

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Mark McCauley, County Administrator

From: Monte Reinders, Public Works Director/County Engineer 

Agenda Date: February 5, 2024

Subject: Amendment to 2016 Easement to County from Department of Natural Resources for Undi Road Bypass

Statement of Issue: Public Works staff requests approval of the attached Easement Amendment from the Washington State Department of Natural Resources (DNR). This Amendment adds additional right-of-way to Easement 50-093964 which the County purchased from DNR in 2016 for the Undi Road Bypass (County Road #151009). Because of the extended time required by DNR to finalize an easement amendment, DNR granted the County a temporary Land Use License in 2023 to allow the County, under the Federal Highway Administration (WA FLAP JEFFER 15009(1)), to proceed with certain improvements to Undi Road Bypass. That work has since been completed. The attached Easement Amendment memorializes the grant of a total of approximately 21,160 square feet (less than ½ acre) of additional right-of-way in the form of slope easements at two sites along Undi Road Bypass. The term of the original 2016 Easement was “perpetual unless vacated as provided by law.” That term is unchanged with the Easement Amendment.

Analysis/Strategic Goals/Pro’s & Con’s: The Easement Amendment grants the County perpetual slope easements over certain property necessary to construct, operate and maintain the Undi Road Bypass as improved in 2023. The Easement Amendment was drafted by DNR using that agency’s standard format.

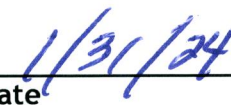
Fiscal Impact/Cost Benefit Analysis: After crediting the County’s payment of \$1,000 for the Land Use License, there is a remaining charge of \$2,000 for the Easement Amendment.

Recommendation: The Board is requested to wet sign and return both copies of the Easement Amendment to Public Works for further processing.

Department Contact: Colette Kostelec, P.E., Right-of-Way Representative, 385-9218.

Reviewed By:


Mark McCauley, County Administrator


Date

CONTRACT REVIEW FORM

(INSTRUCTIONS ARE ON THE NEXT PAGE)

Clear Form

CONTRACT WITH: Dept of Natural Resources

Contract No: 2024-003

Contract For: Easement Amendment

Term: perpetual

COUNTY DEPARTMENT: Public Works

Contact Person: Colette Kostelec

Contact Phone: 360-385-9218

Contact email: ckostelec@co.jefferson.wa.us

AMOUNT: \$2,000.00

Revenue:

Expenditure:

Matching Funds Required:

Sources(s) of Matching Funds

Fund #

Munis Org/Obj

PROCESS:

- ☐ Exempt from Bid Process
- ☐ Cooperative Purchase
- ☐ Competitive Sealed Bid
- ☐ Small Works Roster
- ☐ Vendor List Bid
- ☐ RFP or RFQ
- ☒ Other: amendment to existing easement

APPROVAL STEPS:

STEP 1: DEPARTMENT CERTIFIES COMPLIANCE WITH JCC 3.55.080 AND CHAPTER 42.23 RCW.

CERTIFIED: ☐ N/A: ☒

Colette Kostelec
Signature

1/11/2024
Date

STEP 2: DEPARTMENT CERTIFIES THE PERSON PROPOSED FOR CONTRACTING WITH THE COUNTY (CONTRACTOR) HAS NOT BEEN DEBARRED BY ANY FEDERAL, STATE, OR LOCAL AGENCY.

CERTIFIED: ☐ N/A: ☒

Colette Kostelec
Signature

1/11/2024
Date

STEP 3: RISK MANAGEMENT REVIEW (will be added electronically through Laserfiche):

☒ Electronically approved by Risk Management on 1/17/2024.
State document. Cannot change.

STEP 4: PROSECUTING ATTORNEY REVIEW (will be added electronically through Laserfiche):

☒ Electronically approved as to form by PAO on 1/17/2024.
Contract amendment.

STEP 5: DEPARTMENT MAKES REVISIONS & RESUBMITS TO RISK MANAGEMENT AND PROSECUTING ATTORNEY(IF REQUIRED).

STEP 6: CONTRACTOR SIGNS

STEP 7: SUBMIT TO BOCC FOR APPROVAL

When recorded return to:
Department of Natural Resources
Olympic Region
Attn: Albert Huggins
411 Tillicum Lane
Forks, WA. 98331



WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES
HILARY S. FRANZ | COMMISSIONER OF PUBLIC LANDS

Grantor: STATE OF WASHINGTON, DEPARTMENT OF NATURAL RESOURCES

Grantee: JEFFERSON COUNTY

Legal Description: E1/2 SW1/4 SE1/4, SE1/4 SE1/4, Sec. 35, NW1/4 SW1/4, SW1/4 SW1/4 Sec. 36, T28N, R13W., W.M. Clallam County, Washington State

Assessor's Property Tax Parcel: 132835430000 & 132836000000 & 132835440000

Cross Reference: Clallam County AFN: 2016-1337720, 2016-1336788 Volume 78, Page 98 of Surveys

DNR Easement No. 50-093964, LUL No. 60-104898

EASEMENT AMENDMENT

THIS EASEMENT AMENDMENT is made by and between JEFFERSON COUNTY, a political subdivision of the State Washington herein called "Grantee" and STATE OF WASHINGTON, acting by and through the Department of Natural Resources "State", (collectively referred to as "Parties").

RECITALS

- A. On July 29, 2016, Grantee and State entered into an easement agreement ("Easement"), as part of a plan to realign Undi Road to bypass the unusable portion of the road. Jefferson County was granted a county road easement from the Department of Natural Resources which was recorded in the records of Clallam County, Washington on August 1, 2016, under Auditor File No. 2016-1337720 and filed in the Office of the Commissioner of Public Lands under file number 50-093964.

- B. In 2017, the Jefferson County Board of County Commissioners (through Resolution 08-17) permanently closed the old, unstable portion of Undi Road to vehicular traffic. Due to ongoing landslide activity, and with agreement from all adjoining landowners, in November 2022 the Board of County Commissioners (through Resolution 51-22) permanently closed and abandoned Undi Road between MP 0.00 and MP 0.75
- C. On April 11, 2023, State granted a Land Use License, filed in the office of the Commissioner of Public Lands in Olympia, Washington under file number 60-104898, to allow the Grantee to make improvements to three sites along the Undi Road Bypass (MP 0.00 to MP 2.0) under the US Department of Transportation Federal Highway Administration (WA FLAP JEFFER 15009(1)). Although two of the sites are located in Clallam County, Jefferson County agreed to take the lead on administering this project.
- D. The Parties desire to amend the Easement to include Site 1 and Site 2 of the road improvements which currently are outside of the easement area as displayed in Exhibit B and Exhibits B1-B4. The Undi Road Bypass provides access to federal and private lands requiring the need to improve safety along that corridor (“Amendment”).

The Parties agree as follows:

AGREEMENT

State, for and in consideration of TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00), hereby grants and conveys, to Grantee, its successors and assigns a non-exclusive easement over parcels of land in Clallam County legally described as set forth in Exhibit A, (collectively referred to as “Premises”) said easement improvement locations to be as shown on Exhibit B and Exhibits B1-B4, (hereafter Improvement Description).

This easement shall be deemed appurtenant to real property located in Clallam County legally described as set forth in Exhibit C and Exhibits C1-C3, (hereafter Easement Description)

All exhibits referenced in the Amendment are incorporated as part of the Amendment and will only reflect changes resulting from this Amendment.

Except as amended hereby, the Easement shall remain in full force and effect as previously executed, and the Parties ratify the Easement as amended. The Amendment is limited as specified herein and shall not constitute a modification, acceptance or waiver of any other provision of the Easement. From and after the date hereof, all references to the Easement shall be deemed references to the Easement as amended.

The Amendment may be signed in counterparts, any one of which shall be deemed an original. Delivery by facsimile of an executed counterpart shall have the same effect as physical delivery of an original so long as the facsimile original is sent by overnight courier to the other party.

The Amendment requires the signature of the Parties and is effective on the date of the last signature below.

APPROVED this _____ of _____, 20____ by the Jefferson County Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
JEFFERSON COUNTY, WASHINGTON

Approved as to form only:

By: _____
KATE DEAN
Chair

Date

By: P.C. Hunsucker 1/25/2024
PHILIP C. HUNSUCKER
Chief Civil Deputy Prosecuting Attorney

Date

State of Washington
County of Jefferson

This record was acknowledged before me on _____, by Kate Dean as the
Chair of the Jefferson County Board of County Commissioners.

Notary Public in and for the State of Washington.
My Commission Expires _____

ATTEST:

Jefferson County Clerk of the Board

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: _____, 20____.



TODD WELKER
Deputy Supervisor for State Uplands
PO Box 7000
1111 Washington Street SE
Olympia, WA. 98504-70000
(360) 902-1600

Approved as to form

By _____
Assistant Attorney General
for the State of Washington

STATE ACKNOWLEDGEMENT

State of Washington

County of Thurston

I certify that I know or have satisfactory evidence that Todd Welker is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Deputy Supervisor for State Uplands of the Department of Natural Resources of the State of Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(Signature)

(Seal or stamp)

(Print Name)

Notary Public in and for the State of Washington,
residing at _____

My appointment expires _____

**EXHIBIT A
BURDENED PARCEL
“Premises”**

Legal Description

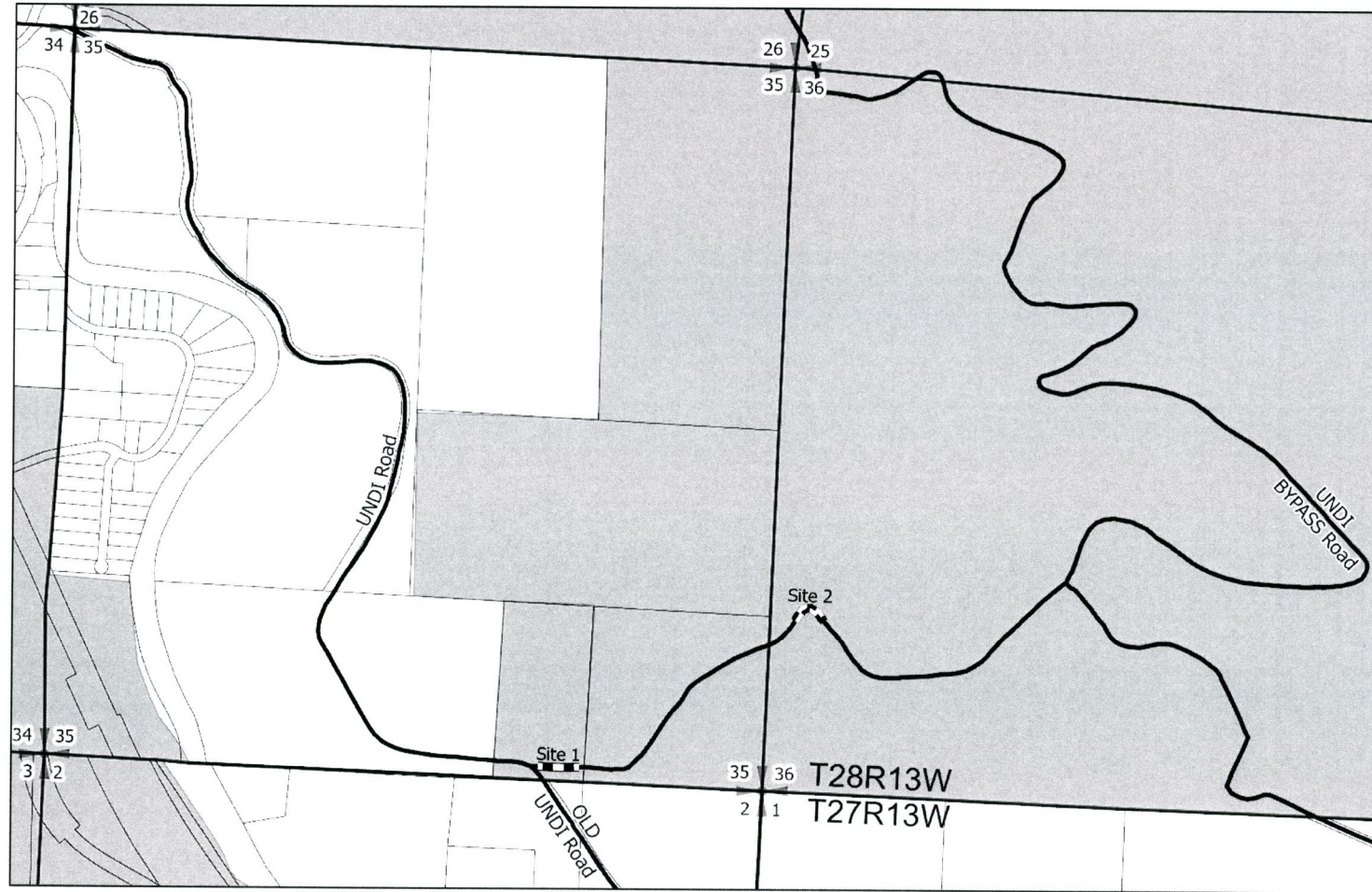
E1/2SW1/4SE1/4 and SE1/4SE1/4 Section 35, Township 28 North, Range 13 West, W.M.

NW1/4SW1/ and SW1/4SW1/4 Section 36, Township 28 North, Range 13 West, W.M.

Situate in Clallam County, State of Washington

Clallam County Tax Parcel Identification Numbers: 132835430000, 132835440000,
132836000000

EXHIBIT B (B1-B4) **Improvement Description**



Legend

- State
- Site
- Site 1
- Site 2
- <all other values>

Map Created 01/09/2024

0 0.050.1 0.2 0.3 0.4 Miles

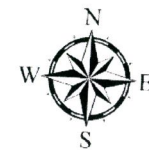
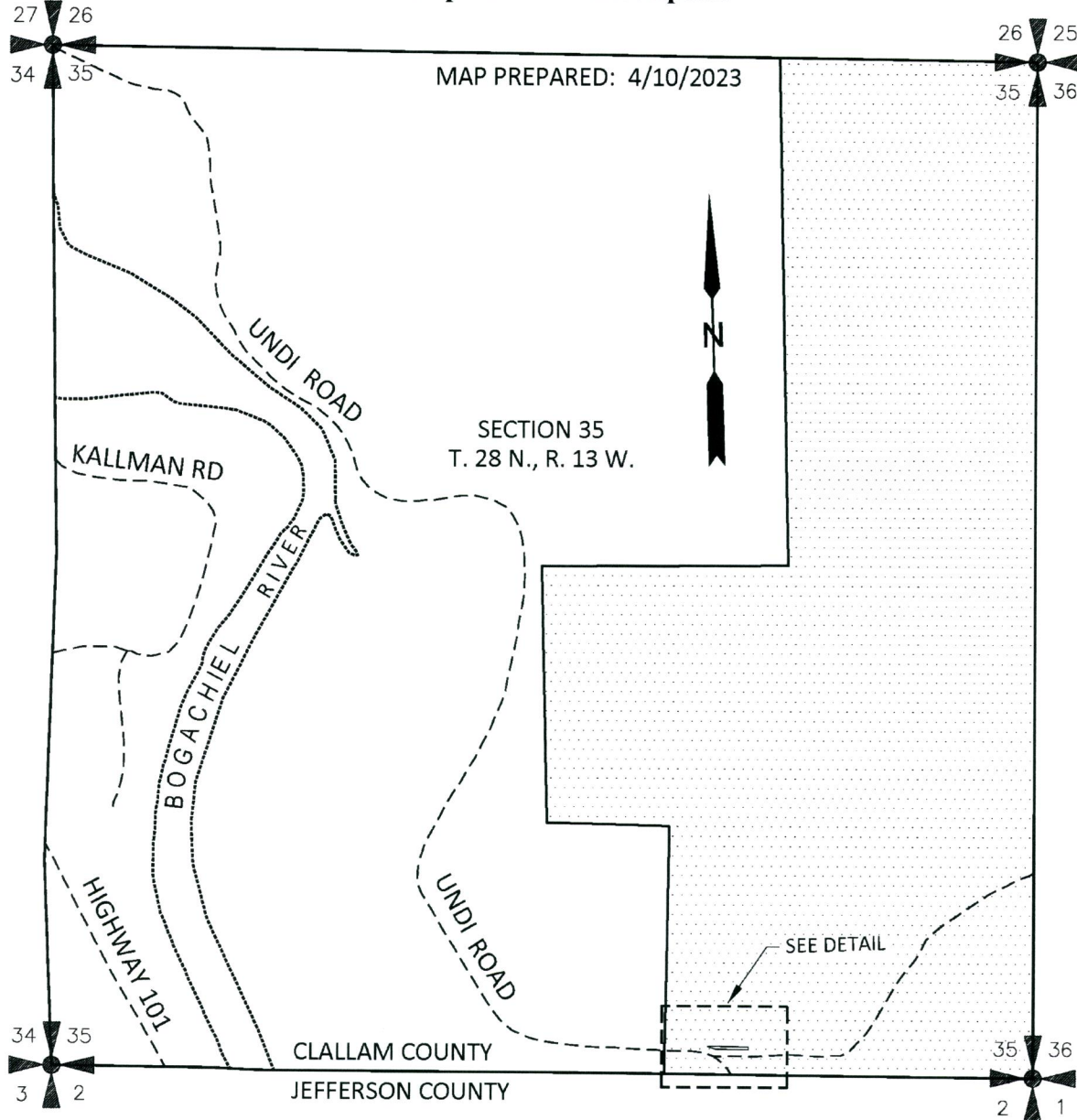


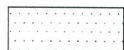
EXHIBIT B1
Improvement Description



LEGEND



SECTION CORNER



STATE LAND

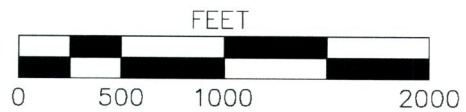


EXHIBIT B2
Improvement Description

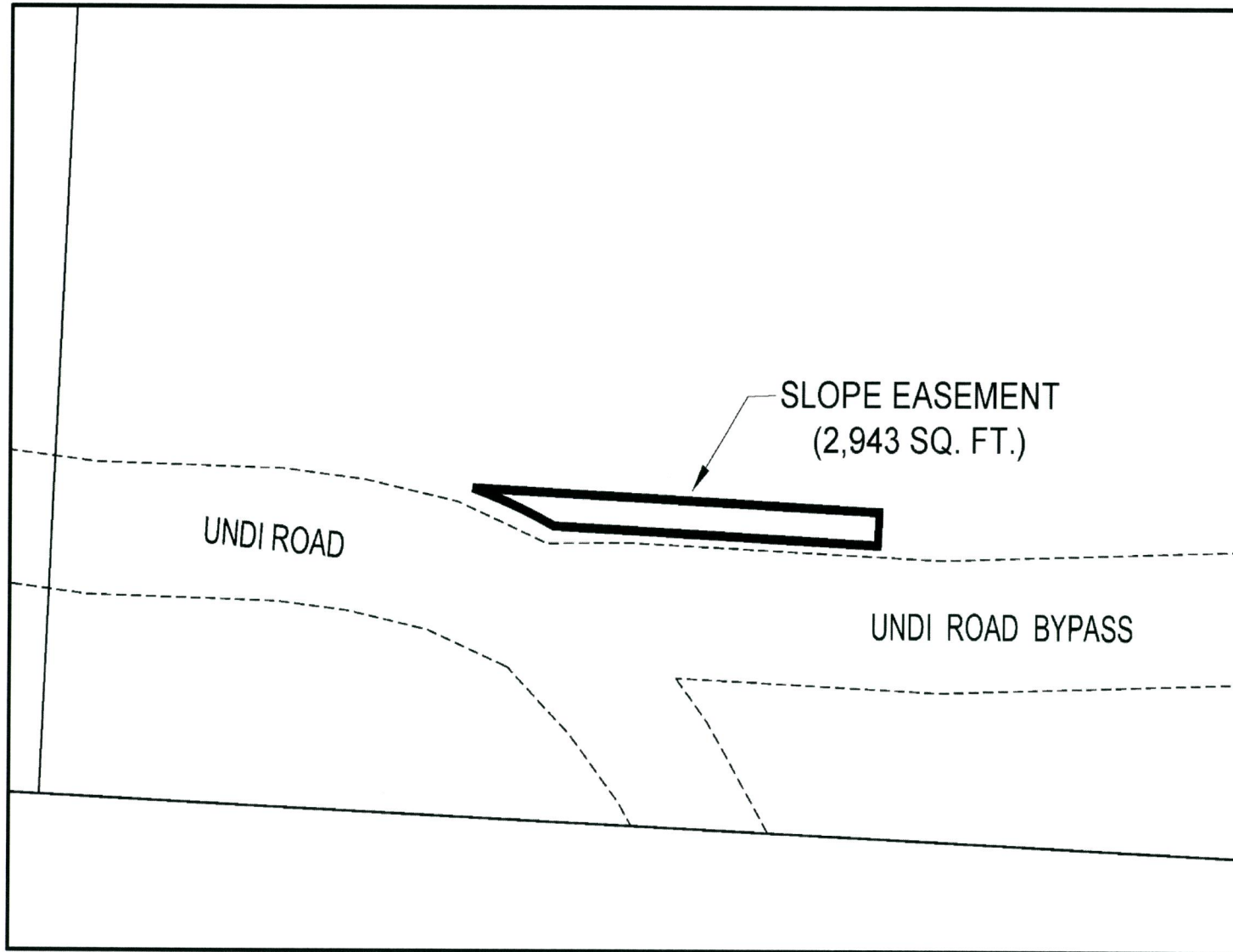
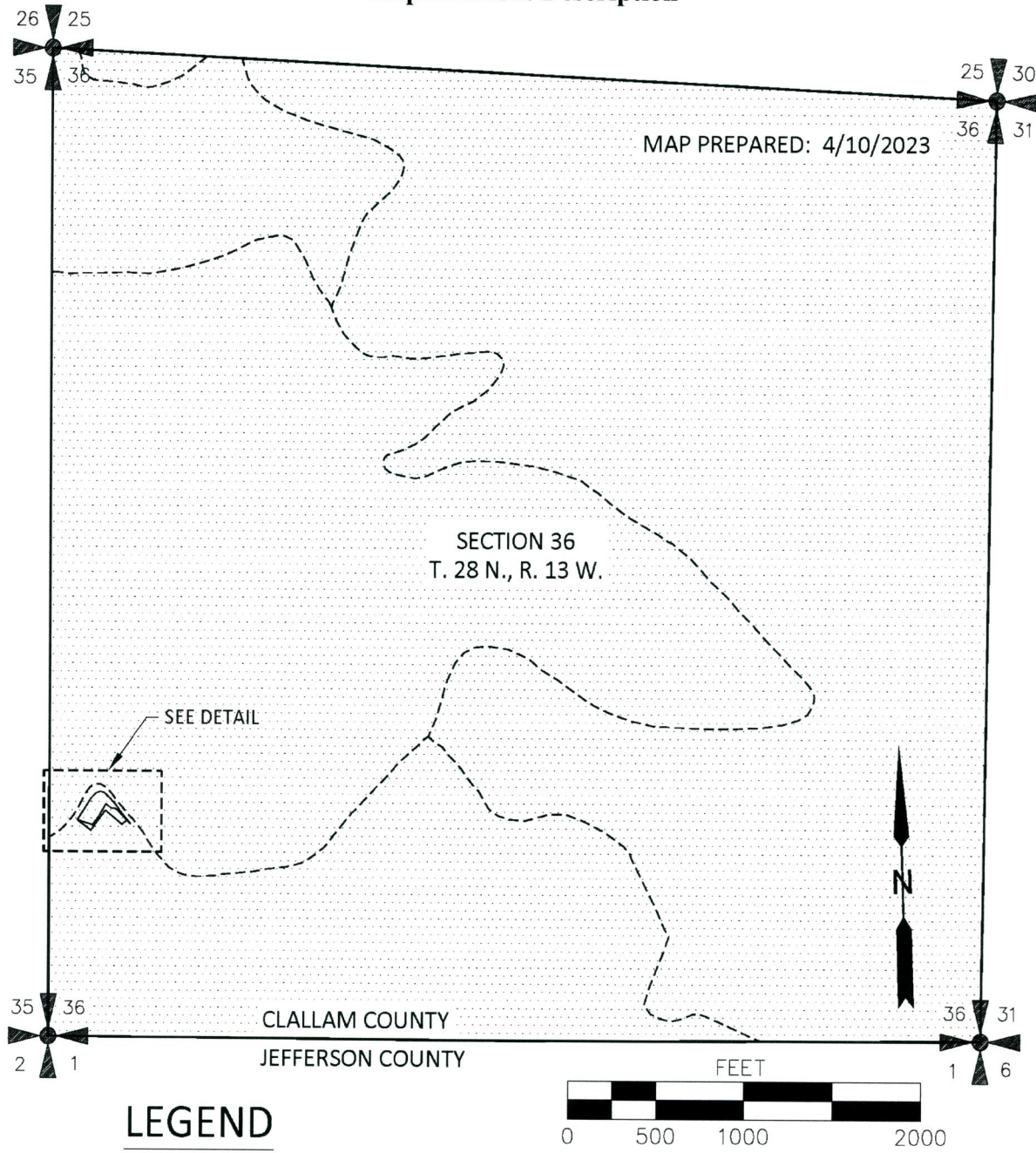


EXHIBIT B3
Improvement Description



LEGEND



SECTION CORNER



STATE LAND

EXHIBIT B4
Improvement Description

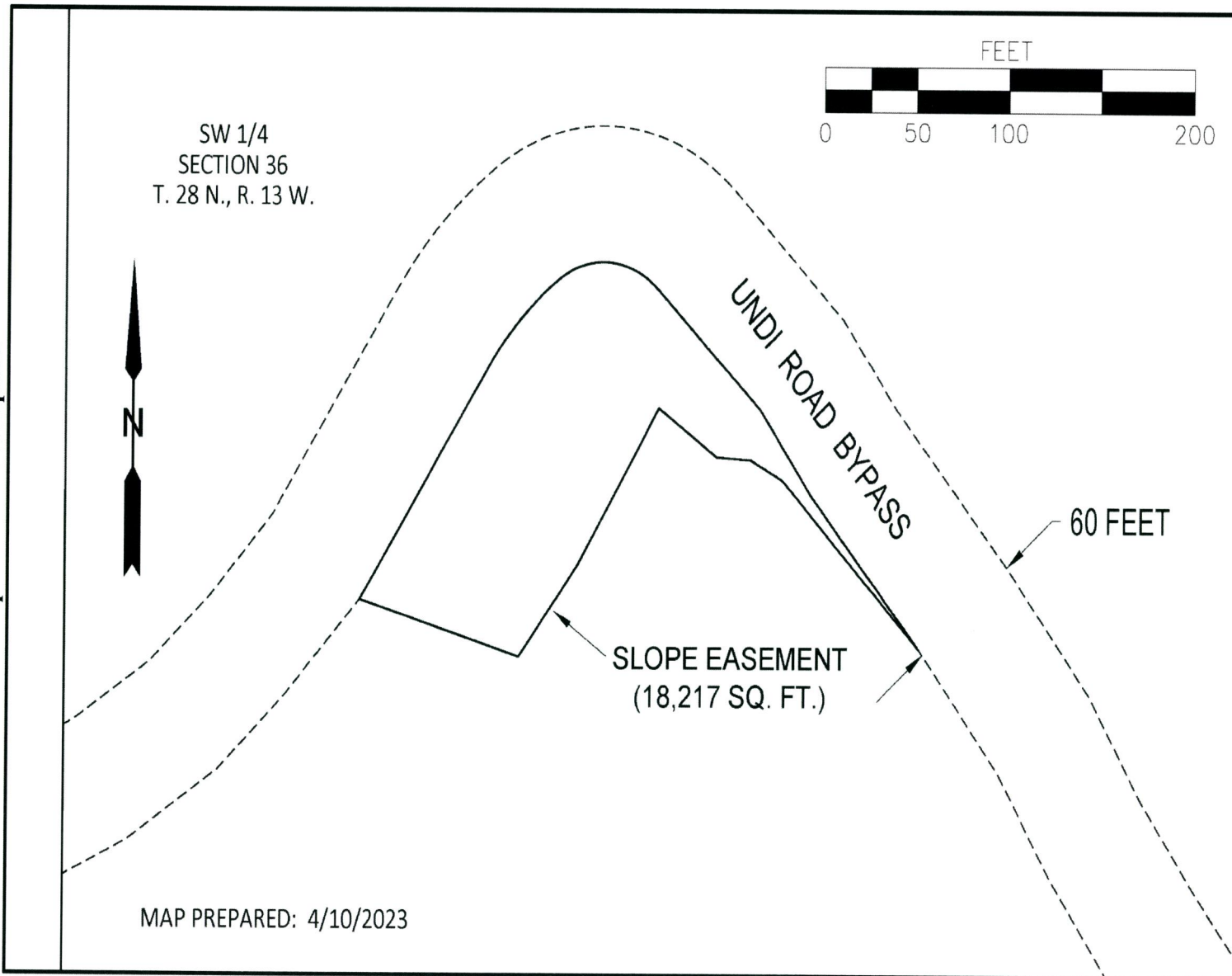
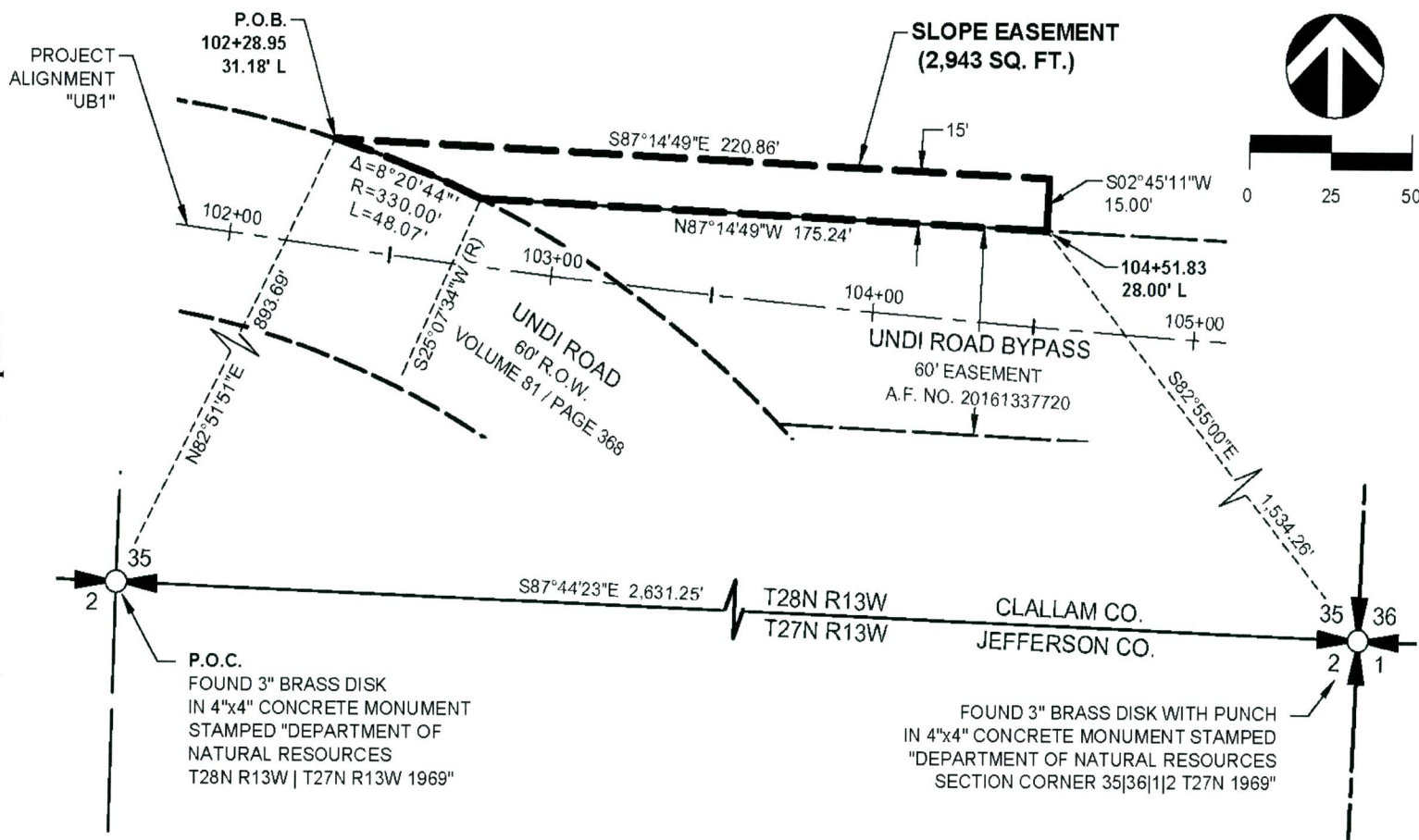


EXHIBIT C (C1-C3) **Easement Description**



50-093964

EXHIBIT C1
Easement Description

A PARCEL OF LAND LOCATED IN SECTION 35, TOWNSHIP 28 NORTH, RANGE 13 WEST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 35 BEARS SOUTH 87°44'23" EAST, A DISTANCE OF 2631.25 FEET;
THENCE NORTH 82°51'51" EAST, A DISTANCE OF 893.69 FEET TO THE POINT OF BEGINNING ON THE NORTH MARGIN OF UNDI ROAD, AT STATION 102+28.95, OFFSET 31.18 FEET LEFT OF PROJECT ALIGNMENT "UB1";

THENCE SOUTH 87°14'49" EAST, A DISTANCE OF 220.86 FEET;

THENCE SOUTH 02°45'11" WEST, A DISTANCE OF 15.00 FEET TO A POINT ON THE NORTH MARGIN OF THE

UNDI ROAD BYPASS, AT STATION 104+51.83, OFFSET 28.00 FEET LEFT OF PROJECT ALIGNMENT "UB1", FROM WHICH SAID SOUTHEAST CORNER OF SECTION 35 BEARS SOUTH 82°55'00" EAST, A DISTANCE OF 1534.26 FEET;

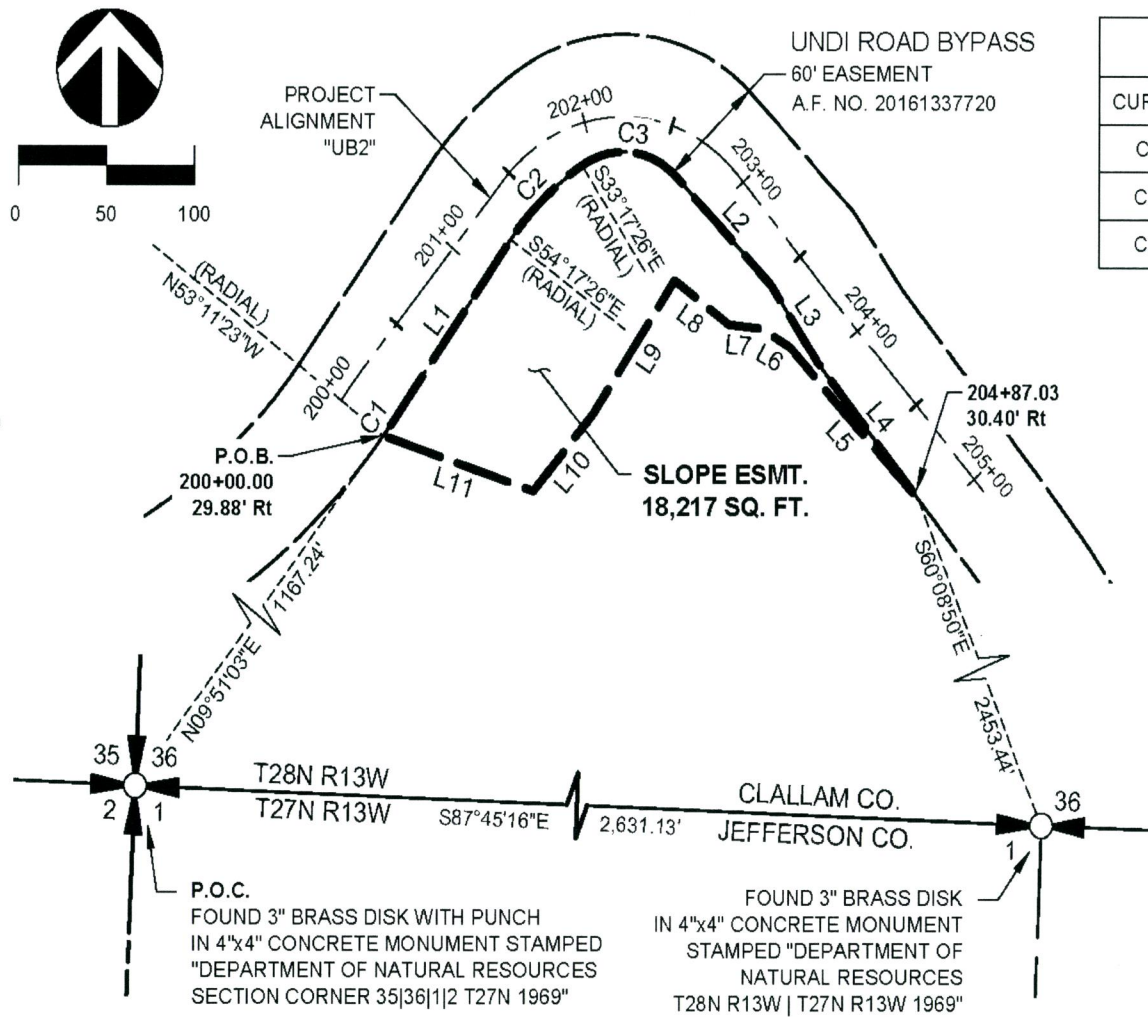
THENCE NORTH 87°14'49" WEST, ALONG SAID NORTH MARGIN OF THE UNDI ROAD BYPASS, A DISTANCE OF 175.24 FEET TO A POINT ON SAID NORTH MARGIN OF UNDI ROAD AND THE BEGINNING OF A NONTANGENT

CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FEET, WHOSE CENTER POINT BEARS SOUTH 25°07'34" WEST;

THENCE ALONG SAID NON-TANGENT CURVE AND NORTH MARGIN OF UNDI ROAD, THROUGH A DELTA ANGLE OF 08°20'44", FOR AN ARC DISTANCE OF 48.07 FEET TO THE POINT OF BEGINNING, CONTAINING 2,943 SQUARE FEET, MORE OR LESS.

SITUATE IN CLALLAM COUNTY, WASHINGTON.

EXHIBIT C2 **Easement Description**



CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	1°06'03"	6.82'	355.00'
C2	21°00'00"	54.98'	150.00'
C3	79°00'00"	57.91'	42.00'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N35°42'34"E	116.57'
L2	S44°17'26"E	76.92'
L3	S34°14'03"E	46.60'
L4	S38°55'49"E	90.61'
L5	N42°58'57"W	105.68'
L6	N60°36'43"W	19.44'
L7	N84°08'43"W	18.15'
L8	N53°36'02"W	38.09'
L9	S33°50'30"W	81.87'
L10	S40°06'36"W	51.73'
L11	N71°40'25"W	89.44'

EXHIBIT C3
Easement Description

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 28 NORTH, RANGE 13 WEST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 36 BEARS SOUTH 87°45'16" EAST, A DISTANCE OF 2631.13 FEET;
THENCE NORTH 09°51'03" EAST, A DISTANCE OF 1167.24 FEET TO THE POINT OF BEGINNING ON THE SOUTH MARGIN OF UNDI ROAD BYPASS, AT STATION 200+00.00, OFFSET 29.88 FEET RIGHT OF PROJECT ALIGNMENT "UB2", ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 355.00 FEET, FROM WHICH THE CENTER POINT BEARS NORTH 53°11'23" WEST;

THENCE ALONG SAID SOUTH MARGIN OF UNDI ROAD BYPASS, THE FOLLOWING COURSES AND DISTANCES:

NORTHEASTERLY ALONG SAID CURVE, THROUGH A DELTA ANGLE OF 01°06'03", FOR AN ARC DISTANCE OF 6.82 FEET TO A POINT OF TANGENCY;

NORTH 35°42'34" EAST, A DISTANCE OF 116.57 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET, WHOSE CENTER POINT BEARS SOUTH 54°17'26" EAST;

NORTHEASTERLY ALONG SAID CURVE, THROUGH A DELTA ANGLE OF 21°00'00", FOR AN ARC DISTANCE OF 54.98 FEET TO A POINT OF COMPOUND CURVATURE, AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 42.00 FEET, WHOSE CENTER POINT BEARS SOUTH 33°17'26" EAST;

EASTERLY ALONG SAID CURVE, THROUGH A DELTA ANGLE OF 79°00'00", FOR AN ARC DISTANCE OF 57.91 FEET TO A POINT OF TANGENCY;

SOUTH 44°17'26" EAST, A DISTANCE OF 76.92 FEET TO AN ANGLE POINT;

SOUTH 34°14'03" EAST, A DISTANCE OF 46.60 FEET TO AN ANGLE POINT;

SOUTH 38°55'49" EAST, A DISTANCE OF 90.61 FEET TO STATION 204+87.03, OFFSET 30.40 FEET RIGHT OF SAID PROJECT ALIGNMENT "UB2", FROM WHICH SAID SOUTH QUARTER CORNER OF SECTION 36 BEARS SOUTH 60°08'50" EAST, A DISTANCE OF 2453.44 FEET;

THENCE NORTH 42°58'57" WEST, A DISTANCE OF 105.68 FEET;

THENCE NORTH 60°36'43" WEST, A DISTANCE OF 19.44 FEET;

THENCE NORTH 84°08'43" WEST, A DISTANCE OF 18.15 FEET;

THENCE NORTH 53°36'02" WEST, A DISTANCE OF 38.09 FEET;

THENCE SOUTH 33°50'30" WEST, A DISTANCE OF 81.87 FEET;

THENCE SOUTH 40°06'36" WEST, A DISTANCE OF 51.73 FEET;

THENCE NORTH 71°40'25" WEST, A DISTANCE OF 89.44 FEET TO THE POINT OF BEGINNING, CONTAINING

18,217 SQUARE FEET, MORE OR LESS.

SITUATE IN CLALLAM COUNTY, WASHINGTON.