

Ordinance No. 122623

Council Bill No. 116122

AN ORDINANCE relating to Seattle Public Utilities and Seattle City Light; declaring a reservation of rights to construct, maintain and operate all public utilities in an alley vacated by Ordinance 70928 to be surplus to the City's needs; and authorizing the Director of Seattle Public Utilities and Superintendent of Seattle City Light to execute the necessary documents to relinquish the reservation of rights to 2014 Fairview Ave., LLC.

# The City of Seattle - Legislative Department

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

*Richard Conlin*

Councilmember

## Committee Action:

1/29/08 passed unanimously 30 yes, Conlin, McIven  
Burgess

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

Date Introduced:	<u>1-7-08</u>	
Date 1st Referred:	<u>1-7-08</u>	
Date Re - Referred:	To: (committee) <u>Environment Emerg Mgmt &amp; Utilities</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>2-7-08</u>	
Date Returned to City Clerk:	Date Published: <u>2</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready for presentation to Full Council.

Committee: RC 1/29/08  
(initial/date)

## LAW DEPARTMENT

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

November 20, 2007

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Licata:

I am transmitting the attached proposed Council Bill that declares the City's right to construct, operate, or maintain public utilities in a vacated alley in the Denny Triangle neighborhood as surplus to the City's needs. Relinquishing this unneeded reservation of rights will allow for the construction of a high-rise residential tower with retail space that is in keeping with the City's land use vision for the neighborhood.

In 1941, the City of Seattle reserved its right to maintain a utility corridor when it vacated an alley on a site in the Denny Triangle area. The site's current owner, 2014 Fairview Ave., LLC, plans to construct a 31-story residential tower with 270 units and street-level retail space on the property, which now houses a small retail center. The utility corridor on this site has never been used by Seattle Public Utilities (SPU) or Seattle City Light, and neither utility foresees a need for it in the future. Given that, and the fact the proposed redevelopment project requires that the property be free of encumbrances, including reserved rights for utilities, I believe it is in the City's best interest to relinquish this right.

Passage of this legislation will further our strategy of promoting economic activity and new housing in the downtown core. Should you have questions, please contact Audrey Hansen at 684-5877.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, stylized flourish that extends across the signature area.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



**ORDINANCE** 122623

1  
2 AN ORDINANCE relating to Seattle Public Utilities and Seattle City Light; declaring a  
3 reservation of rights to construct, maintain and operate all public utilities in an alley  
4 vacated by Ordinance 70928 to be surplus to the City's needs; and authorizing the  
5 Director of Seattle Public Utilities and Superintendent of Seattle City Light to execute the  
6 necessary documents to relinquish the reservation of rights to 2014 Fairview Ave., LLC.

7  
8 WHEREAS, the City adopted Ordinance 70928 in 1941 to vacate a portion of an alley  
9 in Block 53, Plat of the Second Addition to the Town of Seattle between Boren Avenue  
10 and Denny Way; and

11  
12 WHEREAS, Ordinance 70928 reserved the right for the City to construct, maintain and operate  
13 all public utilities over, under and across the alley to be vacated; and

14  
15 WHEREAS, 2014 Fairview Ave., LLC is the current owner of the property and desires to  
16 develop the property in this commercial zone free of deed restrictions; and

17  
18 WHEREAS, the City has never constructed or maintained any water, drainage, wastewater, or  
19 electrical utility infrastructure in the vacated alley; and

20  
21 WHEREAS, no water, drainage, wastewater, or electrical utility infrastructure is planned or  
22 needed in the alley in the future; and

23  
24 WHEREAS, the Director of Seattle Public Utilities and the Superintendent of City Light have  
25 recommended the City declare this reservation of rights, which has no value, as surplus to  
26 the City's needs and relinquish the rights to 2014 Fairview Ave., LLC; NOW,  
27 THEREFORE,

28 **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  
reservation of rights to construct, maintain and operate all public utilities in the alley vacated by  
Ordinance 70928 is hereby found and declared to be no longer required for municipal utility  
services and is surplus to the City of Seattle's utility needs.

Section 2. The Director of Seattle Public Utilities and the Superintendent of City Light,



1 or their designees, are authorized to execute for and on behalf of the City of Seattle, the  
2 Relinquishment of a Reservation of Rights as shown in Attachment 1.

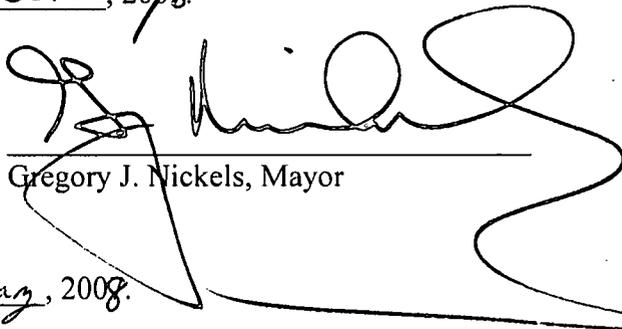
3 Section 3. Any act consistent with the authority of this ordinance that is taken after  
4 passage of this ordinance, but prior to its effective date is hereby ratified and confirmed.

5 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after  
6 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
7 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

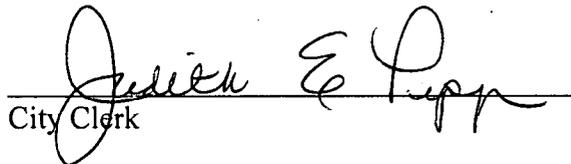
8 Passed by the City Council the 4<sup>th</sup> day of February 2007, and signed by me in open  
9 session in authentication of its passage this 4<sup>th</sup> day of February 2007.  
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13   
14 President \_\_\_\_\_ of the City Council

15 Approved by me this 7<sup>th</sup> day of February, 2008.

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17   
18 Gregory J. Nickels, Mayor  
19

20 Filed by me this 7<sup>th</sup> day of February, 2008.

21  
22  
23   
24 City Clerk

24 (Seal)

25 ATTACHMENT 1- Relinquishment of Reservation of Rights  
26



Recording Requested By And  
When Recorded Mail To:

City of Seattle SPU  
Real Property, Claims, Facilities Svcs  
P.O. Box 34018  
Seattle, WA 98124-4018

**RELINQUISHMENT OF RESERVATION OF RIGHTS**

Reference #s of Documents Released or Assigned:	Reservation of Rights in City of Seattle Ordinance 70928
Grantor:	The City of Seattle
Grantee:	2014 Fairview Ave., LLC
Legal Description (abbreviated):	vacated alley in portion of Block 53, Lot 1 through 6, Plat of 2 <sup>nd</sup> Addition to the Town of Seattle by heirs of Bell
Assessor's Tax Parcel ID#:	portion of 0660002230

**R/W file # 36-902**

**THE CITY OF SEATTLE**, a municipal corporation of the State of Washington ("Grantor"), for and in consideration of \$1.00 (ONE DOLLAR), receipt of which is hereby acknowledged, does hereby relinquish to 2014 Fairview Ave., LLC, a Washington Company ("Grantee"), their heirs, successors and assigns any right, title or interest in the reservation of rights to construct, maintain and operate all public utilities over, under and across the alley vacated by Ordinance 70928 and legally described as follows:

That portion of the Alley in Block 53, Plat of Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) between Boren Avenue and Denny Way, from Virginia Street to Fairview Avenue, in Seattle, King County, Washington.

IN WITNESS THEREOF, Grantor executes this document through its Director of Seattle Public Utilities and Superintendent of City Light as authorized by Ordinance \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 2007.

THE CITY OF SEATTLE

BY: \_\_\_\_\_  
Chuck Clarke, Seattle Public Utilities

BY: \_\_\_\_\_  
Jorge Carrasco, Seattle City Light

ATTACHMENT 1- Denny Ctr, Relinquish Reservation ORD



STATE OF Washington )  
 ) ss.  
COUNTY OF King )

I certify that I know or have satisfactory evidence that **Chuck Clarke** is the person who appeared before me, and signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the Director of **Seattle Public Utilities, of The City of Seattle**, a municipal corporation of the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

\_\_\_\_\_  
Notary (print name) \_\_\_\_\_  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

STATE OF Washington )  
 ) ss.  
COUNTY OF King )

I certify that I know or have satisfactory evidence that **Jorge Carrasco** is the person who appeared before me, and signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the Superintendent of **Seattle City Light, of The City of Seattle**, a municipal corporation of the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

\_\_\_\_\_  
Notary (print name) \_\_\_\_\_  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

ATTACHMENT 1- Denny Ctr, Relinquish Reservation ORD



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Public Utilities	Audrey Hansen 4-5877	John McCoy 5-0768

**Legislation Title:** AN ORDINANCE relating to Seattle Public Utilities and Seattle City Light; declaring a reservation of rights to construct, maintain and operate all public utilities in an alley vacated by Ordinance 70928 to be surplus to the City's needs; and authorizing the Director of Seattle Public Utilities and Superintendent of Seattle City Light to execute the necessary documents to relinquish the reservation of rights to 2014 Fairview Ave., LLC.

- **Summary of the Legislation:** This legislation conveys to the underlying property owner certain property rights the City of Seattle reserved for utility purposes after the City vacated an alley in the Denny Triangle area. This ordinance is subject to public hearing requirement and SPU expects to satisfy this requirement at a regular EEMU committee meeting.
- 
- **Background:** The reserved right is located in an alley vacated by the City of Seattle in 1941 with a reservation for City utilities. The City never used this reserved right and has no plans for its use in the future. The underlying property owner wishes to redevelop the land to provide housing and retail space. This would require the full use of the property, without the encumbrance of the reserved right for utilities. Seattle Public Utilities and Seattle City Light agree this right should be relinquished.
- *Please check one of the following:*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

**This legislation has financial implications.** *(Please complete all relevant sections that follow.)*



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STATE OF WASHINGTON – KING COUNTY

--SS.

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220385  
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.

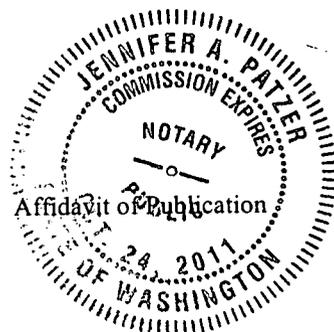
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122623 ORDINANCE

was published on

02/11/08

The amount of the fee charged for the foregoing publication is the sum of \$ 126.45, which amount has been paid in full.



*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
02/11/08 *[Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### ORDINANCE 122628

AN ORDINANCE relating to Seattle Public Utilities and Seattle City Light; declaring a reservation of rights to construct, maintain and operate all public utilities in an alley vacated by Ordinance 70928 to be surplus to the City's needs; and authorizing the Director of Seattle Public Utilities and Superintendent of Seattle City Light to execute the necessary documents to relinquish the reservation of rights to 2014 Fairview Ave., LLC.

WHEREAS, the City adopted Ordinance 70928 in 1941 to vacate a portion of an alley in Block 53, Plat of the Second Addition to the Town of Seattle between Boren Avenue and Denny Way; and

WHEREAS, Ordinance 70928 reserved the right for the City to construct, maintain and operate all public utilities over, under and across the alley to be vacated; and

WHEREAS, 2014 Fairview Ave., LLC is the current owner of the property and desires to develop the property in this commercial zone free of deed restrictions; and

WHEREAS, the City has never constructed or maintained any water, drainage, wastewater, or electrical utility infrastructure in the vacated alley; and

WHEREAS, no water, drainage, wastewater, or electrical utility infrastructure is planned or needed in the alley in the future; and

WHEREAS, the Director of Seattle Public Utilities and the Superintendent of City Light have recommended the City declare this reservation of rights, which has no value, as surplus to the City's needs and relinquish the rights to 2014 Fairview Ave., LLC; 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 reservation of rights to construct, maintain and operate all public utilities in the alley vacated by Ordinance 70928 is hereby found and declared to be no longer required for municipal utility services and is surplus to the City of Seattle's utility needs.

Section 2. The Director of Seattle Public Utilities and the Superintendent of City Light, or their designees, are authorized to execute for and on behalf of the City of Seattle, the Relinquishment of a Reservation of Rights as shown in Attachment 1.

Section 3. Any act consistent with the authority of this ordinance that is taken after passage of this ordinance, but prior to its effective date is hereby ratified and confirmed.

Section 4. 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 4th day of February, 2008, and signed by me in open session in authentication of its passage this 4th day of February, 2008.

Nick Licata

President of the City Council

Approved by me this 7th day of February, 2008.

Gregory J. Nickels, Mayor

Filed by me this 7th day of February, 2008.

(Seal) Judith Pippin

City Clerk

ATTACHMENT 1- Relinquishment of Reservation of Rights

See City Clerk for Attachment

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, February 11, 2008.

2/11(220385)