

Ordinance No. 123 ~~75~~ 233

Council Bill No. 116781

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of utility and temporary construction easements in the property commonly known as 5142 Cloverdale Place South, Seattle, for the upgrade and future maintenance of a culvert end to reduce flooding in the area, and placing said easements under the jurisdiction of Seattle Public Utilities.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]
Councilmember

Committee Action:

1/26/10 PASS MO, RC, BH

2-1-10 Passed 9-0

CF No. _____

Date Introduced:	<u>1.19.10</u>	
Date 1st Referred:	To: (committee) <u>Seattle Public Utilities +</u>	
Date Re - Referred:	To: (committee)	<u>Neighborhoods</u>
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>2-1-10 9-0</u>	
Date Presented to Mayor:	Date Approved: <u>2-2-10 2-8-10</u>	
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:	

This file is complete and ready for presentation to Full Council. Committee: [Signature] 1/27/10
(Initial/Date)

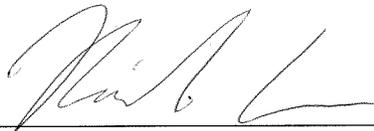
LAW DEPARTMENT

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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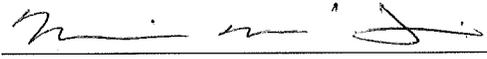
1 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 1st day of February, 2010, and
5 signed by me in open session in authentication of its passage this

6 1st day of February, 2010.
7

8 
9 _____
10 President _____ of the City Council

11 Approved by me this Sunday of February, 2010.

12
13 
14 _____
15 Mayor

16 Filed by me this 9th day of February, 2010.

17
18 
19 _____
20 City Clerk

21 (Seal)

22
23 Attachment 1 – Easement agreement
24
25
26
27



Recording Requested By And
When Recorded Mail To:

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

UTILITY EASEMENT and TEMPORARY CONSTRUCTION EASEMENT

Reference #s of Documents Released or Assigned:	none
Grantor:	Soong H. R. Chu
Grantee:	The City of Seattle
Legal Description (abbreviated):	Portion of Lots 12 and 13, King County's 4 th Addition, RKCW
Assessor's Tax Parcel ID#:	Portion of 3870400051

RW2008-002
Utility Easement

THESE EASEMENTS granted this _____ day of _____, 20____, by **Soong H. R. Chu**, as her separate estate, ("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 the sum of ONE AND NO/100 DOLLAR, mutual and offsetting benefits, and other good and valuable consideration the sufficiency and receipt of which is hereby acknowledged, do here by these presents dedicate, grant, bargain, sell, convey, and warrant to the Grantee

(1) a Utility 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 control facility (the "Utility Facility"), and

(2) a Temporary Construction Easement over, under, through, across and upon the real property in Seattle, King County, Washington legally described in **EXHIBIT B** attached and incorporated herein (the "Temporary Easement Area") for use during construction and installation of the Utility Facility and construction site restoration. The Temporary Easement is to be in full force and affect 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, EXCEPTING that Grantor agrees to take title to own and maintain at Grantor's expense, a fence with locked gating and NO Dumping signage that will be installed by the Grantee as part of the aforementioned mutual and offsetting benefits, along Grantor's property line abutting Cloverdale Place South. Grantor, her successors and assigns, shall specifically have the



right to use said Easement Area in any way and for any purpose 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.

Grantee 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 Grantee 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.

Grantor:

By _____ Date _____
Soong H. R. Chu.

STATE OF _____)
COUNTY OF _____) ss.

I certify that I know or have satisfactory evidence that **Soong H. R. Chu** signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

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

((SEAL))

Attachments: Exhibits A and B



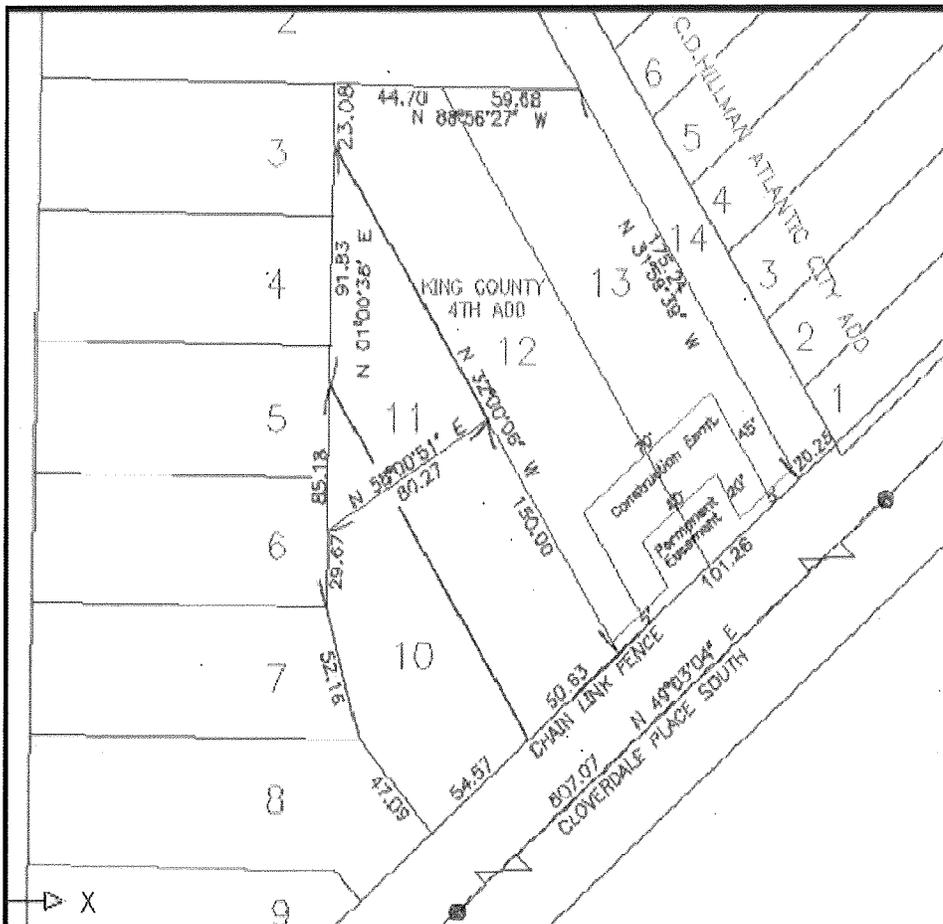
EXHIBIT A

Easement Area

That portion of Lots 12 and 13, of King County's 4th Addition to the City of Seattle, as recorded in Volume 32 of Plats, Page 34, records of King County, Washington, located in a portion of Government Lot 2, Section 35, Township 24 North, Range 4 East, W.M. described as follows:

Beginning at the southeasterly corner of said lot 13; thence S 49° 03' 04" W along the northwesterly right of way margin of Cloverdale Place South a distance of 101.26 feet to the southwesterly corner of said lot 12; thence N 32° 00' 06" W along the southwesterly line of said lot 12 a distance of 5.06 feet; thence N 49° 03' 04" E a distance of 31.01 feet; thence N 32° 00' 06" W a distance of 20.25 feet; thence N 49° 03' 04" E a distance of 40.49 feet; thence S 32° 00' 06" E a distance of 20.25 feet; thence N 49° 03' 04" E a distance of 29.77 feet to the northeasterly line of said lot 13; thence S 31° 59' 39" E along said northeasterly line a distance of 5.06 feet to the **point of beginning**.

Containing 1,316 square feet, more or less.



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Public Utilities	Audrey Hansen/4-5877	John McCoy/5-0768

Legislation Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of utility and temporary construction easements in the property commonly known as 5142 Cloverdale Place South, Seattle, for the upgrade and future maintenance of a culvert end to reduce flooding in the area, and placing said easements under the jurisdiction of Seattle Public Utilities.

• **Summary of the Legislation:**

This legislation would authorize the Director of SPU to accept a permanent utility easement and a temporary construction easement to improve and maintain a drainage facility on private property in south Seattle.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The roadbed of Cloverdale Place South forms a drainage barrier in a remnant wetland complex in the Rainier Beach neighborhood. The culvert that is the subject of this ordinance is the sole outlet from this historic wetland and carries water downstream beneath Cloverdale Place South and through the Rainier Beach High School property. An approximately 20-foot portion of the drainage pipe from the road right-of-way to the culvert end is at the bottom of a small ravine. The culvert end is deteriorated and unprotected from vegetation, erosion, and other sources of debris. City drainage crews have occasionally cleared the culvert end. However, it is on private property and the City has no maintenance easement. The poor condition of the culvert end contributes to flooding on the adjacent property, a church at 5150 Cloverdale Place South. Because of the repeated flooding and property damage, the church has filed claim against the City. SPU has agreed to remedy this condition by upgrading the pipe, adding a trash rack, installing a fence with "no dumping" signs, installing a footpath for maintenance access, and regularly maintaining the drainage pipe. SPU needs to accept easements from the private property owner to construct and maintain the improvements. In addition, a permanent easement will record SPU's ownership of the culvert and conveyance system on private property.

• *Please check one of the following:*

This legislation does not have any financial implications.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

December 15, 2009

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

Dear Council President Conlin:

I am pleased to forward to you the attached proposed Council Bill that would authorize Seattle Public Utilities to accept a permanent easement and a temporary construction easement from a private party for a culvert which will be owned and maintained by Seattle Public Utilities.

The culvert, which will be on the property at 5142 Cloverdale Place South, is needed to reduce localized flooding. It will be part of a larger drainage system in the public right of way. This area of the Rainier Beach neighborhood has experienced frequent flooding, particularly at a church at 5150 Cloverdale Place South. The church has lodged complaints and a formal claim against the City and Seattle Public Utilities because of stormwater damage to the property. This easement agreement is the result of successful negotiations among all of the affected parties to find a solution to the problem.

Thank you for your consideration of this legislation, which will help to resolve a longstanding flooding issue. If you have any questions, please contact Audrey Hansen from Seattle Public Utilities at 684-5877.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, stylized flourish that extends across the page.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

250690
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

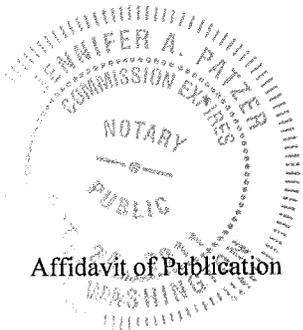
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123231-123234 TITLE

was published on

02/16/10

The amount of the fee charged for the foregoing publication is the sum of \$ 75.08, which amount has been paid in full.



Affidavit of Publication

[Signature]

Subscribed and sworn to before me on
02/16/10 *[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 February 1, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123231

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

ORDINANCE NO. 123232

AN ORDINANCE granting the Board of Regents of the University of

Washington permission to maintain and operate a utility tunnel under and across Northeast 41st Street, west of 15th Avenue Northeast, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123233

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of utility and temporary construction ease-

ments in the property commonly known as 5142 Cloverdale Place South, Seattle, for the upgrade and future maintenance of a culvert end to reduce flooding in the area, and placing said easements under the jurisdiction of Seattle Public Utilities.

ORDINANCE NO. 123234

AN ORDINANCE, relating to a vehicular and pedestrian skybridge over and across the alley between 11th Avenue Northeast and 12th Avenue Northeast, north of Northeast 43rd Street, amending Ordinance 119161, as amended by Ordinance 121855, to transfer the permit from the General Insurance Company of America to the Board of Regents of the University of Washington, update the insurance and bond requirements, and amend the annual fee; renewing the term of the permit; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, February 16, 2010.
2/16(250690)