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  

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 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 West, Willimette 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. 23° 03' 02" W along the east line of said Section 10 a distance of 675 feet to an iron pipe; thence S. 59° 10' 16" W, a distance of 1360.04 feet to an iron pipe; thence S. 59° 10' 16" W a distance of 162.83 feet to an iron pipe; thence S. 59° 10' 16" W 25.23 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' 25" E 1900.00 feet to an iron pipe;
thence N. 89° 10' 16" E 1360.04 feet to an iron pipe;
thence S. 0° 23' 08" E 675 feet to a concrete monument at the quarter corner common to Sections 10 & 11; thence S. 0° 23' 08" E 756.08 feet to an iron pipe; thence S. 89° 10' 16" W 445 feet to an iron pipe; thence S. 89° 10' 16" W 420 feet to an iron pipe; thence S. 0° 53' 25" E 376.27 feet to a lead pipe in a concrete sidewalk; thence S. 0° 23' 08" E 200 feet to an iron pipe; thence N. 23° 03' 02" W 420 feet to an iron pipe; thence S. 89° 10' 16" W 320.24 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 northwesterly 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 21 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 1314.18 feet to the north line of the plot 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 53 feet in width, being 20 feet on each side of said centerline, S. 0° 23' 08" E 1314.18 feet; thence S. 0° 23' 08" E 1314.18 feet. THENCE continue along said centerline of a strip of land 49.00 feet in width, being 20.00 feet on each side of said centerline, S. 0° 23' 08" E 1314.60 feet; thence S. 0° 23' 08" E 168.34 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 easements were transferred to Ace M. Woods of Sayler Site 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 the United States of America, its transferees and assigns, a permanent easement for roadway purposes over that portion of a certain Roadway Easement Tract, hereinafter described, which is contained herein.
EXHIBIT A
Legal Description of Property (cont.)

Parcel 2

That portion of Coner's Lots 1, 2 and 3 and that portion of Sections 10 and 11 of said Township and Range, thence N 023°08' W along the east line of said Section 10 a distance of 675.00 feet to an iron pipe, the TRUE POINT OF BEGINNING of the tract hereinafter described; thence N 023°08' W 639.69 feet to a concrete monument on the north line of said tract; thence S 89°10'16" W 1345.43 feet to a concrete monument; thence N 038°13' E 661.71 feet to a concrete monument; thence S 89°27'15" W 1265.47 feet to a concrete monument; thence S 89°27'15" W 66.53 feet to the line of ordinary high tide; thence Southwesterly along the line of ordinary high tide 1790.00 feet more or less; thence N 89°10'16" E 25.12 feet to an iron pipe; thence W 25° 10'16" E 162.88 feet to an iron pipe; thence N 038°13' E 1190.00 feet to an iron pipe; thence N 89°10'16" E 1260.64 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 this 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 74 N., R 2 E., W. A., thence N 023°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 hereinafter described; thence along said centerline of a strip of land 60 feet in width being 25 feet on each side of centerline, S 092°03'09" E 1314.19 feet; thence S 092°03'09" E 1616.68 feet. Thence continue along said centerline of a strip of land 60.00 feet in width being 20.00 feet on each side of said centerline, S 092°03'09" E 1404.66 feet; thence S 092°03'09" 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.
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:

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

FOR OFFICIAL USE ONLY  Support staff: Application Fee Received \[\checkmark\]  Date: ____________  Land Manager: Type: \[\checkmark\] New Application  Renewal Application  Land Manager: New Application Number: Trust: County: AQR Plate No.

Washington State Department of Natural Resources  Application for Use of State-owned Aquatic Lands  February 2011  1 of 8
## 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**

<table>
<thead>
<tr>
<th>Applicant’s Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO Box 10010</td>
<td>Bainbridge Is.</td>
<td>WA</td>
<td>98110</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone:</th>
<th>Fax:</th>
<th>E-mail:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(206) 842-7811</td>
<td>(206) 842-7812</td>
<td><a href="mailto:ryan@vancillaw.com">ryan@vancillaw.com</a></td>
</tr>
</tbody>
</table>

**Department 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
- [ ] Limited Partnership
- [ ] General Partnership
- [ ] State of Registration:
- [ ] State of Registration:
- [ ] State of Registration:
- [ ] Sole Proprietorship
- [ ] Marital Community
- [ ] Government Agency
- [ ] Spouse

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 NE  
**City:** Bainbridge Is.  
**State:** WA  
**Zip Code:** 98110

<table>
<thead>
<tr>
<th>Telephone:</th>
<th>Fax:</th>
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<td>(206) 842-7811</td>
<td>(206) 842-7812</td>
<td><a href="mailto:ryan@vancillaw.com">ryan@vancillaw.com</a></td>
</tr>
</tbody>
</table>

**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
- [ ] Limited Partnership
- [ ] General Partnership
- [ ] State of Registration:
- [ ] State of Registration:
- [ ] State of Registration:
- [ ] Sole Proprietorship
- [ ] Marital Community
- [ ] Government Agency
- [ ] Spouse

Other ___ (Please Explain) Professional Limited Liability Corporation, Washington State
IV. LOCATION

On what body of water is the state property?
Rich Passage

<table>
<thead>
<tr>
<th>County</th>
<th>Kitsap</th>
<th>Government Lot:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section:</td>
<td>10</td>
<td>Township:</td>
<td>24 N</td>
</tr>
<tr>
<td>Range:</td>
<td>2</td>
<td>East ☑ or West ☐</td>
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</table>

**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, tidalflat 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.

<table>
<thead>
<tr>
<th>Address: PO Box 10010</th>
<th>City: Bainbridge Is.</th>
<th>State: WA.</th>
<th>Zip Code: 98110</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number: 206-842-7811</td>
<td>Fax Number 206-842-7812</td>
<td>E-mail: <a href="mailto:ryan@vancillaw.com">ryan@vancillaw.com</a></td>
<td></td>
</tr>
</tbody>
</table>

**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:


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, beachcombing, 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.

<table>
<thead>
<tr>
<th>Applicant name (please print): Terry Lande</th>
<th>Title: Executive Director, BIMPRD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Signature: [Signature]</td>
<td>Date: 3-16-12</td>
</tr>
<tr>
<td>Authorized Agent name (please print): Ryan P. Vancil</td>
<td>Title: BIMPRD Attorney</td>
</tr>
<tr>
<td>Authorized Agent signature: [Signature]</td>
<td>Date: March 16, 2012</td>
</tr>
</tbody>
</table>

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