

Project title: Amended Temporary Disposal Easement to Port of Everett**Council Bill #** *interoffice use***Agenda dates requested:**

April 14, 2021

Briefing

Proposed action

Consent

Action

Ordinance

Public hearing

Yes

No **Budget amendment:**

Yes

No **PowerPoint presentation:**

Yes

No **Attachments:**

Amendment to Temporary Disposal Easement Deed

Department(s) involved:

Real Property

Contact person:

Darcie Byrd

Phone number:

425-257-7190

Email:

dbyrd@everettwa.gov

Initialed by:*DB*

Department head

PM

Administration

DE

Council President

Project: Amended Temporary Disposal Easement to Port of Everett**Partner/Supplier :** Port of Everett**Location:** 4000 Railway Avenue**Preceding action:** December 18, 2019 approval of Temporary Disposal Easement commencing on December 31, 2019 and terminating December 31, 2021**Fund:** *N/A***Fiscal summary statement:**

Consideration for the proposed easement is for mutual benefits to the Port of Everett and City of Everett.

Project summary statement:

In December 2019, City Council approved a Temporary Disposal Easement allowing the Port of Everett to place clean dredge material from the Snohomish River channel onto city owned property at the end of Railway Avenue. The original agreement was for a period of 2 years, terminating on December 31, 2021. The City may terminate the easement effective as early as 1/1/2024 to allow for development activity associated with the EPIC redevelopment.

The City and Port desire to continue the easement which provides a public benefit. Past dredge materials have been used for a variety of public projects, including but not limited to, near shore restoration of areas along Port Gardner Bay; on-going fairway maintenance material for city golf courses; and fill material for City and Port construction projects.

The attached Amendment to Temporary Disposal Easement would extend the agreement until February 28, 2025.

Recommendation (exact action requested of Council):

Authorize Mayor to sign the Amended Temporary Disposal Easement to Port of Everett.

FIRST AMENDMENT TO TEMPORARY DISPOSAL EASEMENT DEED

THIS FIRST AMENDMENT (“Amendment”) is dated as of April ____, 2021, and it amends the terms of the Temporary Disposal Easement Deed dated December 30, 2019, recorded under Snohomish County recording number 202001090615 (“Easement”), between City of Everett, a municipal corporation of Washington State (“Grantor”) and Port of Everett, a Washington public port district (“Grantee”).

The Easement is hereby extended until February 28, 2025. The Easement may not be terminated before December 31, 2022, except by those termination rights and privileges reserved by Grantor in the Easement. After December 31, 2022, the Easement may be terminated with no less than one-year advance notice.

Except as set forth in this Amendment, the provisions of the Easement shall remain unchanged and shall continue in full force and effect.

[signature page follow]

