



City Council

Approval of a Resolution Authorizing a Right-Of-Way Use Agreement between the City of Olympia and 4th Avenue Tavern

Agenda Date: 8/20/2019
Agenda Item Number: 4.E
File Number: 19-0723

Type: resolution **Version:** 1 **Status:** Passed

Title

Approval of a Resolution Authorizing a Right-Of-Way Use Agreement between the City of Olympia and 4th Avenue Tavern

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Move to approve the resolution authorizing the City Manager to sign the Right-of-Way Use Agreement with 4th AVE TAV LLC.

Report

Issue:

Whether to enter into a Right-of-Way Use Agreement for a period of four years between 4th AVE TAV LLC and the City of Olympia.

Staff Contact:

Fran Eide, P.E., City Engineer, Public Works Engineering, 360.753.8422

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

4th AVE TAV LLC is the 4th Ave Tavern business owner at 210 4th Avenue E, Olympia. 4th Ave Tavern is looking for ways to meet customer needs by providing outdoor seating. They have requested the use of a portion of the adjacent north-south alley for private outdoor seating and beverage service.

The City controls and maintains the alley as publicly dedicated right-of-way. In order to use the alley for private purposes, 4th Ave Tavern must receive approval from the City through a right-of-way use agreement.

This type of request is becoming more common as downtown development activity increases. If

approved, this would be the third alley use permit, modeled after the Well 80 project, which has proven successful.

In reviewing the request, staff concluded that the north-south alley is not used for solid waste collection or deliveries and is not useable for other vehicle traffic. There are private utilities in the alley that would need on-going access. City utilities are located north of the site, behind King Solomon's Reef in the east-west alley.

Following review, staff believes that the proposed use by 4th Ave Tavern is viable with certain conditions as outlined in the proposed Right-of-Way Use Agreement. The proposed term of the agreement is 4 years, with the City retaining the right to cancel the permit at the City's convenience. The City would retain access for public and private utility maintenance as needed, and 4th Ave Tavern would pay the City \$1,560.00 the first year under the agreement. This amount will increase by four percent each year.

Neighborhood/Community Interests (if known):

- The alley is not currently usable for vehicle traffic due to the width of the alley.
- The east-west alley within the block allows for building and solid waste collection access.
- Improvements to the alley will provide another outdoor experience for our community.

Options:

1. Approve the resolution authorizing the City Manager to sign the Right-of-Way Use Agreement with 4th AVE TAV LLC.
 - a. The agreement will generate annual revenue for the General Fund.
 - b. Allows the tavern to create a vibrant use in the alley.
 - c. The City's utility and transportation interests are not negatively impacted.
2. Do not approve the resolution authorizing the Right-of-Way Use Agreement.
 - a. Reduces revenue to the General Fund.
 - b. Requires the owner of the restaurant to look for other ways to engage customers in creating vibrancy in this block.

Financial Impact:

The Right-of-Way Use Agreement will generate \$6,624.48 in revenue for the General Fund over the 4-year term.

Attachments:

Resolution
Agreement
Proposed Alley Use Plan
Vicinity Map