

KITSAP COUNTY ORDINANCE 432-2009**An Ordinance Authorizing the Termination of Three-Party Agreement Regarding Port Blakely Properties**

WHEREAS, in September, 2000, Kitsap County entered into a development agreement with the City of Bremerton and Port Blakely Communities (“the Three-Party Agreement”), which included terms and conditions related to comprehensive plan, annexations, and standards concerning property owned by Port Blakely Communities; and

WHEREAS, the Three-Party Agreement was intended to implement portions of the Kitsap County Sub-Area Plan – Port Blakely Joint Planning Area (Volume I, Version 2.4, as amended August 29, 2000 and issued September 8, 2000 (*hereafter* the “Port Blakely Sub-Area Plan”)); and

WHEREAS, the Port Blakely Subarea Plan and the Three-Party Agreement were adopted by Kitsap County pursuant to Ordinance 249-2000 on September 11, 2000; and

WHEREAS, the Port Blakely Subarea Plan and the Three-Party Agreement were adopted by the City of Bremerton pursuant to Ordinance No. 4722 on September 20, 2000; and

WHEREAS, on December 6, 2000, the City of Bremerton annexed the area that was subject to the Port Blakely Subarea Plan; and

WHEREAS, both Kitsap County and the City of Bremerton have adopted subsequent comprehensive land use plan amendments and updates that have superseded the provisions set forth in the Port Blakely Subarea Plan; and

WHEREAS, the City of Bremerton and Kitsap County have entered into a subsequent Interlocal Agreement Concerning Road Access for the Port Blakely area; and

WHEREAS, there is no longer a need for the Three-Party Agreement and therefore the parties intend to terminate that agreement.

BE IT ORDAINED:

Section 1. The Board of County Commissioners hereby authorizes the termination of KC 448-00, as set forth in Exhibit A, attached hereto, the “Termination: Three-Party Agreement.”

Section 2. The Board of County Commissioners hereby amends Ordinance 249-2000 as follows:

Section 2, subsection (2) of the ordinance adopting the Three Party Agreement among Kitsap County, the City of Bremerton and Port Blakely

Communities is repealed concurrent with the parties executing a
"Termination: Three Party Agreement" contract.

Section 3. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect immediately.

DATED this 27th day of July, 2009.



**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**

Charlotte Garrido

CHARLOTTE GARRIDO, Chair

Steve Bauer

STEVE BAUER, Commissioner

ATTEST:

Opal Robertson

Opal Robertson
Clerk of the Board

Josh Brown

JOSH BROWN, Commissioner

Approved as to form:

Shelley E. Kneip, Deputy Prosecuting Attorney

**TERMINATION:
THREE-PARTY AGREEMENT**
[Bremerton, Kitsap County, Port Blakely]

THIS TERMINATION: THREE-PARTY AGREEMENT ("Termination"), dated for reference purposes as the date of the last signature appended below, by the CITY OF BREMERTON, a Washington municipal corporation ("City"), KITSAP COUNTY, a Washington municipal corporation ("County"), and PORT BLAKELY COMMUNITIES, a Washington corporation ("Port Blakely") is intended to terminate that THREE-PARTY AGREEMENT entered into by the aforementioned parties in September, 2000.

RECITALS

A. The City, County, and Port Blakely entered into that "Three-Party Agreement" effective September 26, 2000, applicable to 440 acres of property owned by Port Blakely and depicted on Exhibit A (the "Property"). The Three-Party Agreement is attached hereto as Exhibit B. The Three-Party Agreement appended a certain Sub-Area Plan for the Property, (Kitsap County Sub-Area Plan – Port Blakely Joint Planning Area (Volume I, Version 2.4, as amended August 29, 2000 and issued September 8, 2000) which both the County and City adopted as part of their respective Comprehensive Land Use Plans (*hereafter* the "Sub-Area Plan").

B. On December 6, 2000, the City annexed the Property by enactment of Ordinance No. 4739, consistent with the Three-Party Agreement.

C. Since annexation of the Property, both the City and County have adopted updated Comprehensive Plans, which have superseded the Sub-Area Plan. The parties acknowledge that the Sub-Area Plan no longer applies to the Property.

D. The County and City have approved an Interlocal Agreement between the City of Bremerton and Kitsap County for Road Access, addressing access to the Property and making certain other commitments regarding processing of development permits for the Property, including consideration of County comments during project review under the State Environmental Policy Act (SEPA).

E. The parties agree that in light of the provisions of the Interlocal Agreement and other considerations, they desire to terminate the Three-Party Agreement. Accordingly, the City has approved Ordinance No. 5086, on July 15, 2009, authorizing termination of the Three Party Agreement; and the County has approved Ordinance No. 432, on July 27, 2009, authorizing termination of the Three Party Agreement.

NOW, THEREFORE, the City of Bremerton, Kitsap County, and Port Blakely agree as follows:

1. Each by their signatures below, the City, the County, and Port Blakely approve termination of the Three-Party Agreement.

2. This Termination: Three-Party Agreement is effective on the date of the last signature below. As of the effective date of this Termination, the Three-Party Agreement is of no further force or effect.

3. This Termination may be signed in counterparts, which taken together shall constitute the complete termination. Signature by the parties transmitted via facsimile shall be acceptable and binding.

IN WITNESS WHEREOF, the City, County, and Port Blakely have executed this Termination.

CITY OF BREMERTON, a Washington municipal corporation,

By: 
CECIL McCONNELL, Mayor Pro Tem

Date: 08/03/09

345 Sixth Street, Suite 600
Bremerton, WA 98337
Phone: (360) 473-5290/Fax: (360) 478-5200

ATTEST:

By: 
CAROL ETGEN, City Clerk

Date: 8/3/09

Approved as to form:

By: 
ROGER A. LUBOVICH, City Attorney

Date: AUGUST 3, 2009

KITSAP COUNTY BOARD OF COMMISSIONERS

By: 
CHARLOTTE GARRIDO, Chair

Date: 7/27/09

By: 
STEVE BAUER, Commissioner

Date: 7/27/09

By: 
JOSH BROWN, Commissioner

Date: 7/27/09

Kitsap County
614 Division Street, MS 4
Port Orchard, WA 98366
Phone : (360) 337-7146/Fax: (360) 337-4432

PORT BLAKELY COMMUNITIES,
a Washington corporation, as agent for
Port Blakely Tree Farms (Limited
Partnership)

By: Alan Boeker
ALAN BOEKER, President

Date: 8-10-09

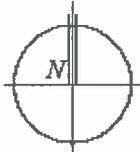
1011 NE High Street, Suite 200
Issaquah, WA 98029
Phone: (206) 225-2301/Fax: (425) 391-9028

ATTEST:

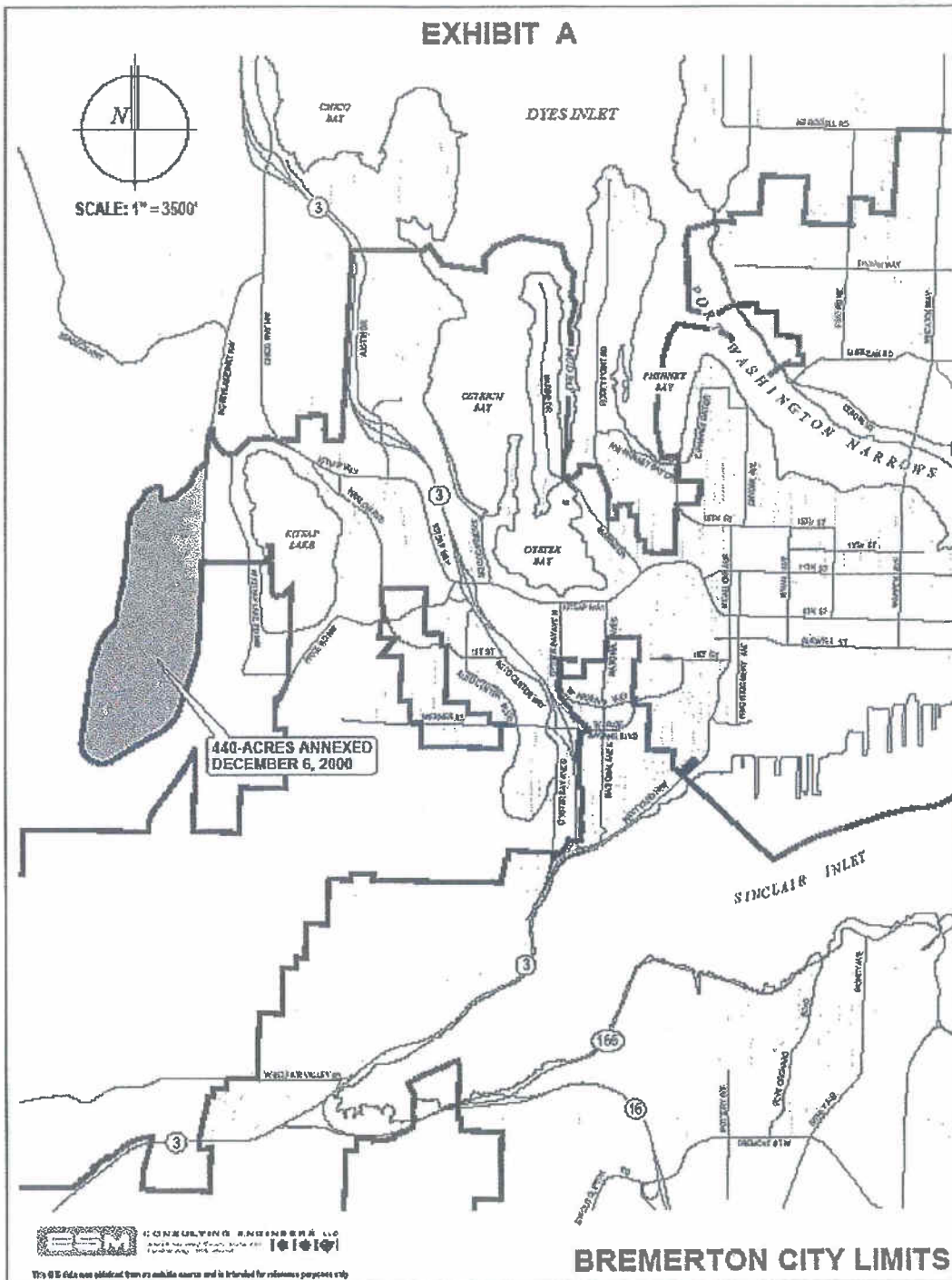
By: Opal Robinson
Clerk of the Board

Date: 7/27/09

EXHIBIT A



SCALE: 1" = 3500'



440-ACRES ANNEXED
DECEMBER 6, 2000

ERM CONSULTING ENGINEERS, LLC
10000 15th Ave SW, Everett, WA 98203
TEL: 425-771-1000 FAX: 425-771-1001

This GIS data was obtained from an outside source and is intended for reference purposes only.

BREMERTON CITY LIMITS

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CITY OF BREMERTON, a Washington municipal corporation

By: _____
CECIL McCONNELL, Mayor Pro Tem

Date: _____

345 Sixth Street, Suite 600
Bremerton, WA 98337
Phone: (360) 473-5290/Fax: (360) 478-5200

ATTEST:

By: _____
CAROL ETGEN, City Clerk

Date: _____

Approved as to form:

By: _____
ROGER A. LUBOVICH, City Attorney

Date: _____

KITSAP COUNTY BOARD OF COMMISSIONERS

By: Charlotte Garrido
CHARLOTTE GARRIDO, Chair

Date: 7/27/09

By: Steve Bauer
STEVE BAUER, Commissioner

Date: 7/27/09

By: Josh Brown
JOSH BROWN, Commissioner

Date: 7/27/09

Kitsap County
614 Division Street, MS 4
Port Orchard, WA 98366
Phone : (360) 337-7146/Fax: (360) 337-4432

PORT BLAKELY COMMUNITIES,
a Washington corporation, as agent for
Port Blakely Tree Farms (Limited
Partnership)

By: _____
ALAN BOEKER, President

Date: _____

1011 NE High Street, Suite 200
Issaquah, WA 98029
Phone: (206) 225-2301/Fax: (425) 391-9028

ATTEST:

By: Opal Robinson
Clerk of the Board

Date: 7/27/09

