

Ordinance No. 123556

Council Bill No. 117113

AN ORDINANCE vacating the east 200 feet of the alley in Block 3, Bonen's Addition to the City of Seattle, on the petition of Bethany Community Church; accepting an easement for non-exclusive street purposes; and ratifying and confirming certain prior acts. (Clerk File 307183).

CF No. _____

Date Introduced:	<u>2.22.11</u>	
Date 1st Referred:		To: (committee) <u>Transportation</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>March 14, 2011</u>	Full Council Vote: <u>6-0</u>
Date Presented to Mayor:	<u>March 15, 2011</u>	Date Approved: <u>3.18.11</u>
Date Returned to City Clerk:	<u>3.18.11</u>	Date Published: T.O. <input checked="" type="checkbox"/> F.T. _____
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Tom Roemer

Councilmember

Committee Action:

3-8-11

Approve

TRIG-NL
3-0

3/14/11 PASSED 6-0 (out: Harrell; excused: Bagshaw, Contin)

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

ORDINANCE 123556

AN ORDINANCE vacating the east 200 feet of the alley in Block 3, Bonen's Addition to the City of Seattle, on the petition of Bethany Community Church; accepting an easement for non-exclusive street purposes; and ratifying and confirming certain prior acts. (Clerk File 307183).

WHEREAS, Bethany Community Church (the "Petitioner") filed a petition to vacate the east 200 feet of the alley in Block 3, Bonen's Addition to the City of Seattle, which is the alley in the block bounded by North 80th Street, Aurora Avenue North, North 81st Street, and Stone Avenue North, in the Green Lake neighborhood of Seattle; and

WHEREAS, following a public hearing on the petition, held on September 27, 2005, the petition was conditionally granted by the Seattle City Council ("City Council"); and

WHEREAS, the City Council approved the petition pursuant to certain conditions which have been met (See Clerk's File 307183); and

WHEREAS, the Petitioner has granted an easement to the City at the western boundary of its property to connect the existing alley to North 81st Street. Such easement will allow public access to the alley on both its east and west ends should the City elect to utilize the easement by placing a roadway across Petitioner's property at some future date; and

WHEREAS, pursuant to Section 35.79.030, RCW and Seattle Municipal Code Chapter 15.62, the Petitioner has paid the City a vacation fee of \$65,000, which amount is the full appraised value of the property less the market value of the easement granted to the City by the Petitioner; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The portion of real property described as:

The portion of the alley adjoining Lots 1 through 5 inclusive and Lots 25 through 29 inclusive all in Block 3, Bonen's Addition to the City of Seattle, according to the plat thereof, recorded in King County records, in Volume 17 of Plats, Page 69, lying east of a line from the Southwest corner of Lot 5 to the Northwest corner of Lot 25 and West of the West margin of Stone Avenue North, being a line 30.00 feet West of the centerline said avenue.

Situate in the City of Seattle, County of King, State of Washington.



1 is hereby vacated;

2 Or in the alternative, to vacate any portion of said right-of-way so particularly described;

3 RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills
4 upon the above described property after said vacation; and further,
5

6 RESERVING to the City of Seattle the right to reconstruct, maintain, and operate any
7 existing overhead or underground utilities in said rights-of-way until the beneficiaries of said
8 vacation arrange with the owner or owners thereof for their removal.

9 Section 2. As a condition of vacation, Bethany Community Church, a Washington public
10 benefit corporation, granted to the City of Seattle an easement which was recorded under King
11 County recording number 20100715001208 and dated July 12, 2010. Such easement, which is
12 attached as Attachment A and incorporated into this ordinance, is accepted. The non-exclusive
13 easement is granted to the City for street purposes including the right to provide public access to
14 the existing alley should the City determine that such connection is necessary for transportation
15 purposes. The easement includes the following-described real property:
16
17

18 A strip of land lying within Block 3 in the Plat of Bonen's Addition to the City of
19 Seattle as recorded in Volume 17 on page 69 of plats, records of King County,
20 Washington, said strip of land being described as follows:

21 Commencing at the Northwest Corner of Lot 5 in said Block and Plat;

22 Thence South 89° 53' 31" East along the North line of said Lot 5 for a distance of
23 9.48 feet to the point of beginning;

24 Thence South 00° 00' 00" East for a distance of 64.96 feet to a point of tangency
25 with a curve concave to the Northwest having a radius of 30.00 feet;



1 Thence Southerly and Westerly along said curve for an arc length distance of
2 47.18 feet through a central angle of 90° 06' 14" to a point of tangency with the
North line of the existing 14.00 foot alley in said Block 3:

3 Thence South 89° 53' 46" East, along said North line, for a distance of 21.14 feet
4 to the Northerly extension of the East line of Lot 24 in said Block and Plat;

5 Thence South 00° 20' 20" East, along said Northerly extension, for a distance of
6 14.00 feet to the beginning of a non-tangent curve concave to the Northwest
7 having a radius of 42.00 feet from which a radial line of said curve bears North
8 24° 07' 16" West;

9 Thence Easterly and Northerly along said non-tangent curve for an arc length
10 distance of 48.29 feet through a central angle of 65° 52' 44";

11 Thence North 00° 00' 00" East for a distance of 70.64 feet to the North line of Lot
12 5 in Said Block and Plat;

13 Thence North 89° 53' 31" West along said North line for a distance of 16.00 feet
14 to the Point of Beginning.

15 Containing 1,795 square feet, more or less.

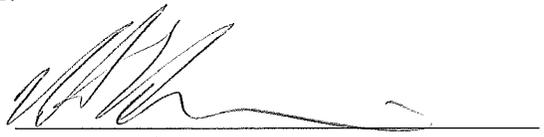
16 Section 3. All prior actions taken by the Director, or his designees, in acquiring the
17 easement prior to the effective date of this ordinance are hereby ratified and confirmed.

18 Section 4. This ordinance shall take effect and be in force 30 days after its approval by
19 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
20 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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Passed by the City Council the 14th day of March, 2011, and
signed by me in open session in authentication of its passage this
14th day of March, 2011.



President Pro Tem of the City Council

Approved by me this 18th day of March, 2011.



Michael McGinn, Mayor

Filed by me this 18th day of March, 2011.



City Clerk

(Seal)

Attachment A: Easement





20100715001208

FOSTER PEPPER EAS 67.00
PAGE-001 OF 006
07/15/2010 15:18
KING COUNTY, WA

RECORDED AT THE REQUEST OF:
AND AFTER RECORDING RETURN TO:

Joseph A. Brogan
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101

Easement

Reference No. of Related Document: City of Seattle CF 307183

Grantor: Bethany Community Church
Grantee: City of Seattle
Abbreviated Legal: A portion of Lots 5 and 6, BLK 3, Bonen's Addition,
Vol. 17, PP 69, King County, Washington
Full legal description: See Exhibit A
Assessor's Tax Parcel ID#: 0917000210
Reference # (If applicable): 20081002001271

EXCISE TAX NOT REQUIRED
King Co. Records Division
Deputy



After recording return document to:

City of Seattle
Department of Transportation
700 5th Avenue – Suite 3900
P.O. Box 34996
Seattle, WA 98124-4996
Attn: Moira Gray

Document Title: Easement
Reference Number of Related Document: City of Seattle CF 307183
Grantor(s): Bethany Community Church
Grantee: City of Seattle
Abbreviated Legal Description: A portion of Lots 5 and 6, BLK 3, Bonen's Addition, Vol. 17, PP 69, King County, Washington
Additional Legal Description is on Page(s) 4-5 of Document
Assessor's Tax Parcel Number(s): 0917000210

EASEMENT

Project: Bethany Community Church Expansion

The GRANTOR, BETHANY COMMUNITY CHURCH, a Washington public benefit corporation, for and in consideration of mutual benefits, and other valuable consideration, hereby conveys and warrants to the GRANTEE, CITY OF SEATTLE, a municipal corporation of the State of Washington, a nonexclusive Easement for street purposes over, under, upon and across the hereinafter described lands, situated in King County, State of Washington:

See Exhibits A and B attached hereto and made a part hereof.

EASEMENT

1. The purpose of the Easement is to provide for a future connection to the existing alley should GRANTEE determine a connection is necessary for transportation purposes.

2. GRANTOR reserves the right to use the Easement area to the extent that its use is not inconsistent with GRANTEE's use, however, nothing in any restriction on GRANTOR's use shall be understood to limit GRANTOR's access to/from the burdened parcel by way of driveways over the Easement area, as shown on the Project plans approved by the City of Seattle Department of Planning Development, Project No. 2409068.

3. GRANTEE reserves the right to construct, or cause the construction of, a roadway connecting the Easement area to the existing alley ("Alley Connection"). Construction of the Alley Connection is not the responsibility of the GRANTOR. GRANTOR shall remove any encroachments in the Easement area and make any necessary modifications within the Easement area to accommodate the public's use of the Easement should the Alley Connection be constructed in the future.

4. GRANTEE shall be responsible for the maintenance and repair of any of GRANTEE's improvements constructed/installed by GRANTEE within the Easement area. GRANTEE shall have the right to trim any landscaping within the Easement area to ensure the visibility of signage located on the burdened parcel.

5. GRANTOR shall be responsible for the maintenance and repair of any improvements, including the road surface, installed by GRANTOR within the Easement area.



EASEMENT

Dated 7/12, 2010

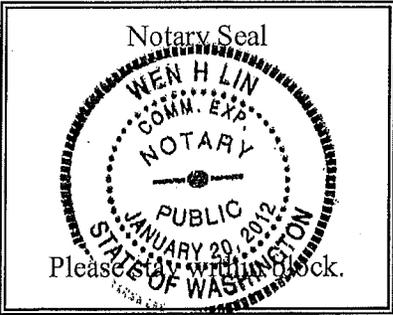
BETHANY COMMUNITY CHURCH

By: [Signature]
Print Name: RICHARD DAHLSTROM
Title: PRESIDENT

STATE OF WA)
County of King) §

On this 12th day of July, 2010, before me personally appeared RICHARD DAHLSTROM, to me known to be the PRESIDENT of BETHANY COMMUNITY CHURCH, a Washington public benefit corporation, and is an authorized representative to sign on behalf of Bethany Community Church, and acknowledged said instrument to be the free and voluntary act and deed of Bethany Community Church for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

WITNESS MY HAND AND OFFICIAL SEAL hereto affixed the day and year first above written.



[Signature]
Notary (print name) Wen H Lin
Notary Public in and for the State of WA,
residing at Seattle
My Appointment expires 1/20/2012

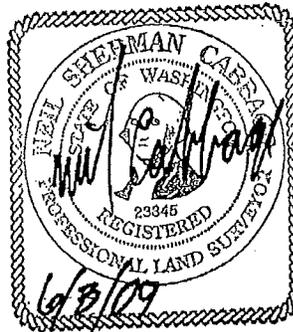


EXHIBIT A

A strip of land lying within Block 3 in the Plat of Bonen's Addition to the City of Seattle as recorded in volume 17 on page 69 of plats, records of King County, Washington, said strip of land being described as follows:

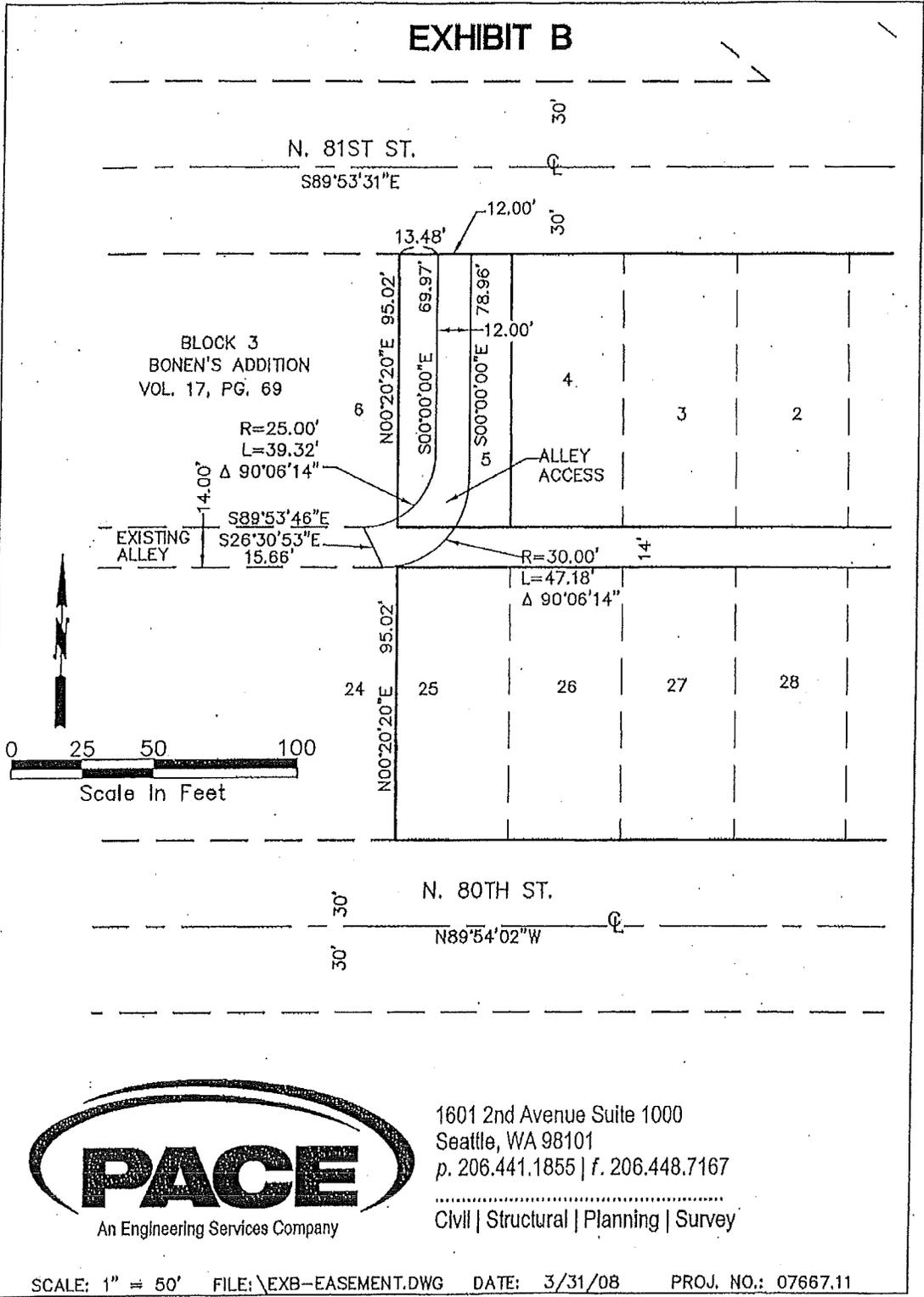
Commencing at the Northwest Corner of Lot 5 in said Block and Plat;
Thence South $89^{\circ}53'31''$ East along the North line of said Lot 5 for a distance of 9.48 feet to the Point of Beginning;
Thence South $00^{\circ}00'00''$ East for a distance of 64.96 feet to a point of tangency with a curve concave to the Northwest having a radius of 30.00 feet;
Thence Southerly and Westerly along said curve for an arc length distance of 47.18 feet through a central angle of $90^{\circ}06'14''$ to a point of tangency with the North line of the existing 14.00 foot alley in said Block 3;
Thence South $89^{\circ}53'46''$ East, along said North line, for a distance of 21.14 feet to the Northerly extension of the East line of Lot 24 in said Block and Plat;
Thence South $00^{\circ}20'20''$ East, along said Northerly extension, for a distance of 14.00 feet to the beginning of a non-tangent curve concave to the Northwest having a radius of 42.00 feet from which a radial line of said curve bears North $24^{\circ}07'16''$ West;
Thence Easterly and Northerly along said non-tangent curve for an arc length distance of 48.29 feet through a central angle of $65^{\circ}52'44''$;
Thence North $00^{\circ}00'00''$ East for a distance of 70.64 feet to the North line of Lot 5 in said Block and Plat;
Thence North $89^{\circ}53'31''$ West along said North line for a distance of 16.00 feet to the Point of Beginning.

Containing 1,795 square feet, more or less.



By NC 6/3/09
09626.10

EXHIBIT B



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Beverly Barnett/684-7564	Stephen Barham/733-9084

Legislation Title:

AN ORDINANCE vacating the east 200 feet of the alley in Block 3, Bonen's Addition to the City of Seattle, on the petition of Bethany Community Church; accepting an easement for non-exclusive street purposes; and ratifying and confirming certain prior acts. (Clerk File 307183).

Summary of the Legislation:

This Council Bill completes the vacation process for the alley in Block 3, Bonen's Addition to the City of Seattle, on the petition of Bethany Community Church, a Washington public benefit corporation (the "Petitioner") and accepts an easement over Petitioner's property for future public access that connects the alley to North 81st Street.

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

The Petitioner sought vacation of the east 200 feet of the alley to consolidate its property and add a new sanctuary building to expand its campus. On September 27, 2005, the City Council voted to conditionally grant the Church's petition to vacate that portion of the alley. The Petitioner subsequently constructed a new sanctuary building on the corner of North 80th Street and Stone Avenue North to accommodate the growth of the church. The new three level facility includes a new sanctuary and is accessible to the community for neighborhood meetings. To meet its public benefit requirement, the Petitioner partnered with Daniel Bagley Elementary School, which is adjacent to the church campus, to create a joint use off-street parking area, to fund playground improvements, and to display student artwork that aesthetically enhances the school's perimeter. The site plan also incorporated improvements such as sustainable landscaping including street trees, planting strips, decorative lighting, a sustainable storm water system, streetscaping, and a hardscaped plaza on Stone Avenue North.

The Petitioner has granted to the City an easement across its property to provide for public access between the alley and North 81st Street.

Please check one of the following:

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

This legislation does not accept or appropriate funds. The Seattle Department of Transportation

Beverly Barnett/GMH
SDOT Bethany Community Church Vacation FISC
February 1, 2011
Version #4

received a vacation fee of \$65,000 in 2009, at which time 50 percent was deposited in the CRS Unrestricted Subaccount and 50 Percent in the CRS Street Vacation Subaccount.

Attachment A: Street Vacation Map.



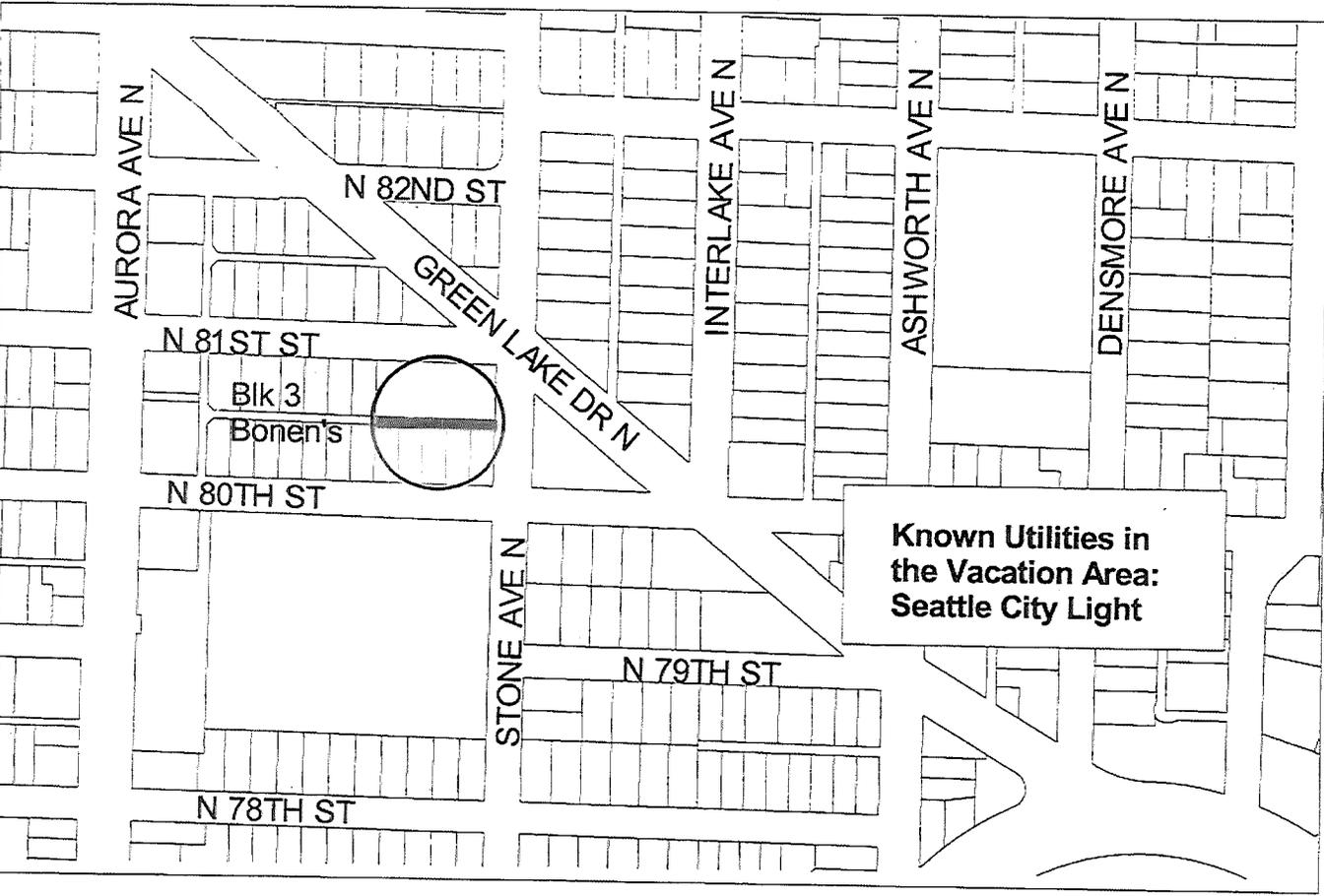
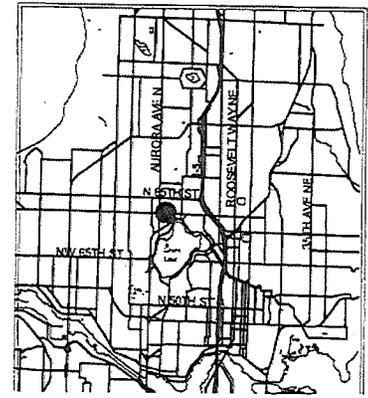
Street Vacation Petition: Block 3,
Bonen's Add. C.F. 307183

Area: 2,800 sq.ft.

Petitioner: Bethany
Community Church

Zoning: SF 5000

 Proposed Vacation Area



**Known Utilities in
the Vacation Area:
Seattle City Light**





City of Seattle
Office of the Mayor

February 15, 2011

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 complete the vacation process for Bethany Community Church (Petitioner). The Petitioner sought to vacate the east 200 feet of the alley between North 81st Street and North 80th Street bordered by Stone Avenue North and Aurora Avenue North in the Green Lake neighborhood. This legislation also accepts an easement from the Petitioner to allow the City to create public street access from the alley, over Petitioner's property, to North 81st Street to the north, should a future connection become necessary.

On September 27, 2005, the City Council voted to conditionally grant the petition to vacate that portion of the alley. The Petitioner subsequently constructed a new sanctuary building on the corner of North 80th Street and Stone Avenue North to accommodate the growth of the church. The new three level facility includes a new sanctuary and is accessible to the community for neighborhood meetings. To meet its public benefit requirement, the Petitioner partnered with Daniel Bagley Elementary School, which is adjacent to the church campus, to create a joint off-street parking area, fund playground improvements, and display student artwork that enhances the school's perimeter. The completed project also incorporates improvements such as landscaping and a hardscaped plaza on Stone Avenue North that enhances the pedestrian environment in the Green Lake neighborhood.

The street vacation made the expansion of Bethany Community Church possible in its existing neighborhood location. Thank you for your support of this legislation. If you have any questions please contact Beverly Barnett at (206) 684-7564.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov



STATE OF WASHINGTON – KING COUNTY

--SS.

268784

No.

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.

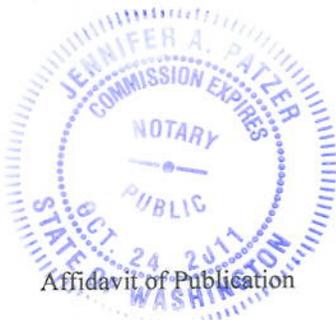
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123555-561 TITLE ONLY

was published on

03/24/11

The amount of the fee charged for the foregoing publication is the sum of \$ 116.03, which amount has been paid in full.



Affidavit of Publication

Mal

Subscribed and sworn to before me on
03/24/11

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 resolutions, passed by the City Council on March 14, 2011, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123555

AN ORDINANCE relating to historic preservation, imposing controls upon the Laurelhurst Community Center, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

ORDINANCE NO. 123556

AN ORDINANCE vacating the east 200 feet of the alley in Block 3, Bonen's Addition to the City of Seattle, on the petition of Bethany Community Church; accepting an easement for non-exclusive street purposes; and ratifying and confirming certain prior acts. (Clerk File 307183).

ORDINANCE NO. 123557

AN ORDINANCE relating to historic preservation, imposing controls upon the Harborview Medical Center (Center Wing of the East Hospital), a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

ORDINANCE NO. 123558

AN ORDINANCE vacating a portion of Wolcott Avenue between the east margin of Rainier Avenue South and the west margin of the alley in Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle Division No. 2, on the petition of Housing Resources Group and Chung Tai International Chan Buddhist Association; suspending the vacation compensation provision of Seattle Municipal Code subsection 15.62.090A to accept one-half the appraised value for the purposes of this ordinance only; and accepting a Property Use and Development Agreement as reflected in Clerk File 309627.

ORDINANCE NO. 123559

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into long-term, full and partial requirements contracts and emergency intertie agreements with wholesale customers that have expiring water supply contracts with Seattle, and ratifying and confirming certain prior acts.

ORDINANCE NO. 123560

AN ORDINANCE relating to the Opportunity Fund category of the 2008 Parks and Green Spaces Levy; accepting the recommendations of the 2008 Parks and Green Spaces Levy Oversight Committee; authorizing the acquisition of real property commonly known as 18th Ave. SW & SW Brandon St. (Puget Ridge Edible Park) and 19th and Madison Neighborhood Park; authorizing acceptance of the deeds for open space, park, and recreation purposes; amending the 2011 Adopted Budget and 2011 2016 Capital Improvement Program; and increasing appropriations in connection thereto; and ratifying and confirming certain prior acts, all by a three-fourths vote of the City Council.

ORDINANCE NO. 123561

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

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, March 24, 2011.

3/24(268734)