

# AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board  
Yakima County Commissioners' Office, Room 232**

Prepared by:  
Matt Pietrusiewicz

Department: County Roads

Requested Agenda Date: \_\_\_\_\_

Presenting: N/A

Document Title:

Coventant of Use

*Board of County Commissioners Record Assigned*  
**BOCC Agreement**  
#  
**182 - 2023**  
*Yakima County, WA*

**APPROVED FOR AGENDA:**  
 Consent       Regular  
*Board of County Commissioners Determined*

Action Requested: *Check Applicable Box*

PASS RESOLUTION       EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT  
 ISSUE PROCLAMATION     PASS ORDINANCE     OTHER \_\_\_\_\_

Describe Fiscal Impact:

N/A

Background Information:

The City of Yakima is in the process of roadway improvements at the intesection for Nob Hill Blvd. and Fair Ave. and there is a need to acquire ROW at this intersection. The property is owned by the County and leased and operated by the Central Washington State Fair Board. For the County and Fair Board to process the City's request they must get a release from the US Department of Commerce due to a grant the County and Fair Board received for improvements


Summary & Recommendation:

To remain in compliance with the grant requirements and to avoid default and repayment and to allow the ROW aquisition process to proceed the County Roads Department recommends approval and signing of the Covenant of Use.

Motion:

\_\_\_\_\_

Department Head/ Elected Official

  
\_\_\_\_\_  
Signature

**AGREEMENT** Attached Is Approved as to Form  
Corporate Counsel Initial

D.D.C

*Late Agenda Requests Require BOCC Chairman Signature:*  
\_\_\_\_\_

**RETURN TO:**

**STOKES LAWRENCE  
VELIKANJE, MOORE & SHORE**  
Attention: Charissa A. Johnston  
120 N. Naches Avenue  
Yakima, Washington 98901-2757

**COVENANT OF USE**

This **COVENANT OF USE** is made this 1<sup>st</sup> day of August, 2023, by the **COUNTY OF YAKIMA, WASHINGTON** ("Owner") and in favor of the **ECONOMIC DEVELOPMENT ADMINISTRATION, UNITED STATES DEPARTMENT OF COMMERCE** ("EDA").

**WHEREAS**, Owner is the owner of certain real property (the "Property") situated in Yakima, Washington, commonly known as Yakima County Parcel Nos. 19132921007, 19132924402, 19132924440, and 19132921007;

**WHEREAS**, EDA made a Financial Assistance Award July 9, 2008, in the amount of **\$960,000.00** in EDA funds, EDA Project No. 07-01-06210 ("Award");

**WHEREAS**, as a condition of receiving the Award, Owner recorded a statement of EDA's interest with a Covenant of Purpose, Use and Ownership on March 4, 2010, as Yakima County Auditor's File No. 7684204 (the "Recorded Statement");

**WHEREAS**, pursuant to 13 CFR § 314.10, Owner has requested to release a portion of the Property from EDA's property interests and the restrictive covenants contained the Recorded Statement, except those stated in 13 CFR § 314.10(e) (the "Released Property"), more particularly described in Exhibit A.

**NOW, THEREFORE**, in order to comply with 13 CFR § 314.10 and induce EDA to release the Property from the EDA's property interests and the restrictive covenants contained in the Recorded Statement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner covenants and agrees as follows:

1. Pursuant to 13 CFR § 314.10(e), the Property is and shall henceforth be subject to and encumbered by the following covenants: (a) at no time shall the Property be used for explicitly religious activities in violation of applicable Federal law; and (b) at no time shall the Property be used for any purpose that would violate the nondiscrimination requirements set forth in 13 CFR § 302.20, as may be amended from time to time.
2. Owner stipulates and agrees that the foregoing restrictive covenants constitute a reasonable restraint on alienation of use, control, and possession of or title to the Property given the federal interest expressed herein.
3. The foregoing restrictive covenants shall run with the land and shall bind Owner and its successors in title in and to the Property.

*[Signatures and Notary Acknowledgements on Following Pages]*

IN WITNESS WHEREOF, Owner has caused this instrument to be executed by its official(s) duly authorized to take such actions on behalf of and binding upon the Owner.

**OWNER:**

COUNTY OF YAKIMA, WASHINGTON

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
LaDon Linde, Chair

\_\_\_\_\_  
Amanda McKinney, Commissioner


\_\_\_\_\_  
Kyle Curtis, Commissioner

**DATED:** AUG 01 2023

*Attest:*

\_\_\_\_\_  
Julie Lawrence, Clerk of the Board *or*  
Erin Franklin, Deputy Clerk of the Board

**Approved as to Form:**

  
\_\_\_\_\_  
DEPUTY PROSECUTING ATTORNEY  
WSBA #35901

BOCC Agreement

**182 - 2023**

Yakima County, WA

STATE OF WASHINGTON        )  
  ) ss.  
COUNTY OF YAKIMA        )

On August 1, 2023, **LADON LINDE, AMANDA MCKINNEY, AND KYLE CURTIS** ("Signers"), whom are personally known to me or proved by satisfactory evidence to be the Signers, personally appeared before me and acknowledged that Signers executed the above-stated **COVENANT OF USE** ("Instrument") as Signer's free and voluntary act and deed for the uses and purposes stated in the Instrument and that Signers are authorized to execute the Instrument in the following capacity:

As a Quorum of the Board of Yakima County Commissioners

\_\_\_\_\_  
*(print name)*  
NOTARY PUBLIC in and for the state of Washington  
My appointment expires \_\_\_\_\_

## EXHIBIT A

### Legal Description of Released Property

That portion of the following described "Parcel A", lying South and West of the following described line:

Beginning at a point on the West line of said "Parcel A", 66.37 feet North of and perpendicular to the Monumented Centerline Alignment of Nob Hill Blvd. alignment, described in Project No. 2143, Fair Ave. & Nob Hill Blvd., Records of the City of Yakima;

Thence easterly perpendicular to said west line of "Parcel A" a distance of 4 feet; Thence southerly parallel to said west line of "Parcel A" a distance of 15.5 feet; Thence Southeast, to station 10+88.76 and 36 feet North of and perpendicular to said alignment to a point, hereinafter referred to as "Point A"; Thence Easterly, parallel with and concentric to said alignment to a point perpendicular to and 36 feet North of station 14+10.5 of said alignment;

Thence South, perpendicular to said alignment a distance of 6 feet to the existing Right of Way described in said project, and the Terminus of said line;

AND

A portion of the described "Parcel A" dedicated for a 6 foot utility easement described as follows; Beginning at a point 42 feet North of and perpendicular to station 10+82.02 of the Monumented Centerline Alignment of Nob Hill Blvd. alignment, described in Project No. 2143, Fair Ave. & Nob Hill Blvd., Records of the City of Yakima; Thence Easterly, parallel with and concentric to said alignment to a point perpendicular to and 42 feet North of station 14+10.5 of said alignment; Thence 6 feet southerly perpendicular to aforementioned alignment to a point on the previously described new right of way line of Nob Hill Blvd.; Thence westerly along the previously described right-of-way line to the aforementioned "Point A"; thence northwesterly to the point of beginning.

#### Parcel A:

The North half of the Northwest quarter of Section 29, Township 13 North, Range 19 East, W.M., records of Yakima County, Washington;

EXCEPT beginning at Northeast corner of Northwest quarter;

Thence South 0°04'37" East 632.6 feet;

Thence South 85°12'37" West 480.27 feet;

Thence North 84°19'42" West 394.9 feet;

Thence North 05°03'45" West 154.36 feet;

Thence curve to left, radius 472.48 feet, central angle 53°56'19", arc length 444.8 feet;

Thence North 0°25'30" East 124.86 feet;

Thence South 89°34'30" East to Point of Beginning;

AND EXCEPT beginning at Northeast corner of Northwest quarter;

Thence South 0°04'37" East 632.6 feet to True Point of Beginning;

Thence South 85°12'37" West 480.27 feet;

Thence North 84°19'24" West 214.32 feet;

Thence South 0°04'37" East 605.1 feet;

Thence South 89°44'39" East 691.9 feet to East line said Northwest quarter;

Thence North 0°04'37" West along said East line of 627.12 feet to True Point of Beginning;

AND EXCEPT from Northwest quarter, South 370 feet of North 1360 feet of East 355 feet of West 585 feet;

AND TOGETHER WITH the Southwest quarter of the Northwest quarter and also the Northwest quarter of the Southeast quarter of the Northwest quarter (also known as Lot 6 and 7 of Goodwin's Five Acre Tracts as recorded in Volume "A" of Plats Page 18) of Section 29, Township 13 North, Range 19 East, W.M., records of Yakima County, Washington.

Situated in Yakima County, Washington.