SEATTLE CITY COUNCIL

Legislative Summary

CB 118424

Record No.: CB 118424
Version: 1
Type: Ordinance (Ord) 124816
Status: Passed
In Control: City Clerk
File Created: 05/11/2015
Final Action: 07/29/2015

Title: AN ORDINANCE relating to the City Light Department; declaring certain real property rights and improvements surplus to the City of Seattle's utility needs; and authorizing the release of an access easement and a permit for a groundwater observation well, and the conveyance of ownership of said groundwater well to James and Valerie Van Dyke in Pend Oreille County, Washington.

Notes:

Sponsors: Sawant

Attachments:

Drafter: mary.davis@seattle.gov

	Date
Filed with City Clerk:	
Mayor's Signature:	
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	06/02/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk **Notes:**						
1	City Clerk	06/02/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office **Notes:**						
1	Council President's Office	06/04/2015	sent for review	Energy Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Energy Committee **Notes:**						
1	Full Council	06/29/2015	referred	Energy Committee			

Action Text: The Council Bill (CB) was referred. to the Energy Committee
Notes:

1 Energy Committee 07/08/2015
Notes: This Council Bill was heard in committee.

1 Energy Committee 07/22/2015 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:

In Favor: 3 Chair Sawant, Vice Chair Okamoto, Member O'Brien

Opposed: 0

1 Full Council 07/27/2015 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1 City Clerk 07/28/2015 submitted for Mayor's signature Mayor
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1 Mayor 07/29/2015 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:

1 Mayor 07/29/2015 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1 City Clerk 07/29/2015 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124816

COUNCIL BILL 118424

AN ORDINANCE relating to the City Light Department; declaring certain real property rights and improvements surplus to the City of Seattle's utility needs; and authorizing the release of an access easement and a permit for a groundwater observation well, and the conveyance of ownership of said groundwater well to James and Valerie Van Dyke in Pend Oreille County, Washington.

WHEREAS, Seattle City Light installed more than 40 ground water level monitoring wells in Pend Oreille County as part of the construction and licensing of the Boundary Dam in the 1950s and 1960s to study the dam reservoir's impact on ground water levels and the potential, if any, to flood local mines; and

WHEREAS, information from these monitoring wells was collected for nearly 50 years and indicated no deleterious ground water level effects, and the monitoring wells are no longer needed; and

WHEREAS, any groundwater monitoring well which is unusable, abandoned, whose use has been permanently discontinued, or is in disrepair must be properly decommissioned as required by Washington Administrative Code 173-160-381; and

WHEREAS, James and Valerie Van Dyke requested that the monitoring well on their property (Groundwater Observation Well No CS-36) not be decommissioned and agreed to take responsibility for any liabilities and regulatory responsibilities related to this well; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to the provisions of RCW 35.94.040 and after a public hearing, the real property rights acquired for a groundwater observation well, on the property legally described in Attachment 1 hereto, together with the groundwater monitoring well thereon, are no longer needed for the City of Seattle's utility purposes, and are declared surplus to City needs.

Section 2. The General Manager and Chief Executive Officer of Seattle City Light, or designee, is authorized to execute for and on behalf of the City of Seattle, a Release of Easement and Permit and Conveyance of Water Well Ownership substantially in the form attached hereto as Attachment 1.

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

Passed by the City Council the 27th day of July, 2015, and signed by me in open session in authentication of its passage this 27th day of July, 2015.

President _____ of the City Council

Approved by me this 28th day of July, 2015.

Edward B. Murray, Mayor

Filed by me this 29th day of July, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Release of Easement and Permit and Conveyance of Water Well Ownership

Attachment 1

After recording, return to:

Seattle City Light
Real Estate Services
700 Fifth Avenue, Suite 3200
P.O. Box 34023
Seattle, WA 98124-4023

RELEASE OF EASEMENT AND PERMIT
AND CONVEYANCE OF WATER WELL OWNERSHIP

Reference Nos.:	115713, 116817
Grantor:	City of Seattle, Seattle City Light
Grantees:	James and Valerie Van Dyke
Legal Description (abbreviated): ...	Ptn NE¼NE¼ Sec 9, NW¼NW¼ Sec 10, T39N, R43E; and Govt Lot 2 Sec 10, SW¼SE¼ Sec 3, T39N, R43E
Assessor's Tax Parcel Nos.:	433903430001, 433909110001, 433910220002 and 433910500001
Seattle City Light P.M. Nos.:	394303-4-001a, 394303-4-001b

The CITY OF SEATTLE, a municipal corporation of the State of Washington, acting by and through its CITY LIGHT DEPARTMENT ("Grantor"), hereby grants to JAMES AND VALERIE VAN DYKE ("Grantees"), a complete release from that Access Road Easement dated April 21, 1965, and recorded under Recording No. 115713 in Pend Oreille County, Washington, lying within that property legally described as follows:

Release of Easement Area:

The NE ¼ of the NE ¼ of Section 9 and NW ¼ of NW ¼ of Section 10;
The NE ¼ of NW ¼ and Government Lot 2 of Section 10 and the SW ¼ of SE ¼ of Section 3,
All in Township 39 North, Range 43 East, W.M.,
situated in Pend Oreille County, State of Washington.

TOGETHER WITH a complete release from that Permit for Groundwater Observation Wells dated July 28, 1965, and recorded under Recording No. 116817 in Pend Oreille County, Washington, lying within that property legally described as follows:

Release of Permit Area:

Government Lot 2 of Section 10 and the SW ¼ of SE ¼ of Section 3, Township 39 North, Range 43 East, W.M., EXCEPT Mineral rights underlying, situated in Pend Oreille County, State of Washington.

GRANTOR ALSO CONVEYS AND QUITCLAIMS to Grantees all right, title or interest, whether real or personal, in the monitoring well Grantor previously constructed on Grantees' Property (Government Lot 2 of Section 10) pursuant to the Permit for Groundwater Observation Wells described above ("Monitoring Well"), SUBJECT TO Grantees' acceptance of the Monitoring Well as-is, where-is, with all faults and without any representation or warranty whatsoever, express or implied, as to its condition or its suitability or sufficiency for the Grantees' intended purposes. Grantees acknowledge that wells that are no longer used for their intended purposes must be properly decommissioned according to Washington Administrative Code Section 173-160-381 and Grantees accept full responsibility for any such decommissioning. Grantees also releases and shall indemnify, defend, and hold Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to regulatory agencies, attorneys, contractors and consultants' fees and costs), and liabilities arising out of, or in any way connected with, the Monitoring Well, it being intended that Grantees shall so indemnify Grantor and such personnel without regard to any fault or responsibility of Grantor or Grantees. The obligation to decommission the Monitoring Well and the acknowledgement, release and indemnification touch and concern Grantees' Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns.

This instrument is given by the CITY OF SEATTLE for the purpose of abandoning the Access Road Easement, the Permit for Groundwater Observation Well and the Monitoring Well aforesaid, and releasing and conveying its rights and interests thereto to Grantees, and is given for and in consideration of Grantees' acceptance of the terms and conditions set forth herein.

IN WITNESS WHEREOF, the CITY OF SEATTLE has caused this instrument to be executed pursuant to Ordinance _____ on this _____ day of _____, 2015.

CITY OF SEATTLE
SEATTLE CITY LIGHT

By: _____

Name: _____

Title: _____

ACCEPTANCE

We, JAMES AND VALERIE VAN DYKE, certify that the interest in real property conveyed to us by this RELEASE OF EASEMENTS AND CONVEYANCE OF WELL dated the date first above written, and the terms and conditions of conveyance set forth herein, are hereby accepted on our behalf.

By: _____ By: _____
James Van Dyke Valerie Van Dyke

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ signed this instrument, on oath stated that _____ was authorized to execute this instrument and acknowledged it as the _____ of the City Light Department of the City of Seattle, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date _____

(Signature) _____

_____
(Printed or typed name of Notary Public)
Notary Public in and for the State of Washington,
residing at _____
My appointment expires _____

(Seal)

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2015, before me, personally appeared JAMES VAN DYKE, to me known to be the person who executed the foregoing agreement, and acknowledged the same to be the free and voluntary act and deed of such person for the uses and purposes therein mentioned. WITNESS my hand and official seal hereto affixed the day and year written above in this certificate.

(Signature) _____

_____
(Printed or typed name of Notary Public)
Notary Public in and for the State of Washington,
residing at _____
My appointment expires _____

(Seal)

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2015, before me, personally appeared VALERIE VAN DYKE, to me known to be the person who executed the foregoing agreement, and acknowledged the same to be the free and voluntary act and deed of such person for the uses and purposes therein mentioned. WITNESS my hand and official seal hereto affixed the day and year written above in this certificate.

(Signature) _____

_____
(Printed or typed name of Notary Public)
Notary Public in and for the State of Washington,
residing at _____
My appointment expires _____

(Seal)

4812-5434-3447, v. 1

STATE OF WASHINGTON -- KING COUNTY

--ss.

327278 No.

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

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

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

CT:124815-821 TITLE ONLY

was published on

08/10/15

The amount of the fee charged for the foregoing publication is the sum of $124.00 which amount has been paid in full.

Subscribed and sworn to before me on

08/10/2015

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 July 27, 2015, 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 124814

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

Ordinance 124815

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to utility needs; authorizing the General Manager and Chief Executive Officer to execute an agreement for the City to grant an easement for parking and access purposes over a portion of the City's fee-owned Bothell-Canal Transmission Corridor at 17524 Aurora Avenue North in the City of Shoreline, Washington; accepting payment for the true and full value of the easement from GCW Shoreline, LLC, and WG @ Shoreline, LLC; and ratifying and confirming certain prior acts.

Ordinance 124816

AN ORDINANCE relating to the City Light Department; declaring certain real property rights and improvements surplus to the City of Seattle's utility needs; and authorizing the release of an access easement and a permit for a groundwater observation well, and the conveyance of ownership of said groundwater well to James and Valerie Van Dyke in Pend Oreille County, Washington.

Ordinance 124817

AN ORDINANCE relating to the City Light Department; authorizing the execution of the Maintenance Obligations and Ownership Agreement for Boundary Substation with the Bonneville Power Administration; and ratifying and confirming certain prior acts.

Ordinance 124818

AN ORDINANCE relating to the rates, terms and conditions for the use and sale of electricity supplied by the City Light Department to customers in the city of SeaTac; and amending Sections 21.49.020, 21.49.030, 21.49.040, 21.49.052, 21.49.055, 21.49.057, 21.49.081, and 21.49.100 of the Seattle Municipal Code to implement new rates for the city of SeaTac that reflect the terms of the 2015 franchise agreement.

Ordinance 124819

AN ORDINANCE related to the City Light Department; authorizing the General Manager and Chief Executive Officer of City Light to execute a Reliability Coordinator Funding Agreement with Peak Reliability, Inc.

Ordinance 124820

AN ORDINANCE relating to the City Light Department, approving a 15-year franchise to construct, operate, maintain, replace, and repair an electrical light and power system in, across, over, along, under, through, and below certain designated public rights-of-way in the City of SeaTac.

Ordinance 124821

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to sign a lease with Sprint Communications Company L.P. for continuing use of subsurface fiber-optic cable installed in the Burke Gilman Trail.

Date of publication in the Seattle Daily Journal of Commerce, August 10, 2015.

8/10(327278)