

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING A RIGHT-OF-WAY USE AGREEMENT BETWEEN THE CITY OF OLYMPIA AND WELL 80 REAL ESTATE, LLC

WHEREAS, there exists within the City of Olympia certain publicly owned right-of-way located at 514 Fourth Avenue East and a ten-foot wide platted alley right-of-way running north-south between Lots 6 and 7, Block 53, of Sylvester Town of Olympia, Washington. The alley is located northerly of 4th Avenue and southerly of State Avenue. This right-of-way is more particularly described as set forth below; and

WHEREAS, Well 80 is a developer of a private building and the owner of the underlying fee title of said alley right-of-way. Well 80 operates a restaurant and brewery at this premises. Well 80 seeks Olympia's permission to use sidewalk and alley right-of-way for outdoor restaurant seating and other business uses. The premises are located at 514 Fourth Avenue East, Olympia, Washington and legally described as: Section 14 Township 18 Range 2W Quarter NW SE Plat SYLVESTER TOWN OF OLYMPIA BLK 53 LT 6, LESS W6F Document 1/14, tax assessor number: 78505300600; and

WHEREAS, The City has determined that use of the right-of-way for outdoor restaurant seating purposes is consistent with proper permitted use of said right-of-way; and

WHEREAS, per Olympia Municipal Code Section 3.16.020.C, it is necessary for the City Council to approve the terms and conditions of the Right-of-Way Use Agreement between the City and WELL 80 Real Estate, LLC; and

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

- 1 The Olympia City Council hereby approves the form of Right-of-Way Use Agreement between the City of Olympia and WELL 80 Real Estate, LLC and the terms and conditions contained therein.
- 2 The City Manager is authorized and directed to execute the Right-of-Way Use Agreement on behalf of the City of Olympia, and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY