

ORDINANCE No. 114944

COUNCIL BILL No. 107790

AN ORDINANCE vacating a portion of 11th AVENUE SOUTHWEST (lying between Southwest Florida Street and Southwest Lander Street) on the petition of Port of Seattle, and authorizing the Director of Engineering to sign a Bill of Sale to certain sewers located in said property. Comptroller File No. 295438.

COMPTRROLLER FILE No. 295438

Introduced: <u>JAN 2 9 1990</u>	By: <u>Benson</u>
Referred: <u>JAN 2 9 1990</u>	To: <u>Transportation</u>
Referred:	To:
Referred:	To:
Reported: <u>FEB 1 3 1990</u>	Second Reading: <u>FEB 1 3 1990</u>
Third Reading: <u>FEB 1 3 1990</u>	Signed: <u>FEB 1 3 1990</u>
Presented to Mayor: <u>FEB 1 4 1990</u>	Approved: <u>FEB 2 1 1990</u>
Returned to City Clerk: <u>FEB 2 1 1990</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>OK</u>

Law Department

The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on

Transportation

to which was referred the within Council Bill No. 107790 report that we have considered the same and respectfully recommend

DO PASS

Vote 9-0

[Signature]

Committee Chair

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Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on

Transportation

to which was referred the within Council Bill No.

107790

report that we have considered the same and respectfully recommend that the same:

DO PASS

(4-0)

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Vote 9-0

[Signature]

Committee Chair

#17
C.B. 107790

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ORDINANCE 114944

AN ORDINANCE vacating a portion of 11TH AVENUE SOUTHWEST (lying between Southwest Florida Street and Southwest Lander Street) on the petition of Port of Seattle, reserving an easement for storm drain purposes, declaring two combined sewers abandoned and authorizing the Director, Seattle Engineering Department to sign a Bill of Sale to certain sewers located in said property (Comptroller File No. 295438).

WHEREAS, there has been filed with the City Council the petition of Port of Seattle (Comptroller File No. 295438), for the vacation of 11th Avenue Southwest as therein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on July 22, 1987, said petition was granted by the City Council; and

WHEREAS, the proposed vacation was identified in the City Port West Seattle Bridge Agreement as a NO FEE vacation, thus no appraisal was made and no fee was paid; Now, Therefore:

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

A PORTION OF 11TH AVENUE SOUTHWEST, described as follows:

Beginning at a point on the east margin of 11th Avenue Southwest being the southeast corner of that portion of 11th Avenue Southwest vacated by City of Seattle Ordinance 109970;

thence south along said east margin of 11th Avenue Southwest a distance of 794.69 feet;

thence west at right angles to said margin, a distance of 24.00 feet to a point of curvature;

thence in a northwesterly direction along a curve to the left having a radius of 340.00 feet, through a central angle of 39°03'40", a distance of 231.79 feet, to a line 100.00 feet west of and parallel with the east margin of 11th Avenue Southwest;

thence north along said line a distance of 441.25 feet to a point of curvature;

thence northwest along a curve to the left having a radius of 400.00 feet, through a central angle of 20°21'51", a distance of 142.17 feet to the southwest corner of that portion of 11th Avenue Southwest vacated by City of Seattle Ordinance Number 109970;

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thence east along the south line of said vacated portion, a distance of 125.00 feet to the point of beginning;

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fill upon the above described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation and RESERVING to the City of Seattle an easement, 20-feet in width, over, under, across and through the above described property, the center line of said easement is described as follows:

Beginning at the existing manhole (No. 38) located approximately 55 feet east of the west margin of 11th Avenue Southwest and 25 feet south of the north line of Lot 43, Block 398, Plat of the Seattle Tide Lands; thence east along the existing drain line to the existing manhole (No. 30) located 15 feet west of the west line of Block 395, said Plat, and on the production southwesterly of the southeasterly line of the northwesterly one-half of Lot 6, said Block 395; thence northeasterly along said produced line to the westerly line of said Block 395 and the end of this description;

for the construction, maintenance, operation, reconstruction, maintenance and repair of the existing storm drain together with the necessary appurtenances located in 11th Avenue Southwest. The City shall have the right without prior institution of any suit or proceeding at law, at such time as may be required, to enter upon said easement area for the purpose herein described, without incurring any legal obligation or liability therefor. No building or buildings or other permanent structures shall be constructed within the boundaries of said easement area without the permission of the Director, Seattle Engineering Department or any other officer or board who may hereafter succeed to the jurisdiction and powers in respect to said storm drain

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now possessed by said Director.

1 Section 3. That a certain sanitary sewer located
2 in and adjacent to the above described property, being
3 described as follows:

4 An existing 8-inch sanitary sewer in 11th Avenue
5 Southwest and vacated 11th Avenue Southwest
6 described as follows:

7 Beginning at the existing manhole (No. 34) located
8 50 feet south of the south line of Lot 41, Block
9 398, Plat of the Seattle Tide Lands and 30 feet east
10 of the west line of said Block; thence east
11 perpendicular to said east line a distance of 400
12 feet to the existing manhole (No. 33), and,

13 An existing 8-inch sanitary sewer in 11th Avenue
14 Southwest and vacated 11th Avenue Southwest
15 described as follows:

16 Beginning at the existing manhole (No. 31) located
17 approximately 20 feet south of the south line of Lot
18 52, Block 398, Plat of the Seattle Tide Lands and
19 30 feet east of the west line of said Block; thence
20 east perpendicular to said east line a distance of
21 400 feet to the existing manhole (No. 30).

22 is declared abandoned and the Director, Seattle
23 Engineering Department is authorized to sign and deliver
24 a Bill of Sale to the sewers (substantially in the form
25 attached hereto as exhibit "A") to the Port of Seattle.
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(To be used for all Ordinances except Emergency.)

Section 4.... 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 13th day of February, 1990
and signed by me in open session in authentication of its passage this 13th day of February, 1990
President of the City Council.

Approved by me this 21st day of February, 1990
Mayor.

Filed by me this 21st day of February, 1990.

Attest: *Norwood J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published.....

By *Theresa Dunbar*
Deputy Clerk.

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RECEIVED THIS DAY

FEB 23 4 17 PM '90

BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

#17
C.B. 107790
90/02/23 #1232 1A
RECD F 8.00
REC FEE 2.00
CASHSL ***10.00

ORDINANCE 114944

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AN ORDINANCE vacating a portion of 11TH AVENUE SOUTHWEST (lying between Southwest Florida Street and Southwest Lander Street) on the petition of Port of Seattle, reserving an easement for storm drain purposes, declaring two combined sewers abandoned and authorizing the Director, Seattle Engineering Department to sign a Bill of Sale to certain sewers located in said property (Comptroller File No. 295438).

WHEREAS, there has been filed with the City Council the petition of Port of Seattle (Comptroller File No. 295438), for the vacation of 11th Avenue Southwest as therein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on July 22, 1987, said petition was granted by the City Council; and

WHEREAS, the proposed vacation was identified in the City Port West Seattle Bridge Agreement as a NO FEE vacation, thus no appraisal was made and no fee was paid; Now, Therefore:

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

A PORTION OF 11TH AVENUE SOUTHWEST, described as follows:

Beginning at a point on the east margin of 11th Avenue Southwest being the southeast corner of that portion of 11th Avenue Southwest vacated by City of Seattle Ordinance 109970;

thence south along said east margin of 11th Avenue Southwest a distance of 794.69 feet;

thence west at right angles to said margin, a distance of 24.00 feet to a point of curvature;

thence in a northwesterly direction along a curve to the left having a radius of 340.00 feet, through a central angle of 39°03'40", a distance of 231.79 feet, to a line 100.00 feet west of and parallel with the east margin of 11th Avenue Southwest;

thence north along said line a distance of 441.25 feet to a point of curvature;

thence northwest along a curve to the left having a radius of 400.00 feet, through a central angle of 20°21'51", a distance of 142.17 feet to the southwest corner of that portion of 11th Avenue Southwest vacated by City of Seattle Ordinance Number 109970;

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thence east along the south line of said vacated portion, a distance of 125.00 feet to the point of beginning;

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fill upon the above described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation and RESERVING to the City of Seattle an easement, 20-feet in width, over, under, across and through the above described property. the center line of said easement is described as follows:

Beginning at the existing manhole (No. 38) located approximately 55 feet east of the west margin of 11th Avenue Southwest and 25 feet south of the north line of Lot 43, Block 398, Plat of the Seattle Tide Lands; thence east along the existing drain line to the existing manhole (No. 30) located 15 feet west of the west line of Block 395, said Plat, and on the production southwesterly of the southeasterly line of the northwesterly one-half of Lot 6, said Block 395; thence northeasterly along said produced line to the westerly line of said Block 395 and the end of this description;

for the construction, maintenance, operation, reconstruction, maintenance and repair of the existing storm drain together with the necessary appurtenances located in 11th Avenue Southwest. The City shall have the right without prior institution of any suit or proceeding at law, at such time as may be required, to enter upon said easement area for the purpose herein described, without incurring any legal obligation or liability therefor. No building or buildings or other permanent structures shall be constructed within the boundaries of said easement area without the permission of the Director, Seattle Engineering Department or any other officer or board who may hereafter succeed to the jurisdiction and powers in respect to said storm drain

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Section 3. That a certain sanitary sewer located in and adjacent to the above described property, being described as follows:

An existing 8-inch sanitary sewer in 11th Avenue Southwest and vacated 11th Avenue Southwest described as follows:

Beginning at the existing manhole (No. 34) located 50 feet south of the south line of Lot 41, Block 398, Plat of the Seattle Tide Lands and 30 feet east of the west line of said Block; thence east perpendicular to said east line a distance of 400 feet to the existing manhole (No. 33), and,

An existing 8-inch sanitary sewer in 11th Avenue Southwest and vacated 11th Avenue Southwest described as follows:

Beginning at the existing manhole (No. 31) located approximately 20 feet south of the south line of Lot 52, Block 398, Plat of the Seattle Tide Lands and 30 feet east of the west line of said Block; thence east perpendicular to said east line a distance of 400 feet to the existing manhole (No. 30).

9002231232

is declared abandoned and the Director, Seattle Engineering Department is authorized to sign and deliver a Bill of Sale to the sewers (substantially in the form attached hereto as exhibit "A") to the Port of Seattle.

(To be used for all Ordinances except Emergency.)

STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF SEATTLE)

I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument as the same appears on file, and of record in this department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this February 22, 1990

NORWARD J. BROOKS
Comptroller and City Clerk

By: *Theresa Dunbar*
Deputy Clerk

9002231232

Section 4... 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 13th day of February, 1990
and signed by me in open session in authentication of its passage this 13th day of February, 1990
Paul Green
President of the City Council.

Approved by me this 21st day of February, 1990
Norward Brooks
Mayor.

Filed by me this 21st day of February, 1990.

Attest: *Norward J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published.....

By: *Theresa Dunbar*
Deputy Clerk.

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9002231232

Return To:

NORWARD J. BROOKS CITY COMPTROLLER
101 SEATTLE MUNICIPAL BUILDING
SEATTLE, WA 98104

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BILL OF SALE

This Bill of Sale, made on the _____ day of _____, 1989, by and between the City of Seattle, a municipal corporation of the State of Washington, hereinafter referred to as Seller, acting through the Director of its Engineering Department, and The Port of Seattle a municipal corporation of the State of Washington hereinafter referred to as Purchaser,

WITNESSES:

That the Seller, in consideration of the sum of One Dollar (\$1) and other valuable considerations, the receipt of which is hereby acknowledge, does hereby sell, assign, transfer, set over and deliver to the Purchaser the following described personal property:

an 8-inch sanitary sewer in 11th Avenue Southwest and vacated 11th Avenue Southwest described as follows: Beginning at the existing manhole (No. 34) located 50 feet south of the south line of Lot 41, Block 398, Plat of the Seattle Tide Lands and 30 feet east of the west line of said Block; thence east perpendicular to said east line a distance of 400 feet to the existing manhole (No. 33), and

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The Seller sells and the Purchaser agrees that the sewer line and appurtenances are surplus to the needs of the City of Seattle public sewerage system and have been abandoned as a public sewer by Ordinance _____, and that the City of Seattle has lawful right to sell and dispose of the same.

IN WITNESS OF THIS the City of Seattle has executed this Bill of Sale this _____ day of _____, 1989.

THE CITY OF SEATTLE

BY: _____

Gary Zarker,
Director,
Seattle Engineering Department

Exhibit "A"

City of Seattle

Executive Department-Office of Management and Budget

Norman B. Rice, Mayor

January 17, 1990



COPY RECEIVED

JAN 19 1990

SEATTLE CITY ATTORNEY

Barlow / *OK*
GB
1-20-90

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Engineering

SUBJECT: AN ORDINANCE vacating a portion of 11th AVENUE SOUTHWEST (lying between Southwest Florida Street and Southwest Lander Street) on the petition of Port of Seattle, and authorizing the Director of Engineering to sign a Bill of Sale to certain sewers located in said property. Comptroller File No. 295438.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Larry Knutson, at ext. 4-5039.

Sincerely,

Norman B. Rice
Mayor

by

A handwritten signature in cursive script, appearing to read "Andrew J. Lofton".

ANDREW J. LOFTON
Acting Budget Director

AL/ts/bpd

Enclosure

cc: Larry Knutson, SED
Director, SED

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Seattle
Engineering Department



Gary Zarker, Director
Norman B. Rice, Mayor

January 10, 1990

The Honorable Norman B. Rice
Mayor of the City of Seattle
1200 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

VIA: Office of Management and Budget

SUBJECT: Vacation of a Portion of
11th Avenue Southwest
C.F. No. 295438

Dear Mayor Rice:

Here for City Council approval is a Council Bill vacating a portion of 11th Avenue Southwest (Comptroller's File Number 295438).

The vacation was approved by the City Council following a public hearing held on July 22, 1987.

Pursuant to the West Seattle Bridge Agreement (Southwest Spokane Street Bridge) the Port of Seattle is not required to pay a street vacation fee for this vacation, therefore no appraisal was made and no fee was paid.

I recommend approval of this Council Bill.

Sincerely,

Gary Zarker
Director

GZ/LAK:lak

Enclosure

844254

JAN 10 1990

"Printed on Recycled Paper"

"An Equal Employment Opportunity - Affirmative Action Employer"

Seattle Engineering Department, Room 910, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1879, (206) 684-5000

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

[Handwritten Signature]

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

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City of Seattle

ORDINANCE 114944

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thence in a northwesterly direction along a curve to the left having a radius of 340.00 feet, through a central angle of 39°03'40", a distance of 231.79 feet, to a line 100.00 feet west of and parallel with the east margin of 11th Avenue Southwest;

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reconstruction, maintenance and repair of the existing storm drain together with the necessary appurtenances located in 11th Avenue Southwest. The City shall have the right without prior institution of any suit or proceeding at law, at such time as may be required, to enter upon said easement area for the purpose herein described, without incurring any legal obligation or liability therefor. No building or buildings or other permanent structures shall be constructed within the boundaries of said easement area without the permission of the Director, Seattle Engineering Department or any other officer or board who may hereafter succeed to the jurisdiction and powers in respect to said storm drain now possessed by said Director.

Section 3. That a certain sanitary sewer located in and adjacent to the above described property, being described as follows:

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Passed by the City Council the 13th day of February, 1990, and signed by me in open session in authentication of its passage this 13th day of February, 1990.

PAUL KRAABEL,
President of the City Council.
Approved by me this 21st day of February, 1990.
NORMAN B. RICE,
Mayor.

Filed by me this 21st day of February, 1990.

Attest: NORWARD J. BROOKS,

City Comptroller and City Clerk.

(Seal) By THERESA DUNBAR,

Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, March 1, 1990.

(23855)

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