

Ordinance No. 121822

Council Bill No. 115263

AN ORDINANCE relating to the Seattle Department of Transportation (SDOT) authorizing the deed of property rights for the construction and maintenance of a rock buttress/retaining wall, and accepting the rights acquired for Rainier Avenue South Slide Area Project.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Councilmember

Committee Action:

5/24/05 passed unanimously 2-0 yes Conlin, Rasmussen

5-31-05 Passed 8-0 (Excused: Drago)

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

|  |  |                          |
|--|--|--------------------------|
| Date Introduced: <u>MAY 16 2005</u>        |  |                          |
| Date 1st Referred: <u>MAY 16 2005</u>      | To: (committee) <u>TRANSPORTATION</u><br><del>Finance &amp; Budget</del> |                          |
| Date Re - Referred:                        | To: (committee)  |                          |
| Date Re - Referred:                        | To: (committee)  |                          |
| Date of Final Passage: <u>5-31-05</u>      | Full Council Vote: <u>8-0</u>  |                          |
| Date Presented to Mayor: <u>6-1-05</u>     | Date Approved: <u>6/6/05</u>   |                          |
| Date Returned to City Clerk: <u>6/6/05</u> | Date Published: <u>2pp</u>   | T.O. _____<br>F.T. _____ |
| Date Vetoed by Mayor:                      | Date Veto Published:   |                          |
| Date Passed Over Veto:                     | Veto Sustained:  |                          |

*Dye read email me*

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

Committee: RC 5/24/05  
(initial/date)

**Law Department**

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE

121822

AN ORDINANCE relating to the Seattle Department of Transportation (SDOT) authorizing the acquisition and acceptance of property rights for the construction and maintenance of a rock buttress/retaining wall, in connection with the Rainier Avenue South Slide Area Project.

WHEREAS, SDOT is undertaking a Capital Improvement Project as authorized by Ordinance Number 121333 to construct and maintain a rock buttress/retaining wall to replace a failed slope on private property adjacent to city property to prevent possible reoccurrence of erosion and damage to private property resulting in damage to the city street and sidewalk; and

WHEREAS, the plan for the 10100 Rainier Avenue South Slide Area Project requires the acquisition of certain property rights for access, construction and maintenance; NOW, THEREFORE,

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

Section 1. That public convenience and necessity require that the easement in real property situated in the City of Seattle, County of King, State of Washington, attached hereto as Attachment A, be accepted for transportation and related purposes in connection with the 10100 Rainier Avenue South Slide Area Project.

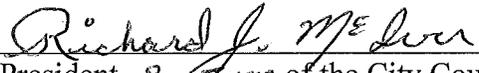
Section 2. The acquisition of the easement, recorded at King County Recording No. 20041012001987, is hereby approved, and the Director of Transportation or her designee is authorized, on behalf of the City of Seattle, to accept it.

Section 3. Any act consistent with the authority and prior to the effective date of this ordinance, including expenditures consistent with the purpose of this ordinance is hereby ratified and confirmed.

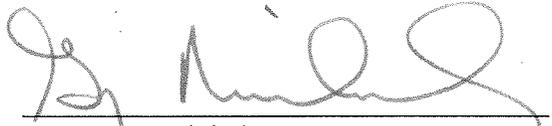


1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4  
5 Passed by the City Council the 31<sup>st</sup> day of May, 2005, and signed by me in open  
6 session in authentication of its passage this 31<sup>st</sup> day of May, 2005.

7  
8   
9 President Richard L. McLean of the City Council

10 Approved by me this 6<sup>th</sup> day of June, 2005.

11  
12   
13 Gregory J. Nickels, Mayor

14 Filed by me this 6<sup>th</sup> day of June, 2005.

15   
16 City Clerk

17 (Seal)

18 Attachment A: Easement & Map  
19  
20  
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28



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

May 3, 2005

Honorable Jan Drago  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

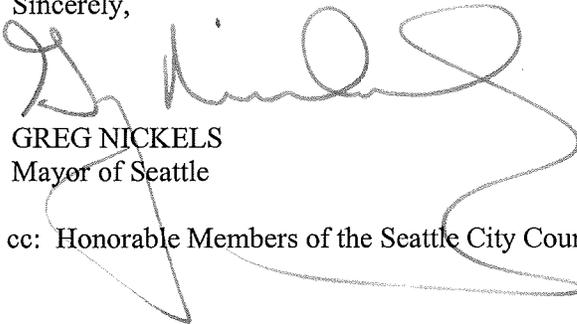
Dear Council President Drago:

I am transmitting the attached proposed Council Bill that authorizes the acquisition of an easement for transportation and related purposes in connection with landslide activity that occurred at 10100 Rainier Avenue South.

As a result of a major storm event that took place on October 20, 2003, the flow of surface storm water from Rainier Avenue South eroded a portion of privately-owned property located at 10100 Rainier Avenue South. The erosion resulted in a mudslide that damaged private property and a city sidewalk. In order to prevent further erosion and avoid potential damage, Seattle Public Utilities (SPU) added a catch basin at the lowest point within the city right-of-way and changed an existing inlet frame to minimize future blockage by leaves and other debris. Additionally, SPU constructed a rock buttress/retaining wall to prevent a possible reoccurrence in the future. The Seattle Department of Transportation is the designated owner of the rock buttress and is responsible for its maintenance. The attached Bill does not call for additional appropriation authority as the work was performed under the Landslide Mitigation Project authorized within the 2004 Adopted Capital Improvement Program (CIP).

Thank you for your consideration of this legislation. Should you have questions, please contact Larry Huggins at 684-5001.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

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20041012001987  
22.00

MARY A JUNG EAS  
PAGE 001 OF 004  
10/12/2004 14:35  
KING COUNTY, WA

After recording return document to:

City of Seattle  
Department of Transportation  
Capital Projects and Roadway Structures  
ATTN: Larry Huggins  
700 Fifth Avenue, Suite 3900  
P. O. Box 34996  
Seattle, WA 98124-4996

*Document Title: Easement*

*Reference Number of Related Document: N/A*

*Grantor(s): Raymon Mishrah and Nurun N. Mishrah*

*Grantee: City of Seattle*

*Legal Description: Ptn of Lots 22 and 23, Blk 9, Sturtevant's Rainier Beach Villa Tracts, Vol. 16, PP 32, King County, Washington*

*Additional Legal Description is on Page(s) 4 of Document.*

*Assessor's Tax Parcel Number(s): 807300-0550*

EXCISE TAX NOT REQUIRED

King County Records Division

BY: Ken Arnold, Deputy

**EASEMENT**

Project: 10100 Rainier Avenue South Slide Area

The Grantors, RAYMON MISHRAH and NURUN N. MISHRAH, husband and wife, for and in consideration of mutual and offsetting benefits, and other valuable consideration, convey and warrant unto the CITY OF SEATTLE, a municipal corporation of the State of Washington, and its assigns, an Easement over, under, upon and across the hereinafter described lands for the purpose of constructing, maintaining and replacing a retaining wall, to the same extent and purpose as if the rights herein granted had been acquired under Eminent Domain statutes of the State of Washington.

Tax Parcel Number 807300-0550

Page 1 of 4 pages

**ATTACHMENT - A**



**EASEMENT**

Said lands being situated in King County, State of Washington, and described as follows:

See Exhibit A attached hereto and made a part hereof.

Dated Sept. 7, 2004

Accepted and Approved:

**CITY OF SEATTLE**  
**Mayor or designee**

Raymon Mishrah  
Raymon Mishrah

By: \_\_\_\_\_

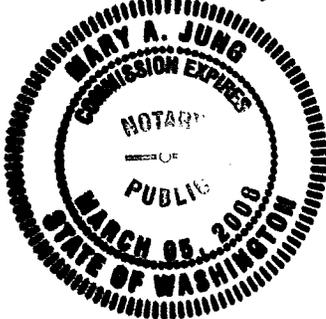
Nurun N. Mishrah  
Nurun N. Mishrah

Date: \_\_\_\_\_

STATE OF WASHINGTON            )  
  ): §  
County of King                                    )

On this 7<sup>th</sup> day of September, 2004, before me personally appeared RAYMON MISHRAH and NURUN N. MISHRAH, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.



Mary A. Jung  
Notary (print name) Mary A. Jung  
Notary Public in and for the State of Washington,  
residing in Seattle, Washington.  
My Appointment expires March 5, 2008.

Tax Parcel Number 807300-0550





**EASEMENT**

**EXHIBIT A**

Those portions of Lot 22 and 23 in Block 9 of Sturtevant's Rainier Beach Villa Tracts as recorded in Volume 16 of Plats, Page 32, records of King County, Washington, situated in the SW quarter of the NW quarter of Section 1, Township 23 North, Range 4 East, Willamette Meridian, King County, Washington, described as follows:

The southerly 16 feet of said Lot 22, together with the southerly 16 feet of the west half of said Lot 23.

Containing 960 square feet or 0.02 acres, more or less.



**ATTACHMENT - A**



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

| <b>Department:</b>                   | <b>Contact Person/Phone:</b>                     | <b>DOF Analyst/Phone:</b> |
|--------------------------------------|--|---------------------------|
| Seattle Department of Transportation | Larry Huggins 684-5001<br>Carroll Smith 684-5194 | Jennifer Devore 615-1328  |

**Legislation Title:**

AN ORDINANCE relating to the Seattle Department of Transportation (SDOT) authorizing the acquisition and acceptance of property rights for the construction and maintenance of a rock buttress/retaining wall, in connection with the Rainier Avenue South Slide Area Project.

**Summary and background of the Legislation:**

On October 20, 2003, during a once in a 100-year storm event, surface storm water from Rainier Avenue South flowed over and eroded the slope on private property at 10100 Rainier Avenue South, Seattle, Washington. This action caused a mudslide and damage to private property, and a city sidewalk. In order to prevent further erosion/damage to private property and city property, Seattle Public Utilities has added a catch basin at the lowest point within city right of way and changed an existing inlet frame to minimize future blockage by leaves and other debris. Besides the drainage improvement, a rock buttress was constructed in the failed slope area on private property. The project team feels that it is better for the city to replace the dirt bank with a more stable rock buttress to prevent possible reoccurrence of this event. Street Maintenance and Roadway Structures are the co-owners of the rock buttress and assume ultimate responsibility to maintain it. This work is part of the Hazard Mitigation Program – Landslide Mitigation Project (TC365510).

| <b>Project Name:</b>                                     | <b>Project I.D.</b> | <b>Project Location:</b>   | <b>Start Date:</b> | <b>End Date</b> |
|--|---------------------|----------------------------|--------------------|-----------------|
| Hazard Mitigation Program – Landslide Mitigation Project | TC365510            | 10100 Rainier Avenue South | 2004               | 2005            |

- Please check any of the following that apply:

       **This legislation creates, funds, or anticipates a new CIP Project.** (Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)

  X   **This legislation has financial implications.**  
 Ongoing maintenance costs for the rock buttress will be subsumed with SDOT's O&M budget.



121822

FILED  
CITY OF SEATTLE  
05 JUL -7 AM 11:44  
CITY CLERK

**STATE OF WASHINGTON – KING COUNTY**

--SS.

186856  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**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:121822,8241 & 825

was published on

06/15/05

The amount of the fee charged for the foregoing publication is the sum of \$ 46.38, which amount has been paid in full.

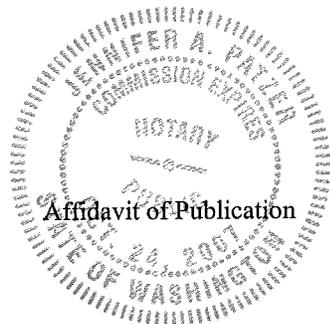
*[Handwritten signature]*

Subscribed and sworn to before me on

06/15/05

*[Handwritten signature]*

Notary public for the State of Washington,  
residing in Seattle



## State of Washington, King County

### City of Seattle

#### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on May 31, 2005, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 121825

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 121824

AN ORDINANCE relating to the Technology Matching Fund Program; authorizing and making allocations for implementation of certain Technology Matching Fund projects.

#### ORDINANCE NO. 121822

AN ORDINANCE relating to the Seattle Department of Transportation (SDOT) authorizing the acquisition and acceptance of property rights for the construction and maintenance of a rock buttress/retaining wall, in connection with the Rainier Avenue South Slide Area Project.

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, June 15, 2005.

8/15(186856)