46322 R/W SEWER OUTFALL

City of Bremerton

KITSAP

PREFIX 51

HARBOR AREA

46322

46322

SCANNED
SEP 14 2009

46322

46322

DNR-000003564

R/W OUTFALL

APPLICATION NO. 46322 AREA SOUTH PUGET SOUND

DATE FILED JUN 15 1984 COUNTY KITSAP (5)

GRANT HARBOR AREA

APPLICANT CITY OF BREMERTON

DESCRIPTION

FR: GOV'T LOT'S 1, 2,

BREMERTON TIDELANDS

High Avenue

Acres .06 Sec. 14, Twp. 24 N., Range 1E, W.M.

ENCUMBRANCES

Right of Way easement noted 8-26-85. J.O.J.
Right of Way initialed 8-30-86 pl'

formerly HA-2604

APPLICATION	APPLICATION	ASSIGNMENT
Reg. JUN 15 1984	Reg.	Reg.
T.B. JUN 15 1984	T.B.	T.B.
INSTRUMENT	INSTRUMENT	Reg.
Reg.	Reg.	T.B.
T.B.	T.B.	

DNR-00003565

HISTORY SHEET

LEASE NO. 51-046392

NAME City of Bremerton

ADDRESS 239 Fourth St.

Bremerton WA 98310

COUNTY PARCEL NO.

STATE TAX ID NO.

PHONE NO.

DATE	INIT	COMMENTS
9/19/95	DW	Organized ; PSTA updated
10/3/95	DW	Region jacket made

51-46322

From: Gunnar Fridriksson [mailto:Gunnar.Fridriksson@ci.bremerton.wa.us]
Sent: Friday, March 21, 2008 12:01 PM
To: SCHMIDT, LINDIE (DNR); HOLT, JUSTIN (DNR)
Cc: Thomas Knuckey; Patric Coxon; Phil Williams
Subject: DNR Land Leases-51-046322, 51-046342 and 51-045730

Lindie-

Sorry for not getting back to you sooner, but your letters got lost for a little bit. I can offer the following for an update:

51-046322 – Covered in Record of Survey (ROS) in Volume 21 of surveys, Page 036. This is for storm flows.

51-046342 – Covered in ROS in Volume 21 of surveys, Page 033. This is for storm flows as well

51-045730 – There are two sections to this lease. The first half is off of High Avenue, in the same area as 51-046322. This is for the CSO outfall here, and we do not have a survey. The second half covers our sanitary forcemain crossing just south of the Warren Avenue Bridge and we have an unrecorded survey from August of 1983 for it. We are currently in the process of scanning our elder unrecorded surveys and putting them into a database, so I am not able to send you a copy right now. Let me know if you do want one and when the surveys are returned in a couple of weeks, I will get you an electronic copy then.

All leases have City facilities on them which are, and will continue to be, active. So, yes, continued use on all three.

As far as a contact, would say to use:

Phil Williams
City of Bremerton Public Works Department
3027 Olympus Drive
Bremerton, WA 98310

The address you have, 239 4th Street, is for the former City Hall. The building has been sold and is due to be demolished this next month. The new government center at 345 6th Street now houses City Hall.

g.

From: SCHMIDT, LINDIE (DNR) [mailto:LINDIE.SCHMIDT@dnr.wa.gov]
Sent: Wednesday, January 23, 2008 8:40 AM
To: Gunnar Fridriksson; HOLT, JUSTIN (DNR)
Cc: Thomas Knuckey; Patric Coxon
Subject: RE: DNR Land Leases-Exhibit drawing for application 51-077352

Thank you for keeping me updated.

From: Gunnar Fridriksson [mailto:Gunnar.Fridriksson@ci.bremerton.wa.us]
Sent: Tue 1/22/2008 10:12 AM
To: SCHMIDT, LINDIE (DNR); HOLT, JUSTIN (DNR)

OLYMPIA OF

Cc: Thomas Knuckey; Patric Coxon
Subject: RE: DNR Land Leases-Exhibit drawing for application 51-077352

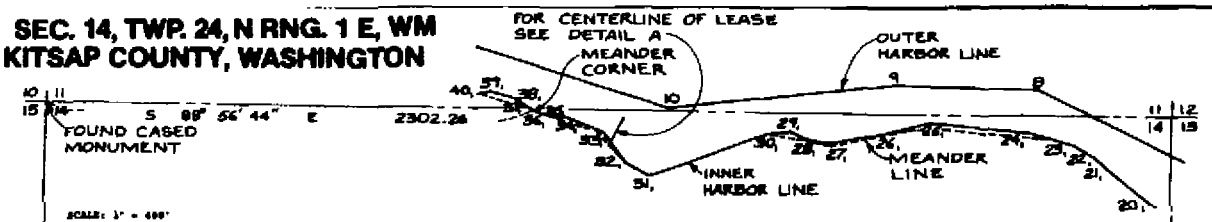
Lindie-

Just to update you, we have picked a company for the surveys and negotiated a price. Unfortunately, it exceeds the amount we can authorize without having to go to City Council. I am working on the PSA and getting Council dates for approval, but it looks like we should have them out sometime in March doing the field work.

If there are any questions or comments, please feel free to contact me.

g.
360.473.2354

SEC. 14, TWP. 24, N RNG. 1 E, WM
KITSAP COUNTY, WASHINGTON



SCALE: 1" = 400'

CONVERSION TABLE	CITY	N.G.V.D.
Extreme High Water (EHW)	139.13	134.8
Mean Higher High Water (MHHW)	131.45	131.1
Mean High Water (MHW)	130.93	126.2
Mean Tide Level (MTL)	116.25	116.1
Mean Lower Low Water (MLLW)	101.71	101.4
Extreme Low Water (ELW)	105.75	105.8

REFERENCED:

1. State of Washington Board of State Land Commissioners, Maps of Bremerton Tide Lands showing Harbor Lines and Tide Lands as Surveyed Established and Platted by order of the Board of State Land Commissioners. And filed in the Office of the Commissioner of Public Lands on the 20th day of February A.D. 1913.

2. Right of Way Plat, Cascade Natural Gas Co. Section 11 and 14, TWP. 24N., RGE. 1E., W.M. Kitsap County, Washington. This Plat was done by Jenne and Associates on the 4th day of November 1974.

VERTICAL DATUM: City of Bremerton (the relationship between the City of Bremerton Datum, and the Puget Sound Naval Shipyard datum are shown below.)

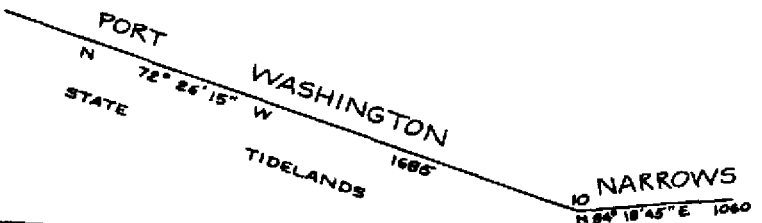
BASIS OF BEARING: Washington State Plane Coordinate System, North Zone

Description of Lease of Publicly Owned Aquatic Lands

A strip of land 15 feet in width, 7.5 feet left and right of the following described centerline, situated in Section 14, Township 24 North, Range 1 East, Willamette Meridian, Kitsap County, Washington:

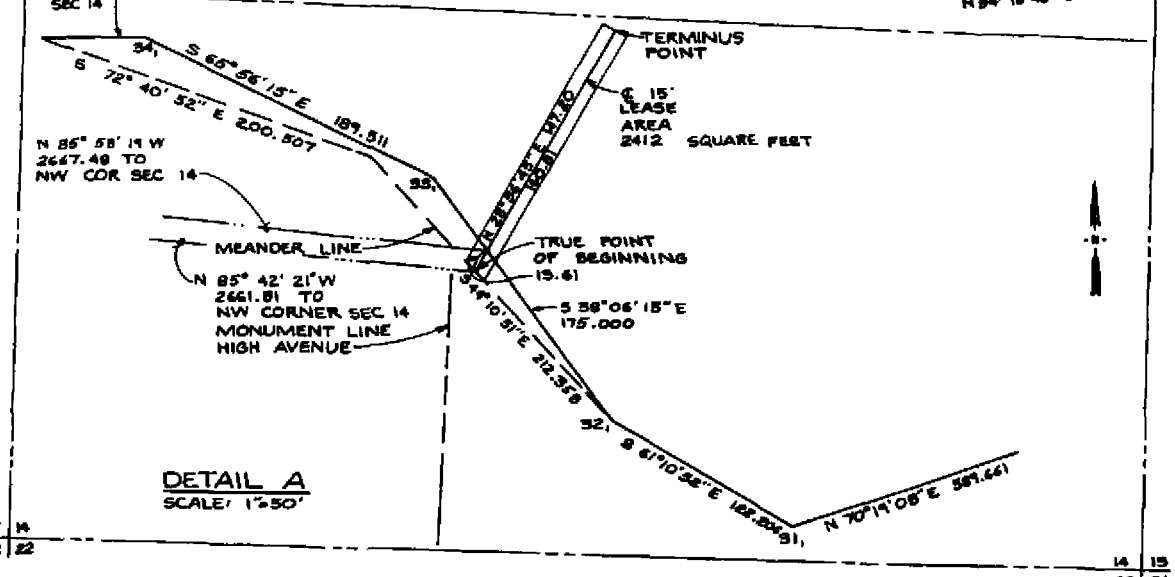
Commencing at the Northwest corner of said Section 14; thence South 89° 42' 21" East 2661.81 feet to a point on the Meander Line per State of Washington Board of State Land Commissioners, Maps of Bremerton Tide Lands 20 February 1913 (Page 5); said point being the True Point of Beginning; thence North 38° 36' 45" East 11.61 feet to a point on the Inner Harbor Line, said point being South 85° 56' 19" East 2667.48 feet from the Northwest corner of Section 14; thence north 38° 36' 45" East 147.38 feet to the Terminus Point of said strip.

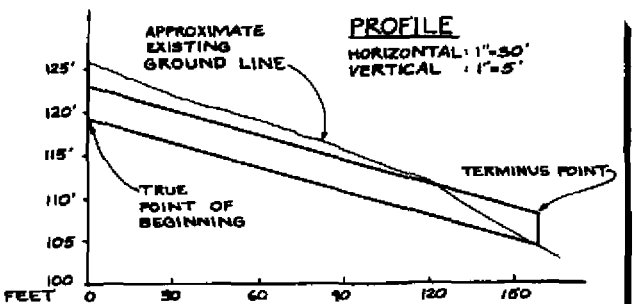
The described strip contains 0.06 acres.



ANDYTAE'S SURVEY NUMBERS:

[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]





CH2M HILL

DRAWN BY: W.I.M	CHECKED BY: J.L.C	JOB NO. S.12400.D6
DATE: 9-26-85	SCALE: 1"=400'	SHEET 1 OF 1

RECORDER'S CERTIFICATE

Filed for record this 18th day of June, 1987 at [illegible] in book 21 of Surveys at page 016 at the request of CH2M Hill.

Manager / Auditor/Recorder of Kitsap

ANDYTAE'S FILE NO. 8906150016

SURVEYOR'S CERTIFICATE

JERRY G. MORRIS, STATE OF WASHINGTON, REGISTERED PROFESSIONAL LAND SURVEYOR

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of CITY OF BREMERTON in SEPTEMBER, 1985.

Certificate No. 17679

RECORD SURVEY
For
CITY OF BREMERTON
DNR LEASE
HIGH AVE. OUTFALL

21-A24

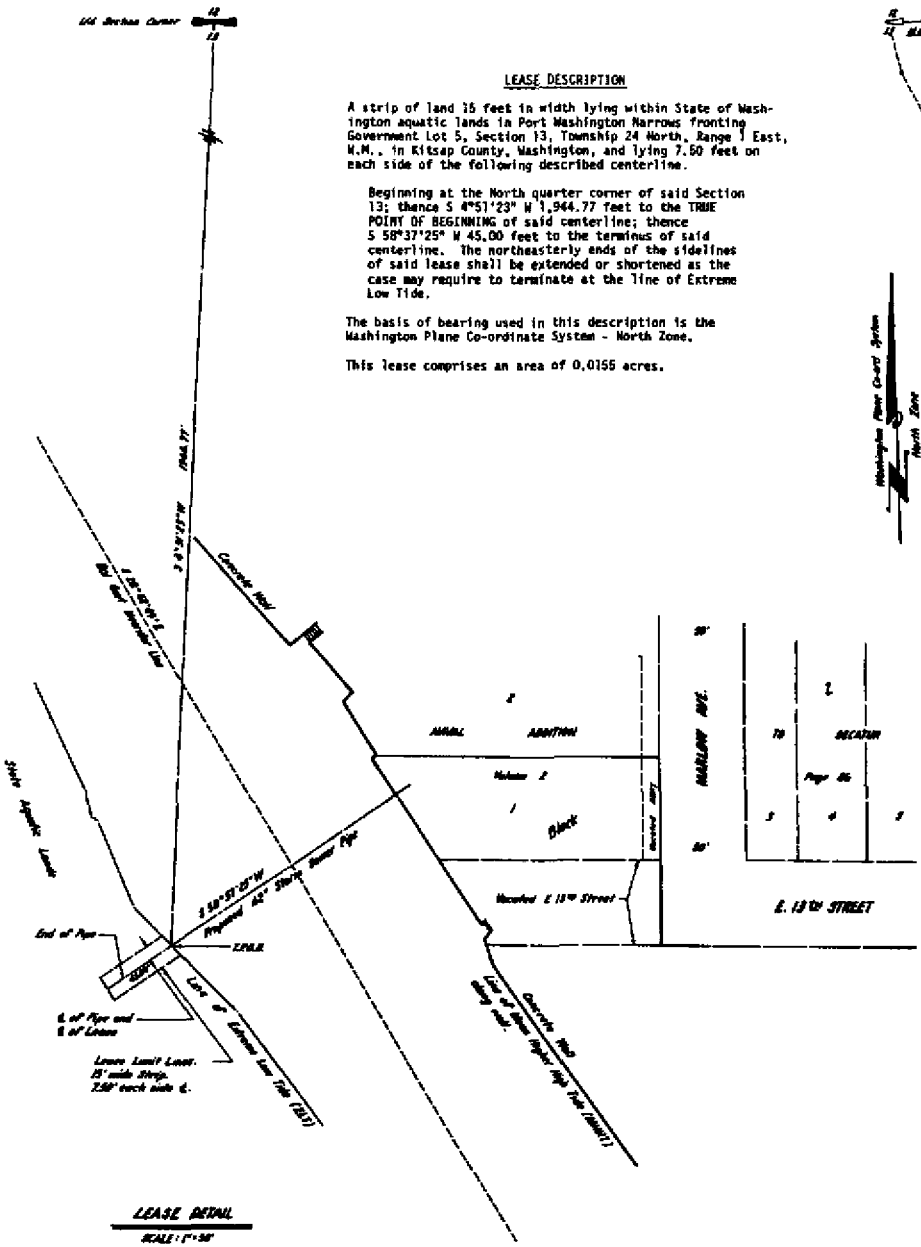
LEASE DESCRIPTION

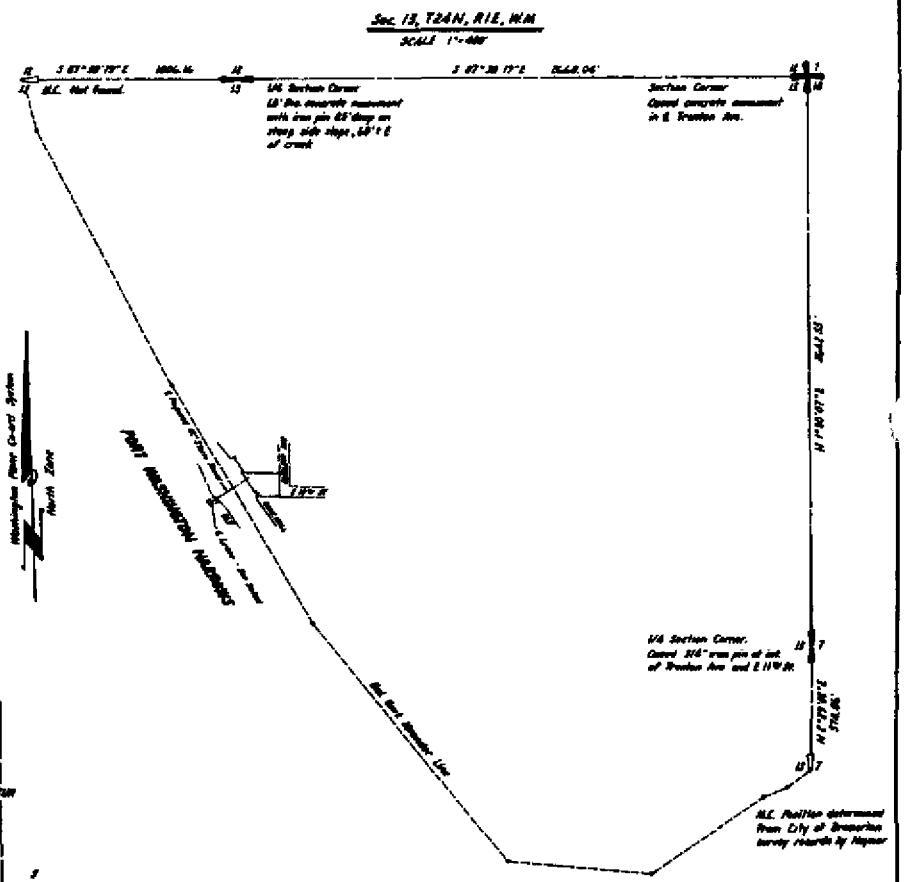
A strip of land 15 feet in width lying within State of Washington aquatic lands in Port Washington Narrows fronting Government Lot 5, Section 13, Township 24 North, Range 1 East, W.M., in Kitsap County, Washington, and lying 7.50 feet on each side of the following described centerline.

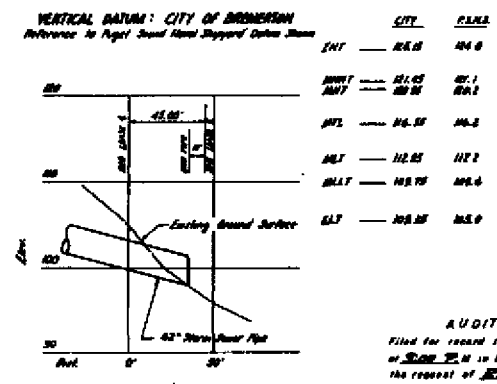
Beginning at the North quarter corner of said Section 13; thence S 4°51'23" W 1,944.77 feet to the TRUE POINT OF BEGINNING of said centerline; thence S 58°37'25" W 45.00 feet to the terminus of said centerline. The northeasterly ends of the sidelines of said lease shall be extended or shortened as the case may require to terminate at the line of Extreme Low Tide.

The basis of bearing used in this description is the Washington Plane Co-ordinate System - North Zone.

This lease comprises an area of 0.0156 acres.







AUDITOR'S CERTIFICATE

Filed for record this 15th day of June, 1984, at 3:00 P.M. in book 31 of Surveys at page 083, at the request of R.M. McGinnis, P.L.S.

Auditors Fee No. 8406150183

County Auditor

Survey Record No. _____

by: _____ Deputy

R.M.McGinnis & Associates, Inc. Land Surveying & Land Development Engineering 3780 SE Highway 160 Port Orchard, WA 98366 206-871-3000	For: CH2M HILL 1500 114 Ave. SE Bellevue, WA 98004	CITY OF BREMERTON RIGHT-OF-WAY PLAT STATE OF WASHINGTON AQUATIC LANDS PORT WASHINGTON NARROWS FRONTING SEC. 13, T24N, R1E, W.M. BREMERTON, KITSAP COUNTY, WASH.	**Surveyors Certificate** This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of CH2M HILL in August 0, 19 83 (Signed)

	By	Date	Scale: NOTED
Surveyed	JBJ	8-26-83	Date: Oct. 14, 1983
Drawn	JBA	10-14-83	Drawing Number
Checked	RMM	10-14-83	837993-8768
Approved	—	—	
Accepted	—	—	Sheet 1 of 1

WASHINGTON STATE DEPARTMENT OF
Natural Resources

DOUG SUTHERLAND
Commissioner of Public Lands

February 4, 2008

City of Bremerton
239 Fourth Street
Bremerton, WA 98310

Subject: Aquatic Lands Easement No. 51-046322

Dear Grantee:

The Department of Natural Resources (DNR) is performing an audit of our rights-of-way and easement agreements for uses of state owned aquatic lands. Listed below is a description of the property in question and the type of use currently listed as issued to you in our files.

THAT PORTION OF THE HARBOR AREA SITUATE IN FRONT OF A Extended Public La
PORTION OF SECTION 14, TOWNSHIP 24 NORTH, RANGE 1 EAST,
W.M., OF THE BREMERTON TIDE LANDS INCLUDED WITHIN THE
LIMITSOF A STRIP 15 FEET IN WIDTH, HAVING 7.5 FEET OF SUCH
WIDTH ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14,
THENCE S 85 DEGREES 42' 21" E 2661.81 FEET TO A POINT ON
THEMEANDER LINE PER STATE OF WASHINGTON BOARD OF STATE LAND
COMMISSIONERS, MAPS OF BREMERTON TIDE LANDS, 28 FEBRUARY,
1913 (PAGE 5), SAID POINT BEING THE TRUE POINT OF
BEGINNING,THENCE N 28 DEGREES 36' 45" E 13.61 FEET TO A
POINT ON THE INNER HARBOR LINE, SAID POINT BEING S 85
DEGREES 58' 19" E 2667.48 FEET FROM THE NORTHWEST CORNER OF
SECTION 14, THENCE N 28 DEGREES 36' 45" E 147.20 FEET TO THE
TERMINUS POINT OF THIS CENTERLINE DESCRIPTION.

To help us update our files, please tell us if you are still using the referenced property, for the purpose of: storm sewer outfall, and provide us with a name, phone number, and address of the person responsible for management of this agreement.

Continued Use: Yes ____ No ___

WORKING COPY

SOUTH PUGET SOUND REGION ▌950 FARMAN AVE N ▌ENUMCLAW, WA 98022-9282
TEL: (360) 825-1631 ▌*FAX: (360) 825-1672* ▌*TTY: (360) 825-6381*
Equal Opportunity Employer

RECYCLED PAPER

Contact Information:

Name: _____

Phone: _____

Address: _____

If you are no longer using this property, or if our records are otherwise outdated (corporate name change, transfer of property interest, etc.) please provide us with the information necessary to correct our records.

Thank you for your assistance. Please call me at (360) 825-1631, extension 2604 if you have any questions.

Sincerely,

Irma Sundelland for

Lindie Schmidt, Natural Resource Specialist
Shoreline District Aquatics Region

C: Region File
Aquatic Resources File

ts/51046322form51letter.doc

Department of Natural Resources
OLYMPIA, WASHINGTON
98504

BRIAN BOYLE
Commissioner of Public Lands

March 25, 1985

City of Bremerton
239 Fourth Street
Bremerton, WA 98310

Dear Lessee:

Enclosed is a final copy of Agreement for Right of Way No. 51-046322 for your records.

If you should have any questions, feel free to contact this office at (206) 753-5324.

Sincerely,

Pamela LaPorte

Pamela LaPorte
Marine Lands Division

Enclosure
c: File No. 51-046322

ROD 41

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BRIAN J. BOYLE, Commissioner of Public Lands

Agreement No. 46322

THIS AGREEMENT, made and entered into this 1st day of November, 1983, by and between the City of Bremerton, herein called the "Grantee," and the STATE OF WASHINGTON, acting by and through the Department of Natural Resources, herein called the "State," WITNESSETH:

The State, for and in consideration of the terms and conditions specified herein, hereby grants and conveys to the Grantee, its successors and assigns, an easement for right of way for the construction, operation, use and maintenance of storm sewer outfall upon, over and across the following described lands in Kitsap County, Washington, to wit:

That portion of the harbor area situate in front of a portion of Section 14, Township 24 North, Range 1 East, W.M., of the Bremerton Tide Lands included within the limits of a strip 15 feet in width, having 7.5 feet of such width on each side of the following described centerline:

Commencing at the northwest corner of said Section 14, thence S 85° 42' 21" E 2661.81 feet to a point on the meander line per State of Washington Board of State Land Commissioners, Maps of Bremerton Tide Lands, 28 February, 1913 (page 5), said point being the true point of beginning, thence N 28° 36' 45" E 13.61 feet to a point on the inner harbor line, said point being S 85° 58' 19" E 2667.48 feet from the northwest corner of Section 14, thence N 28° 36' 45" E 147.20 feet to the terminus point of this centerline description.

Consideration

The consideration paid by the Grantee to the State is as follows:

$60.00

Assignment

This Agreement, or any of the rights granted herein, shall not be assigned without prior written consent of the State, except that said rights granted herein may be used by any employee, contractor, or representative of the Grantee, hereinafter collectively referred to as "Permittee," while engaged in the Grantee's operations.

Term

The term of this Agreement shall be for the period this easement is used for the purposes specified herein; provided said tract shall automatically revert to the State, or its successors and assigns, within sixty (60) days of receipt of a notice from the Grantee, or its assigns, that the easement over the said tract of land is no longer being used for the purposes specified herein. Upon request, said notice given by the Grantee, or its assigns, will be in the form of a recordable instrument. The Grantee, or its assigns, may, at its election, remove any salvageable material from said tract within sixty (60) days after such notice of nonuse has been given to the State or its assigns.

Forfeiture

In the event that any portion of the right of way hereinbefore described is not used by the Grantee, its successors or assigns, for the purpose for which it was granted, within a construction phase period of five (5) years, the rights of the Grantee within said portion of the right of way shall revert to the State, its successors or assigns; and said portion of the right of way shall be freed from the easement as fully and completely as if this Agreement had not been entered into; provided, however, an extension of construction phase time as specified above may be granted upon written request prior to the expiration date of said five (5) year period and upon the terms and conditions as specified by the State. Such terms and conditions shall be limited to the State's right to extend the construction phase period and modify the considerations due the State which shall include, but not be limited to, additional charges for administrative costs and appreciation of land and valuable material.

Construction phase period used herein shall mean the period of time from the effective date of the Agreement to the date of actual use of this facility as contemplated by this Agreement.

Removal of Improvements and Equipment

All improvements, buildings, fixtures and other property erected or permanently affixed upon State lands by the Grantee during the term of said easement, which remain upon said land sixty (60) days from the termination or abandonment of said easement, shall become the property of the State and be considered a part of the land upon which they are located; provided, however, that any time within sixty (60) days after the termination or abandonment of said easement, the Grantee shall be entitled to remove such of said improvements as can be removed without damage to said lands.

All tools, equipment and other property not permanently affixed upon the land by the Grantee during the term of said easement shall remain the property of the Grantee but shall be removed within sixty (60) days after termination or abandonment of said easement.

Reservations to State

State reserves for itself, its successors and assigns, the right at all times for any purpose, to cross and recross at any place on grade or otherwise, and to use said rights of way in a manner that will not unreasonably interfere with the rights granted herein.

The State reserves to itself, its successors and assigns, the right to develop, improve, and utilize the land and natural resources thereon, within the limits of the right of way granted herein, insofar as such reservations are compatible with the Grantee's operation and insofar as such action will not interfere with the rights of the Grantee.

The State may grant to third parties, upon such terms as it chooses, any or all of the rights reserved by it herein; provided that use by such third party shall be subject to the terms and conditions of this easement and shall not unreasonably interfere with the rights granted hereunder.

Compliance with Laws and Regulations

The Grantee shall comply with all applicable laws to the extent that it can legally do so, including all Department of Natural Resources regulations, county and municipal laws, ordinances, or regulations in effect and authorized by law or laws of the State of Washington.

The Grantee shall cause its Permittee to comply with those requirements and conditions set forth hereinafter which are applicable to the Permittee's operation.

Damage and Protection from Damage

Grantee, when using the rights granted herein, shall repair or cause to be repaired, at its sole cost and expense, all damage to improvements on State land occasioned by it, which is in excess of that which it would cause through normal and prudent use of such rights.

The Grantee's operations hereunder shall be conducted in such a way as to minimize damage to the bed of Port Washington Narrows hereinbefore described.

The Grantee shall exercise every necessary means to prevent contamination or pollution of the water as a result of any operation hereunder.

All essential care shall be taken by the Grantee to prevent fuel, oil, grease or other deleterious material from entering the water as a result of any operation on the right of way area. Refuse resulting from use, servicing, repair or abandonment of equipment shall be removed, buried or otherwise disposed.

The state may charge for resource withdrawal and/or damages caused by the effluent discharged from this facility.

All legal land subdivision survey corners and witness objects are to be preserved. If such are destroyed or disturbed, the Grantee shall re-establish them by a registered professional engineer or licensed land surveyor in accordance with U. S. General Land Office standards at his own expense. Corners and/or witness objects that must necessarily be disturbed or destroyed in process of construction must be adequately referenced and/or replaced in accordance with all applicable laws of the State of Washington in force at the time of construction, reconstruction, or development of the right of way including but not limited to chapter 58.24 RCW, and all Department of Natural Resources rules and regulations pertaining to preservation of such corners and/or witness objects. Such references must be approved by the State prior to removal of said corners and/or witness objects.

Condition of Premises and Liability

The premises have been inspected by the Grantee and are accepted in their present condition. Grantee agrees to defend and hold the State, its agents and employees harmless from any and all claims, costs, damages or expenses of any nature whatsoever suffered or alleged to be suffered on the premises or arising out of its operations on the premises.

The Grantee shall so place, protect and/or bury said storm sewer outfall so as to comply with requirements of all applicable authorities and, in so much as practically possible, allow unobstructed movement through the water column above the right of way.

Response to an Emergency

Nothing contained herein shall prevent the Grantee from responding to an emergency relating to the facilities on the right of way.

Notice of Noncompliance

The State shall notify the Grantee by United States mail, addressed to the address shown on the application for this easement on file in the office of the Commissioner of Public Lands in Olympia, Washington, of any instance of noncompliance by the Grantee, its employees, permittees, contractors or subcontractors with any of the terms and conditions hereof. Such notice will specifically identify the manner of noncompliance herewith.

In the event the Grantee does not undertake, or cause to be undertaken, remedial action within fifteen (15) days following receipt of said notice, the State, acting by and through its Division Manager at Olympia, Washington, may suspend the Grantee's operations until such time as effective remedial action is taken.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as below subscribed.

Dated this 22nd day of March, 19 85.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

BRIAN J. BOYLE
Commissioner of Public Lands

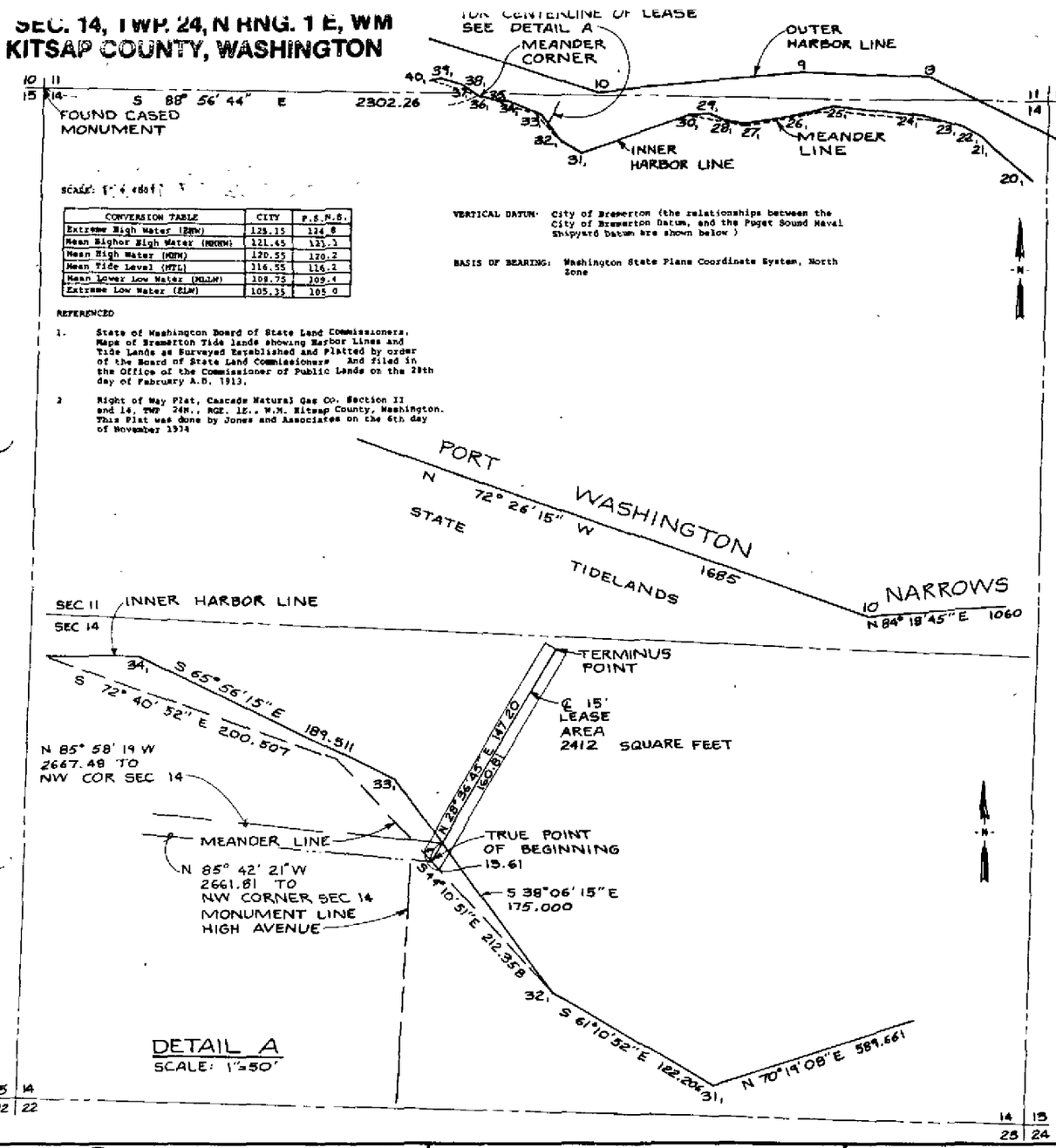
CITY OF BREMERTON

239 Fourth Street
Bremerton, WA 98310

MLM-15
2502 56 58

DNR-00003576

SEC. 14, TWP. 24, N RNG. 1 E, WM
KITSAP COUNTY, WASHINGTON



SCALE: 1" = 400'

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Mean High Water (MHW)	120.55	120.2
Mean Tide Level (MTL)	116.55	116.2
Mean Lower Low Water (MLLW)	108.75	109.4
Extreme Low Water (ELW)	105.35	105.0

VERTICAL DATUM: City of Bremerton (the relationships between the City of Bremerton Datum, and the Puget Sound Naval Shipyard Datum are shown below)

BASIS OF BEARING: Washington State Plane Coordinate System, North Zone

REFERENCED

1. State of Washington Board of State Land Commissioners, Maps of Bremerton Tide lands showing Harbor Lines and Tide Lands as Surveyed Established and Platted by order of the Board of State Land Commissioners And filed in the Office of the Commissioner of Public Lands on the 28th day of February A.D. 1913.

2. Right of Way Plat, Cascade Natural Gas Co. Section 11 and 14, TWP 24N., RGE. 1E., W.M. Kitsap County, Washington. This Plat was done by Jones and Associates on the 6th day of November 1974

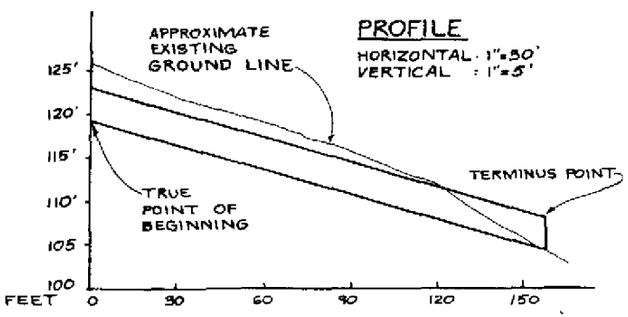
Description of Lease of Publicly Owned Aquatic Lands

A strip of land 15 feet in width, 7.5 feet left and right of the following described centerline, situated in Section 14, Township 24 North, Range 1 East, Willamette Meridian; Kitsap County, Washington-

Commencing at the Northwest Corner of said Section 14; thence South 85° 42' 21" East 2661.81 feet to a point on the Meander Line per State of Washington Board of State Land Commissioners, Maps of Bremerton Tide Lands 28 February 1913 (Page 5): said point being the True Point of Beginning; thence North 28° 36' 45" East 13.61 feet to a point on the Inner Harbor Line, said point being South 85° 58' 19" East 2667.48 feet from the Northwest corner of Section 14; thence North 28° 36' 45" east 147.20 feet to the Terminus Point of said strip.

The described strip contains 0.06 acres.

HA2604



CH2M HILL

DRAWN BY W.I.M.	CHECKED BY: J.L.C.	JOB NO. S 12400.06
DATE 9-26-83	SCALE 1"= 400'	SHEET 1 OF 1

RECORDER'S CERTIFICATE

Filed for record this ____ day of _____ 19__ at _____ M. in Book ____ of Surveys at page _____ at the request of

_____ Manager

_____ Superintendent of Records

SURVEYOR'S CERTIFICATE

JERRY G. MORRIS STATE OF WASHINGTON REGISTERED PROFESSIONAL ENGINEER

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of CITY OF BREMERTON in SEPTEMBER, 1983

Jerry G. Morris

RECORD SURVEY
For
CITY OF BREMERTON
DNR LEASE
HIGH AVE. OUTFALL

DNR-00003577

CITY COUNCIL
BILL AMO
District 1
E.L. STURDIVANT
District 2
ROY T. MOSELY
District 3
JIM ADRIAN
District 4
CLYDE L. PACHEK
Dsitrict 5
ART ANDERSON
District 6
PHIL DROUIN
Dsitrict 7
SPENCER HORNING
District 8
RUSS JOHNSON
District 9

City of Bremerton
239 FOURTH STREET
BREMERTON, WASHINGTON 98310
(206) 478 - 5252

MAYOR MORRIE DAWKINS

February 4, 1985

Department of Natural Resources
Marine Land Management
Olympia, WA 98504

Attention: Robert G. Hoyser

Subject: R/W 46342 and 46322 - Storm Sewer Outfalls

Dear Mr. Hoyser:

In reference to your letter of January 29, 1985, please add the necessary verbiage to the documents and proceed with the execution process.

Thank you.

Sincerely yours,

Kenneth W. MacKenzie
Project Engineer
Wastewater Facilities Construction Project
(206) 478-5243

KM:cd

DNR-00003578

Department of Natural Resources
OLYMPIA, WASHINGTON
98504

BRIAN BOYLE
Commissioner of Public Lands

January 29, 1985

Kenneth A. MacKenzie
Project Engineer
Wastewater Facilities Construction Project
City of Bremerton
239 Fourth St.
Bremerton, WA 98310

Re: R/W 46342 and 46322 - Storm Sewer Outfalls.

Dear Mr. MacKenzie:

The City has signed these documents and returned them to the Department for execution. They were being sent through our process for signature by the Commissioner of Public Lands when it was noticed that we had not included our standard damages wording, i.e., "The State may charge for resource withdrawal and/or damages caused by the effluent discharged from this facility."

This is the fifth clause of the section, "Damage and Protection from Damage", found on page 2 of the easement documents.

I can have new documents prepared and sent to you for the City's signature again, or I could have the wording added as I've described above and proceed with our execution process. Please let me know which you prefer.

We are very immersed in implementing new legislation and this has slipped by. I am very sorry for any inconvenience.

Sincerely,

Robert G. Hoyser
Marine Land Management

mn

c: Terry Roswall
File #31-046342
File #31-046322

2812 90

CITY COUNCIL
BILL AMO
District 1
E.L. STURDIVANT
District 2
ROY T. MOSELY
District 3
JIM ADRIAN
District 4
CLYDE L. PACHEK
Dsitrict 5
ART ANDERSON
District 6
PHIL DROUIN
Dsitrict 7
SPENCER HORNING
District 8
RUSS JOHNSON
District 9

City of Bremerton
239 FOURTH STREET
BREMERTON, WASHINGTON 98310
(206) 478 - 5252

MAYOR MORRIE DAWKINS

November 13, 1984

Department of Natural Resources
Division of Marineland Management
Public Lands Building
Mail Stop QW-21
Olympia, WA 98504

Attention: Terry Roswall

Subject: Marlow and High Avenue Outfalls

Dear Terry:

Enclosed, please find copies of the Shoreline Permits and the US Army Corp of Engineers Permit for the above referenced Outfalls, per your telephone request on November 7, 1984.

If we can be of any further help, please contact the Project Office.

Sincerely yours,

Kenneth W. MacKenzie
Project Engineer
Wastewater Facilities Construction Project
478-5243

KM:cd

Enclosures: (3) Permits

Department of Natural Resources
OLYMPIA, WASHINGTON
98504

BRIAN BOYLE
Commissioner of Public Lands

September 10, 1984

City of Bremerton
239 Fourth Street
Bremerton, WA 98310

Dear Lessee:

Re: Application No. 51-046322

The State is prepared to grant you an easement across State-owned aquatic land under the terms and conditions as set forth in Agreement No. 51-046322, which is enclosed in duplicate for your signature. The fee for this easement is $60.00.

Please sign the enclosed instruments in duplicate on the line indicated. The signed instruments should be returned to this office within thirty days from the above date, along with your remittance in the amount of $60.00. This agreement will then be executed by the State Department of Natural Resources and the original returned to you.

Sincerely,

Terry Roswall
Marine Land Management

mn
Enclosure

cc: App. No. 51-046322
HA-2604

27101 67

TO: Kathy

FROM: Terry

SUBJECT: R/W number for City of Bremerton

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

SPEED MEMO

DATE: 6/15/84

Please assign a R/W number to this application. We will then cancel Lease No. HA 2604 and issue an easement to the City for a storm sewer outfall. These type of non-pollutant outfalls are permitted by easements.

Done
K 6-15-84

SIGNED T Rowell #46322

REPLY

DATE SIGNED

RES 35-2505 (12-75) This form printed on NO CARBON REQUIRED paper. Return pink copy with reply. 3

DNR-00003582

APPLICATION FOR RIGHT OF WAY ACROSS

AQUATIC STATE OWNED LANDS

High Avenue
Lease #2604

TO THE COMMISSIONER OF PUBLIC LANDS:

The subscriber hereto respectfully applies for an easement for right of way for City of Bremerton over lands situated in Kitsap County, Washington, shown on the official plat thereof accompanying this application (see reverse) and described as follows: see attachment

FT: GOVT LOTS 1, 2,
S-14, T-24 R-1E .06 acre.

Are lands occupied in part, or under lease? no What is the name and address of occupant or lessee?
What is the width of the desired right of way? 15 feet
Are there any improvements whatever on the right of way, give name and address of owner? An existing storm sewer outfall/City of Bremerton

Signed at Bremerton, Washington, this 7th day of May, A.D., 19 84.

(Signature of Applicant)

239 4th Street
(Post Office Address)
Bremerton, WA 98310

City State ZIP

206 478-5243
Area Code Phone Number

(FOR OFFICE USE ONLY)

Area SPS

Date Rec. 6-15-84

App.# 46322

__1st Tide(20) __Bed(15)
__2nd Tide(21) __Bed(16)
__1st Shore(23) __Bed(17)
__2nd Shore(24) __Bed(18)
__Harbor Area(25) __Bed(19)

US Army, Public Notice No. 071-OYB-2-008828

C of E Seattle District

Date of Notice 1 June 1983

Date Received 5 October 1983

FORM RES 10-3801 (12-75)

ATTACHMENT TO CITY OF BREMERTON APPLICATION
TO LEASE PUBLICLY OWNED AQUATIC LANDS

LEASE DESCRIPTION

A strip of land 15 feet in width, 7.5 feet left and right of the following described centerline, situated in Section 14, Township 24 North, Range 1 East, Willamette Meridian; Kitsap County, Washington:

Commencing at the Northwest corner of said Section 14; thence South 85° 42' 21" East 2661.81 feet to a point on the Meander Line per State of Washington Board of State Land Commissioners, Maps of Bremerton Tide Lands 28 February 1913 (Page 5); said point being the True Point of Beginning; thence North 28° 36' 45" East 13.61 feet to a point on the Inner Harbor Line, said point being South 85° 58' 19" East 2667.48 feet from the Northwest corner of Section 14; thence North 28° 36' 45" East 147.20 feet to the Terminus Point of said strip.

The described strip contains 0.06 acres.

JOHN SPELLMAN
Governor

DONALD W. MOOS
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Mail Stop PV-11 • Olympia Washington 98504 • (206) 459-6000

RECEIVED
JUL 8 1983
City of Bremerton
Planning Dept.

July 5, 1983

I certify that I am the [illegible] of this document [illegible] and [illegible] with [illegible] [illegible] in a [illegible] for [illegible] County, Washington
on July 6, 83
Karen M. Brady

Ken Attebery, Director
Bremerton Planning Department
239 Fourth Street
Bremerton, WA 98310

City of Bremerton (applicant)
239 Fourth Street
Bremerton, WA 98310

(C14B)

Gentlemen:

Re: Shoreline Conditional Use Permit #590-14-1802 (#78-83)
City of Bremerton - Applicant

The Department of Ecology has reviewed the above referenced permit to replace and extend an existing stormwater outfall pipe at High Avenue and at the west end of 13th Street near Marlow Avenue in the Port Washington Narrows.

We concur that the proposal meets the intent of the master program and the criteria set forth in WAC 173-14-140 for granting a conditional use. The permit is therefore approved.

This approval is given pursuant to requirements of the Shoreline Management Act of 1971. Other federal, state or local approvals may be required.

Construction is not authorized until thirty days from the transmittal date of this approval letter and enclosed permit or until conclusion of any review proceeding initiated within the thirty-day period.

If you have any questions on the above action, please contact Emily Ray (206) 459-6279 or Michael Rundlett (206) 459-6276 of this office.

Sincerely,

D. Rodney Mack
Assistant Director
Office of Land Programs

DRM:kb

Enclosure

7/12 Copy to CH2M Hill

NPSOP-RF

Application No. 071-OYB-2-0 328

Name of Applicant City of Bremerton

Effective Date 5 OCT 1983

Expiration Date (*If applicable*) See General Condition o.

DEPARTMENT OF THE ARMY PERMIT

Referring to written request dated 15 April 1983 for a permit to:

(X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (*33 U.S.C. 403*);

(X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (*33 U.S.C. 1344*);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (*86 Stat. 1052; P.L. 92-532*);

City of Bremerton
239 Fourth Avenue
Bremerton, Washington 98310

is hereby authorized by the Secretary of the Army:

to install storm sewer outfall pipe and place fill (replace existing outfall with new outfall pipe to separate sewage from storm water)

in Port Washington Narrows, Puget Sound

at Bremerton, Washington

In accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (*on drawings, give file number or other definite identification marks.*) 071-OYB-2-008828, 4 sheets

Subject to the following conditions:

I. General Conditions:

a. That *all activities identified and authorized herein shall be consistent with the terms and conditions of this permit;* and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (*33 U.S.C. 1344*), the Marine Protection, Research and Sanctuaries Act of 1972 (*P.L. 92-532, 86 Stat. 1052*), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (*including dredged or fill material*), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before 5th day of Oct., 19 86, (*three years from the date of issuance of this permit unless otherwise specified*) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

DNR-00003587

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferree subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

II. **Special Conditions:** (*Here list conditions relating specifically to the proposed structure or work authorized by this permit*):

DNR-00003588

The following Special Conditions wi. applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. *That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law,* such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING:

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (*ten years unless otherwise indicated*);

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:

a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or disposal of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

x [signature] x 10/4/83

PERMITTEE DATE

City of Bremerton

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Gerald A Keller 5 Oct 83

NORMAN C. HINTZ DATE

Colonel

DISTRICT ENGINEER,

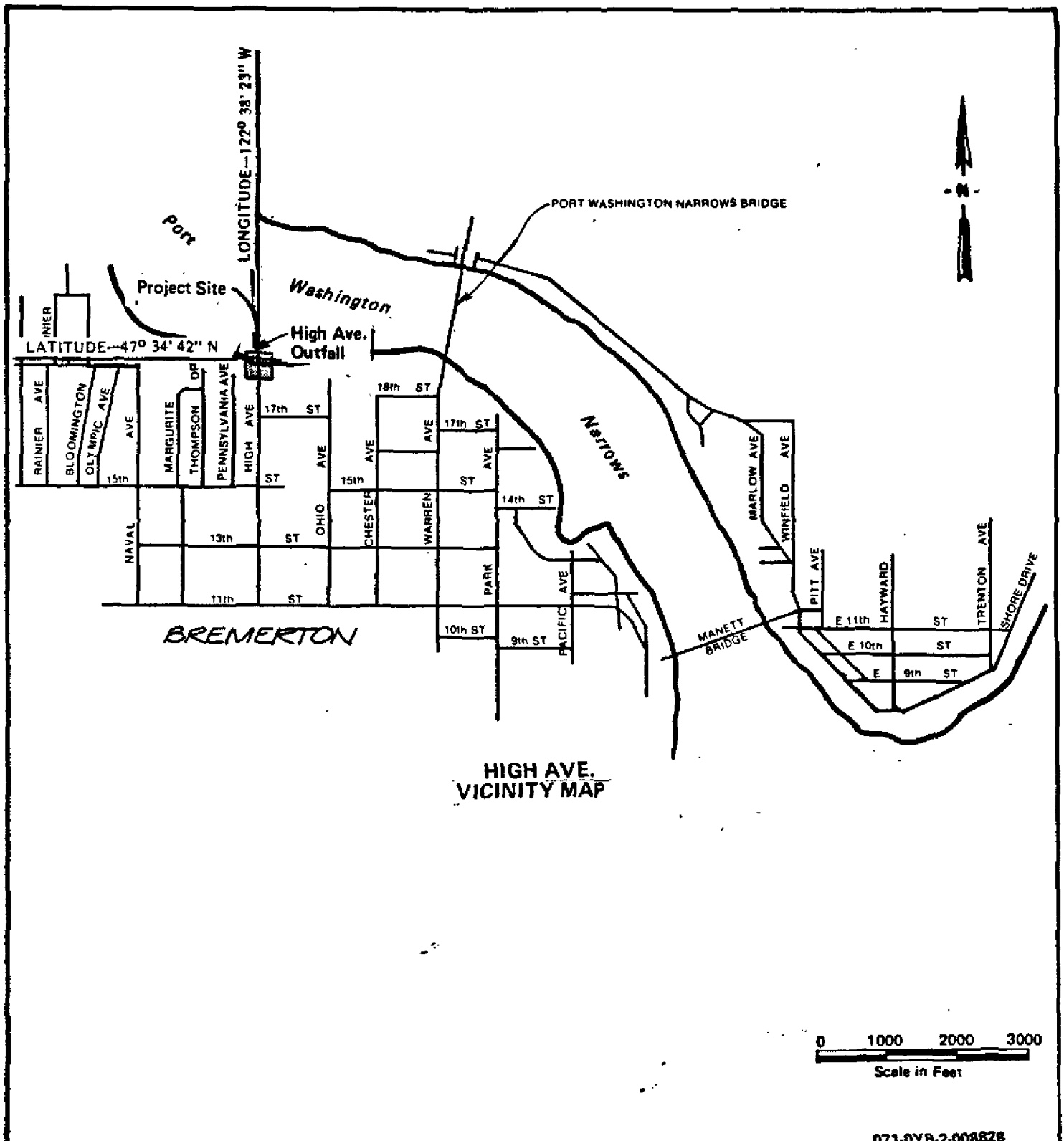
U.S. ARMY, CORPS OF ENGINEERS

Transferee hereby agrees to comply with the terms and conditions of this permit.

TRANSFEREE DATE

U.S. GOVERNMENT PRIN 3 OFFICE : 1983 O - 401-534

DNR-00003589



HIGH AVE.
VICINITY MAP

071-0YB-2-008828

CONTRACT C14B

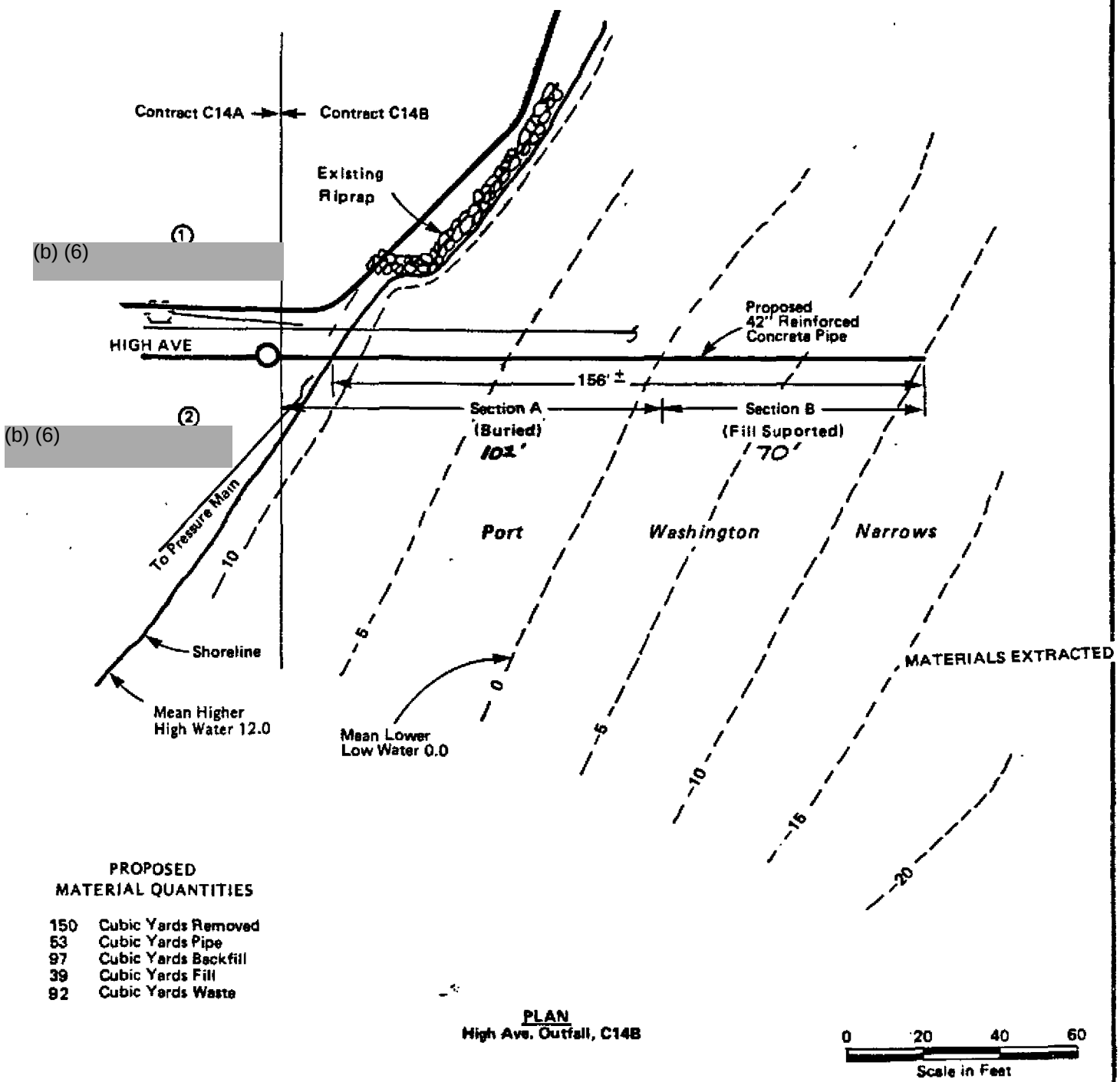
DATUM. NATIONAL OCEANIC SURVEY MLLW=0.0'
ADJACENT PROPERTY OWNERS.
SEE SHEET 2

PROPOSED OUTFALL PIPE AND FILL

IN PORT WASHINGTON NARROWS
AT CITY OF BREMERTON
COUNTY OF KITSAP STATE WASHINGTON
APPLICATION BY CITY OF BREMERTON
SHEET 1 OF 4 DATE 4/15/83

DEPARTMENT OF THE ARMY PERMIT

DNR-00003590



PROPOSED MATERIAL QUANTITIES

150	Cubic Yards Removed
53	Cubic Yards Pipe
97	Cubic Yards Backfill
39	Cubic Yards Fill
92	Cubic Yards Waste

PLAN
High Ave. Outfall, C14B

0 20 40 60
Scale in Feet

NOTE: DISPOSAL SITE FOR REMOVED SOILS TO BE DETERMINED BY CONTRACTOR.

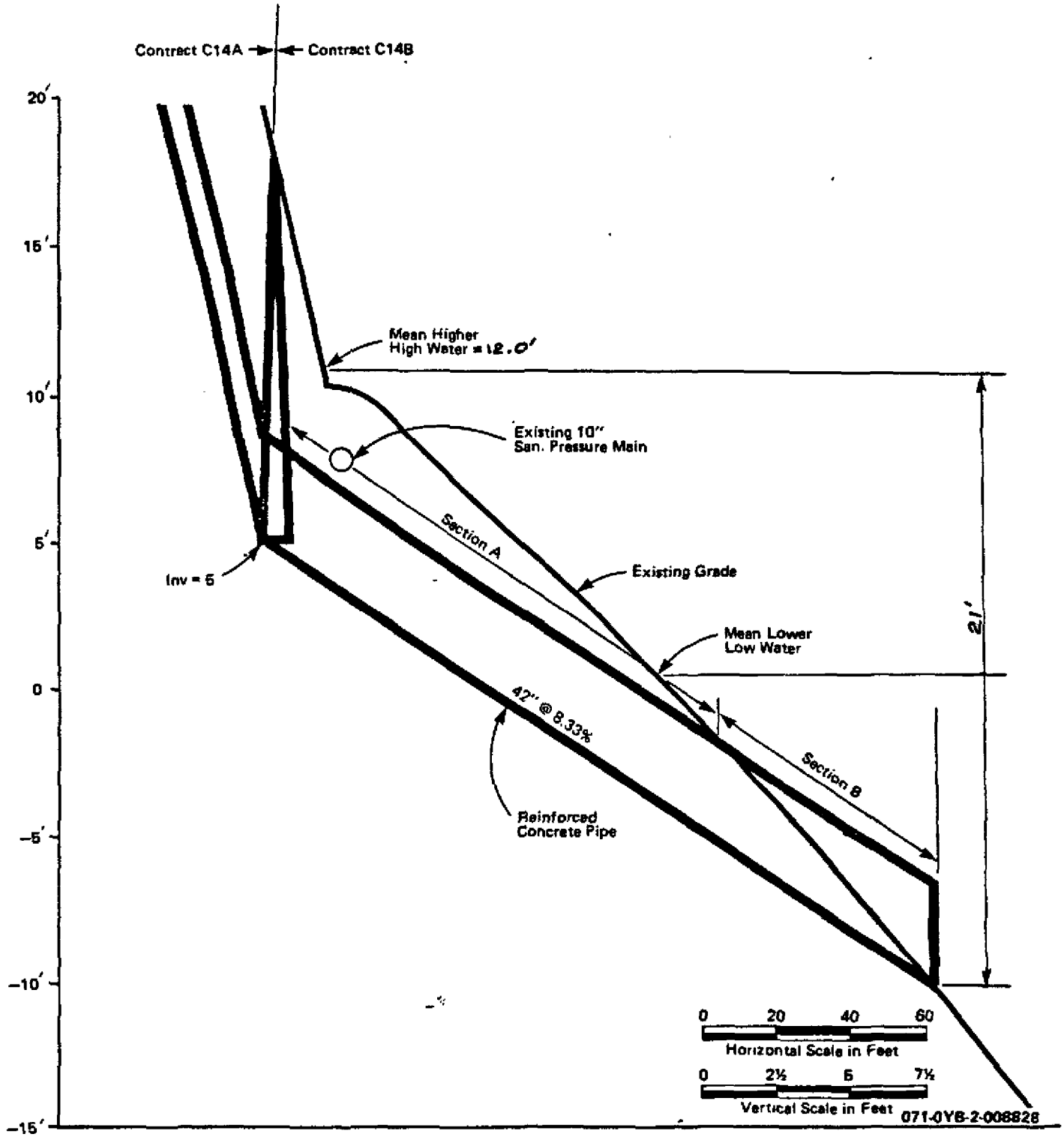
071-0YB-2-008828

PURPOSE: REPLACE EXISTING OUTFALL WITH NEW OUTFALL TO SEPARATE SEWAGE FROM STORMWATER
DATUM: NATIONAL OCEANIC SURVEY MLLW = 0.0'
ADJACENT PROPERTY OWNERS:
SEE THIS SHEET

PROPOSED STORM SEWER OUTFALL AND FILL

IN: PORT WASHINGTON NARROWS
AT. CITY OF BREMERTON
COUNTY OF KITSAP STATE WASHINGTON
APPLICATION BY CITY OF BREMERTON
SHEET 2 OF 4 DATE 4/15/83

DEPARTMENT OF THE ARMY PERMIT



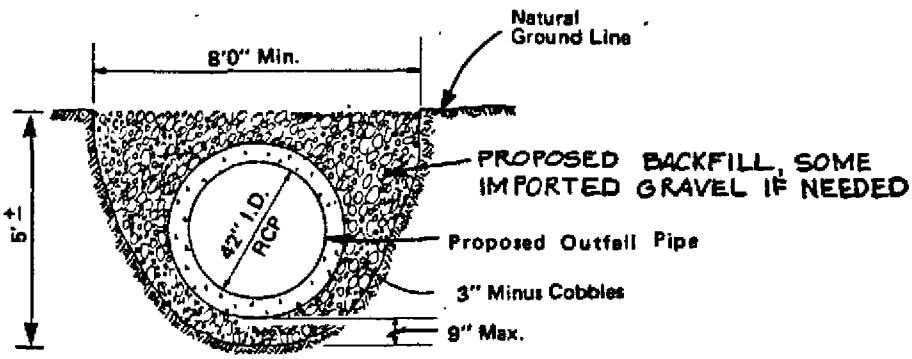
PROFILE
High Ave. Outfall, C14B

PROPOSED STORM SEWER OUTFALL AND FILL

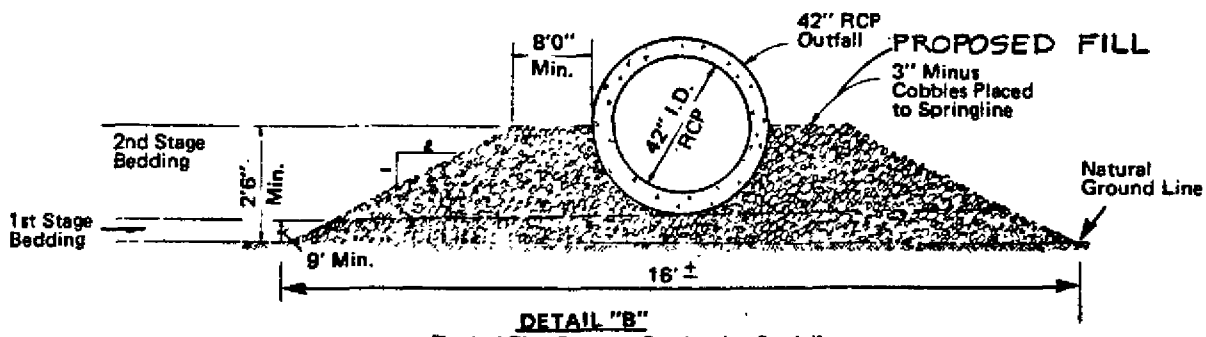
PURPOSE: REPLACE EXISTING OUTFALL WITH NEW OUTFALL TO SEPARATE SEWAGE FROM STORMWATER
DATUM: NATIONAL OCEANIC SURVEY MLLW = 0.0'
ADJACENT PROPERTY OWNERS:
SEE SHEET 2

IN: PORT WASHINGTON NARROWS
AT: CITY OF BREMERTON
COUNTY OF KITSAP STATE WASHINGTON
APPLICATION BY CITY OF BREMERTON
SHEET 3 OF 4 DATE 4/15/83

DEPARTMENT OF THE ARMY PERMIT



DETAIL "A"
Typical Trench Section for Outfall Buried



DETAIL "B"
Typical Pipe Support Section for Outfall

SECTIONS
High Ave. Outfall C14B

0 1 2 3 4
Scale in Feet

071-0YB-2-008828

PROPOSED STORM SEWER OUTFALL AND FILL

PURPOSE: REPLACE EXISTING OUTFALL WITH NEW OUTFALL TO SEPARATE SEWAGE FROM STORMWATER
DATUM: NATIONAL OCEANIC SURVEY MLLW = 0.0'
ADJACENT PROPERTY OWNERS:
SEE SHEET 2

IN: PORT WASHINGTON NARROWS
AT. CITY OF BREMERTON
COUNTY OF KITSAP STATE WASHINGTON
APPLICATION BY CITY OF BREMERTON
SHEET 4 OF 4 DATE 4/15/83

DEPARTMENT OF THE ARMY PERMIT

1802
7-20

SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT,
CONDITIONAL USE OR VARIANCE

Permit No. 78-83

Administering Agency City of Bremerton

Date Application Rec'd. 4/8/83

Approved X Denied ____

Date 5/16/83

Type of Action (s)

[X] Substantial Development Permit

[X] Conditional Use

[ ] Variance

Pursuant to RCW 90.58, a permit is hereby granted to

CITY OF BREMERTON
(name of applicant)

239 4th Street
(address)

Bremerton, Washington 98310

to undertake the following development:

Replace and extend an existing stormwater outfall pipe at High Avenue and at the west end of 13th Street near Marlow Avenue.

Within PORT WASHINGTON NARROWS and/or its associated wetlands.
name of water area

upon the following property: (legal description)(to the nearest quarter section, township, range):

NE ¼ of Sec. 13 T24N, R1E WM and NW ¼ Sec 14, T24N, R1E WM in Kitsap County.

The project will NOT BE within shorelines of statewide signficance (RCW 90.58.030)
(be) (not be)

The project will be located within a Urban Residential designation. The following
(environment)

master program provisions are applicable to this development Bremerton Master Program pages 29, 51, 52, 53, 57 and 58.
(state the master program sections or page numbers)

If a conditional use or variance, also identify the portion of Master Program which allow the conditional use or permits the variance. Bremerton Master Program pages 9, 10 and 24.

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions:

1. This SHORELINE SUBSTANTIAL DEVELOPMENT and CONDITIONAL USE PERMIT is subject to the various requirements contained in the Bremerton Area Plan, the Bremerton Zoning Ordinance, the Uniform Building Code, the Bremrton Shoreline Management Master Program and other applicable laws and regulations. It is the responsibility of the developer to assure compliance with the applicable provisions contained therein.

2. The site shall be developed essentially the same as the site plan labeled Exhibit "A" except as modified to meet conditions of appproval listed herein. Any changes, revisions or additions which constitute a significant departure from the approved site plan shall require approval of the City Council under the requirement of WAC 173-14.

3. All applicable Shoreline Regulations shall be fully met, including, but not limited to,"Utilities", "Archaeological Areas and Historic Sites" and "Shore Defense Works" Regulations.

4. The Marlow Avenue storm water outfall shall either be extended beyond the extreme low tide line or not replaced.

This permit is granted pursuant to the shoreline management act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the shoreline management act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or conditions thereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY (30) DAYS FROM THE DATE OF FILING THE FINAL ORDER OF THE LOCAL GOVERNMENT WITH THE REGIONAL OFFICE OF THE DEPARTMENT OF ECOLOGY AND THE ATTORNEY GENERAL, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY (30) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58(140)(5)(a)(b)(c).

Art Anderson
(Signature of Authorized Local Government Official)

_____
(Date)

THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A CONDITIONAL USE OR VARIANCE PERMIT.

Date received by Department of Ecology _____

Approved X Denied _____

This conditional use/variance permit is approved/denied by the Department of Ecology pursuant to Chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

_____

_____

_____
(Date)

D Lunak
(Signature of Authorized Department of Ecology Official)