

Ordinance No. 99675

AN ORDINANCE granting permission to The Port of Seattle to improve EAST MARGINAL WAY SOUTH from approximately 105 feet south of South Hinds Street to approximately 335 feet north of South Hinds Street; and certain other easements, by storm drains and otherwise improving the same, at its own cost and expense.

2-9-71- pass

COMPTROLLER
FILE NUMBER _____

Council Bill No. 91268

| | |
|-------------------------------------|--------------------------------|
| INTRODUCED: FEB 8 1971 | BY: Streets & Sewers |
| REFERRED: FEB 8 1971 | TO: Streets & Sewers |
| REFERRED: | |
| REFERRED: | |
| REPORTED: FEB 16 1971 | SECOND READING: FEB 16 1971 |
| THIRD READING: FEB 16 1971 | SIGNED: FEB 16 1971 |
| PRESENTED TO MAYOR: FEB 17 1971 | APPROVED: FEB 19 1971 |
| RETD. TO CITY CLERK: FEB 19 1971 | PUBLISHED: FEB 20 1971 |
| VETOED BY MAYOR: | VETO PUBLISHED: |
| PASSED OVER VETO: | VETO SUSTAINED: |

C.W.C.

FEB 1 10 53 AM '71

CITY COUNCIL

FEB 1 10 53 AM '71

Unanimous Vote
YES..... NO.....

SEE BACK COVER

ORD 100770 -AUTH SETTLEMENT OF CLAIM (C-23219) OF PORT OF SEATTLE FOR EXTRA COSTS INCURRED IN CONSTRUCTION OF STORM DRAINS, DUE TO INCORRECT MANHOLE INVERT ELEVATION, ETC.

P.C.

PUB ✓
BLDG. (BC)
ENG. ✓
B. O.
A. C.
S. E.
C. O.
LIGHT

ORDINANCE NO. 99675

AN ORDINANCE granting permission to The Port of Seattle to improve EAST MARGINAL WAY SOUTH from approximately 105 feet south of South Hinds Street to approximately 335 feet north of South Hinds Street; and certain other easements, by storm drains and otherwise improving the same, at its own cost and expense.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That The Port of Seattle, hereinafter called "permittee," be and it is hereby granted permission to improve:

EAST MARGINAL WAY SOUTH from approximately 105 feet south of South Hinds Street to approximately 335 feet north of South Hinds Street;
EASEMENTS across a portion of the East Waterway between Piers 24 and 25, described as follows:

A 20-foot strip, the center line of which is 15 feet north of and parallel with the north line of Block 376, Seattle Tide Lands, from the production north of the east line of said Block 376 to the production south of the west line of Block 375, Seattle Tide Lands; ALSO

A 13-foot strip, lying east of a line which is 13 feet west of and parallel with the west line of East Marginal Way South, and between a line which is 25 feet north of and parallel with the north line of Block 376, Seattle Tide Lands, and the production southeasterly of the southwesterly line of Block 375, Seattle Tide Lands;

by constructing storm drains together with the necessary appurtenances;
providing for the necessary surface drainage; and otherwise improving the same;
all at permittee's own cost and expense.

Section 2. That the entire cost and expense of said improvement shall be borne by permittee, and all work shall be performed under direct supervision of the City Engineer and shall be done in accordance with the Standard Plans and Specifications of The City of Seattle, and in accordance with special plans and specifications prepared by the City Engineer and approved by the Board of Public Works.

All engineering of every kind and description for said improvement shall be performed by the City Engineer and before proceeding with the preparation of the plans and specifications therefor the City Engineer shall require a deposit of money to guarantee the payment of the cost of said plans and specifications together with the cost of making the necessary surveys and of inspection and incidental expenses to be incurred by the City in connection with such improvement, the amount of such deposit to be based on an estimate to be made by the City Engineer.

After approval by the Board of Public Works, the plans for said improvement shall become the property of the City of Seattle and shall be filed in the office of the City Engineer.

Section 3. That before commencement of the work herein authorized, the permittee shall furnish a surety bond in the amount of the cost of the work as estimated by the City Engineer to guarantee performance of the work within the time herein specified in a satisfactory manner and payment to the City of all its costs incurred hereunder; or in the alternative, the permittee may deposit with the City Engineer an equivalent amount in cash returnable to the permittee sixty (60) days after the work has been accepted by the City, less deductions necessary to satisfy the requirements hereof, provided no defects in the work have become apparent by that time. The permittee, if he is to perform the work himself, or the contractor employed by the permittee, in the event he does not perform the work himself, shall also have in force a public liability insurance policy in minimum amounts of \$50,000.00 for property damage, \$100,000.00 each person, and \$300,000.00, each occurrence, or in such additional amounts as may be required by the City Engineer, and shall deliver to the City Engineer a certificate of insurance naming the City as an additional insured and evidencing the fact of said coverage.

No insurance policy issued in accordance with the terms of this ordinance shall be cancelled by the issuer of the policy for any reason prior to the date of acceptance by the Board of Public Works of the work authorized herein, unless notification of intent to cancel said policy be delivered to the City Engineer at least ten (10) days prior to the proposed date of cancellation.

Section 4. That after the approval of the plans and specifications for the work by the Board of Public Works, the said permittee shall notify the City Engineer of the date when permittee will be ready to begin the work provided for herein, but such work shall not be begun except upon written notice so to do by the City Engineer, and in no event until the effective date of the ordinance authorizing the improvement.

During the course of construction, the City Engineer shall be given ample notice prior to the construction of any portion of said improvement so that proper inspection can be provided. Any work constructed without such inspection or authority to proceed will not be approved and must, if so ordered by the City Engineer, be removed and reconstructed by the permittee at permittee's sole expense.

Section 5. All the improvements and facilities constructed under authority of this ordinance shall, upon completion and acceptance by the Board of Public Works, become the property of the City of Seattle.

(To be used for all Ordinances except Emergency.)

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 16 day of February, 1971
and signed by me in open session in authentication of its passage this 16 day of February, 1971

Charles M. Carroll
President of the City Council.

Approved by me this 19 day of February, 1971

Wm Uhlman
Mayor.

Filed by me this 19 day of February, 1971

Attest: [Signature]
City Comptroller and City Clerk.

(SEAL)

FEB 20 1971

Published.....

By: [Signature]
Deputy Clerk.

ORDINANCE NO. 99675
AN ORDINANCE granting permission to The Port of Seattle to improve **EAST MARGINAL WAY SOUTH** from approximately 105 feet south of South Hinds Street to approximately 335 feet north of South Hinds Street; and certain other appurtenances, by storm drains and otherwise improving the same, at its own cost and expense.

THE ORDINANCE BY THIS COPY OF SEATTLE AS FOLLOWS:

Section 1. That The Port of Seattle, hereinafter called "permittee," be and it is hereby granted permission to improve:

EAST MARGINAL WAY SOUTH from approximately 105 feet south of South Hinds Street to approximately 335 feet north of South Hinds Street;

PLACEMENTS across a portion of the East Marginal Way between Piers 24 and 25, described as follows:

A 20-foot strip, the center line of which is 15 feet north of and parallel to the north line of Block 376, Seattle Tide Lands, from the production north of the east line of said Block 376 to the production south of the west line of Block 375, Seattle Tide Land.

A 13-foot strip, lying east of a line which is 15 feet north of and parallel with the west line of East Marginal Way South, and between a line which is 25 feet north of and parallel with the north line of Block 375, Seattle Tide Land, and the production southerly of the southwesterly line of Block 375, Seattle Tide Land.

by constructing storm drains together with the necessary appurtenances; providing for the necessary surface drainage; and otherwise improving the same, all at permittee's own cost and expense.

Section 2. That the entire cost and expense of said improvement shall be borne by permittee, and all work shall be performed under direct supervision of the City Engineer and shall be done in accordance with the Standard Plans and Specifications of The City of Seattle, and in accordance with special plans and specifications prepared by the City Engineer and approved by the Board of Public Works.

All engineering of every kind and description for said improvement shall be performed by the City Engineer and before proceeding with the preparation of the plans and specifications therefor the City Engineer shall require a deposit of money to guarantee the payment of the cost of said plans and specifications together with the cost of making the necessary surveys and of inspection and incidental expenses to be incurred by the City in connection with such improvement, the amount of such deposit to be based on an estimate to be made by the City Engineer.

After approval by the Board of Public Works, the plans for said improvement shall become the property of the City of Seattle and shall be filed in the office of the City Engineer.

Section 3. That before commencement of the work herein authorized, the permittee shall furnish a surety bond in the amount of the cost of the work, as estimated by the City Engineer to guarantee performance of the work within the time herein specified in a satisfactory manner and payment to the City of all its costs incurred hereunder; or in the alternative, the permittee may deposit with the City Engineer an equivalent amount in cash returnable to the permittee sixty (60) days after the work has been accepted by the City, less deductions necessary to satisfy the requirements hereof, provided no defects in the work have become apparent by that time. The permittee, if he is to perform the work himself, or the contractor employed by the permittee, in the event he does not perform the work himself, shall also have in force a public liability insurance policy in minimum amounts of \$50,000.00 for property damage, \$100,000.00 each person, and \$300,000.00 each occurrence, or in such additional amounts as may be required by the City Engineer, and shall deliver to the City Engineer a certificate of insurance naming the City as an additional insured and evidencing the fact of said coverage.

No insurance policy issued in accordance with the terms of this ordinance shall be cancelled by the issuer of the policy for any reason prior to the date of acceptance by the Board of Public Works of the work authorized herein, unless notification of intent to cancel said policy be delivered to the City Engineer at least ten (10) days prior to the proposed date of cancellation.

Section 4. That after the approval of the plans and specifications for the work by the Board of Public Works, the said permittee shall notify the City Engineer of the date when permittee will be ready to begin the work provided for herein, but such work shall not be begun except upon written notice so to do by the City Engineer, and in no event until the effective date of the ordinance authorizing the improvement.

During the course of construction, the City Engineer shall be given ample notice prior to the construction of any portion of such improvement so that proper work constructed without such inspection or authority to proceed will not be approved and, if so ordered by the City Engineer, be removed and reconstructed by the permittee.

Affidavit of Publication

STATE OF WASHINGTON,
KING COUNTY--SS.

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
ORDINANCE NO 99675

was published on Feb 20, 1971

[Signature]
 Subscribed and sworn to before me on
Feb 20, 1971
[Signature]
 Notary Public for the State of Washington,
 residing in Seattle.

(Note: RCW 42.23.000 states--"It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal.")

The issues of The Daily Journal of Commerce which are regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORDINANCE NO 99675

was published on **Feb 20, 1971**

James Brannen
Subscribed and sworn to before me on

Feb 20, 1971

James Brannen
Notary Public for the State of Washington,
residing in Seattle.

(Note: RCW 42.20.060 states: "It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state to append an impression of his official seal.")

A 14-foot strip, lying east of a line which is 15 feet south and parallel with the west line of East Municipal Way South and between a line which is 25 feet north of and parallel with the north line of Block 375, Seattle Tide Lands, and the production southeasterly of the southwesterly line of Block 375, Seattle Tide Lands;

by constructing storm drains together with the necessary appurtenances, providing for the necessary surface drainage; and otherwise improving the same; all at permittee's own cost and expense.

Section 2. That the entire cost and expense of said improvement shall be borne by permittee, and all work shall be performed under direct supervision of the City Engineer and shall be done in accordance with the Standard Plans and Specifications of the City of Seattle, and in accordance with special plans and specifications prepared by the City Engineer and approved by the Board of Public Works.

All engineering of every kind and description for said improvement shall be performed by the City Engineer and before proceeding with the preparation of the plans and specifications therefor the City Engineer shall require a deposit of money to guarantee the payment of the cost of said plans and specifications together with the cost of making the necessary surveys and of inspection and incidental expense to be incurred by the City in connection with such improvement, the amount of such deposit to be based on an estimate to be made by the City Engineer.

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Section 5. All the improvements and facilities constructed under authority of this ordinance shall, upon completion and acceptance by the Board of Public Works, become the property of the City of Seattle.

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 10th day of February, 1971, and signed by me in open session in authentication of its passage this 10th day of February, 1971.

CHARLES M. CARROLL,
President of the City Council.

Approved by me this 19th day of February, 1971.

WES UHLMAN,
Mayor.

Filed by me this 19th day of February, 1971.

Attest: C. G. ERLANDSON,
City Comptroller and
City Clerk.

(Seal) By J. F. FENTON,
Deputy City Clerk.

Publication ordered by C. G. ERLANDSON, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, February 20, 1971.

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on STREETS AND SEWERS
to which was referred Council Bill No. 91268

FEB 16 1971

an ordinance granting permission to The Port of Seattle to improve
EAST MARGINAL WAY SOUTH from approximately 105 feet south of South
Hinds Street to approximately 335 feet north of South Hinds Street,
and certain other easements, by storm drains and otherwise improving
the same, at its own cost and expense,

RECOMMENDS THAT THE SAME DO PASS

..... Chairman

S & S
Chairman

CWL:rd 2/9/71

..... Committee

..... Committee