KRRC

Public Records Requests

Email

June 2009

(1 of 1)

Search all emails where the Subject OR Body contains all of the following 'KRRC" OR "gun club" OR "revolver club" OR "4900 Seabeck" OR "safety complaint"'

In accordance with RCW 42.56.210 Personal Records Exemption (Personal addresses, phone numbers, email addresses, etc.) have been redacted from the attached record.

KRRC Email JUNE 2009 - Exemption Log				
Pursuant to RCWs 42.56.070 and 5.60.060(2) (a), the records listed below are exempt from disclosure:				
DATE	**EMAIL AUTHOR**	**EMAIL RECIPIENT**	**SUBJECT**	**REMARKS**
6/1/2009	Matt Keough	Mark Abernathy, Kevin M. Howell	Release of Appraisals	Attorney Client Privilege
5/26/2009	Kevin M. Howell	Terri Lyman, Cindy Sommerfeld	Re: Fwd: Newberry Hill Exchange	Attorney Client Privilege

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 9:17 AM
To: Mark Abernathy; Kevin M. Howell
Subject: Release of Appraisals

Kevin and Mark,

[redacted]

THANKS,
MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 9:18 AM
To: Lori Raymaker
Subject: Fwd: POSSIBLE SPAM! SCORE = 5.0 gun club/landswap Newberry Hill

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "colen & joanne corey" < colenjoannecorey@[redacted]> 5/21/2009 7:08 AM >>>
Commissioner Bauer& Commissioner Garrido:
Please take the time to read this.
There seems to be a little close door policy going on. The reason you have not heard from neighbors to Newberry Hill on the subject of land cost to the gun club is because you seem to have held the information from the public until you knew it would be too late.Not to mention the low cost of the land gave you the right to not put it out in the public. Also, I found out they have never payed taxes, am I right? I know other non-profits who pay there taxes by the law. I am the VP of the Stewardship committee and those from the committee, has well as, your own Parks personnel where unaware of the low ball and extention of land sold. So there seems to be no excuse that it was not public knowledge to all in the committee. I know you have friends in the gun club, sort of like business on the golf course ,to my way of seeing it. I hope the one friend of the gun club can drum up the votes for you all next election, I plan on voting for commissioners who are honest and straight forward with the public.

Since there is such a low ball cost to the gun club and it seems to be so ruined that nothing else could possible be used for the land, your own words I might add, we the people should have reports of all enviromental testing to the land,PAST and PRESENT, of which I have found out does not exist, if so they NEED to be presented to the stewardship, since WE are the caretakers of the land.

No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to the land and a daughter-in -law to the Corey's who have done great thing for this county, ie. putting on the "Day on the Farm for Special Needs Children", with community efforts, voulenteerism that works and a belief in doing good things for children, I cannot believe what has happened. Not to mention what other things will occur because legally you have found a loop hole to pass something else by us.

Please send the Newberry Hill Park Stewardship Board your findings on all enviromental clean up to the land that is valued has not worth anything other than a gun lead suppository.

Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

Don Burger

From: Cathie Ames [cathiea@landtitleco.net]
Sent: Monday, June 01, 2009 9:26 AM
To: Terri Lyman; Kevin M. Howell; Matt Keough; BRAD PRUITT; Tammy Robbins
Subject: Newberry Hill Exchange
Attachments: Supp1FifthCommit.pdf; 229091.PDF

Hello to all. I have itemized below a brief summary of some of the items that I will need provided or questions that will need to be answered, prior to closing:

Purchase and Sale Agreement:

-The following matters should be addressed in an Addenda to the Exchange Agreement:
1) Kitsap County, a Political Subdivision of the State of Washington is to be named and the Exchanger, rather than "KCP&R Dept." (Page 1 of Exch. Agmt). Please amend all documents, showing as Exhibit's, which are being recorded.
2) Correct the heading for Exhibit B-2. Should be "Easement Reservation" rather than "Description of Areas Subject to State's Mineral Reservation" (Page 49 of Exch. Agmt).
3) Correct the reference to Exhibit "H" to show Exhibit "C" (Section 13 on Page 11 of Exch. Agmt). And, on this same matter, since the County has removed the property from its Forestland Designation, is the Notice of Continuing Forest Land Obligation document still necessary? See attached Supp 1 of Fifth Commitment.
4) The exact amount to be paid by the County to DNR for the reimbursement of the administrative costs ($50,000.00 approx cost).

Policy(s) of Title Insurance:

-There are Road Maintenance Agreements recorded on both exchange pieces. Is anyone aware of dues being collected by an Association on either property?

Items relating to draft DNR Escrow Instructions:

-Contrary to the DNR Escrow Instructions, there is currently taxation for Noxious Weeds/Fire Prevention on the lots DNR is acquiring. I understand that these do not qualify for an exemption when the property is owned by a Governmental entity. I can not delete items #19 through #37. It would be appropriate for me to prorate these amounts, however nominal. Please advise.
-Exception #12, in Commitment #E-229091, refers to CC&R's. Your Instructions state that you will only accept this item if RMAP money is received. I will need you to either accept this as a condition of title or provide me with a release document.
-Exception #14 relates to a Road Maintenance Assoc. and I can not delete this item without consent from the affected parties. I am wondering if you are looking at a previous Title Commitment (since we are on our 5th version☺) and the numbers do not match up. I have attached a copy of the most recent version.
-Exception #16 is not listed in either the accepted encumbrances or deleted encumbrances list? Please advise

Documents:

-I will need a copy of the signed Exchange Purchase and Sale Agreement, once it is executed by DNR.
-I will need a signed copy of the "Board of Natural Resources Approval Notice" (7.1 on page 6 of Exch. Agmt).
-Please verify signing authority with me for DNR and let me know who will be signing my escrow documents.
-I will need the Minutes from the County Board Meeting (Terri to obtain from Commissioner's Office), authorizing the exchange of the properties.
-Please provide the final draft of the DNR Escrow Instructions.
-The County will need to provide a Termination of Conservation Easement (7.2.2b on page 6).

-I will draw the Statutory Warranty Deed from the County to DNR, unless I am advised otherwise.

-DNR to draw/provide the original documents, as follows:
1) Quitclaim Deed (I understand that this will take approximate 2 weeks for the Governor to sign after it is submitted to her office) (Exhibit B-4).
2) Assignment and Assumption of Lease Agreement (Exhibit A-2).
3) Mineral Reservation (Exhibit B-1)
4) Easement Reservation (Exhibit B-2 and B-3)
5) Tenant Estoppels Statement (Exhibit B-5). I believe it was mention that this is in KRRC's hands.

Misc:

-I anticipate prorating the annual lease payment between DNR and KRRC and passing this though the County on the Closing Statements. I have requested that Regina Taylor provide me with that amount to adjust through closing and will have this amount confirmed by DNR, when provided. I understand that the current lease payment covers the period from 2/28/09 through 2/27/2010 and that this amount has been paid for the current year.
-Please verify that the Bridge removal has been inspected by Fish and Wildlife.
-I understand that DNR will require 5 days to review docs and that the Kevin Howell will need to review documents before the Chair signs.

And, just to confirm, we are going to target 6/18/09 for closing. I have a lot of the documents done and will start circulating them as soon as I have a the signed Exchange Agreement. I look forward to working with you all, as we proceed to closing and do not hestiate to call me at any time to discuss your file.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

ENDORSEMENT
Issued by
Land Title Company of Kitsap County

SUPPLEMENTAL NO. 1 OF FIFTH COMMITMENT

Attached to Commitment No.: E-229091CA
Seller Name: Kitsap County
Buyer Name: State of Washington - DNR

Date: May 28, 2009

This endorsement is made a part of said Commitment including any prior endorsements and is subject to the schedules, terms and provisions and the conditions and stipulations therein, except as modified by the provisions hereof.

EFFECTIVE DATE: May 7, 2009 at 8:00 a.m.

The special exceptions at the following numbered paragraphs of Schedule B -1 are hereby deleted:

PLEASE DELETE PARAGRAPH(S) 13 and 17 FROM SCHEDULE B - 1 OF OUR COMMITMENT.

BW

LAND TITLE COMPANY

LEADERSHIP • TRUST • COMMITMENT

Agent for Chicago Title Insurance Company

❑ **Title / Recording Dept.**

Call/email your questions or concerns to:

9657 Levin Road NW · Silverdale, Wa 98383

(360)692-2233 or 800-950-4321 Fax: (360)692-2244 email: titlesilv@landtitleco.net

Our File No.: E-229091CA
Seller Name: Kitsap County
Buyer Name: State of Washington - DNR

FIFTH COMMITMENT

Contacts:

Land Title Escrow
Attn: Cathie Ames
Phone Number: (360)692-4033

9657 Levin Road NW, #110
Silverdale, WA 98383

COMMITMENT FOR TITLE INSURANCE

BY

Chicago Title Insurance Company

Chicago Title Insurance Company, a Missouri 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 Schedule 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 obligations under the Commitment shall cease and terminate 90 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 it corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

WA 2006

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

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

CHICAGO TITLE INSURANCE COMPANY

By: President

ATTEST: Secretary

Countersigned: Authorized Signature

CONDITIONS

The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.

If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.

Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Exclusions form Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

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

LAND TITLE COMPANY

LEADERSHIP • TRUST • COMMITMENT

IMPORTANT NOTICE

PLEASE BE ADVISED, THAT EFFECTIVE MAY 8TH, 2009, THE KITSAP COUNTY COURTHOUSE WILL BE CLOSED EVERY FRIDAY. THIS WILL PROHIBIT ANY RECORDINGS ON THAT DAY.

PLEASE PLAN ACCORDINGLY.

ISSUED FROM THE OFFICE OF LAND TITLE COMPANY OF KITSAP COUNTY
AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

FIFTH COMMITMENT

File No.: E-229091CA

1. **Effective Date:** May 7, 2009 at 08:00 AM

2. **Policy or Policies to be issued:**

ALTA Owner's Policy (6/17/2006) Standard

Rate:

Amount:	$ 2,325,000.00
Premium:	$ 4,586.00
Tax:	$ 394.40

Proposed Insured:
STATE OF WASHINGTON, acting by and through the DEPARTMENT OF NATURAL RESOURCES

Rate:

Amount:	
Premium:	
Tax:	

Proposed Insured:

Additional Fee:

Fee including tax:

3. **The estate or interest in the land described in the Commitment and covered herein is:**
A Fee

4. **Title to the estate or interest in the land is vested in:**
KITSAP COUNTY, a Municipal Corporation

5. **The land referred to in this Commitment is described as follows:**

SEE LEGAL DESCRIPTION ATTACHED ON EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF

COMMITMENT FOR TITLE INSURANCE

Office File No.: E-229091CA

EXHIBIT "A"

DESCRIPTION:

PARCEL I:

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL II:

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL III:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL IV:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL V:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VI:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VII:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VIII:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL IX:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11,

EXHIBIT "A"
(Continued)

TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL X:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XI:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XII:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XIII:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XIV:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XV:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVI:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVII:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVIII:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

EXHIBIT "A"
(Continued)

PARCEL XIX:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XX:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXI:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXII:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXIII:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXIV:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXV:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 12, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXVI:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 12, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXVII:

THAT PORTION OF PARCEL B CONVEYED BY STATUTORY WARRANTY DEED UNDER AUDITOR'S FILE NO. 200404190409 DESCRIBED AS: THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 2, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON, BEING THAT PORTION OF GOVERNMENT LOT 13, SAID SECTION 2,

EXHIBIT "A"
(Continued)

EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WILDCAT LAKE TRACTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 31, RECORDS OF KITSAP COUNTY, WASHINGTON.

PARCEL XXVIII:

THAT PORTION OF GOVERNMENT LOT 8, SECTION 2, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 8 (ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 2); THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 400 FEET; THENCE WEST TO THE EAST LINE OF NW WILDCAT LAKE ROAD; THENCE NORTHERLY ALONG SAID EAST LINE OF NW WILDCAT LAKE ROAD TO THE NORTH LINE OF SAID GOVERNMENT LOT 8; THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

COMMITMENT FOR TITLE INSURANCE

Office File No.: E-229091CA

SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

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-ways, streets, roads, alleys or highways not disclosed 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 liens 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 of interest or mortgage thereon covered by this Commitment.

FOR SPECIAL EXCEPTIONS, SEE ATTACHED

COMMITMENT FOR TITLE INSURANCE

Office File No.: E-229091CA

SCHEDULE B-I

SPECIAL EXCEPTIONS:

1. Covenants, conditions and restrictions contained in the following instrument, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;
   Recorded:May 24, 1996
   Recording No.:9605240200

   (Affects Parcels I through XXVIII, inclusive)

2. Terms and conditions as fully set forth in Statutory Warranty Deed recorded May 17, 1977 under Auditor's File No. 1169752.

   (Affects Parcels II, IV and VI)

3. Easement, including its terms, covenants and provisions as disclosed by instrument;
   Recorded:November 19, 1941
   Recording No:350174
   For:open ditch
   Affects:the legal description contained therein is insufficient to specifically locate said easement

   (Affects Parcel II)

4. Easement, including its terms, covenants and provisions as disclosed by instrument;
   Recorded:may 22, 1968
   Recording No:930464
   For:existing roadway
   Affects:20 foot wide portion of Parcels V, VII, XXVI and XVII

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

5. Agreement, including its terms, covenants and provisions;
   Recorded: May 22, 1968
   Recording No.: 930464
   For: Permanent Easement Exchange

   (Affects Parcels V, VII, XXV and XXVI)

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

SCHEDULE B-I
(Continued)

6. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 930464.

   (Affects Parcels V, VII, XXV and XXVI)

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

7. Easement, including its terms, covenants and provisions as disclosed by instrument;
   Recorded:October 18, 1978
   Recording No:7810180161
   For:roadway and existing road
   Affects:the legal description contained therein is insufficient to specifically locate said easement

   (Affects portion of Parcels I, III, V, VII, IX, X, XIII, XIV, XV, XVI, XVII, XVIII, XIX and XX through XXVI, inclusive and XXVIII)

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:March 16, 1983
      Recording No.:8303160098

8. Terms and conditions as fully set forth in Easement recorded April 29, 1983 under Auditor's File No. 8304290110.

   (Affects Parcels I through XXVIII, inclusive)

9. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 8304290110.

   (Affects Parcels I through XXVIII, inclusive)

10. Covenants, conditions and restrictions contained in the following instrument, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;
    Recorded:March 30, 2007
    Recording No.:200703300433

    (Affects Parcels I through XXVIII, inclusive)

11. Easement, including its terms, covenants and provisions as disclosed by instrument;
    Recorded:March 30, 2007
    Recording No:200703300433
    For:conservation purposes
    Affects:the legal description contained therein is insufficient to specifically locate said easement

    (Affects Parcels I through XXVIII, inclusive)

SCHEDULE B-I
(Continued)

12. Covenants, conditions and restrictions contained in the following instrument, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;
Recorded:April 19, 2004
Recording No.:200404190410

    (Affects Parcels I through XXVIII, inclusive)

13. Terms and conditions as fully set forth in Notice of Continuing Forest Land Obligations recorded April 19, 2004 under Auditor's File No. 200404190410.

    (Affects Parcels I through XXVIII, inclusive)

14. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 200404190410.

    (Affects Parcels I through XXVIII, inclusive)

15. Terms and conditions as fully set forth in Special Warranty Deed recorded April 19, 2004 under Auditor's File No. 200404190409.

    (Affects Parcels I through XXVIII, inclusive)

16. Existence of roadways, constructive notice which is contained in Special Warranty Deed recorded under Auditor's File No. 200404190409, by the recital:
"Except that portion thereof lying within the boundaries of any existing county road."

    (Affects Parcels I through XXVIII, inclusive)

17. Terms, covenants and conditions contained in Application for Current Use Classification, entered into pursuant to RCW 84.33 (including potential liability for future applicable taxes, penalties and interest upon breach of, or withdrawal from, said classification); notice of approval being recorded under
Recording No.:1092409
Records of:KITSAP County, Washington
Classification:Designated Forest Land

    Please be advised that if this transaction is to include a conveyance, you will need to provide a copy of the Excise Tax Affidavit (it does not need to be signed) to the Kitsap County Assessor's Office at least 15 days before the date of recording. You may e-mail or fax the same to Tammera Beverage: fax 360.337.4874 / tbeverag@co.kitsap.wa.us

    (Affects Parcel XXVII)

SCHEDULE B-I
(Continued)

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

Excise tax rate for Kitsap County is 1.78% plus $5.00.

END SPECIAL EXCEPTIONS

BW/jt

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: In the event there is no activity on this file within six (6) months from the effective date, the cancellation fee may be billed.

MINIMUM CANCELLATION FEE (INCLUDING TAX): $54.30

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

Brief Legal: NW/SW, NE/SW, SW/SW, SE/SW 1-24N-1W; NE/NE, SE/NE, NE/SW, SE/SW, NW/SE, NE/SE SE/SE, SW/SE 11-24N-1W & NW/NW 12-24N-1W; SE/SE & GOV'T LT 8, 2-24-1W
Tax Account Nos.: 012401-3-001-1001, 012401-3-002-1000, 012401-3-003-1009, 012401-3-004-1008, 012401-3-005-1007, 012401-3-006-1006, 012401-3-007-1005, 012401-3-008-1004, 112401-1-016-1006, 112401-1-017-1005, 112401-1-018-1004, 112401-1-019-1003, 122401-2-007-1004, 122401-2-008-1003, 112401-3-027-1009, 112401-3-028-1008, 112401-4-001-1007, 112401-4-002-1006, 112401-4-003-1005, 112401-4-004-1004, 112401-3-029-1007, 112401-3-030-1004, 112401-4-005-1003, 112401-4-006-1002, 112401-4-007-1001, 112401-4-008-1000, 022401-4-025-1000 & 022401-4-002-1007

B. NOTE: A Survey recorded under Auditor's File No. 1082858

(Affects a portion of Parcel XXVII)

SCHEDULE B-I
(Continued)

C. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-1-017-1005
Affects:Parcel IX
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

D. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-1-016-1006
Affects:Parcel X
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

E. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-1-018-1004
Affects:Parcel XI
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

F. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-1-019-1003
Affects:Parcel XII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

G. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-3-027-1009
Affects:Parcel XIII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

SCHEDULE B-I
(Continued)

H. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-3-028-1008
Affects:Parcel XIV
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

I. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-3-029-1007
Affects:Parcel XV
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

J. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-3-030-1004
Affects:Parcel XVI
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

K. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-001-1007
Affects:Parcel XVII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

L. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-002-1006
Affects:Parcel XVIII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

SCHEDULE B-I
(Continued)

M. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-003-1005
Affects:Parcel XIX
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

N. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-004-1004
Affects:Parcel XX
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

O. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-005-1003
Affects:Parcel XXI
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

P. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-006-1002
Affects:Parcel XXII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

Q. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-007-1001
Affects:Parcel XXIII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

SCHEDULE B-I
(Continued)

R. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-008-1000
Affects:Parcel XXIV
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

S. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:122401-2-007-1004
Affects:Parcel XXV
Levy Code:6029
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

T. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:122401-2-008-1003
Affects:Parcel XXVI
Levy Code:6029
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

COMMITMENT FOR TITLE INSURANCE

Office File No.: E-229091CA

SCHEDULE C

The following are the requirements to be complied with:

1. Instruments necessary to create the estate or interest or mortgage to be insured must be properly executed, delivered, and duly filed for record.

END SCHEDULE C REQUIREMENTS

INFORMATION

Kitsap County Auditor Recording Fees

Effective January 1, 2008

Document - Real Estate and Miscellaneous - First Page	$42.00
Each Additional Page	$ 1.00
Document - Deed of Trust - First Page	$43.00
Each Additional Page	$ 1.00
Document - First Page of the following:	$14.00
Assignment of Deed of Trust	
Substitution of Trustee	
Appointment of Trustee	
Resignation & Appointment of Successor Trustee	
Each Additional Page	$ 1.00

** Other charges may apply

Land Title Company & Kitsap County Courthouse
2009 Holiday Schedule

January 1	* New Year's Day
January 19	* Martin Luther King Jr Birthday
February 16	* President's Day
May 25	* Memorial Day
July 3	* Independence Day
September 7	* Labor Day
November 11	* Veterans' Day
November 26/27	* Thanksgiving Break
December 25	* Christmas Day

Privacy Statement

Land Title Company of Kitsap County as agent of
Fidelity National Financial Group et al

We recognize and respect the privacy expectations of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- From applications or other forms we receive from you or your authorized representative;
- From your transactions with, or from the services being performed by, us, our affiliates, or others;
- From our internet web sites;
- From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others, and;
- From consumer or other reporting agencies.

Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to your Personal Information only to those employees who need such access in connection with providing products or services to you for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- to agents, brokers or representatives to provide you with services you have requested;
- to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose you Personal Information when you direct or give us permission, when we are required to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain you Personal Information.

Right to Access Your Personal Information and Ability to Correct Errors Or Request Changes or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
4050 Calle Real, Suite 220
Santa Barbara, CA

Multiple Products or Services

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 9:27 AM
To: Lori Raymaker
Subject: Fwd: Re: Rifle and Revolver Club APPRAISAL VALUE

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Dana Daniels 5/12/2009 2:47 PM >>>
Thanks Matt!

>>> Matt Keough 5/12/2009 2:02 PM >>>
IN DEALING WITH THE APPRAISAL VALUE DISCUSSED IN TODAY's PAPER, it is very important to re-state the County's process:

The property was professionally appraised by a 3rd party to arrive upon the property value "AS-IS" (not market value) with its historic, current, and future use as a recreational shooting range. This assumes associated liability and an on-going shooting range operation that is open to the public and for a non-profit basis. With those assumptions, the property would be a cost to the County to own the land or to directly provide for such a use. The appraisal is proprietary as it impacts negotiations and the terms of the deed. It is not appropriate to release it at this time. Finally, the deed restrictions, coming before the Board tomorrow, will ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances), a.k.a. the public interest has been heavily weighed.

Hope that is of assistance to everyone involved. Regretfully, this information did not make the paper despite our very specific conversation with the reporter last night to this point. I will ask about a potential clarification point with the Sun unless there are objections.

I will contact Terri Schultz now .
THANK YOU DANA AND ALL!

-MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Dana Daniels 5/12/2009 12:27 PM >>>
Josh and Matt,

Teri Schultz [redacted] would like a phone call from both of you. He has several concerns over the article in today's paper. He doesn't understand why the appraisal won't be made available until after the sale....doesn't understand why we are only selling it for so cheap when the County is hurting for money etc. etc.
Dana

Don Burger

From: Kevin M. Howell [KMHowell@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 10:03 AM
To: Matt Keough
Cc: Tracey L. Hamilton-Oril; cathiea@landtitleco.net
Subject: Fwd: Newberry Hill Exchange
Attachments: Supp1FifthCommit.pdf; 229091.PDF

Matt,

I trust you will work with Cathie to meet all of her rerquirements as set forth below.

I will forward a rough draft of the termination agreement for the deed of right o covering the county land to be deeded to DNR for your review and comment.

Please call promptly if you encounter any difficulties.

Kevin M. Howell
Deputy Prosecuting Attorney for Kitsap County
Civil Division
614 Division Street, MS-35A
Port Orchard, WA 98366
Email: kmhowell@co.kitsap.wa.us
Phone: (360) 337-7268
Fax: (360) 337-7083

>>> "Cathie Ames" <cathiea@landtitleco.net> 6/1/2009 9:25 AM >>>
Hello to all. I have itemized below a brief summary of some of the items that I will need provided or questions that will need to be answered, prior to closing:

Purchase and Sale Agreement:

-The following matters should be addressed in an Addenda to the Exchange Agreement:
1) Kitsap County, a Political Subdivision of the State of Washington is to be named and the Exchanger, rather than "KCP&R Dept." (Page 1 of Exch. Agmt). Please amend all documents, showing as Exhibit's, which are being recorded.
2) Correct the heading for Exhibit B-2. Should be "Easement Reservation" rather than "Description of Areas Subject to State's Mineral Reservation" (Page 49 of Exch. Agmt).
3) Correct the reference to Exhibit "H" to show Exhibit "C" (Section 13 on Page 11 of Exch. Agmt). And, on this same matter, since the County has removed the property from its Forestland Designation, is the Notice of Continuing Forest Land Obligation document still necessary? See attached Supp 1 of Fifth Commitment.
4) The exact amount to be paid by the County to DNR for the reimbursement of the administrative costs ($50,000.00 approx cost).

Policy(s) of Title Insurance:

-There are Road Maintenance Agreements recorded on both exchange pieces. Is anyone aware of dues being collected by an Association on either property?

Items relating to draft DNR Escrow Instructions:

-Contrary to the DNR Escrow Instructions, there is currently taxation for Noxious Weeds/Fire Prevention on the lots DNR is acquiring. I understand that these do not qualify for an exemption when the property is owned

by a Governmental entity. I can not delete items #19 through #37. It would be appropriate for me to prorate these amounts, however nominal. Please advise.
-Exception #12, in Commitment #E-229091, refers to CC&R's. Your Instructions state that you will only accept this item if RMAP money is received. I will need you to either accept this as a condition of title or provide me with a release document.
-Exception #14 relates to a Road Maintenance Assoc. and I can not delete this item without consent from the affected parties. I am wondering if you are looking at a previous Title Commitment (since we are on our 5th version☺) and the numbers do not match up. I have attached a copy of the most recent version.
-Exception #16 is not listed in either the accepted encumbrances or deleted encumbrances list? Please advise

Documents:

-I will need a copy of the signed Exchange Purchase and Sale Agreement, once it is executed by DNR.
-I will need a signed copy of the "Board of Natural Resources Approval Notice" (7.1 on page 6 of Exch. Agmt).
-Please verify signing authority with me for DNR and let me know who will be signing my escrow documents.
-I will need the Minutes from the County Board Meeting (Terri to obtain from Commissioner's Office), authorizing the exchange of the properties.
-Please provide the final draft of the DNR Escrow Instructions.
-The County will need to provide a Termination of Conservation Easement (7.2.2b on page 6).
-I will draw the Statutory Warranty Deed from the County to DNR, unless I am advised otherwise.

-DNR to draw/provide the original documents, as follows:
1) Quitclaim Deed (I understand that this will take approximate 2 weeks for the Governor to sign after it is submitted to her office) (Exhibit B-4).
2) Assignment and Assumption of Lease Agreement (Exhibit A-2).
3) Mineral Reservation (Exhibit B-1)
4) Easement Reservation (Exhibit B-2 and B-3)
5) Tenant Estoppels Statement (Exhibit B-5). I believe it was mention that this is in KRRC's hands.

Misc:

-I anticipate prorating the annual lease payment between DNR and KRRC and passing this though the County on the Closing Statements. I have requested that Regina Taylor provide me with that amount to adjust through closing and will have this amount confirmed by DNR, when provided. I understand that the current lease payment covers the period from 2/28/09 through 2/27/2010 and that this amount has been paid for the current year.
-Please verify that the Bridge removal has been inspected by Fish and Wildlife.
-I understand that DNR will require 5 days to review docs and that the Kevin Howell will need to review documents before the Chair signs.

And, just to confirm, we are going to target 6/18/09 for closing. I have a lot of the documents done and will start circulating them as soon as I have a the signed Exchange Agreement. I look forward to working with you all, as we proceed to closing and do not hestiate to call me at any time to discuss your file.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

ENDORSEMENT
Issued by
Land Title Company of Kitsap County

SUPPLEMENTAL NO. 1 OF FIFTH COMMITMENT

Attached to Commitment No.: E-229091CA
Seller Name: Kitsap County
Buyer Name: State of Washington - DNR

Date: May 28, 2009

This endorsement is made a part of said Commitment including any prior endorsements and is subject to the schedules, terms and provisions and the conditions and stipulations therein, except as modified by the provisions hereof.

EFFECTIVE DATE: May 7, 2009 at 8:00 a.m.

The special exceptions at the following numbered paragraphs of Schedule B -1 are hereby deleted:

PLEASE DELETE PARAGRAPH(S) 13 and 17 FROM SCHEDULE B - 1 OF OUR COMMITMENT.

BW

LAND TITLE COMPANY

LEADERSHIP • TRUST • COMMITMENT

Agent for Chicago Title Insurance Company

❑ **Title / Recording Dept.**

Call/email your questions or concerns to:

9657 Levin Road NW · Silverdale, Wa 98383

(360)692-2233 or 800-950-4321 Fax: (360)692-2244 email: titlesilv@landtitleco.net

Our File No.: E-229091CA
Seller Name: Kitsap County
Buyer Name: State of Washington - DNR

FIFTH COMMITMENT

Contacts:

Land Title Escrow
Attn: Cathie Ames
Phone Number: (360)692-4033

9657 Levin Road NW, #110
Silverdale, WA 98383

COMMITMENT FOR TITLE INSURANCE

BY

Chicago Title Insurance Company

Chicago Title Insurance Company, a Missouri 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 Schedule 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 obligations under the Commitment shall cease and terminate 90 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 it corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

WA 2006

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

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

CHICAGO TITLE INSURANCE COMPANY

By: President

ATTEST: Secretary

Countersigned: Authorized Signature

CONDITIONS

The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.

If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.

Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Exclusions form Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

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

LAND TITLE COMPANY

LEADERSHIP • TRUST • COMMITMENT

IMPORTANT NOTICE

PLEASE BE ADVISED, THAT EFFECTIVE MAY 8TH, 2009, THE KITSAP COUNTY COURTHOUSE WILL BE CLOSED EVERY FRIDAY. THIS WILL PROHIBIT ANY RECORDINGS ON THAT DAY.

PLEASE PLAN ACCORDINGLY.

ISSUED FROM THE OFFICE OF LAND TITLE COMPANY OF KITSAP COUNTY
AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

FIFTH COMMITMENT

1. **Effective Date:** May 7, 2009 at 08:00 AM

File No.: E-229091CA

2. **Policy or Policies to be issued:**

ALTA Owner's Policy (6/17/2006) Standard

Rate:

Amount:	$ 2,325,000.00
Premium:	$ 4,586.00
Tax:	$ 394.40

Proposed Insured:
STATE OF WASHINGTON, acting by and through the DEPARTMENT OF NATURAL RESOURCES

Rate:

Amount:	
Premium:	
Tax:	

Proposed Insured:

Additional Fee:

Fee including tax:

3. **The estate or interest in the land described in the Commitment and covered herein is:**
A Fee

4. **Title to the estate or interest in the land is vested in:**
KITSAP COUNTY, a Municipal Corporation

5. **The land referred to in this Commitment is described as follows:**

SEE LEGAL DESCRIPTION ATTACHED ON EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF

COMMITMENT FOR TITLE INSURANCE

Office File No.: E-229091CA

EXHIBIT "A"

DESCRIPTION:

PARCEL I:

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL II:

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL III:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL IV:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL V:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VI:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VII:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VIII:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL IX:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11,

EXHIBIT "A"
(Continued)

TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL X:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XI:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XII:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XIII:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XIV:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XV:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVI:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVII:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVIII:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

EXHIBIT "A"
(Continued)

PARCEL XIX:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XX:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXI:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXII:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXIII:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXIV:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXV:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 12, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXVI:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 12, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXVII:

THAT PORTION OF PARCEL B CONVEYED BY STATUTORY WARRANTY DEED UNDER AUDITOR'S FILE NO. 200404190409 DESCRIBED AS: THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 2, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON, BEING THAT PORTION OF GOVERNMENT LOT 13, SAID SECTION 2,

EXHIBIT "A"
(Continued)

EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WILDCAT LAKE TRACTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 31, RECORDS OF KITSAP COUNTY, WASHINGTON.

PARCEL XXVIII:

THAT PORTION OF GOVERNMENT LOT 8, SECTION 2, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 8 (ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 2); THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 400 FEET; THENCE WEST TO THE EAST LINE OF NW WILDCAT LAKE ROAD; THENCE NORTHERLY ALONG SAID EAST LINE OF NW WILDCAT LAKE ROAD TO THE NORTH LINE OF SAID GOVERNMENT LOT 8; THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

COMMITMENT FOR TITLE INSURANCE

Office File No.: E-229091CA

SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

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-ways, streets, roads, alleys or highways not disclosed 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 liens 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 of interest or mortgage thereon covered by this Commitment.

FOR SPECIAL EXCEPTIONS, SEE ATTACHED

COMMITMENT FOR TITLE INSURANCE

Office File No.: E-229091CA

SCHEDULE B-I

SPECIAL EXCEPTIONS:

1. Covenants, conditions and restrictions contained in the following instrument, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;
   Recorded:May 24, 1996
   Recording No.:9605240200

   (Affects Parcels I through XXVIII, inclusive)

2. Terms and conditions as fully set forth in Statutory Warranty Deed recorded May 17, 1977 under Auditor's File No. 1169752.

   (Affects Parcels II, IV and VI)

3. Easement, including its terms, covenants and provisions as disclosed by instrument;
   Recorded:November 19, 1941
   Recording No:350174
   For:open ditch
   Affects:the legal description contained therein is insufficient to specifically locate said easement

   (Affects Parcel II)

4. Easement, including its terms, covenants and provisions as disclosed by instrument;
   Recorded:may 22, 1968
   Recording No:930464
   For:existing roadway
   Affects:20 foot wide portion of Parcels V, VII, XXVI and XVII

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

5. Agreement, including its terms, covenants and provisions;
   Recorded: May 22, 1968
   Recording No.: 930464
   For: Permanent Easement Exchange

   (Affects Parcels V, VII, XXV and XXVI)

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

SCHEDULE B-I
(Continued)

6. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 930464.

   (Affects Parcels V, VII, XXV and XXVI)

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

7. Easement, including its terms, covenants and provisions as disclosed by instrument;
   Recorded:October 18, 1978
   Recording No:7810180161
   For:roadway and existing road
   Affects:the legal description contained therein is insufficient to specifically locate said easement

   (Affects portion of Parcels I, III, V, VII, IX, X, XIII, XIV, XV, XVI, XVII, XVIII, XIX and XX through XXVI, inclusive and XXVIII)

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:March 16, 1983
      Recording No.:8303160098

8. Terms and conditions as fully set forth in Easement recorded April 29, 1983 under Auditor's File No. 8304290110.

   (Affects Parcels I through XXVIII, inclusive)

9. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 8304290110.

   (Affects Parcels I through XXVIII, inclusive)

10. Covenants, conditions and restrictions contained in the following instrument, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;
    Recorded:March 30, 2007
    Recording No.:200703300433

    (Affects Parcels I through XXVIII, inclusive)

11. Easement, including its terms, covenants and provisions as disclosed by instrument;
    Recorded:March 30, 2007
    Recording No:200703300433
    For:conservation purposes
    Affects:the legal description contained therein is insufficient to specifically locate said easement

    (Affects Parcels I through XXVIII, inclusive)

SCHEDULE B-I
(Continued)

12. Covenants, conditions and restrictions contained in the following instrument, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;
Recorded:April 19, 2004
Recording No.:200404190410

(Affects Parcels I through XXVIII, inclusive)

13. Terms and conditions as fully set forth in Notice of Continuing Forest Land Obligations recorded April 19, 2004 under Auditor's File No. 200404190410.

(Affects Parcels I through XXVIII, inclusive)

14. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 200404190410.

(Affects Parcels I through XXVIII, inclusive)

15. Terms and conditions as fully set forth in Special Warranty Deed recorded April 19, 2004 under Auditor's File No. 200404190409.

(Affects Parcels I through XXVIII, inclusive)

16. Existence of roadways, constructive notice which is contained in Special Warranty Deed recorded under Auditor's File No. 200404190409, by the recital:
"Except that portion thereof lying within the boundaries of any existing county road."

(Affects Parcels I through XXVIII, inclusive)

17. Terms, covenants and conditions contained in Application for Current Use Classification, entered into pursuant to RCW 84.33 (including potential liability for future applicable taxes, penalties and interest upon breach of, or withdrawal from, said classification); notice of approval being recorded under
Recording No.:1092409
Records of:KITSAP County, Washington
Classification:Designated Forest Land

Please be advised that if this transaction is to include a conveyance, you will need to provide a copy of the Excise Tax Affidavit (it does not need to be signed) to the Kitsap County Assessor's Office at least 15 days before the date of recording. You may e-mail or fax the same to Tammera Beverage: fax 360.337.4874 / tbeverag@co.kitsap.wa.us

(Affects Parcel XXVII)

SCHEDULE B-I
(Continued)

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

Excise tax rate for Kitsap County is 1.78% plus $5.00.

END SPECIAL EXCEPTIONS

BW/jt

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: In the event there is no activity on this file within six (6) months from the effective date, the cancellation fee may be billed.

MINIMUM CANCELLATION FEE (INCLUDING TAX): $54.30

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

Brief Legal: NW/SW, NE/SW, SW/SW, SE/SW 1-24N-1W; NE/NE, SE/NE, NE/SW, SE/SW, NW/SE, NE/SE SE/SE, SW/SE 11-24N-1W & NW/NW 12-24N-1W; SE/SE & GOV'T LT 8, 2-24-1W
Tax Account Nos.: 012401-3-001-1001, 012401-3-002-1000, 012401-3-003-1009, 012401-3-004-1008, 012401-3-005-1007, 012401-3-006-1006, 012401-3-007-1005, 012401-3-008-1004, 112401-1-016-1006, 112401-1-017-1005, 112401-1-018-1004, 112401-1-019-1003, 122401-2-007-1004, 122401-2-008-1003, 112401-3-027-1009, 112401-3-028-1008, 112401-4-001-1007, 112401-4-002-1006, 112401-4-003-1005, 112401-4-004-1004, 112401-3-029-1007, 112401-3-030-1004, 112401-4-005-1003, 112401-4-006-1002, 112401-4-007-1001, 112401-4-008-1000, 022401-4-025-1000 & 022401-4-002-1007

B. NOTE: A Survey recorded under Auditor's File No. 1082858

(Affects a portion of Parcel XXVII)

SCHEDULE B-I
(Continued)

C. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-1-017-1005
Affects:Parcel IX
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

D. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-1-016-1006
Affects:Parcel X
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

E. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-1-018-1004
Affects:Parcel XI
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

F. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-1-019-1003
Affects:Parcel XII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

G. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-3-027-1009
Affects:Parcel XIII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

SCHEDULE B-I
(Continued)

H. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-3-028-1008
Affects:Parcel XIV
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

I. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-3-029-1007
Affects:Parcel XV
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

J. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-3-030-1004
Affects:Parcel XVI
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

K. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-001-1007
Affects:Parcel XVII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

L. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-002-1006
Affects:Parcel XVIII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

SCHEDULE B-I
(Continued)

M. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-003-1005
Affects:Parcel XIX
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

N. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-004-1004
Affects:Parcel XX
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

O. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-005-1003
Affects:Parcel XXI
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

P. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-006-1002
Affects:Parcel XXII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

Q. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-007-1001
Affects:Parcel XXIII
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

SCHEDULE B-I
(Continued)

R. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:112401-4-008-1000
Affects:Parcel XXIV
Levy Code:6079
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

S. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:122401-2-007-1004
Affects:Parcel XXV
Levy Code:6029
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

T. NOTE: General taxes for 2009, which have been paid;
Amount:$18.14
Tax Account No.:122401-2-008-1003
Affects:Parcel XXVI
Levy Code:6029
Land Value:$245,700.00
Improvement Value:$-0-
Total Assessed Value: $245,700.00

COMMITMENT FOR TITLE INSURANCE

Office File No.: E-229091CA

SCHEDULE C

The following are the requirements to be complied with:

1. Instruments necessary to create the estate or interest or mortgage to be insured must be properly executed, delivered, and duly filed for record.

END SCHEDULE C REQUIREMENTS

INFORMATION

Kitsap County Auditor Recording Fees

Effective January 1, 2008

Document - Real Estate and Miscellaneous - First Page	$42.00
Each Additional Page	$ 1.00
Document - Deed of Trust - First Page	$43.00
Each Additional Page	$ 1.00
Document - First Page of the following:	$14.00
Assignment of Deed of Trust	
Substitution of Trustee	
Appointment of Trustee	
Resignation & Appointment of Successor Trustee	$ 1.00
Each Additional Page	

** Other charges may apply

Land Title Company & Kitsap County Courthouse
2009 Holiday Schedule

January 1	* New Year's Day
January 19	* Martin Luther King Jr Birthday
February 16	* President's Day
May 25	* Memorial Day
July 3	* Independence Day
September 7	* Labor Day
November 11	* Veterans' Day
November 26/27	* Thanksgiving Break
December 25	* Christmas Day

Privacy Statement

Land Title Company of Kitsap County as agent of
Fidelity National Financial Group et al

We recognize and respect the privacy expectations of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- From applications or other forms we receive from you or your authorized representative;
- From your transactions with, or from the services being performed by, us, our affiliates, or others;
- From our internet web sites;
- From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others, and;
- From consumer or other reporting agencies.

Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to your Personal Information only to those employees who need such access in connection with providing products or services to you for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- to agents, brokers or representatives to provide you with services you have requested;
- to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose you Personal Information when you direct or give us permission, when we are required to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain you Personal Information.

Right to Access Your Personal Information and Ability to Correct Errors Or Request Changes or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
4050 Calle Real, Suite 220
Santa Barbara, CA

Multiple Products or Services

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 10:22 AM
To: BRAD (DNR) PRUITT
Subject: Fwd: Gun Club Appraisal
Attachments: 9111-Kitsap Gun Club.pdf

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "Steve Shapiro" < sshapiro@realestatesolve.com > 5/5/2009 3:10 PM >>>

Stephen Shapiro, MAI

RE-SOLVE

261 Madison Avenue S, Suite 102

Bainbridge, WA 98110

(206) 855-1090- Direct

(206) 842-5082 - Fax

(206) 819-2053- Cell

RE•SOLVE

GIBBONS & RIELY PLLC
Real Estate Appraisal, Counseling & Mediation
261 Madison Avenue South, Suite 102
Bainbridge, Washington 98110-2579
206-842-4887
TeleFax: 206-842-5082

Stephen Shapiro, MAI
Direct Dial 206 855-1090
Email: sshapiro@realestatesolve.com

May 5, 2009

Chip Faver, Director
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

RE: Kitsap County Rifle and Revolver Club Portion of Tax Parcel # 362501-2-001-1001

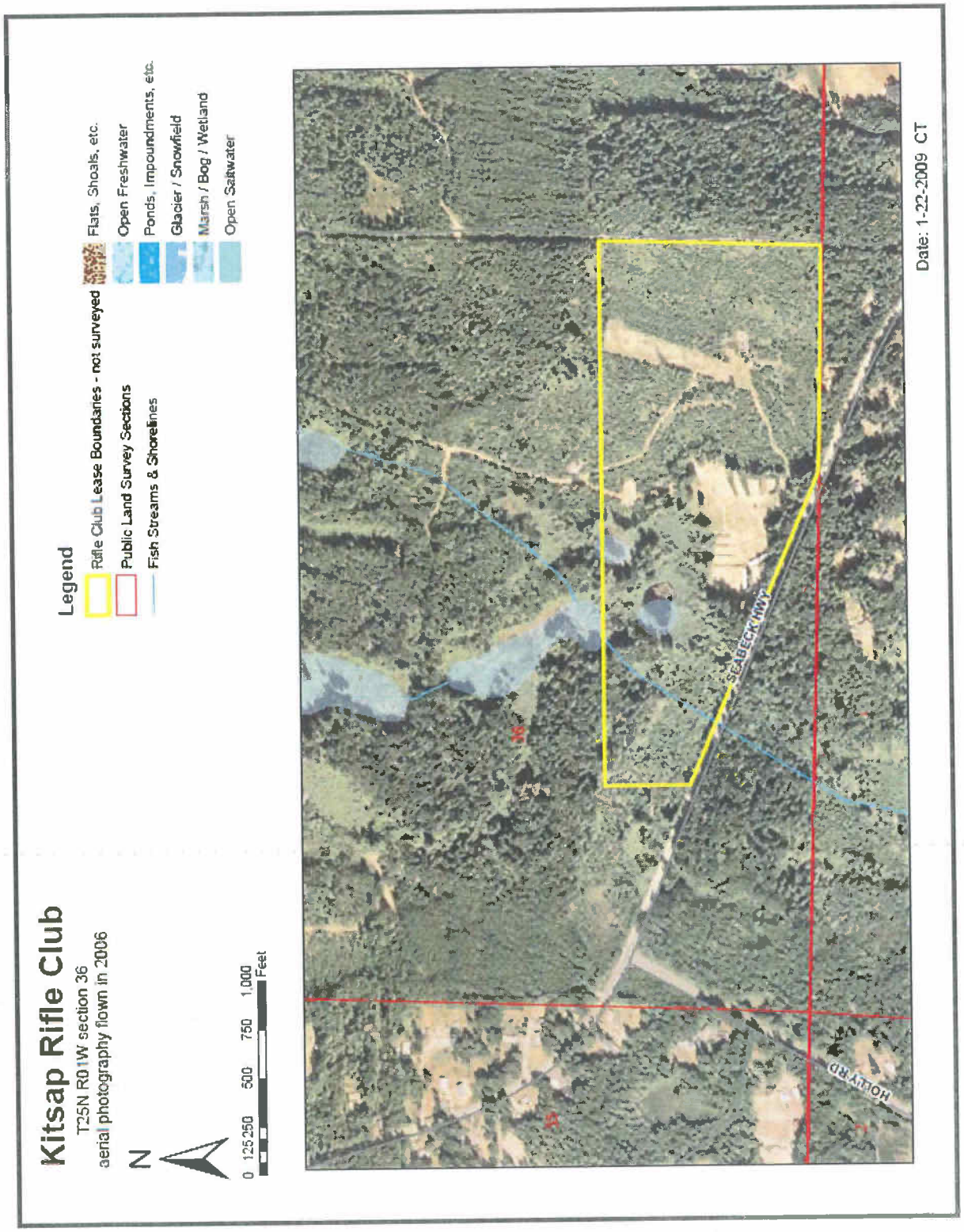
Dear Mr. Faver:

At your request, I have prepared this valuation/counseling letter with regard to the above referenced property. This letter meets the standards of a *restricted* appraisal report. The document recognizes your familiarity with the subject property and issue at hand, and thus is intended only for your use, or those you deem sufficiently knowledgeable to fully understand the contents of this evaluation. As directed, I have estimated the fee simple interest in the subject recognizing the restricted conditions of use described in the specialized appraisal instructions discussed in this report. This appraisal will be used by you for purposes of potential disposition of the property.

Identity/Location of Property

The subject is comprised of land and improvements operating as the Kitsap Rifle and Revolver Club. This includes 8 acres containing roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used to provide buffer and safety zones for lessee's shooting range. The following legal description of the subject was provided by the client. The area is depicted on the photograph on the following page.

> *Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southwest quarter of Section 36, Township 25 North, Range 1 West, W.M., lying northerly of the North lines of an easement for right of way for road granted to Kitsap County on December 7, 1929, under Application No. 1320, said road being as shown on the regulation plat thereof on file in the office of the Commissioner of Public lands at Olympia, Washington, the above described lands having an area of 72.41 acres, more or less.*



KITSAP RIFLE GUN CLUB

Purpose of Valuation and Counseling Letter

The Washington State Department of Natural Resources presently owns approximately 522 acres that includes the subject area, which is leased to the Kitsap Rifle and Revolver Club. The Kitsap County Department of Parks and Recreation has an interest in acquiring the DNR property and disposing of the 72.41 acres encompassed by the gun club. The purpose of this counseling letter is to provide a market based valuation analysis of the subject gun club area in its "as is" condition and recognizing the stipulated Specialized Appraisal Instructions discussed below.

The term "market value" is defined as:

> *"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date, and the passing of title from seller to the buyer under conditions whereby:*
>
> *a. the buyer and seller are typically motivated;*
>
> *b. both parties are well informed or well advised, and acting in what they consider their own best interests;*
>
> *c. a reasonable time is allowed for exposure in the open market;*
>
> *d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
>
> *e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."*

Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].

Specialized Appraisal Instructions

The client has provided specific instructions to provide a fee simple market value for the subject recognizing any existing reservations as well as the following instructions. These instructions constitute limiting conditions that have a direct impact upon the value conclusions derived.

1. Appraise the property in an "As Is" condition.

2. Assess and state environmental liabilities associated with this land, and its historic use as a shooting range, without any indemnification provided by the seller.

3. The subject property will continue to be utilized exclusively as a short arm shooting range consistent with its historic use. Enlargement, material improvement of the activities will require land use compliance and permitting through Kitsap County Department of Community Development.

4. Require purchaser to be a non-profit organization, enabled to: maintain existing public (state) funds and (2) apply for public funds to support the historic use of the property for outdoor recreation.

5. Require purchaser and future owners to provide public access to the property for recreational use on a non-profit basis.

6. Assume liability associated with operating existing recreation facilities, specifically a shooting range.

7. The subject property is associated with an adjacent, listed Superfund site with the EPA. The Washington State Department of Ecology ranks the adjacent property a "2" on its scale of hazardous materials contamination. Site clean up work was performed in the late 1970's but more recent analysis indicates that further hazardous clean up work is needed to address lead, chromium and other contamination.

Intended Use/User

This report will be used as an aid in the potential disposition of the subject property after it is acquired by Kitsap County. The client is Chip Faver, director of the Kitsap County Department of Parks and Recreation, as well as his authorized agents, associates and employees.

Scope of Assignment

The scope of work of this assignment is to provide consultation pertaining to the potential disposition of the subject. The Uniform Standards of Professional Appraisal Practice defines "Appraisal Consulting" as follows:

> *The act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.*
>
> *An appraisal consulting assignment involves an opinion of value but does not have an appraisal or an appraisal review as its primary purpose.*

The scope of work in this assignment is associated with consultation rather than an appraisal owing to the unusual circumstance of the subject being a special use property that is heavily contamination, which does not readily lend itself to the typical valuation methodologies. This issue is discussed in greater depth in the highest and best use section of this report.

This analysis is presented in a reporting format that meets the requirements for a restricted report under USPAP guidelines. Discussions and analysis are abbreviated in this document, with supporting data retained in my files for reference.

Subject Sales History

The subject property has been under the ownership of the Washington State Department of Natural Resources for many years and there is a lease over the entire property between the State of Washington as lessor and the Kitsap Rifle and Revolver Club as lessee. This includes 8 acres containing the lessee's improvements, roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used by the lessee to provide buffer and safety zones for lessee's shooting range.

The lease commenced in March of 2003 and has a termination date of February 27, 2018. This is a net lease with a current rate of $7,200 per year, although there is a scheduled increase that has not been applied. It should be noted that section 4.03 of the lease stipulates the following caveat:

> *State reserves the right to terminate this agreement upon sixty (60) days written notice in the event the State includes the premises in a plan for higher and better use, land exchange or sale.*

This clause would allow Kitsap County to acquire the subject from Washington State unencumbered by the lease. Additionally, section 8.02(a) of the lease requires the lessee to remove all "deleterious material" at the termination of the lease or the State will do so at the lessee's expense. This effectively requires the lessee to clean the site of any material impacts that would undermine the highest and best use of the property resulting from its use as a firing range. However, it is the mutual intention of DNR and Kitsap County to transfer ownership of the subject to the latter party with the existing gun club use intact. Further, there is no requirement to clean the site of hazardous materials upon a change in ownership.

Title Report/Easements/Conditions/Restrictions

Although I have not been provided a title report for the specific subject I have been given a title report for the larger area of which the subject is a part. I am not aware of any easements, conditions, covenants or restrictions that would constrain the highest and best use of the subject, and this is an underlying assumption of this report.

Date of Appraisal

The date of this appraisal is March 19th, 2009, the most date of the subject property inspection. This report was prepared in April and May of 2009.

Property Characteristics

Location and Access

The subject property is located in central Kitsap County on the Seabeck Highway near its intersection with Holly Road. While the area immediately surrounding the subject is rural, the property is located only about 10 miles west of Bremerton, the most populous city in Kitsap County and about a dozen miles

from Port Orchard, which is the county seat. About seven miles to the northeast is Silverdale, which has the greatest concentration of retail shops and malls in the county.

Zoning

The subject's 522 acres are comprised of 2 parcels plus a portion of a third parcel adjoining to the north. These are all designated Rural Wooded (RW) in the Kitsap County zoning code. General specifications associated with this zone are as follows:

Rural Wooded Zone (RW)

Minimum Lot Size	20 Acres
Setbacks	50' Front, 20' Side/Rear
Building Height	35'
Primary Permitted Uses	Preservation of forest use while allowing for some rural residential use

The Kitsap County Zoning Ordinance describes the purpose of this zone as follows:

> *This zone is intended encourage the preservation of forest uses, retain an area's rural character and conserve the natural resources while providing for some rural residential use. This zone is further intended to discourage activities and facilities that can be considered detrimental to the maintenance of timber production.*

The primary permitted uses in the RW zone include forestland management, agriculture, parks and open space, wholesale nurseries, kennels, and residential use at a very low density. Conditional uses are limited but do include certain recreational uses. While a shooting range is not explicitly noted as an allowable use, it is assumed that the current use of the subject is a permitted conditional legal use of the property.

Land Description

The subject is an irregularly shaped 72.41 acre land area that is a portion of Kitsap County tax parcel number 362501-2-001-1001. The property has generally rolling topography with no steep areas. The property is cleared in the 8 acre shooting range area and has timber cover in the 72 acre buffer area. I am unaware of any critical areas on the subject. I have been provided a timber valuation of the entire DNR property by the firm of S. A. Newman , Forest Engineers, indicating that are is $1,258,00 of merchantable timber value over the entire 522 acre tax parcel. This amounts to about $2,410/acre. I have not been provided any timber valuation for the subject portion of the total property. However, applying the average timber value per acre suggests there is approximately $175,000 of merchantable timber value on the subject.

Utilities

All utilities are presently available to the subject including electricity and phone. Water is provided by an on-site well and waste is handled by a septic system.

Subject Improvements

The subject is improved as a shooting range that has been operated as the Kitsap Rifle and Revolver Club since 1926. It is minimally improved with infrastructure associated with the shooting range. This includes several portable buildings and covered shooting platforms.

Hazardous Materials

It is well known that the approximately 8 acres of the subject that has been used as a shooting range for the past 83 years is contaminated with lead from spent ammunition lodged in the soil. To my knowledge there has never been any hazardous conditions assessment of the subject property or any estimate of the cost to clean it up. Clearly, the potential cost and risk of liability associated with the cleanup of the subject would be a significant value consideration in the mind of any prospective buyer of the property. In support of this I have provided the following documentation pertaining to evidence of hazardous material associated with shooting ranges as well as clean up costs.

Metallic lead shot is the most common ammunition used in shooting ranges owing to its low cost, ease of reloading and good firing characteristics. Lead is a known pollutant that has been closely monitored by the Environmental Protection Agency for many years as a hazardous trace material in paint, gasoline, plumbing pipes and other consumer products including food. In its solid form as lead shot at a firing range it can enter the environment as dust particles and dissolved in ground water. Thus, it is associated with grasses and plants ingested by animals as well as surface drinking water used by animals and groundwater that may be used by people. In its dissolved state lead pollution can infiltrate areas well outside the local firing range through surface run off and ground water percolation.

Research indicates that lead is the most prevalent contaminant found at federal Superfund sites across the country. Recognition of its significant environmental and health threats have resulted in enacting federal and state laws requiring clean up under most circumstances. Interestingly, private firing ranges remain exempt from federal law owing to owing to an interpretation by the EPA that the act of firing bullets does not qualify as "discarding" them. However, state law pertaining to the clean of lead material from firing ranges may apply.

According to Donna Musa of the Washington State Department of Ecology Toxic Cleanup Program, suspected contamination on a particular site does not constitute a requirement to investigate hazardous conditions or clean up any such materials. Typically, investigation into hazardous conditions is triggered by someone concerned about being subjected to such contamination or when contamination has been found to migrate from its source to neighboring property. In these instances Washington State requires an assessment to rank a potentially hazardous site, but only requires clean up of those designated as falling in the top tier of potential environmental threats.

Since firing ranges tend to be in relatively remote areas and are often frequented by local inhabitants, they are not usually the subject of such complaints. Ms. Musa noted that a change of ownership would not trigger a clean up requirement. Further, Washington State law does not stipulate that a change of use would necessarily trigger a clean up requirement. However, if the use of a property was changed in such a manner that the hazardous material posed an obvious threat under, it almost certainly would require consideration of cleanup. This would likely pertain to most, if not all, alternate uses of the subject firing range allowable under the existing zone such as residential, agricultural, plant nursery and kennels.

The fact that the subject is not presently a candidate for an assessment of toxic materials does not mean that this may not occur some time in the future. Although I am not a legal expert and cannot opine as to who might bear responsibility for clean up of the subject, I have been provided a specific instruction by the client that no indemnification of such responsibility would be provided by the seller to any potential buyer. Thus, there is clearly some element of risk associated with acquisition of this contaminated site.

The cost of cleanup for shooting ranges can be significant. A local example is Camp Wesley Harris, which lies adjacent to the subject's eastern boundary. This 387 acre Naval shooting range has operated rifle and hand gun ranges since around 1930. Around 1980 the U.S. Navy initiated an assessment of the toxic materials and the Washington State Department of Ecology performed a hazardous waste examination of this site that resulted in approximately $3 million of clean up during 1987 and 1988. The primary contaminants were lead and chromium lodged in the soils and diluted in shallow groundwater. According to John Kiess with the Kitsap County Health District, who participated in this assessment, the cleanup area on Camp Wesley Harris was fairly similar in size and use as the Kitsap Rifle and Revolver Club.

Two other examples of the cost to clean up shooting ranges pertain to the Sharp Park Rifle Range that was owned and operated by the City of San Francisco and the gun range at Huntington Central Park in Huntington Beach, CA. The former was a 6 acre site that operated as a firing range from 1952-1988. In 2007 the City of San Francisco commissioned a study to determine clean up costs. The report determined that it would cost between $2.5-$4.5 million to excavate and remove all toxic materials. The Huntington Beach site covered about 5 acres and the estimated cost of cleanup is currently $1.5-$3 million according to city officials.

With respect valuation of the Kitsap Rifle and Revolver Club I have not been provided any cost estimate regarding the potential cleanup of the property. However, given the likely extent of contamination and the need for an "as is, where is" appraisal, it is necessary to estimate the potential liability that would result from a clean up requirement. Based upon the information discussed above, I have concluded that cleanup of the subject site would very likely have a present day cost of at least $2 million and a high probability that the cost would be on the order of $3 million.

Highest and Best Use

"Highest & Best Use" is defined by The Appraisal Institute as:

> *"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest*

value. The four criteria the highest and best use must meet are: legal permissibility, physical possibility, financial feasibility and maximum profitability."

Source: The Dictionary of Real Estate Appraisal, Third Edition, Copyright 1993, published by the Appraisal Institute.

The highest and best use analysis provides the foundation for a value conclusion by identifying the specific market position of a subject and thereby specifying appropriate market comparisons for it, as well as the relevant approaches to value. It is governed by consideration of the property's legal, physical and economic potential. If the property is improved, the process requires separate analysis of the land as though vacant and the land as improved. This provides the basis for a conclusion as to whether the improvements adequately contribute to overall value as to continue to be the preferred use, or whether an alternate use would better support the land value. In this instance, the subject property is improved as a small arms firing range and the instructions to the appraiser specify that it is to be valued in it's "as is" condition. Thus, a highest and best use analysis of the subject as if vacant is not appropriate and has not been provided.

Highest & Best Use "As Is"

The highest and best use of the subject is governed first by what is legally feasible. As previously discussed the subject's RW zone would allow for single family residential development at a density of one dwelling unit per 20 acres. This would nominally allow for three development rights. However, the Specialized Appraisal Instructions provided by the client effectively limit the use of the property to a short arms shooting range that must be open to the public and operated on a non-profit basis by an owner who is qualified to accept public funds.

With respect to physical possibility the subject has historically been used as a firing range for more than 80 years. It has ample room to support a firing range with a large buffer safety area from surrounding uses. The property is located in a rural area of Kitsap County with very low residential development potential but is also situated on a paved highway within a short distance of Bremerton, Port Orchard and Silverdale. These factors suggest that the property would provide good access to a large number of people in its current use while at the same time creating a relatively small noise nuisance impact.

Based upon the foregoing factors the highest and best use of the subject is concluded to be continued operation of the property as improved for use as a firing range that is open to the public and operated on a non-profit basis.

Meanwhile, circumstances resulting from the presence of hazardous waste and the special instruction stipulating that a buyer of the property would not be indemnified from any responsibility of cleaning up toxic contamination make it necessary to look beyond the presumed highest and best use as if in a benign condition to an examination in its "as is" condition. Such consideration specifically revolves around the possibility that at some future time it would be necessary to pay for clean up of toxic material on the property.

In light of the discussion above, it appears that the salient question regarding highest and best use is whether a gun club operating on a non-profit basis would contribute sufficient economic value to supersede the risk associated with the possible cost to cure the contamination at some time in the future? Obviously, the meaning of "risk" assumes that there is no conclusive answer. However, there are some indications in this regard that are pertinent to a valuation based on risk assessment. These include a probable current cost to cure the subject's contamination from $2- $3 million. While it is not possible to predict the exact duration required for cleanup, given that the nature of the contamination pervades into the soil and aquifer it may take years to remediate and it is possible that the costs may escalate beyond present day projections. Finally, there is no certainty that any previous owners of the property would share responsibility for cleanup.

Assessing the impact of contamination on the site is obviously complicated by the fact that it is unknown when and if such cleanup will be required. Further, the cost of hazardous waste cleanup as well as the extent of liability among parties who may have held title to the property at one time or another is notorious for its lack of predictability. For that reason, projecting how these may impact the subject's ultimate value becomes a matter of risk analysis. Where good sales comparison data exists, the appraiser can make direct market comparisons to derive the value of a given property in its existing condition. Not surprisingly, however, I did not find sales of contaminated firing ranges in the subject's market area. The difficulty of finding suitable sales comparisons has resulted in reliance upon the income capitalization approach as the primary means to valuation in this instance. This approach implicitly recognizes the risk associated with achieving a market return on investment in a given property through application of an appropriate capitalization rate. In this instance the rate of return should reflect the following issues:

- The possibility that the ultimate cost of cleanup may be higher than the present day estimate.
- The difficulty in placing a specific time period upon remediation of contamination.
- The level of confidence that cleanup technology and procedures exist that can result in a complete cleanup that will require no further action.
- The possibility that market stigma will be attached to the property even if cleanup does not impair present day operations and liability does not extend beyond the present owner.

The analysis that follows first considers the value of the subject through the income capitalization approach under use as a non-profit firing range that utilizes state funding. The second step in the analysis considers an appropriate discount to that value based upon the risk that a prospective buyer would be required to clean up the contamination on the property at some time in the future.

Land Valuation Analysis

Land valuation analyses are typically based upon the precepts of "market value" as this implicitly considers what the most likely potential buyer of a property would pay in order to generate the highest economic return. However, in this instance the Specialized Appraisal Instructions limit the use of the property to a firing range, and even that utilization of the property is further constrained by requirements that it be operated on a non-profit basis by a party accepting state funds. *The Appraisal of Real Estate*

(12th Edition), which is a comprehensive text published by the Appraisal Institute, provides the following guidance pertaining to valuing such properties:

> *When appraising a type of property that is not commonly exchanged or rent, it may be difficult to determine whether an opinion of market value can be reasonably supported. Such limited-market properties can cause special problems for appraisers. A limited-market property is a property that has relatively few potential buyers at a particular time. Many limited-market properties include structures with unique designs, special construction material, or layouts that restrict their utility to the use for which they were originally built. These properties have limited conversion potential and, consequently, are often called special-purpose or special-design properties. Examples of such properties include houses of worship, museums, schools, public buildings and clubhouses.*
>
> *Limited-market properties may be appraised based on their current use or the mostly likely alternative use. Due to the relatively small markets and lengthy market exposure needed to sell such properties, there may be little evidence to support an opinion of market value based on their current use. The distinction between market properties and limited-market properties is subject to the availability of relevant market data. If a market exists for a limited-market property, the appraiser must search diligently for whatever evidence of market value is available.*
>
> *If a property's current use is so specialized that there is no demonstrable market for it but the use is viable and likely to continue, the appraiser may render an opinion of use value if the assignment reasonably permits a type of value other than market value. If no market can be demonstrated of if the data is not available, the appraiser cannot develop an opinion of market value and should state so in the appraisal report. It is sometimes necessary to render an opinion of market value in these situations for legal purposes, however. In these cases, the appraiser must comply with the legal requirement, relying on personal judgment and whatever direct market evidence is available. Note that the type of value developed is not dictated by the property type, the size or viability of the market, or the ease with which that value can be developed; rather, the intended use of the appraisal determines the type of value to be developed. If the client needs a market value opinion, the appraiser must develop an opinion of market value, not use value.*

In this instance the client has provided very specific instructions limiting the use to a single application but has also directed the appraiser to provide an opinion of market value. Thus, in keeping with the direction provided above, I had relied upon personal judgment as well as whatever market evidence is available in deriving a value conclusion for the subject.

The direct income capitalization methodology is an approach that equates the net operating income of a property over one year of operation to total property value through the application of a market based capitalization rate that implicitly accounts for the risk associated with continuing to generate stabilized income over the life of the investment. In this instance, the subject is appraised as a non-profit operation. Discussion with Kevin Howell of the Kitsap County Prosecutor's Office and Matthew Keough of the

Kitsap County Department of Parks and Recreation suggest that the non-profit status eliminates the ability to generate any net operating income because fees can only be charged that are commensurate with the costs of maintenance and operation. This would effectively reduce the net operating income to zero for a passive investor in the property who does not intend to have a management role.

However, a non-profit organization can pay salaries to its employees. Thus, if the property was purchased by a prospective owner who intended to operate the firing range himself, the salary generated could be construed as income. This latter scenario suggests that even given the strict limitations on the use of the property, there may be prospective buyers willing to pay a lump sum purchase price for the opportunity to generate a salary over their term of ownership.

The amount that such a prospective buyer might pay is a function of the risk associated with the security of the income stream. For purposes of this analysis I have relied upon personal conjecture as well as market evidence to first derive an estimate of the subject's market value *without any consideration of contamination impact*. The impact of toxic waste upon value is then considered in a separate step of the analysis.

The analysis begins with an assumption of a reasonable salary that a potential buyer of the subject could anticipate generating through operation of a firing range. I have put this at $100,000 annually. Since all other funds generating would necessarily go to the operation and maintenance of the firing range (including any other salaries that might be paid) the owner's salary effectively represents the annual net operating income. According to the Korpacz Real Estate Investor Survey (a division of Price Waterhouse Coopers), capitalization rates for investment grade real estate in the Pacific Northwest ranged from 6.5%-11% in the first quarter of 2009. Assuming that the security of this investment entails more or less average risk I have applied a 9% rate of return to the income noted above which results in a total value indication for the subject of around $1,100,000.

While a prospective buyer of the subject might be willing to pay on the order of $1,100,000 to generate an annual income stream of $100,000 assuming typical market risk, consideration of the subject's contamination adds significant uncertainty to the security of that income stream. As discussed above, the current cost to cure all of the contamination on the subject is expected to be around $2-$3 million. Since it is a specific instruction of this appraisal that no indemnity would be granted to a buyer of the property, that person would be expected to absorb most, if not all, of the remediation costs. The next questions are if and when such a liability would be exacted.

As previously discussed the subject is not presently on the Washington State Department of Ecology's list of contaminated sites slated for cleanup, and to my knowledge there has never been any assessment of toxic materials on the subject. However, given its use as a firing range for nearly a century it is common knowledge that the site is heavily contaminated. Further, the adjoining Camp Wesley Harris site, which has a very similar history of use as the subject, has been placed upon the State's list of toxic sites and has already undergone some cleanup at considerable expense. It would be very logical to conclude that at some point the subject would also become a viable candidate for cleanup, and thus it would seem that the issue is much more a matter of "when" than "if."

With regard to the timing impact of any potential requirement to clean up the subject the following analysis is germane. At a price of $1,100,000 and an annual income of $100,000 it would nominally require 11 years to recoup the capital investment. However, adding the cost of cleanup at $2 million (which is the low end of the estimate) would add additional 20 years. Obviously, this is a highly simplistic analysis that ignores additional inputs such as inflation, a potential increase in annual income and a potential increase in the cost of cleanup over time. However, it very clearly illustrates that the looming liability of curing the subject's contamination would undermine much, if not all, of the economic benefit to be derived from the subject. While it is difficult to project when the DOE might require cleanup of the subject, it is not unreasonable to presume that changes in land use in this area over the next 20 years will very likely include increased residential development density with a reliance upon ground sources of drinking water that would promulgate such action. Ultimately, this raises a very strong question as to why a prospective buyer would pay $1,000,000 to secure such a risky income stream when that money could be put to other far less risky income producing real estate ventures.

Based upon the foregoing analysis it is my conclusion that the market value of the subject is effectively zero. This does not necessarily suggest that there is not a prospective buyer willing to pay some amount of cash for the subject. However, that buyer would not be acting to obtain the maximal return on investment that is essential to the concept of market value. Rather, such a purchase would be predicated upon "use value" that considers the value of a particular property in a particular use irrespective of any value that might be derived from alternate uses of that property or an investment in another property that would reap a positive economic return.

Subject Market Value As Is & Recognizing Specialized Appraisal Instructions **$0**

Effective Date of Value

March 19, 2009.

Closing

If you have any further questions or concerns, please do not hesitate to call.

Sincerely,

Stephen Shapiro, MAI

Ref: 9111

APPRAISER'S CERTIFICATION

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 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 engagement in this assignment was not contingent upon developing or reporting predetermined results. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the obtainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Cope of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- 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.
- 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;
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by authorized representatives.
- As of the date of this report, I have completed the requirements under the continuing education program of the Appraisal Institute.

RESTRICTION UPON DISCLOSURE & USE:
Disclosure of the contents of this appraisal report is governed by the By-Laws & Regulations of the Appraisal Institute.
Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which (s)he is connected, or any reference to the Appraisal Institute or to the MAI designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the prior written consent and approval of the undersigned. No part of this report or any of the conclusions may be included in any offering statement, memorandum, prospectus or registration without the prior written consent of the appraiser.

The property has been appraised for its fair market value as though owned in fee simple and encumbered by the Specialized Appraisal Instructions described in this report. The opinion of value expressed in this report is the result of, and is subject to the data and conditions described in this report.

I made a personal inspection of the property that is the subject of this report on March 19, 2009.

Name: **Stephen Shapiro, MAI**
WS Cert # 1101561

Signature: _____

Date Signed: May 5, 2009

RE•SOLVE

Real Estate Appraisal, Counseling & Mediation

STEPHEN L. SHAPIRO, MAI

Stephen Shapiro graduated in June 1986 from the University of Washington in Seattle, Washington. He was awarded an Honors Degree as Bachelor of the Arts in Communications with a major in Journalism and a minor in Economics. Since that time he has worked as a writer, editor and research consultant specializing in land and marine resource issues. Mr. Shapiro was asked to join the firm of **Wronsky, Gibbons & Riely** in March of 1999 by Anthony Gibbons. In July of 1999 Mr. Gibbons formed Anthony Philip Gibbons PLLC, doing business under the new company name of **RE•SOLVE** – a company providing Real Estate Appraisal, Counseling and Mediation services. Mr. Shapiro joined Mr. Gibbons in his company at that time.

In his capacity as an appraiser for **Wronsky, Gibbons & Riely** and **RE•SOLVE**, Mr. Shapiro has developed a broad range of experience over a wide variety of property types. Appraisals have been performed on office and industrial buildings; commercial and industrial land; residential subdivision property; natural resource and habitat land, including timberland and wetland property; and high-end estate homes. In addition, he has provided mediation and expert witness services for legal purposes.

Mr. Shapiro is licensed as a certified general real estate appraiser by the State of Washington (license no. 1101561) and is listed on the Washington State Department of Transportation's Approved List of Appraisers and Reviewers. He was awarded the highly regarded MAI designation of the Appraisal Institute in June 2006 (member no. 12394). He has successfully completed the following Appraisal Institute courses, as well as numerous additional professional seminars:

- Appraisal Principles
- Appraisal Procedures
- Standards of Professional Appraisal Practice, Parts A and B
- Highest and Best Use and Market Analysis
- Basic Income Capitalization
- General Applications
- Advanced Sales Comparison and Cost Approaches
- Report Writing and Valuation Analysis
- Advanced Applications
- Advanced Income Capitalization
- Uniform Appraisal Standards for Federal Land Acquisitions
- Condemnation Appraising: Advanced Topics and Applications

Mr. Shapiro has performed appraisal services for a wide variety of clients, and a brief client list follows.

- City of Bainbridge Island
- WA State Dept. of Natural Resources
- Bainbridge Island Parks and Recreation
- Group Health Cooperative of Puget Sound
- Port of Seattle
- Cascade Land Conservancy
- U.S. Forest Service
- NC Power Systems Co.
- City University
- Trust For Public Land
- Bainbridge Island Land Trust
- The Mark A. Robinson Trusts
- Commerce Bank
- First American Title Insurance Co.
- Tulalip Tribes
- Tousley Brain Stephens PLLC
- Ryan, Swanson and Cleveland, PLLC
- Pope Resources, Inc.
- Hockett & Olsen Brothers, Inc.
- Great Peninsula Conservancy
- Central Kitsap School District
- Riddell Williams P.S.
- Whidbey Camano Land Trust
- Michael A. Goldfarb Law Office
- Lawler Burroughs & Baker, P.C.
- Harnish Group, Inc
- Development Services of America
- Preston Gates & Ellis LLP
- Pacific Investment Co.
- Column Financial
- GVA Kidder Mathews
- American Marine Bank
- Batavia Holdings LLC
- Kinzer Real Estate Services
- Knowles/Turner Real Estate Group
- Warren G. Harding Temple Board Assoc.
- GEM1 LLC
- Kitsap County Dept. of Public Works
- Washington State Parks Commission
- Livengood, Fitzgerald & Alskog PLLC
- American Eagle Communities
- McGavick Graves Attorneys at Law
- Wal-Mart
- Black Equities Group LTD
- Transnation Title Insurance Co.
- The Ketcham Family
- City of Burien
- Open Space Resources
- Kitsap Conservation District
- Lawyers Title Insurance Corp.
- Kitsap County Dept. Parks and Recreation
- McCormick Land Company
- Trammell Crow Co.
- Pike Place Market PDA
- City of Edmonds Parks and Recreation
- WA State Department of Transportation
- MacMillan-Piper, Inc.
- Port of Allyn
- Pacific Medical Center and Clinics
- Commonwealth Land Title Insurance
- Port Gamble S'Kllallam Tribe
- Madison Ave Real Estate, LLC
- Kitsap County Dept. of Admin. Services
- Olympic Property Group
- Prosperity Treatment Center
- Old Republic Title Co.
- Cullen Law Office LLP
- Port of Olympia
- Washington First International Bank
- Rogers Deutsch & Turner
- Frontier Bank
- Credit Suisse First Boston
- The Mountaineers
- Bainbridge Public Library
- GMAC Commercial Mortgage
- Farm Bureau Life Insurance Co.
- Starbucks
- Seattle Automotive Dist., Inc.
- Pacific Northwest Title Insurance Co.
- WA State Office of the Attorney General
- Aoki Sakamoto and Grant LLP
- AnMarCo
- King Count Dept. Natural Resources & Parks
- Montgomery Purdue Blankinship & Austin PLLC
- Ogden Murphy Wallace PLLC
- Puget Sound Energy
- Kenyon P. Kellogg, Attorney at Law
- Mundt MacGregor PLLC

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 11:32 AM
To: Terri Lyman; Kevin Howell; Cathie Ames; BRAD PRUITT; Tammy Robbins
Subject: Re: Newberry Hill Exchange

TREMENDOUS SERVICE, CATHIE! I INSERTED A FEW COMMENTS - IN MAROON - TO HELP TRACK ITEMS FROM THE COUNTY PERSPECTIVE. I HOPE MY INPUT IS OF ASSISTANCE.

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "Cathie Ames" < cathiea@landtitleco.net > 6/1/2009 9:25 AM >>>
Hello to all. I have itemized below a brief summary of some of the items that I will need provided or questions that will need to be answered, prior to closing:

Purchase and Sale Agreement:

-The following matters should be addressed in an Addenda to the Exchange Agreement:

1) Kitsap County, a Political Subdivision of the State of Washington is to be named and the Exchanger, rather than "KCP&R Dept." (Page 1 of Exch. Agmt). Please amend all documents, showing as Exhibit's, which are being recorded.

DNR TO HANDLE

2) Correct the heading for Exhibit B-2. Should be "Easement Reservation" rather than "Description of Areas Subject to State's Mineral Reservation" (Page 49 of Exch. Agmt).

DNR TO HANDLE

3) Correct the reference to Exhibit "H" to show Exhibit "C" (Section 13 on Page 11 of Exch. Agmt). And, on this same matter, since the County has removed the property from its Forestland Designation, is the Notice of Continuing Forest Land Obligation document still necessary?
See attached Supp 1 of Fifth Commitment.

DNR TO HANDLE

4) The exact amount to be paid by the County to DNR for the reimbursement of the administrative costs ($50,000.00 approx cost).

AWAITING INVOICE (WITH ESTIMATE IF NEED BE) SENT DIRECTLY TO KITSAP BY Wednesday, 6/3

KITSAP WILL CREATE VOUCHER FOR PAYMENT, SEND TO CATHIE FOR CLOSING

Policy(s) of Title Insurance:

-There are Road Maintenance Agreements recorded on both exchange pieces. Is anyone aware of dues being collected by an Association on either property?

KITSAP COMMENT: NONE KNOWN/FEES NOT AN ISSUE. EASEMENT WILL COME WITH THE PARCEL, IMPACTING COUNTY AND KRRC (gun club) OWNERSHIP.

PLEASE NOTE, HOWEVER, THAT THE PRIVATE ROAD EASEMENT REFERENCED (Howerton) FOR DNR PARCEL WAS NEVER DEVELOPED. CURRENT EFFORT IS UNDERWAY TO TERMINATE THE EASEMENT BY REGINA TAYLOR.

Items relating to draft DNR Escrow Instructions:

-Contrary to the DNR Escrow Instructions, there is currently taxation for Noxious Weeds/Fire Prevention on the lots DNR is acquiring. I understand that these do not qualify for an exemption when the property is owned by a Governmental entity. I can not delete items #19 through #37. It would be appropriate for me to prorate these amounts, however nominal. Please advise.

-Exception #12, in Commitment #E-229091, refers to CC&R's. Your Instructions state that you will only accept this item if RMAP money is received. I will need you to either accept this as a condition of
title or provide me with a release document.

(RMAP money is part of the cash to be provided by Kitsap to DNR under clause 3.2)

-Exception #14 relates to a Road Maintenance Assoc. and I can not delete this item without consent from the affected parties. I am wondering if you are looking at a previous Title Commitment (since we are on our 5th version:-)) and the numbers do not match up. I have attached a copy of the most recent version.

(Regina Taylor has written the new owners of the Howerton easement - the Corey family - to see if they agree to its dissolution. The road does not exist and is not necessary; the combination of conditions might be enough to excuse DNR concerns.)

-Exception #16 is not listed in either the accepted encumbrances or deleted encumbrances list? Please advise

Documents:

-I will need a copy of the signed Exchange Purchase and Sale Agreement, once it is executed by DNR.

THIS ITEM WILL BE SIGNED BY DNR AND RELEASED VERY SOON. POSSIBLE TO GET ORIGINALS COPY BACK TO KITSAP COUNTY AS EARLY AS TOMORROW, 6/2. KITSAP's ORIGINAL WILL BE PROVIDED TO LAND TITLE UPON RECEIPT - hand delivered.

EXPECTING SIGNING OF THE RESOLUTION AUTHORIZING THE AGREEMENT TOMORROW (6/2). SCANNING AND HARD COPIES OF THE RESOLUTION TO BE HANDLED IMMEDIATELY BY DNR WITH COPY TO LAND TITLE.

-I will need a signed copy of the "Board of Natural Resources Approval Notice" (7.1 on page 6 of Exch. Agmt).

-Please verify signing authority with me for DNR and let me know who will be signing my escrow documents.

-I will need the Minutes from the County Board Meeting (Terri to obtain from Commissioner's Office), authorizing the exchange of the properties.

WORKING THIS - WILL KEEP YOU POSTED

-Please provide the final draft of the DNR Escrow Instructions.

-The County will need to provide a Termination of Conservation Easement (7.2.2b on page 6).

THIS IS PROGRESSING WELL. STATE WAS ENCOURAGING IN TELLING US THAT THEY UNDERSTAND THE TERMINATION and the NEW EASEMENT PROPOSED FOR THE NEW COUNTY ACREAGE. REMINDER: THE RECORDING OF THE NEW CONSERVATION EASEMENT ON NEW COUNTY ACREAGE IS A SEPARATE TRANSACTION TO BE HANDLED BY KITSAP COUNTY.

-I will draw the Statutory Warranty Deed from the County to DNR, unless I am advised otherwise.

-DNR to draw/provide the original documents, as follows:

1) Quitclaim Deed (I understand that this will take approximate 2 weeks for the Governor to sign after it is submitted to her office) (Exhibit B-4).

2) Assignment and Assumption of Lease Agreement (Exhibit A-2).

3) Mineral Reservation (Exhibit B-1)

4) Easement Reservation (Exhibit B-2 and B-3)

5) Tenant Estoppels Statement (Exhibit B-5). I believe it was mention that this is in KRRC's hands.

Misc:

-I anticipate prorating the annual lease payment between DNR and KRRC and passing this though the County on the Closing Statements. I have requested that Regina Taylor provide me with that amount to adjust through closing and will have this amount confirmed by DNR, when provided. I understand that the current lease payment covers the period from 2/28/09 through 2/27/2010 and that this amount has been paid for the current year.

DNR IS TO REFUND THAT PRORATED AMOUNT TO KITSAP COUNTY. THIS SOUNDS LIKE AN ESCROW TERM. THANK YOU CATHIE FOR RAISING THIS ITEM.

-Please verify that the Bridge removal has been inspected by Fish and Wildlife.

BRAD PRUITT IS MANAGING THIS - IF PHOTOS ARE REQUIRED OR LOCAL HELP, I AM AVAILABLE.

-I understand that DNR will require 5 days to review docs and that the Kevin Howell will need to review documents before the Chair signs.

And, just to confirm, we are going to target 6/18/09 for closing. I have a lot of the documents done and will start circulating them as soon as I have a the signed Exchange

Agreement. I look forward to working with you all, as we proceed to closing and do not hestiate to call me at any time to discuss your file.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 2:25 PM
To: Lori Raymaker
Subject: Re: POSSIBLE SPAM! SCORE = 5.0 gun club/landswap Newberry Hill

Dear Joanne,

As staff, I only just received your letter to the Commissioners and want to respond immediately. Your concerns are well-stated and I hope to address them here and to follow up, possibly by phone or in person, at your convenience. Feel free to call on me anytime as the lead staff person from the County Parks department. My contact information is below - if you prefer I call you, please indicate and provide the best number to reach you.

I will provide a basic explanation here and then, below, provide more specific response to your comments. I certainly hope to connect with you and understand the issues are personally challenging/impactful. It for that reason and my respect to you that I attempt to address your points here.

Background statement on Conveying Property to the KRRC (gun club):
The property was professionally appraised by a 3rd party to arrive upon the property value "AS-IS" (not market value) with its historic, current, and future use as a recreational shooting range on 8 acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going shooting range operation that is open to the public and for a non-profit basis. With those assumptions, the property would be a cost to the County taxpayers to own the land and impossible to provide for this use.

The appraisal itself was considered by staff (not the Commissioners) as proprietary, impacting negotiations and the terms to be agreed upon ("restrictive covenants") and placed on the deed. The restrictive covenants ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners heavily studied the issues in determining the public interest in pursuing the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

Matthew F. Keough
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(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "colen & joanne corey" < colenjoannecorey@[redacted] > 5/21/2009 7:08 AM >>> Commissioner Bauer& Commissioner Garrido:
Please take the time to read this.
There seems to be a little close door policy going on. The reason you have not heard from neighbors to Newberry Hill on the subject of land cost to the gun club is because you seem to have held the information from the public until you knew it would be too late.

The County regrets any action/inaction that would appear to have the intention of compromising any schedule, of "being too late" for the public benefit. There was no intention to this effect. The public interest was discussed at public meetings (3/18, 4/15, 5/11). The only executive session (not open to the public) session was held so that the Board could be briefed by the attorney on the liability assumed for a shooting range (owning the land, holding a lease for that use, and, even, operating a shooting range as a public entity.)

Not to mention the low cost of the land gave you the right to not put it out in the public.

As stated above, the land was appraised with multiple assumptions/restrictions on use that were to provide for the public interest which included a publicly accessible shooting range (valid recreational use) and the conditions in place through the existing long-term lease with the DNR. The third-party, professional appraisal concluded that the property was of $0 value given the assumptions and "AS-IS" (not market) value of the land. This conclusion not only suggested that a public auction was not required but that the County could convey the property directly to a community-based recreation organization for a well-established use.

Also, I found out they have never payed taxes, am I right? I know other non-profits who pay there taxes by the law.

I am not able to answer this question - beyond my expertise. The KRRC (gun club) has operated under a long term lease that required fees paid to the DNR. I suspect that taxes would have been billed to the DNR... if they applied under these circumstances. I suspect that its was the DNR that did not have to pay taxes.

I am the VP of the Stewardship committee and those from the committee, has well as, your own Parks personnel where unaware of the low ball and extention of land sold. So there seems to be no excuse that it was not public knowledge to all in the committee.

I am responsible for the fact that Parks personnel were not all fully up to date on the potential land sale. In hindsight, I could have done more on this front and I apologize. Land cost estimates and negotiations, however, did occur up right up to the public meeting on 5/11 - discussed at the meeting - and acted upon 2 days later in a public meeting. It not an excuse but it was very challenging to honor private negotiations and while at the same time, fully involving the public.

I know you have friends in the gun club, sort of like business on the golf course ,to my way of seeing it. I hope the one friend of the gun club can drum up the votes for you all next election, I plan on voting for commissioners who are honest and straight forward with the public. Since there is such a low ball cost to the gun club and it seems to be so ruined that nothing else could possible be used for the land, your own words I might add, we the people should have reports of all enviromental testing to the land,PAST and PRESENT, of which I have found out does not exist, if so they NEED to be presented to the stewardship, since WE are the caretakers of the land.

Stewardship committees are critical to the County. Your concerns and involvement are important to the Department and, quite candidly, to our operations. Public safety is paramount and while the KRRC parcel will not come under County jurisdiction, we will be sure to evaluate safety of all park acreage. We have staff trained to perform environmental review where necessary; your suggestions will be welcome. The KRRC parcel - 72 acres in size - is limited to an 8 acre active area - which helps buffer adjacent acreage from environmental hazards. Another mitigating factor is the club's compliance with firearm and environmental safety provisions (lead, a heavy metal that does not tend to move through natural systems) - all of which is to remain, along with habitat protection plan and riparian management standards. Environmental testing - past, present, and future - is conducted by the Health District and by the State Department of Ecology and usually called upon when there

are violations of proper stewardship or a change of use. None are known on the record though there is affiliation with the Camp Wesley Harris, a known past-contaminated site.

No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to the land and a daughter-in -law to the Corey's who have done great thing for this county, ie. putting on the "Day on the Farm for Special Needs Children", with community efforts, voulenteerism that works and a belief in doing good things for children, I cannot believe what has happened. Not to mention what other things will occur because legally you have found a loop hole to pass something else by us.
Please send the Newberry Hill Park Stewardship Board your findings on all enviromental clean up to the land that is valued has not worth anything other than a gun lead suppository.

Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

THANK YOU FOR YOUR COMMENTS AND INVOLVEMENT. Sincerely, -MFK

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 3:12 PM
To: Rhiannon Fernandez
Subject: DRAFT POSSIBLE STAFF RESPONSE on gun club/landswap Newberry Hill

Rhiannon,

This is the draft I wrote up after seeing Charlotte's email to Chip and after my misinterupting - thinking Charlotte might have wanted to staff to respond. Well, if I were to respond, this following is my how I would and, I would do so IMMEDIATELY - given the DNR final meeting tomorrow!

I will let Charlotte know in a separate email that I have prepared this if she is interested in having me send it. Another possibility is for you to use it and incorporate aspects that Charlotte might want to use.

THANKS.
MFK

Dear Joanne,

As staff, I only just received your letter to the Commissioners and want to respond immediately. Your concerns are well-stated and I hope to address them here and to follow up, possibly by phone or in person, at your convenience. Feel free to call on me anytime as the lead staff person from the County Parks department. My contact information is below - if you prefer I call you, please indicate and provide the best number to reach you.

I will provide a basic explanation here and then, below, provide more specific response to your comments, using blue font! I certainly hope to connect with you and understand the issues are personally challenging/impactful. It for that reason and my respect to you that I attempt to address your points here.

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The appraisal itself was considered by staff (not the Commissioners) as of consequence on negotiations over terms to be agreed upon ("restrictive covenants"), then placed on the deed. The restrictive covenants ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners heavily studied the issues in determining the public interest in pursuing the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation

614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "colen & joanne corey" < colenjoannecorey@q.com > 5/21/2009 7:08 AM >>> Commissioner Bauer& Commissioner Garrido:
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I am responsible for the fact that Parks personnel were not all fully up to date on the potential land sale. In hindsight, I could have done more on this front and I apologize. Land cost estimates and negotiations, however, did occur up right up to the public meeting on 5/11 - discussed at the meeting - and acted upon 2 days later in a public meeting. It not an excuse but it was very challenging to honor private negotiations and while at the same time, fully involving the public. We did not release the appraisal - which we could have done - but we also never received/denied any formal public record request for it.

I know you have friends in the gun club, sort of like business on the golf course ,to my way of seeing it. I hope the one friend of the gun club can drum up the votes for you all next election, I plan on voting for commissioners who are honest and straight forward with the public. Since there is such a low ball cost to the gun club and it seems to be so ruined that nothing else could possible be used for the land, your own words I might add, we the people

should have reports of all enviromental testing to the land,PAST and PRESENT, of which I have found out does not exist, if so they NEED to be presented to the stewardship, since WE are the caretakers of the land.

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Please send the Newberry Hill Park Stewardship Board your findings on all enviromental clean up to the land that is valued has not worth anything other than a gun lead suppository.

Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

THANK YOU FOR YOUR COMMENTS AND INVOLVEMENT. AS TIME IS OF THE ESSENCE, feel free to also call on me on my cell phone 360 689-7791.

Sincerely,
-MFK

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 3:47 PM
To: Charlotte Garrido
Cc: Chip Faver
Subject: Re: Fwd: gun club/landswap Newberry Hill

Charlotte,

Chip asked that I respond regarding your inquiry. I'd be happy to talk with you in detail about the process and about a number of the concerns raised by Joanne Corey. In fact, I took her concerns very seriously and prepared a draft response on each of the points and just shared it with Rhiannon, in case your office wants to use those points, or would like me to go ahead and send to Joanne.

Regarding your specific question, Chip and I only attended one Newberry Hill Stewardship group meeting at the onset of the land exchange process (late summer 2008). Chip was particularly clear with the group then that the existing Heritage Park was the only authorized location for this group's efforts and that an expanded Heritage Park would not be realized until a number of transactions took place. In fact, there is another parcel of land that must go through the State "reconveyanace" process before we have contingious acreage. We spoke to the importance of the group being involved in a official future park planning process - if and when it becomes the heritage park - but also that the land exchange was an item of County-wide and State importance. We did not make any special efforts to inform thereafter other than sharing information with our Stewardship Coordinator who attends their meetings. The official public hearing held by the Department of Natural Resources, however, did include outreach to stewardship committee members. Public meetings occurred throughout and input welcomed. This was the first objection I heard from the group and I am very anxious to help explain the situation to you or to her, per your direction.

Please call on, here, or even by cell phone. I go to Olympia for the official DNR board meeting tomorrow for the approval of the land exchange agreement. My cell phone is 360 689-7791.

MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Charlotte Garrido 5/22/2009 1:11 PM >>>
Hi Chip,
How much information about the Newberry Hill land swap was made to the Newberry Hill Park Stewardship group?

Charlotte Garrido
Kitsap County Commissioner
(360) 337-7097, fax (360) 337-4632

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 4:07 PM
To: mkeough@co.kitsapwa.us.gov
Subject: Fwd: Gun Club Appraisal
Attachments: 9111-Kitsap Gun Club.pdf

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "Steve Shapiro" < sshapiro@realestatesolve.com > 5/5/2009 3:10 PM >>>

Stephen Shapiro, MAI

RE-SOLVE

261 Madison Avenue S, Suite 102

Bainbridge, WA 98110

(206) 855-1090- Direct

(206) 842-5082 - Fax

(206) 819-2053- Cell

RE•SOLVE

GIBBONS & RIELY PLLC
Real Estate Appraisal, Counseling & Mediation
261 Madison Avenue South, Suite 102
Bainbridge, Washington 98110-2579
206-842-4887
TeleFax: 206-842-5082

Stephen Shapiro, MAI
Direct Dial 206 855-1090
Email: sshapiro@realestatesolve.com

May 5, 2009

Chip Faver, Director
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

RE: Kitsap County Rifle and Revolver Club Portion of Tax Parcel # 362501-2-001-1001

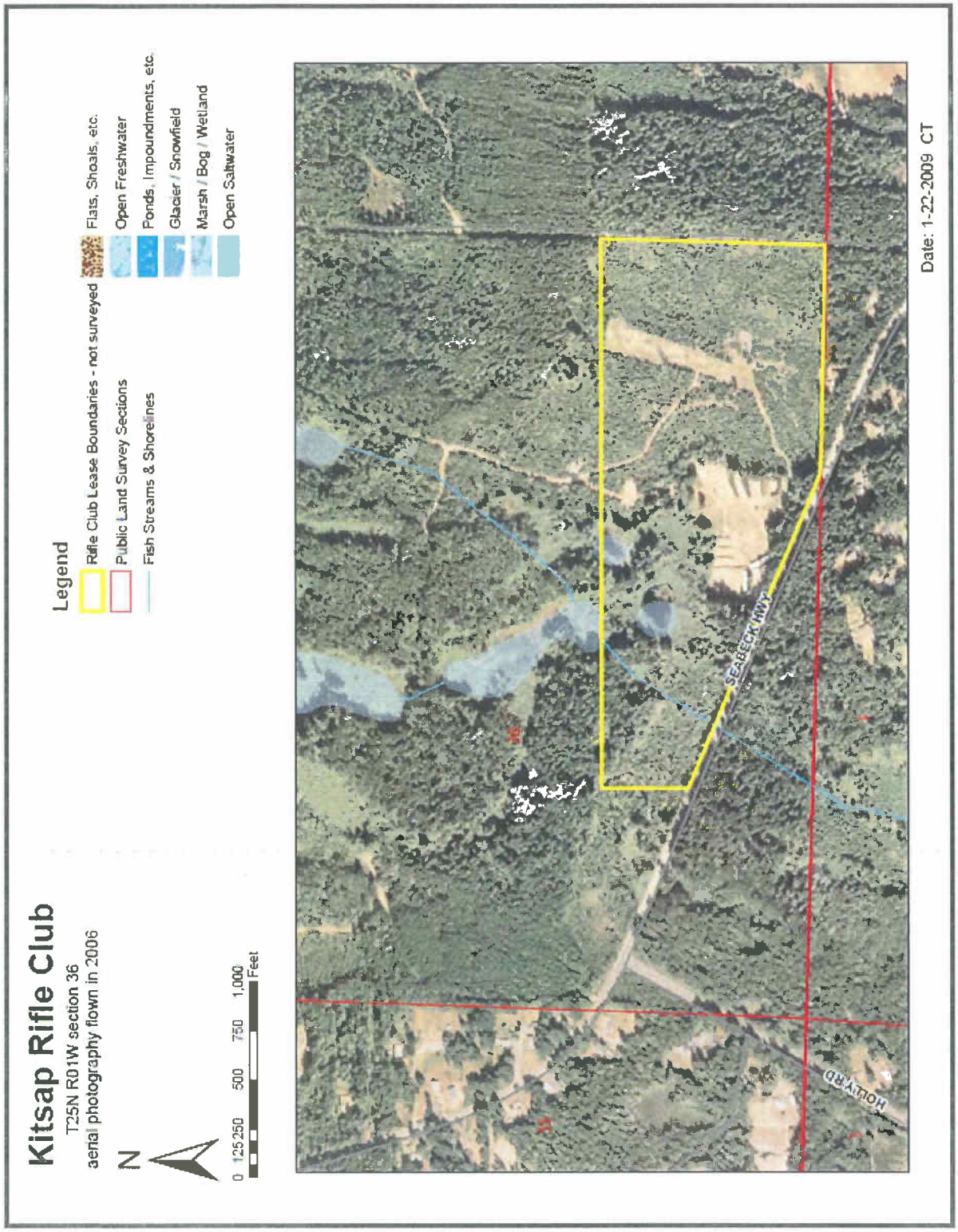
Dear Mr. Faver:

At your request, I have prepared this valuation/counseling letter with regard to the above referenced property. This letter meets the standards of a *restricted* appraisal report. The document recognizes your familiarity with the subject property and issue at hand, and thus is intended only for your use, or those you deem sufficiently knowledgeable to fully understand the contents of this evaluation. As directed, I have estimated the fee simple interest in the subject recognizing the restricted conditions of use described in the specialized appraisal instructions discussed in this report. This appraisal will be used by you for purposes of potential disposition of the property.

Identity/Location of Property

The subject is comprised of land and improvements operating as the Kitsap Rifle and Revolver Club. This includes 8 acres containing roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used to provide buffer and safety zones for lessee's shooting range. The following legal description of the subject was provided by the client. The area is depicted on the photograph on the following page.

> *Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southwest quarter of Section 36, Township 25 North, Range 1 West, W.M., lying northerly of the North lines of an easement for right of way for road granted to Kitsap County on December 7, 1929, under Application No. 1320, said road being as shown on the regulation plat thereof on file in the office of the Commissioner of Public lands at Olympia, Washington, the above described lands having an area of 72.41 acres, more or less.*



KITSAP RIFLE GUN CLUB

Purpose of Valuation and Counseling Letter

The Washington State Department of Natural Resources presently owns approximately 522 acres that includes the subject area, which is leased to the Kitsap Rifle and Revolver Club. The Kitsap County Department of Parks and Recreation has an interest in acquiring the DNR property and disposing of the 72.41 acres encompassed by the gun club. The purpose of this counseling letter is to provide a market based valuation analysis of the subject gun club area in its "as is" condition and recognizing the stipulated Specialized Appraisal Instructions discussed below.

The term "market value" is defined as:

> *"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date, and the passing of title from seller to the buyer under conditions whereby:*
>
> *a. the buyer and seller are typically motivated;*
>
> *b. both parties are well informed or well advised, and acting in what they consider their own best interests;*
>
> *c. a reasonable time is allowed for exposure in the open market;*
>
> *d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
>
> *e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."*

Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].

Specialized Appraisal Instructions

The client has provided specific instructions to provide a fee simple market value for the subject recognizing any existing reservations as well as the following instructions. These instructions constitute limiting conditions that have a direct impact upon the value conclusions derived.

1. Appraise the property in an "As Is" condition.

2. Assess and state environmental liabilities associated with this land, and its historic use as a shooting range, without any indemnification provided by the seller.

3. The subject property will continue to be utilized exclusively as a short arm shooting range consistent with its historic use. Enlargement, material improvement of the activities will require land use compliance and permitting through Kitsap County Department of Community Development.

4. Require purchaser to be a non-profit organization, enabled to: maintain existing public (state) funds and (2) apply for public funds to support the historic use of the property for outdoor recreation.

5. Require purchaser and future owners to provide public access to the property for recreational use on a non-profit basis.

6. Assume liability associated with operating existing recreation facilities, specifically a shooting range.

7. The subject property is associated with an adjacent, listed Superfund site with the EPA. The Washington State Department of Ecology ranks the adjacent property a "2" on its scale of hazardous materials contamination. Site clean up work was performed in the late 1970's but more recent analysis indicates that further hazardous clean up work is needed to address lead, chromium and other contamination.

Intended Use/User

This report will be used as an aid in the potential disposition of the subject property after it is acquired by Kitsap County. The client is Chip Faver, director of the Kitsap County Department of Parks and Recreation, as well as his authorized agents, associates and employees.

Scope of Assignment

The scope of work of this assignment is to provide consultation pertaining to the potential disposition of the subject. The Uniform Standards of Professional Appraisal Practice defines "Appraisal Consulting" as follows:

> *The act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.*
>
> *An appraisal consulting assignment involves an opinion of value but does not have an appraisal or an appraisal review as its primary purpose.*

The scope of work in this assignment is associated with consultation rather than an appraisal owing to the unusual circumstance of the subject being a special use property that is heavily contamination, which does not readily lend itself to the typical valuation methodologies. This issue is discussed in greater depth in the highest and best use section of this report.

This analysis is presented in a reporting format that meets the requirements for a restricted report under USPAP guidelines. Discussions and analysis are abbreviated in this document, with supporting data retained in my files for reference.

Subject Sales History

The subject property has been under the ownership of the Washington State Department of Natural Resources for many years and there is a lease over the entire property between the State of Washington as lessor and the Kitsap Rifle and Revolver Club as lessee. This includes 8 acres containing the lessee's improvements, roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used by the lessee to provide buffer and safety zones for lessee's shooting range.

The lease commenced in March of 2003 and has a termination date of February 27, 2018. This is a net lease with a current rate of $7,200 per year, although there is a scheduled increase that has not been applied. It should be noted that section 4.03 of the lease stipulates the following caveat:

> *State reserves the right to terminate this agreement upon sixty (60) days written notice in the event the State includes the premises in a plan for higher and better use, land exchange or sale.*

This clause would allow Kitsap County to acquire the subject from Washington State unencumbered by the lease. Additionally, section 8.02(a) of the lease requires the lessee to remove all "deleterious material" at the termination of the lease or the State will do so at the lessee's expense. This effectively requires the lessee to clean the site of any material impacts that would undermine the highest and best use of the property resulting from its use as a firing range. However, it is the mutual intention of DNR and Kitsap County to transfer ownership of the subject to the latter party with the existing gun club use intact. Further, there is no requirement to clean the site of hazardous materials upon a change in ownership.

Title Report/Easements/Conditions/Restrictions

Although I have not been provided a title report for the specific subject I have been given a title report for the larger area of which the subject is a part. I am not aware of any easements, conditions, covenants or restrictions that would constrain the highest and best use of the subject, and this is an underlying assumption of this report.

Date of Appraisal

The date of this appraisal is March 19th, 2009, the most date of the subject property inspection. This report was prepared in April and May of 2009.

Property Characteristics

Location and Access

The subject property is located in central Kitsap County on the Seabeck Highway near its intersection with Holly Road. While the area immediately surrounding the subject is rural, the property is located only about 10 miles west of Bremerton, the most populous city in Kitsap County and about a dozen miles

from Port Orchard, which is the county seat. About seven miles to the northeast is Silverdale, which has the greatest concentration of retail shops and malls in the county.

Zoning

The subject's 522 acres are comprised of 2 parcels plus a portion of a third parcel adjoining to the north. These are all designated Rural Wooded (RW) in the Kitsap County zoning code. General specifications associated with this zone are as follows:

Rural Wooded Zone (RW)

Minimum Lot Size	20 Acres
Setbacks	50' Front, 20' Side/Rear
Building Height	35'
Primary Permitted Uses	Preservation of forest use while allowing for some rural residential use

The Kitsap County Zoning Ordinance describes the purpose of this zone as follows:

> *This zone is intended encourage the preservation of forest uses, retain an area's rural character and conserve the natural resources while providing for some rural residential use. This zone is further intended to discourage activities and facilities that can be considered detrimental to the maintenance of timber production.*

The primary permitted uses in the RW zone include forestland management, agriculture, parks and open space, wholesale nurseries, kennels, and residential use at a very low density. Conditional uses are limited but do include certain recreational uses. While a shooting range is not explicitly noted as an allowable use, it is assumed that the current use of the subject is a permitted conditional legal use of the property.

Land Description

The subject is an irregularly shaped 72.41 acre land area that is a portion of Kitsap County tax parcel number 362501-2-001-1001. The property has generally rolling topography with no steep areas. The property is cleared in the 8 acre shooting range area and has timber cover in the 72 acre buffer area. I am unaware of any critical areas on the subject. I have been provided a timber valuation of the entire DNR property by the firm of S. A. Newman , Forest Engineers, indicating that are is $1,258,00 of merchantable timber value over the entire 522 acre tax parcel. This amounts to about $2,410/acre. I have not been provided any timber valuation for the subject portion of the total property. However, applying the average timber value per acre suggests there is approximately $175,000 of merchantable timber value on the subject.

Utilities

All utilities are presently available to the subject including electricity and phone. Water is provided by an on-site well and waste is handled by a septic system.

Subject Improvements

The subject is improved as a shooting range that has been operated as the Kitsap Rifle and Revolver Club since 1926. It is minimally improved with infrastructure associated with the shooting range. This includes several portable buildings and covered shooting platforms.

Hazardous Materials

It is well known that the approximately 8 acres of the subject that has been used as a shooting range for the past 83 years is contaminated with lead from spent ammunition lodged in the soil. To my knowledge there has never been any hazardous conditions assessment of the subject property or any estimate of the cost to clean it up. Clearly, the potential cost and risk of liability associated with the cleanup of the subject would be a significant value consideration in the mind of any prospective buyer of the property. In support of this I have provided the following documentation pertaining to evidence of hazardous material associated with shooting ranges as well as clean up costs.

Metallic lead shot is the most common ammunition used in shooting ranges owing to its low cost, ease of reloading and good firing characteristics. Lead is a known pollutant that has been closely monitored by the Environmental Protection Agency for many years as a hazardous trace material in paint, gasoline, plumbing pipes and other consumer products including food. In its solid form as lead shot at a firing range it can enter the environment as dust particles and dissolved in ground water. Thus, it is associated with grasses and plants ingested by animals as well as surface drinking water used by animals and groundwater that may be used by people. In its dissolved state lead pollution can infiltrate areas well outside the local firing range through surface run off and ground water percolation.

Research indicates that lead is the most prevalent contaminant found at federal Superfund sites across the country. Recognition of its significant environmental and health threats have resulted in enacting federal and state laws requiring clean up under most circumstances. Interestingly, private firing ranges remain exempt from federal law owing to owing to an interpretation by the EPA that the act of firing bullets does not qualify as "discarding" them. However, state law pertaining to the clean of lead material from firing ranges may apply.

According to Donna Musa of the Washington State Department of Ecology Toxic Cleanup Program, suspected contamination on a particular site does not constitute a requirement to investigate hazardous conditions or clean up any such materials. Typically, investigation into hazardous conditions is triggered by someone concerned about being subjected to such contamination or when contamination has been found to migrate from its source to neighboring property. In these instances Washington State requires an assessment to rank a potentially hazardous site, but only requires clean up of those designated as falling in the top tier of potential environmental threats.

Since firing ranges tend to be in relatively remote areas and are often frequented by local inhabitants, they are not usually the subject of such complaints. Ms. Musa noted that a change of ownership would not trigger a clean up requirement. Further, Washington State law does not stipulate that a change of use would necessarily trigger a clean up requirement. However, if the use of a property was changed in such a manner that the hazardous material posed an obvious threat under, it almost certainly would require consideration of cleanup. This would likely pertain to most, if not all, alternate uses of the subject firing range allowable under the existing zone such as residential, agricultural, plant nursery and kennels.

The fact that the subject is not presently a candidate for an assessment of toxic materials does not mean that this may not occur some time in the future. Although I am not a legal expert and cannot opine as to who might bear responsibility for clean up of the subject, I have been provided a specific instruction by the client that no indemnification of such responsibility would be provided by the seller to any potential buyer. Thus, there is clearly some element of risk associated with acquisition of this contaminated site.

The cost of cleanup for shooting ranges can be significant. A local example is Camp Wesley Harris, which lies adjacent to the subject's eastern boundary. This 387 acre Naval shooting range has operated rifle and hand gun ranges since around 1930. Around 1980 the U.S. Navy initiated an assessment of the toxic materials and the Washington State Department of Ecology performed a hazardous waste examination of this site that resulted in approximately $3 million of clean up during 1987 and 1988. The primary contaminants were lead and chromium lodged in the soils and diluted in shallow groundwater. According to John Kiess with the Kitsap County Health District, who participated in this assessment, the cleanup area on Camp Wesley Harris was fairly similar in size and use as the Kitsap Rifle and Revolver Club.

Two other examples of the cost to clean up shooting ranges pertain to the Sharp Park Rifle Range that was owned and operated by the City of San Francisco and the gun range at Huntington Central Park in Huntington Beach, CA. The former was a 6 acre site that operated as a firing range from 1952-1988. In 2007 the City of San Francisco commissioned a study to determine clean up costs. The report determined that it would cost between $2.5-$4.5 million to excavate and remove all toxic materials. The Huntington Beach site covered about 5 acres and the estimated cost of cleanup is currently $1.5-$3 million according to city officials.

With respect valuation of the Kitsap Rifle and Revolver Club I have not been provided any cost estimate regarding the potential cleanup of the property. However, given the likely extent of contamination and the need for an "as is, where is" appraisal, it is necessary to estimate the potential liability that would result from a clean up requirement. Based upon the information discussed above, I have concluded that cleanup of the subject site would very likely have a present day cost of at least $2 million and a high probability that the cost would be on the order of $3 million.

Highest and Best Use

"Highest & Best Use" is defined by The Appraisal Institute as:

> *"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest*

value. The four criteria the highest and best use must meet are: legal permissibility, physical possibility, financial feasibility and maximum profitability."

Source: The Dictionary of Real Estate Appraisal, Third Edition, Copyright 1993, published by the Appraisal Institute.

The highest and best use analysis provides the foundation for a value conclusion by identifying the specific market position of a subject and thereby specifying appropriate market comparisons for it, as well as the relevant approaches to value. It is governed by consideration of the property's legal, physical and economic potential. If the property is improved, the process requires separate analysis of the land as though vacant and the land as improved. This provides the basis for a conclusion as to whether the improvements adequately contribute to overall value as to continue to be the preferred use, or whether an alternate use would better support the land value. In this instance, the subject property is improved as a small arms firing range and the instructions to the appraiser specify that it is to be valued in it's "as is" condition. Thus, a highest and best use analysis of the subject as if vacant is not appropriate and has not been provided.

Highest & Best Use "As Is"

The highest and best use of the subject is governed first by what is legally feasible. As previously discussed the subject's RW zone would allow for single family residential development at a density of one dwelling unit per 20 acres. This would nominally allow for three development rights. However, the Specialized Appraisal Instructions provided by the client effectively limit the use of the property to a short arms shooting range that must be open to the public and operated on a non-profit basis by an owner who is qualified to accept public funds.

With respect to physical possibility the subject has historically been used as a firing range for more than 80 years. It has ample room to support a firing range with a large buffer safety area from surrounding uses. The property is located in a rural area of Kitsap County with very low residential development potential but is also situated on a paved highway within a short distance of Bremerton, Port Orchard and Silverdale. These factors suggest that the property would provide good access to a large number of people in its current use while at the same time creating a relatively small noise nuisance impact.

Based upon the foregoing factors the highest and best use of the subject is concluded to be continued operation of the property as improved for use as a firing range that is open to the public and operated on a non-profit basis.

Meanwhile, circumstances resulting from the presence of hazardous waste and the special instruction stipulating that a buyer of the property would not be indemnified from any responsibility of cleaning up toxic contamination make it necessary to look beyond the presumed highest and best use as if in a benign condition to an examination in its "as is" condition. Such consideration specifically revolves around the possibility that at some future time it would be necessary to pay for clean up of toxic material on the property.

In light of the discussion above, it appears that the salient question regarding highest and best use is whether a gun club operating on a non-profit basis would contribute sufficient economic value to supersede the risk associated with the possible cost to cure the contamination at some time in the future? Obviously, the meaning of "risk" assumes that there is no conclusive answer. However, there are some indications in this regard that are pertinent to a valuation based on risk assessment. These include a probable current cost to cure the subject's contamination from $2- $3 million. While it is not possible to predict the exact duration required for cleanup, given that the nature of the contamination pervades into the soil and aquifer it may take years to remediate and it is possible that the costs may escalate beyond present day projections. Finally, there is no certainty that any previous owners of the property would share responsibility for cleanup.

Assessing the impact of contamination on the site is obviously complicated by the fact that it is unknown when and if such cleanup will be required. Further, the cost of hazardous waste cleanup as well as the extent of liability among parties who may have held title to the property at one time or another is notorious for its lack of predictability. For that reason, projecting how these may impact the subject's ultimate value becomes a matter of risk analysis. Where good sales comparison data exists, the appraiser can make direct market comparisons to derive the value of a given property in its existing condition. Not surprisingly, however, I did not find sales of contaminated firing ranges in the subject's market area. The difficulty of finding suitable sales comparisons has resulted in reliance upon the income capitalization approach as the primary means to valuation in this instance. This approach implicitly recognizes the risk associated with achieving a market return on investment in a given property through application of an appropriate capitalization rate. In this instance the rate of return should reflect the following issues:

- The possibility that the ultimate cost of cleanup may be higher than the present day estimate.
- The difficulty in placing a specific time period upon remediation of contamination.
- The level of confidence that cleanup technology and procedures exist that can result in a complete cleanup that will require no further action.
- The possibility that market stigma will be attached to the property even if cleanup does not impair present day operations and liability does not extend beyond the present owner.

The analysis that follows first considers the value of the subject through the income capitalization approach under use as a non-profit firing range that utilizes state funding. The second step in the analysis considers an appropriate discount to that value based upon the risk that a prospective buyer would be required to clean up the contamination on the property at some time in the future.

Land Valuation Analysis

Land valuation analyses are typically based upon the precepts of "market value" as this implicitly considers what the most likely potential buyer of a property would pay in order to generate the highest economic return. However, in this instance the Specialized Appraisal Instructions limit the use of the property to a firing range, and even that utilization of the property is further constrained by requirements that it be operated on a non-profit basis by a party accepting state funds. *The Appraisal of Real Estate*

(12th Edition), which is a comprehensive text published by the Appraisal Institute, provides the following guidance pertaining to valuing such properties:

> *When appraising a type of property that is not commonly exchanged or rent, it may be difficult to determine whether an opinion of market value can be reasonably supported. Such limited-market properties can cause special problems for appraisers. A limited-market property is a property that has relatively few potential buyers at a particular time. Many limited-market properties include structures with unique designs, special construction material, or layouts that restrict their utility to the use for which they were originally built. These properties have limited conversion potential and, consequently, are often called special-purpose or special-design properties. Examples of such properties include houses of worship, museums, schools, public buildings and clubhouses.*
>
> *Limited-market properties may be appraised based on their current use or the mostly likely alternative use. Due to the relatively small markets and lengthy market exposure needed to sell such properties, there may be little evidence to support an opinion of market value based on their current use. The distinction between market properties and limited-market properties is subject to the availability of relevant market data. If a market exists for a limited-market property, the appraiser must search diligently for whatever evidence of market value is available.*
>
> *If a property's current use is so specialized that there is no demonstrable market for it but the use is viable and likely to continue, the appraiser may render an opinion of use value if the assignment reasonably permits a type of value other than market value. If no market can be demonstrated of if the data is not available, the appraiser cannot develop an opinion of market value and should state so in the appraisal report. It is sometimes necessary to render an opinion of market value in these situations for legal purposes, however. In these cases, the appraiser must comply with the legal requirement, relying on personal judgment and whatever direct market evidence is available. Note that the type of value developed is not dictated by the property type, the size or viability of the market, or the ease with which that value can be developed; rather, the intended use of the appraisal determines the type of value to be developed. If the client needs a market value opinion, the appraiser must develop an opinion of market value, not use value.*

In this instance the client has provided very specific instructions limiting the use to a single application but has also directed the appraiser to provide an opinion of market value. Thus, in keeping with the direction provided above, I had relied upon personal judgment as well as whatever market evidence is available in deriving a value conclusion for the subject.

The direct income capitalization methodology is an approach that equates the net operating income of a property over one year of operation to total property value through the application of a market based capitalization rate that implicitly accounts for the risk associated with continuing to generate stabilized income over the life of the investment. In this instance, the subject is appraised as a non-profit operation. Discussion with Kevin Howell of the Kitsap County Prosecutor's Office and Matthew Keough of the

Kitsap County Department of Parks and Recreation suggest that the non-profit status eliminates the ability to generate any net operating income because fees can only be charged that are commensurate with the costs of maintenance and operation. This would effectively reduce the net operating income to zero for a passive investor in the property who does not intend to have a management role.

However, a non-profit organization can pay salaries to its employees. Thus, if the property was purchased by a prospective owner who intended to operate the firing range himself, the salary generated could be construed as income. This latter scenario suggests that even given the strict limitations on the use of the property, there may be prospective buyers willing to pay a lump sum purchase price for the opportunity to generate a salary over their term of ownership.

The amount that such a prospective buyer might pay is a function of the risk associated with the security of the income stream. For purposes of this analysis I have relied upon personal conjecture as well as market evidence to first derive an estimate of the subject's market value *without any consideration of contamination impact*. The impact of toxic waste upon value is then considered in a separate step of the analysis.

The analysis begins with an assumption of a reasonable salary that a potential buyer of the subject could anticipate generating through operation of a firing range. I have put this at $100,000 annually. Since all other funds generating would necessarily go to the operation and maintenance of the firing range (including any other salaries that might be paid) the owner's salary effectively represents the annual net operating income. According to the Korpacz Real Estate Investor Survey (a division of Price Waterhouse Coopers), capitalization rates for investment grade real estate in the Pacific Northwest ranged from 6.5%-11% in the first quarter of 2009. Assuming that the security of this investment entails more or less average risk I have applied a 9% rate of return to the income noted above which results in a total value indication for the subject of around $1,100,000.

While a prospective buyer of the subject might be willing to pay on the order of $1,100,000 to generate an annual income stream of $100,000 assuming typical market risk, consideration of the subject's contamination adds significant uncertainty to the security of that income stream. As discussed above, the current cost to cure all of the contamination on the subject is expected to be around $2-$3 million. Since it is a specific instruction of this appraisal that no indemnity would be granted to a buyer of the property, that person would be expected to absorb most, if not all, of the remediation costs. The next questions are if and when such a liability would be exacted.

As previously discussed the subject is not presently on the Washington State Department of Ecology's list of contaminated sites slated for cleanup, and to my knowledge there has never been any assessment of toxic materials on the subject. However, given its use as a firing range for nearly a century it is common knowledge that the site is heavily contaminated. Further, the adjoining Camp Wesley Harris site, which has a very similar history of use as the subject, has been placed upon the State's list of toxic sites and has already undergone some cleanup at considerable expense. It would be very logical to conclude that at some point the subject would also become a viable candidate for cleanup, and thus it would seem that the issue is much more a matter of "when" than "if."

With regard to the timing impact of any potential requirement to clean up the subject the following analysis is germane. At a price of $1,100,000 and an annual income of $100,000 it would nominally require 11 years to recoup the capital investment. However, adding the cost of cleanup at $2 million (which is the low end of the estimate) would add additional 20 years. Obviously, this is a highly simplistic analysis that ignores additional inputs such as inflation, a potential increase in annual income and a potential increase in the cost of cleanup over time. However, it very clearly illustrates that the looming liability of curing the subject's contamination would undermine much, if not all, of the economic benefit to be derived from the subject. While it is difficult to project when the DOE might require cleanup of the subject, it is not unreasonable to presume that changes in land use in this area over the next 20 years will very likely include increased residential development density with a reliance upon ground sources of drinking water that would promulgate such action. Ultimately, this raises a very strong question as to why a prospective buyer would pay $1,000,000 to secure such a risky income stream when that money could be put to other far less risky income producing real estate ventures.

Based upon the foregoing analysis it is my conclusion that the market value of the subject is effectively zero. This does not necessarily suggest that there is not a prospective buyer willing to pay some amount of cash for the subject. However, that buyer would not be acting to obtain the maximal return on investment that is essential to the concept of market value. Rather, such a purchase would be predicated upon "use value" that considers the value of a particular property in a particular use irrespective of any value that might be derived from alternate uses of that property or an investment in another property that would reap a positive economic return.

Subject Market Value As Is & Recognizing Specialized Appraisal Instructions **$0**

Effective Date of Value

March 19, 2009.

Closing

If you have any further questions or concerns, please do not hesitate to call.

Sincerely,

Stephen Shapiro, MAI

Ref: 9111

APPRAISER'S CERTIFICATION

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 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 engagement in this assignment was not contingent upon developing or reporting predetermined results. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the obtainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Cope of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- 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.
- 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;
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by authorized representatives.
- As of the date of this report, I have completed the requirements under the continuing education program of the Appraisal Institute.

RESTRICTION UPON DISCLOSURE & USE:
Disclosure of the contents of this appraisal report is governed by the By-Laws & Regulations of the Appraisal Institute.
Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which (s)he is connected, or any reference to the Appraisal Institute or to the MAI designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the prior written consent and approval of the undersigned. No part of this report or any of the conclusions may be included in any offering statement, memorandum, prospectus or registration without the prior written consent of the appraiser.

The property has been appraised for its fair market value as though owned in fee simple and encumbered by the Specialized Appraisal Instructions described in this report. The opinion of value expressed in this report is the result of, and is subject to the data and conditions described in this report.

I made a personal inspection of the property that is the subject of this report on March 19, 2009.

Name: **Stephen Shapiro, MAI**
WS Cert # 1101561

Signature: _____

Date Signed: May 5, 2009

RE•SOLVE

Real Estate Appraisal, Counseling & Mediation

STEPHEN L. SHAPIRO, MAI

Stephen Shapiro graduated in June 1986 from the University of Washington in Seattle, Washington. He was awarded an Honors Degree as Bachelor of the Arts in Communications with a major in Journalism and a minor in Economics. Since that time he has worked as a writer, editor and research consultant specializing in land and marine resource issues. Mr. Shapiro was asked to join the firm of **Wronsky, Gibbons & Riely** in March of 1999 by Anthony Gibbons. In July of 1999 Mr. Gibbons formed Anthony Philip Gibbons PLLC, doing business under the new company name of **RE•SOLVE** – a company providing Real Estate Appraisal, Counseling and Mediation services. Mr. Shapiro joined Mr. Gibbons in his company at that time.

In his capacity as an appraiser for **Wronsky, Gibbons & Riely** and **RE•SOLVE**, Mr. Shapiro has developed a broad range of experience over a wide variety of property types. Appraisals have been performed on office and industrial buildings; commercial and industrial land; residential subdivision property; natural resource and habitat land, including timberland and wetland property; and high-end estate homes. In addition, he has provided mediation and expert witness services for legal purposes.

Mr. Shapiro is licensed as a certified general real estate appraiser by the State of Washington (license no. 1101561) and is listed on the Washington State Department of Transportation's Approved List of Appraisers and Reviewers. He was awarded the highly regarded MAI designation of the Appraisal Institute in June 2006 (member no. 12394). He has successfully completed the following Appraisal Institute courses, as well as numerous additional professional seminars:

- Appraisal Principles
- Appraisal Procedures
- Standards of Professional Appraisal Practice, Parts A and B
- Highest and Best Use and Market Analysis
- Basic Income Capitalization
- General Applications
- Advanced Sales Comparison and Cost Approaches
- Report Writing and Valuation Analysis
- Advanced Applications
- Advanced Income Capitalization
- Uniform Appraisal Standards for Federal Land Acquisitions
- Condemnation Appraising: Advanced Topics and Applications

Mr. Shapiro has performed appraisal services for a wide variety of clients, and a brief client list follows.

- City of Bainbridge Island
- WA State Dept. of Natural Resources
- Bainbridge Island Parks and Recreation
- Group Health Cooperative of Puget Sound
- Port of Seattle
- Cascade Land Conservancy
- U.S. Forest Service
- NC Power Systems Co.
- City University
- Trust For Public Land
- Bainbridge Island Land Trust
- The Mark A. Robinson Trusts
- Commerce Bank
- First American Title Insurance Co.
- Tulalip Tribes
- Tousley Brain Stephens PLLC
- Ryan, Swanson and Cleveland, PLLC
- Pope Resources, Inc.
- Hockett & Olsen Brothers, Inc.
- Great Peninsula Conservancy
- Central Kitsap School District
- Riddell Williams P.S.
- Whidbey Camano Land Trust
- Michael A. Goldfarb Law Office
- Lawler Burroughs & Baker, P.C.
- Harnish Group, Inc
- Development Services of America
- Preston Gates & Ellis LLP
- Pacific Investment Co.
- Column Financial
- GVA Kidder Mathews
- American Marine Bank
- Batavia Holdings LLC
- Kinzer Real Estate Services
- Knowles/Turner Real Estate Group
- Warren G. Harding Temple Board Assoc.
- GEM1 LLC
- Kitsap County Dept. of Public Works
- Washington State Parks Commission
- Livengood, Fitzgerald & Alskog PLLC
- American Eagle Communities
- McGavick Graves Attorneys at Law
- Wal-Mart
- Black Equities Group LTD
- Transnation Title Insurance Co.
- The Ketcham Family
- City of Burien
- Open Space Resources
- Kitsap Conservation District
- Lawyers Title Insurance Corp.
- Kitsap County Dept. Parks and Recreation
- McCormick Land Company
- Trammell Crow Co.
- Pike Place Market PDA
- City of Edmonds Parks and Recreation
- WA State Department of Transportation
- MacMillan-Piper, Inc.
- Port of Allyn
- Pacific Medical Center and Clinics
- Commonwealth Land Title Insurance
- Port Gamble S'Kllallam Tribe
- Madison Ave Real Estate, LLC
- Kitsap County Dept. of Admin. Services
- Olympic Property Group
- Prosperity Treatment Center
- Old Republic Title Co.
- Cullen Law Office LLP
- Port of Olympia
- Washington First International Bank
- Rogers Deutsch & Turner
- Frontier Bank
- Credit Suisse First Boston
- The Mountaineers
- Bainbridge Public Library
- GMAC Commercial Mortgage
- Farm Bureau Life Insurance Co.
- Starbucks
- Seattle Automotive Dist., Inc.
- Pacific Northwest Title Insurance Co.
- WA State Office of the Attorney General
- Aoki Sakamoto and Grant LLP
- AnMarCo
- King Count Dept. Natural Resources & Parks
- Montgomery Purdue Blankinship & Austin PLLC
- Ogden Murphy Wallace PLLC
- Puget Sound Energy
- Kenyon P. Kellogg, Attorney at Law
- Mundt MacGregor PLLC

Don Burger

From: Miller, Sarah [Miller.Sarah@leg.wa.gov]
Sent: Monday, June 01, 2009 4:11 PM
To: Dana Daniels
Subject: FW: Newberry Heritage Park Land Swap

Hi Dana,

Please let me know what Matt has to say about this, and we will respond to our constituent.

Thanks,

Sarah

Sarah Miller, MPA
Legislative Assistant to
Representative Christine Rolfes
23rd District
360-786-7842

-----Original Message-----
From: Rolfes, Rep. Christine
Sent: Monday, June 01, 2009 11:28 AM
Subject: RE: Newberry Heritage Park Land Swap

I knew that this swap was happening, but was not aware of the price. Let me look into it.

--Christine Rolfes

Sent: Monday, June 01, 2009 9:13 AM
To: Rolfes, Rep. Christine
Subject: Newberry Heritage Park Land Swap

Dear Rep. Rolfes,

There is currently in place a land swap between Kitsap County and DNR for land to make the new Newberry Heritage Park. In this swap there is a parcel where the Kitsap Rifle and Revolver Club is located. Kitsap County has plans to sell this 72 acre parcel, after the land swap, to the club for under $2500. I know the $2500 is important, as it allows the county to sell this property without going to public auction. I find it absurd that the county would be allowed to sell this property for this amount, which averages less than $34/acre when the entire parcel is assessed for more than $5,500/per acre. The county is claiming that they have put stringent guidelines on the use of the land that has devalued the land to this amount.
There seems to be something wrong with this, especially in these economic times when everyone is looking for ways to either generate money or cut spending, that we give away property. I would appreciate your thoughts on this issue.

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 4:14 PM
To: Matt Keough
Subject: Fwd: FW: Newberry Heritage Park Land Swap

Matt,
Could you respond to Sarah and cc' me on this regarding the email below.
Thanks,
Dana

>>> "Miller, Sarah" < Miller.Sarah@leg.wa.gov > 6/1/2009 4:11 PM >>>
Hi Dana,

Please let me know what Matt has to say about this, and we will respond to our constituent.

Thanks,

Sarah

Sarah Miller, MPA
Legislative Assistant to
Representative Christine Rolfes
23rd District
360-786-7842

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From: Lori Raymaker [LRaymake@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 4:17 PM
To: Matt Keough
Subject: Re: POSSIBLE SPAM! SCORE = 5.0 gun club/landswap Newberry Hill

Matt,
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>>> Matt Keough 6/1/2009 2:25 PM >>>
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To: Matt Keough
Subject: Re: POSSIBLE SPAM! SCORE = 5.0 gun club/landswap Newberry Hill

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From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 4:28 PM
To: Rebecca Pirtle
Subject: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

Rebecca,

I ONLY JUST CAME UPON THE LETTER SENT TO STEVE AND TO CHARLOTTE ON 5/22 FROM JOANNE COREY, COMPLAINING ABOUT THE SALE OF PROPERTY TO THE GUN CLUB. Charlotte forwarded it to Chip who asked me for input. I thought it needed a response - wrote a draft response from my perspective - and then realized no-one asked me to respond! Shame - I'm so verbose and love to email!

Anyway, thought I would attach here for your benefit. If the comments are needed, feel free to utilize them in your own correspondence or if Steve would like to use them in his own response. Also, I'd be happy to forward it to Joanne, if so requested.

OFF TO OLYMPIA TOMORROW MORNING FOR THE FINAL DNR BOARD MEETING on the land exchange. Way to go Rick Fackler! If needed, I can be reached by cell at 360 689-7791.

-MFK

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Sent: Monday, June 01, 2009 4:36 PM
To: Lori Raymaker
Subject: Fwd: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

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Sent: Monday, June 01, 2009 4:40 PM
To: Matt Keough
Subject: Re: Fwd: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

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From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 4:59 PM
To: Matt Keough
Subject: Fwd: Gun Club Appraisal
Attachments: 9111-Kitsap Gun Club.pdf

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>>> "Steve Shapiro" < sshapiro@realestatesolve.com > 5/5/2009 3:10 PM >>>

Stephen Shapiro, MAI

RE-SOLVE

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Bainbridge, WA 98110

(206) 855-1090- Direct

(206) 842-5082 - Fax

(206) 819-2053- Cell

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May 5, 2009

Chip Faver, Director
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

RE: Kitsap County Rifle and Revolver Club Portion of Tax Parcel # 362501-2-001-1001

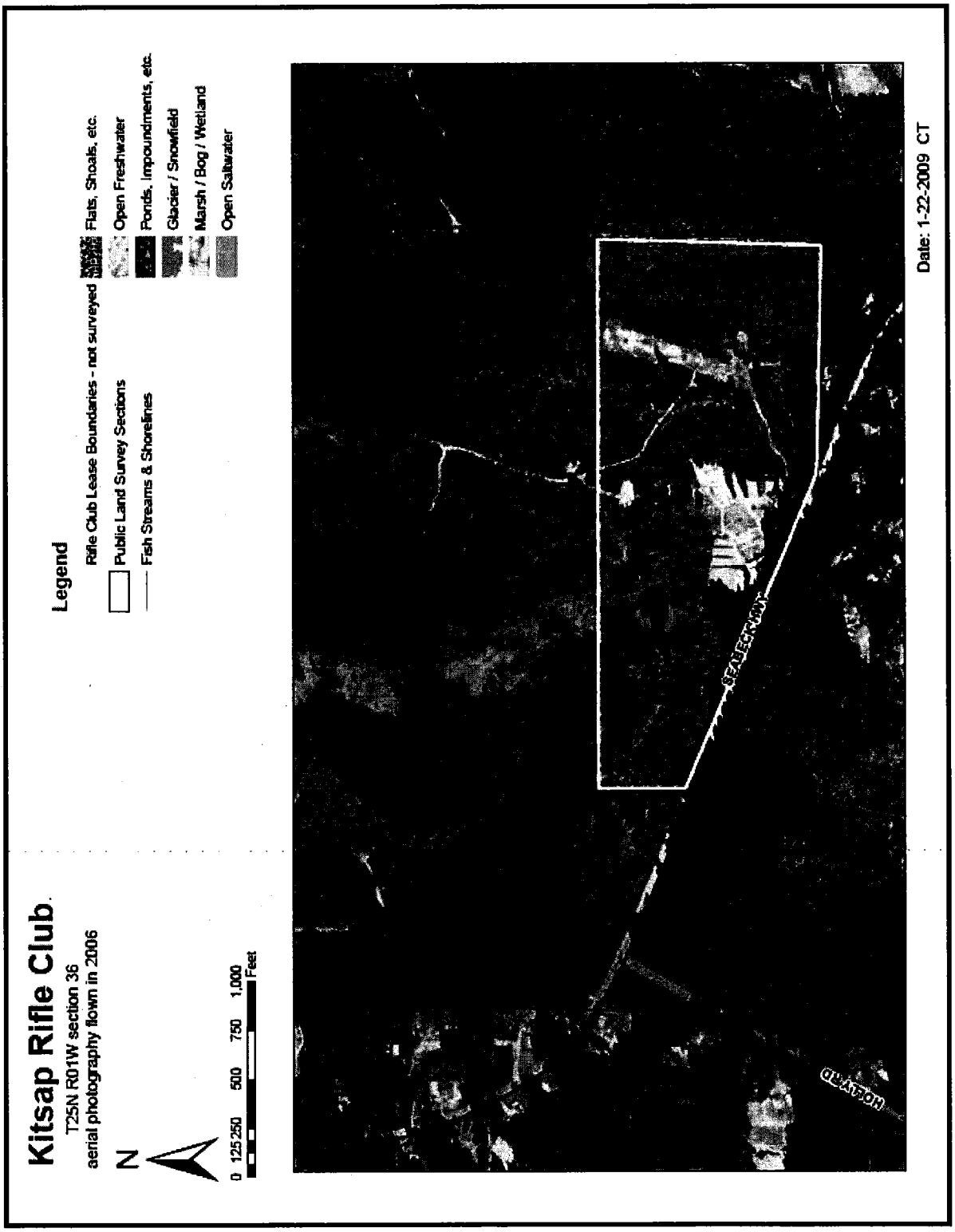
Dear Mr. Faver:

At your request, I have prepared this valuation/counseling letter with regard to the above referenced property. This letter meets the standards of a *restricted* appraisal report. The document recognizes your familiarity with the subject property and issue at hand, and thus is intended only for your use, or those you deem sufficiently knowledgeable to fully understand the contents of this evaluation. As directed, I have estimated the fee simple interest in the subject recognizing the restricted conditions of use described in the specialized appraisal instructions discussed in this report. This appraisal will be used by you for purposes of potential disposition of the property.

Identity/Location of Property

The subject is comprised of land and improvements operating as the Kitsap Rifle and Revolver Club. This includes 8 acres containing roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used to provide buffer and safety zones for lessee's shooting range. The following legal description of the subject was provided by the client. The area is depicted on the photograph on the following page.

> *Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southwest quarter of Section 36, Township 25 North, Range 1 West, W.M., lying northerly of the North lines of an easement for right of way for road granted to Kitsap County on December 7, 1929, under Application No. 1320, said road being as shown on the regulation plat thereof on file in the office of the Commissioner of Public lands at Olympia, Washington, the above described lands having an area of 72.41 acres, more or less.*



KITSAP RIFLE GUN CLUB

Purpose of Valuation and Counseling Letter

The Washington State Department of Natural Resources presently owns approximately 522 acres that includes the subject area, which is leased to the Kitsap Rifle and Revolver Club. The Kitsap County Department of Parks and Recreation has an interest in acquiring the DNR property and disposing of the 72.41 acres encompassed by the gun club. The purpose of this counseling letter is to provide a market based valuation analysis of the subject gun club area in its "as is" condition and recognizing the stipulated Specialized Appraisal Instructions discussed below.

The term "market value" is defined as:

> *"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date, and the passing of title from seller to the buyer under conditions whereby:*
>
> *a. the buyer and seller are typically motivated;*
>
> *b. both parties are well informed or well advised, and acting in what they consider their own best interests;*
>
> *c. a reasonable time is allowed for exposure in the open market;*
>
> *d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
>
> *e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."*

Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].

Specialized Appraisal Instructions

The client has provided specific instructions to provide a fee simple market value for the subject recognizing any existing reservations as well as the following instructions. These instructions constitute limiting conditions that have a direct impact upon the value conclusions derived.

1. Appraise the property in an "As Is" condition.

2. Assess and state environmental liabilities associated with this land, and its historic use as a shooting range, without any indemnification provided by the seller.

3. The subject property will continue to be utilized exclusively as a short arm shooting range consistent with its historic use. Enlargement, material improvement of the activities will require land use compliance and permitting through Kitsap County Department of Community Development.

4. Require purchaser to be a non-profit organization, enabled to: maintain existing public (state) funds and (2) apply for public funds to support the historic use of the property for outdoor recreation.

5. Require purchaser and future owners to provide public access to the property for recreational use on a non-profit basis.

6. Assume liability associated with operating existing recreation facilities, specifically a shooting range.

7. The subject property is associated with an adjacent, listed Superfund site with the EPA. The Washington State Department of Ecology ranks the adjacent property a "2" on its scale of hazardous materials contamination. Site clean up work was performed in the late 1970's but more recent analysis indicates that further hazardous clean up work is needed to address lead, chromium and other contamination.

Intended Use/User

This report will be used as an aid in the potential disposition of the subject property after it is acquired by Kitsap County. The client is Chip Faver, director of the Kitsap County Department of Parks and Recreation, as well as his authorized agents, associates and employees.

Scope of Assignment

The scope of work of this assignment is to provide consultation pertaining to the potential disposition of the subject. The Uniform Standards of Professional Appraisal Practice defines "Appraisal Consulting" as follows:

> *The act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.*
>
> *An appraisal consulting assignment involves an opinion of value but does not have an appraisal or an appraisal review as its primary purpose.*

The scope of work in this assignment is associated with consultation rather than an appraisal owing to the unusual circumstance of the subject being a special use property that is heavily contamination, which does not readily lend itself to the typical valuation methodologies. This issue is discussed in greater depth in the highest and best use section of this report.

This analysis is presented in a reporting format that meets the requirements for a restricted report under USPAP guidelines. Discussions and analysis are abbreviated in this document, with supporting data retained in my files for reference.

Subject Sales History

The subject property has been under the ownership of the Washington State Department of Natural Resources for many years and there is a lease over the entire property between the State of Washington as lessor and the Kitsap Rifle and Revolver Club as lessee. This includes 8 acres containing the lessee's improvements, roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used by the lessee to provide buffer and safety zones for lessee's shooting range.

The lease commenced in March of 2003 and has a termination date of February 27, 2018. This is a net lease with a current rate of $7,200 per year, although there is a scheduled increase that has not been applied. It should be noted that section 4.03 of the lease stipulates the following caveat:

> *State reserves the right to terminate this agreement upon sixty (60) days written notice in the event the State includes the premises in a plan for higher and better use, land exchange or sale.*

This clause would allow Kitsap County to acquire the subject from Washington State unencumbered by the lease. Additionally, section 8.02(a) of the lease requires the lessee to remove all "deleterious material" at the termination of the lease or the State will do so at the lessee's expense. This effectively requires the lessee to clean the site of any material impacts that would undermine the highest and best use of the property resulting from its use as a firing range. However, it is the mutual intention of DNR and Kitsap County to transfer ownership of the subject to the latter party with the existing gun club use intact. Further, there is no requirement to clean the site of hazardous materials upon a change in ownership.

Title Report/Easements/Conditions/Restrictions

Although I have not been provided a title report for the specific subject I have been given a title report for the larger area of which the subject is a part. I am not aware of any easements, conditions, covenants or restrictions that would constrain the highest and best use of the subject, and this is an underlying assumption of this report.

Date of Appraisal

The date of this appraisal is March 19th, 2009, the most date of the subject property inspection. This report was prepared in April and May of 2009.

Property Characteristics

Location and Access

The subject property is located in central Kitsap County on the Seabeck Highway near its intersection with Holly Road. While the area immediately surrounding the subject is rural, the property is located only about 10 miles west of Bremerton, the most populous city in Kitsap County and about a dozen miles

from Port Orchard, which is the county seat. About seven miles to the northeast is Silverdale, which has the greatest concentration of retail shops and malls in the county.

Zoning

The subject's 522 acres are comprised of 2 parcels plus a portion of a third parcel adjoining to the north. These are all designated Rural Wooded (RW) in the Kitsap County zoning code. General specifications associated with this zone are as follows:

Rural Wooded Zone (RW)

Minimum Lot Size	20 Acres
Setbacks	50' Front, 20' Side/Rear
Building Height	35'
Primary Permitted Uses	Preservation of forest use while allowing for some rural residential use

The Kitsap County Zoning Ordinance describes the purpose of this zone as follows:

> *This zone is intended encourage the preservation of forest uses, retain an area's rural character and conserve the natural resources while providing for some rural residential use. This zone is further intended to discourage activities and facilities that can be considered detrimental to the maintenance of timber production.*

The primary permitted uses in the RW zone include forestland management, agriculture, parks and open space, wholesale nurseries, kennels, and residential use at a very low density. Conditional uses are limited but do include certain recreational uses. While a shooting range is not explicitly noted as an allowable use, it is assumed that the current use of the subject is a permitted conditional legal use of the property.

Land Description

The subject is an irregularly shaped 72.41 acre land area that is a portion of Kitsap County tax parcel number 362501-2-001-1001. The property has generally rolling topography with no steep areas. The property is cleared in the 8 acre shooting range area and has timber cover in the 72 acre buffer area. I am unaware of any critical areas on the subject. I have been provided a timber valuation of the entire DNR property by the firm of S. A. Newman , Forest Engineers, indicating that are is $1,258,00 of merchantable timber value over the entire 522 acre tax parcel. This amounts to about $2,410/acre. I have not been provided any timber valuation for the subject portion of the total property. However, applying the average timber value per acre suggests there is approximately $175,000 of merchantable timber value on the subject.

Utilities

All utilities are presently available to the subject including electricity and phone. Water is provided by an on-site well and waste is handled by a septic system.

Subject Improvements

The subject is improved as a shooting range that has been operated as the Kitsap Rifle and Revolver Club since 1926. It is minimally improved with infrastructure associated with the shooting range. This includes several portable buildings and covered shooting platforms.

Hazardous Materials

It is well known that the approximately 8 acres of the subject that has been used as a shooting range for the past 83 years is contaminated with lead from spent ammunition lodged in the soil. To my knowledge there has never been any hazardous conditions assessment of the subject property or any estimate of the cost to clean it up. Clearly, the potential cost and risk of liability associated with the cleanup of the subject would be a significant value consideration in the mind of any prospective buyer of the property. In support of this I have provided the following documentation pertaining to evidence of hazardous material associated with shooting ranges as well as clean up costs.

Metallic lead shot is the most common ammunition used in shooting ranges owing to its low cost, ease of reloading and good firing characteristics. Lead is a known pollutant that has been closely monitored by the Environmental Protection Agency for many years as a hazardous trace material in paint, gasoline, plumbing pipes and other consumer products including food. In its solid form as lead shot at a firing range it can enter the environment as dust particles and dissolved in ground water. Thus, it is associated with grasses and plants ingested by animals as well as surface drinking water used by animals and groundwater that may be used by people. In its dissolved state lead pollution can infiltrate areas well outside the local firing range through surface run off and ground water percolation.

Research indicates that lead is the most prevalent contaminant found at federal Superfund sites across the country. Recognition of its significant environmental and health threats have resulted in enacting federal and state laws requiring clean up under most circumstances. Interestingly, private firing ranges remain exempt from federal law owing to owing to an interpretation by the EPA that the act of firing bullets does not qualify as "discarding" them. However, state law pertaining to the clean of lead material from firing ranges may apply.

According to Donna Musa of the Washington State Department of Ecology Toxic Cleanup Program, suspected contamination on a particular site does not constitute a requirement to investigate hazardous conditions or clean up any such materials. Typically, investigation into hazardous conditions is triggered by someone concerned about being subjected to such contamination or when contamination has been found to migrate from its source to neighboring property. In these instances Washington State requires an assessment to rank a potentially hazardous site, but only requires clean up of those designated as falling in the top tier of potential environmental threats.

Since firing ranges tend to be in relatively remote areas and are often frequented by local inhabitants, they are not usually the subject of such complaints. Ms. Musa noted that a change of ownership would not trigger a clean up requirement. Further, Washington State law does not stipulate that a change of use would necessarily trigger a clean up requirement. However, if the use of a property was changed in such a manner that the hazardous material posed an obvious threat under, it almost certainly would require consideration of cleanup. This would likely pertain to most, if not all, alternate uses of the subject firing range allowable under the existing zone such as residential, agricultural, plant nursery and kennels.

The fact that the subject is not presently a candidate for an assessment of toxic materials does not mean that this may not occur some time in the future. Although I am not a legal expert and cannot opine as to who might bear responsibility for clean up of the subject, I have been provided a specific instruction by the client that no indemnification of such responsibility would be provided by the seller to any potential buyer. Thus, there is clearly some element of risk associated with acquisition of this contaminated site.

The cost of cleanup for shooting ranges can be significant. A local example is Camp Wesley Harris, which lies adjacent to the subject's eastern boundary. This 387 acre Naval shooting range has operated rifle and hand gun ranges since around 1930. Around 1980 the U.S. Navy initiated an assessment of the toxic materials and the Washington State Department of Ecology performed a hazardous waste examination of this site that resulted in approximately $3 million of clean up during 1987 and 1988. The primary contaminants were lead and chromium lodged in the soils and diluted in shallow groundwater. According to John Kiess with the Kitsap County Health District, who participated in this assessment, the cleanup area on Camp Wesley Harris was fairly similar in size and use as the Kitsap Rifle and Revolver Club.

Two other examples of the cost to clean up shooting ranges pertain to the Sharp Park Rifle Range that was owned and operated by the City of San Francisco and the gun range at Huntington Central Park in Huntington Beach, CA. The former was a 6 acre site that operated as a firing range from 1952-1988. In 2007 the City of San Francisco commissioned a study to determine clean up costs. The report determined that it would cost between $2.5-$4.5 million to excavate and remove all toxic materials. The Huntington Beach site covered about 5 acres and the estimated cost of cleanup is currently $1.5-$3 million according to city officials.

With respect valuation of the Kitsap Rifle and Revolver Club I have not been provided any cost estimate regarding the potential cleanup of the property. However, given the likely extent of contamination and the need for an "as is, where is" appraisal, it is necessary to estimate the potential liability that would result from a clean up requirement. Based upon the information discussed above, I have concluded that cleanup of the subject site would very likely have a present day cost of at least $2 million and a high probability that the cost would be on the order of $3 million.

Highest and Best Use

"Highest & Best Use" is defined by The Appraisal Institute as:

> *"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest*

value. The four criteria the highest and best use must meet are: legal permissibility, physical possibility, financial feasibility and maximum profitability."

Source: The Dictionary of Real Estate Appraisal, Third Edition, Copyright 1993, published by the Appraisal Institute.

The highest and best use analysis provides the foundation for a value conclusion by identifying the specific market position of a subject and thereby specifying appropriate market comparisons for it, as well as the relevant approaches to value. It is governed by consideration of the property's legal, physical and economic potential. If the property is improved, the process requires separate analysis of the land as though vacant and the land as improved. This provides the basis for a conclusion as to whether the improvements adequately contribute to overall value as to continue to be the preferred use, or whether an alternate use would better support the land value. In this instance, the subject property is improved as a small arms firing range and the instructions to the appraiser specify that it is to be valued in it's "as is" condition. Thus, a highest and best use analysis of the subject as if vacant is not appropriate and has not been provided.

Highest & Best Use "As Is"

The highest and best use of the subject is governed first by what is legally feasible. As previously discussed the subject's RW zone would allow for single family residential development at a density of one dwelling unit per 20 acres. This would nominally allow for three development rights. However, the Specialized Appraisal Instructions provided by the client effectively limit the use of the property to a short arms shooting range that must be open to the public and operated on a non-profit basis by an owner who is qualified to accept public funds.

With respect to physical possibility the subject has historically been used as a firing range for more than 80 years. It has ample room to support a firing range with a large buffer safety area from surrounding uses. The property is located in a rural area of Kitsap County with very low residential development potential but is also situated on a paved highway within a short distance of Bremerton, Port Orchard and Silverdale. These factors suggest that the property would provide good access to a large number of people in its current use while at the same time creating a relatively small noise nuisance impact.

Based upon the foregoing factors the highest and best use of the subject is concluded to be continued operation of the property as improved for use as a firing range that is open to the public and operated on a non-profit basis.

Meanwhile, circumstances resulting from the presence of hazardous waste and the special instruction stipulating that a buyer of the property would not be indemnified from any responsibility of cleaning up toxic contamination make it necessary to look beyond the presumed highest and best use as if in a benign condition to an examination in its "as is" condition. Such consideration specifically revolves around the possibility that at some future time it would be necessary to pay for clean up of toxic material on the property.

In light of the discussion above, it appears that the salient question regarding highest and best use is whether a gun club operating on a non-profit basis would contribute sufficient economic value to supersede the risk associated with the possible cost to cure the contamination at some time in the future? Obviously, the meaning of "risk" assumes that there is no conclusive answer. However, there are some indications in this regard that are pertinent to a valuation based on risk assessment. These include a probable current cost to cure the subject's contamination from $2- $3 million. While it is not possible to predict the exact duration required for cleanup, given that the nature of the contamination pervades into the soil and aquifer it may take years to remediate and it is possible that the costs may escalate beyond present day projections. Finally, there is no certainty that any previous owners of the property would share responsibility for cleanup.

Assessing the impact of contamination on the site is obviously complicated by the fact that it is unknown when and if such cleanup will be required. Further, the cost of hazardous waste cleanup as well as the extent of liability among parties who may have held title to the property at one time or another is notorious for its lack of predictability. For that reason, projecting how these may impact the subject's ultimate value becomes a matter of risk analysis. Where good sales comparison data exists, the appraiser can make direct market comparisons to derive the value of a given property in its existing condition. Not surprisingly, however, I did not find sales of contaminated firing ranges in the subject's market area. The difficulty of finding suitable sales comparisons has resulted in reliance upon the income capitalization approach as the primary means to valuation in this instance. This approach implicitly recognizes the risk associated with achieving a market return on investment in a given property through application of an appropriate capitalization rate. In this instance the rate of return should reflect the following issues:

- The possibility that the ultimate cost of cleanup may be higher than the present day estimate.
- The difficulty in placing a specific time period upon remediation of contamination.
- The level of confidence that cleanup technology and procedures exist that can result in a complete cleanup that will require no further action.
- The possibility that market stigma will be attached to the property even if cleanup does not impair present day operations and liability does not extend beyond the present owner.

The analysis that follows first considers the value of the subject through the income capitalization approach under use as a non-profit firing range that utilizes state funding. The second step in the analysis considers an appropriate discount to that value based upon the risk that a prospective buyer would be required to clean up the contamination on the property at some time in the future.

Land Valuation Analysis

Land valuation analyses are typically based upon the precepts of "market value" as this implicitly considers what the most likely potential buyer of a property would pay in order to generate the highest economic return. However, in this instance the Specialized Appraisal Instructions limit the use of the property to a firing range, and even that utilization of the property is further constrained by requirements that it be operated on a non-profit basis by a party accepting state funds. *The Appraisal of Real Estate*

(12th Edition), which is a comprehensive text published by the Appraisal Institute, provides the following guidance pertaining to valuing such properties:

> *When appraising a type of property that is not commonly exchanged or rent, it may be difficult to determine whether an opinion of market value can be reasonably supported. Such limited-market properties can cause special problems for appraisers. A limited-market property is a property that has relatively few potential buyers at a particular time. Many limited-market properties include structures with unique designs, special construction material, or layouts that restrict their utility to the use for which they were originally built. These properties have limited conversion potential and, consequently, are often called special-purpose or special-design properties. Examples of such properties include houses of worship, museums, schools, public buildings and clubhouses.*
>
> *Limited-market properties may be appraised based on their current use or the mostly likely alternative use. Due to the relatively small markets and lengthy market exposure needed to sell such properties, there may be little evidence to support an opinion of market value based on their current use. The distinction between market properties and limited-market properties is subject to the availability of relevant market data. If a market exists for a limited-market property, the appraiser must search diligently for whatever evidence of market value is available.*
>
> *If a property's current use is so specialized that there is no demonstrable market for it but the use is viable and likely to continue, the appraiser may render an opinion of use value if the assignment reasonably permits a type of value other than market value. If no market can be demonstrated of if the data is not available, the appraiser cannot develop an opinion of market value and should state so in the appraisal report. It is sometimes necessary to render an opinion of market value in these situations for legal purposes, however. In these cases, the appraiser must comply with the legal requirement, relying on personal judgment and whatever direct market evidence is available. Note that the type of value developed is not dictated by the property type, the size or viability of the market, or the ease with which that value can be developed; rather, the intended use of the appraisal determines the type of value to be developed. If the client needs a market value opinion, the appraiser must develop an opinion of market value, not use value.*

In this instance the client has provided very specific instructions limiting the use to a single application but has also directed the appraiser to provide an opinion of market value. Thus, in keeping with the direction provided above, I had relied upon personal judgment as well as whatever market evidence is available in deriving a value conclusion for the subject.

The direct income capitalization methodology is an approach that equates the net operating income of a property over one year of operation to total property value through the application of a market based capitalization rate that implicitly accounts for the risk associated with continuing to generate stabilized income over the life of the investment. In this instance, the subject is appraised as a non-profit operation. Discussion with Kevin Howell of the Kitsap County Prosecutor's Office and Matthew Keough of the

Kitsap County Department of Parks and Recreation suggest that the non-profit status eliminates the ability to generate any net operating income because fees can only be charged that are commensurate with the costs of maintenance and operation. This would effectively reduce the net operating income to zero for a passive investor in the property who does not intend to have a management role.

However, a non-profit organization can pay salaries to its employees. Thus, if the property was purchased by a prospective owner who intended to operate the firing range himself, the salary generated could be construed as income. This latter scenario suggests that even given the strict limitations on the use of the property, there may be prospective buyers willing to pay a lump sum purchase price for the opportunity to generate a salary over their term of ownership.

The amount that such a prospective buyer might pay is a function of the risk associated with the security of the income stream. For purposes of this analysis I have relied upon personal conjecture as well as market evidence to first derive an estimate of the subject's market value *without any consideration of contamination impact*. The impact of toxic waste upon value is then considered in a separate step of the analysis.

The analysis begins with an assumption of a reasonable salary that a potential buyer of the subject could anticipate generating through operation of a firing range. I have put this at $100,000 annually. Since all other funds generating would necessarily go to the operation and maintenance of the firing range (including any other salaries that might be paid) the owner's salary effectively represents the annual net operating income. According to the Korpacz Real Estate Investor Survey (a division of Price Waterhouse Coopers), capitalization rates for investment grade real estate in the Pacific Northwest ranged from 6.5%-11% in the first quarter of 2009. Assuming that the security of this investment entails more or less average risk I have applied a 9% rate of return to the income noted above which results in a total value indication for the subject of around $1,100,000.

While a prospective buyer of the subject might be willing to pay on the order of $1,100,000 to generate an annual income stream of $100,000 assuming typical market risk, consideration of the subject's contamination adds significant uncertainty to the security of that income stream. As discussed above, the current cost to cure all of the contamination on the subject is expected to be around $2-$3 million. Since it is a specific instruction of this appraisal that no indemnity would be granted to a buyer of the property, that person would be expected to absorb most, if not all, of the remediation costs. The next questions are if and when such a liability would be exacted.

As previously discussed the subject is not presently on the Washington State Department of Ecology's list of contaminated sites slated for cleanup, and to my knowledge there has never been any assessment of toxic materials on the subject. However, given its use as a firing range for nearly a century it is common knowledge that the site is heavily contaminated. Further, the adjoining Camp Wesley Harris site, which has a very similar history of use as the subject, has been placed upon the State's list of toxic sites and has already undergone some cleanup at considerable expense. It would be very logical to conclude that at some point the subject would also become a viable candidate for cleanup, and thus it would seem that the issue is much more a matter of "when" than "if."

With regard to the timing impact of any potential requirement to clean up the subject the following analysis is germane. At a price of $1,100,000 and an annual income of $100,000 it would nominally require 11 years to recoup the capital investment. However, adding the cost of cleanup at $2 million (which is the low end of the estimate) would add additional 20 years. Obviously, this is a highly simplistic analysis that ignores additional inputs such as inflation, a potential increase in annual income and a potential increase in the cost of cleanup over time. However, it very clearly illustrates that the looming liability of curing the subject's contamination would undermine much, if not all, of the economic benefit to be derived from the subject. While it is difficult to project when the DOE might require cleanup of the subject, it is not unreasonable to presume that changes in land use in this area over the next 20 years will very likely include increased residential development density with a reliance upon ground sources of drinking water that would promulgate such action. Ultimately, this raises a very strong question as to why a prospective buyer would pay $1,000,000 to secure such a risky income stream when that money could be put to other far less risky income producing real estate ventures.

Based upon the foregoing analysis it is my conclusion that the market value of the subject is effectively zero. This does not necessarily suggest that there is not a prospective buyer willing to pay some amount of cash for the subject. However, that buyer would not be acting to obtain the maximal return on investment that is essential to the concept of market value. Rather, such a purchase would be predicated upon "use value" that considers the value of a particular property in a particular use irrespective of any value that might be derived from alternate uses of that property or an investment in another property that would reap a positive economic return.

Subject Market Value As Is & Recognizing Specialized Appraisal Instructions **$0**

Effective Date of Value

March 19, 2009.

Closing

If you have any further questions or concerns, please do not hesitate to call.

Sincerely,

Stephen Shapiro, MAI

Ref: 9111

APPRAISER'S CERTIFICATION

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 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 engagement in this assignment was not contingent upon developing or reporting predetermined results. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the obtainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Cope of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- 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.
- 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;
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by authorized representatives.
- As of the date of this report, I have completed the requirements under the continuing education program of the Appraisal Institute.

RESTRICTION UPON DISCLOSURE & USE:
Disclosure of the contents of this appraisal report is governed by the By-Laws & Regulations of the Appraisal Institute.
Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which (s)he is connected, or any reference to the Appraisal Institute or to the MAI designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the prior written consent and approval of the undersigned. No part of this report or any of the conclusions may be included in any offering statement, memorandum, prospectus or registration without the prior written consent of the appraiser.

The property has been appraised for its fair market value as though owned in fee simple and encumbered by the Specialized Appraisal Instructions described in this report. The opinion of value expressed in this report is the result of, and is subject to the data and conditions described in this report.

I made a personal inspection of the property that is the subject of this report on March 19, 2009.

Name: **Stephen Shapiro, MAI**
WS Cert # 1101561

Signature: _____

Date Signed: May 5, 2009

RE•SOLVE

Real Estate Appraisal, Counseling & Mediation

STEPHEN L. SHAPIRO, MAI

Stephen Shapiro graduated in June 1986 from the University of Washington in Seattle, Washington. He was awarded an Honors Degree as Bachelor of the Arts in Communications with a major in Journalism and a minor in Economics. Since that time he has worked as a writer, editor and research consultant specializing in land and marine resource issues. Mr. Shapiro was asked to join the firm of **Wronsky, Gibbons & Riely** in March of 1999 by Anthony Gibbons. In July of 1999 Mr. Gibbons formed Anthony Philip Gibbons PLLC, doing business under the new company name of **RE•SOLVE** – a company providing Real Estate Appraisal, Counseling and Mediation services. Mr. Shapiro joined Mr. Gibbons in his company at that time.

In his capacity as an appraiser for **Wronsky, Gibbons & Riely** and **RE•SOLVE**, Mr. Shapiro has developed a broad range of experience over a wide variety of property types. Appraisals have been performed on office and industrial buildings; commercial and industrial land; residential subdivision property; natural resource and habitat land, including timberland and wetland property; and high-end estate homes. In addition, he has provided mediation and expert witness services for legal purposes.

Mr. Shapiro is licensed as a certified general real estate appraiser by the State of Washington (license no. 1101561) and is listed on the Washington State Department of Transportation's Approved List of Appraisers and Reviewers. He was awarded the highly regarded MAI designation of the Appraisal Institute in June 2006 (member no. 12394). He has successfully completed the following Appraisal Institute courses, as well as numerous additional professional seminars:

- Appraisal Principles
- Appraisal Procedures
- Standards of Professional Appraisal Practice, Parts A and B
- Highest and Best Use and Market Analysis
- Basic Income Capitalization
- General Applications
- Advanced Sales Comparison and Cost Approaches
- Report Writing and Valuation Analysis
- Advanced Applications
- Advanced Income Capitalization
- Uniform Appraisal Standards for Federal Land Acquisitions
- Condemnation Appraising: Advanced Topics and Applications

Mr. Shapiro has performed appraisal services for a wide variety of clients, and a brief client list follows.

- City of Bainbridge Island
- WA State Dept. of Natural Resources
- Bainbridge Island Parks and Recreation
- Group Health Cooperative of Puget Sound
- Port of Seattle
- Cascade Land Conservancy
- U.S. Forest Service
- NC Power Systems Co.
- City University
- Trust For Public Land
- Bainbridge Island Land Trust
- The Mark A. Robinson Trusts
- Commerce Bank
- First American Title Insurance Co.
- Tulalip Tribes
- Tousley Brain Stephens PLLC
- Ryan, Swanson and Cleveland, PLLC
- Pope Resources, Inc.
- Hockett & Olsen Brothers, Inc.
- Great Peninsula Conservancy
- Central Kitsap School District
- Riddell Williams P.S.
- Whidbey Camano Land Trust
- Michael A. Goldfarb Law Office
- Lawler Burroughs & Baker, P.C.
- Harnish Group, Inc
- Development Services of America
- Preston Gates & Ellis LLP
- Pacific Investment Co.
- Column Financial
- GVA Kidder Mathews
- American Marine Bank
- Batavia Holdings LLC
- Kinzer Real Estate Services
- Knowles/Turner Real Estate Group
- Warren G. Harding Temple Board Assoc.
- GEM1 LLC
- Kitsap County Dept. of Public Works
- Washington State Parks Commission
- Livengood, Fitzgerald & Alskog PLLC
- American Eagle Communities
- McGavick Graves Attorneys at Law
- Wal-Mart
- Black Equities Group LTD
- Transnation Title Insurance Co.
- The Ketcham Family
- City of Burien
- Open Space Resources
- Kitsap Conservation District
- Lawyers Title Insurance Corp.
- Kitsap County Dept. Parks and Recreation
- McCormick Land Company
- Trammell Crow Co.
- Pike Place Market PDA
- City of Edmonds Parks and Recreation
- WA State Department of Transportation
- MacMillan-Piper, Inc.
- Port of Allyn
- Pacific Medical Center and Clinics
- Commonwealth Land Title Insurance
- Port Gamble S'Kllallam Tribe
- Madison Ave Real Estate, LLC
- Kitsap County Dept. of Admin. Services
- Olympic Property Group
- Prosperity Treatment Center
- Old Republic Title Co.
- Cullen Law Office LLP
- Port of Olympia
- Washington First International Bank
- Rogers Deutsch & Turner
- Frontier Bank
- Credit Suisse First Boston
- The Mountaineers
- Bainbridge Public Library
- GMAC Commercial Mortgage
- Farm Bureau Life Insurance Co.
- Starbucks
- Seattle Automotive Dist., Inc.
- Pacific Northwest Title Insurance Co.
- WA State Office of the Attorney General
- Aoki Sakamoto and Grant LLP
- AnMarCo
- King Count Dept. Natural Resources & Parks
- Montgomery Purdue Blankinship & Austin PLLC
- Ogden Murphy Wallace PLLC
- Puget Sound Energy
- Kenyon P. Kellogg, Attorney at Law
- Mundt MacGregor PLLC

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 5:04 PM
To: Dana Daniels; miller.sarah@leg.wa.gov
Subject: Kitsap County Staff response, Sale of property associated with DNR Land Exchange
Attachments: Final Kitsap Gun Club.pdf

Sarah,

Thank you for your inquiry and the opportunity to provide more information about the proposed "conveyance of real estate" to the Kitsap Riffle and Revolver Club. It is a sensitive issue and we appreciate both the constituent's comments and your checking in with us. There is particular confusion over how the County came to the land value for the 72 acre parcel. Let me provide the basics below but make myself fully available for more detail and re-cap of the process. Also, I shall attach the appraisal itself here for your information and distribution if you are so inclined. Please note that the land exchange with DNR is a separate transaction; however, it brings the parcel/existing lease momentarily under County ownership.

Background statement on Conveying Property to the KRRC (gun club)
The property was professionally appraised by a third party to arrive upon the property value "AS-IS" (not market value) with its historic, current, and future use as a recreational shooting range on 8 acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going shooting range operation that is open to the public and for a non-profit basis. With those assumptions, the property would be a cost to the County taxpayers to own the land and impossible for the County to provide for this specialized use.

As stated above, the land was appraised with multiple assumptions/restrictions on use that were to provide for the public interest which included a publicly accessible shooting range (valid recreational use) and the conditions in place through the existing long-term lease with the DNR. The third-party, professional appraisal concluded that the property was of $0 value given these assumptions. This conclusion not only suggested that a public auction was not required but that the County could convey the property directly to a community-based recreation organization for a well-established use.

Restrictive covenants/deed restrictions ultimately captured the assumption of the appraisal and protect the public interest behind conveying the land to the KRRC (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners heavily studied the issues in determining the public interest in pursuing the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

The Board of Natural Resources has it on their public agenda for finalization tomorrow, June 2nd. I will be in attendance and available, if more consultation is required by phone and email. Cell phone: 360 689-7791.

Sincerely,
MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation

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May 5, 2009

Chip Faver, Director
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

RE: Kitsap County Rifle and Revolver Club Portion of Tax Parcel # 362501-2-001-1001

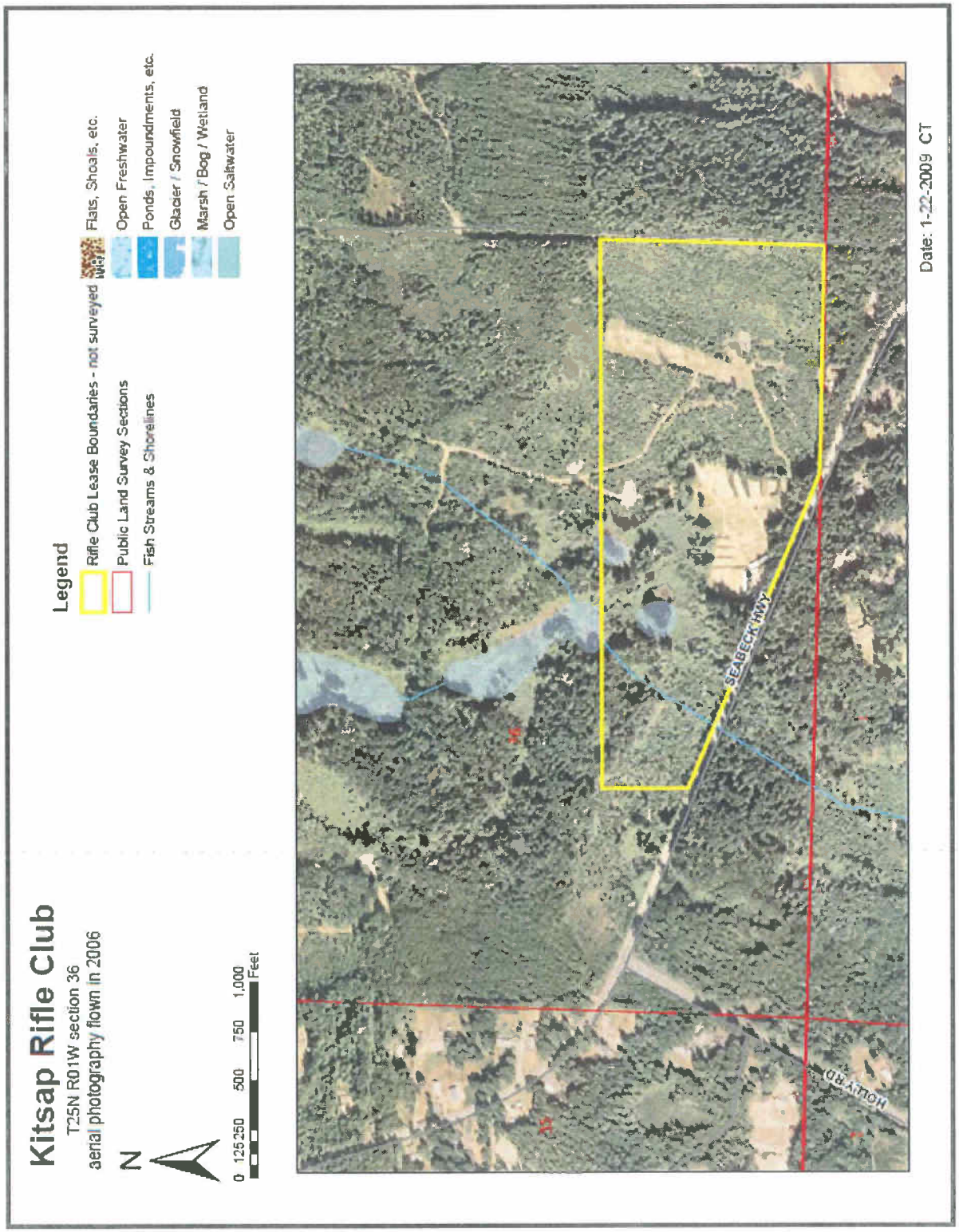
Dear Mr. Faver:

At your request, I have prepared this valuation/counseling letter with regard to the above referenced property. This letter meets the standards of a *restricted* appraisal report. The document recognizes your familiarity with the subject property and issue at hand, and thus is intended only for your use, or those you deem sufficiently knowledgeable to fully understand the contents of this evaluation. As directed, I have estimated the fee simple interest in the subject recognizing the restricted conditions of use described in the specialized appraisal instructions discussed in this report. This appraisal will be used by you for purposes of potential disposition of the property.

Identity/Location of Property

The subject is comprised of land and improvements operating as the Kitsap Rifle and Revolver Club. This includes 8 acres containing roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used to provide buffer and safety zones for lessee's shooting range. The following legal description of the subject was provided by the client. The area is depicted on the photograph on the following page.

> *Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southwest quarter of Section 36, Township 25 North, Range 1 West, W.M., lying northerly of the North lines of an easement for right of way for road granted to Kitsap County on December 7, 1929, under Application No. 1320, said road being as shown on the regulation plat thereof on file in the office of the Commissioner of Public lands at Olympia, Washington, the above described lands having an area of 72.41 acres, more or less.*



KITSAP RIFLE GUN CLUB

Purpose of Valuation and Counseling Letter

The Washington State Department of Natural Resources presently owns approximately 522 acres that includes the subject area, which is leased to the Kitsap Rifle and Revolver Club. The Kitsap County Department of Parks and Recreation has an interest in acquiring the DNR property and disposing of the 72.41 acres encompassed by the gun club. The purpose of this counseling letter is to provide a market based valuation analysis of the subject gun club area in its "as is" condition and recognizing the stipulated Specialized Appraisal Instructions discussed below.

The term "market value" is defined as:

> *"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date, and the passing of title from seller to the buyer under conditions whereby:*
>
> *a. the buyer and seller are typically motivated;*
>
> *b. both parties are well informed or well advised, and acting in what they consider their own best interests;*
>
> *c. a reasonable time is allowed for exposure in the open market;*
>
> *d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
>
> *e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."*

Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].

Specialized Appraisal Instructions

The client has provided specific instructions to provide a fee simple market value for the subject recognizing any existing reservations as well as the following instructions. These instructions constitute limiting conditions that have a direct impact upon the value conclusions derived.

1. Appraise the property in an "As Is" condition.

2. Assess and state environmental liabilities associated with this land, and its historic use as a shooting range, without any indemnification provided by the seller.

3. The subject property will continue to be utilized exclusively as a short arm shooting range consistent with its historic use. Enlargement, material improvement of the activities will require land use compliance and permitting through Kitsap County Department of Community Development.

4. Require purchaser to be a non-profit organization, enabled to: maintain existing public (state) funds and (2) apply for public funds to support the historic use of the property for outdoor recreation.

5. Require purchaser and future owners to provide public access to the property for recreational use on a non-profit basis.

6. Assume liability associated with operating existing recreation facilities, specifically a shooting range.

7. The subject property is associated with an adjacent, listed Superfund site with the EPA. The Washington State Department of Ecology ranks the adjacent property a "2" on its scale of hazardous materials contamination. Site clean up work was performed in the late 1970's but more recent analysis indicates that further hazardous clean up work is needed to address lead, chromium and other contamination.

Intended Use/User

This report will be used as an aid in the potential disposition of the subject property after it is acquired by Kitsap County. The client is Chip Faver, director of the Kitsap County Department of Parks and Recreation, as well as his authorized agents, associates and employees.

Scope of Assignment

The scope of work of this assignment is to provide consultation pertaining to the potential disposition of the subject. The Uniform Standards of Professional Appraisal Practice defines "Appraisal Consulting" as follows:

> *The act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.*
>
> *An appraisal consulting assignment involves an opinion of value but does not have an appraisal or an appraisal review as its primary purpose.*

The scope of work in this assignment is associated with consultation rather than an appraisal owing to the unusual circumstance of the subject being a special use property that is heavily contamination, which does not readily lend itself to the typical valuation methodologies. This issue is discussed in greater depth in the highest and best use section of this report.

This analysis is presented in a reporting format that meets the requirements for a restricted report under USPAP guidelines. Discussions and analysis are abbreviated in this document, with supporting data retained in my files for reference.

Subject Sales History

The subject property has been under the ownership of the Washington State Department of Natural Resources for many years and there is a lease over the entire property between the State of Washington as lessor and the Kitsap Rifle and Revolver Club as lessee. This includes 8 acres containing the lessee's improvements, roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used by the lessee to provide buffer and safety zones for lessee's shooting range.

The lease commenced in March of 2003 and has a termination date of February 27, 2018. This is a net lease with a current rate of $7,200 per year, although there is a scheduled increase that has not been applied. It should be noted that section 4.03 of the lease stipulates the following caveat:

> *State reserves the right to terminate this agreement upon sixty (60) days written notice in the event the State includes the premises in a plan for higher and better use, land exchange or sale.*

This clause would allow Kitsap County to acquire the subject from Washington State unencumbered by the lease. Additionally, section 8.02(a) of the lease requires the lessee to remove all "deleterious material" at the termination of the lease or the State will do so at the lessee's expense. This effectively requires the lessee to clean the site of any material impacts that would undermine the highest and best use of the property resulting from its use as a firing range. However, it is the mutual intention of DNR and Kitsap County to transfer ownership of the subject to the latter party with the existing gun club use intact. Further, there is no requirement to clean the site of hazardous materials upon a change in ownership.

Title Report/Easements/Conditions/Restrictions

Although I have not been provided a title report for the specific subject I have been given a title report for the larger area of which the subject is a part. I am not aware of any easements, conditions, covenants or restrictions that would constrain the highest and best use of the subject, and this is an underlying assumption of this report.

Date of Appraisal

The date of this appraisal is March 19th, 2009, the most date of the subject property inspection. This report was prepared in April and May of 2009.

Property Characteristics

Location and Access

The subject property is located in central Kitsap County on the Seabeck Highway near its intersection with Holly Road. While the area immediately surrounding the subject is rural, the property is located only about 10 miles west of Bremerton, the most populous city in Kitsap County and about a dozen miles

from Port Orchard, which is the county seat. About seven miles to the northeast is Silverdale, which has the greatest concentration of retail shops and malls in the county.

Zoning

The subject's 522 acres are comprised of 2 parcels plus a portion of a third parcel adjoining to the north. These are all designated Rural Wooded (RW) in the Kitsap County zoning code. General specifications associated with this zone are as follows:

Rural Wooded Zone (RW)

Minimum Lot Size	20 Acres
Setbacks	50' Front, 20' Side/Rear
Building Height	35'
Primary Permitted Uses	Preservation of forest use while allowing for some rural residential use

The Kitsap County Zoning Ordinance describes the purpose of this zone as follows:

> *This zone is intended encourage the preservation of forest uses, retain an area's rural character and conserve the natural resources while providing for some rural residential use. This zone is further intended to discourage activities and facilities that can be considered detrimental to the maintenance of timber production.*

The primary permitted uses in the RW zone include forestland management, agriculture, parks and open space, wholesale nurseries, kennels, and residential use at a very low density. Conditional uses are limited but do include certain recreational uses. While a shooting range is not explicitly noted as an allowable use, it is assumed that the current use of the subject is a permitted conditional legal use of the property.

Land Description

The subject is an irregularly shaped 72.41 acre land area that is a portion of Kitsap County tax parcel number 362501-2-001-1001. The property has generally rolling topography with no steep areas. The property is cleared in the 8 acre shooting range area and has timber cover in the 72 acre buffer area. I am unaware of any critical areas on the subject. I have been provided a timber valuation of the entire DNR property by the firm of S. A. Newman , Forest Engineers, indicating that are is $1,258,00 of merchantable timber value over the entire 522 acre tax parcel. This amounts to about $2,410/acre. I have not been provided any timber valuation for the subject portion of the total property. However, applying the average timber value per acre suggests there is approximately $175,000 of merchantable timber value on the subject.

Utilities

All utilities are presently available to the subject including electricity and phone. Water is provided by an on-site well and waste is handled by a septic system.

Subject Improvements

The subject is improved as a shooting range that has been operated as the Kitsap Rifle and Revolver Club since 1926. It is minimally improved with infrastructure associated with the shooting range. This includes several portable buildings and covered shooting platforms.

Hazardous Materials

It is well known that the approximately 8 acres of the subject that has been used as a shooting range for the past 83 years is contaminated with lead from spent ammunition lodged in the soil. To my knowledge there has never been any hazardous conditions assessment of the subject property or any estimate of the cost to clean it up. Clearly, the potential cost and risk of liability associated with the cleanup of the subject would be a significant value consideration in the mind of any prospective buyer of the property. In support of this I have provided the following documentation pertaining to evidence of hazardous material associated with shooting ranges as well as clean up costs.

Metallic lead shot is the most common ammunition used in shooting ranges owing to its low cost, ease of reloading and good firing characteristics. Lead is a known pollutant that has been closely monitored by the Environmental Protection Agency for many years as a hazardous trace material in paint, gasoline, plumbing pipes and other consumer products including food. In its solid form as lead shot at a firing range it can enter the environment as dust particles and dissolved in ground water. Thus, it is associated with grasses and plants ingested by animals as well as surface drinking water used by animals and groundwater that may be used by people. In its dissolved state lead pollution can infiltrate areas well outside the local firing range through surface run off and ground water percolation.

Research indicates that lead is the most prevalent contaminant found at federal Superfund sites across the country. Recognition of its significant environmental and health threats have resulted in enacting federal and state laws requiring clean up under most circumstances. Interestingly, private firing ranges remain exempt from federal law owing to owing to an interpretation by the EPA that the act of firing bullets does not qualify as "discarding" them. However, state law pertaining to the clean of lead material from firing ranges may apply.

According to Donna Musa of the Washington State Department of Ecology Toxic Cleanup Program, suspected contamination on a particular site does not constitute a requirement to investigate hazardous conditions or clean up any such materials. Typically, investigation into hazardous conditions is triggered by someone concerned about being subjected to such contamination or when contamination has been found to migrate from its source to neighboring property. In these instances Washington State requires an assessment to rank a potentially hazardous site, but only requires clean up of those designated as falling in the top tier of potential environmental threats.

Since firing ranges tend to be in relatively remote areas and are often frequented by local inhabitants, they are not usually the subject of such complaints. Ms. Musa noted that a change of ownership would not trigger a clean up requirement. Further, Washington State law does not stipulate that a change of use would necessarily trigger a clean up requirement. However, if the use of a property was changed in such a manner that the hazardous material posed an obvious threat under, it almost certainly would require consideration of cleanup. This would likely pertain to most, if not all, alternate uses of the subject firing range allowable under the existing zone such as residential, agricultural, plant nursery and kennels.

The fact that the subject is not presently a candidate for an assessment of toxic materials does not mean that this may not occur some time in the future. Although I am not a legal expert and cannot opine as to who might bear responsibility for clean up of the subject, I have been provided a specific instruction by the client that no indemnification of such responsibility would be provided by the seller to any potential buyer. Thus, there is clearly some element of risk associated with acquisition of this contaminated site.

The cost of cleanup for shooting ranges can be significant. A local example is Camp Wesley Harris, which lies adjacent to the subject's eastern boundary. This 387 acre Naval shooting range has operated rifle and hand gun ranges since around 1930. Around 1980 the U.S. Navy initiated an assessment of the toxic materials and the Washington State Department of Ecology performed a hazardous waste examination of this site that resulted in approximately $3 million of clean up during 1987 and 1988. The primary contaminants were lead and chromium lodged in the soils and diluted in shallow groundwater. According to John Kiess with the Kitsap County Health District, who participated in this assessment, the cleanup area on Camp Wesley Harris was fairly similar in size and use as the Kitsap Rifle and Revolver Club.

Two other examples of the cost to clean up shooting ranges pertain to the Sharp Park Rifle Range that was owned and operated by the City of San Francisco and the gun range at Huntington Central Park in Huntington Beach, CA. The former was a 6 acre site that operated as a firing range from 1952-1988. In 2007 the City of San Francisco commissioned a study to determine clean up costs. The report determined that it would cost between $2.5-$4.5 million to excavate and remove all toxic materials. The Huntington Beach site covered about 5 acres and the estimated cost of cleanup is currently $1.5-$3 million according to city officials.

With respect valuation of the Kitsap Rifle and Revolver Club I have not been provided any cost estimate regarding the potential cleanup of the property. However, given the likely extent of contamination and the need for an "as is, where is" appraisal, it is necessary to estimate the potential liability that would result from a clean up requirement. Based upon the information discussed above, I have concluded that cleanup of the subject site would very likely have a present day cost of at least $2 million and a high probability that the cost would be on the order of $3 million.

Highest and Best Use

"Highest & Best Use" is defined by The Appraisal Institute as:

> *"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest*

value. The four criteria the highest and best use must meet are: legal permissibility, physical possibility, financial feasibility and maximum profitability."

Source: The Dictionary of Real Estate Appraisal, Third Edition, Copyright 1993, published by the Appraisal Institute.

The highest and best use analysis provides the foundation for a value conclusion by identifying the specific market position of a subject and thereby specifying appropriate market comparisons for it, as well as the relevant approaches to value. It is governed by consideration of the property's legal, physical and economic potential. If the property is improved, the process requires separate analysis of the land as though vacant and the land as improved. This provides the basis for a conclusion as to whether the improvements adequately contribute to overall value as to continue to be the preferred use, or whether an alternate use would better support the land value. In this instance, the subject property is improved as a small arms firing range and the instructions to the appraiser specify that it is to be valued in it's "as is" condition. Thus, a highest and best use analysis of the subject as if vacant is not appropriate and has not been provided.

Highest & Best Use "As Is"

The highest and best use of the subject is governed first by what is legally feasible. As previously discussed the subject's RW zone would allow for single family residential development at a density of one dwelling unit per 20 acres. This would nominally allow for three development rights. However, the Specialized Appraisal Instructions provided by the client effectively limit the use of the property to a short arms shooting range that must be open to the public and operated on a non-profit basis by an owner who is qualified to accept public funds.

With respect to physical possibility the subject has historically been used as a firing range for more than 80 years. It has ample room to support a firing range with a large buffer safety area from surrounding uses. The property is located in a rural area of Kitsap County with very low residential development potential but is also situated on a paved highway within a short distance of Bremerton, Port Orchard and Silverdale. These factors suggest that the property would provide good access to a large number of people in its current use while at the same time creating a relatively small noise nuisance impact.

Based upon the foregoing factors the highest and best use of the subject is concluded to be continued operation of the property as improved for use as a firing range that is open to the public and operated on a non-profit basis.

Meanwhile, circumstances resulting from the presence of hazardous waste and the special instruction stipulating that a buyer of the property would not be indemnified from any responsibility of cleaning up toxic contamination make it necessary to look beyond the presumed highest and best use as if in a benign condition to an examination in its "as is" condition. Such consideration specifically revolves around the possibility that at some future time it would be necessary to pay for clean up of toxic material on the property.

In light of the discussion above, it appears that the salient question regarding highest and best use is whether a gun club operating on a non-profit basis would contribute sufficient economic value to supersede the risk associated with the possible cost to cure the contamination at some time in the future? Obviously, the meaning of "risk" assumes that there is no conclusive answer. However, there are some indications in this regard that are pertinent to a valuation based on risk assessment. These include a probable current cost to cure the subject's contamination from $2- $3 million. While it is not possible to predict the exact duration required for cleanup, given that the nature of the contamination pervades into the soil and aquifer it may take years to remediate and it is possible that the costs may escalate beyond present day projections. Finally, there is no certainty that any previous owners of the property would share responsibility for cleanup.

Assessing the impact of contamination on the site is obviously complicated by the fact that it is unknown when and if such cleanup will be required. Further, the cost of hazardous waste cleanup as well as the extent of liability among parties who may have held title to the property at one time or another is notorious for its lack of predictability. For that reason, projecting how these may impact the subject's ultimate value becomes a matter of risk analysis. Where good sales comparison data exists, the appraiser can make direct market comparisons to derive the value of a given property in its existing condition. Not surprisingly, however, I did not find sales of contaminated firing ranges in the subject's market area. The difficulty of finding suitable sales comparisons has resulted in reliance upon the income capitalization approach as the primary means to valuation in this instance. This approach implicitly recognizes the risk associated with achieving a market return on investment in a given property through application of an appropriate capitalization rate. In this instance the rate of return should reflect the following issues:

- The possibility that the ultimate cost of cleanup may be higher than the present day estimate.
- The difficulty in placing a specific time period upon remediation of contamination.
- The level of confidence that cleanup technology and procedures exist that can result in a complete cleanup that will require no further action.
- The possibility that market stigma will be attached to the property even if cleanup does not impair present day operations and liability does not extend beyond the present owner.

The analysis that follows first considers the value of the subject through the income capitalization approach under use as a non-profit firing range that utilizes state funding. The second step in the analysis considers an appropriate discount to that value based upon the risk that a prospective buyer would be required to clean up the contamination on the property at some time in the future.

Land Valuation Analysis

Land valuation analyses are typically based upon the precepts of "market value" as this implicitly considers what the most likely potential buyer of a property would pay in order to generate the highest economic return. However, in this instance the Specialized Appraisal Instructions limit the use of the property to a firing range, and even that utilization of the property is further constrained by requirements that it be operated on a non-profit basis by a party accepting state funds. *The Appraisal of Real Estate*

(12th Edition), which is a comprehensive text published by the Appraisal Institute, provides the following guidance pertaining to valuing such properties:

> *When appraising a type of property that is not commonly exchanged or rent, it may be difficult to determine whether an opinion of market value can be reasonably supported. Such limited-market properties can cause special problems for appraisers. A limited-market property is a property that has relatively few potential buyers at a particular time. Many limited-market properties include structures with unique designs, special construction material, or layouts that restrict their utility to the use for which they were originally built. These properties have limited conversion potential and, consequently, are often called special-purpose or special-design properties. Examples of such properties include houses of worship, museums, schools, public buildings and clubhouses.*
>
> *Limited-market properties may be appraised based on their current use or the mostly likely alternative use. Due to the relatively small markets and lengthy market exposure needed to sell such properties, there may be little evidence to support an opinion of market value based on their current use. The distinction between market properties and limited-market properties is subject to the availability of relevant market data. If a market exists for a limited-market property, the appraiser must search diligently for whatever evidence of market value is available.*
>
> *If a property's current use is so specialized that there is no demonstrable market for it but the use is viable and likely to continue, the appraiser may render an opinion of use value if the assignment reasonably permits a type of value other than market value. If no market can be demonstrated of if the data is not available, the appraiser cannot develop an opinion of market value and should state so in the appraisal report. It is sometimes necessary to render an opinion of market value in these situations for legal purposes, however. In these cases, the appraiser must comply with the legal requirement, relying on personal judgment and whatever direct market evidence is available. Note that the type of value developed is not dictated by the property type, the size or viability of the market, or the ease with which that value can be developed; rather, the intended use of the appraisal determines the type of value to be developed. If the client needs a market value opinion, the appraiser must develop an opinion of market value, not use value.*

In this instance the client has provided very specific instructions limiting the use to a single application but has also directed the appraiser to provide an opinion of market value. Thus, in keeping with the direction provided above, I had relied upon personal judgment as well as whatever market evidence is available in deriving a value conclusion for the subject.

The direct income capitalization methodology is an approach that equates the net operating income of a property over one year of operation to total property value through the application of a market based capitalization rate that implicitly accounts for the risk associated with continuing to generate stabilized income over the life of the investment. In this instance, the subject is appraised as a non-profit operation. Discussion with Kevin Howell of the Kitsap County Prosecutor's Office and Matthew Keough of the

Kitsap County Department of Parks and Recreation suggest that the non-profit status eliminates the ability to generate any net operating income because fees can only be charged that are commensurate with the costs of maintenance and operation. This would effectively reduce the net operating income to zero for a passive investor in the property who does not intend to have a management role.

However, a non-profit organization can pay salaries to its employees. Thus, if the property was purchased by a prospective owner who intended to operate the firing range himself, the salary generated could be construed as income. This latter scenario suggests that even given the strict limitations on the use of the property, there may be prospective buyers willing to pay a lump sum purchase price for the opportunity to generate a salary over their term of ownership.

The amount that such a prospective buyer might pay is a function of the risk associated with the security of the income stream. For purposes of this analysis I have relied upon personal conjecture as well as market evidence to first derive an estimate of the subject's market value *without any consideration of contamination impact*. The impact of toxic waste upon value is then considered in a separate step of the analysis.

The analysis begins with an assumption of a reasonable salary that a potential buyer of the subject could anticipate generating through operation of a firing range. I have put this at $100,000 annually. Since all other funds generating would necessarily go to the operation and maintenance of the firing range (including any other salaries that might be paid) the owner's salary effectively represents the annual net operating income. According to the Korpacz Real Estate Investor Survey (a division of Price Waterhouse Coopers), capitalization rates for investment grade real estate in the Pacific Northwest ranged from 6.5%-11% in the first quarter of 2009. Assuming that the security of this investment entails more or less average risk I have applied a 9% rate of return to the income noted above which results in a total value indication for the subject of around $1,100,000.

While a prospective buyer of the subject might be willing to pay on the order of $1,100,000 to generate an annual income stream of $100,000 assuming typical market risk, consideration of the subject's contamination adds significant uncertainty to the security of that income stream. As discussed above, the current cost to cure all of the contamination on the subject is expected to be around $2-$3 million. Since it is a specific instruction of this appraisal that no indemnity would be granted to a buyer of the property, that person would be expected to absorb most, if not all, of the remediation costs. The next questions are if and when such a liability would be exacted.

As previously discussed the subject is not presently on the Washington State Department of Ecology's list of contaminated sites slated for cleanup, and to my knowledge there has never been any assessment of toxic materials on the subject. However, given its use as a firing range for nearly a century it is common knowledge that the site is heavily contaminated. Further, the adjoining Camp Wesley Harris site, which has a very similar history of use as the subject, has been placed upon the State's list of toxic sites and has already undergone some cleanup at considerable expense. It would be very logical to conclude that at some point the subject would also become a viable candidate for cleanup, and thus it would seem that the issue is much more a matter of "when" than "if."

With regard to the timing impact of any potential requirement to clean up the subject the following analysis is germane. At a price of $1,100,000 and an annual income of $100,000 it would nominally require 11 years to recoup the capital investment. However, adding the cost of cleanup at $2 million (which is the low end of the estimate) would add additional 20 years. Obviously, this is a highly simplistic analysis that ignores additional inputs such as inflation, a potential increase in annual income and a potential increase in the cost of cleanup over time. However, it very clearly illustrates that the looming liability of curing the subject's contamination would undermine much, if not all, of the economic benefit to be derived from the subject. While it is difficult to project when the DOE might require cleanup of the subject, it is not unreasonable to presume that changes in land use in this area over the next 20 years will very likely include increased residential development density with a reliance upon ground sources of drinking water that would promulgate such action. Ultimately, this raises a very strong question as to why a prospective buyer would pay $1,000,000 to secure such a risky income stream when that money could be put to other far less risky income producing real estate ventures.

Based upon the foregoing analysis it is my conclusion that the market value of the subject is effectively zero. This does not necessarily suggest that there is not a prospective buyer willing to pay some amount of cash for the subject. However, that buyer would not be acting to obtain the maximal return on investment that is essential to the concept of market value. Rather, such a purchase would be predicated upon "use value" that considers the value of a particular property in a particular use irrespective of any value that might be derived from alternate uses of that property or an investment in another property that would reap a positive economic return.

Subject Market Value As Is & Recognizing Specialized Appraisal Instructions **$0**

Effective Date of Value

March 19, 2009.

Closing

If you have any further questions or concerns, please do not hesitate to call.

Sincerely,

Stephen Shapiro, MAI

Ref: 9111

APPRAISER'S CERTIFICATION

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 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 engagement in this assignment was not contingent upon developing or reporting predetermined results. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the obtainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Cope of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- 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.
- 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;
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by authorized representatives.
- As of the date of this report, I have completed the requirements under the continuing education program of the Appraisal Institute.

RESTRICTION UPON DISCLOSURE & USE:
Disclosure of the contents of this appraisal report is governed by the By-Laws & Regulations of the Appraisal Institute.
Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which (s)he is connected, or any reference to the Appraisal Institute or to the MAI designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the prior written consent and approval of the undersigned. No part of this report or any of the conclusions may be included in any offering statement, memorandum, prospectus or registration without the prior written consent of the appraiser.

The property has been appraised for its fair market value as though owned in fee simple and encumbered by the Specialized Appraisal Instructions described in this report. The opinion of value expressed in this report is the result of, and is subject to the data and conditions described in this report.

I made a personal inspection of the property that is the subject of this report on March 19, 2009.

Name: **Stephen Shapiro, MAI**
WS Cert # 1101561

Signature: _____

Date Signed: May 5, 2009

RE•SOLVE

Real Estate Appraisal, Counseling & Mediation

STEPHEN L. SHAPIRO, MAI

Stephen Shapiro graduated in June 1986 from the University of Washington in Seattle, Washington. He was awarded an Honors Degree as Bachelor of the Arts in Communications with a major in Journalism and a minor in Economics. Since that time he has worked as a writer, editor and research consultant specializing in land and marine resource issues. Mr. Shapiro was asked to join the firm of **Wronsky, Gibbons & Riely** in March of 1999 by Anthony Gibbons. In July of 1999 Mr. Gibbons formed Anthony Philip Gibbons PLLC, doing business under the new company name of **RE•SOLVE** – a company providing Real Estate Appraisal, Counseling and Mediation services. Mr. Shapiro joined Mr. Gibbons in his company at that time.

In his capacity as an appraiser for **Wronsky, Gibbons & Riely** and **RE•SOLVE**, Mr. Shapiro has developed a broad range of experience over a wide variety of property types. Appraisals have been performed on office and industrial buildings; commercial and industrial land; residential subdivision property; natural resource and habitat land, including timberland and wetland property; and high-end estate homes. In addition, he has provided mediation and expert witness services for legal purposes.

Mr. Shapiro is licensed as a certified general real estate appraiser by the State of Washington (license no. 1101561) and is listed on the Washington State Department of Transportation's Approved List of Appraisers and Reviewers. He was awarded the highly regarded MAI designation of the Appraisal Institute in June 2006 (member no. 12394). He has successfully completed the following Appraisal Institute courses, as well as numerous additional professional seminars:

- Appraisal Principles
- Appraisal Procedures
- Standards of Professional Appraisal Practice, Parts A and B
- Highest and Best Use and Market Analysis
- Basic Income Capitalization
- General Applications
- Advanced Sales Comparison and Cost Approaches
- Report Writing and Valuation Analysis
- Advanced Applications
- Advanced Income Capitalization
- Uniform Appraisal Standards for Federal Land Acquisitions
- Condemnation Appraising: Advanced Topics and Applications

Mr. Shapiro has performed appraisal services for a wide variety of clients, and a brief client list follows.

- City of Bainbridge Island
- WA State Dept. of Natural Resources
- Bainbridge Island Parks and Recreation
- Group Health Cooperative of Puget Sound
- Port of Seattle
- Cascade Land Conservancy
- U.S. Forest Service
- NC Power Systems Co.
- City University
- Trust For Public Land
- Bainbridge Island Land Trust
- The Mark A. Robinson Trusts
- Commerce Bank
- First American Title Insurance Co.
- Tulalip Tribes
- Tousley Brain Stephens PLLC
- Ryan, Swanson and Cleveland, PLLC
- Pope Resources, Inc.
- Hockett & Olsen Brothers, Inc.
- Great Peninsula Conservancy
- Central Kitsap School District
- Riddell Williams P.S.
- Whidbey Camano Land Trust
- Michael A. Goldfarb Law Office
- Lawler Burroughs & Baker, P.C.
- Harnish Group, Inc
- Development Services of America
- Preston Gates & Ellis LLP
- Pacific Investment Co.
- Column Financial
- GVA Kidder Mathews
- American Marine Bank
- Batavia Holdings LLC
- Kinzer Real Estate Services
- Knowles/Turner Real Estate Group
- Warren G. Harding Temple Board Assoc.
- GEM1 LLC
- Kitsap County Dept. of Public Works
- Washington State Parks Commission
- Livengood, Fitzgerald & Alskog PLLC
- American Eagle Communities
- McGavick Graves Attorneys at Law
- Wal-Mart
- Black Equities Group LTD
- Transnation Title Insurance Co.
- The Ketcham Family
- City of Burien
- Open Space Resources
- Kitsap Conservation District
- Lawyers Title Insurance Corp.
- Kitsap County Dept. Parks and Recreation
- McCormick Land Company
- Trammell Crow Co.
- Pike Place Market PDA
- City of Edmonds Parks and Recreation
- WA State Department of Transportation
- MacMillan-Piper, Inc.
- Port of Allyn
- Pacific Medical Center and Clinics
- Commonwealth Land Title Insurance
- Port Gamble S'Kllallam Tribe
- Madison Ave Real Estate, LLC
- Kitsap County Dept. of Admin. Services
- Olympic Property Group
- Prosperity Treatment Center
- Old Republic Title Co.
- Cullen Law Office LLP
- Port of Olympia
- Washington First International Bank
- Rogers Deutsch & Turner
- Frontier Bank
- Credit Suisse First Boston
- The Mountaineers
- Bainbridge Public Library
- GMAC Commercial Mortgage
- Farm Bureau Life Insurance Co.
- Starbucks
- Seattle Automotive Dist., Inc.
- Pacific Northwest Title Insurance Co.
- WA State Office of the Attorney General
- Aoki Sakamoto and Grant LLP
- AnMarCo
- King Count Dept. Natural Resources & Parks
- Montgomery Purdue Blankinship & Austin PLLC
- Ogden Murphy Wallace PLLC
- Puget Sound Energy
- Kenyon P. Kellogg, Attorney at Law
- Mundt MacGregor PLLC

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 5:04 PM
To: Matt Keough
Subject: Re: Kitsap County Staff response, Sale of property associated with DNR Land Exchange

thanks Matt

>>> Matt Keough 6/1/2009 5:03 PM >>>
Sarah,

Thank you for your inquiry and the opportunity to provide more information about the proposed "conveyance of real estate" to the Kitsap Riffle and Revolver Club. It is a sensitive issue and we appreciate both the constituent's comments and your checking in with us. There is particular confusion over how the County came to the land value for the 72 acre parcel. Let me provide the basics below but make myself fully available for more detail and re-cap of the process. Also, I shall attach the appraisal itself here for your information and distribution if you are so inclined. Please note that the land exchange with DNR is a separate transaction; however, it brings the parcel/existing lease momentarily under County ownership.

Background statement on Conveying Property to the KRRC (gun club)
The property was professionally appraised by a third party to arrive upon the property value "AS-IS" (not market value) with its historic, current, and future use as a recreational shooting range on 8 acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going shooting range operation that is open to the public and for a non-profit basis. With those assumptions, the property would be a cost to the County taxpayers to own the land and impossible for the County to provide for this specialized use.

As stated above, the land was appraised with multiple assumptions/restrictions on use that were to provide for the public interest which included a publicly accessible shooting range (valid recreational use) and the conditions in place through the existing long-term lease with the DNR. The third-party, professional appraisal concluded that the property was of $0 value given these assumptions. This conclusion not only suggested that a public auction was not required but that the County could convey the property directly to a community-based recreation organization for a well-established use.

Restrictive covenants/deed restrictions ultimately captured the assumption of the appraisal and protect the public interest behind conveying the land to the KRRC (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners heavily studied the issues in determining the public interest in pursuing the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

The Board of Natural Resources has it on their public agenda for finalization tomorrow, June 2nd. I will be in attendance and available, if more consultation is required by phone and email. Cell phone: 360 689-7791.

Sincerely,
MFK

Matthew F. Keough

Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 5:10 PM
To: Wade Larson
Subject: Re: appraisals
Attachments: Final Kitsap Gun Club.pdf

Let me begin with the Rifle and Revolver Club parcel appraisal. The overall appraisals - market value driven - are large documents. I will look to see if I can extract a summary. I can also leave my hard copy out on my desk if you would like to come by and review it. I won't be in tomorrow morning - off to Olympia - to attend the DNR Board meeting on the land exchange.

Hope this is of assistance to you.

MFK

Background statement on Conveying Property to the KRRC (gun club)
The property was professionally appraised by a third party to arrive upon the property value "AS-IS" (not market value) with its historic, current, and future use as a recreational shooting range on 8 acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going shooting range operation that is open to the public and for a non-profit basis. With those assumptions, the property would be a cost to the County taxpayers to own the land and impossible for the County to provide for this specialized use.

As stated above, the land was appraised with multiple assumptions/restrictions on use that were to provide for the public interest which included a publicly accessible shooting range (valid recreational use) and the conditions in place through the existing long-term lease with the DNR. The third-party, professional appraisal concluded that the property was of $0 value given these assumptions. This conclusion not only suggested that a public auction was not required but that the County could convey the property directly to a community-based recreation organization for a well-established use.

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Matthew F. Keough
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>>> Wade Larson < wadelarson2@[redacted] > 6/1/2009 4:44 PM >>>
Matt,

If you could send them to this E-mail, I would apprciate it.

Thank you,
Wade

RE•SOLVE

GIBBONS & RIELY PLLC
Real Estate Appraisal, Counseling & Mediation
261 Madison Avenue South, Suite 102
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Stephen Shapiro, MAI
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May 5, 2009

Chip Faver, Director
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

RE: Kitsap County Rifle and Revolver Club Portion of Tax Parcel # 362501-2-001-1001

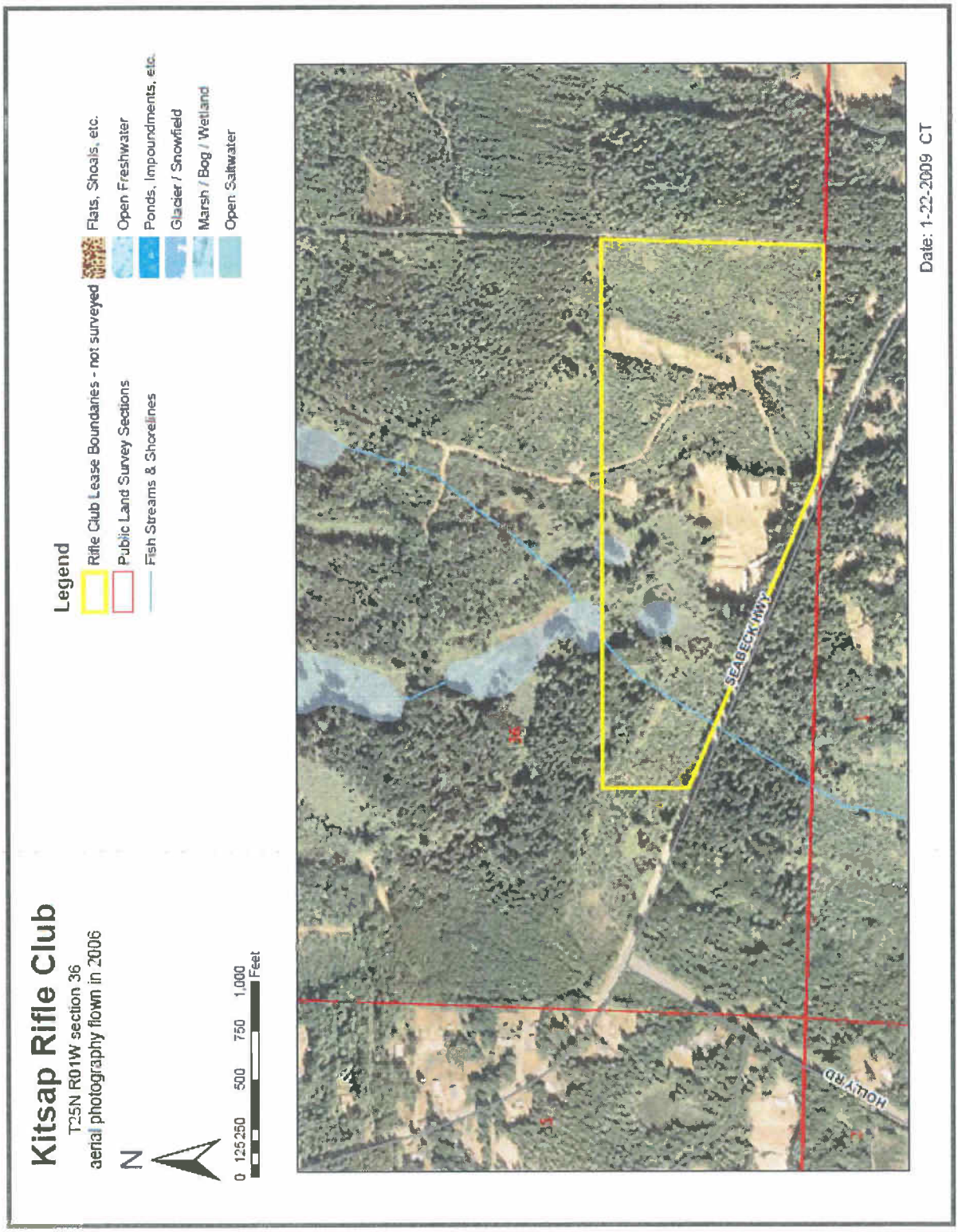
Dear Mr. Faver:

At your request, I have prepared this valuation/counseling letter with regard to the above referenced property. This letter meets the standards of a *restricted* appraisal report. The document recognizes your familiarity with the subject property and issue at hand, and thus is intended only for your use, or those you deem sufficiently knowledgeable to fully understand the contents of this evaluation. As directed, I have estimated the fee simple interest in the subject recognizing the restricted conditions of use described in the specialized appraisal instructions discussed in this report. This appraisal will be used by you for purposes of potential disposition of the property.

Identity/Location of Property

The subject is comprised of land and improvements operating as the Kitsap Rifle and Revolver Club. This includes 8 acres containing roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used to provide buffer and safety zones for lessee's shooting range. The following legal description of the subject was provided by the client. The area is depicted on the photograph on the following page.

> *Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southwest quarter of Section 36, Township 25 North, Range 1 West, W.M., lying northerly of the North lines of an easement for right of way for road granted to Kitsap County on December 7, 1929, under Application No. 1320, said road being as shown on the regulation plat thereof on file in the office of the Commissioner of Public lands at Olympia, Washington, the above described lands having an area of 72.41 acres, more or less.*



KITSAP RIFLE GUN CLUB

Purpose of Valuation and Counseling Letter

The Washington State Department of Natural Resources presently owns approximately 522 acres that includes the subject area, which is leased to the Kitsap Rifle and Revolver Club. The Kitsap County Department of Parks and Recreation has an interest in acquiring the DNR property and disposing of the 72.41 acres encompassed by the gun club. The purpose of this counseling letter is to provide a market based valuation analysis of the subject gun club area in its "as is" condition and recognizing the stipulated Specialized Appraisal Instructions discussed below.

The term "market value" is defined as:

> *"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date, and the passing of title from seller to the buyer under conditions whereby:*
>
> *a. the buyer and seller are typically motivated;*
>
> *b. both parties are well informed or well advised, and acting in what they consider their own best interests;*
>
> *c. a reasonable time is allowed for exposure in the open market;*
>
> *d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
>
> *e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."*

Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].

Specialized Appraisal Instructions

The client has provided specific instructions to provide a fee simple market value for the subject recognizing any existing reservations as well as the following instructions. These instructions constitute limiting conditions that have a direct impact upon the value conclusions derived.

1. Appraise the property in an "As Is" condition.

2. Assess and state environmental liabilities associated with this land, and its historic use as a shooting range, without any indemnification provided by the seller.

3. The subject property will continue to be utilized exclusively as a short arm shooting range consistent with its historic use. Enlargement, material improvement of the activities will require land use compliance and permitting through Kitsap County Department of Community Development.

4. Require purchaser to be a non-profit organization, enabled to: maintain existing public (state) funds and (2) apply for public funds to support the historic use of the property for outdoor recreation.

5. Require purchaser and future owners to provide public access to the property for recreational use on a non-profit basis.

6. Assume liability associated with operating existing recreation facilities, specifically a shooting range.

7. The subject property is associated with an adjacent, listed Superfund site with the EPA. The Washington State Department of Ecology ranks the adjacent property a "2" on its scale of hazardous materials contamination. Site clean up work was performed in the late 1970's but more recent analysis indicates that further hazardous clean up work is needed to address lead, chromium and other contamination.

Intended Use/User

This report will be used as an aid in the potential disposition of the subject property after it is acquired by Kitsap County. The client is Chip Faver, director of the Kitsap County Department of Parks and Recreation, as well as his authorized agents, associates and employees.

Scope of Assignment

The scope of work of this assignment is to provide consultation pertaining to the potential disposition of the subject. The Uniform Standards of Professional Appraisal Practice defines "Appraisal Consulting" as follows:

> *The act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.*
>
> *An appraisal consulting assignment involves an opinion of value but does not have an appraisal or an appraisal review as its primary purpose.*

The scope of work in this assignment is associated with consultation rather than an appraisal owing to the unusual circumstance of the subject being a special use property that is heavily contamination, which does not readily lend itself to the typical valuation methodologies. This issue is discussed in greater depth in the highest and best use section of this report.

This analysis is presented in a reporting format that meets the requirements for a restricted report under USPAP guidelines. Discussions and analysis are abbreviated in this document, with supporting data retained in my files for reference.

Subject Sales History

The subject property has been under the ownership of the Washington State Department of Natural Resources for many years and there is a lease over the entire property between the State of Washington as lessor and the Kitsap Rifle and Revolver Club as lessee. This includes 8 acres containing the lessee's improvements, roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used by the lessee to provide buffer and safety zones for lessee's shooting range.

The lease commenced in March of 2003 and has a termination date of February 27, 2018. This is a net lease with a current rate of $7,200 per year, although there is a scheduled increase that has not been applied. It should be noted that section 4.03 of the lease stipulates the following caveat:

> *State reserves the right to terminate this agreement upon sixty (60) days written notice in the event the State includes the premises in a plan for higher and better use, land exchange or sale.*

This clause would allow Kitsap County to acquire the subject from Washington State unencumbered by the lease. Additionally, section 8.02(a) of the lease requires the lessee to remove all "deleterious material" at the termination of the lease or the State will do so at the lessee's expense. This effectively requires the lessee to clean the site of any material impacts that would undermine the highest and best use of the property resulting from its use as a firing range. However, it is the mutual intention of DNR and Kitsap County to transfer ownership of the subject to the latter party with the existing gun club use intact. Further, there is no requirement to clean the site of hazardous materials upon a change in ownership.

Title Report/Easements/Conditions/Restrictions

Although I have not been provided a title report for the specific subject I have been given a title report for the larger area of which the subject is a part. I am not aware of any easements, conditions, covenants or restrictions that would constrain the highest and best use of the subject, and this is an underlying assumption of this report.

Date of Appraisal

The date of this appraisal is March 19th, 2009, the most date of the subject property inspection. This report was prepared in April and May of 2009.

Property Characteristics

Location and Access

The subject property is located in central Kitsap County on the Seabeck Highway near its intersection with Holly Road. While the area immediately surrounding the subject is rural, the property is located only about 10 miles west of Bremerton, the most populous city in Kitsap County and about a dozen miles

from Port Orchard, which is the county seat. About seven miles to the northeast is Silverdale, which has the greatest concentration of retail shops and malls in the county.

Zoning

The subject's 522 acres are comprised of 2 parcels plus a portion of a third parcel adjoining to the north. These are all designated Rural Wooded (RW) in the Kitsap County zoning code. General specifications associated with this zone are as follows:

Rural Wooded Zone (RW)

Minimum Lot Size	20 Acres
Setbacks	50' Front, 20' Side/Rear
Building Height	35'
Primary Permitted Uses	Preservation of forest use while allowing for some rural residential use

The Kitsap County Zoning Ordinance describes the purpose of this zone as follows:

> *This zone is intended encourage the preservation of forest uses, retain an area's rural character and conserve the natural resources while providing for some rural residential use. This zone is further intended to discourage activities and facilities that can be considered detrimental to the maintenance of timber production.*

The primary permitted uses in the RW zone include forestland management, agriculture, parks and open space, wholesale nurseries, kennels, and residential use at a very low density. Conditional uses are limited but do include certain recreational uses. While a shooting range is not explicitly noted as an allowable use, it is assumed that the current use of the subject is a permitted conditional legal use of the property.

Land Description

The subject is an irregularly shaped 72.41 acre land area that is a portion of Kitsap County tax parcel number 362501-2-001-1001. The property has generally rolling topography with no steep areas. The property is cleared in the 8 acre shooting range area and has timber cover in the 72 acre buffer area. I am unaware of any critical areas on the subject. I have been provided a timber valuation of the entire DNR property by the firm of S. A. Newman , Forest Engineers, indicating that are is $1,258,00 of merchantable timber value over the entire 522 acre tax parcel. This amounts to about $2,410/acre. I have not been provided any timber valuation for the subject portion of the total property. However, applying the average timber value per acre suggests there is approximately $175,000 of merchantable timber value on the subject.

Utilities

All utilities are presently available to the subject including electricity and phone. Water is provided by an on-site well and waste is handled by a septic system.

Subject Improvements

The subject is improved as a shooting range that has been operated as the Kitsap Rifle and Revolver Club since 1926. It is minimally improved with infrastructure associated with the shooting range. This includes several portable buildings and covered shooting platforms.

Hazardous Materials

It is well known that the approximately 8 acres of the subject that has been used as a shooting range for the past 83 years is contaminated with lead from spent ammunition lodged in the soil. To my knowledge there has never been any hazardous conditions assessment of the subject property or any estimate of the cost to clean it up. Clearly, the potential cost and risk of liability associated with the cleanup of the subject would be a significant value consideration in the mind of any prospective buyer of the property. In support of this I have provided the following documentation pertaining to evidence of hazardous material associated with shooting ranges as well as clean up costs.

Metallic lead shot is the most common ammunition used in shooting ranges owing to its low cost, ease of reloading and good firing characteristics. Lead is a known pollutant that has been closely monitored by the Environmental Protection Agency for many years as a hazardous trace material in paint, gasoline, plumbing pipes and other consumer products including food. In its solid form as lead shot at a firing range it can enter the environment as dust particles and dissolved in ground water. Thus, it is associated with grasses and plants ingested by animals as well as surface drinking water used by animals and groundwater that may be used by people. In its dissolved state lead pollution can infiltrate areas well outside the local firing range through surface run off and ground water percolation.

Research indicates that lead is the most prevalent contaminant found at federal Superfund sites across the country. Recognition of its significant environmental and health threats have resulted in enacting federal and state laws requiring clean up under most circumstances. Interestingly, private firing ranges remain exempt from federal law owing to owing to an interpretation by the EPA that the act of firing bullets does not qualify as "discarding" them. However, state law pertaining to the clean of lead material from firing ranges may apply.

According to Donna Musa of the Washington State Department of Ecology Toxic Cleanup Program, suspected contamination on a particular site does not constitute a requirement to investigate hazardous conditions or clean up any such materials. Typically, investigation into hazardous conditions is triggered by someone concerned about being subjected to such contamination or when contamination has been found to migrate from its source to neighboring property. In these instances Washington State requires an assessment to rank a potentially hazardous site, but only requires clean up of those designated as falling in the top tier of potential environmental threats.

Since firing ranges tend to be in relatively remote areas and are often frequented by local inhabitants, they are not usually the subject of such complaints. Ms. Musa noted that a change of ownership would not trigger a clean up requirement. Further, Washington State law does not stipulate that a change of use would necessarily trigger a clean up requirement. However, if the use of a property was changed in such a manner that the hazardous material posed an obvious threat under, it almost certainly would require consideration of cleanup. This would likely pertain to most, if not all, alternate uses of the subject firing range allowable under the existing zone such as residential, agricultural, plant nursery and kennels.

The fact that the subject is not presently a candidate for an assessment of toxic materials does not mean that this may not occur some time in the future. Although I am not a legal expert and cannot opine as to who might bear responsibility for clean up of the subject, I have been provided a specific instruction by the client that no indemnification of such responsibility would be provided by the seller to any potential buyer. Thus, there is clearly some element of risk associated with acquisition of this contaminated site.

The cost of cleanup for shooting ranges can be significant. A local example is Camp Wesley Harris, which lies adjacent to the subject's eastern boundary. This 387 acre Naval shooting range has operated rifle and hand gun ranges since around 1930. Around 1980 the U.S. Navy initiated an assessment of the toxic materials and the Washington State Department of Ecology performed a hazardous waste examination of this site that resulted in approximately $3 million of clean up during 1987 and 1988. The primary contaminants were lead and chromium lodged in the soils and diluted in shallow groundwater. According to John Kiess with the Kitsap County Health District, who participated in this assessment, the cleanup area on Camp Wesley Harris was fairly similar in size and use as the Kitsap Rifle and Revolver Club.

Two other examples of the cost to clean up shooting ranges pertain to the Sharp Park Rifle Range that was owned and operated by the City of San Francisco and the gun range at Huntington Central Park in Huntington Beach, CA. The former was a 6 acre site that operated as a firing range from 1952-1988. In 2007 the City of San Francisco commissioned a study to determine clean up costs. The report determined that it would cost between $2.5-$4.5 million to excavate and remove all toxic materials. The Huntington Beach site covered about 5 acres and the estimated cost of cleanup is currently $1.5-$3 million according to city officials.

With respect valuation of the Kitsap Rifle and Revolver Club I have not been provided any cost estimate regarding the potential cleanup of the property. However, given the likely extent of contamination and the need for an "as is, where is" appraisal, it is necessary to estimate the potential liability that would result from a clean up requirement. Based upon the information discussed above, I have concluded that cleanup of the subject site would very likely have a present day cost of at least $2 million and a high probability that the cost would be on the order of $3 million.

Highest and Best Use

"Highest & Best Use" is defined by The Appraisal Institute as:

> *"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest*

value. The four criteria the highest and best use must meet are: legal permissibility, physical possibility, financial feasibility and maximum profitability."

Source: The Dictionary of Real Estate Appraisal, Third Edition, Copyright 1993, published by the Appraisal Institute.

The highest and best use analysis provides the foundation for a value conclusion by identifying the specific market position of a subject and thereby specifying appropriate market comparisons for it, as well as the relevant approaches to value. It is governed by consideration of the property's legal, physical and economic potential. If the property is improved, the process requires separate analysis of the land as though vacant and the land as improved. This provides the basis for a conclusion as to whether the improvements adequately contribute to overall value as to continue to be the preferred use, or whether an alternate use would better support the land value. In this instance, the subject property is improved as a small arms firing range and the instructions to the appraiser specify that it is to be valued in it's "as is" condition. Thus, a highest and best use analysis of the subject as if vacant is not appropriate and has not been provided.

Highest & Best Use "As Is"

The highest and best use of the subject is governed first by what is legally feasible. As previously discussed the subject's RW zone would allow for single family residential development at a density of one dwelling unit per 20 acres. This would nominally allow for three development rights. However, the Specialized Appraisal Instructions provided by the client effectively limit the use of the property to a short arms shooting range that must be open to the public and operated on a non-profit basis by an owner who is qualified to accept public funds.

With respect to physical possibility the subject has historically been used as a firing range for more than 80 years. It has ample room to support a firing range with a large buffer safety area from surrounding uses. The property is located in a rural area of Kitsap County with very low residential development potential but is also situated on a paved highway within a short distance of Bremerton, Port Orchard and Silverdale. These factors suggest that the property would provide good access to a large number of people in its current use while at the same time creating a relatively small noise nuisance impact.

Based upon the foregoing factors the highest and best use of the subject is concluded to be continued operation of the property as improved for use as a firing range that is open to the public and operated on a non-profit basis.

Meanwhile, circumstances resulting from the presence of hazardous waste and the special instruction stipulating that a buyer of the property would not be indemnified from any responsibility of cleaning up toxic contamination make it necessary to look beyond the presumed highest and best use as if in a benign condition to an examination in its "as is" condition. Such consideration specifically revolves around the possibility that at some future time it would be necessary to pay for clean up of toxic material on the property.

In light of the discussion above, it appears that the salient question regarding highest and best use is whether a gun club operating on a non-profit basis would contribute sufficient economic value to supersede the risk associated with the possible cost to cure the contamination at some time in the future? Obviously, the meaning of "risk" assumes that there is no conclusive answer. However, there are some indications in this regard that are pertinent to a valuation based on risk assessment. These include a probable current cost to cure the subject's contamination from $2- $3 million. While it is not possible to predict the exact duration required for cleanup, given that the nature of the contamination pervades into the soil and aquifer it may take years to remediate and it is possible that the costs may escalate beyond present day projections. Finally, there is no certainty that any previous owners of the property would share responsibility for cleanup.

Assessing the impact of contamination on the site is obviously complicated by the fact that it is unknown when and if such cleanup will be required. Further, the cost of hazardous waste cleanup as well as the extent of liability among parties who may have held title to the property at one time or another is notorious for its lack of predictability. For that reason, projecting how these may impact the subject's ultimate value becomes a matter of risk analysis. Where good sales comparison data exists, the appraiser can make direct market comparisons to derive the value of a given property in its existing condition. Not surprisingly, however, I did not find sales of contaminated firing ranges in the subject's market area. The difficulty of finding suitable sales comparisons has resulted in reliance upon the income capitalization approach as the primary means to valuation in this instance. This approach implicitly recognizes the risk associated with achieving a market return on investment in a given property through application of an appropriate capitalization rate. In this instance the rate of return should reflect the following issues:

- The possibility that the ultimate cost of cleanup may be higher than the present day estimate.
- The difficulty in placing a specific time period upon remediation of contamination.
- The level of confidence that cleanup technology and procedures exist that can result in a complete cleanup that will require no further action.
- The possibility that market stigma will be attached to the property even if cleanup does not impair present day operations and liability does not extend beyond the present owner.

The analysis that follows first considers the value of the subject through the income capitalization approach under use as a non-profit firing range that utilizes state funding. The second step in the analysis considers an appropriate discount to that value based upon the risk that a prospective buyer would be required to clean up the contamination on the property at some time in the future.

Land Valuation Analysis

Land valuation analyses are typically based upon the precepts of "market value" as this implicitly considers what the most likely potential buyer of a property would pay in order to generate the highest economic return. However, in this instance the Specialized Appraisal Instructions limit the use of the property to a firing range, and even that utilization of the property is further constrained by requirements that it be operated on a non-profit basis by a party accepting state funds. *The Appraisal of Real Estate*

(12th Edition), which is a comprehensive text published by the Appraisal Institute, provides the following guidance pertaining to valuing such properties:

> *When appraising a type of property that is not commonly exchanged or rent, it may be difficult to determine whether an opinion of market value can be reasonably supported. Such limited-market properties can cause special problems for appraisers. A limited-market property is a property that has relatively few potential buyers at a particular time. Many limited-market properties include structures with unique designs, special construction material, or layouts that restrict their utility to the use for which they were originally built. These properties have limited conversion potential and, consequently, are often called special-purpose or special-design properties. Examples of such properties include houses of worship, museums, schools, public buildings and clubhouses.*
>
> *Limited-market properties may be appraised based on their current use or the mostly likely alternative use. Due to the relatively small markets and lengthy market exposure needed to sell such properties, there may be little evidence to support an opinion of market value based on their current use. The distinction between market properties and limited-market properties is subject to the availability of relevant market data. If a market exists for a limited-market property, the appraiser must search diligently for whatever evidence of market value is available.*
>
> *If a property's current use is so specialized that there is no demonstrable market for it but the use is viable and likely to continue, the appraiser may render an opinion of use value if the assignment reasonably permits a type of value other than market value. If no market can be demonstrated of if the data is not available, the appraiser cannot develop an opinion of market value and should state so in the appraisal report. It is sometimes necessary to render an opinion of market value in these situations for legal purposes, however. In these cases, the appraiser must comply with the legal requirement, relying on personal judgment and whatever direct market evidence is available. Note that the type of value developed is not dictated by the property type, the size or viability of the market, or the ease with which that value can be developed; rather, the intended use of the appraisal determines the type of value to be developed. If the client needs a market value opinion, the appraiser must develop an opinion of market value, not use value.*

In this instance the client has provided very specific instructions limiting the use to a single application but has also directed the appraiser to provide an opinion of market value. Thus, in keeping with the direction provided above, I had relied upon personal judgment as well as whatever market evidence is available in deriving a value conclusion for the subject.

The direct income capitalization methodology is an approach that equates the net operating income of a property over one year of operation to total property value through the application of a market based capitalization rate that implicitly accounts for the risk associated with continuing to generate stabilized income over the life of the investment. In this instance, the subject is appraised as a non-profit operation. Discussion with Kevin Howell of the Kitsap County Prosecutor's Office and Matthew Keough of the

Kitsap County Department of Parks and Recreation suggest that the non-profit status eliminates the ability to generate any net operating income because fees can only be charged that are commensurate with the costs of maintenance and operation. This would effectively reduce the net operating income to zero for a passive investor in the property who does not intend to have a management role.

However, a non-profit organization can pay salaries to its employees. Thus, if the property was purchased by a prospective owner who intended to operate the firing range himself, the salary generated could be construed as income. This latter scenario suggests that even given the strict limitations on the use of the property, there may be prospective buyers willing to pay a lump sum purchase price for the opportunity to generate a salary over their term of ownership.

The amount that such a prospective buyer might pay is a function of the risk associated with the security of the income stream. For purposes of this analysis I have relied upon personal conjecture as well as market evidence to first derive an estimate of the subject's market value *without any consideration of contamination impact*. The impact of toxic waste upon value is then considered in a separate step of the analysis.

The analysis begins with an assumption of a reasonable salary that a potential buyer of the subject could anticipate generating through operation of a firing range. I have put this at $100,000 annually. Since all other funds generating would necessarily go to the operation and maintenance of the firing range (including any other salaries that might be paid) the owner's salary effectively represents the annual net operating income. According to the Korpacz Real Estate Investor Survey (a division of Price Waterhouse Coopers), capitalization rates for investment grade real estate in the Pacific Northwest ranged from 6.5%-11% in the first quarter of 2009. Assuming that the security of this investment entails more or less average risk I have applied a 9% rate of return to the income noted above which results in a total value indication for the subject of around $1,100,000.

While a prospective buyer of the subject might be willing to pay on the order of $1,100,000 to generate an annual income stream of $100,000 assuming typical market risk, consideration of the subject's contamination adds significant uncertainty to the security of that income stream. As discussed above, the current cost to cure all of the contamination on the subject is expected to be around $2-$3 million. Since it is a specific instruction of this appraisal that no indemnity would be granted to a buyer of the property, that person would be expected to absorb most, if not all, of the remediation costs. The next questions are if and when such a liability would be exacted.

As previously discussed the subject is not presently on the Washington State Department of Ecology's list of contaminated sites slated for cleanup, and to my knowledge there has never been any assessment of toxic materials on the subject. However, given its use as a firing range for nearly a century it is common knowledge that the site is heavily contaminated. Further, the adjoining Camp Wesley Harris site, which has a very similar history of use as the subject, has been placed upon the State's list of toxic sites and has already undergone some cleanup at considerable expense. It would be very logical to conclude that at some point the subject would also become a viable candidate for cleanup, and thus it would seem that the issue is much more a matter of "when" than "if."

With regard to the timing impact of any potential requirement to clean up the subject the following analysis is germane. At a price of $1,100,000 and an annual income of $100,000 it would nominally require 11 years to recoup the capital investment. However, adding the cost of cleanup at $2 million (which is the low end of the estimate) would add additional 20 years. Obviously, this is a highly simplistic analysis that ignores additional inputs such as inflation, a potential increase in annual income and a potential increase in the cost of cleanup over time. However, it very clearly illustrates that the looming liability of curing the subject's contamination would undermine much, if not all, of the economic benefit to be derived from the subject. While it is difficult to project when the DOE might require cleanup of the subject, it is not unreasonable to presume that changes in land use in this area over the next 20 years will very likely include increased residential development density with a reliance upon ground sources of drinking water that would promulgate such action. Ultimately, this raises a very strong question as to why a prospective buyer would pay $1,000,000 to secure such a risky income stream when that money could be put to other far less risky income producing real estate ventures.

Based upon the foregoing analysis it is my conclusion that the market value of the subject is effectively zero. This does not necessarily suggest that there is not a prospective buyer willing to pay some amount of cash for the subject. However, that buyer would not be acting to obtain the maximal return on investment that is essential to the concept of market value. Rather, such a purchase would be predicated upon "use value" that considers the value of a particular property in a particular use irrespective of any value that might be derived from alternate uses of that property or an investment in another property that would reap a positive economic return.

Subject Market Value As Is & Recognizing Specialized Appraisal Instructions **$0**

Effective Date of Value

March 19, 2009.

Closing

If you have any further questions or concerns, please do not hesitate to call.

Sincerely,

Stephen Shapiro, MAI

Ref: 9111

APPRAISER'S CERTIFICATION

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 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 engagement in this assignment was not contingent upon developing or reporting predetermined results. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the obtainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Cope of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- 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.
- 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;
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by authorized representatives.
- As of the date of this report, I have completed the requirements under the continuing education program of the Appraisal Institute.

RESTRICTION UPON DISCLOSURE & USE:
Disclosure of the contents of this appraisal report is governed by the By-Laws & Regulations of the Appraisal Institute.
Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which (s)he is connected, or any reference to the Appraisal Institute or to the MAI designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the prior written consent and approval of the undersigned. No part of this report or any of the conclusions may be included in any offering statement, memorandum, prospectus or registration without the prior written consent of the appraiser.

The property has been appraised for its fair market value as though owned in fee simple and encumbered by the Specialized Appraisal Instructions described in this report. The opinion of value expressed in this report is the result of, and is subject to the data and conditions described in this report.

I made a personal inspection of the property that is the subject of this report on March 19, 2009.

Name: **Stephen Shapiro, MAI**
WS Cert # 1101561

Signature: _____

Date Signed: May 5, 2009

RE•SOLVE

Real Estate Appraisal, Counseling & Mediation

STEPHEN L. SHAPIRO, MAI

Stephen Shapiro graduated in June 1986 from the University of Washington in Seattle, Washington. He was awarded an Honors Degree as Bachelor of the Arts in Communications with a major in Journalism and a minor in Economics. Since that time he has worked as a writer, editor and research consultant specializing in land and marine resource issues. Mr. Shapiro was asked to join the firm of **Wronsky, Gibbons & Riely** in March of 1999 by Anthony Gibbons. In July of 1999 Mr. Gibbons formed Anthony Philip Gibbons PLLC, doing business under the new company name of **RE•SOLVE** – a company providing Real Estate Appraisal, Counseling and Mediation services. Mr. Shapiro joined Mr. Gibbons in his company at that time.

In his capacity as an appraiser for **Wronsky, Gibbons & Riely** and **RE•SOLVE**, Mr. Shapiro has developed a broad range of experience over a wide variety of property types. Appraisals have been performed on office and industrial buildings; commercial and industrial land; residential subdivision property; natural resource and habitat land, including timberland and wetland property; and high-end estate homes. In addition, he has provided mediation and expert witness services for legal purposes.

Mr. Shapiro is licensed as a certified general real estate appraiser by the State of Washington (license no. 1101561) and is listed on the Washington State Department of Transportation's Approved List of Appraisers and Reviewers. He was awarded the highly regarded MAI designation of the Appraisal Institute in June 2006 (member no. 12394). He has successfully completed the following Appraisal Institute courses, as well as numerous additional professional seminars:

- Appraisal Principles
- Appraisal Procedures
- Standards of Professional Appraisal Practice, Parts A and B
- Highest and Best Use and Market Analysis
- Basic Income Capitalization
- General Applications
- Advanced Sales Comparison and Cost Approaches
- Report Writing and Valuation Analysis
- Advanced Applications
- Advanced Income Capitalization
- Uniform Appraisal Standards for Federal Land Acquisitions
- Condemnation Appraising: Advanced Topics and Applications

Mr. Shapiro has performed appraisal services for a wide variety of clients, and a brief client list follows.

- City of Bainbridge Island
- WA State Dept. of Natural Resources
- Bainbridge Island Parks and Recreation
- Group Health Cooperative of Puget Sound
- Port of Seattle
- Cascade Land Conservancy
- U.S. Forest Service
- NC Power Systems Co.
- City University
- Trust For Public Land
- Bainbridge Island Land Trust
- The Mark A. Robinson Trusts
- Commerce Bank
- First American Title Insurance Co.
- Tulalip Tribes
- Tousley Brain Stephens PLLC
- Ryan, Swanson and Cleveland, PLLC
- Pope Resources, Inc.
- Hockett & Olsen Brothers, Inc.
- Great Peninsula Conservancy
- Central Kitsap School District
- Riddell Williams P.S.
- Whidbey Camano Land Trust
- Michael A. Goldfarb Law Office
- Lawler Burroughs & Baker, P.C.
- Harnish Group, Inc
- Development Services of America
- Preston Gates & Ellis LLP
- Pacific Investment Co.
- Column Financial
- GVA Kidder Mathews
- American Marine Bank
- Batavia Holdings LLC
- Kinzer Real Estate Services
- Knowles/Turner Real Estate Group
- Warren G. Harding Temple Board Assoc.
- GEM1 LLC
- Kitsap County Dept. of Public Works
- Washington State Parks Commission
- Livengood, Fitzgerald & Alskog PLLC
- American Eagle Communities
- McGavick Graves Attorneys at Law
- Wal-Mart
- Black Equities Group LTD
- Transnation Title Insurance Co.
- The Ketcham Family
- City of Burien
- Open Space Resources
- Kitsap Conservation District
- Lawyers Title Insurance Corp.
- Kitsap County Dept. Parks and Recreation
- McCormick Land Company
- Trammell Crow Co.
- Pike Place Market PDA
- City of Edmonds Parks and Recreation
- WA State Department of Transportation
- MacMillan-Piper, Inc.
- Port of Allyn
- Pacific Medical Center and Clinics
- Commonwealth Land Title Insurance
- Port Gamble S'Kllallam Tribe
- Madison Ave Real Estate, LLC
- Kitsap County Dept. of Admin. Services
- Olympic Property Group
- Prosperity Treatment Center
- Old Republic Title Co.
- Cullen Law Office LLP
- Port of Olympia
- Washington First International Bank
- Rogers Deutsch & Turner
- Frontier Bank
- Credit Suisse First Boston
- The Mountaineers
- Bainbridge Public Library
- GMAC Commercial Mortgage
- Farm Bureau Life Insurance Co.
- Starbucks
- Seattle Automotive Dist., Inc.
- Pacific Northwest Title Insurance Co.
- WA State Office of the Attorney General
- Aoki Sakamoto and Grant LLP
- AnMarCo
- King Count Dept. Natural Resources & Parks
- Montgomery Purdue Blankinship & Austin PLLC
- Ogden Murphy Wallace PLLC
- Puget Sound Energy
- Kenyon P. Kellogg, Attorney at Law
- Mundt MacGregor PLLC

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 5:13 PM
To: Lori Raymaker
Subject: Re: Fwd: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns
Attachments: Final Kitsap Gun Club.pdf

Dog park meeting in Silverdale - any takers?

Joanne - well - we're hands off there unless we get directed to reply on behalf of the Commissioners. Regardless, I will attach the appraisal here for your convenience, in case anyone asks you for it.

I really really really hope they are nice tonight in that place which shall not be named!

MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Lori Raymaker 6/1/2009 4:40 PM >>>
Yep, going to Kingston. Wanna join me ;-)

HaHa, I don't even know what "proprietary" means!
Will you let Joanne know that it is available, or should I?
Lori

>>> Matt Keough 6/1/2009 4:36 PM >>>
Can't resist telling you that I have been corrected already...

When describing the appraisal, we should not call it proprietary. It is a public document and.. this important information.... the public may request a copy of it formally through public record request. I have communicated this to Wade Larson but only by way of voice mail.

Thanks again,
Headaches always welcome. Encourage you and everyone to call me anytime they need one, including Joanne. Going to Kingston tonight?!

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Matt Keough 6/1/2009 4:28 PM >>>
Rebecca,

I ONLY JUST CAME UPON THE LETTER SENT TO STEVE AND TO CHARLOTTE ON 5/22 FROM JOANNE COREY, COMPLAINING ABOUT THE SALE OF PROPERTY TO THE GUN CLUB. Charlotte forwarded it to Chip who asked me for input. I thought it needed a response - wrote a draft response from my perspective - and then realized no-one asked me to respond! Shame - I'm so verbose and love to email!

Anyway, thought I would attach here for your benefit. If the comments are needed, feel free to utilize them in your own correspondence or if Steve would like to use them in his own response. Also, I'd be happy to forward it to Joanne, if so requested.

OFF TO OLYMPIA TOMORROW MORNING FOR THE FINAL DNR BOARD MEETING on the land exchange. Way to go Rick Fackler! If needed, I can be reached by cell at 360 689-7791.

-MFK

Dear Joanne,

As staff, I only just received your letter to the Commissioners and want to respond immediately. Your concerns are well-stated and I hope to address them here and to follow up, possibly by phone or in person, at your convenience. Feel free to call on me anytime as the lead staff person from the County Parks department. My contact information is below - if you prefer I call you, please indicate and provide the best number to reach you.

I will provide a basic explanation here and then, below, provide more specific response to your comments, using blue font! I certainly hope to connect with you and understand the issues are personally challenging/impactful. It for that reason and my respect to you that I attempt to address your points here.

Background statement on Conveying Property to the KRRC (gun club):
The property was professionally appraised by a 3rd party to arrive upon the property value "AS-IS" (not market value) with its historic, current, and future use as a recreational shooting range on 8 acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going shooting range operation that is open to the public and for a non-profit basis. With those assumptions, the property would be a cost to the County taxpayers to own the land and impossible for the County to provide for this use.

The appraisal itself was considered by staff (not the Commissioners) as of consequence on negotiations over terms to be agreed upon ("restrictive covenants"), then placed on the deed. The restrictive covenants ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners heavily studied the issues in determining the public interest in pursuing the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
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>>> "colen & joanne corey" < colenjoannecorey@q.com > 5/21/2009 7:08 AM >>> Commissioner Bauer& Commissioner Garrido:
Please take the time to read this. There seems to be a little close door policy going on. The reason you have not heard from neighbors to Newberry Hill on the subject of land cost to the gun club is because you seem to have held the information from the public until you knew it would be too late.

The County regrets any action/inaction that would appear to have the intention of compromising any schedule, of "being too late" for the public benefit. There was no intention to this effect. The public interest was discussed at public meetings (3/18, 4/15, 5/11). The only executive session (not open to the public) session was held so that the Board could be briefed by the attorney on the liability assumed for a shooting range (owning the land, holding a lease for that use, and, even, operating a shooting range as a public entity.)

Not to mention the low cost of the land gave you the right to not put it out in the public.

As stated above, the land was appraised with multiple assumptions/restrictions on use that were to provide for the public interest which included a publicly accessible shooting range (valid recreational use) and the conditions in place through the existing long-term lease with the DNR. The third-party, professional appraisal concluded that the property was of $0 value given the assumptions and "AS-IS" (not market) value of the land. This conclusion not only suggested that a public auction was not required but that the County could - in the public interest - convey the property directly to a community-based recreation organization for a well-established use.

Also, I found out they have never payed taxes, am I right? I know other non-profits who pay there taxes by the law.

I am not able to answer this question - beyond my expertise. The KRRC (gun club) has operated under a long term lease that required fees paid to the DNR. I suspect that taxes would have been billed to the DNR... if they applied under these circumstances. I suspect that its was the DNR that did not have to pay taxes.

I am the VP of the Stewardship committee and those from the committee, has well as, your own Parks personnel where unaware of the low ball and extention of land sold. So there seems to be no excuse that it was not public knowledge to all in the committee.

I am responsible for the fact that Parks personnel were not all fully up to date on the potential land sale. In hindsight, I could have done more on this front and I apologize. Land cost estimates and negotiations, however, did occur up right up to the public meeting on 5/11 - discussed at the meeting - and acted upon 2 days later in a public meeting. It not an excuse but it was very challenging to honor private negotiations and while at the same time, fully involve the public. We did not release the appraisal - which we could have done - but we also never received/denied any formal public record request for it.

I know you have friends in the gun club, sort of like business on the golf course ,to my way of seeing it. I hope the one friend of the gun club can drum up the votes for you all next election, I plan on voting for commissioners who are honest and straight forward with the public. Since there is such a low ball cost to the gun club and it seems to be so ruined that nothing else could possible be used for the land, your own words I might add, we the people should have reports of all enviromental testing to the land,PAST and PRESENT, of which I have found out does not exist, if so they NEED to be presented to the stewardship, since WE are the caretakers of the land.

Stewardship committees are critical to the County. Your concerns and involvement are important to the Department and, quite candidly, to our operations. Public safety is paramount and while the KRRC parcel will not come under County jurisdiction, we will be sure to evaluate safety of all active park acreage. We have staff trained to perform environmental review; your suggestions will be welcome. The KRRC parcel - 72 acres in size - is limited to an 8 acre active area - which helps buffer future park property from environmental hazards. Another mitigating factor is the club's compliance with firearm and environmental safety provisions (lead, a heavy metal that does not tend to move through natural systems) - all of which is to remain, along with habitat protection plan and riparian management standards. Environmental testing - past, present, and future - is conducted by the Health District and by the State Department of Ecology and usually called for when there are violations of proper stewardship or a change of use. None are known on the record though there is affiliation with the Camp Wesley Harris, a known past-contaminated site.

No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to the land and a daughter-in -law to the Corey's who have done great thing for this county, ie. putting on the "Day on the Farm for Special Needs Children", with community efforts, voulenteerism that works and a belief in doing good things for children, I cannot believe what has happened. Not to mention what other things will occur because legally you have found a loop hole to pass something else by us.
Please send the Newberry Hill Park Stewardship Board your findings on all enviromental clean up to the land that is valued has not worth anything other than a gun lead suppository.

Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

THANK YOU FOR YOUR COMMENTS AND INVOLVEMENT. AS TIME IS OF THE ESSENCE, feel free to also call on me on my cell phone 360 689-7791.

Sincerely,
-MFK

RE•SOLVE

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206-842-4887
TeleFax: 206-842-5082

Stephen Shapiro, MAI
Direct Dial 206 855-1090
Email: sshapiro@realestatesolve.com

May 5, 2009

Chip Faver, Director
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

RE: Kitsap County Rifle and Revolver Club Portion of Tax Parcel # 362501-2-001-1001

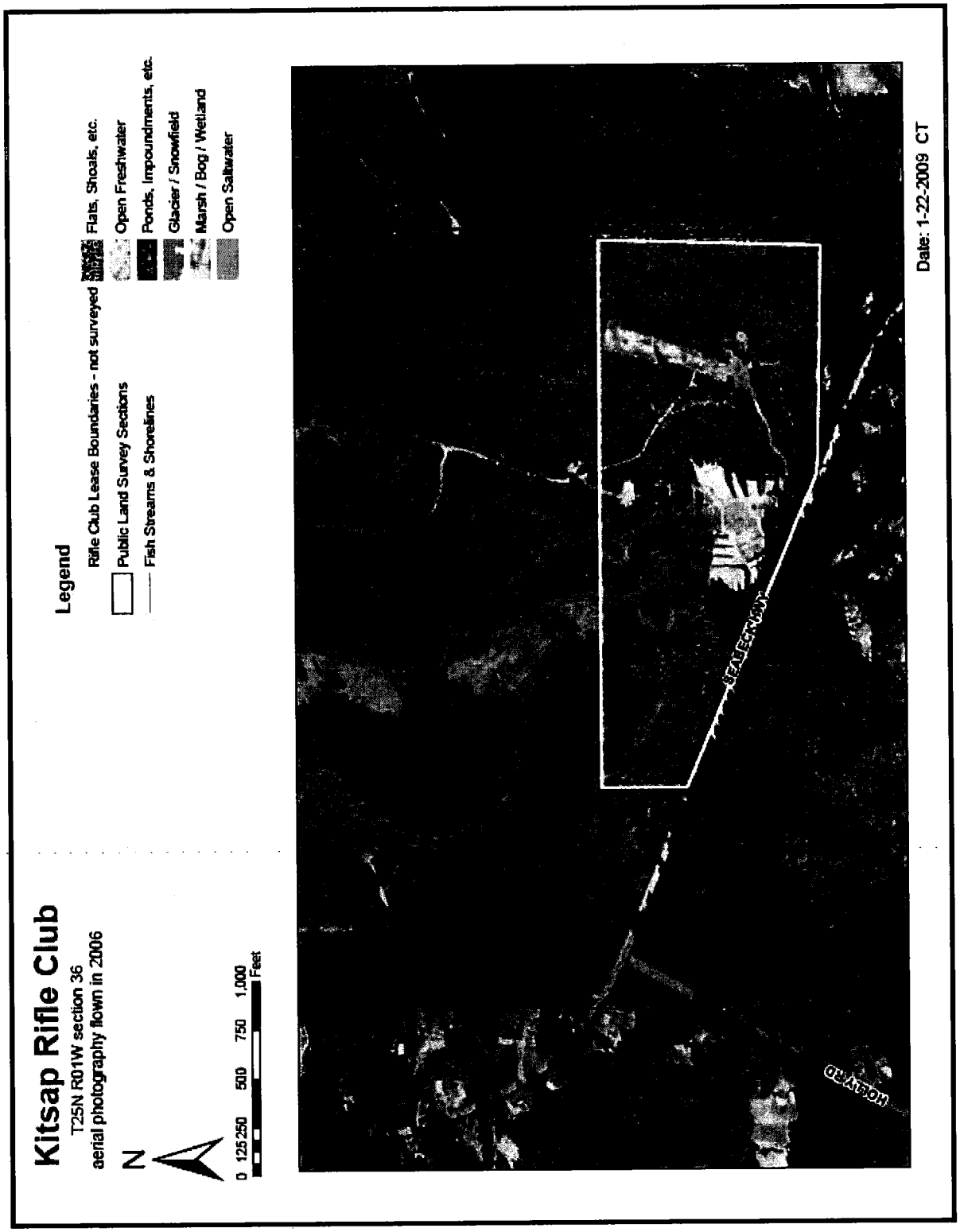
Dear Mr. Faver:

At your request, I have prepared this valuation/counseling letter with regard to the above referenced property. This letter meets the standards of a *restricted* appraisal report. The document recognizes your familiarity with the subject property and issue at hand, and thus is intended only for your use, or those you deem sufficiently knowledgeable to fully understand the contents of this evaluation. As directed, I have estimated the fee simple interest in the subject recognizing the restricted conditions of use described in the specialized appraisal instructions discussed in this report. This appraisal will be used by you for purposes of potential disposition of the property.

Identity/Location of Property

The subject is comprised of land and improvements operating as the Kitsap Rifle and Revolver Club. This includes 8 acres containing roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used to provide buffer and safety zones for lessee's shooting range. The following legal description of the subject was provided by the client. The area is depicted on the photograph on the following page.

> *Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southwest quarter of Section 36, Township 25 North, Range 1 West, W.M., lying northerly of the North lines of an easement for right of way for road granted to Kitsap County on December 7, 1929, under Application No. 1320, said road being as shown on the regulation plat thereof on file in the office of the Commissioner of Public lands at Olympia, Washington, the above described lands having an area of 72.41 acres, more or less.*



KITSAP RIFLE GUN CLUB

Purpose of Valuation and Counseling Letter

The Washington State Department of Natural Resources presently owns approximately 522 acres that includes the subject area, which is leased to the Kitsap Rifle and Revolver Club. The Kitsap County Department of Parks and Recreation has an interest in acquiring the DNR property and disposing of the 72.41 acres encompassed by the gun club. The purpose of this counseling letter is to provide a market based valuation analysis of the subject gun club area in its "as is" condition and recognizing the stipulated Specialized Appraisal Instructions discussed below.

The term "market value" is defined as:

> *"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date, and the passing of title from seller to the buyer under conditions whereby:*
>
> *a. the buyer and seller are typically motivated;*
>
> *b. both parties are well informed or well advised, and acting in what they consider their own best interests;*
>
> *c. a reasonable time is allowed for exposure in the open market;*
>
> *d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
>
> *e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."*

Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].

Specialized Appraisal Instructions

The client has provided specific instructions to provide a fee simple market value for the subject recognizing any existing reservations as well as the following instructions. These instructions constitute limiting conditions that have a direct impact upon the value conclusions derived.

1. Appraise the property in an "As Is" condition.

2. Assess and state environmental liabilities associated with this land, and its historic use as a shooting range, without any indemnification provided by the seller.

3. The subject property will continue to be utilized exclusively as a short arm shooting range consistent with its historic use. Enlargement, material improvement of the activities will require land use compliance and permitting through Kitsap County Department of Community Development.

4. Require purchaser to be a non-profit organization, enabled to: maintain existing public (state) funds and (2) apply for public funds to support the historic use of the property for outdoor recreation.

5. Require purchaser and future owners to provide public access to the property for recreational use on a non-profit basis.

6. Assume liability associated with operating existing recreation facilities, specifically a shooting range.

7. The subject property is associated with an adjacent, listed Superfund site with the EPA. The Washington State Department of Ecology ranks the adjacent property a "2" on its scale of hazardous materials contamination. Site clean up work was performed in the late 1970's but more recent analysis indicates that further hazardous clean up work is needed to address lead, chromium and other contamination.

Intended Use/User

This report will be used as an aid in the potential disposition of the subject property after it is acquired by Kitsap County. The client is Chip Faver, director of the Kitsap County Department of Parks and Recreation, as well as his authorized agents, associates and employees.

Scope of Assignment

The scope of work of this assignment is to provide consultation pertaining to the potential disposition of the subject. The Uniform Standards of Professional Appraisal Practice defines "Appraisal Consulting" as follows:

> *The act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.*
>
> *An appraisal consulting assignment involves an opinion of value but does not have an appraisal or an appraisal review as its primary purpose.*

The scope of work in this assignment is associated with consultation rather than an appraisal owing to the unusual circumstance of the subject being a special use property that is heavily contamination, which does not readily lend itself to the typical valuation methodologies. This issue is discussed in greater depth in the highest and best use section of this report.

This analysis is presented in a reporting format that meets the requirements for a restricted report under USPAP guidelines. Discussions and analysis are abbreviated in this document, with supporting data retained in my files for reference.

Subject Sales History

The subject property has been under the ownership of the Washington State Department of Natural Resources for many years and there is a lease over the entire property between the State of Washington as lessor and the Kitsap Rifle and Revolver Club as lessee. This includes 8 acres containing the lessee's improvements, roads, parking areas, open shooting range, targets and associated infrastructure. An additional 64.41 acres of timberlands, wetlands and resource lands are passively used by the lessee to provide buffer and safety zones for lessee's shooting range.

The lease commenced in March of 2003 and has a termination date of February 27, 2018. This is a net lease with a current rate of $7,200 per year, although there is a scheduled increase that has not been applied. It should be noted that section 4.03 of the lease stipulates the following caveat:

> *State reserves the right to terminate this agreement upon sixty (60) days written notice in the event the State includes the premises in a plan for higher and better use, land exchange or sale.*

This clause would allow Kitsap County to acquire the subject from Washington State unencumbered by the lease. Additionally, section 8.02(a) of the lease requires the lessee to remove all "deleterious material" at the termination of the lease or the State will do so at the lessee's expense. This effectively requires the lessee to clean the site of any material impacts that would undermine the highest and best use of the property resulting from its use as a firing range. However, it is the mutual intention of DNR and Kitsap County to transfer ownership of the subject to the latter party with the existing gun club use intact. Further, there is no requirement to clean the site of hazardous materials upon a change in ownership.

Title Report/Easements/Conditions/Restrictions

Although I have not been provided a title report for the specific subject I have been given a title report for the larger area of which the subject is a part. I am not aware of any easements, conditions, covenants or restrictions that would constrain the highest and best use of the subject, and this is an underlying assumption of this report.

Date of Appraisal

The date of this appraisal is March 19th, 2009, the most date of the subject property inspection. This report was prepared in April and May of 2009.

Property Characteristics

Location and Access

The subject property is located in central Kitsap County on the Seabeck Highway near its intersection with Holly Road. While the area immediately surrounding the subject is rural, the property is located only about 10 miles west of Bremerton, the most populous city in Kitsap County and about a dozen miles

from Port Orchard, which is the county seat. About seven miles to the northeast is Silverdale, which has the greatest concentration of retail shops and malls in the county.

Zoning

The subject's 522 acres are comprised of 2 parcels plus a portion of a third parcel adjoining to the north. These are all designated Rural Wooded (RW) in the Kitsap County zoning code. General specifications associated with this zone are as follows:

Rural Wooded Zone (RW)

Minimum Lot Size	20 Acres
Setbacks	50' Front, 20' Side/Rear
Building Height	35'
Primary Permitted Uses	Preservation of forest use while allowing for some rural residential use

The Kitsap County Zoning Ordinance describes the purpose of this zone as follows:

> *This zone is intended encourage the preservation of forest uses, retain an area's rural character and conserve the natural resources while providing for some rural residential use. This zone is further intended to discourage activities and facilities that can be considered detrimental to the maintenance of timber production.*

The primary permitted uses in the RW zone include forestland management, agriculture, parks and open space, wholesale nurseries, kennels, and residential use at a very low density. Conditional uses are limited but do include certain recreational uses. While a shooting range is not explicitly noted as an allowable use, it is assumed that the current use of the subject is a permitted conditional legal use of the property.

Land Description

The subject is an irregularly shaped 72.41 acre land area that is a portion of Kitsap County tax parcel number 362501-2-001-1001. The property has generally rolling topography with no steep areas. The property is cleared in the 8 acre shooting range area and has timber cover in the 72 acre buffer area. I am unaware of any critical areas on the subject. I have been provided a timber valuation of the entire DNR property by the firm of S. A. Newman , Forest Engineers, indicating that are is $1,258,00 of merchantable timber value over the entire 522 acre tax parcel. This amounts to about $2,410/acre. I have not been provided any timber valuation for the subject portion of the total property. However, applying the average timber value per acre suggests there is approximately $175,000 of merchantable timber value on the subject.

Utilities

All utilities are presently available to the subject including electricity and phone. Water is provided by an on-site well and waste is handled by a septic system.

Subject Improvements

The subject is improved as a shooting range that has been operated as the Kitsap Rifle and Revolver Club since 1926. It is minimally improved with infrastructure associated with the shooting range. This includes several portable buildings and covered shooting platforms.

Hazardous Materials

It is well known that the approximately 8 acres of the subject that has been used as a shooting range for the past 83 years is contaminated with lead from spent ammunition lodged in the soil. To my knowledge there has never been any hazardous conditions assessment of the subject property or any estimate of the cost to clean it up. Clearly, the potential cost and risk of liability associated with the cleanup of the subject would be a significant value consideration in the mind of any prospective buyer of the property. In support of this I have provided the following documentation pertaining to evidence of hazardous material associated with shooting ranges as well as clean up costs.

Metallic lead shot is the most common ammunition used in shooting ranges owing to its low cost, ease of reloading and good firing characteristics. Lead is a known pollutant that has been closely monitored by the Environmental Protection Agency for many years as a hazardous trace material in paint, gasoline, plumbing pipes and other consumer products including food. In its solid form as lead shot at a firing range it can enter the environment as dust particles and dissolved in ground water. Thus, it is associated with grasses and plants ingested by animals as well as surface drinking water used by animals and groundwater that may be used by people. In its dissolved state lead pollution can infiltrate areas well outside the local firing range through surface run off and ground water percolation.

Research indicates that lead is the most prevalent contaminant found at federal Superfund sites across the country. Recognition of its significant environmental and health threats have resulted in enacting federal and state laws requiring clean up under most circumstances. Interestingly, private firing ranges remain exempt from federal law owing to owing to an interpretation by the EPA that the act of firing bullets does not qualify as "discarding" them. However, state law pertaining to the clean of lead material from firing ranges may apply.

According to Donna Musa of the Washington State Department of Ecology Toxic Cleanup Program, suspected contamination on a particular site does not constitute a requirement to investigate hazardous conditions or clean up any such materials. Typically, investigation into hazardous conditions is triggered by someone concerned about being subjected to such contamination or when contamination has been found to migrate from its source to neighboring property. In these instances Washington State requires an assessment to rank a potentially hazardous site, but only requires clean up of those designated as falling in the top tier of potential environmental threats.

Since firing ranges tend to be in relatively remote areas and are often frequented by local inhabitants, they are not usually the subject of such complaints. Ms. Musa noted that a change of ownership would not trigger a clean up requirement. Further, Washington State law does not stipulate that a change of use would necessarily trigger a clean up requirement. However, if the use of a property was changed in such a manner that the hazardous material posed an obvious threat under, it almost certainly would require consideration of cleanup. This would likely pertain to most, if not all, alternate uses of the subject firing range allowable under the existing zone such as residential, agricultural, plant nursery and kennels.

The fact that the subject is not presently a candidate for an assessment of toxic materials does not mean that this may not occur some time in the future. Although I am not a legal expert and cannot opine as to who might bear responsibility for clean up of the subject, I have been provided a specific instruction by the client that no indemnification of such responsibility would be provided by the seller to any potential buyer. Thus, there is clearly some element of risk associated with acquisition of this contaminated site.

The cost of cleanup for shooting ranges can be significant. A local example is Camp Wesley Harris, which lies adjacent to the subject's eastern boundary. This 387 acre Naval shooting range has operated rifle and hand gun ranges since around 1930. Around 1980 the U.S. Navy initiated an assessment of the toxic materials and the Washington State Department of Ecology performed a hazardous waste examination of this site that resulted in approximately $3 million of clean up during 1987 and 1988. The primary contaminants were lead and chromium lodged in the soils and diluted in shallow groundwater. According to John Kiess with the Kitsap County Health District, who participated in this assessment, the cleanup area on Camp Wesley Harris was fairly similar in size and use as the Kitsap Rifle and Revolver Club.

Two other examples of the cost to clean up shooting ranges pertain to the Sharp Park Rifle Range that was owned and operated by the City of San Francisco and the gun range at Huntington Central Park in Huntington Beach, CA. The former was a 6 acre site that operated as a firing range from 1952-1988. In 2007 the City of San Francisco commissioned a study to determine clean up costs. The report determined that it would cost between $2.5-$4.5 million to excavate and remove all toxic materials. The Huntington Beach site covered about 5 acres and the estimated cost of cleanup is currently $1.5-$3 million according to city officials.

With respect valuation of the Kitsap Rifle and Revolver Club I have not been provided any cost estimate regarding the potential cleanup of the property. However, given the likely extent of contamination and the need for an "as is, where is" appraisal, it is necessary to estimate the potential liability that would result from a clean up requirement. Based upon the information discussed above, I have concluded that cleanup of the subject site would very likely have a present day cost of at least $2 million and a high probability that the cost would be on the order of $3 million.

Highest and Best Use

"Highest & Best Use" is defined by The Appraisal Institute as:

> *"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest*

value. The four criteria the highest and best use must meet are: legal permissibility, physical possibility, financial feasibility and maximum profitability."

Source: The Dictionary of Real Estate Appraisal, Third Edition, Copyright 1993, published by the Appraisal Institute.

The highest and best use analysis provides the foundation for a value conclusion by identifying the specific market position of a subject and thereby specifying appropriate market comparisons for it, as well as the relevant approaches to value. It is governed by consideration of the property's legal, physical and economic potential. If the property is improved, the process requires separate analysis of the land as though vacant and the land as improved. This provides the basis for a conclusion as to whether the improvements adequately contribute to overall value as to continue to be the preferred use, or whether an alternate use would better support the land value. In this instance, the subject property is improved as a small arms firing range and the instructions to the appraiser specify that it is to be valued in it's "as is" condition. Thus, a highest and best use analysis of the subject as if vacant is not appropriate and has not been provided.

Highest & Best Use "As Is"

The highest and best use of the subject is governed first by what is legally feasible. As previously discussed the subject's RW zone would allow for single family residential development at a density of one dwelling unit per 20 acres. This would nominally allow for three development rights. However, the Specialized Appraisal Instructions provided by the client effectively limit the use of the property to a short arms shooting range that must be open to the public and operated on a non-profit basis by an owner who is qualified to accept public funds.

With respect to physical possibility the subject has historically been used as a firing range for more than 80 years. It has ample room to support a firing range with a large buffer safety area from surrounding uses. The property is located in a rural area of Kitsap County with very low residential development potential but is also situated on a paved highway within a short distance of Bremerton, Port Orchard and Silverdale. These factors suggest that the property would provide good access to a large number of people in its current use while at the same time creating a relatively small noise nuisance impact.

Based upon the foregoing factors the highest and best use of the subject is concluded to be continued operation of the property as improved for use as a firing range that is open to the public and operated on a non-profit basis.

Meanwhile, circumstances resulting from the presence of hazardous waste and the special instruction stipulating that a buyer of the property would not be indemnified from any responsibility of cleaning up toxic contamination make it necessary to look beyond the presumed highest and best use as if in a benign condition to an examination in its "as is" condition. Such consideration specifically revolves around the possibility that at some future time it would be necessary to pay for clean up of toxic material on the property.

In light of the discussion above, it appears that the salient question regarding highest and best use is whether a gun club operating on a non-profit basis would contribute sufficient economic value to supersede the risk associated with the possible cost to cure the contamination at some time in the future? Obviously, the meaning of "risk" assumes that there is no conclusive answer. However, there are some indications in this regard that are pertinent to a valuation based on risk assessment. These include a probable current cost to cure the subject's contamination from $2- $3 million. While it is not possible to predict the exact duration required for cleanup, given that the nature of the contamination pervades into the soil and aquifer it may take years to remediate and it is possible that the costs may escalate beyond present day projections. Finally, there is no certainty that any previous owners of the property would share responsibility for cleanup.

Assessing the impact of contamination on the site is obviously complicated by the fact that it is unknown when and if such cleanup will be required. Further, the cost of hazardous waste cleanup as well as the extent of liability among parties who may have held title to the property at one time or another is notorious for its lack of predictability. For that reason, projecting how these may impact the subject's ultimate value becomes a matter of risk analysis. Where good sales comparison data exists, the appraiser can make direct market comparisons to derive the value of a given property in its existing condition. Not surprisingly, however, I did not find sales of contaminated firing ranges in the subject's market area. The difficulty of finding suitable sales comparisons has resulted in reliance upon the income capitalization approach as the primary means to valuation in this instance. This approach implicitly recognizes the risk associated with achieving a market return on investment in a given property through application of an appropriate capitalization rate. In this instance the rate of return should reflect the following issues:

- The possibility that the ultimate cost of cleanup may be higher than the present day estimate.
- The difficulty in placing a specific time period upon remediation of contamination.
- The level of confidence that cleanup technology and procedures exist that can result in a complete cleanup that will require no further action.
- The possibility that market stigma will be attached to the property even if cleanup does not impair present day operations and liability does not extend beyond the present owner.

The analysis that follows first considers the value of the subject through the income capitalization approach under use as a non-profit firing range that utilizes state funding. The second step in the analysis considers an appropriate discount to that value based upon the risk that a prospective buyer would be required to clean up the contamination on the property at some time in the future.

Land Valuation Analysis

Land valuation analyses are typically based upon the precepts of "market value" as this implicitly considers what the most likely potential buyer of a property would pay in order to generate the highest economic return. However, in this instance the Specialized Appraisal Instructions limit the use of the property to a firing range, and even that utilization of the property is further constrained by requirements that it be operated on a non-profit basis by a party accepting state funds. *The Appraisal of Real Estate*

(12th Edition), which is a comprehensive text published by the Appraisal Institute, provides the following guidance pertaining to valuing such properties:

> *When appraising a type of property that is not commonly exchanged or rent, it may be difficult to determine whether an opinion of market value can be reasonably supported. Such limited-market properties can cause special problems for appraisers. A limited-market property is a property that has relatively few potential buyers at a particular time. Many limited-market properties include structures with unique designs, special construction material, or layouts that restrict their utility to the use for which they were originally built. These properties have limited conversion potential and, consequently, are often called special-purpose or special-design properties. Examples of such properties include houses of worship, museums, schools, public buildings and clubhouses.*
>
> *Limited-market properties may be appraised based on their current use or the mostly likely alternative use. Due to the relatively small markets and lengthy market exposure needed to sell such properties, there may be little evidence to support an opinion of market value based on their current use. The distinction between market properties and limited-market properties is subject to the availability of relevant market data. If a market exists for a limited-market property, the appraiser must search diligently for whatever evidence of market value is available.*
>
> *If a property's current use is so specialized that there is no demonstrable market for it but the use is viable and likely to continue, the appraiser may render an opinion of use value if the assignment reasonably permits a type of value other than market value. If no market can be demonstrated of if the data is not available, the appraiser cannot develop an opinion of market value and should state so in the appraisal report. It is sometimes necessary to render an opinion of market value in these situations for legal purposes, however. In these cases, the appraiser must comply with the legal requirement, relying on personal judgment and whatever direct market evidence is available. Note that the type of value developed is not dictated by the property type, the size or viability of the market, or the ease with which that value can be developed; rather, the intended use of the appraisal determines the type of value to be developed. If the client needs a market value opinion, the appraiser must develop an opinion of market value, not use value.*

In this instance the client has provided very specific instructions limiting the use to a single application but has also directed the appraiser to provide an opinion of market value. Thus, in keeping with the direction provided above, I had relied upon personal judgment as well as whatever market evidence is available in deriving a value conclusion for the subject.

The direct income capitalization methodology is an approach that equates the net operating income of a property over one year of operation to total property value through the application of a market based capitalization rate that implicitly accounts for the risk associated with continuing to generate stabilized income over the life of the investment. In this instance, the subject is appraised as a non-profit operation. Discussion with Kevin Howell of the Kitsap County Prosecutor's Office and Matthew Keough of the

Kitsap County Department of Parks and Recreation suggest that the non-profit status eliminates the ability to generate any net operating income because fees can only be charged that are commensurate with the costs of maintenance and operation. This would effectively reduce the net operating income to zero for a passive investor in the property who does not intend to have a management role.

However, a non-profit organization can pay salaries to its employees. Thus, if the property was purchased by a prospective owner who intended to operate the firing range himself, the salary generated could be construed as income. This latter scenario suggests that even given the strict limitations on the use of the property, there may be prospective buyers willing to pay a lump sum purchase price for the opportunity to generate a salary over their term of ownership.

The amount that such a prospective buyer might pay is a function of the risk associated with the security of the income stream. For purposes of this analysis I have relied upon personal conjecture as well as market evidence to first derive an estimate of the subject's market value *without any consideration of contamination impact*. The impact of toxic waste upon value is then considered in a separate step of the analysis.

The analysis begins with an assumption of a reasonable salary that a potential buyer of the subject could anticipate generating through operation of a firing range. I have put this at $100,000 annually. Since all other funds generating would necessarily go to the operation and maintenance of the firing range (including any other salaries that might be paid) the owner's salary effectively represents the annual net operating income. According to the Korpacz Real Estate Investor Survey (a division of Price Waterhouse Coopers), capitalization rates for investment grade real estate in the Pacific Northwest ranged from 6.5%-11% in the first quarter of 2009. Assuming that the security of this investment entails more or less average risk I have applied a 9% rate of return to the income noted above which results in a total value indication for the subject of around $1,100,000.

While a prospective buyer of the subject might be willing to pay on the order of $1,100,000 to generate an annual income stream of $100,000 assuming typical market risk, consideration of the subject's contamination adds significant uncertainty to the security of that income stream. As discussed above, the current cost to cure all of the contamination on the subject is expected to be around $2-$3 million. Since it is a specific instruction of this appraisal that no indemnity would be granted to a buyer of the property, that person would be expected to absorb most, if not all, of the remediation costs. The next questions are if and when such a liability would be exacted.

As previously discussed the subject is not presently on the Washington State Department of Ecology's list of contaminated sites slated for cleanup, and to my knowledge there has never been any assessment of toxic materials on the subject. However, given its use as a firing range for nearly a century it is common knowledge that the site is heavily contaminated. Further, the adjoining Camp Wesley Harris site, which has a very similar history of use as the subject, has been placed upon the State's list of toxic sites and has already undergone some cleanup at considerable expense. It would be very logical to conclude that at some point the subject would also become a viable candidate for cleanup, and thus it would seem that the issue is much more a matter of "when" than "if."

With regard to the timing impact of any potential requirement to clean up the subject the following analysis is germane. At a price of $1,100,000 and an annual income of $100,000 it would nominally require 11 years to recoup the capital investment. However, adding the cost of cleanup at $2 million (which is the low end of the estimate) would add additional 20 years. Obviously, this is a highly simplistic analysis that ignores additional inputs such as inflation, a potential increase in annual income and a potential increase in the cost of cleanup over time. However, it very clearly illustrates that the looming liability of curing the subject's contamination would undermine much, if not all, of the economic benefit to be derived from the subject. While it is difficult to project when the DOE might require cleanup of the subject, it is not unreasonable to presume that changes in land use in this area over the next 20 years will very likely include increased residential development density with a reliance upon ground sources of drinking water that would promulgate such action. Ultimately, this raises a very strong question as to why a prospective buyer would pay $1,000,000 to secure such a risky income stream when that money could be put to other far less risky income producing real estate ventures.

Based upon the foregoing analysis it is my conclusion that the market value of the subject is effectively zero. This does not necessarily suggest that there is not a prospective buyer willing to pay some amount of cash for the subject. However, that buyer would not be acting to obtain the maximal return on investment that is essential to the concept of market value. Rather, such a purchase would be predicated upon "use value" that considers the value of a particular property in a particular use irrespective of any value that might be derived from alternate uses of that property or an investment in another property that would reap a positive economic return.

Subject Market Value As Is & Recognizing Specialized Appraisal Instructions **$0**

Effective Date of Value

March 19, 2009.

Closing

If you have any further questions or concerns, please do not hesitate to call.

Sincerely,

Stephen Shapiro, MAI

Ref: 9111

APPRAISER'S CERTIFICATION

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 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 engagement in this assignment was not contingent upon developing or reporting predetermined results. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the obtainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Cope of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- 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.
- 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;
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by authorized representatives.
- As of the date of this report, I have completed the requirements under the continuing education program of the Appraisal Institute.

RESTRICTION UPON DISCLOSURE & USE:
Disclosure of the contents of this appraisal report is governed by the By-Laws & Regulations of the Appraisal Institute.
Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which (s)he is connected, or any reference to the Appraisal Institute or to the MAI designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the prior written consent and approval of the undersigned. No part of this report or any of the conclusions may be included in any offering statement, memorandum, prospectus or registration without the prior written consent of the appraiser.

The property has been appraised for its fair market value as though owned in fee simple and encumbered by the Specialized Appraisal Instructions described in this report. The opinion of value expressed in this report is the result of, and is subject to the data and conditions described in this report.

I made a personal inspection of the property that is the subject of this report on March 19, 2009.

Name: **Stephen Shapiro, MAI**
WS Cert # 1101561

Signature: _____

Date Signed: May 5, 2009

RE•SOLVE

Real Estate Appraisal, Counseling & Mediation

STEPHEN L. SHAPIRO, MAI

Stephen Shapiro graduated in June 1986 from the University of Washington in Seattle, Washington. He was awarded an Honors Degree as Bachelor of the Arts in Communications with a major in Journalism and a minor in Economics. Since that time he has worked as a writer, editor and research consultant specializing in land and marine resource issues. Mr. Shapiro was asked to join the firm of **Wronsky, Gibbons & Riely** in March of 1999 by Anthony Gibbons. In July of 1999 Mr. Gibbons formed Anthony Philip Gibbons PLLC, doing business under the new company name of **RE•SOLVE** – a company providing Real Estate Appraisal, Counseling and Mediation services. Mr. Shapiro joined Mr. Gibbons in his company at that time.

In his capacity as an appraiser for **Wronsky, Gibbons & Riely** and **RE•SOLVE**, Mr. Shapiro has developed a broad range of experience over a wide variety of property types. Appraisals have been performed on office and industrial buildings; commercial and industrial land; residential subdivision property; natural resource and habitat land, including timberland and wetland property; and high-end estate homes. In addition, he has provided mediation and expert witness services for legal purposes.

Mr. Shapiro is licensed as a certified general real estate appraiser by the State of Washington (license no. 1101561) and is listed on the Washington State Department of Transportation's Approved List of Appraisers and Reviewers. He was awarded the highly regarded MAI designation of the Appraisal Institute in June 2006 (member no. 12394). He has successfully completed the following Appraisal Institute courses, as well as numerous additional professional seminars:

- Appraisal Principles
- Appraisal Procedures
- Standards of Professional Appraisal Practice, Parts A and B
- Highest and Best Use and Market Analysis
- Basic Income Capitalization
- General Applications
- Advanced Sales Comparison and Cost Approaches
- Report Writing and Valuation Analysis
- Advanced Applications
- Advanced Income Capitalization
- Uniform Appraisal Standards for Federal Land Acquisitions
- Condemnation Appraising: Advanced Topics and Applications

Mr. Shapiro has performed appraisal services for a wide variety of clients, and a brief client list follows.

- City of Bainbridge Island
- WA State Dept. of Natural Resources
- Bainbridge Island Parks and Recreation
- Group Health Cooperative of Puget Sound
- Port of Seattle
- Cascade Land Conservancy
- U.S. Forest Service
- NC Power Systems Co.
- City University
- Trust For Public Land
- Bainbridge Island Land Trust
- The Mark A. Robinson Trusts
- Commerce Bank
- First American Title Insurance Co.
- Tulalip Tribes
- Tousley Brain Stephens PLLC
- Ryan, Swanson and Cleveland, PLLC
- Pope Resources, Inc.
- Hockett & Olsen Brothers, Inc.
- Great Peninsula Conservancy
- Central Kitsap School District
- Riddell Williams P.S.
- Whidbey Camano Land Trust
- Michael A. Goldfarb Law Office
- Lawler Burroughs & Baker, P.C.
- Harnish Group, Inc
- Development Services of America
- Preston Gates & Ellis LLP
- Pacific Investment Co.
- Column Financial
- GVA Kidder Mathews
- American Marine Bank
- Batavia Holdings LLC
- Kinzer Real Estate Services
- Knowles/Turner Real Estate Group
- Warren G. Harding Temple Board Assoc.
- GEM1 LLC
- Kitsap County Dept. of Public Works
- Washington State Parks Commission
- Livengood, Fitzgerald & Alskog PLLC
- American Eagle Communities
- McGavick Graves Attorneys at Law
- Wal-Mart
- Black Equities Group LTD
- Transnation Title Insurance Co.
- The Ketcham Family
- City of Burien
- Open Space Resources
- Kitsap Conservation District
- Lawyers Title Insurance Corp.
- Kitsap County Dept. Parks and Recreation
- McCormick Land Company
- Trammell Crow Co.
- Pike Place Market PDA
- City of Edmonds Parks and Recreation
- WA State Department of Transportation
- MacMillan-Piper, Inc.
- Port of Allyn
- Pacific Medical Center and Clinics
- Commonwealth Land Title Insurance
- Port Gamble S'Kllallam Tribe
- Madison Ave Real Estate, LLC
- Kitsap County Dept. of Admin. Services
- Olympic Property Group
- Prosperity Treatment Center
- Old Republic Title Co.
- Cullen Law Office LLP
- Port of Olympia
- Washington First International Bank
- Rogers Deutsch & Turner
- Frontier Bank
- Credit Suisse First Boston
- The Mountaineers
- Bainbridge Public Library
- GMAC Commercial Mortgage
- Farm Bureau Life Insurance Co.
- Starbucks
- Seattle Automotive Dist., Inc.
- Pacific Northwest Title Insurance Co.
- WA State Office of the Attorney General
- Aoki Sakamoto and Grant LLP
- AnMarCo
- King Count Dept. Natural Resources & Parks
- Montgomery Purdue Blankinship & Austin PLLC
- Ogden Murphy Wallace PLLC
- Puget Sound Energy
- Kenyon P. Kellogg, Attorney at Law
- Mundt MacGregor PLLC

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 5:21 PM
To: mkeough@co.kitsapwa.us.gov
Subject: Fwd: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Matt Keough 6/1/2009 4:36 PM >>>
Can't resist telling you that I have been corrected already...

When describing the appraisal, we should not call it proprietary. It is a public document and.. this important information.... the public may request a copy of it formally through public record request. I have communicated this to Wade Larson but only by way of voice mail.

Thanks again,
Headaches always welcome. Encourage you and everyone to call me anytime they need one, including Joanne. Going to Kingston tonight?!

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Matt Keough 6/1/2009 4:28 PM >>>
Rebecca,

I ONLY JUST CAME UPON THE LETTER SENT TO STEVE AND TO CHARLOTTE ON 5/22 FROM JOANNE COREY, COMPLAINING ABOUT THE SALE OF PROPERTY TO THE GUN CLUB. Charlotte forwarded it to Chip who asked me for input. I thought it needed a response - wrote a draft response from my perspective - and then realized no-one asked me to respond! Shame - I'm so verbose and love to email!

Anyway, thought I would attach here for your benefit. If the comments are needed, feel free to utilize them in your own correspondence or if Steve would like to use them in his own response. Also, I'd be happy to forward it to Joanne, if so requested.

OFF TO OLYMPIA TOMORROW MORNING FOR THE FINAL DNR BOARD MEETING on the land exchange. Way to go Rick Fackler! If needed, I can be reached by cell at 360 689-7791.

-MFK

Dear Joanne,

As staff, I only just received your letter to the Commissioners and want to respond immediately. Your concerns are well-stated and I hope to address them here and to follow up, possibly by phone or in person, at your convenience. Feel free to call on me anytime as the lead staff person from the County Parks department. My contact information is below - if you prefer I call you, please indicate and provide the best number to reach you.

I will provide a basic explanation here and then, below, provide more specific response to your comments, using blue font! I certainly hope to connect with you and understand the issues are personally challenging/impactful. It for that reason and my respect to you that I attempt to address your points here.

Background statement on Conveying Property to the KRRC (gun club):
The property was professionally appraised by a 3rd party to arrive upon the property value "AS-IS" (not market value) with its historic, current, and future use as a recreational shooting range on 8 acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going shooting range operation that is open to the public and for a non-profit basis. With those assumptions, the property would be a cost to the County taxpayers to own the land and impossible for the County to provide for this use.

The appraisal itself was considered by staff (not the Commissioners) as of consequence on negotiations over terms to be agreed upon ("restrictive covenants"), then placed on the deed. The restrictive covenants ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners heavily studied the issues in determining the public interest in pursuing the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "colen & joanne corey" < colenjoannecorey@[redacted] > 5/21/2009 7:08 AM >>> Commissioner Bauer& Commissioner Garrido:
Please take the time to read this. There seems to be a little close door policy going on. The reason you have not heard from neighbors to Newberry Hill on the subject of land cost to the gun club is because you seem to have held the information from the public until you knew it would be too late.

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I am not able to answer this question - beyond my expertise. The KRRC (gun club) has operated under a long term lease that required fees paid to the DNR. I suspect that taxes would have been billed to the DNR... if they applied under these circumstances. I suspect that its was the DNR that did not have to pay taxes.

I am the VP of the Stewardship committee and those from the committee, has well as, your own Parks personnel where unaware of the low ball and extention of land sold. So there seems to be no excuse that it was not public knowledge to all in the committee.

I am responsible for the fact that Parks personnel were not all fully up to date on the potential land sale. In hindsight, I could have done more on this front and I apologize. Land cost estimates and negotiations, however, did occur up right up to the public meeting on 5/11 - discussed at the meeting - and acted upon 2 days later in a public meeting. It not an excuse but it was very challenging to honor private negotiations and while at the same time, fully involve the public. We did not release the appraisal - which we could have done - but we also never received/denied any formal public record request for it.

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Stewardship committees are critical to the County. Your concerns and involvement are important to the Department and, quite candidly, to our operations. Public safety is paramount and while the KRRC parcel will not come under County jurisdiction, we will be sure to evaluate safety of all active park acreage. We have staff trained to perform environmental review; your suggestions will be welcome. The KRRC parcel - 72 acres in size - is limited to an 8 acre active area - which helps buffer future park property from environmental hazards. Another mitigating factor is the club's compliance with firearm and environmental safety provisions (lead, a heavy metal that does not tend to move through natural systems) - all of which is to remain, along with habitat protection plan and riparian management standards. Environmental testing - past, present, and future - is conducted by the Health District and by the State Department of Ecology and usually called for when there are violations of proper stewardship or a change of use. None are known on the record though there is affiliation with the Camp Wesley Harris, a known past-contaminated site.

No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to the land and a daughter-in -law to the Corey's who have done great thing for this county, ie. putting on the "Day on the Farm for Special Needs Children", with community efforts, voulenteerism that works and a belief in doing good things for children, I cannot believe what has happened.

Not to mention what other things will occur because legally you have found a loop hole to pass something else by us.
Please send the Newberry Hill Park Stewardship Board your findings on all enviromental clean up to the land that is valued has not worth anything other than a gun lead suppository.

Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

THANK YOU FOR YOUR COMMENTS AND INVOLVEMENT. AS TIME IS OF THE ESSENCE, feel free to also call on me on my cell phone [redacted].

Sincerely,
-MFK

Don Burger

From: Cindy Sommerfeld [Csommerf@co.kitsap.wa.us]
Sent: Tuesday, June 02, 2009 9:56 AM
To: Terri Lyman; Kevin M. Howell
Cc: Tracey L. Hamilton-Oril
Subject: Re: Fwd: Newberry Hill Exchange

Good morning to all,

Having heard no dissent, I created 2 new tax parcel numbers, one for the property that the County is acquiring and one for the piece that will be going to the Kitsap Rifle club. I have contacted Land Title with the new account numbers so this transaction can occur at everyone's convenience.

For your reference: KC Rifle club tax parcel number is 362501-4-002-1006, and property to be retained by Kitsap County is carried under tax parcel number 362501-1-002-1002.

Cindy Sommerfeld

Cadastral Supervisor
email: csommerf@co.kitsap.wa.us
360-337-7277 fax: 360-337-4874

Please note our new office hours for 2009 Monday - Thursday 8:00am to 5:00pm Closed Fridays

Kitsap County Assessor 614 Division St. MS-22 Port Orchard WA 98366 www.kitsapgov.com/assr/

>>> Kevin Howell 5/26/2009 9:26 AM >>>
Good morning to all:

[redacted]

Kevin M. Howell
Deputy Prosecuting Attorney for Kitsap County Civil Division
614 Division Street, MS-35A
Port Orchard, WA 98366
Email: kmhowell@co.kitsap.wa.us
Phone: (360) 337-7268
Fax: (360) 337-7083

>>> Cindy Sommerfeld 5/26/2009 9:17 AM >>>
Just for clarification, my question was whether the property that would ultimately be remaining in the County's hand could be all under one tax parcel number?

Thank you,

Cindy

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email: csommerf@co.kitsap.wa.us
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>>> "Cathie Ames" < cathiea@landtitleco.net > 5/26/2009 9:13 AM >>>
Good morning. I just spoke to Cindy Sommerfield at the Assessor's and she will be working on the segregation of the KRRC piece so that I can obtain my tax prorata for closing purposes.

She has asked me a question with regard to the portion that you retaining and whether or not you want a separate tax account number or should it be combined with adjoining property already owned by the County?

Could one of you please let her know how you would like this handled, so that she can start the process?

Also, Kevin: I do not have any appointments until 3:00 today. This would be a really good day to try and connect.

Thank you.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Terri Lyman [TLyman@co.kitsap.wa.us]
Sent: Tuesday, June 02, 2009 10:37 AM
To: Cindy Sommerfeld; Kevin Howell
Cc: Tracey Hamilton-Oril
Subject: Re: Fwd: Newberry Hill Exchange

Thanks Cindy. Terri is away from the office, but I'm sure Kevin's suggestion is the best approach. Thank you for passing on the new parcel numbers. We'll incorporate them into our files.

Martha J. Droge, AICP, ASLA, LEED AP
Park Projects Coordinator
Kitsap County Dept. of Parks & Recreation
614 Division Street MS-1
Port Orchard, WA 98366
360.337.5361 (o)
MDroge@co.kitsap.wa.us

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>>> Kevin Howell 5/26/2009 9:26 AM >>>
Good morning to all:

For simplicity's sake, I would think that combining all parcels under a single tax account number would be the most efficient means. Unless you hear objections from our Parks Dept., this is the my preferred option.

Kevin M. Howell
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614 Division Street, MS-35A
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Kitsap Regional Coordinating Council

Please refer to Executive Board Meeting Packet for more information on specific items

Chair
Commissioner Steve Bauer
Kitsap County

Vice-Chair
Mayor Patty Lent
City of Bremerton

Commissioner Josh Brown
Commissioner Charlotte Garrido
Kitsap County

Council Member Will Maupin
Council Member Dianne Robinson
Council Member Greg Wheeler *
City of Bremerton

Council Member Kim Brackett
Council Member Hilary Franz
Council Member Kirsten Hytopoulos *
City of Bainbridge Island

Mayor Lary Coppola
Council Member Carolyn Powers
Council Member Jim Colebank *
City of Port Orchard

Mayor Becky Erickson
Council Member Ed Stern *
City of Poulsbo

Council Chair Leonard Forsman
Rob Purser *
*Suquamish Tribe****

Council Chairman Jeromy Sullivan
Council Member Kelly Baze *
*Port Gamble S'Klallam Tribe****

Commissioner Bill Mahan
Commissioner Roger Zabinski *
Port of Bremerton

Captain Mark Olson
Tom Danaher, PAO *
*Naval Base Kitsap***

Mary McClure
Executive Management
McClure Consulting LLC

* *Alternate*
** *Ex Officio Member*
*** *Associate Member*

P.O. Box 1934
Kingston, WA 98346
360-377-4900 (voice)
360-297-7762 (fax)
www.KitsapRegionalCouncil.org

Executive Board Meeting
November 2, 2010
Summary of Actions Taken

1. Call to Order — ***9:06 a.m.***
2. Citizen Comments *(0)*
3. Consent Agenda: — ***Approved***
   a. Approve Minutes of October 5, 2010 Meeting
   b. 2010 3rd/4th Quarter Budget Amendment
4. From the Chair/ From the Executive Committee: Follow-up to Retreat
5. CDBG: Approve 2011-2015 Consolidated Plan: — ***Approved***
   Public Hearing Opened: 9:14 a.m.
   Public Hearing Closed: 9:15 a.m.
6. CDBG: Approve 2011 Kitsap County Action Plan: — ***Approved***
   Public Hearing Opened: 9:20 a.m.
   Public Hearing Closed: 9:22 a.m.
7. Low Income Housing Grant Program:
   Affordable Housing for All: Funding Recommendations: — ***Approved***
   Motion: Reconvene the Application Review Committee to review the two disqualified applications, as if all application materials were submitted on time, and The Family Place application, as if it were an allowable use of funds, and to re-consider the Affordable Housing for All Grant funding recommendations.
   Public Hearing Opened: 9:26 a.m.
   Public Hearing Closed: 9:50 a.m.
8. Work Program Report:
   a. Transfer of Assets: Kitsap County Community Development Corp. to Olympic Finance Development Authority
   b. Revisions to Countywide Planning Policies
      i. Revisions
      ii. Revised Schedule
   b. Revenue Sharing / UGA Program
   c. Transportation
      i. Contingency List for 2011 — ***Approved***
      ii. Existing Federally Funded Kitsap Projects
   d. Sustainable Communities: Regional Program @ PSRC
9. Member Agency Comments
10. Citizens Comments *(0)*
8. Adjourn — ***10:48 a.m.***

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Tuesday, June 02, 2009 11:20 AM
To: Angie Hauschel; Marsha Richards
Subject: Wade larson/land exchange appraisals

Wanted to prepare you for the possibility of wade larson or others coming by to review appraisals associated with the land exchange. They are on my desk and avialalble for in-office review. Gun club appraisal is also available but only thru G drive.

Hope its calm there and that all ok with chip...

Thanks.

Don Burger

From: Rebecca Pirtle [RPirtle@co.kitsap.wa.us]
Sent: Tuesday, June 02, 2009 1:47 PM
To: Charlotte Garrido; Steve Bauer; Matt Keough
Subject: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

Hi Matt,
Thanks for this note. I'm sending it to Steve and Charlotte so they may respond to you with comments if needed, advise you on how to proceed with this - and whether to send the letter to Ms. Corey and/or if other response is necessary.
Thank you! Hope it went well in Olympia. See you tomorrow for our meeting at 12:30 p.m.

Rebecca Pirtle
District 1 Liaison
Kitsap County Commissioners
(360) 337-4683
rpirtle@co.kitsap.wa.us

>>> Matt Keough 6/1/2009 4:28 PM >>>
Rebecca,

I ONLY JUST CAME UPON THE LETTER SENT TO STEVE AND TO CHARLOTTE ON 5/22 FROM JOANNE COREY, COMPLAINING ABOUT THE SALE OF PROPERTY TO THE GUN CLUB. Charlotte forwarded it to Chip who asked me for input. I thought it needed a response - wrote a draft response from my perspective - and then realized no-one asked me to respond! Shame - I'm so verbose and love to email!

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Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

THANK YOU FOR YOUR COMMENTS AND INVOLVEMENT. AS TIME IS OF THE ESSENCE, feel free to also call on me on my cell phone 360 689-7791.

Sincerely,
-MFK

Don Burger

From: DNR [TAMMY.ROBBINS@dnr.wa.gov]
Sent: Tuesday, June 02, 2009 4:13 PM
To: Cathie Ames
Cc: Terri Lyman; Kevin Howell; Matt Keough; BRAD (DNR) PRUITT
Subject: RE: Newberry Hill Exchange
Attachments: image001.gif

Hi Cathie,
Sorry I was not able to reply back to you sooner, but we have been scrambling trying to prepare for the BNR meeting. Now that it is over and the Deed is being routed I can go over your email. See my responses below.

Tammy Robbins
Property & Acquisition Specialist
Asset Management & Recreation Division
Washington State Department of Natural Resources
PO Box 47014 Olympia, WA 98504-7014
(360) 902-1219 / (360) 902-1789 fax
tammy.robbins@dnr.wa.gov

From: Cathie Ames [mailto:cathiea@landtitleco.net]
Sent: Monday, June 01, 2009 9:26 AM
To: PRUITT, BRAD (DNR); kmhowell@co.kitsap.wa.us; 'Matt Keough'; ROBBINS, TAMMY (DNR); 'Terri Lyman'
Subject: Newberry Hill Exchange

Hello to all. I have itemized below a brief summary of some of the items that I will need provided or questions that will need to be answered, prior to closing:

Purchase and Sale Agreement:

-The following matters should be addressed in an Addenda to the Exchange Agreement: **(WE WILL DRAFT A LETTER OF ADDENDA TO CORRECT # 2 & #3. I HAVE MADE NAME CORRECTION TO THE DEED AND OTHER DOCS.)**
1) Kitsap County, a Political Subdivision of the State of Washington is to be named and the Exchanger, rather than "KCP&R Dept." (Page 1 of Exch. Agmt). Please amend all documents, showing as Exhibit's, which are being recorded.
2) Correct the heading for Exhibit B-2. Should be "Easement Reservation" rather than "Description of Areas Subject to State's Mineral Reservation" (Page 49 of Exch. Agmt).
3) Correct the reference to Exhibit "H" to show Exhibit "C" (Section 13 on Page 11 of Exch. Agmt). And, on this same matter, since the County has removed the property from its Forestland Designation, is the Notice of Continuing Forest Land Obligation document still necessary? See attached Supp 1 of Fifth Commitment.
4) The exact amount to be paid by the County to DNR for the reimbursement of the administrative costs ($50,000.00 approx cost). **(BRAD IS WORKING ON THIS AND SHOULD HAVE SOMETHING TO YOU BY TOMORROW)**

Policy(s) of Title Insurance:

-There are Road Maintenance Agreements recorded on both exchange pieces. Is anyone aware of dues being collected by an Association on either property?
(NONE KNOWN ON STATE SIDE)

Items relating to draft DNR Escrow Instructions:

-Contrary to the DNR Escrow Instructions, there is currently taxation for Noxious Weeds/Fire Prevention on the lots DNR is acquiring. I understand that these do not qualify for an exemption when the property is owned by a Governmental entity. I can not delete items #19 through #37. It would be appropriate for me to prorate these amounts, however nominal. Please advise. **(PLEASE PRORATE THE WEED ASSESSMENTS FOR THE REMAINDER OF THE YEAR AND PAY STATE'S PORTION FOR THE REMAINDER OF THIS YEAR. WE WILL LET YOU KNOW ABOUT THE FPA AFTER FUTHER DISCUSSION)**
-Exception #12, in Commitment #E-229091, refers to CC&R's. Your Instructions state that you will only accept this item if RMAP money is received. I will need you to either accept this as a condition of title or provide me with a release document. **(STATE WILL ACCEPT)**
-Exception #14 relates to a Road Maintenance Assoc. and I can not delete this item without consent from the affected parties. **(STATE WILL ACCEPT)** I am wondering if you are looking at a previous Title Commitment (since we are on our 5th version☺) and the numbers do not match up. I have attached a copy of the most recent version.
-Exception #16 is not listed in either the accepted encumbrances or deleted encumbrances list? Please advise **(I WILL NEED TO COMPARE YOUR 5TH VERSION WITH OUR VERSION)**

Documents:

-I will need a copy of the signed Exchange Purchase and Sale Agreement, once it is executed by DNR. **(SENT TODAY 6-2-09)**
-I will need a signed copy of the "Board of Natural Resources Approval Notice" (7.1 on page 6 of Exch. Agmt). **(WILL SEND RESOLUTION THIS WEEK)**
-Please verify signing authority with me for DNR and let me know who will be signing my escrow documents. **(BRAD PRUITT WILL SIGN ESCROW INSTRUCTIONS AND STEVE SAUNDERS WILL SIGN SETTLEMENT STATEMENT)**
-I will need the Minutes from the County Board Meeting (Terri to obtain from Commissioner's Office), authorizing the exchange of the properties.
-Please provide the final draft of the DNR Escrow Instructions. **(IN PROGESS)**
-The County will need to provide a Termination of Conservation Easement (7.2.2b on page 6).
-I will draw the Statutory Warranty Deed from the County to DNR, unless I am advised otherwise.

-DNR to draw/provide the original documents, as follows:
1) Quitclaim Deed (I understand that this will take approximate 2 weeks for the Governor to sign after it is submitted to her office) (Exhibit B-4). **(STARTED ROUTING PROCESS TODAY 6-2-09, SHOULD BE IN GOVERNORS OFFICE BY NEXT WEEK)**
2) Assignment and Assumption of Lease Agreement (Exhibit A-2). **(AWAITING REGIONS SIGNATURE)**
3) Mineral Reservation (Exhibit B-1) **(ATTACHED TO DEED)**
4) Easement Reservation (Exhibit B-2 and B-3) **(ATTACHED TO DEED)**
5) Tenant Estoppels Statement (Exhibit B-5). I believe it was mention that this is in KRRC's hands. **(HAVE SIGNED LEASE ESTOPPLE)**

Misc:

-I anticipate prorating the annual lease payment between DNR and KRRC and passing this though the County on the Closing Statements. I have requested that Regina Taylor provide me with that amount to adjust through closing and will have this amount confirmed by DNR, when provided. I understand that the current lease payment covers the period from 2/28/09 through 2/27/2010 and that this amount has been paid for the current year.
-Please verify that the Bridge removal has been inspected by Fish and Wildlife. **(FISH AND WILDLIFE HAVE BEEN ADVISED, CONTACT BRAD IF YOU HAVE QUESTIONS. WDFW HAS NOT INDICATED THERE IS A VIOLATION) DO YOU NEED THIS FOR ANY PARTICULAR REASON?**

-I understand that DNR will require 5 days to review docs and that the Kevin Howell will need to review documents before the Chair signs.

And, just to confirm, we are going to target 6/18/09 for closing. I have a lot of the documents done and will start circulating them as soon as I have a the signed Exchange Agreement. I look forward to working with you all, as we proceed to closing and do not hestiate to call me at any time to discuss your file.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Appleton, Rep. Sherry [Appleton.Sherry@leg.wa.gov]
Sent: Tuesday, June 02, 2009 5:46 PM
To: Steve Bauer
Subject: FW: Land Swap

Can you fill me in on this? Just so I can reply. Thanks so much, and regards to Ann.

Sherry

Representative Sherry Appleton
23rd Leg. District, Position 1
Vice Chair, State Government and Tribal Affairs John L. O'Brien Building, Room 424 P.O. Box 40600 Olympia, WA 98504-0600
(360) 786-7934
Executive Assistant: Donna Bezon
bezon_do@leg.wa.gov

-----Original Message-----
From: STEVE MARTZ [mailto:semartz@wavecable.com]
Sent: Monday, June 01, 2009 9:11 AM
To: Appleton, Rep. Sherry
Subject:

Dear Rep. Appleton,

There is currently in place a land swap between Kitsap County and DNR for land to make the new Newberry Heritage Park. In this swap there is a parcel where the Kitsap Rifle and Revolver Club is located. Kitsap County has plans to sell this 72 acre parcel, after the land swap, to the club for under $2500. I know the $2500 is important, as it allows the county to sell this property without going to public auction. I find it absurd that the county would be allowed to sell this property for this amount, which averages less than $34/acre when the entire parcel is assessed for more than $5,500/per acre. The county is claiming that they have put stringent guidelines on the use of the land that has devalued the land to this amount.
There seems to be something wrong with this, especially in these economic times when everyone is looking for ways to either generate money or cut spending, that we give away property. I would appreciate your thoughts on this issue.

Sincereley,
Steve Martz

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 02, 2009 10:46 PM
To: Josh W. Brown; Steve Bauer; Matt Keough
Subject: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

Matt,
If it's okay with Steve, I suggest that you respond on behalf of Steve and I. I made some edits to your original.
C

Dear Joanne,

Commissioners Garrido and Bauer asked that I respond to the message you sent them. They appreciate your thoughtful comments and wanted me to respond to you since I have been the lead staff person from the County Parks department on this issue. Your concerns are well-stated and I hope to address them here and to follow up, by phone or in person, at your convenience. Feel free to call on me anytime. My contact information is below. If you prefer that I call you, please let me know the best number and times to reach you.

Following an introductory explanation, I will provide more specific response to your comments, using blue font! I certainly hope to connect with you and understand the issues are personally challenging/impactful.

Background Statement on Conveying Property to the Kitsap Rifle and Revolver Club:
The land in question has been home to the KRRC for more than 80 years. The property was professionally appraised by a third party to arrive upon the value "AS-IS" with its historic and future use as a recreational shooting range on eight acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going nonprofit shooting range operation that is open to the public. With those assumptions, the property would be a cost to County taxpayers and difficult for the County to tend.

The appraisal itself was a consequence of negotiations over terms to be agreed upon ("restrictive covenants") and placed on the deed. The covenants ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners studied the issues to determine the public interest in the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Charlotte Garrido
Kitsap County Commissioner
(360) 337-7097, fax (360) 337-4632

>>> "colen & joanne corey" < colenjoannecorey@q.com > 5/21/2009 7:08 AM >>>

There seems to be a little close door policy going on. The reason you have not heard from neighbors to Newberry Hill on the subject of land cost to the gun club is because you seem to have held the information from the public until you knew it would be too late.

On behalf of Kitsap County, I regret anything that may appear to be "too late" for the public benefit. There was no intention to this effect. The public interest was discussed at public meetings (3/18, 4/15, 5/11). The only executive session (not open to the public) session was held so that the commissioners could be briefed by an attorney regarding legal issues surrounding the land trade.

Not to mention the low cost of the land gave you the right to not put it out in the public.

As stated above, the land was appraised with multiple assumptions/restrictions on use and to provide for the public interest. This included continuing a publicly accessible shooting range and conditions in the existing long-term lease with DNR. The professional appraisal concluded that the property was of $0 value given the assumptions and "AS-IS" value of the land. This conclusion not only suggested that a public auction was not required but that the County could - in the public interest - convey the property directly to a community-based recreation organization for a long-established use.

Also, I found out they have never payed taxes, am I right? I know other non-profits who pay there taxes by the law.

This question is beyond my expertise. The KRRC (gun club) has operated under a long term lease that required fees paid to the DNR. I suspect that taxes would have been billed to the DNR... if they applied under these circumstances.

I am the VP of the Stewardship committee and those from the committee, has well as, your own Parks personnel where unaware of the low ball and extention of land sold. So there seems to be no excuse that it was not public knowledge to all in the committee.

I am responsible for the fact that Parks personnel were not all fully up to date on the potential land sale and apologize for any oversight. Land cost estimates and negotiations did occur right up to the public meeting on 5/11. They were discussed at the meeting and acted upon 2 days later in a public meeting. It not an excuse but it was very challenging to honor private negotiations and fully involve the public.

I know you have friends in the gun club, sort of like business on the golf course ,to my way of seeing it. I hope the one friend of the gun club can drum up the votes for you all next election, I plan on voting for commissioners who are honest and straight forward with the public. Since there is such a low ball cost to the gun club and it seems to be so ruined that nothing else could possible be used for the land, your own words I might add, we the people should have reports of all enviromental testing to the land,PAST and PRESENT, of which I have found out does not exist, if so they NEED to be presented to the stewardship, since WE are the caretakers of the land.

Stewardship committees are critical to Kitsap County. Your concerns and involvement are important to the Department and to our operations. Public safety is paramount and while the KRRC parcel will not come under County jurisdiction, we will evaluate safety of all active park acreage. We have staff trained to perform environmental review, and your suggestions are welcome. The 72-acre KRRC parcel is limited to an eight-acre active area - which helps buffer future park property from environmental hazards. Another mitigating factor is the club's compliance with firearm and environmental safety provisions (lead, a heavy metal that does not tend to move through natural systems) which is to remain, along with habitat protection plan and riparian management standards. Environmental testing -

past, present, and future - is conducted by the Health District and by the State Department of Ecology. No contamination is on the record though there is affiliation with the Camp Wesley Harris, a known past-contaminated site.

No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to the land and a daughter-in -law to the Corey's who have done great thing for this county, ie. putting on the "Day on the Farm for Special Needs Children", with community efforts, voulenteerism that works and a belief in doing good things for children, I cannot believe what has happened. Not to mention what other things will occur because legally you have found a loop hole to pass something else by us.
Please send the Newberry Hill Park Stewardship Board your findings on all enviromental clean up to the land that is valued has not worth anything other than a gun lead suppository.

Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

Don Burger

From: Rhiannon Fernandez [RFernand@co.kitsap.wa.us]
Sent: Wednesday, June 03, 2009 10:40 AM
To: Audrey Shannon
Subject: Re: Link

I was talking to R'lene Orr (she is taking over duties from Marilyn Osborn), and was going to ask her about call flows for DAS when she told me that I shouldn't be doing them for their dept... She will be contacting you, and would like one of her staff to attend meetings. This should help in defining call flows for their dept. As far as our call flows, I think our may be more based along the lines of when big things are happening (for example: KRRC Gun Club). But I will continue to work with and encourage staff to enter our calls into CRM.

Thanks for the link, thanks for your time - it is nice to work with you. I will contact Craig to get myself a test sharepoint page.

>>> Audrey Shannon 6/3/2009 9:55 AM >>>
http://kcweb:8080/kitsap_one/default.aspx

Audrey Shannon
Kitsap One Supervisor
Kitsap County
Phone: 360.337.5777 Fax: 360-337-4867

Don Burger

From: Paul Andrews [Pandrews@co.kitsap.wa.us]
Sent: Wednesday, June 03, 2009 3:40 PM
To: Diane Mark
Subject: DNR property

Looks like Kitsap County is acquiring the property adjacent to Camp Wesley Harris.
I just processed a seg that identifies 2 pieces of property, 1 for the county and 1 for the gun club.
-Paul

Don Burger

From: Diane Mark [DMark@co.kitsap.wa.us]
Sent: Wednesday, June 03, 2009 3:51 PM
To: Paul Andrews
Subject: Re: DNR property

Yes, judging by what I've been reading & hearing recently, sounds like it was a done deal from the get-go.
:) Diane

>>> Paul Andrews 06/03/09 3:40 PM >>>
Looks like Kitsap County is acquiring the property adjacent to Camp Wesley Harris.
I just processed a seg that identifies 2 pieces of property, 1 for the county and 1 for the gun club.
-Paul

Don Burger

From: Cathie Ames [cathiea@landtitleco.net]
Sent: Thursday, June 04, 2009 10:26 AM
To: Terri Lyman; Kevin M. Howell; Matt Keough; BRAD PRUITT; Tammy Robbins
Subject: Newberry Hill Exchange
Attachments: 20090604124751.pdf; 20090604121621.pdf

Thank you all for responding to my punch list items. It looks like everything is coming together well. I have the following responses to your comment and other items:

-The proposed segregation has been completed by the Assessor for the Exchange Property. They will be deleting old numbers and adding two new tax parcels. If the Deed has not left to the Governor's Office yet, you may want to add the future tax parcel numbers to the Deed. I have attached Supp. No. 2. indicating those numbers. If not, we will simply send the Deed down with a note to the Assessor's Office to notate these numbers for reference when recording.
-I have attached my draft Statutory Warranty Deed, for all to review.
-I have had my Title Dept. (Bev Sanchez) review the Termination of Deed of Right and she said it looks fine. She said that the only thing you might want to attach is the legal description from the recorded document being referenced.
-Will we still be executing the "Notice of Continuing Forest Land Obligation Document (Exhibit "C"), if the property is no longer in Forest Land?
-Once I have received the revised DNR instructions I can draw my Escrow Instructions, for review and circulation.
-I will need the following two items in order to prepare my Closing Statements: Amount of the KRRC annual lease payment (I have a call into Regina Taylor but I have not heard back)? And, the amount of the $50,000.00 administrative adjustment. I know you are working on this.

Items for Tammy:
-Your response e-mail to me indicated that you want me to pay 2nd ½ taxes for the Forest Patrol Assessment, however the letter from Judith Cline, dated June 3rd states that she would like the Treasurer to bill her directly.
-You indicated that you have the signed Tenant Estoppel. Will you be providing this to me with your closing documents? The Exchange Agreement does not state that this is to be furnished to the County, (it just says "deposited") however, that would be customary.
-With regard to the Fish and Wildlife Inspection; this is not a condition of closing, unless someone makes it one. I do not need anything from you for my file to clear this but have it on my list of tracking items.

That is all for now. I look forward to you responses and do not hesitate to call, if you have any questions. Thanks.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

When recorded return to:

State of Washington - DNR
Attn: Brad Pruitt
P.O. Box 47014
Olympia, WA 98504

READ, ACCEPTED AND APPROVED:

_____

_____

STATUTORY WARRANTY DEED

Escrow No.: E-229091CA

THE GRANTOR(S)

Kitsap County, a Political Subdivision of the State of Washington

for and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION in hand paid, conveys, and warrants to

State of Washington, through the Interagency Committee for Outdoor Recreation

the following described real estate, situated in the County of Kitsap, State of Washington:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT 'A' ON PAGE 2.

Abbreviated Legal: (Required if full legal not inserted above)

NWSW, NESW, SWSW, SESW, 1-24N- 1W; NENE, SENE, NEW, SESW, NSWSE, NESE, SESE, SWSE 11-24N

Tax Parcel Number(s):

Tax Account Nos.: 012401-3-001-1001, 012401-3-002-1000, 012401-3-003-1009, 012401-3-004-1008, 012401-3-005-1007, 012401-3-006-1006, 012401-3-007-1005, 012401-3-008-1004, 112401-1-016-1006, 112401-1-017-1005, 112401-1-018-1004, 112401-1-019-1003, 122401-2-007-1004, 122401-2-008-1003, 112401-3-027-1009, 112401-3-028-1008, 112401-4-001-1007, 112401-4-002-1006, 112401-4-003-1005, 112401-4-004-1004, 112401-3-029-1007, 112401-3-030-1004, 112401-4-005-1003, 112401-4-006-1002, 112401-4-007-1001, 112401-4-008-1000, 022401-4-025-1000 & 022401-4-002-1007

Dated: June 4, 2009

Kitsap County,
a Political Subdivision of the State of Washington

_____
By: Charlotte Garrido
Its: Chair

STATE OF _____ COUNTY OF _____
On this _____ day of _____, _____
I certify that I know or have satisfactory evidence that Charlotte Garrido, Chair of the Kitsap County Board of Commissioners is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Given under my hand and official seal the day and year last above written.

_____

Notary Public in and for the State of:
Residing at:_____ My Comm. Expires:_____

EXHIBIT "A"

PARCEL I:

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL II:

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL III:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL IV:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL V:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VI:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VII:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL VIII:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL IX:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL X:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XI:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XII:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XIII:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XIV:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XV:

EXHIBIT "A"
(Continued)

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVI:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVII:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XVIII:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XIX:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XX:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXI:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXII:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXIII:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXIV:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 11, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXV:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 12, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXVI:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 12, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON.

PARCEL XXVII:

THAT PORTION OF PARCEL B CONVEYED BY STATUTORY WARRANTY DEED UNDER AUDITOR'S FILE NO. 200404190409 DESCRIBED AS: THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 2, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON, BEING THAT PORTION OF GOVERNMENT LOT 13, SAID SECTION 2,
EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WILDCAT LAKE TRACTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 31, RECORDS OF KITSAP COUNTY, WASHINGTON.

PARCEL XXVIII:

EXHIBIT "A"
(Continued)

THAT PORTION OF GOVERNMENT LOT 8, SECTION 2, TOWNSHIP 24 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 8 (ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 2); THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 400 FEET; THENCE WEST TO THE EAST LINE OF NW WILDCAT LAKE ROAD; THENCE NORTHERLY ALONG SAID EAST LINE OF NW WILDCAT LAKE ROAD TO THE NORTH LINE OF SAID GOVERNMENT LOT 8; THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

Subject to:

1. Covenants, conditions and restrictions contained in the following instrument, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;
   Recorded:May 24, 1996
   Recording No.:9605240200

   (Affects Parcels I through XXVIII, inclusive)

2. Terms and conditions as fully set forth in Statutory Warranty Deed recorded May 17, 1977 under Auditor's File No. 1169752.

   (Affects Parcels II, IV and VI)

3. Easement, including its terms, covenants and provisions as disclosed by instrument;
   Recorded:November 19, 1941
   Recording No:350174
   For:open ditch
   Affects:the legal description contained therein is insufficient to specifically locate said easement

   (Affects Parcel II)

4. Easement, including its terms, covenants and provisions as disclosed by instrument;
   Recorded:may 22, 1968
   Recording No:930464
   For:existing roadway
   Affects:20 foot wide portion of Parcels V, VII, XXVI and XVII

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

5. Agreement, including its terms, covenants and provisions;
   Recorded: May 22, 1968
   Recording No.: 930464
   For: Permanent Easement Exchange

   (Affects Parcels V, VII, XXV and XXVI)

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

6. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 930464.

   (Affects Parcels V, VII, XXV and XXVI)

   a. Said instrument has been amended or modified by the following instrument;
      Recorded:December 20, 1985 and January 17, 1992
      Recording No.:8512200152 and 9201170230

7. Easement, including its terms, covenants and provisions as disclosed by instrument;
Recorded:October 18, 1978
Recording No:7810180161
For:roadway and existing road
Affects:the legal description contained therein is insufficient to specifically locate said easement

(Affects portion of Parcels I, III, V, VII, IX, X, XIII, XIV, XV, XVI, XVII, XVIII, XIX and XX through XXVI, inclusive and XXVIII)

a. Said instrument has been amended or modified by the following instrument;
Recorded:March 16, 1983
Recording No.:8303160098

8. Terms and conditions as fully set forth in Easement recorded April 29, 1983 under Auditor's File No. 8304290110.

(Affects Parcels I through XXVIII, inclusive)

9. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 8304290110.

(Affects Parcels I through XXVIII, inclusive)

Covenants, conditions and restrictions contained in the following instrument, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;
Recorded:April 19, 2004
Recording No.:200404190410

(Affects Parcels I through XXVIII, inclusive)

11. Liability for maintenance of roadway as disclosed by instrument recorded under Auditor's File No. 200404190410.

(Affects Parcels I through XXVIII, inclusive)

12. Terms and conditions as fully set forth in Special Warranty Deed recorded April 19, 2004 under Auditor's File No. 200404190409.

(Affects Parcels I through XXVIII, inclusive)

13. Existence of roadways, constructive notice which is contained in Special Warranty Deed recorded under Auditor's File No. 200404190409, by the recital:
"Except that portion thereof lying within the boundaries of any existing county road."

(Affects Parcels I through XXVIII, inclusive)

Don Burger

From: Kevin M. Howell [KMHowell@co.kitsap.wa.us]
Sent: Thursday, June 04, 2009 10:49 AM
To: Tracey L. Hamilton-Oril
Subject: Fwd: Newberry Hill Exchange
Attachments: 20090604121621.pdf; 20090604124751.pdf

>>> "Cathie Ames" <cathiea@landtitleco.net> 6/4/2009 10:26 AM >>>

Thank you all for responding to my punch list items. It looks like everything is coming together well. I have the following responses to your comment and other items:

-The proposed segregation has been completed by the Assessor for the Exchange Property. They will be deleting old numbers and adding two new tax parcels. If the Deed has not left to the Governor's Office yet, you may want to add the future tax parcel numbers to the Deed. I have attached Supp. No. 2. indicating those numbers. If not, we will simply send the Deed down with a note to the Assessor's Office to notate these numbers for reference when recording.
-I have attached my draft Statutory Warranty Deed, for all to review.
-I have had my Title Dept. (Bev Sanchez) review the Termination of Deed of Right and she said it looks fine. She said that the only thing you might want to attach is the legal description from the recorded document being referenced.
-Will we still be executing the "Notice of Continuing Forest Land Obligation Document (Exhibit "C"), if the property is no longer in Forest Land?
-Once I have received the revised DNR instructions I can draw my Escrow Instructions, for review and circulation.
-I will need the following two items in order to prepare my Closing Statements: Amount of the KRRC annual lease payment (I have a call into Regina Taylor but I have not heard back)? And, the amount of the $50,000.00 administrative adjustment. I know you are working on this.

Items for Tammy:
-Your response e-mail to me indicated that you want me to pay 2nd ½ taxes for the Forest Patrol Assessment, however the letter from Judith Cline, dated June 3rd states that she would like the Treasurer to bill her directly.
-You indicated that you have the signed Tenant Estoppel. Will you be providing this to me with your closing documents? The Exchange Agreement does not state that this is to be furnished to the County, (it just says "deposited") however, that would be customary.
-With regard to the Fish and Wildlife Inspection; this is not a condition of closing, unless someone makes it one. I do not need anything from you for my file to clear this but have it on my list of tracking items.

That is all for now. I look forward to you responses and do not hesitate to call, if you have any questions. Thanks.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

ENDORSEMENT
Issued by
Land Title Company of Kitsap County

SUPPLEMENTAL NO. 2

Attached to Commitment No.: E-230259CA
Seller Name: State of Washington -DNR
Buyer Name: Kitsap County

Date: June 4, 2009

This endorsement is made a part of said Commitment including any prior endorsements and is subject to the schedules, terms and provisions and the conditions and stipulations therein, except as modified by the provisions hereof.

EFFECTIVE DATE: May 7, 2009 at 8:00 a.m.

PLEASE AMEND NOTE "A" TO READ AS FOLLOWS:

A. 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: NW/SW; N1/2 NE; SW/NE; 36-25N-1W & SW/SE 25-25N-1W
Tax Account Nos.:362501-4-002-1006, 362501-1-002-1002 & 252501-3-011-1000

bjs

Don Burger

From: DNR [TAMMY.ROBBINS@dnr.wa.gov]
Sent: Thursday, June 04, 2009 12:55 PM
To: Cathie Ames
Cc: Terri Lyman; Kevin Howell; Matt Keough; BRAD (DNR) PRUITT
Subject: RE: Newberry Hill Exchange

Cathie, see my responses embedded below. If you have any questions feel free to give me or Brad a call (360) 584-5037 or (360) 902-1219.

Thanks, Tammy

From: Cathie Ames [mailto:cathiea@landtitleco.net]
Sent: Thursday, June 04, 2009 10:26 AM
To: PRUITT, BRAD (DNR); kmhowell@co.kitsap.wa.us; 'Matt Keough'; ROBBINS, TAMMY (DNR); 'Terri Lyman'
Subject: Newberry Hill Exchange

Thank you all for responding to my punch list items. It looks like everything is coming together well. I have the following responses to your comment and other items:

-The proposed segregation has been completed by the Assessor for the Exchange Property. They will be deleting old numbers and adding two new tax parcels. If the Deed has not left to the Governor's Office yet, you may want to add the future tax parcel numbers to the Deed. I have attached Supp. No. 2. indicating those numbers. (SUPP NO 2 NEEDS TO REMOVE TAX # 252501-3-011-1000 SINCE THIS NO LONGER APPLIES. ALSO THE LEGAL DESCRIPTIONS SHOULD BE NW; SW; N2NE; SWNE; AND THE W2SE 36-25N-1W & SWSE 25-25N-1W) If not, we will simply send the Deed down with a note to the Assessor's Office to notate these numbers for reference when recording. (DEED NOT SENT YET, STILL WAITING FOR COMMISSIONERS SIGNATURE. I WILL CORRECT THE DEED)

-I have attached my draft Statutory Warranty Deed, for all to review. (THIS IS NOT THE CORRECT DEED, LOOKS LIKE IT THIS IS THE CONSERVATION EASEMENT DEED THAT THE COUNTY IS TRANSFERING TO THE COUNTY'S NEWBERRY HILL PROPERTY. PLEASE SEE EXHIBIT A-1 PG 22 OF THE EXCHANGE AGREEMENT AND USE THIS FORMAT; THE LEGALS AND TAX PARCELS NUMBERS ARE ALREADY INSERTED.)

-I have had my Title Dept. (Bev Sanchez) review the Termination of Deed of Right and she said it looks fine. She said that the only thing you might want to attach is the legal description from the recorded document being referenced. (COUNTY IS HANDELING)

-Will we still be executing the "Notice of Continuing Forest Land Obligation Document (Exhibit "C"), if the property is no longer in Forest Land? (The Forest Land Classification vs. our Notice of Continuing Forest Land Obligation, are two completely different things. The forest land classification has to do with the <u>tax status</u> that they property is currently in. The State is tax exempt and therefore this does not apply. But the Cont. Forest Land Obligation has to do with Forest Practice rules and regulations that all forest land owners are obligated to keep.)

-Once I have received the revised DNR instructions I can draw my Escrow Instructions, for review and circulation. (YOU SHOULD GET THIS TODAY)

-I will need the following two items in order to prepare my Closing Statements: Amount of the KRRC annual lease payment (I have a call into Regina Taylor but I have not heard back)? And, the amount of the $50,000.00 administrative adjustment. I know you are working on this. (THE ANNUAL LEASE FOR KRRC IS $7,200.00. BRAD IS STILL WORKING ON GETTING THE ADMIN FEES; HE SHOULD HAVE IT TODAY OR TOMORROW. THE

Items for Tammy:

-Your response e-mail to me indicated that you want me to pay 2nd ½ taxes for the Forest Patrol Assessment, however the letter from Judith Cline, dated June 3rd states that she would like the Treasurer to bill her directly. (CORRECTION, PRORATE THE WEED ASSESSMENTS FOR THE REMAINDER OF THE YEAR AND DNR WILL PAY STATE'S PORTION FOR THE REMAINDER OF THE YEAR. FOREST PATROL ASSESSMENTS ARE TO BE PRORATED WITH DNR PAYING ITSELF.)

-You indicated that you have the signed Tenant Estoppel. Will you be providing this to me with your closing documents? The Exchange Agreement does not state that this is to be furnished to the County, (it just says "deposited") however, that would be customary. (I WILL ATTACH IT TO OUR CLOSING PACKET WHEN I SEND IT TO YOU, HOPEFULLY TODAY)

-With regard to the Fish and Wildlife Inspection; this is not a condition of closing, unless someone makes it one. I do not need anything from you for my file to clear this but have it on my list of tracking items.

That is all for now. I look forward to you responses and do not hesitate to call, if you have any questions. Thanks.

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Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Terri Lyman [TLyman@co.kitsap.wa.us]
Sent: Thursday, June 04, 2009 1:32 PM
To: Cathie Ames; TAMMY (DNR) ROBBINS
Cc: Kevin M. Howell; BRAD (DNR) PRUITT
Subject: RE: Newberry Hill Exchange

Matt Keough and I are out of the office until next week. If you have need of immediate assistance, please contact Martha Droge, Parks Projects Coordinator, at 360.337.5361.

Terri Lyman
Parks Planning Specialist
Kitsap County Parks and Recreation
614 Division, MS-1
Port Orchard, WA 98366
tlyman@co.kitsap.wa.us
360-337-5358

>>> "ROBBINS, TAMMY (DNR)" < TAMMY.ROBBINS@dnr.wa.gov > 6/4/2009 12:54 PM >>>
Cathie, see my responses embedded below. If you have any questions feel free to give me or Brad a call (360) 584-5037 or (360) 902-1219.

Thanks, Tammy

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Don Burger

From: Coleman, Tom - KSS [Tomc@cksd.wednet.edu]
Sent: Thursday, June 04, 2009 3:39 PM
To: Lori Raymaker
Subject: Map and Conversation with Great Peninsula Conservancy
Attachments: Hours map.doc

Lori,

I'm attaching the map that we're planning to hand out at the Klahowya office when people ask our secretaries for directions, park info, and such. Let me know if you can't open the MS Word doc, and I'll send it in a different format. It's pretty temporary, considering we'll be inheriting a lot more land over the next few months, but it'll do for now I think. Please let me know when I can give it to our office manager to hand out to the public.

I spoke with the Great Peninsula Conservancy folks about us being a "partner" organization through which we could get 501c(3) status, but their executive director, Sandra Staples-Bortner, had some concerns. First, she thought it might jeopardize their own non-profit status in some way with the IRS, maybe because it looks like they're just a "pass-through" for our group. I don't know if she was certain about that aspect, but she sounded leery. Second, she got an email from Wade Larson, the man at our stewardship meeting who seemed so adamant about not making trails in the park. He complained to Sandra that we were an "all mountain bike" group that was planning on building trails through wetlands and that the GPC should stop us. She said she wasn't sure she wanted to involve her organization with a group that was filled with controversy like that.

Of course, this frustrates me pretty much. I explained that we were actually a pretty eclectic group. I told her we're actively seeking members representing all user groups for the park. I told her that I'm a school teacher, our VP is an adjacent land owner, our secretary is a mountain biker, and our treasurer is a horse person. Heck, we may even share the lawyer for the gun club if things work out. The fact that one member of the committee can make such a negative impact on us is pretty ridiculous.

In my opinion, Wade is interested in blocking plans for the park and in preventing public use. I don't see that as conducive to our mission as a stewardship committee, and if it continues, we may have to ask him to not be a part of the park planning.

I'm considering sending something to the committee that explains (without names) what happened and to ask folks not to communicate with the press or potential partners of the group without bringing the issue up at a stewardship meeting. Would that be out of line?

After our long conversation, I think Sandra Staples-Bortner got the idea that our two organizations really have similar goals. I explained that a heritage park designation means 70% of the land must be preserved essentially untouched and that the other 30% could be developed for public use. I told her our notion of public use was trails for horses, bikes, and hikers. I think when we'd finished our conversation, she had a better feeling for the NHP, so maybe there's no long-term harm done. She said she was considering partnering with us at a later time, but that they were really overloaded right now with some other groups. I think we'll hear from the GPC again later on.

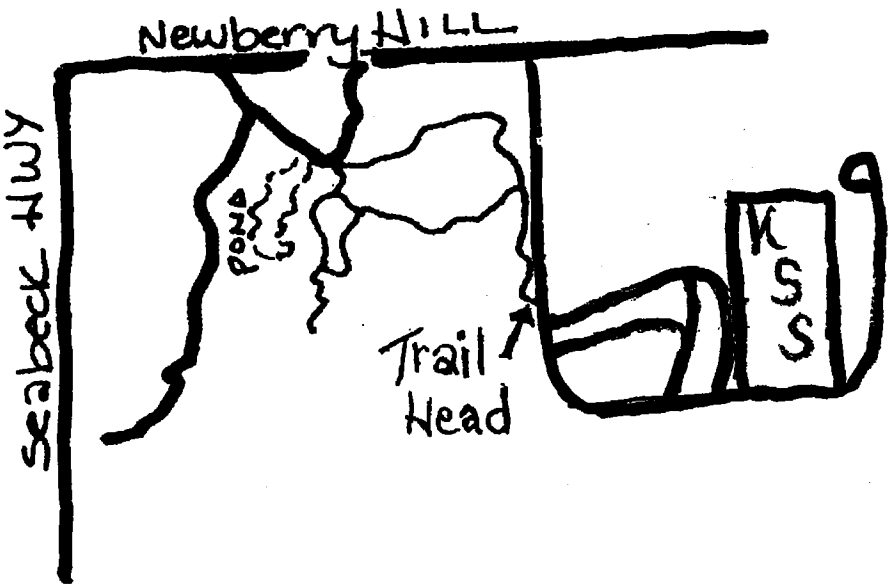
sheesh

Is this what your job is like all the time?
Still smiling,

Tom Coleman
Klahowya Secondary School
7607 Newberry Hill Rd.
Silverdale, WA 98383
Phone:(360)662-4056
Fax:(360)662-4001
http://klss.cksd.wednet.edu/teachers/coleman/tomc.html

Newberry Hill Heritage Park

Hours: Dawn to dusk (1/2 hour before sunrise to ½ hour after sun goes down).
Parking: In school lot weekdays after 2:30 (during school year) until dusk, weekends dawn to dusk. Please be considerate while parking on school property.



Park Rules:

- All county laws and protections apply.
- Parking, hiking, biking or horseback riding at your own risk.
- Motorized vehicles are not allowed.
- Horse trailer are not allowed on school property.
- Please respect the properties that border the park. Do not enter or walk through them.
- Pack out all garbage.
- Respect wildlife and plants. They are protected in the park. Stay on the trails and out of sensitive areas. Be aware there are several animals that feel threatened by humans, such as coyotes, bears, deer, eagles, cougars, and bobcats.

If you are interested in volunteering your time to help maintain the park or would like to be involved in the planning of park trails and features, please contact NHP stewardship committee president Tom Coleman:
360-662-4056
tomc@cksd.wednet.edu

Thank you for visiting the park. We hope you enjoy and respect its beauty.

Newberry Hill Heritage Park

Hours: Dawn to dusk (1/2 hour before sunrise to ½ hour after sun goes down).
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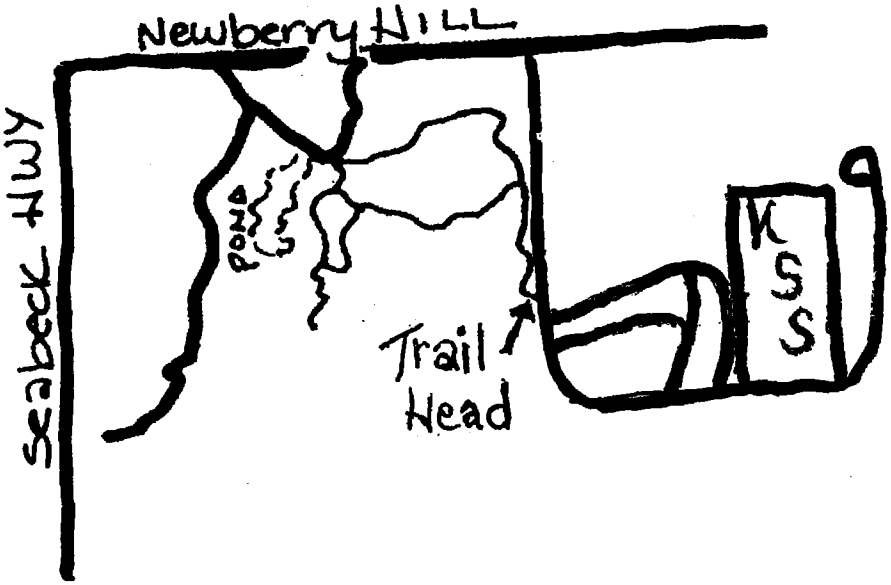

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tomc@cksd.wednet.edu

Thank you for visiting the park. We hope you enjoy and respect its beauty.

Rebecca Pirtle

From: Linda Berry-Maraist [lberrymaraist@cityofpoulsbo.com]
Sent: Wednesday, November 03, 2010 2:45 PM
To: Gregory Cioc
Cc: Rebecca Pirtle; Steve Bauer; Andrzej L. Kasiniak
Subject: stormwater regs and shoulder projects

Greg,
We have a meeting set up w/ Rep. Rolfes in mid December and plan to discuss the impact of the new stormwater regulations on shoulder improvements for bike facilities. Andrzej has done some preliminary review and is finding inconsistencies, but plans to do some more homework prior to that meeting.

Given the complexities of the regulations, it would might be helpful to touch base with each other prior to that meeting to check that we're all interpretting the regulations the same. I have heard from some bike advocates that County interpretation is that the regs. will essentially stop all shoulder widening projects for bike facilities. We're constructing our first pervious shoulders on an arterial on Viking. T.J. Nedrow told me that pervious paving on shoulders does not meet any WSDOT standards and is not allowed. Has the County made any decisions regarding pervious paving on shoulders on different types of roads?

I'm heading out of town but wanted to give you a heads up that we're hoping to touch base with you on this issue to see if we're on the same page.

Linda

Don Burger

From: RCO [Leslie.Ryan-Connelly@rco.wa.gov]
Sent: Tuesday, June 09, 2009 10:22 AM
To: Matt Keough
Cc: Dan (RCO) Haws
Subject: RE: IN OLYMPIA ON Tuesday 6/2 - attachment for review

Hi Matt: Sorry we got cut off on the telephone today. We will need to discuss the land proposed for the new deed of right. The property that contains mountain biking and the gun club is not eligible in urban wildlife. In fact, the Kitsap Rifle has been funded by our agency in the past for range improvements, so any canceling of their lease would result in a conversion at the gun club. The club also has a grant application in to our agency this year to purchase the land they already lease from DNR.

I understand that you are on track to terminate the deed of right that exists at the Central Kitsap Greenway. We need to discuss the new deed of right property as soon as possible in order to prevent any compliance issues on our end. Hopefully, we can address the mountain biking issue and remove the gun club property and reconfigure the deed of right. Once an agreed upon configuration is reached, I will then need appraisals, appraisal reviews, and hazardous substances certification on the final parcels.

Leslie Ryan-Connelly
Outdoor Grants Manager
Recreation and Conservation Office
(360) 902-3080
leslie.ryan-connelly@rco.wa.gov

-----Original Message-----
From: Matt Keough [mailto:MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 6:40 PM
To: Ryan-Connelly, Leslie (RCO)
Subject: IN OLYMPIA ON Tuesday 6/2 - attachment for review

Leslie,

Will be in Olympia tomorrow and would like to come by to talk in person on the land exchange. Kamie Bunnes was tremendously helpful in your absence and we have a good strategy in place (tentatively) to talk out with you for termination of existing deed to be followed up with the new deed in front our commissioners on 6/22 and recorded immediately thereafter.

The attached graphic is my novice attempt to document the new deed of right proposed, post land exchange. Though 305 acres has been suggested at the minimum required, this draft encompasses 320 acres. Hoping to get the legal description perfected and to talk out process with you in person.

I'll be in the BNR meeting on and off all AM - send me messages on my smart phone - to keep awake. Email active but the cell itself is 360 689-7791.

THANKS!
MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1

Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:38 AM
To: April Borbon
Subject: Re: Support the land sale to KRRC

Dear April,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

>>> April Borbon < aprilborbon@[redacted] > 5/11/2009 6:47 AM >>>
I urge you to support the land sale to the Kitsap Rifle and Revolver Club at tonight's Commissioner's meeting. The KRRC is a landmark in our community and should be preserved, under the KRRC organization, for all to use in the future. This is a very valuable community resource and with proper care and management by those experienced in the buisness of shooting ranges (ie: the KRRC Board and members), this could be a huge financial bonus to our community by way of matches and tournaments which would bring in many shooters and their families that would stay at our hotels, eat at our restaurants, and shop at our stores. Please support this sale!

April Borbon
[redacted]
Phone: [redacted]

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:45 AM
To: Brian Kilroy
Subject: Re: POSSIBLE SPAM! SCORE = 8.1 KRRC LAND SALE

Dear Brian,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a place for Kitsap County residents to learn and practice safe gun handling skills.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner

>>> "Brian Kilroy" < bkilroy@[redacted] > 4/26/2009 9:58 PM >>>
Please support the Proposal submitted by Kitsap Rifle and Revolver Club KRRC) to acquire the property upon which the club now sits. As you have already heard the main arguments, I have only to add that total support of KRRC can only be a win-win situation for all of Kitsap County as it provides an irreplaceable resource suitable for National competition as well as a practice arena for Sherriff, Police, and Military forces as well as for the local population to learn SAFE gun handling practices.

I look forward to hearing from you tomorrow (Monday, 4/27/09) at the regular meeting of the County Commisioners.

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:46 AM
To: Buck and Marj Pearsol
Subject: Re: POSSIBLE SPAM! SCORE = 8.3 KRRC

Dear C.B. and Marjorie,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Buck and Marj Pearsol" < marj@[redacted] > 5/11/2009 1:47 PM >>>
Dear Commissioner:

Your authorizing assignment and sale of properety to Kitsap Rifle and Revolver Club is greatly appreciated. Our deepest thanks to you for your support of the KRRC.

Sincerely,

C. B. Pearsol,
Marjorie E. Pearsol,
[redacted]
Port Orchard, WA 98367
[redacted]

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:46 AM
To: Clyde Roberts
Subject: Re: KRRC

Dear Clyde,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Clyde Roberts" < crr123@[redacted] > 5/11/2009 7:37 AM >>>
Charlotte Garrido - District 3 - thanks for your support of the DNR/County land exchange - this will be a plus for this county.

Clyde Roberts

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:47 AM
To: Daryl Gillen
Subject: Re: Well Done!

Dear Daryl,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Daryl Gillen" < wolfe939@[redacted] > 5/22/2009 10:49 AM >>>
Commissioner Garrido,

I sincerely want to thank you and the board for your effort in support of the resolution for the sale of property to the Kitsap Rifle and Revolver Club. This will insure that the tradition of 83 years of safe shooting, sportsmanship and service to the community will continue for another 83 years and beyond. Again, thank you for all your hard work.

Best regards,

Daryl Gillen
KRRC Member

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:53 AM
To: Ejcorich@aol.com
Subject: Re: KRRC Legacy

Dear Edward,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource where Kitsap County residents can practice safe firearm practices.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> < Ejcorich@[redacted] > 4/26/2009 6:54 PM >>>

Commissioner Garrido,

In this day and age, too many people are quick to hear the word "gun" and immediately garner ill thoughts. Kitsap Rifle and Revolver Club's legacy is SAFETY. It is my request that you have an open mind weighing the issues of the land transfer and realize that the value provided to the community by way of firearms safety training is critical to our community and its citizens. The sale of the property to KRRC will help ensure the firearms safety legacy that was started officially 83 years ago in Kitsap County.

My definition of a "Gun Club" is a place where people that enjoy firearms and the shooting sports get together to share the passion and teach firearms safety.

Thank you for your support of firearms safety.

Very Respectfully,
Edward J. Corich
[redacted]
Port Orchard, WA 98367
Kitsap County Resident since 1988
KRRC member since mid 1990's

**********A Good Credit Score is 700 or Above. See yours in just 2 easy steps!(http://pr.atwola.com/promoclk/100126575x1220814855x1201410739/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072&hmpgID=62&bcd=Aprilfooter426NO62)

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:54 AM
To: B
Subject: Re: Thank You For Your Action With KRRC

Dear B. Saddler,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "B" <bsaddler@[redacted]> 5/12/2009 5:57 PM >>>

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:55 AM
To: Christopher I CIV Code 2370 Bairey
Subject: Re: Thanks for KRRC land

Dear Christopher,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Bairey, Christopher I CIV Code 2370" < christopher.bairey@navy.mil > 5/18/2009 10:18 AM
>>>
KRRC will take good care of the land and is a benefit to Kitsap County.
My family is very happy for your support

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:57 AM
To: George
Subject: Re: POSSIBLE SPAM! SCORE = 6.0 land sale to KRRC

Dear George,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "George" < gshud@[redacted] > 5/11/2009 9:16 AM >>>
Greetings,
Along with the commissioners,I to support the resoultion !!
Thank You!!!

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:55 AM
To: Brian Lane
Subject: Re: Thank you for supporting the Kitsap Rifle and Revolver Club

Dear Brian,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> Brian Lane < bcl@[redacted] > 5/15/2009 3:56 PM >>>
-----BEGIN PGP SIGNED MESSAGE-----
Hash: SHA1

Brian Lane
Port Orchard

- --
- ---[Office 72.3F]--[Outside 61.1F]--[Server 107.6F]--[Coaster 65.1F]---
Software, Linux, Microcontrollers http://www.[redacted]
AIS Parser SDK http://www.[redacted]

-----BEGIN PGP SIGNATURE-----
Version: GnuPG v1.4.7 (Darwin)
Comment: Remember Lexington Green!

iD8DBQFKDfMSIftj/pcSws0RAuSeAJkBwwX9IyBI+i5HhUH+TP3tP/Ea9wCcDhP/
KG1vD6YP0Cmz+VXivkz/y84=
=WfB7
-----END PGP SIGNATURE-----

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 10:56 AM
To: c wood
Subject: Re: A note of Thanks

Dear Charles,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "c wood" < wood3@[redacted] > 5/11/2009 9:23 AM >>>

Commissioner Garrido

My name is Charles Wood and I would like to thank you very much for your support of the sale of property to the Kitsap Rifle and Revolver Club. As a member of the club my family and I have found this to be great place to meet good people. Their primary concern for the safety of the club members while at the range and off is something that impressed me. Not only is there an emphasis placed on safety but they have a healthy respect and concern for those residents living around the range. Again I would like to thank you for your support that will enable this local organization to continue to operate.

Sincerely

Charles Wood

Don Burger

From: DNR [BRADFORD.PRUITT@dnr.wa.gov]
Sent: Friday, June 05, 2009 11:48 AM
To: Terri Lyman; Matt Keough; Cathie Ames
Cc: Kevin M. Howell; TAMMY (DNR) ROBBINS
Subject: RE: Newberry Hill Exchange

Cathie, Matt, and Terri:

I've calculated the Department of Natural Resources Administrative costs for the Newberry Hill Land Exchange. The balance used by DNR, of the $50,000.00 administrative allowance in the exchange agreement, is: **$38, 056.**

DNR spent $27,105 from February through the end of April to our project code for the Newberry Hill Land Exchange. Using salary and benefits costs for a Project Manager and a Land Technician we estimate costs for May 1 to June 18th to be an additional $10,951.

If you have any question please call me at 360-584-5037

Brad Pruitt, DNR Project Manager
Newberry Hill Land Exchange

From: ROBBINS, TAMMY (DNR)
Sent: Thursday, June 04, 2009 12:55 PM
To: 'Cathie Ames'
Cc: PRUITT, BRAD (DNR); kmhowell@co.kitsap.wa.us; 'Matt Keough'; 'Terri Lyman'
Subject: RE: Newberry Hill Exchange

Cathie, see my responses embedded below. If you have any questions feel free to give me or Brad a call (360) 584-5037 or (360) 902-1219.

Thanks, Tammy

From: Cathie Ames [mailto:cathiea@landtitleco.net]
Sent: Thursday, June 04, 2009 10:26 AM
To: PRUITT, BRAD (DNR); kmhowell@co.kitsap.wa.us; 'Matt Keough'; ROBBINS, TAMMY (DNR); 'Terri Lyman'
Subject: Newberry Hill Exchange

Thank you all for responding to my punch list items. It looks like everything is coming together well. I have the following responses to your comment and other items:

-The proposed segregation has been completed by the Assessor for the Exchange Property. They will be deleting old numbers and adding two new tax parcels. If the Deed has not left to the Governor's Office yet, you may want to add the future tax parcel numbers to the Deed. I have attached Supp. No. 2. indicating those numbers. (SUPP NO 2 NEEDS TO REMOVE TAX # 252501-3-011-1000 SINCE THIS NO LONGER APPLIES. ALSO THE LEGAL DESCRIPTIONS SHOULD BE NW; SW; N2NE; SWNE; AND THE W2SE 36-25N-1W & SWSE 25-25N-1W) If not, we will simply send the Deed down with a note to the Assessor's Office to notate these numbers for reference when recording. (DEED NOT SENT YET, STILL WAITING FOR COMMISSIONERS SIGNATURE. I WILL CORRECT THE DEED)

-I have attached my draft Statutory Warranty Deed, for all to review. (THIS IS NOT THE CORRECT DEED, LOOKS LIKE IT THIS IS THE CONSERVATION EASEMENT DEED THAT THE COUNTY IS TRANSFERING TO THE

COUNTY'S NEWBERRY HILL PROPERTY. PLEASE SEE EXHIBIT A-1 PG 22 OF THE EXCHANGE AGREEMENT AND USE THIS FORMAT; THE LEGALS AND TAX PARCELS NUMBERS ARE ALREADY INSERTED.)

-I have had my Title Dept. (Bev Sanchez) review the Termination of Deed of Right and she said it looks fine. She said that the only thing you might want to attach is the legal description from the recorded document being referenced. (COUNTY IS HANDELING)

-Will we still be executing the "Notice of Continuing Forest Land Obligation Document (Exhibit "C"), if the property is no longer in Forest Land? (The Forest Land Classification vs. our Notice of Continuing Forest Land Obligation, are two completely different things. The forest land classification has to do with the tax status that they property is currently in. The State is tax exempt and therefore this does not apply. But the Cont. Forest Land Obligation has to do with Forest Practice rules and regulations that all forest land owners are obligated to keep.)

-Once I have received the revised DNR instructions I can draw my Escrow Instructions, for review and circulation. (YOU SHOULD GET THIS TODAY)

-I will need the following two items in order to prepare my Closing Statements: Amount of the KRRC annual lease payment (I have a call into Regina Taylor but I have not heard back)? And, the amount of the $50,000.00 administrative adjustment. I know you are working on this. (THE ANNUAL LEASE FOR KRRC IS $7,200.00. BRAD IS STILL WORKING ON GETTING THE ADMIN FEES; HE SHOULD HAVE IT TODAY OR TOMORROW. THE

Items for Tammy:
-Your response e-mail to me indicated that you want me to pay 2nd ½ taxes for the Forest Patrol Assessment, however the letter from Judith Cline, dated June 3rd states that she would like the Treasurer to bill her directly. (CORRECTION, PRORATE THE WEED ASSESSMENTS FOR THE REMAINDER OF THE YEAR AND DNR WILL PAY STATE'S PORTION FOR THE REMAINDER OF THE YEAR. FOREST PATROL ASSESSMENTS ARE TO BE PRORATED WITH DNR PAYING ITSELF.)

-You indicated that you have the signed Tenant Estoppel. Will you be providing this to me with your closing documents? The Exchange Agreement does not state that this is to be furnished to the County, (it just says "deposited") however, that would be customary. (I WILL ATTACH IT TO OUR CLOSING PACKET WHEN I SEND IT TO YOU, HOPEFULLY TODAY)

-With regard to the Fish and Wildlife Inspection; this is not a condition of closing, unless someone makes it one. I do not need anything from you for my file to clear this but have it on my list of tracking items.

That is all for now. I look forward to you responses and do not hesitate to call, if you have any questions. Thanks.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Steve Bauer [SBauer@co.kitsap.wa.us]
Sent: Sunday, June 07, 2009 8:59 PM
To: Charlotte Garrido; Josh W. Brown; Matt Keough
Subject: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

Matt,

I suggest that josh take the lead on this response since it is in his district and we were following his lead on the transfer. At a minimum, this ought come from the three of us and we should make certain that Josh agrees with everything that it is in it.

Thanks,

Steve

>>> Charlotte Garrido 6/2/2009 10:46 PM >>>
Matt,
If it's okay with Steve, I suggest that you respond on behalf of Steve and I. I made some edits to your original.
C

Dear Joanne,

Commissioners Garrido and Bauer asked that I respond to the message you sent them. They appreciate your thoughtful comments and wanted me to respond to you since I have been the lead staff person from the County Parks department on this issue. Your concerns are well-stated and I hope to address them here and to follow up, by phone or in person, at your convenience. Feel free to call on me anytime. My contact information is below. If you prefer that I call you, please let me know the best number and times to reach you.

Following an introductory explanation, I will provide more specific response to your comments, using blue font! I certainly hope to connect with you and understand the issues are personally challenging/impactful.

Background Statement on Conveying Property to the Kitsap Rifle and Revolver Club:
The land in question has been home to the KRRC for more than 80 years. The property was professionally appraised by a third party to arrive upon the value "AS-IS" with its historic and future use as a recreational shooting range on eight acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going nonprofit shooting range operation that is open to the public. With those assumptions, the property would be a cost to County taxpayers and difficult for the County to tend.

The appraisal itself was a consequence of negotiations over terms to be agreed upon ("restrictive covenants") and placed on the deed. The covenants ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners studied the issues to determine the public interest in the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

Matthew F. Keough
Parks Planning Project Manager

Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Charlotte Garrido
Kitsap County Commissioner
(360) 337-7097, fax (360) 337-4632

>>> "colen & joanne corey" < colenjoannecorey@q.com > 5/21/2009 7:08 AM >>>

There seems to be a little close door policy going on. The reason you have not heard from neighbors to Newberry Hill on the subject of land cost to the gun club is because you seem to have held the information from the public until you knew it would be too late.

On behalf of Kitsap County, I regret anything that may appear to be "too late" for the public benefit. There was no intention to this effect. The public interest was discussed at public meetings (3/18, 4/15, 5/11). The only executive session (not open to the public) session was held so that the commissioners could be briefed by an attorney regarding legal issues surrounding the land trade.

Not to mention the low cost of the land gave you the right to not put it out in the public.

As stated above, the land was appraised with multiple assumptions/restrictions on use and to provide for the public interest. This included continuing a publicly accessible shooting range and conditions in the existing long-term lease with DNR. The professional appraisal concluded that the property was of $0 value given the assumptions and "AS-IS" value of the land. This conclusion not only suggested that a public auction was not required but that the County could - in the public interest - convey the property directly to a community-based recreation organization for a long-established use.

Also, I found out they have never payed taxes, am I right? I know other non-profits who pay there taxes by the law.

This question is beyond my expertise. The KRRC (gun club) has operated under a long term lease that required fees paid to the DNR. I suspect that taxes would have been billed to the DNR... if they applied under these circumstances.

I am the VP of the Stewardship committee and those from the committee, has well as, your own Parks personnel where unaware of the low ball and extention of land sold. So there seems to be no excuse that it was not public knowledge to all in the committee.

I am responsible for the fact that Parks personnel were not all fully up to date on the potential land sale and apologize for any oversight. Land cost estimates and negotiations did occur right up to the public meeting on 5/11. They were discussed at the meeting and acted upon 2 days later in a public meeting. It not an excuse but it was very challenging to honor private negotiations and fully involve the public.

I know you have friends in the gun club, sort of like business on the golf course ,to my way of seeing it. I hope the one friend of the gun club can drum up the votes for you all next election, I plan on voting for commissioners who are honest and straight forward with the public. Since there is such a low ball cost to the gun club and it seems to be so ruined that nothing else could possible be used for the land, your own words I might add, we the people should have reports of all enviromental testing to the land,PAST and PRESENT, of which I have

found out does not exist, if so they NEED to be presented to the stewardship, since WE are the caretakers of the land.

Stewardship committees are critical to Kitsap County. Your concerns and involvement are important to the Department and to our operations. Public safety is paramount and while the KRRC parcel will not come under County jurisdiction, we will evaluate safety of all active park acreage. We have staff trained to perform environmental review, and your suggestions are welcome. The 72-acre KRRC parcel is limited to an eight-acre active area - which helps buffer future park property from environmental hazards. Another mitigating factor is the club's compliance with firearm and environmental safety provisions (lead, a heavy metal that does not tend to move through natural systems) which is to remain, along with habitat protection plan and riparian management standards. Environmental testing - past, present, and future - is conducted by the Health District and by the State Department of Ecology. No contamination is on the record though there is affiliation with the Camp Wesley Harris, a known past-contaminated site.

No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to the land and a daughter-in -law to the Corey's who have done great thing for this county, ie. putting on the "Day on the Farm for Special Needs Children", with community efforts, voulenteerism that works and a belief in doing good things for children, I cannot believe what has happened. Not to mention what other things will occur because legally you have found a loop hole to pass something else by us.
Please send the Newberry Hill Park Stewardship Board your findings on all enviromental clean up to the land that is valued has not worth anything other than a gun lead suppository.

Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

Don Burger

From: Josh W. Brown [JWbrown@co.kitsap.wa.us]
Sent: Sunday, June 07, 2009 9:10 PM
To: Dana Daniels
Subject: Fw: KRRC land sale
Attachments: Re: KRRC land sale

Let's discuss

Don Burger

From: colen & joanne corey [colenjoannecorey@[redacted]
Sent: Tuesday, May 19, 2009 7:42 AM
To: Josh W. Brown
Subject: Re: KRRC land sale

Mr. Brown
Yes there is a number. 360 692 1282. and if you have all the enviromental testing reports past and present, that have been done on the land that is so devalued that it not worth anything other than the gun club, your own words. I would and the Newberry Hill Committee would love to see them, along with all the bordering land owners that have wells that have to be checked at there expense for such things. Thank You for your attention to my concerns

----- Original Message -----
From: "Josh Brown" <JWbrown@co.kitsap.wa.us>
To: "colen & joanne corey" <colenjoannecorey@[redacted]>
Cc: "Dana Daniels" <DDaniels@co.kitsap.wa.us>
Sent: Monday, May 18, 2009 6:46 PM
Subject: Re: KRRC land sale

Joanne,

Is there a number where you can be reached during the day? I just got your email---it was blocked by my spam filter. I hope to hear from you soon.
Warm regards, Josh

Josh Brown
Kitsap County Commissioner, District #3
614 Division Street, MS - #4
Port Orchard, WA 98366-4676
P: (360) 337-7146
F: (360) 337-4632
jwbrown@co.kitsap.wa.us
www.kitsapgov.com

>>> "colen & joanne corey" <colenjoannecorey@[redacted] 5/11/2009 5:17 PM
>>> >>>
Mr. J. Brown
In voting for you I thought you would have enough sence to be more aware of your voting public, who also pays you bills ie. through high taxes. We are neighbors to the Newberry Hill project and feel that if the 72 acres values at only $2,500 dollars than my 5 acres should be a hell of alot less!!!!!
Who are you kidding with you favortisim and lack of knowledge that we would not find out!!!!! Since we are neighbors to the land we feel that we should be offered a cheap amount to buy the area behind our house so that we can protect the wildlife and envoiroment that you so carelessly do not consider to be of value. I know you will problably not read this, so I hope who does will understand the meeting agenda will be sent out to your voting public. GOOD LUCK next election.
Joanne Corey

Don Burger

From: STEVE MARTZ [semartz@[redacted]
Sent: Tuesday, May 26, 2009 10:38 AM
To: Josh W. Brown
Subject: Newberry Heritage Park & Kitsap Gun Club

Dear Commissioner Brown,

I had a few questions concerning the sale of 72-acres to the Kitsap Rifle and Revolver Club. I have been out of town for a couple of weeks and just recently saw that the property will be sold to the gun club for $2,500. I find this outrageous to say the least. I understand that there are numerous restrictions being placed on this property and that this appraisal puts the property under the limit for public auction. I just do not believe that this is fair market value for 72-acres in Kitsap County. How can the county justify selling this property for such a reduced rate? A couple of years ago, the lease on this property was raised because the value of the land had gone up. How can you now reduce the value of the land?

Also, if this parcel is sold to the gun club, will they lose there "grandfather status" and have to abide by county noise restrictions? I understand about being a good neighbor and wouldn't have a problem with the club except for the fact that they shoot 365 days a year from 7am until 10pm. The general public is limited to hours from Tuesday-Friday from 11am-7pm and Saturday and Sunday from 8am-4pm. However, if you are a member you can shoot from 7 to 10. I know of no other outdoor gun club that allows these types of hours of use. You can't sit on your deck in the summer without hearing gunfire until 10pm or being awaken by gunfire at 7am. It just seems a bit much that on last Christmas morning, my family was awakend to gunfire at 7am.

Thanks for your time and I would appreciate your response to these concerns.

Sincerely,
Steve Martz

Don Burger

From: Steve Bauer [SBauer@co.kitsap.wa.us]
Sent: Sunday, June 07, 2009 9:22 PM
To: Rep. Sherry Appleton
Cc: Josh W. Brown
Subject: Re: FW: Land Swap

Hi Sherry,

This gun club has operated on the site for 80 years. They have operated under a lease from DNR. They were concerned about being part of a County park and being closed down and wanted a longer time horizon for planning and investments in the range. They wanted to buy the land. On the other site, our attorneys felt that with this much use there was a great liability for the County in owning this land. They did not even want us to take it from DNR and then sell it immediately to the gun club. DNR would not make the sale and so we had to do this. From everything i heard and know this is a responsible group of folks who provide the shooting hobbyists with a safe and monitored site. The likelihood of getting approval for another site anywhere else in the County these days is pretty remote. We had the property appraised and it came in at a value that allowed a direct sale. If it had come in higher, I don't think we would have made the transfer with DNR and would have lost the ability to make a wonderful Heritage Park near our greatest population in the County. This was in josh's District and he did a great job of managing this issue with the gun club. I am copying him on this email so that he can add whatever I may have missed or correct any mis-statements on my part.

Ann is off in Arkansas and Oklahoma "digging up" family ancestors for her genealogy research.

hope you are well.

Cheers,

Steve

>>> "Appleton, Rep. Sherry" < Appleton.Sherry@leg.wa.gov > 6/2/2009 5:46
>>> PM >>>
Can you fill me in on this? Just so I can reply. Thanks so much, and regards to Ann.

Sherry

Representative Sherry Appleton
23rd Leg. District, Position 1
Vice Chair, State Government and Tribal Affairs John L. O'Brien Building, Room 424 P.O. Box 40600 Olympia, WA 98504-0600
(360) 786-7934
Executive Assistant: Donna Bezon
bezon_do@leg.wa.gov

-----Original Message-----
From: STEVE MARTZ [mailto:semartz@wavecable.com]
Sent: Monday, June 01, 2009 9:11 AM
To: Appleton, Rep. Sherry
Subject:

Dear Rep. Appleton,

There is currently in place a land swap between Kitsap County and DNR for land to make the new Newberry Heritage Park. In this swap there is a parcel where the Kitsap Rifle and Revolver Club is located. Kitsap County has plans to sell this 72 acre parcel, after the land swap, to the club for under $2500. I know the $2500 is important, as it allows the county to sell this property without going to public auction. I find it absurd that the county would be allowed to sell this property for this amount, which averages less than $34/acre when the entire parcel is assessed for more than $5,500/per acre. The county is claiming that they have put stringent guidelines on the use of the land that has devalued the land to this amount.

There seems to be something wrong with this, especially in these economic times when everyone is looking for ways to either generate money or cut spending, that we give away property. I would appreciate your thoughts on this issue.

Sincereley,
Steve Martz

Don Burger

From: Cathie Ames [cathiea@landtitleco.net]
Sent: Monday, June 08, 2009 10:58 AM
To: Terri Lyman; Kevin M. Howell; Matt Keough; bregina.taylor@comcast.net
Subject: County to KRRC

Good morning. I am starting to put my document package together for everyone to review. I am noticing that the Bargain and Sale Deed does not have a correct Abbreviated Legal Description and Tax Account Number. Can I go ahead and make the correction on the document?

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Cathie Ames [cathiea@landtitleco.net]
Sent: Monday, June 08, 2009 10:58 AM
To: Terri Lyman; Kevin Howell; Matt Keough; bregina.taylor@comcast.net
Subject: County to KRRC

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Cathie Ames,
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Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Kevin Howell [KMHowell@co.kitsap.wa.us]
Sent: Monday, June 08, 2009 12:23 PM
To: Terri Lyman; Matt Keough; bregina.taylor@comcast.net; Cathie Ames
Cc: Tracey Hamilton-Oril
Subject: Re: County to KRRC

By all means yes.

Thanks Cathie.

>>> "Cathie Ames" <cathiea@landtitleco.net> 6/8/2009 10:58 AM >>>
Good morning. I am starting to put my document package together for everyone to review. I am noticing that the Bargain and Sale Deed does not have a correct Abbreviated Legal Description and Tax Account Number. Can I go ahead and make the correction on the document?

Cathie Ames,
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Don Burger

From: Kevin M. Howell [KMHowell@co.kitsap.wa.us]
Sent: Monday, June 08, 2009 12:23 PM
To: Terri Lyman; Matt Keough; bregina.taylor@comcast.net; Cathie Ames
Cc: Tracey L. Hamilton-Oril
Subject: Re: County to KRRC

By all means yes.

Thanks Cathie.

>>> "Cathie Ames" <cathiea@landtitleco.net> 6/8/2009 10:58 AM >>>
Good morning. I am starting to put my document package together for everyone to review. I am noticing that the Bargain and Sale Deed does not have a correct Abbreviated Legal Description and Tax Account Number. Can I go ahead and make the correction on the document?

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Monday, June 08, 2009 2:20 PM
To: Arvilla Ohlde; Kay Anderson
Cc: Elizabeth Ratliff
Subject: Re: DNR exchange lease hold tax

Arvilla and Kay,

Good thought on this and good to have you both thinking through our situation, inheriting the gun club lease from the DNR. The intention has been to hold one Closing through Land Title so that the "intention to convey real estate" and deed to the gun club is ready and effective upon the land exchange. It has been designed to minimize our time as owners and lease-holders on the gun club parcel - in effect, the lease is assigned to us at closing but also terminated there. Lease-hold tax requirements - may still apply - that is clearly outside my area of knowledge. An issue we have been trying to resolve is whether or not the year lease fees - already paid to DNR by the KRRC for 2009 - need to paid back to the KRRC at closing and by whom given the intent to assign the lease to us....
Your input and guidance is appreciated!

MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Lori Raymaker [LRaymake@co.kitsap.wa.us]
Sent: Monday, June 08, 2009 9:58 PM
To: Arvilla Ohlde
Cc: Dorothy Leckner
Subject: Newberry Hill Stewardship Group
Attachments: Josh Brown memo.doc; Newberry Hill - minutes 9-25-08.doc

Update on Newberry Hill Stewardship Group:

Attached you will find a memo that was sent to Commissioner Brown on Sept. 26, 2008 concerning the first public meeting on the Newberry Hill Heritage Park and starting a volunteer stewardship group. Also attached are the minutes from that meeting.

History:
In the fall of 2008, I was approached by a group of citizens who were interested in developing a stewardship group for the Newberry Hill Heritage Park. Originally this group consisted of teachers from Klahowya and bicyclists. Later the group expanded to include neighbors, equestrians, and gun club members. The group is interested in working with the existing Newberry Hill Heritage Park and the future DNR property. Chip Favor and I met with the group on September 25, 2008 and explained the land exchange, and what it meant to be a stewardship group. At the first meeting, Chip, and subsequent meetings, I, emphasized that there will eventually be a Master Plan developed for the properties. We both explained that the property would go through the same planning process as the South Kitsap Regional Park recently went through, including public input and comment. However, we explained that it could be many years before that happened due to budget constraints.

Currently:
The group of citizens decided to formalize a stewardship group. They meet regularly on the 3rd Thursday of the month at Klahowya School. They have voted on a Chairperson, Tom Coleman (Klahowya teacher and mountain bicyclist), Vice-chairperson, Joanne Corey (neighbor and equestrian), and Secretary, Mike Wellborn (mountain bicyclist.) I have made it very clear that they are to consider and work on only the current County owned property, 247 acre parcel, west of Klahowya School. The only work that they have done on this property is to opened up and cleared old existing trails so that they are usable. As a stewardship group, they are currently investigating the process to become a non-profit group and applying for 501c(3) status. They are also beginning work on a stewardship plan with the help and support of Ken Drecksel of the Kitsap Conservation District.

Future:
The group is working with IMBA (International Mountain Biking Association) and Subaru to bring a well know and distinguished trail building program to Kitsap County. This program is a 2 day event which will include one day of classroom training and one day of hands-on trail building with experts in the field. The class is scheduled for Sept. 12-13. The class will be open to all County Park volunteers, County Park employees, and other trail advocates. The program is sponsored by Subaru and offered free of charge to the County.
Once the land exchange takes place, the stewardship group is very interested in expanding to include the new property. Tom Coleman, WA State History teacher at Klahowya, is very interested in working with the County to develop an outdoor logging demonstration/classroom experience for his students. Also, other teachers from the school are interested in using the property as an outdoor education classroom. Trail users (hikers, equestrians, and bicyclist) are interested in developing/using the new property for outdoor recreation.

I hope this answers some of your questions. As the group develops, I will keep you informed of it's progress. If you have any further questions concerning the group, please let me know.

Sincerely,
Lori

Department of Parks and Recreation
1200 W Fairgrounds Road, Bremerton, WA 98311
Mailing address: 614 Division, MS-1, Port Orchard, WA 98366
Phone (360) 337-5350 • Fax (360) 337-5385

H.F. Chip Faver, Director

MEMORANDUM

TO: Commissioner Josh Brown

FROM: Lori Raymaker, Park Stewardship Coordinator

RE: Newberry Hill Park Meeting

DATE: September 26, 2008

On September 25, 2008, the Department of Parks and Recreation had a meeting with representatives of the user groups of Newberry Hill County Park. The meeting was called in order to educate the users on the difference between County property and Department of Natural Resource property and to update them on the County's vision of the land exchange between the two agencies. A secondary agenda item included educating the volunteers on County volunteer procedures and protocols.

The Department of Parks and Recreation felt that this meeting was essential due to past communications, concerns, and complaints with and between the various user groups. As you know from emails that came to your office, some of the volunteers were concerned about the agenda and timing of this meeting.

The purpose of this memo is to inform you that the outcome of this meeting was very positive for both staff and park users. As the Park Stewardship Coordinator, I have a better understanding of the volunteer activities and concerns within Newberry Hill Park. The park users and volunteers have a better understanding of what is expected of them when they volunteer for the County. And, the park users have been reassured that they will be included in a master planning process for the property once the Department of Parks and Recreation begins that process. For more detail on the meeting, I have attached a copy of the minutes. These minutes will be posted on the Parks and Recreation website.

If you have any questions concerning this meeting, please feel free to contact me at (360) 337-5372.

Lori Raymaker, Park Stewardship Coordinator

cc: H.F. Chip Faver, Department of Parks and Recreation Director

September 25, 2008
Newberry Hill Informational Gathering Meeting
10:00 Klahowya School

Staff in attendance: Chip Faver, Matt Keough, Martha Droge, Terri Lyman, Lori Raymaker

Parks Board in attendance: Frank Stowell, Mark Fischer and Helen Daly

Public in attendance: Dick McDonald, Tom Coleman, Jodie Woolf, Robert Leeman, Shannon Leeman, Chris Cizek, Colen and Joanne Corey, Kathy Joncas, Andy Casella, Gail and Dave Rase, and 3 other attendees who did not sign-in.

Lori started this informational meeting by introducing herself as the Parks Stewardship Coordinator.

Coordinating Efforts
Lori said she would like to establish a fresh start to the volunteer process on this land and county-wide to assure maximum project coordination and to ensure that all volunteers are registered with the County. The process includes having each volunteer complete a liability release form, pre-approving all volunteer projects, making sure each volunteer using power tools has been trained in their use, and tracking volunteer time. Lori explained that since the County assumes the liability for all registered volunteers and County park lands, all of this is a requirement of Kitsap County.

Limits of County Parks Dept. Coordination
Lori stated that the meeting was about coordinating volunteers on land owned by the County Parks Department at Newberry Hill. Unfortunately, County Parks does not yet own the DNR land just south of Newberry Hill Park and the school. Therefore, it was not possible for Lori to address questions regarding management and access to that land. Lori also shared that County Parks is not ready to enter into a management plan for the property at this time because of the pending parcel expansion. [*see below for details about the expansion*]

Coordinating Training and Certifications Across Agencies
As one attendee offered, it might be possible to coordinate with DNR in the training offered in order to avoid duplication, since the DNR has already registered some of the volunteers and has previously offered safety training. Lori thought this was an excellent idea and will check into it.

Another person mentioned the possibility of inviting a tool manufacturer representative to perform safety training on the tools being used, such as a Stihl chainsaw. This person also suggested that the County train a volunteer to train and checkout volunteers on power equipment. Lori thought this was an excellent idea and will contact our Risk Manager and Maintenance Supervisor for approval.

Land Ownership and Potential Park Expansion

At this point in the meeting, Parks and Recreation Department Director Chip Faver was introduced and fielded questions from the audience.

Chip was asked to clarify the reconveyance – or land exchange. What is happening? Which lands are involved? What will the uses be?

Chip described the long-term vision for a potential land exchange with DNR to create a larger park at Newberry Hill that would include the current DNR and School Trust land (currently managed by DNR) located south of Newberry Hill Park and the school. The land being proposed was long ago purchased from DNR with grant funds then fell back into DNR ownership and now that the land is no longer useful for DNR timber management, they proposed the reconveyance. Chip explained that the County is 80 acres short on land for the reconveyance and that we're working on a solution. The DNR is willing to wait for the County to work through the process of eventually owning the land and is not at this time interested in developing the land.

Chip added that this proposed land exchange follows County Park's comprehensive plan for open space acquisition.

Helen Daly mentioned that approximately 10 years ago, the DNR *was* interested in selling the land.

Chip is hoping the timeline for this process is months instead of years, and will be working toward this goal.

Future Uses at the Park

Chip explained to the audience that this eventual County Parks-owned property would be restricted for the public's passive recreational use and enjoyment, and will help to provide environmental protection/buffer from development. Chip explained the eventual public process that would establish the user groups for this land and hopes to include all interested user groups within the parameters of the Kitsap County Comprehensive Plan and the Parks and Recreation mission statement.

Chip also commented that current uses on the DNR land are not guaranteed to remain when the County completes the Master Plan of the property. However, he also stressed that the County will work with businesses and individuals during the planning process. He encouraged all interested parties to get involved with the Master Planning process when that time comes.

On the subject of motorized uses Chip answered that we considering motorized vehicles into one of our parks but there is no plan to add motorized uses to this park.

Community Involvement

Mark Fisher introduced himself and spoke of his interest to preserve the land for passive use by the public. He spoke about his enjoyment of building trails and paying attention to the types of soils and environs offered within the park and would like to encourage all users to be involved with the maintenance of the property.

Chip stated that he would shift his use of language to name the user groups "stakeholders", because this is a better description of the citizens involved with the property.

Chip invited the public to attend the Park and Recreation Advisory Council meetings to stay informed on Park issues. The meetings were announced to occur the 3rd Wednesday of the month and locations to rotate from north, central, and south county locations. Locations are listed on the County website.

Mark also suggested to the audience that they might be interested in attending the next DNR meeting to be held in Belfair at the Timberland Library next Thursday at 6:00pm. The DNR will be discussing recreational sustainability.

Healthy Skepticism

An audience member communicated some skepticism in regards to government agencies and their plans for the property. Chip answered that a little skepticism when dealing with government agencies is healthy and the outcome of honest discussions makes the government work product better. He added that that the County will facilitate the public process for the community to express their opinions for the use of this land.

The audience was thanked for attending this meeting, and the meeting was adjourned at approximately 11:30 am.

G:Parks Projects: Newberry Hill minutes

Adopted by the Food and Farm Policy Council on 9/23/2010

KITSAP FOOD AND FARM POLICY COUNCIL BYLAWS

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To serve the interests of the citizens of Kitsap County by advising the Kitsap County Board of Commissioners on improving and maintaining an integrated and sustainable food system in Kitsap County. .

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a. Appointment.
The KFFPC shall be comprised of fifteen members, appointed by the Board of Kitsap County Commissioners, and who serve at the pleasure of the Board of Commissioners. Initially, seven members will be appointed to one year terms and eight members will be appointed to two year terms. Thereafter members shall be appointed for terms of two years. Members appointed to fill vacancies shall serve the remainder of the term.

b. Representation.
Appointees are selected based on a balance of interests (i.e food production, distribution, farming, food processing, buy local, etc.) and geographic distribution within Kitsap County. Commissioners must agree on all appointments.

c. Duties/expectations.
The KFFPC will adopt an annual work plan to be approved by the Board of Commissioners. The work plan will include recommendations to the Board of Commissioners for policy action as well as items to be completed by the KFFPC members. Members are expected to be knowledgeable about the essential matters confronting the KFFPC, including policy guidelines. Members are expected to assist each other in the orientation and education related to KFFPC responsibilities.

5. Termination

a. Removal by Board of Commissioners.

All KFFPC members serve at the pleasure of the Board of Commissioners. The Board of Commissioners may remove a KFFPC member on its own motion or upon the recommendation of the KFFPC. The KFFPC may recommend, by a majority vote, that a member should be removed. The chair of the KFFPC shall report that recommendation to the Board of Commissioners for official consideration.

b. Resignation.

Resignations by members shall be submitted in writing to the KFFPC chair and staff. Staff will forward a copy of the resignation to the County Volunteer Services Coordinator and the Board of Commissioners.

c. Reasons for dismissal.

The Board of Commissioners may remove a member when it determines that it is in the best interest of the KFFPC or Kitsap County to do so or when the member has three or more unexcused absences in a twelve month period.

6. Attendance

All KFFPC members are expected to attend regularly scheduled meetings. More than three unexcused absences by any member during any 12 month period may result in removal of the member by the Board of Commissioners. A member's absence is unexcused if the member fails to notify county staff in advance of a meeting that the member will not attend the meeting.

7. Meetings

a. Public meetings law. The KFFPC is a public body subject to the public meetings and records law. All meetings will be open to the public.

b. Regular meetings.

The KFFPC meets on the third Thursday of each month at 5:00 PM. Regular meetings may be canceled or changed to another specific place, date and time provided that actual notice is given by notifying local media and posting on the KFFPC web site.

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The KFFPC will provide public notice of meetings to board members, interested persons, news media that have requested notice, and the general public. Notice shall include the time and place for holding regular meetings. The notice will also include a list of the primary subjects anticipated to be considered at the meeting. Distribution of meeting notices will be in a manner which maximizes the potential of the public to be aware of the proceedings and to participate. Whenever possible, matters resulting in a recommendation to the Board of Commissioners will be deliberated during a minimum of two meetings to assure maximum participation.

d. Special meetings.
Special meetings may be called by the KFFPC chair by notifying all members and the general public through a news media notice not less than 24 hours prior to the time of the special meeting. A special meeting should be called only if necessary to conduct business that cannot wait until the next regularly scheduled meeting. When possible, notice should be provided as soon as possible to encourage public participation.

e. Meeting location.
KFFPC meetings are generally held at the County Administration Building, Port Orchard, Washington. The KFFPC may meet in other locations and will provide at least 24 hours notice if there is a change in location.

f. Quorum.
The majority of the appointed membership of the KFFPC will constitute a quorum for the transaction of all business at meetings.

g. Decision making procedure.
Each KFFPC member will be entitled to one vote on all issues presented at meetings at which the member is present. A majority vote is the primary decision making method. Majority is defined as a majority of the appointed membership.

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Notes will include meeting length, members present, motions, proposals, resolutions, and orders proposed and their disposition. Draft notes will be distributed to the membership no more than one week following the monthly meeting for comment and correction, and then posted in draft format on the KFFPC website. Notes will be formally approved at the next KFFPC monthly meeting and distributed to the Board of Commissioners for posting on the Commissioner's website.

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The chair will lead and guide the conduct of public meetings. The chairperson is the official representative of the KFFPC and shall follow the Public Communications Guidelines established in the Kitsap County Advisory Group Handbook when acting as the official spokesperson to the media.

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In the absence of the chair, the vice chair will assume the chair's responsibilities. If neither the chair nor the vice-chair is available for a public meeting, the assembled members will select a temporary chairperson to conduct the meeting.

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The recorder will rotate among the Council members monthly. S/he will take notes at each regularly scheduled KFFPC meeting as stated in 7.h. above. In the event the recorder is absent from a regularly scheduled meeting, the chair will appoint an interim recorder for that meeting.

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ADOPTION
Bylaws are in full force and effect when approved by the Board of County Commissioners

BYLAWS APPROVAL

Dated this ____ day of _____ 20__

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

_____
Josh Brown, Chair

_____
Steve Bauer, Commissioner

_____
Charlotte Garrido, Commissioner

Adopted by the Food and Farm Policy Council on 9/23/2010

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Dated this ____ day of _____ 20__

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KITSAP COUNTY, WASHINGTON

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Adopted by the Food and Farm Policy Council on 9/23/2010

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The KFFPC will adopt an annual work plan to be approved by the Board of Commissioners. The work plan will include recommendations to the Board of Commissioners for policy action as well as items to be completed by the KFFPC members. Members are expected to be knowledgeable about the essential matters confronting the KFFPC, including policy guidelines. Members are expected to assist each other in the orientation and education related to KFFPC responsibilities.

5. Termination

a. Removal by Board of Commissioners.

All KFFPC members serve at the pleasure of the Board of Commissioners. The Board of Commissioners may remove a KFFPC member on its own motion or upon the recommendation of the KFFPC. The KFFPC may recommend, by a majority vote, that a member should be removed. The chair of the KFFPC shall report that recommendation to the Board of Commissioners for official consideration.

b. Resignation.

Resignations by members shall be submitted in writing to the KFFPC chair and staff. Staff will forward a copy of the resignation to the County Volunteer Services Coordinator and the Board of Commissioners.

c. Reasons for dismissal.

The Board of Commissioners may remove a member when it determines that it is in the best interest of the KFFPC or Kitsap County to do so or when the member has three or more unexcused absences in a twelve month period.

6. Attendance

All KFFPC members are expected to attend regularly scheduled meetings. More than three unexcused absences by any member during any 12 month period may result in removal of the member by the Board of Commissioners. A member's absence is unexcused if the member fails to notify county staff in advance of a meeting that the member will not attend the meeting.

7. Meetings

a. Public meetings law. The KFFPC is a public body subject to the public meetings and records law. All meetings will be open to the public.

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The KFFPC meets on the third Thursday of each month at 5:00 PM. Regular meetings may be canceled or changed to another specific place, date and time provided that actual notice is given by notifying local media and posting on the KFFPC web site.

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d. Special meetings.
Special meetings may be called by the KFFPC chair by notifying all members and the general public through a news media notice not less than 24 hours prior to the time of the special meeting. A special meeting should be called only if necessary to conduct business that cannot wait until the next regularly scheduled meeting. When possible, notice should be provided as soon as possible to encourage public participation.

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f. Quorum.
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g. Decision making procedure.
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Notes will include meeting length, members present, motions, proposals, resolutions, and orders proposed and their disposition. Draft notes will be distributed to the membership no more than one week following the monthly meeting for comment and correction, and then posted in draft format on the KFFPC website. Notes will be formally approved at the next KFFPC monthly meeting and distributed to the Board of Commissioners for posting on the Commissioner's website.

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Items may be placed on a meeting agenda by any KFFPC member or by county staff. The agenda will be distributed to members at least five (5) days prior to a regular meeting.

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The chair will lead and guide the conduct of public meetings. The chairperson is the official representative of the KFFPC and shall follow the Public Communications Guidelines established in the Kitsap County Advisory Group Handbook when acting as the official spokesperson to the media.

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In the absence of the chair, the vice chair will assume the chair's responsibilities. If neither the chair nor the vice-chair is available for a public meeting, the assembled members will select a temporary chairperson to conduct the meeting.

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The recorder will rotate among the Council members monthly. S/he will take notes at each regularly scheduled KFFPC meeting as stated in 7.h. above. In the event the recorder is absent from a regularly scheduled meeting, the chair will appoint an interim recorder for that meeting.

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The KFFPC may authorize the chair to appoint members to special committees or subcommittees as necessary to deal with specific projects, problems or issues. All appointed committees will report their information and/or recommendations to the KFFPC in writing.

10. Conflicts of Interest
a. Declaration.
KFFPC members are expected to declare a conflict of interest prior to consideration of any matter causing a potential or actual conflict.

b. Potential conflict defined.
A potential conflict of interest exists when a KFFPC member takes an action that could reasonably be expected to affect the finances of that member, a member's relative, or a business with which the member or member's relative is associated. The KFFPC member may participate in an action after declaring the potential conflict and announcing its nature.

c. Actual conflict defined.
An actual conflict of interest exists when an action is reasonably certain to result in a special benefit or detriment to the KFFPC member, member's relative, or a business with which the member or member's relative is associated. The member will declare the actual conflict and announce its nature. The member must then refrain from discussing or voting on any official action.

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The KFFPC will periodically review their bylaws and may propose amendments to the bylaws. Any recommendations agreed upon by the majority of KFFPC members shall be forwarded to the Board of Commissioners for its approval.

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Any member of the public will be welcome to attend and provide input at KFFPC meetings. Public comments will be encouraged and will be accepted verbally or in writing. Anyone who wishes to voice an opinion or present information or concerns to the KFFPC may attend meetings or contact either the chair, the vice-chair, or staff to the KFFPC. Arrangements will be made and time will be allotted at meetings as appropriate to assure broad public participation.

ADOPTION
Bylaws are in full force and effect when approved by the Board of County Commissioners

BYLAWS APPROVAL

Dated this ____ day of _____ 20__

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

_____
Josh Brown, Chair

_____
Steve Bauer, Commissioner

_____
Charlotte Garrido, Commissioner

Adopted by the Food and Farm Policy Council on 9/23/2010

KITSAP FOOD AND FARM POLICY COUNCIL BYLAWS

1. Name
The Kitsap Food and Farm Policy Council is hereafter referred to as KFFPC.

2. Mission
To serve the interests of the citizens of Kitsap County by advising the Kitsap County Board of Commissioners on improving and maintaining an integrated and sustainable food system in Kitsap County. .

3. Purpose of Kitsap Food and Farm Policy Council
The KFFPC is established in accordance with Resolution No. 181-2009. The KFFPC will serve the public interest by advising the Kitsap County Board of Commissioners on improving and maintaining an integrated and sustainable food system in Kitsap County by making recommendations on policy issues of food production, distribution, processing, access and disposal. In addition to formulating food system strategies to encourage local food production and farming, the KFFPC will help Kitsap residents understand, maintain and enhance features that support the entire local food system. Members of the KFFPC will conduct all activities in an ethical and responsible manner. The KFFPC is subject to Washington state laws and Kitsap County policies applicable to advisory groups.

4. Membership
a. Appointment.
The KFFPC shall be comprised of fifteen members, appointed by the Board of Kitsap County Commissioners, and who serve at the pleasure of the Board of Commissioners. Initially, seven members will be appointed to one year terms and eight members will be appointed to two year terms. Thereafter members shall be appointed for terms of two years. Members appointed to fill vacancies shall serve the remainder of the term.

b. Representation.
Appointees are selected based on a balance of interests (i.e food production, distribution, farming, food processing, buy local, etc.) and geographic distribution within Kitsap County. Commissioners must agree on all appointments.

c. Duties/expectations.
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BYLAWS APPROVAL

Dated this ____ day of _____ 20__

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

_____
Josh Brown, Chair

_____
Steve Bauer, Commissioner

_____
Charlotte Garrido, Commissioner

Don Burger

From: Marcus Carter [marcus@gunschool.com]
Sent: Tuesday, June 09, 2009 2:29 PM
To: Charlotte Garrido
Subject: RE: Resolution in regards to KRRC

Charlotte,
I want to thank you for your support and leadership.
Please do not hesitate to contact me when help is needed in support of our county.
Best regards,
--
Marcus Carter - Executive Officer
Kitsap Rifle & Revolver Club
4900 Seabeck Hwy. N.W.
Bremerton, Washington 98312
USA
For Sport and National Defense
http://www.GunSafety.org
Range Phone - 360.373.1007

-----Original Message-----
From: Charlotte Garrido [mailto:CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:13 AM
To: Marcus Carter
Subject: Re: Resolution in regards to KRRC

Dear Marcus,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Marcus Carter" <marcus@gunschool.com> 5/11/2009 12:24 AM >>>
Charlotte,
As a south county resident, I am asking you as my Commissioner to formally support the resolution(s) that I understand will be offered up in tonight's Commissioners meeting regarding the DNR land transfer and sale of property to KRRC.
This entire transaction will benefit the County in many ways.
Sale of the land to KRRC, who has occupied the land for well over 80 years, will facilitate marked improvement to the facilities including improved sound attenuation and handicap access.
We are looking forward to working with Kitsap County Community Development in order to aid in providing our community with the finest of safe recreation and facilities we can all be proud of.

Please let me know your position on this matter.

Thank you for your consideration.

Marcus Carter
[redacted]
Port Orchard, WA 98367

--
Marcus Carter - Executive Officer
Kitsap Rifle & Revolver Club
4900 Seabeck Hwy. N.W.
Bremerton, Washington 98312
USA
For Sport and National Defense
http://www.GunSafety.org <http://www.gunsafety.org/> Range Phone -
360.373.1007

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.339 / Virus Database: 270.12.58/2164 - Release Date: 06/09/09 05:53:00

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 1:53 PM
To: Leslie (RCO) Ryan-Connelly
Subject: RE: IN OLYMPIA ON Tuesday 6/2 - attachment for review

Anxious to reconnect and to address these issues.

If it helps, I want to share with you my perspective regarding the termination of the gun club lease. The proposed termination is to take effect during the land exchange closing and simultaneous, we will convey the 72 acre parcel to the gun club. It is to become the property of the gun club. My limited understanding is that as a non-profit organization committed to providing public access - by their past obligations to the state and due to proposed deed restrictions on the parcel - that the property would remain in compliance with past funding and not present a conversion challenge.

If the graphic didn't communicate it well, we are also not looking to the gun club parcel (shown in hatched marks) as part of the proposed deed restriction for conservation.

Thank you for your time and expertise. We will work it out!

MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "Ryan-Connelly, Leslie (RCO)" < Leslie.Ryan-Connelly@rco.wa.gov > 6/9/2009 10:21 AM >>>
Hi Matt: Sorry we got cut off on the telephone today. We will need to discuss the land proposed for the new deed of right. The property that contains mountain biking and the gun club is not eligible in urban wildlife. In fact, the Kitsap Rifle has been funded by our agency in the past for range improvements, so any canceling of their lease would result in a conversion at the gun club. The club also has a grant application in to our agency this year to purchase the land they already lease from DNR.

I understand that you are on track to terminate the deed of right that exists at the Central Kitsap Greenway. We need to discuss the new deed of right property as soon as possible in order to prevent any compliance issues on our end. Hopefully, we can address the mountain biking issue and remove the gun club property and reconfigure the deed of right. Once an agreed upon configuration is reached, I will then need appraisals, appraisal reviews, and hazardous substances certification on the final parcels.

Leslie Ryan-Connelly
Outdoor Grants Manager
Recreation and Conservation Office
(360) 902-3080
leslie.ryan-connelly@rco.wa.gov

-----Original Message-----
From: Matt Keough [mailto:MKeough@co.kitsap.wa.us]

Sent: Monday, June 01, 2009 6:40 PM
To: Ryan-Connelly, Leslie (RCO)
Subject: IN OLYMPIA ON Tuesday 6/2 - attachment for review

Leslie,

Will be in Olympia tomorrow and would like to come by to talk in person on the land exchange. Kamie Bunnes was tremendously helpful in your absence and we have a good strategy in place (tentatively) to talk out with you for termination of existing deed to be followed up with the new deed in front our commissioners on 6/22 and recorded immediately thereafter.

The attached graphic is my novice attempt to document the new deed of right proposed, post land exchange. Though 305 acres has been suggested at the minimum required, this draft encompasses 320 acres. Hoping to get the legal description perfected and to talk out process with you in person.

I'll be in the BNR meeting on and off all AM - send me messages on my smart phone - to keep awake. Email active but the cell itself is 360 689-7791.

THANKS!
MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:23 AM
To: Traci Rogstad
Subject: Re:

Dear Mr. Rogstad,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> Traci Rogstad < rogstads3@[redacted] > 5/11/2009 8:01 AM >>>
In regards to the DNR/County land exchange, thank you for your support of KRRC!
As a disabled veteran living in a wheelchair the KRRC is my lifeline to an active and productive life.
Thank you!

John Rogstad

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:23 AM
To: Tom Knuckey
Subject: Re: Heritage Park/Kitsap Rifle and Revolver Club

Dear Tom,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "TOM KNUCKEY" < knuckey4@[redacted] > 3/17/2009 8:21 PM >>>
Dear Commissioners Bauer, Garrido, and Brown,

I was contacted this evening by a representative of the Kitsap Rifle and Revolver Club regarding a proposed land swap that affects DNR land where the 83-year old gun club resides. I understand that the land action will help develop a Heritage Park in Kitsap County - I think that this is great and applaud actions by each of you in furthering recreational opportunities for County residents. I visit Kitsap Rifle and Revolver club about 3 to 4 times a year, and have so for over 14-years - I take my two boys there with me regularly, and we've always enjoyed the family time we spend shooting targets and practicing gun safety at this facility. I appreciate your work, and am hopeful that your stewardship will include taking the actions necessary to ensure that the Kitsap Rifle and Revolver club will continue operations well into the future.

Thank you for your time and your hard work.

Sincerely,

Tom Knuckey

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:22 AM
To: Todd Loihle
Subject: Re: Thanks for our support to KRRC

Dear Todd,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> Todd Loihle < Todd.Loihle@harrisonmedical.org > 5/14/2009 9:03 PM >>>
These sports are vital to the citizenry that bases itself in diverse interests, leadership, and confidence during trials of crisis. The ability to shoot in a structured forum engenders people with self discipline, focus, and good cheer toward others. Thanks for your help.

Todd Loihle

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:22 AM
To: sean b
Subject: Re: DNR land swap

Dear Mr. Broughton-Neiswanger,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> sean b < dadkat2@[redacted] > 5/11/2009 10:47 AM >>>
Dear Madame - I write in support of the sale to the Kitsap Rifle and Revolver Club of the land it currently occupies as soon as that land is transferred to the county.KRRC has provided safety training and a safe place to shoot in Kitsap County for more than 50 years and it is incumbent on all of us to maintain this asset for all current and future citizens of the County. I thus respectfully ask that you vote in favor of the aformentioned sale.Thank You - John Broughton-Neiswanger [redacted] Bremerton Wa 98310

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:21 AM
To: Richard Lively
Subject: Re: DNR Land exchange

Dear Richard,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Richard Lively" < wileecoyote37@[redacted] > 5/10/2009 10:47 PM >>>
Ms. Garrido

I want to urge you to support the sale of lands to the Kitsap Rifle and Revolver Club.

The citizens of Kitsap County need a place to safely sight in rifles in preparation for hunting seasons, learn safe gun handling skills and pursue shooting hobbies. Over half of the citizens of Kitsap own firearms. The population has grown to the point that it is not safe to go out into the woods and shoot firearms. There are just to many houses, hikers, bikers, riders and other users of the woods for uncontrolled shooting. Kitsap Rifle and Revolver Club has approximately 1000 members and last year had over 10,000 non-members using the shooting range. I don't want all of these shooters trying to shoot in our crowded woods. We need a safe place to shoot. KRRC has demonstrated 80 years of providing a safe place to shoot.

The Navy's Camp Wesley Harris is next door to KRRC. This is an active navy shooting range that has plans to expand and increase their shooting usage. This makes the location of KRRC ideal for a shooting range for the citizens of Kitsap County.

Again, I urge you to support the sale of property to KRRC so that we and our children can have a safe place to shoot.

Thank you

Richard Lively
[redacted]
Port Orchard WA 98367

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:20 AM
To: ms
Subject: Re: Kitsap Gun and Revolver

Dear Mary,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "MS" < schwaberdoo@[redacted] > 5/2/2009 11:44 AM >>>
Charolotte,
I ask you on behalf of myself and all gun enthusiasts in Kitsap County to support he Club's purchase and use of the DNR property that is currently being negotiated with the County. It is in the interests of safe gun ownership and recreation that the Club remain a viable entity.

Sincerely, Mary M Schwab, your former Realtor

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:20 AM
To: Matt Sroka
Subject: Re: DNR/County Land Exchange - Kitsap Rifle and Revolver Club resolution

Dear Matt,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> Matt Sroka < matsroka@[redacted] > 5/11/2009 5:21 PM >>>
Dear Commissioners,

Thank you for past support of the Kitsap Rifle and Revolver Club. I hope that each of you continue your support by endorsing the formal proposal currently on the table to sell land to KRRC once the DNR and County Parks complete their land exchange near Newberry Hill.

I am sure that by now you are all well versed in the many benefits this club has brought to Kitsap over its many decades of existence.
It is vital that KRRC keep a home here, not only because of their reputation for gun safety and responsible management, but because they represent an important part of the heritage that is a cornerstone of this area and part of what makes it unique.

Thank you again for your efforts in promoting responsible gun use and for retaining a piece of County heritage that will be part of generations to come.

Sincerely,

Matt Sroka

[redacted]
Bremerton, WA 98311

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:14 AM
To: docfong1@comcast.net
Subject: Re: Support for the DNR land transfer & sale of range property to KRRC

Dear Matt,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Matt Carrasco" < docfong1@[redacted] > 5/10/2009 11:11 PM >>>
My name is Matt Carrasco and I have been a voting resident of Kitsap County since 2002, I am in the Navy and plan to retire here in Kitsap County next year. I am also a member of the Kitsap Rifle & Revolver Club and enjoy the club with my wife and 10 year old son. We would like to consider you as a friend to the club and just wish to express our support for the DNR land transfer and the sale of the range property to KRRC.

Please continue your support and friendship to the club and we look forward to a favorable outcome for all parties involved, thank you for your consideration.

KRRC Supporters,

Terri, Matt & Jack Carrasco

KRRC has been a community resource for firearm safety, marksmanship and competition for 83 years please allow this to continue.

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:13 AM
To: Marcus Carter
Subject: Re: Resolution in regards to KRRC

Dear Marcus,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Marcus Carter" < marcus@gunschool.com > 5/11/2009 12:24 AM >>>
Charlotte,
As a south county resident, I am asking you as my Commissioner to formally support the resolution(s) that I understand will be offered up in tonight's Commissioners meeting regarding the DNR land transfer and sale of property to KRRC.
This entire transaction will benefit the County in many ways.
Sale of the land to KRRC, who has occupied the land for well over 80 years, will facilitate marked improvement to the facilities including improved sound attenuation and handicap access.
We are looking forward to working with Kitsap County Community Development in order to aid in providing our community with the finest of safe recreation and facilities we can all be proud of.

Please let me know your position on this matter.

Thank you for your consideration.

Marcus Carter
[redacted]
Port Orchard, WA 98367

--
Marcus Carter - Executive Officer
Kitsap Rifle & Revolver Club
4900 Seabeck Hwy. N.W.
Bremerton, Washington 98312
USA
For Sport and National Defense
http://www.GunSafety.org < http://www.gunsafety.org/ > Range Phone - 360.373.1007

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:08 AM
To: kruzner@comcast.net
Subject: Re: KRRC land sale

Dear Rich and Kim Kruzner,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> < kruzner@comcast.net > 4/26/2009 7:59 PM >>>

Mr. Bauer, Mr. Brown and Ms. Garrido,

We would encourage you to approve the sale of land to Kitsap Rifle and Revolver Club. We have three voting adults in our household that all enjoy going to the club to target shoot. The hikers, bikers, horseback riders and so on have many places where they can enjoy their sport. Gun sports however have very limited options in this area, that would be KRRC. We believe it is only fair and reasonable that the KRRC be able to remain intact and even expand in the area it currently occupies and has occupied for many, many years now.

Please allow the land purchase by KRRC.

With respect and regards,

Rich and Kim Kruzner

Bremerton

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:07 AM
To: JUAN JOHN
Subject: Re: land sale to Kitsap Rifle & Revolver Club

Dear Terry,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> JUAN JOHN < terrybotts@[redacted] > 5/11/2009 4:31 PM >>>

Hello;
I would like to thank you for your support of the sale of 72 acres to the Kitsap Rifle and Revolver Club.

Thank You
Terry Botts

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:07 AM
To: Joseph J Mogavero
Subject: Re: POSSIBLE SPAM! SCORE = 6.5 Kitsap Rifle and Revolver Club

Dear Joseph and Amanda Mogavero,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Joseph J Mogavero" < amandajoe@[redacted] > 4/27/2009 2:58 PM
>>> >>>

Concerning the land transfer, if the land is offered to the club, please support their option to purchase.

If it is not offered, please support a long term lease at the current rental rate.

Thank you. Joseph and Amanda Mogavero

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:06 AM
To: Joseph Garrett
Subject: Re: Sale of Property to Kitsap Rifle and Revolver Club

Dear Joe,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> Joseph Garrett < joegarrett@[redacted] > 5/11/2009 4:58 AM >>>
I wish to convey my support to the possible sale of the property currently occupied by the Kitsap Rifle and Revolver Club to the club.

This is a community resource that we cannot replace and cannot afford to lose.

It is used by families throughout the Kitsap County area and abroad and emphasizes and teaches the safe use of firearms.

It is also used by many law enforcement agencies and military security forces for necessary training.

Thank you for the time you have taken regarding this issue.

Joe Garrett
KRRC Member

Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:06 AM
To: Jim Krueger
Subject: Re: KRRC resolution

Dear Jim,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Jim Krueger" < jimk@[redacted] > 5/11/2009 7:58 AM >>>
Dear Ms. Garrido,
Thank you for your support of the KRRC and the land sale resolution. I also support the KRRC and am grateful for your help in these matters.
Jim Krueger

--

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Don Burger

From: Charlotte Garrido [CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:04 AM
To: Richard - ADMIN Glynn
Subject: Re: Thank you for your KRRC Yes vote!

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now, in your words, "remain a part of Kitsap County's many recreational offerings."

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Glynn, Richard - ADMIN" < RichardG@cksd.wednet.edu > 5/18/2009 8:52
>>> AM >>>
Dear Commissioner Garrido,
Thank you for your "Yes" vote on the land sale to Kitsap Rifle and Revolver Club. It means a lot to have you in our corner, and helping the club to remain a part of Kitsap County's many recreational offerings.
Thanks again.

Richard Glynn
[redacted]
Bremerton, WA 98312

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 3:16 PM
To: Matt Keough
Subject: KRRC
Attachments: XXXXXX.PDF

Matt,
Josh asked if you could respond to the attached emails and letters.
Thanks,
Dana

Copy to all 3

Matt

From: "O'Kelley, Brian CIV PSNS (Code 290)" <Brian.Okelley@navy.mil>
To: <commissioners@co.kitsap.wa.us>
Date: 5/13/2009 2:51 PM
Subject: KRRC LAND SALE

Dear Commissioners,

I read in the Kitsap Sun that the KRRC land sale is all but certain. This, in spite of the fact that the club's Executive Officer has a clear conflict of interest in the deal. It can't be news to you that Marcus Carter, through his Enabler-in-Chief Brad Smith, has been allowed free rein at KRRC, including the operation of a for-profit business venture overlaying the State-owned (soon to be County-owned) property and its facilities.

The so-called National Firearms Institute (http://www.gunschool.com/index.html) uses the property and facilities to generate sufficient profit for the extended Carter family that Mr. Carter can "work for pennies an hour" according to KRRC President Smith, all the while extolling Mr. Carter's martyrdom for doing so. You have allowed yourselves to be duped and in so doing, have allowed Kitsap County to abandon its fiduciary responsibilities to its citizens. The range is capable of generating a lot of money, and you're giving the property away for a song, with little or no regard for its earning potential and proper value.

By receipt of this e-mail, you can no longer claim ignorance as to some citizen's concerns over the dubious business dealings at KRRC, nor to the clear conflict of interest of its prime movers and shakers. I hope it is not too late for you as an elected body to include explicit language in the land sale documents that, as a condition of sale, no for-profit business will be allowed to use the property or facilities of KRRC; nor will any other non-profit organization calling the property and facilities of what is now known as Kitsap Rifle and Revolver Club its home.

I'm begging you to step back and take a longer view of the deal, and the motivations of the deal's chief proponents . Your reputations as Commissioners, and the protection of Kitsap County from conflict-of-interest abuses are certainly issues within your areas of concern. I hope you will give them the concern I believe is necessary, and protect the County's interests by ensuring the KRRC land sale doesn't devolve into a cash cow to the benefit of one man's sole benefit. At a minimum, please consider a delay in execution sufficient to bring a forensic auditor to the table to examine in detail the club's business dealings with NFI, the U.S. Navy, Blackwater and Associates (and others) and the amount of money NFI has made for itself over the last five or so years. This would give you, The Commissioners, a much clearer indication of the property's actual value, which may be cause for reconsideration of the overall land sale deal.

Sincerely,

Brian O'Kelley

From: "Maiers, Glenn R CIV NAVSEA KPWA" <glenn.r.maiers@navy.mil>
To: <commissioners@co.kitsap.wa.us>
Date: 5/11/2009 1:06 PM
Subject: KRRC LAND SALE

Commissioners,

I just finished reading the details of the proposed land sale to KRRC. The entire parcel to be swapped has an appraised value of $2,335,000 yet the 72 acres that is to be sold to KRRC is less than $2,500?! KRRC pays the state more in annual rent ($8,000 or so) than this. KRRC makes over $100,000 annually in visitor fees alone. Even without factoring in the private corporation that operates there and their unstated income, it would appear that the county is just giving this land away and that the <$2,500 appraisal is only to meet the restrictions in RCW 36.34.020.

Additionally, after reading the current KRRC lease, Mr. Faver's concerns about lead abatement are already included in that lease and are the responsibility of the lessee, KRRC. This should negate his urgency to sell this land to the gun club.

In a time when the county (and the Parks Director in particular) complain of having to make cutbacks, the speed of this sale and the asking price for this land is questionable.

Yours truly,
Glenn Maiers

RECV'D BY ALL 3

MAY 12 2009

From: "STEVE MARTZ" <semartz@[redacted]>
To: <jwbrown@co.kitsap.wa.us>
Date: 5/26/2009 10:50 AM
Subject: Newberry Heritage Park & Kitsap Gun Club

Dear Commissioner Brown,

I had a few questions concerning the sale of 72-acres to the Kitsap Rifle and Revolver Club. I have been out of town for a couple of weeks and just recently saw that the property will be sold to the gun club for $2,500. I find this outrageous to say the least. I understand that there are numerous restrictions being placed on this property and that this appraisal puts the property under the limit for public auction. I just do not believe that this is fair market value for 72-acres in Kitsap County. How can the county justify selling this property for such a reduced rate? A couple of years ago, the lease on this property was raised because the value of the land had gone up. How can you now reduce the value of the land?

Also, if this parcel is sold to the gun club, will they lose there "grandfather status" and have to abide by county noise restrictions? I understand about being a good neighbor and wouldn't have a problem with the club except for the fact that they shoot 365 days a year from 7am until 10pm. The general public is limited to hours from Tuesday-Friday from 11am-7pm and Saturday and Sunday from 8am-4pm. However, if you are a member you can shoot from 7 to 10. I know of no other outdoor gun club that allows these types of hours of use. You can't sit on your deck in the summer without hearing gunfire until 10pm or being awaken by gunfire at 7am. It just seems a bit much that on last Christmas morning, my family was awakend to gunfire at 7am.

Thanks for your time and I would appreciate your response to these concerns.

Sincerely,
Steve Martz

From: harstads GAL <harstads7@[redacted]>
To: <brn@dnr.wa.gov>, <sbauer@co.ditsap.wa.us>, <jwbrown@co.kitsap.wa.us>, <...
Date: 5/26/2009 5:46 PM
Subject: Newberry Hill Heritage Park Land Swap

To whom it may concern:

I am writing to you in regards to the land swap between the school district managed by DNR and the county. We currently live at 5338 Seabeck Hwy NW and our property boarders the gated road across from Holly Road. I was aware of the changes being made to the trails by folks from the Banner Forrest group. At first we were not happy that they posted "No Motorized Vehicle" signs everywhere but we complied and sold our dirt bikes that we had been riding back there for years. Not long after they posted the signs and started blocking off great trails and cutting new ones, we started seeing a lot of traffic on the gated roads. My fiance, Evan Harstad asked Casey from the Banner Forrest about all the traffic and was told that permits were sold to brush pickers. I believe that is one of the most hipacritical things I've ever heard of! The roads where beautiful and undisturbed for the most part with the few times a year that there were dirt bikes and 4-wheelers on the roads. Now the roads are nothing but muddy, pot hole strewn roads because of the constant traffic that goes on a road that is posted everywhere with "NO MOTORIZED VEHICLES". I don't feel safe even walking back there anymore with my two little girls because of the brush pickers SPEEDING down the roads every day! It is less of a park now then it was before they started making it a park. I do not let my girls play near the woods anymore because I'm afraid that someday a van or truck full of brush pickers will stop and take them. I'm not trying to stereo type these people but it was a lot quieter before all the permits were sold. If it is about making money, then why are you going to sell 72 acres to the Kitsap Rifle and Revolver Gun Club for a mere $2500.00? I am being taxed at $349,000.00 on 2 1/2 acres and I can't believe that you are going to sell 72 acres for less than I pay in taxes for one year! I will pay you $3000.00 for the 72 acres and you can make another $500.00. How can we take money from the school district when they are so short of money to begin with and cutting back on teachers and students? I know I do not own the land behind me but it affects my family non the less. It would have been nice if we would have been told or asked our opinion because we have been the ones using it the most. I don't know what the plan is for the trails, but really good trails that I have used for my horses have been blocked off by trees and I don't understand the reasoning behind that. I know I'm only one person, but I hope others have contacted you to voice their feelings about the swap. I hope that some things change before this is all over and done with and I hope it is the brush picking permits and the ridiculous sale of the 72 acres. I would appreciate any feed back from anyone in regards to this "SO CALLED" even trade.

Thank you for your time

Tammy Gal and Evan Harstad

Don Burger

From: Matt Carrasco [docfong1@[redacted]]
Sent: Tuesday, June 09, 2009 4:28 PM
To: Charlotte Garrido; docfong1@[redacted]
Subject: RE: Support for the DNR land transfer & sale of range property to KRRC

Commissioner Garrido, please accept our thanks for taking the time to respond to our email and thank you again for your support and friendship to the club.

KRRC Supporters,

Terri, Matt & Jack Carrasco

-----Original Message-----
From: Charlotte Garrido [mailto:CGarrido@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 11:14 AM
To: docfong1@[redacted]
Subject: Re: Support for the DNR land transfer & sale of range property to KRRC

Dear Matt,

Sorry about the delay in responding, but I still wanted to express my appreciation for the time you took to contact me about maintaining the Kitsap Rifle and Revolver Club's range in Kitsap County. Since the facility has existed for more than eight decades, it will now remain a valuable community resource for Kitsap County residents.

Sincerely,

Charlotte Garrido
Kitsap County Commissioner, Chair

>>> "Matt Carrasco" <docfong1@[redacted]> 5/10/2009 11:11 PM >>>
My name is Matt Carrasco and I have been a voting resident of Kitsap County since 2002, I am in the Navy and plan to retire here in Kitsap County next year. I am also a member of the Kitsap Rifle & Revolver Club and enjoy the club with my wife and 10 year old son. We would like to consider you as a friend to the club and just wish to express our support for the DNR land transfer and the sale of the range property to KRRC.

Please continue your support and friendship to the club and we look forward to a favorable outcome for all parties involved, thank you for your consideration.

KRRC Supporters,

Terri, Matt & Jack Carrasco

KRRC has been a community resource for firearm safety, marksmanship and competition for 83 years please allow this to continue.

Don Burger

From: Matt Carrasco [docfong1@[redacted]
Sent: Tuesday, June 09, 2009 4:28 PM
To: Josh W. Brown; docfong1@[redacted]
Subject: RE: Support for the DNR land transfer & sale of range property to KRRC

Commissioner Brown, please accept our thanks for taking the time to respond to our email and thank you again for your support and friendship to the club.

KRRC Supporters,

Terri, Matt & Jack Carrasco

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Tuesday, June 09, 2009 5:40 PM
To: Arvilla Ohlde
Subject: Fwd: KRRC
Attachments: XXXXXX.PDF

Arvilla,

These just arrived and present the strongest-worded complaints to date. I see the direction to respond but clearly near your involvement and guidance. I have addressed most of these issues in past responses to include a response I drafted last week to the Corey family. I floated that draft to Chip and to the Commissioners, for either them to issue it themselves or to instruct us. Josh did not respond to that but it appears he does want us to respond to these letters on his behalf.

I am including Martha and Lori on these for their input given their exposure and skill level in messaging. THESE ARE NOT TO BE FORWARDED OTHERWISE AND NO RESPONSE WILL BE ISSUED UNTIL ARVILLA AUTHORIZES SUCH.

Fun stuff in parks and recreation!
MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Dana Daniels 6/9/2009 3:16 PM >>>
Matt,
Josh asked if you could respond to the attached emails and letters.
Thanks,
Dana

Copy to all 3

Matt

From: "O'Kelley, Brian CIV PSNS (Code 290)" <Brian.Okelley@navy.mil>
To: <commissioners@co.kitsap.wa.us>
Date: 5/13/2009 2:51 PM
Subject: KRRC LAND SALE

Dear Commissioners,

I read in the Kitsap Sun that the KRRC land sale is all but certain. This, in spite of the fact that the club's Executive Officer has a clear conflict of interest in the deal. It can't be news to you that Marcus Carter, through his Enabler-in-Chief Brad Smith, has been allowed free rein at KRRC, including the operation of a for-profit business venture overlaying the State-owned (soon to be County-owned) property and its facilities.

The so-called National Firearms Institute (http://www.gunschool.com/index.html) uses the property and facilities to generate sufficient profit for the extended Carter family that Mr. Carter can "work for pennies an hour" according to KRRC President Smith, all the while extolling Mr. Carter's martyrdom for doing so. You have allowed yourselves to be duped and in so doing, have allowed Kitsap County to abandon its fiduciary responsibilities to its citizens. The range is capable of generating a lot of money, and you're giving the property away for a song, with little or no regard for its earning potential and proper value.

By receipt of this e-mail, you can no longer claim ignorance as to some citizen's concerns over the dubious business dealings at KRRC, nor to the clear conflict of interest of its prime movers and shakers. I hope it is not too late for you as an elected body to include explicit language in the land sale documents that, as a condition of sale, no for-profit business will be allowed to use the property or facilities of KRRC; nor will any other non-profit organization calling the property and facilities of what is now known as Kitsap Rifle and Revolver Club its home.

I'm begging you to step back and take a longer view of the deal, and the motivations of the deal's chief proponents . Your reputations as Commissioners, and the protection of Kitsap County from conflict-of-interest abuses are certainly issues within your areas of concern. I hope you will give them the concern I believe is necessary, and protect the County's interests by ensuring the KRRC land sale doesn't devolve into a cash cow to the benefit of one man's sole benefit. At a minimum, please consider a delay in execution sufficient to bring a forensic auditor to the table to examine in detail the club's business dealings with NFI, the U.S. Navy, Blackwater and Associates (and others) and the amount of money NFI has made for itself over the last five or so years. This would give you, The Commissioners, a much clearer indication of the property's actual value, which may be cause for reconsideration of the overall land sale deal.

Sincerely,

Brian O'Kelley

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In a time when the county (and the Parks Director in particular) complain of having to make cutbacks, the speed of this sale and the asking price for this land is questionable.

Yours truly,
Glenn Maiers

RECV'D BY ALL 3

MAY 12 2009

From: "STEVE MARTZ" <semartz@[redacted]>
To: <jwbrown@co.kitsap.wa.us>
Date: 5/26/2009 10:50 AM
Subject: Newberry Heritage Park & Kitsap Gun Club

Dear Commissioner Brown,

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Thanks for your time and I would appreciate your response to these concerns.

Sincerely,
Steve Martz

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To: <brn@dnr.wa.gov>, <sbauer@co.ditsap.wa.us>, <jwbrown@co.kitsap.wa.us>, <...
Date: 5/26/2009 5:46 PM
Subject: Newberry Hill Heritage Park Land Swap

To whom it may concern:

I am writing to you in regards to the land swap between the school district managed by DNR and the county. We currently live at 5338 Seabeck Hwy NW and our property boarders the gated road across from Holly Road. I was aware of the changes being made to the trails by folks from the Banner Forrest group. At first we were not happy that they posted "No Motorized Vehicle" signs everywhere but we complied and sold our dirt bikes that we had been riding back there for years. Not long after they posted the signs and started blocking off great trails and cutting new ones, we started seeing a lot of traffic on the gated roads. My fiance, Evan Harstad asked Casey from the Banner Forrest about all the traffic and was told that permits were sold to brush pickers. I believe that is one of the most hipacritical things I've ever heard of! The roads where beautiful and undisturbed for the most part with the few times a year that there were dirt bikes and 4-wheelers on the roads. Now the roads are nothing but muddy, pot hole strewn roads because of the constant traffic that goes on a road that is posted everywhere with "NO MOTORIZED VEHICLES". I don't feel safe even walking back there anymore with my two little girls because of the brush pickers SPEEDING down the roads every day! It is less of a park now then it was before they started making it a park. I do not let my girls play near the woods anymore because I'm afraid that someday a van or truck full of brush pickers will stop and take them. I'm not trying to stereo type these people but it was a lot quieter before all the permits were sold. If it is about making money, then why are you going to sell 72 acres to the Kitsap Rifle and Revolver Gun Club for a mere $2500.00? I am being taxed at $349,000.00 on 2 1/2 acres and I can't believe that you are going to sell 72 acres for less than I pay in taxes for one year! I will pay you $3000.00 for the 72 acres and you can make another $500.00. How can we take money from the school district when they are so short of money to begin with and cutting back on teachers and students? I know I do not own the land behind me but it affects my family non the less. It would have been nice if we would have been told or asked our opinion because we have been the ones using it the most. I don't know what the plan is for the trails, but really good trails that I have used for my horses have been blocked off by trees and I don't understand the reasoning behind that. I know I'm only one person, but I hope others have contacted you to voice their feelings about the swap. I hope that some things change before this is all over and done with and I hope it is the brush picking permits and the ridiculous sale of the 72 acres. I would appreciate any feed back from anyone in regards to this "SO CALLED" even trade.

Thank you for your time

Tammy Gal and Evan Harstad

Don Burger

From: Cathie Ames [cathiea@landtitleco.net]
Sent: Wednesday, June 10, 2009 8:00 AM
To: bregina.taylor@[redacted] brad.pruitt@dnr.wa.gov; TAMMY (DNR)' 'ROBBINS
Cc: Terri Lyman; Matt Keough
Subject: DNR/KRRC Lease
Attachments: 20090610105605.pdf

Good morning.

I have attached a copy of the invoice for the 2009/2010 lease payment. I have used this amount to calculate my rent proration.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9[redacted] NW
Silverdale, [redacted] 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Miller, Sarah [Miller.Sarah@leg.wa.gov]
Sent: Wednesday, June 10, 2009 3:21 PM
To: Matt Keough
Cc: Rep. Christine Rolfes
Subject: RE: Kitsap County Staff response, Sale of property associated withDNR Land Exchange

Thank you, Matt. The one question I have is why the assumption the land should continue to be a shooting range? I'm not doubting that the Club members would like the range to remain as-is, but were any other options considered, as a way for the county to possibly benefit financially from the sale?

Thanks,
Sarah

Sarah Miller, MPA
Legislative Assistant to
Representative Christine Rolfes
23rd District
360-786-7842

-----Original Message-----
From: Matt Keough [mailto:MKeough@co.kitsap.wa.us]
Sent: Monday, June 01, 2009 5:04 PM
To: Dana Daniels; Miller, Sarah
Subject: Kitsap County Staff response, Sale of property associated with DNR Land Exchange

Sarah,

Thank you for your inquiry and the opportunity to provide more information about the proposed "conveyance of real estate" to the Kitsap Riffle and Revolver Club. It is a sensitive issue and we appreciate both the constituent's comments and your checking in with us. There is particular confusion over how the County came to the land value for the 72 acre parcel. Let me provide the basics below but make myself fully available for more detail and re-cap of the process. Also, I shall attach the appraisal itself here for your information and distribution if you are so inclined. Please note that the land exchange with DNR is a separate transaction; however, it brings the parcel/existing lease momentarily under County ownership.

Background statement on Conveying Property to the KRRC (gun club)
The property was professionally appraised by a third party to arrive upon the property value "AS-IS" (not market value) with its historic, current, and future use as a recreational shooting range on 8 acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going shooting range operation that is open to the public and for a non-profit basis. With those assumptions, the property would be a cost to the County taxpayers to own the land and impossible for the County to provide for this specialized use.

As stated above, the land was appraised with multiple assumptions/restrictions on use that were to provide for the public interest which included a publicly accessible shooting range (valid recreational use) and the conditions in place through the existing long-term lease with the DNR. The third-party, professional appraisal concluded that the property was of $0 value given these assumptions. This conclusion not only suggested that a public auction was not required but that the County could convey the property directly to a community-based recreation organization for a well-established use.

Restrictive covenants/deed restrictions ultimately captured the assumption of the appraisal and protect the public interest behind conveying the land to the KRRC (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners heavily studied the issues in determining the public interest in pursuing the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

The Board of Natural Resources has it on their public agenda for finalization tomorrow, June 2nd. I will be in attendance and available, if more consultation is required by phone and email. Cell phone: 360 689-7791.

Sincerely,
MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Wednesday, June 10, 2009 6:13 PM
To: Matt Keough
Subject: KRRC

Matt,
Did you ever send that letter to the Coreys regarding KRRC??
Dana

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Friday, June 12, 2009 5:47 PM
To: Arvilla Ohlde; Lori Raymaker
Subject: Fwd: POSSIBLE SPAM! SCORE = 5.1 Re: RESPONSE TO COREY LETTER by County Staff

FYI - Wanted you to see the dialogue with Joanne Corey. We all spent a lot of time on responding to her initial email. Looks like it connected to some degree but that her legitimate concerns remain.

Have several other responses to work on... next week!

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

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mkeough@co.kitsap.wa.us

>>> "colen & joanne corey" < colenjoannecorey@[redacted] > 6/11/2009 6:47 PM
>>> >>>
Matt
Thank you for your response and your detailed points. I appreciate the time you spent. I know the gun club has been there for 80 years, I was just concerned that the accumulated amount of lead as well as now it will be open to the public, increasing use. I agree with the county liability to allow them to have the gun club, I think it was smart to do this.I still feel it is alarming that the site is deamed of $0 value AS-IS. That sort of gives me a red flag feeling. Is it so lead cantaminated or so stripped that it can't be rejuvinated? You can see why I am concerned.
I am concerned on birms since they will have a bit more area, has anyone gone to see if they can be repositioned to point away from the park paths? I also am aware of Camp Wesleys clean up. My main purpose is to be a steward, to protect the wildlife and natural habitat. Sorry for being so mad. I feel that power seems to rule over good so much of the time.
Please do call me if you have some time.
Joanne Corey
360 692 1282

----- Original Message -----
From: "Matt Keough" < MKeough@co.kitsap.wa.us >
To: "colen & joanne corey" < colenjoannecorey@[redacted] >
Cc: "Arvilla Ohlde" < AOhlde@co.kitsap.wa.us >
Sent: Thursday, June 11, 2009 5:04 PM
Subject: RESPONSE TO COREY LETTER by County Staff

> Dear Joanne,
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> Commissioners Garrido and Bauer asked that I respond to the message
> you sent them. Commissioner Brown also received your letter and this
> staff response. They appreciate your thoughtful comments and wanted
> me to respond to you since I have been the lead staff person from the
> County Parks department on this issue. Your concerns are well-stated
> and I hope to address them here and to follow up, by phone or in
> person, at your convenience. Feel free to call on me anytime. My

> contact information is below. If you prefer that I call you, please let me know
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> due to your letter being fully circulated and reviewed; I hope you can
> forgiven my tardiness.
>
> Following an introductory explanation below, I will provide more
> specific response to your comments, using blue font! I certainly hope
> to connect with you and understand the issues are personally
> challenging/impactful.
>
> Background Statement on Conveying Property to the Kitsap Rifle and
> Revolver Club:
> The land in question has been home to the KRRC for more than 80 years.
> The property was professionally appraised by a third party to arrive
> upon the value "AS-IS" with its historic and future use as a
> recreational shooting range on eight acres, surrounded by a 64 acre
> buffer of protected habitat/riparian corridor zone. The appraisal
> assumes associated liability and an on-going nonprofit shooting range
> operation that is open to the public. With those assumptions, the
> property would be a cost to County taxpayers and difficult for the
> County to tend.
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> The appraisal itself was a consequence of negotiations over terms to
> be agreed upon ("restrictive covenants") and placed on the deed. The
> covenants ascertain the provisions of the public interest (the ongoing
> recreational use, the available service to the public, the
> environmental conditions, assumption of liability/insurances). Staff
> and the County Commissioners studied the issues to determine the
> public interest in the exchange - including public testimony
> officially taken through the Department of Natural Resources public
> hearing (March 18th), the Park and Recreation Advisory Board meeting
> (April 15th), and the Board of County Commissioner Meeting (May 11th).
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> (360) 337-7097, fax (360) 337-4632
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>>>> "colen & joanne corey" < colenjoannecorey@[redacted] 5/21/2009 7:08 AM
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> There seems to be a little close door policy going on. The reason you
> have not heard from neighbors to Newberry Hill on the subject of land
> cost to the gun club is because you seem to have held the information
> from the public until you knew it would be too late.
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> On behalf of Kitsap County, I regret anything that may appear to be
> "too late" for the public benefit. There was no intention to this
> effect. The public interest was discussed at public meetings (3/18,
> 4/15, 5/11). The only executive session (not open to the public)
> session was held so that the commissioners could be briefed by an
> attorney regarding legal issues surrounding the land trade.
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> Not to mention the low cost of the land gave you the right to not put
> it out in the public.
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> As stated above, the land was appraised with multiple
> assumptions/restrictions on use and to provide for the public interest.
> This included continuing a publicly accessible shooting range and
> conditions in the existing long-term lease with DNR. The professional
> appraisal concluded that the property was of $0 value given the
> assumptions and "AS-IS" value of the land. This conclusion not only
> suggested that a public auction was not required but that the County
> could - in the public interest - convey the property directly to a
> community-based recreation organization for a long-established use.
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> Also, I found out they have never payed taxes, am I right? I know other
> non-profits who pay there taxes by the law.
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> This question is beyond my expertise. The KRRC (gun club) has operated
> under a long term lease that required fees paid to the DNR. I suspect
> that taxes would have been billed to the DNR... if they applied under
> these circumstances.
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> I am the VP of the Stewardship committee and those from the committee,
> has well as, your own Parks personnel where unaware of the low ball and
> extention of land sold. So there seems to be no excuse that it was not
> public knowledge to all in the committee.
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> I am responsible for the fact that Parks personnel were not all fully
> up to date on the potential land sale and apologize for any oversight.
> Land cost estimates and negotiations did occur right up to the public
> meeting on 5/11. They were discussed at the meeting and acted upon 2
> days later in a public meeting. It not an excuse but it was very
> challenging to honor private negotiations and fully involve the public.
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> golf course ,to my way of seeing it. I hope the one friend of the gun
> club can drum up the votes for you all next election, I plan on voting
> for commissioners who are honest and straight forward with the public.
> Since there is such a low ball cost to the gun club and it seems to be
> so ruined that nothing else could possible be used for the land, your
> own words I might add, we the people should have reports of all

> enviromental testing to the land,PAST and PRESENT, of which I have found
> out does not exist, if so they NEED to be presented to the stewardship,
> since WE are the caretakers of the land.
>
> Stewardship committees are critical to Kitsap County. Your concerns
> and involvement are important to the Department and to our operations.
> Public safety is paramount and while the KRRC parcel will not come
> under County jurisdiction, we will evaluate safety of all active park
> acreage. We have staff trained to perform environmental review, and
> your suggestions are welcome. The 72-acre KRRC parcel is limited to an
> eight-acre active area - which helps buffer future park property from
> environmental hazards. Another mitigating factor is the club's
> compliance with firearm and environmental safety provisions (lead, a
> heavy metal that does not tend to move through natural systems) which
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> standards. Environmental testing - past, present, and future - is
> conducted by the Health District and by the State Department of Ecology.
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> of ownership. No contamination is on the record; however, there is a
> historical affiliation with the Camp Wesley Harris, a known national
> priority site for clean-up.
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> No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to
> the land and a daughter-in -law to the Corey's who have done great thing
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> found a loop hole to pass something else by us.
> Please send the Newberry Hill Park Stewardship Board your findings on
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> Joanne T. Corey
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>
>
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Don Burger

From: colen & joanne corey [colenjoannecorey@[redacted]
Sent: Friday, June 12, 2009 8:23 AM
To: Tom C
Cc: Lori Raymaker
Subject: Fw: RESPONSE TO COREY LETTER by County Staff

----- Original Message -----
From: "Matt Keough" <MKeough@co.kitsap.wa.us>
To: "colen & joanne corey" <colenjoannecorey@q.com>
Cc: "Arvilla Ohlde" <AOhlde@co.kitsap.wa.us>
Sent: Thursday, June 11, 2009 5:04 PM
Subject: RESPONSE TO COREY LETTER by County Staff

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Don Burger

From: colen & joanne corey [colenjoannecorey@[redacted]
Sent: Thursday, June 11, 2009 6:48 PM
To: Matt Keough
Subject: POSSIBLE SPAM! SCORE = 5.1 Re: RESPONSE TO COREY LETTER by County Staff

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[redacted]

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From: "Matt Keough" <MKeough@co.kitsap.wa.us>
To: "colen & joanne corey" <colenjoannecorey@[redacted]
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>
>>>> "colen & joanne corey" <colenjoannecorey@[redacted] 5/21/2009 7:08 AM
>>>>
>
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> conditions in the existing long-term lease with DNR. The
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> given the assumptions and "AS-IS" value of the land. This conclusion
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> not public knowledge to all in the committee.
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> up to date on the potential land sale and apologize for any oversight.
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> meeting on 5/11. They were discussed at the meeting and acted upon 2
> days later in a public meeting. It not an excuse but it was very
> challenging to honor private negotiations and fully involve the public.
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> golf course ,to my way of seeing it. I hope the one friend of the gun
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> so ruined that nothing else could possible be used for the land, your
> own words I might add, we the people should have reports of all
> enviromental testing to the land,PAST and PRESENT, of which I have
> found out does not exist, if so they NEED to be presented to the
> stewardship, since WE are the caretakers of the land.
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> Stewardship committees are critical to Kitsap County. Your concerns
> and involvement are important to the Department and to our operations.
> Public safety is paramount and while the KRRC parcel will not come
> under County jurisdiction, we will evaluate safety of all active park
> acreage. We have staff trained to perform environmental review, and
> your suggestions are welcome. The 72-acre KRRC parcel is limited to
> an eight-acre active area - which helps buffer future park property
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> compliance with firearm and environmental safety provisions (lead, a
> heavy metal that does not tend to move through natural systems) which
> is to remain, along with habitat protection plan and riparian management
> standards. Environmental testing - past, present, and future - is
> conducted by the Health District and by the State Department of Ecology.

> The County has no such records or established role; however, we would
> certainly assist in correcting any discovered problems there,
> regardless of ownership. No contamination is on the record; however,
> there is a historical affiliation with the Camp Wesley Harris, a known
> national priority site for clean-up.
>
> No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to
> the land and a daughter-in -law to the Corey's who have done great
> thing for this county, ie. putting on the "Day on the Farm for Special
> Needs Children", with community efforts, voulenteerism that works and
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>
> Joanne T. Corey
> Vice President of Stewardship Newberry Hill Park
>
>
>
>
>
>
>
>

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 5:04 PM
To: colen & joanne corey
Cc: Arvilla Ohlde
Subject: RESPONSE TO COREY LETTER by County Staff

Dear Joanne,

Commissioners Garrido and Bauer asked that I respond to the message you sent them. Commissioner Brown also received your letter and this staff response. They appreciate your thoughtful comments and wanted me to respond to you since I have been the lead staff person from the County Parks department on this issue. Your concerns are well-stated and I hope to address them here and to follow up, by phone or in person, at your convenience. Feel free to call on me anytime. My contact information is below. If you prefer that I call you, please let me know the best number and times to reach you. The delay in response was only due to your letter being fully circulated and reviewed; I hope you can forgiven my tardiness.

Following an introductory explanation below, I will provide more specific response to your comments, using blue font! I certainly hope to connect with you and understand the issues are personally challenging/impactful.

Background Statement on Conveying Property to the Kitsap Rifle and Revolver Club:
The land in question has been home to the KRRC for more than 80 years. The property was professionally appraised by a third party to arrive upon the value "AS-IS" with its historic and future use as a recreational shooting range on eight acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated liability and an on-going nonprofit shooting range operation that is open to the public. With those assumptions, the property would be a cost to County taxpayers and difficult for the County to tend.

The appraisal itself was a consequence of negotiations over terms to be agreed upon ("restrictive covenants") and placed on the deed. The covenants ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners studied the issues to determine the public interest in the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

Matthew F. Keough
Parks Planning Project Manager
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614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Charlotte Garrido
Kitsap County Commissioner
(360) 337-7097, fax (360) 337-4632

Matthew F. Keough
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Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 4:54 PM
To: Dana Daniels; Arvilla Ohlde; Josh W. Brown
Cc: Nancy Buonanno-Grennan
Subject: Fwd: FW: Newberry Heritage Park Land Swap / ROLFES OFFICE

Please see the response provided by Sarah Miller to a constituent on behalf of Rep.Rolfes.

Sarah's response is thorough and appreciated. We are not alone in describing the public interest as identified in the process! It is also convenient text to utilize in the responses we are drafting on behalf of Josh for the emails we received yesterday (Wednesday). Arvilla and I plan to get those responses out tomorrow.

I will be sending out Joanne Corey's response - with edits from Charlotte and Josh - momentarily.

THANK YOU ALL!
MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> "Miller, Sarah" < Miller.Sarah@leg.wa.gov > 6/11/2009 4:44 PM >>>
Hi Matt,

Thanks again for the info this morning. I sent this response out this afternoon; if I've gotten anything wrong, I'm happy to let Steve know. And he may contact you directly- as you can see I gave him your contact info.

Sarah

Sarah Miller, MPA
Legislative Assistant to
Representative Christine Rolfes
23rd District
360-786-7842

From: Miller, Sarah
Sent: Thursday, June 11, 2009 4:25 PM
To: ' semartz@[redacted] '
Cc: Rolfes, Rep. Christine
Subject: FW: Newberry Heritage Park Land Swap

Hi Steve,

Rep. Rolfes asked me to get you some more information about the land swap between the county and DNR. I talked to staff here at the House of Representatives, and in the county parks office to sort through what happened.

As you are probably aware, the Rifle and Revolver Club has been at that location for over 80 years. While they have been required to adhere to best practices in terms of protecting the environment, it is likely that the area has sustained some environmental impacts from the lead and other byproducts from firearms. When DNR appraised the land, it was done as if the land was free and clear of any encumbrances, such as environmental damage. The lease DNR had with the Club said that the Club would leave the land in pristine condition, if the Club ever wanted out of the lease. It seems unlikely that the Club would have ever asked to be released from the lease, because of their long history and its popularity in the community; DNR was also able to benefit by having land with that value on their books.

However, when the county requested a 3rd party appraisal for the land swap, the county specifically requested that the land be appraised 'as-is'. This was for several reasons; first, a change of use would trigger an environmental assessment and clean-up, which the county would have been responsible for. Second, a gun club requires an enormous amount of insurance, so if the county had decided to continue leasing to the Club, the county would have had to provide it from public dollars. Finally, the Club is an established recreational facility in the community, and the county felt it was important for the opportunities the club provided to continue.

As part of the terms of agreement between the county and the Club, the Club is required to continue the riparian management and habitat restoration that DNR was responsible for, as well as maintaining their non-profit status and continue to be open to the public. After talking with the county Parks staff, it sounds like the county made the best decision possible under this very specific set of circumstances; theoretically, they may have lost an opportunity to benefit financially from the sale or lease of the land, but practically speaking, they would have been responsible for an environmental clean-up or an enormous insurance policy because of the presence of the Club.

From talking with the County Parks staff, it sounds like you are not the only person who was concerned about the financial part of this land swap. I spoke at great length with Matt Keough, the Parks Planning Manager, and he is very willing to answer questions about the process. If you would like to contact him directly, his information is:

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Parks Planning Project Manager
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mkeough@co.kitsap.wa.us < mailto:mkeough@co.kitsap.wa.us >

I hope this information is helpful, but if you have any further questions I would be happy to talk to Matt or staff here, or you can certainly contact him directly.

Best,
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Sarah Miller, MPA
Legislative Assistant to
Representative Christine Rolfes
23rd District
360-786-7842

-----Original Message-----
From: STEVE MARTZ [mailto:semartz@wavecable.com]

Sent: Monday, June 01, 2009 9:13 AM
To: Rolfes, Rep. Christine
Subject: Newberry Heritage Park Land Swap

Dear Rep. Rolfes,

There is currently in place a land swap between Kitsap County and DNR for land to make the new Newberry Heritage Park. In this swap there is a parcel where the Kitsap Rifle and Revolver Club is located. Kitsap County has plans to sell this 72 acre parcel, after the land swap, to the club for under $2500. I know the $2500 is important, as it allows the county to sell this property without going to public auction. I find it absurd that the county would be allowed to sell this property for this amount, which averages less than $34/acre when the entire parcel is assessed for more than $5,500/per acre. The county is claiming that they have put stringent guidelines on the use of the land that has devalued the land to this amount.
There seems to be something wrong with this, especially in these economic times when everyone is looking for ways to either generate money or cut spending, that we give away property. I would appreciate your thoughts on this issue.

Sincerely,
Steve Martz

Don Burger

From: Miller, Sarah [Miller.Sarah@leg.wa.gov]
Sent: Thursday, June 11, 2009 4:45 PM
To: Matt Keough
Subject: FW: Newberry Heritage Park Land Swap

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Steve Martz

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 4:42 PM
To: BRAD (DNR) PRUITT
Cc: Tammy Robbins
Subject: Re: HCP

BRAD -

IS THE BIOLOGICAL INFORMATION YOU HAVE FOR THE PROPERTY? Did you think there might be something specific to the DNR parcel?

If so, I could really use it ASAP!

THANKS,
MFK

Matthew F. Keough
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>>> "PRUITT, BRAD (DNR)" < BRADFORD.PRUITT@dnr.wa.gov > 5/13/2009 1:03
>>> PM >>>
Doug, are you aware of a document that is easy to follow and provides details of how DNR manages forest land under the HCP besides the final HCP document. Kitsap kept the HCP language of the Gun Club lease in the new deed to KRRC. Under covenants and conditions the "current HCP" is listed as to remain in effect. I'll try and find a copy of the HCP for Matt. Matt thought the HCP was specific to the Newberry property.

http://www.dnr.wa.gov/Publications/lm_hcp_ch5.pdf

Matt, above is a link to the DNR website and in a search I found chapter 5 which is titled implementation of the HCP. More searching might produce other chapters, or the whole document. I'll see if I can find a hard copy around. Chapter 5 gives you a feel for the plan. To my knowledge there is no easy to read cook book guide for entities outside of DNR to use to understand specifics of how the HCP is to be managed on the ground, but our foresters might be able to provide guidance.

Our forest practices division, who regulate private industry, have an easy to read publication to guide private land owners for management on their own land. The attached link to the Forest Practices Illustrated document is for additional reference, but this document does not relate to the HCP. I it is for general forest practices in Washington. DNR's HCP is more stringent.

http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesRules/Pages/fp_fpi.aspx

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 12:45 PM
To: Arvilla Ohlde
Subject: Re: Fwd: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

ONe of the draft responses, Josh sounds ready for this one to go out.

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>>> Dana Daniels 6/11/2009 12:11 PM >>>
Matt,
Please add Josh's name to the first sentence of the letter to be included and after you address the Corey's current issues they sent Josh you can send it! Thanks Matt!
Dana

>>> Josh Brown 6/11/2009 10:59 AM >>>
Ok. Jb
-----Original Message-----
From: Dana Daniels
To: Brown, Josh < JWbrown@co.kitsap.wa.us >

Sent: 6/11/2009 10:41:37 AM
Subject: Fwd: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

After Matt adds your name and answers to their recent concerns is it ok to send out??

>>> Matt Keough 6/11/2009 9:06 AM >>>
My response to JoAnne Corey is below, it begins with a two intro paragraphs and then gets into each point raised in her email - I used blue font. I spent time with it given Regretfully, this one has stalled in getting out as it was sent to Steve and Charlotte first, reviewed by them, and then sent over to Josh for his OK. I see that the Corey family is still asking with a direct email to Josh this week.

I'll wrap the new email inquiry into this resposne and plan on sending out today unless I hear that Josh wants more time with it.

-MFK

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>>> Charlotte Garrido 6/2/2009 10:46 PM >>>
Matt,
If it's okay with Steve, I suggest that you respond on behalf of Steve and I. I made some edits to your original.
C

Dear Joanne,

Commissioners Garrido and Bauer asked that I respond to the message you sent them. They appreciate your thoughtful comments and wanted me to respond to you since I have been the lead staff person from the County Parks department on this issue. Your concerns are well-stated and I hope to address them here and to follow up, by phone or in person, at your convenience. Feel free to call on me anytime. My contact information is below. If you prefer that I call you, please let me know the best number and times to reach you.

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Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 12:12 PM
To: Matt Keough
Subject: Re: Fwd: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

Matt,
Please add Josh's name to the first sentence of the letter to be included and after you address the Corey's current issues they sent Josh you can send it! Thanks Matt!
Dana

>>> Josh Brown 6/11/2009 10:59 AM >>>
Ok. Jb
-----Original Message-----
From: Dana Daniels
To: Brown, Josh < JWbrown@co.kitsap.wa.us >

Sent: 6/11/2009 10:41:37 AM
Subject: Fwd: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

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Sent: Thursday, June 11, 2009 10:59 AM
To: Dana Daniels
Subject: Re: Fwd: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

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To: Josh W. Brown
Subject: Re: Review Letter

It was from previous when the Coreys only emailed Steve and Charlotte..I will have Matt change it and add you too.

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From: Dana Daniels
To: Brown, Josh < JWbrown@co.kitsap.wa.us >

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Subject: Review Letter

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The land in question has been home to the KRRC for more than 80 years. The property was professionally appraised by a third party to arrive upon the value "AS-IS" with its historic and future use as a recreational shooting range on eight acres, surrounded by a 64 acre buffer of protected habitat/riparian corridor zone. The appraisal assumes associated

liability and an on-going nonprofit shooting range operation that is open to the public. With those assumptions, the property would be a cost to County taxpayers and difficult for the County to tend.

The appraisal itself was a consequence of negotiations over terms to be agreed upon ("restrictive covenants") and placed on the deed. The covenants ascertain the provisions of the public interest (the ongoing recreational use, the available service to the public, the environmental conditions, assumption of liability/insurances). Staff and the County Commissioners studied the issues to determine the public interest in the exchange - including public testimony officially taken through the Department of Natural Resources public hearing (March 18th), the Park and Recreation Advisory Board meeting (April 15th), and the Board of County Commissioner Meeting (May 11th).

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 9:13 AM
To: Josh W. Brown
Subject: Review Letter

Josh,
Please review the letter below....Matt will send it out today if it's ok with you.
Dana

My response to JoAnne Corey is below, it begins with a two intro paragraphs and then gets into each point raised in her email - I used blue font. I spent time with it given Regretfully, this one has stalled in getting out as it was sent to Steve and Charlotte first, reviewed by them, and then sent over to Josh for his OK. I see that the Corey family is still asking with a direct email to Josh this week.

I'll wrap the new email inquiry into this response and plan on sending out today unless I hear that Josh wants more time with it.

-MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366
(360) 337-5357
mkeough@co.kitsap.wa.us

Dear Joanne,

Commissioners Garrido and Bauer asked that I respond to the message you sent them. They appreciate your thoughtful comments and wanted me to respond to you since I have been the lead staff person from the County Parks department on this issue. Your concerns are well-stated and I hope to address them here and to follow up, by phone or in person, at your convenience. Feel free to call on me anytime. My contact information is below. If you prefer that I call you, please let me know the best number and times to reach you.

Following an introductory explanation, I will provide more specific response to your comments, using blue font! I certainly hope to connect with you and understand the issues are personally challenging/impactful.

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mkeough@co.kitsap.wa.us

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 9:07 AM
To: Dana Daniels
Subject: Fwd: Re: POSSIBLE, DRAFT, LETTER IN RESPONSE TO COREY LETTER, Gun Club concerns

My response to JoAnne Corey is below, it begins with a two intro paragraphs and then gets into each point raised in her email - I used blue font. I spent time with it given Regretfully, this one has stalled in getting out as it was sent to Steve and Charlotte first, reviewed by them, and then sent over to Josh for his OK. I see that the Corey family is still asking with a direct email to Josh this week.

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Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Charlotte Garrido 6/2/2009 10:46 PM >>>
Matt,
If it's okay with Steve, I suggest that you respond on behalf of Steve and I. I made some edits to your original.
C

Dear Joanne,

Commissioners Garrido and Bauer asked that I respond to the message you sent them. They appreciate your thoughtful comments and wanted me to respond to you since I have been the lead staff person from the County Parks department on this issue. Your concerns are well-stated and I hope to address them here and to follow up, by phone or in person, at your convenience. Feel free to call on me anytime. My contact information is below. If you prefer that I call you, please let me know the best number and times to reach you.

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Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Charlotte Garrido
Kitsap County Commissioner
(360) 337-7097, fax (360) 337-4632

>>> "colen & joanne corey" < colenjoannecorey@[redacted]> 5/21/2009 7:08 AM >>>

There seems to be a little close door policy going on. The reason you have not heard from neighbors to Newberry Hill on the subject of land cost to the gun club is because you seem to have held the information from the public until you knew it would be too late.

On behalf of Kitsap County, I regret anything that may appear to be "too late" for the public benefit. There was no intention to this effect. The public interest was discussed at public meetings (3/18, 4/15, 5/11). The only executive session (not open to the public) session was held so that the commissioners could be briefed by an attorney regarding legal issues surrounding the land trade.

Not to mention the low cost of the land gave you the right to not put it out in the public.

As stated above, the land was appraised with multiple assumptions/restrictions on use and to provide for the public interest. This included continuing a publicly accessible shooting range and conditions in the existing long-term lease with DNR. The professional appraisal concluded that the property was of $0 value given the assumptions and "AS-IS" value of the land. This conclusion not only suggested that a public auction was not required but that the County could - in the public interest - convey the property directly to a community-based recreation organization for a long-established use.

Also, I found out they have never payed taxes, am I right? I know other non-profits who pay there taxes by the law.

This question is beyond my expertise. The KRRC (gun club) has operated under a long term lease that required fees paid to the DNR. I suspect that taxes would have been billed to the DNR... if they applied under these circumstances.

I am the VP of the Stewardship committee and those from the committee, has well as, your own Parks personnel where unaware of the low ball and extention of land sold. So there seems to be no excuse that it was not public knowledge to all in the committee.

I am responsible for the fact that Parks personnel were not all fully up to date on the potential land sale and apologize for any oversight. Land cost estimates and negotiations

did occur right up to the public meeting on 5/11. They were discussed at the meeting and acted upon 2 days later in a public meeting. It not an excuse but it was very challenging to honor private negotiations and fully involve the public.

I know you have friends in the gun club, sort of like business on the golf course ,to my way of seeing it. I hope the one friend of the gun club can drum up the votes for you all next election, I plan on voting for commissioners who are honest and straight forward with the public. Since there is such a low ball cost to the gun club and it seems to be so ruined that nothing else could possible be used for the land, your own words I might add, we the people should have reports of all enviromental testing to the land,PAST and PRESENT, of which I have found out does not exist, if so they NEED to be presented to the stewardship, since WE are the caretakers of the land.

Stewardship committees are critical to Kitsap County. Your concerns and involvement are important to the Department and to our operations. Public safety is paramount and while the KRRC parcel will not come under County jurisdiction, we will evaluate safety of all active park acreage. We have staff trained to perform environmental review, and your suggestions are welcome. The 72-acre KRRC parcel is limited to an eight-acre active area - which helps buffer future park property from environmental hazards. Another mitigating factor is the club's compliance with firearm and environmental safety provisions (lead, a heavy metal that does not tend to move through natural systems) which is to remain, along with habitat protection plan and riparian management standards. Environmental testing - past, present, and future - is conducted by the Health District and by the State Department of Ecology. No contamination is on the record though there is affiliation with the Camp Wesley Harris, a known past-contaminated site.

No one wants to live next to a SUPER FUND SIGHT! Being a neighbor to the land and a daughter-in -law to the Corey's who have done great thing for this county, ie. putting on the "Day on the Farm for Special Needs Children", with community efforts, voulenteerism that works and a belief in doing good things for children, I cannot believe what has happened. Not to mention what other things will occur because legally you have found a loop hole to pass something else by us.
Please send the Newberry Hill Park Stewardship Board your findings on all enviromental clean up to the land that is valued has not worth anything other than a gun lead suppository.

Joanne T. Corey
Vice President of Stewardship Newberry Hill Park

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 8:45 AM
To: Matt Keough
Subject: Re: KRRC

Thanks Matt...could you actually send over the draft to the Corey's for Josh to review and cc me on it. Thanks for your help on all these issues it's nice to have someone who gets back to you and gets things done.
Dana

>>> Matt Keough 6/11/2009 8:39 AM >>>
No - didn't hear if Josh was comfortable with it...

Planning to send a response TODAY to each of the four you sent over on Tuesday... could also send out the Corey response as editted by Charlotte. Please let me know if Josh need to preview.

THANKS FOR FOLLOWING UP WITH ME ON THIS AND ON GORDON FIELD. Both to be addressed today or tomorrow with emailed responses.

MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

>>> Dana Daniels 6/10/2009 6:12 PM >>>
Matt,
Did you ever send that letter to the Coreys regarding KRRC??
Dana

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Thursday, June 11, 2009 8:40 AM
To: Dana Daniels
Cc: Arvilla Ohlde
Subject: Re: KRRC

No - didn't hear if Josh was comfortable with it...

Planning to send a response TODAY to each of the four you sent over on Tuesday... could also send out the Corey response as editted by Charlotte. Please let me know if Josh need to preview.

THANKS FOR FOLLOWING UP WITH ME ON THIS AND ON GORDON FIELD. Both to be addressed today or tomorrow with emailed responses.

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>>> Dana Daniels 6/10/2009 6:12 PM >>>
Matt,
Did you ever send that letter to the Coreys regarding KRRC??
Dana

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Wednesday, June 10, 2009 6:14 PM
To: Matt Keough
Subject: Fwd: Re: KRRC land sale

Matt,
See below...can you help??
Dana

>>> "colen & joanne corey" < colenjoannecorey@[redacted] 5/19/2009 7:41 AM
>>> >>>
Mr. Brown
Yes there is a number. 360 692 1282. and if you have all the enviromental testing reports past and present, that have been done on the land that is so devalued that it not worth anything other than the gun club, your own words. I would and the Newberry Hill Committee would love to see them, along with all the bordering land owners that have wells that have to be checked at there expense for such things. Thank You for your attention to my concerns

----- Original Message -----
From: "Josh Brown" < JWbrown@co.kitsap.wa.us >
To: "colen & joanne corey" < colenjoannecorey@[redacted]
Cc: "Dana Daniels" < DDaniels@co.kitsap.wa.us >
Sent: Monday, May 18, 2009 6:46 PM
Subject: Re: KRRC land sale

Joanne,

Is there a number where you can be reached during the day? I just got your email---it was blocked by my spam filter. I hope to hear from you soon.
Warm regards, Josh

Josh Brown
Kitsap County Commissioner, District #3
614 Division Street, MS - #4
Port Orchard, WA 98366-4676
P: (360) 337-7146
F: (360) 337-4632
jwbrown@co.kitsap.wa.us
www.kitsapgov.com

>>> "colen & joanne corey" < colenjoannecorey@[redacted] 5/11/2009 5:17 PM
>>> >>>
Mr. J. Brown
In voting for you I thought you would have enough sence to be more aware of your voting public, who also pays you bills ie. through high taxes. We are neighbors to the Newberry Hill project and feel that if the 72 acres values at only $2,500 dollars than my 5 acres should be a hell of alot less!!!!!
Who are you kidding with you favortisim and lack of knowledge that we would not find out!!!!! Since we are neighbors to the land we feel that we should be offered a cheap amount to buy the area behind our house so that we can protect the wildlife and envoiroment that you so carelessly do not consider to be of value. I know you will problably not read this, so I hope who does will understand the meeting agenda will be sent out to your voting public. GOOD LUCK next election.
Joanne Corey

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Wednesday, June 10, 2009 6:13 PM
To: Matt Keough
Subject: KRRC

Matt,
Did you ever send that letter to the Coreys regarding KRRC??
Dana

Don Burger

From: Lori Raymaker [LRaymake@co.kitsap.wa.us]
Sent: Monday, June 15, 2009 11:07 AM
To: Arvilla Ohlde
Subject: Fwd: Newberry Hill Stewardship Group
Attachments: Newberry Hill - minutes 9-25-08.doc; Josh Brown memo.doc

>>> Lori Raymaker 6/8/2009 9:57:38 PM >>>
Update on Newberry Hill Stewardship Group:

Attached you will find a memo that was sent to Commissioner Brown on Sept. 26, 2008 concerning the first public meeting on the Newberry Hill Heritage Park and starting a volunteer stewardship group. Also attached are the minutes from that meeting.

History:
In the fall of 2008, I was approached by a group of citizens who were interested in developing a stewardship group for the Newberry Hill Heritage Park. Originally this group consisted of teachers from Klahowya and bicyclists. Later the group expanded to include neighbors, equestrians, and gun club members. The group is interested in working with the existing Newberry Hill Heritage Park and the future DNR property. Chip Favor and I met with the group on September 25, 2008 and explained the land exchange, and what it meant to be a stewardship group. At the first meeting, Chip, and subsequent meetings, I, emphasized that there will eventually be a Master Plan developed for the properties. We both explained that the property would go through the same planning process as the South Kitsap Regional Park recently went through, including public input and comment. However, we explained that it could be many years before that happened due to budget constraints.

Currently:
The group of citizens decided to formalize a stewardship group. They meet regularly on the 3rd Thursday of the month at Klahowya School. They have voted on a Chairperson, Tom Coleman (Klahowya teacher and mountain bicyclist), Vice-chairperson, Joanne Corey (neighbor and equestrian), and Secretary, Mike Wellborn (mountain bicyclist.) I have made it very clear that they are to consider and work on only the current County owned property, 247 acre parcel, west of Klahowya School. The only work that they have done on this property is to opened up and cleared old existing trails so that they are usable. As a stewardship group, they are currently investigating the process to become a non-profit group and applying for 501c(3) status. They are also beginning work on a stewardship plan with the help and support of Ken Drecksel of the Kitsap Conservation District.

Future:
The group is working with IMBA (International Mountain Biking Association) and Subaru to bring a well know and distinguished trail building program to Kitsap County. This program is a 2 day event which will include one day of classroom training and one day of hands-on trail building with experts in the field. The class is scheduled for Sept. 12-13. The class will be open to all County Park volunteers, County Park employees, and other trail advocates. The program is sponsored by Subaru and offered free of charge to the County.
Once the land exchange takes place, the stewardship group is very interested in expanding to include the new property. Tom Coleman, WA State History teacher at Klahowya, is very interested in working with the County to develop an outdoor logging demonstration/classroom experience for his students. Also, other teachers from the school are interested in using the property as an outdoor education classroom. Trail users (hikers, equestrians, and bicyclist) are interested in developing/using the new property for outdoor recreation.

I hope this answers some of your questions. As the group develops, I will keep you informed of it's progress. If you have any further questions concerning the group, please let me know.

Sincerely,
Lori

September 25, 2008
Newberry Hill Informational Gathering Meeting
10:00 Klahowya School

Staff in attendance: Chip Faver, Matt Keough, Martha Droge, Terri Lyman, Lori Raymaker

Parks Board in attendance: Frank Stowell, Mark Fischer and Helen Daly

Public in attendance: Dick McDonald, Tom Coleman, Jodie Woolf, Robert Leeman, Shannon Leeman, Chris Cizek, Colen and Joanne Corey, Kathy Joncas, Andy Casella, Gail and Dave Rase, and 3 other attendees who did not sign-in.

Lori started this informational meeting by introducing herself as the Parks Stewardship Coordinator.

Coordinating Efforts
Lori said she would like to establish a fresh start to the volunteer process on this land and county-wide to assure maximum project coordination and to ensure that all volunteers are registered with the County. The process includes having each volunteer complete a liability release form, pre-approving all volunteer projects, making sure each volunteer using power tools has been trained in their use, and tracking volunteer time. Lori explained that since the County assumes the liability for all registered volunteers and County park lands, all of this is a requirement of Kitsap County.

Limits of County Parks Dept. Coordination
Lori stated that the meeting was about coordinating volunteers on land owned by the County Parks Department at Newberry Hill. Unfortunately, County Parks does not yet own the DNR land just south of Newberry Hill Park and the school. Therefore, it was not possible for Lori to address questions regarding management and access to that land. Lori also shared that County Parks is not ready to enter into a management plan for the property at this time because of the pending parcel expansion. [*see below for details about the expansion*]

Coordinating Training and Certifications Across Agencies
As one attendee offered, it might be possible to coordinate with DNR in the training offered in order to avoid duplication, since the DNR has already registered some of the volunteers and has previously offered safety training. Lori thought this was an excellent idea and will check into it.

Another person mentioned the possibility of inviting a tool manufacturer representative to perform safety training on the tools being used, such as a Stihl chainsaw. This person also suggested that the County train a volunteer to train and checkout volunteers on power equipment. Lori thought this was an excellent idea and will contact our Risk Manager and Maintenance Supervisor for approval.

Land Ownership and Potential Park Expansion

At this point in the meeting, Parks and Recreation Department Director Chip Faver was introduced and fielded questions from the audience.

Chip was asked to clarify the reconveyance – or land exchange. What is happening? Which lands are involved? What will the uses be?

Chip described the long-term vision for a potential land exchange with DNR to create a larger park at Newberry Hill that would include the current DNR and School Trust land (currently managed by DNR) located south of Newberry Hill Park and the school. The land being proposed was long ago purchased from DNR with grant funds then fell back into DNR ownership and now that the land is no longer useful for DNR timber management, they proposed the reconveyance. Chip explained that the County is 80 acres short on land for the reconveyance and that we're working on a solution. The DNR is willing to wait for the County to work through the process of eventually owning the land and is not at this time interested in developing the land.

Chip added that this proposed land exchange follows County Park's comprehensive plan for open space acquisition.

Helen Daly mentioned that approximately 10 years ago, the DNR *was* interested in selling the land.

Chip is hoping the timeline for this process is months instead of years, and will be working toward this goal.

Future Uses at the Park

Chip explained to the audience that this eventual County Parks-owned property would be restricted for the public's passive recreational use and enjoyment, and will help to provide environmental protection/buffer from development. Chip explained the eventual public process that would establish the user groups for this land and hopes to include all interested user groups within the parameters of the Kitsap County Comprehensive Plan and the Parks and Recreation mission statement.

Chip also commented that current uses on the DNR land are not guaranteed to remain when the County completes the Master Plan of the property. However, he also stressed that the County will work with businesses and individuals during the planning process. He encouraged all interested parties to get involved with the Master Planning process when that time comes.

On the subject of motorized uses Chip answered that we considering motorized vehicles into one of our parks but there is no plan to add motorized uses to this park.

Community Involvement

Mark Fisher introduced himself and spoke of his interest to preserve the land for passive use by the public. He spoke about his enjoyment of building trails and paying attention to the types of soils and environs offered within the park and would like to encourage all users to be involved with the maintenance of the property.

Chip stated that he would shift his use of language to name the user groups "stakeholders", because this is a better description of the citizens involved with the property.

Chip invited the public to attend the Park and Recreation Advisory Council meetings to stay informed on Park issues. The meetings were announced to occur the 3rd Wednesday of the month and locations to rotate from north, central, and south county locations. Locations are listed on the County website.

Mark also suggested to the audience that they might be interested in attending the next DNR meeting to be held in Belfair at the Timberland Library next Thursday at 6:00pm. The DNR will be discussing recreational sustainability.

Healthy Skepticism

An audience member communicated some skepticism in regards to government agencies and their plans for the property. Chip answered that a little skepticism when dealing with government agencies is healthy and the outcome of honest discussions makes the government work product better. He added that that the County will facilitate the public process for the community to express their opinions for the use of this land.

The audience was thanked for attending this meeting, and the meeting was adjourned at approximately 11:30 am.

G:Parks Projects: Newberry Hill minutes

Department of Parks and Recreation
1200 W Fairgrounds Road, Bremerton, WA 98311
Mailing address: 614 Division, MS-1, Port Orchard, WA 98366
Phone (360) 337-5350 • Fax (360) 337-5385

H.F. Chip Faver, Director

MEMORANDUM

TO: Commissioner Josh Brown

FROM: Lori Raymaker, Park Stewardship Coordinator

RE: Newberry Hill Park Meeting

DATE: September 26, 2008

On September 25, 2008, the Department of Parks and Recreation had a meeting with representatives of the user groups of Newberry Hill County Park. The meeting was called in order to educate the users on the difference between County property and Department of Natural Resource property and to update them on the County's vision of the land exchange between the two agencies. A secondary agenda item included educating the volunteers on County volunteer procedures and protocols.

The Department of Parks and Recreation felt that this meeting was essential due to past communications, concerns, and complaints with and between the various user groups. As you know from emails that came to your office, some of the volunteers were concerned about the agenda and timing of this meeting.

The purpose of this memo is to inform you that the outcome of this meeting was very positive for both staff and park users. As the Park Stewardship Coordinator, I have a better understanding of the volunteer activities and concerns within Newberry Hill Park. The park users and volunteers have a better understanding of what is expected of them when they volunteer for the County. And, the park users have been reassured that they will be included in a master planning process for the property once the Department of Parks and Recreation begins that process. For more detail on the meeting, I have attached a copy of the minutes. These minutes will be posted on the Parks and Recreation website.

If you have any questions concerning this meeting, please feel free to contact me at (360) 337-5372.

Lori Raymaker, Park Stewardship Coordinator

cc: H.F. Chip Faver, Department of Parks and Recreation Director

Don Burger

From: Josh W. Brown [JWbrown@co.kitsap.wa.us]
Sent: Tuesday, June 16, 2009 9:15 AM
To: docfong1@[redacted]
Cc: Dana Daniels
Subject: Re: Support for the DNR land transfer & sale of range property to KRRC

Thanks for your support Matt! Warm regards, Josh -----Original Message-----
From: "Matt Carrasco" <docfong1@[redacted]>
To: Brown, Josh <JWbrown@co.kitsap.wa.us>
To: <docfong1@[redacted]

Sent: 6/9/2009 4:28:19 PM
Subject: RE: Support for the DNR land transfer & sale of range property to KRRC

Commissioner Brown, please accept our thanks for taking the time to respond to our email and thank you again for your support and friendship to the club.

KRRC Supporters,

Terri, Matt & Jack Carrasco

Don Burger

From: Appleton, Rep. Sherry [Appleton.Sherry@leg.wa.gov]
Sent: Tuesday, June 16, 2009 11:25 AM
To: Steve Bauer
Cc: Josh W. Brown
Subject: RE: FW: Land Swap

Hi Steve,

Thanks for the history on this land swap. Glad Ann is digging up ancestors, I am off to Missouri next week for family reunion of kids and grandkids. Hope we can get together soon.

Warmly,

Sherry

Sherry V. Appleton
Representative, 23rd Legislative District, Pos. 1 Vice-Chair, State Government and Tribal Affairs John L. O'Brien Building, 424 P.O. Box 40600 Olympia, WA 98504
(360) 786-7934
Executive Legislative Assistant : Donna Bezon bezon_do@leg.wa.gov "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty or safety".
Ben Franklin

-----Original Message-----
From: Steve Bauer [mailto:sbauer@co.kitsap.wa.us]
Sent: Sunday, June 07, 2009 9:22 PM
To: Appleton, Rep. Sherry
Cc: Josh Brown
Subject: Re: FW: Land Swap

Hi Sherry,

This gun club has operated on the site for 80 years. They have operated under a lease from DNR. They were concerned about being part of a County park and being closed down and wanted a longer time horizon for planning and investments in the range. They wanted to buy the land. On the other site, our attorneys felt that with this much use there was a great liability for the County in owning this land. They did not even want us to take it from DNR and then sell it immediately to the gun club. DNR would not make the sale and so we had to do this. From everything i heard and know this is a responsible group of folks who provide the shooting hobbyists with a safe and monitored site. The likelihood of getting approval for another site anywhere else in the County these days is pretty remote. We had the property appraised and it came in at a value that allowed a direct sale. If it had come in higher, I don't think we would have made the transfer with DNR and would have lost the ability to make a wonderful Heritage Park near our greatest population in the County. This was in josh's District and he did a great job of managing this issue with the gun club. I am copying him on this email so that he can add whatever I may have missed or correct any mis-statements on my part.

Ann is off in Arkansas and Oklahoma "digging up" family ancestors for her genealogy research.

hope you are well.

Cheers,

Steve

>>> "Appleton, Rep. Sherry" <Appleton.Sherry@leg.wa.gov> 6/2/2009 5:46
>>> PM >>>
Can you fill me in on this? Just so I can reply. Thanks so much, and regards to Ann.

Sherry

Representative Sherry Appleton
23rd Leg. District, Position 1
Vice Chair, State Government and Tribal Affairs John L. O'Brien Building, Room 424 P.O. Box 40600 Olympia, WA 98504-0600
(360) 786-7934
Executive Assistant: Donna Bezon
bezon_do@leg.wa.gov

-----Original Message-----
From: STEVE MARTZ [mailto:semartz@[redacted]]
Sent: Monday, June 01, 2009 9:11 AM
To: Appleton, Rep. Sherry
Subject:

Dear Rep. Appleton,

There is currently in place a land swap between Kitsap County and DNR for land to make the new Newberry Heritage Park. In this swap there is a parcel where the Kitsap Rifle and Revolver Club is located. Kitsap County has plans to sell this 72 acre parcel, after the land swap, to the club for under $2500. I know the $2500 is important, as it allows the county to sell this property without going to public auction. I find it absurd that the county would be allowed to sell this property for this amount, which averages less than $34/acre when the entire parcel is assessed for more than $5,500/per acre. The county is claiming that they have put stringent guidelines on the use of the land that has devalued the land to this amount.
There seems to be something wrong with this, especially in these economic times when everyone is looking for ways to either generate money or cut spending, that we give away property. I would appreciate your thoughts on this issue.

Sincereley,
Steve Martz

Don Burger

From: Cathie Ames [cathiea@landtitleco.net]
Sent: Tuesday, June 16, 2009 1:24 PM
To: Terri Lyman; Kevin M. Howell; Matt Keough; B. Regina Taylor; BRAD PRUITT; Tammy Robbins
Subject: KRRC

I have scheduled the Rifle Club to sign in my office on the 18th, Thursday morning, at 9:00.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
(360) 692-8669 (facsimile)

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Tuesday, June 16, 2009 3:56 PM
To: Jim McDonough
Subject: Question

Jim,
Hi..do you by chance know what is allowable at the Kitsap Rifle and Revolver Club as far as what kind of firearms can be used - public and military??
Dana

Dana Daniels
Assistant to Commissioner Josh Brown
360-337-4667
ddaniels@co.kitsap.wa.us
Office Hours: Monday - Thursday 8:00-5:00 PM

Don Burger

From: Kevin Howell [KMHowell@co.kitsap.wa.us]
Sent: Wednesday, June 17, 2009 10:49 AM
To: Cathie Ames
Cc: Terri Lyman; Arvilla Ohlde; Tracey Hamilton-Oril; Matt Keough
Subject: Re: Newberry Hill Exchange

Hi Cathie.

I have reviewed your proposed closing document and they all look fine. Just a reminder that the deed from the county to the KRRC also needs to be recorded as part of this escrow. With that additional condition, you may close when ready.

If for some reason we don't receive the deed executed by the Governor in a timely manner, please let me know ASAP.

Thanks for your very able assistance in this unusual and challenging transaction.

Kevin M. Howell
Deputy Prosecuting Attorney for Kitsap County
Civil Division
614 Division Street, MS-35A
Port Orchard, WA 98366
Email: kmhowell@co.kitsap.wa.us
Phone: (360) 337-7268
Fax: (360) 337-7083

>>> "Cathie Ames" <cathiea@landtitleco.net> 6/17/2009 10:24 AM >>>
I have attached the final set of documents that I anticipate having the County sign.

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Don Burger

From: Cathie Ames [cathiea@landtitleco.net]
Sent: Wednesday, June 17, 2009 10:58 AM
To: Kevin M. Howell
Subject: RE: Newberry Hill Exchange
Attachments: 20090617135733.pdf

I have attached a copy of the executed KRRC Bargain and Sale Deed.

Cathie Ames,
Limited Practice Officer
Commercial Settlement Agent
9657 Levin Road NW
Silverdale, WA 98383
(800) 950-4321
(360) 692-4033
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Sent: Wednesday, June 17, 2009 10:49 AM
To: Cathie Ames
Cc: Arvilla Ohlde; Matt Keough; Tracey Hamilton-Oril; Terri Lyman
Subject: Re: Newberry Hill Exchange

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FILED FOR RECORD AT REQUEST OF:
Kevin M. Howell
Kitsap County Prosecuting Attorney's Office
614 Division Street, MS-35A
Port Orchard WA 98366

BARGAIN AND SALE DEED
WITH RESTRICTIVE COVENANTS

GRANTOR: Kitsap County

GRANTEE: Kitsap Rifle and Revolver Club, a Washington Non-Profit Corporation

LEGAL DESCRIPTION: SE/SW&SW/SE 36-25N-1W

ASSESSOR'S TAX PARCEL NO: 362501-4-002-1006

For and in consideration of $10.00 and other good and valuable consideration, Kitsap County, as Grantor, bargains, sells and conveys all of it's right, title and interest in and to the real property described on Exhibit A hereto to the Kitsap Rifle and Revolver Club, a Washington Non-Profit Corporation, as Grantee.

This conveyance is made subject to the following covenants and conditions, the benefits of which shall inure to the benefit of the public and the burdens of which shall bind the Grantee and the heirs, successors and assigns of the Grantee in perpetuity.

1. Grantee for and on behalf of itself, its heirs, successors and assigns, and each subsequent owner of the property described in Exhibit A hereto, hereby releases and agrees to hold harmless, indemnify and defend Kitsap County, its elected officials, employees and agents from and against any liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of actions, claims, demands, orders, judgments, or administrative actions, including, without limitation, reasonable attorneys' fees, arising from or in anyway connected with (1) injury to or

the death of any person or the physical damage to any property, resulting from any act, activity, omission, condition or other matter related to or occurring on or about the property, regardless of cause, unless due solely to the gross negligence of any of the indemnified parties; (2) the violation or alleged violation of, or other failure or alleged failure to comply with, any state, federal, or local law, regulation or requirement, including, without limitation, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC Sec. 9601, et seq. and Model Toxics Control Act (MTCA), RCW 70.105 D, by any indemnified person or entity in anyway effecting, involving, or relating to the property; (3) the presence or release in, on, from, or about the property, at any time, past or present, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state or local law regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or anyway harmful or threatening to human health or the environment.

2. Grantee shall maintain commercial general liability insurance coverage for bodily injury, personal injury and property damage, subject to a limit of not less than $1 million dollars per occurrence. The general aggregate limit shall apply separately to this covenant and be no less than $2 million. The grantee will provide commercial general liability coverage that does not exclude any activity to be performed in fulfillment of Grantee's activities as a shooting range. Specialized forms specific to the industry of the Grantee will be deemed equivalent, provided coverage is no more restrictive that would be provided under a standard commercial general liability policy, including contractual liability coverage.

3. Grantee shall confine its active shooting range facilities on the property consistent with its historical use of approximately eight (8) acres of active shooting ranges with the balance of the property serving as safety and noise buffer zones; provided that Grantee may upgrade or improve the property and/or facilities within the historical approximately eight (8) acres in a manner consistent with "modernizing" the facilities consistent with management practices for a modern shooting range. "Modernizing" the facilities may include, but not be limited to: (a) construction of a permanent building or buildings for range office, shop, warehouse, storage, caretaker facilities, indoor shooting facilities, and/or classrooms; (b) enlargement of parking facilities; (c) sanitary bathroom facilities; (d) re-orientation of the direction of individual shooting bays or ranges; (e) increasing distances for the rifle shooting range; (f) water system improvements including wells, pump house, water distribution and water storage; (g) noise abatement and public safety additions. Also, Grantee may also apply to Kitsap County for expansion beyond the historical eight (8) acres, for "supporting" facilities for the shooting ranges or additional recreational or shooting facilities, provided that said expansion is consistent with public safety, and conforms with the terms and conditions contained in paragraphs 4, 5, 6, 7 and 8 of this Bargain and Sale Deed and the rules and regulations of Kitsap County for development of private land. It is the intent of the parties that the activities of Grantee shall conform to the rules and regulations of the Firearms Range Account, administered by the State Recreation and Conservation Office. This account

is established by the legislature upon the following finding: "Firearms are collected, used for hunting; recreational shooting, and self-defense, and firearm owners as well as bow users need safe, accessible areas in which to shoot their equipment. Approved shooting ranges provide that opportunity, while at the same time, promote public safety. Interest in all shooting sports has increased while safe locations to shoot have been lost to the pressures of urban growth." (Wash. Laws 1990 ch. 195 Section 1.)

4. Grantee's activities shall also conform to the Firearms and Archery Range (FARR) Program as found in Chapter 79A.25 RCW. The primary goals of this program are to assist with acquisition, development, and renovation of firearm and archery range facilities to provide for increased general public access to ranges. This includes access by a) law enforcement personnel; b) members of the general public with concealed pistol or hunting licenses; and c) those enrolled in firearm or hunter safety education classes. Access by the public to Grantee's property shall be offered at reasonable prices and on a nondiscriminatory basis.

5. Grantee agrees to operate the shooting range at all times in a safe and prudent manner and conform its activities to accepted industry standards and practices.

6. Mineral Reservations, held by the State of Washington, that run with the land.

7. Existing Habitat Conservation Plan (HCP), as detailed below:

The site has been publicly identified for conservation provisions applying to, but not limited to: murrelet habitat; spotted owl nest sites; wolves; grizzly bears; nests, communal roosts, or feeding concentrations of bald eagles; peregrine falcon nests; Columbian white-tailed deer; Aleutian Canada geese; and Oregon silverspot butterflies. The existing Habitat Conservation Plan is to remain in effect, regardless of parcel segregation or aggregation or potential sale or land transfer.

8. Riparian Management Zones, as detailed below:

Bodies of water, including but not limited to those streams, rivers and lakes and other lakes and wetlands have been identified and/or may be located on the Premises. All activities within the Riparian Management Zone, as defined in the existing and publicly-filed Habitat Conservation Plan (HCP) and including that portion of the inner riparian ecosystem between the aquatic zone and the direct influence zone (uplands) and including the outer wind buffer, must comply with and remain in compliance with the current HCP Procedures. Activities in a Riparian Management Zone, including but not limited to cutting or removing any tree and/or timber (including hardwood, merchantable and unmerchantable timber, downed timber, windthrow and snags), and road, trench and/or trail use, and/or maintenance, may be restricted or not permitted during specific times. All activities must provide for no overall net loss of naturally occurring wetland function. These protective measures are to run with the

land, regardless of parcel segregation or aggregation or potential sale or land transfer.

DATED this 13th day of May, 2009.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

CHARLOTTE GARRIDO, Chair

STEVE BAUER, Commissioner

JOSH BROWN, Commissioner

ATTEST:

Opal Robertson, Clerk of the Board

ACCEPTANCE OF BARGAIN AND SALE DEED WITH RESTRICTIVE COVENANTS

By signature affixed below, the Kitsap Rifle and Revolver Club by and through _____, its President/Executive Officer hereby and with full authority of the Board of Directors of said corporation, hereby accept the terms and conditions of the Deed with Restrictive Covenants above dated this 13th day of May, 2009.

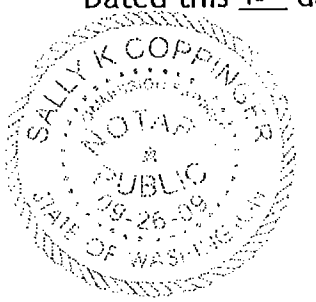
BRADFORD SMITH, President - KRRC

MARCUS A. CARTER, Executive Officer - KRRC

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Brad Smith is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the President of the Kitsap Rifle and Revolver Club, to be the free and voluntary act of the KRRC for the uses and purposes mentioned in the instrument.

Dated this 13 day of May, 2009.



Sally K. Coppinger
PRINT NAME: Sally K. Coppinger
Notary Public in and for the State of Washington,
residing at: Port Orchard 98366
My Commission Expires: 9/26/09

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Marcus Carter is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Executive Director of the Kitsap Rifle and Revolver Club, to be the free and voluntary act of the KRRC for the uses and purposes mentioned in the instrument.

Dated this 13 day of May, 2009.

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PRINT NAME: Sally K. Coppinger
Notary Public in and for the State of Washington,
residing at: Port Orchard 98366
My Commission Expires: 9/26/09

EXHIBIT A

Legal Description of Premises & Reservations

Part of the Southwest quarter of the Southeast quarter and part of the Southeast quarter of the Southwest quarter of Section 36, Township 25 North, Range 1 West, W.M., lying northerly of the North lines of an easement for right of way for road granted to Kitsap County on December 7, 1929, under Application No. 1320, said road being as shown on the regulation plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington, the above described lands having an area of 72.41 acres, more or less.

RESERVATIONS/SUBJECT TO:

Easement #50-CR1320: Road granted to Kitsap County on 12/07/1927 for an indefinite term.

Easement #50-047116: Road granted to E.F. Howerton on 05/09/1985 for an indefinite term.

Don Burger

From: Steve Mount [SMount@co.kitsap.wa.us]
Sent: Tuesday, June 23, 2009 4:02 PM
To: Dana Daniels
Subject: Re: Kitsap Rifle and Revolver Club

Yes, but that involves a discussion. SM

>>> Dana Daniels 6/23/2009 3:05 PM >>>
Steve,
Do you by chance know what KRRC is allowed to use/not use - as in weapons at their club??
Dana

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Tuesday, June 23, 2009 3:06 PM
To: Steve Mount
Subject: Kitsap Rifle and Revolver Club

Steve,
Do you by chance know what KRRC is allowed to use/not use - as in weapons at their club??
Dana

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Thursday, June 18, 2009 2:11 PM
To: Arvilla Ohlde
Subject: Follow up on Wade Larson inquiry

Arvilla,

I have been in contact with Wade on a weekly basis. It has been a meaningful conversation and I have been pleased to see him find constructive points. He went from threatening law suits to speaking about the importance of public planning and balancing of interests. He would like to walk the property and share his expertise - I have been looking for that opportunity. Wade has worked to bring his neighbors to public meetings, to include the May 11 BOCC board meeting (where he spoke and asked that the KRRC sale be postponed).

Wade has been encouraged to know of the State's and Tribe's role to date; he knows about the conservation deed going to the BOCC. I suspect he will be in attendance at tonight's Stewardship Committee and possible there on Monday night. The "issue" is that he needs to be heard and proof of our commitment. He is determined to see it through and especially unhappy about errant users/lack of coordination.

MFK

and would like to be part of walking the property.
>>> Wade Larson < wadelarson2@[redacted] > 6/17/2009 8:26 AM >>>
Hello,
My name is Wade Larson. Congratulations on your new position.
I am a person who has had some unpopular comments about the way this new park is being created. I do not feel I am wrong in any of the statements I have made, but to this date they have not been given much consideration. I seek your help, understanding, and keeping me in the loop on this project. I have been in communication with Matt Keogh, and Lori Raymaker, who have been very helpful. I am also helping out on the stewardship committee.
Just so you will know of my position, I will list my concerns:
1. Trailbuilding in the newly annexed areas should stop, and the trails in the protected areas should be abandonned. This is a stipulation in the original grant offering. Perpetual preservation of greenways and habitat corridors.
2. A complete inventory of existing trails should be done, and all interested groups and individuals given a public notice opportunity to plan the park for a combined effort. The sooner the better so people can be a part of this or at least be given the chance.
3.Funding for minimal facilities should be set aside as soon as possible for parking, toilets, signs for rules, police needs, clean-up, etc.
4.There are many people who did not see this coming, and have concerns that are just now developing. I would say that is too bad except I know how this was pushed through, and feel they did not get the notice they should have. This was resource land, and through the transfer, it became a Park, without the required notification, and public hearing that a change in use receives.
5. The areas for protection need to be deed restricted, and signage installed to let people know or more damage will occur.
6. Any more land to be sold off from this project, will get an appraisal for highest and best use, and open bidding to the public. These are the peoples lands, bought and paid for, they should reap the benefits, not one small group for some unaparrent reason.

Thak you,
Wade Larson

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Arvilla Ohlde [AOhlde@co.kitsap.wa.us]
Sent: Thursday, June 18, 2009 11:48 AM
To: Matt Keough
Cc: Terri Lyman
Subject: Re: Fwd: Newberry Hill Exchange

Let me know when Terri hears that the papers are signed. Arvilla

>>> Matt Keough 6/18/2009 11:45 AM >>>
Exciting day! Please share the news below with Josh/Dana/Nancy if appropriate.

The "hiccup" last night - regarding legality of the Deed Termination - was ultimately non-consequential from my understanding. Kevin was briefed at 4:30; I checked in with his office this AM and, around 10, he confirmed with the BOCC offices that Charlotte/Opal could sign it. I believe the termination - referenced in the exchange agreement - was implicit in the original board action. Kevin may pick up on your suggestion that the Termination be "ratified" on Monday night with the new Deed Restriction.

All our paperwork is in good order, thanks largely to the most capable Terri Lyman. Many thanks.

MFK

Matthew F. Keough
Parks Planning Project Manager
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>>> "Cathie Ames" < cathiea@landtitleco.net > 6/18/2009 11:33 AM >>>
Status update:

-KRRC has signed their documents.

-I have received DNR's wire.

-I should have all of the County's signatures within the next hour or so.

-Tammy @ DNR is tracking the Fed-X package, containing the original Deed, which I expect to receive shortly.... I just received the Fed-X package containing DNR's Deed.

-I expect to have a copy of the Escrow Instructions/REETA from DNR shortly.

I will keep you posted.

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To: Arvilla Ohlde
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Don Burger

From: Cathie Ames [cathiea@landtitleco.net]
Sent: Thursday, June 18, 2009 11:34 AM
To: Terri Lyman; Kevin M. Howell; Matt Keough; BRAD PRUITT; Tammy Robbins
Subject: Newberry Hill Exchange

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Subject: Newberry Hill Exchange

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Thank you.

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-----Original Message-----
From: Matt Keough [mailto:MKeough@co.kitsap.wa.us]
Sent: Thursday, June 18, 2009 9:58 AM
To: Cathie Ames
Subject: RE: Newberry Hill Exchange

Cathie,

I am writing to document - for the record and per the request of Land Title's legal representative - that Kitsap County Board of Commissioners is expected to approve public meeting minutes from June 8, 2009 at their upcoming regular meeting, this Monday, 6/22. It was at the June 8th meeting that the Board of County Commissioners officially ratified their acceptance and approval of the Newberry Hill Land Exchange and the Conveyance of Real Estate to the KRRC. As you know, the Board officially acted on these items in public meetings on May 11 and 13th, 2009. Already reviewed and accepted for the agenda, the minutes of June 8th will be officially approved on Monday night and available for your records.

Thank you for tremendous service in documenting this land transaction.

MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
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Subject: RE: Newberry Hill Exchange

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Parks Planning Project Manager
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Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Thursday, June 18, 2009 9:53 AM
To: Josh W. Brown
Subject: Brad Smith

Importance: High

Josh,
Brad Smith, President of KRRC, called and said the paperwork for the land transfer is sitting on the Governor's desk and he wanted to know if you knew what was going on. He is worried that if this doesn't get done before the 28th it won't happen. His # 253-549-3721.
Dana

Don Burger

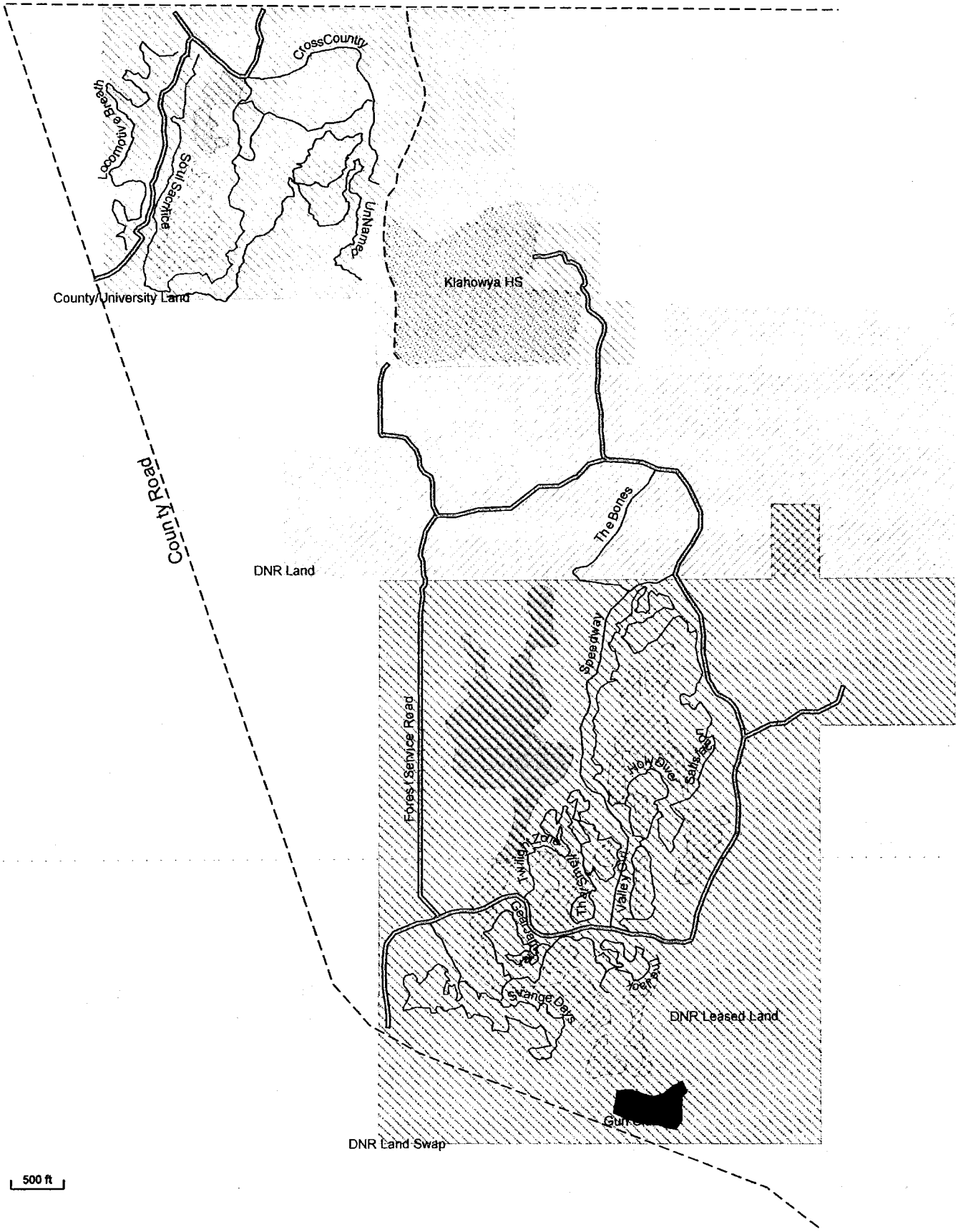
From: Mike Wellborn [klownprinze@[redacted]
Sent: Tuesday, June 23, 2009 10:19 PM
To: Lori Raymaker
Cc: Tom Coleman
Subject: One last file
Attachments: NewberryMap.pdf

This is probably the best. It's a PDF that shows most of the south end and north end trails. Interesting point. The area where KRRC claimed the trails infringed on their lease is well outside their boundary, while the trail that did encroach (and was pre-existing to any work in that area) was never a point of contention. Hope the plethora of previous e-mails and files provides your folks what they need. I'm still waiting on responses to my requests of users.

Cheers

Mike Wellborn

NEWBERRY HERITAGE PARK



Don Burger

From: Dana Daniels [DDaniels@co.kitsap.wa.us]
Sent: Wednesday, June 24, 2009 8:14 AM
To: Steve Mount
Subject: Re: Kitsap Rifle and Revolver Club

Ok...do you mean in person???

>>> Steve Mount 6/23/2009 4:01 PM >>>
Yes, but that involves a discussion. SM

>>> Dana Daniels 6/23/2009 3:05 PM >>>
Steve,
Do you by chance know what KRRC is allowed to use/not use - as in weapons at their club??
Dana

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Friday, June 26, 2009 5:43 PM
To: glenn.maiers@navy.mil
Subject: County Parks and Recreation Contact Person

Mr. Maiers,

I am contacting you to make myself available to you if you still have questions or concerns originally raised to the Kitsap County Board of Commissioners, regarding the KRRC land sale. Your comments were received and reviewed by all three commissioners. Given difficulties in responding officially as a board, your email was ultimately forwarded to me as a staff person, so that you might call on me as a resource. Feel free to do so anytime and please do stay involved. We are looking forward to a public involvement process with the planning of the Newberry Hill Heritage Park in that area.

-MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: Matt Keough [MKeough@co.kitsap.wa.us]
Sent: Friday, June 26, 2009 5:45 PM
To: harstads7@[redacted]
Subject: Kitsap Parks and Recreation Staff Contact

Dear Tammy Gal and Evan Harstad,

I am contacting you to make myself available to you if you still have questions or concerns originally raised to the Kitsap County Board of Commissioners, regarding the KRRC land sale. Your comments were received and reviewed by all three commissioners. Given difficulties in responding officially as a board, your email was ultimately forwarded to me as a staff person, so that you might call on me as a resource. Feel free to do so anytime and please do stay involved. We are looking forward to a public involvement process with the planning of the Newberry Hill Heritage Park in that area.

-MFK

Matthew F. Keough
Parks Planning Project Manager
Kitsap County Parks and Recreation
614 Division Street, MS-1
Port Orchard, WA 98366

(360) 337-5357
mkeough@co.kitsap.wa.us

Don Burger

From: harstads GAL [harstads7@[redacted]
Sent: Saturday, June 27, 2009 7:50 AM
To: Matt Keough
Subject: RE: Kitsap Parks and Recreation Staff Contact

Thank you Matthew,

We do still have questions because none of them have been answered yet. You are the first response we have had. We don't know what difficulties the board is having in responding, except that they don't wan to explain their poor decision making. Anyway, we look forward talking next week and maybe getting some resolution or at least some input in what is going on in practically our back yard.

Thanks again,

Tammy and Evan "Charlie"

> Date: Fri, 26 Jun 2009 17:45:08 -0700
> From: MKeough@co.kitsap.wa.us
> To: harstads7@[redacted]
> Subject: Kitsap Parks and Recreation Staff Contact
>
> Dear Tammy Gal and Evan Harstad,
>
> I am contacting you to make myself available to you if you still have questions or concerns originally raised to the Kitsap County Board of Commissioners, regarding the KRRC land sale. Your comments were received and reviewed by all three commissioners. Given difficulties in responding officially as a board, your email was ultimately forwarded to me as a staff person, so that you might call on me as a resource. Feel free to do so anytime and please do stay involved. We are looking forward to a public involvement process with the planning of the Newberry Hill Heritage Park in that area.
>
> -MFK
>
>
> Matthew F. Keough
> Parks Planning Project Manager
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