



REMEDIATION AGREEMENT

Project / Number:	2021 Boulevard Road Remedial Cleanup
Site Address:	2021 Boulevard Road SE
Parcel Number:	12824411300
Grantor(s):	Brian C. Barlow
Grantee(s):	City of Olympia

Background:

Property located at 2021 Boulevard Road SE in Olympia, Thurston County Parcel no. 12824411300, depicted below (the Property), formerly contained a plant nursery/greenhouse and is contaminated with organochlorine pesticides; the Property is in need of remediation of the contamination to facilitate re-development of the Property. Remediation of the contamination on the Property will also address possible threat to the health and safety of the public and will improve the environment for plants and animals.

The Property has been identified as suitable for re-development as low-income housing, and the City of Olympia (the City) is working with another individual, Daniel Stusser, who desires to purchase the Property and develop it into low-income housing. The City expects that Brian C. Barlow, the owner of the Property, to consider sale of the Property to Stusser to facilitate re-development of the property into low-income housing.

To address the possible threat to public health posed by the contamination on the Property, and to further the prospects that the Property could be re-developed as low-income housing, City of Olympia has been awarded a grant from the Department of Ecology (Agreement No. OTGP-2023-Olympi-00019) (the Grant) to fund remediation of the contamination on the Property. For reference, a copy of the grant agreement between the Department of Ecology and the City is attached to this Agreement as Exhibit A.

The remediation project (the Remediation Project) funded by the Department of Ecology grant is expected to consist of removing an organochlorine pesticide contaminated stockpile and underlying soils beneath the stockpile, up to a proposed depth of 12 inches below grade on the western portion of the Property and collecting/analyzing confirmational soil samples to determine that remaining soils meet MTCA (Model Toxics Control Act) A/B Levels. Removal and disposal of 500 tons of material from the Property is expected. Backfill is not contemplated, because the contaminated soil is above surrounding grade. At the conclusion of the Project, it is contemplated that the Department of Ecology will be able to issue a "No Further Action" determination, allowing re-development of the Property.

The Property is owned by Brian C. Barlow, a single person (Grantor). Grantor seeks remediation of the contamination on the Property and welcomes the City's pursuit of the Remediation Project funded by the Grant. Grantor wishes to grant the City any and all rights, licenses, and permissions necessary for the City and its employees, agents, and contractors, and the Department of Ecology, and its employees, agents, and contractors, to enter onto the Property and remove such materials and make such inspections and conduct such testing as necessary to complete the Remediation Project.

Agreement:

Based on the foregoing background, Grantor and the City agree as follows:

Grantor, in consideration of the completion of the Remediation Project, hereby grants to the City a temporary license permitting the City, and its employees, agents, and contractors, and the Department of Ecology, and its employees, agents, and contractors, to enter over, under, upon, and across the Property for purposes of completing the Remediation Project, and to do any and all things deemed necessary by the City on the Property for purposes of completing the Remediation Project.

Grantor, in consideration of the completion of the Remediation Project, hereby further grants to the City and its employees, agents, and contractors, the right and permission to remove and dispose of any and all such material (including soils and other surface and sub-surface resources, whether contaminated or not) located on or in the Property as deemed necessary by the City to complete the Remediation Project.

The rights, licenses, and permissions granted to the City by Grantor in this Agreement commence upon the start of the Remediation Project (the Commencement Date) and continue for a term of one year or until completion of the Remediation Project, whichever occurs first.

Except for those times when the City, or its agents or contractors, are making use of the Property, Grantor may use and enjoy the Property, so long as such use does not interfere with completion of the Remediation Project

GRANTOR:

<u>Brian Barlow</u> Brian C. Barlow	<u>01/23/2023</u> Date
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Accepted and Approved:

GRANTEE:

City of Olympia

<u>Mark Russell</u> Mark Russell, P.E. Olympia City Engineer	<u>01/23/2023</u> Date
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Approved as to Form:

<u>Michael M. Young</u> Deputy City Attorney	<u>01/23/2023</u> Date
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Appendix A



Tax Parcel 12824411300 – 2021 Boulevard Road SE