

RESOLUTION NO. 049-16

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, TO
AUTHORIZE THE TRANSFER OF THE CITY'S INTERESTS, IF ANY, IN
SURPLUS PROPERTY KNOWN AS 100 MELCHER STREET (KITSAP
COUNTY TAX PARCEL NO. 352401-2-022-2006) BY QUIT CLAIM DEED**

WHEREAS, during the City of Port Orchard's work to resolve an encroachment issue at a property known as 100 Melcher Street (Kitsap County Tax Parcel No. 352401-2-022-2006), the City discovered that the taxpayer name on the property is the "Old Ross Creek System" and that the property use is a "Water System"; and

WHEREAS, the City of Port Orchard obtained a title report which included a Statutory Warranty Deed, dated January 22, 1945, deeding the 100 Melcher Street property to the Ross Creek Water District; and

WHEREAS, the City of Port Orchard is unable to locate any records for the Ross Creek Water System, but given the property's location within the Port Orchard water service area, assumes that the Ross Creek System was absorbed into the City's water system and that its assets were to be transferred to the City; and

WHEREAS, the City of Port Orchard has declared the 100 Melcher Street property to be surplus property; and

WHEREAS, the City Council of the City of Port Orchard has authorized the City Development Director to sell or otherwise provide for the transfer of any interest the City has or holds in the 100 Melcher Street property in any commercially reasonable way; and

WHEREAS, the encroachment issue is that a mobile home belonging to an adjacent mobile home park is partially located on the 100 Melcher Street property; and

WHEREAS, after making contact with the owner of the mobile home park to discuss the encroachment, the possibility of selling the property to the mobile home park owner, Roberta Creech, was discussed; and

WHEREAS, Roberta Creech provided a written offer to the City to buy the property for Five Thousand Dollars (\$5,000.00); and

WHEREAS, the City of Port Orchard has obtained from Roberta Creech a signed Quit Claim Deed in the name of the Roger M. Creech Credit Shelter Trust, of which she is the Trustee; and

WHEREAS, the City of Port Orchard has determined that a Quit Claim Deed is an appropriate transfer of interests in this case because the City is only presumed to be the property owner in the absence of any records indicating that the Old Ross Creek System was annexed by the Port Orchard Water Utility; and

WHEREAS, the City of Port Orchard has determined that a purchase price of Five Thousand Dollars (\$5,000.00) reflects the clouds on the title to the property related to the fate of the Old Ross Creek System; and

WHEREAS, the City of Port Orchard has determined that it is commercially reasonable to transfer the City's interests, if any, in the surplus property known as 100 Melcher Street in this manner; now, therefore,

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

1. Recitals. The recitals set forth above are hereby incorporated by reference as if set forth in full herein.
2. Authorization for Transfer. The City of Port Orchard hereby authorizes the Mayor to sign the attached Quit Claim Deed to transfer any interests the City has or holds in the property known as 100 Melcher Street, Port Orchard, Washington (Kitsap County Tax Parcel No. 352401-2-022-2006) to the Roger M. Creech Credit Shelter Trust (Roberta Creech, Trustee). The full legal description for this property is attached to the Quit Claim Deed as Exhibit A and a depiction of the location of this property is attached thereto as Exhibit B.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage this 26th day of April 2016.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, CMC, City Clerk



Return Address:
City Clerk
City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366

ROBERTA J CREECH 201605090070

Quit Claim Deed Rec Fee: \$ 76.00
05/09/2016 11:46 AM Page: 1 of 4
Dolores Gilmore, Kitsap Co Auditor



Grantor: City of Port Orchard, Washington, a municipal corporation
Grantee: Roger M. Creech, Credit Shelter Trust (Roberta J. Creech, Trustee)
Property Address: 100 Melcher Street West, Port Orchard, Kitsap County, Washington 98366
Abbreviated Legal: NE, NW 35-24N-01E
Assessor's Property Tax Parcel No.: 352401-2-022-2006

QUIT CLAIM DEED

THE GRANTOR, City of Port Orchard, Washington, for and in consideration of Five Thousand Dollars (\$5,000.00), and up to Five Hundred Dollars (\$500.00) in closing costs, conveys and quitclaims to THE GRANTEE, Roger M. Creech, Credit Shelter Trust (Roberta J. Creech, Trustee), all interest in the following described real estate, situated in the county of Kitsap, state of Washington:

SEE ATTACHED legal description (Exhibit A) and depiction (Exhibit B).

GRANTOR, CITY OF PORT ORCHARD:

GRANTEE, ROGER M. CREECH,
CREDIT SHELTER TRUST:

Robert Putaansuu, Mayor

Roberta J. Creech, Trustee

ATTEST:

Brandy Rinearson, City Clerk

DATED THIS 9th DAY OF May 2016.

STATE OF WASHINGTON)
) ss
COUNTY OF KITSAP)

On this day of April 26, 2016, before me personally appeared Robert Putaansuu, to me known to be the official representative of the City of Port Orchard, Washington, who executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of and deed of the City of Port Orchard for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 26 DAY OF April, 2016.



NOTARY PUBLIC in and for the State of Washington,
Print Name: Michelle Honeycutt
residing in Kitsap County
My commission expires 7-23-18

KITSAP COUNTY TREASURER EXCISE
2016EX02998
Total: \$84.00

05/09/2016

Clerk's Initial

STATE OF WASHINGTON)
) ss
COUNTY OF KITSAP)

On this day of May, 2016, before me personally appeared **Roberta J. Creech**, to me known to be the **Trustee**, who executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of and deed of the City of Port Orchard for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 9th DAY OF May, 2016.

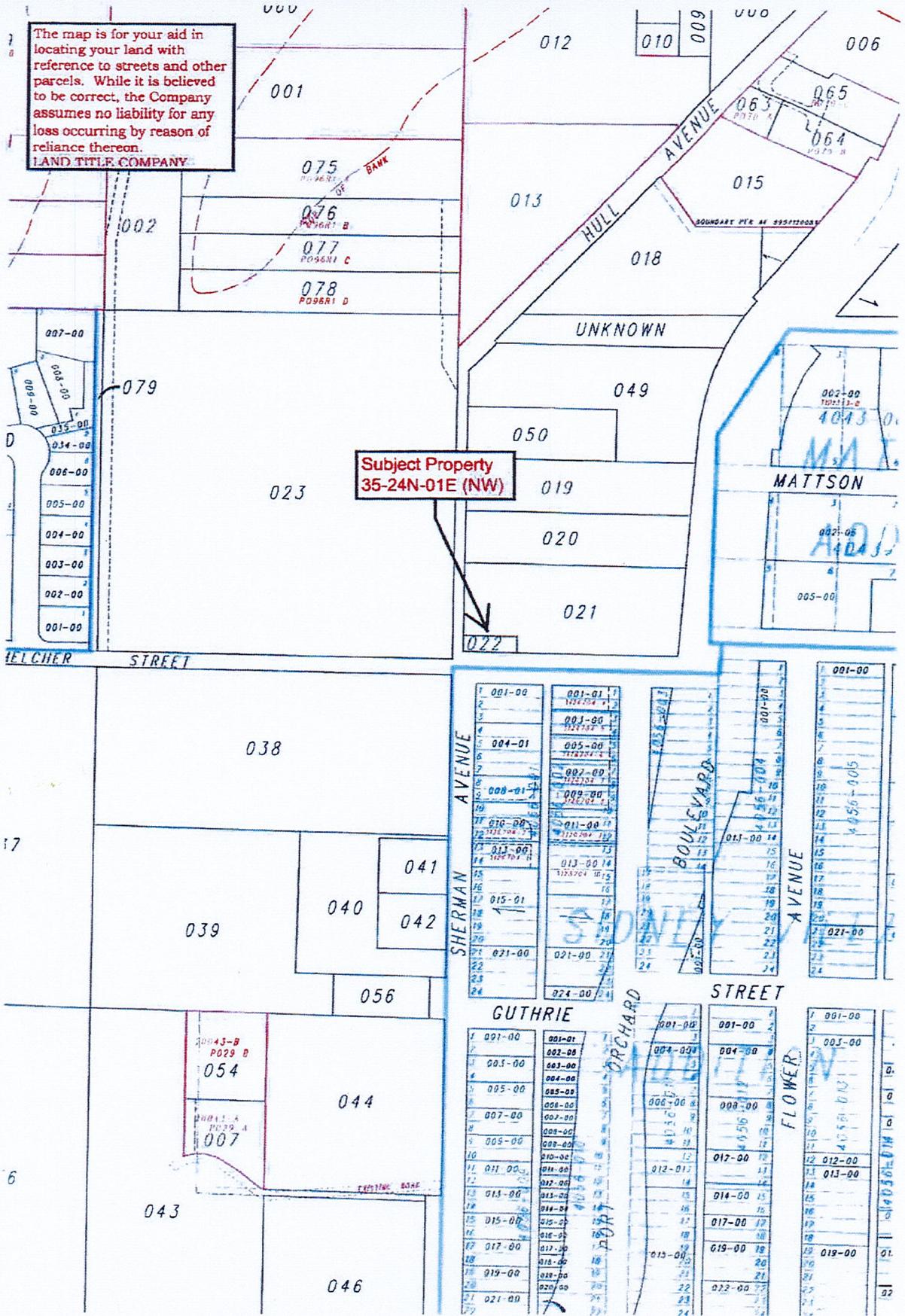


[Signature]
NOTARY PUBLIC in and for the State of Washington,
Print Name: m. michelle honeycutt
residing in Kitsap County, WA
My commission expires 7-23-18

Exhibit A

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING 20 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE NORTH 30 FEET; THENCE EAST 100 FEET; THENCE SOUTH 30 FEET; THENCE WEST 100 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION, IF ANY, LYING WITHIN MELCHER STREET W. ON THE SOUTH AND SHERMAN AVENUE ON THE WEST.



The map is for your aid in locating your land with reference to streets and other parcels. While it is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon.
LAND TITLE COMPANY

Subject Property
35-24N-01E (NW)

7
6
17

HELCHER STREET

SHERMAN AVENUE

GUTHRIE STREET

ORCHARD STREET

FLOWER AVENUE

HULL AVENUE

MATTSON

UNKNOWN

023

022

049

050

019

020

021

038

041

040

042

039

056

054

044

043

046

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