

Ordinance No. 123636

Council Bill No. 117189

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

*Don Roman*  
Councilmember

AN ORDINANCE relating to the Spokane Street Viaduct project; declaring certain real property rights surplus to utility needs; authorizing the transfer of jurisdiction of said real property rights located in Blocks 302 and 271, Seattle Tide Lands from the City Light Department, placing it under the jurisdiction of the Seattle Department of Transportation and designating the property for street purposes; authorizing the Director of the Department of Transportation and the Superintendent of the City Light Department to execute and record a Termination of Possession and Use Agreement; and ratifying and confirming certain prior acts.

## Committee Action:

6-14-11 PASS

3-0  
TRTB NL

6/20/11 Full Council PASSED 8-0 (excused: O'Brien)

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

Date Introduced:	<u>5-31-11</u>	
Date 1st Referred:		To: (committee) <u>Transportation</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>6/20/11</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor:	<u>6/21/11</u>	Date Approved: <u>6-23-11</u>
Date Returned to City Clerk:	<u>6-23-11</u>	Date Published: T.O. <input checked="" type="checkbox"/> F.T. _____
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

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



1 Alaskan Way Viaduct by creating an alternate northbound route from West  
2 Seattle to downtown Seattle; and

3 WHEREAS, to immediately begin the Project, on June 8, 2008 SCL and SDOT entered  
4 into a Possession and Use Agreement, executed by the Superintendent of SCL and  
5 the Director of SDOT, and recorded under King County Recording Number  
6 20080619000512 (the "Possession and Use Agreement"), which granted SDOT  
7 temporary property rights to certain SCL real property in exchange for SDOT's  
8 payment to SCL for said property rights; and

9 WHEREAS, a permanent transfer of jurisdiction of the property rights described in the  
10 Possession and Use Agreement from SCL to SDOT is needed for the completed  
11 4<sup>th</sup> Avenue South off-ramp portion of the Project, and modified as such property  
12 boundaries have been revised to facilitate the Project; and

13 WHEREAS, once the transfer of jurisdiction from SCL to SDOT becomes effective, the  
14 Possession and Use Agreement can be terminated; and

15 WHEREAS, SCL and SDOT will execute a "Termination of Possession and Use  
16 Agreement" to be recorded and become effective upon the effective date of this  
17 ordinance; NOW, THEREFORE,

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

19 Section 1. Pursuant to the provisions of RCW 35.94.040, and after a public  
20 hearing, a portion of the real property acquired by Statutory Warranty Deed dated  
21 June 30, 1923 and recorded under King County Recording No. 1764785 pursuant to the  
22 authority of City of Seattle Ordinances 45059, 45499 and 71327, and described in  
23 Section II of Attachment A to this ordinance, is hereby found and declared to be no  
24 longer required for providing municipal utility purposes. SCL has received monetary  
25 compensation for the true and full value of said real property from SDOT pursuant to the  
26 Possession and Use Agreement. The remainder of the real property rights acquired by  
27 the City of Seattle pursuant to the Statutory Warranty Deed recorded under King County  
28 Recording Number 1764785, and not otherwise transferred to SDOT by this ordinance,  
will remain designated for municipal electric purposes under the jurisdiction of SCL.



1           Section 2. The Superintendent of SCL or his designee is hereby authorized to  
2 transfer to SDOT, and the Director of SDOT is hereby authorized to accept for street  
3 purposes, jurisdiction over a portion of the real property rights acquired by Statutory  
4 Warranty Deed recorded under King County Recording No. 1764785, as authorized by  
5 City of Seattle Ordinances 45059, 45499 and 71327, and legally described in Section II in  
6 Attachment A to this ordinance.

7           Section 3. Pursuant to the provisions of RCW 35.94.040, and after a public  
8 hearing, a portion of the real property acquired by Statutory Warranty Deed dated  
9 May 21, 1975 and recorded under King County Recording No. 7507160349 pursuant to  
10 the authority of City of Seattle Ordinance 103888, and legally described in Section II in  
11 Attachment B to this ordinance, is hereby found and declared to be no longer required for  
12 providing municipal utility purposes. SCL has received monetary compensation for the  
13 true and full value of said real property from SDOT pursuant to the Possession and Use  
14 Agreement. The remainder of the real property rights acquired by the City of Seattle  
15 pursuant to the Statutory Warranty Deed recorded under King County Recording No.  
16 7507160349, and not otherwise transferred to SDOT by this ordinance, will remain  
17 designated for municipal electric utility purposes under the jurisdiction of SCL.

18           Section 4. The Superintendent of SCL or his designee is hereby authorized to  
19 transfer to SDOT, and the Director of SDOT is hereby authorized to accept for street  
20 purposes, jurisdiction over a portion of the real property rights acquired by Statutory  
21 Warranty Deed, recorded under King County Recording Number 7507160349, as  
22 authorized by City of Seattle Ordinance 103888, and legally described in Section II in  
23 Attachment B to this ordinance.

24           Section 5. The parcels legally described in Attachment A (Section II) and  
25 Attachment B (Section II - A., B., and C.) to this ordinance are dedicated for street  
26



1 purposes and are laid off, opened, widened, extended, and established as the Spokane  
2 Street Viaduct 4<sup>th</sup> Avenue South Off-Ramp.

3 Section 6. The Director of the Department of Transportation and the  
4 Superintendent of Seattle City Light, or their designees are authorized, upon this  
5 ordinance taking effect, to execute and record on behalf of the City of Seattle a  
6 Termination of Possession and Use Agreement, substantially in the form attached as  
7 Attachment C to this ordinance.

8 Section 7. Any act consistent with the authority of this ordinance taken prior to its  
9 effective date is hereby ratified and confirmed.

10 Section 8. This ordinance shall take effect and be in force 30 days after its  
11 approval by the Mayor, but if not approved and returned by the Mayor within ten days  
12 after presentation, it shall take effect as provided by Seattle Municipal Code Section  
13 1.04.020.

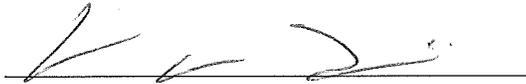


1 Passed by the City Council the 20<sup>th</sup> day of June,  
2 2011, and signed by me in open session in authentication of its passage this  
3 20<sup>th</sup> day of June, 2011.

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6 President \_\_\_\_\_ of the City Council

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8 Approved by me this 23<sup>rd</sup> day of June, 2011.

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11 Michael McGinn, Mayor

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13 Filed by me this 23<sup>rd</sup> day of June, 2011.

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16 City Clerk

17  
18 (Seal)

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20 Attachment A: Legal Description for Transfer of Jurisdiction of a portion of Block 302

21 Attachment B: Legal Description for Transfer of Jurisdiction of a portion of Block 271

22 Attachment C: Termination of Possession and Use Agreement



**ATTACHMENT A**

**I. CITY OF SEATTLE EXISTING PARCEL LEGAL DESCRIPTION**

Tax Acct. No.: 766620-5660  
Owner: City of Seattle (City Light)

All of Block 302 of the Map of Seattle Tide Lands, according to the official plats on file in the Office of the Commissioner of Public Lands of the State of Washington, and all of Island Extension of Block 302, Seattle Tide Lands, according to the official plat of record in Volume 12 of Plats at page 6, of the records of King County, State of Washington; and that portion of vacated 2<sup>nd</sup> Avenue South and South Spokane Street vacated under the City of Seattle Ordinance Number 71327.



## II. TRANSFER OF JURISDICTION OF A PORTION OF BLOCK 302

That portion of Block 302, Map of Seattle Tide Lands, according to the official plats on file in the Office of the Commissioner of Public Lands of the State of Washington and all of Island Extension of Block 302, Seattle Tide Lands, according to the plat thereof recorded in Volume 12 of Plats, page 6, in King County, Washington; and that portion of vacated 2<sup>nd</sup> Avenue South and South Spokane Street vacated under the City of Seattle Ordinance Number 71327, more particularly described as follows:

Beginning at the Southwest corner of 4<sup>th</sup> Avenue South and South Spokane Street, said point being also the Northeast corner of said Block 302;

Thence North 88°51'55" West along the current South margin of South Spokane Street, being parallel with and 75 feet Southerly measured at right angles from the centerline thereof, a distance of 339.19 feet;

Thence leaving said South margin South 74°49'52" East, a distance of 14.56 feet to a point distant 3.53 feet Southerly, measured at right angles, from said South margin;

Thence South 88°51'55" East, parallel with said South margin, a distance of 150.96 feet;

Thence South 75°03'01" East, a distance of 6.28 feet to a point distant 5.03 feet Southerly, measured at right angles, from said South margin;

Thence South 88°51'55" East, parallel with said South margin, a distance of 9.00 feet;

Thence North 77°19'11" East, a distance of 6.28 feet to a point distant 3.53 feet Southerly, measured at right angles, from said South margin;

Thence South 88°51'55" East, parallel with said South margin, a distance of 114.75 feet;

Thence South 75°03'01" East, a distance of 6.28 feet to a point distant 5.03 feet Southerly, measured at right angles, from said South margin;



Thence South 88°51'55" East, parallel with said South margin, a distance of 9.00 feet;

Thence North 77°19'11" East, a distance of 6.28 feet to a point distant 3.53 feet Southerly, measured at right angles, from said South margin;

Thence South 88°51'55" East, parallel with said South margin, a distance of 7.79 feet;

Thence South 44°52'55" East, a distance of 12.73 feet to the Easterly line of said Block 302 at a point distant 12.37 feet Southerly of the Point of Beginning;

Thence North 01°08'06" East along said Easterly line, a distance of 12.37 feet to the Point of Beginning;

Contains approximately 1,258 square feet.

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



**ATTACHMENT B**

**I. CITY OF SEATTLE EXISTING PARCEL LEGAL DESCRIPTION**

General location: Southeast quadrant of 4<sup>th</sup> Avenue South  
and South Spokane Street  
Tax Acct. No.: 766620-4070  
Owner: City of Seattle

**PARCEL A:**

Lots 1, 2, 3, 4, 5 and the North 20 feet of Lot 6, Block 271, Map of Seattle Tide Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands, in Olympia, Washington.

**PARCEL B:**

Those portions of Lot 6; EXCEPT the North 20 feet thereof, and Lots 7, 8, 9, 10 and 11, Block 271, Map of Seattle Tide Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands, in Olympia, Washington, lying westerly of the following described line:

Beginning at a point on a line parallel to and 20 feet South of the North line of said Lot 6 and 60 feet West of the East line of said Lot 6, said point being the TRUE POINT OF BEGINNING of said described line;

Thence South along a line parallel to said East line, a distance of 20 feet;

Thence Southwesterly, on a curve to the right having a radius of 1372.69 feet, to a point on the South line of said Lot 10, said point being a distance of 85.106 feet West of the Southeast corner of said Lot 10;

Thence South 4°44'15" West to the South line of said Lot 11 and the terminus of said described line.



## II. TRANSFER OF JURISDICTION OF A PORTION OF BLOCK 271

Transfer of jurisdiction of portions of the City of Seattle's Existing Parcel described above from the City Light Department to the Seattle Department of Transportation is as follows:

### A. Fee Take Area

That portion of Lots 1 through 3, Block 271, maps of Seattle Tide Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands, in Olympia, Washington, described as lying within the full circumference of three 5-foot radius circles, the location of the centers of said circles being more particularly described as follows:

Center of circle one:

Commencing at the Northwest corner of said Block 271;

Thence S 88°51'55" E, along the North line of said block, a distance of 28.21 feet;

Thence at right angles S 01°08'05" W a distance of 8.75 feet to the center point;

Center of circle two:

Commencing at the northwest corner of said Block 271;

Thence S 88°51'55" E, along the north line of said block, a distance of 147.63 feet;

Thence at right angles S 01°08'05" W a distance of 61.80 feet to the center point;

Center of circle three:

Commencing at the Northwest corner of said Block 271;

Thence S 88°51'55" E, along the north line of said block, a distance of 219.06 feet;

Thence at right angles S 01°08'05" W a distance of 136.61 feet to the center point.

Containing 236 square feet.



Also that portion of Lots 1 through 7 of said Block 271, described as beginning at the Northwest corner of said Block 271;

Thence S 88°51'55" E, along the North line of said block, the same being the South line of South Spokane Street, a distance of 36.20 feet to a Point of Cusp;

Thence Southwesterly along a curve to the left having a radius of 23.00 feet through a central angle of 87°49'34" an arc length of 35.26 feet;

Thence S 03°18'30" W a distance of 348.43 feet to the West line of said block at a point distant 370.31 feet from the Point of Beginning;

Thence N 01°08'06" E, along the West line of said block, a distance of 370.31 feet to the Point of Beginning.

Containing 2,706 square feet.

Also that portion of Lots 5 through 11, said Block 271, described as follows:

Commencing at the Northwest corner of said Block 271, being also the Northwest corner of said Lot 1;

Thence S 88°51'55" E, along the North line of said block, a distance of 10.80 feet to the beginning of a non-tangent curve, concave to the Southwest, having a radius of 500.00 feet, to which point a radial line bears N 20°49'15" E;

Thence Southeasterly, to the right along said curve through a central angle of 03°51'39", an arc length of 33.69 feet;

Thence S 65°19'06" E, a distance of 96.19 feet to the beginning of a curve to the right, having a radius of 185.00 feet;

Thence Southeasterly and Southerly along said curve through a central angle of 70°06'31", an arc length of 226.37 feet to the True Point of Beginning;

Thence on a non-radial line S 84°13'41" E a distance of 28.99 feet to the West line of the East 60 feet of said Lot 5;



Thence S 01°08'17 E along said West line, and extension thereof, a distance of 75.39 feet to a point on a line parallel to and 20 feet South of the North line of said Lot 6 and 60 feet West of the East line of said Lot 6;

Thence S 01°08'17 E (south per deed) along a line parallel to said East line, a distance of 20 feet;

Thence Southwesterly, on a curve to the right having a radius of 1372.69 feet, to a point on the South line of said Lot 10, said point being a distance of 85.106 feet West of the Southeast corner of said Lot 10;

Thence S 05°52'20" W (S 04°44'15" W per deed) a distance of 60.20 feet to the South line of said Lot 11;

Thence N 88°51'55" W along said South line a distance of 239.80 feet to the Southwest corner of said Lot 11;

Thence N 01°08'06" E along the West line of said Lots 10 and 11, the same being the East line of Fourth Avenue South, a distance of 80.00 feet;

Thence S 88°54'00" E a distance of 21.96 feet;

Thence S 01°06'00" W a distance of 18.50 feet;

Thence S 88°54'00" E a distance of 14.20 feet to the beginning of a tangent curve to the left having a radius of 159.50 feet;

Thence Easterly along said curve through a central angle of 09°50'12" an arc length of 27.38 feet;

Thence N 08°44'12" W on a radial line of said curve, a distance of 4.00 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 155.50 feet;

Thence Easterly, to the left along said curve through a central angle of 05°51'18" an arc length of 15.89 feet;

Thence S 14°35'29" E on a radial line of said curve, a distance of 4.00 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 159.50 feet;

Thence Northeasterly, to the left along said curve through a central angle of 21°52'32" an arc length of 60.90 feet;



Thence N 36°28'01" W on a radial line of said curve, a distance of 4.00 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 155.50 feet;

Thence Northeasterly, to the left along said curve through a central angle of 02°23'19" an arc length of 6.48 feet;

Thence S 38°51'20" E on a radial line of said curve, a distance of 4.00 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 159.50 feet;

Thence Northeasterly, to the left along said curve through a central angle of 21°52'32" an arc length of 60.90 feet;

Thence N 60°43'51" W a distance of 16.02 feet;

Thence N 26°11'54" E a distance of 14.65 feet;

Thence S 66°35'09" E a distance of 16.05 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 159.50 feet, to which point a radial line bears S 66°35'09" E;

Thence Northerly, to the left along said curve through a central angle of 16°42'46" an arc length of 46.53 feet;

Thence N 06°42'04" E a distance of 209.44 feet to the beginning of a curve to the left having a radius of 159.50 feet;

Thence Northerly along said curve through a central angle of 2°04'04" an arc length of 5.76 feet to a point bearing N 84°13'41" W from the true Point of Beginning;

Thence S 84°13'41" E a distance of 25.50 feet to the True Point of Beginning.

Containing approximately 43,398 square feet.

The total of this Fee Take Area containing 46,340 square feet more or less.

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



## B. Underground Utility Easement Area

That portion of Lots 9 and 10, Block 271, maps of Seattle Tide Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands, in Olympia, Washington, described as follows:

Commencing at the Southwest corner of said Lot 11 of said Block 271;

Thence N 01°08'06"E along the West line of said block, the same being the East line of Fourth Avenue South, a distance of 80.00 feet to the True Point of Beginning;

Thence S 88°54'00"E a distance of 21.96 feet;

Thence S 01°06'00" W a distance of 18.50 feet;

Thence S 88°54'00" E a distance of 14.20 feet to the beginning of a tangent curve to the left having a radius of 159.50 feet;

Thence Easterly along said curve through a central angle of 09°50'12" an arc length of 27.38 feet;

Thence N 08°44'12" W on a radial line of said curve, a distance of 4.00 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 155.50 feet;

Thence Easterly, to the left along said curve through a central angle of 05°51'18" an arc length of 15.89 feet;

Thence S 14°35'29" E on a radial line of said curve, a distance of 4.00 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 159.50 feet;

Thence Northeasterly, to the left along said curve through a central angle of 21°52'32" an arc length of 60.90 feet;

Thence N 36°28'01" W on a radial line of said curve, a distance of 4.00 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 155.50 feet;

Thence Northeasterly, to the left along said curve through a central angle of 02°23'19" an arc length of 6.48 feet;

Thence S 38°51'20" E on a radial line of said curve, a distance of 4.00 feet to the beginning of a non-tangent curve being concentric with the last above described curve and having a radius of 159.50 feet;



Thence Northeasterly, to the left along said curve through a central angle of 21°52'32" an arc length of 60.90 feet to a point hereinafter referred to as "Point A";

Thence N 60°43'51"W a distance of 10.91 feet;

Thence S 08°22'19"W a distance of 4.76 feet;

Thence S 38°51'04" W a distance of 47.89 feet;

Thence S 67°36'05"W a distance of 71.03 feet to a point on the East line of the West 72.08 feet of said Block 271;

Thence N 01°08'06"E along said East line a distance of 79.30 feet;

Thence S 88°54'00" E a distance of 2.50 feet;

Thence N 01°08'06" E a distance of 20.02 feet to a point lying N 01°08'06" E a distance of 99.19 feet, then S 88°57'47" E a distance of 74.57 feet from the True Point of Beginning;

Thence N 88°57'47"w a distance of 74.57 feet to the West line of said Block 271;

Thence S 01°08'06" W along said West line a distance of 99.19 feet to the True Point of Beginning;

Containing approximately 9571 square feet.

Together with that portion of said Lots 4 through 9 of said Block 271 described as follows:

Commencing at above described "Point A";

Thence N 60°43'51" W a distance of 16.02 feet;

Thence N 26°11'54" E a distance of 7.57 feet to a point hereinafter referred to as "Point B";

Thence continue N 26°11'54" E a distance of 7.08 feet to the True Point of Beginning;

Thence S 66°35'09" E a distance of 16.05 feet to the beginning of a non-tangent curve having a radius of 159.50 feet, to which point a radial line bears S 66°35'09" E;



Thence Northerly, to the left along said curve through a central angle of 16°42'46" an arc length of 46.53 feet;

Thence N 06°42'04"E a distance of 209.44 feet to the beginning of a curve to the left having a radius of 159.50 feet;

Thence Northerly along said curve through a central angle of 2°04'04" an arc length of 5.76 feet;

Thence S 84°13'41" E a distance of 6.08 feet;

Thence N 09°11'59"E a distance of 4.30 feet;

Thence N 39°07'12" W a distance of 10.98 feet;

Thence N 03°19'48" E a distance of 7.96 feet;

Thence N 86°40'12" W a distance of 14.38 feet to a point hereinafter referred to as "Point C";

Thence continue n86°40'12"w a distance of 5.00 feet;

Thence S 03°19'48"W a distance of 87.98 feet;

Thence S 08°22'19" W a distance of 183.58 feet to a point distant N12°29'07" E a distance of 4.00 feet from the True Point of Beginning;

Thence S 12°29'07" W a distance of 4.00 feet to the True Point of Beginning;

Containing approximately 5249 square feet;

Also together with that portion of Lots 8 and 9 of said Block 271 described as follows:

Commencing at the southwest corner of Lot 11 of said Block 271;

Thence N 01°08'06"E along the West line of said Block, the same being the East line of Fourth Avenue South, a distance of 179.19 feet to the True Point of Beginning;

Thence S 88°57'47"E a distance of 146.52 feet;

Thence S 43°57'47"E a distance of 27.23 feet to above described "Point B";

Thence N 26°11'54" E a distance of 7.08 feet;

Thence N12°29'07" E a distance of 4.00 feet;



Thence N 43°57'47" W a distance of 26.76 feet;

Thence N 88°57'47" W a distance of 122.36 feet;

Thence N 66°28'30" W a distance of 20.78 feet;

Thence N 88°57'47" W a distance of 9.07 feet to the West line of said Block 271;

Thence S 01°08'06" W a distance of 17.95 feet to the True Point of Beginning.

Containing approximately 1908 square feet.

Also together with that portion of Lots 2 through 4 of said Block 271 described as a strip of land 10 feet in width lying 5 feet on each side of the following described centerline:

Commencing at the northwest corner of said Block 271;

Thence S 88°51'55" E, along the north line of said block, a distance of 36.20 feet to a Point of Cusp;

Thence Southwesterly along a curve to the left having a radius of 23.00 feet through a central angle of 87°49'34" an arc length of 35.26 feet;

Thence S 03°18'30" W a distance of 50.11 to the True Point of Beginning of the herein described centerline;

Thence S 88°12'43" E a distance of 112.46 feet;

Thence N 68°50'43" E a distance of 28.83 feet;

Thence S 11°21'18" E a distance of 28.01 feet;

Thence S 86°44'40" E a distance of 49.14 feet to a point hereinafter described as "Point D";

Thence S 03°19'48" W a distance of 117.88 feet to above described "Point C", being the terminus of the herein described centerline;

Said strip being bounded on the South by a line bearing S 84°13'41" E through the Southerly terminus of the last above described course, and bounded on the West by a line bearing S 03°18'30" W though the True Point of Beginning.



Except that portion thereof lying within the full circumference of a five-foot radius circle (a bridge column area), the location of the center of said circle being more particularly described as follows:

Commencing at the northwest corner of said Block 271;

Thence S 88°51'55" E, along the north line of said block, a distance of 147.63 feet;

Thence at right angles S 01°08'05" W a distance of 61.80 feet to the center point;

Containing approximately 3294 square feet;

Also together with that portion of Lots 2 and 3 of said Block 271 described as follows:

Commencing at the northwest corner of said Block 271;

Thence S 88°51'55" E, along the north line of said block, a distance of 36.20 feet to a Point of Cusp;

Thence Southwesterly along a curve to the left having a radius of 23.00 feet through a central angle of 87°49'34" an arc length of 35.26 feet;

Thence S 03°18'30" W a distance of 38.66 to the True Point of Beginning;

Thence continue S 03°18'30" W a distance of 61.51 feet;

Thence at right angles S 86°41'30" E a distance of 4.00 feet;

Thence N 03°18'30" E a distance of 45.16 feet;

Thence N 04°50'13" E a distance of 10.27 feet;

Thence N 40°35'24" W a distance of 8.73 feet to the True Point of Beginning;

Except any portion thereof lying within the ten-foot strip easement described immediately above.

Containing approximately 200 square feet;

Also together with that portion of Lot 2 of said Block 271 described as follows:

Commencing at above described "Point D";



Thence N 03°19'48" E a distance of 5.00 feet to the True Point of Beginning;  
Thence N 86°44'40" W a distance of 5.00 feet;  
Thence N 03°19'48" E a distance of 8.06 feet;  
Thence S 86°40'12" E a distance of 10.00 feet;  
Thence S 03°19'48" W a distance of 8.05 feet to a point bearing S 86°44'40" E  
from the True Point of Beginning;  
Thence N 86°44'40" W a distance of 5.00 feet to the True Point of Beginning;  
Containing approximately 81 square feet;

Also together with that portion of Lot 3 of said Block 271 described as  
follows:

Commencing at above described "Point D";  
Thence S 03°19'48" W a distance of 32.82 feet;  
Thence S 86°40'12" E a distance of 5.00 feet to the True Point of Beginning;  
Thence continue S 86°40'12" E a distance of 10.16 feet;  
Thence S 03°15'20" W a distance of 18.24 feet;  
Thence N 86°40'12" W a distance of 10.16 feet to a point bearing S 03°19'48"  
W from the True Point of Beginning;  
Thence N 03°19'48" E a distance of 18.24 feet to the True Point of Beginning;

Except that portion thereof lying within the full circumference of a five-foot  
radius circle (a bridge column area), the location of the center of said circle  
being more particularly described as follows:

Commencing at the Northwest corner of said Block 271;  
Thence S 88°51'55" E, along the North line of said block, a distance of 219.06  
feet;  
Thence at right angles S 01°08'05" W a distance of 136.61 feet to the center  
point.

Containing approximately 146 square feet;



And also that portion of Lot 1, Block 271, maps of Seattle Tide Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands, in Olympia, Washington described as follows:

Commencing at the Northwest corner of said Lot 1;

Thence S 88°51'55" E, along the North line thereof, a distance of 36.20 feet to a Point of Cusp;

Thence Southwesterly along a curve to the left having a radius of 23.00 feet through a central angle of 48°27'45" an arc length of 19.45 feet to the True Point of Beginning;

Thence continue Southwesterly along said curve, to the left, through a central angle of 25°06'42", an arc length of 10.08 feet;

Thence S 59°53'01" E a distance of 16.09 feet;

Thence at right angles N 30°06'59" E a distance of 10.00 feet;

Thence at right angles N 59°53'01" W a distance of 16.09' to the True Point of Beginning.

Except that portion thereof lying within the full circumference of a 5-foot radius circle (being a bridge column area), the location of the center of said circle being more particularly described as follows:

Beginning at the Northwest corner of said Lot 1;

Thence S 88°51'55" E, along the north line thereof, a distance of 28.21 feet;

Thence at right angles S 01°08'05" W a distance of 8.75 feet to the center point.

Containing 158 square feet.

The total containing approximately 20,606 square feet.

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

### C. Aerial Easement Area

That portion of Lots 1 through 5, Block 271, maps of Seattle Tide Lands, according to the official maps thereof on file in the Office of the Commissioner of Public Lands, in Olympia, Washington, described as a strip



of land 45 feet in width lying 20.50' feet northeasterly and 24.50 feet southwesterly of the following described centerline, and above the lowest surface of the 4<sup>th</sup> Avenue South Off-Ramp as originally constructed:

Commencing at the Northwest corner of said Block 271, being also the Northwest corner of said Lot 1;

Thence S 88°51'55" E, along the North line of said block, the same being the South line of South Spokane Street, a distance of 10.80 feet to the True Point of Beginning of the herein described centerline, being the beginning of a non-tangent curve, concave to the Southwest, having a radius of 500.00 feet, to which point a radial line bears N 20°49'15" E;

Thence Southeasterly, to the right along said curve through a central angle of 03°51'39", an arc length of 33.69 feet;

Thence S 65°19'06" E, a distance of 96.19 feet to the beginning of a curve to the right having a radius of 185.00 feet;

Thence Southeasterly and Southerly along said curve through a central angle of 70°06'31", an arc length of 226.37 feet, being the terminus of the herein described centerline;

Said strip being bounded on the South by a non-radial line bearing S 84°13'41" E through the Southerly terminus of the last above described course.

Except any portion thereof lying within the following tract (said tract being proposed for dedication of additional right of way for 4<sup>th</sup> Avenue South):

Beginning at the Northwest corner of said Block 271;

Thence S 88°51'55" E, along the North line of said block, a distance of 36.20 feet to a Point of Cusp;

Thence Southwesterly along a curve to the left having a radius of 23.00 feet through a central angle of 87°49'34" an arc length of 35.26 feet;

Thence S 03°18'30" W a distance of 348.43 feet to the West line of said block at a point distant 370.31 feet from the Point of Beginning;

Thence N 01°08'06" E, along the West line of said block, a distance of 370.31 feet to the Point of Beginning.

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



Recording Requested By And  
When Recorded Mail To:

City of Seattle  
Department of Transportation  
Capital Projects – Real Property  
ATTN: Gretchen Haydel  
PO Box 34996  
Seattle WA 98124-4996

Reference #s of Documents Terminated:	20080619000512
Grantor:	CITY OF SEATTLE, City Light Department
Grantee:	CITY OF SEATTLE, Department of Transportation
Legal Description (abbreviated):	Portions of Lots 1-11, Block 271, Map of Seattle Tide Lands
Assessor's Tax Parcel ID #:	766620-4070-03

SDOT Project #: TS4047A

## TERMINATION OF POSSESSION AND USE AGREEMENT

This TERMINATION OF POSSESSION AND USE AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2011 by and between THE CITY OF SEATTLE, City Light Department ("SCL"), and the CITY OF SEATTLE, Department of Transportation ("SDOT"), both being departments of THE CITY OF SEATTLE, a municipal corporation of the State of Washington. For and in consideration of good and valuable consideration given, the receipt and sufficiency of which is hereby acknowledged, SCL and SDOT (hereinafter "the Parties") hereby agree to terminate that "Possession and Use Agreement," ("Use Agreement") entered into on the 11th day of June, 2008 by the Parties, said agreement having been recorded under King County Recording Number 2008061900512.

The Parties acknowledge and agree that the Use Agreement shall be terminated upon the taking effect of City of Seattle Ordinance No. \_\_\_\_\_, and that said Ordinance, attached hereto as Exhibit A and made a part hereof, shall replace the Use Agreement in its entirety and shall formally transfer jurisdiction of those certain property rights described in the Use Agreement from SCL to SDOT.

IN WITNESS WHEREOF, SCL and SDOT have executed this Termination of Possession and Use Agreement as of the date first above written.

The City of Seattle  
Seattle Public Utilities

The City of Seattle  
Department of Transportation

By: \_\_\_\_\_  
Jorge Carrasco, Superintendent

By: \_\_\_\_\_  
Peter Hahn, Director

Attachment C to SDOT Spokane Street Viaduct  
4<sup>th</sup> Avenue South Off-Ramp ORD





**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Department of Transportation	Larry Huggins/4-5001	Rebecca Guerra/4-5339

AN ORDINANCE relating to the Spokane Street Viaduct project; declaring certain real property rights surplus to utility needs; authorizing the transfer of jurisdiction of said real property rights located in Blocks 302 and 271, Seattle Tide Lands from the City Light Department, placing it under the jurisdiction of the Seattle Department of Transportation and designating the property for street purposes; authorizing the Director of the Department of Transportation and the Superintendent of the City Light Department to execute and record a Termination of Possession and Use Agreement; and ratifying and confirming certain prior acts.

**Summary and background of the Legislation:**

This legislation declares certain real property rights, located at the intersection of South Spokane Street and 4<sup>th</sup> Avenue South, surplus to utility needs of Seattle City Light and transfers them from Seattle City Light (SCL) jurisdiction to Seattle Department of Transportation (SDOT) jurisdiction. The legislation terminates the Possession and Use Agreement which granted SDOT temporary property rights in exchange for payment and modifies the property boundaries, which have been revised to facilitate the project. The monetary compensation to SCL from SDOT represents the true and full value of the transferred property rights.

The Possession and Use Agreement was executed in June 2008 to immediately begin the 4<sup>th</sup> Avenue off-ramp phase of the Spokane St. Viaduct project. The 4<sup>th</sup> Avenue off-ramp was completed in 2010 providing an eastbound exit from the Spokane Street Viaduct to South Downtown and direct eastbound access from the West Seattle Bridge to 4th Avenue South. The ramp terminates just across from the main entrance to Seattle City Light's South Service Center entrance and requires the possession and use of property owned by SCL.

<b>Project Name:</b>	<b>Project I.D.:</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date:</b>
Spokane St. Viaduct	TC364800	S. Spokane St/6 <sup>th</sup> Ave S/E Marginal Way	Q2/1994	Q3/2015

Please check any of the following that apply:

**This legislation creates, funds, or anticipates a new CIP Project.**

(Please note whether the current CIP is being amended through this legislation, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)



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

(Stop here and delete the remainder of this document prior to saving and printing.)

*Note: this legislation does not appropriate funds or generate revenue. The costs of maintaining the transferred property are anticipated in SDOT's 2011 Adopted Budget and 2011-2016 Adopted Capital Improvement Program.*

**List attachments to the fiscal note below:**

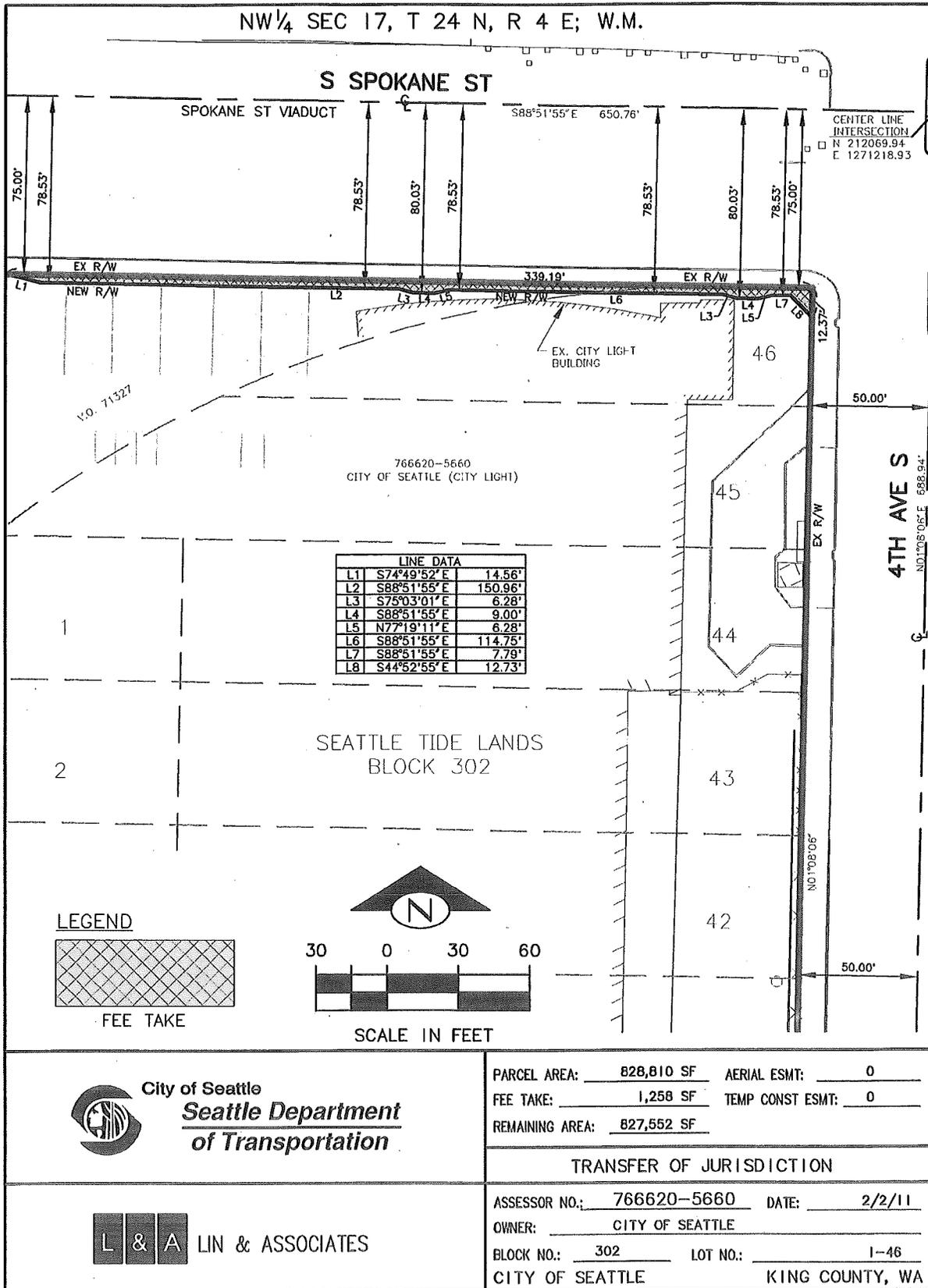
Attachment A: Transfer of Jurisdiction Map Block No. 271

Attachment B: Transfer of Jurisdiction Map Block No. 302

Attachment C: Vicinity Map

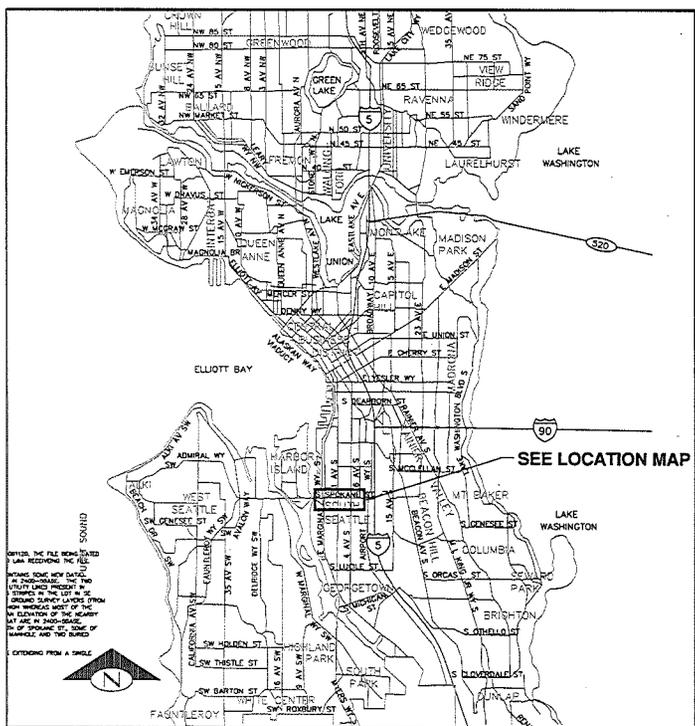




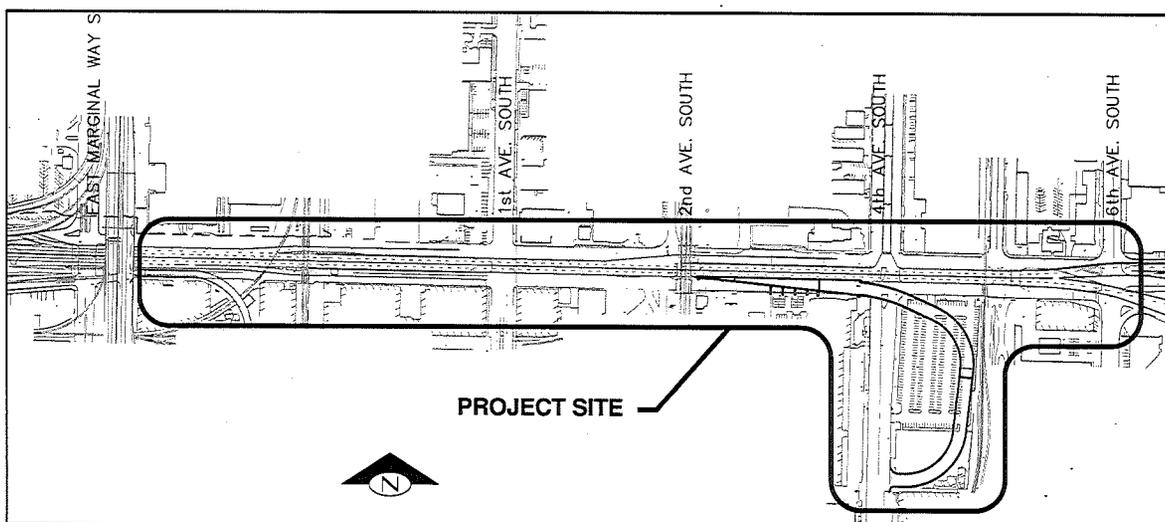


# CITY OF SEATTLE

## SOUTH SPOKANE STREET VIADUCT EASTBOUND 4th AVENUE SOUTH OFF-RAMP



**VICINITY MAP**



**LOCATION MAP**

**100% SUBMITTAL**  
 NOT FOR CONSTRUCTION  
 August 26, 2008

COVER SHEET  
PROJECT LOCATION AND VICINITY MAPS G1

DATE: 10/22/08  
 DRAWN BY: JACOBSON  
 CHECKED BY: JACOBSON  
 SCALE: AS SHOWN

**JACOBS**  
800 108th Avenue N.E.  
Bellevue, Washington 98004

APPROVED FOR ADVERTISING  
**FRED PODESTA**  
 DEPARTMENT OF EXECUTIVE ADMINISTRATION  
 SEATTLE, WASHINGTON ..... 20  
 Director, Contracting Services

NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED: . . . BSM, 12/07	REVIEWED: . . . CONST
CHECKED: . . . WBH, 4/08	SOFT: . . . PROJ. MGR.
DESIGNED: . . . BLP, 11/07	REVIEWED: . . . REVISED
CHECKED: . . . KTE, 2/08	REVIEWED AS BUILT

ALL WORK SHOWN IS ACCORDANCE WITH THE CITY OF SEATTLE STANDARD PLANS AND SPECIFICATIONS AND OTHER DOCUMENTS CALLED FOR IN SECTION B-10.5 OF THE PROJECT MANUAL.



City of Seattle  
**Seattle Department of Transportation**

ORDINANCE NO. . . . . APPROVED . . . . .  
 FUND: . . . . .  
 SCALE: H. V. INSPECTOR'S BOOK.

**SOUTH SPOKANE STREET VIADUCT  
EASTBOUND 4TH AVENUE SOUTH  
OFF-RAMP**

DC	TS4047A
R/W	TS4047B
CO	TS4047C
VAULT PLAN NO. 782-273	
SHEET 1 OF 219	





City of Seattle  
Office of the Mayor

May 24, 2011

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

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill transferring jurisdiction of real property, located at the intersection of South Spokane Street and 4<sup>th</sup> Avenue South, from Seattle City Light (SCL) to the Seattle Department of Transportation (SDOT).

In June 2008, SCL and SDOT entered into a Possession and Use Agreement which granted SDOT temporary property rights to certain SCL real property needed for the 4<sup>th</sup> Avenue off-ramp phase of the Spokane Street Viaduct project. This Council Bill replaces the Possession and Use Agreement with permanent property rights and modifies the property boundaries, which have been revised to facilitate the project.

The 4<sup>th</sup> Avenue off-ramp was completed in 2010 providing an eastbound exit from the Spokane Street Viaduct to South Downtown and direct eastbound access from the West Seattle Bridge to 4<sup>th</sup> Avenue South. The ramp terminates just across from the main entrance to Seattle City Light's South Service Center entrance. Its construction required the possession and use of property owned by SCL.

Thank you for your consideration of this legislation. Should you have questions, please contact Larry Huggins at 684-5001.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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STATE OF WASHINGTON – KING COUNTY

--SS.

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273351  
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:123632,33,35-123641

was published on

07/05/11

The amount of the fee charged for the foregoing publication is the sum of \$ 136.50, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
07/05/11   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on June 20, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 123632

AN ORDINANCE relating to the City's traffic code; amending various sections and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law.

### ORDINANCE NO. 123633

AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in Chapter 3.33, Chapter 9.25, Title 12A, Chapter 21.36, Chapter 25.08, and Chapter 25.11 of the Seattle Municipal Code to conform with changes in state law.

### ORDINANCE NO. 123635

AN ORDINANCE amending the 2011 Adopted Budget, including the 2011-2016 Capital Improvement Program (CIP); changing appropriations to various budget control levels in the 2011 Adopted Budget for the Seattle Department of Transportation and revising project allocations for certain projects in the 2011-2016 Capital Improvement Program.

### ORDINANCE NO. 123636

AN ORDINANCE relating to the Spokane Street Viaduct project; declaring certain real property rights surplus to utility needs; authorizing the transfer of jurisdiction of said real property rights located in Blocks 302 and 271, Seattle Tide Lands from the City Light Department, placing it under the jurisdiction of the Seattle Department of Transportation and designating the property for street purposes; authorizing the Director of the Department of Transportation and the Superintendent of the City Light Department to execute and record a Termination of Possession and Use Agreement; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123637

AN ORDINANCE authorizing the sale of City property, in Block 72 of D.T. Denny's Home Addition to the City of Seattle, to the Washington State Department of Transportation for transportation purposes and the temporary lease back of the site located at 401 Aurora Avenue North; authorizing the Director of Transportation to execute, deliver and administer the agreement, deed, lease and related documents; authorizing other actions related to the use and disposition of the property; and ratifying and confirming prior acts.

### ORDINANCE NO. 123638

AN ORDINANCE relating to the City Light Department, accepting various easements for overhead and underground electrical rights in King County, Washington, plac-

ing said easements under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123639

AN ORDINANCE relating to the City Light Department, accepting various easements granted to the City in 2010 for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123640

AN ORDINANCE relating to cable television; designating Seattle Community College District VI as the Designated Access Manager for public access television; authorizing the Chief Technology Officer to enter into a contract with Seattle Community College District VI for the provision, management and operation of public access television services; authorizing the Chief Technology Officer to remove Seattle Community College District VI as Designated Access Manager and to terminate or amend the terms of the contract; increasing appropriations in connection thereto; authorizing the Chief Technology Officer to terminate the designation of Seattle Community Access Network as the Designated Access Manager; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

### ORDINANCE NO. 123641

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, July 5, 2011.

7/5(273351)