

Ordinance No. 120497

Council Bill No. 113737

AN ORDINANCE vacating a subterranean portion of Elliot Avenue on the petition of the Port of Seattle, and accepting an easement for traffic signal facilities and an agreement for maintenance, in relation herein, (Clerk File 301528).

The City of Seattle - Legislative Department  
Council Bill/Ordinance sponsored by: R

**Committee Action:**

Approved 2-0 RJM, HW

9-4-01 Passed

(Excused: Wills)

This file is complete and ready for presentation to Full Council. Com

*Law Department*

Law Dept. Review

OMP  
Review

*me*  
City Clerk  
Review

CF No. \_\_\_\_\_

|                              |                                   |  |
|------------------------------|-----------------------------------|--|
| Date Introduced:             | JUL - 9 2001                      |  |
| Date 1st Referred:           | To: (committee)<br>TRANSPORTATION |  |
| Date Re - Referred:          | To: (committee)                   |  |
| Date Re - Referred:          | To: (committee)                   |  |
| Date of Final Passage:       | Full Council Vote:<br>8-0         |  |
| Date Presented to Mayor:     | Date Approved:<br><i>filed</i>    |  |
| Date Returned to City Clerk: | Date Published:                   | T.O. <input checked="" type="checkbox"/><br>F.T. <input checked="" type="checkbox"/> |
| Date Vetoed by Mayor:        | Date Veto Published:              |  |
| Date Passed Over Veto:       | Veto Sustained:                   |  |



ORDINANCE 120497

1  
2 AN ORDINANCE vacating a subterranean portion of Elliot Avenue on the petition of the Port  
3 of Seattle, and accepting an easement for traffic signal facilities and an agreement for  
4 maintenance, in relation herein, (Clerk File 301528).

5 WHEREAS, there has been filed with the City Council the petition of the Port of Seattle (Clerk  
6 File 301528) for the vacation of public rights of way, as therein fully described as an  
7 amendment to Clerk Files 296649 and 297673 as amended; and

8 WHEREAS, a public hearing on said petition was held on June 17, 1997; and

9 WHEREAS, pursuant to Section 35.79.030, RCW, Seattle Municipal Code Chapter 15.62 and  
10 Ordinance 114876, the petitioners have paid the administrative costs of the vacation  
11 petition; Now, Therefore;

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

13 Section 1. That

14 Those portions of Lots 5 and 8, Block 33, A. A. Denny's 6<sup>th</sup> Addition to the City  
15 of Seattle as recorded in Volume 1 of Plats, page 99, Records of King County,  
16 Washington, and of Water Street (now Elliott Avenue) as shown and so  
17 designated on said plat, described as a whole as follows:

18 Commencing at the most northerly corner of Lot 2, Block 32, said Plat,

19 Thence South 68°29'52" East 13.71 feet along the northerly line of that portion  
20 of said Elliott Avenue vacated by City of Seattle Ordinance 117279, Recorded  
21 under King County Recording No. 9409060954, to the True Point of Beginning;

22 Thence continuing South 68°29'52" East 31.85 feet along said northerly line to a  
23 point hereinafter referred to as Point "A";

24 Thence continuing South 68°29'52" East 91.70 feet to a point hereinafter  
25 referred to as Point "B";

26 Thence continuing South 68°29'52" East 48.65 feet to the most westerly corner  
27 of that portion of said Block 33 lying southerly of the southerly margin of Elliott  
28 Avenue as condemned by City of Seattle Ordinance No. 12502;

29 Thence South 70°01'14" East 61.42 feet along said southerly margin to the most  
30 westerly corner of that portion of said Block 33 condemned for Elliott Avenue  
by City of Seattle Ordinance No. 77749 and the beginning of a curve concave  
southerly having a radius of 290.00 feet;

Thence easterly 9.27 feet along said curve and said southerly margin of Elliott  
Avenue through a central angle of 01°49'54";

Thence leaving said southerly margin North 19°58'46" East 9.55 feet;

Thence North 70°01'14" West 119.33 feet to a point hereinafter referred to as  
Point "C";

Thence continuing North 70°01'14" West 91.67 feet to a point hereinafter  
referred to as Point "D";

Thence continuing North 70°01'14" West 30.08 feet;

Thence South 39°57'22" West 5.13 feet to the True Point of Beginning;

EXCEPT that portion thereof lying above a horizontal plane at elevation 42.30  
feet (City of Seattle Datum) and lying northwesterly of a straight line  
connecting Points "A" and "D", described above;

ALSO EXCEPT that portion thereof lying above a horizontal plane at elevation  
50.80 feet (City of Seattle Datum) and lying between two straight lines  
connecting Points "A" and "D" and Points "B" and "C", described above;

AND ALSO EXCEPT that portion thereof lying above an inclined plane having  
an elevation of 50.80 (City of Seattle Datum) at points "B" and "C", described  
above and having an elevation of 58.02 feet (City of Seattle Datum) along the  
easterly line of the parcel described above.

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



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be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the Easement Agreement, King County Recording Number 200110427001551, attached hereto as Attachment A, is hereby accepted.

Section 3. The Maintenance Agreement, Recording Number 200110427001550, attached hereto as Attachment B, is hereby accepted.

Section 4. 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 of the City of Seattle this 4<sup>th</sup> day of September, 2001, and signed by me in open session in authentication of its passage this 4<sup>th</sup> day of September, 2001.

Margaret C. Papp  
President of the City Council

Approved by me this 10<sup>th</sup> day of SEPTEMBER, 2001.

Paul Schell  
Mayor

Filed by me this 11<sup>th</sup> day of September, 2001.

Jessie E. Hoppin  
City Clerk

(Seal)

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When Recorded, Return to.

ATTACHMENT B

HILLIS CLARK MARTIN & PETERSON, P.S.  
Attention: Melody B. McCutcheon  
500 Galland Building  
1221 Second Avenue  
Seattle, WA 98101-2925

CONFORMED COPY

20010427001550  
HILLIS CLARK AG  
PAGE 001 OF 008  
04/27/2001 13:55  
KING COUNTY, WA  
15.00

**ELLIOTT AVENUE STREET VACATION AGREEMENT**

|   |  |          |
|---|--|----------|
| Grantor:  | 1) Port of Seattle   | 2) _____ |
|   | <input type="checkbox"/> Additional on page _____  |          |
| Grantee:  | 1) Port of Seattle   | 2) _____ |
|   | <input type="checkbox"/> Additional on page _____  |          |
| Legal Description (abbreviated):                  | All that portion of Block 171B, Seattle Tide Lands lying northeasterly of certain described property |          |
|   | <input checked="" type="checkbox"/> Additional on : <u>EXHIBIT A</u>                                 |          |
| Assessor's Tax Parcel ID #:                       | 678095-0010<br>678095-0020<br>678095-0030<br>678095-0040<br>678095-0050                              |          |
| Reference Nos. of Documents Released or Assigned: | Not Applicable   |          |

WHEREAS, the Port of Seattle is the owner of real property situated in King County, as described on EXHIBIT A, located at 2211 Elliott Avenue, Seattle, Washington ("Port Property"), upon which it and others have constructed a garage and office building ("World Trade Center Building"); and

WHEREAS, the Port Property will include a subterranean portion of Elliott Avenue, which the City of Seattle voted to vacate, subject to conditions, on June 23, 1997 (C.F. No. 301528, said area described on EXHIBIT B); and

WHEREAS, one of the conditions of street vacation approval was that an agreement be entered into whereby the property owner agreed to own and maintain any structure located on the portion of Elliott Avenue to be vacated; and

COPY



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WHEREAS, the City of Seattle Department of Construction and Land Use has issued Master Use Permits for the World Trade Center Building (Project Nos. 9604376 and 9600428), and Building Permits for the World Trade Center Building (Project Nos. 9700491, 9703500, 9703978, 9703984, 9703497) on the Port Property, including a parking garage structure on the portion of Elliott Avenue to be vacated; and

WHEREAS, execution of this agreement is necessary to obtain final street vacation approval from the City;

NOW THEREFORE, the Port of Seattle does hereby agree on behalf of itself, its heirs, successors and assigns that:

1. **Ownership.** The Port is the owner of the parking garage structure in the portion of Elliott Avenue to be vacated.
2. **Maintenance.** The Port shall be responsible for any and all costs related to, and maintenance and repair of, all structures located in the portion of Elliott Avenue to be vacated.
3. **Liability for Structures Located in Portion of Elliott Avenue to be Vacated.** The Port, by its execution of this Agreement, does release the City of Seattle (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 the sole negligence of the City), which may accrue to, or be suffered by, any person or persons and/or property or properties, 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 the maintenance, operation or use of structures located in the portion of Elliott Avenue to be vacated, 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 Agreement, or by reason of the Port, its successors or assigns, failing or refusing to strictly comply with each and every provision of this Agreement; 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 ninety (90) days after such action or suit shall have been finally determined, if determined adversely to the City. Provided that if it is determined by a court of competent jurisdiction that RCW 4.24.115 applies to this Agreement, 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 Port, 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 Port or Port's agents, contractors, employees or its successors or assigns.



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4. **Entire Agreement.** This Agreement contains the entire agreement between the Port and the City and supersedes any previous agreements or negotiations. The exhibits attached hereto are incorporated herein by this reference. Modification or waiver of any of the provisions of this Agreement shall be effective only if made in writing and executed with the same formality as this Agreement.

5. **Covenants Running with the Land.** The agreements, covenants, and restrictions contained herein shall be deemed covenants running with the land and shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, successors and assigns, including, but without limitation, all subsequent owners of and parties who obtain an interest in the Port Property. Conveyance of the Port Property shall be subject to this Agreement.

WITNESSETH this 25<sup>th</sup> day of April, 2001.

**PORT OF SEATTLE,**  
a municipal corporation

By James M. Tibbony for MRS  
Name M.R. Dinsmore  
Title CEO

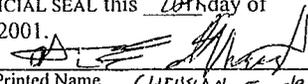
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STATE OF WASHINGTON }  
COUNTY OF KING } ss.

On this day personally appeared before me THOMAS M. TIERNEY, to me known to be the CEO of PORT OF SEATTLE, the municipal corporation that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 26th day of APRIL, 2001.

  
Printed Name CHRISTIAN E. DEMAG  
NOTARY PUBLIC in and for the State of Washington,  
residing at SEATTLE, WA  
My Commission Expires 9/24/01



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## EXHIBIT A

### LEGAL DESCRIPTION OF PORT PROPERTY

#### PARCEL A:

ALL THAT PORTION OF BLOCK 171B, SEATTLE TIDE LANDS, ACCORDING TO THE OFFICIAL MAPS THEREOF ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON, AND OF BLOCK 32, ADDITION TO THE TOWN OF SEATTLE AS LAID OUT BY A.A. DENNY (COMMONLY KNOWN AS A.A. DENNY'S SIXTH'S ADDITION TO THE CITY OF SEATTLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 99, IN KING COUNTY, WASHINGTON, LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 6, SAID BLOCK 171B; THENCE NORTH 47°41'27" WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 262.21 FEET TO AN INTERSECTION WITH A LINE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MOST SOUTHERLY TRACK WHICH PASSES THROUGH SAID BLOCKS, AS SAID TRACK WAS LOCATED ON MAY 16, 1989, SAID CONCENTRIC LINE BEING ON A CURVE OF 1,560.60 FOOT RADIUS, THE ORIGIN OF WHICH BEARS NORTH 25°12'42" EAST 1,560.60 FEET FROM SAID INTERSECTION; THENCE SOUTHEASTERLY ALONG SAID CURVE AND CONCENTRIC LINE AN ARC DISTANCE OF 122.16 FEET THROUGH A CENTRAL ANGLE OF 4°29'06" TO A POINT OF TANGENCY THEREIN; THENCE SOUTH 69°16'24" EAST ALONG AFORESAID LINE PARALLEL WITH AND 15.0 FEET SOUTHWESTERLY FROM TRACK CENTERLINE A DISTANCE OF 69.24 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT OF 1,451.11 FOOT RADIUS; THENCE ALONG SAID CURVE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM SAID TRACK CENTERLINE AN ARC DISTANCE OF 85.35 FEET THROUGH A CENTRAL ANGLE OF 3°22'12" TO THE BEGINNING OF A CURVE TO THE RIGHT OF 659.64 FOOT RADIUS; THENCE ALONG SAID CURVE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM SAID TRACK CENTERLINE AN ARC DISTANCE OF 2.47 FEET THROUGH A CENTRAL ANGLE OF 0°12'13" TO THE SOUTHEASTERLY LINE OF AFORESAID LOT 11, BLOCK 32; THENCE SOUTH 42°18'55" WEST ALONG SAID SOUTHEASTERLY LINE AND ALONG THE SOUTHEASTERLY LINE OF SAID LOT 6, BLOCK 171B, 95.73 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE SOUTHEASTERLY HALF OF VACATED BELL STREET, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED THERETO BY OPERATION OF LAW;

AND TOGETHER WITH THAT PORTION OF THE VACATED NORTHEASTERLY 31 FEET OF ALASKAN WAY, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, LYING SOUTHEASTERLY OF THE SOUTHWESTERLY EXTENSION OF THE CENTERLINE OF SAID VACATED BELL STREET, AND LYING NORTHWESTERLY OF THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID VACATED BELL STREET;

AND TOGETHER WITH THAT PORTION OF LOTS 8, 9, AND 12, BLOCK 33, 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

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SEATTLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 99, IN KING COUNTY, WASHINGTON, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY MARGIN OF ELLIOTT AVENUE, AS CONDEMNED BY THE CITY OF SEATTLE UNDER ORDINANCE NO. 12502;

EXCEPT ANY PORTION THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT NO. 397727 FOR THE WIDENING OF ARMORY WAY (NOW KNOWN AS ALASKAN FREEWAY) BY THE CITY OF SEATTLE UNDER ORDINANCE NO. 77749;

AND TOGETHER WITH THAT PORTION OF VACATED BLANCHARD STREET, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED TO SAID PORTION OF BLOCK 32 BY OPERATION OF LAW;

AND TOGETHER WITH THAT PORTION OF VACATED ELLIOTT AVENUE, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED TO SAID PORTIONS OF BLOCKS 32 AND 33, BY OPERATION OF LAW;

AND TOGETHER WITH THAT PORTION OF VACATED ELLIOTT AVENUE, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 9123, LYING NORTHWESTERLY OF THE EXTENSION OF THE SOUTHEASTERLY LINE OF BLANCHARD STREET AND SOUTHEASTERLY OF A LINE LYING 120 FEET NORTHWESTERLY OF AND PARALLEL WITH THE EXTENSION OF THE NORTHWESTERLY MARGIN OF BLANCHARD STREET;

EXCEPT THOSE PORTIONS OF SAID BLOCKS, STREETS AND AVENUES LYING BETWEEN A LINE CONCENTRIC AND/OR PARALLEL WITH AND 15.0 FEET NORTHEASTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MOST NORTHEASTERLY TRACK WHICH PASSES THROUGH SAID BLOCKS, STREETS AND AVENUES AND LINE CONCENTRIC AND/OR PARALLEL WITH AND 15.0 FEET SOUTHWESTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MOST SOUTHWESTERLY TRACK WHICH PASSES THROUGH SAID BLOCKS AND CONTINUES THROUGH SAID STREETS AND AVENUES.

PARCEL B:  
THAT PORTION OF LOT 5, BLOCK 33, 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, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY MARGIN OF ELLIOTT AVENUE AS CONVEYED TO THE CITY OF SEATTLE BY DEED RECORDED UNDER RECORDING NO. 673412;

TOGETHER WITH THAT PORTION OF VACATED ELLIOTT AVENUE, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED TO LOTS 4 AND 5 OF SAID BLOCK 33 UPON THE VACATION THEREOF.

PARCEL C:  
ALL THAT PORTION OF BLOCK 171B, SEATTLE TIDELANDS, ACCORDING TO THE OFFICIAL MAPS THEREOF ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON, AND OF 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, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 6, SAID BLOCK 171B; THENCE NORTH 47°41'27" WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK, 262.21 FEET TO AN INTERSECTION WITH A LINE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MOST SOUTHERLY TRACK WHICH PASSES THROUGH SAID BLOCKS, AS SAID TRACK WAS LOCATED ON MAY 16, 1989, SAID CONCENTRIC LINE BEING ON A CURVE OF 1,560.60 FOOT RADIUS, THE ORIGIN OF WHICH BEARS NORTH 25°12'42" EAST 1,560.60 FEET FROM SAID INTERSECTION; THENCE SOUTHEASTERLY ALONG SAID CURVE AND CONCENTRIC LINE AN ARC DISTANCE OF 122.16 FEET THROUGH A CENTRAL ANGLE OF 4°29'06" TO A POINT OF TANGENCY THEREIN; THENCE SOUTH 69°16'24" EAST ALONG AFORESAID LINE PARALLEL WITH AND 15.0 FEET SOUTHWESTERLY FROM TRACK CENTERLINE A DISTANCE OF 69.24 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT OF 1,451.11 FOOT RADIUS; THENCE ALONG SAID CURVE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM SAID TRACK CENTERLINE AN ARC DISTANCE OF 85.15 FEET THROUGH A CENTRAL ANGLE OF 3°22'12" TO THE BEGINNING OF A CURVE TO THE RIGHT OF 659.64 FOOT RADIUS; THENCE ALONG SAID CURVE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM SAID TRACK CENTERLINE AN ARC DISTANCE OF 2.47 FEET THROUGH A CENTRAL ANGLE OF 0°12'13" TO THE SOUTHEASTERLY LINE OF AFORESAID LOT 11, BLOCK 32; THENCE SOUTH 42°18'55" WEST ALONG SAID SOUTHEASTERLY LINE AND ALONG THE SOUTHEASTERLY LINE OF SAID LOT 6, BLOCK 171B, 95.73 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF VACATED BLANCHARD STREET, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED TO SAID BLOCKS 32 AND 171B BY OPERATION OF LAW, AND THAT PORTION OF THE VACATED NORTHEASTERLY 31 FEET OF ALASKAN WAY, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279 WHICH LIES NORTHWESTERLY OF THE SOUTHWESTERLY EXTENSION OF THE CENTERLINE OF SAID VACATED BLANCHARD STREET; ALL LYING SOUTHWESTERLY OF A LINE CONCENTRIC AND/OR PARALLEL WITH AND 15.0 FEET SOUTHWESTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY'S) MOST SOUTHWESTERLY TRACK WHICH PASSES THROUGH SAID AVENUE AND STREET.

PARCEL D:  
THE NORTHWESTERLY HALF OF VACATED BELL STREET AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279;

TOGETHER WITH THAT PORTION OF THE VACATED NORTHEASTERLY 31 FEET OF ALASKAN WAY, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, LYING NORTHWESTERLY OF THE SOUTHWESTERLY EXTENSION OF THE CENTERLINE OF SAID VACATED BELL STREET.



**EXHIBIT B**

Portion of Elliott Avenue To Be Vacated

THOSE PORTIONS OF LOTS 5 AND 8, BLOCK 33, ADDITION TO THE TOWN OF SEATTLE AS LAID OUT BY A.A. DENNY (COMMONLY KNOWN AS A.A. DENNY'S 6TH ADDITION TO THE CITY OF SEATTLE) AS RECORDED IN VOLUME 1 OF PLATS, PAGE 99, RECORDS OF KING COUNTY, WASHINGTON, AND OF WATER STREET (NOW ELLIOTT AVENUE) AS SHOWN AND SO DESIGNATED ON SAID PLAT, DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 2, BLOCK 32, SAID PLAT, THENCE SOUTH 68°29'52" EAST 13.71 FEET ALONG THE NORTHERLY LINE OF THAT PORTION OF SAID ELLIOTT AVENUE VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, RECORDED UNDER KING COUNTY RECORDING NO. 9409060954, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 68°29'52" EAST 31.85 FEET ALONG SAID NORTHERLY LINE TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING SOUTH 68°29'52" EAST 91.70 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B" THENCE CONTINUING SOUTH 68°29'52" EAST 48.65 FEET TO THE MOST WESTERLY CORNER OF THAT PORTION OF SAID BLOCK 33 LYING SOUTHERLY OF THE SOUTHERLY MARGIN OF ELLIOTT AVENUE AS CONDEMNED BY CITY OF SEATTLE ORDINANCE NO. 12502; THENCE SOUTH 70°01'14" EAST 61.42 FEET ALONG SAID SOUTHERLY MARGIN TO THE MOST WESTERLY CORNER OF THAT PORTION OF SAID BLOCK 33 CONDEMNED FOR ELLIOTT AVENUE BY CITY OF SEATTLE ORDINANCE NO. 77749 AND THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 290.00 FEET; THENCE EASTERLY 9.27 FEET ALONG SAID CURVE AND SAID SOUTHERLY MARGIN OF ELLIOTT AVENUE THROUGH A CENTRAL ANGLE OF 01°49'54"; THENCE LEAVING SAID SOUTHERLY MARGIN NORTH 19°58'46" EAST 9.55 FEET; THENCE NORTH 70°01'14" WEST 119.33 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "C"; THENCE CONTINUING NORTH 70°01'14" WEST 91.67 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "D"; THENCE CONTINUING NORTH 70°01'14" WEST 30.08 FEET; THENCE SOUTH 39°57'22" WEST 5.13 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING ABOVE A HORIZONTAL PLANE AT ELEVATION 42.30 FEET (CITY OF SEATTLE DATUM) AND LYING

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NORTHWESTERLY OF A STRAIGHT LINE CONNECTING POINTS "A" AND "D", DESCRIBED ABOVE;

ALSO EXCEPT THAT PORTION THEREOF LYING ABOVE A HORIZONTAL PLANE AT ELEVATION 50.80 FEET (CITY OF SEATTLE DATUM) AND LYING BETWEEN TWO STRAIGHT LINES CONNECTING POINTS "A" AND "D" AND POINTS "B" AND "C", DESCRIBED ABOVE;

AND ALSO EXCEPT THAT PORTION THEREOF LYING ABOVE AN INCLINED PLANE HAVING AN ELEVATION OF 50.80 FEET (CITY OF SEATTLE DATUM) AT POINTS "B" AND "C", DESCRIBED ABOVE AND HAVING AN ELEVATION OF 58.02 FEET (CITY OF SEATTLE DATUM) ALONG THE EASTERLY LINE OF THE PARCEL DESCRIBED ABOVE.

SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

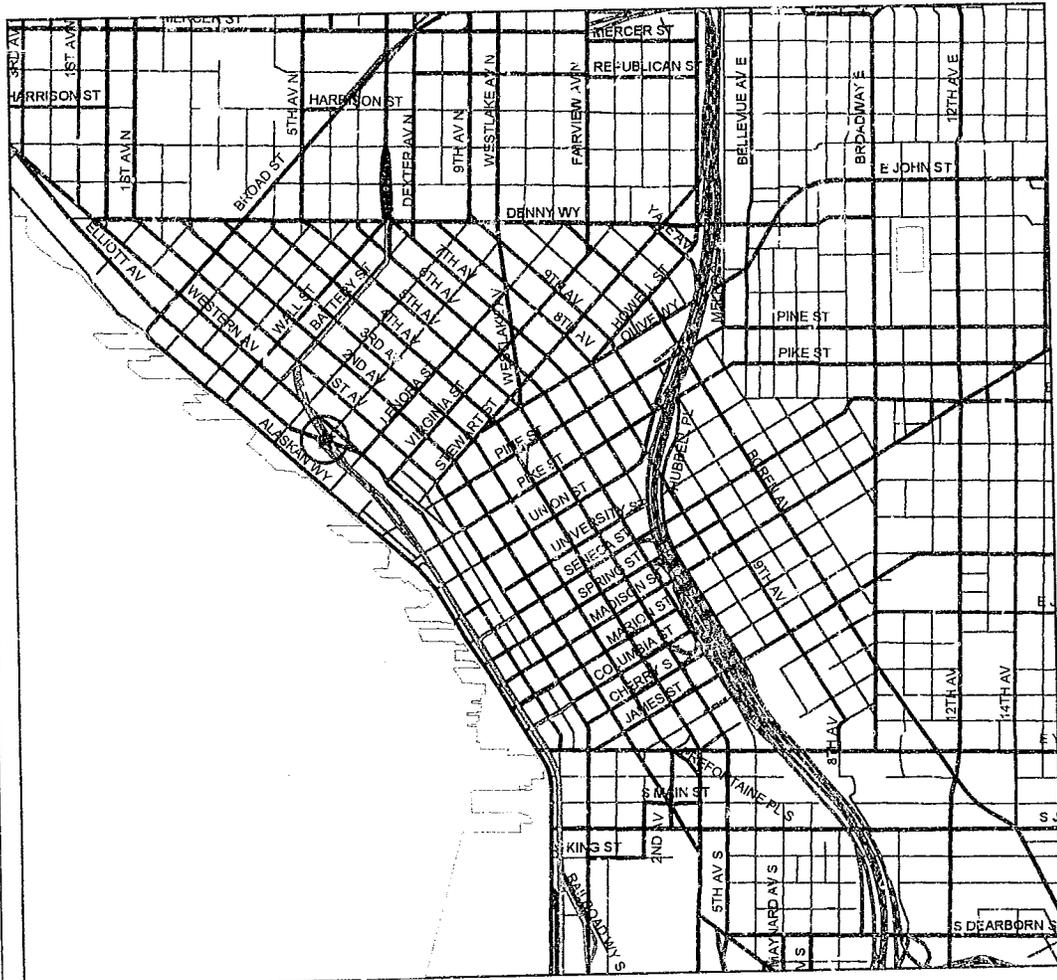
THE PARCEL DESCRIBED ABOVE CONTAINS 1,885 SQUARE FEET, MORE OR LESS.

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# The City of Seattle



### Legend

- ≡ Floating Bridges
- ≡ Chain of Swaps
- ≡ Interstate Freeway
- ≡ Streets
- ≡ Residential
- ≡ Arterials
- ≡ State Highway
- ≡ Interstate Freeway
- Text Displays at 1:24,000 and larger Arterial Names
- Arterials & Local Streets - large scale
- ≡ Residential
- ≡ Principal Arterial
- ≡ Minor Arterial
- ≡ Collector Arterial
- ≡ State Route/Freeway

0 500 Feet

Produced by the City of Seattle

May 23, 2001

## Elliot Avenue Street Vacation Vicinity Map

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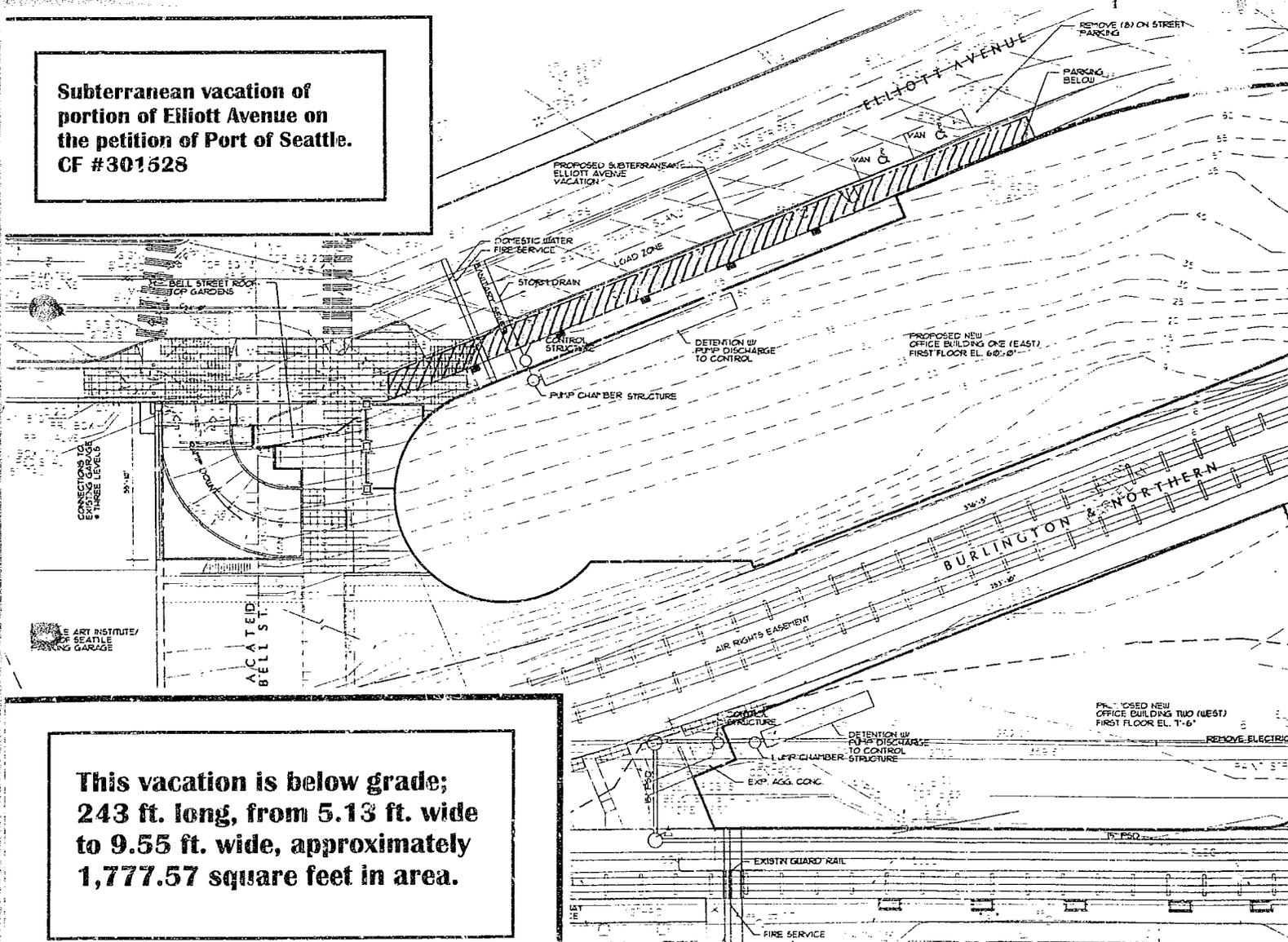


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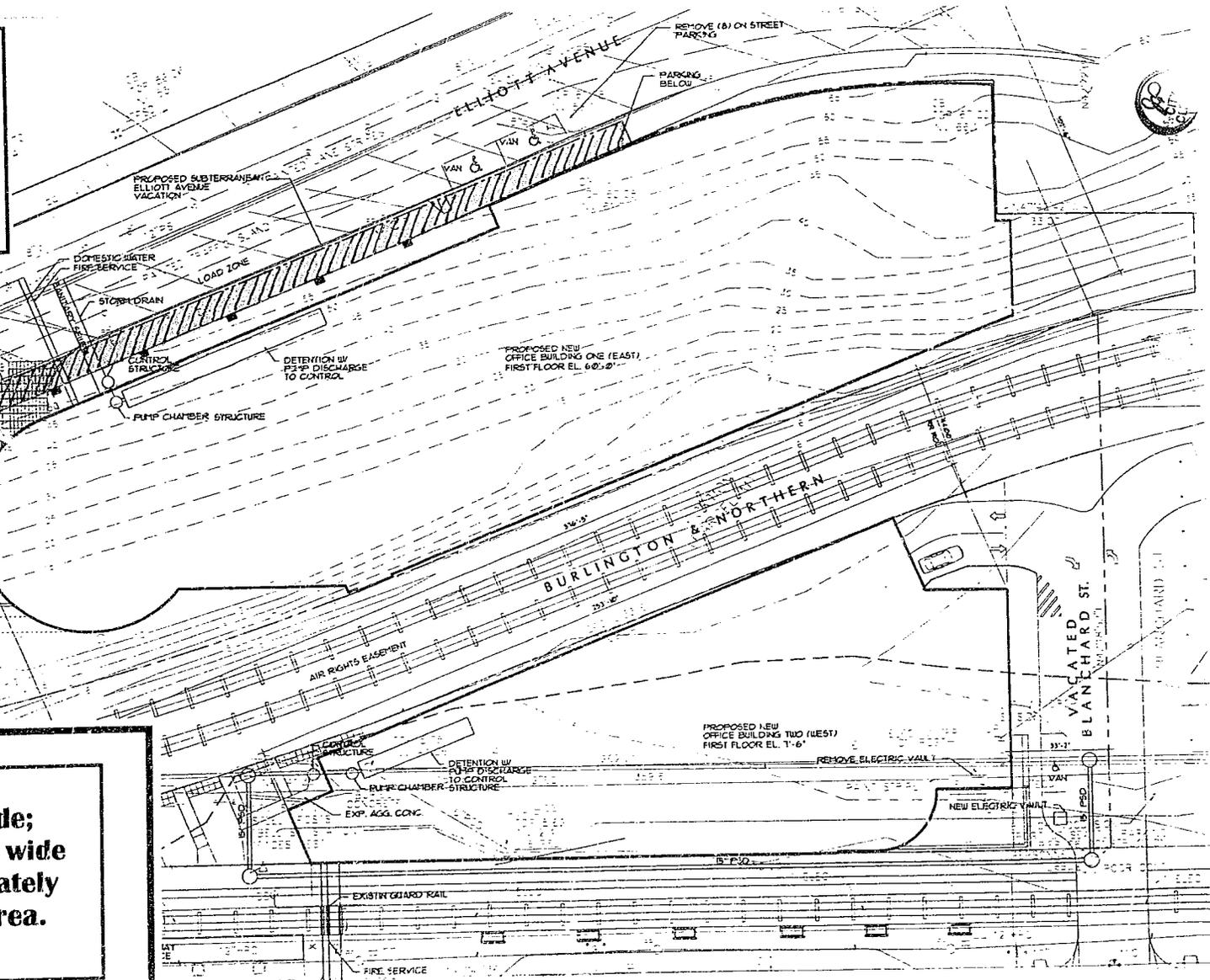


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**Subterranean vacation of  
portion of Elliott Avenue on  
the petition of Port of Seattle.  
CF #301628**



**This vacation is below grade;  
243 ft. long, from 5.13 ft. wide  
to 9.55 ft. wide, approximately  
1,777.57 square feet in area.**



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# City of Seattle

Paul Schell, Mayor

## Seattle Transportation

Daryl R. Grigsby, Director

July 6, 2001

Honorable Margaret Pageler  
President, Seattle City Council  
1100 Municipal Building  
600 Fourth Avenue  
Seattle, Washington 98104

VIA: Law Department

SUBJECT: Vacation of a Subterranean Portion of Elliott Avenue, C.F. 301528

Dear Councilmember Pageler:

Enclosed is the Council Bill to vacate a subterranean portion of Elliott Avenue between Bell and Blanchard Streets, as particularly described in Clerk File 301538. The Port of Seattle filed the vacation petition in 1996 as an amendment to the Central Waterfront Project. The Central Waterfront Project included the World Trade Center, which is built on the west side of Elliott Avenue on a narrow and challenging site. The vacation allows the use of a narrow subterranean portion of the right-of-way for a parking garage for the World Trade Center and surrounding activities. The City Council granted preliminary approval in 1997. This legislation vacates a portion of Elliott Avenue that is 243 feet long and varies in width from 5.13 to 9.55 feet. It also accepts agreements for a traffic signal equipment easement and maintenance of the garage structure.

### Background

The Central Waterfront Project represented a major effort by the Port of Seattle to consolidate its holdings, link the waterfront to uphill neighborhoods, and connect traditional waterfront uses with expanding international trade. The Project included the international conference center, boat moorage, public spaces and art, restaurants, retail, condominiums, hotel, multi-purpose trail, and the World Trade Center. The Project went through extensive City review. The Project began in the late 1980's and proposed vacations eventually included portions of Virginia, Lenora, Pine, Blanchard, Bell, and Elliott Streets east of Alaskan Way, and portions of Alaskan Way.

Seattle Municipal Building, 600 Fourth Avenue, Room 410, Seattle, WA 98104-1879  
Tel: (206) 684-7623, TTY/TDD: (206) 684-4009, Fax: (206) 684-5180

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



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Honorable Margaret Pageler  
July 6, 2001  
Page Two

The City Council granted conceptual approval of the vacations, requiring that the Project enhance the City's long-term vision for the waterfront and provide for enhanced public access and amenities. The Project was required to comply with the Design Guidelines established by an interdepartmental design review team, satisfy all utility issues, insure public access to the Bell Street overpass and the Lenora overlook, and provide payment of \$2.8 Million dollars. The vacations of Virginia, Lenora, Pine, Blanchard, and Bell Streets and the original portion of Elliott Avenue were finalized through Ordinance 117593 in 1995. The subterranean portion of Elliott Avenue is the remaining vacation to be finished under the Central Waterfront Project.

As part of the Central Waterfront Project, the Port anticipated that the World Trade Center would promote Seattle as the regional center for international trade. The World Trade Center consists of two separate office buildings located at vacated Bell Street between Elliott Avenue and Alaskan Way, directly across from Pier 66. The site is split by Burlington Northern Santa Fe Railroad tracks and there is a building situated on either side of the tracks. The western portion of the site is hampered by high groundwater level, so the majority of the parking for the World Trade Center is located on the eastern portion. The site east of the railroad tracks is very narrow and steep. This required the Port to include an additional subterranean portion of Elliott Avenue to accommodate the construction of a parking garage sufficient to provide parking for both World Trade Center buildings and additional parking for the rest of the Central Waterfront Project.

The building on the western site between Alaskan Way and the railroad tracks is four stories. It contains retail uses at the street level directly adjacent to the multi-purpose trail. Office, software, and related uses occupy the upper levels. There is accommodation for a small number of cars, fewer than 40.

The building on the east site is the larger one and fronts on Elliott Avenue. It is six stories and also contains some businesses associated with international trade. The subsurface garage on the east site is five stories and provides parking spaces for about 547 vehicles. Four of the five parking levels require space in a portion of below grade Elliott Street right-of-way area. No other portions of the buildings on the east site are in the right-of-way.

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Honorable Margaret Pageler  
July 6, 2001  
Page Three

Conditions

The City Council granted approval of this vacation petition in 1997 with the following conditions:

1. All utility issues shall be resolved to the full satisfaction of the affected utility. These may include easements, restrictive covenants, relocation agreements, or acquisition of the facilities. Providing for the utilities is done at the sole expense of the petitioner. Agreements for access to City facilities and maintenance agreements shall also be required. The affected utilities include:
  - Seattle Transportation (SeaTran) Traffic Management for access to signal control equipment.
  - SeaTran Roadway and Structure Design requires an agreement for maintenance.
  - Seattle Public Utilities requires notification prior to the beginning of construction.
2. All required street improvements shall be designed to City standards and shall require approval by SeaTran and Department of Design, Construction and Land Use (DCLU). The required street improvements include:
  - A curb bulb shall be required on the east side of Elliott Avenue at Bell street to more closely align the pedestrian street crossing with the Bell Street overpass and to narrow the street crossing for pedestrians.
  - A full traffic signal shall be required at the intersection of Bell Street and Elliott Avenue. Signage, signal timing, crosswalk design, and garage ingress and egress shall emphasize the pedestrian character of the Bell Street area.
  - The Port shall improve pedestrian safety at the pedestrian crossing at Elliott Avenue and the Alaskan way viaduct by narrowing the pedestrian crossing width by widening the sidewalk.
  - The design for the garage ingress and egress, and the location for the loading and service bays and the Americans with Disabilities Act (ADA) parking shall require SeaTran and DCLU approval through the MUP process.

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Honorable Margaret Pagler  
July 6, 2001  
Page Four

Fulfillment of Conditions

The Port of Seattle has fulfilled all of the vacation conditions as described below:

1. Utility issues:

- The Port has executed an easement agreement, Recording Number 20010427001551, granting access to the proposed vacation area for purposes of locating and maintaining signal equipment. This easement has been reviewed and approved by SeaTran and is accepted in the vacation ordinance.
- The Port has executed a maintenance agreement, Recording Number 20010427001550, taking responsibility for maintaining the garage structure located in the proposed vacation area. SeaTran has reviewed and approved this agreement and it is accepted in the vacation ordinance.
- Seattle Public Utilities were notified prior to the beginning of construction.

2. Required Street Improvements:

- The Port has installed a curb bulb on the east side of Elliott Avenue at Bell Street.
- The traffic signal has been provided at Bell Street and Elliott Avenue. The pedestrian character of the Bell Street area has been emphasized through wider sidewalks, landscaping, art and special lighting.
- The Port has widened the sidewalk to improve pedestrian safety at the crossing at Elliott Avenue and the Alaskan Way viaduct.
- SeaTran and DCLU have approved the design for garage ingress and egress and the location of the loading and service bays and the ADA parking through the MUP process.

Recommendation

The Port of Seattle has provided satisfactory resolution of the conditions of the street vacation. Under Ordinance 114876, relating to the Memorandum of Understanding between the Port and the City outlining both parties' involvement and responsibilities in the Central Waterfront Project, the Port is not required to pay separate vacation fees for each vacation.



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Honorable Margaret Pageler  
July 6, 2001  
Page Five

They have paid \$2.8 Million dollars for the package of Central Waterfront vacatiens. I recommend approval of this Council Bill. For more information regarding this legislation, please call Moira Gray, Street Vacation Specialist, at 684-8272.

Sincerely,

  
Daryl R. Grigsby  
Director

DRG/MJG:dmt

Enclosure

cc: Moira Gray, SeaTran

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When Recorded, Return to:

ATTACHMENT A

HILLIS CLARK MARTIN & PETERSON, P.S  
Attention: Melody B. McCutcheon  
500 Galland Building  
1221 Second Avenue  
Seattle, WA 98101-2925

CONFORMED COPY

**20010427001551**  
HILLIS CLARK EAS 15.00  
PAGE 001 OF 008  
04/27/2001, 13:56  
KING COUNTY, WA

**ELLIOTT AVENUE EASEMENT**

|   |  |          |
|---|--|----------|
| Grantor:  | 1) Port of Seattle   | 2) _____ |
|   | <input type="checkbox"/> Additional on page _____  |          |
| Grantee:  | 1) City of Seattle   | 2) _____ |
|   | <input type="checkbox"/> Additional on page _____  |          |
| Legal Description (abbreviated):                  | All that portion of Block 171B, Seattle Tide Lands lying northeasterly of certain described property |          |
|   | <input checked="" type="checkbox"/> Additional on : <u>EXHIBIT A</u>                                 |          |
| Assessor's Tax Parcel ID #:                       | 678095-0010<br>678095-0020<br>678095-0030<br>678095-0040<br>678095-0050                              |          |
| Reference Nos. of Documents Released or Assigned: | Not Applicable   |          |

WHEREAS, the Port of Seattle is the owner of real property situated in King County, as described on **EXHIBIT A**, located at 2211 Elliott Avenue, Seattle, Washington ("Port Property"), upon which it and others have constructed a garage and office building ("World Trade Center Building"); and,

WHEREAS, the Port Property will include a subterranean portion of Elliott Avenue, which the City of Seattle voted to vacate, subject to conditions, on June 23, 1997 (C.F. No. 301528, said area described on **EXHIBIT B**); and,

WHEREAS, one of the conditions of street vacation approval was that an easement be entered into for any facilities of Sea Tran Traffic Management located within the portion of Elliott Avenue to be vacated; and,

**COPY**



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WHEREAS, Sea Tran Traffic Management has determined that traffic conduit lines are located within the portion of Elliott Avenue to be vacated, that access to these lines is available from the sidewalk in the Elliott Avenue right-of-way at an elevation above the portion of Elliott Avenue to be vacated, but that an easement for the location of these lines is necessary; and.

WHEREAS, execution of this easement is necessary to obtain final street vacation approval from the City of Seattle;

NOW THEREFORE, in consideration of the agreements and covenants contained herein, the Port of Seattle and City of Seattle agree as follows:

1. **Easement.** The Port of Seattle hereby conveys to the City of Seattle a perpetual, non-exclusive easement for City traffic conduit lines located within the portion of Elliott Avenue to be vacated, as legally described in Exhibit B ("Easement Area"). Such easement shall not be deemed a gift or dedication to the general public or for any general public use of the Easement Area, other than for City traffic conduit lines.
2. **Port of Seattle Use of Easement Area.** The Port of Seattle reserves the right to occupy and use the Easement Area for all purposes not inconsistent with, nor interfering with, the rights herein granted.
3. **Maintenance and Repair.** The City of Seattle shall be solely responsible for any and all costs related to, and maintenance and repair of, City traffic conduit lines located in the Easement Area.
4. **Liability for City Traffic Conduit Lines.** The City of Seattle shall be responsible, as provided by law, for any damage to the Port of Seattle and its successors or assignees through the City's negligence in the construction, maintenance, and operation of City traffic conduit lines within the Easement Area. The City of Seattle shall, upon completion of any work performed within the Easement Area, remove all debris and restore the Port Property to the condition in which it was in, prior to the commencement of such work. The City of Seattle shall exercise its rights hereunder so as to avoid interference with the use of the Port Property by the Port and its successors or assignees.
5. **Termination Agreement.** The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the City of Seattle shall permanently remove all City traffic conduit lines from the Easement Area, or shall permanently abandon said system, at which time all such rights, title, privileges and authority shall terminate.
6. **Entire Agreement.** This Easement contains the entire agreement between the Port of Seattle and the City of Seattle and supersedes any previous agreements or negotiations. The exhibits attached hereto are incorporated herein by this reference.



Modification or waiver of any of the provisions of this Easement shall be effective only if made in writing and executed with the same formality as this Easement.

7. **Covenants Running with the Land.** The easement, agreements, covenants, and restrictions contained herein shall be deemed covenants running with the land and shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, successors and assigns, including, but without limitation, all subsequent owners of and parties who obtain an interest in the Port Property. Conveyance of the Port Property shall be subject to this Easement.

WITNESSETH this 25<sup>th</sup> day of April, 2001.

PORT OF SEATTLE,  
a municipal corporation

By [Signature]  
Name Thomas M. Tierney for MRD  
Title M.R. DINSMORE  
CEO

STATE OF WASHINGTON }  
COUNTY OF KING } ss.

On this day personally appeared before me Thomas M. Tierney, to me known to be the CEO of PORT OF SEATTLE, the municipal corporation that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 26th day of April, 2001.

[Signature]  
Printed Name CHRISTIAN E. de la Cruz  
Notary Public in and for the State of Washington, residing at SEATTLE, WA  
My Commission Expires 9/29/01



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EXHIBIT A

LEGAL DESCRIPTION OF PORT PROPERTY

PARCEL A:  
ALL THAT PORTION OF BLOCK 171B, SEATTLE TIDE LANDS, ACCORDING TO THE OFFICIAL MAPS THEREOF ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON, AND OF BLOCK 32, ADDITION TO THE TOWN OF SEATTLE AS LAID OUT BY A.A. DENNY (COMMONLY KNOWN AS A.A. DENNY'S SIXTH'S ADDITION TO THE CITY OF SEATTLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 99, IN KING COUNTY, WASHINGTON, LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 6, SAID BLOCK 171B; THENCE NORTH 47°41'27" WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 262.21 FEET TO AN INTERSECTION WITH A LINE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MOST SOUTHERLY TRACK WHICH PASSES THROUGH SAID BLOCKS, AS SAID TRACK WAS LOCATED ON MAY 16, 1989, SAID CONCENTRIC LINE BEING ON A CURVE OF 1,560.60 FOOT RADIUS, THE ORIGIN OF WHICH BEARS NORTH 25°12'42" EAST 1,560.60 FEET FROM SAID INTERSECTION; THENCE SOUTHEASTERLY ALONG SAID CURVE AND CONCENTRIC LINE AN ARC DISTANCE OF 122.16 FEET THROUGH A CENTRAL ANGLE OF 4°29'06" TO A POINT OF TANGENCY THEREIN;  
THENCE SOUTH 69°16'24" EAST ALONG AFORESAID LINE PARALLEL WITH AND 15.0 FEET SOUTHWESTERLY FROM TRACK CENTERLINE A DISTANCE OF 69.24 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT OF 1,451.11 FOOT RADIUS;  
THENCE ALONG SAID CURVE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM SAID TRACK CENTERLINE AN ARC DISTANCE OF 85.15 FEET THROUGH A CENTRAL ANGLE OF 3°22'12" TO THE BEGINNING OF A CURVE TO THE RIGHT OF 659.64 FOOT RADIUS;  
THENCE ALONG SAID CURVE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM SAID TRACK CENTERLINE AN ARC DISTANCE OF 2.47 FEET THROUGH A CENTRAL ANGLE OF 0°12'13" TO THE SOUTHEASTERLY LINE OF AFORESAID LOT 11, BLOCK 32;  
THENCE SOUTH 42°18'55" WEST ALONG SAID SOUTHEASTERLY LINE AND ALONG THE SOUTHEASTERLY LINE OF SAID LOT 6, BLOCK 171B, 95.73 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE SOUTHEASTERLY HALF OF VACATED BELL STREET, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED THERETO BY OPERATION OF LAW;

AND TOGETHER WITH THAT PORTION OF THE VACATED NORTHEASTERLY 31 FEET OF ALASKAN WAY, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, LYING SOUTHEASTERLY OF THE SOUTHWESTERLY EXTENSION OF THE CENTERLINE OF SAID VACATED BELL STREET, AND LYING NORTHWESTERLY OF THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID VACATED BELL STREET;

AND TOGETHER WITH THAT PORTION OF LOTS 8, 9, AND 12, BLOCK 33, 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

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SEATTLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 99, IN KING COUNTY, WASHINGTON, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY MARGIN OF ELLIOTT AVENUE, AS CONDEMNED BY THE CITY OF SEATTLE UNDER ORDINANCE NO. 12502;

EXCEPT ANY PORTION THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT NO. 397727 FOR THE WIDENING OF ARMORY WAY (NOW KNOWN AS ALASKAN FREEWAY) BY THE CITY OF SEATTLE UNDER ORDINANCE NO. 77749;

AND TOGETHER WITH THAT PORTION OF VACATED BLANCHARD STREET, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED TO SAID PORTION OF BLOCK 32 BY OPERATION OF LAW;

AND TOGETHER WITH THAT PORTION OF VACATED ELLIOTT AVENUE, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED TO SAID PORTIONS OF BLOCKS 32 AND 33, BY OPERATION OF LAW;

AND TOGETHER WITH THAT PORTION OF VACATED ELLIOTT AVENUE, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 9123, LYING NORTHWESTERLY OF THE EXTENSION OF THE SOUTHEASTERLY LINE OF BLANCHARD STREET AND SOUTHEASTERLY OF A LINE LYING 120 FEET NORTHWESTERLY OF AND PARALLEL WITH THE EXTENSION OF THE NORTHWESTERLY MARGIN OF BLANCHARD STREET;

EXCEPT THOSE PORTIONS OF SAID BLOCKS, STREETS AND AVENUES LYING BETWEEN A LINE CONCENTRIC AND/OR PARALLEL WITH AND 15.0 FEET NORTHEASTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MOST NORTHEASTERLY TRACK WHICH PASSES THROUGH SAID BLOCKS, STREETS AND AVENUES AND LINE CONCENTRIC AND/OR PARALLEL WITH AND 15.0 FEET SOUTHWESTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MOST SOUTHWESTERLY TRACK WHICH PASSES THROUGH SAID BLOCKS AND CONTINUES THROUGH SAID STREETS AND AVENUES.

PARCEL B:

THAT PORTION OF LOT 5, BLOCK 33, 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, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY MARGIN OF ELLIOTT AVENUE AS CONVEYED TO THE CITY OF SEATTLE BY DEED RECORDED UNDER RECORDING NO. 673412;

TOGETHER WITH THAT PORTION OF VACATED ELLIOTT AVENUE, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED TO LOTS 4 AND 5 OF SAID BLOCK 33 UPON THE VACATION THEREOF.

PARCEL C:

ALL THAT PORTION OF BLOCK 171E SEATTLE TIDELANDS, ACCORDING TO THE OFFICIAL MAPS THEREOF ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON, AND OF 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, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 6, SAID BLOCK 171B; THENCE NORTH 47°41'27" WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK, 262.21 FEET TO AN INTERSECTION WITH A LINE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MOST SOUTHERLY TRACK WHICH PASSES THROUGH SAID BLOCKS, AS SAID TRACK WAS LOCATED ON MAY 16, 1989, SAID CONCENTRIC LINE BEING ON A CURVE OF 1,560.60 FOOT RADIUS, THE ORIGIN OF WHICH BEARS NORTH 25°12'42" EAST 1,560.60 FEET FROM SAID INTERSECTION; THENCE SOUTHEASTERLY ALONG SAID CURVE AND CONCENTRIC LINE AN ARC DISTANCE OF 122.16 FEET THROUGH A CENTRAL ANGLE OF 4°29'06" TO A POINT OF TANGENCY THEREIN; THENCE SOUTH 69°16'24" EAST ALONG AFORESAID LINE PARALLEL WITH AND 15.0 FEET SOUTHWESTERLY FROM TRACK CENTERLINE A DISTANCE OF 69.24 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT OF 1,451.11 FOOT RADIUS; THENCE ALONG SAID CURVE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM SAID TRACK CENTERLINE AN ARC DISTANCE OF 85.35 FEET THROUGH A CENTRAL ANGLE OF 3°22'12" TO THE BEGINNING OF A CURVE TO THE RIGHT OF 659.64 FOOT RADIUS; THENCE ALONG SAID CURVE CONCENTRIC WITH AND 15.0 FEET SOUTHWESTERLY FROM SAID TRACK CENTERLINE AN ARC DISTANCE OF 2.47 FEET THROUGH A CENTRAL ANGLE OF 0°12'13" TO THE SOUTHEASTERLY LINE OF AFORESAID LOT 11, BLOCK 32; THENCE SOUTH 42°16'55" WEST ALONG SAID SOUTHEASTERLY LINE AND ALONG THE SOUTHEASTERLY LINE OF SAID LOT 6, BLOCK 171B, 95.73 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF VACATED BLANCHARD STREET, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, WHICH ATTACHED TO SAID BLOCKS 32 AND 171B BY OPERATION OF LAW, AND THAT PORTION OF THE VACATED NORTHEASTERLY 31 FEET OF ALASKAN WAY, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279 WHICH LIES NORTHWESTERLY OF THE SOUTHWESTERLY EXTENSION OF THE CENTERLINE OF SAID VACATED BLANCHARD STREET; ALL LYING SOUTHWESTERLY OF A LINE CONCENTRIC AND/OR PARALLEL WITH AND 15.0 FEET SOUTHWESTERLY FROM THE CENTERLINE OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY'S) MOST SOUTHWESTERLY TRACK WHICH PASSES THROUGH SAID AVENUE AND STREET.

PARCEL D:  
THE NORTHWESTERLY HALF OF VACATED BELL STREET AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279;

TOGETHER WITH THAT PORTION OF THE VACATED NORTHEASTERLY 31 FEET OF ALASKAN WAY, AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, LYING NORTHWESTERLY OF THE SOUTHWESTERLY EXTENSION OF THE CENTERLINE OF SAID VACATED BELL STREET.



**EXHIBIT B**

Portion of Elliott Avenue To Be Vacated

THOSE PORTIONS OF LOTS 5 AND 8, BLOCK 33, ADDITION TO THE TOWN OF SEATTLE AS LAID OUT BY A.A. DENNY (COMMONLY KNOWN AS A.A. DENNY'S 6TH ADDITION TO THE CITY OF SEATTLE) AS RECORDED IN VOLUME 1 OF PLATS, PAGE 99, RECORDS OF KING COUNTY, WASHINGTON, AND OF WATER STREET (NOW ELLIOTT AVENUE) AS SHOWN AND SO DESIGNATED ON SAID PLAT, DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 2, BLOCK 32, SAID PLAT, THENCE SOUTH 68°29'52" EAST 13.71 FEET ALONG THE NORTHERLY LINE OF THAT PORTION OF SAID ELLIOTT AVENUE VACATED BY CITY OF SEATTLE ORDINANCE NO. 117279, RECORDED UNDER KING COUNTY RECORDING NO. 9409060954, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 68°29'52" EAST 31.85 FEET ALONG SAID NORTHERLY LINE TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING SOUTH 68°29'52" EAST 91.70 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B" THENCE CONTINUING SOUTH 68°29'52" EAST 48.65 FEET TO THE MOST WESTERLY CORNER OF THAT PORTION OF SAID BLOCK 33 LYING SOUTHERLY OF THE SOUTHERLY MARGIN OF ELLIOTT AVENUE AS CONDEMNED BY CITY OF SEATTLE ORDINANCE NO. 12502; THENCE SOUTH 70°01'14" EAST 61.42 FEET ALONG SAID SOUTHERLY MARGIN TO THE MOST WESTERLY CORNER OF THAT PORTION OF SAID BLOCK 33 CONDEMNED FOR ELLIOTT AVENUE BY CITY OF SEATTLE ORDINANCE NO. 77749 AND THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 290.00 FEET; THENCE EASTERLY 9.27 FEET ALONG SAID CURVE AND SAID SOUTHERLY MARGIN OF ELLIOTT AVENUE THROUGH A CENTRAL ANGLE OF 01°49'54"; THENCE LEAVING SAID SOUTHERLY MARGIN NORTH 19°58'46" EAST 9.55 FEET; THENCE NORTH 70°01'14" WEST 119.33 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "C"; THENCE CONTINUING NORTH 70°01'14" WEST 91.67 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "D"; THENCE CONTINUING NORTH 70°01'14" WEST 30.08 FEET; THENCE SOUTH 39°57'22" WEST 5.13 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING ABOVE A HORIZONTAL PLANE AT ELEVATION 42.30 FEET (CITY OF SEATTLE DATUM) AND LYING

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NORTHWESTERLY OF A STRAIGHT LINE CONNECTING POINTS "A" AND "D", DESCRIBED ABOVE;

ALSO EXCEPT THAT PORTION THEREOF LYING ABOVE A HORIZONTAL PLANE AT ELEVATION 50.80 FEET (CITY OF SEATTLE DATUM) AND LYING BETWEEN TWO STRAIGHT LINES CONNECTING POINTS "A" AND "D" AND POINTS "B" AND "C", DESCRIBED ABOVE;

AND ALSO EXCEPT THAT PORTION THEREOF LYING ABOVE AN INCLINED PLANE HAVING AN ELEVATION OF 50.80 FEET (CITY OF SEATTLE DATUM) AT POINTS "B" AND "C", DESCRIBED ABOVE AND HAVING AN ELEVATION OF 58.02 FEET (CITY OF SEATTLE DATUM) ALONG THE EASTERLY LINE OF THE PARCEL DESCRIBED ABOVE.

SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

THE PARCEL DESCRIBED ABOVE CONTAINS 1,885 SQUARE FEET, MORE OR LESS.

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**Return Address:**

Seattle City Clerk's Office  
600 4th Avenue, Room 104  
Seattle, WA 98104

CITY CLERK



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SEATTLE CITY CLERK 10.00  
PAGE 001 OF 003  
09/18/2001 13:43  
KING COUNTY, WA

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

2001 091 8002075

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|---|
| <p><b>Document Title(s)</b> (or transaction contained therein): (all areas applicable to your document <u>must</u> be filled in.)</p> <p>1. ORDINANCE #120497</p>   |
| <p><b>Re -</b> _____ of document.</p> <p>AN ORDINANCE vacating a subterranean portion of Elliot Avenue on the petition of the Port of Seattle, and accepting an easement for traffic signal facilities and an agreement for maintenance, in relation herein, (Clerk File 301528).</p> |
| <p><b>Grantor(s)</b> (Last name first, then first name and initials) 1. City of Seattle <input type="checkbox"/> Additional names on page----- of document.</p>   |
| <p><b>Grantee(s)</b> (Last name first, then first name and initials) 1. N/A 2.</p>  |
| <p><b>Legal description</b> (abbreviated: i.e. lot, block, plat or section, township, range) <input type="checkbox"/> Additional reference #'s on page -----of document N/A</p>   |
| <p><b>Assessor's Property Tax Parcel/Account Number/</b> N/A</p> <p><input type="checkbox"/> Assessor Tax # not yet assigned.</p>   |

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

ORDINANCE 120499

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AN ORDINANCE vacating a subterranean portion of Elliott Avenue on the petition of the Port of Seattle, and accepting an easement for traffic signal facilities and an agreement for maintenance, in relation herein, (Clerk File 301528).

WHEREAS, there has been filed with the City Council the petition of the Port of Seattle (Clerk File 301528) for the vacation of public rights of way, as therein fully described as an amendment to Clerk Files 296649 and 297673 as amended; and

WHEREAS, a public hearing on said petition was held on June 17, 1997; and

WHEREAS, pursuant to Section 35.79.030, RCW, Seattle Municipal Code Chapter 15.62 and Ordinance 114876, the petitioners have paid the administrative costs of the vacation petition; Now, Therefore;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

Those portions of Lots 5 and 8, Block 33, A. A. Denny's 6<sup>th</sup> Addition to the City of Seattle as recorded in Volume 1 of Plats, page 99, Records of King County, Washington, and of Water Street (now Elliott Avenue) as shown and so designated on said plat, described as a whole as follows:

Commencing at the most northerly corner of Lot 2, Block 32, said Plat,

Thence South 68°29'52" East 13.71 feet along the northerly line of that portion of said Elliott Avenue vacated by City of Seattle Ordinance 117279, Recorded under King County Recording No. 9409060954, to the True Point of Beginning;

Thence continuing South 68°29'52" East 31.85 feet along said northerly line to a point hereinafter referred to as Point "A";

Thence continuing South 68°29'52" East 91.70 feet to a point hereinafter referred to as Point "B";

Thence continuing South 68°29'52" East 48.65 feet to the most westerly corner of that portion of said Block 33 lying southerly of the southerly margin of Elliott Avenue as condemned by City of Seattle Ordinance No. 12502;

Thence South 70°01'14" East 61.42 feet along said southerly margin to the most westerly corner of that portion of said Block 33 condemned for Elliott Avenue by City of Seattle Ordinance No. 77749 and the beginning of a curve concave southerly having a radius of 290.00 feet;

Thence easterly 9.27 feet along said curve and said southerly margin of Elliott Avenue through a central angle of 01°49'54";

Thence leaving said southerly margin North 19°58'46" East 9.55 feet;

Thence North 70°01'14" West 119.33 feet to a point hereinafter referred to as Point "C";

Thence continuing North 70°01'14" West 91.67 feet to a point hereinafter referred to as Point "D";

Thence continuing North 70°01'14" West 30.08 feet;

Thence South 39°57'22" West 5.13 feet to the True Point of Beginning;

**EXCEPT** that portion thereof lying above a horizontal plane at elevation 42.30 feet (City of Seattle Datum) and lying northwesterly of a straight line connecting Points "A" and "D", described above;

**ALSO EXCEPT** that portion thereof lying above a horizontal plane at elevation 50.80 feet (City of Seattle Datum) and lying between two straight lines connecting Points "A" and "D" and Points "B" and "C", described above;

**AND ALSO EXCEPT** that portion thereof lying above an inclined plane having an elevation of 50.80 (City of Seattle Datum) at points "B" and "C", described above and having an elevation of 58.02 feet (City of Seattle Datum) along the easterly line of the parcel described above.



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

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be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the Easement Agreement, King County Recording Number 200110427001551, attached hereto as Attachment A, is hereby accepted.

Section 3. The Maintenance Agreement, Recording Number 200110427001550, attached hereto as Attachment B, is hereby accepted.

Section 4. 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 of the City of Seattle this 4<sup>th</sup> day of September, 2001, and signed by me in open session in authentication of its passage this 4<sup>th</sup> day of September, 2001.

Margaret C. Pen  
President of the City Council

Approved by me this 10<sup>th</sup> day of SEPTEMBER, 2001.  
Roll Schell  
Mayor

Filed by me this 11<sup>th</sup> day of September, 2001.  
Judith E. Pippin  
City Clerk

STATE OF WASHINGTON  
COUNTY OF KING  
CITY OF SEATTLE

(Seal)

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FORWARDED IS A TRUE AND CORRECT COPY OF Ordinance 180497

AS THE SAME APPEARS ON FILE AND RECORDED IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE ~~FORWARDED~~ SET BY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, THIS 17<sup>th</sup> day of September, 2001

JUDITH E. PIPPIN  
CITY CLERK  
Margaret C. Pen

BY:

JUDITH E. PIPPIN



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

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

STATE OF WASHINGTON - KING COUNTY

--SS.

136092  
City of Seattle, Clerk's Office

No. ORDINANCE 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 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 12<sup>th</sup> 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

CT:120497 ORD IN FULL

was published on

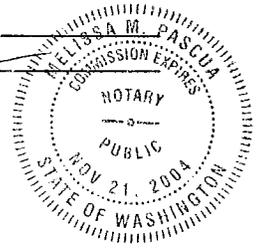
09/21/01

J. Stedman  
Subscribed and sworn to before me on

09/21/01

Melissa M. Pascoe  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120497

AN ORDINANCE vacating a subter-

WHEREAS, there has been filed with

WHEREAS, a public hearing on said

WHEREAS, pursuant to Section 35-

BE IT ORDAINED BY THE CITY OF

Section 1. That:

Those portions of Lots 5 and 8, Block 33, A. A. Denny's 6th Addition to the City of Seattle, as recorded in Volume 1 of Plats, page 99, Records of King County, Washington, and of Water Street (now Elliott Avenue) as shown and so designated on said plat, described as a whole as follows: Commencing at the most northerly corner of Lot 2, Block 32, said Plat, Thence South 68° 29' 52" East 13.71 feet along the northerly line of that portion of said Elliott Avenue vacated by City of Seattle Ordinance 117279, Recorded under King County Recording No. 9409680954, to the True Point of Beginning, Thence continuing South 68° 29' 52" East 31.85 feet along said northerly line to a point hereinafter referred to as Point "A", Thence continuing South 68° 29' 52" East 81.70 feet to a point hereinafter referred to as Point "B", Thence continuing South 68° 29' 52" East 48.68 feet to the most westerly corner of that portion of said Block 33 lying southerly of the southerly margin of Elliott Avenue as condemned by City of Seattle Ordinance No. 12802, Thence South 70° 01' 14" East 61.42 feet along said southerly margin to the most westerly corner of that portion of said Block 33 condemned for Elliott Avenue by City of Seattle Ordinance No. 77749 and the beginning of a curve concave southerly having a radius of 230.00 feet; Thence southerly 3.57 feet along said curve and said southerly margin of Elliott Avenue through a central angle of 01° 49' 54"; Thence leaving said southerly margin North 19° 59' 45" East 9.25 feet; Thence North 70° 01' 14" West 119.33 feet to a point hereinafter referred to as Point "C", Thence continuing North 70° 01' 14" West 81.67 feet to a point hereinafter referred to as Point "D", Thence continuing North 70° 01' 14" West 39.08 feet; Thence South 69° 57' 22" West 6.15 feet to the True Point of Beginning; EXCEPT that portion thereof lying above a horizontal plane at elevation 42.20 feet (City of Seattle Datum) and lying north-westerly of a straight line connecting Points "A" and "D", described above; ALSO EXCEPT that portion thereof lying above a horizontal plane at elevation 59.80 feet (City of Seattle Datum) and lying between two straight lines connecting Points "A" and "D", and Points "B" and "C", described above; AND ALSO EXCEPT that portion thereof lying above an inclined plane having an elevation of 60.80 (City of Seattle Datum) at points "D" and "C", described above and having an elevation of 69.02 feet (City of Seattle Datum) along the easterly line of the parcel described above.

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any right-of-way abutting upon said property after said vacation.

Section 2. That the Easement Agreement, King County Recording Number 200110427001651, attached hereto as Attachment A, is hereby accepted.

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PASSED by the City Council of the City of Seattle this 4th day of September, 2001, and signed by me in open session in authentication of its passage this 4th day of September, 2001.

MARGARET PAGELER, President of the City Council, Approved by me this 10th day of September, 2001.

DALL SCHELL, Mayor.

Filed by me this 11th day of September, 2001.

(Seal) JUDITH E. PIPPIN, City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

(See City Clerk for Attachments.)

Date of official publication in Daily Journal of Commerce, Seattle, September 21, 2001.

921(10092)C11

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