

12-24-91
 ORDINANCE No. 115972

Law Department

COUNCIL BILL No. 108887

The City of Seattle

AN ORDINANCE granting to The Port of Seattle permission to construct and maintain a Passenger Boat Moorage and Passenger Loading Facility in Vine Street west of Alaskan Way for ten-year term, renewable for two successive ten-year terms, specifying the conditions under which this permission is granted and providing for acceptance of the permit and conditions.

REPORT

Honorable President:

Your Committee on Transportation

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

Do PASS (3-0) 12-3-91

Abstain - Jane Niland

Full Council Vote

COMPTROLLER FILE No.

Introduced: NOV 12 1991	By: BENSON
Referred: NOV 12 1991	To: <u>Transportation</u>
Referred:	To:
Referred:	To:
Reported: DEC 9 1991	Second Reading: DEC 9 1991
Third Reading: DEC 9 1991	Signed: DEC 9 1991
Presented to Mayor: DEC 10 1991	Approved: DEC 17 1991
Returned to City Clerk: DEC 18 1991	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

[Signature]

Cor

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

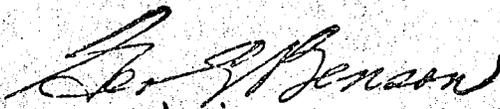
Your Committee on Transportation

to which was referred the within Council Bill No. 108887
report that we have considered the same and respectfully recommend that the same:

DO PASS (3-0) 12-3-91

Abstain - Jane Noland

Full Council Vote 7-0



Committee Chair

OK

ORDINANCE 115972

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AN ORDINANCE granting to The Port of Seattle permission to construct and maintain a Passenger Boat Moorage and Passenger Loading Facility located in Vine Street west of Alaskan Way for ten-year term, renewable for two successive ten-year terms, specifying the conditions under which this permission is granted and providing for acceptance of the permit and conditions.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the terms and conditions of this ordinance, permission is hereby granted to the Port of Seattle, its successors and assigns ("Port") to construct, maintain, and operate a Passenger Boat Moorage and Passenger Loading Facility consisting of piers, pilings, floats, and ramps ("Facility") located in Vine Street west of Alaskan Way adjacent to Pier 69.

Section 2. The permission herein granted to the Port, its successors and assigns, shall be for a term of ten years, commencing upon the effective date of this ordinance and terminating at 11:59 p.m. on the last day of the tenth year; provided, however, that upon written application of the Port at least 30 days before expiration of the term, the City Council may by resolution renew the permit for two successive ten year terms, provided further that the total of the permission as originally granted and thus extended shall not exceed 30 years, subject to the right of the City of Seattle ("City") by each such resolution, to revise the fee provided for in Section 11 hereof, and by ordinance to then revise any of the terms and conditions contained herein. Further, the Port may provide written notice of its intent to discontinue use of the Facility and of the portion of Vine Street identified above, in which case, subject to the terms and conditions stated in Section 3 below, the permission hereby granted will terminate on the 60th day following the City's receipt of such written notice.

Section 3. The permit granted hereby is subject to the primary and secondary use by the public for travel and utilities purposes, and the City expressly reserves the right to require

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the Port to remove the Facility at Port's sole cost and expense in the event that:

(a) The City Council determines by ordinance that the space occupied by the Facility is necessary for any such primary or secondary public use or benefit or that the Facility interferes with any such primary or secondary public use or benefit;

(b) The Board of Public Works or a successor body or official of the City ("Board") determines that any term or condition of this ordinance has been violated:

(c) The Port notifies the City of the Port's intent to discontinue use of the Facility and Vine Street in the manner provided in this Ordinance; or

(d) The United States, through the Army Corps of Engineers, or any other federal agency with jurisdiction, lawfully orders the removal thereof as an obstruction to navigation or for other reasonable cause, or the United States lawfully requires the use thereof.

A City Council determination that the space is necessary for a primary or secondary public use or benefit by or to the public for travel and utilities purposes shall be conclusive and final.

Section 4. In the event that the permit is not renewed, or the permission hereby granted extends to its termination in 30 years or is earlier terminated in accordance with the terms and conditions of this Ordinance, or the City orders removal of the Facility pursuant to the terms of this ordinance, then within 90 days after such expiration, termination or order of removal, or prior to the date stated in an Order to Remove, as the case may be, the Port shall remove the Facility. Whereupon the Board shall issue a certificate discharging the Port from any responsibilities under this ordinance for occurrences after the date of such discharge.

Section 5. The Port shall not reconstruct or relocate the Facility except under the supervision of the Board, and in

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strict accordance with plans and specifications, approved by the Board before any work is commenced. The Board in its judgment may order such reconstruction or relocation of the Facility at the Fort's own cost and expense because of the deterioration or unsafe condition of the Facility, or because of the installation, construction, reconstruction, maintenance, operation or repair of any and all municipally owned public utilities, or for any other reasonable cause.

Section 6. After notice to the Port, the Board may order the Facility closed if the Board deems that it has become unsafe or creates a risk of injury to the public.

Section 7. Notwithstanding termination or expiration of the permission granted, or closure or removal of the Facility, the Port shall remain bound by its obligations under this ordinance until (a) the Facility and all its equipment and property are removed from the street and (b) the Board certifies that the Port has discharged its obligations herein; provided, that the Board shall act in a timely manner to provide such certification and shall not unreasonably withhold such certification; and further provided, that upon prior notice to the Port and entry of written findings that such is in the public interest, the Board may, in its sole discretion, excuse the Port, conditionally or absolutely, from compliance with all or any of the Port's obligations to remove the Facility and its property and restore areas disturbed.

Section 8. The Facility shall remain the exclusive responsibility of the Port. The Port, by its acceptance of this ordinance and the permission hereby granted, does release the City from any and all claims resulting from damage or loss to its own property and does covenant and agree for itself, its successors and assigns, with the City to at all times protect and save harmless the City from all claims, actions, suits, liability, loss, costs, expense or damages of every kind and description (excepting only such damages that may result from

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the sole negligence of the City), which may accrue to, or be suffered by, any person or persons, including without limitation, damage or injury to the Port, its officers, agents, employees, contractors, invitees, tenants and tenants' invitees, licensees or their successors and assigns, by reason of maintenance, operation or use of said Facility or the occupation or use of Vine Street, or any portion thereof, or by reason of anything that has been done, or may at any time be done, by the Port, its successors or assigns, by reason of this ordinance, or by reason of the Port, its successors or assigns, failing or refusing to strictly comply with each and every provision of this ordinance; and if any such suit, action or claim shall be filed, instituted or begun against the City, the Port, its successors or assigns, shall, upon notice thereof from the City, defend the same at its or their sole cost and expense, and in case judgment shall be rendered against the City in any suit or action, the Port, its successors or assigns, shall fully satisfy said judgment within 90 days after such action or suit shall have been finally determined, if determined adversely to the City. The Port has executed a Public Place Indemnity Agreement in favor of the City, dated February 19, 1991, and recorded with the King County Recorder under Recording No. 9102271219.

Section 9. With the City's knowledge and permission, the Port has entered into a lease agreement with Clipper Navigation for use of the Facility. The Port has delivered to the Director of Engineering for filing with the City Clerk a good and sufficient bond in the sum of Fifty Thousand and No/100ths Dollars (\$50,000.00) executed by a surety company authorized and qualified to do business in the State of Washington conditioned that the Port and Clipper Navigation will comply with each and every provision of this ordinance and with each and every order of the Board pursuant thereto. Said bond, or any replacement bond or other form of security acceptable to the City, shall remain in effect until such time as the Facility is entirely removed from

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its location as described in Section 1, or until discharged by order of the Board of Public Works as provided in Section 4 of this ordinance. In the event the Port requires any subleases of the Facility to procure public liability insurance and name the Port as an additional named insured, the Port shall require the subleasee to name the City as an additional insured.

Section 10. Except as provided in a lease agreement for use of the Facility, the Port shall not assign or transfer any privileges conferred by this ordinance without the consent of the City Council by resolution. Whenever permission is granted, the assignee or transferee shall be bound by all of the terms and conditions of this ordinance.

The permission conferred by this ordinance shall not be assignable or transferrable by operation of law.

Section 11. The Port, its successors and assigns, shall pay to the City annual Street Use Permit fees as established by Council resolution. All payments shall be made to the City Treasurer for the credit of the General Fund, with collection administered by the Engineering Department.

Section 12. The Port shall not discriminate against any employee or applicant for employment in connection with the design, architectural or structural engineering work or the construction, repair, or maintenance of the Facility permitted to be erected pursuant to this ordinance, on the basis of race, creed, color, sex, marital status, sexual orientation, political ideology, and ancestry, age, national origin, or the presence of any sensory, mental or physical handicap unless based upon bona fide occupational qualification. The Facility shall be used and operated in accordance with the applicable public accommodation requirements of Chapter 14.08 of the Seattle Municipal Code.

Section 13. The Port shall deliver its written acceptance of the permission conferred by this ordinance and its terms and conditions to the Director of Engineering within 60 days after

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the effective date of this ordinance. The acceptance shall be filed with the City Clerk.

Section 14. 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 9th day of December, 1991, and signed by me in open session in authentication of its passage this 9th day of December, 1991.

[Signature]
President of the City Council

Approved by me this 17th day of December, 1991.

[Signature]
Mayor

Filed by me this 18th day of December, 1991.

Attest: [Signature]
City Comptroller and City Clerk

By [Signature]
Deputy Clerk

[SEAL]

Published _____

208366

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Your
Seattle
Board of Public Works

Barbara K. Taber, Executive Director
Norman B. Rice, Mayor

October 4, 1991

M91-101



The Honorable George Benson, Chair
Transportation Committee of the City Council
1100 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

VIA: Mayor Norman B. Rice

ATTN: Office of Management and Budget

RE: Clipper Navigation and Port of Seattle
Passenger Loading Facility and Boat Moorage in Vine Street

Honorable Members:

The Board of Public Works had before it in regular session October 4, 1991, the attached recommendation from the Director of Engineering recommending approval of an Ordinance granting to The Port of Seattle permission to construct and maintain a Passenger Boat Moorage and Passenger Loading Facility in Vine Street west of Alaskan Way for a ten-year term renewable for two successive ten-year terms, specifying the conditions under which this permission is granted and providing for acceptance of the permit and conditions.

The Board concurred with the Director of Engineering's recommendation for approval and is forwarding the draft Ordinance for your consideration and necessary legislative action.

Respectfully submitted,

Gary Zarker
Chairman

BKT:jmb

Attachments

cc: Lanny Shuman, OMB
Gary Zarker, Director of Engineering
Ray Allwine, Engineering
Sally H. Clarke, Hillis, Clark, Martin & Peterson

Board of Public Works Department, Arctic Building, Suite 700, 700 Third Avenue, Seattle, Washington 98104 - 1809. (206) 684-0430
Board of Public Works: Gary Zarker, Chairman, Dir. of Engineering: Ken Nakatsu, Acting Dir. of Administrative Services:
Robert P. Groncznack, Supt. of Water; Randall Hardy, Supt. of City Light; Holly Miller, Supt. of Parks and Recreation
An equal employment opportunity-affirmative action employer

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Seattle
Engineering Department



Gary Zarker, Director
Norman B. Rice, Mayor

February 4, 1991

Barbara Taber
Executive Director
Board of Public Works
Arctic Building, Suite 700
Seattle, Washington 98104

SUBJECT: Ordinance for Port of Seattle to use Vine Street
for Passenger Boat Facility

Dear Ms. Taber:

As directed by the Board on December 14, 1990, the enclosed Ordinance has been prepared. It grants to the Port of Seattle permission to operate a passenger boat facility in Vine Street south of Pier 69. It sets a ten-year term with two successive ten-year renewable terms.

The language of the Ordinance follows the standard form for term permits except for the fee setting portion. The fee setting methodology calls for a fee based on the appraised value of the occupied property. However, since the Board also approved the issuance of a street use permit for this facility, Street Use permit fees are used in the Ordinance (Section 12).

One million dollars of insurance and a fifty thousand dollar bond is stipulated.

This Ordinance is submitted for approval and we request that it be forwarded to the City Council for adoption.

Sincerely,


J. G. Ralph
Director of Operations

JGR/JZ:ttd

Enclosure

cc: Gary Zarker

51 FEB -7 AM 11:53
DIRECTOR OF OPERATIONS
ENGINEERING DEPARTMENT

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Law Offices

▪ H I L L I S C L A R K M A R T I N & P E T E R S O N ▪

A Professional Service Corporation
500 Galland Building, 1221 Second Avenue
Seattle, Washington 98101-2925
(206) 623-1745 Facsimile (206) 623-7789

October 24, 1991

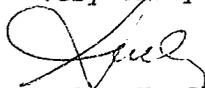
Honorable George Benson, Chairman
Transportation Committee
Seattle City Council
1100 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

Re: Clipper Navigation and Port of Seattle
Passenger Loading Facility and Boat Moorage
in Vine Street

Dear George:

The Board of Public Works has concurred in the Director of Engineering's recommendation for approval of an ordinance permit for the Clipper Navigation and Port of Seattle boat moorage facility in Vine Street and has forwarded this matter for action before your committee. Please let us know when this matter will be scheduled for action. If you have any questions or need any additional information, please feel free to call.

Very truly yours,



Sally H. Clarke

SHC:kkh
cc: Port of Seattle
Clipper Navigation

209892

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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:

Edo J. Penner

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

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STATE OF WASHINGTON - KING COUNTY

12240
City of Seattle

-ss.

No.

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on December 9, 1991, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8354.

ORDINANCE NO. 115969
Accepting easements over portions of Sections 9 and 10, Township 31 North, Range 6 East, W. M.; Section 7, Township 32 North, Range 9 East, W. M.; Lots 1 and 2, Section 7, Township 32 North, Range 9 East, W. M.; Lot 4, Section 7, Township 32 North, Range 9 East, W. M.

ORDINANCE NO. 115970
Accepting assignment of electric utility easements over portions of the southeast quarter of the northwest quarter of Section 4, Township 26 North, Range 4 East; the south quarter corner of Section 8, Township 23 North, Range 4 East; Lot 1, Block 13, Lake Forest Park.

ORDINANCE NO. 115971
Authorizing the Director, Seattle Engineering Department to execute indemnity agreements relating to the construction, maintenance and operation of petroleum pipeline systems in, under, across and along certain City of Seattle rights-of-way.

ORDINANCE NO. 115972
Granting to The Port of Seattle permission to construct and maintain a Passenger Boat Moorage and Passenger Loading Facility located in Vine Street west of Alaskan Way for ten-year term, renewable for two successive ten-year terms, specifying the conditions under which this permission is granted and providing for acceptance of the permit and conditions.

ORDINANCE NO. 115973
Accepting underground and surface rights distribution easements over portions of Lot A, Block 2, Stella A. Tyler's First Addition to Sterling; Lot 22, Block 38, Loch-Gilvra Addition; Lot 9, Sea Breeze Tracts; Tract 18, Assessor's Plat of Carleton Highlands; Lot 3, King County Short Plat No. 479018; the vacated alley in Block M, Bell's 5th Addition; Lot 1, Block 25, Innis Arden Division No. 3; Lot 11, Block 1, Cedar Park No. 3.

Publication ordered by NORWARD J. BROOKS, Comptroller & City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, December 26, 1991. 12/26(12240)

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

T/S 11569-1159743

was published on
12/26/91

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

K. Kells

Subscribed and sworn to before me on
12/27/91

Jennifer A. Nicholson
Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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