

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works/Engineering & Construction Division/Real Property Services

DATE: May 9, 2017

REQUESTED ACTION: Approve and execute a utility easement to Clark Public Utilities across portions of right of way adjacent to 11 tax parcels as part of NE 10th Avenue bridge and road project.

Consent Hearing County Manager

PUBLIC WORKS GOALS:

- Provide a safe, efficient transportation system
- Support a vibrant system of parks and natural areas while preserving the environment
- Continue responsible stewardship of public funds
- Increase partnerships and foster an engaged, informed community
- Empower a skilled, responsive workforce
- Make Public Works a great place to work

BACKGROUND

The NE 10th Avenue (NE 154th Street to NE 164th Street) bridge and road project, CRP 370922, requires Public Utility District No. 1 of Clark County (CPU) to relocate several of its poles and service equipment. These are located within easements that CPU had previously acquired from private land owners.

COUNCIL POLICY IMPLICATIONS

None. It has been our policy to accommodate utilities whenever possible.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

This project has been involved in a public outreach program that included two general notices, informational mailings, as well as one (1) open house event. Public Works also will be sending out information prior to the start of construction.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

PW17-049

mjs
dlc

BUDGET DETAILS

Local Fund Dollar Amount	N/A
Grant Fund Dollar Amount	N/A
Account	Road Fund
Company Name	Public Utility District No. 1 of Clark County

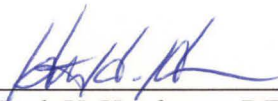
DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>
Please call Paulette Matison at ext. 4975 when signed and ready for pick up

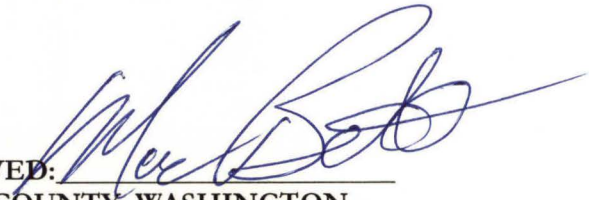
Attachments: Easement, Resolution



Tom Grange, P.E.
Engineering & Construction Division Manager



Heath H. Henderson, P.E.
Public Works Director/County Engineer



APPROVED:
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS
DATE: 5-9-17
SR# 102-17

APPROVED: _____
Mark McCauley, County Manager

DATE: _____

RETURN ADDRESS:

Clark Public Utilities
Attn: ROW Dept.
P.O. Box 8900
Vancouver, WA 98668

Document: Utility Easement
Grantor: Clark County
Grantee: PUD No. 1 of Clark County
Legal Desc.: Portions of the East side of NE 10th Ave Right of Way in the NW ¼ of Section 23 & the SW ¼ of Section 14 in Twp. 3N, R1E WM
Serial No. Within County ROW Adjacent to: 185707000, 185746000, 185749000, 185721000, 181928000, 181980000, 181976000, 181921000, 181959000, 181941000, and 181925000
Geo No. 3123440, 3114330, 3114340
Engineer: Pilling
RIO/WO: 401976

**RIGHT OF WAY
UTILITY EASEMENT**

The GRANTOR(S), **CLARK COUNTY WASHINGTON**, a political subdivision of the state of **Washington**, for and in consideration of mutual benefits hereby acknowledged, does grant and convey to **PUBLIC UTILITY DISTRICT NO. 1 OF CLARK COUNTY**, a municipal corporation of the state of **Washington**, GRANTEE, its successors and assigns, including joint users, a non-exclusive, perpetual easement and right of way, five (5) feet in width, and 1 larger area, together with the right of ingress and egress for the purpose of installing, constructing, erecting, altering, repairing, maintaining and operating thereon and therein an electric system, facilities and appurtenances including communication and service conductors with surface-mounted transformer(s), poles, anchors and appurtenances necessary thereto, together with the right and easement to tap into said facilities to serve adjacent and/or adjoining lands, in, on, over, under and across the lands in Clark County, Washington, described as follows:

As of this date, being a portion of County right of way on the East side of NE 10th Ave Adjacent to parcels: 185707000, 185746000, 185749000, 185721000, 181928000, 181980000, 181976000, 181921000, 181959000, 181941000, 181925000 in the NW ¼ of Section 23 & the SW ¼ of Section 14 in Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington, more particularly described and shown on the attached Exhibits "A" and "B", by this reference made a part hereof.

Upon completion of installation of all facilities, the easement herein granted shall be five (5) feet contiguous with the East right of way line of NE 10th Ave, except between STA 67+80 to STA 70+70.4 where the easement is the West 5' of the East 13' and an additional larger area adjacent to parcel 185721000, all shown in Exhibit "B" with reasonable rights of ingress and egress for the purposes above stated.

The Grantor covenants for itself, successors and assigns that it will not build or place, or allow to remain, any structure of any kind over the easement granted herein without written approval of Clark PUD. PUBLIC UTILITY DISTRICT NO. 1 OF CLARK COUNTY has the right at all times to cut and/or trim all brush, trees or other growth standing or growing upon the lands of the Grantor which, in the opinion of the Grantee, constitute a menace or danger to said electric system facilities.

The Grantor also covenants to and with the Grantee that Grantor has the right and power to convey an Easement and Right of Way over the tract of lands described herein.

DATED this 9th day of May, 2017

**BOARD OF COUNTY COUNCILORS
OF CLARK COUNTY, WASHINGTON**



Marc Boldt, Chair

John Blom, Councilor


Jeanne E. Stewart, Councilor

Eileen J. Quiring, Councilor

Julie Olson, Councilor



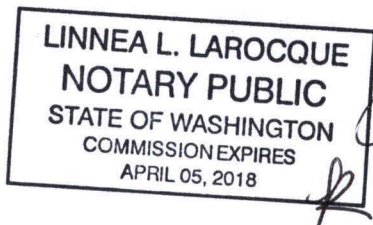
Approved as to Form:
Anthony F. Golik

By: 

Christopher Horne
Deputy Prosecuting Attorney

STATE OF WASHINGTON)
)
) ss
COUNTY OF CLARK)

On this 9th day of May, 2017, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Mark Boldt, to me known to be the duly elected, qualified and acting County Councilor(s) of Clark County, Washington, who executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute the said instrument by resolution of the Board of County Councilors of Clark County and that the seal affixed is the official seal of Clark County, Washington.



Linnea L. Larocque
Notary Public in and for said County and State of WA
residing at Battle Ground, WA
My Appointment Expires April 05, 2018

EXHIBIT "A"

Easement Description:

An easement 5 feet wide being the East 5' of the NE 10th Ave right of way for electrical facilities as placed between 15301 NE 10th Ave and 16519 NE 10th Ave, except between STA 67+80 to STA 70+70.4 where the easement is the West 5' of the East 13' and all adjacent to the listed properties with the general location shown on Exhibit "B", and that larger portion adjacent to Parcel 185721000 as shown on sheet 2 of 3 of Exhibit "B" said easements herein granted shall have reasonable rights of ingress and egress for the purposes above stated.

Adjacent Properties:

APN **185707000** - known as 15301 NE 10th Ave

APN **185746000** - known as 15419 NE 10th Ave

APN **185749000** – No assigned address

APN **185721000** - known as 15805 NE 10th Ave

APN **181928000** - known as 16011 NE 10th Ave

APN **181980000** - known as 16101 NE 10th Ave

APN **181976000** - known as 16115 NE 10th Ave

APN **181921000** – No address assigned

APN **181959000** - known as 16205 NE 10th Ave

APN **181941000** – No address assigned

APN **181925000** - known as 16519 NE 10th Ave

EXHIBIT 'B'
SHEET 1 OF 3

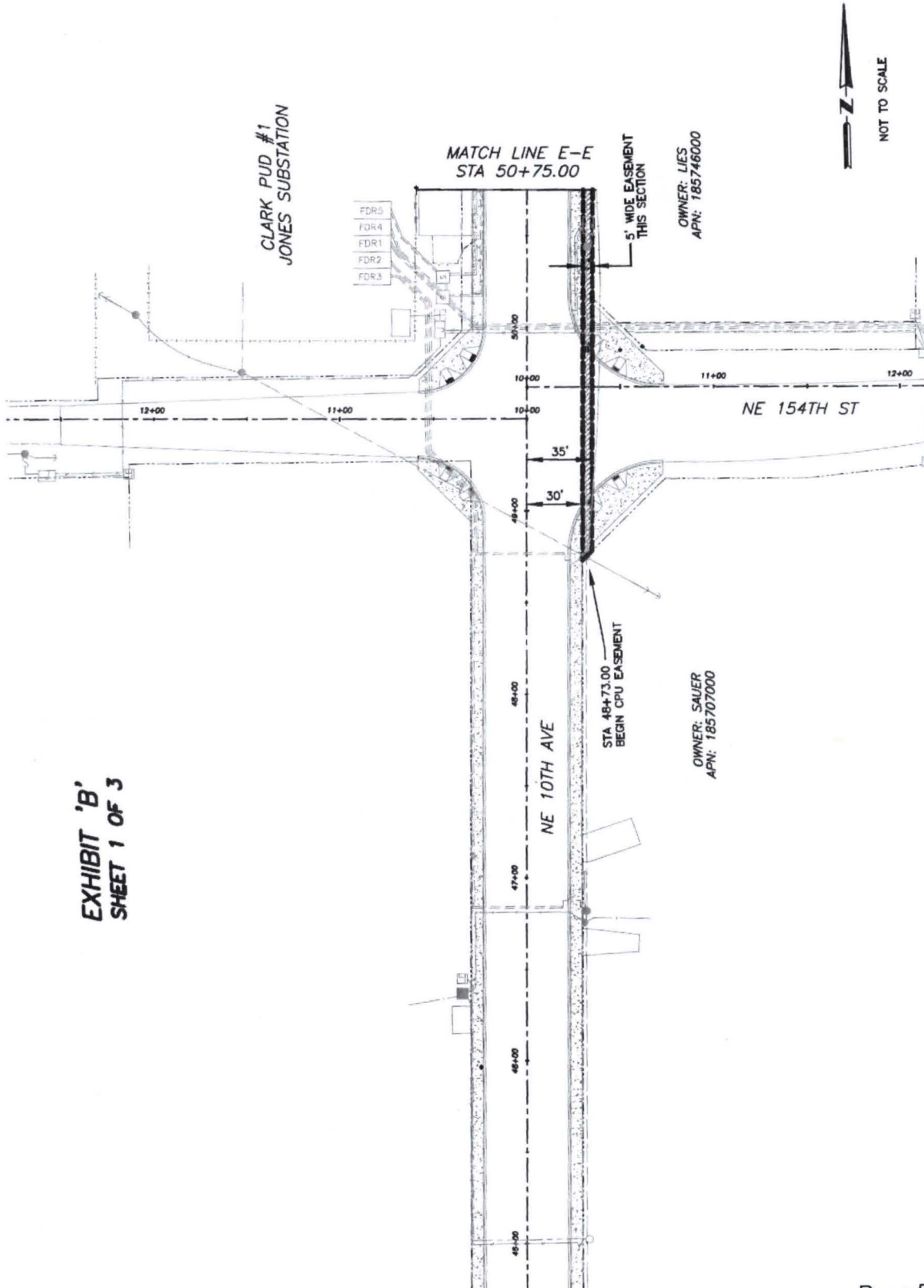


EXHIBIT 'B'
SHEET 2 OF 3

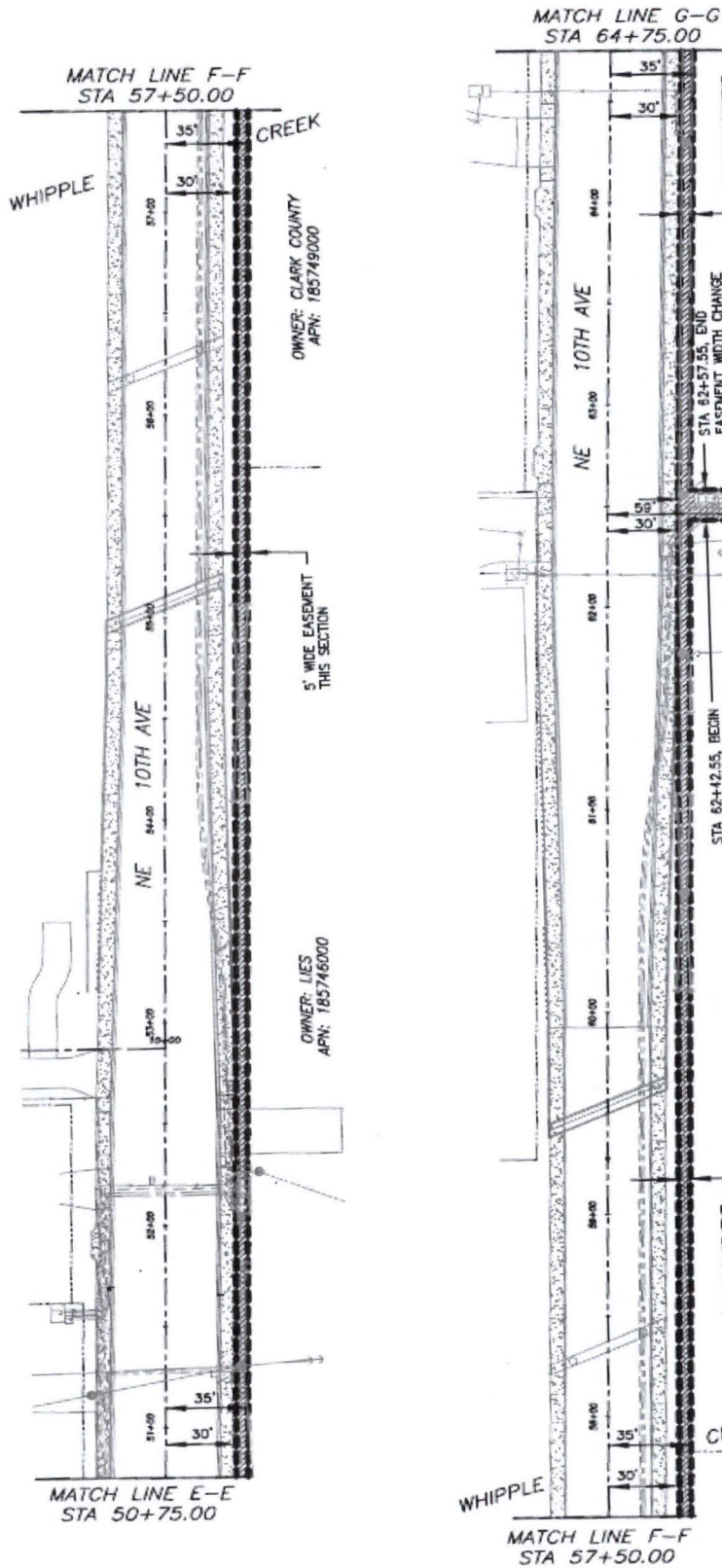
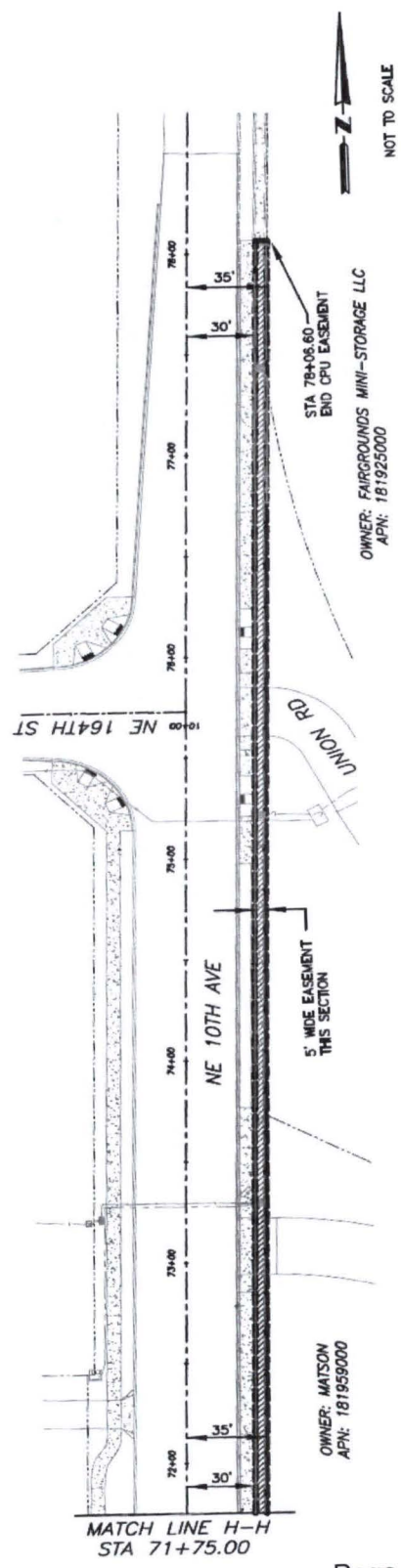
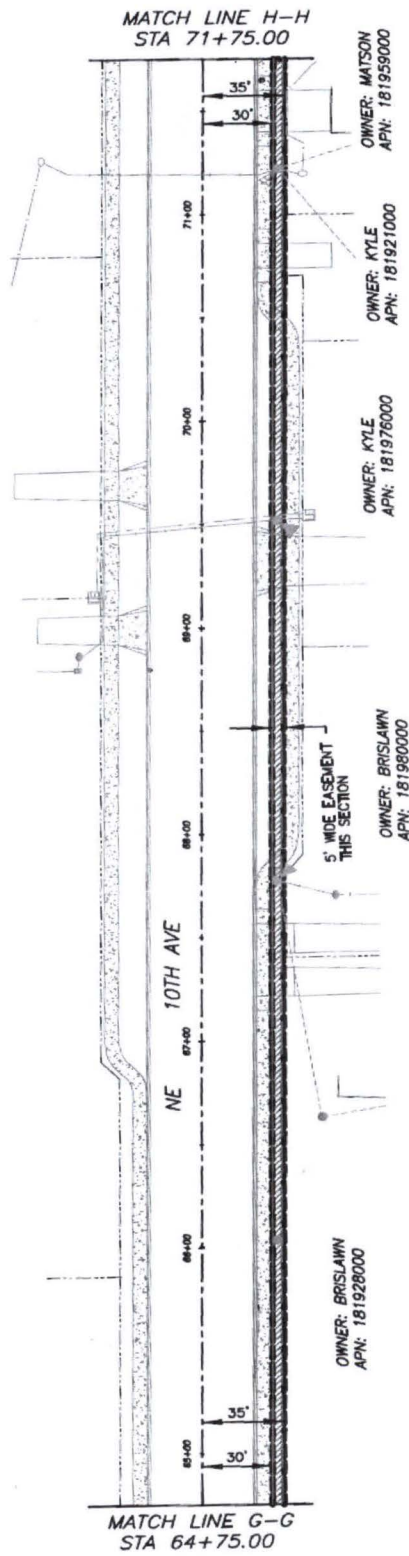


EXHIBIT 'B'
SHEET 3 OF 3



CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2017-04-05

IN THE MATTER OF EXECUTION OF EASEMENT AND RIGHT OF WAY UTILITY EASEMENT FROM CLARK COUNTY

WHEREAS, the Board of County Councilors, Clark County, WA is in regular session this 9th day of May, 2017, and

WHEREAS, it appears in the best interest of Clark County the following is hereby executed:

<u>Document</u>	<u>Data</u>	
Easement and Right of Way	FROM:	Clark County, Washington
Utility Easement	TO:	Public Utility District No. 1 of Clark County
	CONSIDERATION:	Mutual Benefits

NOW THEREFORE, IT IS HEREBY RESOLVED that the hereinabove mentioned document(s) be recorded and filed.

IT IS FURTHER RESOLVED that copies of this resolution be filed with the County Auditor, County Engineer, and in the records of the County Councilors.

BOARD OF COUNTY COUNCILORS
CLARK COUNTY, WASHINGTON



Marc Boldt, Chair

ATTEST:



Clerk of the Board

Jeanne E. Stewart, Councilor

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

