

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING
THE RELEASE OF RIGHTS TO AN ABANDONED STORM & SURFACE WATER UTILITY EASEMENT
AND PIPE.**

WHEREAS, SPS Lands, LLC, owner of Lot 1, Henderson Commercial Park Binding Site Plan (the BSP), has requested the City release its rights to the abandoned utility easement and storm water pipe that diagonally crosses Lot 1, as shown on Exhibit A attached hereto; and

WHEREAS, when the BSP was approved and created in February 2008, the developer routed the City's storm water pipe to the exterior lot boundary, and the City abandoned the existing diagonal storm water pipe in place; and

WHEREAS, the BSP granted an easement to the City's Storm & Surface Water Utility for the new storm water pipe location; and

WHEREAS, the rights to the abandoned easement were not released at the time the new easement was granted as is typical practice; and

WHEREAS, the proposed development requires release of the City's abandoned utility easement and storm water pipe to clear land title and receive building permit approval; and

WHEREAS, staff recommends releasing the abandoned utility easement and storm water pipe upon payment of \$1,000 for processing the release request;

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

1. The Olympia City Council hereby approves release of the City's rights to the abandoned City Storm & Surface Water Utility Easement and pipe diagonally crossing Lot 1, Henderson Commercial Binding Site Plan, as shown on Exhibit A attached hereto.
2. The City Manager or his designee is authorized and directed to execute on behalf of the City of Olympia all necessary documents consistent with the release, including receipt of payment of \$1,000 for processing the owner's release request, and to make any minor modifications as may be required and are consistent with the intent of the release, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

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

Document Title:	RELEASE OF UTILITY EASEMENT
Grantor(s):	City of Olympia
Grantee(s):	SPS Lands, LLC
Legal Description:	Section 23 Township 18 Range 2W Quarter W2 SE Binding Site Plan HENDERSON COMMERCIAL PARK BSP000029OL LT 1 Document 3986666
Assessor's Tax Parcel Number:	53210000100

RELEASE OF UTILITY EASEMENT

THIS RELEASE OF UTILITY EASEMENT is executed by the City of Olympia, a municipal corporation, organized and existing under the laws of the State of Washington (hereafter the "City"), as GRANTOR;

WHEREAS, that certain Utility Easement was granted to the City of Olympia on July 10, 1985, and recorded under Auditor's File Number 850710048, records of Thurston County, Washington;

WHEREAS, it is the purpose and intent of the City to release any and all utility easement rights within the Easement Area as described in Exhibit "A" and shown on Exhibit "B" which exhibits are attached hereto and made a part hereof;

NOW THEREFORE, the City of Olympia as GRANTOR does as follows:

1. Hereby releases, terminates and quitclaims any and all right, title and interest in and to the hereinabove described Easement Area and the Utility Easement to GRANTEE; and
2. Hereby relinquishes any and all rights to the stormwater pipe buried within said Easement Area and Utility Easement to GRANTEE, who hereby accepts all liability and responsibility for said pipe in consideration for said release of the above described Easement Area and Utility Easement.

IN WITNESS WHEREOF, the City of Olympia hereby executes this release of utility easement.

Accepted and approved:

Approved as to form:

CITY OF OLYMPIA

By: _____
Steven R. Hall, City Manager


Mark Barber, City Attorney

Accepted by:

SPS LANDS, LLC

Signature
Print Name _____

STATE OF WASHINGTON)
County of _____) ss

On this _____ day of _____ 2017, before me personally appeared _____ to me known to be the Managing Member of SPS Lands, L.L.C., a Washington Limited Liability Company, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

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

(SEAL)

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

EXHIBIT 'A'
UTILITY EASEMENT VACATION PETITION TO
THE HONORABLE CITY COUNCIL OF THE CITY OF OLYMPIA

Parcel to Be Vacated by Grantee:

THAT PORTION OF LOT 1 OF HENDERSON COMMERCIAL PARK BINDING SITE PLAN, AS RECORDED FEBRUARY 1, 2008 UNDER RECORDING NUMBER 3986666, RECORDS OF THURSTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

AN EASEMENT 30 FEET WIDE, LYING 15 FEET EACH SIDE OF THE CENTERLINE DESCRIBED BY COMMENCING AT THE INTERSECTION OF THE EXTENDED NORTH LINE OF THE SOUTH 100 FEET OF TRACT 44 IN THE PLAT OF WILDWOOD PARK AS RECORDED IN VOLUME 9, PAGE 39, RECORDS OF THURSTON COUNTY, WASHINGTON, AND THE SEWER LINE AS EXISTING WITHIN THE LIMITS DESCRIBED IN AUDITOR'S FILE NUMBER 813546 AND RUNNING THENCE NORTHERLY ALONG SAID SEWER LINE 30 FEET, MORE OR LESS, TO THE MANHOLE AS EXISTING ON OCTOBER 31, 1969 AND THENCE NORTH 29°25'37" WEST FOR 237.48 FEET TO A POINT AT WHICH THE LEFT SIDELINE OF SAID EASEMENT IS COMMON WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF PRIMARY STATE HIGHWAY NUMBER 1; THENCE SOUTH 89°07'36" WEST FOR 17.08 FEET TO AN EXISTING 24 INCH CONCRETE STORM SEWER AND THE POINT OF BEGINNING OF SAID CENTERLINE DESCRIPTION; THENCE SOUTHERLY ALONG SAID SEWER TO THE MOSS LAKE DRAINAGE EASEMENT AS RECORDED UNDER AUDITOR'S NUMBER 544351 AND END OF SAID DESCRIPTION; EXCEPTING THEREFROM ANY PORTION LYING WITHIN PRIMARY STATE HIGHWAY NUMBER 1 RIGHT OF WAY;

THE EASTERLY SIDELINE OF SAID EASEMENT TO BE SHORTENED TO INTERSECT AT THE LEFT SIDELINE OF SAID EASEMENT, AS RECORDED FEBRUARY 1, 2008 UNDER RECORDING NUMBER 3986666, RECORDS OF THURSTON COUNTY, WASHINGTON AND THE WESTERLY SIDELINE OF SAID EASEMENT TO BE SHORTENED TO INTERSECT AT THE SOUTHEASTERLY SIDELINE OF THE 20 FOOT WIDE STORM EASEMENT GRANTED TO THE CITY OF OLYMPIA PER BINDING SITE PLAN 00-0092-01, RECORDED UNDER AUDITOR'S FILE NUMBER 3986666.

CONTAINING 9,163 SQUARE FEET OR 0.21 ACRES, MORE OR LESS.



and 06/16/17 9:13am - P:\SP\SL\00000001\0400CAD\SY\DWG\Lot 1 Storm Easement Vacation\Vacation_EXHIBIT_B.dwg

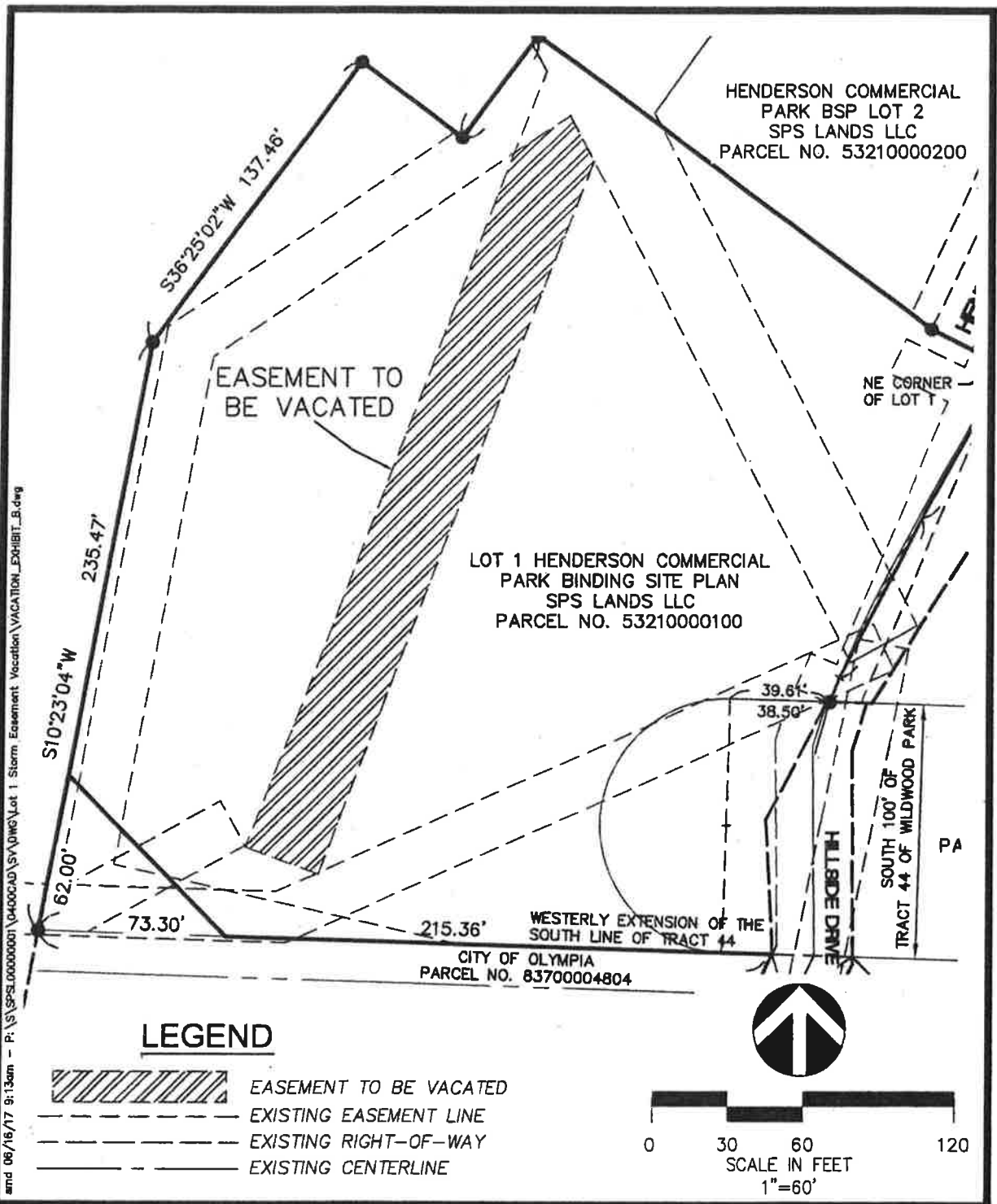


EXHIBIT B
VACATED EASEMENT AREA: 9,163 SF
OWNER: CITY OF OLYMPIA
OLYMPIA, WASHINGTON



**DAVID EVANS
AND ASSOCIATES INC.**
2106 Pacific Avenue Suite 400
Tacoma Washington 98402
Phone: 253.922.9780