

Ordinance No. 124073

Council Bill No. 117654

AN ORDINANCE relating to Seattle Public Utilities; declaring a fire hydrant easement in King County Parcel No. 9528101615 surplus to the City of Seattle's utility needs; and authorizing the Director of Seattle Public Utilities to execute a Relinquishment of Easement relinquishing the easement.

Related Legislation File: _____

| | |
|---|---|
| Date Introduced and Referred: <u>11/19/12</u> | To: (committee): <u>Libraries, Utilities, and Center</u> |
| Date Re-referred: | To: (committee): |
| Date Re-referred: | To: (committee): |
| Date of Final Action: <u>12.10.12</u> | Date Presented to Mayor: <u>12.12.12</u> |
| Date Signed by Mayor: <u>12/17/12</u> | Date Returned to City Clerk: <u>12/19/12</u> |
| Published by Title Only <input checked="" type="checkbox"/> | Date Vetoed by Mayor: |
| Published in Full Text _____ | |
| Date Veto Published: | Date Passed Over Veto: |
| Date Veto Sustained: | Date Returned Without Signature: |

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Jean Johnson

Committee Action:

| Date | Recommendation | Vote |
|----------------|----------------|-------------------|
| <u>12/4/12</u> | <u>Do pass</u> | <u>JG, RC, SB</u> |

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

Full Council Action:

| Date | Decision | Vote |
|-----------------|---------------|--------------------|
| <u>12.10.12</u> | <u>Passed</u> | <u>8-6</u> |
| | | <u>excused: TR</u> |

LAW DEPARTMENT

CITY OF SEATTLE
ORDINANCE 124073
COUNCIL BILL 117654

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4 AN ORDINANCE relating to Seattle Public Utilities; declaring a fire hydrant easement in King
5 County Parcel No. 9528101615 surplus to the City of Seattle's utility needs; and
6 authorizing the Director of Seattle Public Utilities to execute a Relinquishment of
Easement relinquishing the easement.

7 WHEREAS, Charles B. Teel, Daryl Vander Pol, and Gerald Teel granted the City a hydrant
8 easement, said easement recorded as King County Auditor No. 8811151287 and accepted
9 by City of Seattle Ordinance 114604; and

10 WHEREAS, a hydrant was built nearby in the street right-of-way; and

11 WHEREAS, no hydrant was built in the easement area; and

12 WHEREAS, this hydrant easement has become surplus to the City's needs; NOW,
13 THEREFORE,

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

15 Section 1. Pursuant to the provisions of RCW 35.94.040, and after public hearing, the
16 hydrant easement in King County Parcel No. 9528101615 and recorded as King County Auditor
17 No. 8811151287, as accepted by Ordinance 114604, is hereby found and declared to be no
18 longer required for municipal utility purposes and surplus to the City of Seattle's utility needs.

19 Section 2. The Director of Seattle Public Utilities, or his designee, is hereby authorized
20 to execute for and on behalf of The City of Seattle the Relinquishment of Easement, substantially
21 in the form of Attachment 1 attached hereto.
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1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 10th day of December, 2012, and
5 signed by me in open session in authentication of its passage this
6 10th day of December, 2012.

7
8 
9 President _____ of the City Council

10
11 Approved by me this 10th day of December, 2012.

12 
13 _____
14 Michael McGinn, Mayor

15
16 Filed by me this 19th day of December, 2012.

17 
18 _____
19 Monica Martinez Simmons, City Clerk

20 (Seal)

21
22
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24
25 Attachment 1: Relinquishment of Easement



Pre Carpenter
SPU Hydrant Relinquishment ATT 1
March 21, 2012
Version #1

Attachment 1

Recording Requested By And
When Recorded Mail To:

Seattle Public Utilities
Facilities and Real Property Services
PO Box 34018
Seattle WA 98124-4018

RELINQUISHMENT OF EASEMENT

Reference #s of Documents Released or Assigned:.....8811151287 (198811151287)
Grantor:.....City of Seattle
Grantee:.....Green Lake Joint Venture LLC
Legal Description (abbreviated):.....Portion of Lot 5, Blk 35, Woodlawn Add to
Greenlake, Vol 6, Pg 20
Assessor's Tax Parcel ID#:.....Pt of 952810-1615

RW 5-002

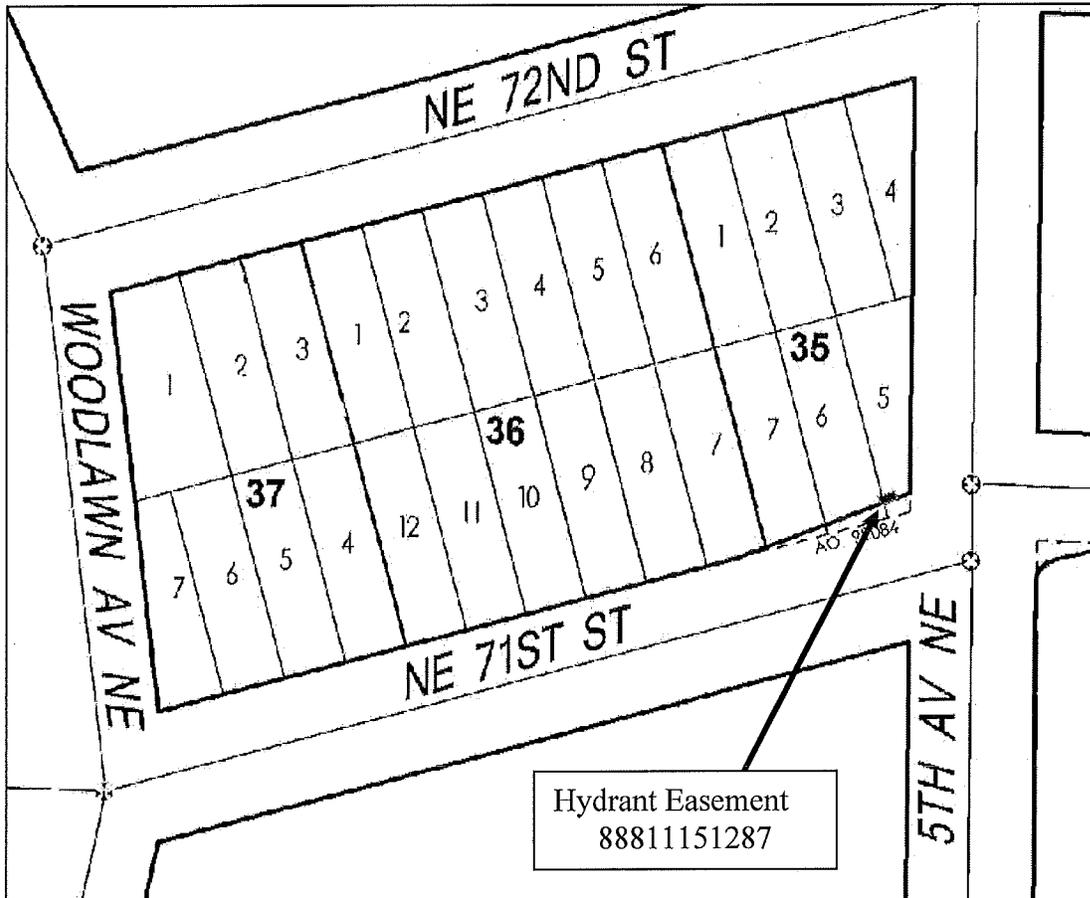
On this _____ day of _____, 2012, **THE CITY OF SEATTLE**, a municipal corporation of the State of Washington, ("City"), for and in consideration of mutual and offsetting benefits, receipt of which is hereby acknowledged, does hereby relinquish to **GREEN LAKE JOINT VENTURE LLC**, a Washington limited liability company ("Green Lake"), its successors and assigns, all right, title and interest in that easement for a hydrant and appurtenances, including connecting water service pipes and certain access rights, dated November 8, 1988, recorded under King County Auditor's Number 8811151287 and described as follows and as shown below on Page 3 of 3:

That portion of Lot 5, Block 35, Woodlawn Addition to Greenlake, according to the plat recorded in Volume 6 of Plats, page 20, in King County, Washington, described as follows:

Beginning at the intersection of the east line of said Lot 5 with the northerly margin of N.E. 71st Street as established by City of Seattle Ordinance No. 92084; thence southwesterly along the northwesterly margin of said N.E. 71st Street a distance of 7 (seven) feet to the True Point of Beginning; thence continuing southwesterly along said street margin a distance of 8 (eight) feet; thence northwest along a line perpendicular to said street margin a distance of 4 (four) feet; thence northeasterly along a line parallel to and 4 (four) feet distant from, as measured at right angles, said



Easement 8811151287



FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | CBO Analyst/Phone: |
|--------------------------|------------------------------|---------------------------|
| Seattle Public Utilities | Free Carpenter/386-9754 | Karl Stickel/684-8085 |

Legislation Title:

AN ORDINANCE relating to Seattle Public Utilities; declaring a fire hydrant easement in King County Parcel No. 9528101615 surplus to the City of Seattle's utility needs; and authorizing the Director of Seattle Public Utilities to execute a Relinquishment of Easement relinquishing the easement.

Summary of the Legislation:

The ordinance would relinquish the rights the City acquired when it accepted hydrant easement 8811151287 through City of Seattle Ordinance 114604.

Background:

The City in 1988 acquired a hydrant easement at the request of the underlying property owners, who later revised their development plans and the hydrant was placed nearby in the street right-of-way. After the buildings on this block east of Green Lake were leveled and excavation commenced, the development was put on hold. For several years this site was an empty pit. Recently the developers found new financing and discovered the hydrant easement in a title report. They asked the City to relinquish the hydrant easement. SPU engineers determined the hydrant easement is surplus to the City's needs and that it is appropriate to relinquish the easement.

Please check one of the following:

This legislation does not have any financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
None to the City. The developer would need to revise its plans to avoid encroaching into the easement area if the easement was not relinquished.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**



None.

e) Is a public hearing required for this legislation?

Yes. The Council committee meeting will satisfy the public hearing requirement.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

g) Does this legislation affect a piece of property?

Yes. Map attached to Attachment 1 of the Ordinance.

h) Other Issues:

None known.

List attachments to the fiscal note below:

None.





City of Seattle
Office of the Mayor

October 9, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that would relinquish a hydrant easement and declare it surplus to the City's needs. This hydrant easement was acquired more than two decades ago at the request of the property owners.

The City obtained this easement in a private parcel in 1988. However, instead of locating a hydrant on that property, it was instead placed nearby in street right-of-way after the property owners' development plans changed. The hydrant easement was never used. Earlier this year, the property owners contacted the City and asked that the easement be relinquished because it restricts their flexibility in developing the property.

SPU engineers do not anticipate a future need for a hydrant at this location. Relinquishing this easement will remove an obstruction and allow the project construction to proceed. Thank you for your consideration of this legislation. Should you have questions, please contact Pree Carpenter at 386-9754.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

STATE OF WASHINGTON – KING COUNTY

--SS.

292030
CITY OF SEATTLE, CLERKS OFFICE

No. 124073,074,075,076,077

Affidavit of Publication

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

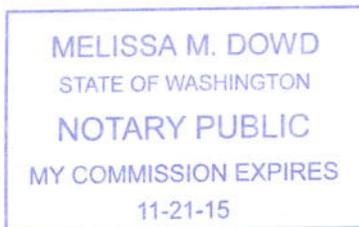
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

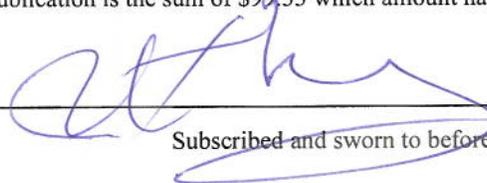
CT:TITLE ONLY ORDINANCE

was published on

01/02/13

The amount of the fee charged for the foregoing publication is the sum of \$99.33 which amount has been paid in full.





Subscribed and sworn to before me on

01/02/2013



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on December 10, 2012, 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.

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ORDINANCE NO. 124074

AN ORDINANCE relating to water services of Seattle Public Utilities; revising facilities charges for service to wholesale customers, and amending Seattle Municipal Code Chapter 21.04.440 in connection therewith.

ORDINANCE NO. 124075

AN ORDINANCE relating to Seattle Public Utilities; declaring the residential property at 10042 Rainier Avenue S. surplus to the City's needs and authorizing the Director of Seattle Public Utilities to sell the real property through an open competitive process.

ORDINANCE NO. 124076

AN ORDINANCE relating to the solid waste system of Seattle Public Utilities; prohibiting recyclable material from disposal in construction and demolition garbage containers and railhead intermodal containers, as well as at the City's transfer stations; establishing a construction waste recycling facility certification program; requiring the submittal of waste diversion reports by certain construction and demolition waste generators; and amending Seattle Municipal Code Sections 21.36.089 and 21.36.922.

ORDINANCE NO. 124077

AN ORDINANCE relating to Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between the City of Seattle and King County as authorized by City of Seattle Ordinance 114978; and authorizing the deposit of 2011 Supplemental and 2012 allocations from King County Conservation Futures Levy proceeds into the City of Seattle's 2008 Parks Levy Fund.

Date of publication in the Seattle Daily Journal of Commerce, January 2, 2013.

1 (09/2030)