



April 26, 2018

Ms. Margaret Dufresne
3866 NE State Highway 104
Poulsbo, WA 98370-6830

RE: Dufresne Residence @ 11143 Rolling Bay Walk – 1st Review Comments
(Bainbridge Building Permit #BLD22944R-SFR)

Dear Ms. Dufresne,

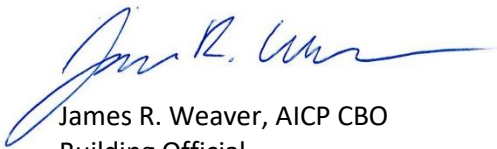
Thank you for considering this letter. This correspondence is in response to the recent review and progress toward the for the building permit for a single-family residence located at 11143 Rolling Way Walk, Bainbridge Island, WA. Response to this letter and information request is required for your building permit to continue to move forward toward approval. Information request have been provided from three separate reviewing divisions and are attached and part of this letter.

Attached please find a request for information from the following reviewing divisions:

- **Planning Division:** Memo from Kelly Tayara, Planner (Ktayara@bainbridgegov.wa, 206-780-3787); Please see Attachment A.
- **Building Division:** Memo from Blake Holmes, Plans Reviewer/Inspector (Bholmes@bainbridgewa.gov, 206-780-3715; Please see Attachment B.
- **Development Engineering/Public Works:** Memo from Peter Corelis, P.E., Engineer (Pcorelis@bainbridgewa.gov, 206-780-3759; Please see Attachment C.

To streamline and standardize the review/revision process for larger projects, the City has integrated staff comments into a single document. Although in some cases comments pertain to more than one department and comments pertain to plans/documents that require a revision. An appointment should be scheduled to submit revised documents. Email responses or piecemeal submittals will not be accepted by the City. The revised documents should be submitted as one package, during the appointment, to the Planning and Community Development counter at City Hall for processing.

Thank you again and I look forward to further communication on the issue.
Sincerely,

A handwritten signature in blue ink, appearing to read 'James R. Weaver', is written over a horizontal line.

James R. Weaver, AICP CBO
Building Official

Encl: **Attachment A:** Planning Memo from Kelly Tayara
Attachment B: Building Memo from Blake Holmes
Attachment C: Engineering Memo from Peter Corelis
COBI Handout #B004 Residential Construction Plan Requirements
Draft – Indemnification Agreement for recording

Department of Planning and Community Development – Building Division
280 Madison Avenue North
Bainbridge Island, Washington 98110-1812
www.bainbridgewa.gov
Phone: 206.780.3750 Fax: 206.780-0955

Department of Planning and Community Development**Memorandum**

Date: April 26, 2018

To: James Weaver

From: Kelly Tayara

Subject: Dufresne BLD22944 SFR Planner Information Request

I have completed initial review of the proposal and am requesting that the applicant provide the following information to allow me to complete review:

- 1) Provide the site plan and all other associated documents in Building Site Application approved by the Health District (BSA memo 318627) – only the cover page was submitted with building permit application.
- 2) Revise the site plan (sheet 1.0) submitted to the City:
 - Label / identify / dimension the following: Ordinary High Water, zoning side yard setbacks, 30% shoreline side yard setbacks, Rolling Bay Walk easement and existing road surface, propane pad, heat pump pad and any noise reduction surround, all hard surfaces, all impervious surfaces, eave line vs. building footprint, all landscape and/or retaining walls, areas of earth disturbance, areas of vegetation removal (if different than earth disturbance areas)/
- 3) Revise sheet 6.0 to remove the reference to “reseed all disturbed areas with rye grass” as a formal planting plan is required (see below).
- 4) Modify sheet 7.0 to incorporate parking and staging plan or remove references to parking and staging from this sheet and provide formal plan (see below).
- 5) Provide height calculation on sheet 9.1 in compliance with the Municipal Code. The maximum building height is 30 feet.

16.12.080 Definitions (excerpts).

“Average grade level” means the average of the natural or existing topography of the portion of the lot which will be directly under the proposed building or structure. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure.

“Height” means the distance measured from the average grade level to the highest point of a structure. Television antennas, chimneys, and similar structures or appurtenances shall not be used in calculating height except where they obstruct the view of residences adjoining such shorelines.

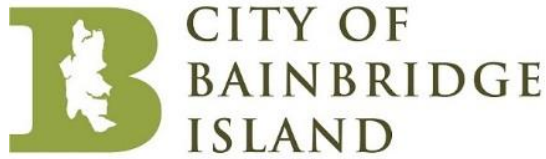
- 6) Submit information required to comply with the variance conditions of approval (PLN50287 SVAR):
- Staging plan and parking plan reviewed by a civil engineer
 - (Excerpt Condition 7). Application for building permit shall include a staging plan and parking plan for construction materials, activities and vehicles. The plans shall demonstrate unobstructed vehicular access to homes served by Rolling Bay Walk, except: The Applicant may demonstrate that impacted homeowners agree to vehicular access obstruction through a notarized document recorded with the Kitsap County Auditor, provided the Fire Marshal finds that the agreement sufficiently addresses public health and safety.
 - (Condition 8). A civil engineer licensed in the State of Washington shall review the staging plan and parking plan for construction materials, activities, and vehicles to ensure that Rolling Bay Walk has sufficient structural integrity to accommodate proposed construction loads. The civil engineer shall inform the City Engineer of any recommended changes to the plan in advance of construction beginning, including whether alternative delivery or construction methods, like barging, would be necessary.
 - Project contact information and affidavit that this information has been provided to area residents.
 - (Condition 9). The Applicant shall designate a contact person that can be reached at all times during construction and this contact information shall be provided to all area residents potentially impacted by construction of the project.
 - Bluff Management Plan
 - (Condition 12). A bluff management plan shall be provided with building permit application. The plan shall be prepared by qualified professional(s) and shall address vegetation management for slope stability and ecological functions for a ten-year period. At a minimum, the plan shall include: A geotechnical analysis of slope stability as defined in BIMC 16.12.060.K; a site plan showing existing vegetation location and species; an analysis of identified vegetation appropriate for removal or alteration; a mitigation plan developed according to the Environmental Impacts and Vegetation Management sections of the Shoreline Master Program (BIMC 16.12.060.C.2 and C.3).
 - Planting Plan
 - (Condition 13). A planting plan approved by the geotechnical engineer shall be submitted with building permit application.

[Note: The plan in the Site Specific Analysis (Marine Surveys & Habitats Feb. 28, 2017) contains many of the required elements, but must be amended to meet requirements below and approved by the geotechnical engineer.]

 - A. The planting plan shall provide for replanting the entire area disturbed by construction (approx. 5,800 sf), less the area dedicated to new hard surface, provided: The planting plan may provide for modest-sized (e.g., a total of 200 square feet) non-vegetated areas to provide for typical residential use such as an outdoor seating area, path to an herb garden.
 - B. The planting plan shall include an annotated list of proposed plants, spacing specifications and plant location; the plan must be prepared by a qualified professional.

- C. The planting plan shall clearly delineate the compensatory mitigation area (2,496 square feet) identified in the Site Specific Analysis (Marine Surveys & Habitats Feb. 28, 2017).
- E. Unless demonstrated to be infeasible by the geotechnical engineer, plantings must be multi-storied, diverse species that are native to the Central Puget Lowland marine riparian zone. Deciduous trees must be six-to-eight feet in height and two-inch caliper, and evergreen trees must be six feet in height at time of planting.
- Estimate for compensatory mitigation planting maintenance and monitoring cost (submit with the planting plan or after approval of the planting plan by the City Planner

(Condition 15). Prior to final building occupancy approval or release of performance assurance, the Applicant shall provide financial assurance in the amount of 50 percent of the compensatory mitigation planting maintenance and monitoring costs.
- (Condition 16). The Applicant shall provide a conservation easement or similar mechanism to ensure that the compensatory mitigation planting area will be maintained in perpetuity.
[Note: The applicant must identify the compensatory mitigation area in order to allow the City to provide a notice to title or similar document.]
- (Condition 17). Prior to any construction activity, the Applicant shall record an Indemnification Agreement (BIMC 16.12.060.K). (blank sent to applicant separately)



Department of Planning and Community Development
Building Division; 280 Madison Avenue North
Bainbridge Is, WA 98110 (206) 842-2552

Plan Review Comments

Date: 4-26-18

From: Blake Holmes bholmes@bainbridgewa.gov (206) 780-3715

Project: Dufresne SFR 11143 Rolling Bay Walk NE

File Number: BLD 22944

The following are the Building Division review comments. Please email if anything is not clear. Please submit two copies of any revised documents and identify all changes made from original plans. Please note, an appointment should be scheduled to submit revised documents. Email responses or piecemeal submittals will not be accepted by the City. The revised documents should be submitted as one package, during the appointment, to the Planning and Community Development counter at City Hall for processing.

Building/Architectural:

1. Submitted building plans are subject to the 2015 International Residential Code and Bainbridge Island Municipal Code Section 15.
2. Residential Fire Sprinklers are required for this project. Fire Sprinkler plans may be deferred. Please know that no framing inspections may be approved prior to submission, review, and approval of the fire sprinkler permits.
3. Plans need to be to scale: included measurements, heights for elevations, height of windows from floors, distances and areas for floor layout. Please see IRC Section R106 Construction Documents. (Handout #B0004 Residential Construction Plan Requirements has been provided for your use and reference.
4. Sheet 11-0 Floor Plans: Corrections to plans are required to address the following items:
 - a. Sheet 11-0 Upper Floor Plan: Safety Glazing: Windows at top of stair need to include distance from floor to sill plate. pursuant R308.4.6, safety Glazing is required to be shown on plans if sill height is less than 36" from floor, due to proximity to stair. Alternatively, stair hand rail may be extended across window. Please demonstrate that window is in compliance with either alternative, on plans and in window schedule on Sheet 13-0.

- b. Sheet 11-0 Upper Floor Plan: Safety Glazing: Windows at tub/shower in bathroom need to include distance from floor to sill plate. pursuant R308.4.5, safety Glazing is required to be shown on plans if sill height is less than 60" from floor, due to proximity to bath. Please demonstrate that window is in compliance, on plans and in window schedule on Sheet 13-0.
 - c. Sheet 11-0 Upper Floor and Main Floor Plan: Window Fall Protection: Slider windows are shown on both floors that are operable with a sill less than 24" to finish floor. Pursuant to IRC R312.2.1 window fall protection will be required on all operable windows unless window sill is shown to be more than 24" above finished floor. Please either show on plans that all windows are more than 24" above finished floor or alternatively, please include on plans, window fall protection that would be compliant with R312.2.1 for all operable windows that a sill is less than 24" above finished floor.
 - d. Sheet 11-0 Upper Floor Plan: Fireplace Exhaust: Exhaust location and routing is not shown for direct vent fireplace. Please Show termination point of direct vent fireplace. and demonstrate that the fireplace exhaust is in conformance with IRC Chapter 18.
 - e. Sheet 11-0 Main Floor Plan: Entrance/Exit Egress. Please note both front door and back doors swing into each other and do not provide clear means of egress pursuant to IRC 311. Please modify egress so that one or more of doors swings in a manner to not impede egress from the floor. A possible alternative is to have the back door open outward, which would resolve the blocking of egress.
 - f. Sheet 11-0 Main Floor Plan: Rear Door Landing: Pursuant to IRC Section R311.3 the exterior door in the rear of the building must include a minimum of 36 inch by 36-inch landing. Please modify the plans to show a IRC compliant landing.
 - g. Sheet 11-0 Main Floor Plan: Range Hood Vent: Pursuant to Mechanical Code Section M1507.4, please demonstrate a minimum of 100 cfm exhaust fan or other means of showing compliance with Mechanical Code Section M1507.4 for the range hood.
 - h. Sheet 11-0 Main Floor Plan: Dishwasher Air Gap Requirement: Please be aware the dishwasher is required to have at minimum a 1" air gap pursuant to the Uniform Plumbing Code Section 807.4.
5. Sheet 11-0 Floor Plans and Sheet 12-0 Sections: Corrections to plans are required to address the following Washington State Energy Code items:
- a. Sheet 11-0 Floor Plans: A whole house fan was indicated, but the location was not shown on the plans. Please show location of whole house fan in compliance with R303.4 and R303.5.

- b. Sheet 12-0 Sections: Insulation: Washington State Energy Code worksheet option 1c. requires R-38 in floors. The plans indicate that the 1st floor joists are only 9 ½" deep which is not sufficient to meet code requirements for installing R-38 batts. Please provide an alternative insulation to batts or modify the joist depth that will meet the R-38 insulation code within the space provided.
 - c. Sheet 12-0 Sections: Insulation: Washington State Energy Code worksheet option 1c. requires R-49 advanced insulation. Plan reflects R-38 batts which need a space of 12" plus 1" for venting and plan shows joist dimension of 11 7/8" deep which is not sufficient to meet code requirements for installing R-38 batts. Please provide an alternative insulation to batts or modify the joist depth that will meet the code within the space provided.
 - d. Sheet 12-0 Sections: Insulation: Washington State Energy Code worksheet option 1c. requires both R-21 in walls and R-12 continuous insulation on the exterior of the building. The R-12 continuous on the exterior of the structure is not show. Please modify the plans to show both the R-21 in the walls and the R-12 continuous insulation on the exterior.
6. FEMA Flood Plain Documentation: Additional documents were submitted on April 23, 2018 that depict the finished floor of the garage (lowest level) at 14.08 inches above sea level. With these documents, no further FEMA Flood Plain documentation or construction methodology is required.

Structural:

- 1. Sheet 5-0 Soldier Pile and Timber Lagging Retaining Wall: Structural: Section A-A: Show dimensions for size of holes in piles for tiebacks.
- 2. Sheet 5-0 Soldier Pile and Timber Lagging Retaining Wall: Structural: Section B-B: Show auger hole size for tiebacks.
- 3. Sheet 5-0 Soldier Pile and Timber Lagging Retaining Wall: Structural: Address distance tieback head will protrude into 8" concrete foundation wall.
- 4. Sheet 5-0 Soldier Pile and Timber Lagging Retaining Wall: Structural: how detail of welding that will occur were the tiebacks will connect to the auger cast wall.

Please submit revised drawings with the above items identified, and again, an appointment should be scheduled to submit revised documents. Email responses or piecemeal submittals will not be accepted by the City. The revised documents should be submitted as one package, during the appointment, to the Planning and Community Development counter at City Hall for processing.

Thank you again.



Department of Public Works - Engineering

Memorandum

Date: April 26, 2018
To: James Weaver, City Building Official, Planning and Community Dev.
From: Peter Corelis, P.E., Development Engineer
Subject: BLD22944 SFR – Dufresne

Project Description:

The proposal is construct a new single-family residence on the face of a marine bluff located at 11143 Rolling Bay Walk NE in the City of Bainbridge Island. Construction of the residence requires a deep excavation and shoring wall to level a pad or terrace for the new structure near the bottom of steep slope.

Project Review Comments:

I have completed a review of the project submitted to the City on January 30, 2018, under building permit application no. BLD22944 for conformance with the approved shoreline variance (City file no. PLN50287 SVAR) and for compliance with applicable City codes. The following comments and request for additional information must be submitted to the department for further review and approval. Please refer to the *Findings, Conclusions, and Decision, City of Bainbridge Island Hearing Examiner, Dufresne SVAR, No. PLN-50287* for the conditions mentioned below:

1. All construction and associated activities shall follow the recommendations of the geotechnical engineer and the submitted geotechnical reports (Condition 4). Please submit a signed and stamped *Step 2 Form, Construction in a Geologically Hazardous Area* from the geotechnical engineer of record to validate that the most recent construction drawings and plans, dated November 1, 2017 meet all the recommendations of the geotechnical report (Condition 10B) prepared on July 20, 2017. The Step 2 Form may also address, where specifically stated by the engineer, that the bluff management plan (Condition 12) and the planting plan (Condition 13) meet the minimum design recommendations of the geotechnical engineer.
2. Submit a signed contract as proof that a geotechnical engineer registered in the State of Washington will be performing the required construction monitoring services for erosion control, excavation, fill placement, shoring wall construction, deep foundation element installation such as pin piles, and drainage elements (Conditions 10D & 10E).
3. As requested by the project planner, please submit the staging and parking plan (Condition 8) prepared by a civil engineer licensed in the State of Washington.

4. The drainage plan signed and stamped by the civil engineer, dated February 9, 2017, does not agree with the preliminary drainage plan submitted for approval of the shoreline variance. A key difference is the omission of the permeable paving surfacing consisting of 3" pervious pavers for the residential driveway, as shown on the Browne-Wheeler Engineers (BWE) plan, dated February 15, 2017 and labeled 'NOT FOR CONSTRUCTION'. Please submit a revised drainage plan, signed and stamped by BWE that incorporates the permeable surfacing driveway as previously shown.

Please note, an appointment should be scheduled to submit revised documents. Email responses or piecemeal submittals will not be accepted by the City. The revised documents should be submitted as one package, during the appointment, to the Planning and Community Development counter at City Hall for processing. Thank you again.



#B004

RESIDENTIAL CONSTRUCTION PLAN

REQUIREMENTS

Construction Plans: (2-Full size)

Verify that all of the following are provided:

- ☐ Recognized architectural scale, i.e. 1/8" = 1' or 1/4" = 1' etc.
- ☐ Floor plan(s) (Label the use of all rooms, i.e. bedroom, bathroom, kitchen etc.)
- ☐ Elevations of all sides, i.e. North, South, East and West.
- ☐ Foundation plan (Show location of ventilation, underfloor access, piers, size, etc.)
- ☐ Floor framing plan (Show framing member dimensions, spacing, spans and wood species.)
- ☐ Roof framing plan (Show framing member dimensions, spacing, spans, species, hips, valleys, overhangs, etc.)
- ☐ Building Cross Section (Show from outside wall to outside wall and label all building materials to be used.)
- ☐ Deck framing plan (Show location on floor & foundation plan and include detail per KC deck brochure.)
- ☐ List of all required special inspections (verify with engineer of record, if applicable, i.e. concrete, welding, etc.)

Verify that the Construction plan sheets contain all of the following in detail:

(Include all structural member sizes, wood species and grades, i.e. 2x10 DF#2, HF#2, PT, etc.) For complex beam/joist systems, structural calculations may be necessary.

- ☐ Foundation details (footing, and pier sizes, reinforcements, depths, grades, and anchorage)
- ☐ Concrete wall details (Sizes; reinforcement size, location and grade; openings, etc.)
- ☐ Do any concrete walls exceed 9' in height? ☐ If yes, foundation engineering is required.
- ☐ Floor beams (size, grade, species, spacing and direction)
- ☐ Floor joists (size, grade, species, spacing and direction)
- ☐ Wall framing detail (size, grade, species, and spacing)
- ☐ Headers and beams (size, grade, and species for all openings)
- ☐ Roof framing detail (size, grade, species, spacing, direction, and rain gutters)

Additional information required on plans:

- ☐ All required fire separation walls (i.e. separation of dwelling to garage, etc.)
- ☐ Self-closing, solid wood or listed 20 minute door assemblies for the door from garage to dwelling.
- ☐ All window and door sizes (See also residential energy code forms)
- ☐ Safety glazing indicated for all locations classified as hazardous (Bathrooms, by doors, etc.)
- ☐ Smoke Detectors & Carbon Monoxide Alarms per code.
- ☐ Insulation values indicated. (Walls, ceiling, floor, slab/foundation etc.)
- ☐ Stair details (Including handrails, rise and run, stair width, landings, etc.)
- ☐ Guardrails for landings or walking surfaces greater than 30" above grade.
- ☐ Fireplace(s) and/or stove locations; Fuel type ; Type(s)
- ☐ All gas (propane or natural) fueled appliances must be identified on the plans.
- ☐ Propane is prohibited in locations where heavier-than-air gas might collect (exceptions apply)
- ☐ If the plans include a fire extinguishing system (sprinkler) an additional, separate permit is required.

Structural Information:

- _____ All Structural members supporting concentrated point loads. (i.e.: large gravity loads bearing at a specific point on a beam) Must be identified & calculations provided.
- _____ All braced **wall lines** and braced wall **panel types** and **locations** must be clearly indicated on the plans.
- _____ The proposed structure must satisfy the minimum IRC prescriptive braced wall requirements.

Unusual Shapes: If any of the following conditions exist for your project, an engineered analysis & design will be required by a WA State Licensed professional.

- _____ Braced wall panels offset from the vertical plane directly above the foundation.
- _____ Any floor or roof **not** laterally supported on all edges by braced wall lines.
- _____ Any roof or floor extending more than 6 feet beyond a braced wall line.
- _____ Any required braced wall panel (BWPs) extending more than 1 ft over an opening in the wall below (BWPs may extend over an opening 8 ft or less in width if the header meets criteria.)
- _____ Any floor openings more than 12' wide or more than 50% of the least floor dimension.
- _____ Any portion(s) of the floor level vertically offset such that the floors cannot be tied together.
- _____ Any braced wall lines that **do not** meet in a perpendicular direction.

Structural engineering documents (If engineering is performed, the following must be included):

Please Check Box

- ☐ Coversheet identifying the project location, scope, and the design professionals address and phone number.
- ☐ **Section 15.04.021 Design Requirements**
IRC Table R301.2(1) is amended by filling in the blanks of the table as follows:
Snow Load: 25 psf
Wind Speed: 85 mph
Seismic Category: D2
Weathering: Moderate
Frost Line Depth: 12 inches
Termite: Slight to Moderate
Decay: Slight to Moderate
Winter Design Temp: 27 degrees F
Ice Shield Underlayment Required: No
Flood Hazards: Per BIMC 15.16
Air Freezing Index: 113
Mean Annual Temp: 53 degrees F
- ☐ Stamped & Signed structural calculations, general notes & all structural plan sheets.(2 sets)
- ☐ WA State registered engineer's or architect's original seal, signature, signature date, & registration expiration date.
- ☐ All engineers' or architects' construction requirements must be clearly and accurately be transferred to the plans, if drawn by another person.

AFTER RECORDING RETURN TO:

City of Bainbridge Island
280 Madison Ave North, Bainbridge Island, WA 98110
Phone: 206-842-2552 Email: pcd@bainbridgewa.gov

RELEASE AND INDEMNIFICATION AGREEMENT

Grantors: Margaret Dufresne

Grantee: City of Bainbridge Island

Short Legal Description: Gov't Lot 1, Section: 14 Township: 25 Range: 2E

[Complete Legal Description on Exhibit A]

Assessor's Tax Parcel ID#: 4156-001-004-1006 (4156-001-004-0909 and 4156-001-005-0502)

Reference Numbers of Documents Released or Assigned: N/A

This Agreement is made by and between the City of Bainbridge Island, Washington, a municipal corporation of the State of Washington ("City") and Margaret Dufresne (Owner).

RECITALS

A. The Owners own real property in the City, which real property is legally described on Exhibit A, attached hereto and incorporated by this reference ("Real Property"). The Real Property is located at 11143 Rolling Bay Walk, Bainbridge Island, WA.

B. The Owners have submitted an application for a development proposal on the Real Property, under the City's File No: BLD22944 SFR.

C. The Real Property contains a geologically hazardous area. This type of area is "susceptible to erosion, sliding or other geological events," and is "a potential threat to public health, safety and welfare when construction of geotechnically incompatible uses are allowed." In addition, "construction in geologically hazardous areas should be avoided when the potential risk to public health and safety cannot be reduced to a level comparable to the risk if the site were stable." BIMC Title 16.

D. In view of the risks inherent in construction of buildings or structures in geologically hazardous areas, the City requires the owners of real property on which development is proposed in a geologically hazardous area to execute an indemnification agreement prior to any construction activities. BIMC Title 16.

AGREEMENT

1. Permit Processing. The City agrees that the Owners' submission of this Agreement meets the requirements of BIMC Title 16. The City shall process the building permit applications submitted under City File No. BLD22944SFR., subject to the Owners meeting all requirements of all applicable codes, regulations, rules, and other laws.

2. Release. The Owners release and discharge the City and its officers, employees, agents, successors, assigns and consultants from all known and unknown losses, liabilities, claims, damages or causes of action that the Owners have or may have relating to, arising out of, or resulting from, directly or indirectly, soil movement or the construction of buildings, structures and improvements on the Real Property, including but not limited to unintended results from maintenance, modification, or aging of drainage.

3. Indemnification and Hold Harmless. The Owners agree to indemnify and hold harmless the City and its officers, employees, agents, successors, assigns and consultants from and against any losses, liabilities, claims, damages, or causes of action (including attorneys' fees incurred in defense thereof), for deaths or injuries to persons or loss of or damage to property, occurring either on or off the Real Property, sustained by the City or its officers, employees, agents, successors, assigns and consultants, or any other person or entity, relating to, arising out of, or resulting from, directly or indirectly, soil movement or the construction of buildings, structures and improvements on the Real Property, including but not limited to unintended results from maintenance, modification, or aging of drainage and any other City or private facilities, except for losses, liabilities, claims, demands, or causes of action caused solely by the negligence or willful misconduct of the City, or its officers, employees, agents, successors, assigns or consultants. In the event any such loss, liability, claim, demand or cause of action is caused by the joint negligence of the Owners and the City, the Owners' indemnification of the City shall be enforceable to the extent of the Owners' negligence. The Owners shall give the City prompt notice in the event of claims potentially covered by this Agreement.

4. Binding Nature. The provisions of this Agreement shall inure to the benefit of and be binding on the parties and their respective heirs, representatives, successors and assigns. The provisions of this Agreement shall constitute covenants running with the Real Property.

5. Recording. This Agreement shall be recorded with the Kitsap County Auditor.

6. Attorney's Fees. Attorneys' Fees. In the event of any dispute relating to or arising out of this Agreement, including mediation, arbitration or litigation, then the prevailing party shall be awarded all costs and expenses, including reasonable attorney fees, incurred in connection with the dispute.

CITY OF BAINBRIDGE ISLAND

BY _____
Gary R. Christensen, AICP
ITS Director of Planning and Community Development

OWNER

BY _____

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that **Gary R. Christensen** is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the Director of Planning and Community Development of City of Bainbridge Island to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____
(Print name)

Notary Public in and for the State of Washington.

Commission Expires: _____

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that **Margaret Dufresne** is the person who appeared before me, and said person acknowledged that he/she signed this **Indemnification Agreement** and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____
(Print name)

Notary Public in and for the State of Washington.

Commission Expires: _____

Exhibit A

4156-001-004-1006

PARCEL I: RESULTANT PARCEL 4 (PARCEL C) OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 200503240117, AND AS DEPICTED ON SURVEY RECORDED UNDER AUDITOR'S FILE NO. 200503240119, IN VOLUME 63 OF SURVEYS, PAGES 76-77, RECORDS OF KITSAP COUNTY, WASHINGTON, BEING A PORTION OF LOTS 4, 5 AND 6 OF THE PLAT OF MANITOU PARK AS RECORDED IN VOLUME 3, PAGE 31 OF PLATS, RECORDS OF KITSAP COUNTY, WASHINGTON AND SITUATE IN GOVERNMENT LOT 1, SECTION 14, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., CITY OF BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON.>>>PARCEL II: RESULTANT PARCEL 5 (PARCEL D) OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NOS. 200503240117/0118, AND AS DEPICTED ON SURVEY RECORDED UNDER AUDITOR'S FILE NO. 200503240119, IN VOLUME 63 OF SURVEYS, PAGES 76-77, RECORDS OF KITSAP COUNTY, WASHINGTON, BEING A PORTION OF LOTS 5 AND 6 OF THE PLAT OF MANITOU PARK AS RECORDED IN VOLUME 3, PAGE 31 OF PLATS, RECORDS OF KITSAP COUNTY, WASHINGTON AND SITUATE IN GOVERNMENT LOT 1, SECTION 14, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., CITY OF BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON.