



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: BAINBRIDGE ISLAND METROPOLITAN
PARKS AND RECREATION DISTRICT

County: KITSAP County

Water Body: PUGET SOUND – RICH PASSAGE

Type of Authorization - Use: LEASE – PUBLIC USE AND ACCESS

Authorization Number: 20-A09649

Term: 12 years

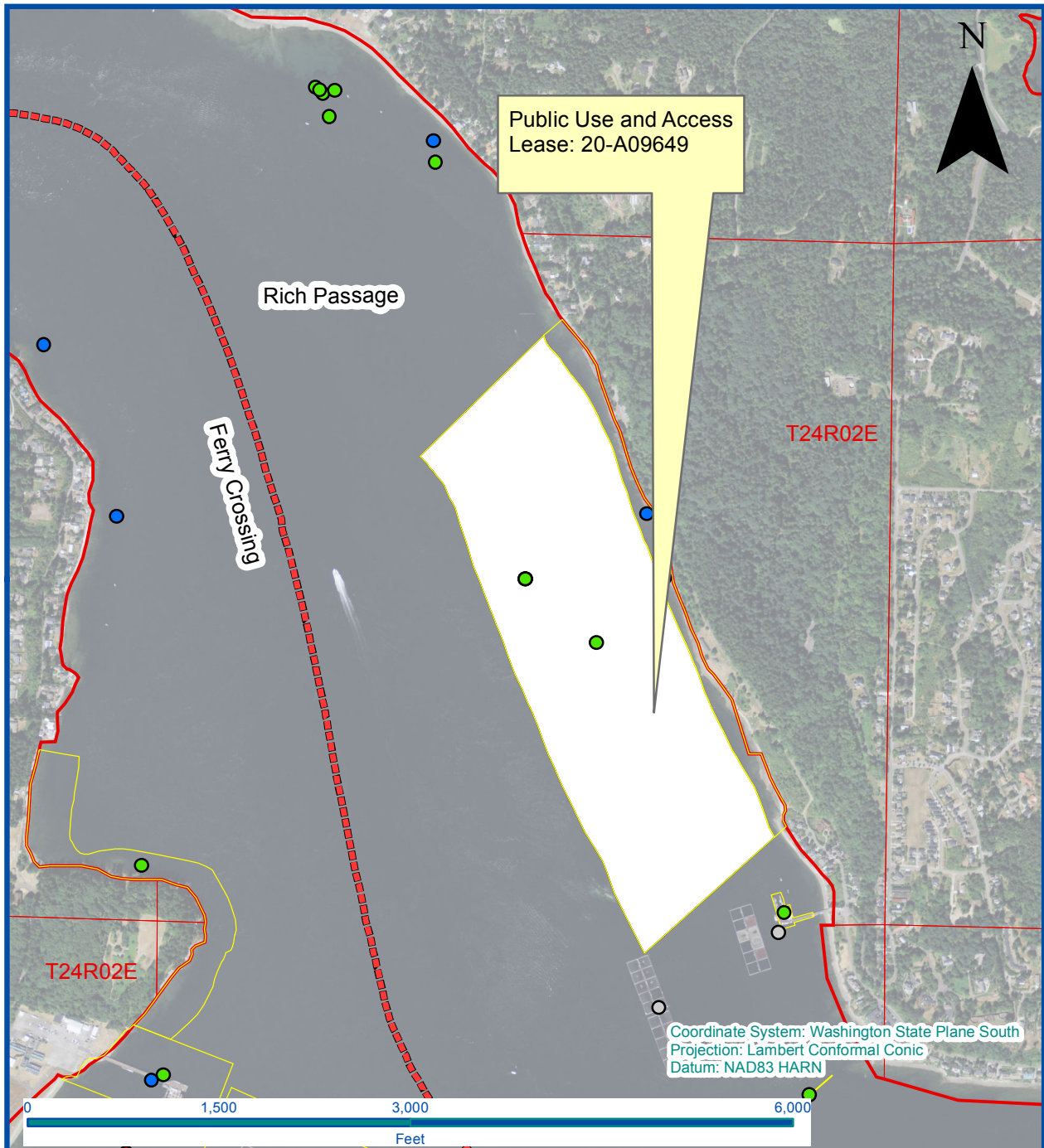
Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of Public Use and Access. It is located on Rich Passage, in Kitsap County, Washington.

This agreement will allow Bainbridge Island Metro Parks and Recreation to manage aquatic lands associated with Fort Ward Park. Control of the park's terrestrial property was transferred from WA State Parks to Bainbridge Island Metro Parks and Recreation. Anticipated uses of the aquatic lands will remain the same. Uses include boat launch, tideland access, and dive park.

Bainbridge Island Metropolitan Park & Recreation District
Authorization No. 20-09649
Authorized Use: Lease - Public Use and Access
Location: Kitsap County



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Vicinity Map

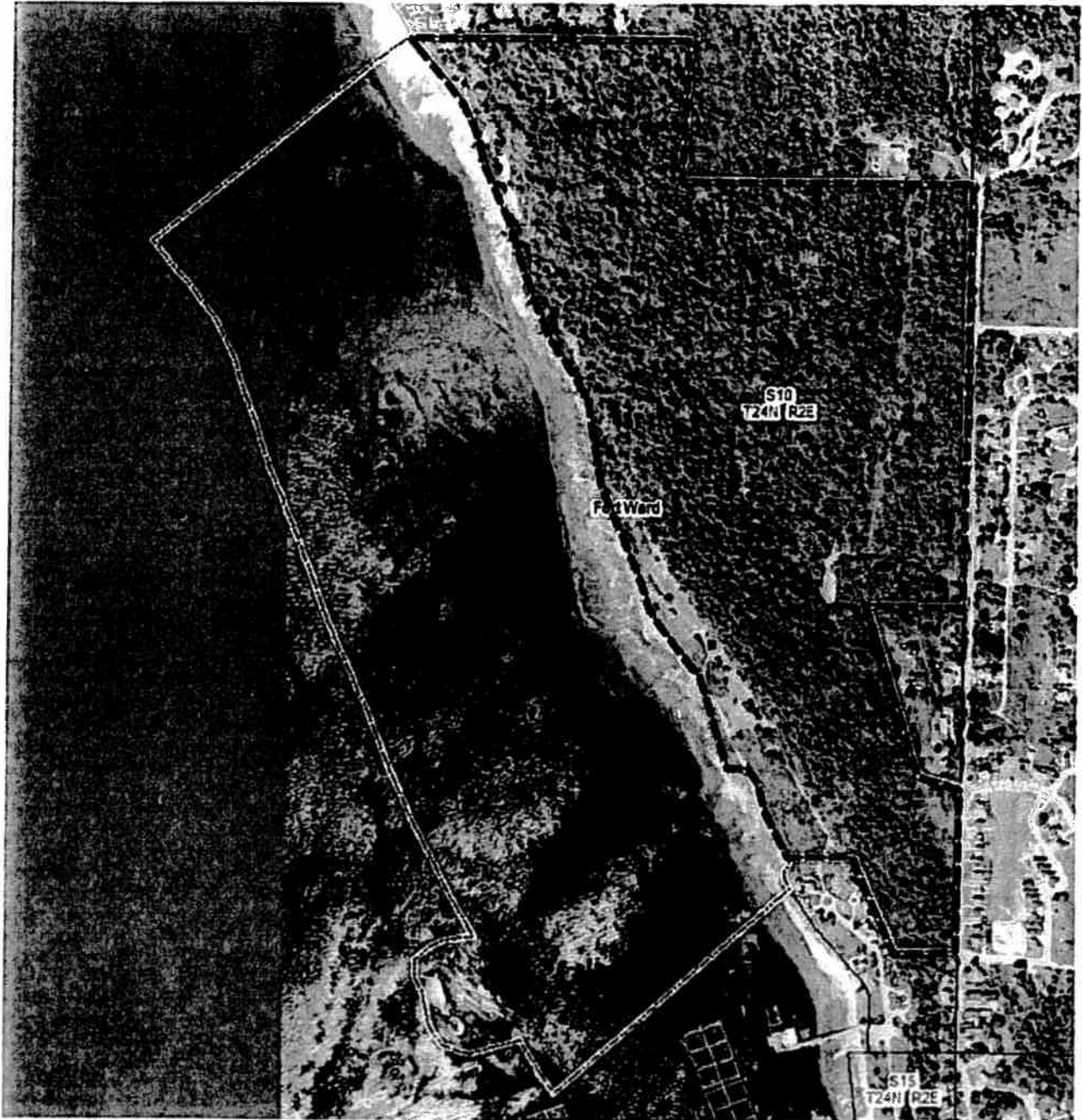
Every attempt was made to use the most accurate and current geographic data available. However, due to multiple sources, scales, and the currency of the data used to develop this map Washington Department of Natural Resources cannot accept responsibility for errors and omissions in the data. Furthermore, this data is not survey grade information and cannot be substituted for an official survey. Therefore, there are no warranties that accompany this material

Legal Description:
 T24N R02E Section 10

Address:
 PO Box 10010
 Bainbridge Island, WA 98110

Prepared By: Eric Forner Date: 4 JUNE 2012

EXHIBIT B
Map of Property



AUDITOR'S NOTE
LEGIBILITY FOR RECORDING AND COPYING
UNSATISFACTORY IN A PORTION OF THIS
INSTRUMENT WHEN RECEIVED.

Attachment A

EXHIBIT A
Legal Description of Property

Parcel 1

That portion of former Fort Ward Military Reservation, Bainbridge Island, lying in Sections 10, 11, 14 and 15, Township 24 North, Range 2 East, Willamette Meridian, as recorded in Volume 4 of plats, page 26, records of Kitsap County, Washington, described as follows:

Commencing at the quarter corner, a concrete monument, common to Sections 10 and 11 of said township and range; thence N. 0° 23' 03" W along the east line of said Section 10 a distance of 675 feet to an iron pipe; thence S. 89° 10' 16" W a distance of 1360.64 feet to an iron pipe; thence S. 0° 53' 36" W, 1180 feet to an iron pipe; thence S. 89° 10' 16" W a distance of 162.88 feet to an iron pipe; S. 89° 10' 16" W, 25.12 feet to the line of ordinary high tide, the TRUE POINT OF BEGINNING:

thence N. 89° 10' 16" E, 25.12 feet to an iron pipe; thence N. 89° 10' 16" E, 162.88 feet to an iron pipe; thence N. 0° 53' 36" E, 1190.00 feet to an iron pipe; thence N. 89° 10' 16" E, 1360.64 feet to an iron pipe; thence S. 0° 23' 03" E, 675 feet to a concrete monument at the quarter corner common to Sections 10 & 11; thence S. 0° 26' 17" E, 756.08 feet to an iron pipe; thence S. 89° 10' 16" W, 445 feet to an iron pipe; thence S. 17° 30' 0" E, 835.07 feet to an iron pipe; thence S. 74° 05' 47" E, 200.42 feet to a lead plug in a concrete sidewalk; thence S. 0° 26' 17" E, 776.27 feet to a lead plug in a concrete sidewalk; thence S. 89° 10' 16" W, 207 feet to an iron pipe; thence N. 24° 0' 00" W, 400 feet to an iron pipe; thence S. 89° 10' 16" W, 320.44 feet to an iron pipe; thence S. 89° 10' 16" W, 19.55 feet to a point on the line of ordinary high tide, thence north-westerly along the line of ordinary high tide to the true point of beginning, together with all abutting tidelands.

TOGETHER WITH an easement for roadway purposes for use in common with others of those portions of that certain Roadway Easement Tract hereinafter described as are necessary to provide access to the Property. Said Roadway Easement Tract is described as:

A strip of land lying on each side of the following described centerline:

Commencing at the one-quarter corner, a concrete monument common to Sections 10 and 11 of T 24 N. R 2 E. W.M., thence N 0° 23' 03" W along the east line of said Section 10 a distance of 1314.18 feet to the north line of the plat of Fort Ward Military Reservation; thence S 89° 10' 16" W 15.00 feet to the TRUE POINT OF BEGINNING of said road centerline herein described; thence along said centerline of a strip of land 50 feet in width, being 25 feet on each side of said centerline, S 0° 23' 03" E 1314.19 feet; thence S 0° 26' 17" E 1316.05 feet. THENCE continue along said centerline of a strip of land 40.00 feet in width, being 20.00 feet on each side of said centerline, S 0° 26' 17" E 1434.60 feet; thence S 10° 00' E 168.54 feet.

TOGETHER WITH the improvements located thereon EXCEPT those portions of the water system located within this parcel.

SUBJECT TO an easement for the above-mentioned water system, and for access thereto.

The water system and related easement were transferred to Ace M. Woods et ux by deed dated as of March 24, 1960, wherein the United States of America was grantor. Said deed more particularly describes the water system and the extent of the related easement.

RESERVING to the United States of America, its transferees and assigns, a permanent easement for roadway purposes over that portion of a certain Roadway Easement Tract, hereinbefore described, which is contained herein.

EXHIBIT A
Legal Description of Property (cont.)

Parcel 2

That portion of Gov't. Lots 1, 2 and 3 and that portion of SW-NE¼ of the plat of Fort Ward Military Reservation, Section 10-T24N-R2E W.M. as recorded in Volume 4 of plats, page 28, records of Kitsap County, Washington, being more particularly described as follows:

Commencing at the one-quarter corner, a concrete monument, common to Sections 10 and 11 of said Township and Range, thence N 0°23'06" W along the eastline of said Section 10 a distance of 675.00 feet to an iron pipe, the TRUE POINT OF BEGINNING of the tract herein described; thence N 0°23'08" W 639.69 feet to a concrete monument on the north line of said plat; thence S 89°10'16" W, 1345.43 feet to a concrete monument; thence N 0°58'36" E 661.71 feet to a concrete monument; thence S 89°23'58" W 1265.47 feet to a concrete monument; thence S 89°23'58" W 66.53 feet to the line of ordinary high tide; thence Southeasterly along the line of ordinary high tide 2750.00 feet more or less; thence N 89°10'16" E 25.32 feet to an iron pipe; thence N 89°10'16" E 162.88 feet to an iron pipe; thence N 0°58'36" E 1190.00 feet to an iron pipe; thence N 89°10'16" E 1360.64 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH the second class tidelands fronting and abutting thereon.

TOGETHER WITH an easement for roadway purposes for use in common with others of these portions of that certain Roadway Easement Tract hereinafter described as and necessary to provide access to the property. Said Roadway Easement Tract is described as:

A strip of land lying on each side of the following described centerline:

Commencing at the one-quarter corner, a concrete monument common to Sections 10 and 11 of T 24 N., R 2 E., W. M., thence N 0°23'08" W along the east line of said Section 10 a distance of 1314.19 feet to the north line of the plat of Fort Ward Military Reservation; thence S 89°10'16" W 15.00 feet to the TRUE POINT OF BEGINNING of said road centerline herein described; thence along said centerline of a strip of land 80 feet in width being 25 feet on each side of centerline, S 0°23'63" E 1314.19 feet; thence S 0°26'17" E 1616.68 feet. Thence continue along said centerline of a strip of land 40.00 feet in width being 20.00 feet on each side of said centerline, S 0°28'17" N, 1494.60 feet; thence S 10°00" E 168.54 feet.

TOGETHER WITH the improvements located thereon EXCEPT those portions of the water system located within this parcel.

SUBJECT TO an easement for the above mentioned water system, and for access thereto.



WASHINGTON STATE DEPARTMENT OF
Natural Resources
 Peter Goldmark - Commissioner of Public Lands

RECEIVED
 MAR 19 2012
 DNR-SPS

**APPLICATION FOR AUTHORIZATION
 TO USE STATE-OWNED AQUATIC LANDS**

The Applicant may not begin work on the project area until the State Department of Natural Resources (DNR) grants a Use Authorization.

I. SUBMISSION OF APPLICATION

DNR will review your application and post it on the DNR Leasing and Land Transactions website as public information. **Instructions:**

- Fill out the application by computer or by hand in blue or black ink.
- Send the completed form to the appropriate district office in the table below.
- **Enclose a \$25.00 non-refundable application processing fee with the application.** This fee is not required for local, state, and other government agencies.
- DNR will notify applicants in writing if the application is accepted for further review, and may reject the application at any time prior to the signed execution of a use authorization.
- **Your project may require regulatory permits. Please do not apply for regulatory permits until you have discussed your proposal with your designated land manager.**

For additional information, contact the office that serves your county:

Aquatic Lands Offices	Counties Served
Rivers District 601 Bond Road PO Box 280 Castle Rock, WA 98611-0280 (360) 577-2025	All of Eastern Washington, Grays Harbor, and Pacific counties Thurston (fresh water only), Lewis, Wahkiakum, Cowlitz, Clark, and Skamania counties
Orca Straits District 919 N Township Street Sedro Woolley, WA 98284-9384 (360) 856-3500	Island, Skagit, Snohomish, San Juan, and Whatcom counties
Orca Straits District 5310 Eaglemount Rd Chimacum, WA 98325-9720 (360) 732-0934	Jefferson and Clallam counties
Shoreline District 950 Farman Avenue N Enumclaw, WA 98022-9282 (360) 825-1631	King, Pierce, Kitsap, Thurston (marine waters), and Mason counties

FOR OFFICIAL USE ONLY		Support staff: Application Fee Received <input checked="" type="checkbox"/> N/A	Date: _____
Land Manager: <input type="checkbox"/> New Application <input checked="" type="checkbox"/> Renewal Application	Land Manager Initials <u>LS JB</u>		LM BP- 1051627
Land Manager: Type: (20, 21, 22, 23, 31, 51)	NaturE Use Code <u>2406</u>		
Land Records: New Application Number _____; Trust _____; County _____; AQR Plate No. _____			

II. APPLICANT INFORMATION

Person or entity responsible for the project

Date of Application:

Name of the person or entity that the Use Authorization should be issued to:

Bainbridge Island Metropolitan Park & Recreation District

Applicant's Address:
PO Box 10010City:
Bainbridge Is.State:
WAZip Code:
98110Telephone:
(206) 842-7811Fax:
(206) 842-7812E-mail:
ryan@vancillaw.comDepartment of Revenue Tax Registration Number (Unified Business Identifier) **Required:**
602-577-905

Which of the following applies to Applicant? Check one and attach the written authority - bylaws, power of attorney, etc.

Corporation
State of Registration:Limited Partnership
State of Registration:General Partnership
State of Registration:Sole Proprietorship Marital Community
Spouse:Government Agency Other (Please Explain)

Has DNR previously authorized this site or is it currently under an agreement with DNR?

Yes Agreement Number:No Don't Know **III. AGENT INFORMATION**

Person authorized to represent the applicant about the project, if applicable

Agent's Name and Organization: Ryan Vancil, Vancil Law Offices

Agent's Relationship to Applicant: Attorney

Address:
266 Ericksen Avenue NECity:
Bainbridge Is.State:
WAZip Code:
98110

Telephone: (206) 842-7811

Fax: (206) 842-7812

E-Mail: ryan@vancillaw.com

Department of Revenue Tax Registration Number (Unified Business Identifier) is **Required:**
602-610-307

Which of the following applies to Agent?

Check one and attach written authority to sign - bylaws, power of attorney, etc.

Corporation
State of Registration:Limited Partnership
State of Registration:General Partnership
State of Registration:Sole Proprietorship Marital Community
Spouse:Government Agency Other (Please Explain) Professional Limited Liability Corporation, Washington State

IV. LOCATION

On what body of water is the state property?

Rich Passage

County Kitsap

Section: 10

Range: 2

Government Lot: N/A

Township: 24 N

East or West

Note: DNR requires a legal property survey before they approve a use authorization. You do not need to furnish a survey now. The DNR survey requirements are included on this form.

Physical description of Project Area (For example, marsh, tideflat adjacent to the Chehalis River, etc.):

Tidelands adjacent to Fort Ward Park (Attachment A).

Name of owner(s) of uplands, shorelands, and/or tidelands shoreward and adjacent to the Property:

Bainbridge Island Metropolitan Park and Recreation District.

Address: PO Box 10010

City: Bainbridge Is.

State: WA.

Zip Code: 98110

Phone Number: 206-842-7811

Fax Number 206-842-7812

E-mail: ryan@vancillaw.com

Note: DNR may require proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property, except for established Harbor Areas.

Attach a copy of the deed if you own the adjacent upland property.

County parcel numbers for adjacent upland, and/or tideland properties:

Adjacent Upland: 102402-1-002-2000. See attached Deed (Attachment B).

V. USE OF PROPERTY

Describe the proposed use of the Property in detail: BIMPRD is applying for a lease for the subject tidelands for the purpose of continuing operations similar to those of the State during the State's operation of Fort Ward State Park. In addition, BIMPRD seeks to anticipate future needs of the park including but not limited to underwater park, SCUBA, orienteering, educational activities, water-based programming, accommodations for water-based visitors including offshore anchorage and/or buoys.

Do you plan to sublease the Property? Yes No If yes, submit a copy of the sublease.

Do you know the current and past uses of the site? Please describe them here. These tidelands have been contiguous with a state public park for decades. Uses include water-related recreation, beach combing, dog walks, boating, anchorage for offshore visitors, access area for state water-dependent capital projects for state-owned property.

Do you know of any toxic or hazardous substances on the site or past situations that could have caused contamination? Yes No If yes, please explain:

VI. IMPROVEMENTS

Additions within, on, or attached to the land, or anything considered a fixture (RCW 79.105.060(6)). Examples include: pilings, dolphins, piers, wharves, buildings, pipelines and cables, and structures for bridges

What improvements currently exist on the site? DNR may require photos.
See Attachment C (Photos 1 & 2).

If there are improvements currently on the site, describe their condition. C(1) Historical pilings in state of decay. C(2) Boat ramp will need ongoing maintenance to ensure usability.

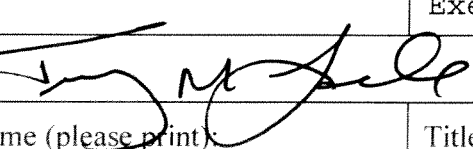
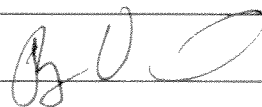
Will you remove or remodel any of the existing improvements? Yes No

Do you plan to construct any improvements? If yes, please describe: BIMPRD may establish off-shore anchorage in the future though no immediate plan has been developed.

Is there any fill material on the site? Yes No If yes, please describe:

Describe any habitat mitigation any permitting agency requires of you and where on this project it will occur: No specific project is proposed at this time. However, if BIMPRD were to seek permitting of buoys in the tidelands, permitting agencies would include but not be limited to Army Corps of Engineers; Dept. of Fish & Wildlife; City of Bainbridge Island; DNR; and Suquamish Tribe.

All answers and statements are true and correct to the best of my knowledge.

Applicant name (please print): Terry Lande	Title: Executive Director, BIMPRD
Applicant Signature: 	Date: 3-16-12
Authorized Agent name (please print): Ryan P. Vancil	Title: BIMPRD Attorney
Authorized Agent signature: 	Date: March 16, 2012

For the Applicant's convenience, the following pages 5 through 8 contain some information on potential permit and survey requirements.