

RESOLUTION 2026-MM

A RESOLUTION OF THE TOWN OF EATONVILLE, WASHINGTON, DECLARING CERTAIN FORMER PUBLIC-UTILITY PROPERTY SURPLUS; APPROVING ITS CONVEYANCE TO TIBEER INVESTMENTS, LLC; ESTABLISHING THE CONSIDERATION AND TERMS OF CONVEYANCE; AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the Town of Eatonville ("Town") owns a former pump-house building and related improvements described in Exhibit A (collectively, the "Property"), situated on real property owned by Tibeer Investments, LLC and commonly known as tax parcel number 0416231050; and

WHEREAS, the Property was originally acquired or constructed for public utility purposes but is no longer used or required for the provision of continued public utility service; and

WHEREAS, the Property is nonessential to current or reasonably anticipated Town operations, and retaining it exposes the Town and its utility ratepayers to continuing inspection, security, maintenance, repair, environmental, demolition, and liability risks without a corresponding public benefit; and

WHEREAS, an appraisal or other valuation dated January 14th, 2025 estimates the fair market value of the Property at One Thousand Six Hundred Dollars (\$1,600); and

WHEREAS, the Town has considered the condition, location, limited utility, removal or demolition burden, and ongoing liabilities associated with the Property, including the fact that it is located on privately owned land; and

WHEREAS, David Baublits, an authorized agent of Tibeer Investments, LLC, has agreed, as consideration for the conveyance, to accept the Property in its present AS-IS, WHERE-IS condition and to assume all present and future responsibility, cost, risk, and liability associated with its ownership, possession, maintenance, repair, security, renovation, code compliance, environmental condition, removal, and demolition, and to release, defend, indemnify, and hold harmless the Town as provided in the conveyance documents; and

WHEREAS, the Town Council finds that the value of these assumed obligations and avoided public costs is reasonably commensurate with, and constitutes adequate consideration for, the Property's appraised fair market value, that the Town has no donative intent, and that the transaction is not a gift of public property; and

WHEREAS, after providing notice as required by law, the Town Council conducted a public hearing on August 24th, 2026 concerning the proposed surplus declaration and conveyance and considered all testimony and materials submitted; and

WHEREAS, RCW 35.94.040 authorizes the Town Council, by resolution and after a public hearing, to declare land, property, or equipment originally acquired for public utility purposes surplus to the Town's needs and not required for continued public utility service, and to lease, sell,

or convey that property for the consideration and upon the terms the Council determines to be in the best public interest; now, therefore;

THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings Adopted: The recitals above are incorporated as findings of the Town Council and are adopted in support of this Resolution.

Section 2. Declaration of Surplus: The Town Council declares the Property described in Exhibit A surplus to the Town's needs and determines that it is not required for providing continued public utility service.

Section 3. Fair Market Value and Consideration: The Town Council states that the Property's appraised fair market value is \$1,600. The consideration for the conveyance is Tibeer Investments, LLC binding assumption of all responsibilities, costs, risks, and liabilities described in this Resolution and the transfer documents, including the release, defense, indemnification, and hold-harmless obligations in favor of the Town. The Council finds that this noncash consideration is adequate and reasonably commensurate with the fair market value of the Property.

Section 4. Public Interest Determination: The Town Council determines that the conveyance is in the best public interest because it eliminates a nonessential and unproductive public asset, terminates an ongoing source of public expense and liability, protects utility ratepayers from future maintenance and demolition costs, places responsibility for the structure with the owner of the underlying land, and returns the Property to productive private ownership.

Section 5. Approval of Conveyance: Subject to the conditions in this Resolution, the conveyance of the Property to Tibeer Investments, LLC is approved. The Property shall be conveyed without monetary payment, in exchange for the consideration stated in Section 3, by quitclaim deed, bill of sale, assignment, assumption agreement, or another instrument or combination of instruments approved by the Town Attorney as appropriate to the Town's ownership interest and the legal character of the Property.

Section 6. Conditions of Transfer: The conveyance documents shall provide, at a minimum, that: (a) the Property is accepted AS IS, WHERE IS, WITH ALL FAULTS, without representation or warranty by the Town; (b) the recipient assumes all present and future duties and costs associated with the Property; (c) the recipient releases the Town from claims relating to the Property arising on or after closing and, to the fullest extent permitted by law, agrees to defend, indemnify, and hold harmless the Town and its officials, officers, employees, agents, and volunteers from claims, losses, liabilities, penalties, and expenses arising from the recipient's ownership, use, condition, maintenance, repair, alteration, removal, or demolition of the Property; (d) the Town of Eatonville pays all recording, transfer, and related costs; (e) no Town utility service, access right, or continuing obligation is created or implied; and (f) any additional terms reasonably required by the Mayor or Town Attorney to protect the Town and carry out this Resolution are included.

Section 7. Authorization: The Mayor is authorized to execute and deliver the conveyance documents and to take all actions reasonably necessary to complete the transaction, provided that

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the documents are approved as to form by the Town Attorney and are materially consistent with this Resolution.

Section 8. Severability: If any section, sentence, clause, or phrase of this Resolution is held invalid or unconstitutional, the remaining portions shall remain in full force and effect.

Section 9. Effective Date: This Resolution shall take effect immediately upon passage and signature.

PASSED by the Town Council of Town of Eatonville and attested by the Town Clerk in authentication of such passage this 28th day of September 2026.

Emily McFadden, Mayor

ATTEST:

Miranda Doll, Town Clerk

EXHIBIT A
DESCRIPTION OF PROPERTY

Former pump-house building and all Town-owned fixtures, equipment, appurtenances, and improvements associated with that building, located at:

Street Address: 351 Madison Ave S, Eatonville, WA 98391

Pierce County Parcel No.: 0416231050

Legal Description of Underlying Parcel:

Section 23 Township 16 Range 04 Quarter 12 BLDG ONLY ALL THAT PART OF NW OF NE LY ELY OF TAC EASTERN RR R/W TOG/W COM AT QUARTER COR COMMON TO SD SEC 34 & 14 TH E ALG LI COMMON TO SD SEC 872.72 FT TO POB TH S 38 DEG 59 MIN 17 SEC W 810.63 FT TH N 55 DEG 59 MIN 54 SEC W 40.15 FT TH N 38 DEG 59 MIN 17 SEC E 782.79 FT TO INER N LI SD SEC TH E ALG SD N LI 50.81 FT TO POB ALSO COM AT QUARTER COR COMMON TO SD SEC 23 & 14 TH E ALG N LI 872.72 FT TH S 38 DEG 59 MIN 17 SEC W 810.63 FT TO POB TH CONT S 38 DEG 59 MIN 17 SEC W 628.35 FT TO INTER N-S C/L SD SEC 23 TH N 01 DEG 39 MIN 21 SEC E ALG SD N-S C/L 65.96 FT TH N 38 DEG 59 MIN 17 SEC E 572.42 FT TH S 55 DEG 59 MIN 54 SEC E 40.15 FT TO POB EASE OF RECORD OUT OF 1-010 SEG 2011-0330 JP 3/18/11 JP