

**RESOLUTION NO. M-2408**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF OLYMPIA AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY (DOE) FOR THE BOULEVARD NURSERY CONTAMINATED SOIL STOCKPILE REMOVAL PROJECT**

**WHEREAS**, the City of Olympia has been awarded a grant from the Department of Ecology to fund remediation of property located at 2021 Boulevard Road SE (the Property); the project funded by the grant is referred to as the Boulevard Nursery Contaminated Soil Stockpile Removal Project (the Project); and

**WHEREAS**, property located at 2021 Boulevard Road SE (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;

**WHEREAS**, the Property has been identified as suitable for re-development as low-income housing, and City staff are working with individual, Daniel Stusser, who desires to purchase the Property and develop it into low-income housing. The City has entered into an agreement with Mr. Stusser by which the City and Mr. Stusser will cooperate toward the joint goal of developing the Property as low-income housing if and when the Project is satisfactorily completed. 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;

**WHEREAS**, 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, the City has been awarded a grant from the Department of Ecology (Agreement No. OTGP-2023-Olympi-00019) (the Grant) to fund the Project, which will consist of remediation of the contamination on the Property. At the conclusion of the Project on the Property, it is contemplated that the Department of Ecology will be able to issue a “No Further Action” determination, allowing re-development of the Property.

**WHEREAS**, the Property is owned by Brian C. Barlow. Mr. Barlow seeks remediation of the contamination on the Property and welcomes the City’s pursuit of the Project funded by the Grant. In an agreement with the City, Mr. Barlow has granted the City any and all rights, licenses, and permissions necessary for the City and its employees, agents, and contractors, and the Department of Ecology, to enter onto the Property for purposes of completing the Project;

**WHEREAS**, City staff have requested that the City Council approve the Grant Agreement and authorize the signature of all documents necessary to obligate funds for the Project;

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

1. The Olympia City Council hereby approves the Grant Agreement between the City of Olympia and the Department of Ecology for the Boulevard Nursery Contaminated Soil Stockpile Removal Project and the terms and conditions contained therein.

2. The City Manager is directed and authorized to execute on behalf of the City of Olympia the Grant Agreement, and any other documents necessary to obligate funds for the project, and to make any amendments or minor modifications as may be required and are consistent with the intent of the Grant Agreement, or to correct any scrivener's errors.

**PASSED BY THE OLYMPIA CITY COUNCIL** this 31st day of January 2023.

*C. Selby*  
MAYOR

ATTEST:

*Sean Krier*  
CITY CLERK

APPROVED AS TO FORM:

*Michael M. Young*  
DEPUTY CITY ATTORNEY