

**RESOLUTION NO. R-2021-**

**A RESOLUTION** authorizing a long-term right-of-way use permit to facilitate construction at Virginia Mason Memorial Hospital.

**WHEREAS**, pursuant to YMC Ch. 8.20, VK Powell Construction LLC, on behalf of Virginia Mason Memorial Hospital, has submitted an application for a long-term right-of-way use permit (see RL200068, incorporated herein as Exhibit "A"); and

**WHEREAS**, pursuant to YMC 8.20.040(A), business and commercial right-of-way permits which comply with the requirements of YMC 8.20 shall be transmitted for consideration by the City Council; and

**WHEREAS**, the Code Administration Manager has reviewed the application and has determined that it complies with the applicable requirements of YMC Ch. 8.20; and

**WHEREAS**, upon consideration of the application and recommendation of the Code Administration Manager, the City Council has determined that the requested long-term right-of-way use permit shall be approved; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:**

The Yakima City Council has determined that the requested long-term right-of-way use permit is consistent with the applicable requirements of YMC Ch. 8.20 and shall be approved for one-year from the date below.

**ADOPTED BY THE CITY COUNCIL** this 2nd day of February, 2021.

ATTEST:

\_\_\_\_\_  
Patricia Byers, Mayor

\_\_\_\_\_  
Sonya Claar Tee, City Clerk

Exhibit "A"



COMMUNITY DEVELOPMENT DEPARTMENT
Code Administration Division
129 North Second Street, 2nd Floor Yakima, Washington 98901
(509) 575-6126 Fax (509) 576-6576
codes@yakimawa.gov www.buildingyakima.com

Permit/ License # RL200068

RIGHT OF WAY USE REGULATORY LICENSE APPLICATION
YMC Chapter 8.20

- Fee: [X] Right of Way Use Permit (Permanent/Long-Term)
\$100.00 Non-Refundable Application Fee / \$100.00 Annual Renewal Fee
[ ] Small Wireless Facility
\$100.00 Non-Refundable Application Fee / \$100.00 Annual Renewal Fee
\$150.00 Post-Installation Inspection Fee
[ ] Short-Term Permit (Less than 30 days in Duration)
\$50.00 Non-Refundable Application Fee

Type of Use Permit:

- [X] Business/Commercial Use (Commercial or Industrial Zone) - YMC 8.20.040(A)
City of Yakima Business License #: BLO18311
[ ] Residential Right of Way Use (Located within a Residential Zone) - YMC 8.20.052
[ ] Signs (Including sidewalk and/or projecting signs) - YMC 8.20.055
[ ] Small Wireless Facility - YMC 8.20.057
[ ] Short-Term Permit - YMC 8.20.075
Start Date: End Date:

Applicant Info: [X] Owner or [ ] Entitled Occupier of Adjacent Property]

Name: VIRGINIA MASON MEMORIAL HOSPITAL
Address: 2811 TIEBON DR
City: YAKIMA State: WA Zip:
Phone: 509-575-8000 Alternate Phone:
E-mail:

Public Right-of-Way Use Location:

Describe Location: SIDEWALK ON S 30th AVE AND WEST WALNUT ST
Purpose of Right of Way Use: ALLOW FOR CONSTRUCTION OF BUILDING ADDITION
Type of Business Operated on Adjacent Property (if applicable): SAME OWNER ON BOTH SIDES OF BOTH STREETS

Required Submittals:

- [X] A Scaled Site Plan depicting the public right-of-way. 2 COPIES ATTACHED
[ ] Plans and specifications for utility/structure desired in or on public right-of-way.
[ ] For permit specific requirements, see applicable code section in YMC 8.20.
[X] Hold Harmless and Indemnification Agreement (attached)
[X] Prior to issuance of license, applicant shall file evidence of comprehensive public liability insurance, pursuant to the limits in YMC 8.20.060, with the City of Yakima named as an additional insured party; a copy of additional insured endorsement shall be included.
COMPLETE CERTIFICATE IS ALREADY ON FILE WITH CITY OF YAKIMA. PAGE 1 IS ATTACHED

**FOR OFFICE USE ONLY**

Permit/License #: RL200068      Receipt # CR-20-006910

Transmit to:

- For Business/Commercial Uses transmit to the City Clerk for City Council consideration.
- For Residential Right of Way Use, within the Residential zones, transmit to the Community Review Board for consideration.
- For permits to place signs in city-owned right-of-way, including sidewalk signs or projecting signs (YMC 8.20.055), applications shall be reviewed and approved or denied by the Community Development Director, or designee.
- Short-Term Permit applications shall be reviewed and approved or denied by the Community Development Director, or designee.
- Small Wireless Facilities are granted or denied by the Public Works Director, or designee.

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT  
RIGHT OF WAY USE REGULATORY PERMIT: YMC 8.20**

THIS HOLD HARMLESS AND INDEMNIFICATION AGREEMENT ("Agreement") is hereby entered into by VK Powell Construction, LLC (hereinafter referred to as "Applicant") holding harmless the CITY OF YAKIMA as outlined herein.

Applicant voluntarily assumes and freely chooses to incur any and all risk of loss, damages, or injury that may occur or arise from any activities undertaken on, within, above or over the City of Yakima's right of way for which the right of way use regulatory permit is issued.

Applicant shall hold harmless, protect, defend, indemnify and hold the City, and its elected and appointed officials, employees and agents, harmless from and against any and all claims, demands, losses, damages, liens, liabilities, penalties, fines, lawsuits, and other proceedings, and any costs and expenses associated with the same (including attorney's fees and disbursements, whether in litigation or not), which accrue to or are incurred by the City, or its elected or appointed officials, employees or agents, and which arise directly or indirectly from or out of, relate to, or in any way are connected with personal injuries, loss of life or property damage occurring because of the Applicant's, its agents, successors, assigns, contractors, employees, invitees or any third party's use, operation, placement of items or materials within the right of way, or maintenance of the right of way covered by this Agreement and the right of way use permit granted by the City, and any litigation, legal challenge or determination pertaining to the validity of this agreement.

This Agreement was voluntarily entered into by Applicant as part of the application process for a Right of Way Use Regulatory Permit [Permit/License# \_\_\_\_\_]. Applicant has read and understands the information in this Agreement and hereby agrees to all the terms contained herein. This Hold Harmless and Indemnification Agreement shall run with the land and is binding on the parties and their successors in interest and assigns.

DATED this 15<sup>th</sup> day of December, 20 20.

APPLICANT:

William Frymier  
By (Print name):

STATE OF WASHINGTON )  
                                  ) ss.  
County of Yakima      )

I certify that I know or have satisfactory evidence that William Frymier is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument, and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

DATED this 15<sup>th</sup> of December, 20 20.

Kim L Freeze  
Print Name: Kim L Freeze  
Title: Notary Public  
My Commission Expires: September 11<sup>th</sup> 2022

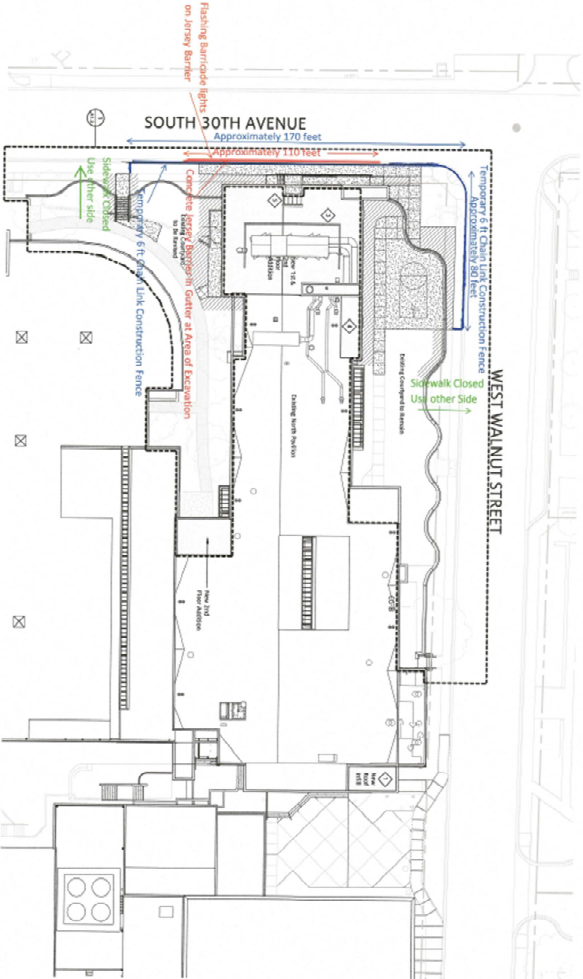


MATERIAL KEYNOTES

REVISION	DATE

- SHEET KEYNOTES**
- ◆ See schedule #1 to determine if item is to be constructed.
  - ◆ See schedule #2 to determine if item is to be removed.
  - ◆ See schedule #3 to determine if item is to be added.
  - ◆ See schedule #4 to determine if item is to be modified.
  - ◆ See schedule #5 to determine if item is to be deleted.

**SHEET NOTES**



**Partial Site Plan**

Virginia Mason  
 Memorial  
 Medical Center  
 1300 East Colfax  
 Denver, CO 80202

DATE: 11/06/20  
 SCALE: 1" = 20'  
 DRAWN: TB  
 JOB: 20132303

**KDA ARCHITECTURE**

Psych  
 Addition & TI

Partial Site  
 Plan

SHEET: **A1.1**