

AGREEMENT TO ANNEX (UGA PRIVATE)

THIS AGREEMENT is made and executed this _____ day of _____, _____, by and between the City of Olympia, a municipal corporation, hereinafter referred to as "Olympia" and _____, hereinafter referred to as "Party of the First Part."

WHEREAS, Party of the First Part is recorded owner of the following described property located within Thurston County, Washington:

WHEREAS, said property lies within one mile of the present corporate boundary of Olympia, but is not contiguous thereto, and

WHEREAS, it is the desire of the Party of the First Part that said property be served with water and/or sewer service from Olympia and hereby makes application therefore, or is already served by City utilities, and

WHEREAS, Section 13.04.240 of the Olympia City Code requires that an Agreement be executed whereby the owner of the above described property covenants that ____ would annex said property to Olympia at such time as the property becomes contiguous to the corporate boundaries of Olympia, or is otherwise eligible for annexation to Olympia, and

WHEREAS, it is appropriate that the Party of the First Part grant to the Olympia Public Works Director a special power of attorney to effect said annexation at the time the property becomes contiguous to Olympia or is otherwise eligible for annexation to Olympia.

IT IS AGREED BETWEEN THE PARTIES as follows:

1. That Olympia hereby provides water/sewer service to the above described property in accordance with Title 13 of the Olympia City Code.
2. In consideration of Olympia providing said utility service, the Party of the First Part hereby grants and conveys to the City Engineer of Olympia or his successor in interest or designee a Special Power of Attorney to exercise any and all rights said Party of the First Part, their heirs or assigns and any successors in interest to said Party of the First Part, including any purchasers, mortgage holders, lien holders or other persons who may claim an interest in said property hereinafter referred to as "Successors in Interest" to accomplish the following:
 - (a) To petition to Olympia for annexation of any part or all of the property described above, which petition shall conform to the provisions of paragraph (b) herein.
 - (b) To accomplish all steps necessary or proper for the annexation of said property under RCW 35A.14 and the ordinances and regulations of the City of Olympia for annexation of property to the City of Olympia with zoning consistent with the ordinances of the City of Olympia and with the condition that Party of the First Part or its Successors in Interest will be required to assume no more than a fair share of Olympia's bonded indebtedness.
 - (c) To sign any and all letters, petition and other documents necessary to accomplish said annexation on behalf of any successors in interest as defined above.

This Power of Attorney shall be considered a power coupled with an interest and may not be terminated except at such time as the above described property is no longer served by sewer and/or water facilities through Olympia or Olympia's utility facilities.

3. If Olympia resolves to annex the above-described property pursuant to RCW 35A.14.295-.299, the Party of the First Part or its Successor in Interest covenant not to challenge same by referendum or other methods. This Agreement and Power of Attorney touches and concerns the real property described above and so long as the said property is served by sewer and/or water service from the City of Olympia through the Olympia water or sewer system, shall bind the land and shall run with the land, binding the Party of the First Part's assigns, heirs, transferees, Successors in Interest and all who derive an interest therein.

THIS AGREEMENT shall be recorded in the Thurston County Auditor's Office and shall be referenced upon any deed or other instruments conveying an interest in said property.

Dated in Olympia, Washington this _____ day of _____, _____.

STATE OF WASHINGTON)
)ss
COUNTY OF THURSTON)

I, the undersigned, a Notary Public, do hereby certify that on this _____ day of _____, _____, personally appeared before me, _____, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as the free and voluntary act and deed of the Department, for the purposes and uses therein mentioned, and on oath stated that he was duly authorized to execute said document.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Washington,
residing in _____
My commission expires _____

CITY OF OLYMPIA, a Municipal Corporation

By: _____
Authorized Agent for the City of Olympia

STATE OF WASHINGTON)
)ss
COUNTY OF THURSTON)

I, the undersigned, a Notary Public, do hereby certify that on this _____ day of _____, _____, personally appeared before me, _____, Acting as an Authorized Agent for the City of Olympia, a Municipal Corporation, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as the free and voluntary act and deed of the Department, for the purposes and uses therein mentioned, and on oath stated that he was duly authorized to execute said document.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Washington,
residing in _____
My commission expires _____

Approved as to Form:

Mark O. Erickson, City Attorney
City of Olympia