

RESOLUTION NO. 25-06

A RESOLUTION OF THE KITSAP TRANSIT BOARD OF COMMISSIONERS REGARDING A CONDEMNATION ACTION 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”), AUTHORIZING THE PAYMENT OF JUST COMPENSATION PURSUANT TO TRIAL COURT’S JANUARY 2, 2025, FINDINGS OF FACTS AND CONCLUSION OF LAW

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, at its regular meeting on March 2, 2021, the Board approved Resolution 21-21, 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 Sedgwick Road in the City of Port Orchard; and

WHEREAS after having the property appraised, and the appraisal reports reviewed by a review appraiser and staff, offer letters were extended to the owners to acquire Parcel 1 by purchase and sale in lieu of condemnation; and

WHEREAS, at its regular meeting on March 7, 2023, the Board approved Resolution 23-19 authorizing staff and its General Counsel to negotiated terms to acquire Parcel 1 and to bring a proceeding in the manner provided for by law to condemn, take, and appropriate the lands building and property interest described in that resolution, but providing that the monetary terms of the acquisition shall require the approval of the Board; and

WHEREAS, the efforts to negotiate an agreed resolution with the Parcel owners having proven unsuccessful and the parties reaching an impasse in their negotiations, a condemnation action was initiated under Kitsap County Superior Court Cause No. 23-2-00738-18 (the “Condemnation Action”); and

WHEREAS, on May 19, 2023, the Kitsap County Superior Court entered Findings of Fact, Conclusions of Law, Order and Judgment Adjudicating Public Use and Necessity in the

Condemnation Action for the acquisition of 53XX Sidney Rd SW (Tax Parcel No. 112301-2-013-2006); and

WHEREAS, pursuant to RCW 8.25.070(3), the Parcel owners were asked to stipulate to an order granting immediate possession and use of the Property to Kitsap Transit upon the deposit in the court of an amount sufficient to pay the amount offered to the owners as provided by law, and the Board authorize the entry of the stipulation and order and to deposit as just compensation the following amount:

Parcel 1: \$441,000 for 53XX Sidney Rd SW (Tax Parcel No. 112301-2-013-2006); and

WHEREAS, on October 30, 2023, the Kitsap County Superior Court entered a Stipulation For and Order Granting Immediate Possession and Use in the Condemnation Action. Per this Order, Kitsap Transit deposited \$441,000 with the Clerk of the Court, as its offer of Just Compensation and in exchange for possession and use of the Condemned Property; and

WHEREAS, the question of the amount of Just Compensation due in Condemnation Action was heard as a non-jury trial, and the presentation of preliminary motions and evidence commenced on September 23, 2024, and then continued on September 25 and 26, 2024, then continued on October 4 and 11, 2024, and concluded on October 16, 2024; and

WHEREAS, on January 2, 2025, the trial court judge in the Condemnation Action made Findings of Fact and Conclusions of Law and held the Just Compensation to be paid by Kitsap Transit to the Respondents Ruth Birdwell, Richard Brown, Donna L. Brown, Gary K. Anderson and Susan K. Anderson ("Respondents") for acquisition of Respondents' property identified as 11230-013-2006 and located in Port Orchard, Washington (the "Property") is \$692,721; and

WHEREAS, Kitsap Transit now seeks Board approval to deposit \$251,721 with the Clerk of the Court, in full payment of the Just Compensation found by the trial court in exchange for acquisition of the Condemned Property.

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: Deposit of Funds as Just Compensation Authorized

Kitsap Transit’s staff shall use the funds allocated for Capital Projects supporting the development of the SR 16 Park and Ride to carry out the provision of this Resolution, and to deposit such funds as Just Compensation as required by the trial court’s January 2, 2025, Findings of Fact and Conclusions of Law in the Condemnation Action brought by Kitsap Transit pursuant to the powers granted to it by RCW 36.57A.090, and Chapters 8.20 and 8.25 RCW.

ADOPTED by the Board of Commissioners of Kitsap Transit at a regular meeting held on the 7th day of January 2025.

Signed by:
Rob Putaansuu
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Rob Putaansuu, Chair

ATTEST:

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Jackie Bidon
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Jackie Bidon
Clerk of the Board