

KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

AGENDA STAFF REPORT

AGENDA DATE:	May 3, 2016
ACTION REQUESTED:	Approve and Sign an Amendment to Lease with Stephen P. Brazitis for Road Right of Way along Vantage Highway.

BACKGROUND:	On June 23, 1981, Kittitas County entered into a Lease Agreement with Stephen P. Brazitis for a hay shed which mistakenly encroached five feet upon the County's right of way on Vantage Highway when built. This Amendment to Lease establishes a new lease term with the Lessee for another 20 year term and puts a verbal agreement between previous Public Works Director, Paul Bennett and Lessee, Stephen P. Brazitis into Lease form.
INTERACTION:	Public Works
RECOMMENDATION:	Move to approve & sign the Amendment to Lease with Stephen P. Brazitis.
HANDLING:	Return 1 Original to Public Works
ATTACHMENTS:	Amendment to Lease
LEAD STAFF:	Mark Cook Public Works Director

THIS AMENDMENT TO LEASE is made and dated this 3rd day of May, 2016, by and between **Kittitas County**, a municipal corporation in the State of Washington, hereinafter referred to as the **LESSOR**, and **Stephen P. Brazitis**, and hereinafter referred to as the **LESSEE**.

WITNESSETH:

WHEREAS, LESSOR and LESSEE entered into a Lease on June 23, 1981, a copy of which is attached hereto and by this reference incorporated herein; and

WHEREAS, said lease expired on June 30, 2001 and at that time a verbal agreement was made and Lessee has continued to make lease payment at a rate of \$15.00 per year.

WHEREAS, it has been agreed between LESSOR and LESSEE that the lease term will be for 20 years, expiring on October 31, 2021 and at such time the lease can be amended and/or the building removed from said property.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties to a change in rental rates and contract terms as follows:

- 1) **Lease Rates for 07/01/01 thru 10/31/21 Term for the legal description attached as Exhibit "A" is as follows:**

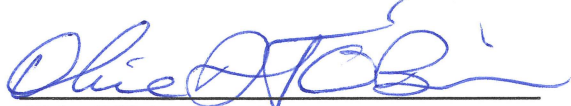
The Lessee shall pay as rental the sum of \$15.00 per annum, to be paid in advance on July 1st of each year during the term.

All other terms and conditions of the aforementioned lease shall remain the same.

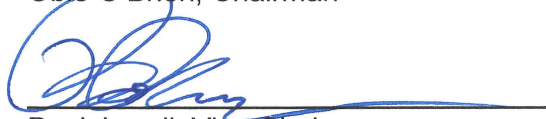
IN WITNESS WHEREOF, the Lessor and Lessee have signed their names and affixed their seals the day and year first above written.

LESSOR:

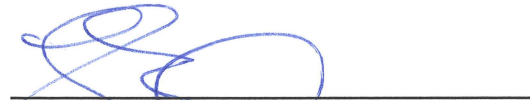
BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Obie O'Brien, Chairman



Paul Jewell, Vice-Chairman

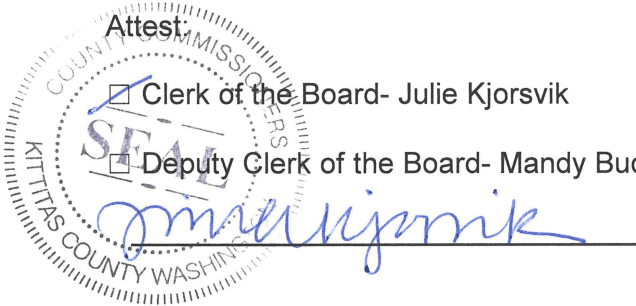


Laura Osiadacz, Commissioner

Attest:

☐ Clerk of the Board- Julie Kjorsvik

☐ Deputy Clerk of the Board- Mandy Buchholz



Prosecuting Attorney
WSBA # _____

LESSEE:



Stephen P. Brazitis

EXHIBIT "A"

Legal Description:

The South five (5) feet of the right of way of Vantage Highway, in the East ½ of the East ½ of Lot 4, Section 4, Township 17 North, Range 19 East, W.M., Kittitas County, Washington.

Paid thru '92

L E A S E

THIS LEASE, made and dated this 23rd day of June, 1981, by and between KITTITAS COUNTY, hereinafter referred to as the Lessor, and Stephen P. Brazitis, hereinafter referred to as the Lessee.

W I T N E S S E T H:

The Lessor herewith grants to the Lessee a lease to the following described property:

The South Five feet of the right of way of the Vantage Road, in the East 1/2 of the East 1/2 of Lot 4, Section 4, Township 17 North, Range 19 East, W.M., Kittitas County, Washington, for a period of twenty (20) years, commencing July 1, 1981, and expiring on June 30, 2001.

The Lessee shall pay as rental the sum of \$10.00 per annum, to be paid in advance on July 1st of each year during the term.

The Lessee shall be permitted to use the property only for the purpose of maintaining the present structure, being a hay shed, which is located thereon. The Lessee shall not be permitted in any way to improve the present structure, and in the event the structure is destroyed by fire or otherwise, the Lessee shall not be permitted to reconstruct the structure on the leased premises.

The Lessee herein has a grazing permit from the Lessor covering that portion of the Vantage Road which is excess to

LEASE
PAGE ONE

COPY

JOSEPH PANATTONI
KITTITAS COUNTY PROSECUTOR
KITTITAS COUNTY COURT HOUSE - ROOM 213
ELLENSBURG, WASHINGTON 98926
TELEPHONE 509 925-5369

1
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3
4 the Road and lying in the East 1/2 of the East 1/2 of Lot
5 4. The Lessee herein owns property south of said description,
6 and has mistakenly encroached five feet upon the County's right
7 of way on the Vantage Road. It is agreed between the parties
8 that the Vantage Road right of way extends 75 feet from
9 the center line to the South boundary of the right of way.

10 It is agreed that this lease may be terminated by the
11 Lessor, upon thirty (30) days written notice to the Lessee, when
12 it is determined by the Lessor that the right of way herein above
13 described is required for road purposes.

14 At the end of the term, if this lease is not renewed,
15 the hay shed shall be removed if so requested by the Lessor.

16 It is agreed between the Lessor and the Lessee that if
17 the Lessee shall at any time be in default in the payment of
18 rent herein reserved, or in the performance of any of the
19 covenants, terms, or conditions of this lease, and the
20 Lessee shall fail to remedy such default within Thirty (30)
21 days after written notice thereof from the Lessor to the Lessee
22 at this address written below, the Lessor may, at its option,
23 re-enter the premises and remove the Lessee therefrom.

24 DATED this 23rd day of June, 1981.

25
26 L E S S O R

27 Kittitas County

28
29 Robert R. Jammerman
30 Chairman, Board of Kittitas
County Commissioners

LEASE
PAGE TWO

COPY

JOSEPH PANATTONI
KITITAS COUNTY PROSECUTOR
KITITAS COUNTY COURT HOUSE - ROOM 213
ELLENSBURG, WASHINGTON 98926
TELEPHONE 509 925-5369

1
2
3
4 Elizabeth H. McCune
Member, Board of Kittitas
County Commissioners

5
6
7 Roy A. Lumaco
Member, Board of Kittitas
County Commissioners

8
9 L E S S E E

10
11 BOB

12
13 Address: 903 BULL RD.

14 ELLENSBURG, WASH.

15 STATE OF WASHINGTON)
16) ss.
17 COUNTY OF KITTITAS)

18 I, the undersigned, a Notary Public in and for the State of
Washington, do hereby certify that on this 23RD day of
19 JUNE, 1981, before me personally appeared BOB
20 JAMMERMAN, ROY LUMACO, ELIZABETH MCCUNE, each one to me known
21 to be one of the duly elected, qualified and acting County
Commissioners of Kittitas County, that executed the within
22 and foregoing instrument and acknowledged the said instrument
to be the free and voluntary act and deed of said Kittitas
County, Washington, for the uses and purposes therein mentioned,
23 and each on oath stated that he was authorized to execute said
instrument by resolution of the Board of County Commissioners
of Kittitas County, Washington, and that the seal affixed is
24 the official seal of Kittitas County.

25 WITNESS my hand and official seal hereto affixed the day
and year first above written.

26 Robert S.
27 NOTARY PUBLIC in and for the State
of Washington, residing in Ellensburg.

28
29
30 LEASE
PAGE THREE

COPY

JOSEPH PANATTONI
KITTITAS COUNTY PROSECUTOR
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ELLENSBURG, WASHINGTON 98926
TELEPHONE 509 925-5369