

ORDINANCE No. 118103

COUNCIL BILL No. 11190

Law Department

The City of Seattle--Legisla

INDEXED

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recomm

COMPTROLLER FILE No. _____

Introduced: <u>4-1-96</u>	By: <u>Manning</u>
Referred: <u>4-1-96</u>	To: <u>Transportation</u>
Referred:	To:
Referred:	To:
Repealed: <u>APR 27 1996</u>	Second Reading: <u>APR 27 1996</u>
Third Reading: <u>APR 27 1996</u>	Signed: <u>APR 27 1996</u>
Presented to Mayor: <u>APR 23 1996</u>	Approved: <u>APR 25 1996</u>
Returned to City Clerk: <u>APR 25 1996</u>	Published: <u>Full</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*4/16/96
passed*

Full Council Date 9-

[Signature]
Committee Chair

ORDINANCE 118103

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AN ORDINANCE relating to the existing permit granted to The Seattle Westin Hotel Company by Ordinance 109848 and Resolution 28344 to construct, maintain and operate a skybridge over and across Virginia Street, between Fifth and Sixth Avenues by amending Section 11 thereof to revise the method of calculating the annual fee, for establishing the annual fee for the remainder of the permit.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11 of Ordinance 109848 is hereby amended to read as follows:

Section 11. (~~The permittee shall promptly pay to the City in advance upon statements rendered by the Director of Engineering, an annual fee of Eight Hundred Dollars (\$800.00), (hereinafter called the "base rate") for the first year, and for the remaining years said base rate shall be adjusted annually by an appropriate index to reflect the purchasing power of money. As long as practical the Consumer Price Index issued by the United States of America, Department of Labor, Bureau of Labor Statistics for the Seattle-Everett, Washington area for all urban consumers for all items, shall be used, and adjustments shall be calculated using the nearest index figures preceding the effective date of this ordinance and the applicable respective anniversary date, and if the index's current 1967 base is converted to a later period by comparable figures using the revised base.)~~)

The Permittee, its successors and assigns, shall pay to the City of Seattle such amounts as may be justly chargeable by said City as a cost of inspection of said skybridge during any reconstruction, repair, alteration or at other times, under the direction of the Director of Engineering, and in addition shall pay annually in advance to the City of Seattle, upon bills rendered by the Director of Engineering, a fee for the privilege granted and exercised hereunder of Six Thousand Two Hundred Six Dollars (\$6,206.00) for each year of the permit, until January 1, 2001. All payments shall be made to the City Finance Department for credit to the General Fund.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 22 day of April, 1996, and signed by me in open session in authentication of its passage this 22 day of April, 1996 .

Jan Drago
President of the City Council

Approved by me this 25 day of April, 1996.

Norman Rice
Mayor

Filed by me this 25 day of April, 1996.

Justin E. Pappin
City Clerk

(SEAL)

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Seattle
Engineering Department

John D. Okamoto, Director
Norman B. Rice, Mayor

March 15, 1996



RECEIVED OMP

MAR 15 1996

The Honorable Jan Drago, President
Seattle City Council
1100 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

VIA: Mayor Norman B. Rice

Attn: Tom Tierney, Director
Office of Management and Planning

Subject: Seattle Westin Hotel Company - Pedestrian Skybridge
Term Permit Fee Renewal

Honorable Members:

Ordinance 109848 and Resolution 28344, which are enclosed for your reference, granted The Seattle Westin Hotel Company a ten-year permit to construct, maintain and operate a pedestrian skybridge over and across Virginia Street, between Fifth and Sixth Avenues. The skybridge connects between the hotel and a parking garage.

The ordinance expires January 1, 2001. However, the annual fee, which was established for a five year period, expired January 1, 1996, and is due for renewal. The skybridge installation has been reviewed by the City and it is recommended that the annual fee be increased from \$5,541.00 to \$6,206.00. Mr. Larry Scheerer, General Manager for The Seattle Westin Hotel Company, has reviewed the draft ordinance and is aware of the fee increase.

I recommend that the enclosed draft ordinance, to increase the annual fee, be adopted by the City Council.

Respectfully Submitted,

John D. Okamoto, Director
Seattle Engineering Department

JDO/KTJ:rhc

Enclosures

Engineering Department Staff Contact: Ray Allwine 684-5270

Printed on Recycled Paper

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Seattle Engineering Department, Room 400, Seattle Municipal Building, 600 Fourth Avenue, Seattle, Washington 98104-1879 (206) 684-5000 VTDD (206) 233-1088

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RESOLUTION 28344

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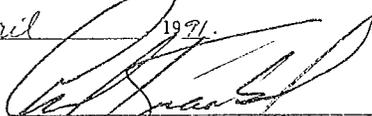
A P
... transfer and renewal for ten years the
... 10984P to construct, maintain and operate a
... dge over and across Virginia Street between Fifth and Sixth
... Washington Plaza Hotel to The Seattle Westin Hotel Company,
... lish the annual fee for the first five years of the renewal
... ordance with the Board of Public Works fee schedule.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

Section 1. Permission is hereby granted to the Washington Plaza Hotel to transfer all its rights, title and interest in the maintenance and use of a pedestrian skybridge over and across Virginia Street between Fifth and Sixth Avenues conferred by Ordinance 109848 to The Seattle Westin Hotel Company with The Seattle Westin Hotel Company to succeed and assume all of the responsibilities and duties of the permittee under Ordinance 109848.

Section 2. As requested by the Board of Public Works and recommended by the Mayor in the attachments hereto, the permit granted under Ordinance 109848 as described above is hereby renewed for a period of ten years ending January 1, 2001, upon the same terms and conditions as specified in Ordinance 109848. Pursuant to Section 2 of that Ordinance, the permittee shall promptly pay to the City in advance upon statements rendered by the Director of Engineering, a fee of Five Thousand Five Hundred Forty One Dollars (\$5,541.00) annually, until January 1, 1996.

PASSED the City Council this 2nd day of April, 1991,
and signed by me in open session in authentication of its passage this
2nd day of April, 1991.



President of the City Council

Filed by me this 2nd day of April, 1991.

ATTEST: Norman J. Brooks
City Comptroller and City

BY: Margaret Carter
Deputy

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ORDINANCE 109848

AN ORDINANCE granting to the Washington Plaza Hotel permission to install, maintain and operate a skybridge over and across Virginia Street between Fifth and Sixth Avenues for a ten (10) year period renewable for two successive ten-year periods, specifying the conditions and providing for acceptance.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the terms and conditions of this ordinance, permission is hereby granted to the Washington Plaza Hotel its successors and assigns (called the "Permittee") to maintain and operate a skybridge over and across Virginia Street between Fifth and Sixth Avenues.

Section 2. The permission granted to the Permittee shall be for a period of ten (10) years, commencing on January 2, 1981, and terminating at 11:59 p.m. on the last day of the tenth year; Provided, upon application of the Permittee, the City Council may by resolution extend the initial period for two successive ten-year periods up to a maximum of thirty (30) years from January 2, 1981; and any such resolution may revise any of the terms and conditions of this ordinance, including, among others, the fee provided by Section 11. The foregoing grant of permission is contingent upon its prompt acceptance by the Permittee as provided in Section 13. In the event that:

- (a) the permission extends to its termination, or
- (b) the City of Seattle (called "the City") required removal of the skybridge pursuant to the provisions of this ordinance, or
- (c) the Board of Public works or a successor body or official of City government (called "the Board") determines that conditions of this ordinance have been violated,

then within ninety (90) days after such expiration, termination, or determination of the Board, or prior to the date stated in an Order to Remove, as the case may be, the Permittee shall remove the skybridge and shall place all portions of the street that may have been disturbed for any part of the structure, in as good condition for public use as they were prior to construction, and, in at least as good condition in all respects as the

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1 abutting portions thereof. Whereupon, the Board of Public Works shall issue a
2 certificate discharging Permittee from responsibilities under this ordinance for
3 occurrences after the date of such discharge.

4 Section 3. The Permittee shall not reconstruct, relocate, readjust or repair the
5 skybridge except under the supervision, and in strict accordance with plans and
6 specifications approved by the Board before any work or repair is commenced. The
7 Permittee shall, at its own cost and expense, reconstruct, relocate, readjust or repair
8 the skybridge in strict accordance with plans and specifications approved and adopted
9 by the Board whenever the Board in its judgment orders such reconstruction,
10 relocation, readjustment or repair because of the deterioration or unsafe condition of
11 the skybridge, grade separations, the installation, construction, reconstruction, mainte-
12 nance, operation or repair of any and all municipally owned public utilities, or for any
13 other cause.

14 Section 4. After consultation with the Permittee, the Board may order the
15 skybridge closed if the Board deems that it has become unsafe or creates a risk of injury
16 to the public.

17 Section 5. Notwithstanding termination or expiration of the permission granted,
18 or closure or removal of the skybridge Permittee shall remain bound by its obligations
19 under this ordinance until (a) the skybridge and all its equipment and property are
20 removed from the street, (b) the area is cleared and restored in a manner and to
21 condition satisfactory to the Board, and (c) the Board certifies that Permittee has
22 discharged its obligations herein; Provided, that upon prior notice to Permittee and
23 entry of written findings that such is in the public interest, the Board may, in its sole
24 discretion, excuse Permittee, conditionally or absolutely, from compliance with all or
25 any of Permittee's obligations to remove the skybridge and its property and restore
26 areas disturbed.

27 Section 6. This permit is subject to the primary use by the City of the street
28 and the City expressly reserves the right to require the Permittee to remove the
skybridge at Permittee's sole cost and expense when use of the space occupied by the
skybridge is needed or required for any primary or secondary use of the street area by
the City or if the skybridge interferes with any primary or secondary use. A

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1 determination by the City Council, by ordinance, that such space is required for a
2 primary or secondary use shall be conclusive and final.

3 Section 7. The skybridge shall remain the exclusive responsibility of the
4 Permittee. Permittee releases the City from any and all claims resulting in damage or
5 loss to its own property. The Permittee, by its acceptance of this ordinance and the
6 permission hereby granted, does covenant and agree for itself, its successors and
7 assigns, with the City of Seattle to at all times protect and save harmless the City of
8 Seattle from all claims, actions, suits, liability, loss, costs, expense or damages of every
9 kind and description (excepting only such damages that may result from the sole
10 negligence of the City), which may accrue to, or be suffered by, any person or persons,
11 including without limitation, damage or injury to the Permittee, its officers, agents,
12 employees, contractors, invitees, tenants and tenants' invitees, licensees or their
13 successors and assigns, by reason of the maintenance, operation or use of said skybridge
14 or the improper occupation or use of City street or any portion thereof, or by reason of
15 any thing that has been done, or may at any time be done, by the Permittee, its
16 successors or assigns, by reason of this ordinance, or by reason of the Permittee, its
17 successors or assigns, failing or refusing to strictly comply with each and every
18 provision of this ordinance; and if any such action or claim shall be filed, instituted
19 or begun against the City, the Permittee, its successors or assigns, shall, upon notice
20 thereof from the City, defend the same at its or their sole cost and expense, and in case
21 judgement shall be rendered against the City in any suit or action, the Permittee, its
22 successors or assigns, shall fully satisfy said judgement within ninety (90) days after
23 such action or suit shall have been finally determined, if determined adversely to the
24 City.

25 Section 8. For as long as the Permittee, its successors and assigns, shall
26 exercise any permissions granted by this ordinance and until the skybridge is entirely
27 removed from its location as described in Section 1 or until discharged by order of the
28 Board of Public Works as provided in Section 2 of this ordinance, it shall at its own
expense deliver to the Director of Engineering for filing with the City Clerk, general
comprehensive policies of public liability insurance, which policies must be approved by
the City Attorney as to form and coverage and which policies must fully protect the

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1 City from any and all claims and risks in connection with (a) reconstruction, operation,
2 maintenance, use, or existence of the skybridge permitted by this ordinance and of any
3 and all portions of the skybridge (b) Permittee's activity upon or use or occupation of
4 the areas described in Section 1 of this ordinance, as well as (c) any and all claims and
5 risks in connection with any activity performed by Permittee by virtue of the
6 permission granted by this ordinance. Each such policy or policies must specifically
7 name the City of Seattle as an additional insured party thereunder and provide the
8 following minimum coverages and minimum limits:

9 Minimum Coverage: General, comprehensive liability insurance for any injury,
10 death, damage, and/or loss of any sort sustained by any person, organization, or
11 corporation (including any liability of the City to Permittee, its officers, agents
12 and/or employees and any liability of Permittee to the City of Seattle, its
13 officers, agents and/or employees) in connection with (a) operation, maintenance,
14 use or existence of the skybridge permitted by this ordinance and of any and all
15 portions thereof, (b) any activity upon or use or occupancy of the area described in
16 Section 1 of this ordinance and (c) for any activity performed by Permittee by
17 virtue of the permission granted pursuant to this ordinance:

18 Minimum Limits: (Primary and excess) - not less than those otherwise carried by
19 Permittee and in any event not less than Two Million Dollars (\$2,000,000.00) per
20 occurrence and annual aggregate/ with no deductible.

21 Each such policy or endorsement thereto must contain the following provisions:

22 "The City of Seattle is named as an additional insured for all coverages
23 provided by this policy of insurance and shall be fully and completely protected by
24 this policy for all risks and for any and every injury, death, damage and loss of any
25 sort sustained by any person, organization or corporation (including any liability of
26 the City to Permittee Washington Plaza Hotel, its successors and assigns, any of
27 its employees and/or agents and any liability of Permittee to the City of Seattle,
28 its officers, agents and employees) in connection with (a) operation, maintenance,
use or existence of the skybridge and any appurtenances thereto, permitted by the
City of Seattle ordinance granting the Washington Plaza Hotel permission to
operate and maintain a skybridge over and across Virginia Street between Fifth

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and Sixth Avenues, (b) activities of the Washington Plaza Hotel, its successors and assigns, upon use or occupation of the areas described in Section 1 of the authorizing ordinance, as well as (c) any activity performed by the Washington Plaza Hotel, its successors and assigns by virtue of the permission granted by the aforesaid ordinance.

"The coverage provided by this policy to the City of Seattle or any other named insured shall not be terminated, reduced or otherwise changed in any respect without providing at least thirty (30) days' prior written notice to the City of Seattle, Attention: Director of Engineering."

Whenever, in the judgement of the Mayor of the City of Seattle, such insurance filed pursuant to the provisions hereof shall be deemed insufficient to fully protect the City of Seattle, the Permittees shall, upon demand by the Mayor, furnish additional insurance in such amount as may be specified by the Mayor.

Section 9. Within sixty (60) days after the effective date of this ordinance the Permittee shall deliver to the Director of Engineering for filing with the City Clerk a good and sufficient bond in the sum of Twenty Thousand Dollars (\$20,000.00) executed by a surety company authorized and qualified to do business in the State of Washington conditioned that the Permittee will comply with each and every provision of this ordinance and with each and every order of the Board pursuant thereto; provided, that if the Mayor of the City in his judgement shall deem any bond or bonds filed to be insufficient and demand a new or additional bond, the Permittee shall furnish a new or additional bond in such amount as the Mayor may specify to be necessary to fully protect the City. Said bond shall remain in effect until such time as the skybridge is entirely removed from its location as described in Section 1, or until discharged by order of the Board of Public works as provided in Section 2 of this ordinance.

Section 10. Said Permittee shall not assign, transfer, mortgage, pledge or encumber any privileges conferred by this ordinance without the consent of the City Council by resolution. If permission be granted, the assignee or transferee shall be bound by all of the terms and conditions of this ordinance.

The permission conferred by this ordinance shall not be assignable or transferable by operation of law.

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1 Section 11. The permittee shall promptly pay to the City in advance upon
2 statements rendered by the Director of Engineering, an annual fee of Eight Hundred
3 Dollars (\$800.00), (hereinafter called the "base rate") for the first year, and for the
4 remaining years said base rate shall be adjusted annually by an appropriate index to
5 reflect the purchasing power of money. As long as practical the Consumer Price Index
6 issued by the United States of America, Department of Labor, Bureau of Labor
7 Statistics for the Seattle-Everett, Washington area for all urban consumers for all
8 items, shall be used, and adjustments shall be calculated using the nearest index figures
9 preceding the effective date of this ordinance and the applicable respective anniversary
10 date, and if the index's current 1967 base is converted to a later period by comparable
11 figures using the revised base.

12 All payments shall be made to the City Treasurer for the credit of the General
13 Fund.

14 Section 12. Non-Discrimination: The Permittee shall not discriminate against
15 any employee or applicant for employment in the exercise of the permission conferred
16 by this ordinance because of race, creed, color, sex, age or national origin, unless based
17 upon bona fide occupational qualification. The Permittee will take affirmative action
18 to ensure that applicants are employed and that employees are treated during
19 employment without regard to their creed, race, color, sex, age or national origin. Such
20 action shall include, but not be limited to, the following: employment, upgrading,
21 demotion or transfer, recruitment or recruitment advertising, layoff or termination,
22 rates of pay or other forms of compensation and selection for training, including
23 apprenticeship. The Permittee shall post in conspicuous places available to employees
24 and applicants for employment, notices setting forth the provisions of this non-
25 discrimination clause.

26 The Permittee shall furnish to the Director of Human Rights or a successor
27 official (called the "Director" herein), upon his or her request and on such forms as may
28 be provided, a report of the affirmative action taken in implementing this provision and
will permit access to its records for the purposes of determining compliance with this
Section.

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If, upon investigation the Director finds probable cause to believe that the Permittee has failed to comply with any of the terms of this Section, the Permittee and the Board shall be so notified in writing. The Board shall give the Permittee at least ten (10) days' notice and a hearing thereon. If the Board finds that there has been a violation in this Section, the Board may suspend the permission conferred pending full compliance with the terms of this Section.

Failure to comply with any of the terms of this provision shall be a material violation of this ordinance.

The foregoing paragraphs shall be inserted in any subcontracts for work in street area undertaken pursuant to this ordinance, unless the Director authorizes the use of another equality of employment opportunity provision.

Section 13. Reservation of Rights: The City reserves the right to repeal, amend or modify this ordinance with due regard to the rights of the Permittee and the interests of the public, and to cancel, forfeit and abrogate the permission conferred if it is not used at all or it is not used in full accordance with this ordinance.

Section 14. Acceptance: The Permittee shall deliver its written acceptance of the permission conferred by this ordinance and its terms and conditions to the Director of Engineering within sixty (60) days after the effective date of this ordinance. The acceptance shall be filed with the City clerk. If no such acceptance is received by then, the privileges provided by this ordinance shall be deemed declined or abandoned; and the permission extended, contingent upon its acceptance, deemed lapsed and forfeited.

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(To be used for all Ordinances except Emergency.)

Section . 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 27 day of April, 1981,
and signed by me in open session in authentication of its passage this 27 day of April, 1981.

W. J. ...
President of the City Council.

Approved by me this 6th day of May, 1981.

Charles ...
Mayor.

Filed by me this 6th day of May, 1981.

Attest: *G. ...*
City Comptroller and City Clerk.

(SEAL)

Published

By *J. ...*
Deputy Clerk.

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Seattle
Engineering Department



OMP

John D. Okamoto, Director
Norman B. Rice, Mayor

March 15, 1996

The Honorable Jan Drago, President
Seattle City Council
1100 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

VIA: Mayor Norman B. Rice

Attn: Tom Tierney, Director
Office of Management and Planning

Subject: Seattle Westin Hotel Company - Pedestrian Skybridge
Term Permit Fee Renewal

Honorable Members:

Ordinance 109048 and Resolution 28344, which are enclosed for your reference, granted The Seattle Westin Hotel Company a ten-year permit to construct, maintain and operate a pedestrian skybridge over and across Virginia Street, between Fifth and Sixth Avenues. The skybridge connects between the hotel and a parking garage.

The ordinance expires January 1, 2001. However, the annual fee, which was established for a five year period, expired January 1, 1996, and is due for renewal. The skybridge installation has been reviewed by the City and it is recommended that the annual fee be increased from \$5,541.00 to \$6,206.00. Mr. Larry Scheerer, General Manager for The Seattle Westin Hotel Company, has reviewed the draft ordinance and is aware of the fee increase.

I recommend that the enclosed draft ordinance, to increase the annual fee, be adopted by the City Council.

Respectfully Submitted,

John D. Okamoto, Director
Seattle Engineering Department

JDO/KTJ:rha

Enclosures

Engineering Department Staff Contact: Ray Allwine 684-5270

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OPDINANCE

1 AN ORDINANCE relating to the existing permit granted to The
2 Seattle Westin Hotel Company by Ordinance 109848 and
3 Resolution 28344 to construct, maintain and operate a
4 skybridge over and across Virginia Street, between Fifth
5 and Sixth Avenues by amending Section 11 thereof to revise
6 the method of calculating the annual fee for establishing
7 the annual fee for the remainder of the permit.

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11 of Ordinance 109848 is hereby amended to read as follows:

Section 11. (~~The permittee shall promptly pay to the City in advance upon statements rendered by the Director of Engineering, an annual fee of Eight Hundred Dollars (\$800.00), (hereinafter called the "base rate") for the first year, and for the remaining years said base rate shall be adjusted annually by an appropriate index to reflect the purchasing power of money. As long as practical the Consumer Price Index issued by the United States of America, Department of Labor, Bureau of Labor Statistics for the Seattle-Everett, Washington area for all urban consumers for all items, shall be used, and adjustments shall be calculated using the nearest index figures preceding the effective date of this ordinance and the applicable respective anniversary date, and if the index's current 1967 base is converted to a later period by comparable figures using the revised base.~~)

The Permittee, its successors and assigns, shall pay to the City of Seattle such amounts as may be justly chargeable by said City as a cost of inspection of said skybridge during any reconstruction, repair, alteration or at other times, under the direction of the Director of Engineering, and in addition shall pay annually in advance to the City of Seattle, upon bills rendered by the Director of Engineering, a fee for the privilege granted and exercised hereunder of Six Thousand Two Hundred Six Dollars (\$6,206.00) for each year of the permit, until January 1, 2001. All payments shall be made to the City Finance Department for credit to the General Fund.

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Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 1996, and signed by me in open session in authentication of its passage this ____ day of _____, 1996 .

President _____ of the City Council

Approved by me this ____ day of _____, 1996.

Mayor

Filed by me this ____ day of _____, 1996.

City Clerk

(SEAL)

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

96-067



March 18, 1996

OK gpb
3-25-96

The Honorable Mark Sidran
City Attorney
City of Seattle

COPY RECEIVED
09 MAR 18 AM 10:30
CITY ATTORNEY

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Engineering

SUBJECT: AN ORDINANCE relating to the existing permit granted to the Seattle Westin Hotel Company by Ordinance 109848 and Resolution 28344 to construct, maintain and operate a skybridge over and across Virginia Street, between Fifth and Sixth Avenues by amending Section 11 thereof to revise the method of calculating the annual fee, for establishing the annual fee for the remainder of the permit

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Kwan Wong at 4-8083.

Sincerely,

Norman B. Rice
Mayor

by

Tom Tierney

Enclosure

legis:wong

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

67540 City of Seattle, City Clerk

--SS.

No. IN FULL

City of Seattle ORDINANCE 118163

Affidavit of Publication

AN ORDINANCE relating to the existing permit granted to The Seattle Westin Hotel Company by Ordinance 109848 and Resolution 28344 to construct, maintain and operate a skybridge over and across Virginia Street, between Fifth and Sixth Avenues by amending Section 11 thereof to revise the method of calculating the annual fee, for establishing the annual fee for the remainder of the permit.

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11 of Ordinance 109848 is hereby amended to read as follows:

Section 11. ((The permittee shall promptly pay to the City of Seattle in advance upon statements rendered by the Director of Engineering, an annual fee of Eight Hundred Dollars (\$800.00) (hereinafter called the "base rate") for the first year, and for the remaining years said base rate shall be adjusted annually by an appropriate index to reflect the purchasing power of money. As long as practical the Consumer Price Index issued by the United States of America, Department of Labor, Bureau of Labor Statistics for the Seattle-Everett, Washington area for all urban consumers for all items, shall be used, and adjustments shall be calculated using the nearest index figures preceding the effective date of this ordinance and the applicable respective anniversary date, and if the index is currently 1957 base is converted to a later period by comparable figures using the revised base.))

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

The Permittee, its successors and assigns, shall pay to the City of Seattle such amounts as may be justly chargeable by said City as a cost of inspection of said skybridge during any reconstruction, repair, alteration or at other times, under the direction of the Director of Engineering, and in addition shall pay annually in advance to the City of Seattle, upon bills rendered by the Director of Engineering, a fee for the privilege granted and exercised hereunder of six thousand two hundred six dollars (\$6,206.00) for each year of the permit, until January 1, 2001. All payments shall be made to the City Finance Department for credit to the General Fund.

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

Subscribed and sworn to before me on 5/07/96

Notary Public for the State of Washington, residing in Seattle

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 22nd day of April, 1996, and signed by me in open session in authentication of its passage this 22nd day of April, 1996.

JAN DRAGO, President of the City Council, Approved by me this 25th day of April, 1996. NORMAN B. RICE, Mayor, Filed by me this 25th day of April, 1996. (Seal) JUDITH E. PIPPIN, City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk, Seattle, May 6, 1996. Date of official publication in Daily Journal of Commerce, Seattle, 5/6/96 (9)

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STATE OF WASHINGTON - KING COUNTY

67540
City of Seattle, City Clerk

-ss.

No. IN FULL

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

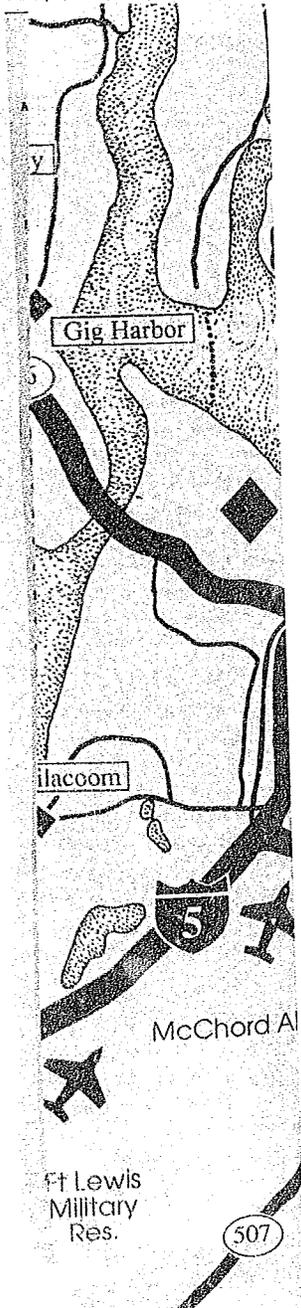
CT:118103

was published on
05/06/96

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

Subscribed and sworn to before me on
05/07/96

Notary Public for the State of Washington,
residing in Seattle



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