



## City Council

### Approval of a Resolution Authorizing a Right-of-Way Use Agreement with Fiddlehead Marina, Inc.

**Agenda Date:** 7/21/2020  
**Agenda Item Number:** 4.J  
**File Number:**20-0562

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

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#### **Title**

Approval of a Resolution Authorizing a Right-of-Way Use Agreement with Fiddlehead Marina, Inc.

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve a resolution authorizing the City Manager to sign a Right-of-Way Use Agreement with Fiddlehead Marina, Inc., including assignment to Fiddlehead Marina, LLC.

#### **Report**

##### **Issue:**

Whether to approve a Right-of-Way Use Agreement with Fiddlehead Marina, Inc.

##### **Staff Contact:**

Rich Hoey, P.E., Public Works Director, 360.753.8495

##### **Presenter(s):**

None - Consent Calendar Item.

#### **Background and Analysis:**

In or around 1982, the City and Fiddlehead Marina entered into an agreement that allowed Fiddlehead Marina to place a structure within the Columbia Street right-of-way (ROW). The structure remains in place today.

Fiddlehead Marina is interested in a new ROW Use Agreement that would allow continued placement of its existing structure and related appurtenances within the Columbia Street ROW. The total ROW use is approximately 1760 square feet. Staff has determined that allowing continued use of the ROW area is acceptable subject to the conditions outlined in the attached agreement. This agreement is very similar to other ROW use agreements within the City but has a longer term (30 years) given the type of structure. The agreement also includes language that addresses sea level rise and associated flooding risk.

Under the terms of the agreement, Fiddlehead Marina (and any successor entities) will pay the City \$3,050.08 annually plus any Washington State leasehold excise taxes. The payment is based on equivalent land values in the area and will be inflated 4 percent per year during the term of the agreement.

Staff is aware that Fiddlehead Marina, Inc., intends to sell the Marina structure and appurtenances to Fiddlehead Marina, LLC. The proposed resolution includes the authorization for assignment of the rights and interest of the ROW Use Agreement to Fiddlehead Marina, LLC.

In a related matter, Fiddlehead Marina, Inc., previously subleased to the City a portion of its DNR aquatic lands lease area for a public pedestrian boardwalk (Percival Landing). In a separate action before Council, staff and Fiddlehead Marina are proposing a renewed sublease for a term of 30 years.

**Neighborhood/Community Interests (if known):**

The ROW Use Agreement provides value back to the citizens of Olympia for use of public right-of-way.

**Options:**

1. Approve a resolution authorizing the City Manager to sign a Right-of-Way Use Agreement with Fiddlehead Marina, Inc., including assignment to Fiddlehead Marina, LLC. The agreement will allow the Fiddlehead Marina building to remain in its current location, with appropriate compensation to the City.
2. Modify agreement to address Council concerns.
3. Do not approve the agreement. Fiddlehead Marina would no longer be able to occupy City ROW.

**Financial Impact:**

The City will receive \$3,050.08 annually for the use of City ROW, with a 4% annual inflation factor.

**Attachments:**

Resolution  
Agreement