

Ordinance No. 122775

Council Bill No. 116297

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acquisition of two easements in real property known as 9115 7th Ave South, Seattle, Washington, for drainage system purposes.

CF No. _____

Date Introduced: <u>August 11, 2008</u>		
Date 1st Referred:	To: Environment, Emergency Mgmt & Utilities (EEMU)	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>8-18-08</u>	Full Council Vote: <u>7-0</u>	
Date Presented to Mayor: <u>8-19-08</u>	Date Approved: <u>8.21.08</u>	
Date Returned to City Clerk: <u>8.21.08</u>	Date Published: <u>2</u>	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: _____

Richard Conlin

Councilmember

Committee Action:

8/12/08 Passed 1-0 (Conlin)

8-18-08 Passed 6-0 (Excused: Harnell, McIver)
(Absent: Drago)

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

Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

July 22, 2008

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that would authorize Seattle Public Utilities to acquire a temporary easement and a permanent easement for a stormwater conveyance pipe that will reduce flooding in South Park.

Much of the South Park neighborhood's infrastructure was built before its annexation to the City of Seattle in 1907 and has not yet been upgraded to current standards. The poor grading, inadequate capacity of existing storm drains and lack of storm drainage pipes – combined with the low topography and unique hydrology of the area – result in regular localized flooding. To improve this condition, SPU would construct a new stormwater drainage system, including nearly 4,000 feet of storm drains and new bio-swales to treat stormwater runoff before discharging it to the Duwamish River. The 10 foot-wide permanent easement acquired pursuant to this legislation is being purchased for an agreed upon price of \$15,300.

Thank you for your consideration of this legislation which lays the groundwork for important investments that will strengthen the community. Should you have any questions, please contact Audrey Hansen, at 684-5877.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, faint circular stamp.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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

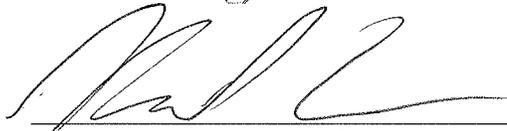
Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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

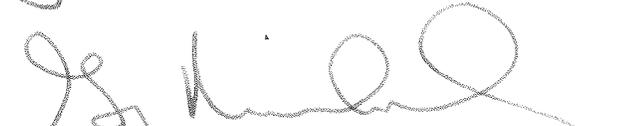


1 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

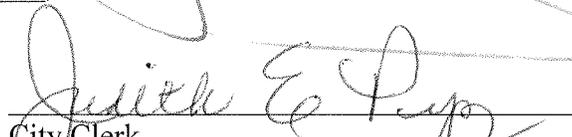
4 Passed by the City Council the 18th day of August 2008, and signed by me in open
5 session in authentication of its passage this 18th day of August, 2008.

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8 
9 President _____ of the City Council

10 Approved by me this 21st day of August 2008.

11
12 
13 Gregory J. Nickels, Mayor

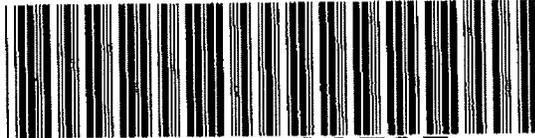
14 Filed by me this 21st day of August, 2008.

15
16 
17 City Clerk

18 (Seal)

19
20
21 Attachment 1. Easement Agreement





20080317000535

SEA PUBLIC UTI EAS 87.00
PAGE001 OF 004
03/17/2008 10:08
KING COUNTY, WA

Recording Requested By And
When Recorded Mail To:

City of Seattle SPU/Real Prop - DWU
PO BOX 34018
Seattle, WA 98124-4018

E2337177

03/17/2008 10:05
KING COUNTY, WA
TAX \$277.34
SALE \$15,300.00 PAGE001 OF 001

UTILITY EASEMENT and TEMPORARY CONSTRUCTION EASEMENT

Reference #s of Documents Released or Assigned: none
Grantor: Antonia C. Koenig
Grantee: The City of Seattle
Legal Description (abbreviated): Portion of S 1/2 of Tract 1, Excelsior Acre
Tracts
Assessor's Tax Parcel ID#: Portion of 243320 0007

RW2007-006
Utility Easement

THESE EASEMENTS granted this 10th day of March, 2008, by **ANTONIA C. KOENIG**, a single person ("Grantor"), to **THE CITY OF SEATTLE**, a municipal corporation of the State of Washington ("Grantee"), acting by and through Seattle Public Utilities.

Said Grantor for and in consideration of Fifteen thousand three hundred dollars (\$15,300), mutual and offsetting benefits, and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, do by these presents dedicate, grant, bargain, sell, convey, and warrant to the Grantee

(1) an easement (the "Easement") over, under, through, across and upon the real property in Seattle, King County, Washington legally described in **EXHIBIT A** attached and incorporated herein (the "Easement Area") for a public storm water drainage facility (the "Utility Facility"), and

(2) a temporary construction easement (the "Temporary Easement") over, under, through, across and upon the real property in the City of Seattle, County of King, State of Washington legally described in **EXHIBIT B** attached and incorporated herein (the "Temporary Easement Area") for use during construction and installation of the Utility Facility, construction site restoration, and re-establishment of landscaping as necessary. The Temporary Easement is to be in full force and effect until either the Utility Facility is constructed and accepted as complete by Seattle Public Utilities, or two years from the date of this instrument, whichever event occurs first.

Grantor hereby agrees that no building or buildings or other permanent structures, trees, or obstruction of any kind, shall be constructed, planted or permitted to remain within the boundaries of the Easement Area without written permission of the Director of Seattle Public Utilities. Grantor, her successors and assigns, shall specifically have the right to use said Easement Area as a paved ingress/egress roadway and for any other purposes not inconsistent with the rights herein granted.



Grantor hereby agrees that no other utility facilities, such as conduits, cables, pipelines, vaults, poles or posts, whether public or private, will be installed within three (3) horizontal feet of said Utility Facility. All utility crossings must maintain a minimum vertical clearance of twelve (12) inches from said Utility Facility.

Grantor waives any present or future claim against the City relating to hazardous substances, pollutants, or contaminants, and shall indemnify and defend Grantee from any such claim, including enforcement action by a regulatory agency, unless the hazardous substances, pollutants or contaminants result from Grantee's operations.

The Easement shall include only such rights in the land above described as shall be necessary for the construction, reconstruction, inspection, alteration, operation, maintenance and repair of the Utility Facility.

The City shall have the right without prior institution of any suit or proceeding at law, to enter upon the Easement Area for the work purposes herein described, without incurring any legal obligation or liability therefor. Such work on the Utility Facility shall be accomplished by the City in such a manner that any private improvements existing in said Easement Area shall not be disturbed or destroyed, but in the event that they are disturbed or destroyed they shall be restored as nearly as possible to the condition existing immediately before the property was entered upon by Grantee.

The covenants herein contained shall run with the land and shall be binding on the parties, their successors and assigns forever.

Antonia C. Koenig

By [Signature]
Grantor:

Date 3.10.08

STATE OF Washington
COUNTY OF King } ss.

I certify that I know or have satisfactory evidence that Antonia C. Koenig signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated March 10, 2008

[Signature]
NAME (Print) S. Dewayne Ticeson
NOTARY PUBLIC in and for the State of Washington
My appointment expires 12.5.2010



((SEAL))

Attachments: Exhibits A and B

EXHIBIT A
 Legal Description
 (Easement Area)



That portion of the south half of Tract 1 of Excelsior Acre Tracts, as recorded in Volume 8 of plats, page 93, records of King County, Washington, situate the John Buckley Donation Land Claim Number 42 in the southwest quarter of Section 32, Township 24 N, Range 4 E, W.M., described as follows:

The South 10 feet of the North 61 feet of said south half of Tract 1 of Excelsior Acre Tracts.

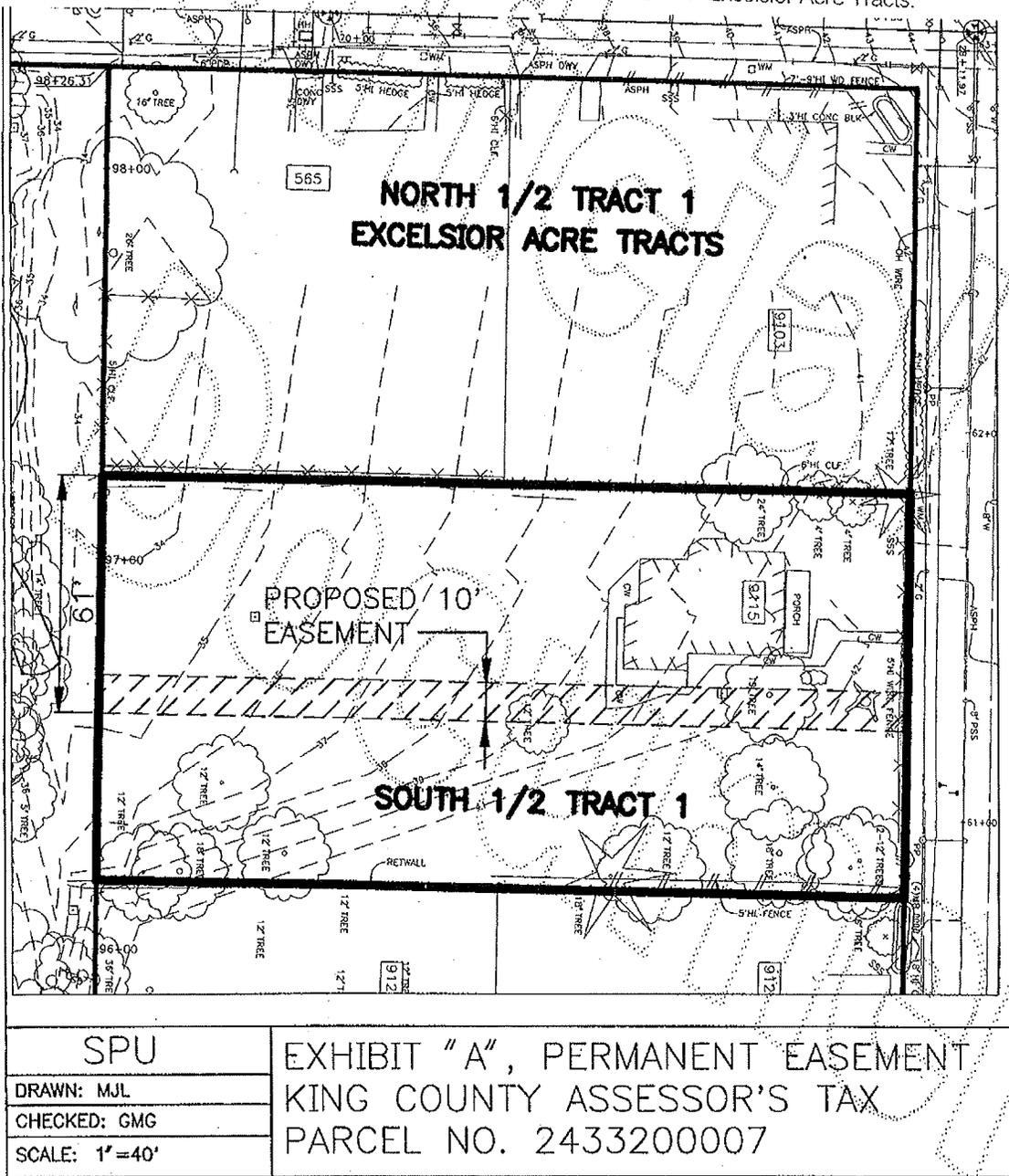
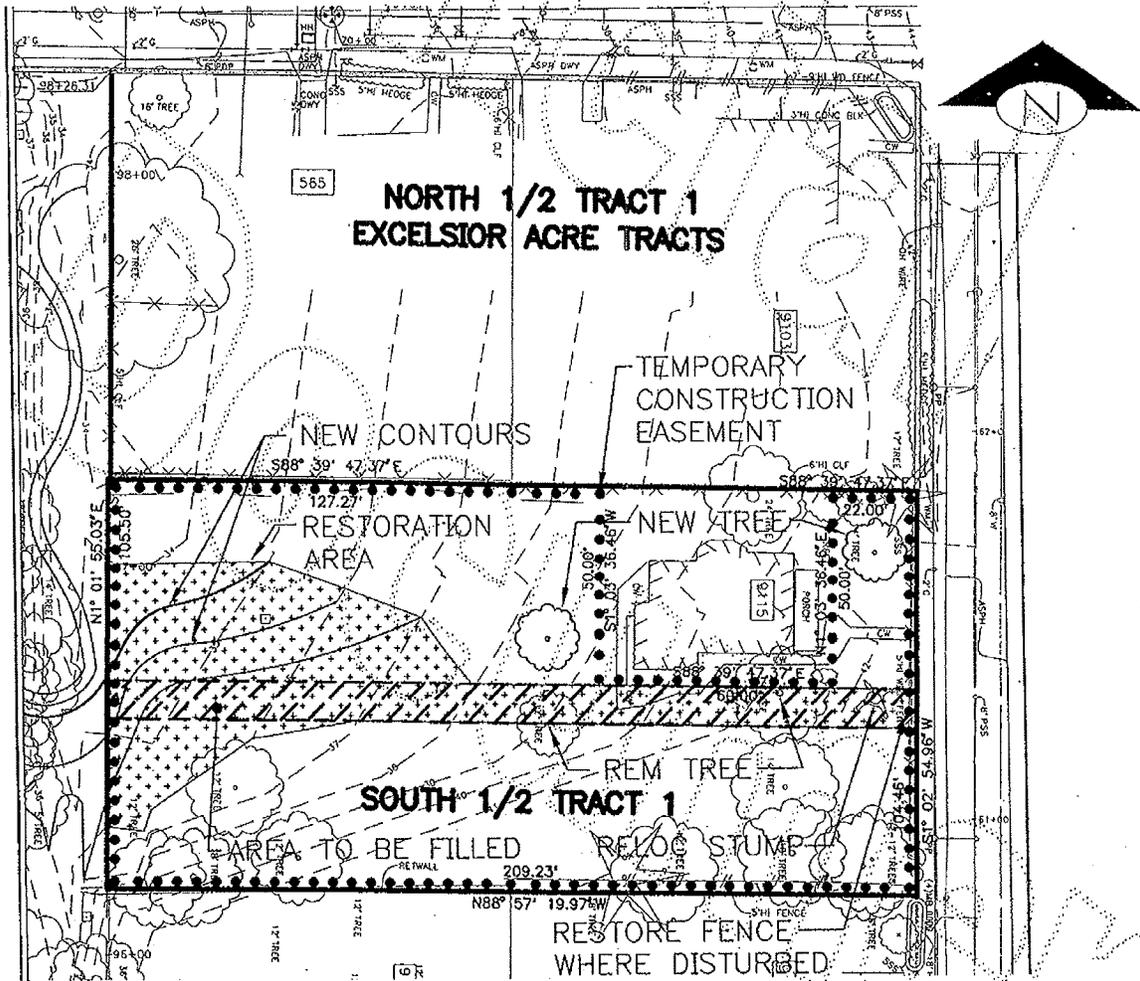


EXHIBIT B
 Legal Description
 (Temporary Easement Area)

That portion of the south half of Tract 1 of Excelsior Acre Tracts, as recorded in Volume 8 of plats, page 93, records of King County, Washington, situate the John Buckley Donation Land Claim Number 42 in the southwest quarter of Section 32, Township 24 N, Range 4 E, W.M., described as follows:

Commencing at the Northeasterly corner of said south half of Tract 1, (the "Point of Beginning"), thence South $1^{\circ}02'54.96''$ West, a distance of 104.46 feet; thence North $88^{\circ}57'19.97''$ West, a distance of 209.23 feet; thence North $1^{\circ}01'55.03''$ East, a distance of 105.50 feet; thence South $88^{\circ}39'47.37''$ East, a distance of 127.27 feet; thence South $1^{\circ}03'36.46''$ West, a distance of 50 feet; thence South $88^{\circ}39'47.37''$ East, a distance of 60 feet; thence North $1^{\circ}03'36.46''$ East, a distance of 50 feet; thence South $88^{\circ}39'47.37''$ East, a distance of 22 feet to the Point of Beginning.



LOCATION OF NEW TREES AND STUMP TO BE FINALIZED IN FIELD.

SPU	EXHIBIT "B", TEMP CONST EASEMENT KING COUNTY ASSESSOR'S TAX PARCEL NO. 2433200007
DRAWN: MJL	
CHECKED: GMG	
SCALE: 1" = 40'	



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Public Utilities	Audrey Hansen/684-5877	John McCoy/615-0758

Legislation Title

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acquisition of two easements in real property known as 9115 7th Ave South, Seattle, Washington, for drainage system purposes.

Summary and background of the Legislation:

This legislation authorizes the Director of Seattle Public Utilities (SPU) to acquire and execute a temporary construction easement and a permanent utility easement at 9115 7th Avenue South in the South Park neighborhood of Seattle. Acquiring these easements would allow SPU to construct a drainage pipe to alleviate storm water flooding within the South Park Basin.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
4th Avenue S/S Trenton Storm Drain Project	C 353202	9115 7th Ave South, Seattle	2005	2012

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

This legislation has financial implications. *(Please complete all relevant sections that follow.)*

Note: The agreed upon purchase price of these easements is \$15,300, the cost of which is included in the project budget. No additional appropriation is required.



STATE OF WASHINGTON – KING COUNTY

--SS.

228365
CITY OF SEATTLE, CLERKS OFFICE

No. 122772 THRU 122777

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

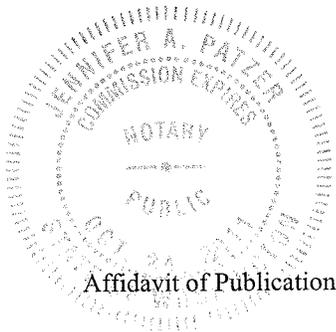
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

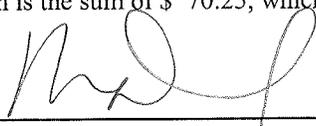
CT: TITLE ONLY ORD

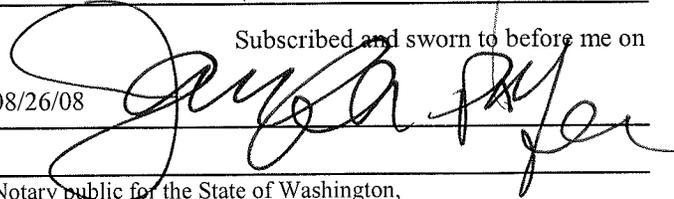
was published on

08/26/08

The amount of the fee charged for the foregoing publication is the sum of \$ 70.25, which amount has been paid in full.





Subscribed and sworn to before me on
08/26/08 

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 August 18, 2008, and published here by title only, will be mailed, at no cost, on request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 122777

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

ORDINANCE NO. 122776

AN ORDINANCE related to King County Regional Vote By Mail Initiative; authorizing an agreement to establish MAIL BALLOT DROP OFF LOCATIONS at six of the City's Department of Neighborhoods "payment center" facilities located at (Ballard) 5604 22nd Ave NW, (Central) 2301 S. Jackson St. Suite 208, (Delridge) 5405 Delridge Way SW, (Lake City) 12525 28th Ave NE, (Southeast) 3815 S. Othello St. Suite 105, and (University) 4534 University Way NE; and increasing appropriations to the Department of Neighborhoods in the 2008 Budget, all by a three-

fourths vote of the City Council.

ORDINANCE NO. 122775

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acquisition of two easements in real property known as 9115 7th Ave South, Seattle, Washington, for drainage system purposes.

ORDINANCE NO. 122772

AN ORDINANCE relating to the Rainier Vista Boys and Girls Club; authorizing an agreement with the Boys and Girls Clubs of King County and the Rainier Valley Boys and Girls Club for the purchase of a Restrictive Covenant and Easement in Gross guaranteeing the availability of space for teen recreational activities and public programming.

Date of publication in the Seattle Daily Journal of Commerce, August 26, 2008.

8/26(228365)