



City of Port Orchard Council Meeting Agenda

March 8, 2022

6:30 p.m.

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Mark Trenary
E/D & Tourism Committee, **Chair**
Utilities/Sewer Advisory Committee
Transportation Committee
KRCC-alt

Shawn Cucciardi
Finance Committee
E/D & Tourism Committee
Lodging Tax, **Chair**

Fred Chang
Economic Development & Tourism Committee
Land Use Committee
Transportation Committee

Jay Rosapepe
Finance Committee,
Land Use Committee
KRCC, PSRC-alt, PSRC Transpol-alt, KRCC Transpol-alt, KRCC Planpol-alt,

John Clauson
Finance Committee, **Chair**
Utilities/Sewer Advisory Committee
Kitsap Public Health District-alt

Cindy Lucarelli (Mayor Pro-Tempore)
Festival of Chimes & Lights Committee, **Chair**
Utilities/Sewer Advisory Committee,
Kitsap Economic Development Alliance

Scott Diener
Land Use Committee, **Chair**
Transportation Committee

Department Directors:

Nicholas Bond, AICP
Development Director

Mark Dorsey, P.E.
Director of Public Works/City Engineer

Tim Drury
Municipal Court Judge

Noah Crocker, M.B.A.
Finance Director

Matt Brown
Police Chief

Brandy Wallace, MMC, CPRO
City Clerk

Meeting Location:

Council Chambers, 3rd Floor
216 Prospect Street
Port Orchard, WA 98366

Contact us:

(360) 876-4407
cityhall@cityofportorchard.us

The City is conducting its public meetings remotely to prevent the spread of COVID. The City is providing options for the public to attend through telephone, internet or other means of remote access, and also provides the ability for persons attending the meeting (not in-person) to hear each other at the same time. Therefore;

Remote access only

Link: <https://us02web.zoom.us/j/89251387918>

Zoom Webinar ID: 892 5138 7918

Zoom Call-In: 1 253 215 8782

Guiding Principles

- Are we raising the bar?
- Are we honoring the past, but not living in the past?
- Are we building connections with outside partners?
- Is the decision-making process positively impacting diversity, equity, and inclusion?

1. CALL TO ORDER

A. Pledge of Allegiance

2. APPROVAL OF AGENDA

3. CITIZENS COMMENTS

*(Please limit your comments to **3 minutes** for items listed on the Agenda and that are not for a Public Hearing. When recognized by the Mayor, please state your name for the official record. If you are attending remotely via telephone, enter *9 from your keypad to raise your hand.)*

4. CONSENT AGENDA

(Approval of Consent Agenda passes all routine items listed below, which have been distributed to each Councilmember for reading and study. Consent Agenda items are not considered separately unless a Councilmember so requests. In the event of such a request, the item is returned to Business Items.)

A. Approval of Vouchers and Electronic Payments

B. Approval of Payroll and Direct Deposits

5. PRESENTATION

6. PUBLIC HEARING

A. Petition to Vacate City Right-of-way, the Southern Portion of Opened Bay Street (Wallace) **Page 3**

7. EXECUTIVE SESSION - Pursuant to RCW 42.30.110(1)(i), the City Council **WILL hold a 30-minute executive session regarding potential litigation.**

8. BUSINESS ITEMS

- A. [Adoption of an Ordinance Approving the Petition to Vacate City Right-of-Way, the Southern Portion of Unopened Bay Street \(Wallace\) **Page 16**](#)
- B. [Approval of the 2022 Comprehensive Plan Amendment Docket \(Bond\) **Page 95**](#)
- C. [Approval of Amendment No. 1 to Contract No. 001-22 with MurrySmith, Inc. for the 2022 On-Call/Modeling Update Services \(Dorsey\) **Page 98**](#)
- D. [Approval of the February 15, 2022, City Council Work Study Meeting Minutes **Page 102**](#)
- E. [Approval of the February 22, 2022, City Council Meeting Minutes **Page 106**](#)

9. DISCUSSION ITEMS (No Action to be Taken)

- A. Continued: Veterans Park

10. REPORTS OF COUNCIL COMMITTEES

11. REPORT OF MAYOR

12. REPORT OF DEPARTMENT HEADS

13. CITIZEN COMMENTS

*(Please limit your comments to **3 minutes** for any items not up for Public Hearing. When recognized by the Mayor, please state your name for the official record. If you are attending remotely via telephone, enter *9 from your keypad to raise your hand.)*

14. EXECUTIVE SESSION: Held earlier.

15. CITY COUNCIL GOOD OF THE ORDER

16. ADJOURNMENT

COMMITTEE MEETINGS

	Date & Time	Location
Economic Development and Tourism	March 14, 2022; 9:30am – 2 nd Monday of each month	Remote Access
Utilities	April 12, 2022; 5:00pm	Remote Access
Finance	March 15, 2022; 5:00pm – 3 rd Tuesday of each month	Remote Access
Transportation	March 22, 2022; 4:30pm- 4 th Tuesday of each month	Remote Access
Festival of Chimes & Lights	March 21, 2022; 3:30pm-3 rd Monday of each month	Remote Access
Land Use	March 16, 2022; 4:30pm – 3 rd Wednesday of each month	Remote Access
Lodging Tax Advisory	March 9, 2022; 8:00am	Remote Access
Sewer Advisory	May 18, 2022; 6:30pm	Remote Access
Council Retreat	March 11, 2022; 9:00am	City Hal
Outside Agency Committees	Varies	Varies

Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.

The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required.

Meeting materials are available on the City's website at: www.cityofportorcharld.us or by contacting the City Clerk's office at (360) 876-4407.



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366

(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: <u>Public Hearing 6A</u> Subject: <u>Public Hearing on a Petition to Vacate</u> <u>City Right-of-Way, the Southern Portion</u> <u>of Opened Bay Street</u>	Meeting Date: <u>March 8, 2022</u> Prepared by: <u>Brandy Wallace, MMC</u> <u>City Clerk</u> Atty Routing No: <u>N/A</u> Atty Review Date: <u>N/A</u>
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Summary: Petitioners Walter and Roberta Huth Trustees, owners of 1819 Bay Street, Kitsap County Tax Parcel No. 4027-034-003-0007, submitted a petition to vacate City right-of-way (ROW). The ROW is an opened portion of Bay Street, directly adjacent to the Petitioners’ parcel to the south, approximately 200 square feet in total area.

The Clerk received a complete application conforming with the requirements of Port Orchard Municipal Code chapter 12.08, including Section 12.08.010. The Public Works Director supports the vacation, as this is necessary to receive clean title for the federally funded Pedestrian Pathway Project. The area is currently encumbered by a portion of a structure owned by the petitioners.

On February 8, 2022, the Council adopted Resolution No. 020-22, setting a public hearing date and time.

On February 9, 2022, the City posted the required public notice in a conspicuous place in the alley sought to be vacated and placed a copy of the adopted Resolution in three of the most public places in the City: (1) City Hall Bulletin Board, (2) Kitsap County Administrative Building Bulletin Board, and (3) Port Orchard Library Bulletin Board. These actions meet the required posting and noticing requirements as outlined in RCW 35.79.020 and POMC 12.08.020.

As of today, staff has not received any written objections to this proposed vacation. Pursuant to RCW 35.79.020 and POMC 12.08.030(1), the Council is prohibited from proceeding with the Public Hearing if fifty percent (50%) of the abutting property owners file written objection to the proposed vacation with the Clerk, prior to the time of the hearing; therefore, with no written objections, the Council shall proceed with the Public Hearing.

Recommendation: Staff recommends the Mayor open the public hearing to take public testimony on the petition to vacate City ROW, the Southern portion of opened Bay Street.

Attachments: Resolution No. 020-22 and Petition.



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City Clerk's Office

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www.cityofportorchard.us

**PETITION TO VACATE CITY RIGHT-OF-WAY
APPLICATION**

(POMC 12.08 / Resolution No. 030-17)

This document is considered a public record and is subject to public disclosure laws in Chapter 42.56 RCW.

Property Owner's Name(s): Walter and Roberta Huth, Trustees

Mailing Address: 554 28th Street Oakland CA 94609
Street City State Zip

Contact Information: 707 889-3453 huthroberta@gmail.com
Phone Email

Address of Requested Vacation: 1819 Bay Street
Street or nearest cross street

Parcel Number of Requested Vacation: 4027-034-003-0007

1. The undersigned, owner of real property abutting upon that public street/alley described below, does hereby petition the City of Port Orchard to vacate said street/alley, described as follows (you may attach a separate sheet containing the legal description):

Legal description of the requested right-of-way prepared by a licensed surveyor:

SEE ATTACHED

all situated in the City of Port Orchard, County of Kitsap, State of Washington; declares that this petition is supported by the signatures of the owners of more than two-thirds of the real property abutting the requested vacation area; and requests that said City Council by Resolution fix a time and place when this petition shall be heard and determined by that authority, which time shall not be more than sixty (60) days nor less than twenty (20) days after passage of such Resolution (RCW 35.79.010)

2. State the proposed use of the vacated right-of-way: to clear the encroachment
that is in the city right-of-way.

3. Provide a map of the proposed right-of-way area to be vacated with the following information:
- Approximate width of the area to be vacated
 - Approximate length of the area to be vacated
 - Approximate total square footage of the area to be vacated

I/We declare under penalty of perjury under the laws of the State of Washington that the foregoing information and attached documentation is true and correct, and that I/We are the true and correct owner(s) of real property abutting the requested vacation of City right-of-way.

Robert W. Huth, TRUSTEE OF HUTH TRUST 12-13-21
 Signature of Applicant Date

Walter J Huth Trustee of Huth Trust 12/13/21
 Signature of Applicant Date

When submitting this application, please make sure the following requirements are completed and documents are submitted:

- Support for Vacation of City Right-of-Way Petition form(s) signed by the owners of real property abutting upon the part of the street or alley sought to be vacated (these owners must, along with the Petitioner, constitute the owners of at least two-thirds of the real property abutting such area);
- New legal description to include the requested right-of-way;
- Documentation supporting the fair market value of the street or alley sought to be vacated, if applicable;
- Documentation supporting the application of the Non-User Statute, if applicable;
- Dimensions of area proposed to be vacated;
- Map of the proposed right-of-way to be vacated outlined or highlighted;
- Application processing fee of \$120; and
- \$500 appraisal fee refundable deposit (Petitioner shall pay the actual cost of the appraisal, upon Council approval).

FOR CITY CLERK'S OFFICE USE ONLY

\$120 Vacation Fee Received Yes No Receipt No.: _____

\$500 Vacation Appraisal Fee (Refundable Deposit) Received Yes No Receipt No.: _____

Support for Vacation Petition By Abutting Property Owners form(s) Received Yes No

Public Hearing Date: _____

Notices Posted by: _____ Date of Noticing: _____

Approved by the City Council Yes No



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 www.cityofportorchard.us

**SUPPORT FOR VACATION OF RIGHT-OF-WAY
 PETITION BY ABUTTING PROPERTY OWNERS**

This document is considered a public record and is subject to public disclosure laws in Chapter 42.56 RCW.

Property Owner Seeking Vacation (Petitioner): _____
 First and Last Name

Contact Information: _____
 Phone Email

Street or Nearest Cross Street of Requested Vacation: _____

Parcel Number of Requested Vacation: _____

N/A

Signatures of owners of real property abutting requested vacation of right-of-way area (Note: all persons who have an ownership interest **must sign** this document. This includes co-owner(s) and/or spouses, or corporate officers authorized by the corporation.

- By signing, I/We declare under penalty of perjury under the laws of the State of Washington that:
- I/We are the true and correct owner(s) of real property abutting the street or alley sought to be vacated.
 - I/We understand that I/We may see an increase on my/our tax assessment if this vacation of right-of-way petition is approved.
 - I/We understand I/We may be required to pay for a portion of the vacated right-of-way.

 First and Last Name (Printed) of Property Owner/Corporate Officer Managing Member No. 1 Name of Corporation (if applicable)

 (Signature and/or Title)

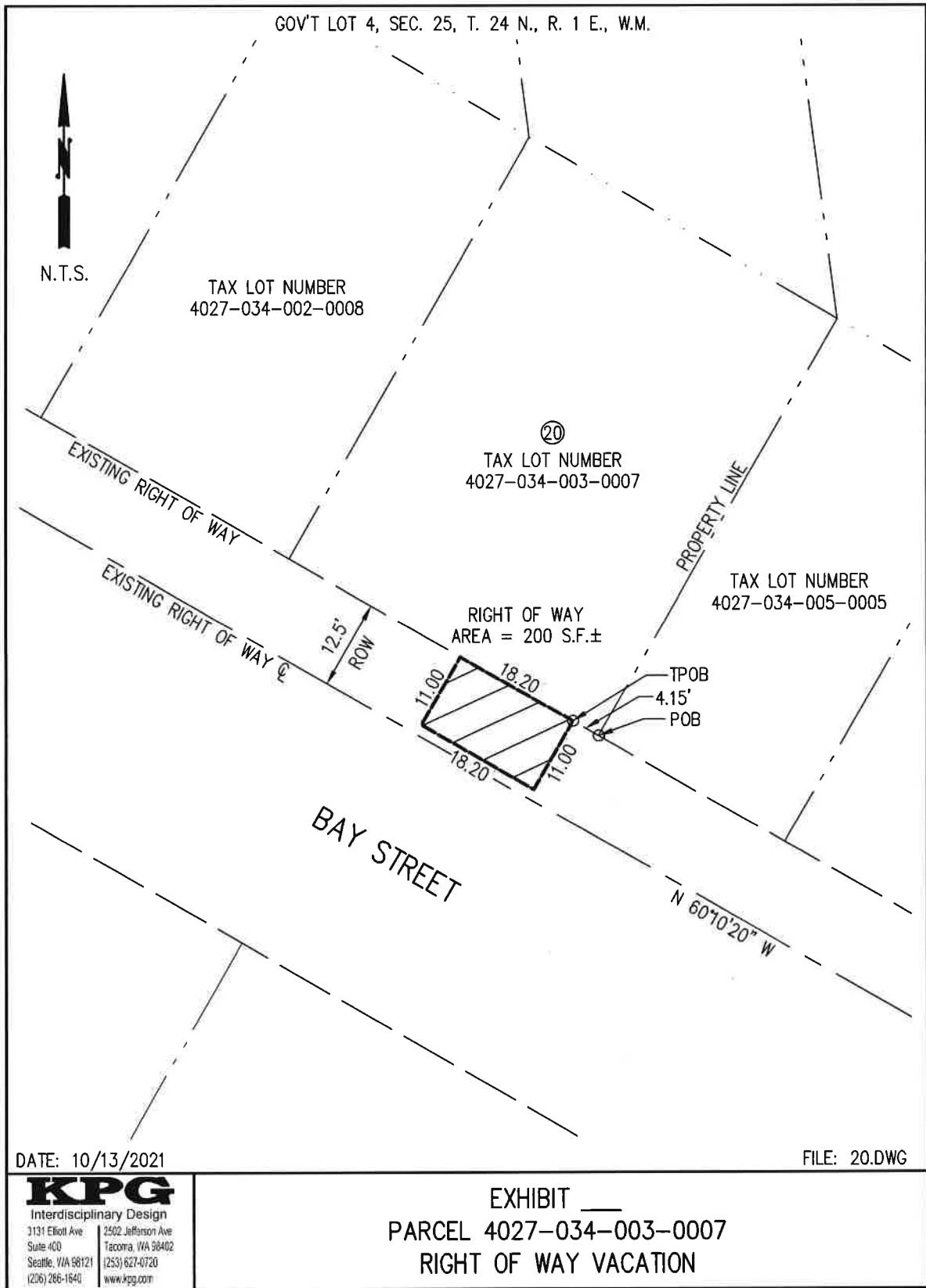
 First and Last Name (Printed) of Property Owner/Corporate Officer Managing Member No. 2 Name of Corporation (if applicable)

 (Signature and/or Title)

 Property Address Tax Parcel Number

Mailing Address: _____
 Street City State Zip

Contact Information: _____
 Phone Email



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Seattle, WA 98121 | (253) 627-0720
(206) 266-1640 | www.kpg.com

EXHIBIT ____
PARCEL 4027-034-003-0007
RIGHT OF WAY VACATION

EXHIBIT
PARCEL NO. 4027-034-003-0007
RIGHT OF WAY VACATION

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF BAY STREET;

THENCE NORTH 60° 10' 20" WEST ALONG SAID NORTHEASTERLY MARGIN, 4.15 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 29° 49' 40" WEST, 11.00 FEET;

THENCE NORTH 60° 10' 20" WEST, 18.20 FEET;

THENCE NORTH 29° 49' 40" EAST, 11.00 FEET TO SAID NORTHEASTERLY MARGIN;

THENCE SOUTH 60° 10' 20" EAST ALONG SAID NORTHEASTERLY MARGIN, 18.20 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 200 SQUARE FEET, MORE OR LESS.

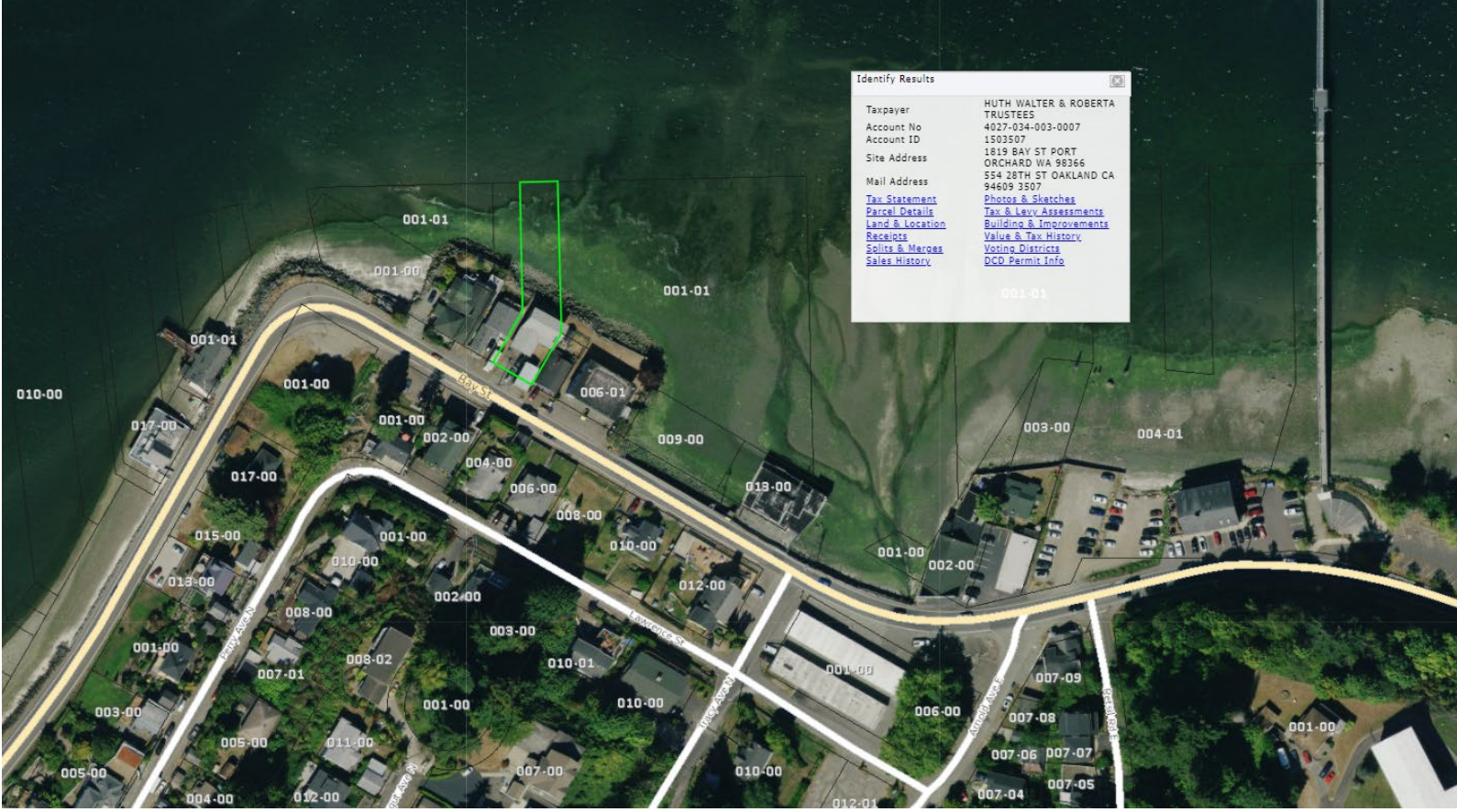
PARCEL "A":

(PER CHICAGO TITLE INSURANCE COMPANY ORDER NO. 417031, DATED SEPTEMBER 13, 2021)

THE SOUTHEASTERLY 20 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 34, ANNAPOLIS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 64, RECORDS OF KITSAP COUNTY, WASHINGTON; TOGETHER WITH VACATED NORTHERLY 25 FEET OF NORTH BAY STREET ADJOINING THEREOF; ALSO TOGETHER WITH THE ABUTTING PORTION OF LOT 3 AND ALL OF LOT 4, BLOCK 34, SIDNEY (NOW PORT ORCHARD TIDELANDS) IN FRONT OF LOT 3 AND LOT 4, BLOCK 34, ANNAPOLIS IN SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.

10/13/2021







RESOLUTION NO. 020-22

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, FIXING THE DATE OF PUBLIC HEARING ON A PETITION TO VACATE A PORTION OF BAY STREET, OPENED CITY RIGHT-OF-WAY.

WHEREAS, the petitioners, Walter and Roberta Huth Trustees, submitted a petition to vacate a portion of opened City right-of-way, a portion of Bay Street; and

WHEREAS, the petitioners own the parcel at 1819 Bay Street, Kitsap County Tax Parcel No. 4027-034-003-0007, located directly to the south of the proposed portion of opened right-of-way proposed for vacation; and

WHEREAS, the petitioners have submitted an application, copy attached hereto as Exhibit A and incorporated herein by this reference, which meets the requirements set out in Port Orchard Municipal Code (POMC) 12.08.010, and have paid the applicable fees required by the City; and

WHEREAS, the petitioners constitute the owners of more than two-thirds (2/3) of the property abutting the area proposed for vacation pursuant to RCW 35.79.010; and

WHEREAS, the petitioners have requested that proceedings be had hereon for the vacation of said portion of the city right-of-way in the manner prescribed by RCW 35.79; and

WHEREAS, the proposed area for vacation is approximately 200 square feet, legally described as follows and depicted in the survey contained in Exhibit A hereto:

THE SOUTHEASTERLY 20 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 34, ANNAPOLIS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 64, RECORDS OF KITSAP COUNTY, WASHINGTON; TOGETHER WITH VACATED NORTHERLY 25 FEET OF NORTH BAY STREET ADJOINING THEREOF; ALSO TOGETHER WITH THE ABUTTING PORTION OF LOT 3 AND ALL OF LOT 4, BLOCK 34, SIDNEY (NOW PORT ORCHARD TIDELANDS) IN FRONT OF LOT 3 AND LOT 4, BLOCK 34, ANNAPOLIS IN SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.

WHEREAS, the street vacation is requested to reflect existing structures in the opened right of way, and the obtain clear title for the Bay Street Pedestrian Pathway Project; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT: It is the intent of the Port Orchard City Council that the recitals set forth above are hereby adopted and incorporated as findings in support of this Resolution.

THAT: A Public Hearing upon said proposed street vacation shall be held via the online platform zoom and by telephone on Tuesday, March 8, 2022, at 6:30 p.m., at which hearing all persons interested in said street vacation are invited to appear telephonically or via the zoom platform. Access information including the telephone number and zoom information shall be included in the notices required herein.

THAT: The City Clerk is directed to post notice of the petition in three of the most public places in the city and a like notice in a conspicuous place on the street sought to be vacated, pursuant to RCW 35.79.020. The Clerk shall also post the notice on the City's website.

THAT: The Resolution shall take full force and effect upon passage and signatures hereon.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage on this 8th day of February 2022.



Robert Putaansuu, Mayor

ATTEST:


Brandy Wallace, MMC, City Clerk



EXHIBIT A
PARCEL NO. 4027-034-003-0007
RIGHT OF WAY VACATION

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF BAY STREET;

THENCE NORTH 60° 10' 20" WEST ALONG SAID NORTHEASTERLY MARGIN, 4.15 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 29° 49' 40" WEST, 11.00 FEET;

THENCE NORTH 60° 10' 20" WEST, 18.20 FEET;

THENCE NORTH 29° 49' 40" EAST, 11.00 FEET TO SAID NORTHEASTERLY MARGIN;

THENCE SOUTH 60° 10' 20" EAST ALONG SAID NORTHEASTERLY MARGIN, 18.20 FEET TO THE TRUE POINT OF BEGINNING.

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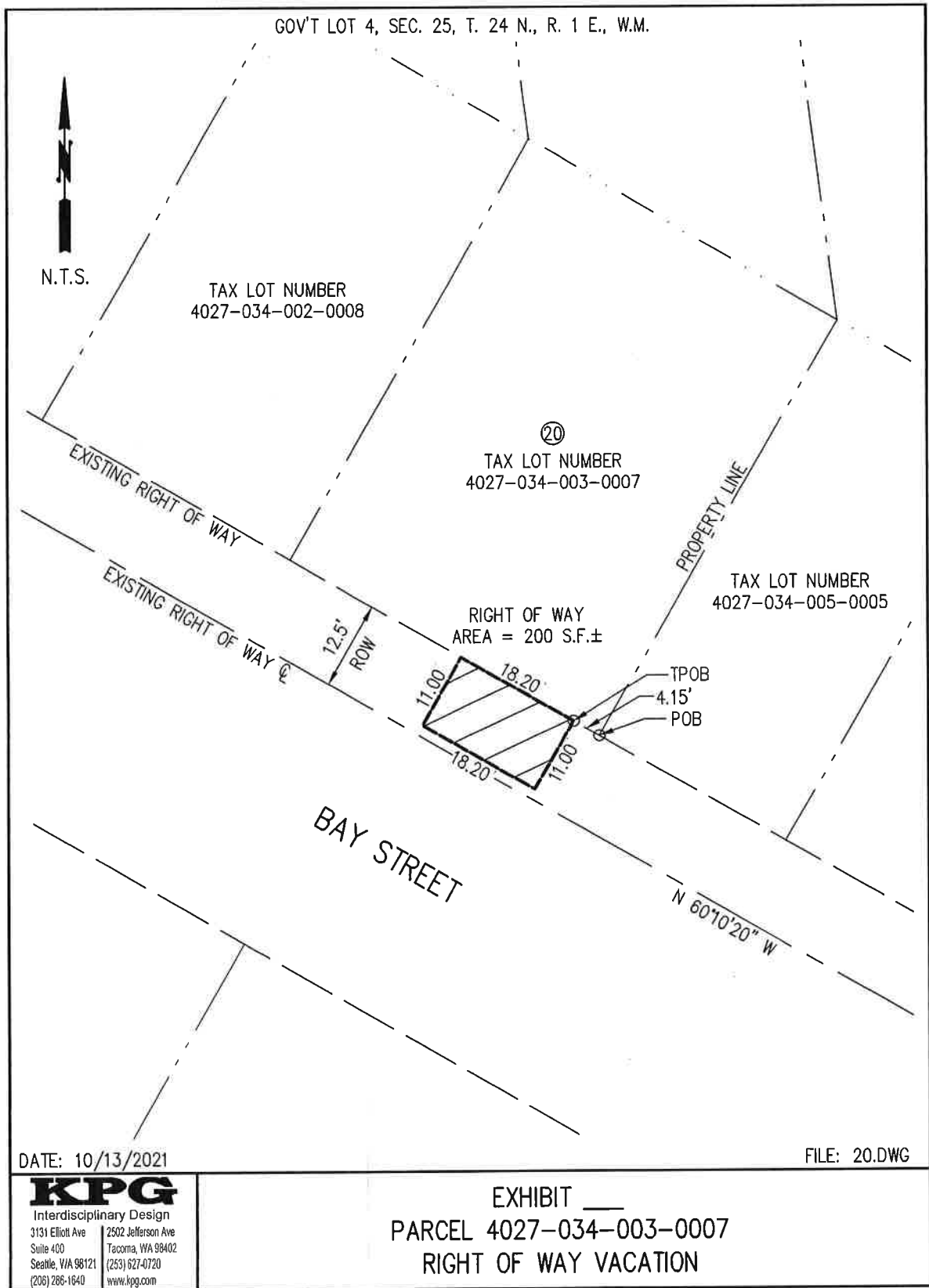
PARCEL "A":

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10/13/2021





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 Suite 400 | Tacoma, WA 98402
 Seattle, WA 98121 | (253) 827-0720
 (206) 286-1640 | www.kpg.com

EXHIBIT ____
 PARCEL 4027-034-003-0007
 RIGHT OF WAY VACATION



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7A</u>	Meeting Date:	<u>March 8, 2022</u>
Subject:	<u>Adoption of an Ordinance Approving</u>	Prepared by:	<u>Brandy Wallace, MMC</u>
	<u>the Petition to Vacate City Right-of-Way,</u>		<u>City Clerk</u>
	<u>the Southern Portion of Opened</u>	Atty Routing No:	<u>N/A</u>
	<u>Bay Street</u>	Atty Review Date:	<u>N/A</u>

Summary: Earlier this evening, a Public Hearing was held to take testimony on whether the City Council should vacate approximately 200 square feet of City Right-of-Way (ROW), the Southern portion of opened Bay Street, adjacent to 1819 Bay Street.

Staff has determined the following with regards to the proposed street vacation:

The area sought to be vacated was plated, on June 3, 1890 and annexed into the City by the adoption of Ordinance No. 714, on March 25, 1963.

The City Engineer has reviewed the street vacation petition and has indicated the following:

1. The area sought to be vacated is not needed for public travel now or in the foreseeable future.
2. The functionality of the area sought to be vacated for public purposes is nonexistent.
3. The vacation of the area would not adversely affect any City utilities, such as water, sewer, or storm.
4. The City has not included any projects within the proposed vacation area as part of its six-year road plan, nor has the City any scheduled capital facilities projects on this property.

The Community Development Director stated the following:

1. Vacation of the proposed area does not create potential or actual land uses that are inconsistent with City growth plans and goals. This area has not been identified in the City’s Comprehensive Plan.

Staff has determined that the area proposed for vacation has not been vacated by lapse of time under the non-user statute. Therefore POMC 12.08.050(1)(b) states if the street has been part of a dedicated public right of way for 25 years or more, or if the subject property to be vacated was acquired at public expense, the City may require owners of the property abutting the street to compensate the City in an amount that does not exceed the full appraised value of the area vacated. The City obtained an appraisal of the ROW and the fair market value has been determined to be \$9,500.

The Petitioner is asking the Council to reconsider the sales price of the ROW from \$9,500 to \$6,000, as that was the value of the ROW when agreed to purchase in July of 2018. In addition, she is asking the

City to waive the appraisal fees associated with determining the value of the ROW. She states that there was confusion on whether she could get her own appraisal or if the City would be required to. The cost to the City to obtain the appraisal was \$3,000, plus an addition \$900 for a review fee. The Petitioner stated she could have received an appraisal for approximately \$800, if she hired her own appraiser.

Relationship to Comprehensive Plan: N/A

Recommendation: Based on the report provided to the Council, staff recommends approving the street vacation petition as presented. However, staff is looking for direction if you are interested in reducing the value of the ROW and/or waiving or reducing the appraisal fee.

Motion for consideration: I move to adopt an Ordinance, vacating 200 square feet of City right-of-way, the Southern portion of opened Bay Street, as presented.

Fiscal Impact: Appraised fair market value has been determined to be \$9,500.

Alternatives: N/A.

Attachments: Draft Ordinance, Letter from Ms. Huth, Appraisal, and Annexation Ordinance No. 714 (Petition was provided under public hearing item).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, VACATING A PORTION OF BAY STREET, OPENED CITY RIGHT-OF-WAY IN PORT ORCHARD, WASHINGTON; ESTABLISHING THE CONDITIONS OF SUCH VACATION; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, a petition for vacation of a portion of Bay Street was submitted to the City by Walter and Roberta Huth, Trustees (“Petitioners”); and

WHEREAS, the legal description of the vacated right-of-way is attached as Exhibit A; and

WHEREAS, the Petitioners represent the owners of more than two thirds of the abutting property, and all have signed and are in support of the petition; and

WHEREAS, on February 8, 2022, the City Council adopted Resolution No. 020-22 fixing March 8, 2022, as the date for a public hearing on the street vacation petition, which is not more than 60 days or less than 20 days after passage of the Resolution (POMC Section 12.08.010(3) and RCW 35.79); and

WHEREAS, the City Clerk provided public notice and posting of the pending street vacation petition of the public hearing as required by law (POMC Section 12.08.020(1) and RCW 35.79); and

WHEREAS, the City Council held a public hearing on March 8, 2022, on the proposed street vacation; and

WHEREAS, staff reviewed the petition and, in light of the provisions of POMC chapter 12.08.060, determined this proposed street vacation is not subject to the 1889-1890 Laws of Washington, Chapter 19, Section 32 (the nonuser statute) as it was part of the original creation of the City boundaries in 1890; and

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Non-user Statute. Under POMC Section 12.08.060(5), staff has determined the area proposed for vacation has not been vacated by lapse of time under the non-user statute.

Section 2. Public Notice. The City Council finds that the City Clerk provided at least 20 days’ and not more than 60 days’ notice of the pendency of the street vacation petition and the public hearing thereon, as required by POMC Section

12.08.020 and RCW 35.79, including notice being posted on the street or alley sought to be vacated.

Section 3. Staff Report. Staff has prepared a report and recommendation on the proposed vacation, which is dated February 8, 2022. A copy of this report was available to the public prior to the public hearing.

Section 4. Public Hearing. The public hearing was held on the petition for street vacation on February 8, 2022.

Section 5. Testimony at Public Hearing. The Public Hearing was held and no one from the public commented on this street vacation

OR

Section 5. Testimony at Public Hearing. The following is a list of the members of the public testifying at the public hearing, and a summary of the public testimony presented:

[INSERT]

Section 6. City Council Findings. After hearing the testimony of the public, if any, and considering the staff report and all other relevant facts, the City Council finds as follows:

- a. The area sought to be vacated was annexed into the City by adoption of Ordinance No. 714 in 1963.
- b. The area sought to be vacated is not needed for public travel now or in the foreseeable future.
- c. The functionality of the area sought to be vacated for public purposes is nonexistent.
- d. The vacation of the area would not adversely affect any City utilities, such as water, sewer, or storm.
- e. The City has not included any projects within the proposed vacation area as part of its six-year road plan, nor has the City any scheduled capital facilities projects on this property.
- f. Vacation of the proposed area does not create potential or actual land uses that are inconsistent with City growth plans and goals. This area has not been identified in the City's Comprehensive Plan.
- g.

Section 7. City Council Conclusions. The City Council has determined that the area proposed for vacation may be vacated and hereby approves the street vacation petition.

Section 8. Compensation and Recording. A certified copy of this Ordinance vacating the proposed area shall be recorded by the City Clerk with the Kitsap County Auditor’s office, as required by RCW 35.79.030, upon compensating the City in an amount of _____ which does not exceed the full appraised value of the area so vacated.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 10. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 11. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 8th day of March 2022.

Robert Putaansuu, Mayor

ATTEST:

Brandy Wallace, MMC, City Clerk

APPROVED AS TO FORM:

SPONSOR:

Charlotte Archer, City Attorney

Scott Diener, Councilmember

PUBLISHED:

EFFECTIVE DATE:

RECEIVED

DEC 16 2021

City of Port Orchard

12/10/21

CITY OF PORT ORCHARD
CITY CLERK'S OFFICE

RE: Petition to Vacate City Right -OF-Way of that portion of land under my detached garage at 1819 Bay Street, Port Orchard WA 98633

Dear Counsel Members and all interested parties,

Marge Bailey from Tierra Right of Way Services, telephoned me in July of 2018. She informed me that as part of the City's Pathway Project, I needed to purchase the portion of the City's Right of Way, that a small portion of my garage was built on. In short Marge and her Co-Worker Kelly McGill went on to explain that, even though the garage was built with permits in July of 1980, the new pathway is Federally funded. So, the title needs to be transferred.

Please except this letter as my official request to lower the sale price, waive the appraisal fee and the appraisal review fee as follows:

We are requesting the asking sale/transfer price of \$9,500.00 be reduced to \$6,000.00 to reflect the Tax Assessors value at the time we agreed to purchase (July 2018) the 200sq.ft. I have consistently asked for confirmation from Tierra Right of Way, that the sale price would reflect the value at the time I agreed to purchase and would be based on the County's 2018 assessed tax value. I have asserted to both Kelly McGill and Marge Bailey of Tierra Right of Way, that my family and I are suffering great financial hardship. Our underinsured primary residence in CA burned completely down in 2017 then both my neighbors in Port Orchard made an adverse possession lawsuit/claim against us in 2018. The attorney bills alone have topped over \$74,000.00 leaving us financially crippled. Despite their assurances that the fees would only be a couple of hundred dollars and the sale price could not be much for such a small area. They are now asking \$9,500.00 for the small area alone. If

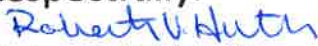
Tierra Right of Way had not taken over 3.5 years of endless unexplained delays, the sale price would have been a portion of what they are now asking.

I am asking that the appraisal fee and the additional appraisal review fee be waived. These fees are part of the federal pathway project. It's my understanding that the expensive Narrative Appraisal Report that cost \$3,000.00 along with \$900.00 review fee is not a requirement to Vacate the City's Right of Way. Had I been informed of what Tierra was really ordering. I could have purchased a professional appraisal myself for \$600.00 to \$800.00 that would have met all the requirements for this Petition.

I'm a 61-year-old women on a disability and my Husband is retired on a fixed income. The cost increases of this transfer caused by the 3.5 years of endless delays and stress are a great financial hardship on us. Your consideration of this matter is greatly appreciated.

Enclosed please find my check in the sum of \$120.00 representing the application fee.

Respectfully.


Roberta V. Huth

(707)889-3453



NARRATIVE APPRAISAL REPORT

PEDESTRIAN ENHANCEMENT PROJECT
– MOSQUITO FLEET TRAIL

PARCEL NO.: 4027-034-003-0007
OWNER: WALTER AND ROBERTA HUTH, TRUSTEES

BAY STREET
PORT ORCHARD, WA 98366

SH&H FILE 15349-21-20

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ADDENDA

Market Data (Section M)
Qualifications (Section Q)
Right of Way Vacation Exhibit (Section R)
Title Report (Section T)

NARRATIVE APPRAISAL REPORT

Parcel No.: 4027-034-003-0007
Owner: Walter and Roberta Huth, Trustees
Federal Aid No.: STPE-STPUS-0166(008)
Project: Pedestrian Enhancement Project – Mosquito Fleet Trail
R/W Plan Title: Pedestrian Enhancement Project – Mosquito Fleet Trail
Plan Sheet 6 of 9 Sheets
Plan Approval Date: N/A
Date of Last Map Revision: May 14, 2021

CERTIFICATE OF APPRAISER

I certify that, to the best of my knowledge and belief:

- ◆ the statements of fact contained in this appraisal are true and correct;
- ◆ the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conclusions, and are my personal, unbiased professional analyses, opinions, and conclusions;
- ◆ I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- ◆ I have no present or prospective interest in the property that is the subject of this appraisal, and I have no personal interest or bias with respect to the parties involved;
- ◆ my compensation is not contingent upon the reporting of a predetermined value or direction that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event;
- ◆ my analyses, opinions, and conclusions were developed, and this appraisal has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions;
- ◆ I have made a personal inspection of the property that is the subject of this report. I have made a personal inspection of the comparable sales contained in the report addenda;
- ◆ I have afforded the owner or a designated representative of the property that is the subject of this appraisal the opportunity to accompany me on the inspection of the property.
- ◆ Katherine Tiffany (License Number 1002112) provided significant professional assistance to the person signing this report, relevant to the inspection, subject research, market research, comparable confirmation, analysis and/or report preparation.
- ◆ I have disregarded any increase in Fair Market Value caused by the proposed public improvement or its likelihood prior to the date of valuation. I have disregarded any decrease in Fair Market Value caused by the proposed public improvement or its likelihood prior to the date of valuation, except physical deterioration within the reasonable control of the owner;
- ◆ this appraisal has been made in conformity with the appropriate State and Federal laws and requirements, and complies with the contract between the agency and the appraiser;
- ◆ As of the date of this report, Barbro A. Hines has completed the requirements of the continuing education program for Designated Members of the Appraisal Institute

The property has been appraised for its fair market value as though owned in fee simple, or as encumbered only by the existing easements as described in the title report dated September 13, 2021.

The opinion of value expressed below is the result of, and is subject to the data and conditions described in detail in this report of 70 pages.

I made a personal inspection of the property that is the subject of this report on October 4, 2021.

The **Date of Value** for the property that is the subject of this appraisal is October 4, 2021.

Per the FAIR MARKET VALUE definition herein, the value conclusions for the property that is the subject of this appraisal are on a cash basis and are:

VALUE OF PROPOSED ROAD VACATION \$9,500

Date of Assignment or Contract: April 26, 2021

Name: Barbro A. Hines, MAI, SRA

Date Signed: October 15, 2021

Signature: 

Washington State-certified general real estate appraiser certification number: 1101044

DO NOT WRITE BELOW THIS LINE

Headquarters Service Center Date Stamp

Region Date Stamp

Assignment Scope of Work

The client of this report is Tierra Right of Way Services, LTD and the City of Port Orchard requires that, in addition to compliance with USPAP this report must also meet the WSDOT Standards as set forth in the WSDOT R/W Manual Chapter 4, the WSDOT Appraisal Report Guide, and Federal Regulations as defined in 49 CFR part 24.

In the event of conflict or dispute in determining correct appraisal procedures that are not addressed in the standards noted above the Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book) will be the determining authority.

Under 49 CFR, Tierra Right of Way Services, LTD and the City of Port Orchard are required to take an active role in developing the scope of work. However it is the ultimate responsibility of the appraiser to develop a complete Scope of Work and produce a credible appraisal report. The appraisers SCOPE of WORK is included in Section 5 of the report. The report must adhere to the WSDOT and Federal Standards as described above and the specific task assignment for this parcel. The task assignment for this report must be included in the report or addendum.

Eminent Domain Appraisal Information and Definitions

The intended use of this appraisal is to provide information to the client, Tierra Right of Way Services, LTD, as a basis for acquiring the portion of the subject property needed for the proposed project.

Unless stated otherwise in the report, the property rights appraised constitute the fee simple interest.

“Fair Market Value” is defined as; the amount in cash which a well-informed buyer, willing but not obliged to buy the property, would pay, and which a well-informed seller, willing but not obligated to sell it would accept, taking into consideration all uses to which the property is adapted and might in reason be applied (Washington Pattern Instruction 150.08).

The intended user of this report is primarily Tierra Right of Way Services, LTD and the City of Port Orchard. Additionally, its funding partners may review the appraisal as part of their oversight activities. A copy of this report may be provided to the property owner as a courtesy and part of the good faith bargaining process. However, this does not imply that the property owner has standing as an intended user and is not authorized to publish or use the report for any other purpose.

Public Law 91-646 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) and Washington State RCW 8.26.180 both require that the owner or owner’s representative be given an opportunity to accompany the appraiser during the inspection of the property. “If the appraiser is advised that the property owner is represented by legal council, all owner contact and property inspections must be arranged through the owner’s attorney, unless the attorney specifically authorizes the appraiser to make direct contact with the owner”.

In condemnation, the larger parcel is the portion of a property that has unity of ownership, contiguity, and unity of use, the three conditions that establish the larger parcel for consideration of severance damages. This is also known as the “parent parcel”.

Extraordinary assumptions or hypothetical conditions include but may not be limited to the following:

State and Federal standards require the appraiser to disregard any decrease or increase in the fair market value of the subject caused by the project. The appraiser may cite the Jurisdictional Exception Rule to comply with this requirement which is found in RCW 8.26.180. and WAC 468-100-102 (2).

The after value is based on the assumption that the project has been constructed as proposed on the Right of Way plans as of the date of value.

The subject has been appraised as cleaned. However, apparent environmental hazards or contamination observed or discovered during the appraisal process must be noted in the report.

APPRAISAL ASSUMPTIONS AND LIMITING CONDITIONS

- 1.** The property description supplied to the appraiser is assumed to be correct;
- 2.** No survey of the property has been made or reviewed by the appraiser, and no responsibility is assumed in connection with such matters. Illustrative material, including maps and plot plans, utilized in this report are included only to assist the reader in visualizing the property. Property dimensions and sizes are considered to be approximate;
- 3.** No responsibility is assumed for matters of a legal nature affecting title to the property, nor is any opinion of title rendered. Property titles are assumed to be good and merchantable unless otherwise stated;
- 4.** Information furnished by others is believed to be true, correct, and reliable. However, no responsibility for its accuracy is assumed by the appraiser;
- 5.** All mortgages, liens, encumbrances, leases, and servitudes have been disregarded unless so specified within the report. The property is assumed to be under responsible, financially sound ownership and competent management;
- 6.** It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render the property more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies which may be required to discover them;
- 7.** Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. However, the appraiser is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value conclusions in this report are predicated on the assumption that there are no such materials on or in the property that would cause a loss of value. No responsibility is assumed for any such conditions, or for the expertise required to discover them. The client is urged to retain an expert in this field if desired. The analysis and value conclusions in this report are null and void should any hazardous material be discovered;
- 8.** Unless otherwise stated in this report, no environmental impact studies were either requested or made in conjunction with this report. The appraiser reserves the right to alter, amend, revise, or rescind any opinions of value based upon any subsequent environmental impact studies, research, or investigation;
- 9.** It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is specified, defined, and considered in this report;
- 10.** It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-conformity has been specified, defined and considered in this report;
- 11.** It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or federal governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate is based;
- 12.** The appraiser will not be required to give testimony or appear in court because of having made this report, unless arrangements have previously been made;
- 13.** Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the client without the written consent of the appraiser, and in any event, only with proper written qualification and only in its entirety;
- 14.** Neither all nor any part of the contents of this report, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the appraiser. Nor shall the appraiser, client, firm, or professional organization of which the appraiser is a member be identified without the written consent of the appraiser;
- 15.** The liability of the appraiser, employees, and subcontractors is limited to the client only. There is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The appraiser is in no way responsible for any costs incurred to discover or correct any deficiencies of the property;
- 16.** It is assumed that the public project which is the object of this report will be constructed in the manner proposed on the most recent right of way plan prior to the appraisal date and in the foreseeable future;
- 17.** Acceptance and/or use of this report constitutes acceptance of the foregoing assumptions and limiting conditions.

SUBJECT PLOT PLAN

Shown are the existing access frontages, improvement locations, "North arrow," and camera locations and directions for each attached subject photo.

Proposed Road Vacation: 200 sq. ft. (source – Exhibit for Right of Way Vacation)

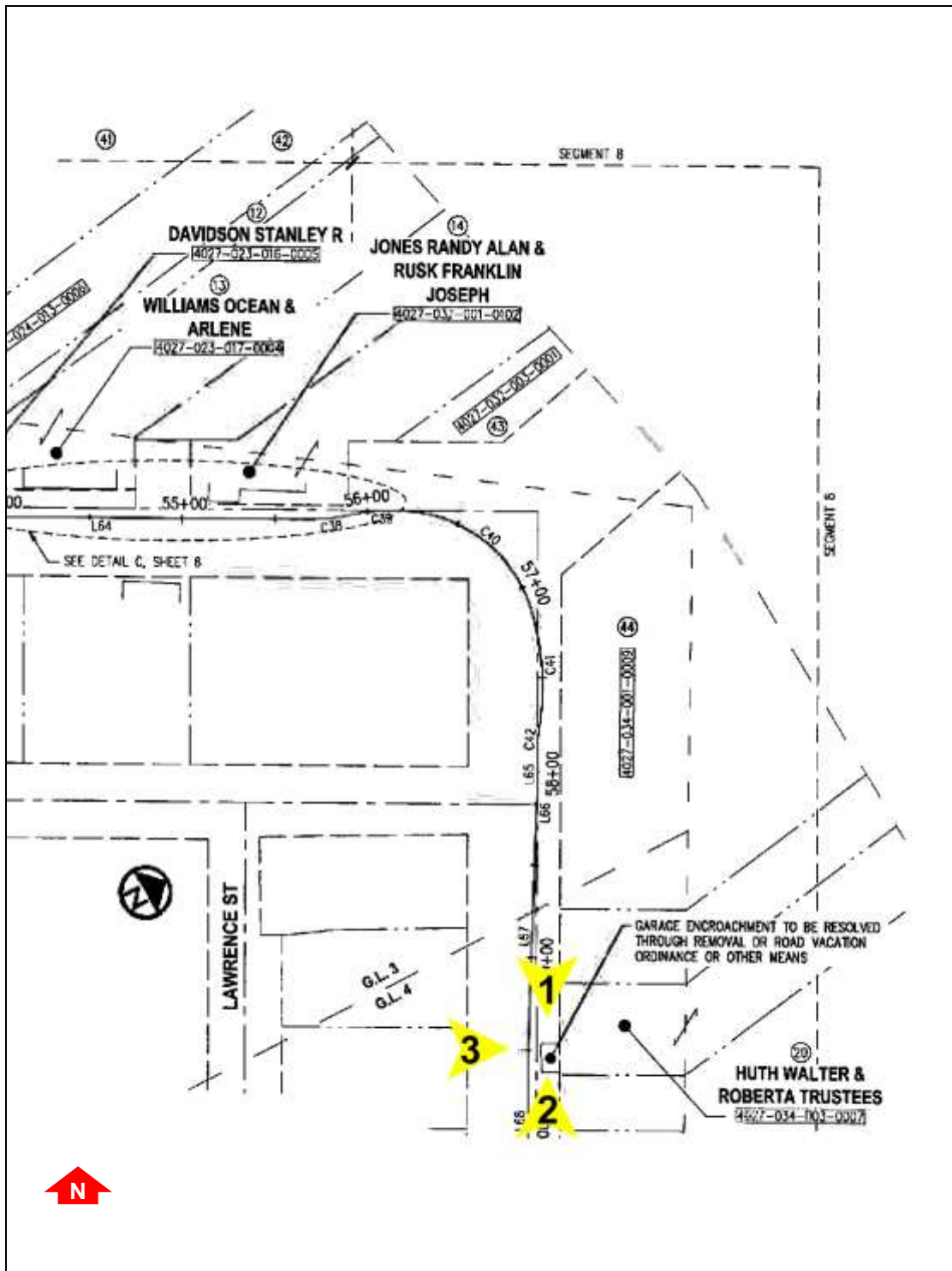


PHOTO ANGLES MAP

SUBJECT PHOTOGRAPHS

Date of Photos: October 4, 2021

Photographer: Katherine Tiffany



**PHOTO ONE: SOUTHEASTERLY VIEW OF BAY STREET,
PROPOSED ROAD VACATION AREA TO THE LEFT**



**PHOTO TWO: NOTHWESTERLY VIEW OF BAY STREET,
PROPOSED ROAD VACATION AREA TO THE RIGHT**

SUBJECT PHOTOGRAPHS

Date of Photos: October 4, 2021

Photographer: Katherine Tiffany



**PHOTO THREE: NORTHEASTERLY VIEW OF ROAD VACATION AREA,
TAKEN FROM BAY STREET**

NARRATIVE APPRAISAL REPORT

(1) OWNER:

The subject is a part of a public right of way owned and operated by the City of Port Orchard. The subject of this appraisal is that part of the right of way that has a garage encroachment that is associated with a property with a physical address of 1819 Bay Street, Port Orchard, WA 98366. The adjacent property is under the ownership of Walter Huth and Roberta Huth, as trustees of the Huth Trust, created by declaration of trust on July 24, 2006.

(2) ADDRESS OR LOCATION OF SUBJECT PROPERTY:

Public Right of Way
Adjacent to 1819 Bay Street, Port Orchard, WA 98366

(3) SUBJECT LEGAL DESCRIPTION:

A legal description relevant to the proposed right of way vacation area is included on an exhibit prepared by KPG Survey & Mapping, dated October 13, 2021, a copy of which is included in the addenda of this report. The adjacent property in which the garage encroachment is associated with is legally described within a Commitment for Title Insurance issued by Chicago Title Insurance, a copy of which is included in the addenda.

(4) DELINEATION OF TITLE (5 years):

The subject property is part of a public right of way that is under the ownership of the city of Port Orchard. There is an encroachment of an existing garage located primarily on the adjacent parcel located at 1819 Bay Street, Assessor's Parcel Number 4027-034-003-0007, under the ownership of Walter and Roberta Huth. It is my understanding that the owners of the adjacent parcel were approached by the city to resolve the existing encroachment, either by removal of the structure from the right of way or for the property owner to purchase the encroached-upon area.

I am not aware of any transactions relative to the subject property over the past five years or the adjacent property under the ownership of Walter and Roberta Huth.

(5) THE APPRAISAL PROBLEM AND APPRAISER'S SCOPE OF WORK:

This assignment represents the valuation of a property in fee simple in order to arrive at an estimate of value to facilitate the sale of the property to an adjacent property owner. As per the unit rule as stipulated in the Uniform Appraisal Standards for Federal Land Acquisitions, 2016

(page 97), the subject property is analyzed in fee simple, unencumbered except for zoning ordinances, and easements of record, as of October 4, 2021, the date of inspection. The property was inspected from the public right of way on October 4, 2021.

The scope of the appraisal assignment relates to the field work, inspection, research, and analysis conducted for preparation and valuation of the subject property. This appraisal assignment involved an inspection of the subject property and the comparables. Descriptive information relating to the subject property was obtained through onsite observation, Kitsap County public records and data provided by the client relative to the proposed project.

For purposes of this appraisal a Strip Appraisal format will be used. A Strip Appraisal can be used where no major improvements are affected and there are neither complex severance damages nor any special benefits to the remainder parcel. In these cases, the site valued may be appraised as a pro-rata portion of the ‘before’ land value, rather than a complete ‘before’ and ‘after’ evaluation.

In order to estimate the market value of the subject property, the potential Highest and Best Use of the property as of the appraisal date has been analyzed. The scope of this assignment includes interviews with various individuals, and the researching of sales and listings of similar properties in the competing area to arrive at an estimate of value for the subject property. The appraisal has been presented using the WSDOT Narrative Appraisal Report format.

Within this appraisal all three approaches (Income, Cost, and Sales Comparison) to value have been considered. The subject site is part of a public street right of way in the city limits of Port Orchard. In this instance, the relevant methodologies for valuing land have been reviewed with the Sales Comparison Approach representing the best method for this assignment. Thus, it is the only approach utilized to estimate the subject’s market value.

The subject is part of a public right of way that is owned and operated by the City of Port Orchard. The appropriate valuation methodology to be employed in valuing the subject is the “across the fence” (or ATF) method. ATF method assumes (that) land values are similar to vacant land values of properties adjacent to the property being appraised. The use of this method does not consider the subject’s size and configuration as a stand-alone property; rather, the analysis is relevant to the Highest and Best Use of the subject in *conjunction with* nearby property uses. The Highest and Best Use of the adjacent properties is single-family residential.

The *Across the Fence* method is based on the Principle of Substitution. In theory, the factors to consider are the nearby property’s highest and best use and unit value. In order to determine an appropriate comparison, the property is analyzed as though it contains an area similar to the adjacent encroaching property, Assessor’s Parcel 4027-034-003-0007, which contains 5,227

square feet. This property size is generally consistent throughout the subject's immediate neighborhood. Therefore, the adjacent site's characteristics are the basis for the valuation of the subject.

(6) PROPERTY RIGHTS TO BE ACQUIRED AND EFFECTS OF ACQUISITION/PROJECT:

The subject is located along the easterly portion of Bay Street. A portion of Bay Street is planned for improvement with the Pedestrian Enhancement Project – Mosquito Fleet Trail, which is a long-term road enhancement project intended to create a non-motorized pathway linking various waterfront areas. The local project is intended to provide for a safer mode of non-motorized transportation along Bay Street. Bay Street is a heavily travelled arterial that currently does not support a shoulder or sidewalk. The trail will be developed adjacent to Bay Street, along the easterly boundary of the public right of way. In order to construct the project, the existing encroachment containing 200 square feet from the adjacent parcel onto the public right of way must be resolved. The right of way map for the project reflects an area of 160 square feet. However, an exhibit with a signature date of October 13, 2021 reflects an area of 200 square feet. This is the area utilized herein. An exhibit replicated from the exhibit is presented in the addenda of the appraisal report.

Following the acquisition of the subject property by the adjacent property owner, the encroachment will be resolved, and the subject area containing 200 square feet will no longer be part of the public right of way.

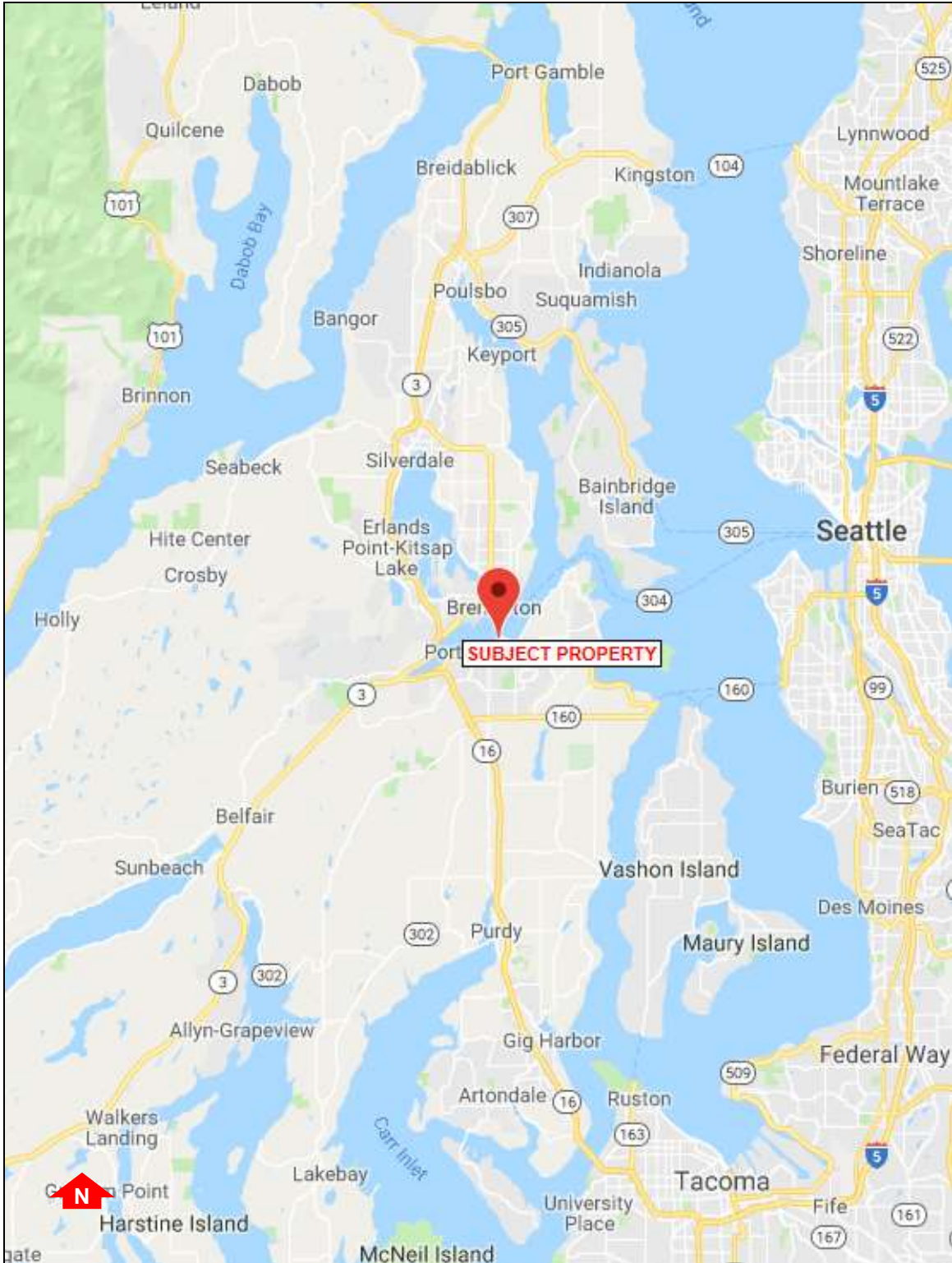
(7) NEIGHBORHOOD DESCRIPTION:

A neighborhood is defined as a group of complementary land uses. Neighborhoods are affected by social, economic, governmental, and environmental forces, which influence property values near the subject property, which, in turn, directly affect the value of the subject property itself. The boundaries of a neighborhood are typically identified by determining the area within which the forces affect all surrounding properties in the same way they affect the property being appraised.

The subject property is located along the easterly side of Bay Street, in the city of Port Orchard, in Kitsap County, Washington. Bay Street runs parallel to the southerly coastline of the Sinclair Inlet and connects the commercial downtown area with the residential areas located northerly of the city center. A map showing the subject's area is presented on the following page with a map showing the approximate location of the subject within its immediate neighborhood located further within this section.

Surrounded on three sides by water, residents of Kitsap County depend on bridges and the Washington State Ferry System for commuting with neighboring cities. There are four ferry routes linking the northern, central and southern areas of the county with the Seattle area and Interstate 5 (the major north-south transportation corridor in the state). In addition to the ferry services, the two main roadway routes connecting Kitsap County to other market areas are State Routes 16 and 3. State Route 16 connects from the south via the Tacoma Narrows Bridges, linking the county with Tacoma, Pierce County, and all points easterly and southerly of the Puget Sound. State Route 3 connects Kitsap County with rural Mason County to the south and the Olympic Peninsula to the west by way of the Hood Canal Bridge.

Within the county, State Route 307 is an important connection between Kingston, State Route 104, and State Route 305. State Route 305 provides the only land-based connection road to the City of Bainbridge Island and the Bainbridge Island ferry terminal. Kitsap Transit has a passenger only ferry route that runs between Port Orchard and Bremerton.



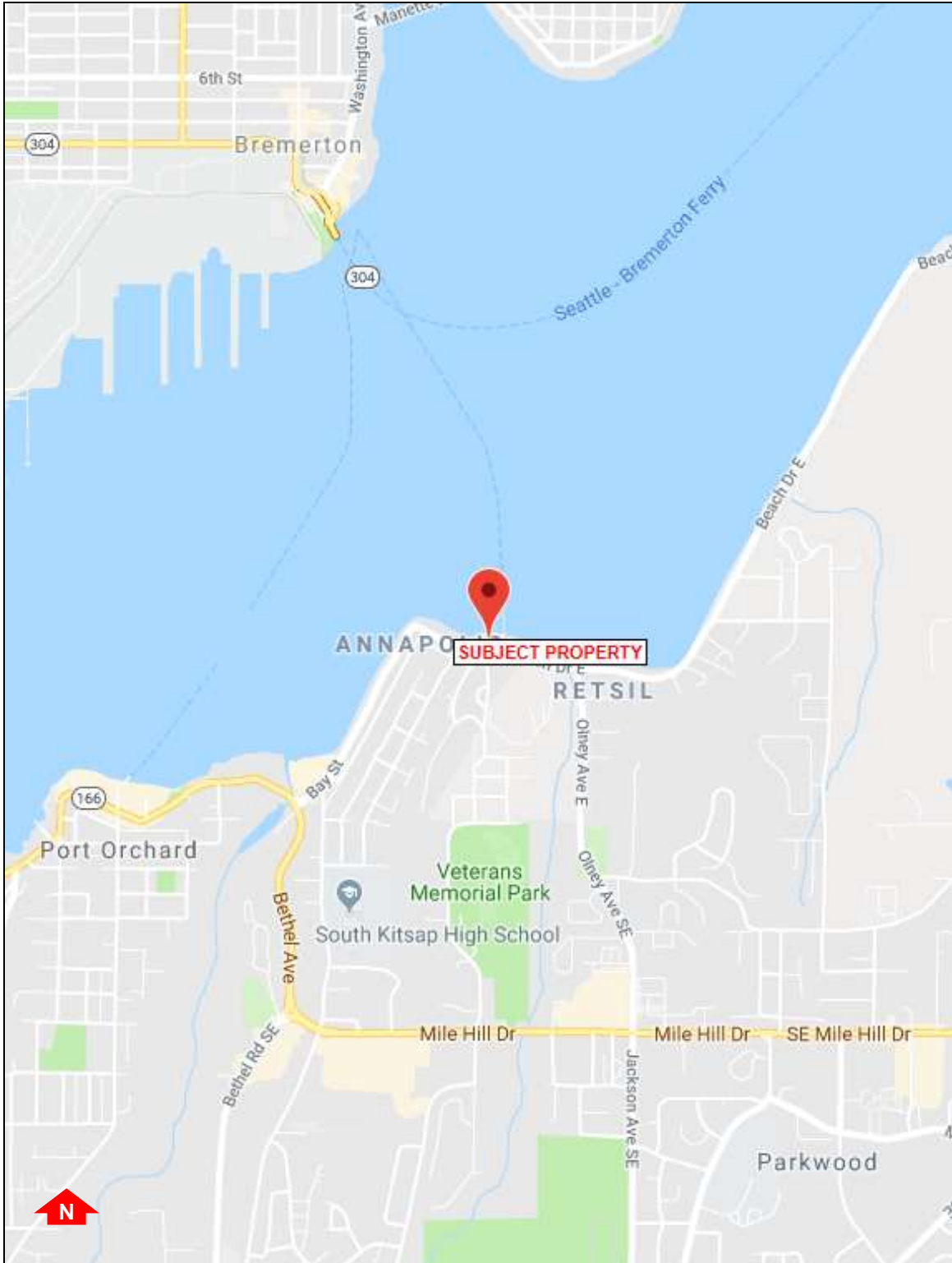
AREA MAP

Much of the Kitsap Peninsula is dedicated to residential use, and many inhabitants utilize the Tacoma Narrows Bridges when commuting to major employment centers easterly of the Puget Sound. This is the only meaningful link to Tacoma for commuters and had become a growing bottleneck with the population increase on the Peninsula. However, construction of a second span over the Tacoma Narrows was completed in 2007 and has alleviated the traffic congestion that had impacted commuting from the peninsula areas over the prior decades.

Today, the key economic influence for Kitsap County continues to be the military and government. Three military installations are located in the county – the Puget Sound Naval Shipyard (PSNS), and naval bases at Bangor and Keyport. The complexes of naval personnel are located predominantly at four sites: Puget Sound Naval Shipyard (PSNS), Navy Hospital Bremerton, Naval Undersea Warfare Engineering Station (NUWES) at Keyport, and the Naval Submarine Base at Bangor.

The Puget Sound Naval Shipyard in Bremerton employs significant numbers of both military and civilian personnel, and in addition, numerous private contractors work at the shipyard. This facility is the homeport for a number of naval ships, including aircraft carriers, guided missile cruisers, and other combat support ships. The Naval Hospital at Bremerton and the Naval Supply Center Puget Sound are also major employers. The Naval Submarine Base at Bangor is a support base for nuclear-powered Trident submarines. This base provides all maintenance and training for the Trident subs and their crews. The Naval Undersea Warfare Engineering Center Keyport (NUWC) is involved in the development, testing, evaluation and maintenance of torpedoes. Additionally, this base is involved in the repair and issuing of sonar equipment, fire control equipment, targets, and mines for the Navy.

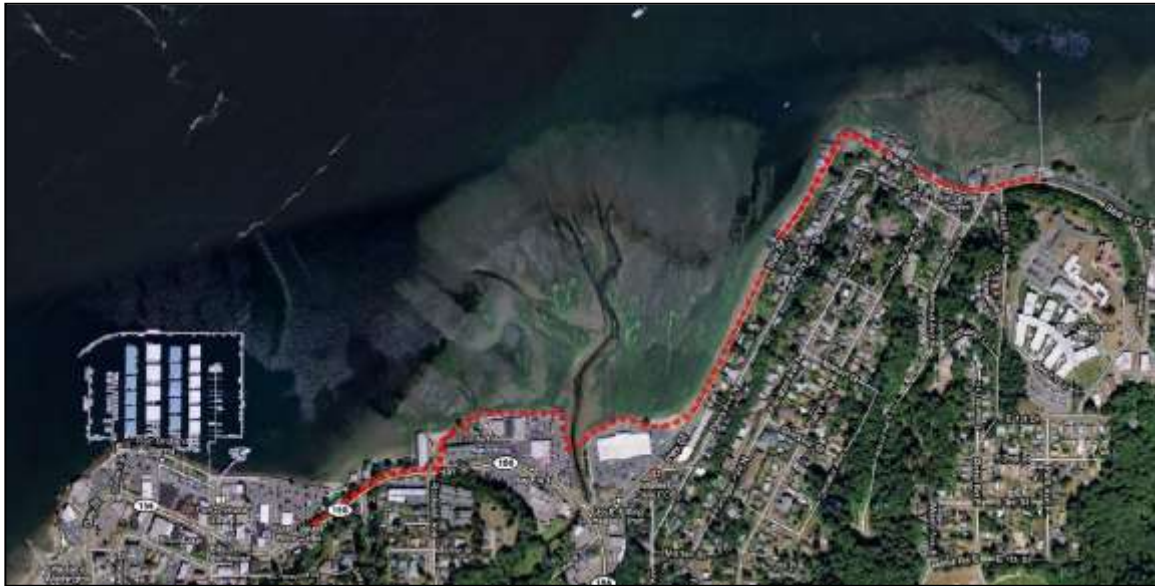
The subject property is located northeasterly of the downtown area of Port Orchard. The downtown area is improved with older structures that are used to support primarily local retailers and office users. Port Orchard is the county seat for Kitsap County, with government office located near the downtown core.



LOCATION MAP

The subject is located along Bay Street. Part of Bay Street is being developed with a trail which eventually is intended on becoming part of a larger proposed 100± mile Mosquito Fleet Trail Project. The project, being completed in phases, will eventually link the ferry docks that served the Mosquito Fleet from Kingston to Southworth.

The subject is part of the Bay Street Pedestrian Path portion of the larger Mosquito Fleet Trail project. This phase of the development begins at Waterfront Park, located southwesterly of the subject, and will terminate at the Annapolis Ferry facility, located easterly of the subject. An exhibit of the local project is provided below.



The local project is intended to provide for a safer mode of non-motorized transportation along Bay Street. Bay Street is a heavily travelled arterial that currently does not support a shoulder or conventional sidewalk.

Overall, the subject's immediate neighborhood is primarily residentially oriented. The subject is located within close proximity to the downtown area of Port Orchard. Major support services, including retail, office, and medical services, are also within close proximity to the subject.

(A) Larger Parcel/Present Use:

The appropriate valuation methodology to be employed in valuing the subject property, which is a portion of the public right of way, is the “across the fence” (or ATF) method. ATF method assumes (that) land values are similar to vacant land values of properties adjacent to the property being appraised. In order to complete this analysis, it is necessary to identify the *larger parcel*. The *larger parcel* is then the basis of the valuation analysis.

The subject property consists of a portion of the existing right of way. The identified subject area contains 200 square feet and it is located within the easterly half of Bay Street, adjacent to assessor’s parcel number 4027-034-003-0007, located at 1819 Bay Street. The site is located within the city limits of Port Orchard. The proposed acquisition area is part of a larger ownership of right of ways. In defining the *larger parcel* there are three basic conditions that need to be established.

1.) Unity of Ownership

2.) Contiguity

3.) Unity of Use

The city of Port Orchard owns and operates a network of public street right of ways and its supporting real estate, of which the subject property is a part. Therefore, the entire network of street right of ways could be one *larger parcel* from the “unity of ownership” perspective.

The second category, “contiguity,” normally requires that physical contiguity be present for a *larger parcel* to exist. The network of street right of ways is noncontiguous, interrupted by roadways and properties under differing ownerships.

In considering the third category, “unity of use,” one of the main considerations is that the properties are used in conjunction with each other. The subject area contains a portion of a garage structure that has encroached into the public right of way from the adjacent parcel. However, the subject’s underlying land was originally delineated to support the network of public roads.

Considering this discussion, one could easily and logically conclude that the *larger parcel* is represented by the entire group of properties that are designated as city public right of ways. However, that portion of the *larger parcel* which will be directly impacted by the proposed acquisition is a small section of Bay Street. It seems reasonable and logical that rather than appraising the entire group of properties used in support of the network of street right of way infrastructure, this immediate area can be considered for appraisal purposes as the *larger parcel*, which is the approach taken in the analysis. In “Real Estate Valuation in Litigation,” J.D. Eaton, MAI, SRA, notes that “the *larger parcel* may be all of one parcel, part of a parcel, or several parcels, depending to varying degrees on unity of ownership, unity of use, and contiguity.”¹

Considering the entire group of properties used in support of Port Orchard’s network of street right of way infrastructure as the subject property would unnecessarily complicate the appraisal assignment and valuation process, and would not likely have a significant impact on the appraisal. Thus, for purposes of this appraisal, the subject property, and the *larger parcel*, is identified as the section of a public street right of way located southerly of and adjacent to parcel 4027-034-003-0007, identified as a part of Bay Street.

(B) Accessibility and

Road Frontages:

The subject property is part of a public right of way, Bay Street. Bay Street is a two-lane asphalt paved arterial with one lane of traffic in each direction. Bay Street has moderate to sometimes heavy traffic volumes as it is a major arterial in the area.

(C) Land Contour and

Elevations:

The subject site is generally level. The majority of the site is covered with a garage structure that encroaches from the adjacent easterly parcel.

According to Flood Insurance Rate Map, Panel Number 53035C0390F, effective date February 3, 2017, the subject is located in Flood Zone A. The adjacent parcels are primarily waterfront properties. Given the location of the subject property, this is typical of properties in the area. There does not appear to be any wetlands on the property.

¹ J.D. Eaton, MAI, SRA, “Real Estate Valuation in Litigation,” Page 76.



AERIAL VIEW OF SUBJECT SITE
APPROXIMATE SUBJECT OUTLINED SHOWN IN RED
ADJACENT ENCROACHING PARCEL SHOWN IN GREEN

Soils or engineering reports relevant to the subject property have not been provided. I have not noticed any atypical settling of the upland soils during the inspection of the site nor did I observe any atypical soils issues impacting the subject property.

Environmental reports or studies relevant to the subject property have not been provided. As instructed by the client, the appraisal is based on the premise that the site is “clean.”

(D) Land Area: According to an exhibit dated October 13, 2021, created by KPG, the site contains 200 square feet.

(E) Land Shape: The site is rectangular in shape.

(F) Utilities: All typical urban level public utilities are available to the subject property.

(G) Zoning:

The subject site is adjacent to a residential parcel (APN 4027-034-003-0007) zoned R2, Residential 2. According to Chapter 20.34.020 of the City of Port Orchard Municipal Code, the purpose of this zoning classification is as follows:

The R2 district is primarily intended to accommodate detached house, duplex, and townhouse development with a minimum lot size that varies based on building type. The R2 district is intended to implement the residential medium density comprehensive plan designation. Additional building types that are allowed include backyard cottage (detached accessory dwelling unit), cottage court, duplex and attached house. Uses that would substantially interfere with the residential nature of the district are not allowed.

This zoning classification permits residential development with a range of minimum lots sizes permitted. Detached houses that take vehicular access from a primary street have a minimum lot size of 5,000 square feet. Detached homes that do not take vehicular access from a primary street (i.e. lots with vehicular access from an alley) have a minimum lot size of 3,000 square feet. Development is limited to a maximum building height of three-stories or 35-feet.

(H) Highest and Best Use as Vacant:

The subject is a part of a public right of way. The Highest and Best Use of the subject as vacant is for use in support of the right of way.

(I) Improvements: The subject site contains a portion of a standalone garage structure located primarily on the adjacent easterly parcel and encroaching upon the subject. The garage was constructed in 1990 and is in average condition. The subject area outside of this building footprint is improved with asphalt pavement.

(J) Special Items: None noted.

(K) Real Estate Taxes: The subject property is a public right of way that is under the ownership of the city of Port Orchard and as such, has not been assessed. Should the property be purchased by a private entity that is not tax exempt, the property will be assessed by the assessor's office accordingly.

L) Assessments Current and Pending: None known.

(M) Existing Lease or Rental Data: None known.

(N) Highest and Best Use, as Improved:

The criteria for the determination of the highest and best use as improved is similar to the analysis as vacant. This determination is based upon legal and physical considerations adjusted for financial feasibility and maximal productivity considerations.

The subject contains a portion of a garage building that is primarily located on the adjacent easterly parcel. The easterly parcel, containing 5,227 square feet, according to assessor's records, is rectangular in shape, generally level and has waterfront frontage along Sinclair Inlet. The adjacent parcel also includes tidelands. It is improved with a single family residential structure containing 1,532 square feet with an attached garage containing 456 square feet, as well as a bulkhead and the standalone garage containing 448 square feet, a portion of which is encroaching onto the subject. The subject is valued using the ATF methodology, which considers the relevant aspects of the adjacent properties, and in this case, the easterly adjacent parcel with the encroaching structure.

Highest and Best Use of the Adjacent Property, as Improved

Legal Considerations: The adjacent parcel is zoned R2, Residential 2, under the City of Port Orchard zoning code. This zoning classification permits a limited variety of residential development as well as some low intensity utility uses. The current use of the site in support of a single-family residence is a legal and conforming use, according to the City of Port Orchard zoning standards.

Physical Consideration: The adjacent parcel contains a total area of 5,227 square feet. It is accessed by Bay Street and also contains frontage along Sinclair Inlet. It is generally level. The site is improved with a single-family residence and detached garage, both in average condition. A portion of the garage encroaches onto the subject site. There do not appear to be any physical constraints that preclude the continued legal conforming residential use of the adjacent parcel.

Market Feasibility (Financially Feasible and Maximally Productive): The third test of highest and best use is financial feasibility. A project's financial feasibility is measured by whether the project can produce a positive return on the investment. One of the better indications of financial feasibility is consideration of the surrounding uses near the subject property.

Surrounding and nearby uses that are also zoned R2 are predominantly single-family residentially oriented. There is no alternative use that will provide for a greater return to the subject site. The most financially viable use, and maximally productive use is for continuation of the adjacent parcels existing legal conforming use and the resolution of the encroachment of the garage onto the subject site, by way of a road vacation.

Conclusion: Legal, physical, and market considerations have been analyzed to evaluate the highest and best use of the property. This analysis is used to evaluate the type of use which will generate the greatest return to the owner or investor. The highest and best use for the subject as improved is for the continued residential use of the adjacent parcel and the resolution of the encroachment of the garage onto the subject site.

8. APPROACHES TO VALUE:

The Income Approach, Cost Approach and Sales Comparison Approach are the three basic techniques or approaches to value when appraising real property. Because the subject property is analyzed as an unimproved site, only those techniques applicable to Land Value derivation have been considered.

The appropriate valuation methodology to be employed in valuing the subject property, which is a portion of the public right of way, is the “across the fence” (or ATF) method. In this instance, the highest and best use of the subject property is for the continued use of the site in conjunction with the adjacent easterly parcel, which contains 5,227 square feet. The subject’s value is measured as to its contribution value to the adjoining easterly parcel.

Several procedures for the valuation of land may be available to appraiser depending on available data. These include:

1. The sales comparison approach. Sales of similar vacant parcels are analyzed, compared, and adjusted to derive an indication of value for the land being appraised.
2. The allocation (abstraction) procedure. Sales of improved properties are analyzed, and the prices are allocated between land and improvements.
3. The extraction procedure. This is a variant of the allocation method, whereby the value of the contribution to the total value of the improvements are estimated, and then deducted from the total to leave land value.
4. The Income Capitalization procedures are as follows:
 - a. The land residual procedure. The land is assumed to be improved to its highest and best use, and the net income imputable to the land after all expenses of operation and return attributable to the other agents in production is capitalized to derive an estimate of land value.
 - b. The ground rent capitalization procedure. In this procedure the rent paid for the right to use and occupy land is capitalized to yield a value. Capitalization rates are derived from market data.

- c. The anticipated use (development) procedure. Undeveloped land is assumed to be subdivided, developed, and sold. Development costs, incentive costs and carrying charges are subtracted from the estimated proceeds of sale, and the net income projection is discounted over the estimated period required for market absorption of the developed sites to derive an indication of value for the land being appraised.

The most applicable method in valuing the subject property is the Sales Comparison Approach by utilizing the across the fence methodology.

9. VALUATION-BEFORE:

(A) Site Valuation:

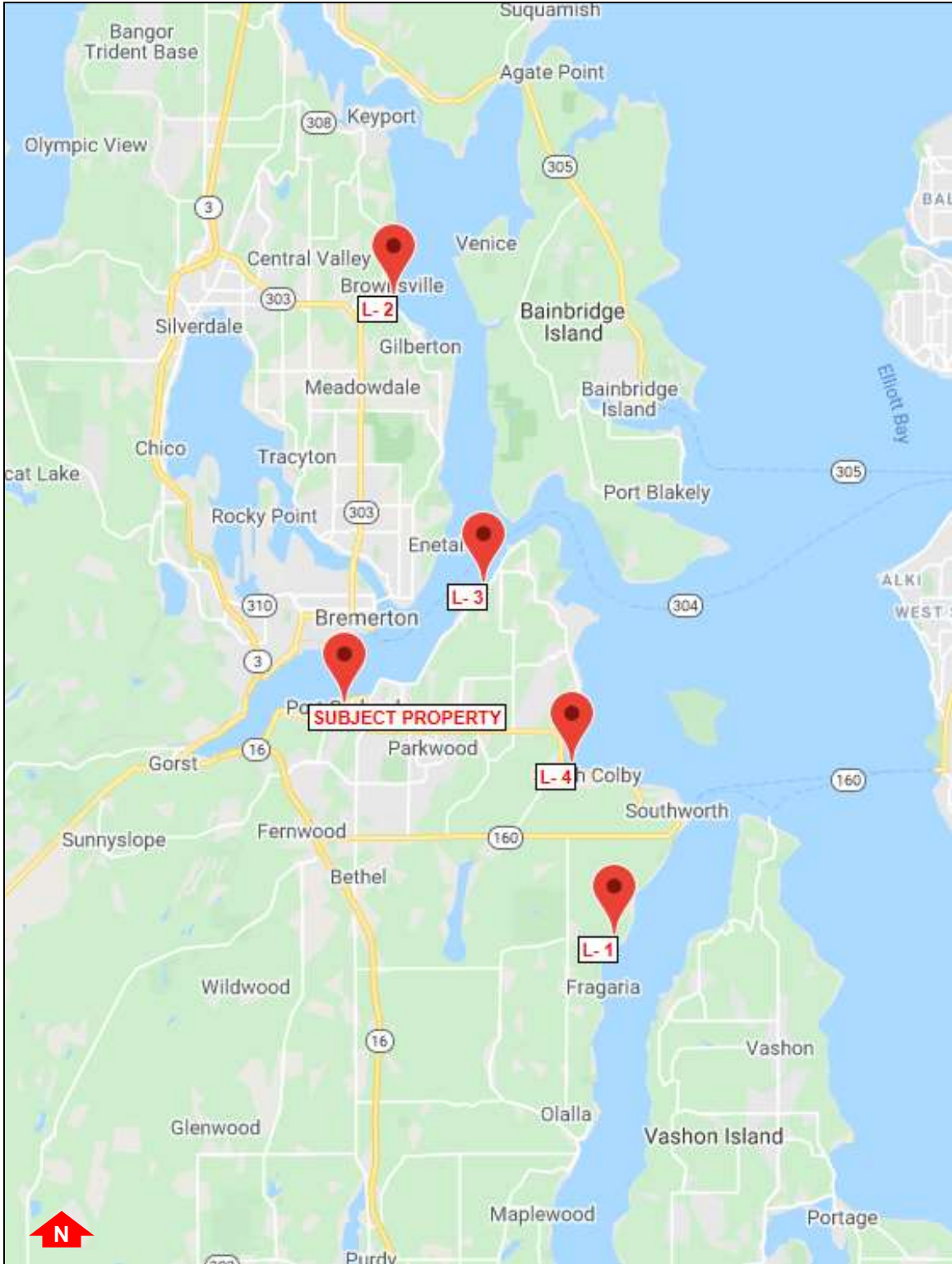
One of the most reliable indicators of value in an active market is derived by comparing the property being appraised with similar nearby properties that have sold. This approach reflects the principle that a well-informed buyer will pay no more for a property than the cost involved in obtaining an equally satisfactory substitute property.

The valuation of the subject's public right of way is the valuation of a corridor. The highest and best use for the subject is for the assemblage of the subject with the easterly bordering property. The first step in the valuation process is to arrive at a unit value representative of the adjacent property, with site area of 5,227 square feet. The zoning is Residential 2, which permits residential development. The typical unit of comparison for residential development is the price per site.

A search was conducted in the market area for sites that can support a similar highest and best use based on the across the fence methodology. Three sales that occurred in 2021 were located. A fourth sale that occurred in 2019 was also identified and included due to its proximity to the subject. The sales selected are delineated in the following chart. Details of the transactions, along with a photograph, follow a map identifying the location of the comparables in relationship to the subject.

LAND SALE COMPARABLES					
Sale	Location	Sale Date	Analysis Price	Area (Sq. Ft.)	Price per Site
L-1	Lot 4, SE Goat Trail Road Port Orchard	May-21	\$145,000	24,394	\$145,000
L-2	9828 Ogle Road NE Bremerton	Oct-21	\$200,000	13,068	\$200,000
L-3	4413 Beach Drive E Port Orchard	Dec-19	\$275,000	28,750	\$275,000
L-4	8105 SE Bay Street Port Orchard	May-21	\$340,000	19,602	\$340,000

The chart is intended to be self-explanatory; however, some explanation of the summary headings may be helpful. The explanation will discuss the columns from left to right starting with the heading, Sale. This simply lists the identification of the comparable. Location identifies where the property is located. Date indicates the time of sale, while the Analysis Price is the recorded price of the transaction with any additions or deductions due to buyer's expenditures. The next column, Area, includes the area of the site in square feet. The final column indicates the price per site, which is the unit of measurement typically used in the analysis of properties similar to the subject. In this instance, the price per site is the same as the analysis price as each of the properties were purchased for the development of one residence. The analysis to follow includes a brief description of each comparable.



COMPARABLE LAND SALES MAP

L-1 represents the sale of a waterfront site located outside of the city limits of Port Orchard. The waterfront site contains 24,394 square feet of upland area, as well as some adjacent tidelands, and is accessed by way of a steep, narrow, private dirt road. The site is sloped toward the water and requires a septic system and well for development. Electrical service is available to the site. The site is bisected by the private road, which provides access to surrounding parcels. The buyer intends to construct a single-family residence.

L-2 is the sale of a waterfront residential property located off of Ogle Road Northeast in the East Bremerton/Keyport South area of unincorporated Kitsap County. The property is accessed by way of an easement over an adjacent parcel and is close to the Brownsville Marina. The site contains 13,068 square feet and is triangular in shape. It does not include any tidelands; however, it has frontage along the Puget Sound. All public utilities are available to the site.

L-3 is the sale of a residential waterfront property located along Beach Drive East outside of the city limits of Port Orchard. The site contains 28,750 square feet of upland area as well as some adjacent tidelands. The site is bisected by Beach Drive East, which separates the beach and tidelands from the remainder of the site. The remainder site area is slightly sloped. All typical public utilities are available to the site. As of June 2021, a single-family residence was being constructed on the site.

L-4 is the sale of a residential waterfront property located along Southeast Bay Street outside of the city limits of Port Orchard. The site contains 19,602 square feet of uplands as well as a small portion of the adjacent tidelands. Electrical service and water are available to the site; however, a septic system is needed for development. The site is slightly sloping toward the waterfront. The buyer intends to construct a single-family residence.

Analysis of Comparable Land Sales Data

The comparable properties are all considered relevant for providing a framework to analyze and arrive at a value estimate for the subject property. The across the fence method is used to value the subject. The site area adjacent to the subject is 5,227 square feet and has a highest and best use for residential development. For analysis purposes I will utilize the site area of 5,227 square feet for the basis of this analysis.

The top of the chart accounts for quantitative adjustments. After completing the quantitative adjustments, qualitative adjustments are reflected. When a difference is noted, either positive or negative adjustments are imputed to account for physical differences between the comparables and the subject property.

In utilizing the comparables to determine a per unit value for the subject property, each sale should be adjusted to the subject for dissimilarities. There are six common elements of comparison that should be considered in sales comparison analysis. These are: *Real property rights conveyed; Financing terms; Condition of sale; Buyer expenditures/other; Date of sale; and Location and Physical characteristics.* In analyzing the *Location and Physical characteristics*, adjustments may be made for some dissimilarities among the comparables. These include location, site area, available utilities and site utility/waterfront appeal.

Quantitative Adjustments

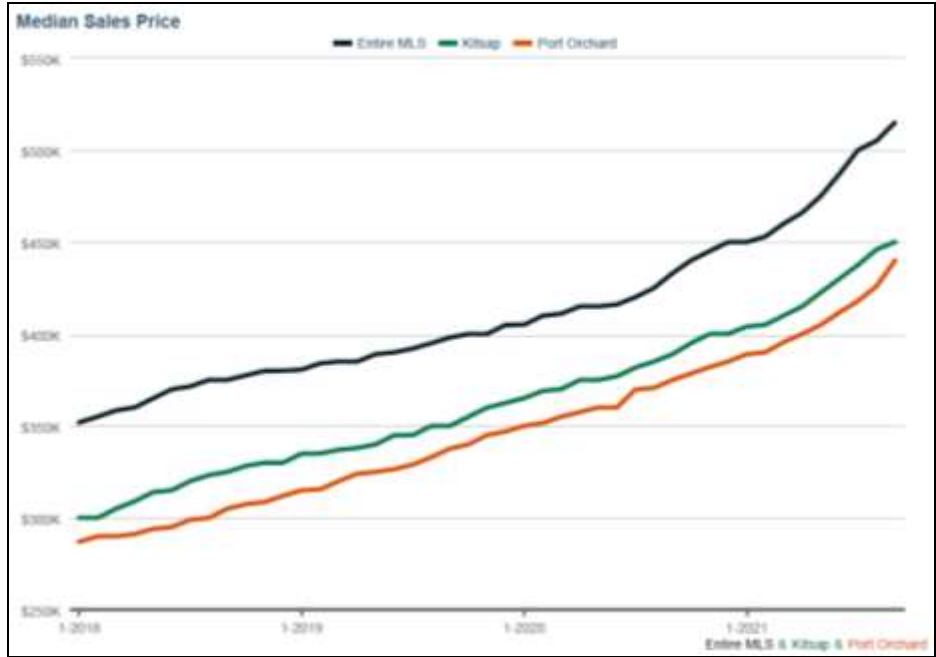
The *Real property rights conveyed, Financing terms, Conditions of Sale* and *Buyer expenditures/other* do not require adjustments.

Market Conditions

The next quantitative adjustment to consider is relevant to time (*Market Conditions*). The dates for the comparables range from December 2019 to October 2021. The NWMLS is utilized to determine any trends over time.

The following exhibit is replicated from the Northwest Multiple Listing Service and shows the median sale price for vacant land. The green line represents Kitsap County County, the red line represents the Port Orchard area and the black line represents the entire MLS study area. In this instance, due to the limited number of sales in the Port Orchard market, it is more relevant to look at the trends in the county region as there are a higher number of sales from which to derive market patterns.

In December 2019, the median sale price for vacant land in Kitsap County was \$362,500. For December 2020, the median sale price was \$400,100. Finally, in September 2021, the median sale price was \$450,000. Market appreciation is evident, with an overall increase from December 2019 to September 2021 of 24.14%, or 1.15% per month (24.14% / 21 months). This equates to an annual amount of around 13.79%. Overall, a conservative upward appreciation rate of roughly 12% has been relatively consistent and is applied to the sale comparables.



Qualitative Adjustments

The adjustment process simulates the thought process a prudent and knowledgeable purchaser might use if involved in comparing the land comparables to the “larger parcel” utilized for analysis. The comparison exhibit is presented on the next page to depict the positive and negative influences discussed above for each sale, which impact value in this market segment.

Location

The property adjacent to the subject is located in along Bay Street and has waterfront along Sinclair Inlet. L-1 is adjusted upward due to its access by way of a sloping easement road. L-2 is also accessed via an easement road and is further removed from services. This comparable is also adjusted upward. L-3 and L-4 are adjusted downward due to being located along lesser trafficked roads, a desirable characteristic for a residential property.

Site Area (Sq.Ft.)

In this instance, the property is analyzed based on a benchmark of 5,227 square feet. While I endeavored to bracket the size of property being analyzed, no recent waterfront sales similar in size and location were available. All of the comparables are larger and are adjusted downward, since all other factors being equal, larger sites tend to sell for a higher price than smaller sites.

Site Utility/Waterfront Appeal

The analysis site is generally level and has good site utility. The parcel adjacent to the subject has no bank waterfront along Sinclair Inlet, as well as adjacent tidelands. L-1 is inferior in site utility due to sloping and the presence of a road, which bisects the property. This comparable is adjusted upward. L-2 is inferior due to its triangular shape, which somewhat restricts development. This comparable is also adjusted upward. L-3 is also bisected by a road; however, the developable portion of the site is retained on one side of the division. Considering the overall site, this comparable is similar in utility to the subject and is not adjusted. L-4 is also similar to the subject and is unadjusted.

Available Utilities

The subject is served by all typical public utilities, including electrical service, water and sewer. L-1 is inferior due to its lack of water and septic service. L-4 is inferior due to its need for a septic system. These comparables are adjusted upward. L-2 and L-3 are similar to the subject and are not adjusted.

COMPARABLE LAND SALE ADJUSTMENT CHART					
Comparable Number	Subject	L-1	L-2	L-3	L-4
Transaction Price	n/a	\$145,000	\$200,000	\$275,000	\$340,000
Property Rights Conveyed					
Adjustment		Fee Simple	Fee Simple	Fee Simple	Fee Simple
Adjusted Price		\$0	\$0	\$0	\$0
Financing		Cash to Seller	Cash to Seller	Cash to Seller	Cash to Seller
Adjustment		\$0	\$0	\$0	\$0
Adjusted Price		\$145,000	\$200,000	\$275,000	\$340,000
Conditions of Sale					
Adjustment		Arms Length	Arms Length	Arms Length	Arms Length
Adjusted Price		\$0	\$0	\$0	\$0
Buyer Expenditures/Other		None	None	None	None
Adjustment		\$0	\$0	\$0	\$0
Adjusted Price		\$145,000	\$200,000	\$275,000	\$340,000
Date of Sale		May-21	Oct-21	Dec-19	May-21
Adjustment	12%	4.00%	0.00%	21.00%	4.00%
Adjusted Price		\$150,800	\$200,000	\$332,750	\$353,600
Analysis Price		\$150,800	\$200,000	\$332,750	\$353,600
Qualitative Adjustments					
Location					
Adjustment		Inferior	Inferior	Superior	Superior
Site Area (Sq.Ft.)	5,227	24,394	13,068	28,750	19,602
Adjustment		+	+	-	-
Available Utilities	All available	Inferior	Similar	Similar	Inferior
Adjustment		++			+
Utility/Waterfront Appeal		Inferior	Inferior	Similar	Similar
Adjustment		+	+		
Total Adjustment		Upward	Upward	Downward	Downward

After the comparison process, a value greater than L-2 (\$200,000) and lower than L-3 (\$332,750) is supported. L-2 is closer in size and is a more recent sale; however, L-3 is more similar in location and site utility. Overall, slightly more weight is given to L-2 due to its recent sale date.

Based on this analysis, a unit value of \$250,000 as bracketed by the comparables is concluded as a benchmark to value the subject, translating to a price per square foot as follows:

BENCHMARK VALUE		
Benchmark (Sq.Ft.)	Price/Site	Price/Sq.Ft.
5,227	\$250,000	\$47.83
<i>Internal calculations reflect a greater mathematical accuracy than shown</i>		

The across the fence methodology results in a unit value of \$47.83 per square foot. The resultant price per square foot is applied to the site area to be vacated. Based on the analysis and conclusions presented within this report, it is the opinion of the appraiser that the market value of the proposed right-of-way vacation, as of the date of inspection, October 4, 2021, is:

CONCLUDED VALUE		
Sq. Ft.	\$/Sq.Ft.	Indicated Value
200	\$47.83	\$9,566
Rounded		\$9,500
<i>Internal calculations reflect a greater mathematical accuracy than shown.</i>		

(2) Income Approach, Site Evaluation: There was insufficient data relating to ground leases in the subject neighborhood, so this approach was not used in the appraisal.

(3) Correlation and Final Conclusion, Land Value: With the available data, only the Sales Comparison Approach was found applicable for the subject site. Thus, after taking into consideration all of the market data, it is the opinion of the appraiser that the value of the subject property *Before* the proposed project is: **\$9,500.**

(B) Whole Property Valuation: With the major improvements not impacted, a whole property valuation was considered not applicable.

(C) Correlation and Final Conclusion From All Approaches

The appraiser has considered all approaches to value, with the market value under the three approaches noted as follows:

Income Approach:	Not Applicable
Cost Approach:	Not Applicable
Sales Comparison Approach:	\$9,500

With the major improvements not impacted by the acquisition, only the land value was considered in the analysis, which utilized the Across the Fence Methodology for valuation. Considering the analysis presented in the preceding data and discussions, the subject property, assuming fee simple interest, has an estimated market value as it physically and legally exists, as of the date of appraisal, October 4, 2021, of:

MARKET VALUE, BEFORE	\$9,500
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(10.) VALUATION - AFTER: In a “Strip Appraisal” format this section is not applicable.

RECAPITULATION:

RECAPITULATION	
Premise	Indicated Value
Proposed Road Vacation	\$9,500

(11) EXPLANATION, MEASUREMENT, SUPPORTING DATA AND ALLOCATION OF DAMAGES, COSTS TO CURE, AND SPECIAL BENEFITS: There are no damages, costs to cure or special benefits as a result of the proposed road vacation.

12. SUMMARY OF APPRAISAL CONCLUSIONS

(Accounting tabulation - NOT indicative of appraisal method employed)

Indicated Subject Value Before Project		
Highest and Best Use Before: Residential		
Land value before: Strip Appraisal		
Total Land Value, Before		N.A.
Improvement value before: Maj. Imp. Not Imp.		
None		
Total Improvement Value		N.A.
TOTAL SUBJECT VALUE BEFORE PROJECT		N.A.
Indicated Subject Value After Project		
Highest and Best Use After: Residential		
Total Land Value, After		N.A.
Improvements After Project: Not applicable		
Not Impacted – Not Valued		
Total Improvement Value, After		N.A.
Less Cost to Cure: None		
TOTAL SUBJECT VALUE AFTER PROJECT		N.A.
Estimated value allocation of rights acquired		
Land: Road Vacation		
(200 sq. ft.)(±\$47.83/sq. ft.)	\$9,500, rounded	
Total Land		\$9,500
Total Improvements		
Total Road Vacation		\$9,500
Plus Damages and Cost to Cure: (Damages)		
Total Damages and Cost to Cure		
Less Special Benefits, if any		
Total Road Vacation		\$9,500

Note: totals should be rounded to nearest significant market number. Total Subject value before less Total Subject value after must equal Estimated Owner Compensation.

13. REPORT OF CONTACT WITH OWNER

Person Contacted:

Walter and Roberta Huth, owners

Date:

October 4, 2021

Address:

Westerly along Bay Street
 Port Orchard, WA
 APN 4027-023-009-0004

Method of Contact:

Telephone

Telephone:

Owner contacted appraiser and gave permission to inspect from the right of way.

Appraiser was accompanied by:

Katherine Tiffany with SH&H Valuation and Consulting

Comments:

October 4, 2021 An inspection was made of the property from the public right of way.

Residential Personalty/Realty Report						
Item	Owner	Tenant	Realty	Personalty	Salvage Value for Realty	
Land (road)	X		X			
Residence						

ADDENDA

SECTION “M”

MARKET DATA

Land Sale No. 1

Property Identification

Record ID 14333
Property Type Waterfront Residential
Address Lot 4, Southeast Goat Trail Road, Port Orchard, Kitsap County, Washington 98366
Location Colvos Passage area
Assessor's Parcel Number 22230210262009
Instrument Statutory Warranty Deed

Sale Data

Grantor Land Peal Ventures LLC, et al.
Grantee Craig and Ruth Snow
Sale Date May 14, 2021
Auditor's File Number 202105140176
Property Rights Fee Simple
Financing Typical
Verification Jim Perry, selling agent; 253-241-6296

Sale Price \$145,000

Land Data

Zoning RR 1/5, Kitsap County
Topography Forested and sloping
Utilities Electrical available, well & septic needed
Shape Generally rectangular
Flood Info Includes portion of adjacent tidelands

Land Size Information

Gross Land Size 0.560 Acres or 24,394 SF
Front Footage 52 ft Colvos Passage

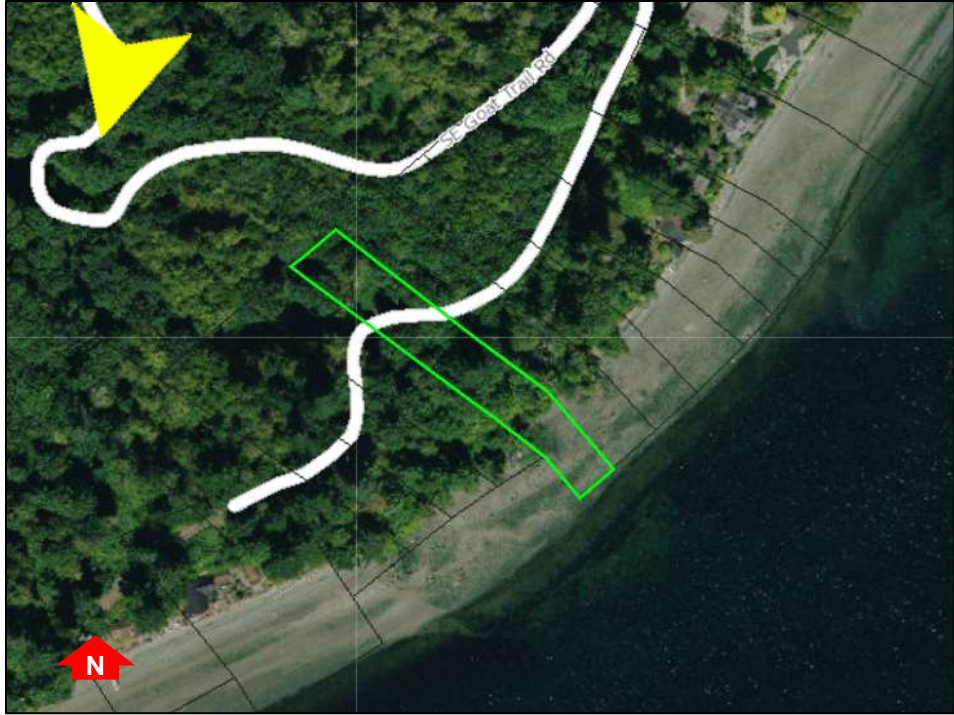
Indicators

Sale Price/Site \$145,000

Remarks

This is the May 2021 sale of a waterfront residential site, located outside of the city limits of Port Orchard, in unincorporated Kitsap County. The site contains 24,394 square feet and has waterfront frontage along Colvos Passage, within the Puget Sound. The site is generally rectangular and narrow and has electrical service. A well and septic system are needed for development. The site is sloped toward the water and includes a small portion of the adjacent tidelands. The property is accessed by way of a steep, narrow dirt road that is privately maintained. The road bisects the site, resulting in two non-contiguous portions.

According to the selling broker, the buyer intends to construct a single-family residence. There were no seller concessions. Development of the well and septic system will be shared with an adjacent property owner. The property was listed for \$149,995 and was on the market for 161 days prior to receiving an offer for \$145,000, or 96.67% of its list price.



COLVOS PASS AREA



LOT 4, SOUTHEAST GOAT TRAIL ROAD

Land Sale No. 2

Property Identification

Record ID	14425
Property Type	Waterfront Residential
Address	9828 Ogle Road Northeast, Bremerton, Kitsap County, Washington 98311
Location	East Bremerton area
Assessor's Parcel Number	13250140142007
Instrument	Statutory Warranty Deed

Sale Data

Grantor	Marie Claire Johnston
Grantee	Edward & Helen Beckley
Sale Date	September 21, 2021
Auditor's File Number	202109290223
Property Rights	Fee Simple
Verification	NWMLS & Public Records

Sale Price	\$200,000
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Land Data

Zoning	RR 1/5, Kitsap County
Topography	Gently sloping toward waterfront
Utilities	All available
Shape	Triangular

Land Size Information

Gross Land Size	0.300 Acres or 13,068 SF
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Indicators

Sale Price/Site	\$200,000
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Remarks

This is the September 2021 sale of a waterfront residential site located in the East Bremerton area. The property is situated easterly of Ogle Road Northeast and is accessed by way of an access easement over an adjacent property. It has approximately 155 feet of medium bank waterfront along the Puget Sound in the Keyport South area, in unincorporated Kitsap County. It is adjacent to the Brownsville Marina. The property does not include any tidelands. The site contains 13,068 square feet and is triangularly shaped. All typical public utilities, including sewer and water, are available to the site. A Geotech study was completed by the seller prior to the sale. The highest and best use of the site is for a single-family residential homesite.

Multiple attempts were made to contact the parties involved in this sale. In lieu of this confirmation, the sale was confirmed via NWMLS and public records.



EAST BREMERTON AREA



9828 OGLE ROAD NORTHEAST

Land Sale No. 3

Property Identification

Record ID 14334
Property Type Waterfront Residential
Address 4413 Beach Drive East, Port Orchard, Kitsap County,
Washington 98366
Location Port Orchard Bay area
Assessor's Parcel Number 17240220052008
Instrument Statutory Warranty Deed

Sale Data

Grantor The DGBC Trust
Grantee Thomas and Cheryl Fehlen
Sale Date December 16, 2019
Auditor's File Number 201912180161
Property Rights Fee Simple
Financing Typical
Verification Barry Jones, selling agent; 360-710-0611

Sale Price \$275,000

Land Data

Zoning RR 1/5, Kitsap County
Topography Combination sloped/level
Utilities All available
Shape Roughly rectangular
Flood Info Includes adjacent tidelands

Land Size Information

Gross Land Size 0.660 Acres or 28,750 SF
Front Footage 77 ft Beach Drive East; 79 ft Port Orchard Bay

Indicators

Sale Price/Site \$275,000

Remarks

This is the December 2019 sale of a waterfront residential site, located outside of the city limits of Port Orchard, in unincorporated Kitsap County. The site contains 28,750 square feet and has waterfront frontage along Port Orchard Bay, within the Puget Sound. The site is generally rectangular, narrow and has all typical public utilities. The southerly portion of the site, away from the road frontage and waterline, is steeply sloped and treed. The remainder of the site is generally level and cleared. The site is bisected by Beach Drive East, with the tidelands and beach area located northwesterly of the road, and the developable area located southeasterly of the road, resulting in two non-contiguous portions.

According to the selling broker, there were nothing atypical about the property or transaction. The property was listed for \$275,000 and was on the market for three days before receiving a full price, cash offer. As of June 2021, a single-family residence was being constructed on the site.



PORT ORCHARD BAY AREA



4413 BEACH DRIVE EAST

Land Sale No. 4

Property Identification

Record ID 14328
Property Type Waterfront Residential
Address 8105 Southeast Bay Street, Port Orchard, Kitsap County, Washington 98366
Location Yukon Harbor area
Assessor's Parcel Number 46480010030005
Instrument Statutory Warranty Deed

Sale Data

Grantor Melissa and Jon Pierce
Grantee Wendy & Timothy Ramsaur
Sale Date May 14, 2021
Auditor's File Number 202105140160
Property Rights Fee Simple
Financing Typical
Verification Monica Hilliard, selling agent; 253-988-9703

Sale Price \$340,000

Land Data

Zoning RR 1/5, Kitsap County
Topography Slightly sloping towards water
Utilities Electric & water on property, septic needed
Shape Mostly rectangular
Flood Info Includes adjacent tidelands

Land Size Information

Gross Land Size 0.450 Acres or 19,602 SF
Front Footage 92 ft SE Bay Street; 78 ft Yukon Harbor

Indicators

Sale Price/Site \$755,556

Remarks

This is the May 2021 sale of a waterfront residential site, located outside of the city limits of Port Orchard, in unincorporated Kitsap County. The site contains 19,602 square feet and has waterfront frontage along Yukon Harbor, within the Puget Sound. The site is generally rectangular and narrow and has electrical service and water available. A septic system is needed for development. The site is slightly sloped toward the water and includes a small portion of the adjacent tidelands.

According to the selling broker, the buyer intends to construct a single-family residence. The sales listing indicated a potential issue with a historic well that needed to be capped prior to development; however, reportedly the cost to do so was minimal and did not influence the buyers' decision. The property was listed for \$350,000 and was on the market for 18 days prior to receiving an offer for \$340,000, or 97.14% of its list price.



YUKON HARBOR AREA



8105 SOUTHEAST BAY STREET

SECTION “Q”

QUALIFICATIONS

BARBRO A. HINES, MAI, SRA

EDUCATION

Eastern Illinois University - Bachelor of Arts in Speech Communication

PROFESSIONAL DESIGNATION

MAI, Appraisal Institute

SRA, Appraisal Institute

PROFESSIONAL EDUCATION

Appraisal Institute Courses:

Introduction to Appraising

Applied Residential Property Valuation

Advanced Residential Form and Narrative Report Writing

Basic Income Capitalization

General Applications

Advanced Income Capitalization

Highest and Best Use and Market Analysis

Advanced Sales Comparison and Cost Approaches

Report Writing and Valuation Analysis

Advanced Applications

Standards of Professional Practice, Part A

Standards of Professional Practice, Part B

Business Practice and Ethics

CERTIFICATIONS

General Classification Washington State Certified Real Estate Appraiser

State of Washington Certification 1101044

EXPERIENCE

Partner/Appraiser – SH&H Valuation and Consulting (formerly Strickland, Heischman, and Hoss,
Tacoma, WA

(1996 to present)

Owner/Appraiser – Barbro A. Hines and Associates, South Holland, IL

(1989-1995)

Associate Appraiser – Ralph W. Hines and Associates, South Holland, IL

(1986-1989)

APPRAISAL EXPERIENCE INCLUDES

Agricultural Land	Mobile Home Parks
Apartments	Offices (Professional and Medical)
Automobile Dealerships	Residential
Bank Branches	Restaurants
Churches	Retail
Cold Storage/Food Processing Facilities	Right-of-Way
Conservation Easements	Schools
Gas Station/C-Stores	Storage Complexes
Hotels/Motels	Subdivisions
Industrial Properties	Waterfront Properties

COMPLETED APPRAISAL ASSIGNMENTS FOR

Wells Fargo	Pacific Crest Trail Association
U.S. Bank	South Sound Bank
KeyBank	Washington State Department of Transportation
Union Bank	Jefferson County Public Works
Bank of America	City of University Place
Salal Credit Union	Sawyer Family Partnership
Timberland Savings	University of Washington
Kitsap Bank	Universal Field Services
Umpqua Bank	Columbia Bank
First Citizens Bank	Harborstone Credit Union
Jon E. Cushman, Attorney at Law	Washington Department of Natural Resources
Laura Weselmann, Attorney at Law	Puyallup Tribe of Indians
Costco Wholesale	Pacific Continental Bank
City of Lakewood	Vashon-Maury Island Land Trust
Washington Federal	Capitol Land Trust
City of Tacoma	Metropolitan Park District of Tacoma

PARTIAL LIST OF WASHINGTON COUNTIES APPRAISED IN

Clallam County	Mason County
Cowlitz County	Pacific County
Grays Harbor County	Pierce County
Jefferson County	Skagit County
King County	Snohomish County
Kitsap County	Thurston County
Lewis County	Whatcom County

SECTION “R”

RIGHT OF WAY VACATION EXHIBIT

EXHIBIT _____
PARCEL NO. 4027-034-003-0007
RIGHT OF WAY VACATION

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF BAY STREET;

THENCE NORTH 60° 10' 20" WEST ALONG SAID NORTHEASTERLY MARGIN, 4.15 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 29° 49' 40" WEST, 11.00 FEET;

THENCE NORTH 60° 10' 20" WEST, 18.20 FEET;

THENCE NORTH 29° 49' 40" EAST, 11.00 FEET TO SAID NORTHEASTERLY MARGIN;

THENCE SOUTH 60° 10' 20" EAST ALONG SAID NORTHEASTERLY MARGIN, 18.20 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 200 SQUARE FEET, MORE OR LESS.

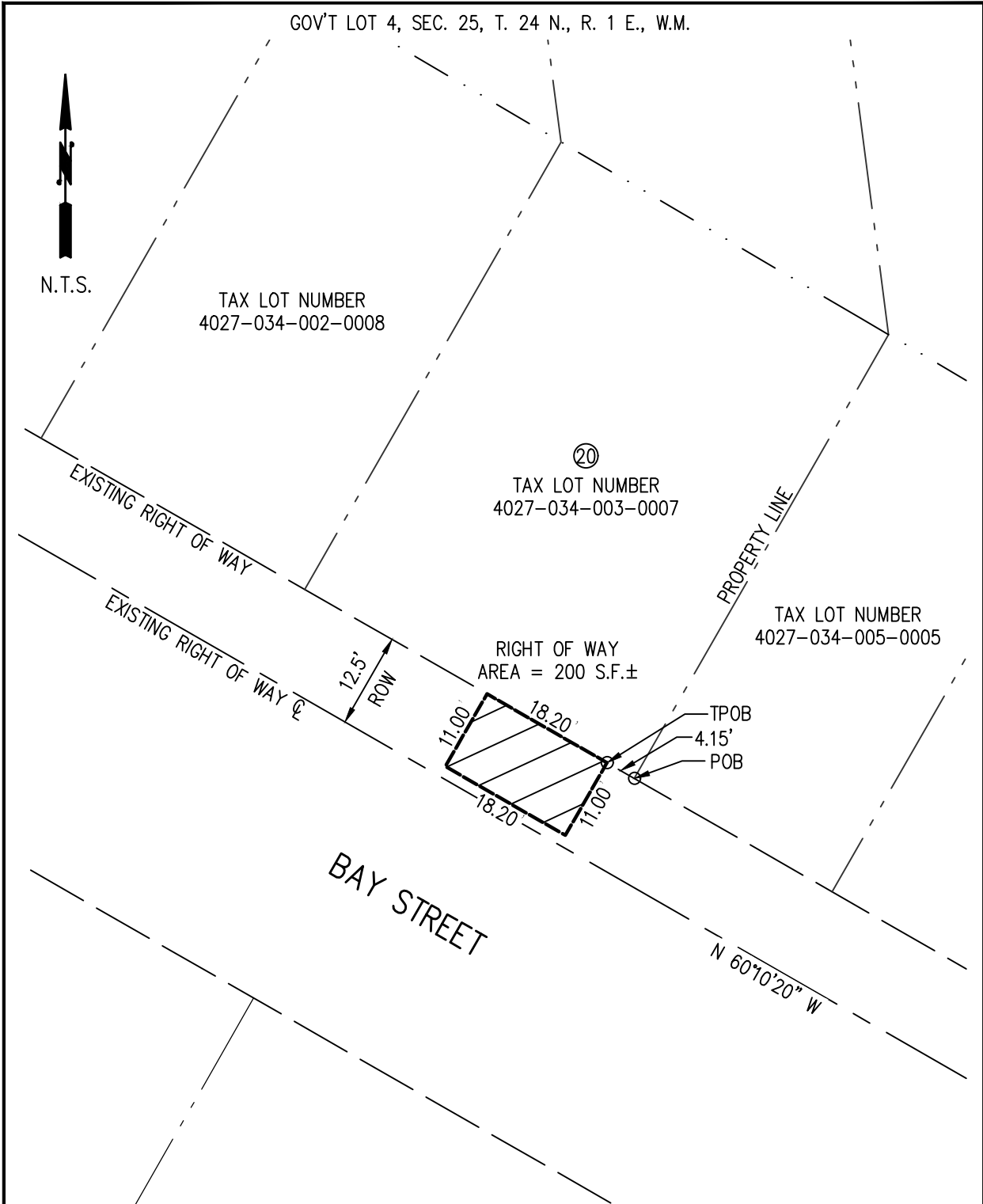
PARCEL "A":

(PER CHICAGO TITLE INSURANCE COMPANY ORDER NO. 417031, DATED SEPTEMBER 13, 2021)

THE SOUTHEASTERLY 20 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 34, ANNAPOLIS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 64, RECORDS OF KITSAP COUNTY, WASHINGTON; TOGETHER WITH VACATED NORTHERLY 25 FEET OF NORTH BAY STREET ADJOINING THEREOF; ALSO TOGETHER WITH THE ABUTTING PORTION OF LOT 3 AND ALL OF LOT 4, BLOCK 34, SIDNEY (NOW PORT ORCHARD TIDELANDS) IN FRONT OF LOT 3 AND LOT 4, BLOCK 34, ANNAPOLIS IN SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.

10/13/2021





DATE: 10/13/2021

FILE: 20.DWG

KPG
 Interdisciplinary Design
 3131 Elliott Ave
 Suite 400
 Seattle, WA 98121
 (206) 286-1640

2502 Jefferson Ave
 Tacoma, WA 98402
 (253) 627-0720
 www.kpg.com

EXHIBIT ____
 PARCEL 4027-034-003-0007
 RIGHT OF WAY VACATION

SECTION “T”

TITLE REPORT

LAND TITLE COMPANY OF KITSAP COUNTY

LEADERSHIP • TRUST • COMMITMENT

Agent for Chicago Title Insurance Company

Call/email your title questions to:

9657 Levin Road NW, Suite 100, Silverdale, WA 98383

(360)692-2233 Fax: (360)692-2244

Title Dept: titlesilverdale@landtitleco.net

Recording Desk: recordingkitsap@landtitleco.net

Please Remit Payments To: PO Box 2737, Silverdale, WA 98383

Our File No.: E2021-417031

Seller Name: WALTER HUTH and ROBERTA HUTH

Buyer Name: TO BE DETERMINED

Address Reference: 1819 Bay St, Port Orchard, WA 98366

Contacts:

City of Port Orchard

Attn: Mark Dorsey

Tierra Right of Way Services, Ltd.

Attn: Marge R Bailey

Phone No.: (253)439-7143

8695 Martin Way E, Ste. 203

Lacey, WA 98516



**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

**Issued By
CHICAGO TITLE INSURANCE COMPANY**

Chicago Title Insurance Company, a Washington corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate one-hundred-eighty (180) days after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

CHICAGO TITLE INSURANCE COMPANY

Land Title Company of Kitsap County
9657 Levin Road NW, Suite 100, Silverdale, WA
98383



By: *[Signature]*

ATTEST

President

[Signature]

Secretary

[Signature: Kristin Mihulka]

Kristin Mihulka, Authorized Signatory

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AMERICAN
LAND TITLE
ASSOCIATION



ALTA Commitment Form (06-17-06)
Face Page

E2021-417031



COMMITMENT FOR TITLE INSURANCE

Issued By
CHICAGO TITLE INSURANCE COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a(n) Washington corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within one-hundred-eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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COMMITMENT FOR TITLE INSURANCE

Issued By

CHICAGO TITLE INSURANCE COMPANY

- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
 - (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
 - (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
 - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements; [and]
 - (f) Schedule B, Part II—Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form].
- 4. COMPANY'S RIGHT TO AMEND**
- The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.
- 5. LIMITATIONS OF LIABILITY**
- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I - Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
 - (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

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COMMITMENT FOR TITLE INSURANCE

Issued By

CHICAGO TITLE INSURANCE COMPANY

- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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COMMITMENT FOR TITLE INSURANCE

Issued By

CHICAGO TITLE INSURANCE COMPANY

Transaction Identification Data for reference only:

Issuing Office: Land Title Company of Kitsap County / WAOIC#23081 / E2021-417031
 Underwriter: Chicago Title Insurance Company / NAIC#50229
 Escrow Office: City of Port Orchard
 Property Address: 1819 Bay St, Port Orchard, WA 98366

SCHEDULE A

1. Commitment Date: September 13, 2021 at 8:00 AM

2. Policy to be issued:

a. ALTA Homeowners Policy of Title Insurance for 1-4 Family Residence (12/02/2013)	Liability Amount:	\$10,000.00
Proposed Insured:	Premium:	\$272.00
MARGE R. BAILEY, and/or assigns (SEE REQUIREMENTS)	Tax:	\$24.48
	Total:	<u>\$296.48</u>

3. The estate or interest in the Land described or referred to in this Commitment is:

A Fee

4. Title to the estate or interest in the Land is at the Commitment Date vested in:

WALTER HUTH AND ROBERTA HUTH, AS TRUSTEES OF THE HUTH TRUST, CREATED BY DECLARATION OF TRUST ON JULY 24, 2006

5. The Land is described as follows:

SEE EXHIBIT A ATTACHED HERETO

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COMMITMENT FOR TITLE INSURANCE

**Issued By
CHICAGO TITLE INSURANCE COMPANY**

Transaction Identification Data for reference only:

Issuing Office: Land Title Company of Kitsap County / E2021-417031
Escrow Office: City of Port Orchard
Property Address: 1819 Bay St, Port Orchard, WA 98366

EXHIBIT A

APN(s) located on Assessor's Map: 4027-034-003-0007

The Land is described as follows:

THE SOUTHEASTERLY 20 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 34, ANNAPOLIS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 64, RECORDS OF KITSAP COUNTY, WASHINGTON; TOGETHER WITH VACATED NORTHERLY 25 FEET OF NORTH BAY STREET ADJOINING THEREOF; ALSO TOGETHER WITH THE ABUTTING PORTION OF LOT 3 AND ALL OF LOT 4, BLOCK 34, SIDNEY (NOW PORT ORCHARD TIDELANDS) IN FRONT OF LOT 3 AND LOT 4, BLOCK 34, ANNAPOLIS IN SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.

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ALTA Commitment for Title Insurance (08-01-16)
Exhibit A

E2021-417031



COMMITMENT FOR TITLE INSURANCE

Issued By

CHICAGO TITLE INSURANCE COMPANY

Transaction Identification Data for reference only:

Issuing Office: Land Title Company of Kitsap County / E2021-417031
Escrow Office: City of Port Orchard
Property Address: 1819 Bay St, Port Orchard, WA 98366

SCHEDULE B, PART I Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.
6. The legal description in this commitment is based on the information provided with the application and the public records as defined in the policy to issue. The parties to the forthcoming transaction must notify the title insurance company prior to closing if the description does not conform to their expectations.
7. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
8. A copy of the trust agreement must be submitted. Any conveyance or encumbrance of the trust property must be within the authority of the trustee as set forth in the trust agreement:
Trust: The Huth Trust, dated July 24, 2006
9. The names of the proposed insured were not furnished in the application for title insurance, and when disclosed will be subject to such matters as may be found by a search of the records against said names.

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SCHEDULE B
(Continued)

10. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid. An Owner's policy should reflect an amount at least equal to the full value of the estate insured without deduction of encumbrances. A Loan policy shall be issued in an amount equal to the amount of the loan unless there is additional collateral reducing the need for coverage. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.

END REQUIREMENTS

The following matters will not be listed as Special Exceptions in Schedule B of the forthcoming policy to issue, and there will be no coverage for loss by these matters because they are excluded from coverage by the terms of the policy.

NOTE: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06) or ALTA Loan Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

- a. NOTE: The following address(es) will appear on our ALTA 22-06 Endorsement, if applicable:

1819 Bay St
Port Orchard, WA 98366

- b. NOTE: The following information will be required on the first page of all recorded documents per RCW 36.18 AND 65.04 - Document Standardization:

Brief Legal: PTN LOT 3 & ALL LOT 4, BLOCK 34, ANNAPOLIS, V/P 1/64
Tax Account No(s).: 4027-034-003-0007

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SCHEDULE B
(Continued)

- c. NOTE: Covered Risks 16, 18, 19 and 21 contained in the ALTA Homeowner's Policy Jacket include certain deductibles and maximum dollar limits to coverage. The Covered Risks, the deductibles and our maximum dollar limit of liability are:

Your Deductible Amount Our Maximum Dollar Limit

Covered Risk 16: 1% of Policy Amount, or \$10,000.00
\$2,500 (whichever is less)

Covered Risk 18: 1% of Policy Amount, or \$25,000.00
\$5,000 (whichever is less)

Covered Risk 19: 1% of Policy Amount, or \$25,000.00
\$5,000 (whichever is less)

Covered Risk 21: 1% of Policy Amount, or \$ 5,000.00
\$2,500 (whichever is less)

Please contact the Title Department with any questions regarding the above mentioned information.

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SCHEDULE B
(Continued)

SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS:

- A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.
- B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.
- D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.
- E. Taxes or special assessments which are not yet payable or which are not shown as existing lien by the Public Records.
- F. Any lien for service, installation, connection, maintenance, tap, capacity or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Record.
- G. Unpatented mining claims, and all rights relating thereto.
- H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.
- I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
- J. Water rights, claims, or title to water:
- K. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records, or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

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SCHEDULE B
(Continued)

SPECIAL EXCEPTIONS:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any prohibition or limitation on the use, occupancy or improvements of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water, and the right of use, control or regulation by the United States of America in exercise of power over navigation.
3. Any question that may arise as to the location of the lateral boundaries of the tidelands or shorelands described herein.
4. Matters disclosed by Survey recorded August 29, 2011 in Volume 76 of Surveys, page 2 under Auditor's File No. 201108290371.
5. Pendency of County Superior Court:
Case No.: 18-2-01617-9
Plaintiff: Kaylan O'Connor
Defendant: Walter and Roberta Huth
Filed On: June 11, 2018
Attorney for Plaintiff: Scott A. Kalkwarf
Action For: Quiet Title
6. Matters disclosed by Survey recorded June 25, 2018 in Volume 86 of Surveys, page 166 under Auditor's File No. 201806250160.
7. Easement, including its terms, covenants and provisions as disclosed by instrument:
Recorded: December 27, 2019
Auditor's File No.: 201912270150
For: residence porch and overhang
Affects: said premises
8. Terms and conditions of The Huth Trust, created by Declaration of Trust on July 24, 2006, as disclosed by Auditor's File No. 201501290193.
9. No open Mortgages appear of record. Any potential liens known to the Seller, Owner or Proposed Insured, including, but not limited to those that appear on a credit report, must be paid in full or will appear as exceptions to the final title policy.
10. Possible liability for U.L.I.D. in favor of the City of Port Orchard. Please call (360) 876-4991 for more information.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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SCHEDULE B
(Continued)

11. In the event matters are discovered during the closing process which would otherwise be insured by the Covered Risks included in the policy, the Company may limit or delete insurance provided by the affected Covered Risk. In such event, an endorsement will be issued prior to Closing.

12. The Policy to issue will include the following exception from coverage:

Insurance provided by the Covered Risks in the ALTA Homeowner's Policy will not include any loss or damage suffered by the insured resulting from:

- a. Matters disclosed by Survey recorded August 29, 2011 in Volume 76 of Surveys, page 2 under Auditor's File No. 201108290371.
- b. Matters disclosed by Survey recorded June 25, 2018 in Volume 86 of Surveys, page 166 under Auditor's File No. 201806250160.

13. General taxes for the second half of 2021, which become delinquent after October 31, 2021, if unpaid:

Amount:	\$1,811.38
Tax Account No.:	4027-034-003-0007
Affects:	said premises
Levy Code:	0805
Land Value:	\$121,960.00
Improvement Value:	\$221,520.00
Total Assessed Value:	\$343,480.00

NOTE: General taxes for the full year bill in an amount of \$3,622.76.

14. Liens of real estate excise sales tax upon any sale of said premises, if unpaid.

NOTE: As of January 1, 2020, Washington's state excise tax rate became graduated

Please visit their site (<https://dor.wa.gov/reet>) for a calculator and additional information.

END SPECIAL EXCEPTIONS

BW/la

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Effective January 1, 2021

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Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information:

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

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Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

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FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed:

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information:

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information:

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

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For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

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Accessing and Correcting Information; Contact Us

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Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

COURTHOUSE HOURS OF OPERATION

ASSESSOR ~ Monday-Thursday: 9:00am-4:30pm
Friday: 9:00am-12pm

AUDITOR ~ Monday-Thursday: 9:00am-4:30pm
Friday: 9:00am-12pm

TREASURER ~ Monday-Thursday: 9:00am-4:30pm, eRecording cut-off at 4:00pm
Friday: 9:00am-12pm, eRecording cut-off at 11:30am

Kitsap County Auditor Recording Fees

Effective: July 26, 2021

Document: Real Estate and Miscellaneous - First Page	\$203.50
Each Additional Page	\$1.00
Document: Deed of Trust - First Page	\$204.50
Each Additional Page	\$1.00

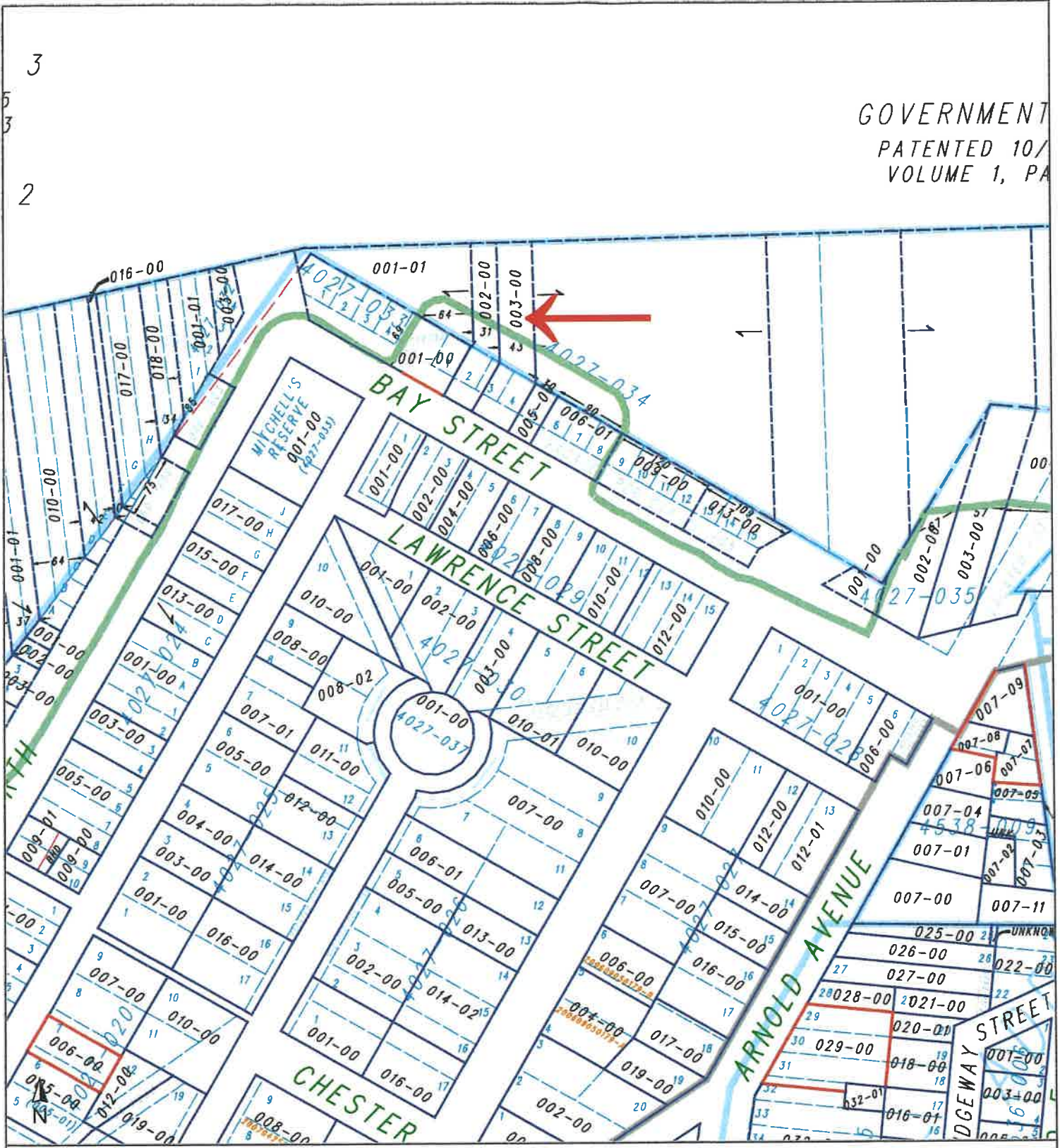
Please visit the Kitsap County Auditor's Home Page
for more information regarding requirements and fees:
www.kitsapgov.com

Land Title Company and Kitsap Courthouse Holiday Schedule

New Year's Day	January 1, 2021
Martin Luther King, Jr. Day	January 18, 2021
President's Day	February 15, 2021
Memorial Day	May 31, 2021
Independence Day	July 4, 2021
Independence Day (observed)	July 5, 2021
Labor Day	September 6, 2021
Columbus Day - OPEN * see below	October 11, 2021
Veterans' Day	November 11, 2021
Thanksgiving Day	November 25, 2021
Day After Thanksgiving - CLOSED ** see below	November 26, 2021
Christmas Day (observed)	December 24, 2021
Christmas Day	December 25, 2021
New Years' Day (observed)	December 31, 2021

Columbus Day* Land Title **AND Kitsap/Mason County Courthouses **OPEN** regular hours

***Day After Thanksgiving* Land Title **AND** Kitsap/Mason County Courthouses **CLOSED**



9657 Levin Rd NW, Suite 100 - Silverdale, WA 98383
 Phone: 360.692.2233 or 800.950.4321 - Fax: 360.692.2244

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



3609 Market Place W, Suite 201, University Place, WA 98466
p. 253.564.3230 | f. 253.564.3143

ORDINANCE RELATING TO AND PROVIDING FOR THE
ANNEXATION OF TERRITORY TO THE CITY OF PORT
ORCHARD.

WHEREAS, the owners of more than seventy-five per cent of the real property hereinafter described, according to the assessed valuation for general taxation, have petitioned the Council of the City of Port Orchard that said territory be annexed to and become a part of the City of Port Orchard; and

WHEREAS, the Board of Review, as required by law, has been convened and has made the determination that it is in favor of the annexation of the area hereinafter described; and

WHEREAS, the City Council did fix Monday, March 25, 1963, at the hour of 7:30 p.m., for hearing on said petition and the Clerk of the City of Port Orchard did give notice of said hearing in the manner provided by law; and

WHEREAS, the City Council, in a regularly scheduled meeting on the 25th day of March, 1963, did hold a hearing on the said petition and unanimously approved the same;

NOW, THEREFORE, be it, and it hereby is, ordained by the Council of the City of Port Orchard, as follows:

SECTION I.

That the following described territory contiguous to the City of Port Orchard be, and the same hereby is, annexed to the City of Port Orchard and from and after the effective date of this ordinance, shall be and become a part of the City of Port Orchard, subject to all of the laws and ordinances thereof, the said territory being more particularly described as follows:

A portion of the Plat of Annapolis and Sidney tidelands described as follows:

Beginning at the NE corner of Block 18 of the Plat of Annapolis, said point being on the present city limits of Port Orchard; thence northerly across Chester Street to the SE corner of Block 27 of said plat; thence NEly along the SEly margin of said Block 27 to the NE corner of said block; thence SWly along the Sly margin of said block and continuing NWly ACROSS Tracy

Ave. to the Sly production of the Sly margin of Block 29 of said plat; thence NEly along said margin produced and along said block margin and continuing across N. Bay St. to the SE corner of Block 34 of said plat; thence NEly along the SEly margin of said block to the NE corner thereof; thence N 4°15' West to the inner harbor line in Sinclair Inlet; thence Wly along said inner harbor line to an intersection with the Ely line of Block 22 of Sidney Tidelands; thence Sly along said block line to an intersection with the Sly margin of Chester St; thence SEly along the Sly margin of Chester St. which is the present city limits of Port Orchard to point of beginning.

SECTION II.

This ordinance shall be in full force and effect immediately upon publication thereof.

PASSED UNANIMOUSLY by the Council of the City of Port Orchard meeting in regular session on the 25th day of March, 1963.

CITY OF PORT ORCHARD

Nick J. Ripanich Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

Donald H. Thompson
City Attorney

Motion for consideration: “I move to approve the 2022 Comprehensive Plan amendment agenda pursuant to POMC 20.04.060, as presented.”

Fiscal Impact: This proposal is not expected to impact the City’s budget.

Alternatives: Revise the proposed 2022 Comprehensive Plan agenda; or, do not consider any Comprehensive Plan amendments in 2022.

Attachments: The 2020 Comprehensive Plan Docket

2022 Comprehensive Plan Update – Preliminary Docket

Pursuant to Port Orchard Municipal Code Section (POMC) 20.04.050, the City’s Community Development Director has initiated the process for the 2022 annual amendments to the Port Orchard Comprehensive Plan. The City prepared applications for three text amendments prior to the January 31, 2022 deadline.

In compliance with POMC 20.04.060(3), the Director is required to compile and maintain for public review a recommended final comprehensive plan amendment agenda (docket). The Director has based the docket recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendments, as well as the staff and budget availability to accommodate the public review process.

The following preliminary docket is provided for the 2022 update to the Port Orchard Comprehensive Plan:

Comprehensive Plan Amendments for Consideration in 2022:

City-Initiated Text Amendment Package

- Capital Facilities Element. Adopt the 2020 Amendment to the Water System Plan.
- Parks Element. Update the Parks Element and adopt the Parks, Recreation and Open Space Plan by reference.
- Transportation Improvement Program (TIP). Updates to the 6-year and 20-year TIP which generally includes prioritizing projects, adjusting budgets and the inclusion of a TIB-funded complete street grant project into the 6-year TIP.

Review Process:

The final comprehensive plan amendment agenda shall be determined by the City Council no later than April 30, 2022. When the final agenda is approved, a public notice and comment period will be provided in compliance with the Type V (legislative) permit process requirements in POMC 20.22.070 and 20.25.040. A public hearing will also be held per POMC 20.22.070(2), and a notice of the hearing will be issued in compliance with POMC 20.25.050. The Planning Commission shall make its recommendations regarding the proposed comprehensive plan amendments to the City Council no later than June 30, 2022. The City Council shall make a final decision on each proposed amendment by December 15, 2022.

A summary of each amendment application is available for review on the City’s website at:

<https://www.cityofportorchard.us/2022-comprehensive-plan-amendment/>

Comments regarding the 2022 update to the City’s Comprehensive Plan should be mailed to the City of Port Orchard, Community Development Department, 720 Prospect Street, Port Orchard, WA 98366, planning@cityofportorchard.us. For more information, email or call 360 874-5533.



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7C</u>	Meeting Date:	<u>March 8, 2022</u>
Subject:	<u>Approval of Amendment No. 1 to</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>Contract No. 001-22 with Murraysmith,</u>		<u>Public Works Director</u>
	<u>Inc., for the 2022 On-Call/ Modeling</u>	Atty Routing No.:	<u>366922-0013 - Water</u>
	<u>Update Services</u>	Atty Review Date:	<u>March 3, 2022</u>

Summary: Due to the limitations of in-house staff, the City utilizes the services of a qualified engineering firm to perform on-call/modeling services for the City’s Water Systems and associated projects and solicits for qualified firms on a regular basis to ensure a competitive rate for these services. Following a full procurement process, on January 11, 2022, the Port Orchard City Council approved Contract No. C001-22 with selected, qualified consultant Murraysmith, Inc. for 2022 On-Call/Modeling Update Services for the City’s Water Systems. Additional projects that require funding that exceeds the original contract rate is anticipated for 2022 On-Call Services. Accordingly, this proposed amendment will increase the total cost of Contract No. C001-22 by \$100,000.00.

Relationship to Comprehensive Plan: Chapter 7 – Utilities.

Recommendation: Staff recommends that the City Council authorize the Mayor to execute Amendment No. 1 to Contract No. C001-22 with Murraysmith, Inc. for 2022 On-Call/Modeling Update Services for the City’s Water Systems, thereby increasing the budget authority in the amount of \$100,000.00, for a total amended contract amount of \$180,000.00.

Motion for Consideration: I move to authorize the Mayor to execute Amendment No. 1 to Contract No. C001-22 with Murraysmith, Inc. for 2022 On-Call/Modeling Update Services for the City’s Water Systems, thereby increasing the budget authority in the amount of \$100,000.00, for a total amended contract amount of \$180,000.00.

Fiscal Impact: Water On-Call Services are a Task within the approved 2021-2022 Biennial Budget. A Budget Amendment will be required.

Alternatives: None.

Attachments: Amendment No. 1 and Authorization for Amendment No. 1.

CITY OF PORT ORCHARD

Authorization for Amendment No. 1

<p>Date: <u>March 8, 2022</u> <u>2022 On-Call/Modeling Update</u> <u>Services for the City's Water</u></p> <p>Project: <u>Systems</u></p> <p>Contract / Job # <u>C001-22</u></p>	<p>Contractor: <u>Murraysmith, Inc</u></p> <p><u>600 University Street, Suite 300,</u> <u>Seattle, WA 98101</u></p>
---	---

This amendment increases the contract "NOT TO EXCEED" amount by \$100,000 from a total of \$80,000 to a new total of \$180,000, and modifies the contract to include On-Call Engineering tasks of updating the hydraulic analyses in the Water System Plan and engineering review of the McCormick 660 zone storage facility and booster station.

Contract History					
	Amount	Sales Tax	Total	Date	Appvd by
Original Contract	\$80,000.00	\$0.00	\$80,000.00	08-Feb-22	Council
Amendment 1	\$100,000.00	\$0.00	\$100,000.00	08-Mar-22	Council
Total Contract	\$180,000.00	\$0.00	\$180,000.00		

I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

Contractor Approval Signature

Public Works Director/City Engineer

Printed Name & Title

MARK R. DORSEY, P.E.

Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

Approved: _____
Mayor

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

Attest: _____
City Clerk

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

Council Approval Date

Amendment No. 1 to Contract No. C001-22
CITY OF PORT ORCHARD AGREEMENT WITH
Murraysmith, Inc

THIS FIRST AMENDMENT to Contract No. C001-22 (“Amendment”) is made effective as of the **8 t h** day of **March 2022**, by and between the City of Port Orchard (“City”), a municipal corporation, organized under the laws of the State of Washington, and Murraysmith, Inc. (“Consultant”), a corporation organized under the laws of the State of Washington, located and doing business at 600 University Street, Suite 300, Seattle, WA 98101.

WHEREAS, on the 11th day of January 2022, the City executed an Agreement for the 2022 On-Call/Modeling Update Services for the City’s Water Systems with Murraysmith, Inc. (“Underlying Agreement”); and

WHEREAS, the City has identified additional services consistent with the scope of the underlying agreement for on-call services for On-Call Hydraulic Analyses and Modeling and new infrastructure review, that will exceed the current contract amount; and

WHEREAS, Section 1B of the underlying Agreement provides that the City may from time to time require changes or modifications in the Scope of Work, and such changes, including any decrease or increase in the amount of compensation, shall be agreed to by the parties and incorporated in written amendments to the Agreement; and

WHEREAS, the Consultant and the City have conferred and agreed to modify the underlying agreement; and

WHEREAS, Section 3 of the Underlying Agreement provides that compensation for these services shall not exceed \$80,000.00 without written authorization and will be based on the list of hourly billing rates and reimbursable expenses set forth in Exhibit B attached thereto; and

WHEREAS, the Consultant and the City have conferred and agreed to increasing the amount of the contract from \$80,000 to \$180,000; and

WHEREAS, the parties wish to memorialize their agreement and so extend the Underlying Agreement;

NOW, THEREFORE, in consideration of the mutual benefits accruing, it is agreed by and between the parties thereto as follows:

1. The Underlying Agreement between the parties, incorporated by this reference as if herein set forth, is amended in, but only in, the following respect:
 - A. Amended Section 3.- Payment. Compensation under this Agreement will be on a “time and materials, not to exceed” basis, based on the fees included for each approved task assignment, provided total compensation for these services shall not exceed One Hundred and Eighty Thousand

Dollars (\$180,000.00) (inclusive of all compensation paid after execution of the Agreement but prior to this Amendment), without written authorization, and will be based on the list of hourly billing rates and reimbursable expenses set forth in Exhibit B, attached hereto and incorporated herein by this reference.

In all other respects, the Underlying Agreement between the parties shall remain in full force and effect, amended as set forth herein, but only as set forth herein.

IN WITNESS WHEREOF, the parties have executed this Amendment on the day and year set forth above.

CITY OF PORT ORCHARD, WASHINGTON

Murraysmith, Inc

Rob Putaansuu
Mayor

Erika Schuyler, PE, PMP
Regional Manager

ATTEST/AUTHENTICATED:

Brandy Wallace, MMC, City Clerk

APPROVED AS TO FORM:

Charlotte Archer, City Attorney



**City of Port Orchard
Council Meeting Minutes
Work Study Session Meeting of February 15, 2022**

CALL TO ORDER AND ROLL CALL

Mayor Putaansuu called the meeting to order at 6:30 p.m.

Roll call was taken by the City Clerk as follows:

Mayor Pro-Tem Lucarelli	Present via Remote Access
Councilmember Chang	Present via Remote Access
Councilmember Clauson	Absent
Councilmember Cucciardi	Present via Remote Access
Councilmember Diener	Present via Remote Access
Councilmember Trenary	Present via Remote Access
Councilmember Rosapepe	Present via Remote Access
Mayor Putaansuu	Present via Remote Access

Staff present via remote access: Community Development Director Bond, Finance Director Crocker, HR Manager Lund, Police Chief Brown, City Clerk Wallace, and Deputy City Clerk Floyd.

The meeting also streamed live on YouTube.

Pledge of Allegiance

Mayor Putaansuu led the audience and Council in the Pledge of Allegiance.

DISCUSSION ITEMS

Mayor Putaansuu gave a brief summary of current COVID-19 numbers and office staff.

1. Proposed 2022 Comprehensive Plan Amendment Docket

Community Development Director Bond said every year the City advertises that the window for submitting an application to amend the comprehensive plan is open. This year, we received no applications from the public, but we did file City initiated amendments that are relatively straightforward.

The first item is amending the capital facilities element to adopt the 2020 amendment to the Water System Plan. We are also going to adopt the parks plan by reference into the comprehensive plan. That will allow us to adjust our park impact fees in accordance with the recommendations of the Parks Plan. Finally, every year we adjust our transportation improvement program [TIP]. There is a

6- and 20-year TIP that highlight's the items that are proposed for revision. This is still a preliminary 6- and 20-year TIP and may still need to be refined. The intent is to bring forward this docket so the Council can adopt the Comprehensive Plan Docket which then refers these items to the Planning Commission for their study, review, public hearing and recommendation. It would then come back before Council likely in May or June.

Additional discussion was held regarding posting to website, next steps, and end date of the TIP.

Council Direction: No direction given to staff.

2. KRCC CPP Population Growth Targets

Community Development Director Bond said it is time in our eight-year comprehensive plan update cycle where the Kitsap Regional Coordinating [KRCC] is meeting and we are starting to set population targets for all the cities and counties as we move forward with our 2024 comprehensive plan updates. Previously, he presented information on the PSRC [Puget Sound Regional Council] Vision 2050 to the Council, as well as information on the county-wide planning policies, which we ratified last year. Once again, we are going to be amending the county-wide planning policies to adopt the new 2020 to 2044 population and employment growth targets. There are a couple things guiding the target setting process, most importantly Vision 2050 which includes a regional growth strategy. All the cities in the unincorporated urban counties as well as rural areas, are all broken down into regional geography categories as well as by county.

For Kitsap County, 34% of growth is being directed to Bremerton, which is our metro city, as well as Bremerton's urban growth area. 16% is being directed to core cities, which in Kitsap County is only the Silverdale area. High-capacity transit communities are supposed to plan for 36% of the County's project growth for 34,000 people. There are no cities and towns categories in Kitsap County and urban unincorporated which is just the central Kitsap urban growth area. 6%, and 8% growth is supposed to go to these rural areas. There are four different areas that make up the regional geography for high-capacity transit communities and negotiations on how to divide up our share of our growth is underway.

We are anticipating on making a recommendation to the KRCC board in March or April. Once adoption occurs, then ratification of those targets has to take place. We will then know what amount of growth we are required to plan for under the PSRC framework. There is still the issue of forecasting through the Office of Financial Management which is a separate process.

Additional discussion was held regarding the high-capacity transit communities and suggestion of an allocation of around 10,000 people for the City of Port Orchard, concerns related to population forecasting, ability to apply for transportation funding, comprehensive plan requirements, Bainbridge Island concerns, ratification involving 3 or 4 cities, not having all cities represented, city capacities, and penalties.

Council Direction: Staff to move forward with the numbers as presented.

3. McCormick Water CFC Credit Agreement

Community Development Director Bond explained there will be a total of three agreements, but only one of the agreements is drafted in a presentable form. McCormick Communities has approached the City seeking a water CFC credit agreement. They are proposing to build five water system improvements for the City, at a total cost of around 11.8 million, based on our adopted cost estimates. They would like a credit against their CFC, which would amount to around six-thousand dollars per home that they build. They have agreed to build within a five-year timeframe.

McCormick Communities is also looking to amend two existing development agreements to extend the term of their entitlements at McCormick West and McCormick Woods. We are also cleaning up some of the vesting language.

We are looking at April as possible adoption of the credit and development agreements.

Additional discussion was held regarding water reservoirs, infrastructure costs, support of the agreement, staff capacity, timeframe of the agreement, and more options for bringing water to the City.

Council Direction: No direction was given to staff.

4. 2021-2022 Budget Amendment

Finance Director Crocker noted the budget amendments that are being proposed consist of increasing, reducing, and eliminating transfers within the City's Current Expense Fund, City Street Fund, Criminal Justice Fund, Real Estate Excise Tax Fund, Street Capital Projects, Water Capital Fund, Storm Drainage Capital Fund and Sewer Capital Fund. Also, adding two full-time Patrol Officer positions.

Mayor Putaansuu said the public works department is at capacity, so they are proposing to hire an inspector. This will allow the current employees to focus back on their main job duties.

Additional discussion was held regarding ballistic helmets for the police department, Bay Street Pedestrian Pathway project and right-of-way services, and growth trends.

Council Direction: No direction was given to staff.

5. Hiring Incentives Discussion

HR Manager Lund reported there were two proposals brought before the Finance Committee regarding hiring incentives for lateral police officers and current employees.

The first proposal is a hiring rate incentive for lateral police officers. A cash payment upon hire; half upon hire, and the other half upon completion of probation. The police chief initially proposed a

\$5,000 cash payment and the Finance Committee discussed a \$10,000 cash payment to match Bremerton. In addition, authority to credit lateral police officers with a balance of vacation and sick leave upon hire.

The second proposal is regarding current employees with a cash incentive to help bring qualified applicants to the City as an applicant that potentially becomes hired. This is proposed as a \$1,000 cash payment: \$500 upon hire, and \$500 upon completion of probation.

Additional discussion was held regarding who would not be eligible, low applicant pool, discussion during the Finance Committee, incentive amounts, what incentives other jurisdictions are utilizing, staffing levels, hard to fill positions and timeframe of the incentives.

Council Direction: Staff to move forward with \$15,000 lateral police officer and \$1,000 current employee incentives. The lateral police officer incentive will be \$5,000 upon hire and \$10,000 upon completion of probation. The current employee incentive will be \$500 upon hire, and \$500 upon completion of probation.

6. Retreat Topics

Mayor Putaansuu noted some of the retreat topic suggestions include police staffing needs, growth and staff, homelessness, and paving.

Discussions were held regarding utility taxes as a revenue source, sales tax measure, parks and recreation levy, setting priorities to drive the next budget process, event obstacles and city event priorities, communications, and meeting in-person for Council meetings and meeting attendance.

Council Direction: No direction was given to staff.

GOOD OF THE ORDER

There was no good of the order.

ADJOURNMENT

The meeting adjourned at 7:53 p.m. No other action was taken. Audio/Visual was successful.

Brandy Wallace, MMC, City Clerk

Robert Putaansuu, Mayor



**City of Port Orchard
Council Meeting Minutes
Regular Meeting of February 22, 2022**

1. CALL TO ORDER AND ROLL CALL

Mayor Putaansuu called the meeting to order at 6:30 p.m.

Roll call was taken by the City Clerk as follows:

Mayor Pro-Tem Lucarelli	Present via Remote Access
Councilmember Chang	Present via Remote Access
Councilmember Clauson	Present via Remote Access
Councilmember Cucciardi	Absent
Councilmember Diener	Absent
Councilmember Trenary	Present via Remote Access
Councilmember Rosapepe	Present via Remote Access
Mayor Putaansuu	Present via Remote Access

Staff present via remote access: Public Works Director Dorsey, HR Manager Lund, Finance Director Crocker, Police Chief Brown, Community Development Director Bond, City Attorney Archer, City Clerk Wallace and Deputy City Clerk Floyd.

The meeting also streamed live on YouTube.

A. PLEDGE OF ALLEGIANCE

Mayor Putaansuu led the audience and Council in the Pledge of Allegiance.

2. APPROVAL OF AGENDA

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to add the excusal of Councilmember Diener due to business reasons.

The motion carried.

MOTION: By Councilmember Rosapepe, seconded by Councilmember Clauson, to approve the amended agenda.

The motion carried.

3. CITIZENS COMMENTS

There were no citizen comments.

4. CONSENT AGENDA

- A. Approval of Voucher Nos. 83584 through 83622 and 83630 through 83672 including bank drafts in the amount of \$225,035.59 and EFT's in the amount of \$107,444.73 totaling \$332,480.32.
- B. Approval of Payroll Check Nos. 83623 through 83629 including bank drafts and EFT's in the amount of \$219,544.39 and Direct Deposits in the amount of \$204, 381.22 totaling \$423,925.61.
- C. Adoption of an Ordinance Amending Port Orchard Municipal Code Section 5.56.110 for Taxicabs (**Ordinance No. 006-22**)
- D. Adoption of a Resolution Declaring Certain Equipment as Surplus and Authorizing its Disposition (**Resolution No. 023-22**)
- E. Excusal of Councilmember Cucciardi Due to a Personal Obligation
- F. New Item: Excusal of Councilmember Diener Due to Business Reasons

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to approve the consent agenda as amended.

The motion carried.

5. PRESENTATION

There were no presentations.

6. PUBLIC HEARING

There were no public hearings.

7. BUSINESS ITEMS

A. Adoption of an Ordinance Amending the 2021-2022 Biennial Budget and Exhibit A Salary Table

MOTION: By Councilmember Clauson, seconded by Councilmember Rosapepe, to adopt an ordinance, amending the 2021-2022 Biennial Budget including Exhibit A, as adopted by Ordinance No. 035-20, and as amended.

The motion carried.

(Ordinance No. 007-22)

B. Adoption of an Ordinance Authorizing Position of Project Coordinator/Inspector

MOTION: By Councilmember Rosapepe seconded by Councilmember Clauson, to adopt an ordinance authorizing the creation of a new position titled Project Coordinator/Inspector and establishing

general qualifications and duties and authorizing the Mayor to develop the job description consistent with the Ordinance.

**The motion carried.
(Ordinance No. 008-22)**

C. Adoption of an Ordinance Approving a Contract with Kitsap County Department of Human Resources-CDBG Program for the Lippert Avenue Sidewalk Retrofit Project

MOTION: By Councilmember Clauson, seconded by Councilmember Rosapepe, to adopt Ordinance No. 004-22, authorizing the Mayor to execute Contract No. C034-22 (CDBG No. KC-CFDA #14.218) with the Kitsap County Department of Human Services for the Lippert Avenue Sidewalk Retrofit Project in the grant amount of \$254,350.

**The motion carried.
(Ordinance No. 004-22)**

D. Adoption of a Resolution Granting an Easement to the City of Bremerton for the McCormick Village Park Water Facilities

MOTION: By Councilmember Lucarelli, seconded by Councilmember Chang, to adopt Resolution No. 019-22, authorizing the Mayor to grant a 15-ft wide perpetual easement for Water Utilities to the City of Bremerton for the McCormick Village Park water facilities located on City owned property

**The motion carried.
(Resolution No. 019-22)**

E. Adoption of a Resolution Approving a Contract with Murraysmith, Inc. for the 2023 General Sewer Plan Update for the City's Sanitary Sewer System and Documenting Procurement Procedures

MOTION: By Councilmember Chang, seconded by Councilmember Lucarelli, to adopt Resolution No. 011-22, authorizing the Mayor to execute Contract No. C029-22 with Murraysmith, Inc. in the amount of \$117,272 for the 2023 General Sewer Plan Update for the City's Sanitary Sewer System and documenting procurement procedures.

The motion carried.

F. Adoption of a Resolution Establishing a Referral Incentive Program for Current Staff Members

MOTION: By Councilmember Rosapepe, seconded by Councilmember Trenary, to adopt a Resolution establishing a referral incentive program for City staff.

**The motion carried.
(Resolution No. 024-22)**

G. Adoption of a Resolution Renaming and Designating the Active Club T-Ball Field to Honor the Late Richard “Dick” Lyle Taute, Sr.

MOTION: By Councilmember Clauson, seconded by Councilmember Trenary, to adopt a resolution, naming and designating the Little League T-ball field behind the Active Club to adjacent to the Art Mikelsen Memorial Field, as the “Dick Taute Memorial Field.

**The motion carried.
(Resolution No. 025-22)**

H. Adoption of a Resolution Adopting Operating Policies and Procedures for Managing City Records

MOTION: By Councilmember Chang, seconded by Councilmember Rosapepe, to adopt a resolution adopting operating policies and procedures for managing City records, as presented.

**The motion carried.
(Resolution No. 026-22)**

I. Adoption of Resolution Granting Final Plat Approval for McCormick West Division 11

MOTION: By Councilmember Clauson, seconded by Councilmember Rosapepe, to adopt a resolution, as presented, granting final plat approval for McCormick West, Division 11.

**The motion carried.
(Resolution No. 027-22)**

J. Approval of Amendment No. 6 to Contract No. 054-18 with RH2 Engineering, Inc. for the Marina Pump Station Rebuild Project

MOTION: By Councilmember Lucarelli, seconded by Councilmember Clauson, to authorize the Mayor to execute Amendment #6 to Contract No. C054-18 with RH2 Engineering, Inc. for the Marina Pump Station Rebuild Project in the amount of \$679,020, thereby bringing the Total Contract Amount to \$1,669,918.

The motion carried.

K. Approval of a Memorandum of Understanding with the Police Guild Representing Patrol Officers Regarding a Recruitment Incentive Program for Lateral Peace Officers

MOTION: By Councilmember Rosapepe, seconded by Councilmember Trenary, to authorize the mayor to sign a Memorandum of Understanding with the Police Guild representing Patrol Officers pertaining a hiring incentive program for qualified lateral peace officer candidates.

The motion carried.

(MOU No. 9 to Contract No. 046-19)

L. Approval of an Agreement with Kitsap Homes of Compassion for Affordable Housing Funding

MOTION: By Councilmember Chang, seconded by Councilmember Clauson, to authorize the Mayor to execute an agreement with Kitsap Homes of Compassion for the use of SHB 1406 funding in the amount of \$43,200 for affordable housing.

The motion carried.

(Contract No. 039-22)

M. Approval of an Agreement with Housing Kitsap for Affordable Housing Funding

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to authorize the Mayor to execute an agreement with Housing Kitsap for the use of SHB 1406 funding in the amount of \$41,700 for affordable housing.

Councilmember Chang voiced his concerns with how the funds are being used and said he will be voting no.

The motion passed. Councilmember Chang voted no.

(Contract No. 040-22)

N. Approval of the February 8, 2022, City Council Meeting Minutes

MOTION: By Councilmember Clauson, seconded by Councilmember Trenary, to approve the council meeting minutes of the February 8, 2022, meeting.

The motion carried. Councilmember Lucarelli abstained.

8. DISCUSSION ITEMS (No Action to be Taken)

A. Continued: Veterans Park

City Attorney Archer gave an update on the park which included a continued expectation letter to the County, RV located at the south end, Agape Unlimited, trash and debris, County interviews for the service coordinator position, and law enforcement incidents at the park.

Additional discussion was held regarding the health district, trash and debris, government entities abiding by the same rules as citizens, no viable schedule from the county and lack of county resources, involvement of City staff, human waste, rodent infestation, and code enforcement actions.

Council Direction: No direction was given to staff.

9. REPORTS OF COUNCIL COMMITTEES

Councilmember Lucarelli reported on the February 16th Utilities Committee meeting. The next meeting is scheduled for April 12th. She reported on the February 22nd Festival of Chimes and Lights Committee meeting. The next meeting is scheduled for March 21st. She reported on the February 16th Sewer Advisory Committee meeting. The next meeting is scheduled for May 18th.

Councilmember Clauson reported on the February 15th Finance Committee meeting.

A brief discussion was held regarding the Community Events Center and seawall.

Councilmember Chang reported on the February 14th Economic Development and Tourism Committee meeting. He reported on the February 22nd Transportation Committee meeting and the February 16th Land Use Committee meeting.

Councilmember Clauson reported Bek Ashby has been confirmed to the Peninsula Regional Transportation Planning Organization.

10. REPORT OF MAYOR

The Mayor reported on the following:

- Kitsap Public Health Board meeting;
- March 11th Council Retreat;
- City Attorney to research transportation package;
- In accordance with Ordinance 008-20 'Delegating Authority to the Mayor for Creating and Modification of Job Descriptions', he reported on updated job descriptions; and
- COVID updates;

11. REPORT OF DEPARTMENT HEADS

Finance Director Crocker reported a new finance employee will start on March 9th.

12. CITIZEN COMMENTS

There were no citizen comments.

13. GOOD OF THE ORDER

Councilmember Chang reported on an open severe weather shelter opening and point in time homeless count.

Councilmember Rosapepe responded to citizen comments made during the February 8th Council meeting regarding meeting in-person in the Council Chambers.

Councilmember Chang explained the federal government awarded Kitsap Transit 7.7 million dollars towards the construction of an all-electric ferry boat that will operate between Port Orchard and Bremerton.

14. EXECUTIVE SESSION

There was no executive session.

15. ADJOURNMENT

The meeting adjourned at 8:15 p.m. No other action was taken. Audio/Visual was successful.

Brandy Wallace, MMC, City Clerk

Robert Putansuu, Mayor