RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDED HENDERSON COMMERCIAL PARK BINDING SITE PLAN.

WHEREAS, under RCW 35A.11.020, the City Council has all powers in regard to the use regulation, acquisition, sale, or ownership of real property of the City of Olympia and under OMC 3.16.020, all instruments relating to the City's real property must be approved by the City Council; and

WHEREAS, SPS Lands, LLC and Capitol Hospitality, LLC, seek an amendment to the Henderson Commercial Park Binding Site Plan (BSP), which will be the first amendment to the BSP for the following purposes: 1) consolidate Lots 1, 2, and 3 into two lots – Lots 5 and 6, and 2) reflect a change of use from an office building on Lot 1 and restaurant on Lot 2, as established per the approved Binding Site Plan (File No. 00-0029), to a hotel on Lot 5. The proposed amendment to the BSP is reflected in Attachment A to this Resolution; and

WHEREAS, the City owns Tract C within the BSP for a future public trail, Parcel Number 53210000003. No change in City ownership or rights within Tract C will result from this amendment; and

WHEREAS, City staff have analyzed the amendment to the BSP and believe it is in the City's interests to agree to the proposed amendment; and

WHEREAS, the purpose of this resolution is to authorize the City Manager to sign the amended BSP instrument on behalf of the City of Olympia and permit SPS Lands, LLC and Capitol Hospitality, LLC to proceed with executing and recording the Amended Henderson Commercial Park Binding Site Plan.

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

Section 1: On behalf of the City of Olympia, the Olympia City Council hereby approves the Amended Henderson Commercial Park Binding Site Plan to consolidate Lots 1, 2, and 3 into two lots, Lots 5 and 6, and to reflect a change of use from an office building on Lot 1 and restaurant on Lot 2, as established per the original Binding Site Plan approval, to a hotel on Lot 5.

Section 2: The City Manager is authorized and directed to execute the Amended Henderson Commercial Park Binding Site Plan and all necessary documents pertaining thereto on behalf of the City of Olympia. The City Manager is also authorized to modify any terms consistent with the intent expressed by the Olympia City Council in this Resolution, and to correct any scrivener's errors in said Binding Site Plan amendment, as may be required.

PASSED BY THE OLYMPIA CITY COUNCIL this ______ day of ______ 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

AMENDED HENDERSON COMMERCIAL PARK, A BINDING SITE PLAN,

AS RECORDED UNDER FILE NO. 3986666, REG A PORTION OF THE NW 1/4 AND THE SW 1/4 OF THE SE 1/4 OF SECTION 23, TWP 18 N, RGE 2 W, W.M., CITY OF OLYMPIA, THURSTON COUNTY, WASHINGTON.

APPROVALS:

CITY OF OLYMPIA

I HEREBY CERTIFY THAT THIS MAJOR AMENDMENT TO A BINDING SITE PLAN HAS BEEN REVIEWED FOR COMPLIANCE WITH APPLICABLE CITY ORDINANCES AND IS HEREBY APPROVED.

CITY OF OLYMPIA COMMUNITY PLANNING AND DEVELOPMENT

DATE

CITY ENGINEER CERTIFICATE

EXAMINED AND APPROVED THIS _____ DAY OF _____ A.D., 2021.

CITY ENGINEER

COUNTY ASSESSOR CERTIFICATE

EXAMINED AND APPROVED THIS DAY OF A.D., 2021.

THURSTON COUNTY ASSESSOR

COUNTY TREASURER CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES ON THE LAND DESCRIBED HEREON HAVE BEEN FULLY PAID TO AND INCLUDING THE YEAR

THURSTON COUNTY TREASURER

COUNTY HEALTH OFFICER CERTIFICATE

EXAMINED AND APPROVED THIS _____ DAY OF _____ ___ A.D., 2021.

THURSTON COUNTY HEALTH OFFICER

COUNTY AUDITOR CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF DAVID EVANS AND ASSOCIATES THIS _____ DAY OF _____ ____ 2021, AT _____ MINUTES PAST ___O'CLOCK ____M., AND RECORDED UNDER FILE NO. __, RECORDS OF THURSTON COUNTY, WASHINGTON.

THURSTON COUNTY AUDITOR

THURSTON COUNTY DEPUTY AUDITOR

PURPOSE OF AMENDMENT

THE PURPOSE OF THIS BINDING SITE PLAN AMENDMENT IS TO RECONFIGURE EXISTING LOTS 1,2 & 3 OF THE EXISTING, APPROVED HENDERSON COMMERCIAL PARK BINDING SITE PLAN AS RECORDED UNDER FILE NO. 3986666, RECORDS OF THURSTON COUNTY, WASHINGTON, FROM A 3 PARCEL CONFIGURATION TO A 2 PARCEL CONFIGURATION RESULTING IN LOTS 5 & LOT 6.

PROJECT INFORMATION

ENGINEER AND SURVEYOR: DAVID EVANS AND ASSOCIATES, INC 2106 PACIFIC AVENU SUITE 400 TACOMA, WA 98402

OWNER/APPLICANT/DEVELOPER: SPS LANDS, LLC 2200 6TH AV SUITE 520 SEATTLE, WA 98121

TOTAL ACREAGE: 5.88 ACRES, MORE OR LESS

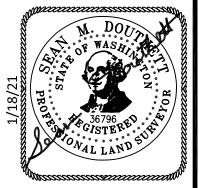
ZONING: COMMERCIAL SERVICES HIGH DENSITY (CS-F

SHARED ACCESS AGREEMENT

MUTUAL CROSS ACCESS EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO SPS LANDS, L.L.C., A WASHINGTON LIMITED LIABILITY CORPORATION AND CAPITOL HOSPITALITY, L.L.C., A WASHINGTON LIMITED LIABILITY CORPORATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. FOR THE PURPOSE OF VEHICULAR INGRESS AND EGRESS ON OVER, UPON, AND ACROSS THE VEHICLE ENTRANCE DRIVEWAYS AND PARKING AREAS LOCATED ON, OR THAT BECOME LOCATED ON, LOTS 5 AND 6. DRIVEWAYS AND PARKING AREAS ON LOT 5 SHALL BE SUBJECT TO AND BURDENED BY THE EASEMENT FOR THE BENEFIT OF LOT 6 FOR THE PURPOSE OF VEHICULAR INGRESS AND EGRESS, AND DRIVEWAYS AND PARKING AREAS ON LOT 6 SHALL BE SUBJECT TO AND BURDENED BY THE EASEMENT FOR THE BENEFIT OF THE LOT 5 FOR THE PURPOSE OF VEHICULAR INGRESS AND EGRESS. EMPLOYEES, OFFICERS, AGENTS, INVITEES, TENANTS, LESSEES, GUESTS AND VISITORS OF SPS LANDS, L.L.C. AND CAPITOL HOSPITALITY, L.L.C. AND OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS SHALL SHARE THE ENJOYMENT OF SAID EASEMENTS. SAID EASEMENTS ARE NON-EXCLUSIVE, PERPETUAL AND INTENDED TO RUN WITH THE LAND AND SUCCEEDING INTERESTS THEREIN.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS MAJOR AMENDMENT TO A BINDING SITE PLAN IS BASED UPON AN ACTUAL SURVEY AND VERIFIED RECORDS AND SUBDIVISION OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 2 WEST, W.M.; THAT THE DISTANCES AND COURSES SHOWN HEREON ARE CORRECT, AND THE LOT CORNERS HAVE BEEN SET IN THE GROUND.



Sean Douthett

SEAN . DOUTHETT, PLS #36796

1/18/21

DATE

CITY OF OLYMPIA BSP 17-4253-OL

-	
OF THURSTON COUNTY, WA	ASHINGTON

ACKNOWLEDGEMENT

STATE OF WASHINGTON } S.S COUNTY OF _____ THIS IS TO THAT ON THIS DAY OF _____ A.D., 2021, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED, TO ME KNOWN TO BE THE OF CAPITOL HOSPITALITY, L.L.C., A

WASHINGTON LIMITED LIABILITY COMPANY, AND TO ME KNOWN TO BE THE OF SPS LANDS, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY FOR USES AND PURPOSES HEREIN MENTIONED. WITNESSED MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE-WRITTEN

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING

ACKNOWLEDGEMENT

STATE OF WASHINGTON

COUNTY OF _____

THIS IS TO THAT ON THIS DAY OF ______A.D., 2021, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED,

} S.S

OF THE CITY OF OLYMPIA, A WASHINGTON MUNICIPAL CORPORATION, AND TO ME KNOWN TO BE THE ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY FOR USES AND PURPOSES HEREIN MENTIONED. WITNESSED MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE-WRITTEN

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING

ASSESSOR'S ORIGINAL PARCEL NUMBERS

PARCEL NO. 53210000100, 53210000200, AND 53210000300

LEGAL DESCRIPTION

LOTS 1- 4 AND TRACTS A, B, AND C OF HENDERSON COMMERCIAL PARK BINDING SITE PLAN, AS RECORDED FEBRUARY 1, 2008 UNDER RECORDING NUMBER 3986666;

(CHICAGO TITLE COMPANY TITLE INSURANCE ORDER NO. 170016905)

TOGETHER WITH THAT PORTION VACATED BY CITY ORDINANCE NO. 7062 AS RECORDED APRIL 10, 2017 UNDER RECORDING NUMBER 4557944

SITUATE IN THURSTON COUNTY, WASHINGTON.

EASEMENT PROVISIONS/COVENANTS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, QWEST COMMUNICATIONS TELEPHONE COMPANY AND AT&T TELEVISION CABLE COMPANY AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTERIOR TEN (10) FEET OF ALL LOTS WITHIN THE PLAT LYING PARALLEL WITH AND ADJOINING THE PRIVATE STREET EASEMENT, AND THE PUBLIC PORTION OF HENDERSON PARK LANE, IN WHICH TO INSTALL LAY, CONSTRUCT, REPAIR, REPLACE, ENLARGE, RENEW, OPERATE AND MAINTAIN UNDERGROUND PIPES, CONDUITS, CABLES AND WIRES WITH ALL NECESSARY OR CONVENT UNDERGROUND OR GROUND MOUNTED APPURTENANCES THERETO FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS AND OTHER UTILITY SERVICE. TOGETHER WITH THE RIGHT TO ENTER UPON THE PRIVATE STREET, LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE OR CABLE TELEVISION SHALL BE PLACED OR PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

STORM WATER AGREEMENT RECORDED UNDER AUDITOR'S FILE NO. 3986665

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO SPS LANDS, L.L.C., A WASHINGTON LIMITED LIABILITY CORPORATION AND CAPITOL HOSPITALITY, L.L.C., A WASHINGTON LIMITED LIABILITY CORPORATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS OVER AND UPON TWO (2) EASEMENTS AS SHOWN ON THIS MAJOR AMENDMENT TO A BINDING SITE PLAN WITH THE RIGHT TO ENTER UPON FOR INGRESS AND EGRESS PURPOSES OVER THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES AND SHALL BE MAINTAINED FOR THE USES IDENTIFIED.

PROPOSED EASEMENT LOCATIONS DEPICTED ON SHEET 3 OF 3

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT SPS LANDS, L.L.C., THE HOLDER OF A DEED OF TRUST AGAINST SAID PROPERTY, DO HEREBY MAKE MAJOR AMENDMENT TO A BINDING SITE PLAN PURSUANT TO CHAPTER 58.17 RCW AND DECLARE THIS ADDENDUM NO. 1 TO A BINDING SITE PLAN TO BE A GRAPHIC REPRESENTATION OF THE SAME AND THAT SAID BINDING SITE PLAN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNER AND DEDICATES TO THE USE OF THE PUBLIC FOREVER EASEMENTS OR WHATEVER PROPERTY THERE IS SHOWN ON THE BINDING SITE PLAN AND THE USE THEREOF FOR ANY AND ALL PUBLIC PURPOSES. ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, ETC. SHOWN ON THIS MAJOR AMENDMENT TO A BINDING SITE PLAN IN THE REASONABLE ORIGINAL GRADING OF ALL THE STREETS SHOWN HEREON.

SPS LANDS, LLC CORPORATION

CAPITOL HOSPITALITY, LLC

CITY OF OLYMPIA, A WASHINGTON MUNICIPAL

NAME - CITY MANAGER

PREPARED FOR:

SPS LANDS, LLC. 3926 AURORA AVE. N. **SEATTLE, WA 98103**



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FIELD SURVEY	Χ	
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CHECKED BY <u>SMD</u>		
DATE JANUARY 18,	2021	

