



CLARK COUNTY STAFF REPORT

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

DATE: November 10, 2015

REQUESTED ACTION: Approve and authorize the Acting County Manager to execute a Utility Easement to Qwest Corporation dba Century Link for the NE 94th Avenue (Padden Parkway to NE 99th St) Road Project; Tax Parcel number 199862-000.

Consent Hearing County Manager

PUBLIC WORKS GOALS:

- Provide safe and efficient transportation systems in Clark County
- Create and maintain a vibrant system of parks, trails and green spaces
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a healthy, desirable quality of life
- Increase partnerships and foster an engaged, informed community
- Cultivate a nimble, responsive work force
- Make Public Works a great place to work

BACKGROUND

Century Link was granted an easement by the former owner of Tax Parcel 199862-000. Clark County purchased this parcel for both the NE 94th Avenue (Padden Parkway to NE 99th Street) CRP 350822 and the NE 99th Street (NE 94th Avenue to NE 117th Avenue) CRP 350722. This new easement releases the westerly twenty feet that lies within NE 94th Avenue right of way and replaces it with twenty feet at the easterly end of their easement.

COUNCIL POLICY IMPLICATIONS

None. This is for mutual benefit.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

The 94th Avenue project has been involved in a public outreach program that included heads up mailings to property owners, residences and developers within the area.

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.

man
OK
N

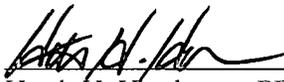
BUDGET DETAILS

Local Fund Dollar Amount	N/A
Grant Fund Dollar Amount	N/A
Account	N/A
Company Name	N/A

DISTRIBUTION:

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


Tom Grange, PE
Engineering & Construction Division Manager


Heath H. Henderson, PE
Public Works Director/County Engineer

APPROVED: 
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: NOV. 10, 2015
SR# SR 209-15

APPROVED: _____
Mark McCauley, Acting County Manager

DATE: _____

After recording return to:
Century Link QC
8021 SW Capitol Hill Rd
Portland, OR 97219
Attn: Lynn M. Smith

Document Title: Utility Easement
Reference Number of Related Documents: 4930307
Grantor: Clark County, Washington
Grantee: Qwest Corporation
Legal Description: ##31 James McAllister DLC
Additional Legal Description is attached as Exhibit "A"
Serial #: 199862-000

PW 15-62

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, does bargain, sell, and convey to **QWEST CORPORATION dba CENTURY LINK, a Colorado corporation** ("Grantee") whose address is 1801 California St., Suite 900, Denver, CO 80202, and its successors, assigns, affiliates, lessees, licensees, and agents, a perpetual non-exclusive easement to construct, modify, add to, maintain, and remove such telecommunications and electrical facilities as needed for Qwest equipment, provided by the local power utility, and other appurtenances, from time to time, as Grantee may require upon, 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**

Grantor further conveys to Grantee the right of ingress and egress to and from the Easement Area during all periods of construction, maintenance, installation, reinforcement, repair, and removal over and across Grantor's lands with the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

Grantor grants rights for electric power providing companies and their contractors to place and maintain cable, conduit, facilities and appurtenances on this easement for the purpose of providing power for Grantees telecommunications equipment.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for environmental contamination, which is either pre-existing or not caused by Grantee.

Utility Easement
Serial #: 199862-000

Grantor reserves the right to occupy, use, and cultivate the Easement Area for all purposes not inconsistent with the rights herein granted.

Grantor covenants that Grantor is the fee simple owner of the Easement Area or has an interest in the Easement Area. Grantor will warrant and defend title to the Easement Area against all claims.

Grantor hereby covenants that no excavation, structure or obstruction will be constructed or permitted on the Easement Area and no change will be made by grading or otherwise that would adversely affect Grantee's use and enjoyment of the Easement Area.

The rights, conditions, and provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

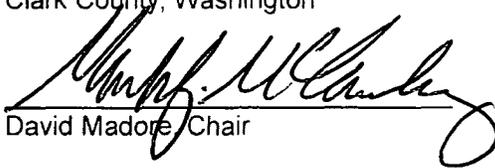
Any claim, controversy, or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the Easement Area is situated.

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

CONSIDERATION: Relinquishment of the westerly 20 feet of the existing easement as described in Auditor's File Number 4930307, recorded January 10, 2013 lying within the County right of way.

Dated this 10th day of NOV, 2015.

Board of County Councilors
Clark County, Washington


David Madore, Chair

Qwest Corporation dba Century Link

By: 

Jeanne E. Stewart, Councilor

Tom Mielke, Councilor

Utility Easement
Serial #: 199862-000

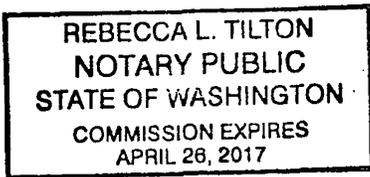
STATE OF WASHINGTON

COUNTY OF CLARK

On this 10th day of November, 2015, before me personally appeared Mark McCauley, to me known to be the duly elected, qualified and acting County Councilors(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 he/she/they is/are authorized to execute 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.

Dated: Nov. 10, 2015

Rebecca L. Tilton



Notary Public in and for the State of WA
Residing at Vancouver, WA
My commission expires: 4/26/17

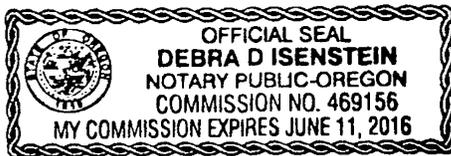
STATE OF ~~WASHINGTON~~ OREGON

COUNTY OF ~~CLARK~~ Multnomah

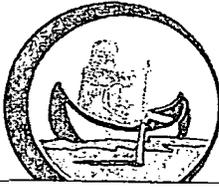
I certify that I know or have satisfactory evidence that Sue Guidarelli is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they is/are authorized to execute the instrument and acknowledged it as the Engineer II of Qwest Corporation dba Century Link, a Colorado corporation, to be the free and voluntary act and deed of such party(ies) for the uses and purposes therein mentioned in the instrument.

Dated: Oct 19, 2015

Debra D Isenstein



Notary Public in and for the State of ~~WA~~ OR
Residing at 8021 SW Capitol Hill Rd, Portland, OR
My commission expires: June 11, 2016



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CLARK COUNTY
WASHINGTON

Superior service that is responsive and cost justified

PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

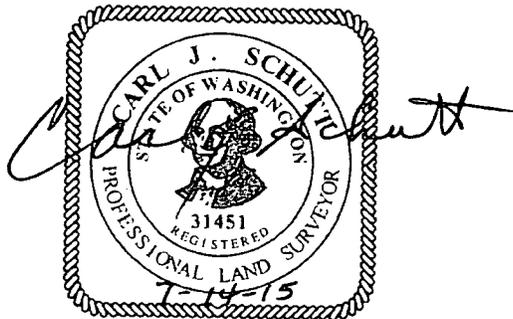
EXHIBIT "A"
CRP # 350822 - NE 94th AVENUE
CLARK COUNTY PARCEL
QWEST EASEMENT DESCRIPTION

A parcel of land lying in the northwest 1/4 of Section 4, Township 2 North, Range 2 East of the Willamette Meridian in Clark County, Washington, described as follows:

All that portion of that parcel described as Parcel I in that Statutory Warranty Deed to Clark County, a political subdivision of the State of Washington, recorded September 20, 2014 under Auditor's File # 5097860, listed as Serial No. 199862-000, records of Clark County, Washington, described as follows:

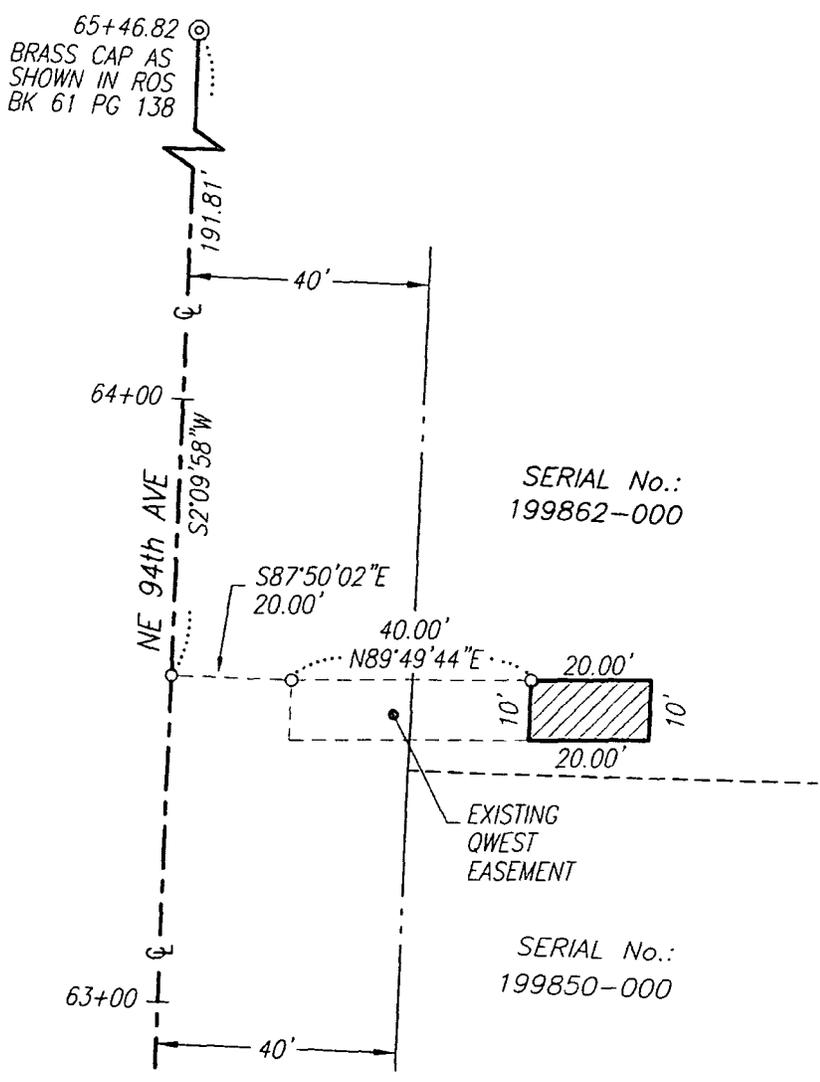
Commencing at a brass cap at Station 65+46.82 as shown on that Record of Survey as recorded at Book 61 on page 138, records of Clark County, Washington, thence S2°09'58"W 191.81 feet; thence S87°50'02"E 20.00 feet; thence N89°49'44"E 40.00 feet to the northeast corner of that easement to Qwest Corporation, d/b/a/ CenturyLink QC, a Colorado corporation, as described in Auditor's file # 4930307 recorded January 10, 2013, and the True Point of Beginning; thence continuing N89°49'44"E 20.00 feet thence S2°09'58"W 10.00 feet; thence S89°49'44"W 20.00 feet to the southeast corner of said Qwest easement; thence N2°09'58" E 10.00 feet along the east line of said easement to the point of beginning, and there terminating, all in Clark County, Washington.

This description contains 200 square feet as calculated by the double meridian distance method.



WRITTEN BY: *CS*
REVIEWED BY:

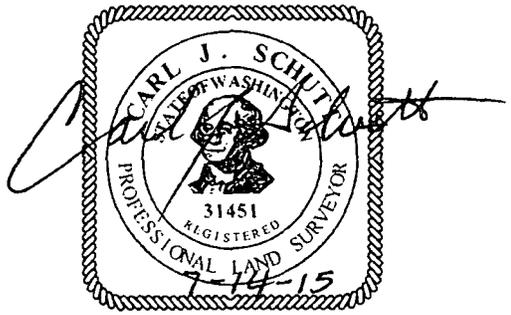
EXHIBIT "B"
 SERIAL No. 199862-000



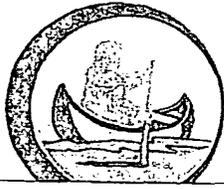
SERIAL No.:
 199862-000

SERIAL No.:
 199850-000

NOT TO SCALE



Clark County Public Works Vancouver, Washington		
DESIGN & ENGINEERING DIVISION OFFICE OF THE COUNTY SURVEYOR		
NW 1/4 SECTION 4 T 2 N, R 2 E, W.M.		
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE	SCALE	DRAWN BY
MAR 2015	NOT TO SCALE	CJS



proud past. promising future

CLARK COUNTY
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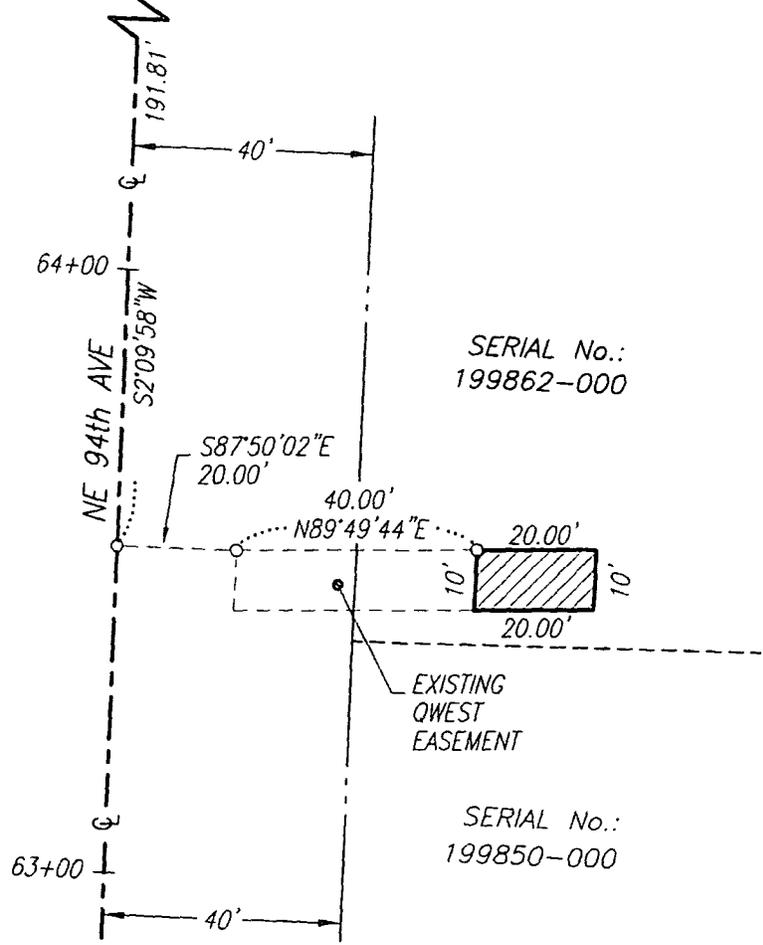
This description contains 200 square feet as calculated by the double meridian distance method.



WRITTEN BY: *CJS*
REVIEWED BY: *JMB*

EXHIBIT "B"
SERIAL No. 199862-000

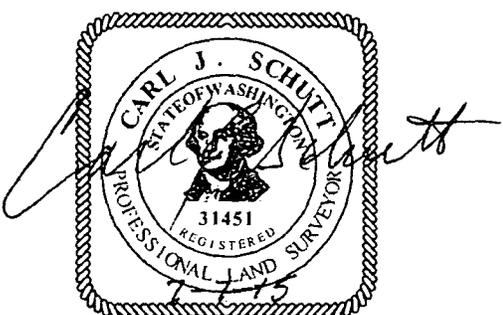
65+46.82
BRASS CAP AS
SHOWN IN ROS
BK 61 PG 138



SERIAL No.:
199862-000

SERIAL No.:
199850-000

NOT TO SCALE



Clark County Public Works Vancouver, Washington		
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