**Document Title: Subordination Agreement of Utility Interests**

**Reference Number of Related Document:**

**Grantor(s):**

**Grantee(s): AGENCY NAME**

**Legal Description:**

**Additional Legal Description is on Page of Document.**

**Assessor’s Tax Parcel Number:**

**SUBORDINATION AGREEMENT OF UTILITY INTERESTS**

State Route

This agreement entered into this \_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_, by and between the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Utility) and the AGENCY.

The Utility presently has an interest in certain real property that is needed for a highway facility and the proposed use requires the subordination of the Utility’s interest to the WSDOT.

The AGENCYis willing to participate in the cost of locating, protecting, adjusting or removing the Utility’s facilities, if necessary, to prevent conflict between the Utility’s facilities and the highway facility.

Therefore, in consideration of the premises and the mutual covenants contained herein, the AGENCY and the Utility hereby agree as follows:

1. The Utility hereby subordinates to the interest of AGENCY, its successors, or assigns, any and all interest the Utility has in the real property described as follows:

For Legal Description see Exhibit “A” attached

hereto and made a part hereof.

The interest of the utility being subordinated hereby includes, but is not limited to, the interest created by the following document(s):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Instrument | Date | From | To | Recording No. |
|  |  |  |  |  |

2. The Utility shall continue to have all rights under the Utility’s real property interest document identified above, except that the use of the real property shall be subject to the control of the AGENCY pursuant to paragraph 3 hereof.

3. The AGENCY shall have the right to control the Utility’s use of the real property interest created by the document identified above in the following manner:

a. The AGENCY may require for any present or future highway facility project, that any facilities of Utility be located, protected, adjusted, or removed as the AGENCY determines is necessary (including the timing of any such activities) to accommodate the highway facility project. The Utility shall have the right to engage in additional protective measures during the highway facility project beyond what the AGENCY determines is necessary, provided the cost of any such additional protective measures shall be borne by the Utility.

b. The Utility shall operate and maintain the Utility’s facilities located on the real property in accordance with AGENCY standards as set forth in the AGENCY then current Utilities Accommodation Policy.

c. Any placement of new facilities or adjustment, upgrading, or relocation of the Utility’s facilities proposed by the Utility shall be subject to the prior approval of the AGENCY.

It is understood and agreed that delivery of this Subordination Agreement is hereby tendered and that the terms and obligations hereof shall not become binding upon the AGENCY unless and until accepted and approved hereon in writing for the AGENCY.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_

Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name

Add Notary Acknowledgment

Accepted and Approved

AGENCY

By:

Title

Authorized Agent

Date:

Acknowledgment

EXHIBIT A

Grantor’s Initials