

RESOLUTION NO. 2023-02

A RESOLUTION OF THE BAINBRIDGE ISLAND METROPOLITAN PARK AND RECREATION DISTRICT, RELATING TO THE DISTRICT'S PARK SYSTEM; PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY FOR THE IMPROVEMENT AND EXPANSION OF THAT SYSTEM; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND AND OTHER PROPERTY RIGHTS NECESSARY THEREFORE FROM PROPERTY LOCATED GENERALLY AT 7686 HIGH SCHOOL RD NE, BAINBRIDGE ISLAND, WASHINGTON, WITHIN THE BOUNDARIES OF THE BAINBRIDGE ISLAND METROPOLITAN PARK AND RECREATION DISTRICT IN KITSAP COUNTY, WASHINGTON.

NOW, THEREFORE, THE BOARD OF THE BAINBRIDGE ISLAND METROPOLITAN PARK AND RECREATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. RECITALS AND FINDINGS

1.1 The Bainbridge Island Metropolitan Park and Recreation District ("District") maintains an existing park and recreation system.

1.2 Expanding this park and recreation system will improve the public health and safety of the community by providing the general public with more parkland and attendant recreation opportunities. The subject property is adjacent to District-owned property known as Strawberry Hill Park, so its acquisition will have an additive impact to an existing park and recreation system.

1.3 The District has now determined to pursue acquisition of the necessary rights to expand the District's park system, and by this Resolution provides for the acquisition of the necessary property rights for the District's park system.

1.4 The authority granted by this Resolution, and the exercise of eminent domain authority, shall not foreclose current and future negotiations with the owners of the property subject to this condemnation.

SECTION 2. PUBLIC CONVENIENCE, USE AND NECESSITY DECLARED

The public convenience, use and necessity demand that the real property in Kitsap County, Washington, described in greater detail in **Exhibit 1** to this Resolution be and the same is hereby condemned for the improvement and expansion of the District's park system.

SECTION 3. JUST COMPENSATION

All lands, rights, privileges and other property lying within the limits of the property described in **Exhibit 1** hereto are hereby condemned, appropriated, taken and damaged for the purpose of improving and expanding the District's park system and other public use. Such lands, rights, privileges and other property are to be taken, damaged and appropriated only after just compensation has been made or paid into court for the owners thereof in a manner provided by law. **Exhibit 1** hereto describes the property to be acquired.

SECTION 4. COST OF IMPROVEMENT

The entire cost of the improvement and acquisition provided for by this Resolution shall be paid from the District's general funds, or from such other funds of the Bainbridge Island Metropolitan Park and Recreation District as may be available and authorized by law. Nothing in this Resolution shall preclude the District's receipt of grants, gifts or bequests in support of its actions hereunder.

SECTION 5. PROSECUTION AUTHORIZED

5.1 The District's special counsel, in cooperation with the District's general counsel, be and they are hereby authorized and directed to begin to prosecute the actions and proceedings in the manner provided by law to condemn, take, and appropriate the lands and other property necessary to carry out the provisions of this Resolution.

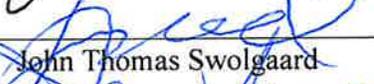
SECTION 6. AUTHORITY

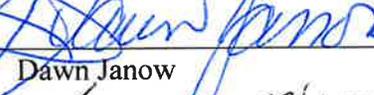
6.1 Nothing in this Resolution limits the District in its identification and acquisition of property and property rights necessary for park purposes. The District reserves the right to acquire other or different properties for such purposes.

6.2 The executive director, in consultation with the District's legal counsel, is authorized to make minor amendments to the legal description of properties described in the attached **Exhibit 1**, as may become necessary to correct scrivener's errors.

RESOLVED this 2nd day of February 2023.

BY: 
Jay C. Kinney

BY: 
John Thomas Swolgaard

BY: 
Dawn Janow

BY: 
Kenneth R. DeWitt

ATTEST: 
Tom Goodlin

Exhibit 1

Legal Description of Subject Property

The Land referred to herein below is situated in the County of Kitsap, State of Washington, and is described as follows:

The Southwest quarter of the Southeast quarter of the Southeast quarter of Section 21, Township 25 North, Range 2 East of the Willamette Meridian, in Kitsap County, Washington.

EXCEPT the South 30 feet for NE High School Road.

AND EXCEPT that portion condemned by the United States of America on the west side thereof by U.S.D.C. 3746 recorded under Auditor's File No. [612996](#).