

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING AN
EASEMENT AGREEMENT WITH 3rd GEN INVESTMENT GROUP 2, LLC FOR A PUBLIC PATHWAY
CONNECTION EXTENDING FROM STATE AVENUE NE TO OLYMPIA AVE NE**

WHEREAS, 3rd GEN INVESTMENT GROUP 2, LLC leases property from the Port of Olympia located at 510 State Avenue NE, Olympia, Washington, legally described as Lot 11 of Olympia Area Rowing Binding Site Plan Third Amendment, as recorded February 13, 2018, under Auditor's File No. 4611194, in Thurston County, Washington; and

WHEREAS, 3rd GEN INVESTMENT GROUP 2, LLC intends to build a mixed-used development on the 510 State Avenue Property; this development was approved by the City following review of the East Bay Flats and Townhomes mixed-used development proposal, now known as the Westman Mill project, Community Planning and Development permit number 17-2795; and

WHEREAS, in reviewing the land use and permit applications for the Westman Mill Project, City staff identified the need for a non-motorized trail that will serve as a pedestrian and bicycle connection across the 510 State Avenue Property, extending Cherry Street NE and connecting State Avenue NE to Olympia Avenue NE. Such a trail is consistent with the City's Comprehensive Plan and with the City's Engineering Design and Development Standards (EDDS); and

WHEREAS, 3rd GEN INVESTMENT GROUP 2, LLC has included this mixed-use trail as part of its development plan for the Westman Mill Project, which the City approved, and 3rd GEN INVESTMENT GROUP 2, LLC intends to develop the non-motorized trail as part of building the project; and

WHEREAS, 3rd GEN INVESTMENT GROUP 2, LLC wishes to grant the City a nonexclusive easement over a portion of the 510 State Avenue NE Property, corresponding to the route of the mixed-use trail, which will allow public access to and over the mixed-use trail, and will allow the City to access the trail for maintenance and other activities related to public use of the trail; and

WHEREAS, 3rd GEN INVESTMENT GROUP 2, LLC and the City agree that 3rd GEN INVESTMENT GROUP 2, LLC will construct the mixed-use trail as part of building the Westman Mill Project and that once constructed, the City will be responsible for maintaining the trail, except that 3rd GEN INVESTMENT GROUP 2, LLC will be responsible for maintenance of landscaping along the trail.

WHEREAS, 3rd GEN INVESTMENT GROUP 2, LLC and the City have developed a proposed Trail Easement. City staff believe the proposed Trail Easement meets the City's requirements and that it is in the best interest of the City to accept the Trail Easement as proposed.

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

1. The Olympia City Council hereby accepts the Trail Easement for a public pedestrian access route across the 510 State Avenue Property that will be open for public access, enjoyment, and recreation, and for maintenance and other activities related to public use of the trail.
2. The City Manager or his designee is authorized and directed to execute on behalf of the City of Olympia the Trail Easement and any other documents consistent with the Trail Easement, and to make any minor

modifications as may be required and are consistent with the intent of the Trail Easement, and to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY