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JUDGE JAMES B. SAWYER II

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SUPERIOR COURT OF WASHINGTON FOR MASON COUNTY

In re:

THE PORT OF TAHUYA,  
a Washington port district

NO. 05-2-01083-9

ORDER ON HEARING  
JANUARY 9, 2006

I

1.1 This matter came on for hearing before this Court pursuant to the *Petition For Dissolution Of Port District* filed with this Court on November 14, 2005, and the *Amended Order Setting Hearing On Petition For Dissolution Of Port District* dated November 16, 2005.

1.2 The persons present at the hearing were Robert L. Goodstein and Ralph U. Klose, of Goodstein Law Group PLLC, representing the Port of Tahuya; Jim Christen, Chairman of the Port of Tahuya Board of Commissioners; Kenneth R. Ahlf, of Ahlf Law Office, representing Jean Gall and other residents within the Port of Tahuya port district; Jean Gall and other residents represented by Mr. Ahlf; Jerrilynn Hadley, of the Law Office Of Jerrilynn Hadley, representing Brad Carey; Brad Carey; T.J. Martin, Mason County Deputy Prosecuting Attorney, representing the Mason County Department of Parks and Recreation; Tim Sheldon, Mason County Commissioner; Harold Carey; and other individuals.

1.3 The Court considered the *Petition For Dissolution Of Port District*; the *Declaration Of Jim Christen In Support Of Dissolution Of Port District*; the *Declaration Of Brad Smith In*

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1 *Support Of Dissolution Of Port District; the Response To Petition For Dissolution Of Port District,*  
2 *filed by Ahlf Law Office; the Memorandum Re: Hearing On Petition For Dissolution Of Port*  
3 *District, filed by Goodstein Law Group PLLC; the Request Of Brad Carey For Orderly Dissolution,*  
4 *With Supporting Declaration, the Declaration Of Brad Carey Regarding Unfinished Business Of*  
5 *The Port, and the proposed Order Requiring Systematic Winding Up Prior To Dissolution, filed by*  
6 *Brad Carey's attorney Susan Rae Sampson; the Letter Dated January 6, 2006 To Mason County*  
7 *Superior Court From Brad Carey, submitted by Mr. Carey on behalf of himself; the Court's records*  
8 *and files in this matter, and the oral presentations of Counsel at the hearing, which included the*  
9 *agreement by all counsel on behalf of their respective clients to the dissolution of the Port of Tahuya*  
10 *port district with certain provisions regarding the procedure for such dissolution, as set forth below.*

11 **II.**

12 Based on the foregoing,

13 2.1 The Court hereby finds and concludes that this Court has jurisdiction over this  
14 dissolution proceeding pursuant to RCW 53.48, and that the Petition for dissolution of the Port of  
15 Tahuya port district was properly filed with this Court.

16 2.2 The Court hereby also finds that the best interests of all persons concerned will be  
17 served by the proposed dissolution of the Port of Tahuya under the conditions set forth herein, and  
18 that an order dissolving the Port of Tahuya port district should be entered by this Court.

19 2.3 The Court hereby further finds that several individuals within the Port of Tahuya port  
20 district are interested in maintaining the existence of Menard's Landing, a small park owned by the  
21 Port and a hand-carry boat launch and parking facility leased by the Port in accordance with the  
22 requirements of the Menard's Landing aquatic lands enhancement account program grant agreement  
23 and the Deed of Right to use land for public aquatic lands access purposes. The Port should transfer  
24 the ownership and rights to such facilities to Mason County or another qualified entity that will  
25 maintain such facilities in accordance with such grant agreement and Deed of Right to use land,

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1 prior to the dissolution of the port district. One hundred twenty (120) days should be sufficient for  
2 that purpose, during which time other activities related to the winding-up of the Port can also occur.

3 **III.**

4 Based on the foregoing, IT IS HEREBY ORDERED that:

5 3.1 The Port of Tahuya port district shall be dissolved.

6 3.2 An order of dissolution shall not be entered in this case until the expiration of one  
7 hundred twenty (120) days from the date of this Order or until the Menard's Landing facilities have  
8 been transferred to Mason County or another qualified entity for maintenance in accordance with the  
9 Menard's Landing aquatic lands enhancement account program grant agreement and the Deed of  
10 Right to use land for public aquatic lands access purposes, whichever should be the latter. During  
11 the one hundred twenty (120) days from the date of this Order, the Port shall commence the  
12 winding-up of its other affairs pursuant to the provisions of paragraph 3.3 below.

13 3.3 The Port of Tahuya shall immediately commence the winding-up of its affairs, which  
14 shall include the following:

15 3.3.1 The Port shall file and publish a notice of the new claims period established  
16 by this Court pursuant to paragraph 3.4 below.

17 3.3.2 The Port shall consider all pending claims.

18 3.3.3 The Port shall consider any and all additional claims filed against the Port  
19 during the claims period established pursuant to paragraph 3.4 below.

20 3.3.4 The Port shall address any and all outstanding requests for public disclosure  
21 and any and all additional requests for public disclosure received by the Port.

22 3.3.5 The Port shall close out any leases remaining following a transfer of the  
23 Menard's Landing facility pursuant to paragraph 3.2 above.

24 3.3.6 The Port shall collect and marshal all of its assets (other than assets relating to  
25 the Menard's Landing facility) in preparation for final disposition.

