

Ordinance No. 123075

Council Bill No. 116610

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of six easements in real property known as 201, 205, 209, 215 and 217 31st Avenue East, Seattle, Washington for stormwater drainage purposes; and placing said easements under the jurisdiction of Seattle Public Utilities.

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Councilmember

## Committee Action:

8/11/09 passed unanimously 20 yes, Conlin, McIver

8-17-09 Passed 8-11-09 (No: McIver)

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

Date Introduced:	<u>8.10.09</u>	
Date 1st Referred:	To: (committee) <del>Environment</del> <u>Environment, Emergency</u>	
Date Re - Referred:	To: (committee) <u>Management - Util. Div.</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>8-1</u>	
Date Presented to Mayor:	Date Approved: <u>8-20-09</u>	
Date Returned to City Clerk:	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:	

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

Committee: RC 8/11/09  
(initial/date)

*Law Department*  
Law Dept. Review

OMP  
Review

City Clerk  
Review

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ORDINANCE 123075

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of six easements in real property known as 201, 205, 209, 215 and 217 31<sup>st</sup> Avenue East, Seattle, Washington for stormwater drainage purposes; and placing said easements under the jurisdiction of Seattle Public Utilities.

WHEREAS, stormwater flooding and sewer backups have historically occurred in the block bordered by 30<sup>th</sup> Avenue East, 31<sup>st</sup> Avenue East, East John Street, and East Thomas Street in the Madison Valley neighborhood of Seattle; and

WHEREAS, in an effort to reduce surface ponding during typical rainstorms, Seattle Public Utilities, as part of its Madison Valley Long Term Solution Project, will install a backyard storm drain pipe in five properties located in the 200 block of 31<sup>st</sup> Avenue East; and

WHEREAS, the owners of the five properties affected by the new storm drain pipe have agreed to grant easements for the storm drain pipe to be installed within those properties; NOW, THEREFORE,

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

Section 1. The Director of Seattle Public Utilities ("SPU"), or his designee, is authorized on behalf of the City of Seattle to accept Storm Drainage Utility Easements in the properties located at 201, 205, 209, 215 and 217 31<sup>st</sup> Avenue East ("the Easements") substantially in the form attached as Attachment 1, depicted in Attachment 2 and legally described in Attachment 3.

Section 2. The Director of SPU is authorized to record, administer and manage the Easements, and the City's rights thereunder, and to make such additions, modifications or deletions to the Easements, not including any increase in the amounts to be paid by the City, as the Director deems necessary to effectuate the transaction contemplated by this ordinance.



1 Section 3. The Easements are hereby accepted and placed under the jurisdiction of SPU.

2 Section 4. Any act taken after the passage but prior to the effective date of this ordinance  
3 and consistent with its authority is hereby ratified and confirmed.

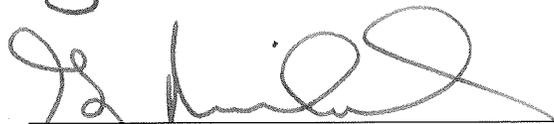
4 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after  
5 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
6 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

7 Passed by the City Council the 17<sup>th</sup> day of August, 2009, and  
8 signed by me in open session in authentication of its passage this

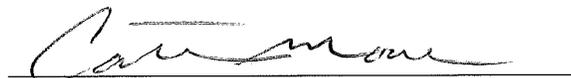
9 17<sup>th</sup> day of August, 2009.

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

15 Approved by me this 20<sup>th</sup> day of August, 2009.

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18 Gregory J. Nickels, Mayor

19 Filed by me this 26<sup>th</sup> day of August, 2009.

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23 City Clerk Interim

24 (Seal)



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Attachment 1 – Easement For Public Stormwater Drainage Facility

Attachment 2 – Map Showing Madison Valley Easements

Attachment 3 – Legal Descriptions



Recording Requested By And  
When Recorded Mail To:

Seattle Public Utilities  
Real Property – DWU  
Box Office 34018  
Seattle, WA 98124-4018

## EASEMENT FOR PUBLIC STORMWATER DRAINAGE FACILITY

Reference #s of Documents Released or Assigned: none  
Grantors: Jimmie D. Thomas-Allen  
Grantee: The City of Seattle, acting by and through Seattle Public Utilities  
Legal Description (abbreviated): POR LOT 14, BLK 31, YESLERS H. L. 2<sup>ND</sup> ADD SUPL  
Assessor's Tax Parcel ID#: 982870-0390

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R/W #2008-01-009

THIS EASEMENT granted this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by **JIMMIE D. THOMAS-ALLEN**, who acquired title as Jimmie Thomas, as her separate estate, ("Grantor"), to **THE CITY OF SEATTLE**, a municipal corporation of the State of Washington, hereinafter called (the "Grantee"), acting by and through Seattle Public Utilities.

WITNESSETH: Said Grantor for and in consideration of the sum of ONE THOUSAND SIX HUNDRED TWENTY AND NO/100 DOLLARS (\$1,620), mutual and offsetting benefits, and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, grants and conveys to the Grantee, an easement for a public stormwater drainage facility with necessary appurtenances (the "Utility Facilities") over, under, through, across and upon the following described property in Seattle, King County, Washington:

The south 30 feet of the west 15 feet of Lot 14, Block 31, H.L. Yeslers Second Addition, Supplemental, according to the plat thereof recorded in King County Volume 1 of Plats, Page 249, in King County, Washington.

(the "Easement Area")

This easement shall include only such rights in the land above described as shall be necessary for the construction, reconstruction, inspection, alteration, access, operation, maintenance and repair of the Utility Facilities.





I certify that I know or have satisfactory evidence that \_\_\_\_\_ 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 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

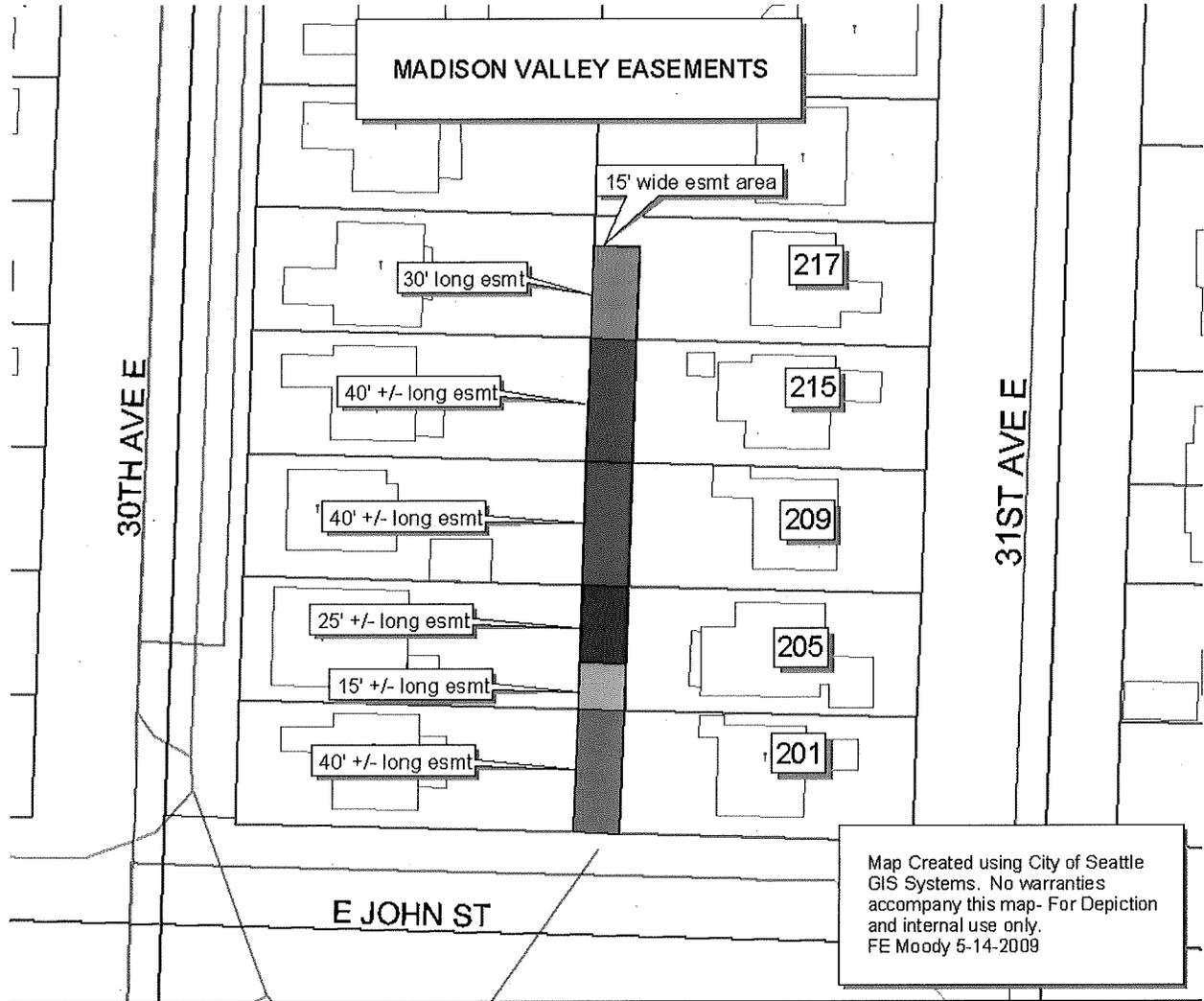
SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Name (Print) \_\_\_\_\_  
NOTARY PUBLIC in and for the State of \_\_\_\_\_

\_\_\_\_\_  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

(SEAL)





### Easement Descriptions

1. The south 30 feet of the west 15 feet of Lot 14, Block 31, H.L. Yeslers Second Addition, Supplemental, according to the plat thereof recorded in King County Volume 1 of Plats, Page 249, in King County, Washington.
2. The west 15 feet of Lot 15, Block 31, H.L. Yeslers Second Addition, Supplemental, according to the plat thereof recorded in King County Volume 1 of Plats, Page 249, in King County, Washington.
3. The west 15 feet of Lot 16, Block 31, H.L. Yeslers Second Addition, Supplemental, according to the plat thereof recorded in King County Volume 1 of Plats, Page 249, in King County, Washington.
4. The north 25 feet of the west 15 feet of Lot 17, Block 31, H.L. Yeslers Second Addition, Supplemental, according to the plat thereof recorded in King County Volume 1 of Plats, Page 249, in King County, Washington.
5. The south 15 feet of the west 15 feet of lot 17, Block 31, H.L. Yeslers Second Addition, Supplemental, according to the plat thereof recorded in King County Volume 1 of Plats, Page 249, in King County Washington.
6. The west 15 feet of lot 18, Block 31, H.L. Yeslers Second Addition, Supplemental, according to the plat thereof recorded in King County Volume 1 of Plats, Page 249, in King County Washington.



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Public Utilities	Celia Kennedy 4-4606	John McCoy 5-0768

**Legislation Title:** AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of six easements in real property known as 201, 205, 209, 215 and 217 31<sup>st</sup> Avenue East, Seattle, Washington for stormwater drainage purposes; and placing said easements under the jurisdiction of Seattle Public Utilities.

• **Summary of the Legislation:**

This legislation would authorize Seattle Public Utilities to accept six easements located in five residential properties as part of the Madison Valley Long Term Solution Project.

**Background:** In June, 2008, the Mayor and Council approved Ordinance 122699, which selected the Northwest diversion and Washington Park storage alternative for the Madison Valley Long Term Solution Project. The project will greatly reduce the potential for periodic sewer backups and stormwater flooding in the Madison Valley area. It involves diverting stormwater through new stormwater pipes; constructing approximately two million gallons of stormwater storage; and expanding an existing above-ground storage facility at 30<sup>th</sup> Avenue East and East John Street.

One element of this project is the creation of a backyard subsurface storm drain pipe on the properties of 201, 205, 209, 215 and 217 on 31<sup>st</sup> Avenue East to help reduce potential flooding of backyards in the block bounded by 31<sup>st</sup> Avenue East, East John Street, 30<sup>th</sup> Avenue East and East Thomas Street. Historically, this is one of the first areas where stormwater collects during storm events. Six easements from five property owners have been obtained for SPU to install and maintain this storm drain pipe. This legislation authorizes SPU to accept the easements which are depicted in Attachment 2 to the ordinance.

- *Please check one of the following:*

**X** **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

The cost of this project element is included in the cost of the Madison Valley Long Term Solution Project. The adopted 2009-2014 CIP contains a total of \$39.7 million for this project. The backyard drain that is the subject of this ordinance is a small part of the overall project, and is estimated to cost approximately \$15,000. SPU will pay approximately \$10,500 for the six easements.





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

July 28, 2009

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

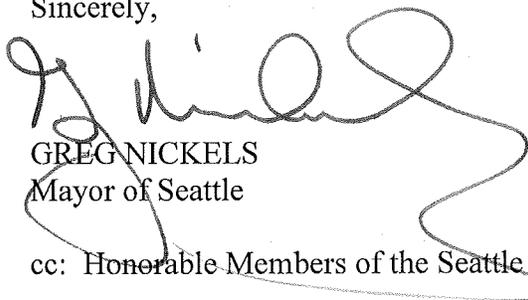
Dear Council President Conlin:

I am transmitting the attached proposed Council Bill that would authorize Seattle Public Utilities (SPU) to accept six easements in five residential properties in the Madison Valley neighborhood. The easements are required for a new SPU storm drain pipe in the backyards of these properties to reduce stormwater ponding during typical rain storms in the area.

The subject properties are located across the street from the interim stormwater storage facility that SPU completed two and a half years ago. The utility will expand that facility later this summer as part of the long-term solution to flooding in the Madison Valley basin. The new drain line being constructed in the easements accepted by this Bill will reduce ponding in the back yards of five homes that have historically experienced some of the worst flooding in the valley. Construction of the new drain line is expected to occur during 2009 to coincide with the construction of Phase 1 of the Madison Valley Stormwater Project, which is the expansion of the stormwater facility at 30<sup>th</sup> Avenue East and East John Street.

The drainage improvements made possible by this legislation are a small, but very important, piece of the overall solution to the Madison Valley flooding problem. Thank you for your consideration of this important legislation. If you have questions, please contact Linda DeBoldt, SPU Project Delivery Branch Deputy Director, at 684-5297.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON - KING COUNTY

--SS.

No.

244017

CITY OF SEATTLE, CLERKS OFFICE

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.

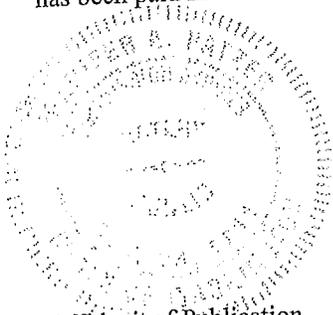
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123073,75&76 TITLE

was published on

08/28/09

The amount of the fee charged for the foregoing publication is the sum of \$ 42.45, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on 08/28/09 [Signature]

Notary public for the State of Washington, residing in Seattle

123073  
123074  
123075  
123076

## State of Washington, King County

### City of Seattle

#### ORDINANCE NO. 123076

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

#### ORDINANCE NO. 123075

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of six easements in real property known as 201, 205, 209, 215 and 217 31st Avenue East, Seattle, Washington for stormwater drainage purposes; and placing said easements under the jurisdiction of Seattle Public Utilities.

#### ORDINANCE NO. 123073

AN ORDINANCE relating to an exchange of restrictions on the use of property under the jurisdiction of the Department of Parks and Recreation; authorizing the Superintendent of the Department of Parks and Recreation to grant the United States of America a Declaration of Restrictions limiting the use of the Crown Hill School property to public park and recreation purposes in exchange for the release of certain deed restrictions applicable to Building 11 in Warren G. Magnuson Park.

Date of publication in the Seattle Daily Journal of Commerce, August 28, 2009.  
8/28(244017)