

MM 46

Ordinance No. 105553

AN ORDINANCE authorizing a Consent Agreement between The City of Seattle and The Port of Seattle for the purpose of constructing a warehouse over a portion of a storm drain easement within a portion of the bed of the East Waterway, in front of Blocks 376, 386 and Vacated 6th Avenue Southwest, Seattle Tide Lands.

5-11-76 - Utilities - Pass

COMPTROLLER

FILE NUMBER _____

Council Bill No. 97407

INTRODUCED: MAY 10 1976	BY: EXECUTIVE REQUEST
REFERRED: MAY 10 1976	TO: <i>Utilities</i>
REFERRED:	
REFERRED:	
REPORTED: MAY 17 1976	SECOND READING: MAY 17 1976
THIRD READING: MAY 17 1976	SIGNED: MAY 17 1976
PRESENTED TO MAYOR: MAY 18 1976	APPROVED: MAY 21 1976
RET'D TO CITY CLERK: MAY 21 1976	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

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Unanimous Vote
YES..... NO.....

Content agreement No 17666

DCD
V. M.
KCA
PUB
BLDG. (BO)
ENG.
B. O.
A. G.
S. E.
C. O.
CHT

ORDINANCE 105553

1
2
3 AN ORDINANCE authorizing a Consent Agreement between The City
4 of Seattle and The Port of Seattle for the purpose of
5 constructing a warehouse over a portion of a storm drain
6 easement within a portion of the bed of the East Waterway,
7 in front of Blocks 376, 386 and Vacated 6th Avenue
8 Southwest, Seattle Tide Lands.

9
10 WHEREAS, The City of Seattle acquired an easement 20 feet in
11 width for storm drain purposes across a portion of the
12 East Waterway in front of Blocks 376, 386, and Vacated
13 6th Avenue Southwest, Seattle Tide Lands, which easement
14 is recorded with the King County Records and Elections
15 Division under Recording No. 7108180366; and

16
17 WHEREAS, The City of Seattle did construct a 54-inch storm
18 drain within said easement; and

19
20 WHEREAS, The Port of Seattle is proposing to construct a
21 Cargo Freight Station Warehouse over a portion of said
22 easement; Now, Therefore,

23
24 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

25
26 Section 1. That as requested by the City Engineer and
27 recommended by the Mayor in the attachments hereto, the Mayor
28 and the City Comptroller for and on behalf of The City of
Seattle, are hereby authorized and directed to execute an
agreement with The Port of Seattle, substantially in the
form of Exhibit "A" attached hereto, permitting The Port of
Seattle to construct a Cargo Freight Station Warehouse over
a portion of the following described easement area:

That portion of the bed of East Waterway, in front of
Blocks 376, 386, and vacated 6th Avenue S.W., Seattle
Tide Lands, included in a tract described as follows:
Commencing at the northeast corner of Lot 22, said
Block 376, and running thence North 5 feet along
the east line of East Waterway to the true point
of beginning of this description, running thence
West 745 feet, thence North 20 feet, thence East
745 feet to the east line of East Waterway, and
thence South 20 feet to the true point of beginning,
as shown on the official map thereof on file in
the office of the Commissioner of Public Lands
at Olympia, Washington.
(K.C. Recording No. 7108180366; R/W No. 1552)

(To be used for all Ordinances except Emergency.)

Section 2. That execution and delivery of the agreement authorized in Section 1, hereof and any other act pursuant to the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 17 day of May, 1976, and signed by me in open session in authentication of its passage this 17 day of May, 1976.

[Signature]
President of the City Council.

Approved by me this 21 day of May, 1976.

[Signature]
Mayor.

Filed by me this 21 day of May, 1976.

Attest: *[Signature]*
City Comptroller and City Clerk.

(SEAL)

Published.....

By *[Signature]*
Deputy Clerk.

STATE OF WASHINGTON)
COUNTY OF KING) ss.

On this _____ day of _____, 1976, before me
personally appeared _____
_____ to me known to be the

President and
Secretary of the corporation that executed the within and
foregoing instrument, and acknowledged the said instrument to
be the free and voluntary act and deed of said corporation,
for the uses and purposes therein mentioned, and on oath
stated that he was authorized to execute said instrument and
that the seal affixed is the corporate seal of said
corporation.

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 at _____.

5. If the Port does not wish to do the work necessary to provide direct access to the easement area, the City may do so.
6. The Port hereby relieves the City from each and every claim or demand which may hereinafter accrue by reason of the construction, operation and maintenance of said storm drain. The Port does further agree to indemnify and reimburse the City for any and all extra costs connected with such construction, operation and maintenance which extra costs are over and above those costs which would have been incurred if said warehouse had not been constructed within said easement area.

This agreement shall be a covenant running with the land and shall be binding on the Grantor, its successors and assigns forever.

IN WITNESS WHEREOF, pursuant to the provisions of Ordinance No. _____ of The City of Seattle, said City has caused this instrument to be executed by its Mayor and City Comptroller thereunto duly authorized and has caused its corporate seal to be hereunto affixed this ____ day of _____, 1976.

THE CITY OF SEATTLE,

By _____
Mayor

City Comptroller

THE PORT OF SEATTLE,

By _____
President

By _____
Secretary

STATE OF WASHINGTON)
COUNTY OF KING) ss.

THIS IS TO CERTIFY: That on this ____ day of _____, 1976, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared _____ and _____ to me personally known to be the _____ Mayor and _____ City Comptroller, respectively, of The City of Seattle, a municipal corporation, that executed the foregoing instrument and acknowledged to me that they signed and sealed the same as the free and voluntary act and deed of said municipal corporation and on oath stated that they were authorized to execute said instrument and the seal affixed is the seal of said municipal corporation.

WITNESS my hand and official seal the day and year in this certificate first above written.

Notary Public in and for the State of Washington residing at _____.

CONSENT AGREEMENT

WHEREAS, The City of Seattle, hereinafter called the City, acquired an easement 20 feet in width for storm drain purposes across a portion of the East Waterway in front of Blocks 376, 386, and Vacated 6th Avenue Southwest, Seattle Tide Lands, which easement is recorded with the King County Records and Elections Division under Recording No. 7108180366; and

WHEREAS, The City did construct a 54 inch storm drain within said easement; and

WHEREAS, The Port of Seattle, hereinafter called the Port, owner of the following described property:

That portion of East Waterway, Seattle Tide Lands, included within the limits of the following described tract: Beginning at the southwest corner of Lot 5, Block 375, Seattle Tide Lands, and running; thence South 800.001 feet to the north line of Block 386, said map of Seattle Tide Lands; thence East 620.000 feet to the west line of East Marginal Way; thence North 180.001 feet along said west line; and thence north 45° west 876.813 feet to the point of beginning, as shown on the official maps thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington;

is proposing to construct a Cargo Freight Station Warehouse over a portion of said easement;

BE IT AGREED THAT:

1. The Port is hereby granted permission to construct a warehouse over that portion of said easement area as illustrated in Plan No. 25-7601-C-2 of the Port of Seattle.
2. The Port shall be liable for any damage to said storm drain which is directly attributable to the construction or existence of said warehouse within the easement area.
3. The City shall continue to have the right, power, privilege and authority to enter upon said property at any time to do such work as may be necessary to construct, operate and maintain said storm drain, even if in so doing it shall become necessary to remove a portion of the warehouse which lies within the easement area.
4. In the event it becomes necessary to remove any portion of the warehouse which lies within the easement area for any of the above purposes, reasonable notice shall be given to the owner to perform such removal; provided, however, that no such notice is necessary, if, at the discretion of the City, an emergency condition exists wherein immediate access to said storm drain must be gained.



OFFICE OF THE MAYOR—CITY OF SEATTLE

Wes Uhlman, Mayor

April 29, 1976

The City Council
The City of Seattle

Honorable Members:

The attached letter from Engineering Department
Re: Port of Seattle - Terminal 25 Consent Agreement
has been reviewed by the Office of Management and Budget. We
concur with the recommendation contained therein and recommend
that the same be adopted.

Sincerely,

Wes Uhlman
Mayor

by

Walter R. Hundley
Walter R. Hundley
Budget Director *by R*

WRH:KS:mr
Attachments

cc: Mayor's Office

You
Seattle
Engineering Department

Paul A. Wiatrak, City Engineer
Wes Uhlman, Mayor



na to cc

April 27, 1976

RECEIVED

APR 28 1976

OFFICE OF MANAGEMENT
& BUDGET

RE: Port of Seattle - Terminal 25,
Consent Agreement; R/W No. 1552-1

Honorable City Council
1101 Municipal Building
The City of Seattle

VIA Mayor Uhlman

Gentlemen:

We transmit for your approval a council bill authorizing a Consent Agreement between The City of Seattle and The Port of Seattle.

The Port of Seattle has asked permission to construct a Cargo Freight Station Warehouse over a portion of an easement area within the vacated East Waterway acquired by the Engineering Department on June 7, 1971, pursuant to Ordinance No. 100098.

Yours very truly,

PAUL A. WIATRAK, P.E.
City Engineer

By 
W. E. P. SMITH
Assistant City Engineer
Administration

AMW:byn
Enc.
cc: Mayor Uhlman

byn:4-27-76

ORDINANCE NO.

AN ORDINANCE authorizing a Consent Agreement between The City of Seattle and The Port of Seattle for the purpose of constructing a warehouse over a portion of an easement within a portion of East Waterway, Seattle Tide Lands. (Port of Seattle - Terminal 25; R/W No. 1552)

WHEREAS, The City of Seattle acquired an easement 20 feet in width for storm drain purposes across a portion of the East Waterway in front of Blocks 376, 386, and Vacated 6th Avenue Southwest, Seattle Tide Lands, which easement is recorded with the King County Records and Elections Division under Recording No. 7108180366; and

WHEREAS, The City of Seattle did construct a 54-inch storm drain within said easement; and

WHEREAS, The Port of Seattle is proposing to construct a Cargo Freight Station Warehouse over a portion of said easement; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the Mayor and the City Comptroller for and on behalf of The City of Seattle, are hereby authorized and directed to execute an agreement with The Port of Seattle, substantially in the form of Exhibit "A" attached hereto, permitting The Port of Seattle to construct a Cargo Freight Station Warehouse over a portion of the following described easement area:

That portion of the bed of East Waterway, in front of Blocks 376, 386, and vacated 6th Avenue S.W., Seattle Tide Lands, included in a tract described as follows: Commencing at the northeast corner of Lot 22, said Block 376, and running thence North 5 feet along the east line of East Waterway to the true point of beginning of this description, running thence West 745 feet, thence North 20 feet, thence East 745 feet to the east line of East Waterway, and thence South 20 feet to the true point of beginning, as shown on the official map thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

(K.C. Recording No. 7108180366; R/W No. 1552)

Section 2. That execution and delivery of the agreement authorized in Section 1, hereof and any other act pursuant to the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the day of, 19,
and signed by me in open session in authentication of its passage this day of
....., 19

President.....of the City Council.

Approved by me this day of, 19

Mayor.

Filed by me this day of, 19

Attest:
City Comptroller and City Clerk.

(SEAL)

Published

By
Deputy Clerk.

CONSENT AGREEMENT

WHEREAS, The City of Seattle, hereinafter called the City, acquired an easement 20 feet in width for storm drain purposes across a portion of the East Waterway in front of Blocks 376, 386, and Vacated 6th Avenue Southwest, Seattle Tide Lands, which easement is recorded with the King County Records and Elections Division under Recording No. 7108180366; and

WHEREAS, The City did construct a 54 inch storm drain within said easement; and

WHEREAS, The Port of Seattle, hereinafter called the Port, owner of the following described property:

That portion of East Waterway, Seattle Tide Lands, included within the limits of the following described tract: Beginning at the southwest corner of Lot 5, Block 375, Seattle Tide Lands, and running; thence South 800.001 feet to the north line of Block 386, said map of Seattle Tide Lands; thence East 620.000 feet to the west line of East Marginal Way; thence North 180.001 feet along said west line; and thence north 45° west 876.813 feet to the point of beginning, as shown on the official maps thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington;

is proposing to construct a Cargo Freight Station Warehouse over a portion of said easement;

BE IT AGREED THAT:

1. The Port is hereby granted permission to construct a warehouse over that portion of said easement area as illustrated in Plan No. 25-7601-C-2 of the Port of Seattle.
2. The Port shall be liable for any damage to said storm drain which is directly attributable to the construction or existence of said warehouse within the easement area.
3. The City shall continue to have the right, power, privilege and authority to enter upon said property at any time to do such work as may be necessary to construct, operate and maintain said storm drain, even if in so doing it shall become necessary to remove a portion of the warehouse which lies within the easement area.
4. In the event it becomes necessary to remove any portion of the warehouse which lies within the easement area for any of the above purposes, reasonable notice shall be given to the owner to perform such removal; provided, however, that no such notice is necessary, if, at the discretion of the City, an emergency condition exists wherein immediate access to said storm drain must be gained.
5. If the Port does not wish to do the work necessary to provide direct access to the easement area, the City may do so.
6. The Port hereby relieves the City from each and every claim or demand which may hereinafter accrue by reason of the construction, operation and maintenance of said storm drain. The Port does further agree to indemnify and reimburse the City for any and all extra costs connected with such construction, operation and maintenance which extra costs are over and above those costs which would have been incurred if said warehouse had not been constructed within said easement area.

This agreement shall be a covenant running with the land and shall be binding on the Grantor, its successors and assigns forever.

Page 2
CONSENT AGREEMENT Between
The City of Seattle and
The Port of Seattle

IN WITNESS WHEREOF, pursuant to the provisions of Ordinance No. _____
of The City of Seattle, said City has caused this instrument to be executed by
its Mayor and City Comptroller thereunto duly authorized and has caused its corporate
seal to be hereunto affixed this _____ day of _____, 19____.

THE CITY OF SEATTLE,

By _____
Mayor

City Comptroller

THE PORT OF SEATTLE,

By _____
President

By _____
Secretary

STATE OF WASHINGTON)
COUNTY OF KING) ss

THIS IS TO CERTIFY: That on this _____ day of _____, 19____, before
me, the undersigned, a Notary Public in and for the State of Washington, personally
appeared _____ and _____ to me
personally known to be the _____ Mayor and _____ City Comptroller,
respectively, of The City of Seattle, a municipal corporation, that executed the
foregoing instrument and acknowledged to me that they signed and sealed the same as
the free and voluntary act and deed of said municipal corporation and on oath stated
that they were authorized to execute said instrument and the seal affixed is the
seal of said municipal corporation.

WITNESS my hand and official seal the day and year in this certificate first
above written.

Notary Public in and for the State of
Washington residing at _____.

STATE OF WASHINGTON)
COUNTY OF KING) ss

On this _____ day of _____, 19____, before me personally appeared

to me known to be the _____ President and _____ Secretary
of the corporation that executed the within and foregoing instrument, and acknow-
ledged the said instrument to be the free and voluntary act and deed of said corpora-
tion, for the uses and purposes therein mentioned, and on oath stated that he was
authorized to execute said instrument and that the seal affixed is the corporate
seal of said corporation.

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 at _____.

