

ORDINANCE No. 118040

*mc*

*Law Department*

COUNCIL BILL No. 111119

The City of Seattle--L

INDEXED

REPORT OF

AN ORDINANCE relating to the existing permit of the Municipality of Metropolitan Seattle by Ordinance Resolution 20917 to construct, maintain and operate pipelines under and across North Northlake Place a Northlake Way, west of Densmore Avenue North by Permittee's name therein to King County Department Metropolitan Services, and amending Section 8 thereof to revise the method of obtaining a permit for establishing the amount of the fee for the permit.

Honorable President:

Your Committee on Transportation

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

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: FEB - 5 1996	By: MANNING
Referred: FEB - 5 1996	To: TRANSPORTATION
Referred:	To:
Referred:	To:
Reported: MAR 11 1996	Second Reading: MAR 11 1996
Third Reading: MAR 11 1996	Signed: MAR 11 1996
Presented to Mayor: MAR 12 1996	Approved: MAR 14 1996
Returned to City Clerk:	Published: <i>Full</i>
Vetoed by Mayor:	Veto Published: 
Passed over Veto:	Veto Sustained:



*Full Council vote*

*Wasson 3-5-96*

*[Signature]*  
Committee

me

*Law Department*

# The City of Seattle--Legislative Department

INDEXED

Date Reported  
and Adopted

## REPORT OF COMMITTEE

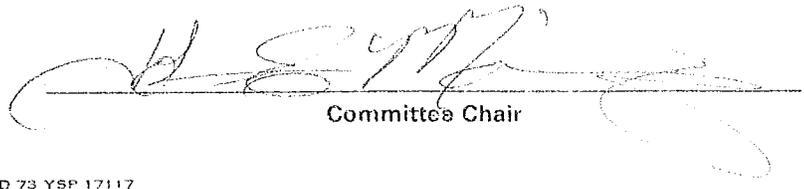
Honorable President:

Your Committee on Transportation

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

*Full Council vote 5-0*

*assent 3-5-96*

  
\_\_\_\_\_  
Committee Chair

OFFICE OF THE LEGISLATIVE DEPARTMENT OF THE CITY OF SEATTLE  
1000 4TH AVENUE, SUITE 1000, SEATTLE, WA 98101  
TEL: 206-467-2000 FAX: 206-467-2001

ORDINANCE 118040

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AN ORDINANCE relating to the existing permit granted to the Municipality of Metropolitan Seattle by Ordinance 98300 and Resolution 26917 to construct, maintain and operate petroleum pipelines under and across North Northlake Place and North Northlake Way, west of Densmore Avenue North by changing Permittee's name therein to King County Department of Metropolitan Services; and by amending Section 8 thereof to revise the method of calculating the annual fee, for establishing the annual fee for the remainder of the permit.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 1 of Ordinance 98300 is hereby amended to read as follows:

Section 1. There is hereby granted to (~~Standard Oil Company of California, a corporation,~~) King County Department of Metropolitan Services, its successors and assigns hereinafter called the "Permittee", permission to maintain, operate, renew, repair, change the size and number of, and/or remove a system of pipelines, hereinafter called "pipeline system", to be used for the transportation of oil, petroleum, gas, gasoline and other liquid substances, together with all manholes, valves, appurtenances and service connections, including telephone lines in conduits, used in connection therewith and necessary or convenient for the operation of such pipelines, in, under, along and across North Northlake Place and North Northlake Way in the City of Seattle, all within a strip of land forty (40) feet in width across North Northlake Place and North Northlake Way approximately midblock between Woodlawn Avenue North and Densmore Avenue North.

Section 2. Section 8 of Ordinance 98300 is hereby amended to read as follows:

Section 8. The Permittee, its successors and assigns, shall pay to the City of Seattle such amounts as may be justly chargeable by said City as a cost of inspection of said pipeline system during any reconstruction, repair, alteration or at other times, under the direction of the ((Board)) Director

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of Engineering, and in addition shall pay annually in advance to the City of Seattle, upon bills rendered by the ((City Engineer)) Director of Engineering, a fee ((commencing September 1, 1969, in such amount as shall be computed upon the lineal feet of pipe within the city streets, in accordance with the following schedule of rates:

- All pipe under and not exceeding six (6) inches inside diameter ----- \$ .05 per linear foot
- All pipe exceeding six (6) inches and not over eight (8) inches inside diameter ----- \$ .06 per linear foot
- All pipe exceeding eight (8) inches and not over ten (10) inches inside diameter ----- \$ .07 per linear foot
- All pipe exceeding ten (10) inches and not over sixteen (16) inches inside diameter ----- \$ .08 per linear foot
- All pipe exceeding sixteen (16) inches and not over twenty (20) inches inside diameter ----- \$ .10 per linear foot))

for the privilege granted and exercised hereunder of Five Hundred Forty-Two Dollars (\$542.00) for each year of the permit, until November 26, 1999. All payments shall be made to the City Finance Department for credit to the General Fund.

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Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11 day of March, 1996, and signed by me in open session in authentication of its passage this 11 day of March, 1996.

John Dragg  
President \_\_\_\_\_ of the City Council

Approved by me this 14 day of March, 1996.

Moumoufice  
Mayor

Filed by me this 15 day of March, 1996.

Margaret Carter  
City Clerk

(SEAL)

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Seattle  
Engineering Department

John D. Okamoto, Director  
Norman B. Rice, Mayor



January 16, 1996

The Honorable Jan Drago, President  
Seattle City Council  
1100 Municipal Building  
600 Fourth Avenue  
Seattle, Washington 98104

VIA: Mayor Norman B. Rice

Attn: Tom Tierney, Director  
Office of Management and Planning

Subject: Metro Pipeline System at Northlake Place and North  
Northlake Way - Term Permt Fee Renewal

Honorable Members:

Ordinance 98300 and Resolution 26917, which are enclosed for your reference, granted the Municipality of Metropolitan Seattle a ten-year permit to maintain and operate a petroleum pipeline system under and across North Northlake Place and North Northlake Way, west of Densmore Avenue North. The pipelines connect Metro's property at 1602 North Northlake Way, with a dock site on Lake Union.

The ordinance expires November 26, 1999. However, the annual fee, which was established for the first five years of the permit, has expired and is due for renewal. The pipeline system has been reviewed by the City and it is recommended that the annual fee be increased from \$352.00 to \$542.00. Johnnie A. Butler, Real Property Agent for Metro, has reviewed the draft ordinance and is aware of the fee increase.

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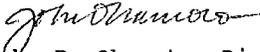
"Printed on Recycled Paper"

The Honorable Jan Drago  
January 16, 1996  
Page 2

The draft ordinance also proposes to change the Permittee's name from the Municipality of Metropolitan Seattle, to King County Department of Metropolitan Services.

I recommend that the enclosed draft ordinance, to increase the annual fee, and to change the Permittee's name, be adopted by the City Council.

Respectfully Submitted,

  
John D. Okamoto, Director  
Seattle Engineering Department

JDO/KTJ:rha

Enclosures

cc: John Manning, Chair, Seattle City Council, Transportation  
and Economic Development Committee

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King County Department of Metropolitan Services • Environmental Planning and Real Estate Division  
821 Second Ave., M.S. 120 • Seattle, WA 98104-1598 • (206) 684-1165 • Fax (206) 684-1900

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August 23, 1995

Mr. Ray Allwine, Supervisor  
Utility Permits & Franchises  
600 Fourth Avenue  
Seattle, WA 98104-1879

North Northlake Way Pipelines - Metro Facilities North

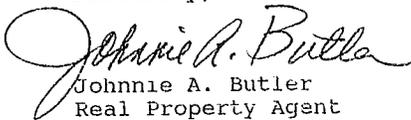
Dear Mr. Allwine:

We are in receipt of your letter dated August 1, 1995, wherein you offer two options related to the permit for maintaining the pipelines in North Northlake Way. Metro staff has reviewed the options and elect to maintain the pipeline system and pay the annual permit fee of \$542.00 for the renewal period ending November 26, 1999.

Please send us a copy of the resolution for the annual fee renewal after it has been passed by the city council.

Thank you for your cooperation in this matter. If you have questions I can be reached at 684-1333.

Sincerely,

  
Johnnie A. Butler  
Real Property Agent

JAB:ce

G:JB082395

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ORDINANCE 95800

AN ORDINANCE granting to Standard Oil Company of California permission to maintain and operate certain steel pipelines under and across North Northlake Place and North Northlake Way, west of Densmore Avenue North, specifying the conditions of the permit and providing for acceptance and a bond.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is hereby granted to Standard Oil Company of California, a corporation, its successors and assigns, hereinafter called the "Permittee", permission to maintain, operate, renew, repair, change the size and number of, and/or remove a system of pipelines, hereinafter called "pipeline system", to be used for the transportation of oil, petroleum, gas, gasoline and other liquid substances, together with all manholes, valves, appurtenances and service connections, including telephone lines in conduits, used in connection therewith and necessary or convenient for the operation of such pipelines, in, under, along and across North Northlake Place and North Northlake Way in the City of Seattle, all within a strip of land forty (40) feet in width across North Northlake Place and North Northlake Way approximately midblock between Woodlawn Avenue North and Densmore Avenue North.

Section 2. The permission herein conferred upon the Permittee shall be for a period of ten (10) years; provided, that upon the application of the Permittee the City Council may by resolution renew said permit for successive ten-year periods not to exceed a total of thirty (30) years which resolution may modify the Schedule of Rates set forth in Section 8 and the amount of the emergency fund provided for in

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Section 11 of this ordinance for the renewal period. In the event said permit is not renewed, or in the event the permission hereby granted extends to its termination thirty (30) years from the effective date of this ordinance then within ninety (90) days after the expiration or termination, as the case may be, the Permittee shall remove said pipeline system and shall place all portions of said street that may have been disturbed for any part of said pipeline system, in a good condition for public use, and in as good condition in all respects, as the abutting portions thereof.

Section 3. All reconstruction, relocation, replacement, readjustment or repair of said pipeline system shall be done in strict accordance with plans and specifications first approved and adopted by the Board of Public Works of The City of Seattle, hereinafter called "Board", and under the supervision and control of the Board. The Permittee when directed to do so by the Board, shall, at its own cost and expense, reconstruct, relocate, replace, readjust or repair said pipeline system in strict accordance with plans and specifications approved and adopted by and under the supervision and control of the Board, whenever such reconstruction, relocation, replacement, readjustment or repair shall, in the judgment of the Board, be necessary or convenient because of deterioration or unsafe condition of said pipeline system; change of street grade, improvement of streets, or separation of grades; or because of the installation, erection, construction, reconstruction, replacement, maintenance, operation, or repair of sewers, water mains or other improvements or any and all municipally owned public utilities, or for any other cause.

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Section 4. The Permittee agrees to pay all additional expense incurred by the City in the construction, repair, alteration or maintenance of the street or of any public utility, which expense is occasioned by the presence, maintenance, or repair of said pipeline system, and within thirty (30) days after receipt of a statement therefor, shall make payment of such amount to the City Treasurer.

Section 5. The Permittee by its acceptance of this ordinance and the permission hereby granted, does covenant and agree for itself, its successors and assigns, with The City of Seattle, to at all times protect and save harmless The City of Seattle from all claims, actions, suits, liability, loss, cost, expense or damage of every kind and description which may accrue to, or be suffered by, any person or persons or property, by reason of the construction, reconstruction, relocation, replacement, readjustment, repair, maintenance, operation or use of said pipeline system or the occupation or use of said streets or any portion thereof or anything done by the Permittee by virtue of this ordinance, and in case any suit or action shall be instituted or begun against said City for damages arising out of, or by reason of, the construction, reconstruction, relocation, replacement, readjustment, repair, maintenance, operation or use of said pipeline system, or anything done by the Permittee by virtue of this ordinance the Permittee, its successors or assigns, shall, upon notice to it or them, upon commencement of said suit or action, defend the same at its or their sole cost and expense, and in case judgment shall be rendered against such City in any such suit or action said Permittee, its successors or

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assigns, shall fully satisfy said judgment within ninety (90) days after such action or suit shall have been finally determined, if determined adversely to the City.

Section 6. The Permittee shall forfeit, and shall be deemed to have forfeited and abandoned, the permission granted by this ordinance unless within sixty (60) days after the approval of this ordinance the Permittee files in the office of the City Comptroller its written acceptance, duly executed and acknowledged, of the permission hereby conferred, subject to all the conditions, restrictions, specifications and requirements herein expressed, and a good and sufficient bond in the sum of Two Thousand Dollars (\$2,000), executed by a surety company authorized and qualified to do business in the State of Washington, conditioned that the Permittee shall strictly comply with each and every provision of this ordinance; Provided that whenever the Mayor shall determine that any bond or bonds filed pursuant to the provisions hereof are insufficient to fully protect The City of Seattle, and shall demand that a new or additional bond be furnished in such amounts as may be specified, the Permittee shall file the same within ten (10) days after notification of such determination.

Section 7. So long as the Permittee shall exercise any permission granted by this ordinance, it shall provide and maintain in full force and effect, public liability insurance in connection with the construction, reconstruction, relocation, replacement, readjustment, repair, operation, maintenance and use of the pipeline system, naming the City as an additional insured, providing for a limit of not less than Three Hundred Thousand Dollars (\$300,000) for all damages arising out of

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bodily injuries to or death of one person, and subject to that limit for each person, a total limit of not less than One Million Dollars (\$1,000,000) for all damages arising out of bodily injuries to or death of two or more persons in any one accident; and property damage liability insurance providing for a limit of not less than One Hundred Thousand Dollars (\$100,000), for all damage arising out of injury to or destruction of property in any one accident; Provided, however, that whenever the Mayor shall determine that such public liability insurance filed pursuant to the provisions hereof is insufficient to fully protect The City of Seattle, the Permittee shall, upon demand by said Mayor, furnish additional insurance in such amount and with such coverage as may be specified by said Mayor. A copy of such policy shall be filed in the office of the City Comptroller within sixty (60) days after approval of this ordinance and shall provide for ten (10) days notice to the City of any change, cancellation or lapse thereof.

Section 8. The Permittee shall pay to The City of Seattle such amounts as may be justly chargeable by said City as the cost of inspection of said pipeline system under the direction of the Board, and in addition shall pay annually in advance to The City of Seattle, upon bills rendered by the City Engineer, a fee commencing September 1, 1969, in such amount as shall be computed upon the lineal feet of pipe within the city streets, in accordance with the following schedule of rates:

All pipe under and not exceeding six (6) inches inside diameter	5¢ per lin. ft.
All pipe exceeding six (6) inches and not over eight (8) inches inside diameter	6¢ per lin. ft.

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All pipe exceeding eight (8) inches and not over ten (10) inches inside diameter	7¢ per lin. ft.
All pipe exceeding ten (10) inches and not over sixteen (16) inches inside diameter	8¢ per lin. ft.
All pipe exceeding sixteen (16) inches and not over twenty (20) inches inside diameter	10¢ per lin. ft.

Section 9. The permission hereby granted shall not be assignable or transferable by operation of law, nor shall said Permittee assign, transfer, mortgage, pledge or encumber the same, without the consent of the City Council by resolution.

Section 10. This permit is subject to the primary use by The City of Seattle of North Northlake Place and North Northlake Way as highways, and the City expressly reserves the right to require the Permittee to remove said pipeline system and fill the space formerly occupied thereby, in case it is at any time rendered necessary by the fact that use of the space occupied by said pipeline system is convenient or required for, or if said pipeline system interferes with any primary use of said space or of North Northlake Place or North Northlake Way by The City of Seattle, and a determination by the City Council, by ordinance, that such space is required for or interferes with such primary use, shall be conclusive and final, without any right of the Permittee to resort to the courts to question the same.

Section 11. The Permittee shall at all times keep on deposit in the City Treasury to the credit of the Board the sum of Two Hundred Dollars (\$200.00) to be designated as an emergency fund. Whenever, in the opinion of the Board, an emergency arises which necessitates the

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(To be used for all Ordinances except Emergency.)

immediate repair of any dangerous defect in North Northlake Place or North Northlake Way which has been caused by Permittee or said pipeline system, and the Permittee has failed on notice to immediately repair the same, the Board shall cause said repairs to be made at once, and shall bill the Permittee therefor and if the Permittee does not promptly pay the bill for the cost of such repairs, then the Board may, on order of the City Council, draw the amount of such bill from said emergency fund, which fund shall be reimbursed by said Permittee without delay, and kept up to said amount of Two Hundred Dollars (\$200.00). This provision as to an emergency fund is in addition to all other provisions herein contained on the subject of repairing streets and public plaes, and is not intended to modify or change any of the provisions or penalties of this permit concerning the same.

Section 12. 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 27 day of October, 1967,  
and signed by me in open session in authentication of its passage this 27 day of October, 1967.

Pro Tem of the City Council.

Approved by me this 31 day of October, 1967.

Mayor.

Filed by me this 31 day of October, 1967.

Attest: City Comptroller and City Clerk.

(SEAL)

Published

By Deputy Clerk.

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RESOLUTION 28137

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A RESOLUTION renewing, for a period of ten (10) years, the permit granted to Metro by Ordinance 98300 to maintain and operate pipelines under and across North Northlake Place and North Northlake Way west of Densmore Avenue North, and to establish the annual fee in accordance with the fee schedule adopted by the Board of Public Works in February 1985.

WHEREAS, the Board of Public Works adopted a fee schedule for computing annual fees for term permits, based on an appraisal of that portion of the property rights encumbered, times an applicable rate of return, plus the estimated costs of annual inspections. Now, Therefore,

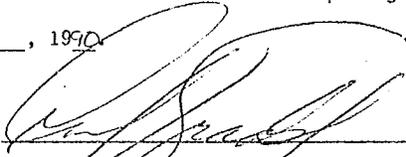
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

As requested by the Board of Public Works and recommended by the Mayor in the attachments hereto, the permit granted to Metro by Ordinance 98300 to maintain and operate pipelines under and across North Northlake Place and North Northlake Way, west of Densmore Avenue North is hereby renewed for a ten (10) year period ending November 26, 1999, upon terms and conditions set forth in Ordinance 98300.

Pursuant to Section 2 of the ordinance, the permittee shall promptly pay to the City in advance upon statements rendered by the Director of Engineering, a fee of Three Hundred Fifty-Two Dollars (\$352.00) annually, until November 26, 1994.

All payments shall be made to the City Treasurer for credit to the General Fund.

PASSED the City Council the 26<sup>th</sup> day of February, 1990 and signed by me in open session in authentication of its passage this 26<sup>th</sup> day of February, 1990

  
\_\_\_\_\_  
President of the City Council

Filed by me this 26<sup>th</sup> day of February, 1990

ATTEST: Norward J. Brooks  
\_\_\_\_\_  
City Comptroller and City Clerk

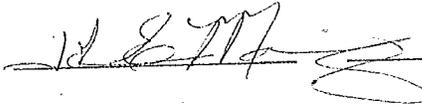
BY: Theresa Dunbar  
\_\_\_\_\_  
Deputy

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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:

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

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

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# City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director  
Norman B. Rice, Mayor

January 17, 1996

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 relating to the existing permit granted to the Municipality of Metropolitan Seattle by Ordinance 98300 and Resolution 26917 to construct, maintain and operate petroleum pipelines under and across North Northlake Place and North Northlake Way, west of Densmore Avenue North by changing Permittee's name therein to King County Department of Metropolitan Services; and by amending Section 8 thereof to revise the method of calculating the annual fee, for establishing the annual fee for the remainder of the permit.

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 OMP. Any specific questions regarding the legislation can be directed to Kwan Wong at 684-8083.

Sincerely,

Norman B. Rice  
Mayor

by

*Tom Tierney*  
for Tom Tierney, Director

legis/wong12

Enclosure

96-008



*ok gpb  
122-96*

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JAN 18 2 11:34  
CITY OF SEATTLE

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STATE OF WASHINGTON - KING COUNTY

66169  
City of Seattle, City Clerk

-ss.

No. IN FULL

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 published in the State of Washington 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 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

CT:ORD 118040

was published on

03/29/96

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

Subscribed and sworn to before me on

03/30/96

Notary Public for the State of Washington,  
residing in Seattle

Affidavit of Publication

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