

Ordinance No. 124083

Council Bill No. 117663

AN ORDINANCE authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle; four permanent easements from abutting property owners located in portions of Lots 2, 3, 4, and 5, Block 6, of the Replat of Block 6 of the Lake Dell Addition to the City of Seattle; for the purposes of constructing, repairing, replacing, and maintaining a catchment wall in connection with Lake Dell Avenue; and ratifying and confirming prior acts.

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

Date Introduced:	<u>12/3/12</u>	
Date 1st Referred:	To: (committee) <u>Transportation</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>12.21.12</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:	

# The City of Seattle - Legislative Department

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

## Committee Action:

12-11-12 PASS BHJG TB

12.17.12 Passed 9-0

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

**CITY OF SEATTLE**  
**ORDINANCE** ~~124081~~ 124083  
**COUNCIL BILL** 117663

AN ORDINANCE authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle; four permanent easements from abutting property owners located in portions of Lots 2, 3, 4, and 5, Block 6, of the Replat of Block 6 of the Lake Dell Addition to the City of Seattle; for the purposes of constructing, repairing, replacing, and maintaining a catchment wall in connection with Lake Dell Avenue; and ratifying and confirming prior acts.

WHEREAS, in 2010, heavy rain storms caused three separate surface-debris landslides originating on three privately-owned-critical-slope areas to come onto Lake Dell Avenue (the "street"); and

WHEREAS, the debris from the landslides accumulated on the street and sidewalk, and the Seattle Department of Transportation ("SDOT") had to close a portion of the street to clear the landslide debris; and

WHEREAS, SDOT cleared approximately 150 cubic yards of debris and constructed a temporary wall to prevent further landslide debris from reaching the street; and

WHEREAS, SDOT subsequently contracted with a consulting firm to evaluate the slope conditions and provide a recommendation to address mitigating future landslides; and

WHEREAS, the consultant's report disclosed that the street experienced other landslides dating as far back as 1897, and recommended replacing the temporary wall with a permanent wall to mitigate potential future landslide damage to the street and sidewalk; and

WHEREAS, based on the consultant's recommendation, SDOT is designing and constructing a 130-foot long eight-foot high cantilevered catchment wall between the toe of the slope and the street; and

WHEREAS, this area has experienced several landslides it is in the City's interest to accept four permanent easements for the purposes of constructing and maintaining the catchment wall; NOW, THEREFORE,

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

Section 1. The maintenance easement dated September 26, 2012; executed by Leland F. Gleysteen, a single person; recorded under King County Recording number 20121003001117;



1 attached as Attachment 1 to this ordinance; granting to the City easement rights to construct,  
2 repair, replace, and maintain a catchment wall and any other modifications associated with the  
3 catchment wall as described in the easement over property legally described and depicted in  
4 Exhibit A of Attachment 1 to this ordinance; is accepted.

5 Section 2. The maintenance easement dated September 26, 2012; executed by James  
6 Stegar Thompson and Bruce L. Chartier as Trustees of the Thompson Chartier Living Trust;  
7 recorded under King County Recording number 20121003001114; attached as Attachment 2 to  
8 this ordinance; granting to the City easement rights to construct, repair, replace, and maintain a  
9 catchment wall and any other modifications associated with the catchment wall as described in  
10 the easement over property legally described and depicted in Exhibit A of Attachment 2 to this  
11 ordinance; is accepted.

12 Section 3. The maintenance easement dated September 27, 2012; executed by Joseph P.  
13 Granatir and Susan J. Myers, husband and wife; recorded under King County Recording number  
14 20121003001115; attached as Attachment 3 to this ordinance; granting to the City easement  
15 rights to construct, repair, replace, and maintain a catchment wall and any other modifications  
16 associated with the catchment wall as described in the easement over property legally described  
17 and depicted in Exhibit A of Attachment 3 to this ordinance; is accepted.

18 Section 4. The maintenance easement dated September 26, 2012; executed by Benjamin  
19 A. Duncan and Lesley M. Duncan, husband and wife; recorded under King County Recording  
20 number 20121003001116; attached as Attachment 4 to this ordinance; granting to the City  
21 easement rights to construct, repair, replace, and maintain a catchment wall and any other  
22 modifications associated with the catchment wall as described in the easement over property  
23 legally described and depicted in Exhibit A of Attachment 4 to this ordinance; is accepted.

24 Section 5. The easements when recorded shall be placed under the jurisdiction of  
25 the Seattle Department of Transportation and are designated for street purposes.



1 Section 6. Any act consistent with the authority and prior to the effective date of this  
2 ordinance is ratified and confirmed.

3 Section 7. This ordinance shall take effect and be in force 30 days after its approval by  
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the 17 day of December, 2012, and  
7 signed by me in open session in authentication of its passage this

8 17 day of December, 2012.

9  
10 

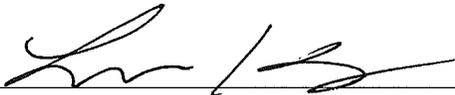
11 President \_\_\_\_\_ of the City Council

12  
13 Approved by me this 21<sup>st</sup> day of December, 2012.

14  
15 

16 Michael McGinn, Mayor

17  
18 Filed by me this 21 day of December, 2012.

19  
20 

21 *for* \_\_\_\_\_  
Monica Martinez Simmons, City Clerk

22 (Seal)

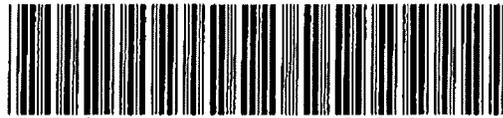
23 Attachment 1: Maintenance Easement — Gleysteen

24 Attachment 2: Maintenance Easement — Thompson/Chartier

25 Attachment 3: Maintenance Easement — Granatir/Myers

26 Attachment 4: Maintenance Easement — Duncan





**20121003001117**

SEATTLE CITY O EAS 77.00  
PAGE-001 OF 006  
10/03/2012 11:11  
KING COUNTY, WA

After recording return document to:

City of Seattle  
Department of Transportation  
700 5th Avenue - Suite 3900  
PO Box 34996  
Seattle, WA 98124-4966  
Attn: Larry Huggins

EXCISE TAX NOT REQUIRED  
Kl. Co. Records Division

By:  Deputy

*Document Title: Maintenance Easement*  
*Reference Number of Related Document: N/A*  
*Grantor: Leland F. Gleysteen*  
*Grantee: City of Seattle*  
*Abbreviated Legal Description: Ptn of Lot 2, Blk 6, Replat of Blk 6 Lake Dell Addition to the City of Seattle, Vol. 3, PP 46, King County, Washington*  
*Additional Legal Description is on Pages 5 and 6 of Document.*  
*Assessor's Tax Parcel Number: 400350-0010*

**MAINTENANCE EASEMENT**

Project: Lake Dell Catchment Wall

The Grantor, **LELAND F. GLEYSTEEEN**, a single person, for and in consideration of **TEN AND NO/100 DOLLARS (\$10.00)**, and other valuable consideration; conveys and warrants unto the Grantee, the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, and its assigns; an Easement over, under, across and upon the below-described lands ("the Easement Area"); for the purposes of constructing, repairing, replacing and maintaining a catchment wall located on City right of way, and other modifications associated with the catchment wall; to the same extent and purpose as if the rights granted by this easement had been acquired under Eminent Domain statutes of the State of Washington.

The Grantor reserves the right to use the Easement Area for purposes that will not unreasonably interfere with the Grantee's full enjoyment of the rights granted by this easement. Neither the Grantor nor his successors and assigns may erect or construct any building or structure on the Easement Area without the prior written consent of the Seattle Department of Transportation ("SDOT"). As used in this easement, "building or structure" means anything constructed or erected on the ground or any improvement built

Tax Parcel Number 400350-0010

Page 1 of 6 pages

### MAINTENANCE EASEMENT

up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs.

Excavations shall not be allowed within the Easement Area without SDOT's prior written approval. Further, planting trees or any other vegetation, except for grass, shall not be allowed within the Easement Area without SDOT's prior written approval.

Before any of the above-described work or any other work occurs in the Easement Area, the Grantor shall submit a proposed work plan to SDOT for SDOT's review. The work plan shall be submitted at least 120 days before the work is commenced.

The Easement Area is located in King County, State of Washington, and is described in Exhibit A that is attached to and made a part of this easement.

Grantor:

  
Leland F. Gleysteen

Dated: 9-10-2012

Accepted and Approved:

CITY OF SEATTLE

By:   
Name: Peter Hahn  
Its: Director of Transportation

Dated: 9.26.12

Tax Parcel Number 400350-0010



**MAINTENANCE EASEMENT**

STATE OF WASHINGTON )

County of King )

§

On this 10<sup>th</sup> day of September, 2012, before me personally appeared LELAND F. GLEYSTEN, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Michelle Talbot  
Notary (print name) Michelle Talbot  
Notary Public in and for the State of Washington,  
residing at Anacortes  
My Appointment expires 2/15/16

Tax Parcel Number 400350-0010



**MAINTENANCE EASEMENT**

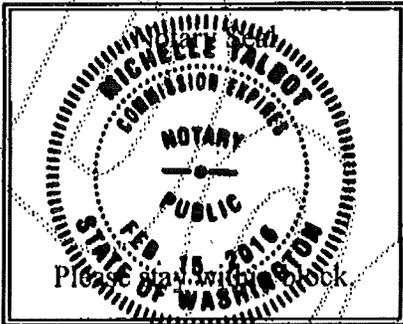
STATE OF WASHINGTON )

County of King )

§

On this 26<sup>th</sup> day of September, 2012, before me personally appeared PETER HAHN, to me known to be the Director of Transportation of the City of Seattle, a Washington Municipal Corporation, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation 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.



*Michelle Talbot*

Notary (print name) Michelle Talbot  
Notary Public in and for the State of Washington,  
residing at Anacortes  
My Appointment expires 2/15/16

Tax Parcel Number 400350-0010



## MAINTENANCE EASEMENT

### EXHIBIT A

#### EASEMENT DESCRIPTION FOR LOT 2

A 5 FOOT WIDE STRIP OF LAND, BEING A PORTION OF LOT 2 OF THE REPLAT OF BLOCK 6 OF THE LAKE DELL ADDITION TO THE CITY OF SEATTLE AS RECORDED IN VOLUME 13 PAGE 46 RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2 ON THE WESTERLY RIGHT OF WAY MARGIN OF LAKE DELL AVENUE;

THENCE N 88° 22' 24" W ALONG THE SOUTHERLY LINE OF SAID LOT 2 A DISTANCE OF 5.42 FEET TO THE BEGINNING OF A 162.30 FOOT RADIUS CURVE CONCAVE TO SOUTHEAST WHICH RADIUS POINT BEARS S 66° 01' 08" E;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11° 30' 05" A DISTANCE OF 32.58 FEET;

THENCE S 88° 53' 06" E A DISTANCE OF 6.10 FEET TO THE WESTERLY RIGHT OF WAY MARGIN OF LAKE DELL AVENUE AND THE BEGINNING OF A 157.30 FOOT RADIUS CURVE CONCAVE TO SOUTHEAST WHICH RADIUS POINT BEARS S 53° 15' 45" E;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 00' 20" A DISTANCE OF 32.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 164 SQ. FT., MORE OR LESS

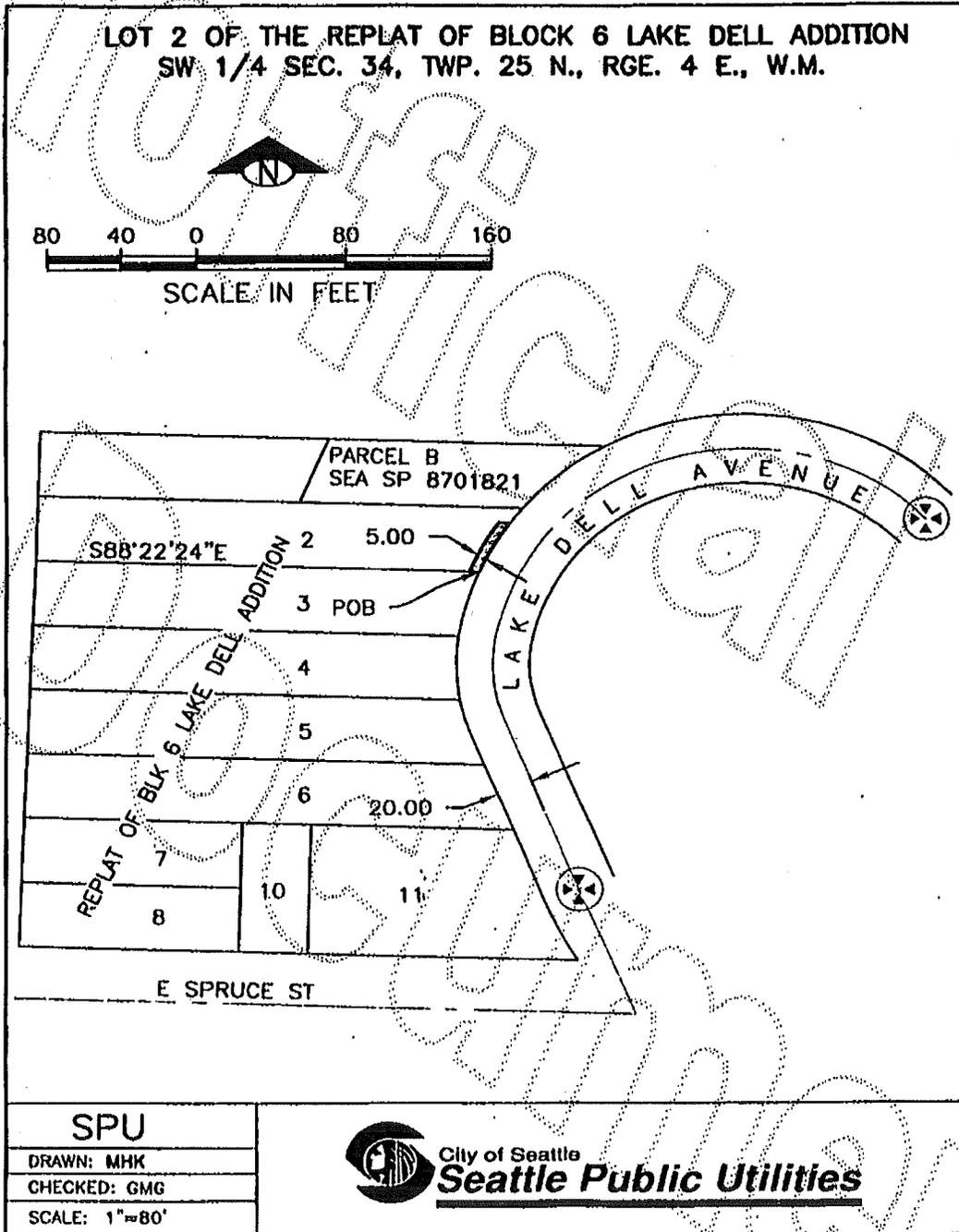


Tax Parcel Number 400350-0010

Page 5 of 6 pages

**MAINTENANCE EASEMENT**

**EXHIBIT A (Continued)**



Tax Parcel Number 400350-0010



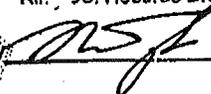
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SEATTLE CITY O EAS 78.00  
PAGE-001 OF 007  
10/03/2012 11:11  
KING COUNTY, WA

After recording return document to:

City of Seattle  
Department of Transportation  
700 5th Avenue - Suite 3900  
PO Box 34996  
Seattle, WA 98124-4966  
Attn: Larry Huggins

EXCISE TAX NOT REQUIRED  
Kl. Co. Records Division

By  Deputy

*Document Title: Maintenance Easement*  
*Reference Number of Related Document: N/A*  
*Grantors: James Stegar Thompson and Bruce L. Chartier, as Trustees of the Thompson Chartier Living Trust*  
*Grantee: City of Seattle*  
*Abbreviated Legal Description: Ptn of Lot 3, Blk 6, Replaf of Blk 6 Lake Dell Addition to the City of Seattle, Vol. 13, PP 46, King County, Washington*  
*Additional Legal Description is on Pages 6 and 7 of Document.*  
*Assessor's Tax Parcel Number: 400350-0015*

### MAINTENANCE EASEMENT

Project: Lake Dell Catchment Wall

The Grantors, **JAMES STEGAR THOMPSON AND BRUCE L. CHARTIER, AS TRUSTEES OF THE THOMPSON CHARTIER LIVING TRUST**, for and in consideration of **TEN AND NO/100 DOLLARS (\$10.00)**, and other valuable consideration; convey and warrant unto the Grantee, the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, and its assigns; an Easement over, under, across and upon the below-described lands ("the Easement Area"); for the purposes of constructing, repairing, replacing and maintaining a catchment wall located on City right of way, and other modifications associated with the catchment wall; to the same extent and purpose as if the rights granted by this easement had been acquired under Eminent Domain statutes of the State of Washington:

The Grantors reserve the right to use the Easement Area for purposes that will not unreasonably interfere with the Grantee's full enjoyment of the rights granted by this easement. Neither the Grantors nor their successors and assigns may erect or construct any building or structure on the Easement Area without the prior written consent of the Seattle Department of Transportation ("SDOT"). As used in this easement, "building or

Tax Parcel Number 400350-0015

**MAINTENANCE EASEMENT**

structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs.

Excavations shall not be allowed within the Easement Area without SDOT's prior written approval. Further, planting trees or any other vegetation, except for grass, shall not be allowed within the Easement Area without SDOT's prior written approval.

Before any of the above-described work or any other work occurs in the Easement Area, the Grantors shall submit a proposed work plan to SDOT for SDOT's review. The work plan shall be submitted at least 120 days before the work is commenced.

The Easement Area is located in King County, State of Washington, and is described in Exhibit A that is attached to and made a part of this easement.

**JAMES STEGAR THOMPSON AS  
TRUSTEE OF THE THOMPSON  
CHARTIER LIVING TRUST**

By: *James Stegar Thompson*

Name: James Stegar Thompson  
Its: Trustee

Dated: *Sept 21, 2012*

Accepted and Approved  
CITY OF SEATTLE

By: *Peter Hahn*

Name: Peter Hahn  
Its: Director of Transportation

Dated: *9.26.12*

**BRUCE L. CHARTIER AS  
TRUSTEE OF THE THOMPSON  
CHARTIER LIVING TRUST**

By: *Bruce L. Chartier*

Name: Bruce L. Chartier  
Its: Trustee

Dated: *9/21/12*

Tax Parcel Number 400350-0015





### MAINTENANCE EASEMENT

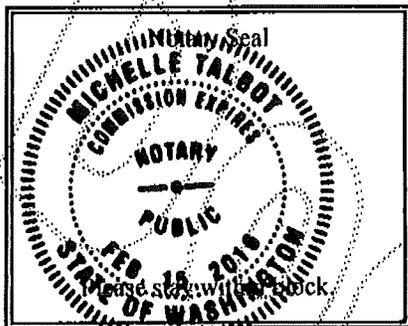
STATE OF WASHINGTON )

County of King )

§

On this 21<sup>st</sup> day of September, 2012, before me personally appeared BRUCE L. CHARTIER, to me known to be the individual described in and who executed the foregoing instrument, and on oath stated that he was authorized to execute this instrument as a TRUSTEE of the THOMPSON CHARTIER LIVING TRUST, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Michelle Talbot  
Notary (print name) Michelle Talbot  
Notary Public in and for the State of Washington,  
residing at Anacortes  
My Appointment expires 2/15/16

Tax Parcel Number 400350-0015

Page 4 of 7 pages

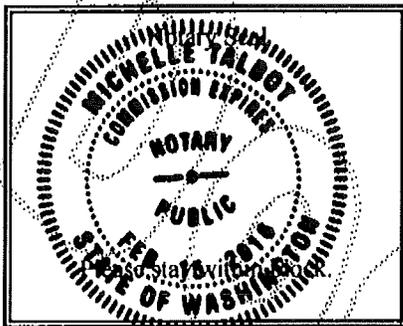
**MAINTENANCE EASEMENT**

STATE OF WASHINGTON )

County of King ) §

On this 26<sup>th</sup> day of September, 2012, before me personally appeared PETER HAHN, to me known to be the Director of Transportation of the City of Seattle, a Washington Municipal Corporation, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation 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.



Michelle Talbot  
Notary (print name) Michelle Talbot  
Notary Public in and for the State of Washington,  
residing at Anacortes  
My Appointment expires 2/15/16

Tax Parcel Number 400350-0015



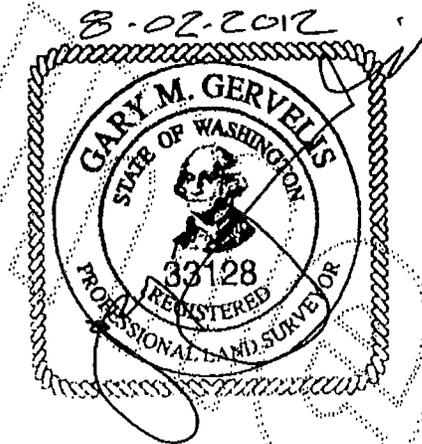
**MAINTENANCE EASEMENT**

**EXHIBIT A  
EASEMENT DESCRIPTION FOR LOT 3**

A 5 FOOT WIDE STRIP OF LAND, BEING A PORTION OF LOT 3 OF THE REPLAT OF BLOCK 6 OF THE LAKE DELL ADDITION TO THE CITY OF SEATTLE AS RECORDED IN VOLUME 13 PAGE 46 RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS;

THE EASTERLY 5 FEET OF SAID LOT 3 BEING PARALLEL AND COINCIDENT WITH THE WESTERLY RIGHT OF WAY MARGIN OF LAKE DELL AVENUE.

CONTAINING 195 SQ. FT. MORE OR LESS

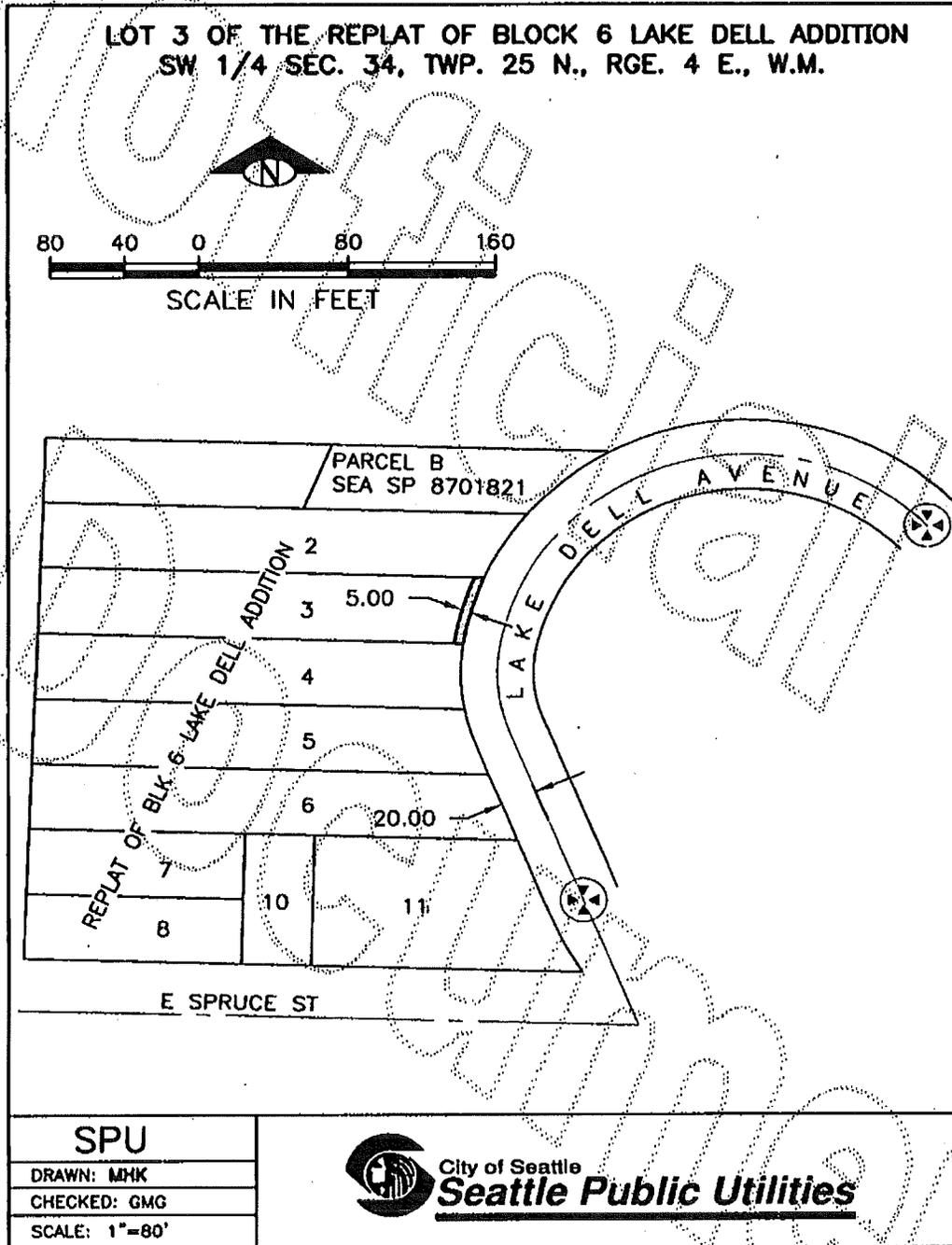


Tax Parcel Number 400350-0015

Page 6 of 7 pages

# MAINTENANCE EASEMENT

## EXHIBIT A (Continued)



Tax Parcel Number 400350-0015



**20121003001115**

SEATTLE CITY O EAS 78.00  
PAGE-001 OF 007  
10/03/2012 11:11  
KING COUNTY, WA

After recording return document to:

City of Seattle  
Department of Transportation  
700 5th Avenue - Suite 3900  
PO Box 34996  
Seattle, WA 98124-4966  
Attn: Larry Huggins

EXCISE TAX NOT REQUIRED  
King Co. Records Division

By  Deputy

*Document Title: Maintenance Easement*  
*Reference Number of Related Document: N/A*  
*Grantors: Joseph P. Granatir and Susan J. Myers*  
*Grantee: City of Seattle*  
*Abbreviated Legal Description: Ptn of Lot 4, Blk 6, Replat of Blk 6 Lake Dell Addition to the City of Seattle, Vol. 13, PP 46, King County, Washington*  
*Additional Legal Description is on Pages 6 and 7 of Document.*  
*Assessor's Tax Parcel Number: 400350-0020*

**MAINTENANCE EASEMENT**

Project: Lake Dell Catchment Wall

The Grantors, **JOSEPH P. GRANATIR AND SUSAN J. MYERS**, husband and wife, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other valuable consideration; convey and warrant unto the Grantee, the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, and its assigns; an Easement over, under, across and upon the below-described lands ("the Easement Area"); for the purposes of constructing, repairing, replacing and maintaining a catchment wall located on City right of way, and other modifications associated with the catchment wall; to the same extent and purpose as if the rights granted by this easement had been acquired under Eminent Domain statutes of the State of Washington.

The Grantors reserve the right to use the Easement Area for purposes that will not unreasonably interfere with the Grantee's full enjoyment of the rights granted by this easement. Neither the Grantors nor their successors and assigns may erect or construct any building or structure on the Easement Area without the prior written consent of the Seattle Department of Transportation ("SDOT"). As used in this easement, "building or structure" means anything constructed or erected on the ground or any improvement built

Tax Parcel Number 400350-0020



### MAINTENANCE EASEMENT

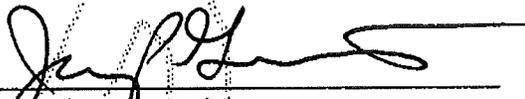
up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs.

Excavations shall not be allowed within the Easement Area without SDOT's prior written approval. Further, planting trees or any other vegetation, except for grass, shall not be allowed within the Easement Area without SDOT's prior written approval.

Before any of the above-described work or any other work occurs in the Easement Area, the Grantors shall submit a proposed work plan to SDOT for SDOT's review. The work plan shall be submitted at least 120 days before the work is commenced.

The Easement Area is located in King County, State of Washington, and is described in Exhibit A that is attached to and made a part of this easement.

Grantors:

  
\_\_\_\_\_  
Joseph P. Granatir

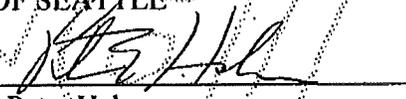
Dated: 9/10/2012

  
\_\_\_\_\_  
Susan J. Myers

Dated: 9/10/2012

Accepted and Approved:

CITY OF SEATTLE

By:   
\_\_\_\_\_  
Name: Peter Hahn  
Its: Director of Transportation

Dated: 9.27.12

Tax Parcel Number 400350-0020



**MAINTENANCE EASEMENT**

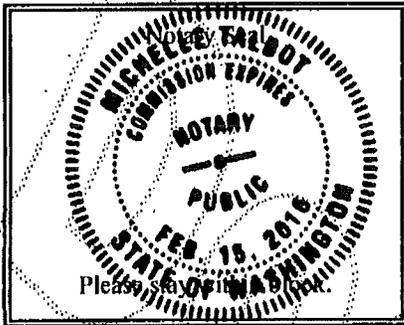
STATE OF WASHINGTON )

County of King )

§

On this 10<sup>th</sup> day of September, 2012, before me personally appeared JOSEPH P. GRANATIR, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Michelle Tabbot  
Notary (print name) Michelle Tabbot  
Notary Public in and for the State of Washington,  
residing at Anacortes  
My Appointment expires 2/15/16

Tax Parcel Number 400350-0020



**MAINTENANCE EASEMENT**

STATE OF WASHINGTON )

County of King )

§

On this 10<sup>th</sup> day of September, 2012, before me personally appeared SUSAN J. MYERS, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Michelle Talbot  
Notary (print name) Michelle Talbot  
Notary Public in and for the State of Washington,  
residing at Anacortes  
My Appointment expires 2/15/16

Tax Parcel Number 400350-0020



**MAINTENANCE EASEMENT**

**EXHIBIT A  
EASEMENT DESCRIPTION FOR LOT 4**

A 5 FOOT WIDE STRIP OF LAND, BEING A PORTION OF LOT 4 OF THE REPLAT OF BLOCK 6 OF THE LAKE DELL ADDITION TO THE CITY OF SEATTLE AS RECORDED IN VOLUME 13 PAGE 46 RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS;

THE EASTERLY 5 FEET OF SAID LOT 4 BEING PARALLEL AND COINCIDENT WITH THE WESTERLY RIGHT OF WAY MARGIN OF LAKE DELL AVENUE.

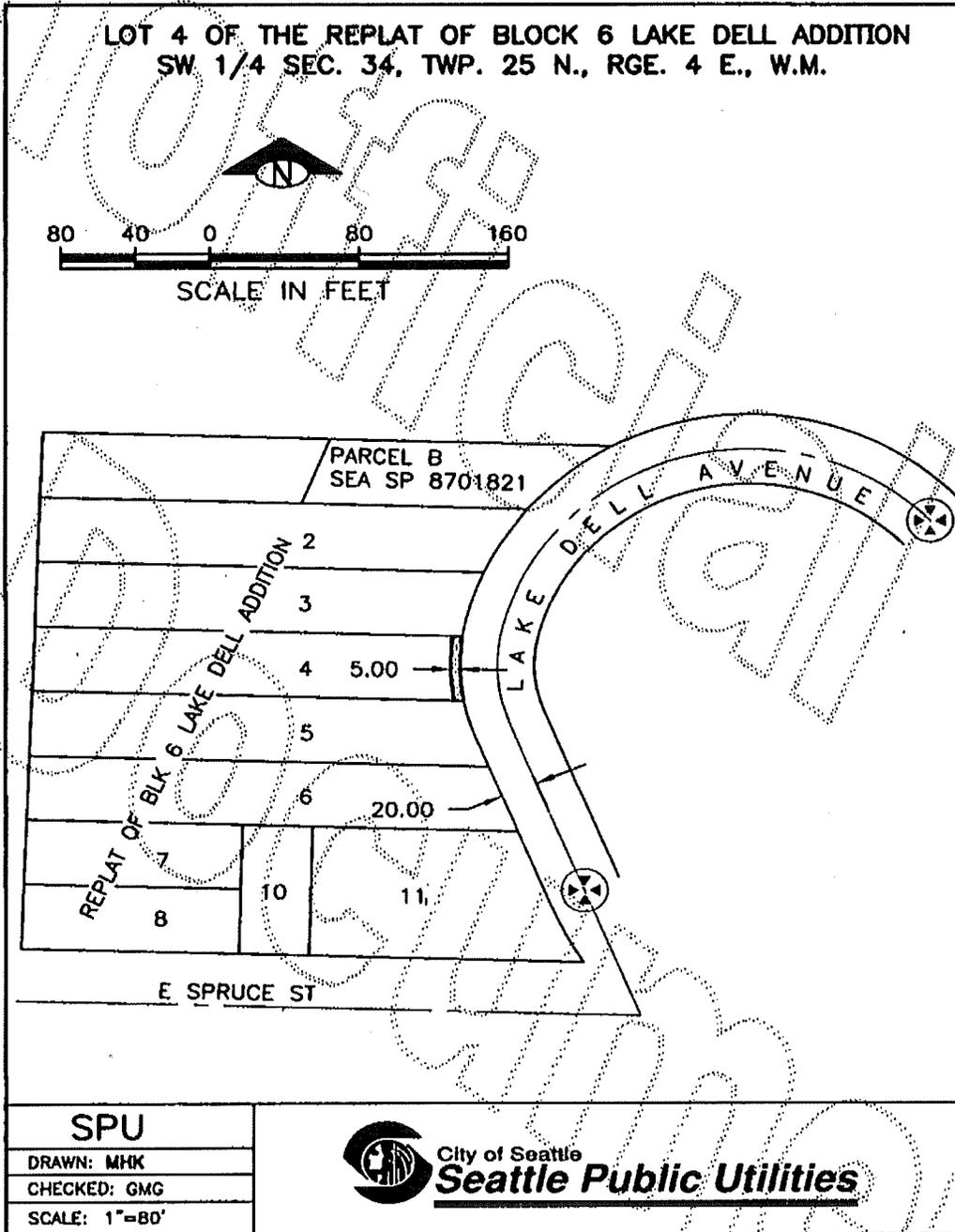
CONTAINING 189 SQ. FT. MORE OR LESS



Tax Parcel Number 400350-0020

# MAINTENANCE EASEMENT

## EXHIBIT A (Continued)



Tax Parcel Number 400350-0020

Page 7 of 7 pages



**20121003001116**

SEATTLE CITY O EAS 78.00  
PAGE-001 OF 007  
10/03/2012 11:11  
KING COUNTY, WA

After recording return document to:

City of Seattle  
Department of Transportation  
700 5th Avenue - Suite 3900  
PO Box 34996  
Seattle, WA 98124-4966  
Attn: Larry Huggins

EXCISE TAX NOT REQUIRED  
Kl. Co. Records Division

By  Deputy

*Document Title: Maintenance Easement*  
*Reference Number of Related Document: N/A*  
*Grantors: Benjamin A. Duncan and Lesley M. Duncan*  
*Grantee: City of Seattle*  
*Abbreviated Legal Description: Ptn. of Lot 5, Blk 6, Replat of Blk 6 Lake Dell Addition to the City of Seattle, Vol. 13, PP 46, King County, Washington*  
*Additional Legal Description is on Pages 6 and 7 of Document.*  
*Assessor's Tax Parcel Number: 400350-0025*

**MAINTENANCE EASEMENT**

Project: Lake Dell Catchment Wall

The Grantors, **BENJAMIN A. DUNCAN AND LESLEY M. DUNCAN**, husband and wife, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other valuable consideration; convey and warrant unto the Grantee, the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, and its assigns; an Easement over, under, across and upon the below-described lands ("the Easement Area"); for the purposes of constructing, repairing, replacing and maintaining a catchment wall located on City right of way, and other modifications associated with the catchment wall; to the same extent and purpose as if the rights granted by this easement had been acquired under Eminent Domain statutes of the State of Washington.

The Grantors reserve the right to use the Easement Area for purposes that will not unreasonably interfere with the Grantee's full enjoyment of the rights granted by this easement. Neither the Grantors nor their successors and assigns may erect or construct any building or structure on the Easement Area without the prior written consent of the Seattle Department of Transportation ("SDOT"). As used in this easement, "building or structure" means anything constructed or erected on the ground or any improvement built

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### MAINTENANCE EASEMENT

up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs.

Excavations shall not be allowed within the Easement Area without SDOT's prior written approval. Further, planting trees or any other vegetation, except for grass, shall not be allowed within the Easement Area without SDOT's prior written approval.

Before any of the above-described work or any other work occurs in the Easement Area, the Grantors shall submit a proposed work plan to SDOT for SDOT's review. The work plan shall be submitted at least 120 days before the work is commenced.

The Easement Area is located in King County, State of Washington, and is described in Exhibit A that is attached to and made a part of this easement.

Grantors:

*Benjamin A. Duncan*  
Benjamin A. Duncan

Accepted and Approved:  
CITY OF SEATTLE

By: *Peter Hahn*  
Name: Peter Hahn  
Its: Director of Transportation

Dated: *9/7/12*

Dated: *9-26-12*

*Lesley M. Duncan*  
Lesley M. Duncan

Dated: *9/7/2012*

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### MAINTENANCE EASEMENT

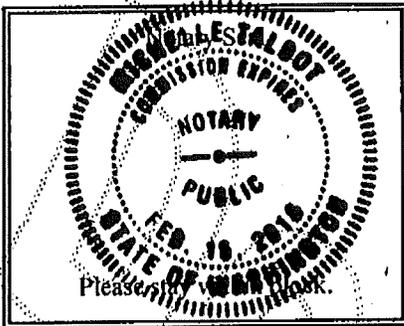
STATE OF WASHINGTON )

County of King )

§

On this 7<sup>th</sup> day of September, 2012, before me personally appeared LESLEY M. DUNCAN, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Michelle Talbot  
Notary (print name) Michelle Talbot  
Notary Public in and for the State of Washington,  
residing at Anacortes  
My Appointment expires 2/15/16

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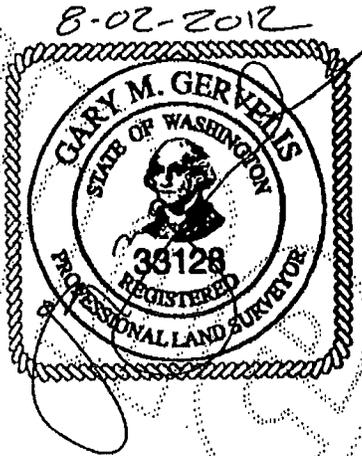
**MAINTENANCE EASEMENT**

**EXHIBIT A  
EASEMENT DESCRIPTION FOR LOT 5**

A 5 FOOT WIDE STRIP OF LAND, BEING A PORTION OF LOT 5 OF THE REPLAT OF BLOCK 6 OF THE LAKE DELL ADDITION TO THE CITY OF SEATTLE AS RECORDED IN VOLUME 13 PAGE 46 RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS;

THE EASTERLY 5 FEET OF SAID LOT 5 BEING PARALLEL AND COINCIDENT WITH THE WESTERLY RIGHT OF WAY MARGIN OF LAKE DELL AVENUE.

CONTAINING 201 SQ. FT. MORE OR LESS

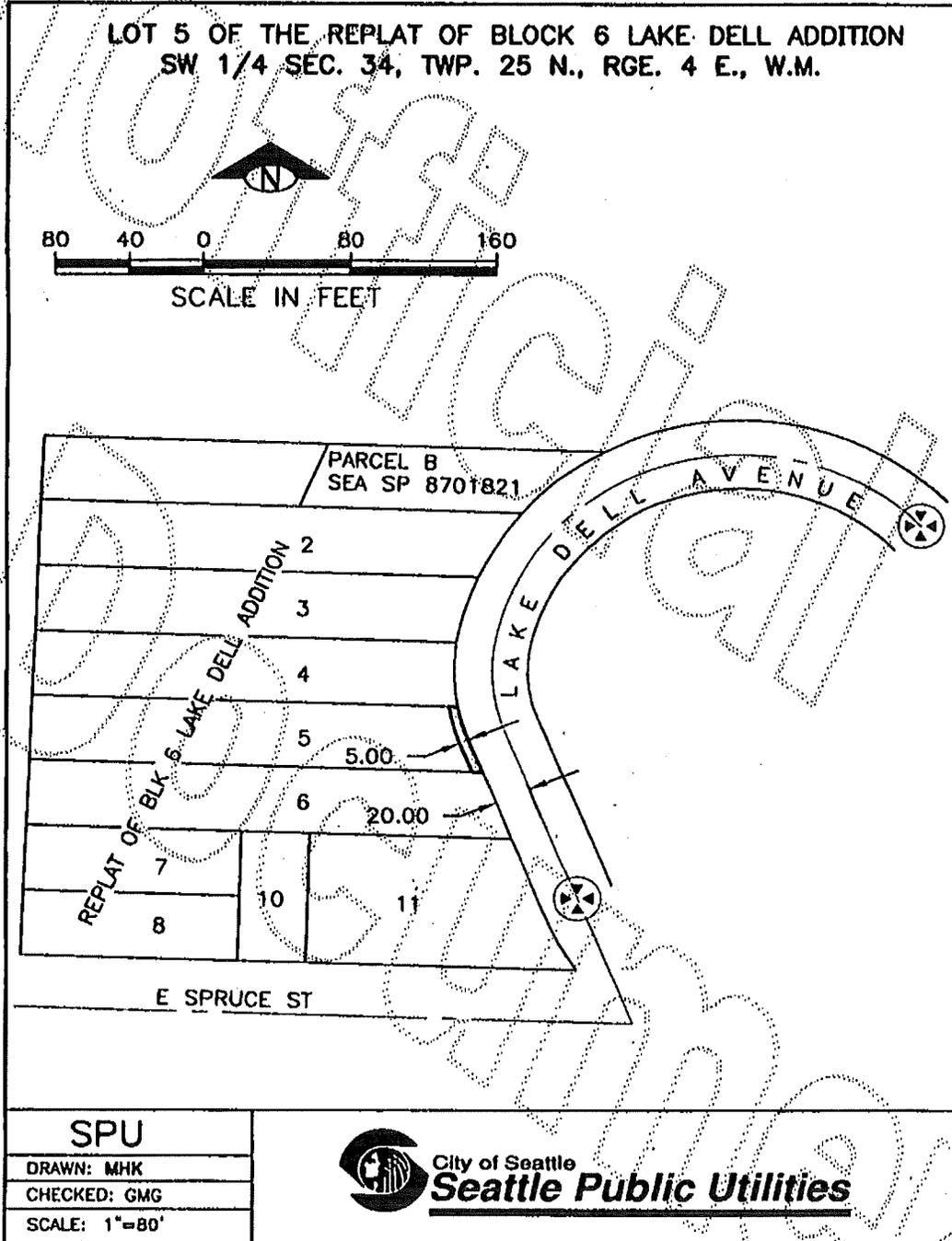


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**MAINTENANCE EASEMENT**

**EXHIBIT A (Continued)**



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**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Department of Transportation	Larry Huggins/684-5001	Roberta Guerra/684-5339

**Legislation Title:**

AN ORDINANCE authorizing the Director of the Department of Transportation to acquire, accept, and, record on behalf of the City of Seattle; four permanent easements from abutting property owners located in portions of Lots 2, 3, 4, and 5, Block 6, of the Replat of Block 6 of the Lake Dell Addition to the City of Seattle; for the purposes of constructing, repairing, replacing, and maintaining a catchment wall in connection with Lake Dell Avenue; and ratifying and confirming prior acts.

**Summary and background of the Legislation:**

This legislation authorizes the acquisition, acceptance, and recording of four permanent easements granted to the City of Seattle by private property owners in connection with the landslide mitigation work on Lake Dell Avenue (the "street") as part of the Hazard Mitigation Program, Landslide Mitigation Projects (the "Project"), and places the easements under the jurisdiction of the Seattle Department of Transportation.

In 2010, heavy rain storms caused three separate surface debris landslides that came from privately-owned-critical-slope areas onto the street. The City subsequently closed the street for a week in order to remove the debris. There have been documented landslides along the street dating as far back as 1897. To mitigate disruptions to the street from future landslides, the City has designed and would construct a 130-foot long eight-foot high cantilevered catchment wall between the toe of the slope and the street.

<b>Project Name:</b>	<b>Project I.D.:</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date:</b>
Hazard Mitigation Program – Landslide Mitigation Projects	TC365510	In more than one location.	Ongoing	Ongoing

Please check any of the following that apply:

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

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

Appropriations for the Project are included in the 2013 Adopted Budget and the 2013-2018 Adopted Capital Improvement Program.



**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**

The City has compensated the property owners a total of \$2,715 for the easement property rights necessary to complete the Project. The wall would be considered to be another asset that the City is responsible to maintain and will be included in a list of similar assets scheduled for regular maintenance by the City. Maintenance costs for these assets are included in the 2013 Adopted Budget and the 2013 to 2018 Adopted Capital Improvement Program.

**b) What is the financial cost of not implementing the legislation?**

In 2010, the landslides in this area cost the City over \$8,000 in unanticipated costs to clear the landslide debris from the roadway. The cost outlay to build the protective wall is intended to reduce the risk of additional damages and unforeseen costs to the City that could result from future landslides in this area.

**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?**

Other alternatives were considered, however, there are no other cost-effective construction options available that would manage the risk associated with the potential future landslides along this portion of Lake Dell Avenue.

**e) Is a public hearing required for this legislation?**

No.

**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. Four private property owners are granting easement rights to the City for street purposes to complete and maintain the Project.

**h) Other Issues:**

List attachments to the fiscal note below:



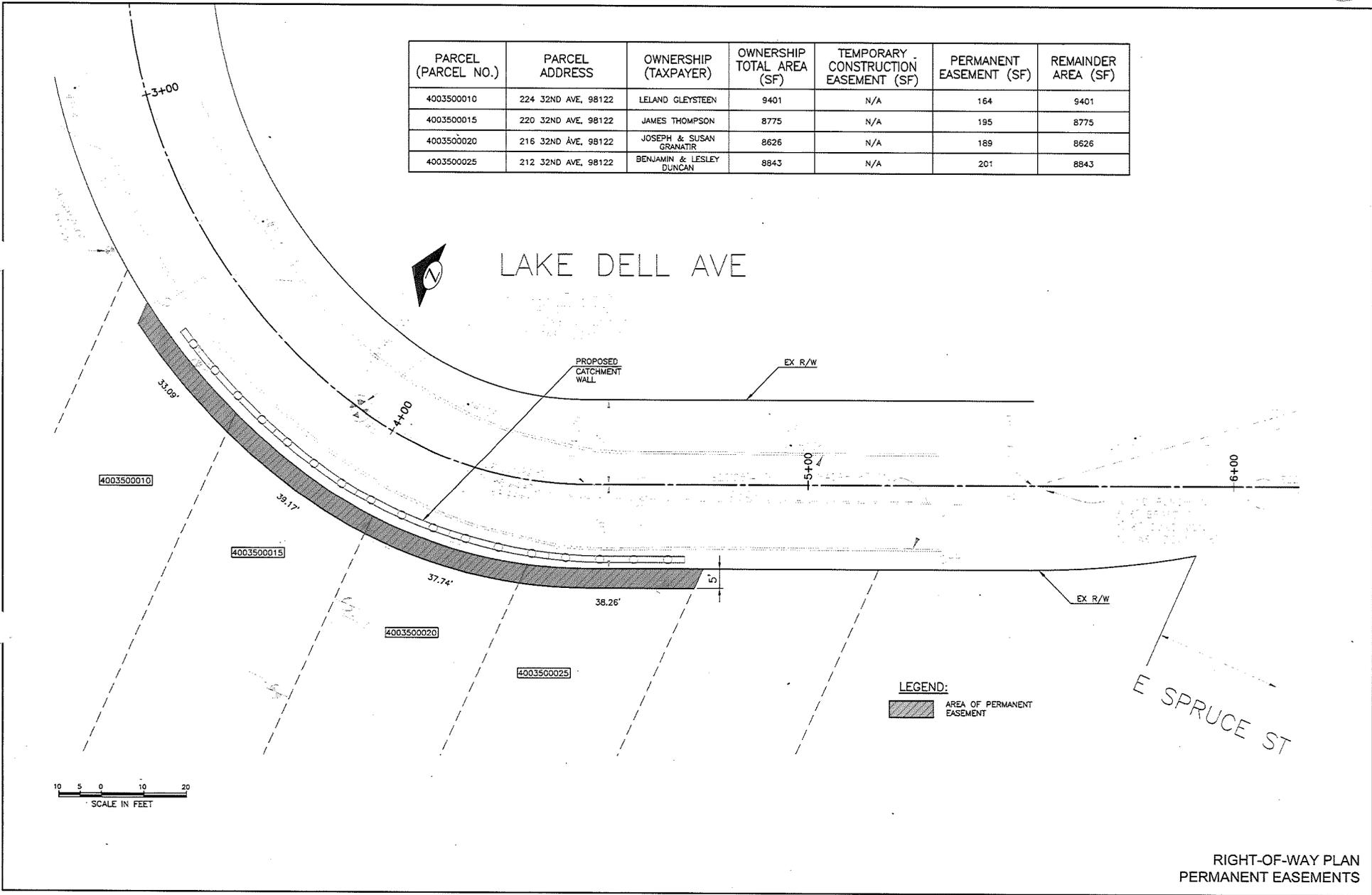
Gretchen M. Haydel  
SDOT Lake Dell Avenue Easement Acquisition FISC  
November 07, 2012  
Version #2

**Attachment A: Right-of-Way Plan Permanent Easements Map**





PARCEL (PARCEL NO.)	PARCEL ADDRESS	OWNERSHIP (TAXPAYER)	OWNERSHIP TOTAL AREA (SF)	TEMPORARY CONSTRUCTION EASEMENT (SF)	PERMANENT EASEMENT (SF)	REMAINDER AREA (SF)
4003500010	224 32ND AVE, 98122	LELAND GLEYSSTEEN	9401	N/A	164	9401
4003500015	220 32ND AVE, 98122	JAMES THOMPSON	8775	N/A	195	8775
4003500020	216 32ND AVE, 98122	JOSEPH & SUSAN GRANATIR	8626	N/A	189	8626
4003500025	212 32ND AVE, 98122	BENJAMIN & LESLEY DUNCAN	8843	N/A	201	8843



Gretchen M. Haydel, SDOT, Right of Way Plan Permanent Easements, ATT A

RIGHT-OF-WAY PLAN  
PERMANENT EASEMENTS



**City of Seattle**  
Office of the Mayor

November 20, 2012

Honorable Sally Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that authorizes acquisition, acceptance, and recording of four permanent easements granted by property owners abutting Lake Dell Avenue; and places the easements under the jurisdiction of the Seattle Department of Transportation. The easements are necessary to construct and maintain a catchment wall and are being acquired from private property owners whose property abuts that portion of Lake Dell Avenue that is at risk of future landslides and erosion.

This project consists of designing and constructing a 130-foot long eight-foot high cantilevered catchment wall that will be erected between the toe of the slope area and Lake Dell Avenue for the purposes of mitigating transportation disruptions that could be caused by future landslides in the area.

Thank you for your consideration of this legislation. Should you have any 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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292351

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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

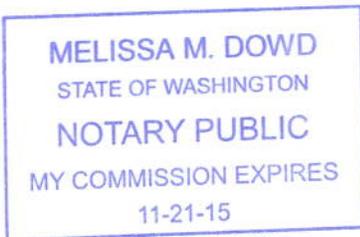
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124082-124093 TITLE

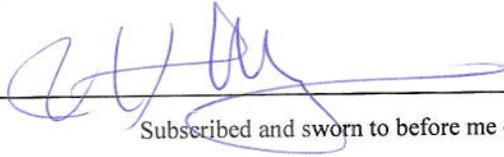
was published on

01/09/13

The amount of the fee charged for the foregoing publication is the sum of \$222.42 which amount has been paid in full.

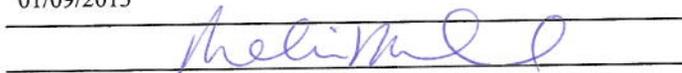


Affidavit of Publication



Subscribed and sworn to before me on

01/09/2013



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 December 17, 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.

### ORDINANCE NO. 124082

AN ORDINANCE clarifying the disability retirement benefit formula in the Seattle City Employees' Retirement System (SCERS); amending Seattle Municipal Code section 4.36.230; providing a benefit that is directly proportional to City service for members making application for disability retirement after December 31, 2012 who have less than 10 years of City service but who otherwise may qualify for a disability retirement under portability.

### ORDINANCE NO. 124083

AN ORDINANCE authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle; four permanent easements from abutting property owners located in portions of Lots 2, 3, 4, and 5, Block 6, of the Replat of Block 6 of the Lake Dell Addition to the City of Seattle; for the purposes of constructing, repairing, replacing, and maintaining a catchment wall in connection with Lake Dell Avenue; and ratifying and confirming prior acts.

### ORDINANCE NO. 124084

AN ORDINANCE vacating a portion of the alley in Block 101, D. T. Denny's Fifth Addition to North Seattle on the petition of City Place IV LLC, a Washington limited liability company; accepting an Easement for Alley Turn-Around for public vehicle turn-around purposes; accepting an Agreement Regarding Stormwater Drainage Improvements to design and construct a new stormwater system to convey stormwater from the alley to the City's sewer system; and accepting a Property Use and Development Agreement as reflected in Clerk File 309170.

### ORDINANCE NO. 124085

AN ORDINANCE vacating the alley in Block 102, D. T. Denny's First Addition to North Seattle on the petition of Lake Union III LLC, a Washington limited liability company; and accepting a Property Use and Development Agreement as reflected in Clerk File 304098.

### ORDINANCE NO. 124086

AN ORDINANCE vacating a portion of the alley in Block 103, D. T. Denny's First Addition to North Seattle on the petition of City Place III LLC, a Washington limited liability company; accepting an Agreement Regarding Stormwater Drainage Improvements to design and construct a new stormwater system to convey stormwater from the alley to the City's sewer system; and accepting a Property Use and Development Agreement as reflected in Clerk File 308958.

### ORDINANCE NO. 124087

AN ORDINANCE authorizing, in 2012, acceptance of funding from non-City sources; authorizing the heads of the Department of Neighborhoods, Executive Office, City Budget Office, Seattle Fire Department, Seattle Police Department, Department of Planning and Development, Department of Parks and Recreation, Human Services Department, Department of Transportation, Seattle City Light, and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124088

AN ORDINANCE related to the 2012 Budget; amending Ordinance 123758, which adopted the 2012 Budget, including the 2012-2017 Capital Improvement Program (CIP); creating a new appropriation, changing appropriations to various departments and budget control levels, and from various funds in the Budget; making cash transfers between various City funds; adding new projects; creating new positions; creating exempt positions; abrogating positions; revising project allocations for certain projects in the 2012-2017 CIP; revising project descriptions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

### ORDINANCE NO. 124089

AN ORDINANCE relating to taxation; adopting amendments to the model business license tax ordinance; amending the Seattle Municipal Code due to changes in the Revised Code of Washington as it pertains to the taxation of digital products by local jurisdictions; and amending sections in chapters 5.30 and 5.45 of the Seattle Municipal Code.

### ORDINANCE NO. 124090

AN ORDINANCE relating to City employment, to continue to provide a wage supplement and insurance benefits for employees who are mobilized by the United States Armed Forces for active military service; and ratifying and confirming prior acts.

### ORDINANCE NO. 124091

AN ORDINANCE, relating to City employment, to be known as the 2013 Pay Zone Ordinance; adjusting the pay zone structures for the City's discretionary pay programs for the year 2013.

### ORDINANCE NO. 124092

AN ORDINANCE relating to City employment commonly referred to as the Fourth Quarter 2012 Employment Ordinance; establishing new titles and/or salaries, amending Seattle Municipal Code Section 4.20.320, designating positions as exempt from Civil Service status, returning positions to Civil Service status, amending Seattle Municipal Code Section 4.13.010 and ratifying and confirming prior acts; all by a 2/3 vote of the City Council.

### ORDINANCE NO. 124093

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

Date of publication in the Seattle Daily Journal of Commerce, January 9, 2013.

1/9(292351)