negotiate with the Parcel Owners have been made and will continue, and a condemnation action should be undertaken in the event that reasonable efforts to reach a negotiated settlement with the Parcel Owners are not successful; and

WHEREAS, the Owners of Parcel 1 were given notice according to state statute that this condemnation resolution would be included for final action by Kitsap Transit's Board of Commissioners at its regular meeting on March 7, 2023, and will be afforded an opportunity to comment at the meeting.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners pursuant to Kitsap Transit's authority under Chapter 36.57A RCW, as follows:

Section 1: Condemnation Authorized

Kitsap Transit shall acquire by negotiation or by condemnation Parcel 1 legally described in Exhibit B attached hereto and by this reference incorporated herein.

Kitsap Transit's staff with the assistance of its General Counsel is hereby authorized and directed to negotiate terms for the acquisition of Parcel and/or bring proceedings in the manner provided for by law to condemn, take, and appropriate the lands, building and property interests described in this resolution pursuant to the powers granted to Kitsap Transit by RCW 36.57A.090 and Chapters 8.20 and 8.25 RCW. However, the monetary terms of the acquisition shall require the approval of Kitsap Transit's Board of Commissioners.

Kitsap Transit's Executive Director with the assistance of its General Counsel is authorized to make minor amendments to the legal descriptions or maps of the property described in the attached Exhibits A and B as may become necessary to correct scrivener's errors or to conform the legal description to the precise boundaries of the property required for the SR16 Park and Ride.

Section 2: Finding of Public Use and Necessity

Kitsap Transit's Board of Commissioners finds that the acquisition of Parcel 1 described in Exhibit B is for a public use and purpose to-wit: to develop, own, operate and maintain a SR16 Park and Ride. The Kitsap Transit Board of Commissioners further finds the Property described in Exhibit B is necessary for the proposed public use and for the benefit of the public.

Section 3: Funds

Funds allocated for Capital Projects supporting the development of the SR16 Park and Ride shall be made available to carry out the provisions of this resolution.

ADOPTED by the Board of Commissioners of Kitsap Transit at a regular meeting held on the 7th day of March, 2023.

DocuSigned by:

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Rebecca Erickson, Chair

ATTEST:


DocuSigned by:

0CD679554E6A4DA...
Stephanie Milne-Lane
Clerk of the Board

EXHIBIT A

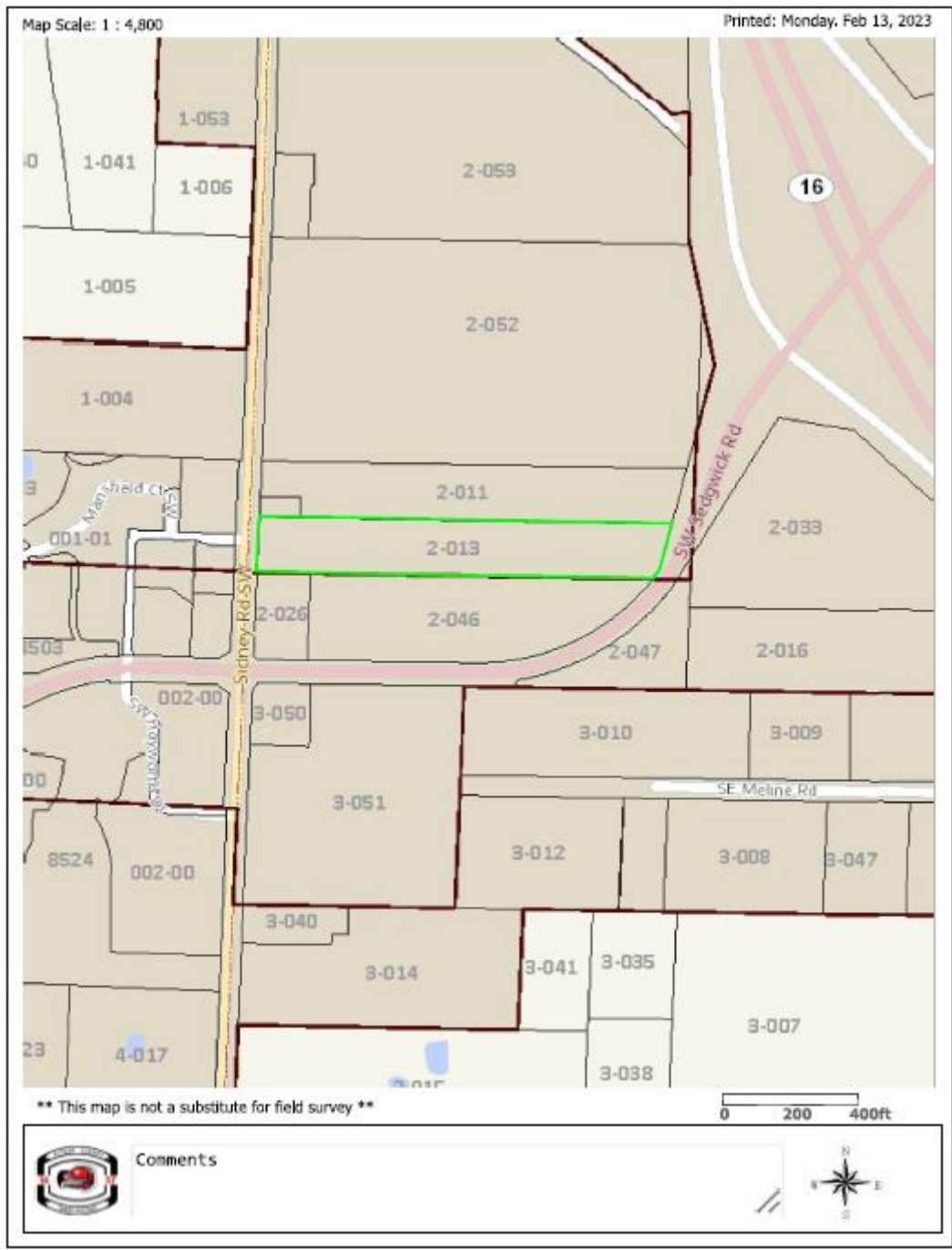


EXHIBIT B

THE NORTH 5 ACRES OF THE SOUTH 15 ACRES OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 11, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON,

EXCEPT SIDNEY ROAD N.W. ON THE WEST SIDE THEREOF;

AND EXCEPT THAT PORTION CONVEYED TO STATE OF WASHINGTON FOR HIGHWAY PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NO. 1153387;

ALSO EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY LYING SOUTHEASTERLY OF THE SOUTHEASTERLY MARGIN OF SEDGWICK ROAD AS CONVEYED UNDER AUDITOR'S FILE NO. 200706150207.