

Ordinance No. 122371

Council Bill No. 115847

AN ORDINANCE relating to City of Seattle property commonly known as the "Northgate South Lot;" declaring as surplus certain portions of the Northgate South Lot to utility and other City needs; authorizing a lot boundary adjustment of the Northgate South Lot; authorizing the grant and acceptance of deeds and easements; and authorizing the transfer of jurisdiction of certain Northgate South Lot property from Seattle Public Utilities to the Seattle Department of Transportation.

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

Date Introduced:	3.19.07	
Date 1st Referred:	3.19.07	
Date Re - Referred:	To: (committee) Environment, Emergency- Management & Utilities	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
Date Presented to Mayor:	Date Approved:	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Tim Conlin  
Councilmember

## Committee Action:

3/27/06 - passed 30 yes Conlin, Lizata, Clark  
4-2-07 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: RC 3/27/07  
(initial/date)

## LAW DEPARTMENT

Law Dept. Review

OMP  
Review

City Clerk  
Review

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ORDINANCE

122371

AN ORDINANCE relating to City of Seattle property commonly known as the "Northgate South Lot;" declaring as surplus certain portions of the Northgate South Lot to utility and other City needs; authorizing a lot boundary adjustment of the Northgate South Lot; authorizing the grant and acceptance of deeds and easements; and authorizing the transfer of jurisdiction of certain Northgate South Lot property from Seattle Public Utilities to the Seattle Department of Transportation.

WHEREAS, pursuant to Ordinance 121548, the City purchased from Northgate Mall Partnership, a subsidiary of Simon Property Group, L.P. ("Simon"), approximately 2.7 acres of property ("Parcel B") for the purpose of open space and stormwater improvements for the benefit of Thornton Creek; and

WHEREAS, Northgate South Commons, LLC, a subsidiary of Lorig Associates, LLC ("Lorig") purchased from Simon approximately 5.9 acres of property ("Parcel A"); and

WHEREAS, Seattle Public Utilities ("SPU") entered into a Memorandum of Understanding with Lorig pursuant to Ordinance 121546 and together submitted a short plat application to the City's Department of Planning and Development requesting it to subdivide Parcels A and B into three parcels, Parcels X, Y, and Z, commonly referred to as the "Northgate South Lot;" and

WHEREAS, J.I.A. Investments, LLC, a subsidiary of ERA Living, Inc. ("ERA Living") purchased Parcel Z from Lorig for the purpose of constructing approximately 129 senior housing units; and

WHEREAS, pursuant to the Development Contract dated June 1, 2006, ERA Living and SPU agree that the grant and acceptance of easements are mutually beneficial and no additional financial or other consideration is necessary; and

WHEREAS, ERA Living desires to increase its building footprint slightly to the north and to the west in order to construct 14 additional units of senior housing; and

WHEREAS, the City owns Parcel Y and desires to improve the design of the public open space available in the Thornton Creek Water Quality Channel Project ("TCWQC"); and

WHEREAS, the City and ERA Living desire to reconfigure approximately 4,400 square feet between Parcels Y and Z through a lot boundary adjustment in order to fulfill both parties' objectives; and

WHEREAS, SPU has determined that it is in the best interest of its customers to minimize any risk, obligation and expenditure of drainage and wastewater funds to maintain property



that is not related to the core function of the water quality improvement purpose of TCWQC, and as such desires to transfer jurisdiction of certain Northgate South Lot property to the Seattle Department of Transportation ("SDOT") for the purpose of street improvements and maintenance; NOW THEREFORE,

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

Section 1. Pursuant to the provisions of RCW 35.94.040, and after a public hearing, those portions legally described as follows, of the City's interest in Parcel Y of City of Seattle Short Subdivision 2503971, are hereby found and declared to be no longer required for providing municipal utility service and to be surplus to the City's needs:

That Portion of Parcel Y, said Short Subdivision No. 2503971, described as follows:  
Commencing at the most southerly southeast corner of said parcel Y,  
Thence North 00° 07' 38" West 14.25 feet along the southeasterly line thereof to the True Point of Beginning;  
Thence continuing North 00° 07' 38" West 71.89 feet along said southeasterly line to an angle point therein;  
Thence leaving said southeasterly line South 37° 01' 34" West 57.15 feet;  
Thence South 00° 38' 56" West 25.87 feet to a point which bears North 89° 21' 04" West from the true point of beginning;  
Thence South 89° 21' 04" East 34.87 feet to the true point of beginning;  
The Parcel described above contains 1692 square feet (0.039 acres), more or less.

AND

That Portion of Parcel Y, said Short Subdivision No. 2503971, described as follows:  
Beginning at the most easterly southeast corner of said Parcel Y, and the Point of Beginning;  
Thence South 89° 57' 05" West 102.65 feet along the southeasterly line;  
Thence leaving said southeasterly line North 00° 38' 56" East 27.38 feet;  
Thence South 89° 21' 04" East 98.15 feet to the easterly line of said Parcel Y;  
Thence southerly along said easterly line the following three courses:  
Thence South 00° 38' 56" West 5.66 feet;  
Thence South 89° 21' 04" East 4.50 feet;  
Thence South 00° 38' 56" West 20.47 feet to the Point of Beginning;  
The Parcel described above contains 2721 square feet (0.062 acres), more or less.

1 Section 2. The Director of Seattle Public Utilities, or his designee, is hereby authorized  
2 to execute, for and on behalf of the City, a Limited Warranty Deed, substantially in the form  
3 attached hereto as Attachment 1, conveying those portions legally described in Section 1, of the  
4 City's interest in Parcel Y of City of Seattle Short Subdivision 2503971, as shown on Attachment  
5 2 hereto, to J.I.A. Investments, LLC, a Washington limited liability company.  
6

7 Section 3. The Director of Seattle Public Utilities, or his designee, is authorized to accept  
8 and record, on behalf of the City of Seattle, a Statutory Warranty Deed from J.I.A. Investments,  
9 LLC, substantially in the form attached hereto as Attachment 3, to that portion of Parcel Z of City  
10 of Seattle Short Subdivision 2503971 legally described as follows, which property shall be  
11 placed under the jurisdiction of Seattle Public Utilities:  
12

13 That Portion of Parcel Z, said Short Subdivision No. 2503971, described as  
14 follows:  
15 Commencing at the northeast corner of said Parcel Z,  
16 Thence South 89° 57' 05" West 102.65 feet along the north line thereof to the True  
17 Point of Beginning;  
18 Thence continuing South 89° 57' 05" West 2.59 feet along said north line to the  
19 northwesterly line of said Parcel Z;  
20 Thence South 29° 22' 35" West 177.24 feet along said northwesterly line;  
21 Thence leaving said northwesterly line South 89° 21' 04" East 63.27 feet;  
22 Thence North 00° 38' 56" East 96.00 feet;  
23 Thence South 89° 21' 04" East 15.00 feet;  
24 Thence North 00° 38' 56" East 27.12 feet;  
25 Thence South 89° 21' 04" East 9.50 feet to a point which bears South 00° 38' 56"  
26 West from the true point of beginning;  
27 Thence North 00° 38' 56" East 32.33 feet to the True Point of Beginning;  
28 The Parcel described above contains 4412 square feet (0.101 acres), more or less.

23 Section 4. The Director of Seattle Public Utilities, or his designee, is authorized on  
24 behalf of the City of Seattle to execute the grant of permanent easements to J.I.A. Investments,  
25 LLC upon such terms as are agreed to by the parties thereto and generally described as shown in  
26 Attachment 4.  
27  
28





Section 5. The City hereby finds and declares that the property legally described in Section 6 is not required for utility purposes. SPU will benefit from the transfer of jurisdiction of said property to SDOT because it fulfills SPU's policy of limiting the expenditure of drainage and wastewater funds for ongoing maintenance and exposure to liability for property that is not related to the core function of water quality improvements. SPU will construct sidewalks on said property, and SDOT will fund the construction and maintenance, pursuant to the Memorandum of Understanding attached hereto as Attachment 5.

Section 6. The Director of Seattle Public Utilities, or his designee, is hereby authorized to transfer to the Seattle Department of Transportation, and the Director of Seattle Department of Transportation is hereby authorized to accept for street purposes, jurisdiction over those portions of Parcel Y of the Northgate South Lot legally described as follows:

That Portion of Parcel Y of the City of Seattle Short Subdivision No. 2503971 recorded under Recording No. 20060601900001, Records of King County, Washington, situated in the Northeast 1/4, of the Northwest 1/4 of Section 32, Township 26 North, Range 4 East of the Willamette Meridian in the City of Seattle, described as follows:  
Commencing at the Southeast corner of Parcel Z of said Short Subdivision, also described as the intersection of the west margin of 5<sup>th</sup> Avenue NE with the north margin of NE 100<sup>th</sup> Street;  
Thence North 0° 38' 56" East a distance of 278.09 feet along the said margin of 5<sup>th</sup> Avenue NE and the east line of said Parcel Z;  
Thence North 89° 21' 04" West a distance of 4.50 feet along said street margin;  
Thence North 0° 38' 56" East a distance of 66.30 feet along said street margin to the Point of Beginning;  
Thence continuing along said street margin North 0° 38' 56" East a distance of 232.36 feet to the beginning of a 23.00 foot radius tangent curve to the left, which center bears North 89° 21' 04" West;  
Thence northwesterly along said street margin and the arc of said curve, a distance of 35.70 feet through a central angle of 88° 55' 47";  
Thence North 88° 16' 51" West a distance of 89.16 feet along said street margin to the west line of Parcel Y;



Thence South 0° 35' 07" West a distance of 3.83 feet along the west line of said parcel;  
Thence South 88° 12' 52" East a distance of 67.05 feet;  
Thence South 88° 56' 21" East a distance of 18.47 feet to the beginning of a 22.00 foot radius non-tangent curve to the right, which center bears South 1° 03' 53" West;  
Thence southeasterly along the arc of said curve a distance of 34.48 feet through a central angle of 89° 47' 22";  
Thence South 0° 46' 20" West a distance of 130.99 feet;  
Thence South 0° 11' 05" East a distance of 27.40 feet;  
Thence South 1° 25' 53" East a distance of 27.12 feet;  
Thence South 3° 34' 43" East a distance of 44.28 feet to the point of beginning;  
The parcel described above contains 1398 square feet, more or less

AND

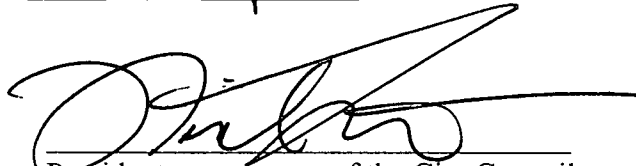
That Portion of Parcel Y of the City of Seattle Short Subdivision No. 2503971 recorded under Recording No. 20060601900001, Records of King County, Washington, situated in the Northeast 1/4, of the Northwest 1/4 of Section 32, Township 26 North, Range 4 East of the Willamette Meridian in the City of Seattle, described as follows:  
Commencing at the Southeast corner of Parcel Z of said Short Subdivision, also described as the intersection of the north margin of NE 100<sup>th</sup> Street with the west margin of 5<sup>th</sup> Avenue NE;  
Thence North 88° 16' 49" West a distance of 583.75 feet along said margin of NE 100<sup>th</sup> Street to the Point of Beginning;  
Thence continuing along said north street margin North 88° 16' 49" West a distance of 11.44 feet to a point 36.50 feet from the southwest corner of Parcel Y and the intersection of the north margin of NE 100<sup>th</sup> Street and the east margin of 3<sup>rd</sup> Avenue NE as dedicated in City of Seattle Ordinance Number 122111, dated May, 22<sup>nd</sup> 2006;  
Thence North 0° 37' 10" East a distance of 11.44 feet along the easterly margin of said 3<sup>rd</sup> Avenue NE;  
Thence South 43° 49' 28" East a distance of 16.34 feet to the point of beginning;  
The parcel described above contains 65 square feet, more or less.

Section 7. The parcels legally described in Section 6, and depicted in Attachments 6 and 7 hereto, are dedicated for street purposes and are laid off, opened, widened and established as N.E. 103rd Street between 5th Avenue N.E. and 3rd Avenue N.E., 5th Avenue N.E. between N.E. 103rd Street and N.E. 100 Street, 3rd Avenue N.E. between N.E. 100th Street and N.E.

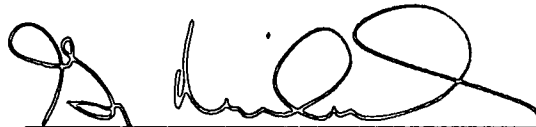
1 103rd Street, and N.E. 100th Street at 3rd Avenue N.E. The segments of N.E. 100th Street, N.E.  
2 103rd Street and 3rd Avenue N.E. described in the previous sentence are designated as Minor  
3 Arterials, and the segment of 5th Avenue N.E. described in the previous sentence is designated as  
4 a Major Arterial..

5  
6 Section 8. This ordinance shall take effect and be in force thirty (30) days from and after  
7 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
8 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.


9  
10 Passed by the City Council the 2<sup>nd</sup> day of April, 2007, and signed by me in open  
11 session in authentication of its passage this 2<sup>nd</sup> day of April, 2007.

12  
13  
14   
President \_\_\_\_\_ of the City Council

15  
16 Approved by me this 6<sup>th</sup> day of April, 2007.

17  
18   
19 Gregory J. Nickels, Mayor

20  
21 Filed by me this 6<sup>th</sup> day of April, 2007.

22  
23   
24 City Clerk

25 (Seal)



Attachment 1: Form of Limited Warranty Deed from the City to J.I.A. Investments, LLC.

Attachment 2: Depiction of Property to be conveyed between the City and J.I.A. Investments, LLC.

Attachment 3: Form of Statutory Warranty Deed from J.I.A. Investments, LLC to the City.

Attachment 4: Diagram and Summary of Easements.

Attachment 5: Memorandum of Understanding Between SDOT and SPU.

Attachment 6: Depiction of Parcel 1 to be transferred from SPU to SDOT (TJO-1).

Attachment 7: Depiction of Parcel 2 to be transferred from SPU to SDOT (TJO-2).





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

March 13, 2007

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Licata:

I am pleased to transmit the attached proposed Council Bill that authorizes Seattle Public Utilities (SPU) to reconfigure a lot boundary and grant easements to J.I.A. Investments LLC, a subsidiary of ERA Living, for the purpose of constructing natural drainage and open space improvements as part of the Thornton Creek Water Quality Channel Project. This legislation is necessary to advance the City's goals for site development of the Northgate South Lot.

Ordinance No. 121546 directed SPU to work with neighboring developers to reconfigure their respective parcels, and jointly plan and execute their developments on the Northgate South Lot. This legislation further refines the boundaries between the SPU and ERA Living parcels by reconfiguring approximately 4,400 square feet of land, which will benefit both parties. The action will allow ERA Living to increase its building footprint by an additional 14 units of senior housing, bringing the total number of senior housing units to 143, and making the project more economically viable. In exchange, SPU will obtain relatively level-grade land close to the center of the Channel Project, which will allow for improved pedestrian amenities and public open space.

In addition, this proposed legislation authorizes SPU to grant easements to ERA Living for construction access and building maintenance purposes, and authorizes SPU to transfer jurisdiction of certain sidewalks adjacent to the property to Seattle Department of Transportation for sidewalk operation and maintenance.

Thank you for your consideration of this legislation. Should you have questions, please contact Audrey Hansen, Manager, SPU Real Property, Claims and Facilities Services, at 684-5877.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels', with a long, flowing underline that extends across the page.

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, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

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



Recording Requested By And  
When Recorded Mail To:

J.I.A. INVESTMENTS, LLC  
% James D. Clack  
Dorsey & Whitney LLP  
1420 Fifth Avenue #3400  
Seattle, WA 98101-4010

Reference #s of Document Released:  
Grantor:  
Grantee:  
Legal Description (abbreviated):  
Assessor's Tax Parcel ID#

NA  
The City of Seattle  
J.I.A. INVESTMENTS, LLC  
Pt Lot Y, Short Subdivision 2503971  
Pt. of 3226049561

### **LIMITED WARRANTY DEED**

THE CITY OF SEATTLE, a Washington municipal corporation ("Grantor"), for and in consideration of ten and 00/100 Dollars (\$10.00) to it paid by J.I.A. INVESTMENTS, LLC, a Washington limited liability company ("Grantee"), the receipt of which is hereby acknowledged, does hereby grant and convey, with limited warranty covenants, to the Grantee, the premises described in Exhibit A attached hereto and made a part hereof ("Property") together with all of the privileges and appurtenances to the same belonging, to have and to hold the same to Grantee, its successors and assigns forever. Grantor, for itself and for its successors, hereby warrants with limited warranty covenants, with the Grantee, its successors and assigns forever, that it is lawfully seized of the Property in fee simple and that it will defend the same from and against the claims and demands of only Grantor and all persons claiming by, through, or under Grantor, but not against the claims of any others whomsoever, and that this conveyance of the Property is made subject to (a) all liens and encumbrances created or assumed by Grantee; (b) zoning ordinances; (c) legal highways; (d) covenants, restrictions, conditions and





other matters currently of record; (e) real estate taxes and assessments not yet due and payable; and (f) all matters which may be disclosed by an accurate survey of the Property.

In Witness Whereof, Grantor has caused its name to be hereunto subscribed this \_\_\_\_ day of \_\_\_\_\_, 2007, by its duly authorized official.

GRANTOR

**The City of Seattle**

\_\_\_\_\_  
Chuck Clarke, Director  
Seattle Public Utilities

STATE OF \_\_\_\_\_)  
\_\_\_\_\_)ss.  
COUNTY OF \_\_\_\_\_)

I certify that I know or have satisfactory evidence that **Chuck Clarke** signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Director** of **Seattle Public Utilities** of **The City of Seattle**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

\_\_\_\_\_  
NAME (Print) \_\_\_\_\_  
NOTARY PUBLIC in and for the State of \_\_\_\_\_  
\_\_\_\_\_  
My appointment expires \_\_\_\_\_



Exhibit A  
Legal Description

That Portion of Parcel Y, said Short Subdivision No. 2503971, described as follows:  
Commencing at the most southerly southeast corner of said parcel Y,  
Thence North 00° 07' 38" West 14.25 feet along the southeasterly line thereof to the True Point of Beginning;  
Thence continuing North 00° 07' 38" West 71.89 feet along said southeasterly line to an angle point therein;  
Thence leaving said southeasterly line South 37° 01' 34" West 57.15 feet;  
Thence South 00° 38' 56" West 25.87 feet to a point which bears North 89° 21' 04" West from the true point of beginning;  
Thence South 89° 21' 04" East 34.87 feet to the true point of beginning;

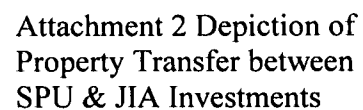
The Parcel described above contains 1692 square feet (0.039 acres), more or less.

AND

That Portion of Parcel Y, said Short Subdivision No. 2503971, described as follows:  
Beginning at the most easterly southeast corner of said Parcel Y, and the Point of Beginning;  
Thence South 89° 57' 05" West 102.65 feet along the southeasterly line ;  
Thence leaving said southeasterly line North 00° 38' 56" East 27.38 feet;  
Thence South 89° 21' 04" East 98.15 feet to the easterly line of said Parcel Y;  
Thence southerly along said easterly line the following three courses:  
Thence South 00° 38' 56" West 5.66 feet;  
Thence South 89° 21' 04" East 4.50 feet;  
Thence South 00° 38' 56" West 20.47 feet to the Point of Beginning;

The Parcel described above contains 2721 square feet (0.062 acres), more or less.







Recording Requested By And  
When Recorded Mail To:

City of Seattle  
Seattle Public Utilities  
Real Estate Services  
P.O. Box 34018  
Seattle, WA 98124-4018

Reference #s of Document Released:	NA
Grantor:	J.I.A. INVESTMENTS, LLC
Grantee:	City of Seattle
Legal Description (abbreviated):	Pt. of Lot Z, Short Subdivision 2503971
Assessor's Tax Parcel ID#	Pt. of 3226049568

### STATUTORY WARRANTY DEED

THE GRANTOR, J.I.A. INVESTMENTS, LLC, a limited liability company, for and inconsideration of ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, conveys and warrants to THE CITY OF SEATTLE, a Washington municipal corporation, the real property situated in King County, Washington, which is more particularly described on attached Exhibit A, subject to all easements, restrictions, covenants, conditions and other matters of record.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2007.

GRANTOR: J.I.A. INVESTMENTS, LLC  
a Washington limited liability company

By: \_\_\_\_\_  
Rebecca Almo, Manager



STATE OF WASHINGTON                    )  
  : ss.  
County of King                            )

I certify that I know or have satisfactory evidence that Rebecca Almo is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Manager of J.I.A.INVESTMENTS, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

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

\_\_\_\_\_  
Notary (print name) \_\_\_\_\_  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_  
My Appointment expires \_\_\_\_\_



Exhibit A  
Legal Description

That Portion of Parcel Z, said Short Subdivision No. 2503971, described as follows:

Commencing at the northeast corner of said Parcel Z,  
Thence South 89° 57' 05" West 102.65 feet along the north line thereof to the True Point of Beginning;  
Thence continuing South 89° 57' 05" West 2.59 feet along said north line to the northwesterly line of said Parcel Z;  
Thence continuing South 29° 22' 35" West 177.24 feet along said northwesterly line;  
Thence leaving said northwesterly line South 89° 21' 04" East 63.27 feet;  
Thence North 00° 38' 56" East 96.00 feet;  
Thence South 89° 21' 04" East 15.00 feet;  
Thence North 00° 38' 56" East 27.12 feet;  
Thence South 89° 21' 04" East 9.50 feet to a point which bears South 00° 38' 56" West from the true point of beginning;  
Thence North 00° 38' 56" East 32.33 feet to the True Point of Beginning;

The Parcel described above contains 4412 square feet (0.101 acres), more or less.





# ATTACHMENT 4: DIAGRAM AND SUMMARY OF EASEMENTS

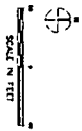
Summary of Potential Use and Occupancy of Easements

A. Parcel Y to Parcel Z, City (SPU) grants to JJA Investments, LLC's Parcel Z (Southwest Parcel)

- C1 4 foot wide by 23.5 foot long area adjacent to parcel boundary for concrete pad.
- C2 10 foot wide by 14 foot long strip for site retaining wall
- C3 10 foot wide by 45 foot long strip for drainage pipe on connection to 60" high pipe at diversion structure.

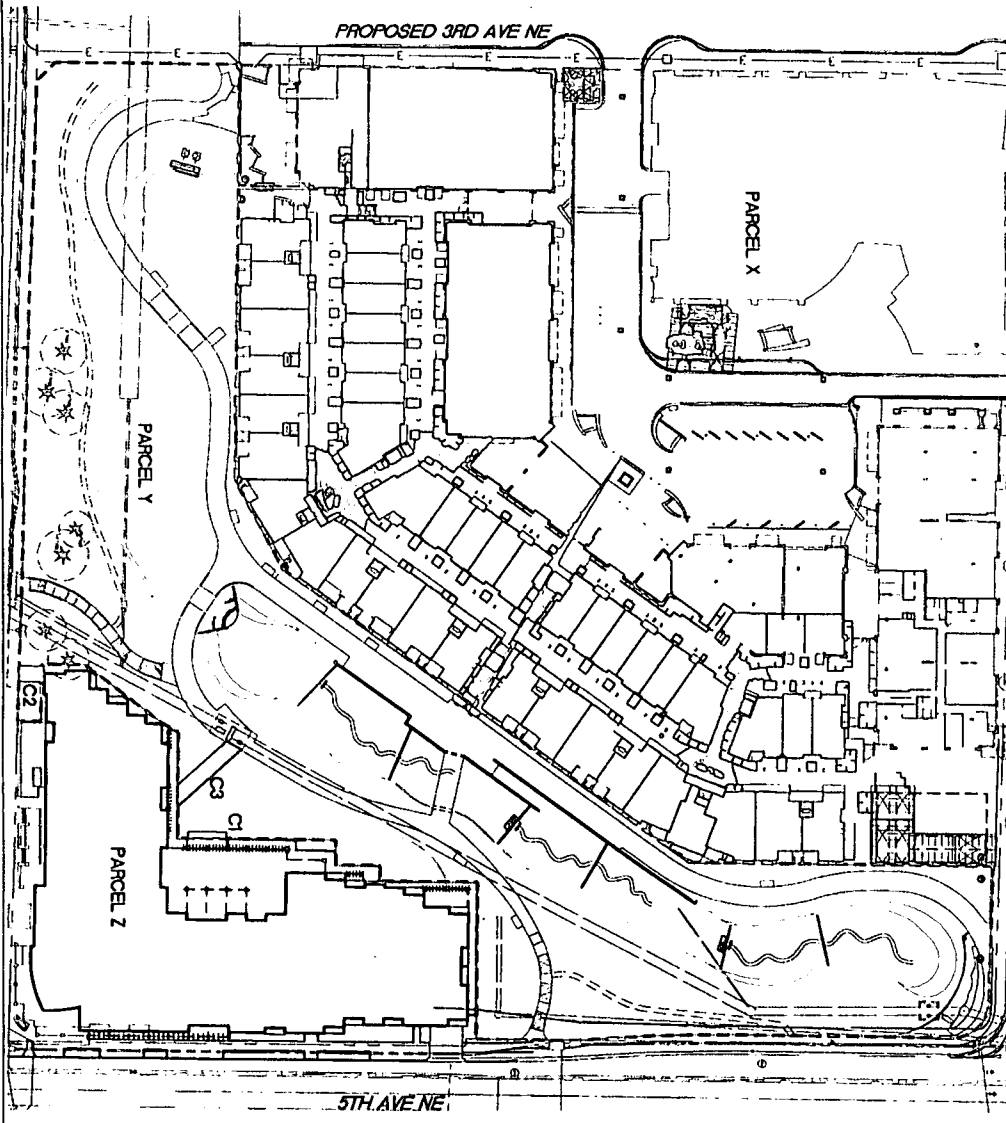
EASEMENT AREAS

NOTE: EASEMENT AREAS ARE DIAGRAMATIC.



**3SR DESIGN COMPANY**  
 3000 15TH AVE SE  
 SUITE 100  
 SEASIDE, WA 98148  
 P: 206.465.1111  
 F: 206.465.1112  
 WWW.3SRDESIGN.COM

DATE: 08/12/2020  
 DRAWN BY: JJA



**Memorandum of Understanding**  
**Seattle Department of Transportation (SDOT) and Seattle Public Utilities (SPU)**  
**for SPU to Provide Design, Construction and Construction Management**  
**of Northgate Sidewalk Portions associated with Thornton Creek Water Quality Channel**  
**(TCWQC)**

Revised Date: December 19, 2006

**I. General Information:**

**Project Names:**

***Northgate South Lot Sidewalks (TC366550)***

*Sidewalks on the west side of 5<sup>th</sup> Avenue NE and the south side of NE 103<sup>rd</sup> Street*

***NE 100<sup>th</sup> Street Sidewalk Development (TC366570)***

*North side of NE 100<sup>th</sup> Street.*

**Project Status:** *Design Phase*

**Purpose of Agreement:** This MOU summarizes an agreement to have SDOT fund and SPU design and construct portions of sidewalks adjacent to the TCWQC.

- 1) SPU will design the sidewalks to meet Northgate Special Landscape Arterial Provisions and City codes and include the sidewalk design in with the Bid Documents for the TCWQC; and
- 2) SPU will construct the sidewalks and associated work related to the two funded capital improvement projects identified above; and
- 3) SDOT will convey the funding budgeted for the work, and provide design review and approval of the design prior to advertisement; and
- 4) SPU will transfer jurisdiction of its property associated with the sidewalk construction to SDOT for the benefit of the City of Seattle.

**SPU Lead:** Thomas Fawthrop, 233-7265

**SPU Finance Analyst:** Carrie Jones, 615-0863

**SDOT Project Manager:** Robert Gorman 233-7205

**SDOT Finance Analyst:** Jan Nelson, 615-0941 (Verify)

**II. Project Information:**

- a. General Project Description:** The project will replace the existing six-foot wide sidewalk along NE 103<sup>rd</sup> Street, and 5<sup>th</sup> Avenue NE with 12-foot sidewalks. 12 feet wide sidewalks are required by both the Northgate Special Landscape Arterial Provisions and the 5<sup>th</sup> Avenue NE Streetscape design concept.

Along NE 100<sup>th</sup> Street, the project will construct a 12-foot sidewalk which meets the requirements

*SDOT/SPU Northgate Sidewalks MOU*

*9/25/06*

*Revised: Nov. 22, 2006*

*Page 1*



of the Northgate Special Landscape Arterial Provisions.

b. Planned Schedule for Agreement Negotiation and Design:

1. Negotiation and Approval: 2006
2. Finalize Design: 2007
3. Bidding: 2007
4. Construction: 2008 – Dec 2009

c. SDOT has budgeted the sidewalks in two separate projects: Refer to Attachments.

- South Lot Sidewalks (TC366550): \$270,000
- 100<sup>th</sup> Street Sidewalks (TC366570): \$240,000

The combined cost allowance for the two projects, including design, construction, administration and contingency is \$510,000. Funding can be transferred from one project to another, if necessary, for the purpose of balancing budgets. However, SDOT will not contribute more than \$510,000 for the combined work of both projects.

d. SDOT will finalize the Activity/Work Order prior to execution of the MOU. The pending account numbers are: TS/NS 4042A/C and TS/NS 4057 A/C

III. Scope of Services and Responsibilities of Parties:

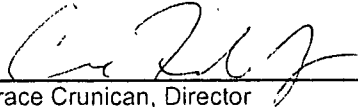
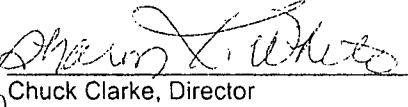
1. SDOT is funded to construct sidewalks adjacent to portions of the TCWQC at the locations indicated above. SDOT will provide design requirements and review of the sidewalk design. Attachment A, Northgate Sidewalk Design Guidance (Revised 9 15 06), summarizes the design discussions and agreements between the departments about the project.
2. SPU will design, construct and provide engineering, project management, construction management and community outreach for the project sidewalks in accordance with City codes, regulations and standards..
3. SDOT will review the design drawings at 90% and Final Bid Documents.
4. SPU will identify bid items attributable to the costs associated with sidewalk items for SDOT approval and bid the project.
5. SDOT will provide engineering support, as requested, by SPU Construction Management during construction.
6. SPU's Project Manager is responsible for managing the project
7. SPU will provide an accounting of costs associated with the sidewalks at the end of the project.
8. SDOT will inspect the project street trees, and, based on acceptable condition after the one year landscape establishment period, will add them to SDOT street tree inventory.
9. SPU will transfer jurisdiction of the sidewalks through an ordinance to SDOT for the overall benefit of the City for maintenance and care of street trees and the associated understory.
10. SPU will provide a draft copy of the ordinance to SDOT for review and approval prior to transfer and legislative action.
11. If SPU chooses to include the sidewalk planting areas in the TCWQC irrigation system, it will

SDOT/SPU Northgate Sidewalks MOU  
9/25/06

Revised: Nov. 22, 2006

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provide zone separation or isolation of irrigation located within the right of way.	
12. SPU will require the landscape contractor to provide 1 year of warranty work to establish landscape materials associated with the construction of the sidewalks.	
IV. SDOT Grant Funding: NA.	
V. Other Financial Agreements and Understandings Between SDOT and SPU Related to this Project: NA	
 Grace Crunican, Director Seattle Department of Transportation Date: <u>1/3/07</u>	 Chuck Clarke, Director Seattle Public Utilities Date: <u>12/21/06</u>
<u>Attachments:</u> <ul style="list-style-type: none"> <li>• Scope of Work</li> <li>• Draft Cost breakdown TOJ Drawing-SPU-ROW</li> </ul> cc: Robert Gorman, SDOT Scott Haskins, SPU Deputy Director Sally Marquis, SPU Division Director Gary Schimek, SPU Business Unit Manager Darla Inglis, SPU Specifier Carrie Jone, Finance	

SDOT/SPU Northgate Sidewalks MOU  
9/25/06

Revised: Nov. 22, 2006

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Attachment 5 MOU  
Between SPU & SDOT  
Page 3 of 6



**ATTACHMENT A  
SCOPE OF WORK**  
December 15, 2006

The following is a summary of the activities to be constructed and reflect the 90% Design review documents.

Fifth Avenue NE

- Sidewalks/Street Trees, Understory and Temporary Irrigation
- Street Light and conduit, as defined by SDOT
- Relocation of pole at corner, if required
- Traffic Signal Loops, as defined by SDOT on the south side of NE 103<sup>rd</sup> and west of Fifth Avenue NE
- Curb ramps, alignment and associated repaving
- Two new inlets, if needed

NE 100<sup>th</sup> Street

- Sidewalks/Street Trees, Understory and Temporary Irrigation (Some portions of the sidewalks may need a short retaining wall)
- Curb ramp at the intersection NE 102th Street.



**5th Avenue NE Sidewalk Improvements  
Cost Estimate**

Updated: October 16, 2006

Code:	Activity:	Percentage:	Cost Summary:	Hard Costs:
<b>D</b>	<b><u>Design (D)</u></b>			
0	Service Request/Agreement	0.50%	\$925	
230	Develop 30% Design	0.00%	\$0	
260	Develop 60% Design	0.00%	\$0	
432	Permit/Regulatory Compliance	1.00%	\$1,850	
261	70% Design Review w/SDOT	0.00%	\$0	
290	Develop 90% Design	5.00%	\$9,250	
291	Circulate & Review 90% Design	0.00%	\$0	
299	Finalize Design Review w/SDOT	0.50%	\$925	
310	CSD Circulation	0.00%	\$0	
320	Prep for Advertisement	1.00%	\$1,850	
330	Contractor Selection Process	1.00%	\$1,850	
	<b><u>Design Phase Sub-Total:</u></b>	<b>9.00%</b>	<b>\$16,650</b>	<b>\$0</b>
<b>C</b>	<b><u>Construction:</u></b>	<b>Allowance:</b>	<b>\$185,000</b>	
340	Preparation for Construction Start	1.00%	\$1,850	
300	Payments for Contractor	0.00%	\$185,000	\$185,000
350	Construction Management Costs	10.00%	\$18,500	
370	Testing and Commissioning	1.00%	\$1,850	
380	Develop and Resolve Punch List	2.00%	\$3,700	
C80	SPU Operations Activities	0.80%	\$1,480	\$1,480
	<b><u>Construction Phase Sub-Total:</u></b>	<b>14.80%</b>	<b>\$212,380</b>	<b>\$186,480</b>
<b>F</b>	<b><u>Close-Out:</u></b>			
390	Close-Out Activities	2.00%	\$3,700	
301	Payment for Landscape Establishment	5.00%	\$9,250	
	Contingency/Change Orders/Savings	10.00%	\$18,500	\$18,500
	<b><u>Close-Out Phase Sub-Total:</u></b>	<b>17.00%</b>	<b>\$31,450</b>	<b>\$18,500</b>
	<b><u>Other Agency Specific Work Packages</u></b>			
491	SCL Support	0.40%	\$772	
492	SDOT Support	0.00%	\$0	
493	Other Department Support:	0.00%	\$0	
	Contract Services Division	1.00%	\$1,850	
	Fleet and Facilities	0.75%	\$1,388	
	<b><u>Other Agency Work Packages Sub-Total:</u></b>	<b>2.15%</b>	<b>\$4,010</b>	<b>\$0</b>
	<b><u>Staff Specific Work Packages</u></b>			
410	Perform Real Estate Services	1.00%	\$1,810	
411	Communications Support	1.00%	\$1,850	
412	Operations Support	1.00%	\$1,850	
415	Administrative Support	0.00%	\$0	
	<b><u>Staff Specific Work Package Sub-Total:</u></b>	<b>3.00%</b>	<b>\$5,510</b>	<b>\$0</b>
	<b><u>Totals:</u></b>	<b>43.80%</b>	<b>\$270,000</b>	<b>\$204,980</b>
			<b>\$240,001</b>	<b>75.919%</b>
			<b>\$510,000</b>	

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# NE 100th Street Sidewalk Improvements

## Cost Estimate

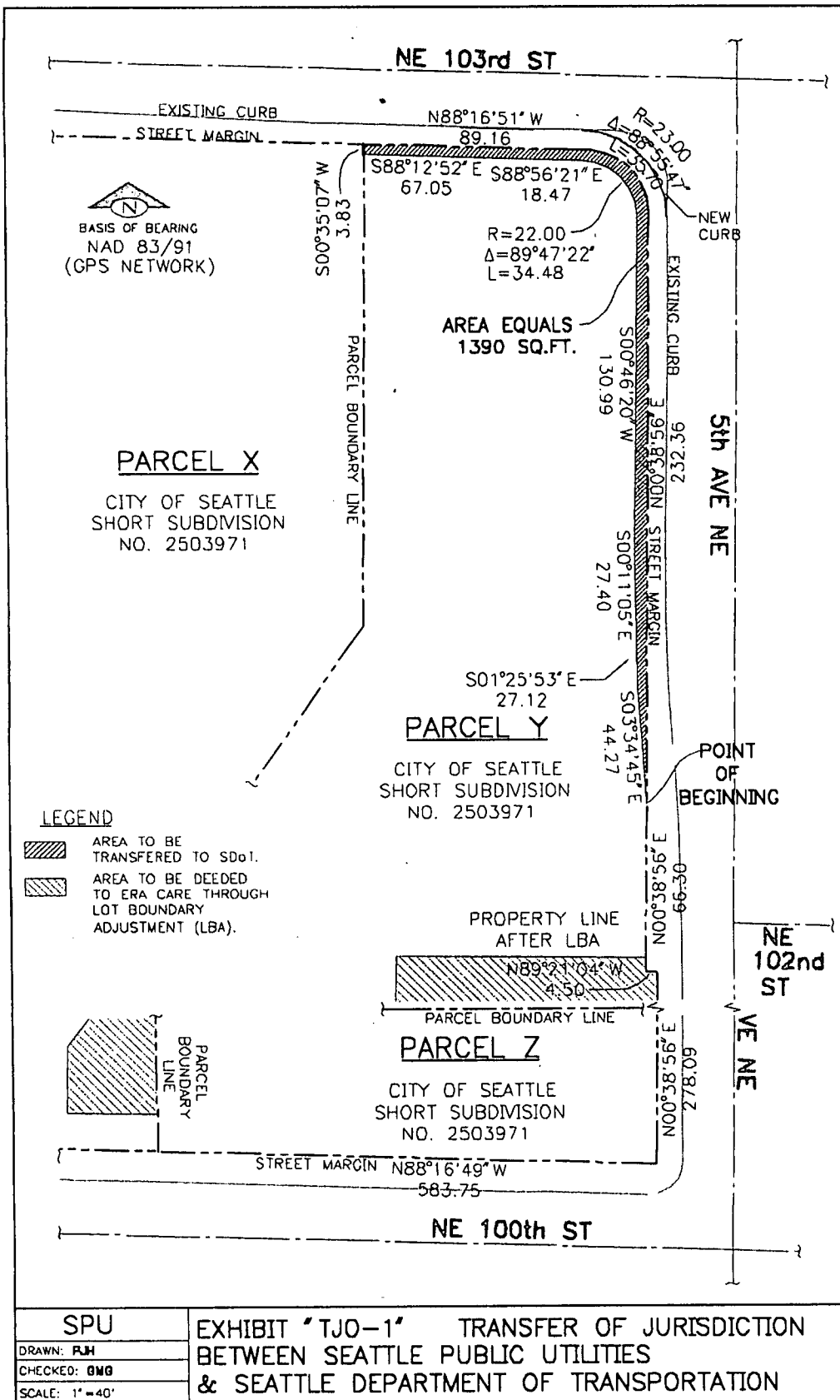
Updated: October 16, 2006

Code:	Activity:	Percentage:	Cost Summary:	Hard Costs:
<b>D</b>	<b><u>Design (D)</u></b>			
0	Service Request/Agreement	0.50%	\$825	
230	Develop 30% Design	0.00%	\$0	
260	Develop 60% Design	0.00%	\$0	
432	Permit/Regulatory Compliance	1.00%	\$1,650	
261	70% Design Review w/SDOT	0.00%	\$0	
290	Develop 90% Design	5.00%	\$8,250	
291	Circulate & Review 90% Design	0.00%	\$0	
299	Finalize Design Review w/SDOT	1.00%	\$1,650	
310	CSD Circulation	1.00%	\$1,650	
320	Prep for Advertisement	0.25%	\$413	
330	Contractor Selection Process	0.25%	\$413	
	<b><u>Design Phase Sub-Total:</u></b>	<b>9.00%</b>	<b>\$14,850</b>	<b>\$0</b>
<b>C</b>	<b><u>Construction:</u></b>			
		<b>Allowance:</b>	<b>\$165,000</b>	
340	Preparation for Construction Start	1.00%	\$1,650	
300	Payments for Contractor	0.00%	\$165,000	\$165,000
350	Construction Management Costs	10.00%	\$16,500	
370	Testing and Commissioning	1.00%	\$1,650	
380	Develop and Resolve Punch List	2.00%	\$3,300	
C80	SPU Operations Activities	0.80%	\$1,320	\$1,320
	<b><u>Construction Phase Sub-Total:</u></b>	<b>14.80%</b>	<b>\$189,420</b>	<b>\$166,320</b>
<b>F</b>	<b><u>Close-Out:</u></b>			
390	Close-Out Activities	2.00%	\$3,300	
301	Payment for Landscape Establishment	2.90%	\$4,785	
	Contingency/Change Orders/Savings	10.00%	\$16,500	\$16,500
	<b><u>Close-Out Phase Sub-Total:</u></b>	<b>14.90%</b>	<b>\$24,585</b>	<b>\$16,500</b>
	<b><u>Other Agency Specific Work Packages</u></b>			
491	SCL Support	1.00%	\$1,650	
492	SDOT Support	0.00%	\$0	
493	Other Department Support:	1.00%	\$1,650	
	Contract Services Division	1.00%	\$1,650	
	Fleet and Facilities	1.00%	\$1,650	
	<b><u>Other Agency Work Packages Sub-Total:</u></b>	<b>4.00%</b>	<b>\$6,600</b>	<b>\$0</b>
	<b><u>Staff Specific Work Packages</u></b>			
410	Perform Real Estate Services	1.00%	\$1,176	
411	Communications Support	1.00%	\$1,650	
412	Operations Support	0.85%	\$1,403	
415	Administrative Support	0.20%	\$317	
	<b><u>Staff Specific Work Package Sub-Total:</u></b>	<b>3.05%</b>	<b>\$4,546</b>	<b>\$0</b>
	<b><u>Totals:</u></b>	<b>41.75%</b>	<b>\$240,001</b>	<b>\$182,820</b>
			<b>\$270,000</b>	<b>76.175%</b>
			<b>\$510,000</b>	

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Attachment 6 Exhibit TJO-1 from SPU to SDOT





**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Public Utilities	Thomas A. Fawthrop/233-7265	John McCoy/615-0768

**Legislation Title:** AN ORDINANCE relating to City of Seattle property commonly known as the "Northgate South Lot;" declaring as surplus certain portions of the Northgate South Lot to utility and other City needs; authorizing a lot boundary adjustment of the Northgate South Lot; authorizing the grant and acceptance of deeds and easements; and authorizing the transfer of jurisdiction of certain Northgate South Lot property from Seattle Public Utilities to the Seattle Department of Transportation.

**Summary and background of the Legislation:**

SPU and J.I.A. Investments LLC, a subsidiary of ERA Living, have coordinated site planning and development of the Northgate South Lot and now propose to reconfigure their respective parcels through a lot boundary adjustment. The minor reconfiguration would exchange an equal amount of land (approximately 4,400 sq feet) between SPU and J.I.A. Investments properties. The lot boundary adjustment provides mutual benefits because it improves the design of the pedestrian and open space elements of the Thornton Creek Water Quality Channel Project and allows a senior housing community as part of the mixed-use development for the Northgate South Lot.

The legislation also grants J.I.A. Investments easements for a drainage pipe, a concrete pad and a retaining wall. In addition, the ordinance would transfer jurisdiction of a segment of SPU's parcel to SDOT for sidewalk operation and maintenance.

This proposed ordinance is in support of Resolution 30642 (2003) and Ordinances 122110 (May, 2006), 121546 (August, 2004) concerning development of the Northgate South Lot and further refines the property lines and location of easements to allow efficient development of both private and public facilities.

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Thornton Creek Water Quality Channel	C343306	330 NE 100 <sup>th</sup> Street (Northgate Area)	2004	2011

- *Please check any of the following that apply:*

**XXX This legislation does not have any financial implications.**



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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209904  
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.

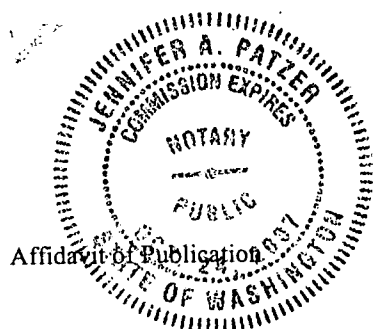
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122363,369,371&372

was published on

04/11/07

The amount of the fee charged for the foregoing publication is the sum of \$ 69.75, which amount has been paid in full.



*[Signature]*

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Subscribed and sworn to before me on

04/11/07 *[Signature]*

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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 ordinance, passed by the City Council on April 2, 2007, and published here by title only, will be mailed upon request, or can be accessed electronically at <a href="http://clerk.ci.seattle.wa.us">http://clerk.ci.seattle.wa.us</a> . For further information, contact the Seattle City Clerk at 684-8334.	
ORDINANCE NO. 122363	
AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.	
ORDINANCE NO. 122369	
AN ORDINANCE relating to neighborhood fire stations; removing eight budget provisions that restricted expenditures in the Fleets and Facilities Department's 2007 budget.	
ORDINANCE NO. 122371	
AN ORDINANCE relating to City of Seattle property commonly known as the Northgate South Lot, declaring as surplus certain portions of the Northgate South Lot to utility and other City needs; authorizing a lot boundary adjustment of the Northgate South Lot; authorizing the grant and acceptance of deeds and easements; and authorizing the transfer of jurisdiction of certain Northgate South Lot property from Seattle Public Utilities to the Seattle Department of Transportation.	
ORDINANCE NO. 122372	
AN ORDINANCE relating to City employment; authorizing the execution of a memorandum of understanding between the City of Seattle and the Public Service and Industrial Employees, Local 1239 establishing the job title and pay rate of the Drainage and Wastewater Collection Worker Apprenticeship; authorizing the execution of a memorandum of understanding between the City of Seattle and the International Brotherhood of Electrical Workers, Local No. 77 establishing the job title and pay rate of Craft Instructor Apprenticeship; and ratifying and confirming prior acts.	
Publication ordered by JUDITH PIPPIN, City Clerk.	
Date of publication in the Seattle Daily Journal of Commerce, April 11, 2007.	
4/11/200904	