

Nicole Floyd, AICP  
Planning Manager  
City of Olympia  
601 4<sup>th</sup> Ave E.  
Olympia, WA 98501

***Re: West Bay Yards Mixed Use, Proj. 21-2854, Acceptance of Responsibility for Trail Maintenance***

Dear Ms. Floyd:

The undersigned is an authorized representative of West Bay Development Group, LLC, the Applicant for the West Bay Yards Mixed Use project proposed for development at 1210 West Bay Drive, Olympia (the “Project”).

The Applicant understands that design and construction of a public waterfront trail and dedication of the waterfront trail property to the City is a required amenity element of the Project pursuant to OMC 18.06.100.A.2.c in exchange for the Project’s proposed increased building height.

Although City code requires the waterfront trail to be dedicated to the City, the Applicant understands that the City does not wish to be responsible for maintenance of the waterfront trail or any associated liability. The Applicant agrees to accept that responsibility, which is expected to be reflected in a proposed condition of Project approval requiring the City and Applicant to execute and record a perpetual Trail Maintenance Agreement (“Agreement”) prior to engineering permit submittal for trail construction.

The Applicant acknowledges and agrees that Agreement required by this proposed condition of Project approval will include, but may not be limited to, the following terms:

- Responsibility for all aspects of trail maintenance, including timely removal of garbage and/or human waste from trail and receptacles; maintenance of benches, pavement, and lighting; and removal of snow/ice/leaves.
- Responsibility for repair/restoration of trail if damaged.
- Acknowledgement that the trail may require increased maintenance due to location of planned solid waste access.
- Rules for trail use and responsibility for enforcement.
- Assumption of liability.

The Applicant further understands, acknowledges, and agrees that the Agreement will be recorded, run with the land, and be binding on the Applicant’s successors and assigns.

Signed:

\_\_\_\_\_

WEST BAY DEVELOPMENT GROUP, LLC

By: \_\_\_\_\_

Its \_\_\_\_\_

Date: \_\_\_\_\_