

## **RESOLUTION NO**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON AUTHORIZING A RIGHT-OF-WAY USE AGREEMENT BETWEEN THE CITY OF OLYMPIA AND SCOTT AND DEBBIE STAPLES (DBA 4<sup>TH</sup> AVE TAV, LLC) FOR OUTDOOR SEATING**

**WHEREAS**, Scott and Debbie Staples own and operate the 4<sup>th</sup> Ave Tavern, a restaurant and bar located at 210 4th Avenue East, Olympia; and

**WHEREAS**, immediately to the east of, and abutting, 4<sup>th</sup> Ave Tavern is an alley, running north-south between 4th Avenue E. and State Avenue; the portion of this alley that abuts 4<sup>th</sup> Ave Tavern is not used for vehicular traffic or other right-of-way purposes; and

**WHEREAS**, 4<sup>th</sup> Ave Tavern wishes to lease a portion of this alley from the City for outdoor seating for restaurant patrons; and

**WHEREAS**, City staff have determined that use of this portion of the alley for outdoor restaurant seating purposes is consistent with proper permitted use of the alley; and

**WHEREAS**, the City and 4<sup>th</sup> Ave Tav, LLC have negotiated a four-year lease for the portion of the alley the 4<sup>th</sup> Ave Tav wishes to utilize and under the terms of this lease, the City will be paid annual rent of \$1,560.00, which will increase by four percent each year; this annual rent has been determined by City staff to reflect the fair market value of the leased area.

#### **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 4<sup>th</sup> Ave Tav, LLC for lease of the portion of the alley right-of-way described in the Right-of-Way Use Agreement and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Right-of-Way Use Agreement, and any other documents necessary to execute said Right-of-Way Use 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 \_\_\_\_\_ 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY