

ORDINANCE No. 117262

COUNCIL BILL No. 110285

CHOE
11/11/94

AN ORDINANCE granting the Port of Seattle permission to construct, maintain and operate a two level pedestrian skybridge over and across Alaskan Way and Bell Street, from the westerly margin of Alaskan Way to the westerly margin of Elliott Avenue for a fifty (50) year term, specifying the conditions under which this permit is granted, and providing for acceptance of the permit conditions.

The City of Seattle - Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation

to which was referred the within Council Bill No. 110285 report that we have considered the same and respectfully recommend

Passed 2-0

Full Council Vote 7-0

COMPTROLLER FILE No.

Introduced: <i>AUG 18 1994</i>	By: CHOE
Referred: <i>AUG 22 1994</i>	To: TRANSPORTATION AND ECONOMIC DEVELOPMENT
Reported: <i>AUG 22 1994</i>	Second Reading: <i>AUG 22 1994</i>
Approved by Mayor: <i>AUG 23 1994</i>	Approved: <i>AUG 31 1994</i>
Returned to City Clerk: <i>AUG 24 1994</i>	Published:
Rescinded by Mayor:	Veto Published:
Rescinded over Veto:	Veto Sustained:

Martha Choe

Committee Chair

20
Chair
11/20/05

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation & Economic Dev.

to which was referred the within Council Bill No. 110285

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

Passed 2-0

Full Council Vote 7-0

Martha Chae

Committee Chair

ORDINANCE 117262

1 AN ORDINANCE granting the Port of Seattle permission to
2 construct, maintain and operate a two level pedestrian skybridge
3 over and across Alaskan Way and Bell Street, from the westerly
4 margin of Alaskan Way to the westerly margin of Elliott Avenue
5 for a fifty (50) year term, specifying the conditions under
6 which this permit is granted, and providing for acceptance of
7 the permit and conditions.

8 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

9 Section 1. Subject to terms and conditions of this
10 ordinance, permission is hereby granted to the Port of Seattle
11 its successors and assigns ("Permittee") to construct, maintain,
12 and operate a two level pedestrian skybridge over and across
13 Alaskan Way and Bell Street, from the westerly margin of Alaskan
14 Way to the westerly margin of Elliott Avenue, connecting the
15 proposed Pier 66 Building with Elliott Avenue and the existing
16 Pier 66 Parking Garage. The pedestrian skybridge is twenty (20)
17 feet wide, two hundred sixty (260) feet long, approximately
18 thirty-two (32) feet above the maximum grade of the street, and
19 located along the southerly margin of Bell Street.

20 Section 2. The permission herein granted to the Permittee,
21 its successors and assigns shall be for a term of fifty (50)
22 years, commencing on the effective date of this ordinance and
23 terminating at 11:59 p.m. on the last day of the fiftieth year,
24 and within ninety (90) days thereafter, the permittee shall
25 remove said pedestrian skybridge and shall place all portions
26 of the street right-of-way which may have been disturbed by said
27 pedestrian skybridge, in as good condition in all respects as
28 the abutting portions, unless the permittee makes written
application and the City Council grants a new ordinance for
continued use and maintenance of the pedestrian skybridge;
provided, however, that if the City Council approves the
vacation of Bell Street, then this section shall not apply to
the portion of the skybridge within the vacated street area.

Section 3. The permit granted hereby is subject to primary
and secondary use by the public for travel and utility purposes,

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and The City of Seattle ("City") expressly reserves the right to require the Permittee to remove the pedestrian skybridge at Permittee's sole cost and expense in the event that:

1 a) The City Council determines, by ordinance, that the
2 space occupied by the pedestrian skybridge is necessary for any
3 primary or secondary public use or benefit or that the
4 pedestrian skybridge interferes with any primary or secondary
5 public use or benefit; or

6 (b) The Director of Engineering ("Director") determines
7 that any term or condition of this ordinance has been violated.

8 A City Council determination that the space is necessary
9 for a primary or secondary public use or benefit shall be
10 conclusive and final. If the City Council, however, approves
11 the vacation of Bell Street, then this section shall not apply
12 to the portion of the skybridge within the vacated street area.

13 Section 4. In the event that the permission hereby granted
14 extends to its termination in fifty (50) years, or the City
15 orders removal of the pedestrian skybridge pursuant to the terms
16 or this ordinance, then within ninety (90) days after such
17 expiration, termination or order of removal, or prior to the
18 date stated in an "Order to Remove", as the case may be, the
19 Permittee shall remove the pedestrian skybridge and shall place
20 all portions of the street that may have been disturbed for any
21 part of the structure, in as good condition for public use as
22 they were prior to construction, and in at least as good
23 condition in all respects as the abutting portions thereof.
24 Whereupon, the Director shall issue a certificate discharging
25 the Permittee from responsibility under this ordinance for
26 occurrences after the date of such discharge.

27 Section 5. The Permittee shall not commence
28 reconstruction, relocation, readjustment or repair of the
pedestrian skybridge except under the supervision of, and in

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1 strict accordance with plans and specifications approved by the
2 Director. The Director in his/her judgement may order such
3 reconstruction, relocation, readjustment or repair of the
4 pedestrian skybridge at the Permittee's own cost and expense
5 because of the deterioration or unsafe condition of the
6 pedestrian skybridge, grade separations, or the installation,
7 construction, reconstruction, maintenance, operation or repair
8 of any and all municipally owned public utilities, or for any
9 other cause.
10

11
12 Section 6. After notice to the Permittee, the Director may
13 order the pedestrian skybridge closed if the Director deems that
14 it has become unsafe or creates a risk of injury to the public.
15 In a situation in which there is an immediate threat to the
16 health or safety of the public, notice is not required.
17

18 Section 7. Notwithstanding termination or expiration of
19 the permission granted, or closure or removal of the pedestrian
20 skybridge the Permittee shall remain bound by its obligation
21 under this ordinance until: (a) the pedestrian skybridge and
22 all its equipment and property are removed from the street; (b)
23 the area is cleared and restored in a manner and to a condition
24 satisfactory to the Director; and (c) the Director certifies
25 that the Permittee has discharged its obligation herein.
26 Provided, that upon prior notice to the Permittee and entry of
27 written findings that such is in the public interest, the
28 Director may, in his/her sole discretion, excuse the Permittee,
conditionally or absolutely, from compliance with all or any of
the Permittee's obligation to remove the pedestrian skybridge
and its property and restore disturbed areas.

Section 8. The pedestrian skybridge shall remain the
exclusive responsibility of the Permittee. The Permittee, by
its acceptance of this ordinance and the permission hereby
granted, does release the City from any and all claims resulting

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1 from damage or loss to its own property and does covenant and
2 agree for itself, its successors and assigns, with The City of
3 Seattle to at all times protect and save harmless The City of
4 Seattle from all claims, actions, suits, liability, loss, costs,
5 expense or damages of every kind and description (excepting only
6 such damages that may result from the sole negligence of the
7 City), which may accrue to, or be suffered by, any person or
8 persons and/or property or properties, including without
9 limitation, damage or injury to the Permittee, its officers,
10 agents, employees, contractors, invitees, tenants and tenants'
11 invitees, licensees or their successors and assigns, by reason
12 of the maintenance, operation or use of said City street, alley
13 or any portion thereof, or by reason of anything that has been
14 done, or may at any time be done, by the Permittee, its
15 successors or assigns, by reason of this ordinance, or by reason
16 of the Permittee, its successors or assign, failing or refusing
17 to strictly comply with each and every provision of this
18 ordinance; and if any such suit, action or claim shall be filed,
19 instituted or begun against the City, the Permittee, its
20 successors or assigns, shall, upon notice thereof from the City,
21 defend the same at its or their sole cost and expense, and in
22 case judgement shall be rendered against the City in any suit
23 or action, the Permittee, its successors or assigns, shall fully
24 satisfy said judgement within 90 days after such action or suit
25 shall have been finally determined, if determined adversely to
26 the City. Provided that if it is determined by a court of
27 competent jurisdiction that RCW 4.24.115 applies to this
28 ordinance, then in the event claims or damages are caused by or
result from the concurrent negligence of: (a) the City, its
agents, contractors, or employees; and, (b) the Permittee, its
agents, contractors, employees or its successors or assigns,
this indemnity provision shall be valid and enforceable only to
the extent of the negligence of the Permittee or Permittee's
agents, contractors, employees or its successors or assigns.

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Section 9. For as long as the Permittee, its successors and assigns, shall exercise any permission granted by this ordinance and until the pedestrian skybridge is entirely removed from its location as described in Section 1 or until discharge by order of the Director of Engineering as provided in Section 7 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its own expense, insurance policies which fully protect the City from any and all claims and risks of any loss from perils which can be insured against under general liability insurance contracts and fire insurance contracts, including any extended coverage endorsements thereto which are customarily available from time to time, in conjunction with: (a) construction, reconstruction, operation, maintenance, use, or existence of the pedestrian skybridge permitted by this ordinance and of any and all portions of the pedestrian skybridge; (b) Permittee's activity upon or the use or occupation of the areas described in Section 1 of this ordinance, as well as; (c) any and all claims and risks in connection with any activity performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements shall be a policy of comprehensive commercial general liability of a form acceptable to the City. The City will require insurance coverage to be placed with a company admitted and licensed to conduct business in Washington State, except that if it is infeasible to obtain such a policy, the City may approve an alternative company. Minimum policy limits shall be \$2,000,000 per occurrence, \$4,000,000 annual aggregate each period. Coverage shall specifically name the pedestrian skybridge exposure. Liability coverage shall add by endorsement the City of Seattle, its elected and appointed officers, officials, employees and agents as additional insured. Coverage shall contain a Separation of Insureds indicating essentially that except with respect to the limits of insurance, and any rights or duties specifically assigned in this coverage part of the first named insured, this

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1 insurance applies as if each named insured were the only named
2 insured, and separately to each insured against whom claim is
3 made or suit is brought. The City will not accept a certificate
4 of insurance as evidence of current coverage. Evidence of
5 current coverage shall be submitted to the City in the form of
6 a photocopy of the insurance policy declaration page, indicating
7 all endorsements attached thereto, and is a condition to the
8 validity of this permit.

9 Whenever in the judgement of the Risk Manager of the City of
10 Seattle, such insurance filed pursuant to the provisions hereof
11 shall be deemed insufficient to fully protect The City of
12 Seattle, the Permittee shall, upon demand by the Risk Manager,
13 furnish additional insurance in such amount as may be specified
14 by the Risk Manager.

15 Section 10. The Port of Seattle shall require that any and
16 all of its contractors performing construction work on the
17 premises as contemplated by this permit, name the City of
18 Seattle as an additional insured on all policies of public
19 liability insurance, and shall include in all contract documents
20 a provision extending construction indemnities and warranties
21 granted to The Port of Seattle to the City as well.

22 Section 11. The Permittee shall not assign, transfer,
23 mortgage, pledge or encumber any privileges conferred by this
24 ordinance without the consent of the City Council by resolution.
25 If permission is granted, the assignee or transferee shall be
26 bound by all of the terms and conditions of this ordinance.
27 The permission conferred by this ordinance shall not be
28 assignable or transferrable by operation of law.

Section 12. The Permittee, its successors and assigns,
shall pay to the City such amounts as may be justly chargeable
by said City as costs of inspection of said pedestrian skybridge
during construction, reconstruction, repair, annual structural

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inspections, and at other times under the direction of the Director of Engineering.

1 Section 13. The Permittee shall not discriminate against
2 any employee or applicant for employment in connection with the
3 design, architectural or structural engineering work or the
4 repair, or maintenance of the pedestrian skybridge permitted to
5 be erected pursuant to this ordinance, on the basis of race,
6 religion, creed, color, sex, marital status, sexual orientation,
7 political ideology, ancestry, age, national origin, or the
8 presence of any sensory, mental or physical handicap unless
9 based upon bona fide occupational qualification. The foregoing
10 commitment shall be implemented as follows:

11 a. The Permittee will take affirmative action to ensure
12 that applicants are employed and that employees are treated
13 during employment without regard to their race, religion, creed,
14 color, sex, national origin or the presence of any sensory,
15 mental or physical handicap. Such action shall include, but not
16 be limited to, the following: employment, upgrading, demotion
17 or transfer, recruitment or recruitment advertising, layoff or
18 termination, rates of pay or other forms of compensation and
19 selection for training, including apprenticeship.

20 b. The Permittee shall post in conspicuous places
21 available to such employees and applicants for such employment,
22 notices setting forth the provisions of this non-discrimination
23 clause.

24 c. The Permittee shall furnish to the Director of Human
25 Rights or a successor official, upon his or her request and on
26 such forms as may be provided, a report of the affirmative
27 action taken in implementing this provision and will permit
28 reasonable access to its records for the purposes of determining
compliance with this Section. If, upon investigation the
Director of Human Rights finds probable cause to believe that
the Permittee has failed to comply with any of the terms of this
Section, the Permittee and the Street Use Appeals Board (Board)

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will be so notified in writing. The Board shall give the Permittee at least ten (10) days notice and a hearing thereon. If the Board finds that there has been a violation of this Section, the Board may suspend the permission conferred pending full compliance with the terms of this Section.

Failure to comply with any of the terms of this provision shall be a material violation of this ordinance.

The foregoing paragraphs shall be inserted in any subcontracts for work undertaken pursuant to this ordinance in connection with the design, architectural or structural engineering work or the repair, or maintenance of the pedestrian skybridge permitted to be maintained hereunder, unless the Director of Human Rights authorizes the use of another equality of employment opportunity provision.

Section 14. The Permittee shall deliver its written acceptance of the permission conferred by this ordinance and its terms and conditions to the Director of Engineering within sixty (60) days after the effective date of this ordinance. The acceptance shall be filed with the City Clerk. If no such acceptance is received by then, the privileges provided by this ordinance shall be deemed declined or abandoned; and the permission extended, contingent upon its acceptance, deemed lapsed and forfeited.

Section 15. This ordinance shall take effect and be in force thirty (30) 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.

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Passed by the City Council the 22 day of August,
1994, and signed in open session in authentication of its
passage this 22 day of August 1994.

[Signature]
President of the City Council

Approved this 31 day of August, 1994.

[Signature]
Norman B. Rice, Mayor

File this 31 day of August, 1994.

[Signature]
Deputy Clerk

(SEAL)
Published _____

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FILED
CITY OF SEATTLE
OCT 23 PM 3:23
CITY CLERK

October 24, 1994

Mr. Ray Allwine
Seattle Engineering Department, Room 400
Seattle Municipal Building
600 Fourth Avenue
Seattle, Washington 98104-1879

Dear Mr. Allwine:

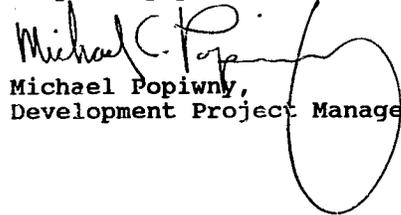
Ordinance 117262 grants the Port of Seattle permission to construct a pedestrian skybridge at Bell Street ("Bell Street Skybridge"). Section 14 of that Ordinance requires the Port to file written acceptance of the permission conferred by the Ordinance and its terms and conditions.

In compliance with Section 14 of Ordinance 117262, the Port of Seattle hereby accepts the permission, terms, and conditions for the Bell Street Skybridge as stated in that Ordinance.

Under separate cover the Port will provide evidence of insurance as required by Section 9 of the Ordinance. The City's risk manager has been in contact with the Port regarding such proof of insurance.

Please let me know if there are any additional requirements to be met in connection with the Bell Street Skybridge Ordinance.

Very truly yours,


Michael Popiwny,
Development Project Manager

cc: Melody B. McCutcheon

3 2 3 9 4 4

P.O. Box 1209
Seattle, WA 98111 U.S.A.
(206) 728-3000
TELEX 703433
FAX (206) 728-3252

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ORIGINAL

Devised ~~HEAT~~
4-5023

Filed for Record at Request of:
After Recording Mail to:

This Space Provided for
Recorder's Use:

SEATTLE ENGINEERING DEPARTMENT
400 Dexter Horton Building
710 Second Avenue
Seattle, WA 98104-1712
Attention: Beverly Barnett

QUITCLAIM DEED

The Grantor, City of Seattle, a municipal corporation, for and in consideration of good and valuable consideration in hand paid, conveys and quitclaims to the Port of Seattle, a municipal corporation, the following-described real estate, situated in King County, State of Washington, together with all after-acquired title of the Grantor therein:

See Exhibit A attached hereto and incorporated herein by this reference.

DATED this 31 day of August, 1994.

GRANTOR:

City of Seattle,
a municipal corporation

By *Norman B. Lee*
Its Mayor

ACKNOWLEDGEMENT on following page

APPROVED AS TO FORM ONLY
MARK H. SIDRAN
City Attorney

By *Janith B. Bantour*
Assistant City Attorney

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EXHIBIT A

ALASKAN WAY

The eastern 31 feet, more or less, of Alaskan Way in the City of Seattle, King County, Washington bounded on the north by the north margin of Bell Street and on the south by a line drawn perpendicularly to the east margin of said Alaskan Way distant 25.46 feet south from the south margin of Pine Street. Intersections of Bell Street, Blanchard Street, Lenora Street, Virginia Street, and Pine Street are inclusive.

BELL STREET

That portion of Bell Street lying between Lot 1, Block 171B and Lot 6, Block 171A, Seattle Tide Lands, according to the official maps thereof filed in the Office of the Commissioner of Public Lands in Olympia, Washington;

Together with that portion of Bell Street lying between Lot 2, Block 32, Addition to the Town of Seattle laid out by A.A. Denny (Commonly known as A.A. Denny's Sixth Addition to the City of Seattle), according to the plat thereof recorded in Volume 1 of Plats, Page 99, in King County, Washington, and Lot 12, Block 30, Bell & Denny's 1st Addition, according to the plat thereof recorded in Volume 1 of Plats, Page 61, in King County, Washington.

BLANCHARD STREET

That portion of Blanchard Street lying between Lot 1, Block 172A and Lot 6, Block 171B, Seattle Tide Lands, according to the official maps thereof filed in the Office of the Commissioner of Public lands in Olympia, Washington;

Together with that portion of Blanchard Street lying between Lot 2, Block 31 and Lot 11, Block 32, Addition to the Town of Seattle as laid out by A.A. Denny (Commonly known as A.A. Denny's Sixth Addition to the City of Seattle), according to the plat thereof recorded in Volume 1 of Plats, Page 99, in King County, Washington.

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LENORA STREET

That portion of Lenora Street lying between Lot 1, Block 172B and Lot 6, Block 172A, Seattle Tide Lands, according to the official maps thereof filed in the Office of the Commissioner of Public Lands in Olympia, Washington;

Together with that portion of Lenora Street lying between Lot 2, Block 30 and Lot 11, Block 31, Addition to the Town of Seattle as laid out by A.A. Denny (Commonly known as A.A. Denny's Sixth Addition to the City of Seattle), according to the plat thereof recorded in Volume 1 of Plats, Page 99, in King County, Washington.

VIRGINIA STREET

That portion of Virginia Street lying between Lot 1, Block 173A and Lot 6, Block 172B, Seattle Tide Lands, according to the official maps thereof filed in the Office of the Commissioner of Public Lands in Olympia, Washington;

Together with that portion of Virginia Street lying between Lot 2, Block 29 and Lot 11, Block 30, Addition to the Town of Seattle as laid out by A.A. Denny (Commonly known as A.A. Denny's Sixth Addition to the City of Seattle), according to the plat thereof recorded in Volume 1 of Plats, Page 99, in King County, Washington.

PINE STREET

That portion of Pine Street lying between Lot 1, Block 173B and Lot 6, Block 173A, Seattle Tide Lands, according to the official maps thereof filed in the Office of the Commissioner of Public Lands in Olympia, Washington;

Together with that portion of Pine Street lying between Lot 1, Block 173B, Seattle Tide Lands, and Lot 11, Block 29, Addition to the Town of Seattle as laid out by A.A. Denny (Commonly known as A.A. Denny's Sixth Addition to the City of Seattle), according to the plat thereof recorded in Volume 1 of Plats, Page 99, in King County, Washington.

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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:

Martha Chae

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

C.S. 20 20

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STATE OF WASHINGTON - KING COUNTY

47297
City of Seattle, City Clerk

-SS-

No. ORDINANCE 11

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinance, passed by the City Council on August 28, 1994, and published here by title only, will be made, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 624-2544.

ORDINANCE NO. 117262

AN ORDINANCE granting the City of Seattle permission to construct, maintain and operate a two level pedestrian skybridge over and across Alaskan Way and Bell Street, from the westerly margin of Alaskan Way to the westerly margin of Bell Street, for a fifty (50) year term, specifying the conditions under which this permit is granted and providing for acceptance of the permit conditions.

ORDINANCE NO. 117264

AN ORDINANCE relating to the Water Department; authorizing an easement agreement with King County, Washington, for the extension of 214th Place N. E. in the plat of Collins Creek across the City's Toll Pipeline right of way in the northwest quarter of Section 21, Township 26 North, Range 4 East, T. 26 N. E. in King County, Washington and accepting the release of certain other easements (in Section 20 and said Section 21) in consideration thereof.

ORDINANCE NO. 117266

AN ORDINANCE relating to the Seattle Water Department, authorizing the sale and conveyance of certain portions of Lake Youngs Aqueduct Right-of-way in King County, Washington and establishing the fair market value thereof.

ORDINANCE NO. 117267

AN ORDINANCE accepting electrical overhead and underground distribution easements over portions of Lot 5, King County Short Plat No. 88690307; Lot 8 and all of Lot 9, Block 2, Hawthorn's Addition; Parcel A and B of Short Plat No. 9006511 Revised, recorded in King County, Washington, under Recording No. 881100449, Parcel A, King County Boundary Line Adjustment No. 89113114 as recorded under King County Recording No. 890818078; Lots 1, 2, and 3, King County Short Plat No. 898027; Tract B, King County Short Plat No. 89980305; Lots A, B, and C, City of Tukwila Short Plat No. 90-3-88; Lot 4, King County Short Plat No. 788026; Lot 19, Block 29, Lake Forest Park Third Addition; Lots A, B, and C, City of Seattle Short Subdivision No. 9169058; Lot 3, City of Seattle Short Plat No. 8PL008-82; Lots 1 and 2, City of Tukwila Short Plat No. 822-0049; Lot 6, Block 48, Homestead Addition to the City of Seattle; Parcel B of City of Seattle Short Subdivision No. 8903537; and placing said easements under the jurisdiction of the City Light Department.

Publication ordered by JUDITH PIP-PIN, City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, September 6, 1994.

Affidavit of Publication

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

OT: 117262, 264, 266, 67

was published on

09/06/94

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

W. Gardner

Subscribed and sworn to before me on

09/06/94

J. Lentz

Notary Public for the State of Washington, residing in Seattle

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