

After recording return document to:
City of Olympia
Attention: Legal Department
P.O. Box 1967
Olympia, WA 98507-1967

Document Title: Ingress/Egress Easement and Maintenance Agreement
Grantor(s): City of Olympia
Grantee(s): Patrick T. Cusack and Tracy C. Cusack, husband and wife.
Legal Description: Portion of Parcel 1 SS-5007
Assessor's Tax Parcel Number: 11819130501

INGRESS/EGRESS EASEMENT AND MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the City of Olympia (Olympia), a municipal corporation whose address is 900 Plum Street, P.O. Box 1967, is the owner of the property legally described as Parcel 1, Short Subdivision No. SS-5007, as recorded August 29, 1975 under Auditor's File No. 945513, in Thurston County, Washington and Patrick T. and Tracy C. Cusack (Cusack), husband and wife, whose address in common is 3330 18th Avenue SE, Olympia, Washington, are the owners of the property legally described as Parcel A of Boundary Line Adjustment No. BLA-SS-5567, as recorded June 16, 1989 under Auditor's File No. 8906160084, in Thurston County, Washington. In consideration of Ten Dollars and No Cents (\$10.00) and the mutual promises and obligations recited below, hereby covenant and agree as follows:

1. That Olympia, for the benefit of Cusack, their successors, assigns and transferees, hereby grants in respect to the property described above, an ingress/egress driveway easement for automobiles and other motor vehicles ("Easement Area"), as described in Exhibit "A" attached hereto and depicted on Exhibit "B".
2. That said Easement Area is intended to provide vehicular access to and from the Cusack and Olympia parcels from the Road known as Ontario Street SE. The Easement Area shall not be used for parking or storage of motor vehicles or any other structure. The Easement Area is to remain free of obstructions.
3. That Cusack relinquishes and abandons any and all rights if any, to access points from City of Olympia roadway known as 18th Avenue SE, to and from their Parcel described above except and limited to the herein described Easement Area.

- 4. The driveway within the Easement Area shall be constructed by Olympia and maintained in a good and useful condition by Cusack, with damages caused by either parcel owner or its guests or invitees to be promptly repaired by that parcel owner at his/her sole expense. Upon a failure of a parcel owner to promptly repair damage to the Easement Area as required by the preceding sentence or to otherwise maintain the Easement Area in the required condition, the other parcel owner may do so with the actual and reasonable costs incurred chargeable to and promptly payable by the responsible property owner. The construction, maintenance and repair obligations under this paragraph are specifically enforceable by the parties hereto. For purposes of the activities required and authorized by this section, the parcels shall be subject to and burdened by temporary easements over such portions of the parcel as are reasonably necessary for the performance of the required maintenance or repairs.
- 5. That this easement and the rights and responsibilities set forth are permanent and perpetual and intended to bind the parties hereto, their heirs, successors and assigns, and their respective properties, to touch and concern said parcels, and to run with the land and succeeding interests therein.
- 6. That this agreement and the easements granted may not be expanded or modified except by further agreement in writing and in recordable form by the parties hereto or their heirs, successors or assigns.

Accepted and granted this 28th day of January, 2010 ^{P-12}

Patrick T. Cusack Tracy C. Cusack

Patrick T. Cusack Tracy C. Cusack

STATE OF WASHINGTON)
) ss
 County of Thurston)

On this 28 day of January, 2010 ^{P-12}, before me personally appeared Patrick T. Cusack and Tracy C. Cusack, husband and wife, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year above written.



P. J. Fisk
 Notary Public in and for the State of
 Washington, residing at: Olympia
 My commission expires: 6-29-11

Accepted and granted this _____ day of _____, 2010.

Approved as to form:

CITY OF OLYMPIA



Deputy City Attorney

By: _____

Steven R. Hall, City Manager

STATE OF WASHINGTON)
) ss
County of Thurston)

On this _____ day of _____, 2010, before me personally appeared Steven R. Hall, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year above written.

Notary Public in and for the State of
Washington, residing at: _____
My commission expires: _____

EXHIBIT "A"**INGRESS/EGRESS EASEMENT AREA**

Across a portion of Parcel 1, Short Subdivision No. SS-5007, as recorded August 29, 1975 under Auditor's File No. 945513, Thurston County records, said easement area particularly described as follows:

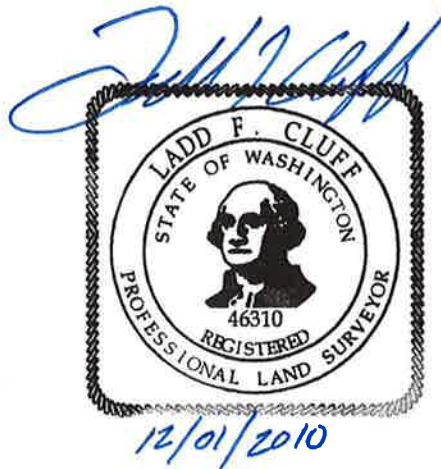
Commencing at the Southwest corner of said Parcel 1; thence North $01^{\circ}11'08''$ East, 106.81 feet along the West line of said Parcel to the **POINT OF BEGINNING**;

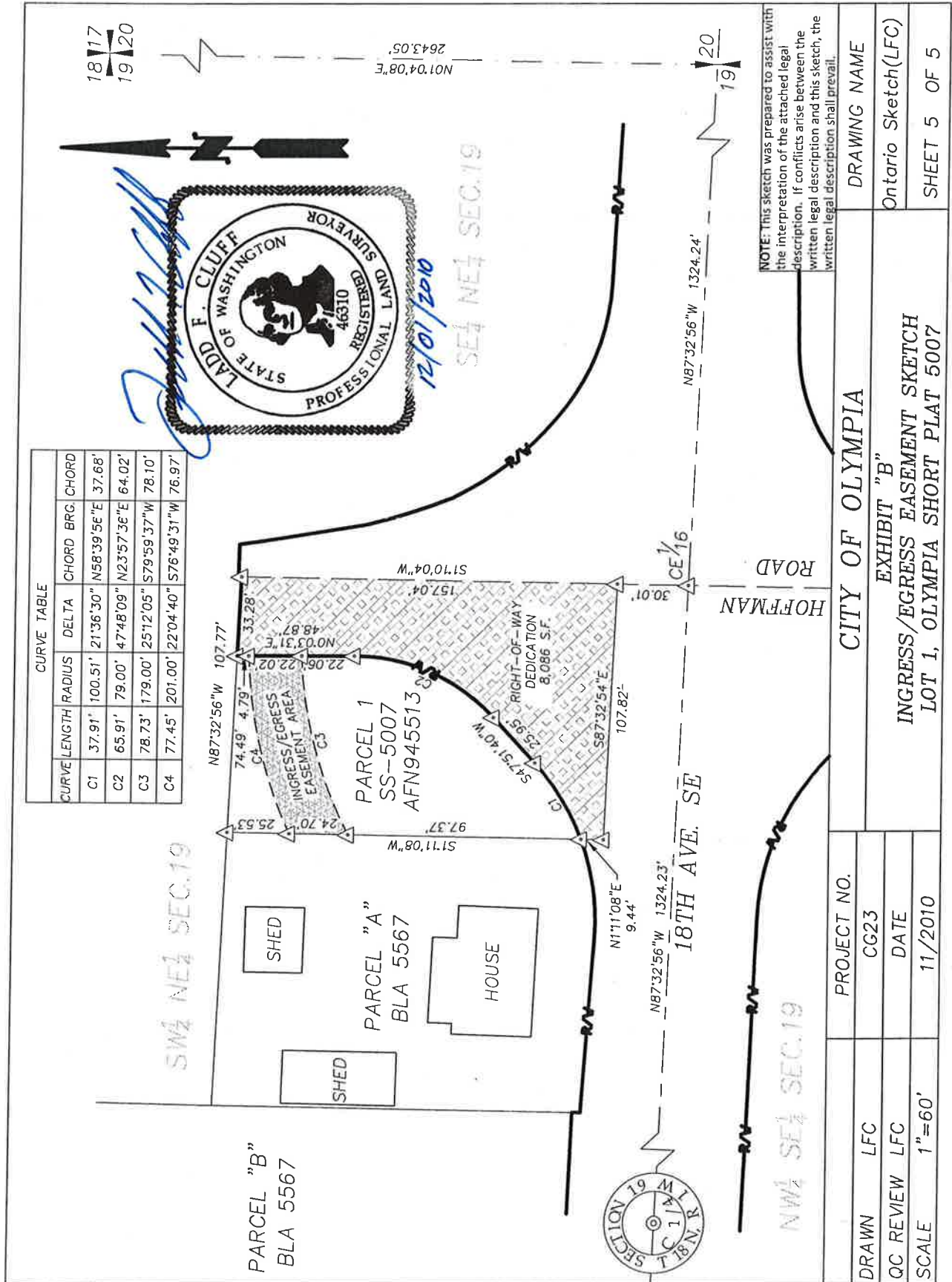
Thence continuing North $01^{\circ}11'08''$ East, 24.70 feet;

Thence leaving said West line, 77.45 feet along a non-tangent curve to the right, said curve having a radius of 201.00 feet, a delta angle of $22^{\circ}04'40''$ and a chord bearing and distance of North $76^{\circ}49'31''$ East, 76.97 feet to the West Right-of-Way of Ontario Street SE;

Thence along said West Right-of-Way South $00^{\circ}03'31''$ West, 22.02 feet;

Thence leaving said West Right-of-Way, 78.73 feet along a non-tangent curve to the left, said curve having a radius of 179.00 feet, a delta angle of $25^{\circ}12'05''$ and a chord bearing and distance of South $79^{\circ}59'37''$ West, 78.10 feet to the **POINT OF BEGINNING**.





DRAWN	LFC	PROJECT NO.	CG23
QC REVIEW	LFC	DATE	11/2010
SCALE	1"=60'		
CITY OF OLYMPIA		DRAWING NAME	Ontario Sketch(LFC)
EXHIBIT "B"			
INGRESS/EGRESS EASEMENT SKETCH			
LOT 1, OLYMPIA SHORT PLAT 5007			
		SHEET	5 OF 5