

[Handwritten signature]

**CLARK COUNTY
STAFF REPORT**

DEPARTMENT/DIVISION: Public Works/Vancouver-Clark Parks & Recreation/Real Property Services

DATE: January 8, 2013

REQUEST: Execute and approve a Utility and Right-of-Way Easement to Public Utility District No. 1 of Clark County (CPU), across Tax Parcel Number 200549-000.

CHECK ONE: Consent Chief Administrative Officer

PUBLIC WORKS GOALS:

- Provide safe and efficient transportation systems within Clark County
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a desirable quality of life
- Improve environmental stewardship and protection of natural resources
- Increase partnerships and foster an engaged, informed community
- Make Public Works a great place to work

BACKGROUND: CPU is completing a power line upgrade project at the intersection of NE 119th Street and NE 172nd Avenue. This easement is for replacing a pole that had been previously moved to accommodate the original alignment of the NE Ward Road (NE 172nd/NE Davis Road) County Road Project 350422.

COMMUNITY OUTREACH: None.

BUDGET AND POLICY IMPLICATIONS: None. It has been our policy to accommodate utilities whenever possible.

FISCAL IMPACTS: Yes (see Fiscal Impacts Attachment) No

ACTION REQUESTED: Execute and approve a Utility and Right-of-Way Easement to Public Utility District No. 1 of Clark County (CPU), across Tax Parcel Number 200549-000.

DISTRIBUTION: Please notify the Real Property Services Section of the Board's action by calling extension 4975.

Laura Hudson

Laura Hudson, Interim Director
Vancouver-Clark Parks & Recreation

Peter Capell

Peter Capell, P.E.
Public Works Director/County Engineer

APPROVED: *[Signature]*

CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS

January 8, 2013

SR008-13

LH/PC/PM/pmm
Attachments: Easement, Resolution, Map
CC: Monica Tubberville-Parks

PW13-003



Recording requested by:
Clark County Public Works
Real Property Services
P.O. Box 9810
Vancouver, WA 98666-9810

Document Title: Utility Easement
Grantor: Clark County, Washington
Grantee: Public Utility District No. 1 of Clark County
Legal Description: #19 Sec 36 T3N R2E WM
Additional Legal Description is attached as Exhibit "A"
Serial #: Ptn of 200549-000

**EASEMENT AND RIGHT OF WAY
UTILITY EASEMENT**

THE GRANTOR, **CLARK COUNTY**, a political subdivision of the State of **Washington**, for and in consideration of valuable consideration as set out in part below, do bargain, sell 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, 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), pole(s), anchor(s), 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 following described real property situated in Clark County, Washington, more particularly described as follows:

**SEE LEGAL DESCRIPTION ATTACHED HERETO, WHICH,
BY THIS REFERENCE, IS INCORPORATED HEREIN**

The Grantee had previously moved the location of its poles and electrical systems to accommodate the alignment of a county road project that was subsequently realigned south of the herein referenced parcel. Upon completion of installation of all facilities required to serve all land above-described, the easement herein granted shall become limited to the actual locations of the facilities as installed with reasonable rights of ingress and egress for the purposes above stated. The system of improvements constructed on the date of this conveyance may not be expanded to include other utilities without the prior approval of Grantor.

Grantor also covenants to Grantee that Grantor has the right and power to convey and grant easement and right of way over the tract of land described herein.

Grantor agrees that no building, wall or structure with footings shall be placed upon the granted property without the written permission of Grantee.

Utility Easement
Serial #: 200549-000

Grantee shall hold Grantor harmless for any loss damage or claims that might arise as a result of this easement.

The terms and conditions of this easement shall be binding upon the heirs and assigns of the Grantors and Clark County, Washington.

CONSIDERATION: Mutual Benefits

Dated this 8th day of January, 2013

Board of County Commissioners
Clark County, Washington



Steve Stuart, Chair

Tom Mielke, Commissioner

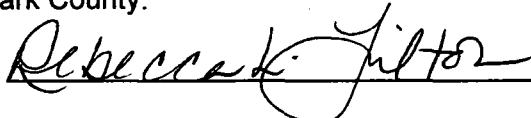
David Madore, Commissioner

STATE OF WASHINGTON

COUNTY OF CLARK

On this 8th day of January, 2013, before me personally appeared _____ and Steve Stuart, to me known to be the duly elected, qualified and acting County Commissioner(s) of Clark County, Washington, who executed the foregoing instrument, and acknowledged 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 she/they is/are authorized to execute said instrument by resolution of the Board of County Commissioners of Clark County and that the seal affixed is the official seal of Clark County.

Dated: 1/8/13



Notary Public in and for the State of WA
Residing at Battle Ground
My commission expires: 4/26/13

REBECCA L. TILTON
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
APRIL 26, 2013

EXHIBIT "A"

The following described property lying Northerly and Easterly of the following described line:

**Beginning at the corner common to Sections 30 and 31, Township 3 North, Range 3 East of the Willamette Meridian, and Sections 25 and 36, Township 3 North, Range 2 East of the Willamette Meridian, said corner being on the centerline of the intersection of N.E. 119th Street and N. E. 172nd Avenue;
Thence N88°44'14"W along the centerline of N.E. 119th Street, a distance of 527.7 feet;
Thence South 01°15'26" West, a distance of 35 feet to the TRUE POINT OF BEGINNING;
Thence S88°44'14"E, a distance of 310.0 feet;
Thence South 80°13'43"E, a distance of 149.2 feet;
Thence S01°15'26"W, 185.4 feet to the terminus of said line.**

EXCEPT any portion lying within N.E. 119th Street and 172nd Avenue.

CLARK COUNTY, WASHINGTON
RESOLUTION NO. 2013-01-02

IN THE MATTER OF EXECUTION OF EASEMENT FROM CLARK COUNTY

WHEREAS, the Board of County Commissioners is in regular session this 8th day of January, 2013, and

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

Document

Utility Easement

Data

FROM: Clark County, Washington (Vanc-Clark Parks & Rec)
TO: Public Utility District No. 1 of Clark County
FOR: Power Line upgrade project
CONSIDERATION: Mutual Benefit

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 Commissioners.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, WASHINGTON



Steve Stuart, Chair

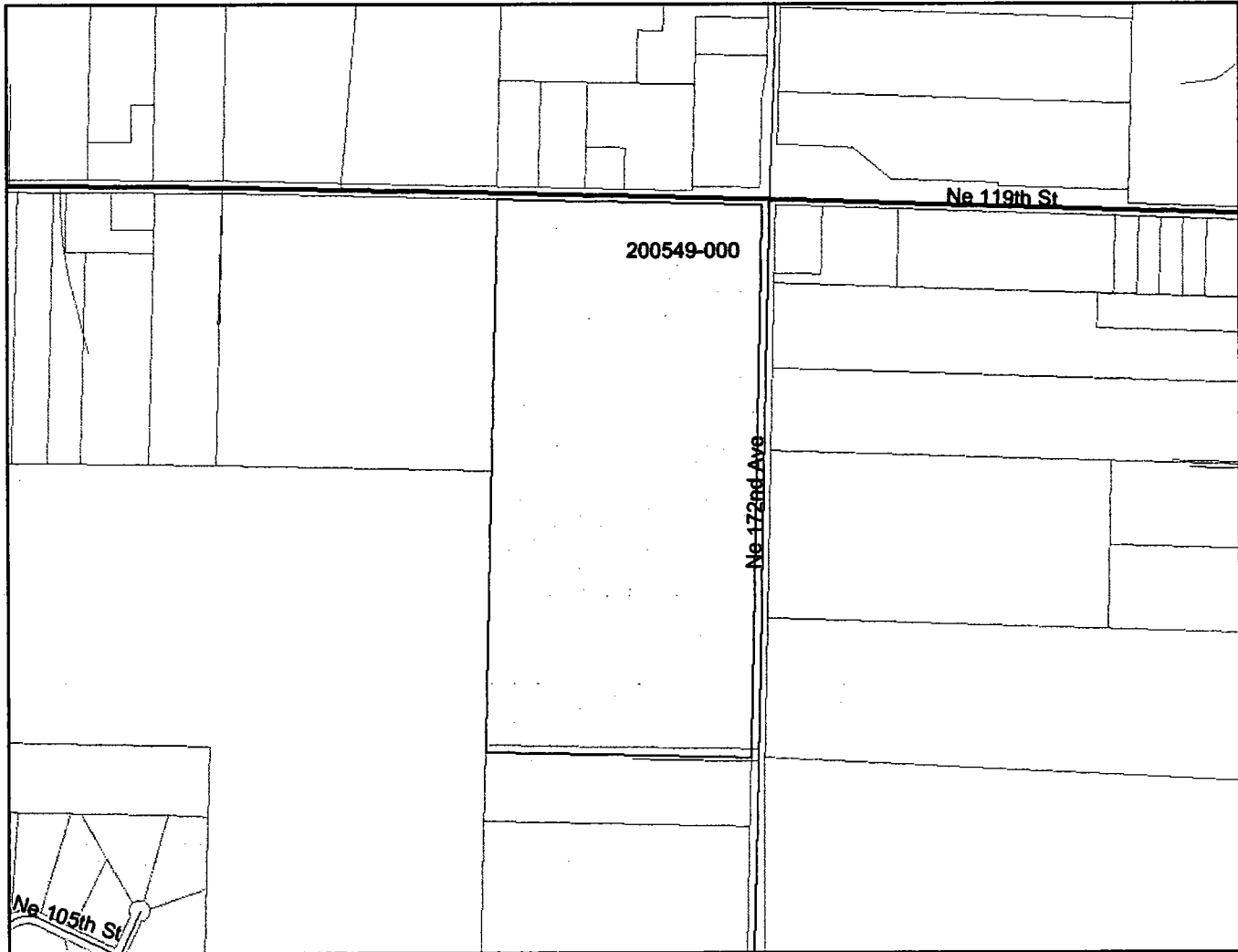
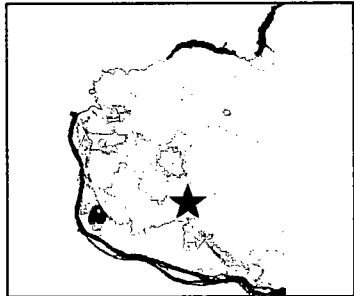
Tom Mielke, Commissioner

David Madore, Commissioner

ATTEST:


Clerk of the Board

Tax Parcel Number 200549-000



Legend

- Parcels
- Roads
 - ~ Alley
 - ~ Arterial
 - ~ DNR
 - ~ DNR (Private Land)
 - ~ Driveway
 - ~ Interstate
 - ~ Interstate Ramp
 - ~ Primary Arterial
 - ~ Private Roads
 - ~ Private Roads w/o Names
 - ~ Public Roads
 - ~ SR Ramp
 - ~ State Route
- Waterbodies
- Rural Centers
- City Boundaries
- Urban Growth Boundaries
- County Boundary

Map center: 1129871, 141912

Scale: 1:9,667

0 900 1800 2700 ft.

This map was generated by Clark County's "Maps Online" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

Notes: NE 119th St & NE 172nd Ave