

Jefferson County  
Board of Commissioners  
Agenda Request

**To:** Board of Commissioners  
Philip Morley, County Administrator

**From:** Frank Gifford, Public Works Director *FG*

**Agenda Date:** May 29, 2012

**Subject:** An Underground Utility Easement request from the City of Port Townsend Department of Public Works.

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**Statement of Issue:**

Pursuant to the Board's previous authorization for the Department of Public Works to coordinate the development of the Underground Utility Easement with the City (copy attached), the Board is requested to execute the attached Underground Utility Easement crossing the Larry Scott Memorial Trail and a portion of adjacent County owned property within the Ash Loop neighborhood.

**Analysis/Strategic Goals/Pro's & Con's:**

The easement is necessary to connect an extension line leading from the Pelican Place right-of-way across County property and will provide a higher quality water supply that will include adequate fire flow for public safety. The City is planning a 10 foot wide underground utility easement for waterline purposes running southwesterly from Pelican Place through the County owned parcel, APN 963302902, connecting with Ash Loop Road (private). The County owned parcel was acquired in May, 1989. The subject easement should not affect the utility of the trail or adjoining lands once the facilities are constructed.

**Fiscal Impact/Cost Benefit Analysis:**

The City has provided all plans and survey data as necessary to complete the easement document attached hereto. The City has also agreed to pay the County for all administrative expenses incurred with the execution of the subject easement.

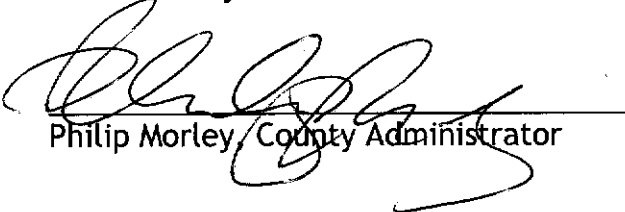
**Department Contact:**


Will Butterfield Right of Way Representative, 385-9350.

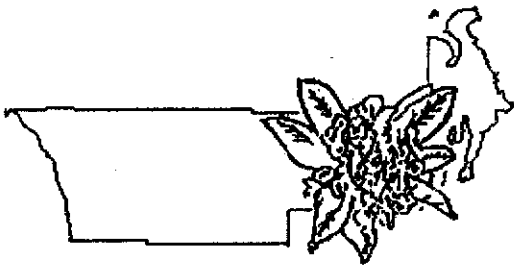
**Recommendation:**

The Department of Public Works recommends the Board of County Commissioners sign the Easement document provided by the City and return the original to the Jefferson County Department of Public Works for further processing. The Board will be provided a copy of the fully recorded document once filed with the Jefferson County Auditor.

**Reviewed By:**

  
Philip Morley, County Administrator

  
Date



## Jefferson County Department of Public Works

623 Sheridan St.  
Port Townsend, WA 98368  
(360) 385-9160

*Frank Gifford, Public Works Director*  
*Monte Reinders, P.E., County Engineer*

### MEMORANDUM

**To:** Board of County Commissioners

**From:** Frank Gifford, Public Works Director *FG*

**Date:** April 11, 2011

**Subject:** Intent to Grant Easement for the City of Port Townsend Waterline Extension

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The City of Port Townsend Department of Public Works (City) is developing a waterline extension that will require an easement for utility purposes across the Larry Scott Memorial Trail and along a portion of adjacent County owned property within the Ash Loop neighborhood. Please refer to the Water Main Atlas map attached with the city's easement request letter.

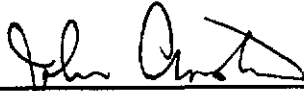
The easement is necessary to connect an extension line leading from the Pelican Place right-of-way across County property and will provide a higher quality and more reliable water supply that will include adequate fire flow for public safety. The City is seeking a 10 foot wide easement for waterline purposes running southwesterly thru County owned parcel, APN 963302902, connecting with Ash Loop Road (private). The County owned parcel was acquired in May, 1989. The subject easement should not affect the utility of the Trail or adjoining lands once the facilities are constructed.

The Board of County Commissioners does hereby acknowledge its intent to grant said waterline easement across County property subject to the following:

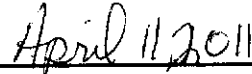
- The City will provide all surveying, legal descriptions, and easement documents.
- The City will reimburse the Department of Public Works for administrative costs associated with development and review of the easement, review of construction plans, and construction inspection.
- The easement will include assurances that construction and maintenance of the waterline will not interfere with the utility of the parcels or the Larry Scott Memorial Trail.

- Due to the benefit accrued to county residents by this public infrastructure project, compensation for the value of the easement will be waived.

**Approved By:**



**John Austin, Chair**  
**Board of County Commissioners**



**Date**

John Watts, City Attorney  
City of Port Townsend  
City Hall  
250 Madison, #201  
Port Townsend, WA 98368

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## UNDERGROUND UTILITY EASEMENT

### REFERENCE DOCUMENTS:

#### **Brief Legal Description of Property:**

IRVING PARK ADDITION, BLK 29, LOTS 4 THRU 8 (ALL), PTN 3(RR/RW)

**JEFFERSON COUNTY ASSESSOR'S TAX PARCEL NOs. 963302902**

**GRANTOR:** Jefferson County, a Washington municipal corporation p;

**GRANTEE:** City of Port Townsend, a Washington municipal corporation

For valuable consideration receipt of which is hereby acknowledged, **Jefferson County**, a Washington municipal corporation ("Grantor") hereby conveys and warrants, in perpetuity, to Grantee, the **City of Port Townsend**, a Washington municipal corporation, its governmental successors, and assigns, a perpetual, non-exclusive easement over, through, under and across the following described property situated in Jefferson County, Washington, subject to and together with the Purpose and Terms of Easement set forth in this instrument:

#### **Legal Description of Property Subject to Easement**

IRVING PARK ADDITION (Volume 1 of Plats, Page 42), BLK 29, LOTS 4 THRU 8 (ALL), PTN 3(RR/RW) and Larry Scott Memorial Trail all in the SE 1/4, Section 17, T30N, R1W, W.M., Jefferson County, Washington.

**Legal Description of Easement ("Easement" or "Easement Area"):**

A ten (10) foot wide, five (5) foot either side of the following centerline description, within Irvine Park Addition (Volume 1 of Plats, Page 42) and Larry Scott Memorial Trail all in the SE 1/4, Section 17, T30N, R1W, W.M., Jefferson County, Washington.

Beginning at the intersection of Maple Street and 6th Street thence along the centerline of Maple Street S87°58'03"E a distance of 9.79 feet to the true point of beginning of this centerline description; thence N15°34'07"E a distance of 47.98 feet; thence N26°49'07"E a distance of 33.33 feet; thence N30°36'52"E a distance of 49.55 feet; thence N23°23'13"E a distance of 103.04 feet; thence N58°6'05"E a distance of 11.75 feet to the south line of One Hawkeye Park per Volume 16 of Plats, Page 145 and the end of this centerline description.

The location of the easement is depicted on the diagram, attached and incorporated by reference, as Exhibit A.

**Purpose and Terms of Easement.**

This Underground Utility Easement is for the purpose of granting the City of Port Townsend underground utility easement rights for a public waterline through, under and across the described property in perpetuity for underground utilities.

There are no rights to any surface uses except as specifically provided in this Easement for access for the purpose of making utility improvements, inspections and maintenance as set forth below.

**THE EASEMENT IS SUBJECT TO THE FOLLOWING:**

1. Grantee shall have the right at all times to enter the described Easement Area for the purpose of making utility improvements, inspections and maintaining utility improvements, including but not limited to, inspecting, maintaining, improving, repairing, constructing, reconstructing, locating, relocating any utility lines, and removing trees, shrubs or brush as necessary to accomplish these purposes and protect the utility. This is subject to paragraphs 2 and 5 below, and to the Grantee giving 7 days notice to Grantor except in the case of an emergency.
2. Any costs associated with inspection, maintenance, improvement, repair, construction, reconstruction, and improvements upon the property undertaken by the Grantee shall be borne by the Grantee.
3. This Agreement shall be binding upon the Grantors and their successors and assigns, and binding on the Grantee and its governmental successor and assigns, and constitutes a covenant running with the land.

4. Structures and/or permanent storage within the above-described Easement Area are prohibited.
5. No trees shall be planted in the easement area. Grantee has the right to remove vegetation or trees that in Grantee's judgment endanger or increase the costs to maintain, repair or reconstruct Grantee's improvements.
6. In connection with the exercise of any rights set forth in paragraph 1, the following applies:
  - a. Grantee shall restore the property to previous grade.
  - b. The Grantee is not responsible for any restoration or repair of landscaping, vegetation, or any improvements within the Easement Area, except the City shall restore landscaping and right of way as required by the Jefferson County Utility Permit(s) and seed (or re-seed) in a manner that the Grantee would impose on itself or contractors engaged in similar utility work in City easements or rights of way.
  - c. If there is a perimeter fence disturbed by the Grantee, the Grantee shall restore the fence to the same condition as the fence was in before the Grantee's work.
  - d. The Grantee shall repair any damage to existing driveways, fences, aprons, roadways, trails or buildings that the City damages.
  - e. The Grantee shall use reasonable efforts to preserve existing vegetation, so long as the cost of any work by the Grantee on or for the utility is not increased.

7. This Easement is for the benefit of the City of Port Townsend, its governmental successors, and assigns.

**IN WITNESS WHEREOF**, this Underground Utility Easement is executed this \_\_\_\_ day of \_\_\_\_\_, 2011.

**GRANTOR:**

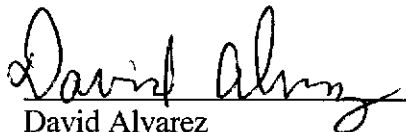
**JEFFERSON COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
John Austin, Chair

\_\_\_\_\_  
Phil Johnson, Member

\_\_\_\_\_  
David W. Sullivan, Member

Approved as to form only:

  
\_\_\_\_\_  
David Alvarez

Chief Civil Deputy Prosecuting Attorney

12/9/2011  
Date

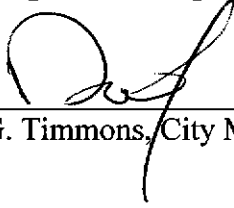


**GRANTEE:**

**Approved By:**

**CITY OF PORT TOWNSEND**

**a Washington Municipal Corporation**



\_\_\_\_\_  
David G. Timmons, City Manager

5/15/12  
Date

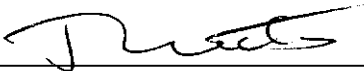
**Attest:**



\_\_\_\_\_  
Pam Kolacy, City Clerk

5/15/12  
Date

**Approved as to form:**



\_\_\_\_\_  
John Watts, City Attorney

May 15, 2012  
Date

**GRANTOR'S ACKNOWLEDGEMENT**

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011 before me personally appeared Phil Johnson, David W. Sullivan and John Austin, to me know to be the entire body of the Board of Jefferson County Commissioners that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said county for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the county seal of said county.

Witness my hand and seal affixed the day and year first above written.  
GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

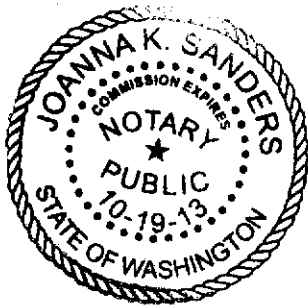
\_\_\_\_\_  
[print name] \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, County of Jefferson, residing at  
\_\_\_\_\_  
My Commission expires: \_\_\_\_\_

**CITY OF PORT TOWNSEND ACKNOWLEDGEMENT**

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF Jefferson )

THIS IS TO CERTIFY that on this day, before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared David G. Timmons, to me know to be the City Manager of the **City of Port Townsend** that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said City for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

Witness my hand and seal this 15<sup>th</sup> day of May, 2011.<sup>2</sup>



Joanna K Sanders  
[print name] Joanna K. Sanders  
NOTARY PUBLIC in and for the State of  
Washington, County of Jefferson, residing at  
Port Townsend  
My Commission expires: 10/19/13

EXHIBIT A  
**UTILITY EASEMENT**

WITHIN IRVINE PARK ADDITION (VOL. 1 OF  
PLATS, PAGE 42) AND LARRY SCOTT  
MEMORIAL TRAIL

