

PORT OF SILVERDALE
Silverdale, Washington

RESOLUTION NO. 76-1

A RESOLUTION of the Commissioners of the Port of Silverdale to authorize payment to Theodore A. Johnson P.E. and Lee Johnson Associates for preliminary work completed on the joint Port of Silverdale and Kitsap County Waterfront Park Plan proposal and submittal of application for Inter-agency Committee for Outdoor Recreation funds.

WHEREAS, considerable work has been accomplished by the Consultants on the project, and no written agreement has been signed by the parties involved, it is deemed fair to reimburse the Consultants for their work completed, and

WHEREAS, the Port District will be reimbursed from funds to be requested, this payment will be considered part of the Port District share in the project upon final submittal to the IAC, NOW THEREFORE,

BE IT RESOLVED BY THE COMMISSIONERS OF THE PORT OF SILVERDALE, KITSAP COUNTY, WASHINGTON, that the Port of Silverdale make interim payment of funds to Theodore A. Johnson P.E. and Lee Johnson Associates for work accomplished on preliminary plans for the Silverdale Waterfront Park proposal and such funds to be considered part of the Port District share of the joint project with Kitsap County to be reimbursed from requested IAC funds.

ADOPTED at the regular open meeting of the Commissioners of the Port of Silverdale, Kitsap County, Washington, on the 15th day of January 1976, with votes on this resolution registered as: (3) for: (0) opposed:

(cont)

(0) abstaining.

John S. Ripplinga
Chairman and Commissioner

W. R. Frasier
Commissioner

H. G. Krump
Commissioner

ATTEST: A true copy of the foregoing resolution this 15th day
of January 1976.

Frank B. Hopkins Jr.
Port Auditor

RESOLUTION AUTHORIZING AGREEMENT AND APPLICATION
PORT OF SILVERDALE
Resolution Number 76-2

A resolution authorizing applications for funding assistance for an outdoor recreation project to the Inter-agency Committee for Outdoor Recreation as provided by the Marine Recreation Land Act.

WHEREAS, the Port Commission of the Port of Silverdale has determined that certain Port properties should be developed for public recreational facilities to permit the fuller utilization of other nearby Port properties; and

WHEREAS, the Port Commissioners have determined that such development should occur in cooperation with Kitsap County, Washington; and

WHEREAS, under the provisions of the Marine Recreation Land Act, state and federal funding assistance has been authorized and made available to aid in financing the cost of land for parks and the construction of outdoor recreational facilities of local public bodies; and

WHEREAS, the Port Commission of the Port of Silverdale considers it in the best public interest to develop park and recreational facilities on Port property located in the vicinity of Dyes Inlet, Silverdale, Kitsap County, Washington,

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Silverdale:

1. That the Port Commission shall enter into an agreement with Kitsap County, Washington, in substantially the form attached hereto as Exhibit A.

2. That the Port of Silverdale shall make formal application to the Interagency Committee for Outdoor Recreation for fund assistance.

Port may not construct such facilities within 40 feet of the line of mean low tide except that in areas adjacent to County leased land except that one pier may extend to the shore in such area and a pedestrian passageway from the dock through the leased area may be constructed in a manner not inconsistent with the area's recreational uses.

D. Covenants and Restrictions:

The Port shall execute and record covenants restricting use of the Port property described on Exhibit D to park and recreational purposes which will permit the fuller utilization of the aforesaid dock, moorage and boat landing facilities. Such use restrictions shall be perpetual unless the Port and the County, or their successors and assigns shall each consent to the termination of such use restrictions.

E. Right of First Refusal:

In the event that the Port shall ever declare any of the aforesaid properties surplus to or otherwise unnecessary to meet present or future needs of the Port District, the Port shall, upon demand by the County made within one year after such declaration, sell such property to the County at its fair market value as determined by independent appraisers. The Port shall be required to consider the question of whether such property is surplus or unnecessary on the following occasions:

1. At the expiration of the County's 50-year lease.
2. Prior to any dissolution of the Port District.
3. Prior to any consolidation of the Port District.

The aforesaid provisions are to allow Port and County to apply for development funding, to construct and to maintain park improvements upon such real property as may be affected.

If the Port and County do not secure funds necessary to effectuate such dock and park plans, the agreement shall terminate and the parties shall be returned to the status quo ante.

2. PLANS AND SPECIFICATIONS:

County shall contract for and pay the cost of all architectural plans and specifications, tests, surveys or the like necessary to provide the public park facilities.

3. CONSTRUCTION OF IMPROVEMENTS:

A. County shall contract for and hold title to the park improvements provided in this agreement.

B. County shall apply for and obtain all state, county or federal permits, licenses, etc. necessary for this joint project.

4. FINANCING CONSTRUCTION:

A. County shall pay the construction cost of this project except that the Port shall, through its own funds or through agents, expend the funds necessary for the aforesaid dock facilities to the extent it may be able to so provide.

5. UTILIZATION AND MAINTENANCE OF PARK:

The park and recreational facility constructed upon the real property owned by or leased to the County shall be maintained, operated and insured by County as an integral part of the Kitsap County Park and Playground System (RCW Chapter 36.68, "Parks and Recreation Facilities"). The dock facilities shall be operated and insured by the Port.

EXECUTED this 15th day of April, 1976.

PORT OF SILVERDALE

KITSAP COUNTY

By John B. Ripinger

By _____

By W R Frasier

By _____

**AGREEMENT TO DEVELOP, CONSTRUCT AND MAINTAIN
A PUBLIC PARK AND RECREATION FACILITIES
BY THE PORT OF SILVERDALE AND COUNTY OF KITSAP, WASHINGTON**

THIS AGREEMENT is made and entered into pursuant to the provisions of RCW Chapter 39.34, the Interlocal Cooperation Act, by and between KITSAP COUNTY, a municipal corporation of the State of Washington, hereinafter referred to as "County," and the PORT OF SILVERDALE, a municipal corporation of the State of Washington, hereinafter referred to as "Port."

PREAMBLE:

1. County and Port believe it is in the public's interest to jointly develop and maintain dock facilities with a surrounding public park adjacent to Dyes Inlet near Silverdale, Washington.

2. County desires to utilize its resources to secure governmental funding to assist in developing the proposed dock facilities and park.

3. Both County and Port shall utilize real property owned or obtained by each party to provide the dock and public park facility.

4. The Port believes that the existence, improvement and maintenance of said dock and park will permit the fuller utilization of other Port facilities to be located within or in the vicinity of the park.

1. **LAND AND IMPROVEMENTS:**

A. The County and the Port shall each provide a portion of the real property to be utilized in connection with the proposed park and dock development. The County shall acquire the parcel described on Exhibit A attached hereto. The Port and the County shall exchange the parcels of real property described on Exhibits B and C attached

hereto. Such exchange shall be without cost to either the Port or the County except for expenses necessarily incurred in connection with such exchange.

B. The Port shall utilize the property which it receives as a result of the aforesaid exchange for the construction of dock or marina facilities, boat landings, piers and related improvements and facilities. In the event that the County is unable to acquire the parcel described on Exhibit A, the Port shall be entitled to utilize a comparable portion of the property hereafter described on Exhibit D for such facilities, such parcel to be located in a manner which will minimize the disruption to plans for park development in such area. The County shall use the property it receives as a result of the aforesaid exchange for park or historical site purposes. The deeds to the aforesaid properties shall specify that uses of the aforesaid properties shall be so limited without the consent of both the Port and the County.

C. The Port shall execute a lease to the County of the property described on Exhibit D attached hereto and incorporated herein by this reference. The term of such lease shall be fifty (50) years. The County shall pay to the Port the sum of \$1.00 per year as rental for such property and such lease shall specify that such property shall be utilized for park purposes which complement the use of the dock or pier facilities constructed by the Port on the aforesaid exchange of property. Such lease shall not include leases of any tidelands owned by the Port and the Port may utilize such adjacent tidelands in connection with the construction of recreational docking facilities, piers, boat landings and related improvements and facilities. The

3. That any fund assistance so received be used in the development of Port properties in the vicinity of Dyes Inlet, Silverdale, Kitsap County, Washington.

4. That any property developed with financial aid through the Interagency Committee for Outdoor Recreation be placed in use as an outdoor recreation facility and be retained in such use pursuant to the terms of the agreement.

5. That this resolution become part of a formal application to the Interagency Committee for Outdoor Recreation.

Adopted by the Port Commission of the Port of Silverdale, Silverdale, Washington, at its regular meeting held April 15, 1976.

SIGNED AND APPROVED BY THE PORT COMMISSIONERS OF THE PORT OF SILVERDALE, this 15th day of April, 1976.

John B. Ripinger

W. R. Frasier

A. L. Kwang

RESOLUTION NO. 162 - 1976

A RESOLUTION AUTHORIZING APPLICATIONS FOR FUNDING ASSISTANCE FOR AN OUTDOOR RECREATION PROJECT TO THE INTER AGENCY COMMITTEE FOR OUTDOOR RECREATION AS PROVIDED BY THE MARINE RECREATION LAND ACT AND AUTHORIZING INTERGOVERNMENTAL AGREEMENT WITH THE PORT OF SILVERDALE

WHEREAS, the Board of Commissioners of Kitsap County hereby determine that the County should enter into a intergovernmental agreement with the Port of Silverdale to jointly develop public recreational facilities; and

WHEREAS, the existing County Park at Silverdale on Dyes Inlet can and should be expanded and such result is in the public's interest; and

WHEREAS, under the provisions of the Marine Recreation Land Act, state and federal funding assistance has been authorized and made available to aid in financing the cost of land for parks and the construction of outdoor recreational facilities of local public bodies; and

WHEREAS, the Board of Commissioners of Kitsap County considers it in the best public interest to develop park and recreational facilities on county property as well as those properties which are subject to the intergovernmental agreement with the Port of Silverdale all which are located in the vicinity of Dyes Inlet, Silverdale, Kitsap County, Washington;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF KITSAP COUNTY IN REGULAR SESSION ASSEMBLED:

1. That Kitsap County shall enter into an intergovernmental agreement with the Port of Silverdale, in substantially the form attached hereto as Exhibit A.

2. That Kitsap County shall make formal application to the Interagency Committee for Outdoor Recreation for fund assistance and the Chairman of the Board is authorized to sign any and all documents on behalf of the Board in furtherance thereto.


3. That any property acquired with financial aid through the Interagency Committee for Outdoor Recreation be placed in use as an outdoor recreation facility and be retained in such use in perpetuity unless as otherwise provided and agreed to by the Commissioners of Kitsap County and the Commissioners of the Port of Silverdale as well as the Interagency Committee for Outdoor Recreation, and any affected federal agency; and

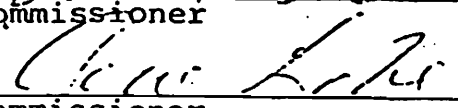
4. That this resolution become part of a formal application to the Interagency Committee for Outdoor Recreation.

ADOPTED by the Board of Commissioners of Kitsap County, Washington this 19th day of April, 1976.

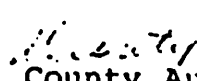
BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON


Chairman


Commissioner


Commissioner

ATTEST:


TED WRIGHT
County Auditor and Ex-Officio
Clerk of the Board

By: 
County Auditor

AGREEMENT TO DEVELOP, CONSTRUCT AND MAINTAIN
A PUBLIC PARK AND RECREATION FACILITIES
BY THE PORT OF SILVERDALE AND COUNTY OF KITSAP, WASHINGTON

THIS AGREEMENT is made and entered into pursuant to the provisions of RCW Chapter 39.34, the Interlocal Cooperation Act, by and between KITSAP COUNTY, a municipal corporation of the State of Washington, hereinafter referred to as "County," and the PORT OF SILVERDALE, a municipal corporation of the State of Washington, hereinafter referred to as "Port."

PREAMBLE:

1. County and Port believe it is in the public's interest to jointly develop and maintain dock facilities with a surrounding public park adjacent to Dyes Inlet near Silverdale, Washington.

2. County desires to utilize its resources to secure governmental funding to assist in developing the proposed dock facilities and park.

3. Both County and Port shall utilize real property owned or obtained by each party to provide the dock and public park facility.

4. The Port believes that the existence, improvement and maintenance of said dock and park will permit the fuller utilization of other Port facilities to be located within or in the vicinity of the park.

1. LAND AND IMPROVEMENTS:

A. The County and the Port shall each provide a portion of the real property to be utilized in connection with the proposed park and dock development. The County shall acquire the parcel described on Exhibit A attached hereto. The Port and the County shall exchange the parcels of real property described on Exhibits B and C attached

hereto. Such exchange shall be without cost to either the Port or the County except for expenses necessarily incurred in connection with such exchange.

B. The Port shall utilize the property which it receives as a result of the aforesaid exchange for the construction of dock or marina facilities, boat landings, piers and related improvements and facilities. In the event that the County is unable to acquire the parcel described on Exhibit A, the Port shall be entitled to utilize a comparable portion of the property hereafter described on Exhibit D for such facilities, such parcel to be located in a manner which will minimize the disruption to plans for park development in such area. The County shall use the property it receives as a result of the aforesaid exchange for park or historical site purposes. The deeds to the aforesaid properties shall specify that uses of the aforesaid properties shall be so limited without the consent of both the Port and the County.

C. The Port shall execute a lease to the County of the property described on Exhibit D attached hereto and incorporated herein by this reference. The term of such lease shall be fifty (50) years. The County shall pay to the Port the sum of \$1.00 per year as rental for such property and such lease shall specify that such property shall be utilized for park purposes which complement the use of the dock or pier facilities constructed by the Port on the aforesaid exchange of property. Such lease shall not include leases of any tidelands owned by the Port and the Port may utilize such adjacent tidelands in connection with the construction of recreational docking facilities, piers, boat landings and related improvements and facilities. The

Port may not construct such facilities within 40 feet of the line of mean low tide except that in areas adjacent to County leased land except that one pier may extend to the shore in such area and a pedestrian passageway from the dock through the leased area may be constructed in a manner not inconsistent with the area's recreational uses.

D. Covenants and Restrictions:

The Port shall execute and record covenants restricting use of the Port property described on Exhibit D to park and recreational purposes which will permit the fuller utilization of the aforesaid dock, moorage and boat landing facilities. Such use restrictions shall be perpetual unless the Port and the County, or their successors and assigns shall each consent to the termination of such use restrictions.

E. Right of First Refusal:

In the event that the Port shall ever declare any of the aforesaid properties surplus to or otherwise unnecessary to meet present or future needs of the Port District, the Port shall, upon demand by the County made within one year after such declaration, sell such property to the County at its fair market value as determined by independent appraisers. The Port shall be required to consider the question of whether such property is surplus or unnecessary on the following occasions:

1. At the expiration of the County's 50-year lease.
2. Prior to any dissolution of the Port District.
3. Prior to any consolidation of the Port District.

The aforesaid provisions are to allow Port and County to apply for development funding, to construct and to maintain park improvements upon such real property as may be affected.

If the Port and County do not secure funds necessary to effectuate such dock and park plans, the agreement shall terminate and the parties shall be returned to the status quo ante.

2. PLANS AND SPECIFICATIONS:

County shall contract for and pay the cost of all architectural plans and specifications, tests, surveys or the like necessary to provide the public park facilities.

3. CONSTRUCTION OF IMPROVEMENTS:

A. County shall contract for and hold title to the park improvements provided in this agreement.

B. County shall apply for and obtain all state, county or federal permits, licenses, etc. necessary for this joint project.

4. FINANCING CONSTRUCTION:

A. County shall pay the construction cost of this project except that the Port shall, through its own funds or through agents, expend the funds necessary for the aforesaid dock facilities to the extent it may be able to so provide.

5. UTILIZATION AND MAINTENANCE OF PARK:

The park and recreational facility constructed upon the real property owned by or leased to the County shall be maintained, operated and insured by County as an integral part of the Kitsap County Park and Playground System (RCW Chapter 36.68, "Parks and Recreation Facilities"). The dock facilities shall be operated and insured by the Port.

EXECUTED this 19th day of April, 1976.

PORT OF SILVERDALE

KITSAP COUNTY

By Harry L. Brygger

By W. N. Miller

By W. R. Frasier

By Frank D. ...

John B. Ripinger

By Gene Loh

"EXHIBIT A" is the real property legally described

Ex 1016

as:

Lots 4,5,6,7, Block 10, Plat of Silverdale, as recorded in Volume 1, Page 15 of Plats of Kitsap County.

"EXHIBIT B" is the real property legally described

Ex 1017

as:

Lots 2 through 11, inclusive, Block 14, Plat of Silverdale.

"EXHIBIT C" is the real property legally described

as:

Lots 4,5,6,7, Block 10, Plat of Silverdale.

*1011 -
21, 283 →*

"EXHIBIT D" is the real property legally described

as:

Lots 4,5,6,7, Block 10, Plat of Silverdale; and Block 15, Plat of Silverdale.

EXHIBITS A, B, C & D of
AGREEMENT TO DEVELOP, ETC.

PORT OF SILVERDALE
Silverdale, Washington

RESOLUTION NO. 76 - 3

A RESOLUTION of the Commissioners of the Port of Silverdale to authorize payment to Theodore A. Johnson, P.E. and Lee Johnson & Associates Inc. for "in-kind" services performed in the Airport Site Selection Study not accomplished by Kitsap County services as agreed.

WHEREAS, the Port of Silverdale undertook the responsibility to conduct the Study and agreed to accept matching funds from other governmental agencies to accomplish it, the Port Commissioners feel that the Port is obligated to underwrite the project, and

WHEREAS, the Consultants had to accomplish the "in-kind" work that the County had agreed to do as part of the Study, to complete it within a reasonable time, they should be paid for their efforts at least in part for their out-of-pocket wages, and

WHEREAS, the Port Commissioners and the Consultants agreed that one half of the costs of the services would be acceptable and shared between them for the cost of the total services (\$ 2,240.50),
NOW THEREFORE,

BE IT RESOLVED BY THE COMMISSIONERS OF THE PORT OF SILVERDALE, KITSAP COUNTY, WASHINGTON, that the Port of Silverdale pay for one half the cost (1,120.25) of "in-kind" services performed by Consultants Theodore A. Johnson and Lee Johnson and Associates Inc. on the Airport Site Selection Study that Kitsap County could not provide.

ADOPTED at the regular monthly meeting of the Commissioners of the Port of Silverdale, Kitsap County, Washington, on the 19th of August 1976, with votes on this resolution registered as;
(2) for; (1) absent

W. R. Frasier
Commissioner

John B. Ripinger
Commissioner

H. C. Murray
Commissioner

Attest: A true copy of the foregoing resolution this 19th day of August 1976

Frank G. Hopkins, Jr.
Port Auditor