

Ordinance No. 124085

Council Bill No. 117665

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.

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:	<u>12.17.12</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor:	<u>12.18.12</u>	Date Approved: <u>12.21.12</u>
Date Returned to City Clerk:	<u>12.21.12</u>	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 BH JG

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
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**CITY OF SEATTLE**

**ORDINANCE** 124085

**COUNCIL BILL** 117665

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3  
4 AN ORDINANCE vacating the alley in Block 102, D. T. Denny's First Addition to North Seattle  
5 on the petition of Lake Union III LLC, a Washington limited liability company; and  
6 accepting a Property Use and Development Agreement as reflected in Clerk File 304098.

7 WHEREAS, Lake Union III LLC ("Petitioner") filed a petition to vacate the alley in Block 102,  
8 D.T. Denny's First Addition to North Seattle, which is the block bordered by Republican  
9 Street, Boren Avenue North, Harrison Street, and Terry Avenue North in the South Lake  
10 Union neighborhood; and

11 WHEREAS, following a July 16, 2002 public hearing on the petition, the Seattle City Council  
12 ("City Council") conditionally granted the petition subject to conditions that have now  
13 been met; and

14 WHEREAS, in 2007, the City Council granted the Petitioner an extension of time to complete  
15 the development project and approved some design modifications; and

16 WHEREAS, a Property Use and Development Agreement recorded with the King County  
17 Recorder's Office commits the Petitioner and their successors to fulfill ongoing public-  
18 benefit obligations required as a result of the street vacation; and

19 WHEREAS, pursuant to Section 35.79.030 RCW and Seattle Municipal Code Chapter 15.62, the  
20 Petitioner has paid the City a vacation fee of \$1,150,000, which amount is the full  
21 appraised value of the property; NOW, THEREFORE,

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

23 Section 1. The real property described below is vacated:

24 The entire alley located in Block 102 of D. T. Denny's First Addition to North  
25 Seattle.

26 RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills  
27 upon the above described property in the reasonable original grading of any right-of-way  
28 abutting upon said property after said vacation; and further,



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

4           Section 2. The Property Use and Development Agreement recorded on October 26,  
5 2011, King County Recording Number 20111026001289, attached as Attachment A, is accepted.

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



1 Passed by the City Council the 17 day of December, 2012, and  
2 signed by me in open session in authentication of its passage this  
3 17 day of December, 2012.

4  
5   
6 President \_\_\_\_\_ of the City Council

7  
8 Approved by me this 21<sup>st</sup> day of December, 2012.

9  
10   
11 Michael McGinn, Mayor

12  
13 Filed by me this 21 day of December, 2012.

14  
15   
16 For Monica Martinez Simmons, City Clerk

17 (Seal)

18  
19 Attachment A: Property Use and Development Agreement  
20  
21  
22  
23  
24  
25  
26  
27  
28



CONFORMED COPY

**20111026001289**

MCCULLOUGH HIL AG 74.00  
PAGE-001 OF 013  
10/26/2011 15:08

**AFTER RECORDING RETURN DOCUMENT TO:**

John C. McCullough  
McCullough Hill, PS  
701 Fifth Avenue, Suite 7220  
Seattle, Washington 98104

Reference Number of Related Document: N/A

Grantor(s): LAKE UNION III LLC

Grantee(s): CITY OF SEATTLE

Abbreviated Legal Description: Lots 1-12, Block 102, D. T. Denny's 1<sup>st</sup> Addition  
to North Seattle, Vol. 1 of Plats, p. 79, King County, Washington.

Additional Legal Description is on pages 1 and 2 of Document

Assessor's Property Tax Parcel or Account No: 1983200293; 1983200270; 1983200260

**PROPERTY USE AND DEVELOPMENT AGREEMENT**

THIS AGREEMENT (Agreement) is made this date in favor of the CITY OF SEATTLE, a municipal corporation of the State of Washington (City) by LAKE UNION III LLC, a Washington limited liability company, owner of the within described property (Owner).

**WITNESSETH:**

WHEREAS, the Owner is vested in fee simple title and has a substantial beneficial interest in the property located in King County, Washington, described as follows (Property):

Lots 1 through 12 inclusive, Block 102, D. T. Denny's 1<sup>st</sup> Addition to North Seattle, according to the Plat thereof, recorded in Volume 1 of Plats, page 79, in King County, Washington.

and



WHEREAS, the Owner has redeveloped the Property with new office buildings (the Development); and

WHEREAS, in connection with the Development, a petition was filed in 2000 (C.F. No. 304098) pursuant to RCW Ch. 35.79 and Seattle Municipal Code Ch. 15.62, by the Owner to vacate the alley in Block 102, D. T. Denny's 1<sup>st</sup> Addition to North Seattle; and

WHEREAS, the City Council granted preliminary approval of the vacation subject to conditions, including the condition that the surface plaza area of the Development (Plaza Area) that is depicted on Exhibit A and legally described on Exhibit B remain undeveloped and accessible to the public; and

WHEREAS, the Owner now seeks final vacation of the alley in Block 102, D. T. Denny's 1<sup>st</sup> Addition to North Seattle;

NOW, THEREFORE, the Owner covenants, bargains, and agrees on behalf of itself, its successors, and assigns to the following:

Section 1. The Plaza Area shall not be developed with buildings at grade level, and shall be developed with a plaza, landscaping, benches, artwork, lighting, signs and other open space and pedestrian amenities. The Plaza Area shall be open to the public to pass through or use the plaza during daylight hours regardless of whether such use by the public is associated with the Development. Public use of the Plaza Area is, however, subject to the conditions contained in this Agreement. The Owner shall provide signage in the Plaza Area indicating the Plaza Area is open for public use in accordance with the terms of this Agreement.

The Plaza Area does not include: below-grade or subsurface areas, which are occupied by the subsurface parking garage for the Development; or portions of structures that may extend over the ground surface of the Plaza Area, provided the portions of structures located over the Plaza Area do not restrict the public's use of the Plaza Area.

The Owner reserves the right to use the Plaza Area for any purposes not inconsistent with the terms of this Agreement. The areas identified as "Restricted Public Use Areas" on Exhibit A may be dedicated from time to time by the Owner, through leases or other written instrument to building tenants, as areas for outdoor seating for eating or drinking establishments located in the Development. In such cases, access to these areas shall be limited to use by patrons of the eating or drinking establishments.



Section 2. The Plaza Area currently has and shall continue to include the following public amenities: 15 trees, 1,200 square feet of landscape planting area, 1,000 lineal feet of steps appropriate for seating, and one large-scale art piece. The Owner shall keep all amenities in good repair. After installation of these amenities, the amount or types of amenities may be modified by the Owner after receiving the written consent of the Director of the Department of Transportation; provided, the quality of the amenities shall not be diminished and the modified amenities shall be designed to continue to activate the Plaza Area with public uses and pedestrian activity.

Section 3. The Owner shall have the right to temporarily close or obstruct the Plaza Area for: (1) construction; (2) maintenance and repair; (3) temporary use for private functions directly related to the Development or the Owners; (4) the maintenance of security for the Development or persons using the Development, or (5) other circumstances beyond the Owner's control.

Section 4: The Owner may adopt reasonable rules and regulations regarding the use of and access to the Plaza Area as are necessary to ensure the security of the users of the Plaza Area and the Development. The rules and regulations shall be consistent with the terms of this Agreement. A summary of the current rules and regulations may be posted in a several visible locations in the Plaza Area.

Section 5. The Owner and the City through its Parks Department, Department of Neighborhoods, or other City agency, may coordinate programming of community and public events or other public functions in the Plaza Area. Any such events shall be coordinated between the City and Owner not less than six months in advance.

Section 6. This Agreement shall be recorded in the records of King County and the covenants of this Agreement shall attach to and run with the Property and shall be binding upon the Owner, its heirs, successors, and assigns.

Section 7. This Agreement may be amended or modified by agreement between the Owner and the City; provided the amended Agreement shall be approved by the City Council by ordinance. Nothing in the Agreement shall be construed as a surrender of the City's governmental powers.

Section 8. This Agreement is made for the benefit of the City and the public, and the City may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 9. Upon the effective date of the vacation ordinance, the Owner shall provide and thereafter maintain in full force and effect, commercial general liability insurance providing for a limit of not less than \$1,000,000 per occurrence for all damages arising out of bodily injuries or death. The insurance policies obtained shall be approved as to form by the City Risk Manager, and shall name the City as an additional insured.

Section 10. Owner shall indemnify, hold harmless, and defend the City and its officers, agents and employees, from any and all claims, losses, liabilities, liens, costs, or expenses including attorney's fees, resulting from or arising out of public use of the Plaza Area, except to the extent resulting from the negligence or intentional acts of the City. If any claim covered by this paragraph is asserted against the City, Owner, upon notice thereof from the City, shall defend the same at its sole cost and expense, and shall pay any final judgment rendered upon such claim.

Section 11. The Owner reserves the right to use the Plaza Area for any purpose which does not interfere with the public's use of the Plaza Area, including but not limited to the right to use the Plaza Area as described in this Agreement and the right to grant easements within the Plaza Area, provided the easements are consistent with the public's use of the Plaza Area.

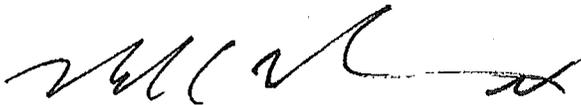
Section 12. Notwithstanding the covenants contained in this Agreement, nothing in this Agreement shall constitute a public dedication of any portion of the Property.

Section 13. In the event any covenant or condition or any portion thereof in this Agreement is judicially determined to be invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction contained in this Agreement.

Dated this 6<sup>TH</sup> day of OCTOBER, 2011.

OWNER:

LAKE UNION III LLC  
By: S/I Lake Union III, LLC



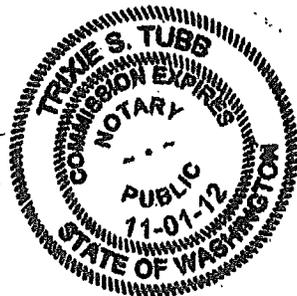
Michael C. Nelson  
Sr. Investment Director



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this day personally appeared before me Michael C. Nelson, to me known to be the Sr. Investment Director of Lake Union III LLC, a Washington limited liability company, the company that executed the within and foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute said instrument on behalf of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of October, 2011.

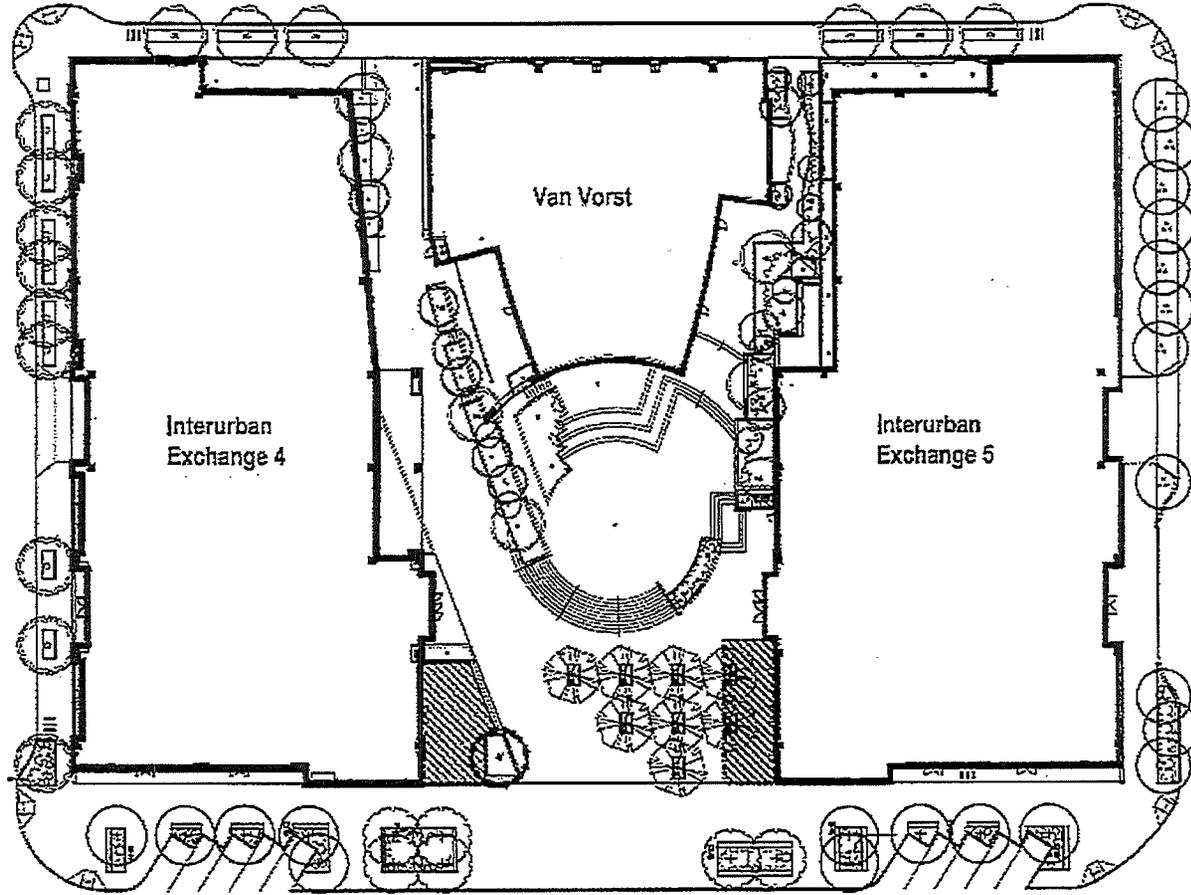


Trixie S. Tubb  
TRIXIE S. TUBB  
(print or type name)  
NOTARY PUBLIC in and for the State of  
Washington, residing at Bellevue  
My Commission expires: 11-01-12



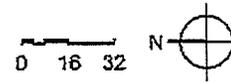
**EXHIBIT A**

**Drawing of Plaza Area**



**Exhibit A : Drawing of Plaza Area**

 Restricted Public Use Area



**EXHIBIT B**

**Legal Description of Plaza Area**



**LEGAL DESCRIPTION**

THOSE PORTIONS OF LOTS 2, 3, 4, 5, 9, 10, AND 11 IN BLOCK 102 OF DENNY'S FIRST ADDITION TO NORTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 79, RECORDS OF KING COUNTY, WASHINGTON, TOGETHER WITH THOSE PORTIONS OF PROPOSED PUBLIC ALLEY VACATION BISECTING SAID BLOCK 102, WHICH UPON VACATION, WOULD ATTACH ITSELF TO SAID LOTS 2, 3, 4, 9, 10, AND 11 BY OPERATION OF LAW, (ALL LYING ABOVE A BOTTOM LIMIT, VARYING IN ELEVATION, AND COINCIDENT WITH THE EXISTING FINISHED GRADE SURFACE, AND LYING BELOW A TOP LIMIT, VARYING IN ELEVATION, BEING 10.00 FEET ABOVE SAID EXISTING FINISHED GRADE SURFACE, AND COINCIDING WITH ANY AND ALL CHANGES IN GRADIENT OR ELEVATION), AND MORE PARTICULARLY DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 102;

SAID POINT OF COMMENCEMENT BEING 33.00 FEET DISTANT AND AT RIGHT ANGLES TO THE CENTERLINE OF RIGHT-OF-WAY OF BOREN AVENUE NORTH AND ALSO BEING 33.00 FEET DISTANT AND AT RIGHT ANGLES TO THE CENTERLINE OF RIGHT-OF-WAY OF HARRISON STREET;  
THENCE NORTH 01°25'35" EAST ALONG THE EAST LINE OF SAID BLOCK 102, A DISTANCE OF 103.84 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 88°11'12" WEST 4.66 FEET;  
THENCE NORTH 00°04'13" EAST 5.53 FEET;  
THENCE NORTH 88°54'06" WEST 9.21 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, CONCAVE SOUTH, HAVING A RADIUS OF 25.97 FEET, A CENTRAL ANGLE OF 16°30'41", AND TO WHICH RADIAL LINE BEARS NORTH 01°35'39" EAST;  
THENCE WESTERLY ALONG SAID CURVE 7.48 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, CONCAVE NORTH, HAVING A RADIUS OF 37.02 FEET, A CENTRAL ANGLE OF 29°41'05", AND TO WHICH A RADIAL LINE BEARS SOUTH 13°59'04" EAST;  
THENCE WESTERLY ALONG SAID CURVE A DISTANCE OF 19.18 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, CONCAVE SOUTH, HAVING A RADIUS OF 27.68 FEET, A CENTRAL ANGLE OF 21°37'02", AND TO WHICH A RADIAL LINE BEARS NORTH 19°51'20" EAST;  
THENCE WESTERLY ALONG SAID CURVE A DISTANCE OF 10.44 FEET;  
THENCE NORTH 88°54'30" WEST 11.61 FEET;  
THENCE NORTH 00°47'29" EAST 17.19 FEET;  
THENCE NORTH 88°30'11" WEST 40.03 FEET;  
THENCE NORTH 02°52'46" EAST 3.05 FEET;  
THENCE NORTH 88°21'19" WEST 22.27 FEET;  
THENCE NORTH 01°26'32" EAST 3.12 FEET;



THENCE NORTH 88°28'03" WEST 31.61 FEET;  
THENCE SOUTH 01°56'06" WEST 12.31 FEET TO A POINT LYING  
NORTHERLY OF, AND 0.60 FEET DISTANT AND AT RIGHT ANGLES TO THE  
SOUTH LINE OF SAID LOT 9;  
THENCE NORTH 88°32'50" WEST ALONG A LINE 0.60 FEET DISTANT AND  
AT RIGHT ANGLES TO SAID SOUTH LINE OF LOT 9, A DISTANCE OF  
21.38 FEET;  
THENCE NORTH 01°55'42" EAST 3.47 FEET;  
THENCE NORTH 88°31'55" WEST 23.98 FEET;  
THENCE SOUTH 01°55'41" WEST 3.47 FEET TO A POINT LYING  
NORTHERLY OF, AND 0.60 FEET DISTANT AND AT RIGHT ANGLES TO THE  
SOUTH LINE OF SAID LOT 9;  
THENCE NORTH 88°32'50" WEST ALONG A LINE 0.60 FEET DISTANT AND  
AT RIGHT ANGLES TO SAID SOUTH LINE OF LOT 9, A DISTANCE OF  
48.89 FEET TO THE EAST MARGIN OF THAT PORTION OF SAID BLOCK  
102 CONDEMNED BY KING COUNTY SUPERIOR COURT CAUSE NUMBER  
162246, RECORDS OF KING COUNTY, WASHINGTON;  
THENCE NORTH 01°25'10" EAST ALONG SAID EAST MARGIN, A DISTANCE  
OF 118.69 FEET TO A POINT LYING SOUTHERLY OF, AND 0.70 FEET  
DISTANT AND AT RIGHT ANGLES TO THE NORTHERLY LINE OF SAID LOT  
10;  
THENCE SOUTH 88°32'56" EAST ALONG A LINE 0.70 FEET DISTANT AND  
AT RIGHT ANGLES TO SAID NORTHERLY LINE OF SAID LOT 10, A  
DISTANCE OF 42.29 FEET;  
THENCE SOUTH 01°16'00" WEST 17.19 FEET;  
THENCE NORTH 70°26'10" EAST 6.45 FEET;  
THENCE NORTH 01°47'58" EAST 12.28 FEET TO A POINT LYING  
SOUTHERLY OF, AND 3.30 FEET DISTANT AND AT RIGHT ANGLES TO  
SAID NORTH LINE OF LOT 10;  
THENCE SOUTH 88°32'56" EAST ALONG A LINE 3.30 FEET DISTANT AND  
AT RIGHT ANGLES TO SAID NORTHERLY LINE OF SAID LOT 10, A  
DISTANCE OF 25.94 FEET;  
THENCE SOUTH 00°47'06" WEST 2.39 FEET;  
THENCE NORTH 70°49'15" EAST 58.40 FEET;  
THENCE SOUTH 88°36'56" EAST 12.89 FEET;  
THENCE NORTH 86°27'49" EAST 34.80 FEET;  
THENCE SOUTH 00°39'00" WEST 3.58 FEET;  
THENCE SOUTH 88°45'00" EAST 30.55 FEET;  
THENCE NORTH 05°06'48" EAST 2.23 FEET;  
THENCE SOUTH 88°37'59" EAST 31.47 FEET;  
THENCE NORTH 00°03'00" WEST 2.93 FEET;  
THENCE SOUTH 88°53'50" EAST 11.88 FEET TO THE EAST LINE OF  
SAID BLOCK 102;  
THENCE SOUTH 01°25'35" WEST ALONG SAID EAST LINE A DISTANCE OF  
19.69 FEET;



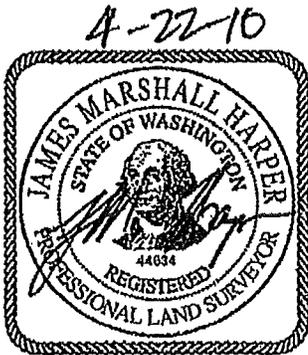
NORTH 88°31'31" WEST 63.56 FEET;  
THENCE SOUTH 10°34'41" EAST 2.10 FEET;  
THENCE SOUTH 77°26'32" WEST 8.03 FEET;  
THENCE NORTH 25°01'25" WEST 0.38 FEET;  
THENCE SOUTH 75°59'59" WEST 1.05 FEET;  
THENCE SOUTH 12°11'34" EAST 6.39 FEET;  
THENCE SOUTH 75°23'49" WEST 24.18 FEET;  
THENCE SOUTH 73°13'35" WEST 17.38 FEET;  
THENCE SOUTH 20°16'57" EAST 8.97 FEET TO THE BEGINNING OF A  
NON-TANGENTIAL CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF  
298.90 FEET, A CENTRAL ANGLE OF 03°36'59", AND TO WHICH A  
RADIAL LINE BEARS NORTH 20°16'57" WEST;  
THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 18.87  
FEET;  
THENCE SOUTH 34°39'14" EAST 4.28 FEET;  
THENCE SOUTH 26°31'44" EAST 5.81 FEET;  
THENCE NORTH 70°37'08" EAST 4.99 FEET;  
THENCE SOUTH 19°05'10" EAST 6.20 FEET;  
THENCE NORTH 73°03'17" EAST 4.86 FEET TO THE BEGINNING OF A  
NON-TANGENTIAL CURVE, CONCAVE WEST, HAVING A RADIUS OF 57.36  
FEET, A CENTRAL ANGLE OF 40°46'58", AND TO WHICH A RADIAL LINE  
BEARS NORTH 74°26'44" EAST;  
THENCE SOUTHERLY ALONG SAID CURVE A DISTANCE OF 40.83 FEET TO  
THE BEGINNING OF A NON-TANGENTIAL CURVE, CONCAVE NORTHEAST,  
HAVING A RADIUS OF 338.99 FEET, A CENTRAL ANGLE OF 10°29'05",  
AND TO WHICH A RADIAL LINE BEARS SOUTH 19°42'16" WEST;  
THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 62.03  
FEET;  
THENCE SOUTH 09°13'11" WEST 17.22 FEET;  
THENCE SOUTH 00°33'47" EAST 5.46 FEET;  
THENCE SOUTH 88°54'30" EAST 1.01 FEET TO THE BEGINNING OF A  
NON-TANGENTIAL CURVE, CONCAVE SOUTH, HAVING A RADIUS OF 32.68  
FEET, A CENTRAL ANGLE OF 21°02'49", AND TO WHICH A RADIAL LINE  
BEARS NORTH 01°32'03" WEST;  
  
THENCE EASTERLY ALONG SAID CURVE A DISTANCE OF 12.00 FEET TO  
THE BEGINNING OF A NON-TANGENTIAL CURVE, CONCAVE NORTH, HAVING  
A RADIUS OF 32.02 FEET, A CENTRAL ANGLE OF 29°19'01", AND TO  
WHICH A RADIAL LINE BEARS SOUTH 15°24'03" WEST;  
THENCE EASTERLY ALONG SAID CURVE A DISTANCE OF 16.38 FEET TO  
THE BEGINNING OF A NON-TANGENTIAL CURVE, CONCAVE SOUTH, HAVING  
A RADIUS OF 30.97 FEET, A CENTRAL ANGLE OF 16°23'22", AND TO  
WHICH A RADIAL LINE BEARS NORTH 14°50'14" WEST;  
THENCE EASTERLY ALONG SAID CURVE A DISTANCE OF 8.86 FEET;  
THENCE SOUTH 88°54'06" EAST 9.29 FEET;



THENCE NORTH 01°51'48" EAST 5.59 FEET; TO A POINT ON THE NORTH  
LINE OF SAID LOT 5;  
THENCE SOUTH 88°32'52" EAST ALONG SAID NORTH LINE, A DISTANCE  
OF 4.68 FEET TO THE EAST LINE OF SAID BLOCK 102;  
THENCE SOUTH 01°25'35" WEST ALONG SAID EAST LINE A DISTANCE OF  
16.15 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCELS AS A WHOLE, LESS EXCEPTIONS,  
CONTAINING 20,839 SQUARE FEET (0.4784 ACRE), MORE OR LESS;

SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.



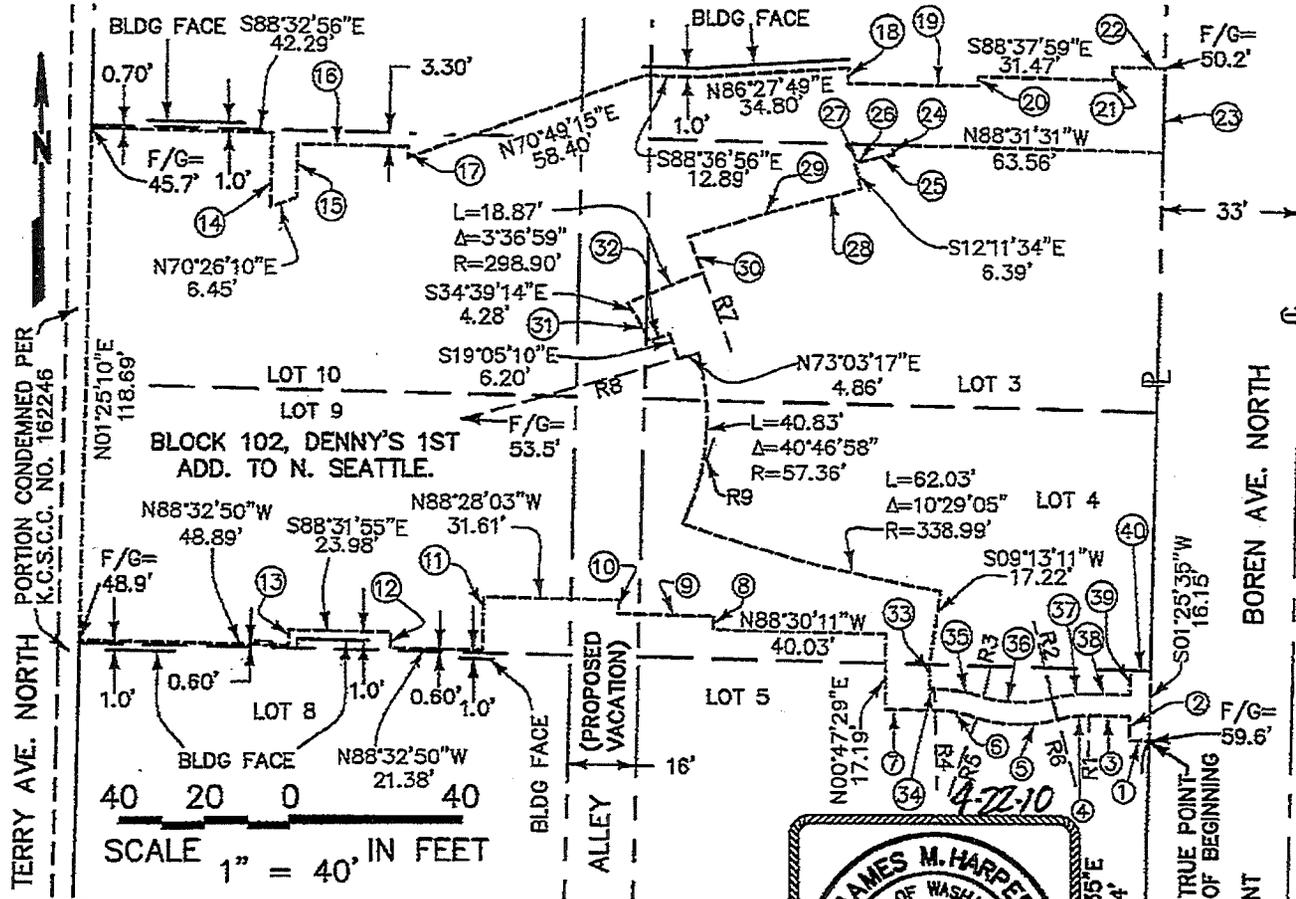
LAKE UNION III LLC  
PUBLIC USE AREA  
JAMES M HARPER, P.L.S.  
BRH JOB NO. 2005131.01  
APRIL 22, 2010

BUSH, ROED & HITCHINGS, INC.  
2009 MINOR AVENUE EAST  
SEATTLE, WA 98102  
(206) 323-4144



VERTICAL DATUM: NAVD88

ORIGINATING BENCHMARK: COS  
 #36580102, 2" BRASS DISK IN CONC.  
 WALK AT NW CORNER OF WESTLAKE  
 AVE N. AND THOMAS ST. EL.=54.26'

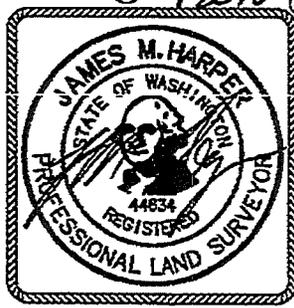


SCALE 1" = 40' IN FEET

PREPARED FOR: LAKE UNION III, LLC  
 PROJECT: PUBLIC USE AREA  
 BUSH, ROED & HITCHINGS, INC.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 2009 MINOR AVE. E. (206) 323-4144  
 SEATTLE, WA 98102-3513 SHEET 1  
 BRH JOB. NO 2005131.01 4-22-10

F/G=FINISHED GRADE  
 EL=ELEVATION

P=PROPERTY LINE  
 C=CENTERLINE  
 R.O.W.



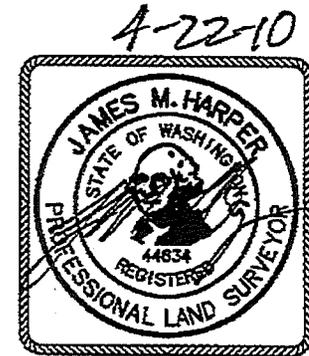
HARRISON ST.



- (R1) N01°35'39"E
- (R2) S13°59'04"E
- (R3) S15°24'03"W
- (R4) N01°32'03"W
- (R5) N19°51'20"E
- (R6) N14°50'14"W
- (R7) N20°16'57"W
- (R8) N74°26'44"E
- (R9) S19°42'16"W
- (R10) S46°54'59"W
- (R11) S11°10'38"W
- (R12) N22°29'34"E
- (R13) N17°44'02"W

- (1) N88°11'12"W  
4.66'
- (2) N00°04'13"E  
5.53'
- (3) N88°54'06"W  
9.21'
- (4) L=7.48'  
Δ=16°30'41"  
R=25.97
- (5) L=19.18'  
Δ=29°41'05"  
R=37.02
- (6) L=10.44'  
Δ=21°37'02"  
R=27.68
- (7) N88°54'30"W  
11.61'
- (8) N02°52'46"E  
3.05'
- (9) N88°21'19"W  
22.27'
- (10) N01°26'32"E  
3.12'
- (11) S01°56'06"W  
12.31'
- (12) N01°55'42"E  
3.47'
- (13) S01°55'41"W  
3.47'
- (14) S01°16'00"W  
17.19'
- (15) N01°47'58"E  
12.28'
- (16) S88°32'56"E  
25.94'
- (17) S00°47'06"W  
2.39'
- (18) S00°39'00"W  
3.58'
- (19) S88°45'00"E  
30.55'
- (20) N05°06'48"E  
2.23'
- (21) N00°03'00"W  
2.93'
- (22) S88°53'50"E  
11.88'
- (23) S01°25'35"W  
19.69'
- (24) S10°34'41"E  
2.10'
- (25) S77°26'32"W  
8.03'
- (26) N25°01'25"W  
0.38'
- (27) S75°59'59"W  
1.05'
- (28) S75°23'49"W  
24.18'
- (29) S73°13'35"W  
17.38'
- (30) S20°16'57"E  
8.97'
- (31) S26°31'44"E  
5.81'
- (32) N70°37'08"E  
4.99'
- (33) S00°33'47"E  
5.46'
- (34) S88°54'30"E  
1.01'
- (35) L=12.00'  
Δ=21°02'49"  
R=32.68'
- (36) L=16.38'  
Δ=29°19'01"  
R=32.02'
- (37) L=8.86'  
Δ=16°23'22"  
R=30.97'
- (38) S88°54'06"E  
9.29'
- (39) N01°51'48"E  
5.59'
- (40) S88°32'52"E  
4.68'

PREPARED FOR: LAKE UNION III, LLC  
 PROJECT: PUBLIC USE AREA  
 BUSH, ROED & HITCHINGS, INC.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 2009 MINOR AVE. E. (206) 323-4144  
 SEATTLE, WA 98102-3513 SHEET 2  
 BRH JOB. NO 2005131.01 4-22-10



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Department of Transportation	Beverly Barnett/684-7564	Rebecca Guerra/684-5339

**Legislation Title:**

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.

**Summary of the Legislation:**

This Council Bill completes the vacation process for 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 (the "Petitioner") and accepts a Property Use and Development Agreement ("PUDA") in connection with the alley vacation.

**Background:**

This project in Block 102 is part of a larger development project encompassing six blocks. Alley vacation petitions were submitted for three of the six blocks that facilitate this development project for Amazon.com's new global headquarters.

The Petitioner sought vacation of the alley in Block 102, D.T. Denny's First Addition to North Seattle, bordered by Republican Street, Boren Avenue North, Harrison Street, and Terry Avenue North in the South Lake Union neighborhood to facilitate a full block development for this project.

On September 16, 2002, the City Council voted to conditionally grant the Petitioner's petition to vacate a portion of the alley. In 2007, the City Council granted the Petitioner an extension of time to complete the development project. The Petitioner subsequently developed two new office buildings consisting of a five-story building and a four and 1/2 story building, a 24,000 square foot plaza, and three levels of below grade parking. The Petitioner also retained a portion of the Van Vorst building which is designated as an historic landmark.

To meet its public benefit requirement, the Petitioner has incorporated a publically accessible plaza of approximately 24,000 square feet which includes pavers, landscaping, seating and artwork. Community events are planned for the plaza. The PUDA provides that the plaza remain open and accessible to the public. Additionally, the Petitioner developed street improvements consistent with the Terry Avenue North Street Design Guidelines (Seattle



Department of Transportation Director's Rule 3-05).

Please check one of the following:

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

**Other Implications:**

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

Yes. This legislation does not accept or appropriate funds. The Seattle Department of Transportation received a vacation fee of \$1,150,000 in 2010, at which time 50 percent was deposited in the CRS Unrestricted Subaccount and 50 Percent in the CRS Street Vacation Subaccount.

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

This vacation petition has already been approved by the Seattle City Council which obligates the City to complete the vacation process, provided that the Petitioner meets all the conditions imposed by the Council and the vacation fee has been paid. The Petitioner has met all the conditions and paid the vacation fee. Therefore, by not implementing this legislation, the City would be in violation of its obligations, which could have financial implications.

**c) Does this legislation affect any departments besides the originating department?**

No. As part of the initial vacation review process, all interested departments are notified of the vacation petition and asked to comment. All issues must be resolved prior to the approval of the final legislation

**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

None. This legislation completes the vacation process.

**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?**



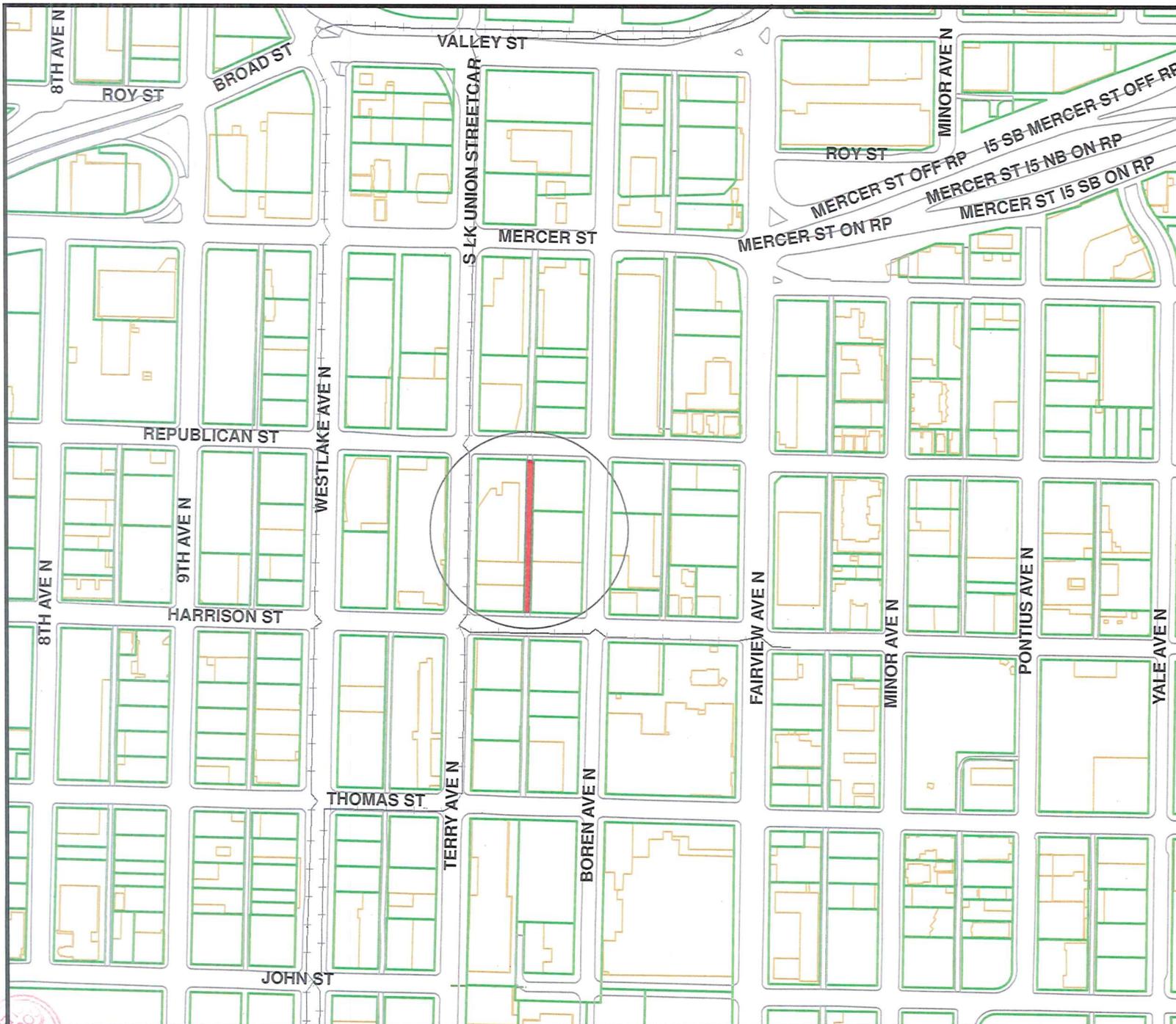
Yes, it completes the vacation of right of way.

**h) Other Issues:**

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

Attachment A: Street Vacation Map.





Alley Vacation  
 Block 102  
 DT Denny's First  
 Addition to N Seattle  
 CF 304098  
 Petitioner:  
 City Investors Inc.

 Vacation Area  
 5,760 SF



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 THE CITY OF SEATTLE  
 All rights reserved.  
 Produced by the Seattle  
 Department of Transportation.  
 No warranties of any sort,  
 including accuracy, fitness or  
 merchantability, accompany  
 this product.



Coordinate System:  
 State Plane, NAD83-91,  
 Washington, North Zone  
 Orthophoto Source:  
 Pictometry 2007

PLOT DATE : August 2011  
 AUTHOR : Street Vacations



# Alley Vacation of Block 102 D.T. Denny's First Addition to North Seattle

\*For illustrative purposes only and is not intended to modify anything in the legislation.



**City of Seattle**  
Office of the Mayor

November 27, 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 complete the vacation process for Lake Union III LLC, a Washington limited liability company that currently owns all the property abutting the alley (Petitioner). The Petitioner sought to vacate the alley in Block 102, D.T. Denny's First Addition to North Seattle in the South Lake Union neighborhood to facilitate a full block development that encompasses a portion of Amazon.com's new global headquarters.

On September 16, 2002, the City Council voted to conditionally grant the Petitioner's petition to vacate a portion of the alley. In 2007, the City Council granted the Petitioner an extension of time to complete the development project and approved some design modifications. The Petitioner subsequently developed two new office buildings consisting of a five-story building and a four and one-half story building, a 24,000 square foot plaza, and three levels of below grade parking. The Petitioner also retained a portion of the Van Vorst building which is designated as an historic landmark.

To meet its public benefit requirement, the Petitioner has incorporated a publically accessible plaza of approximately 24,000 square feet which includes special pavers, landscaping, seating, and artwork. Community events are planned for the plaza. Additionally, the Petitioner developed street improvements consistent with the Terry Avenue North Street Design Guidelines (Seattle Department of Transportation Director's Rule 3-05).

The proposed legislation facilitates South Lake Union's transformation into a vital innovative neighborhood. Thank you for your support of this legislation. If you have any questions, please contact Beverly Barnett at (206) 684-7564.

Sincerely,

  
Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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

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



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STATE OF WASHINGTON – KING COUNTY

--SS.

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292351  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

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

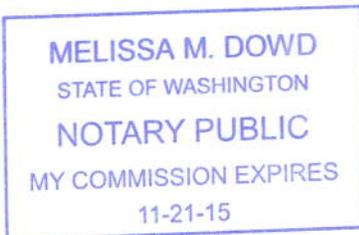
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124082-124093 TITLE

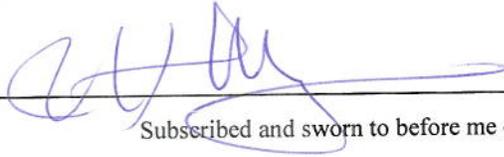
was published on

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.

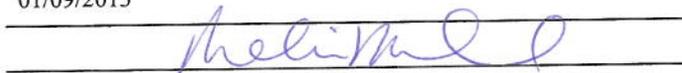


Affidavit of Publication

  
\_\_\_\_\_

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)