

AFTER RECORDING RETURN TO:

City of Zillah
P.O. Box 475
Zillah, WA 98953

RELEASE OF UTILITY EASEMENT

THIS RELEASE OF UTILITY EASEMENT (“Release”) is executed this ____day of _____, 2009 by the **CITY OF ZILLAH, WASHINGTON**, a municipal corporation organized and existing under the laws of the State of Washington (“**City**”).

RECITALS:

WHEREAS, Zillah Prairie, LLC executed and delivered to the City that certain Easement recorded April 4, 2008, in Plat of ZILLAH LAKES, PHASE 1 recorded under Auditor’s File No. 7601751, records of Yakima County, Washington (the “**Easement**”);

WHEREAS, pursuant to the terms of the Easement, the City was granted a public service easement over the real property more particularly described in the Easement described above (“**Easement Area**”);

WHEREAS, the Easement Area is the eight (8) foot wide public service easement which lies within the East eight (8) feet of Lot 24 AND the EAST eight (8) feet of the North two (2) feet of Lot 23 (“**Subject Property**”), Plat of Zillah Lakes, Phase 1 recorded under Auditor’s File No. 7601751, records of Yakima County, Washington;

WHEREAS, Zillah Prairie, LLC and Pardini LLC, (“**Owner**”) are the current owners of record of the Subject Property;

WHEREAS, the public service easement will not be used for its intended purpose;

WHEREAS, the Owner has requested that the City release the Easement in conjunction with Owner’s development of the Subject Property and the City has agreed to release its interest created under the Easement subject to the conditions set forth below.

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City agrees as follow:

1. **Recitals.** All of the foregoing recitals are true and correct and expressly incorporated herein by this reference.
2. **Release of Easement.** The City hereby releases, terminates and quitclaims any and all right, title and interest in and to the Easement Area and the Easement.

3. **Owner Obligations.** As a condition to this Release, the Owner of the Easement Area, at its sole cost, hereby agrees to (1) remove any existing utility line within the released Easement Area and (2) upon the filing of the Planned Unit Development Amendment (File Number: PUD 2008-15); the mylar must reflect the new lot configurations and the removal of the easement. For satisfactory consideration, hereby acknowledged by Owner, Owner releases the City from any claims, damages, or liability that may arise due to the City's Release.
4. **Recording.** Upon execution, this Release shall be recorded in the Public Records of Yakima County, Washington. This Release is binding upon the Owner of the property underlying the Easement Area, its successors and assigns, and runs with the property underlying the Easement Area.

IN WITNESS WHEREOF, this Release has been executed by the City on the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

“CITY”

CITY OF ZILLAH

ATTEST:

By _____
GARY CLARK, MAYOR

SHARON BOUNDS, CITY CLERK/TREASURER

APPROVED AS TO FORM:

JAMIE CARMODY, CITY ATTORNEY